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Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—Tuesday, June 12, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 12, 2012.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God Almighty, in the midst of challenging times, You give us wisdom from Your word saying, "Be still, and know that I am God. I will be honored by every nation. I will be honored throughout the world."

Today, please give the Members of this House and their staffs the resilience to weather all controversy with grace and to do to others as they would have done to them. May civility and mutual respect be the hallmarks of this and every future Congress, and may Your great name be lifted high in this Nation.

Allow us all to give You honor through our service to America and its citizens. Commission us to do Your will daily so that You will receive all honor, glory, and praise.

Lord, please bless all deployed military members and their families with Your abiding presence. Surround our military members in harm's way with Your great favor. We ask this in the name of the one who was, who is, and who is coming again.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Friday, June 15, 2012.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Friday, June 15, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-100, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-087, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-004, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-053, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6404. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-005, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6405. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-044, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6406. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-015, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6407. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-018, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6408. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-019, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6409. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-143, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6410. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-056, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6411. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-033, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

6412. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-010, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6413. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-006, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6414. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-009, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6415. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-022, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6416. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-029, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6417. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-028, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6418. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-075, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6419. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-014, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6420. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-025, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6421. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-024, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6422. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-021, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6423. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-042, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6424. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6425. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-112, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6426. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-032, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6427. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1, #2, and #3 [Docket No.: 100223162-1268-01] (RIN: 0648-XB120) received May 14, 2012 received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6428. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Trimester 1 Longfin Squid Fishery [Docket No.: 110707371-2136-02] (RIN: 0648-XB145) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6429. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/processors Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XB174) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6430. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Final 2012 Summer Flounder, Scup, and Black Sea Bass Specifications [Docket No.: 120412408-2408-01] (RIN: 0648-XA795) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6431. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; 2012-2013 Northeast Skate Complex Fishery Specifications [Docket No.: 120208116-2416-03] (RIN: 0648-BB83) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6432. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30837; Amdt. No. 3474] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6433. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30836; Amdt. No. 3473] received May 15, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6434. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30835; Amdt. No. 3472] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6435. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations: Released Rates of Motor Carriers of Household Goods [Docket No.: FMCSA-2012-0101] (RIN: 2126-AB51) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6436. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Positive Train Control Systems (RRR) [Docket No.: FRA-2011-0028, Notice No. 3] (RIN: 2130-AC27) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 4251. A bill to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes; with an amendment (Rept. 112-521). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. Third Semiannual Report on Legislative and Oversight Activities of the Committee on Homeland Security (Rept. 112-552). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY (for himself, Ms. TSONGAS, and Mr. ANDREWS):

H.R. 5946. A bill to direct the Undersecretary of Defense (Comptroller) to carry out a pilot program to develop innovative consumer financial products that encourage savings and wealth-creation among active-duty servicemembers; to the Committee on Armed Services.

By Ms. JACKSON LEE of Texas:

H.R. 5947. A bill to encourage States to prohibit "Stand Your Ground" laws and require Neighborhood Watch programs to register with local law enforcement agencies and the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Ohio:

H.R. 5948. A bill to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs,

and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H. Res. 686. A resolution expressing the sense of the House of Representatives that the Republic of Argentina's membership in the G20 should be conditioned on its adherence to international norms of economic relations and commitment to the rule of law; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MARKEY:

H.R. 5946.

Congress has the power to enact this legislation pursuant to the following:
Article 1 Section 8.

By Ms. JACKSON LEE of Texas:

H.R. 5947.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. JOHNSON of Ohio:

H.R. 5948.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. COLE.

H.R. 181: Mr. COLE.

H.R. 459: Mr. DESJARLAIS and Mr. LONG.

H.R. 687: Mr. COLE.

H.R. 691: Mr. MICA.

H.R. 694: Ms. WATERS.

H.R. 860: Mr. ANDREWS and Ms. HAYWORTH.

H.R. 1063: Mr. SCHILLING and Mr. LUJÁN.

H.R. 1111: Mr. AKIN.

H.R. 1259: Mr. CUELLAR.

H.R. 1325: Mr. GUINTA.

H.R. 1700: Mr. MACK.

H.R. 1792: Mr. STARK.

H.R. 2139: Mr. KINGSTON.

H.R. 2236: Mr. THOMPSON of California and Mr. RANGEL.

H.R. 2437: Mrs. MALONEY.

H.R. 2569: Mr. WESTMORELAND and Mr. TERRY.

H.R. 2637: Mr. GRIJALVA.

H.R. 2655: Mr. PASTOR of Arizona.

H.R. 2978: Mr. SAM JOHNSON of Texas.

H.R. 3032: Mr. JOHNSON of Ohio.

H.R. 3059: Mr. MCHENRY.

H.R. 3091: Mr. NUNES.

H.R. 3307: Ms. CASTOR of Florida and Mr. QUIGLEY.

H.R. 3510: Mr. COFFMAN of Colorado.

H.R. 3803: Mr. DENHAM, Mr. GRIMM, and Mr. WOLF.

H.R. 4155: Ms. HAYWORTH.

H.R. 4367: Mr. BACA, Mr. MEEHAN, and Mr. JOHNSON of Ohio.

H.R. 4403: Mr. LATTA and Mr. WESTMORELAND.

H.R. 5303: Mr. JORDAN and Mr. FRANKS of Arizona.

H.R. 5706: Mr. TONKO.

H.R. 5707: Mr. HEINRICH and Mr. FARR.

H.R. 5710: Mr. SESSIONS and Mr. LATHAM.

H.R. 5796: Mr. LUETKEMEYER.

H.R. 5914: Mr. PALAZZO.

H.J. Res. 106: Mr. CALVERT.

H.J. Res. 110: Mrs. HARTZLER, Mr. KELLY, and Mrs. LUMMIS.

H. Res. 623: Mr. SHULER.

H. Res. 663: Mr. MCGOVERN, Mr. MURPHY of Connecticut, Mr. RIVERA, Mr. AUSTRIA, Mr. TURNER of New York, Mr. WEST, and Mr. HULTGREN.

H. Res. 669: Mr. WESTMORELAND.

H. Res. 672: Mr. STARK and Mr. ELLISON.

H. Res. 683: Mr. DANIEL E. LUNGREN of California, Mrs. BIGGERT, and Ms. BONAMICI.

SENATE—Tuesday, June 12, 2012

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for Your faithful love. You are the one who instructs nations and shapes the destinies of humankind. Help our lawmakers today to grow in grace and in the knowledge of You. Equip them to be servants of the people so that day by day our citizens may more clearly reflect Your image. Grant that our Senators will shine as lights in this dark world to lead others to You. May they love expectantly, knowing that You will provide serendipities, wonderful surprises of Your goodness, to help them navigate through life's inevitable challenges.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. I now ask unanimous consent that the Senate proceed to executive session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. The Senate is considering the nomination of Andrew Hurwitz of Arizona to be a United States circuit judge for the ninth circuit postcloture. There is every expectation that time will be yielded back and the confirmation will take place soon.

The Senate will recess from 12:30 to 2:15 to allow for our weekly caucus meetings.

Senator STABENOW and Senator ROBERTS are working on an agreement for amendments on the farm bill and we will notify Senators if an agreement is reached.

MEASURE PLACED ON THE CALENDAR—H.R. 436

Mr. REID. Mr. President, H.R. 436 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

Mr. REID. I now object to proceeding further on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDING THE FARM BILL

Mr. MCCONNELL. Mr. President, last week the President said the private sector is "doing fine." Well, the fact is the private sector isn't doing fine and

the President's comments make me wonder what private sector he may be talking about.

Since he took office, we have had 40 straight months of unemployment of over 8 percent and more than 23 million Americans are either unemployed, underemployed, or have given up looking for a job altogether. Last month's job report said the economy added only 69,000 jobs—far below what forecasters had predicted. That is the Obama economy, and it is not doing fine.

With the debt the size of our GDP, the President's recent push for even more government spending is equally out of touch. Taking more money out of the private sector, out of the hands of businesses and job creators or borrowing it to pay for yet another stimulus has consequences. We need to reduce the size and scope of government, not expand it. We need to put in place a progrowth policy to allow the private sector to flourish.

That is why Republicans have been calling for years for comprehensive tax reform and for both parties to sit down and begin the process of reforming entitlements. That is how we will get our fiscal house in order and help the economy grow as well. But without Presidential leadership, it simply can't happen.

Controlling only one Chamber, Republicans in Congress can only do so much. The Republican-led House has passed budgets while, for 3½ years, the Democratic-led Senate has refused to do so. And they have passed 28 job-related bills over in the House that our Democratic friends here in the Senate refuse to take up. For our part, Senate Republicans will continue to pursue a pro-jobs agenda, and I encourage our Democratic friends to join us before the administration's spending and debt spree forces us into the sort of economic spiral we currently see facing folks over across the Atlantic. They can start by working with Republicans on our commonsense amendments to the farm bill.

The President may think the private sector is doing fine or that the government isn't big enough, but those in rural America are definitely not doing fine. The biggest threat to farmers in Kentucky and across America is this administration's job-killing regulations. That is why Republicans are calling for votes on commonsense amendments that would either eliminate or prevent future job-killing regulations from going into effect which would provide the necessary relief for American farmers and give a boost to rural America in these challenging economic times.

Last year, while visiting Atkinson, IL, the President blew off one farmer when he asked about policy regulations. The President said, "Don't always believe what you hear." Either the President doesn't know what his administration is doing or he doesn't want the American people to know it is his policies that are hurting farmers all across the country. It is either one or the other.

Here are a few examples of this administration's policies that are suffocating the American agricultural industry and the Republican amendments we want the Senate to take up.

Last fall, the Department of Labor attempted to regulate the relationship, believe it or not, shared between parents and their kids on family farms. The proposed rule would have prohibited those under age 16 from manual labor such as stall cleaning, using a shovel, and using a battery-operated screwdriver. Many people in my State consider this the type of manual labor that is widely referred to as Saturday morning chores. Senator THUNE is offering an amendment that would require the Department of Labor to consult with Congress before implementing such regulations.

The EPA wants to lift the ban that prevents Washington, DC, bureaucrats from regulating nonnavigable waters. The expanded Federal jurisdiction would bring the EPA and their redtape and taxes into the backyards of millions—literally millions—of Americans. The economic impact would be disastrous.

Congress passed a navigable ban to protect families, small businesses, and farmers from Washington bureaucrats trying to seize control of their water or their land. The U.S. Supreme Court twice affirmed the limits of Federal authority under the Clean Water Act. But, apparently, the EPA believes they are above the other two branches of government, and Senators PAUL and BARRASSO are offering two amendments that would stop the EPA in its tracks.

The EPA is considering a regulation that would require farm and ranch families to take as yet undefined measures to lower the amount of dust that occurs naturally—I am not kidding—lower the amount of dust that occurs naturally and is transmitted into the air due to agricultural production activities. It is hard to go through this and maintain one's composure. These activities include such things as combining, haying, moving cattle, tilling a field, or even driving down a gravel road. Failure to do so would result in a substantial fine. Senator JOHANNIS is offering an amendment that would prevent the EPA from issuing any new rule that regulates agricultural dust. I kid you not, they want to regulate agricultural dust.

Finally, Senator CRAPO and Senator JOHANNIS are offering an amendment

that would help farmers across the country continue to manage their unique business risks associated with their day-to-day operations. The amendment would prevent unnecessarily diverting capital away from job creation and investing in their businesses in a way that was never intended by the sponsors of the Dodd-Frank Act. Preventing this unnecessary burden would promote economic growth, protect farmers and businesses, and ultimately help save American jobs.

In these extremely difficult economic times, rural America is already struggling to get by and it simply can't be bothered by an overreaching Federal Government that has literally no idea of the unintended consequences of its policies.

These five commonsense Republican amendments I have outlined, along with several others, put an end to numerous job-killing regulations, and each of these amendments deserves a vote.

I now wish to address another matter.

(The remarks of Mr. MCCONNELL and Mr. REID pertaining to the introduction of S.J. Res. 43 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I will take my time now and talk about a number of things.

JOB CREATION

The first thing I wish to mention is that my friend the Republican leader talked about the fact that the President has not done enough to create jobs.

Mr. President, we all have heard that longstanding joke—in fact, it was not a joke. I represented a young man who murdered his parents, and the joke during that period of time was, I guess now your defense is going to be that he is going to claim he is an orphan. There was nothing novel or new or unique in the experience I had representing that young man who had killed his parents, but the Republican leader's remarks remind me of that. He is saying that the problem with this country is President Obama. That is like the fact that someone kills their parents and then claims they are an orphan.

Republicans have blocked bill after bill after bill. These pieces of legislation have been suggested by, introduced by friends of President Obama. These were all job-creating bills, and simply every one of these, with rare exception, has been stopped on a procedural basis by the Republicans.

Then the Republican leader cites nonrelevant Republican amendments they would like to offer on the farm bill as ways to create jobs. But it is

precisely these nonrelevant, non-germane amendments that keep the Senate from doing its work—its job-creating work—like the farm bill. The farm bill involves 16 million people who work doing farm programs. We have not done one in 5 years. The highway bill is something we are waiting for Republicans in the House to move with us on.

So I would just simply say that we live in a world that is imperfect. We live in a country that is imperfect. But let's give credit where credit is due. President Obama and this administration found themselves in a terribly deep hole when he was elected 3½ years ago. The administration he replaced lost more than 8 million jobs—about 1 million jobs a year in the prior administration. And President Obama has had 27 straight months of private sector job creation. So I think we deserve and he deserves some credit for the work he has done in that regard.

So I really strongly object to the Republican leader's remarks. It is just simply wrong. And if we had some cooperation from my friends on the other side of the aisle, as we say, we would have a lot more jobs created in this country. But my friend has said that his No. 1 issue is to defeat President Obama, and that is what has happened here. We simply have not been able to legislate appropriately because that is their mantra.

CYBERSECURITY

Mr. President, technology has changed our world, and that is an understatement. It has changed the way we shop, the way we bank, even the way we travel. It changes the way we get information, and that is an understatement, and the way we share it, and that is an understatement.

It was about 10 years ago or so that I decided to sell my home here in the suburbs, and I was stunned by one of my boys telling me: Hey, Dad, do you want to find out what other homes have been selling for around that area? Give me about a minute. And they pulled up on the computer every home in that area that had been sold in the last 2 years—when, how much.

There was even more detail than that. I was like: How do you do that? That was 10 years ago. That was in the Dark Ages with technology. There is so much that can be done now. Somebody can go online, go to Amazon, they can buy virtually anything in the world on that one Web site.

I met with someone a couple weeks ago who had gone to work with Google when they had 15 employees, and he talked to us about the tremendous problems they had starting this company. They wanted to give people information. I will not go into all the details, but it was very difficult to come up with the Google that now exists. It was not there when there were 15 employees.

They were working all night long trying to shut down computers and keep others going. So it is amazing what we have on the computer. Everyone can do it. Who wrote that song? What is the name of that play? What is the capital of Uzbekistan? Go to our BlackBerry. Go to whatever we have and get it in a second.

So the way we get information, the way we share it, has changed so dramatically. It has changed the way our country protects itself. That is not something people understand as well as Google and Amazon. But the way we protect our country has changed. It has changed the type of attacks we have to guard against.

Some of the top national security officials, including GEN Martin Dempsey, Chairman of the Joint Chiefs of Staff, GEN David Petraeus, four-star general, now head of the CIA, one of America's great patriots, and Leon Panetta, Secretary of Defense, have all said that malicious cyber attacks are the most urgent threat to our country, not North Korea, not Iran, not Pakistan, not Afghanistan but cyber attacks. We have already seen some of these. They have been kind of quiet to some but not to those in the security field.

We have seen cyber attacks on our nuclear infrastructure, our Defense Department's most advanced weapons, and the stock exchange Nasdaq had an attack. Most major corporations have been attacked. They spend huge amounts of money protecting their products or their operations from not collapsing because of cyber attacks.

Cyber attacks do not threaten only our national security, they threaten our economic security. These attacks cost our economy billions of dollars every year, millions of dollars every hour, and thousands of jobs. So we need to act quickly to pass legislation to make our Nation safer and protect American jobs.

The Defense Department, Department of Homeland Security, and experts from across the intelligence community have issued chilling warnings about the seriousness of this threat. I cannot stress enough how concerned people who understand security feel about this. Just a few days ago, Senator McCONNELL and I received a letter from a remarkable bipartisan group of former national security officials, Democrats and Republicans.

The group includes six former Bush and Obama administration officials: Michael Chertoff, who has been a circuit court judge, judicial scholar, became head of the Department of Homeland Security during some very difficult times we had in this country; Paul Wolfowitz, who has been advising Presidents for decades; ADM Mike McConnell; GEN Michael Hayden; GEN James Cartwright, William Lynn, III. That is who signed the letter, and I

could give a short dissertation on every one of these individuals about what they know about the security of our country.

The letter presented the danger in stark terms, as stark as I could ever imagine. This is a public letter. Listen to what this one paragraph says: "We carry the burden of knowing that 9/11 might have been averted with intelligence that existed at the time."

Listen to that. They are admitting 9/11 could have been averted with the tools we had at hand. They go on to say:

We do not want to be in the same position again when "cyber 9/11" hits—it is not a question of whether this will happen; it is a question of when.

This is not me saying this. This is General Hayden, who was the head of the CIA, briefing us many times about some of the most sensitive matters going on during the height of the Iraq war, Marine GEN James Cartwright, Defense Department expert William Lynn, III.

This eminent group called the threat of a cyber attack imminent. What does imminent mean? It means now. They said it "represents the most serious challenge to our national security since the onset of the nuclear age sixty years ago."

Let me reread that. They said it "represents the most serious challenge to our national security since the onset of the nuclear age sixty years ago." They said it; I did not. The letter noted that the top cybersecurity priority is safeguarding critical infrastructure: computer networks—we talked about those a little bit already. But computer networks that control our electrical grid, our water supply, our sewers, our nuclear plants, energy pipelines, communication systems and financial systems and more.

Because of Senator MIKULSKI—she was the one who said this was important—we did this. We went down to this classified room. We had a briefing on an example of what would happen to New York City if they took down the computer system to run that State's electricity. It would be disastrous, not only for New York but for our country.

These vital networks must be required to meet minimum cybersecurity standards. That is what these prominent Americans believe, and so do I. The letter was clear that securing the infrastructure must be part of any cybersecurity legislation this Congress considers. I believe that also.

GEN Keith Alexander, Director of the National Security Agency, has said something very similar. This is what he wrote to Senator MCCAIN recently:

Critical infrastructure protection needs to be addressed in any cyber security legislation. The risk is simply too great considering the reality of our interconnected and interdependent world.

General Alexander is one voice among many. President Obama; the

nonpartisan Center for Strategic and International Studies Commission on Cyber Security; the two Chairmen of the 9/11 Commission, Governor Kean and Congressman Hamilton; the Director of National Intelligence, General Clapper; the Director of the FBI, Robert Mueller, have all echoed a call to action—not sometime in the distant future but now. They believe the attack is imminent.

The attack may not be one that knocks down buildings, starts fires that we saw on 9/11, but it will be a different kind of attack, even more destructive. The entire national security establishment, including leading officials of the Bush and Obama administrations, civilian and military leaders, Republicans and Democrats, agree on the urgent need to protect this vital infrastructure.

That is only part of it. Yet some key Republicans continue to argue that we should do nothing to secure the critical infrastructure, that we should just focus on the military. When virtually every intelligence expert says we need to secure the systems that make the lights come on, inaction is not an option. A coalition of Democrats and Republicans, including the chairman of the Homeland Security Committee, Senator LIEBERMAN, and the ranking member, Senator COLLINS; the chairman of the Commerce Committee, Senator ROCKEFELLER—remember, Senator ROCKEFELLER was for years chairman of the Intelligence Committee and/or the ranking member; Senator FEINSTEIN, now the chair of the Intelligence Committee, have joined together and proposed one approach to address the problem. It is legislation. It is not something that is theoretical. It is not an issue paper. It is legislation.

Their bill is an excellent piece of legislation. It has been endorsed by many members of the national security community. It is a good approach, and it would make our Nation safer. But there are other possible solutions to this urgent challenge. Unfortunately, the critics of the bill have failed to offer any alternatives to secure our Nation's critical infrastructure.

The longer we argue over how to tackle these problems, the longer our powerplants, financial system, and water infrastructure go unprotected. Everyone knows this Congress cannot pass laws that do not have broad bipartisan support. There are 53 of us, 47 of them. So we will need to work together on a bill that addresses the concerns of the lawmakers on both sides of the aisle.

But for that to happen, more of my Republican colleagues need to start taking this threat seriously. It is time for them to participate productively in the conversation instead of just criticizing the current approach. There is room for more good ideas on the table, and I welcome the discussion of any

Republican generally interested in being part of the solution.

The national security experts agree. We cannot afford to waste any more time. The question is not whether to act but how quickly we can act. I put everyone on notice. We are going to move to this bill at the earliest possible date.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, before I talk about the production tax credit which brought me to the floor, I wish to associate myself with the leader's remarks.

I have the great privilege to sit on the Armed Services Committee and the Intelligence Committee. The leader has put his finger on what should be a singular focus on the part of the Senate. We have been warned about the threats in the cyber domain. It is time to act. There are plans that are concrete, focused, and have great support. We should act as soon as we possibly can. I wish to thank the leader for bringing that to our attention.

WIND POWER'S FUTURE

I rise to talk about a very important issue for the economies of both my State and the entire Nation. That is the future of the wind power industry in the United States and a future that is at risk, I might add, if Congress does not extend the production tax credit for wind. Such inaction jeopardizes U.S. jobs and threatens what is a real bright spot for American manufacturing. Such inaction is not acceptable to the people in my home State of Colorado, nor, I believe, to Americans more broadly.

Many of us know—I think all my colleagues know—that we have seen the wind industry grow by leaps and bounds over the last few years. According to the Wind Energy Industry Association, the industry has attracted an average of over \$15 billion annually from 2001 to 2011 in private investment in our wind sector in the United States.

In 2009, that figure was \$20 billion, when 10,000 megawatts, the highest annual total to date of wind, was installed. Seventy-five thousand hard-working Americans find good-paying jobs in the wind sector. There are 6,000 of those jobs in Colorado. So I am not unbiased, but when we look around the country, nobody should be unbiased.

Those jobs also have a positive ripple effect on all these communities where they are based. In just over the last 4 years, wind represented 35 percent of

all new power capacity in our country, second only to natural gas. With technology advances, wind turbines are now generating 30 percent more electricity per turbine, which means they are producing more energy while driving down cost.

This also means all Americans from the Great Plains to the eastern shores have access to more affordable, reliable, and secure clean energy. That is a win-win. It is little wonder our constituents are demanding we extend the wind production tax credit. I wish to say this industry and the good news that is coming out of it could not have come at a better time for our manufacturing base, which has seen relentlessly tough times over the last few years.

The wind industry is cutting against the grain. It is creating manufacturing jobs at a time when many companies are outsourcing jobs. This chart gives a great picture of what has been happening all over the country. We see every sector of the country where we have wind manufacturing jobs.

At the end of last year, the wind industry included almost 500 manufacturing facilities that employ 30,000 people spanning 43 States. We have wind projects in a vast majority of States—38 out of 50. Last year alone over 100 different wind projects were installed—ranging from a single turbine to over 4,000-megawatt capacity plants.

Back in 2005—7 years ago—we had only five wind turbine manufacturers. But with steady and consistent growth and government policy support and certainty, the number of domestic and international manufacturers grew to 23 at the end of 2011. That is a key factor, the certainty that has been provided that will help this industry continue to grow jobs.

At a time when our economy is still coming back after the 2008 recession, and we are facing stiff competition from other countries, the wind industry is a dynamic example for how we can grow manufacturing jobs and investment in our country. When I started, I mentioned the wind production tax credit, the PTC. It has been a key factor in this growth, central to this young industry—and it is still a very young industry—and its success in America by helping make wind energy more economical, which is still being commercialized.

This critical tax credit expires at the end of this year. Unless we act now in this Congress to extend the wind production tax credit, we risk losing this industry as well as the jobs, the investment and manufacturing base it creates, to our competitors in China, in Europe, and other countries. That is the last result we need in our economy.

I have come to the floor to urge the Congress to keep our country an open marketplace for innovative energy industries and for new investments. The

United States is on the cutting edge of renewable energy technologies and on a path to further secure our energy independence. We have to maintain that momentum by passing an extension of the wind production tax credit.

In fact, it is so important—this extension—that I am planning to come to the Senate floor every morning until we get our act together and extend the PTC—not just for Colorado but for every State in our country. I plan to talk about the importance of wind energy in a different State every time I come to the floor. I look forward to talking about the State of the Presiding Officer, the State of Delaware.

I hear every day from Coloradans who are incredulous that we have not acted to extend this commonsense tax credit. We need to be reminded that American jobs are at stake if we fail to act.

Simply put, if we don't extend the PTC as soon as possible, the wind industry will shrink significantly in 2013. Estimates are that we can lose almost half of the wind-supported jobs, down from 78,000 in 2012 to 41,000 in 2013.

If we fail to extend this tax credit, total wind investment is projected to drop by nearly two-thirds, from \$15.6 billion in 2012 to \$5.5 billion in 2013. That is simply unacceptable. Luckily, I am not alone in this effort. There is strong bipartisan support in the Senate for the extension of this tax credit. Yes, this is one of those occasions where we are talking about legislation that is supported by Members of both parties.

Senator GRASSLEY, a Republican Senator from Iowa—along with myself and seven other Democrats and Republicans—introduced a bill earlier this year to extend the tax credit. Senator JERRY MORAN, a Republican Senator from Kansas, and I led 12 Members from across the country and both sides of the aisle in urging our Senate leadership to work with us to extend the PTC as soon as possible.

We have not seen that happen yet, Mr. President. Instead of addressing this bipartisan proposal which has been a proven job creator, Congress has been caught up in partisan fights. Let's do what Americans are demanding. Let's work together to create jobs and strengthen our economy, as well as our energy security. Let's pass the PTC as soon as possible—ASAP.

I will be back tomorrow, and I will talk more specifically about the importance of the PTC to my home State of Colorado. We are home to thousands of renewable energy jobs, including high-paying manufacturing ones. But that could change literally overnight if the PTC is not extended.

For the good of our economy, I ask all of my colleagues from both sides of the aisle to work with me. Let's work together to get the PTC extended.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

CYBERSECURITY

Mr. NELSON of Nebraska. I rise today to discuss an amendment that I am proposing to the 2012 farm bill that we are debating in the Senate. Before I speak to that, I also want to associate myself with the leader's comments about the importance of taking care of our cyber defense, putting ourselves in a position to be able to deflect and deter cyber attack from terrorists and otherwise against our industries and against our Federal Government.

As chairman of the Strategic Forces Subcommittee of the Senate Armed Services Committee, cyber command is part of our responsibility. The leader is exactly on target with his comments about the need to move forward to protect our country against future cyber attacks—which we encounter daily—recognizing that we perhaps do know what we know, but we are in that unfortunate position of not knowing what we don't know.

To modernize and move forward is absolutely essential to maintain our vigilance against cyber attacks in the future.

DIRECT FARM PAYMENTS

Mr. NELSON of Nebraska. Mr. President, the amendment I wish to talk about today and propose is about fairness. It is about fairness for America's farmers and ranchers and fairness to all taxpayers.

First, I note that one of the key elements of the 2012 farm bill that we drafted in the Senate, and is now on the floor, is about reform. In particular the bill reforms a program of Federal subsidies that have gone to farmers regardless of whether farm prices were high or low.

These subsidies are known as direct farm payments. They were established by the 1996 farm bill as a way to transition producers away from a government-controlled system of agriculture to more market-based agriculture.

These direct farm payments, which are outdated government subsidies, were supposed to be temporary, and the 2012 farm bill takes the necessary step to eliminate them and remove them from the future.

When this change is enacted, farmers will not be paid for crops they are not growing on land they are not planting. Eliminating these direct payments will save \$15 billion over 10 years, which will be used for deficit reduction.

Producers in my State understand that given our Nation's fiscal problems, we have to have shared sacrifice to get the debt and deficit under control. If we end these outdated subsidies, the farm bill establishes that crop insurance will be the focal point of risk management by strengthening crop insurance and expanding access so that farmers are not wiped out by a few days of bad weather or bad prices.

Crop insurance is a shared private-public partnership that maintains the safety net we all need to sustain American agriculture. In my efforts to identify other areas where shared sacrifice for deficit reduction can be pursued, I am proposing an amendment to eliminate another set of government subsidies which are unnecessary and should be eliminated. These subsidies go to just 2 percent of the Nation's livestock producers. They receive substantial taxpayer-paid subsidies for grazing on public lands.

In the interest of fairness to all livestock producers and the taxpayers, we need to reform Federal grazing subsidies. My amendment would require that ranchers pay grazing fees based more closely on the market value for their region when grazing on public lands. Today, the 2 percent of livestock producers grazing on public lands pay far below market value that other market producers are paying.

Given our huge Federal debt and deficit, we can no longer afford to heavily subsidize an elite group of ranchers to graze their cattle on public lands at the taxpayers' expense. These ranchers receive a special deal—Federal “welfare” so to speak—that they don't need, most ranchers can't get, and taxpayers should not be paying for.

It is a matter of fairness to level the playing field, and it will help balance the budget as well. This 2 percent of the country's ranchers have grazing rights on public lands that cost the government, by lost income, \$144 million a year to manage. But the government collects only about \$21 million a year in grazing fees from ranchers, according to a 2005 study by the GAO. That leaves a net cost to taxpayers of more than \$120 million a year. Losing the \$120 million of tax money per year isn't fair to taxpayers, nor is it fair to producers who then are required to subsidize their competition.

This report also found that the two agencies that manage most of the Federal grazing lands—the Bureau of Land Management and the U.S. Forest Service—actually reduced grazing fees during years when grazing fees on private lands increased. Get that: The Federal Government reduced fees on public lands when fees are being raised on private lands.

The GAO found that from 1980 to 2004, BLM and Forest Service fees fell by 40 percent. At the same time, grazing fees charged by private ranchers rose by 78 percent. By an actuary's term, that is disintermediation. One is going one direction and the other another direction.

Furthermore, GAO found if the goals of the grazing fee were to recover expenditures, BLM and the Forest Service would charge \$7.64 and \$12.26 per “animal unit month.” That is much higher—get this—than the current \$1.35-per-animal unit ranchers pay to graze on public lands. That is not fair.

The GAO stated that the formula used to calculate the fee includes ranchers' ability to pay and is not “primarily to recover the agencies' expenditures or to capture the fair market value of forage.” No kidding. That is what they said and what they think this program is all about.

In Nebraska, it costs livestock producers who get this special deal \$1.35 per cow to graze on public lands. But it costs other producers who don't graze on public land an average of \$30 per cow to graze on private land just in northwest Nebraska. It costs an average of \$38 per cow on private land just across all of northern Nebraska. That is according to the University of Nebraska's agriculture economics department.

I note that I am aware others before me have tried to reform Federal grazing fees, and they are saying to me right now: Good luck. Given today's critical need to get our Nation's fiscal house in order, it is time to bring grazing costs on public lands more in line with what it costs producers to graze on private lands. There is no fairness in this disparity.

I urge my colleagues to join me in working to improve the 2012 farm bill reforms by ending unfair and outdated Federal grazing subsidies. Doing so would bring fairness to all livestock producers and have the added benefit of saving taxpayers more than \$2 billion over the next decade—savings that could help pay down the national debt and reduce our deficit in the meantime.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

AGRICULTURE REFORM

Ms. STABENOW. Mr. President, in a short while—I think this afternoon—we will officially be back on consideration of what is dubbed the farm bill—the Agricultural Reform, Food, and Jobs Act. This is something we do every 5 years to secure the safest, most affordable, reliable food supply in the world. We are very proud of what our farmers and ranchers do.

The largest investment in land and water conservation we make as a country on working lands is made through the farm bill—protecting our Great Lakes, the Chesapeake Bay, and supporting farmers who have environmental challenges and managing those on their lands. So these are very important investments.

We also make important investments in nutrition for families who need temporary help, as many families certainly have during this economic downturn, and many other exciting opportunities that create jobs.

The Presiding Officer, I know, cares very deeply about manufacturing, as do I. One of the areas in which we are growing the economy is by making things, growing things, and bringing

those together in something called bio-based manufacturing, which I will be talking more about as we proceed, but the idea is to use agricultural products to offset chemicals, to offset oil and plastics. This is an exciting new opportunity for us. We expand upon that through opportunities in what we call the farm bill.

The bottom line is this is a jobs bill. There are 16 million people at work in this country—and there are not too many bills that come to the floor that have the number 16 million—that are in some way related to agriculture and food production. It may be processing, it may be production, it may be in the sales end, but 16 million people work in this country because of agriculture in some way, and so it is important we get this right.

We also have a major trade surplus in this country coming from agriculture. So we are producing it here and then we are selling it overseas. I certainly wish to make sure we are focusing on exporting our products, not our jobs. The shining star of that is in agriculture, where we have seen just in the last few years a 270-percent increase in agricultural exports. So this is a big deal for us and it is part of why this is a jobs bill and very important.

We also know we need to reform agricultural production policies. This bill is very much about cutting subsidies as well as creating jobs. So what are we doing? We have taken the view in this farm bill where rather than focusing on protecting individual programs that have been with us a long time, we have focused on principles: What is it we need to do to have a strong economy, to support our farmers? Whether it is a weather disaster, such as we have had in Michigan, or whether it is a disaster in markets and prices, we don't want our farmers losing their farms because of a disaster beyond their control. We all have a stake in that. There is nothing more risky, in terms of a business, than agriculture, where one is at the whim of the weather and other market forces. So we want to make sure we are there.

We also know that for too long we have paid government money to folks who didn't need it for crops they didn't grow. We are not going to do that anymore. This is a huge reform in public policy, where we are moving to risk-based management. We are focusing on what we need to do to cut the deficit and strengthen and consolidate and save dollars but also provide risk management. In fact, in this bill, we are reducing the deficit by \$23 billion.

We have not had the opportunity to have in front of us a bill on the floor that cuts the deficit, with strong bipartisan support around policies that make sense and that we agree to. This is an area where we have come forward. In fact, I am very proud of the fact our Agriculture Committees—in the fall,

when the deficit reduction effort was going on—came forward with a House-Senate bipartisan agreement on deficit reduction. In fact, if every committee had done that, we would have gotten to where we needed to go.

I wish to thank my friend and ranking member Senator ROBERTS for his strong leadership, as well as the chairman and ranking member in the House for their joint efforts in that way.

But when that didn't happen, we decided we would keep our commitment to deficit reduction and move forward on policies that would achieve that and we have done that with \$23 billion in cuts. We do that by repealing what is called direct payments that go to a farmer regardless of what is happening, whether it is good times or bad.

In fact, we replace four different farm subsidies with a strengthening of crop insurance and additional risk-management efforts when there is a loss by the individual farmer, at the county. We focus on loss. As I indicated, we will support farmers for what they plant.

We strengthen payment limits in terms of where we focus precious taxpayer dollars, and we also took a scalpel as we looked at every part of the USDA programs. We looked for duplication, what made sense, what was outdated, and we eliminated 100 different programs and authorizations within this farm bill policy. Again, I don't know many committees that have come forward with that kind of elimination.

That doesn't mean we are eliminating the functions, the critical areas of supporting farmers and ranchers or conservation or expanding jobs through renewable energy or our nutrition efforts or so on—farm credit, other beginning farmers, and all the efforts we are involved in. We are just doing it in a more streamlined way. We are cutting paperwork.

In rural development, which affects every single community, every town, every village, every county outside our urban areas, we want to make sure a part-time mayor can actually figure out rural development and use the supports that are there to start businesses, to focus on water and sewer infrastructure or roads, that it is actually simple and available and doable from their standpoint. We have spent our time working together to come up with something that makes sense for taxpayers, for consumers of food, for those who care deeply in every region of our country about how we support farmers and ranchers and for those who care very deeply about our land and water and air resources on working lands and how we can work together to actually do that.

We are moving forward now to the next phase on our farm bill consideration. Senator ROBERTS and I are working closely together to tee up some

amendments—both Democratic and Republican amendments—so we can begin the process of voting. We know there is a lot of work to do. Colleagues have a lot of ideas. Certainly, some of those ideas I will support, some I will not support, but the process of the Senate is to come forward and offer ideas, debate them, and vote.

So we are working hard, hopefully to tee up some votes this afternoon or tomorrow that would give us the opportunity to move forward. We know there is a lot more work to do. We have a lot of ideas that colleagues have, and we will continue to negotiate moving forward on a final set of amendments. But we think it is important to get started.

I wish to thank all our colleagues who came together on the motion to proceed. It was extraordinary. After a strong bipartisan vote in committee, we are very appreciative of the fact our colleagues are willing to give us the opportunity to get this done with such a strong bipartisan vote on the motion to proceed.

Also, before relinquishing the floor, I notice my colleague from South Dakota is here, and I wish to personally thank him for his leadership on this bill, with extremely important provisions in the bill, both on risk coverage. The proposal to support farmers who have a loss came from a very important proposal Senator THUNE and Senator SHERROD BROWN put forward, along with other colleagues, which is the foundation of what we are doing to work with crop insurance to support farmers. Also, Senator THUNE has been pivotal in a very important part of conservation that ties what we call the sodsaver amendment to the protection of prairie sod, prairie land, to crop insurance. If someone is breaking up the sod, there would be a penalty on the crop insurance side. So it is an important way of bringing together accountability and crop insurance and protecting our native sod. This is something, among many other things, Senator THUNE has been involved in and shown real leadership.

As I said, this has been a strong bipartisan effort. Again, I thank my colleague from Kansas who has been a partner in this effort.

I look forward to having the opportunity to bring all our amendments to the floor and to give people the opportunity to move forward in good faith. It is going to be critical that we move forward in good faith so we can begin to debate, to vote, and to get this bill done.

All the policies we have talked about actually end on September 30 of this year, with very disastrous results for farmers and ranchers if we don't get this done. They need economic certainty. The 16 million who work because of agriculture are counting on us to get this done so they can make their decisions on what they are going to

plant and how their business is going to work.

I am proud of the effort so far, our coming together and having folks join in this wonderful bipartisan effort to get to work.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that my Republican colleagues, Senators MCCAIN and AYOTTE, and myself be permitted to enter into a colloquy for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE SEQUESTRATION

Mr. THUNE. Mr. President, I come to the floor, along with my colleagues, Senators MCCAIN and AYOTTE, to talk about the significant uncertainty surrounding sequestration and its threat to our national security.

The triggered reduction in spending is \$1.2 trillion. After accounting for 18 percent in debt service savings, the required reductions amount to \$984 billion to be distributed evenly over a 9-year period or \$109.3 billion per year. So what we are talking about is \$54.7 billion in reductions will be necessary in both the defense and nondefense categories, despite the fact—despite the fact—defense funding constitutes just 20 percent of the budget.

As my colleagues Senators MCCAIN and AYOTTE are well aware, this sequester disproportionately impacts defense spending, putting our national security at risk.

It has been almost a full year since the Budget Control Act was passed, and Congress needs a precise understanding from this administration as to the full effects of sequestration on national security funding. Both Senator MCCAIN and I, along with Senators SESSIONS, AYOTTE, and others, have called on the administration to detail the impact of sequestration on defense accounts.

This information is necessary for Congress to address the deep and unbalanced defense budget cuts that are expected under sequestration—which are in addition, I might add, to the \$487 billion in reductions that were carried out last August.

What little information has been made available from the administration about the planned cuts to defense should give all of us pause about our Nation's security if sequestration proceeds without any modifications.

In a letter to Senators MCCAIN and GRAHAM this past November, Secretary Panetta said that over the long term, sequestration means we will have the smallest ground force since 1940, the smallest fleet of ships since 1915, and the smallest tactical fighter force in the history of the Air Force.

If sequestration were to go into effect, we risk turning back the clock on

our military strength to where it was during the early 20th Century, before World War II. That clearly cannot be allowed to happen if we hope to have a future in which we are secure, prosperous, and at peace in the world.

I wish to turn now to my colleague Senator MCCAIN, who is the ranking member of the Armed Services Committee. He has been a leader in calling attention to this cloud of sequestration cuts looming over the Defense Department and its threat to our national security. He is, obviously, one of the foremost experts in the Senate when it comes to the issue of national security, and someone who has been raising the issue of sequestration and its impact to our national security interest for some time.

I would ask Senator MCCAIN if he might comment on his observations with regard to this issue and its impact on national security.

Mr. MCCAIN. I thank my colleague from South Dakota and appreciate very much his leadership on this issue and my colleague from New Hampshire, Senator AYOTTE, who has done a preliminary study on the effect of these sequestrations on our defense industries and jobs and employment in States across America.

In fact, she has been asked by the Conference of Mayors to give them assessments. One of the problems we have is not only sequestration itself, as my colleague from South Dakota mentioned, but the American people don't fully understand the impact—not only from a national security standpoint but from an economic standpoint.

I appreciate and admire our Secretary of Defense who continues to say that sequestration would be devastating to our national security, the effects would be Draconian in nature. He has described it in the most graphic and, I think, accurate terms. But we don't know exactly what those impacts would be and, unfortunately, the Secretary of Defense and the Defense Department have not given us information as to what those impacts would be. The American people need to know and they deserve to know what these impacts would be.

That is why we put in the Defense authorization bill a requirement that the Secretary of Defense send to the Congress and the American people the exact effects of this sequestration, which he has refused to do, up until now.

Since we have not taken the bill to the floor—and it may not be signed until the end of this year—that is why I have an amendment pending on the farm bill, to seek that same reporting, because Members of Congress, elected representatives, and the American people deserve to know the effects of sequestration.

One, they need to know from the interest of our national security, but I

would argue to my friend they also need to know from the impact on an already faltering economy. I want to thank the Senator from New Hampshire, who has done more on this issue. In fact, she has given every member of our conference a rough readout as to exactly what the impact would be in our States. But obviously, the Senator from New Hampshire and I don't have access to the same database the Secretary of Defense has as to these Draconian effects.

So in summary, I would say we are facing what is now known as the fiscal cliff: the debt limit, which needs to be raised; the sequestration issue; the expiration of the Bush tax cuts; and several other issues, which we are all going to now address in a lameduck session. That is a Utopian vision for a lameduck session that, frankly, is not justified by history.

One of the aspects of this sequestration, the reason we need to address it now, is because the Pentagon has to plan. They have to plan on a certain budget. They can't wait until the end of this year, or early next year when it kicks in, until January 2, I believe it is, of 2013, in order to adjust to it. So, one, we need the information.

And, two, Members of Congress need to know that the sequestration issue should be, and must be, addressed. I thank Senator THUNE not only for his outstanding work on the farm bill but also for his leadership on this important issue.

I yield to my colleague from New Hampshire, who has done probably a more in-depth study of this issue and its impact on the defense industry in America and jobs and employment than any other Member.

Ms. AYOTTE. I thank Senator MCCAIN for his leadership as the ranking Republican on the Armed Services Committee. No one knows these issues better in the Senate than JOHN MCCAIN. So it is an honor to be here with him, and also my colleague Senator THUNE, with whom I serve on the Budget Committee. Senator THUNE has been very concerned about the impacts of sequestration on our national security. I call sequestration the biggest national security threat you have never heard of. The American people need to know this threat to their national security, to the protection of our country, which is our fundamental responsibility under the Constitution.

I fully support the amendment Senator MCCAIN has brought forward on the farm bill that he championed, along with Senator LEVIN, on the Defense authorization, because we can't afford to keep hiding the details of what will happen to our Department of Defense and our military if sequestration goes forward.

To be clear, as Senator THUNE has already identified, the Department of Defense is taking significant reductions.

In the proposed 2013 budget from the President, the Department will take approximately \$487 billion in reductions over the next 9 years. That already means a reduction of approximately 72,000 of our Army and a reduction of 20,000 of our Marine Corps. But what we are here talking about today is an additional \$500 billion to \$600 billion in reductions coming in January of 2013 that the American people need to know about, and our Department of Defense should clearly identify what is going to happen with those reductions.

But here is what we do know. As Senator McCAIN and Senator THUNE have already talked about, our Secretary of Defense has warned that these cuts will be devastating; that they will be catastrophic; that we will be shooting ourselves in the head if we did this for our national security; that we would be undermining our national security for generations.

This is what it means, and what our service chiefs have told us so far about the preliminary assessments of sequestration:

For our Army, what they have said is an additional 100,000 reduction in our Army, 50 percent coming from the Guard and Reserve, on top of the 72,000 coming in the proposed 2013 budget. That would result in our ground forces being reduced to the smallest size since before World War II.

For the Navy, our current fleet is 285 and the Navy has said previously that we need 313 ships. If sequestration goes forward the Navy has said that our fleet will have to shrink to between 230 to 235 ships and submarines. At a time when China is investing more and more in their navy, where we have increased our defense focus in our national security strategy on the Asian Pacific region, it would make that increased focus a mockery, truthfully, if we allowed sequestration to go forward.

We have heard the same from our Marine Corps. What the Marine Corps has said about sequestration every Member of Congress should be concerned about. The Assistant Commandant of the Marine Corps has said if sequestration goes forward, it is an additional 18,000 reduction in our Marine Corps, and that the Marines would be incapable of conducting a single major contingency operation. Think about it: The Marine Corps of the United States of America incapable of responding to a single major contingency operation. This is at a time when the threats to our country have not diminished. This is at a time when we still have men and women, as we sit here today, who are serving us admirably in Afghanistan.

And, by the way, OMB has already said that the OCO—or war funding—will not be exempt from sequestration.

We owe it to our men and women who are in the field right now to make sure they have the support they need and deserve from this Congress.

When we look at where we are, this is not just about our national defense. But you would think that being about our national defense, our foremost responsibility in Congress, would be enough to bring everyone to the table right now to resolve this, regardless of whatever your party affiliation is. But this is also an issue about jobs, because the estimates are, in terms of the job impact in this country, George Mason University estimates that over 1 million jobs will be lost in this country over 1 year due to sequestration. And that is just looking at research and development and procurement.

Well, let's talk about some of the States that will be impacted, because every one of my colleagues represents a State in this Chamber that will be impacted by the jobs at issue.

We look at where our economy is right now, and yet we continue not to address this fundamental issue of sequestration when 1 million jobs are at stake.

For Virginia, the estimate is 123,000 jobs; Florida, 39,000 jobs; Ohio, 18,000 jobs; North Carolina, 11,000 jobs; Connecticut, 34,000 jobs; Pennsylvania, 36,000 jobs. In my small State of New Hampshire, it is projected that we will lose approximately 3,300 jobs.

So not only is this a national security issue, but we are also talking about our defense industrial base. And once we lose much of the talent in that industrial base, it doesn't necessarily come back. We have many small employers who can't sustain these cuts, who will go bankrupt, and won't be able to come back. And once they are gone, we lose their expertise and the U.S. military becomes more reliant on foreign suppliers.

In fact, the CEO of Lockheed Martin has said recently:

The very prospect of sequestration is already having a chilling effect on the industry. We're not going to hire. We're not going to make speculative investments. We're not going to invest in incremental training, because the uncertainty associated with 53 billion of reductions in the first fiscal quarter of next year is a huge disruption to our business.

To my colleagues who think we can kick this can down the road until after the elections, please understand that when it comes to jobs, these defense employers have a responsibility under Federal law, what is called the WARN Act, to notify their employees if they are going to be laid off at least 60 days before a layoff will occur.

What that means is there could be hundreds of thousands of WARN Act notices going out, likely before the election in November, letting people across this country know that they may lose their job because Congress has not come forward and addressed this fundamental issue to our national security right now.

In conclusion—and I know Senator THUNE is supportive of this. I am the

cosponsor of a bill along with Senator McCAIN and others that comes up with savings to deal with the first year of sequestration, and I would ask every Member of this Chamber: Let's sit down and resolve this. We do need to cut spending, and we should find these savings. It is important to deal with our debt. But let's make sure we find savings that don't devastate our national security or undermine our national security for generations or hollow out our force, as our Chairman of the Joint Chiefs of Staff has said about sequestration. I would urge my colleagues on both sides of the aisle, let's sit down now and resolve this issue on behalf of our most important responsibility, which is to protect the American people from the threats that still remain around the world and are very real. We have seen it with Iran trying to acquire the capability of a nuclear weapon. It still remains a very challenging time, and we need to protect our country from the threats we face.

I thank my colleague Senator THUNE, and I turn it back to him.

Mr. THUNE. I would say to my colleague, the Senator from New Hampshire—because she mentioned that she and I both serve on the Budget Committee—that this perhaps could have been avoided had we passed a budget that dealt with title reform.

The reason we have these huge cuts, these steep and unbalanced cuts to the defense budget, is because we punted on the Budget Control Act to the supercommittee, which didn't produce a result, and this triggered these across-the-board reductions in spending—half of which come out of the defense budget, as the Senator mentioned, a defense budget that represents only 20 percent of Federal spending. So proportionality here seems to be a real issue. Why would you gut the part of a budget from which you get the resources to keep your country safe and secure?

Frankly, it comes back—in my view, at least—to the fact that now, for 3 consecutive years, the Budget Committee, on which the Senator and I both serve, has failed to produce a budget, spelling out a more reasonable and thoughtful plan for how to deal with these challenges as opposed to having this budget axe fall in this disproportionate way on our national security interests.

I am curious as to the Senator's thoughts with regard to the reason why we are where we are today.

Ms. AYOTTE. I would say to my colleague from South Dakota, you are absolutely right. It is outrageous that it has been over 1,100 days that we have not had a budget in the Senate. In the Budget Committee that we both serve on, the Senator and I are anxious to resolve the big fiscal issues facing our country.

I agree with the Senator from South Dakota, if we did that function of

budgeting, we wouldn't be in this position where we have put our national security at risk because we are not taking on the big-picture fiscal issue to get our fiscal house in order in Washington and make sure we reform mandatory spending so those programs are sustainable and available for future generations. So here we are.

Not only do I serve on the Senate Armed Services Committee, but I am the wife of a veteran. It is astounding to me that we would put our national security at risk rather than doing our jobs, putting together a budget that is responsible and proportional. That is one of the underlying reasons why we find ourselves in the position we are right now.

I ask my colleague from South Dakota, as Commander in Chief, the President has a responsibility on this very important issue. It is such an important and weighty responsibility as President of the United States to be Commander in Chief. Where is the President on these issues?

Mr. THUNE. Ironically, the point my colleague from New Hampshire made earlier and the statements made by the President's own Defense Secretary about what these cuts would mean just speak volumes. It is absolutely stunning when we look at the impact this would have on our national security budget, and, at least to date, the President is not weighing in on this argument at all.

I think what the Senator from New Hampshire and Senator MCCAIN and I are saying is this: Show us your plan.

If we are going to do something about this, we need to know how they intend to implement this. So the transparency issue is very important. Asking them to tell us how they are planning on making these reductions seems to be a critically important part of not only informing the American public but giving Congress a pathway—if there is one—to address and perhaps redistribute these reductions.

When we are talking about a \$109 billion reduction that will take effect in January of next year—half of which comes out of defense—on top of $\frac{1}{2}$ trillion in cuts to accrue over the next decade that were approved as part of the Budget Control Act, that is a huge chunk out of our national security budget.

I think the Senator from New Hampshire made an excellent point as well about how this obviously impacts national security first and foremost. I have always maintained that if we don't get national security right to protect and defend the country, then the rest is all secondary.

But there is a huge economic impact, as was pointed out not only by the study my colleague from New Hampshire mentioned but also by the Congressional Budget Office recently in speaking about the fiscal cliff that hits

us in the first part of January next year and could cost us 1.3 percent in growth, which, according to the President's economic advisers, could be 1.3 million jobs. If the national security issue does not get your attention, certainly we would think the economy and jobs issue would. Yet we are hearing silence—crickets coming out of the White House.

I would hope he would weigh in on this debate and at least provide us with an idea of how the administration intends to implement this and hopefully a plan about how to avert this. As has been emphasized by the President's Defense Secretary, there would be a catastrophic impact on our national security interest.

Ms. AYOTTE. I ask Senator THUNE, is this not so important when we think about the impact on our national security that now we hear from the President that Members on both sides of the aisle should sit down instead of kicking this can beyond the elections?

What I have heard from our employers is that they will have to make decisions now that could impact our defense industrial base. We are talking about shipbuilders, we are talking about experts, small businesses that work in this area. Once those jobs go away in terms of a small business, such as a sole supplier on one of our major procurement programs, which happens quite often, that expertise goes away. We don't immediately pull that back. So we are talking about an estimate of 1 million jobs, and the private sector can't wait for us to resolve this until after the election. They need us to resolve this now. In my view, our military can't wait until after the election, nor should our military be put in that position. They should know that we are going to resolve this because we want to keep faith with them. We do not want to hollow out our force. We do not want to put them at risk. So, on a bipartisan basis, this is a critical issue to resolve before the election. I wondered what my colleague's view was on that.

Mr. THUNE. Mr. President, again I appreciate the leadership of the Senator from New Hampshire as a member of the Armed Services Committee on not only this issue of national security but also as a member of the Budget Committee, where we serve together. It is critical that we do something soon, and the reason for that, as the Senator from New Hampshire mentioned, is that a lameduck session of Congress—is not an appropriate time to try to legislate on a major issue such as this, particularly given the fact that there is going to be a pileup of other issues. We have tax rate expiration issues to deal with and potentially another debt limit vote coming up.

It seems to me that we ought to provide as much certainty as we can to our military, to the leaders of our mili-

tary who have to make these decisions, and to the people who build these weapons systems and experience many of these reductions that will impact jobs.

As my colleague mentioned, there is a Warren Act requirement that they notify people if they are going to lay off people. There has to be a lead time to this, and that is why getting a plan from the administration that lays out in specific and detailed terms exactly what they intend to do with regard to sequestration is really important to this process and as a matter of fundamental transparency for the American people and for the Congress.

Clearly, there is a need—in my view, at least—for us to deal with this in advance of the election, not waiting, not punting, and not kicking the can down the road as is so often done here.

I appreciate the leadership of the Senator from Arizona, the ranking member of the Armed Services Committee, and my colleague from New Hampshire in raising and elevating this issue and putting it on the radar screen of the Senate in hopes that something might actually happen before the election. But that will require that the President of the United States and his administration get in the game. So far, we haven't heard anything from them with regard to how they would implement sequestration or what suggestions they might have that would avoid and avert what would be a national security catastrophe if these planned or at least proposed reductions go into effect at the first of next year.

I see that the Senator from Arizona, the ranking member of the Armed Services Committee, is back. Does the Senator have any closing comment before we wrap up this session?

Well, let me thank my colleagues in the Senate and particularly the Senator from Arizona and the Senator from New Hampshire for what they are doing on this issue. I hope that we are successful and that in the end we can get some greater transparency from the administration about how they intend to implement these reductions and that we might be able to take the steps that are necessary, as was pointed out, on a bipartisan basis. This is not an issue that affects one side or the other, it is an issue that affects the entire country when we are talking about our national security interests and the great jeopardy and risk we put them in if we don't take steps to address this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate in a colloquy with my colleague from South Carolina, Senator GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY

Mr. MCCAIN. Mr. President, Senator GRAHAM and I know there are others who would like to come to the floor on the issue of the almost unprecedented release of information which directly affects our national security—in fact, the most important programs in which we are engaged, including the use of drones and our counterterrorism activities, and, of course, the highly classified cyber attacks that have been made on the Iranians in order to prevent them from achieving their goal of building nuclear weapons.

I can't think of any time that I have seen such breaches of ongoing national security programs as has been the case here. The damage to our national security has been articulated by many both inside and outside of the administration, including the most damaging that we have seen. Our Director of National Intelligence said that it is the worst he has seen in his 30 years of service in the area of intelligence. All of the ranking and chair members of the Intelligence Committee, Armed Services Committee, Foreign Relations Committee, and Homeland Security Committee have described in the strongest terms what damage has been done by these "leaks."

Among the sources that the authors of these publications list are "administration officials" and "senior officials"; "senior aides" to the President; "members of the President's national security team who were in the [White House Situation Room] during key discussions"; an official "who requested anonymity to speak about what is still a classified program"—I am quoting all of these from the public cases; "current . . . American officials . . . [who would not] allow their names to be used because the effort remains highly classified, and parts of it continue to this day"; several sources who would be "fired" for what they divulged—presumably because what they divulged was classified or otherwise very sensitive.

One author notes:

[O]ver the course of 2009, more and more people inside the Obama White House were being 'read into' a [particular secret, compartmentalized] cyber program [previously known only by an extremely tight group of top intelligence, military and White House officials], even those not directly involved. As the reports from the latest iteration of the bug arrived—

Talking about the cyber attack on Iran—meetings were held to assess what kind of damage had been done, and the room got more and more crowded.

Some of the sources in these publications specifically refused to be identified because what they were talking about related to classified programs or ongoing programs. One of the authors specifically observed that some of his sources would be horrified if their identities were revealed.

As always with this leaking, which goes on in this town, although not at the level I have ever seen, I think we need to ask ourselves first who benefits—certainly not our national security or our military intelligence professionals or our partners abroad who are more exposed as a result of these leaks. I think to answer the question of who benefits, we have to look at the totality of circumstances. In this case, the publications came out closely together in time. They involved the participation, according to those publications, of administration officials. The overall impression left by these publications is very favorable to the President of the United States.

So here we are with a very serious breach of national security—and in the view of some, the most serious in recent history—and it clearly cries out for the appointment of a special counsel.

I would remind my colleagues and my friend from South Carolina will remind our colleagues that when the Valerie Plame investigation was going on, my colleagues on the other side of the aisle argued strenuously for the appointment of a special counsel at that time. Later on, I will read some of their direct quotes.

It is obviously one of the highest breaches of security this country has ever seen because of ongoing operations that are taking place. By the way, our friends and allies, especially the Israelis, who have been compromised on the Stuxnet operation, the virus in the Iranian nuclear program, of course, feel betrayed.

Now, can I finally say that I understand our colleague and chairperson of the Intelligence Committee is going to come over to object to our motion for the appointment of a special counsel. It is the same special counsel who was appointed at other times in our history, and ahead of her appearance after the statements she made about how serious these breaches of intelligence were. It is a bit puzzling why she should object to the appointment of a special counsel.

I ask my colleague from South Carolina—to place two outstanding individuals and prosecutors to investigate still places them under the authority of the Attorney General of the United States. The Attorney General of the United States is under severe scrutiny in the House of Representatives. The Attorney General of the United States may be cited for contempt of Congress over the Fast and Furious gunrunning-to-Mexico issue which also resulted, by the way, in the death of a brave young Border Patrolman, Brian Terry, in my own State, who was killed by one of these weapons. That is how serious it is.

I would think Mr. Holder, for his own benefit, would seek the appointment of a special counsel, and I ask that of my friend from South Carolina.

Mr. GRAHAM. I think it not only would serve Mr. Holder well, but certainly the country well.

We are setting the precedent that if we do not appoint a special counsel—and I don't know these two U.S. attorneys at all. I am sure they are fine men. But the special counsel provisions that are available to the Attorney General need to be embraced because it creates an impression and, quite frankly, a legal infrastructure to put the special counsel above common politics. The precedent we are about to set in the Senate if we vote down this resolution is, in this case, we don't need to assure the public that we don't have to worry, the person involved is not going to be interfered with; that in this case we don't need the special counsel, and there is no need for it.

Well, to my colleagues on the other side, how many of them said we needed a special counsel—Peter Fitzgerald—who was not in the jurisdiction—Illinois wasn't the subject matter of the Valerie Plame leaks. It happened in Washington. When Peter Fitzgerald was chosen as a special counsel, the country said that is a good choice, chosen under the special counsel provisions, which are designed to avoid a conflict of interest.

What is the problem? For us to say we don't need one here is a precedent that will haunt the country and this body and future White Houses in a way that I think is very disturbing, I say to the Senator from Arizona, because if we needed one for Valerie Plame—allegations of outing a CIA agent—and if we needed one for Jack Abramoff, a lobbyist who had infiltrated the highest levels of the government, why would we need one here? Is this less serious?

The allegations we are talking about are breathtaking. Go read Mr. Sanger's book as he describes Operation Olympic Games. It reads like a novel about how the administration, trying to avoid an Israeli strike against the Iranian nuclear program, worked with the Israelis to create a cyber attack on the Iranian nuclear program, and how successful it was. It literally reads like a novel.

What about the situation regarding the Underwear Bomber case, a plot that was thwarted by a double agent. One could read every detail about the plot and how dangerous it was and how successful we were in stopping it from coming about. Then, how we got bin Laden and sharing information with a movie producer, but telling the world about the Pakistani doctor and how we used him to track down bin Laden.

Mr. MCCAIN. Mr. President, could I add revealing the name of Seal Team 6.

Mr. GRAHAM. That takes us to the bin Laden information. In the book there is a scenario where the Secretary of Defense went to the National Security Adviser, Thomas Donilon, and

said, "I have a new communication strategy for you regarding the bin Laden raid: Shut the F up."

But the drone program, a blow-by-blow description of how the President handpicks who gets killed and who doesn't.

This is breathtaking. Certainly, it is on par with Abramoff and Plame, I think, the biggest national security compromise in generations. For our friends on the other side to say we don't need a special counsel here, but they were the ones arguing for one in the other two cases, sets a terrible precedent, and we are not going to let this happen without one heck of a fight.

Senator Obama wrote a letter with a large group of colleagues urging the Bush administration to appoint a special counsel and to have an independent congressional investigation on top of that of the Valerie Plame CIA leak case. He also joined in a letter with his Democratic colleagues urging the Bush administration to appoint a special counsel in the Jack Abramoff case because the allegations were that Mr. Abramoff had access to the highest levels of government and that extraordinary circumstances existed.

What are we talking about here? We are talking about leaks of national security done in a 45-day period that paint this President as a strong, decisive national security leader. The book questions—not just the articles—is there any reason to believe this may go to the White House? Look what happened with the Scooter Libby prosecution in the Valerie Plame case. The Chief of Staff of the Vice President of the United States eventually was held accountable for his involvement.

Is there any reason to believe that senior White House people may be involved in these leaks? Just read the articles. But this is a book review by Mr. Thomas Riggs of the book in question by Mr. Sanger. Throughout, Mr. Sanger clearly has enjoyed great access to senior White House officials, most notably to Thomas Donilon, the National Security Adviser. Mr. Donilon, in fact, is the hero of the book as well as the commentator of record on events. It goes on and on in talking about how these programs were so successful.

Here is the problem. In the House, when a program is not so successful, such as Fast and Furious, that is embarrassing to the administration. One can't literally get information with a subpoena. So we have an administration and an Attorney General's Office that is about to be held in contempt by the House for not releasing information about the Fast and Furious Program that was embarrassing. When we have programs that were successful and make the White House look strong and the President look strong, we can read about it in the paper.

All we are asking for is what Senator Obama and Senator BIDEN asked for in

previous national security events involving corruption of the government: a special counsel to be appointed, with the powers of a special counsel, somebody we can all buy into. If we set a precedent of not doing it here, I think it will be a huge mistake.

Mr. MCCAIN. Mr. President, wouldn't my colleague agree that one of the most revealing aspects of this entire issue from program to program that leads to enormous suspicion would be that probably the most respected Member of the President's Cabinet who stayed over from the Bush administration, Secretary Gates, was so agitated by the revelation of information about the bin Laden raid that he came over to the White House and said to the President's National Security Adviser that he had a "new communication strategy." He responded by saying to the National Security Adviser, "Shut the F up." That is a devastating comment and leads one to the suspicion that things were done improperly in the revelation of these most important and sensitive programs that were being carried out and are ongoing to this day.

So I ask my colleague, what is the difference between the Biden-Schumer-Levin-Daschle letter to President Bush in 2003 where they called for the appointment of a special counsel—Vice President BIDEN—and how the White House should handle Libby? I think they should appoint a special prosecutor. In 2003, then-Senator BIDEN called for a special counsel with 34 Senators, and then-Senator Obama requested the appointment of a special counsel to lead the Abramoff case.

I was involved heavily initially with the Abramoff case, and I can tell my colleagues even though there was severe corruption, there was certainly nothing as far as a breach of national security is concerned. Yet they needed a special counsel, according to then-Senator Obama, to investigate Abramoff but not this serious consequence.

So I guess my unanimous consent request for this resolution will be objected to. But the fact is, we need a special counsel because the American people need to know. I do not believe anyone who has to report to the Attorney General of the United States would be considered as objective.

I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, if I may, I ask unanimous consent to have printed in the RECORD the letters written by Senator Obama and Senator BIDEN asking for a special counsel.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBAMA, ET AL. LETTER ON ABRAMOFF

FEBRUARY 2, 2006.

Hon. ALBERTO GONZALES,
U.S. Department of Justice,
Washington, DC.

DEAR GENERAL GONZALES: We write to join the request made last week that you appoint a special counsel to continue the investigation and the prosecution of those involved in the corruption scandal surrounding Jack Abramoff's dealings with the federal government. The Department's response to the press regarding that request did not address the fundamental issue of a conflict of interest or the other serious issues raised by the letter.

This scandal has shaken the public's confidence in our government and all involved must be pursued vigorously. A special counsel will ensure the public's confidence in the investigation and prosecution and help to restore its faith in our government. FBI officials have said the Abramoff investigation "involves systemic corruption within the highest levels of government." Such an assertion indicates extraordinary circumstances and it is in the public interest that you act under your existing statutory authority to appoint a special counsel.

Mr. Abramoff's significant ties to Republican leadership in Congress, and allegations of improper activity involving Administration officials, reaching, possibly, into the White House itself, pose a possible conflict of interest for the Department and thus further warrant the appointment of a special counsel. Recent news reports confirm that Mr. Abramoff met the President on several occasions and during some of those meetings, Mr. Abramoff and his family had their photos taken with the President. Mr. Abramoff also organized at least one and possibly several meetings with White House staff for his clients. These meetings with the President and White House staff occurred while you were serving as White House Counsel. Given the possible ties between Mr. Abramoff and senior government officials, we believe the appointment of a special counsel is not only justified, but necessary.

The Public Integrity section of the Department has thus far pursued this case appropriately, and we applaud its pursuit of Mr. Abramoff and his colleagues. As the investigation turns to government officials and their staffs, both in the Executive and Legislative branches, we have no doubt that if the investigation is left to the career prosecutors in that section, the case would reach its appropriate conclusion. Unfortunately, the highly political context of the allegations and charges may lead some to surmise that political influence may compromise the investigation. This concern is heightened by allegations that Frederick Black, the former acting U.S. Attorney for Guam and the Northern Marianas, was replaced, perhaps improperly, as a result of his investigation of Mr. Abramoff.

Appointment of a Special Counsel at this point in time is made even more appropriate by the White House's recent nomination of Noel Hillman, the career prosecutor in charge of the case, to a federal judgeship. As a new prosecutor will need to take over the case, we ask you to appoint an outside Special Counsel so the public can be assured no political considerations will be a part of this investigation or the subsequent prosecutions.

Because this investigation is vital to restoring the public's faith in its government, any appearance of bias, special favor or political consideration would be a further blow

to our democracy. Appointment of a special counsel would ensure that the investigation and prosecution will proceed without fear or favor and provide the public with full confidence that no one in this country is above the law.

We know you share our commitment to restoring the public's trust in our government. We hope you will take the only appropriate action here and appoint a special counsel so we can ensure that justice is done while preserving the integrity of the Justice Department.

We look forward to hearing from you on this matter soon.

Harry Reid; Charles E. Schumer; Ken Salazar; Barack Obama; Dick Durbin; Robert Menendez; Ted Kennedy; Daniel K. Inouye; Blanche L. Lincoln; Kent Conrad; Jack Reed; Evan Bayh; Carl Levin; Joe Lieberman; Debbie Stabenow; John F. Kerry; Bill Nelson; Frank R. Lautenberg; Barbara Mikulski; Dianne Feinstein; Patty Murray; Daniel K. Akaka; Maria Cantwell; Hillary Rodham Clinton; Ron Wyden; Barbara Boxer; Jim Jeffords; Max Baucus; Joe Biden; Chris Dodd; Patrick Leahy; Russell D. Feingold; Tim Johnson; Paul Sarbanes; Tom Carper; Jeff Bingaman.

BIDEN, DASCHLE, SCHUMER, LEVIN LETTER TO BUSH

UNITED STATES SENATE,
Washington, DC, October 9, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our continuing concerns regarding the manner in which your Administration is conducting the investigation into the apparently criminal leaking of a covert CIA operative's identity. You have personally pledged the White House's full cooperation in this investigation and you have stated your desire to see any culprits identified and prosecuted, but the Administration's actions are inconsistent with your words.

Already, just 14 days into this investigation, there have been at least five serious missteps.

First, although the Department of Justice commenced its investigation on Friday, September 26, the Justice Department did not ask the White House to order employees to preserve all relevant evidence until Monday, September 29. Every former prosecutor with whom we have spoken has said that the first step in such an investigation would be to ensure all potentially relevant evidence is preserved, yet the Justice Department waited four days before making a formal request for such documents.

Second, when the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning. That request for delay was granted. Again, every former prosecutor with whom we have spoken has said that such a delay is a significant departure from standard practice.

Third, instead of immediately seeking the preservation of evidence at the two other Executive Branch departments from which the leak might have originated, i.e., State and Defense, such a request was not made until Thursday, October 1. Perhaps even more troubling, the request to State and Defense Department employees to preserve evidence was telegraphed in advance not only by the request to White House employees earlier in

the week, but also by the October 1st Wall Street Journal report that such a request was "forthcoming" from the Justice Department. It is, of course, extremely unusual to tip off potential witnesses in this manner that a preservation request is forthcoming.

Fourth, on October 7, White House spokesperson Scott McClellan stated that he had personally determined three White House officials, Karl Rove, Lewis Libby and Elliot Abrams, had not disclosed classified information. According to press reports, Mr. McClellan said, "I've spoken with each of them individually. They were not involved in leaking classified information, nor did they condone it." Clearly, a media spokesperson does not have the legal expertise to be questioning possible suspects or evaluating or reaching conclusions about the legality of their conduct. In addition, by making this statement, the White House has now put the Justice Department in the position of having to determine not only what happened, but also whether to contradict the publicly stated position of the White House.

Fifth, and perhaps most importantly, the investigation continues to be directly overseen by Attorney General Ashcroft who has well-documented conflicts of interest in any investigation of the White House. Mr. Ashcroft's personal relationship and political alliance with you, his close professional relationships with Karl Rove and Mr. Gonzales, and his seat on the National Security Council all tie him so tightly to this White House that the results may not be trusted by the American people. Even if the case is being handled in the first instance by professional career prosecutors, the integrity of the inquiry may be called into question if individuals with a vested interest in protecting the White House are still involved in any matter related to the investigation.

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel. The criteria in the Justice Department regulations that created the authority to appoint a Special Counsel have been met in the current case. Namely, there is a criminal investigation that presents a conflict of interest for the Justice Department, and it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter. In the meantime, we urge you to ask Attorney General Ashcroft to recuse himself from this investigation and do everything within your power to ensure the remainder of this investigation is conducted in a way that engenders public confidence.

Sincerely,

TOM DASCHLE.
JOSEPH R. BIDEN.
CARL LEVIN.
CHARLES E. SCHUMER.

Mr. GRAHAM. I guess the difference is we are supposed to trust Democratic administrations, and we can't trust Republican administrations. I guess that is the difference. It is the only difference I can glean here. Certainly, the subject matter in question is as equal to or more serious in terms of how it has damaged the Nation and in terms of the structure of a special counsel. If we thought it was necessary to make sure the Abramoff investigation could lead to high-level Republicans, which it did, and if we thought the Valerie

Plame case needed a special counsel to go into the White House because that is where it went, why would we not believe it would help the country as a whole to appoint somebody we can all buy into in this case, give them the powers of a special counsel? That is what was urged before when the shoe was on the other foot.

This is a very big deal. We are talking about serious criminal activity. Apparently, the suspects are at the highest level of government, and I believe it was done for political purposes. To not appoint a special counsel would set a precedent that I think is damaging for the country and is absolutely unimaginable in terms of how someone could differentiate this case from the other two we have talked about.

To my Democratic colleagues: Don't go down this road. Don't be part of setting a precedent of not appointing a special counsel for some of the most serious national security leaks in recent memory—maybe in the history of the country—while at the same time most of my Democratic colleagues were on the record asking about a special counsel about everything and anything that happened in the Bush administration. This is not good for the country.

Mr. MCCAIN. I appreciate the indulgence of my colleagues.

UNANIMOUS CONSENT REQUEST

As in legislative session, I ask unanimous consent that the Senate now proceed to the consideration of a resolution regarding the recent intelligence leaks, which means the appointment of a special counsel, which is at the desk. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object—

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have served on the Intelligence Committee for 11 years now, and I have seen during that time plenty of leaks. I have tried with every bit of my energy to demonstrate how serious an issue this leaking matter is. In fact, I teamed up with Senator Bond—our colleagues remember Senator Bond, of course—and I sponsored legislation to double—double—the criminal penalty for those who leak, for those who expose covert agents. So I don't take a back seat to anybody in terms of recognizing the seriousness of leaks and ensuring that they are dealt with in an extremely prompt and responsive fashion.

What is at issue here is whether we are going to give an opportunity for U.S. attorneys—professionals in their fields—to handle this particular inquiry. I see no evidence that the way the U.S. attorneys are handling this investigation at this time is not with the highest standards of professionalism.

I have disagreed with the Attorney General on plenty of issues. My colleagues know I have been particularly in disagreement with the Attorney General on this issue of secret law. I think there are real questions about whether laws that are written in the Congress are actually the laws that govern their interpretations. So I have disagreed with the Attorney General on plenty of matters. I think I have demonstrated by writing that law with Senator Bond that I want to be as tough as possible on leakers.

But I would now have to object to the request from our colleague from Arizona simply because I believe it is premature. For that reason, Mr. President, I object to the request from the Senator from Arizona.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

PRESIDENT'S WAR ON COAL

Mr. INHOFE. Mr. President, I think I have time reserved now for up to 30 minutes. I wish to first of all say that the subject we have been listening to is life threatening. It is critical. That is not why I am down here today because we have something else that is very important.

I have come to the floor today with some breaking news. The momentum to stop President Obama's war on coal is now so great that some of my colleagues—Senators ALEXANDER and PRYOR—are going to introduce a countermeasure to my resolution. My resolution would put a stop to the second most expensive EPA regulation in history—a rule known as Utility MACT, with which the occupier of the chair is very familiar. The countermeasure is a cover bill, pure and simple.

While my resolution requires the EPA to go back to the drawing board to craft a rule in which utilities can actually comply, the measure that Senators ALEXANDER and PRYOR are offering would keep Utility MACT in place but delay the rule for 6 years. This alternative is a clear admission that the Obama EPA's policy is wrong, but it does not fix the problem. It simply puts off the day of execution for a matter of 6 years.

What is really going on here? Since my S.J. Res. 37 is a privileged motion, it must be voted on by Monday, June 18, unless we extend it, which I would be willing to do, until after the farm bill takes place. That might be a better idea. It requires 50 votes to pass. The Alexander-Pryor cover bill will likely be introduced tomorrow. It is a bill that will likely never be voted on and would require 60 votes to pass. Therefore, the Senators who want to kill coal by opposing S.J. Res. 37 will put their names on the Alexander-Pryor bill as cosponsors to make it look as if they are saving coal, when in reality that bill, the Alexander-Pryor bill, kills coal in 6 years.

We have seen this before. I remember when we considered the Upton-Inhofe Energy Tax Prevention Act when it came to the floor last year. It was a measure that would have prevented the EPA from regulating greenhouse gases under the Clean Air Act. I would like to expand on that, but there is not time to do that.

My colleagues offered a number of counteramendments so they could have a cover vote. They wanted to appear as if they were reining in the out-of-control EPA—and I think everybody knows what is going on right now with all those regulations—for their constituents back home, all the while letting President Obama go through with his job-killing regulations. Some chose to vote for the only real solution to the problem—the Energy Tax Prevention Act—and some chose the cover vote. But all in all, 64 Senators went on record that day as wanting to rein in the EPA. But some of them did not have the courage to stand by it.

Of course, it is highly unlikely the Utility MACT alternative by Senators ALEXANDER and PRYOR will ever get a vote, but that is not the point. The point is just to have something out there that Senators in a tough spot can claim to support.

As I have said many times now, the vote on S.J. Res. 37 will be the one and only opportunity to stop President Obama's war on coal. This is the only vote. There is no other vote out there. If we do not do this, and that rule goes through—Utility MACT—coal is dead. This is the only chance we have.

Fortunately, we have a thing called the CRA. It is a process whereby a Senator can introduce a resolution to stop an unelected bureaucrat from having some kind of an onerous regulation. That is exactly what I have done with this. But this is the only chance for my colleagues to show constituents who they do stand with. Which of my colleagues will vote for the only real solution, which is my resolution, and which of my colleagues will vote for a cover vote?

What has changed over the past few weeks to the extent of my colleagues suddenly feeling it necessary for a cover vote?

A lot has changed because the American people are speaking up, and they are not happy about the Obama EPA. When I go back to Oklahoma, that is all I hear. It does not matter if you are in the ag business, if you are in the military business, if you are in the manufacturing business, they are all talking about the onerous regulations that are taking place in the EPA. I am pleased to say we have picked up the support of groups representing business and labor. Even more encouraging is a growing number of elected officials are working across the aisle to save coal. The Senate has taken notice, and the first Senate Democrats are beginning to come on board.

I want to commend Senator JOE MANCHIN, who happens to be occupying the chair at this time, and Senator BEN NELSON. They were the first two Senate Democrats to come out publicly in support of our resolution. I must say, I am very glad to see that they have made the right choice to stand with their constituents.

Senator MANCHIN's announcement came just after the Democratic Governor of West Virginia, Governor Tomblin, sent a letter asking him, as well as Senator ROCKEFELLER, to vote for my resolution because, he said, EPA's rules have—and I am quoting now the Democratic Governor of West Virginia; and the occupier of the chair will know this—EPA's rules have “coalesced to create an unprecedented attack on West Virginia's coal industry.” Still quoting, he said: “This attack will have disastrous consequences on West Virginia's economy, our citizens and our way of life,” and that EPA “continues on this ill-conceived path to end the development of our nation's most reliable cost-effective source of energy—coal.”

I am very proud of a lot of the officials in West Virginia for what they have come out with. Governor Tomblin is not the only Democrat to be concerned. West Virginia Lieutenant Governor Jeffrey Kessler sent a separate letter to the West Virginia Senators and others asking them to pass S.J. Res. 37 in order to save what he called West Virginia's “most valuable state natural resource and industry.” He reminded the Senators that:

On May 25, 2012, the State of West Virginia challenged the MATS rule—

that is the kill coal rule—

and cited four reasons the defective rule should be rejected.

That is not all. A group of bipartisan State legislators from West Virginia also wrote the Senators and others urging them to support S.J. Res. 37 out of concern for the devastating impact on West Virginia. As they wrote:

Several West Virginia power plants have announced their closure and the loss of employment that comes with it. Additionally, it is projected that with the implementation of this rule, consumer electric rates will skyrocket.

We all know that is true. Even the President has stated that.

I wish to note that we have support from nearly 80 percent of the private sector—those businesses that President Obama claims are “doing just fine.” Apparently, they do not think they are doing all that fine. American businesses are suffering because of aggressive overregulation by the Obama administration.

Let me take a minute to read the names of just some of the groups that are supporting our efforts to pass S.J. Res. 37: The National Federation of Independent Business, the U.S. Chamber of Commerce, the American Farm

Bureau, the National Association of Manufacturers, the Industrial Energy Consumers of America, the American Chemistry Council, the Association of American Railroads, the American Forest and Paper Association, the American Iron and Steel Institute, the Fertilizer Institute, the Western Business Roundtable, and the National Rural Electric Cooperative Association.

That is just part of it.

Then the unions. The unions are coming too—I have talked about the businesses and read all of their groups—they have come to stop the overregulation that is killing jobs. Cecil Roberts, I had the occasion to meet him once. He is the president of the United Mine Workers, one of the largest labor unions in the country. He recently sent a letter to several Senators saying the union's support for my resolution is "based upon our assessment of the threat that the EPA MATS rule"—that is the coal-killing rule—"poses to United Mine Workers Association members' jobs, the economies of coal field communities, and the future direction of our national energy policy."

Remember, Cecil Roberts is the one who traveled across the country in 2008 campaigning for President Obama. But after 4 years of his regulatory barrage designed to kill the mining jobs his union is trying to protect, Mr. Roberts has said his group may choose not to endorse President Obama or just sit the election out. As he explained:

We've been placed in a horrendous position here. How do you take coal miners' money and say let's use it politically to support someone whose EPA has pretty much said, "You're done"?

With even Democrats and unions supporting my effort to save millions of jobs that depend on coal, EPA has to be feeling the pressure.

Gina McCarthy, the Assistant Administrator of EPA's Office for Air and Radiation, came out with a statement last week vehemently denying that Utility MACT and EPA's other rules are an effort to end coal. She said:

This is not a rule that is in any way designed to move coal out of the energy system.

Everybody knows better than that.

EPA Administrator Lisa Jackson echoed this sentiment saying that it is simply a coincidence that these rules are coming out at the "same time" that natural gas prices are low so utilities are naturally moving toward natural gas. Her message was: Do not blame the EPA.

Last week on the Senate floor, I described why their public health and natural gas arguments do not hold up, so I will not go into that today. But what I wish to focus on today is that these claims backing up their efforts to kill coal are just a part of the far-left environmental playbook.

There is a pretty big difference between what EPA is saying publicly and what they are saying when they talk with their friends, when they feel as though they can let their guard down and admit what is really going on down at the EPA. That is exactly what happened in a video recently uncovered of Region 6 Administrator Al Armendariz. While President Obama was posing in front of an oil pipeline in my State of Oklahoma pretending to support oil and gas, Administrator Armendariz told us the truth, that EPA's "general philosophy" is to "crucify" and make examples of oil and gas companies.

You may remember last week when I spoke on the Senate floor, I talked about a newly discovered video of EPA Region 1 Administrator Curt Spalding who is caught on tape telling the truth to a group of his environmental friends at Yale University. At a gathering there, he said that EPA's rules are specifically designed to kill coal and that the process isn't going to be pretty.

He openly admitted:

If you want to build a coal plant you got a big problem.

He goes on to say that the decision to kill coal was "painful every step of the way" because it will devastate communities in Virginia, Pennsylvania, and any area that depends on coal for jobs and livelihoods. That is kind of worth repeating. He said it is going to be painful. At least he recognized that. And we all know exactly what he is talking about.

I read his whole quotes on the floor of the Senate. They are a little too long to read now. But he talks about how painful it is going to be for all these families who are losing their jobs because we are killing coal.

I talked a lot about President Obama's war on coal last week, but what I did not have time to address was the Obama administration's allies in this war. It would come as no surprise that Administrator Spalding and, indeed, many at EPA are working hand in hand with the far-left environmental groups to move these regulations to kill coal.

Last July, Administrator Spalding spoke at a Boston rally for Big Green groups—that is capitalized: "Big Green"—supporting EPA'S Utility MACT rule. That is the rule that would kill coal. In a YouTube video of this rally, Administrator Spalding gushes over the environmental community, thanking them profusely for "weighing in on our behalf." So here we have EPA admitting that Big Green is working for them.

His whole speech was directly out of the environmental playbook. This is something that really exists: the environmental playbook. It was all about the so-called health benefits of killing coal. And he said:

Don't let anybody tell you these rules cost our economy money.

This is out of their playbook.

Administrator Spalding is not alone in his alliance with Big Green. Also appearing with these far-left environmental groups was Region 5 Administrator Susan Hedman. According to Paul Chesser, an associate fellow for the National League and Policy Center, Hedman told supporters at the rally:

We really appreciate your enthusiastic support for this rule. It's quite literally a breath of fresh air compared with what's going on in the nation's capital these days.

Of course, the former EPA region 6 Administrator Armendariz showed us again last week just how close EPA's relationship is with the far left groups. Armendariz had agreed to testify before Congress. It was actually over in the House, but at the last minute he canceled. As it turns out, Armendariz was in Washington that day. But while he apparently could not find time to testify before Congress, he did have time to stop by the Sierra Club for what has been described by the group as a private meeting. I suspect that Armendariz was there for a job interview. His "crucify them" resume makes him the perfect candidate.

Of course, EPA and their Big Green allies cannot tell the public the truth that they are crucifying oil and gas companies or that their efforts to kill coal will be "painful every step of the way" so they are deceiving the public with talking points from their playbook. When I say "playbook," I mean a literal document telling activists exactly how to get the emotional effects they want.

We recently got a copy of this, and I have to say its contents are quite revealing. It comes from

usclimatenetwork.com, a coalition of several major environmental groups, and it is a guideline for environmental activists when they attend hearings with the EPA to support the agency's greenhouse gas regulations.

A quick search revealed it was apparently written by a key player in the Sierra Club's Beyond Coal campaign, which is an aggressive effort to shut down all coal plants across America. After offering some tips on the word limit and how to deliver the message, the document urges activists to make it personal. It asks: Are you an expectant or new mother? Grandparent? If so, it suggests you bring your baby to the hearing. As it states, some examples of great visuals are "holding your baby with you at the podium or pushing them in strollers, baby car seats," and so forth. "Older children are also welcome." It encourages the visual aids of "Asthma inhalers, medicine bottles, healthcare bills" and all these other things that are good visuals.

The American Lung Association certainly took a page of this playbook. We have all seen the commercials of the red buggy in front of the Capitol. Of course, the Sierra Club put their principles to practice by inundating the

American people with images of small children with inhalers.

The posters for the Beyond Coal campaign also featured abdomens of pregnant women with an arrow pointing to the unborn baby. The words on the arrow are, "This little bundle of joy is now a reservoir for mercury." Another one says, "She's going to be so full of joy, love, smiles, and mercury."

Of course, the supreme irony is that the campaign that claims to be protecting this unborn child is the same one that is aggressively prochoice. It is coming from a movement that believes there are too many people in the world and actively advocates for population control and abortion.

Just after a hearing in May of this year, the Sierra Club posted pictures of their efforts. Sure enough, there is one of Mary Anne Hitt, director of the Sierra Club's Beyond Coal campaign, holding her 2-year-old daughter Hazel. But for all their efforts, it is clear the campaign is about one thing only; that is, killing coal.

At a hearing, Mary Anne Hitt with the Sierra Club said, "We are here today to thank the Obama administration and to show our ironclad support for limiting dangerous carbon pollution being dumped into the air." She apparently sees the Obama administration as the closest ally in the Sierra Club's effort, and she has said about the Beyond Coal campaign:

Coal is a fuel of the past. What we're seeing now is the beginning of a growing trend to leave it there.

Of course, it is not just coal they want to kill; they want to kill coal, oil, and gas. A lot of people do not realize that. It was not long ago that Michael Brune, the executive director of the Sierra Club, said:

As we push to retire coal plants, we're going to work to make sure we are not simultaneously switching to natural gas infrastructure. And we're going to be preventing new gas plants from being built wherever we can.

So it is not just coal. It is oil. It is gas. We have to ask the question—at least I get the question asked when I go back to my State of Oklahoma because there are normal people there. They say: If we do not have coal, oil, and gas, how do you run this machine called America? The answer is we cannot.

As this vote on my Utility MACT resolution approaches, look for many of my liberal friends to take their arguments directly out of the far left environmental playbook. Get ready to see lots of pictures of babies and children using inhalers. But these are the same Members who voted against my Clear Skies bill, that would have given us a 70-percent reduction in real pollutants, I am talking about SO_x, NO_x, and mercury. We had that bill up, and that was one that would have actually had that reduction—a greater reduction than

any President has advocated. When President Obama spoke—at that time he was in the Senate—he said: I voted against the Clear Skies bill. In fact, I was the deciding vote, despite the fact that I am from a coal State and half my State thought I had thoroughly betrayed them because I thought clean air was critical and global warming was critical.

At an April 17 hearing this year, Senator BARRASSO and Brenda Archambo, of the Surgeon for Tomorrow, who testified before the EPW Committee, "Would Michigan lakes, sturgeon, sportsmen, families have been better off had those reductions already gone into effect when they had the opportunity to pass [Clear Skies]?"

Her answer was yes. We are talking about, by this time, 6 years from now, we would have been enjoying those reductions. There are crucial differences between Clear Skies and Utility MACT. Clear Skies would have reduced the emissions without harming jobs and our economy because it was based on a commonsense, market-based approach. It was designed to retain coal in American electricity generation while reducing emissions each year.

On the other hand, Utility MACT is specifically designed to kill coal as well as all the good-paying jobs that come with it. EPA itself admits the rule will cost \$10 billion to implement, but \$10 billion will yield \$6 million in benefits. Wait a minute. That does not make sense. That is a cost-benefit ratio between \$10 billion and \$6 million of 1,600 to 1.

If their campaign is so focused on public health, why did Democrats oppose our commonsense clean air regulations? Very simple. Because we did not include CO₂ regulation in the Clear Skies legislation. President Obama's quote only verifies that. He is on record admitting he voted against these health benefits because regulating greenhouse gases, which have no effect whatsoever on public health, was more important. In other words, the real agenda is to kill coal.

Just before President Obama made the decision to halt the EPA's plan to tighten ozone regulations, the White House Chief of Staff Bill Daley asked: "What are the health impacts of unemployment?" That is one of the most important questions before this Senate in preparation for the vote on my resolution to stop Utility MACT. What are the health impacts on the children whose parents will lose their jobs due to President Obama's war on coal? What are the health impacts on children and low-income families whose parents will have less money to spend on their well-being when they have to put more and more of their paychecks into the skyrocketing electricity costs?

EPA Administrator Spalding gave us a clue about the impacts of unemploy-

ment. It would be, as he said, "Painful. Painful every step of the way." Do my colleagues in the Senate truly want that? I deeply regret that I have to be critical of two of my best friends in the Senate, Senators ALEXANDER and PRYOR, particularly Senator PRYOR. Three of my kids went to school with him at the University of Arkansas. He is considered part of our family. He is my brother. But if someone has been to West Virginia and to Ohio and to Illinois, to Michigan, to Missouri, and the rest of the coal States, as I have, and personally visited with the proud fourth- and fifth-generation coal families, as I have and certainly the occupier of the chair has, they know they will lose their livelihood if Alexander-Pryor saves the EPA's effort to kill coal. I cannot stand by and idly allow that to happen.

Let me conclude by speaking to my friends in this body who have yet to make up their minds as to whether they will support my resolution. I know everyone in the Senate wants to ensure we continue to make the tremendous environmental progress we have made over the past few years. We truly have.

The Clean Air Act many years ago cleaned up the air. We have had successes. Unfortunately, this administration's regulations are failing to strike that balance between growing our economy and improving our environment. Rather, this agenda is about killing our ability to run this machine called America.

Again, I wish to welcome the support of Senators MANCHIN and BEN NELSON, who listened to their constituents. It is the rest of the Senators from the coal States that I am concerned about. What about Senators LEVIN and STABENOW, who come from a State that uses coal for 60 percent of its electricity?

What about Senator CONRAD from a State with 85 percent of the electricity coming from coal? In Ohio, where Senator BROWN is from, 19,000 jobs depend on coal. Then there is Virginia, home of Senators WARNER and WEBB, which has 31,660 jobs, a 16 to 19 percent increase in the electric rates.

Arkansas, the war on coal there, that is 44.9 percent of electricity generation in the State of Arkansas; Tennessee, 52 percent of electricity generation, 6,000 jobs; Missouri, 81 percent of electricity generation—81 percent in the State of Missouri. That is 4,600 jobs at stake; Montana, 58 percent; Louisiana, that is 35 percent of electricity generation. These are all States that depend on coal for their electricity generation; lastly, Pennsylvania, 48.2 percent of electricity generation, 49,000 jobs would be lost in Pennsylvania if utility MACT is passed. That is significant. I would not be surprised if all these Senators from coal States that I just mentioned will vote for the bill of Senators ALEXANDER and PRYOR that says: Let's kill coal, but let's put it off for 6 years.

I repeat. It does not do any good to delay the death sentence on coal 6 years. Contracts will already be violated and the mines will be closed. So I say to my colleagues that their constituents will see right though those of who choose a cover vote. The American people are pretty smart. They know there is only one real solution to stop, not just delay, EPA's war on coal.

I hope they will join Senators MANCHIN and NELSON and me and several others and stand with the constituents, instead of President Obama and his EPA, which will make it painful every step of the way for them all. We need to pass S.J. Res. 37 and put an end to President Obama's war on coal. This is the last chance we have to do this. There is no other vote coming along.

If a Senator does not want to kill coal, they have to support S.J. Res. 37. It is our last chance to do it. Again, we do not know when this is going to come up. It is locked in a time limit, unless we, by unanimous consent, increase that time. I have no objection to putting it off until after the farm bill because that is a very important piece of legislation. So we will wait and see what takes place.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from South Carolina.

SPENDING

Mr. DEMINT. Mr. President, I will speak for a few minutes on the farm bill, which we are debating this week.

Four years ago, President Obama was elected on the promise of change, the promise to cut the deficit in half in the first term, and to get unemployment, before the end of his first term, to a low of 6 percent. We all know what happened to those promises.

Two years ago, a wave of Republicans were elected with the promise of cutting spending, borrowing, and debt. Yet debt has continued to explode, as has spending. We were promised change, but we got more of the status quo—a lot more of it. We got a lot more spending, borrowing, and debt—to the point where most Americans, at this point, are deeply concerned about the future of their country.

Americans are still demanding change, and for good reason. We must change the way business in Washington is done because we are nearly \$16 trillion in debt. We talk about the debt all the time, and these numbers are facts. We are poised to spend nearly \$1 trillion more on a massive farm bill that some people in Washington have the nerve to tell the American people saves money.

I want to talk a little bit about that because we obviously need to save money. But despite all the fuss about the need to cut spending, the debt ceiling debate, and the fact that we are actually cutting our military defenses to the bone because of our overspending in other areas, let's look at what we have done this year as a Senate. We passed a highway bill that spent \$13 billion bailing out a highway trust fund because we spent too much there. We have spent another \$140 billion in corporate welfare reauthorizing the Export-Import Bank. We passed an \$11 billion Postal Service bailout. Now we are working on a \$1 trillion farm bill.

No one here can bring up one bill where we have actually cut spending. Yet we know our country is going off a fiscal cliff. The farm bill supporters are telling us this bill saves money. Unfortunately, we are using the same smoke-and-mirror accounting that is often used in Washington—a lot of gimmicks that make it appear less expensive—and it is an affront to the American people who are demanding less spending and debt.

There is absolutely no connection between what some of my colleagues are telling their constituents back home and what they are doing in Washington as far as cutting spending. They talk about cutting spending, but now they want to pass this farm bill.

The farm bill we are debating today is projected by the CBO to cost about \$1 trillion over the next 10 years. The last farm bill cost \$600 billion. This is a 60-percent increase.

If we look at these numbers on the chart, you can understand the rest of the debate. The Congressional Research Service has confirmed these numbers. In 2008 we passed a farm bill that was projected to spend \$604 billion over 10 years. The bill we are considering today is projected to spend nearly \$1 trillion—\$969 billion. Yet the folks who are speaking about the farm bill here are telling us this saves some \$20 billion. Only in Washington could they look at you with a straight face and say this saves money.

Let's talk about how they actually get that figure.

In 2008 it was about \$600 billion. This farm bill is about \$1 trillion. What happened in the meantime was mostly the President's stimulus package, which spent about \$1 trillion. It had a lot of money in it for food stamps. It was a short-term, temporary stimulus, sup-

posedly with a lot of new money for food stamps.

Between 2008 and now, we have increased food stamp spending about 400 percent—400 percent. I think that number actually goes back to 2000. During periods of good economy and low unemployment, we increased food stamps, and we have continued to increase that dramatically over the last few years. There was supposed to have been a temporary increase in food stamps. We are actually locking in that spending permanently with this new farm bill. But since it is slightly lower than this temporary increase, the folks speaking to us today are saying: This is big savings, America. We are saving money on the farm bill. It is actually a 60-percent increase in the last farm bill.

There is only one question: Does this bill really save money? The answer is absolutely not. Instead of doing the reforms we need in the Food Stamp Program, which, frankly, is about 75 percent or more of this bill, we are passing a farm bill that locks in what is supposed to be a temporary spending level for food stamps over the next 5 years.

What is really in this farm bill? A lot of it is food stamps. There is some foreign aid. There are some things for climate change. There is housing and foreclosure. And there is broadband Internet. It is a catch-all for a lot of things. But in order for us to get what we need for the pharmaceutical industry in America, we have to agree to this huge additional increase in these other programs.

The stunning expansion in the Food Stamp Program is particularly concerning because more than one in seven Americans is now on the Food Stamp Program. The number of people on the program has increased by 70 percent since 2007 and 400 percent since 2000. This, again, was when our economy was good and unemployment was low. We were still increasing.

Unfortunately, many politicians are using the food stamps to buy votes. The small part of the bill that actually deals with farming replaces one form of corporate welfare for another. The bill eliminates the controversial direct payment system but replaces it with something that many consider far worse—a new program in this bill that is called agricultural risk coverage that promises farmers the government will pay for 90 percent of their expected profits if the market prices decline. Under this scheme, farmers will pay no attention to the laws of supply and demand because the government will guarantee their profits.

Americans want less spending and less debt. All the polls we have looked at—the National Journal poll that came out—said 74 percent of Americans believe the spending on food stamps should stay the same or decrease, and

the spending on the farm bill, 56 percent say, should stay the same or decrease. Yet we are increasing it 60 percent.

It is hard to answer the question of why we continue to do this—continue to spend money, borrow money, and talk about the need to cut. Yet for one program after another we increase spending.

I oppose this bill for the reasons I have talked about. It spends \$1 trillion. We need an open debate, which we are being told we are not going to have. We are not going to have all the amendments we are talking about, which we need to fix this program. So if the leader decides to limit the debate and limit the amendments, I will absolutely oppose this bill and do everything I can to stop it.

I plead with my colleagues to start telling Americans the truth. This farm bill increases spending. It doesn't save money. It adds to our debt. It locks in spending on a program we need to change, particularly for the beneficiaries of the Food Stamp Program who are not being helped. They are being trapped in a dependent relationship with government indefinitely instead of us doing what will actually help them get a job and improve their status in life.

I encourage my colleagues to oppose this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

NATIONAL SECURITY LEAKS

Mr. COATS. Mr. President, I rise today to discuss the issue of national security leaks.

A few weeks ago, the world learned that U.S. intelligence agencies and partners disrupted an al-Qaida plot to blow up a civilian aircraft. We are all very familiar with the success of this effort, and we applaud those involved in preventing a truly horrific terrorist attack.

However, my concern today, and has been since that time, is that the public has become too familiar with this successful operation. Specifically, due to an intelligence leak, the world learned of highly sensitive information, sources, and methods that enabled the United States and its allies to prevent al-Qaida from striking again.

This irresponsible leak jeopardizes future operations and future cooperation with valuable sources and intelligence partners overseas. The release of this information—intentional or not—puts American lives at risk as well as the lives of those who helped us in this operation.

Unfortunately, this is not the only recent leak to occur. As a member of the Senate Select Committee on Intelligence, I am deeply concerned about a troubling rash of leaks exposing classified intelligence information that has come out in the last several weeks.

This paints a disturbing picture of this administration's judgment when it comes to national security.

There is a questionable collaboration with Hollywood, whereby the Obama administration decided to give unprecedented access to filmmakers producing a movie on the bin Laden raid—including the confidential identity of one of our Nation's most elite warriors. Discussions with reporters in the aftermath of the raid also may have revealed the involvement of a Pakistani doctor, who was sentenced to 33 years in prison for treason after playing a critical role in the hunt for bin Laden.

The pages of our newspapers have highly classified information publicized pertaining to intelligence operations in Yemen and Iran—currently, the two most concerning foreign policy challenges this Nation faces. This is in addition to the frequency with which top administration officials now openly discuss the once highly classified execution of drone strikes. All too frequently we read in these publications that "highly placed administration officials" are the source of confirmation of previously classified information.

Sadly, these incidents are not the first time this Nation's secrets have spilled onto the streets or in the book stores. The problem stems in part from the media's insatiable desire for information that makes intelligence operations look a lot like something out of a Hollywood script. This media hunger is fed by inexcusable contributions from current and former government officials.

Mr. President, I want to repeat that last statement. This media hunger to publish classified information comes from the inexcusable contributions of current and former government officials. We now know that investigations by the FBI, CIA, and now two prosecutors are underway, but more must be done to prevent intelligence disclosures from occurring in the first place.

The question of whether the White House purposely leaked classified information, as the President refutes, is not my main point. Whether it was intentional has little bearing on the results. Highly classified information still got out, and it appears to have been enabled by interviews with senior administration officials.

At this time, I take the President at his word that the White House did not purposely leak classified information. But what about his administration leaking it accidentally or what about mistakenly or—and this is perhaps the best adjective that might apply—what about stupidly? There remain a lot of unanswered questions about the White House's judgment and whether the actions by this administration, intentional or not, enabled highly sensitive information to become public.

The House and Senate Intelligence Committees are working together in a

nonpartisan fashion—let me emphasize that we are working together in a nonpartisan fashion—to address this issue. As a member of the committee, I am working with my colleagues to evaluate a range of reforms to reduce or hopefully eliminate the opportunity for future leaks. I wish to commend Chairman FEINSTEIN and Vice Chairman CHAMBLISS for their efforts and genuine interest in moving forward with this, and I thank them for their leadership on this matter. Our committee, working across the Capitol with the House Intelligence Committee, will bring forward recommendations, including legislation, to address this growing problem.

As the Department of Justice conducts its investigations, we cannot lose sight of important questions that must be answered, such as but not limited to the following:

Question No. 1: Why did the White House hold a conference call on May 7 with a collection of former national security officials, some of whom are talking heads on network television, to discuss the confidential operation to disrupt the al-Qaida bomb plot?

Question No. 2: Why is the White House cooperating so candidly with Hollywood filmmakers on a movie about the Osama bin Laden raid, one of the most highly secretive operations in the history of this country? While we don't know the date of the public release of this Hollywood production, we can be sure that any release prior to the November Presidential election will fuel a firestorm of accusations of political motives.

Question No. 3: Why would the confidential identity of elite U.S. military personnel be released to Hollywood filmmakers?

Question No. 4: Why would administration officials even talk to reporters or authors writing books or articles about incredibly sensitive operations?

Question No. 5: Did any administration officials—in the White House or not—authorize the disclosure of classified information?

These are just some of the key questions that must be asked in this investigation. There also remain several questions surrounding the current investigations. The appointment of two prosecutors to lead criminal investigations into the recent leaks is a step forward, but the scope remains unclear, as well as the question of whether we should insist on a special counsel given the current concerns about the credibility of the Justice Department.

Will these investigations focus just on the Yemen and Iran issue or will the leaks involving drone strikes and other leaks that have occurred in the past months also be a target of the investigation?

Will White House officials be interviewed as part of this investigation? Which officials will or will not be

available to take part in the investigation? Will those who are former or no longer a part of the administration or the Federal Government or those outside it, including those reporters in question, be a part of this investigation?

Will e-mails or phone calls of administration officials be analyzed to identify who spoke with the reporters and authors in question and when?

Again, whether these officials are intentionally leaking classified information is not the main point. If they put themselves in situations where they are discussing or confirming classified information, they must also be held accountable. Public pressure is required to shape these investigations and to ensure all our questions about these events are answered, which is why I am speaking here today.

Every day, we have men and women in uniform serving around the globe to protect and defend this great country, and every day we have intelligence professionals and national security officers working behind the scenes with allies and potential informants to prevent attacks on our country. These leaks undermine all that hard work and all those countless sacrifices. Additionally, it risks lives and the success of future operations. Not only must we plug these damaging and irresponsible leaks, we also must work to do all we can to eliminate or greatly reduce the opportunity for them to occur in the future.

Criminal prosecution and congressional action is not the only solution. We also need public accountability. Administration officials continue to speak off the record with reporters and authors about classified information even after these recent disclosures. It is a practice that contributes to unwise and harmful consequences.

Purposely or accidentally, loose lips can bring about disastrous results. Perhaps the best advice is the saying: "You don't have to explain what you don't say" or maybe it is even simpler than that. Maybe the best advice for those who are privy to confidential information is what former Defense Secretary Robert Gates said, and I paraphrase: Just shut the heck up.

I yield the floor.

Mr. LEAHY. Mr. President, last night the Senate voted to end the Republican filibuster of this outstanding nominee. For the 28th time since President Obama was elected, the majority leader was forced to file cloture to get an up-or-down vote on one of President Obama's judicial nominations. Justice Hurwitz is not a nominee who should have been filibustered. With the support of Senator KYL, the partisan effort to stall yet another judicial nomination was defeated. I thank Senator KYL and the Republican Senators who had the good sense to agree to proceed to an up-or-down vote on this nomination.

By any traditional measure, Justice Hurwitz is the kind of judicial nominee who should have been confirmed easily by an overwhelming, bipartisan majority. Justice Hurwitz has served for 9 years on the Arizona Supreme Court and had a distinguished legal career. He has the support of his home state Senators, both conservative Republicans. He was unanimously rated well qualified by the American Bar Association Standing Committee on the Federal Judiciary. And he was nominated to fill a longstanding judicial emergency vacancy on the overburdened Ninth Circuit after extensive consultation between the White House and the Arizona Senators.

The campaign that was mounted by the extreme right against this outstanding nominee was wrong. I spoke against it yesterday, as did Senator KYL and Senator FEINSTEIN. Some were attempting to disqualify a nominee with impeccable credentials because a Federal judge for whom that nominee clerked some 40 years ago decided a case with which they disagree, a case that is still reflected as the law of the land. We have seen a number of new and disappointing developments during the last 2 years as Republicans have ratcheted up their partisan opposition to President Obama's judicial nominees. On this nomination, for example, I saw for what I think may be the first time a Senator reverse his vote for a nomination and, instead, oppose cloture and support a filibuster of that same nomination.

Justice Hurwitz's nomination is representative of the new standard that has been imposed on President Obama's judicial nominees since this President took office. After close consultation with home State Senators, President Obama sent to the Senate a nominee with unimpeachable credentials. Indeed, in the near decade that he has served on the Arizona Supreme Court, not one of Justice Hurwitz's decisions has been overturned. Despite the bipartisan support for Justice Hurwitz, and his excellent credentials, partisan Republicans have filibustered this nomination.

I heard some Senate Republicans attempt to mischaracterize Justice Hurwitz's record on the death penalty. Over his 9-year tenure on the Arizona Supreme Court, Justice Hurwitz has personally authored eight opinions and joined numerous other opinions upholding the death penalty. He also responded to both Senator GRASSLEY and Senator SESSIONS that "the death penalty is a constitutionally appropriate form of punishment" and that he "has voted in scores of cases to uphold the death penalty."

Justice Hurwitz's critics argue that he was the lone dissenter in two rulings involving the death penalty, but in each case Justice Hurwitz did not oppose the death penalty but sought to

ensure that due process was followed to guarantee fair justice and prevent reversal on appeal. In *State v. Beaty*, the State of Arizona had decided overnight to apply a new death penalty execution cocktail, and Justice Hurwitz felt that a new execution warrant was necessary. Justice Hurwitz's dissent was not opposing the death penalty; rather, he specifically requested the court "immediately issue a new [execution] warrant effective as soon as legally possible."

In *State v. Styers*, Justice Hurwitz relied on Supreme Court precedent and held that it prevented the Court from affirming the defendant's death sentence when one aggregating factor had not been tried to a jury. In his dissent, Justice Hurwitz reasoned that a limited proceeding on that aggravating factor was "constitutionally mandated and will likely bring this case to conclusion more promptly than the new round of federal habeas proceedings that will inevitably follow today's decision." Thus, Justice Hurwitz did not "quarrel with the substance of the determination," but felt that the procedural error should have been corrected.

The fact that he successfully argued the case of *Ring v. Arizona*, where the U.S. Supreme Court found by a 7-2 vote that the Constitution requires a jury trial to establish the aggravating circumstances that make a defendant eligible to receive the death penalty, does not make him an opponent of the death penalty any more than Justice Scalia and Justice Thomas, who supported the decision, oppose the death penalty. That case was principally about the defendant's Sixth Amendment right to a jury trial and it was not a challenge to the death penalty.

Moreover, a "study" cited that purports to label Justice Hurwitz as "pro defendant" is based on a sample size of only 10 criminal cases—and Justice Hurwitz was not on the bench for four of them. That is hardly representative of Justice Hurwitz's career on the bench and the many criminal appeals Justice Hurwitz has heard and the many convictions he has upheld. Let us be honest about his record.

Justice Hurwitz is an outstanding nominee with impeccable credentials and qualifications. He has a record of excellence as a jurist. Not a single decision he has made from the bench in his nine years as justice has been reversed, and he has the strong support of both Republican Senators from Arizona as well as many, many others from both sides of the political aisle.

A graduate of Princeton University and Yale Law School, Justice Hurwitz served as the Note and Comment Editor of the Yale Law Journal. Following graduation, he clerked on every level of the Federal judiciary: First for Judge Jon O. Newman, who was then U.S. District Judge on the District of Connecticut. Subsequently, he clerked

for Judge Joseph Smith of the U.S. Court of Appeals for the Second Circuit. Then he clerked for Justice Potter Stewart of the U.S. Supreme Court.

He then distinguished himself in private practice, where he spent over 25 years at a law firm in Phoenix, Arizona. While in private practice, Justice Hurwitz tried more than 40 cases to verdict or final decision. Justice Hurwitz has also taught classes at Arizona State University's Sandra Day O'Connor College of Law for approximately 15 years on a variety of subjects including ethics, Supreme Court litigation, legislative process, civil procedure, and Federal courts.

By any traditional measure, Justice Hurwitz is the kind of judicial nominee who should be confirmed easily by an overwhelming, bipartisan vote. And now that the Senate has been forced to invoke cloture with 60 votes to end a partisan filibuster, I hope the Senate will vote to confirm him with bipartisan support.

I will conclude by emphasizing what I have been saying for months, that the Ninth Circuit is in dire need of assistance. This nomination should have been considered and confirmed months ago. The Chief Judge of the Ninth Circuit along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding "we fear that the public will suffer unless our vacancies are filled very promptly." The judicial emergency vacancies on the Ninth Circuit harm litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, far more than any other circuit.

When Senate Republicans filibustered the nomination of Caitlin Halligan to the D.C. Circuit for positions she took while representing the State of New York, they contended that their underlying concern was that the caseload of the D.C. Circuit did not justify the appointment of another judge to that Circuit. I disagreed with their treatment of Caitlin Halligan, their shifting standards and their purported caseload argument. But if caseloads were really a concern, Senate Republicans would not have delayed action on the nominations to judicial emergency vacancies on the overburdened Ninth Circuit for months and months.

So, let us move forward to confirm Justice Hurwitz without further delay. The partisan filibuster against this

nomination was wrong. Just as we moved forward after defeating the filibuster of the nomination of Judge Jack McConnell, let us move forward now to vote on the 17 other judicial nominees ready for final Senate action and make real progress in working with the President to fill judicial vacancies around the country.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, shortly, we are going to move to confirm the judge whose nomination we voted to move forward to last night. If everyone will be at ease for just a moment.

Let me ask Senator COBURN how long he wishes to speak.

Mr. COBURN. Mr. President, I will speak in conjunction with the majority whip for a short period of time. I don't have a long speech.

Mr. REID. If the Senator will be patient, we will get this done very quickly.

Mr. COBURN. You bet.

Mr. REID. Mr. President, the matter before the Senate is the nomination of Judge Hurwitz; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield back all time on this nomination.

The PRESIDING OFFICER. If there is no further debate, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

The nomination was confirmed.

Mr. ALEXANDER. I wonder if the majority leader would permit me to make a brief statement.

Mr. REID. I will in one second.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that immediately upon the adoption of the motion to proceed to S. 3240, there be a period of debate only on the bill until 4 p.m. today and that the majority leader be recognized at that time.

The PRESIDING OFFICER. Is there objection?

There being no objection, it is so ordered.

LEGISLATIVE SESSION

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session and will resume consideration of the motion to proceed to S. 3240, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize the agriculture

programs through 2017, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to.

The Senator from Tennessee.

VOTE ON HURWITZ CONFIRMATION

Mr. ALEXANDER. Mr. President, I thank the majority leader. I simply wanted to say I did not object to a voice vote on Mr. Hurwitz's confirmation, but I wished to make this statement.

Last night, I voted for cloture because when I became a Senator, Democrats were blocking an up-or-down vote on President Bush's judicial nominees. I said then that I would not do that and did not like doing that. I have held to that in almost every case since then. I believe nominees for circuit judges, in all but extraordinary cases, and district judges in every case ought to have an up-or-down vote by the Senate.

So while I voted for cloture last night, if we had a vote today, I would have voted no against confirmation because of my concerns about Mr. Hurwitz's record on right-to-life issues.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I just want to have it noted for the record that I would have voted no on this nominee had we had a recorded vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I associate myself with those last two remarks. I would have also voted no. I wish we had had a recorded vote.

I wasn't able to understand even what the majority leader was saying, it was spoken so softly, but had we had a recorded vote, I would have been listed as no.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I was shocked and disappointed to learn that the majority leader came to the floor to yield back all time and move immediately to a voice vote on the nomination of Andrew David Hurwitz to be U.S. Circuit Judge for the ninth circuit. I find this to be quite irregular and outside the recent precedents of this Senate. Typically, Members are informed of such actions in advance. I was not so informed, and I am the ranking member of the Judiciary Committee. I certainly did not intend to yield my time and, in fact, I intended to speak further on the nominee, particularly to make clear some corrections that I think needed to be made after I debated this yesterday.

Regardless of yielding time or further debate, I expected a rollcall vote on this nominee. This has been Senate precedent recently. Before today, cloture was invoked on 22 different judicial nominees. Only 1 of those 22 was

confirmed without a rollcall vote—Lavenski Smith to the eighth circuit. Cloture was invoked 94 to 3 on July 15, 2002, and he was confirmed by unanimous consent later that day. Even Barbara Keenan, fourth circuit, had a confirmation rollcall after cloture was invoked 99 to 0.

Furthermore, it has been our general understanding around here for some time that circuit votes would be by rollcall vote. So I am extremely disappointed that there has been a breach of comity around here.

Yesterday I outlined my primary concerns regarding the nomination of Andrew David Hurwitz to be U.S. Circuit Judge for the ninth circuit. I continue to oppose the nomination and will vote no on his confirmation.

I want to supplement and correct the RECORD on a few issues that arose during yesterday's debate. One of the biggest misunderstandings is that opposition to Justice Hurwitz is based on a 40 year-old decision made by a Judge other than Justice Hurwitz. I do not oppose his nomination because of what somebody else did, or because Justice Hurwitz was a law clerk. My opposition, on this issue, is based on what Mr. Hurwitz himself takes credit for.

He authored the article in question, not as a young law clerk, but when he was well established and seasoned lawyer, shortly before joining the Arizona Supreme Court. In that article Justice Hurwitz praised Judge Newman's opinion for its "careful and meticulous analysis of the competing constitutional issues." He called the opinion "striking, even in hindsight." Let me remind you, the constitutional issues and analysis he praises is Newman's influence on the Supreme Court's expansion of the "right" to abortion beyond the first trimester of pregnancy. This, Hurwitz wrote, "effectively doubled the period of time in which states were barred from absolutely prohibiting abortions."

Hurwitz's article was clearly an attempt to attribute great significance to decisions in which the judge for whom he had clerked had participated. I think by any fair measure, it is impossible to read Justice Hurwitz's article and not conclude that he wholeheartedly embraces Roe, and importantly, the constitutional arguments that supposedly support it.

Now it would not be surprising to learn that Justice Hurwitz might not be a pro-life judge. The question is not his personal views, but his judicial philosophy. He defends the legal reasoning of Roe, despite near universal agreement, among both liberal and conservative legal scholars, that Roe is one of the worst examples of judicial activism in our Nation's history.

I have also raised my concern that Justice Hurwitz's personal views do seep into his decisions as a judge. Yesterday, I discussed his troubling record

on the death penalty and how he appears to be pro-defendant in his judicial rulings. Some of my colleagues came to the floor and stated they were unaware of even one case where his personal views influenced his judicial decision making. So I will review a bit of the record.

While in private practice, Justice Hurwitz successfully challenged Arizona's death penalty sentencing scheme in *Ring v. Arizona*, even though the law previously had been upheld by the Supreme Court of the United States in *Walton v. Arizona*.

After the *Ring* decision, Hurwitz, attempted to expand the ruling by asking the Arizona Supreme Court to either throw out each man's death sentence and order a new trial or to resentence each to life imprisonment with the possibility of parole, saying that allowing the previous death sentence to stand would be a "dangerous precedent." The Arizona Supreme Court refused to overturn the convictions and death sentences on a blanket basis, ruling that the trials were fundamentally fair and that the U.S. Supreme Court's ruling didn't require throwing out all the death sentences.

Justice Hurwitz didn't stop there. While on the Arizona Supreme Court, Justice Hurwitz continued to attempt to expand the scope of the *Ring* case. His personal opposition to the death penalty appears to have influenced his decisions on the Arizona Supreme Court.

Justice Hurwitz was the lone dissenter in the case of *State of Arizona v. Styers*. In that case, a jury found James Lynn Styers guilty of the 1989 murder, conspiracy to commit first degree murder, kidnapping, and child abuse of four-year-old Christopher Milke.

Four-year old Christopher was told he was being taken to see Santa Claus, but instead he was taken to the desert and brutally shot in the back of the head.

After years of appeals, the case found itself in federal court, making its way to the Ninth Circuit. In 2008, nearly 19 years after the heart wrenching crime took place, the Ninth Circuit sent the Styers case back to Arizona. In June 2011, some 22 years after this horrific event occurred, the Arizona Supreme Court, in a 4-1 decision, upheld Styers' death sentence. Justice Hurwitz, attempting to cite *Ring* as authority—the case he argued in while in private practice—was the sole Justice on the Arizona Supreme Court who thought that Christopher's murderer should be given another trial, likely resulting in another round of delays.

If he had his way, the victims in this crime would still be awaiting justice, Arizona taxpayers would be facing unnecessary expenses and society at large would still be waiting for a resolution of the case.

In another death penalty case, *State of Arizona v. Donald Edward Beaty*, Justice Hurwitz was again the lone dissenter. Donald Beaty was convicted of the May 9, 1984 murder in Tempe of 13-year-old Christy Ann Fornoff. Thirteen-year-old Christy was abducted, sexually assaulted and suffocated to death by Beaty while collecting newspaper subscription payments.

Beaty, who has been on death row since July, 1985, was scheduled to die by lethal injection at an Arizona Department of Corrections prison in Florence at 10 a.m. on May 25, 2011, more than 27 years after the crime occurred. Beaty's execution was delayed for most of the day as his defense team tried to challenge the Arizona Department of Corrections' decision to substitute one approved drug for another in the state's execution-drug formula. The Arizona Supreme Court ruled 4-1 to lift the stay, with the majority saying Beaty's lawyers hadn't proved he was likely to be harmed by the change. Once again, Justice Hurwitz was the sole dissenter.

If Justice Hurwitz had his way, the State would have had to start over with the death warrant process, leading to additional delays and pain to the victim's family.

So there are two examples of where his death penalty views seeped into his judicial decision making.

As a sitting Justice on the Arizona Supreme Court, Justice Hurwitz tends to be pro-defendant. A study by court watcher and Albany Law School Professor Vincent Bonventre validated the pro-defendant posture of Justice Hurwitz. In a 2008 study, Professor Bonventre examined the criminal decisions in which the Arizona Supreme Court was divided over the previous five years. His study found that Justice Hurwitz was the most pro-defendant member of the Court, siding with the pro-defendant position 83 percent of the time. This is well outside the mainstream for the other members of the Court during the five-year period. As reported by the study, he took a prosecution posture during that five year period only once since he joined the court.

Mr. President, my opposition to Justice Hurwitz is not because of any misbehavior in his youth, silly antics as a college freshman or immature writings in college. I am not suggesting anything like that is in his record, but such examples were raised in the debate yesterday. It is unfortunate that such arguments would have been raised in this serious debate.

I oppose the confirmation of Justice Hurwitz based on his record as a Justice on the Arizona Supreme Court and because of his published views which reflect a judicial ideology that is outside the mainstream.

Madam President, it seems to me that all the business of the Senate is

based upon trust between one Senator and another. When the ranking member of the Judiciary Committee isn't notified of this action—or any other Senator—it seems to me that trust has been violated. I won't be satisfied that that trust has been restored unless there is some action taken to have a rollcall vote on this nomination.

I yield the floor.

Mr. ISAKSON. Mr. President, today the Senate confirmed Executive Calendar No. 607, Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit on a voice vote. I request that the RECORD reflect my opposition to the nominee and that I would have voted "nay."

OBJECTION TO FURTHER PROCEEDINGS ON THE
NOMINATION OF ANDREW HURWITZ

Mr. GRASSLEY. Mr. President, earlier today, the nomination of Andrew Hurwitz, to be United States Circuit Judge for the Ninth Circuit was agreed to by voice vote. It is unclear whether or not a motion to reconsider was made, whether or not a motion to table a motion to reconsider was offered, and whether or not a request was made to notify the President was part of the order.

I object to any further proceedings, including those listed above, based on the fact that a rollcall vote was expected on this nomination.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for the record, I want to be recorded as an affirmative on the previous nomination.

The PRESIDING OFFICER. The Senator's vote will so be noted.

Mr. DURBIN. Mr. President, I come to the floor now with my friend and colleague from the State of Oklahoma, Senator COBURN, to discuss an amendment we hope to offer to the farm bill, which I believe is the pending matter before the Senate. I will make a brief statement and then yield to my colleague from Oklahoma.

As I said, I come to the floor to speak about an amendment I intend to offer with Senator COBURN. Our amendment would reduce the level of premium support for crop insurance policies by 15 percentage points for farmers with an adjusted gross income over \$750,000 a year.

According to a recent GAO report, the Federal Government pays, on average, 62 percent of crop insurance premiums for farmers. Let me put that in perspective. These farmers are buying insurance so they can protect themselves against the risk of low prices or bad weather, and the premiums that are charged to them are collected to pay to those farmers who collect. At the end of the day, 62 percent of the value of the premiums for the crop insurance are paid by the taxpayers. In other words, there is a 62-percent Federal subsidy on these premium support payments for crop insurance across America.

The amendment which I will offer with Senator COBURN would change that. The reason came out very clearly in the GAO report on crop insurance. Last year the Federal Government—the taxpayers—spent \$7.4 billion to cover that 62 percent of crop insurance premiums—\$7.4 billion in subsidies for crop insurance for farmers, and the amount spent by taxpayers each year has been growing dramatically. To cover roughly the same amount of acres, the Federal Government paid nearly \$2 billion more in 2011 than in 2009 because the value of the crops—the price for the crops—had gone up during that period of time.

A point we would like to make and hope our colleagues would note is that 4 percent of the most profitable farmers in America or farming entities accounted for nearly one-third of all the premium support provided by the Federal Government. This is an indication on this chart of what we are talking about. The premium subsidies for 3.9 percent of farmers across America accounted for a little over 32 percent, almost 33 percent of all the Federal premium support subsidies. These are pretty expensive farmers when it comes to the Federal subsidy. Facing stark realities, we can't justify continuing to provide this level of premium support to the wealthiest farmers.

Net farm income has gone up dramatically—in 2011 reaching a record high of \$98.1 billion. The USDA forecasts that income will continue to grow at a slightly higher rate than costs over the life of this farm bill which is before us. And the net income—much like government payments, agricultural payments are concentrated in our largest farms. Farm size has a direct impact on the profit margin of the farm.

We have many large farms in Illinois, certainly across the country, but we have many smaller farmers too. What is the difference? On a smaller farm with lower income, there is less return, less profit, higher risk. According to the USDA, farms with sales ranging from \$100,000 to \$175,000 have an average profit margin of 1.2 percent. You can see they are close to the edge. They need crop insurance. In a bad year, they are wiped out. But take a look at the larger farms. With more than \$1 million in sales each year, their average profit margin is 26.8 percent. There is an economy of scale. There is money to be made. And that is the basis for Senator COBURN and me drawing the line and saying there will be a reduction in the Federal subsidy for crop insurance premiums for the most profitable farms. These larger and wealthier farms can afford to cover more of their own risk, and they should cover more of their own risk.

The single largest recipient of crop insurance premium support last year

received \$2.2 million to cover the Federal Government's share of the policy to insure nursery crops across three counties in Florida, at a value of \$57.7 million.

In another example, an individual received over \$1.6 million in premium subsidies to insure corn, potatoes, sugar beets, and wheat across 24 counties in 6 States. The total value of the crops insured: \$23.5 million.

Back home in Illinois, a limited liability corporation received nearly \$1 million in premium subsidies from the Federal Government to insure corn and soybeans grown in 17 counties across my State. The total value of the crop: \$28.4 million.

We are not describing small farms by definition. Are you telling me that a producer insuring a crop valued at \$57.7 million will stop participating in the Crop Insurance Program if the Federal Government only pays on average about 50 percent of the premiums instead of the current 62 percent? I don't think so.

Our amendment is simple and straightforward. If you have an adjusted gross income on your farm at or above \$750,000, your premium support will be reduced by 15 percentage points. A provision in the underlying bill increasing premium support for beginning farmers—taking care of the new farmers and those with smaller farms—sets a precedent for differentiating premium support based on need. So it isn't a radical notion by any means. Our amendment takes the same technical approach already accepted in the underlying bill. Further, the agriculture community is already very familiar with the use of adjusted income, as it is already applied to title I programs. We have to draw the line somewhere. Our amendment is a commonsense reform that limits the future cost of crop insurance programs.

Let me reassure producers across America and in my home State of Illinois that this is not an attack on crop insurance. We need crop insurance. Everywhere I go, producers tell me crop insurance is the most important tool the Federal Government offers farmers to manage risk. I hear them, and I recognize the role crop insurance has played in managing the Federal role of providing disaster assistance. So I will be very clear. This amendment does not exclude anyone from participating in crop insurance. The vast majority of farmers will see absolutely no change in the level of premium support provided by the Federal Government. This amendment only impacts farmers' largest farms with the highest income—those most able to cover more of their own risk.

Why are we doing this? Because we have a deficit, and we need to deal with it in an honest fashion. The underlying farm bill saves money in direct payments and other means over a number

of years, and I commend Senators STABENOW and ROBERTS for that effort.

What Senator COBURN and I will do over the next 10 years is reduce the deficit by another \$1.2 billion with this simple change limiting the Federal subsidy and crop insurance to those wealthiest, largest farmers in America. How can we ask Americans to share in any sacrifice, to cut spending, or reduce the debt if we cannot summon the political will to ask the wealthiest farm operations to take such a modest cut in the Federal subsidy for crop insurance?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 3240) to reauthorize agriculture programs through 2017, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to comment very clearly on what this amendment does.

Farm and agricultural production in this country is vital both to the country and to our export markets. We have through the years tried many different approaches to make sure we have the stability and the production power in this country for our needs and also to many beneficial aspects of our foreign policy where we use agricultural products for that.

Imagine if you are a business other than agriculture and you have decided that regardless of the mistakes you might make or the uncontrolled variables that might impact your business or the downturn in the economy, that with 62 percent of government funding you can buy an insurance policy that guarantees you a profit. That is what this new farm bill has moved to. That is going to be our agricultural program as far as the Senate is looking at it. There is a real differential there between the rest of business and commerce in America and our farm program. I understand the need for that, but this bill actually increases our costs for the Crop Insurance Program by \$5.2 billion as it is written.

What the Senator from Illinois and I have proposed is a commonsense earnings limit that is associated with every other program in title I that would say: We are going to help you, but we are just not going to help you as much because you therefore, and by your own success, have the means to help yourself.

We are going to spend a lot of money on insurance over the next 10 years in this farm bill. It is \$94.6 billion. What Senator DURBIN and I are proposing is \$1.2 billion in savings.

A lot of people don't realize the advances that our farmers and the industries that supply them have made. As Senator DURBIN pointed out, farm income has been up the last 5 years and

is projected to continue to increase. Input costs for fertilizer are going down. Input costs for seed and other chemicals are going up. We want a viable farm program, but what we don't want is the next generation paying for additional wealth for those who, in fact, can afford to insure themselves.

This is a very modest proposal. We could have had an amendment that said: If you make over \$750,000, we shouldn't be subsidizing any of your crop insurance. We would still have a crop insurance program for this very well-off 4 percent had we done that. What we said is that now is the time to start looking at that. We will look at it again with the next farm bill, but certainly those who are so well-positioned to maximize profits from agriculture don't need a 62-percent subsidy to their crop insurance.

This is a controversial amendment. We understand that. We know a lot of people are going to disagree with us. But the point is this: At how much income should the average, hard-working American still be paying taxes to supplement your income? And that is really the question. Should a factory worker making \$45,000 a year continue to supplement somebody who is making \$10 or \$12 or \$15 million a year through a crop insurance program?

So we are not taking it away. All we are saying is that this needs to be moderated, and moderated in a manner that won't impact anybody except this top 4 percent. If we do that, what we will do is, as the Senator from Illinois said, start solving some of our budget. It is not a lot compared to what our problems are, but the way you get out of trillion-dollar deficits is a billion dollars at a time.

What we are asking and what all of us are going to be asking over the next 2 to 3 years of anybody in this country is to sacrifice some. So what Senator DURBIN and I are doing is saying to the best, to the most efficient, to those who make the most money, we want you to start sacrificing now by limiting by 15 percent the subsidy that comes to you for this bill. I think it is common sense. It is also fair. I would have gone further in a lot of areas, but I think we have an agreement that this is something we should do, we can do, and it will have no negative impact in terms of our production of agriculture, in terms of quantity or quality.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, over the last several years, first as Governor of Tennessee and later as a U.S. Senator, I have learned that healthier air also means better jobs for Tennesseans. That is why I intend to vote to uphold a clean air rule that requires utilities in other States to install the same pollution control equipment the Tennessee Valley Authority

is already installing on coal-fired power plants in the TVA region.

TVA alone can't clean up our air. Tennessee is bordered by more States than any other State. We are literally surrounded by our neighbors' smokestacks. If we in Tennessee want more Nissan and Volkswagen plants, we will have to stop dirty air from blowing into Tennessee, and here is why. Back in 1980, I was Governor and Nissan came to Tennessee. The first thing the Nissan executives did was to go down to the State air quality board and apply for an air quality permit for their paint emissions plant. If the air in the Nashville area had been so dirty that Nissan couldn't have gotten an air quality permit for additional emissions, Nissan would have gone to Georgia and we would not be able to say today that one-third of our manufacturing jobs in Tennessee are auto jobs.

Every one of Tennessee's major metropolitan areas is struggling today to meet the standards that govern whether industries can acquire the air quality permits they need to locate in our State.

I once asked the Sevierville Chamber of Commerce leaders to name their top priority. They said to me: Clean air. Now, Sevierville is not necessarily a hotbed of leftwing radicals. Sevier County is the most Republican county in the State. It is nestled right up against the Great Smoky Mountains National Park. It is where Dolly Parton was born. I live in the next county, right up next to Great Smoky Mountains National Park.

East Tennesseans know that 9 million visitors come each year to see the Great Smoky Mountains, not to see the Great Smoggy Mountains, and we want those tourist dollars and the jobs they bring to keep coming. Despite a lot of progress, the Great Smokies is still one of the most polluted national parks in America. Standing on Clingman's Dome—our highest peak, about 6,643 feet—you should be able to see about 100 miles through the natural blue haze about which the Cherokees used to sing. Yet today, on a smoggy day you can see only 24 miles.

There are 546 Tennesseans who work today in coal mining in our State, according to the Energy Information Administration. Every single one of those jobs is important. This has been an important tradition in a few counties in East Tennessee. At the same time, there are 1,200 Tennesseans who work at the Alstom plants in Knoxville and Chattanooga that will supply the country with most of the pollution-control equipment required by this rule. Every one of those Tennesseans' jobs is important too. Of the top five worst cities for asthma in the United States, according to the Asthma and Allergy Foundation of America, three are in Tennessee. They are Memphis, Chattanooga, and Knoxville. Only last year

Nashville dropped out of the top 10 worst U.S. cities for asthma. Because of the high levels of mercury, health advisories warn against eating fish caught in many of Tennessee's streams.

According to the Mount Sinai School of Medicine, nationally mercury causes brain damage in more than 315,000 children each year. It also contributes to mental retardation. Half of the man-made mercury in the United States comes from coal-fired power plants. This new rule requires removing 90 percent of this mercury. The rule also controls 186 other hazardous pollutants, including arsenic, acid gases, and toxic metals.

Utilities have known this was coming since 1990 because these 187 pollutants, including mercury, are specifically identified in the 1990 amendments to the Clean Air Act as air pollutants that need to be controlled by utilities. Now the Federal courts have added their weight and ordered the Environmental Protection Agency to control these pollutants.

An added benefit of the rule is that the equipment installed to control these hazardous pollutants will also capture fine particles, a major source of respiratory disease that is primarily regulated under another part of the Clean Air Act. This new equipment will add a few dollars a month to residential electric bills. The EPA estimates a 3-percent increase nationwide. But because the Tennessee Valley Authority has already made a commitment to install these pollution controls, the customers of TVA will pay this rate increase anyway—with the rule or without the rule. To reduce the costs, the Senator from Arkansas, Senator PRYOR, and I will introduce legislation to allow utilities 6 years to comply with the rule, which is a timeline many utilities have requested. Earlier today the Senator from Oklahoma, who is sponsoring a resolution to overturn the rule, referred to the legislation Senator PRYOR and I offered as a cover amendment and suggested in some way that it wasn't a sincere effort. I greatly respect the Senator from Oklahoma. Sometimes we have different points of view, but I have different points of view with the Senator from Minnesota, the Senator from Arkansas, not to mention Senators from almost everywhere in the country. But I respect those different points of view just as I respect Senator INHOFE's different point of view, and I hope he will respect mine. Here is my point of view: Ever since I have been in the Senate, I have introduced legislation to clean up the air in Tennessee. Why have I done that? Because we don't want the Great Smoggy Mountains, we want the Great Smoky Mountains. We don't want to perpetually have three of the top five asthma cities in the country. We don't like health advisory warnings on our streams so we can't eat our fish.

We especially don't want the Memphis Chamber of Commerce to recruit another big auto plant to the big Memphis megasite and then learn that they can't come here because the Memphis area has dirty air and the auto manufacturer can't get a necessary air permit. It would be even worse if that dirty air is blowing in from another State.

So what this rule is about is requiring our neighbors, and the rest of the country, to do the same thing we are already doing. If they don't do it, we have no chance in the world to ever have clean air in Tennessee. Also, if we don't, we will have worse health and fewer jobs.

Now as far as the 6 years goes, the law gives States the right to add a fourth year to the 3 years the utilities have to comply with the law. Today Federal law gives the President of the United States the right to add 2 more years to that, so that is 6 years. In the law today the President and the States could make sure utilities have 6 years to comply with this rule. I believe that makes sense.

If I were the king and could wave a magic wand, that is what I would do. Why would I do that? Because we will be getting environmental benefits over the 6 years. So what will happen is utilities will assess their coal plants, decide which ones are too old or too expensive to operate, decide within 3 years to close those they will not continue to operate, and then they will have 6 years to spread the costs of implementing the expensive pollution-control equipment—most of it is called SCRs and scrubbers—on their coal-fired powerplants.

Most of the utilities have suggested this 6-year timeline as the single best way to clean the air and to do it in a way that has the least impact on electric bills.

So we will introduce our legislation to give utility executives 6 years to implement the rule, but we will also write President Obama a letter and urge him to grant the 6 years so utility executives can have that certainty. Some are saying this rule is anticoal. I say it is pro-coal in this sense because it guarantees coal a future in our clean energy mix. As I have said, the Tennessee Valley Authority has decided to put the pollution control equipment it needs to make coal clean on all of the coal plants it continues to operate. That doesn't count carbon; that counts all of the hazardous pollution. It counts sulfur, nitrogen, sulfur, mercury, and those sorts of things.

That means, long term, the TVA will be able to produce more than one-third of its electricity from clean coal. That guarantees its future for the foreseeable future in our region, and this is the largest public utility in the world. The rest of our electricity in the Tennessee Valley will come from even

cleaner natural gas and from pollution-free nuclear power and hydropower.

Ever since Tennesseans elected me to the Senate, which was about 10 years ago, I have worked hard to clean up our air. Tennesseans know that. Most of them agree with me. They thank me for it when I go home on weekends. They do that because they know if I do not help clean up our air in Tennessee, and if I don't stop dirty air from blowing into our State from other States who don't have pollution controls on their coal plants, that it jeopardizes our health and it jeopardizes our opportunity to continue to be one of the Nation's leading States in attracting auto jobs and in attracting tourists.

I notice on the Senate floor the Senator from Arkansas, Mr. PRYOR, and I thank him for his leadership on the issue and for his practical attitude. I believe we have the same goals, which are, No. 1, clean the air but keep the electric bills down at the lowest possible cost, and we believe we have the most constructive proposal to do that. We hope President Obama will agree with us.

First, we hope the Senate will agree with us and uphold the rule; second, that the President will agree with us and grant 6 years; and, third, if he does not, that the Congress will agree with us and pass a law giving utilities 6 years to spread out the costs.

I thank the President.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask that I be given 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I would like to commend my colleague from Tennessee and his leadership when it comes to clean air. He has a long history for fighting for clean air in Tennessee in this country, and we share the common goal of maintaining a safe and reliable source of electricity, but also one that is safe for human health.

Cleaner air means better health for Arkansans, for Tennesseans, and for everyone in the entire country. This all started back in 1990 with some Clean Air Act amendments signed by President George H.W. Bush authorizing EPA to regulate air pollutant emissions from powerplants. These regulations have been two decades in the making.

As I said, it started back in 1990, and a lot has changed since then. But one thing that has improved greatly since then is technology. These clean air rules try to make these coal-fired powerplants 90 percent cleaner. They can now achieve that 90 percent reduction from uncontrolled emissions of mercury and other pollutants because of technology. We have the ability to make this achievable today. I don't

know if that was true 20 years ago, but it is certainly true today.

I would like to visit with my colleagues for the next few minutes about the plan Senator ALEXANDER has put forward in which I heartily join him. It is a three-step plan:

First, vote no on Senator INHOFE's resolution that we understand will come up sometime in the next several days.

Second, consider voting for the legislation that we are proposing and that we would like to move to the Senate floor within a reasonable amount of time that would basically say all the utility companies get 6 years to comply with these new rules. Again, these new rules that are now on the books and have been on the books since February have been 20 years in the making.

The third step we are proposing is a letter to the President of the United States to urge him in the interim to give the additional 2 years, which he has the authority to do under the law. He can do 2 years with an Executive order.

Let me just walk through those very quickly. Some of the reasons I am going to vote no on Senator INHOFE's resolution of disapproval is because although I believe the EPA is wrong in their timetable, I think 3 years is too short. I don't think that is enough time. As Senator ALEXANDER said a few moments ago, we can do the math that is in the statute and in the regulations, and it probably adds up to 6 years. Let's go ahead and be up front and give them the 6 years. Six years will do it, and that creates certainty. That means people can plan, that means people can schedule equipment, and skilled laborers can come from the United States and not outsourced from overseas, and most of the equipment will be made in the United States. That gives our utility companies time to do all of this.

I think the EPA is wrong in the sense that they are trying to force this over a 3-year period. I think 4 years is a minimum and 6 years is what we really need. I think that just makes the most sense under the circumstances.

With all due respect to Senator INHOFE, for whom I have a lot of respect, his resolution of disapproval is wrong. I think it is the wrong approach. I think it is over the top. It reverses course and, basically, if I understand it, it allows the utility companies to pollute at will. It actually creates a legal problem that I am not sure we adequately discussed on the Senate floor. I am sure we will as we go through this process and as Senator INHOFE's resolution actually comes to the Senate floor, but it creates a legal problem.

If it were to pass, what does the future hold? The law says if a resolution of disapproval passes, then the agency cannot put forward a substantially similar regulation.

What does that mean in this circumstance? There is no legal precedent for that. Some argue if the resolution of disapproval passes, that is it, Katey bar the door; that this is no holds barred, so to speak, when it comes to oil and coal plants and what they can produce.

I certainly hope that is not the case. I don't know if that is the case, but legal experts disagree, and I don't think that is a chance we should take. There is no doubt that sending plumes of mercury and particulate matters and things such as sulfur dioxide, et cetera, creates serious health hazards for children and adults. One can look at the statistics when it comes to heart attacks or premature deaths, asthma, and all kinds of different ailments that human beings suffer. There is no doubt that these coal-fired plants contribute to that.

As we have seen, when we grandfather these plants, they don't, out of the goodness of their hearts, do the things necessary to stop the polluting. What they do is they keep running them because they are grandfathered. That needs to stop at some point in the future as well. I think our approach helps in that way as well.

I talked about the EPA being wrong and I talked about Senator INHOFE having the wrong approach. The third thing I would say is let's extend it, not end it. I think that by making clear we want the full 6 years—the 3 years in the statute, the 1 year in the State, the 2 years that the President has discretion on—I think that 6 years gives everybody ample time to plan, take care of business as they should, and make sure we have electricity capacity in this country.

I would say we need to stop the scare tactics about job loss and the sky is falling and this is the end of the coal industry in America. I completely disagree with that. I think the United States would be very smart to continue to use coal because we have something like 400 years worth of coal usage. We are kind of like the Saudi Arabia of coal. So I am not trying to hurt the coal industry. I am not trying to kill jobs or do anything like that. But I think if we look at the small cost—we have to understand that these plants are worth billions and billions of dollars and we are talking about adding some costs to that. One estimate I saw is it is going to add about 3 percent. But if we look at the balancing of costs of what we are trying to accomplish here versus the health costs in savings we get, there is really no comparison. I think it is fair to say that what the Alexander approach does is it actually saves kids' lives. It is good for business. It is good for our environment. It is good for our people.

I think what we see here is a false choice that some people are trying to present. Some people say we have to be

either pro coal or pro health. That is a false choice. We can be both. We can be pro coal and have a good, robust coal industry. If we were to open a magazine here in Washington or the Washington Post, oftentimes we will see a full-page ad that talks about clean coal. We turn on the television and watch some of the news shows and the coal industry is advertising clean coal. What are they talking about? This is what they are talking about. They are talking about cleaning up these coal plants so we can still use this precious American resource, but we do it in such a way that we eliminate 90 percent of the pollution and the harmful particulates that are in coal—90 percent. That is clean coal. That is what they are talking about.

So let's do this, but let's do it over a 6-year period, not over a 3- or 4-year period. Let's not force ourselves into a false choice. Let's do the right thing for this generation and the generations to come.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I wish to congratulate the Senator from Arkansas for his very clear explanation of what we are about here. The United States produces 25 percent of all the wealth in the world every year. In order to do that, we use about 20 to 25 percent of all of the electricity in the world. We need low-cost, reliable, large amounts of clean electricity and we need for coal to have a secure part of the future of our clean energy mix.

I have said for years, we know what to do about sulfur, nitrogen, mercury, and the hazardous pollutants. We have the pollution control equipment to capture all of those. We can make the coal clean, except for carbon, so let's put that over here on the side for a minute. We can make the coal clean and we should do it. We should have done it in a law over the last few years. We have had 15 Senators equally divided on both sides of the aisle trying to pass a law. We couldn't get it done so we defaulted to the EPA, so now they have had to do the rule. But the Congress amended the Clean Air Act in 1990 we told EPA to write this rule. In the law, it listed the pollutants that have to be controlled. In 2005, President Bush tried to write this rule but a Federal Court threw it out and in 2008 said to the EPA, you have to do it, the way the law says to do it. So Congress has told them to do it, the courts have told them to do it, and now they have done it according to the law. If we don't like the rule, we have to change the law, which we are not doing with the resolution of disapproval.

The constructive thing we can do is let the rule go forward. Let's have clean coal be a part of our clean energy mix, and then let's allow utilities what they many of them have asked for, 6 years to implement the rule. Hopefully,

our legislation will pass. Hopefully, just the mere introduction of it, particularly by those of us who support the rule, will persuade President Obama that it would be a reasonable Executive Order for him to make, to assure people across the country that we will have no interruption in the reliability of our electricity and that we will have no great increase in costs in most parts of the country.

I agree with the Senator from Arkansas when he said that coal needs to be a very important part of our future. This regulation will make coal in our region an important part of our electricity production. If the TVA is the biggest public utility in the country, and it is going to produce a third of its electricity from coal with pollution-control equipment on the plants. That is clean coal.

But the real holy grail of energy for me is the scientist who discovers the way to turn carbon from existing coal plants into something commercially useful. It will probably be in energy. In the Department of Energy right now they have an interesting experiment where they are applying a biologic process—really, bugs—to electrodes, turning it into oil. Imagine what would happen if all the coal plants in our country could turn the carbon they produce into other kinds of energy. Then, suddenly, we would have this 400-year supply of coal, and the carbon, as well as all the other parts, would be clean and we could use even more coal than the one-third it is likely to represent.

I appreciate very much the leadership of the Senator from Arkansas, his advocacy, and his clear statement of opinion. I wish to say to both our Republican and Democratic colleagues, if you are looking for a way to have clean coal, clean air, and do it at the lowest possible cost to the taxpayer, let's do what most of the utilities have asked for and give them a timeline of 6 years to implement the rule. The easiest way to do it would be for the President to introduce the Executive Order, and each State to give the utility one more year, because that authority is already a part of the Federal law.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I see the Senator from Texas is waiting so let me conclude in the next couple of minutes.

We talked about clean coal and why that is important. Let me tell my colleagues what else is important. Based on the statistics, the health benefits are between \$37 billion and \$90 billion. That is an estimate for 2016. For every dollar we put in, we get up to \$9 back in health benefits. The new rules could prevent up to 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks, 140,000 cases of respiratory symptoms, over 9,000 cases of bron-

chitis, 5,700 hospital emergency room visits, 540,000 missed work or sick days, and 3.2 million days when people must restrict their activities. Mercury, they say, causes brain damage in more than 315,000 children each year. Half of the U.S. manmade mercury comes from coal-fired powerplants. The new rules require removing 90 percent of that mercury.

So back to the point of Senator ALEXANDER. This approach provides certainty. It ensures grid reliability. It allows sufficient time for utilities to comply under this bad economy. It gives manufacturing and skilled labor jobs to U.S. companies and U.S. workers, and it also reduces health problems and costs associated with the coal industry right now.

With that, I ask my colleagues to consider looking at the Alexander and Pryor approach. I would love to visit with any of my colleagues who are so inclined.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, this morning during a hearing in front of the Senate Judiciary Committee, the Attorney General appeared, and in an exchange I had with him, it culminated with my call upon him to resign his position as Attorney General. That is a very serious matter. I wish to take a few minutes to explain why, after long deliberation, I have come to this conclusion. I do believe it is the right decision and it is long overdue.

I served as an attorney general of my State—an elected attorney general, not an appointed attorney general. I believe strongly the American people deserve a chief law enforcement officer who will be independent of political influence, who will be accountable to the law, and who will be transparent, particularly in his dealings with the Congress. Unfortunately, Attorney General Holder has failed on all of these counts.

At his confirmation hearing in 2009 in front of the Judiciary Committee, Eric Holder said his Department of Justice would “serve justice, not the fleeting interests of any political party.” He also said he would seek to achieve a “full partnership with this Committee and with Congress as a whole.” I wish he had kept his word. Regrettably, he has not.

In the past few weeks I have joined my colleagues on both sides of the aisle in our shock at news articles that have disclosed some of the most sensitive classified programs of our national security apparatus. These were reportedly covert operations aimed at thwarting terrorist attacks as well as defeating Iran's nuclear aspirations. The leaks, according to the chair of the Senate Intelligence Committee, Senator FEINSTEIN—I am paraphrasing here, but I believe she says these are some of the worst she has seen in her

tenure on the Intelligence Committee. Others have suggested these are some of the most damaging potential leaks in our history—certainly recent history.

According to the very stories that reported these programs, the sources come from the highest reaches of the executive branch of our government; namely, the White House. As Democrats and Republicans have both made clear, the unauthorized release of classified information is a crime—it is a crime—because it threatens our national security and puts the lives of those who are sworn to defend our Nation in jeopardy. As many have hastened to point out, it also jeopardizes the cooperation of our allies. Who would be motivated to be a source of classified, highly sensitive information that would be provided to our intelligence community if they knew they were likely to be on the front page of the Washington Post or The New York Times?

The news articles containing the leaked information paint the President in a flattering light. The concern is that they appear just as his reelection campaign is getting into full swing.

Let me be clear. These facts raise legitimate concerns about the motives behind what everyone agrees is criminal conduct. That is why it is so important to have an investigation of these leaks that is independent, nonpartisan, and thorough. Unfortunately, Attorney General Holder has demonstrated, at least to me, that he is incapable of delivering that kind of investigation.

Just hours before Senator MCCAIN and Senator CHAMBLISS called for a special prosecutor or, in the parlance of the statute now, a special counsel, Holder's Deputy Attorney General Jim Cole told me he didn't think an independent investigation was warranted because the leaks didn't come from the White House or this administration. Amazingly, he hadn't, apparently, done an investigation before he reached that conclusion. Attorney General Holder apparently takes the same view. He has already decided who is not to blame, and he has excluded the administration and the White House and the reported sources of the information—although not named, they were named by category—he has already written them off and suggested that they could not possibly be the source of any of these leaks.

I looked into the special counsel law which says that a special prosecutor is called for when an investigation would present a conflict of interest for the Justice Department.

I concede the Attorney General has a very tough job. He is a member of the President's Cabinet, but he has a special and independent responsibility as the chief law enforcement officer of the country and he can't be confused about those roles. There have been some reports that some of these leaks may

have even emanated from the Justice Department itself. In fact, this morning, the Attorney General acknowledged that some of the Department of Justice's National Security Division had recused itself from an ongoing leak investigation. We don't know the details of that, but he did concede that his own National Security Division at the Department of Justice—some members of that division had already recused themselves.

These leaks in the New York Times—I am talking specifically about the drone program and about the cyber attacks on Iran's nuclear capability—quoted senior administration officials and quoted members of the President's national security team.

Now, that is not a large number of people to question or to identify. In fact, that is the very source given in these stories that reported the leaks—"senior administration officials" and "members of the president's national security team."

This is the same story that said that on the President's so-called kill list that he personally goes over with his national security team identifying targets of drone attacks, that also David Axelrod, his chief political adviser, sat in, apparently, on at least one, maybe more meetings.

But instead of an independent prosecutor, Attorney General Holder has chosen to appoint two U.S. attorneys who are in his chain of command and who will report to him and who are directly under his personal supervision. One of those is U.S. attorney for the District of Columbia Ronald Machen, who volunteered on the Obama campaign in 2008 and who has given thousands of dollars to the President's political campaigns over the years. I do not have any issue with that. That is his right as an American citizen. But it does raise legitimate questions about his ability to be independent and conduct the kind of investigation I am talking about. Oh, by the way, Mr. Machen also got his start as a Federal prosecutor when he went to work for U.S. Attorney General Eric Holder. That is not an independent investigation—that is the point—and it helps to demonstrate why it is that Attorney General Holder has a conflict of interest himself that requires the appointment of a special counsel, not the appointment of two U.S. attorneys who are directly responsible to him and through whom he can control the flow of information to Congress and others.

Reasonable people will wonder, where does the Attorney General's loyalty lie—to the President of the United States to try to help him get reelected or his duty to enforce the laws of the U.S. Government?

This would be troubling enough to me if this were an isolated event, but what has brought me to this serious conclusion that Attorney General

Holder should, in fact, resign goes back much further because this is only a symptom of the Department of Justice's complete lack of accountability, independence, and transparency.

Take the tragedy known as Operation Fast and Furious. And we know, under Attorney General Holder's watch, the Department of Justice ordered the transfer of more than 2,000 high-caliber firearms to some of the most dangerous drug cartels operating in Mexico. The Attorney General disingenuously tried to confuse this with an operation known as Wide Receiver, which was done in consultation with the Mexican Government and where the point was not to let the guns walk without surveillance but to track them. It was ended when it became very difficult to track them and thus gave rise to the operation known as Fast and Furious, which had an altogether different mode of operation.

Instead of tracking these firearms and arresting cartel agents trafficking them, under Operation Fast and Furious, Department of Justice officials ordered law enforcement agents to break off direct surveillance and to allow these guns to "walk"—apparently under the mistaken belief that they could somehow find them at a later time and, through alternative means of surveillance, discover the nature of the organization and the distribution of these guns and help them bring down some of these cartels. Unfortunately, and quite predictably, the weapons from this flawed operation have been used to commit numerous violent crimes on both sides of the southern border, including the murder of Border Patrol Agent Brian Terry in December 2010.

Far from being apologetic, Attorney General Holder's conduct during the congressional investigation into this flawed program has been nothing short of misleading and obstructionist, having complete disregard for Congress's independent constitutional responsibility to conduct oversight and investigations of the Department of Justice and other Federal agencies.

For example, Attorney General Holder has stonewalled the investigation, turning over less than 10 percent of the documents subpoenaed by a congressional committee.

Attorney General Holder's Department misled Congress in a February 2011 letter where they claimed that Operation Fast and Furious did not even exist—there was no program to allow guns to walk into the hands of the cartels and to lose direct surveillance of them. We now know that is false but only because Lanny Breuer, 9 months later, in November 2011, came before the Senate Judiciary Committee and said: You know, that letter we wrote in February 2011 saying there was not any gun-walking program known as Fast and Furious—that was false. That was not true.

So for all that period of time, Attorney General Holder and his Department misled Congress by claiming falsely that Fast and Furious did not exist.

Then, in addition, Attorney General Holder misled Representative ISSA, who has led the investigation in the House of Representatives, by testifying that he only learned of Operation Fast and Furious "over the last few weeks." That was in May 2011. He said he only learned about it in "the last few weeks." Brian Terry was murdered in December 2010, yet Eric Holder said he only learned in "the last few weeks" about Operation Fast and Furious, and that was in May 2011. We now know that is false.

Attorney General Holder also misled the public at a September 2011 press conference by claiming that Operation Fast and Furious did not reach into the upper levels of the Justice Department. We now know that is false. I personally reviewed some of the wiretaps that were produced as a result of a whistleblower through the House investigating committee, and it makes clear that the rationale for securing a wiretap was because they did not expect to be able to keep track of the weapons directly by direct surveillance, describing, in essence, the tactics of Operation Fast and Furious. Those required the authorization of high-level Department of Justice employees, including those in Lanny Breuer's office. Again, Attorney General Holder and his staff misled the public, claiming Operation Fast and Furious was unknown at the upper reaches of the Justice Department.

Attorney General Holder misled the Senate Judiciary Committee last November by testifying that he did not believe that these wiretap applications approved by senior deputies included detailed discussion of gunwalking. As I said, we know that to be false. I read them with my own eyes yesterday, although they remain under seal. And Attorney General Holder has refused to take any step to ask the court to modify that seal so we can then review those and compare his story with what is revealed in the affidavits. So as long as these documents remain under seal, we are left with the "he said, she said" that he could resolve if he would agree to go to the court and ask that they be unsealed for purposes of the congressional investigation.

Then, when there were reports of gunwalking operations in Houston, TX, at a sports dealer known as Carter's Country, I asked Attorney General Holder whether there were gunwalking operations in my State. When you had a legitimate seller of firearms say: Hey, I think there is something suspicious going on, you have people making bulk purchases of firearms, and I am worried they may be going to the cartels or other sources, they were told: Do not do anything about it. Let them go.

But when I asked Attorney General Holder to confirm or deny that there was an Operation Fast and Furious look-alike or that Fast and Furious itself was operating in my State, again, I got no reply.

I have no idea what else the Attorney General and his Department are concealing from the American people or, more importantly, the Brian Terry family, who deserve to know what happened and how this operation went terribly awry.

Perhaps worst of all has been the lack of accountability, starting at the top. In the last 16 months since Operation Fast and Furious was uncovered, Eric Holder has not fired a single person in his Department for supplying 2,000 high-caliber firearms to drug cartels in Mexico. That is really astonishing. I have to ask, if no one has been held accountable, what does it take to get fired at the Holder Justice Department?

Attorney General Holder's litany of failure does not end there, again, putting politics ahead of his job as the chief law enforcement officer of the country and, indeed, putting what appears to be a political agenda ahead of the law.

For example—another example—Attorney General Holder has targeted commonsense voter ID legislation passed by the Texas Legislature and the South Carolina Legislature, which the Supreme Court of the United States has overwhelmingly upheld the constitutionality of since 2008. So here is the Texas Legislature, the South Carolina Legislature—and others perhaps sitting in the wings—trying to take steps to protect the integrity of the vote of qualified voters in their State. And who is the chief obstructionist to that goal? It is the Attorney General and the Department of Justice. So now we find ourselves—my State, South Carolina, and others find themselves in litigation asking the courts to do what the Attorney General will not and acknowledge that the Supreme Court decision in 2008 is the law of the land.

These voter identification laws are designed to require citizens to produce a valid photo identification. If you do not have a valid photo identification, you can get one for free. In my State, you can show up without any ID and vote provisionally as long as you come back within a period of time and produce one. So it is no impediment to participation in votes. You know what. The American people are accustomed to presenting a photo ID because every time you get on an airplane, every time you want to buy a pack of cigarettes or a beer, you have to, if you are of a certain age, produce a photo ID to prove you are of a certain age. But Mr. Holder has been so outrageous as to compare these voter ID laws to Jim Crow poll taxes—it is outrageous—a

charge that is defamatory and an insult to the people of my State and anyone with common sense. You know what. You have to show a photo ID to get into Eric Holder's office building in Washington, DC. Yet it is discriminatory somehow? It discourages qualified voters from casting their ballot? It is ridiculous. While Attorney General Holder is blocking State efforts to prevent voter fraud, he neglects the voting rights of the men and women in uniform who serve in our country's Armed Forces.

In 2010—actually before that—on a bipartisan basis, we introduced legislation and passed it overwhelmingly, something called the MOVE Act. It is a military voting act. But after its passage, which was designed to make it easier for troops who are deployed abroad or civilians deployed abroad to cast a ballot in U.S. elections, the Attorney General failed to adequately enforce this legislation, which was designed to guarantee our Active-Duty military and their families the right to vote. If Mr. Holder had spent as much time and effort enforcing this law as he recently spent attempting to get convicted felons and illegal aliens back on the voter rolls in Florida, thousands of military voters might have gotten their ballots on time rather than be disenfranchised in 2010.

These are not the only duly enacted laws the Attorney General has failed to enforce in order to carry out the political agenda that apparently he believes is more important.

The Attorney General has announced he will refuse to defend the bipartisan Defense of Marriage Act that was signed by President Bill Clinton, despite the fact that has been the law of the land for more than 15 years. It is, in fact, the duty of the Department of Justice to defend laws passed by Congress that are lawful and constitutional. Yet he refuses to even do so, and the litany goes on.

In addition to using the Justice Department as a political arm of the Obama campaign, he has also moved the Department in a dangerously ideological direction in the war on terror. Attorney General Holder has failed to grasp the most important lesson of 9/11 and the 9/11 Commission, that there is a difference between criminal law enforcement for violating crimes and the laws of war that are destined to get actionable intelligence and prevent attacks against the American people, not just punish them once they have occurred, which is the function of the criminal law.

His actions have demonstrated that he believes terrorism is a traditional law enforcement problem warranting the same old traditional law enforcement solutions. But they, by definition, occur after the fact, after innocent people have been murdered, rather than designed to prevent those attacks.

For example, Attorney General Holder attempted to hold trials for master minds of the 9/11 attack, such as Khalid Sheikh Mohammed, in civilian court in Manhattan. He wanted to do so in spite of the outcry of local communities and the fact that civilian trials would give terrorists legal protections they are not entitled to under our Constitution and laws and which they do not deserve.

Attorney General Holder attempted to transfer terrorists from Guantanamo Bay Cuba to prisons in the United States over the repeated objection of local communities and the Congress.

What is more, when Federal agents detained, thankfully, the Christmas Day Bomber in Chicago who was trying to blow up an airplane with a bomb he had smuggled and that was undetectable to law enforcement agents, he insisted that instead of being treated as a terrorist, an enemy combatant, he be read his Miranda rights. That is right. Attorney General Holder insisted this terrorist be told: You have the right to remain silent. You have the right to a lawyer. This is the sort of muddled thinking that I think has created such potential for harm, treating a war and terrorists as if they were conventional criminals who ought to be handled through our civilian courts.

While Attorney General Holder was worrying about the rights of people such as the Christmas Day Bomber, he was targeting some of the very Americans who risked their lives to keep America safe. In fact, he appointed a special prosecutor—he thought this was sufficient to appoint a special prosecutor, not to investigate these classified leaks but to investigate U.S. intelligence officials in conducting their duties—he appointed a special prosecutor to investigate CIA interrogators during the prior administration, men and perhaps women who did what they did based on legal advice from the Department of Justice and based on the belief that what they were doing was important to the safety and security of U.S. citizens, and I think they were right.

Attorney General Holder has also seen fit to release top secret memos detailing interrogation methods, information which, of course, quickly found its way into the hands of America's enemies and which they could use to train to resist our intelligence-gathering efforts.

Attorney General Holder's failure to grasp the most important lesson of the last decade, that we are at war against al-Qaida, demonstrates more than just a willingness to carry a political agenda for this administration. It is a sad result of an ideological blindness to the law. It has moved the Department of Justice, and unfortunately this country, in a dangerous direction.

I would continue on with examples of Eric Holder's litany of failure, but I believe the case is clear-cut. The American people deserve an Attorney General who is independent of politics, who is accountable to the oversight of Congress, and who is transparent. Mr. Holder has proven that he is none of these things. It is with regret, not with anger but with regret and sadness I say it is time for him to resign.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise to stress the critical infrastructure needs across our Nation and to urge the House of Representatives to act quickly and to pass a meaningful transportation bill. On March 14, the Senate passed the Moving Ahead for Progress in the 21st Century Act by a strong bipartisan vote of 74 to 22.

Later that month, I came to the floor of the Senate to highlight the importance of the passage of our surface transportation bill. Since then, the American people have been waiting for the House of Representatives to act on their version of a transportation bill. Three months to the week after the Senate passed our Transportation bill on a 74-to-22 bipartisan vote, with the Nation continuing to wait for action and the June 30 deadline to renew or extend the transportation program coming closer and closer, the leaders of the House of Representatives have announced not a short-term extension but they have announced their interest in a longer term extension to the end of 2012.

I suppose the good news is that means we have some interest in moving forward with transportation. But that is not good enough for the people of this country. In Minnesota, as you know, the construction season has begun, and because of our cold winters, we do not always have a long construction season. This kind of delay, where we have a very good bipartisan bill which includes \$700 million in construction projects for our State of Minnesota, this kind of delay can be crippling. We have a much smaller window of time in which we can complete much needed projects for easing congestion and improving safety.

These projects will help get commuters out of traffic and moving in the Twin Cities; projects to help ensure that farmers and food producers across greater Minnesota can transport their supplies at the right time to the right place to ensure that we continue to have a safe and reliable food supply.

Think about the projects in Minnesota that need to be completed: Highway 52 in Rochester. Highway 52, a

long-time problem in terms of deaths, in terms of traffic accidents, still an area where people get killed; U.S. Highway 14 in southern Minnesota, continuing to wait for that to be completed; 101 in the western metropolitan area, a little girl was just killed walking her bike, getting on her bike going across that Highway 101—killed; Highway 94 out by Rogers, a bottleneck all the time. I have been in it several times myself; 23 in Marshall needs to get done. There is a major company out there, Schwan's, but we have a highway that is not able to carry the food and the goods to market that it should because that construction has not been done; roads from Moorhead to the Iron Range, to Duluth, all that needs to be completed.

That is why it is not good enough to hear the House of Representatives talk about a simple extension when we have a strong bipartisan transportation bill that came out of the Senate. We also need to be aware of the costs incurred by each additional day of delay. The longer it takes for the Congress to pass a transportation bill, the longer it takes projects to be completed, the more expensive they become to taxpayers. That stands to reason. Anyone who has built an addition on their house understands that—delay, delay, delay.

That is a waste of taxpayers' money. That is why we have to get this bill done. State Departments of Transportation, contractors, construction workers, engineering firms, and other industries need certainty to move forward with the bill. These are private sector jobs, private sector jobs that await the passage of this bill. They should not have to wait any longer for the House of Representatives to act.

Take, for example, Caterpillar. That might not be the first company we would think of when we think about the Transportation bill. Everyone sees the Caterpillar tractors, Caterpillar trucks throughout the rural areas. This business employs 750 people at its road-paving equipment manufacturing facility in Minnesota. I have been there. They gave me a pink Caterpillar hat. I spoke to all their employees. They are people on the frontlines of American industry helping to create the real "Made in America" product that keeps jobs in our country and puts dollars in our economy.

They are ready to get to work. They are ready to get to work improving our Nation's roads, our bridges, our tunnels, and our highways. I ask the House of Representatives: Why are we making these workers wait? They are ready to get these paving projects done. They are ready to help the commuters in our State to get to work faster. They want to get going. There is no reason to delay getting this bill done.

For decades, passing a transportation bill was considered one of the most

basic noncontroversial duties of the Congress, and we have an opportunity to come together to find commonsense solutions to move America forward. We cannot afford to keep the engine of our economy idling by limiting our talk to yet another extension of the surface transportation program. The Senate Transportation bill is fully paid for and will allow States to move forward to make the critical infrastructure investments in our Nation's roads and our bridges and in our transit systems.

In addition, the bill makes critical reforms to transportation policy. Just last week, the Centers for Disease Control and Prevention released a report announcing that 58 percent of high school seniors had texted or e-mailed while driving in the previous month—58 percent of kids out there on the road while we are all driving—we have to remember that 58 percent—nearly 60 percent of the kids out on the road are doing a text, are doing an e-mail while they are driving. That is not acceptable.

The bipartisan Transportation bill includes provisions that I worked on to help prevent texting while driving and implement graduated license standards. The bill gives State departments of transportation increased flexibility so they can address these unique needs. The Senate-passed surface transportation bill also reduces the number of highway programs from over 100 down to 30. By saying they are not going to pass this bill in the House, they stop us from getting rid of those kinds of duplication. It defines clear national goals for our transportation policy. It streamlines environmental permitting. Why would they want to stop that? Why would they want to stop us from streamlining environmental permitting? But that is what they are doing by saying they want a simple extension.

The bill expands the Transportation Infrastructure Finance and Innovation Program. The Minnesota Department of Transportation has successfully used the program in the past and it will continue to be a key element of our State's and other State's transportation networks in the future. The fact is, we have neglected the roads and bridges that millions of Americans rely on for too long.

No one knows that better than we know it in our State where that I-35W bridge tragically collapsed in the middle of a summer day, something no one could ever expect would have happened. It is not just a bridge. It is an eight-lane highway 6 blocks from my house. If that can happen there, it can happen anywhere in America.

We simply cannot wait and delay any longer when we have a bipartisan bill with 74 Senators who voted for it. There is absolutely no excuse for the House of Representatives not taking this up. If we want to know if there are

other bridges with problems, look at this. The number from the Federal Highway Administration shows that over 25 percent of the Nation's 600,000 bridges are either structurally deficient or functionally obsolete.

For further proof, we need look no further than the 2009 Report Card for America's Infrastructure, released by the American Society of Civil Engineers. It gave our Nation's Infrastructure a near failing grade. But crumbling infrastructure does not just threaten public safety; it also weakens our economy. Congestion and inefficiencies in our transportation network limit our ability to get goods to market. They exacerbate the divide between urban and rural America, they constrain economic development and competitiveness, and they reduce productivity as workers idle in traffic.

Americans spend a collective 4.2 billion hours a year stuck in traffic—4.2 billion hours a year, at the cost to the economy of \$78.2 billion or \$710 per motorist. So I ask the House of Representatives: How can you look at those numbers and decide not to move forward with a bill that streamlines our programs, that actually makes some smart decisions in terms of reform, and that actually puts the money out there that we need to build our bridges and build our roads? It is simply time to act.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the period for debate only on S. 3240 be extended until 5 p.m., and that the majority leader be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, as I was heading to the Capitol today, I could not help but think about the jolting news from my State that the U.S. Department of Justice will have to sue my State of Florida over its purge of the voting rolls.

Being a native Floridian whose family came to Florida 183 years ago, and having the great privilege of serving the people of my State for a number of years, it is simply hard for me to conceive that the State of Florida is trying to deliberately make it more difficult for lawful citizens to vote.

But the Governor did sign a new law that the legislature passed over a year ago to reduce early voting days, to make it more difficult to vote if you move to another county, to blunt registration drives, and to eliminate the Sunday before the Tuesday election in early voting. And then Governor Scott launched his massive purge of the voting rolls, hunting for suspected non-citizens.

In so doing, he is now defying Federal authorities, who point to Federal law

and say you cannot conduct a purge of voter rolls so close to an election. We are 2 months away from a primary election in the middle of August. We are a little over 4 months away from the general election. Yet the Governor and his administration end up doing this. What they ought to do is ensure the credibility of our voter rolls, not suppress citizens from voting under the fiction of some perceived fraud.

But above all else, the State of Florida must ensure that every lawful citizen who has the right to vote can do so without hindrance and impediment.

It was quite a while ago, but something Dr. King once said about voting rights seems very appropriate again. Dr. King said:

The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic traditions. It is democracy turned upside down.

I hope the Governor of Florida will heed those words.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Madam President, I rise to speak about the Violence Against Women Act, or VAWA, which is a landmark piece of legislation, one that I believe has saved many lives and brought us together as Americans in standing up for what we believe is right. With this law, we have said that the United States takes domestic violence very seriously and we are taking a moral stance against it now.

In April of this year, I was proud to join a strong bipartisan group of Senators in passing S. 1925, the Leahy-Crapo Violence Against Women Act reauthorization. Sixty-eight Senators from this Chamber supported the bill.

Many of us were moved by the personal stories coming out of our States about the critical impact of VAWA in local communities. In Massachusetts, I was inspired by the work of organizations such as Jane Doe, Inc., the North Shore Rape Crisis Center, the YWCA of Central Massachusetts, and REACH Beyond Abuse, to name a few, and there are many more. In March of this year, I visited service providers in central Massachusetts that receive VAWA funding and learned a great deal more about how VAWA is changing lives for the better.

New problems are plaguing our communities, and as times change government must adapt as well if it is going to make a difference in people's lives. Fortunately, the Senate bill includes many improvements that have been developed over time with various non-profits in law enforcement agencies and individuals who deal with these challenges each and every day. I am very proud to be a cosponsor of what is clearly a good, thoughtful bill.

Unfortunately, following the bipartisan Senate action, the House passed a dramatically scaled-back version of the VAWA legislation that did not include core provisions that would improve the law. It seems that rather than work through some of these problems, the House was content to pass a bill that didn't address a number of growing problems facing individuals today. That is not how we legislate or how we should be legislating. We need to pass a bipartisan, bicameral bill that the President will sign.

Because the House took up a bill that didn't go far enough, the House bill passed largely along party lines, as compared to the bipartisan Senate bill we passed a short time ago. Now, once again, the House and Senate are at an impasse.

As someone who has personally experienced domestic violence up close and seen its effect on families, including mine, this is completely unacceptable. The vast majority of the bill is broadly supported by both sides of the aisle. It is beyond frustrating that the House has become distracted by a tiny percentage of the bill that has caused gridlock. Even worse, it seems that some are willing to allow procedural technicalities to block the way forward. I have to tell you that this makes no sense to me, at a time when people's lives are potentially at stake. This bill should be done already. Women in Massachusetts and throughout the country—survivors of violence—deserve better, and we should provide that leadership immediately.

Today I am calling on the House and Senate leadership and the committees of jurisdiction to listen to the calls from millions of Americans and come together and pass a bill that addresses critical needs in our communities and the citizens of those communities. All sides need to come together and work through the small amount of difference they have. As I have said before, in my experience, when people of good will work together and do one good deed, it begets other good deeds, and so on. We can get together in a room and work through these challenges and come up with solutions. I frequently hear from many colleagues that this is the way things used to be done around here. I yearn and work every single day I am here to get back to that way of bipartisanship and spirit of working together. I hope we can get some of that bipartisan, bicameral spirit back and pass

the Violence Against Women Act reauthorization.

In closing, we need to start to look out for the people's interests, not our political and personal interests or the parties' interests but the interests of the people. We need bridge builders in this Chamber to get this bill across the finish line and on the President's desk. The challenges we face in reauthorizing the Violence Against Women Act are not insurmountable; far from it. We know that. I am confident if the House and Senate leadership come together and work out our differences, we can pass a bill we can all be proud of and send it to the President's desk and save lives.

Let's put politics aside and focus on solving problems. Remember, we are not just Democrats, Republicans, or Independents, we are Americans first. We need to start to work in that vein to get things done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Madam President, I know this week we are talking about, among other things, the Agriculture bill, and I am supportive of moving forward with that bill.

Like so many other things in our economy, the more certainty we can create for farming families, for agribusinesses, the more likely they are to make decisions now and to make decisions that create good results. The more things we know in advance, normally, in decisionmaking, the more things there are to know.

There is plenty people don't know in agriculture. My mom and dad were dairy farmers, and there is a lot that can go wrong on the farm. People don't know how many things there might be—weather and lots of other things that they can't count on. It would be nice to have a farm bill that people could count on.

I know the bill we pass here will only be half of the work of getting that bill passed, but we need to do that and we need to get our economy going again. Like so many others, I disagree with the President's sense that the private sector is fine because the private sector is not fine. The economy is not fine. As I have said on this floor many times in the last 2 years, private sector job creation should be the No. 1 priority domestically of the government today: What can we do to create more private sector jobs.

Two years ago, the administration and the White House kicked off the Recovery Summer. They said the success

of the \$831 billion stimulus plan had done its job. Secretary Geithner penned an op-ed in the New York Times that said: Welcome to the Recovery. But today we still see unemployment higher than it should be, the unemployment rate at 8.2 percent.

If we were looking at the same workforce we had 30 years ago—and we know the population has gotten bigger, so logically the workforce has gotten bigger too. If we were looking at a workforce that was reflective of the workforce in January 2009, unemployment would be 11.1 percent today. It is 8.2 percent because we are considering a workforce that is smaller. The number of people who are actively out there considering themselves either in the workforce or wanting to be in the workforce is lower than any time in the last 30 years.

Certainly, the Recovery Summer didn't work. The rhetoric was high, but the economy didn't grow as we would have hoped it would. The creation of jobs didn't occur. GDP, the gross domestic product, grew at 1.7 percent in 2011, and it is still below 2 percent—1.9 percent—in 2012. Only 77,000 jobs were created in April, and only 69,000 jobs were created in May.

We are just not doing the job here. The stimulus didn't work. Part of the stimulus was to try to help States offset the shortages they had. But to some extent all that did was postpone for another year or maybe even 2 years States having to make decisions that only States should make. The Federal Government has enough things to run without trying to run everything. The Federal Government shouldn't be responsible for the things States are responsible for, and we should do the things we do at the Federal level the best they can possibly be done, starting with defending the country.

We are looking at some reduction in defense spending that, if it happens, will not only negatively impact our ability to defend the country, if we don't do those reductions exactly right, it will also have real impact on the economy.

The stimulus didn't create the jobs. The labor force participation rates are at a 30-year low. Middle-class incomes have dropped \$4,350 in the last 3 years. The private sector is not doing well, nor is the economy doing well. The number of long-term unemployed has doubled to 5.5 million since the President took office. Housing prices continue to decline.

Many of the economic forecasters, including the Congressional Budget Office, project that economic growth downgrades and skepticism toward the recovery will continue. The Congressional Budget Office recently released a dismal long-term budget outlook showing that the country's Federal debt per person is on track to triple in a generation. That track has to stop.

We can make the decision: Do we want to be Europe? Do we want to be Greece? Do we want to be Italy? Do we want to be Ireland or Portugal or Spain? All we have to do is pick up a paper any day of the week now to know surely that is not who we want to be. Or do we want to get our government rightsized for our economy? Do we want to get back to where we don't let our economy be overwhelmed by the government?

What has happened in so many of the countries I just mentioned and others in Europe is that they have let the government get bigger than the economy can support.

The CBO talked about what would happen if we don't take this action between now and early next year: If we let taxes go back up, if we let defense spending go in the direction that it appears to be heading, what happens then?

Even President Clinton and former domestic adviser to then-Secretary of the Treasury Summers said we need to continue current tax policies for some time in the future. I remember at the end of 2010, the President said: Now is not the time to discourage jobs. Well, exactly when would be the time to discourage jobs?

The job of the Federal Government domestically should be to figure out what we can do to encourage jobs because with only the rarest of rare occasions the Federal Government, with few exceptions, doesn't create jobs. The Federal Government, however, has a lot to say about the environment in which people make that decision as to whether they are going to create a job. With constant discussion of energy policies that don't make sense and too much regulation and raising taxes and health care costs that are unknown for every job that is added, people just don't add those jobs.

So whether it is the agriculture economy—which, again, I will say, even though the unemployment there is twice as high as government sector unemployment, the agriculture economy is almost twice as high as the 4.2 percent of government sector unemployment. It is still a bright spot in the current economy. But that economy will be better if we give people more of a chance to plan.

The Recovery Summer didn't work. We will soon know what the court has to say about the affordable health care act. But we only have to talk to a few job creators, and not for very long, to know that the affordable health care act is standing in the way of job creation just as are regulations. The EPA keeps regulating.

The shortest path to more American jobs would be more American energy. We have energy resources in greater abundance than we believe we had just a few years ago, oil shale and gas shale. We should produce more of our own energy that would allow us to make

things again. And what we can't produce, if we can buy it from our closest neighbors and our dependable friends, we should do that. There is nothing wrong with buying from people who don't like us. But it is crazy to have to buy from people who don't like us, particularly if we can buy from people who like us.

When we send \$1 to our neighbors in Canada, they send almost \$1 back every single time. The likelihood that Canadians will decide they don't want to sell us oil or gas is virtually zero. We can't say that about every country we have gotten too dependent on in recent years.

So let's do the right thing. Let's have a true path to recovery. Let's have good energy policy. Let's have good tax policy. Let's have good regulatory policy. And let's see if we can't get the private sector the kind of priority in job creation it needs. Of course, that includes one of the brightest lights in the private sector, which is farming families and the agriculture economy and our ability to compete in a world because of the great job we do in agriculture.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized out of turn, and I will cease when Senator BLUMENTHAL shows up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I come from the farm State of Oklahoma. The biggest threat to the future of farmers is burdensome and costly regulations.

I have three amendments. The amendments I am proposing will provide significant regulatory relief for farmers struggling in a tough economy.

There is virtually no history of oil spills from agricultural operations, and farms simply do not pose the risk of the spills other sectors do. Starting next year, farmers who have oil and gas tanks—that is all of them. They all have oil and gas tanks on their farms. They are located in different areas, but if they have a certain aggregate amount, they will be required to hire a certified professional engineer to design a spill prevention control and countermeasure plan just like major oil refineries. They may also be required to purchase new capital equipment to comply with the rule, including dual containment tanks on farm trucks and fuel storage units that will necessarily raise the cost.

My amendment would exempt farmers from these regulations for above-ground oil storage tanks that have an aggregate storage capacity of less than 12,000 gallons.

I know a small wheat farmer in northwest Oklahoma by the name of Keith Kisling. He is one of the only farmers who took the time to actually comply with the SPCC regulation. Those are spill regulations. Most people didn't even try to comply.

First, he had to fill out over 80 pages of paperwork he did not understand. He hired an online service to help him comply, which cost him money and didn't make his job much easier. He must keep a copy of this plan on his property at all times in case he is inspected. If he had older tanks, the rules would require him to purchase new double-walled tanks that are incredibly expensive. In addition, he now has to build a berm around his tanks to hold 18,000 gallons of fuel in case it does leak. This will be very expensive and time consuming. He also must install a liner underneath the tanks and at the bottom of the berm to contain any leaks. He reports that the rules are extremely confusing and the regulations just don't make any sense, given the fact that farmers would not let leaks go unnoticed because diesel fuel is too expensive.

In addition to providing this exemption, it will also allow farmers who are regulated to self-certify instead of going to the expense of hiring engineers to do that for them. I am hoping my colleagues will look at this as a regulation that is not needed and accept my amendment.

I have a second amendment having to do with storm water. One of the biggest threats is the overburdensome and costly regulation. But one of the best ways to stop these rules is to ensure that when an agency states they will collect the best available information before imposing a new regulation, that they do that.

This amendment will ensure that the EPA keeps its word and fully evaluates a current storm water regulatory situation—what practices work and what don't work, what the costs are and what the benefits are—before barreling ahead with new uncertain regulations.

In EPA's current storm water regulations, they committed to complete an evaluation of the current rule. This amendment simply stops the EPA from issuing any new regulations until they comply with the rules. In other words, they have said they would do this. This stops them from invoking a regulation and completing it until they have completed what they have already agreed to.

Rest assured this is nothing new to the EPA. In fact, in the EPA guidance that accompanies the current regulations, they recommended the same thing: that until the evaluation of the

current program is completed, no new requirements be imposed, especially for small communities.

So all my amendment does is force the EPA to do what they have already agreed they would do, and that should be a fairly easy one to pass.

Madam President, I see the Senator from Connecticut has arrived, and so I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am here today to speak about a bipartisan amendment I have offered to the farm bill. It is an amendment that incorporates a bill I offered, the Animal Fighting Spectator Prohibition Act, and is cosponsored by Senators KIRK, CANTWELL, BROWN of Massachusetts, WYDEN, and LANDRIEU. I ask unanimous consent that Senator KERRY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, commonly in advocating or introducing bills, Senators will have photographs or digital aids, and I thought about doing that today, but then realized that the photographs appropriate for this bill are of mangled, cruelly torn animals that have died in the midst of torture from a blood sport that has no place in any of our American towns or cities or countryside. This blood sport involves animal fighting. This activity is not only cruel and inhumane, it is also a sport that fosters, promotes, and encourages illegal activity, including drug dealing, gangs, and gambling. It is a source of the worst instincts. It encourages the worst in the human condition and the worst in the individuals who participate and come to watch it.

Congress has recognized this fact in the past, as recently as 2007, by upgrading the Federal law against animal fighting. It is prohibited, and the act of 2007 made the interstate transport of fighting animals, or cockfighting tools, a Federal felony.

In 2008, in the wake of the Michael Vick case, Congress again improved the law, making possession and training of fighting animals a felony and enhancing the upper limits of jail time for anyone engaged and convicted of it, so the Federal law now is very comprehensive and very powerful. It prohibits exhibiting, buying, possessing, training, and transporting an animal for participation in a fighting activity. It is comprehensive and powerful except for one loophole, and that is the one I propose to cover through this amendment to the farm bill.

This legislation would prohibit knowingly attending an animal fight by setting penalties that include a fine or imprisonment of up to 1 year or both. It would also extend stricter penalties for any individual who knowingly brings a child to an animal fight, and the penalty for engaging in that activity

would be a fine and prison sentence of up to 3 years or both. So the loophole here is that spectators are not covered and bringing children to these events is not covered, and that is why this legislation is absolutely essential.

Why spectators? Well, spectators are commonly participants. In fact, the sport would not exist without spectators. They are the ones who gamble, engage in other criminal activity, and who go there simply to engage in that activity. They are there not only to watch but to bring their own animals to fight or to gamble illegally or for drug dealing illegally or gang activity illegally. Spectators are the source of financing, and they make it profitable. They must be subject to Federal law and Federal prohibitions in the same way as anyone who actually engages in already prohibited activity. This type of criminal element—gathering of dogfights or cockfights—ought to be subject to the same kinds of prohibition.

Why children? Well, without stating the obvious, coming to a cockfight or a dogfight, which is a blood sport, leads to other kinds of violence. I don't need to cite the scientific evidence for anyone who is a parent and a Member of this body. Right now there is no law that applies to bringing children to such an event, and we need to close that loophole.

Again, if I had photographs here, one would be of a small girl literally crying at the sight of one of these animals mangled and cruelly torn apart before death.

This bill would in no way apply to innocent bystanders because it would require proof that the person is aware they are at such an animal fight. It would not intrude on States rights. In fact, 49 States already have similar laws. We need a Federal law because many of these activities are in interstate commerce and the power of the Federal Government as an enforcer is irreplaceable. The Federal Government ought to be on record against the crimes involved that are committed by spectators and against bringing children to this kind of event.

When animal fighting involves players from a number of different States, a county sheriff or a local law enforcer simply lacks the power to deal with it and to root out the entire operation—not just to make arrests at the site but to root out the whole operation so that the penalties are more comprehensive and the organized criminal activity is ended. These crimes are a Federal matter and the Federal response ought to be overwhelming. In the Michael Vick case, as an example, the local Commonwealth attorney refused to take action and Federal authorities had to prosecute this case.

This measure has law enforcement endorsements not only from sheriffs but from others who care about this

problem, such as the Federal Law Enforcement Officers Association and the Fraternal Order of Police. It is supported as well by the American Veterinary Medical Association and the Humane Society of the United States, which has been a strong partner in this effort and does so much great work to protect animals in this country and around the world. My thanks to the Humane Society for its courageous leadership in this area.

It would be no cost to the Federal Government, to answer a question that is always raised. The Congressional Budget Office has scored this legislation and found it has zero cost to the Federal Government. So let me say the legislation is bipartisan, it is commonsense, it is humane, it is right, and it will cost zero dollars to close this last remaining loophole, this last remaining refuge for a blood sport that has no place in a civilized society. It gives Federal law enforcers the tools they badly need to stop it, and I urge its adoption.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the period for debate only on S. 3240 be extended until 5:30 p.m., and that the majority leader be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that a Stabenow-Roberts perfecting amendment, which is at the desk, be agreed to; the bill, as amended, be considered original text for the purpose of further amendment; that the following Lee motion to recommit and four amendments be the first amendments and motion to recommit in order to the bill with no other first-degree amendments or motions to recommit in order until these amendments and motion are disposed of: Paul No. 2182, Shaheen No. 2160, Coburn No. 2353, Cantwell No. 2370, and

Lee motion to recommit; that there be up to 60 minutes of debate equally divided between the two leaders or their designees on each of these amendments and the Lee motion; that upon the use or yielding back of time on all four amendments and the Lee motion, the Senate proceed to votes in relation to the amendments and motion in the order listed; that there be no amendments or motions in order to the amendments or the Lee motion—which is the motion to recommit—prior to the votes other than motions to waive points of order and motions to table; that upon disposition of these amendments and the Lee motion, I be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, I am very concerned about Dr. Shakil Afridi. He is a doctor in Pakistan who got information that helped us and led to the capture of bin Laden. He is now being held in prison. He has been put in prison in Pakistan for 33 years. I don't think we should continue to send U.S. taxpayer money in the form of foreign aid to Pakistan when they are holding in prison a doctor who simply helped us to get bin Laden.

This issue is of the utmost urgency. His case will be heard for an appeal. It is a political case. It can be influenced by U.S. actions. I think the U.S. taxpayers should not send money to Pakistan when Pakistan is holding this innocent man who helped us get one of the world's most dangerous men, a mass murderer who killed 3,000 Americans. We captured him with help from Dr. Shakil Afridi, and Dr. Afridi deserves our help now.

I have an amendment that is very important. It is not germane. But that does not mean it is not important. It is very important that we send Pakistan a signal that we will not continue to send them a welfare check when they are holding in prison a political prisoner who helped us get bin Laden. This amendment is of the utmost urgency and would only require 15 minutes of the Senate's time. I am not asking for all day. I am asking for 15 minutes to vote on ending aid to Pakistan until they release Dr. Afridi.

I do not think this is too much to ask. The Senate has historically been a body that allowed debate, that allowed amendments, pertinent or not pertinent. This one is very important. Time is of the essence for Dr. Afridi. It is the least we can do for someone who helped us to get bin Laden. I ask that we allow time for this amendment to occur. I object to the unanimous consent.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I appreciate the good intentions of my friend from Kentucky because they are good

intentions. But we are on a bill now that just simply does not allow something like that to come forward. I would like to work with him in the future—I am sure a number of other Senators would—to focus on our relations with Pakistan.

It is not only the problem he outlined, but there are other things—the ability of our vehicles to drive to Afghanistan and lots of other things. It is an issue on which the Foreign Relations Committee has held hearings. It is something on which we need to focus, and I would also indicate to my friend that Senator LEAHY, who has been a protector of human rights for his entire career, is the chairman of the State-Foreign Operations Subcommittee. He is also concerned about this.

So I would say to my friend that he does not stand alone in his concern. But there has to be a time and place for everything. Hopefully, we can have a full debate on our relations with Pakistan in the near future.

AMENDMENT NO. 2389

Mr. REID. Madam President, on behalf of the managers, I call up amendment No. 2389, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. STABENOW and Mr. ROBERTS proposes an amendment numbered 2389.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2390 TO AMENDMENT NO. 2389

Mr. REID. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2390 to amendment No. 2389.

The amendment is as follows:

At the end, add the following:

SEC. ____ . EFFECTIVE DATE.

This Act shall become effective 5 days after enactment.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2391

Mr. REID. Madam President, I have a motion to recommit the bill with instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit S. 3240 to the Senate Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith with an amendment numbered 2391.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I ask for the yeas and nays on this motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2392

Mr. REID. Madam President, I now call up amendment No. 2392.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2392 to the instructions of the motion to recommit S. 3240.

The amendment is as follows:

(Purpose: To empower States with programmatic flexibility and predictability to administer a supplemental nutrition assistance block grant program under which, at the request of a State agency, eligible households within the State may receive an adequate, or more nutritious, diet)

Beginning on page 1, strike line 2 and all that follows through page 31, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program

SEC. 4001. PURPOSE.

The purpose of this subtitle is to empower States with programmatic flexibility and financial predictability in designing and operating State programs—

(1) to raise the levels of nutrition among low-income households;

(2) to provide supplemental nutrition assistance benefits to households with income and resources that are insufficient to meet the costs of providing adequate nutrition; and

(3) to provide States the flexibility to provide new and innovative means to accomplish paragraphs (1) and (2) based on the population and particular needs of each State.

SEC. 4002. STATE PLANS.

(a) IN GENERAL.—To receive a grant under section 4003, a State shall submit to the Secretary a written plan that describes the manner in which the State intends to conduct a supplemental nutrition assistance program that—

(1) is designed to serve all political subdivisions in the State;

(2) provides supplemental nutrition assistance benefits to low-income households for the sole purpose of purchasing food, as defined by the applicable State agency in the plan; and

(3) limits participation in the supplemental nutrition assistance program to those households the incomes and other financial resources of which, held singly or in joint ownership, are determined by the State to be a substantial limiting factor in permitting the members of the household to obtain a more nutritious diet.

(b) REQUIREMENTS.—Each plan shall include—

(1) specific objective criteria for—

(A) the determination of eligibility for nutritional assistance for low-income households, which may be based on standards relating to income, assets, family composition, beneficiary population, age, work, current participation in other Federal government means-tested programs, and work, student enrollment, or training requirements; and

(B) fair and equitable treatment of recipients and provision of supplemental nutrition assistance benefits to all low-income households in the State; and

(2) a description of—

(A) benefits provided based on the aggregate grant amount; and

(B) the manner in which supplemental nutrition assistance benefits will be provided under the State plan, including the use of State administration organizations, private contractors, or consultants.

(c) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—

(1) IN GENERAL.—The Governor of each State that receives a grant under section 4003 shall issue a certification to the Secretary in accordance with this subsection.

(2) ADMINISTRATION.—The certification shall specify which 1 or more State agencies will administer and supervise the State plan under this section.

(3) PROVISION OF BENEFITS ONLY TO LOW-INCOME INDIVIDUALS AND HOUSEHOLDS.—

(A) IN GENERAL.—The certification shall certify that the State will—

(i) only provide supplemental nutrition assistance to low-income individuals and households in the State; and

(ii) take such action as is necessary to prohibit any household or member of a household that does not meet the criteria described in subparagraph (B) from receiving supplemental nutrition assistance benefits.

(B) CRITERIA.—A household shall meet the criteria described in this subparagraph if the household is—

(i) a household in which each member receives benefits under the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(ii) a low-income household that does not exceed 100 percentage of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) for a family of the size involved as the State shall establish; or

(iii) a household in which each member receives benefits under a State or Federal general assistance program that complies with income criteria standards comparable to or more restrictive than the standards established under clause (ii).

(4) PROVISION OF BENEFITS ONLY TO CITIZENS AND LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES.—The certification shall certify that the State will—

(A) only provide supplemental nutrition assistance to citizens and lawful permanent residents of the United States; and

(B) take such action as is necessary to prohibit supplemental nutrition assistance benefits from being provided to any individual or household a member of which is not a citizen or lawful permanent resident of the United States.

(5) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD, WASTE AND ABUSE.—The certification shall certify that the State—

(A) has established and will continue to enforce standards and procedures to ensure against program fraud, waste, and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage; and

(B) will prohibit from further receipt of benefits under the program any recipient who attempts to receive benefits fraudulently.

(6) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary—

(A) may only review a State plan submitted under this section for the purpose of confirming that a State has submitted the required documentation; and

(B) shall not have the authority to approve or deny a State plan submitted under this section or to otherwise inhibit or control the expenditure of grants paid to a State under section 4003, unless a State plan does not comply with the requirements of this section.

SEC. 4003. GRANTS TO STATES.

(a) IN GENERAL.—Beginning 120 days after the date of enactment of this Act, and annually thereafter, each State that has submitted a plan that meets the requirements of section 4002 shall receive from the Secretary a grant in an amount determined under subsection (b).

(b) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—Subject to paragraph (3), a grant received under subsection (a) shall be in an amount equal to the product of—

(A) the amount made available under section 4005 for the applicable fiscal year; and

(B) the proportion that—

(i) the number of individuals residing in the State whose income does not exceed 100 percent of the poverty line described in section 4002(c)(3)(B)(ii) applicable to a family of the size involved; bears to

(ii) the number of such individuals in all States that have submitted a plan under section 4002 for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(2) PRO RATA ADJUSTMENTS.—The Secretary shall make pro rata adjustments in the amounts determined for States under paragraph (1) for each fiscal year as necessary to ensure that—

(A) the total amount appropriated for the applicable fiscal year under section 4005 is allotted among all States that submit a plan under section 4002; and

(B) the total amount of all supplemental nutrition assistance grants for States determined for the fiscal year does not exceed the total amount appropriated for the fiscal year.

(3) ADMINISTRATIVE PROVISIONS.—

(A) QUARTERLY PAYMENTS.—The Secretary shall make each supplemental nutrition assistance grant payable to a State for a fiscal year under this section in quarterly installments.

(B) COMPUTATION AND CERTIFICATION OF PAYMENT TO STATES.—

(i) COMPUTATION.—The Secretary shall estimate the amount to be paid to each State for each quarter under this section based on a report filed by the State that shall include—

(I) an estimate by the State of the total amount to be expended by the State during the applicable quarter under the State program funded under this subtitle; and

(II) such other information as the Secretary may require.

(ii) CERTIFICATION.—The Secretary shall certify to the Secretary of the Treasury the amount estimated under clause (i) with respect to each State, adjusted to the extent of any overpayment or underpayment—

(I) that the Secretary determines was made under this subtitle to the State for any prior quarter; and

(II) with respect to which adjustment has not been made under this paragraph.

SEC. 4004. USE OF GRANTS.

(a) IN GENERAL.—Subject to subsection (b), a State that receives a grant under section 4003 may use the grant in any manner that is

reasonably demonstrated to accomplish the purposes of this subtitle.

(b) LIMITATION ON USE OF GRANT FOR ADMINISTRATIVE PURPOSES.—A State may not use more than 3 percent of the amount of a grant received for a fiscal year under section 4003 for administrative purposes.

SEC. 4005. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$45,000,000,000 for fiscal year 2013 and each fiscal year thereafter.

SEC. 4006. REPEAL.

(a) IN GENERAL.—Effective 120 days after the date of enactment of this Act, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) RELATIONSHIP TO OTHER LAW.—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2393 TO AMENDMENT NO. 2392

Mr. REID. Madam President, I call up amendment No. 2393, which is a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2393 to amendment No. 2392.

The amendment is as follows:

(Purpose: To phase out the Federal sugar program)

At the end, add the following:

SEC. ____ . SHORT TITLE.

This subtitle may be cited as the “Stop Unfair Giveaways and Restrictions Act of 2012” or “SUGAR Act of 2012”.

SEC. ____ . SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) LOANS.—The Secretary shall carry out this section through the use of recourse loans.”;

(2) by redesignating subsection (i) as subsection (j);

(3) by inserting after subsection (h) the following:

“(i) PHASED REDUCTION OF LOAN RATE.—For each of the 2012, 2013, and 2014 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to \$0 for the 2015 crop.”; and

(4) in subsection (j) (as redesignated), by striking “2012” and inserting “2014”.

(b) PROSPECTIVE REPEAL.—Effective beginning with the 2015 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. ____ . ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2015 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2015 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar.”.

(c) GENERAL POWERS.—

(1) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) STORAGE FACILITY LOANS.—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Effective beginning with the 2013 crop of sugar beets and sugarcane, section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) TRANSITION PROVISIONS.—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. ____ . TARIFF-RATE QUOTAS.

(a) ESTABLISHMENT.—Except as provided in subsection (c) and notwithstanding any other provision of law, not later than October 1, 2012, the Secretary shall develop and implement a program to increase the tariff-rate quotas for raw cane sugar and refined sugars for a quota year in a manner that ensures—

(1) a robust and competitive sugar processing industry in the United States; and

(2) an adequate supply of sugar at reasonable prices in the United States.

(b) **FACTORS.**—In determining the tariff-rate quotas necessary to satisfy the requirements of subsection (a), the Secretary shall consider the following:

(1) The quantity and quality of sugar that will be subject to human consumption in the United States during the quota year.

(2) The quantity and quality of sugar that will be available from domestic processing of sugarcane, sugar beets, and in-process beet sugar.

(3) The quantity of sugar that would provide for reasonable carryover stocks.

(4) The quantity of sugar that will be available from carryover stocks for human consumption in the United States during the quota year.

(5) Consistency with the obligations of the United States under international agreements.

(c) **EXEMPTION.**—Subsection (a) shall not include specialty sugar.

(d) **DEFINITIONS.**—In this section, the terms “quota year” and “human consumption” have the meaning such terms had under section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) (as in effect on the day before the date of the enactment of this Act).

SEC. _____. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 250, S. 1940.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Mr. REID. Madam President, I have managed a few bills during my time here, quite a few bills. It is always so gratifying, after the work that goes into the work you have done on a committee or a subcommittee, to have that matter come to the floor. It is a terrible disappointment to not be able to move forward as you anticipated.

So I say that for Senator STABENOW and Senator ROBERTS. No one has worked harder than they have in bringing the bill to the floor. It is bipartisan. It is important not only for the State of Michigan, the State of Kansas, but it is important for the country.

I wish we could proceed in another way to have amendments heard and voted on. But even though this is something awkward, we are going to move forward with this bill. We are going to bring up some amendments. They are big amendments. They are crucial to Senators being able to issue their opinions on this legislation. One deals with sugar, one deals with food stamps, both very controversial and very important.

We are going to have those amendments, and, hopefully, we will have a

good debate on those matters. We can move forward on this bill in other ways. I have not given up hope. I know Senator STABENOW and Senator ROBERTS have not given up hope to have a universal agreement so we can legislate on this bill.

As I have indicated, we do not do this very often in this manner. But it is important because we have an issue that needs to move forward. A lot of times when the tree is filled we just walk away from it. We are not going to walk away from this. This bill is far too important. It affects the lives of millions of people—about 16 million—in America.

The reforms have been made in this bill—I remember when I came from the House of Representatives 26 years ago, we wanted to make the reforms that are in this bill. So they have done remarkably good work. We hear everyone, Democrats and Republicans, talking about: Let's do something about the debt and the deficit. Here we have done it.

What they have done is bring to this body a bill that reduces our debt by \$23 billion. We have a long ways we need to go beyond that. But, gee whiz, this is a big deal, \$23 billion. So I commend and applaud the two managers of this bill. They are fine Senators. They have done a service to our country by getting us to the point we are now.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first I want to thank our leader for his strong support and helping us bring this to the floor. We would not be here without the Senator from Nevada, our leader. Frankly, there are many demands, many things on his plate and our plate in the Senate. He understands 16 million jobs are affected by what happens in agriculture in this country. So I thank Senator REID for his willingness to support us and continue to support us as we move forward to get this bill done.

I also want to thank my partner and my ranking member, the Senator from Kansas, for his continued leadership as we move the bill forward. We would have liked to have begun the unanimous consent agreement to move forward on six different amendments, not the universe of amendments. Certainly, anyone could come down and say: Why isn't my amendment part of the first six?

We wanted to get started as we worked with colleagues to bring up other amendments. So we have put forward something that involves, first of all, a technical amendment we need to do for the bill, a perfecting amendment, and then two Democratic colleagues' amendments and three Republican colleagues' amendments, including the Senator from Kentucky who just entered the objection, an important debate that involves an amendment he is involved in.

So our first step was to try to do this around unanimous consent. But understanding that we do have an objection, Senator REID has offered us another path to do this by creating a way for us to at least have the debate on two of the issues we had put forward in the six amendments before us.

One involves the Sugar Program for our country, and we have a number of Members who have different amendments. We have one that will be in front of us. It is an opportunity for everyone to say their piece. I can tell you as someone who represents a lot of sugar beets that I care very deeply about this issue and certainly support the Sugar Program. But it is an important debate to have, and Members deserve to be heard on all sides.

The other relates to the Supplemental Nutrition Assistance Program. Many Members have feelings on all sides about this, and so we think it is an important debate to have to give people an opportunity to give their opinions.

I certainly, as this goes forward tomorrow, will be doing that myself and certainly feel very strongly that what we have done in the bill on accountability and transparency to make sure every dollar goes for families who need it is very important. But we want Members to have an opportunity to be able to debate what is important policy for our country.

As we are moving forward on both of these amendments tomorrow, we will also be working, our staffs and ourselves, to come together on a larger package, a universe of amendments to offer to the body of the Senate to be able to move forward so we can come up with a finite number of amendments that will allow us to complete the bill.

Many amendments have been offered. We are going to spend our time going through those just as we did in committee where we worked across the aisle. We had 100 amendments and whittled that down to a point where we could come forward with agreed-upon amendments. We are going to do the same thing. We are going to put together a universe of amendments to move forward on the bill.

But while we are doing that, we will have an opportunity—we invite Members who care particularly about either of the issues that will be voted on tomorrow—the leader will move forward with a motion to table on those, but we want everyone to have an opportunity to come to the floor and be able to be heard on both of those issues.

So we are moving forward. We would have liked to have done it with a larger group of amendments that we could have started with while we continue through. Our goal is to allow as much opportunity for discussion and debate as possible. But, frankly, I have to say, before yielding to my friend from Kansas, our goal ultimately is to pass this bill.

I mean we have 16 million people who are counting on moving forward wanting certainty. Our farmers and ranchers want to know what is coming for them as they are in the planting season, going into harvest season in the fall. They need economic certainty. We need to make sure we have a policy going forward that makes sense and is put in place before September 30 of this year when these policies run out and very serious ramifications to the budget take place.

Frankly, I think all of us have said at one time or another that we want to see deficit reduction. I do not know of another bill that has come before this body with \$23 billion in deficit reduction, bipartisan, and a number that was agreed to in the fall with the House and the Senate.

We have an opportunity to tell the people we represent in the country that we meant it when we said deficit reduction. We meant it when we said reform. We meant it when we said we were going to work together to get things done. We have been doing that with a wonderful bipartisan vote in committee, with a very strong vote to proceed to this bill last week, and we know the hard part is getting through it and coming up with the list of amendments we intend to do.

We are asking for our colleagues to work with us on behalf of the people of this country who have the safest, most affordable food supply in the world because of a group of folks called farmers and ranchers who have the biggest risk in the country and go out every day to work hard to make sure we have the national security and the food security we need for our country.

They are looking to us to get this done, along with children and families across this country. We will do that. We will begin that process between now and tomorrow with a debate on two important issues.

I see my distinguished colleague and friend here, the ranking member. I also thank another distinguished colleague, the Senator from Iowa, who has made very significant contributions in this legislation on reforms—reforms he has been fighting for for years. We have stepped up to back him up and support him. We need to get this done—these reforms—and get this bill done. We are going to work hard to make sure we do that.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, this isn't exactly the trail I had hoped we would take to get to a successful conclusion on a farm bill that we need so vitally in farm country, for all the reasons that the distinguished chairwoman has outlined. I need not go over all of those reasons. I will mention that we have a September 30 deadline in which the current farm bill expires. The alternative is to go back to the

current farm bill, which we know is outdated, and it has a payment system that is also outdated.

The other alternative, if you don't extend the farm bill, is you go to the 1949 act, which is not sustainable. It is not really an alternative. I had hoped we could start considering this. We had three Republican amendments, two Democratic amendments, and also the perfecting amendment. But that is not the trail we are going to go down.

Basically, I think about the only thing I can add is that we are not giving up. We can't. We will keep working as hard as we can to accommodate all Members. I know there is a lot of talk on both sides of the aisle about a global agreement. That seems to be a little bit of an exaggeration, more especially for this body. At any rate, that agreement would encompass every Members' concern at least, and we would go back to what the Senate used to be and have everybody offer amendments and debate them and then vote and have a conclusion. That is exactly what we did when we marked up the bill with over 100 amendments in 4½ hours. That was a record. That is not what we are going to do as of tomorrow. At least there is some degree of movement.

I know the Senator from Iowa has several amendments that are extremely important to the future of agriculture program policy. I commend him for his leadership in the past and for being such a successful partner in working things out not only for his State but for the country.

We will persevere and we will get this done. I guess we are like John Paul Jones—we have just begun to fight.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I know my colleague from New Hampshire wishes to speak, but for the purpose of Members' understanding, I would like to let everyone know what is happening now.

We do have two amendments that will be voted on tomorrow morning. The majority leader has at his disposal the ability to have a motion to table, which he will exercise in the morning. But we want anyone interested in either of these two topics or amendments to come forward with the opportunity to debate tonight. Senator SHAHEEN has an amendment that I know is very important to her and many other Members, and we want everyone to have the opportunity this evening to do that.

There will be a vote. I am not sure of the time exactly, but I would think at

this point it will be in the morning. So we want those who are interested in debating the Sugar Program or debating the question of whether to block grant the nutrition program, the Supplemental Nutrition Assistance Program, SNAP, to come forward to discuss and debate that this evening. There may be some time in the morning, but we will be moving forward on both of these amendments. So we want to let them know that if these are topics they are interested in, we would certainly welcome them coming to the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator STABENOW, who has done such a great job of chairing the Agriculture Committee. She and Ranking Member ROBERTS really have done amazing work to bring this bill to the floor. It is bipartisan, and it is legislation that makes some significant reforms in the farm programs we have had.

In New Hampshire, many of the programs that are authorized in the farm bill are critical for our farmers and our rural communities, as well as for the protection of our natural resources. I hope we do have some agreement so that we will be able to actually have a full debate on this bill in the remainder of this week and in the upcoming week.

As I said, this legislation makes much needed reforms to our farm programs, and it helps to reduce the deficit. For all of that terrific reform and the work that has been done, Senator STABENOW and Ranking Member ROBERTS deserve real appreciation and thanks from this body.

However, there is one glaring exception to the reforms that have been made in the bill; that is, the bill contains no reform to the Sugar Program. The sugar subsidies we provide to farmers in America are really unique because what the Federal Government does is to artificially restrict supply and provide a subsidy that keeps prices for sugar in the United States at nearly twice the world average. These are high prices that hurt consumers. They hurt businesses. In fact, a recent study found that the program costs Americans \$3.5 billion a year.

Let me explain how the subsidy works. First, the Federal Government sets a floor on sugar prices through guarantees. So they guarantee how much is going to be paid for the price of sugar. These price floors ensure that sugar growers and processors will always receive a minimum price for sugar regardless of what happens on the world market. But sugar prices have been far higher than the minimum price for years now, and that is thanks to some additional, very egregious government controls on sugar. Under the sugar subsidy program, the

Federal Government tells sugar growers how much they can grow. These restrictions are called marketing allotments, and they limit how much sugar is available on the market and restrict the ability of buyers and sellers to trade sugar freely. So this is not a market enterprise when it comes to sugar in the United States, and no other U.S. crop is subject to these same kinds of government controls. As a result, in the United States we have severe supply shortages which keep sugar prices artificially high.

The last component of the subsidy program for sugar is trade restrictions. The Federal Government severely restricts the amount of sugar companies can import into the United States. So only about 15 percent of sugar in the United States is imported at those lower world average prices.

Again, no other crop is subject to the kinds of restrictions and price controls I have just described. The result is a subsidy that hurts hundreds of thousands of businesses and consumers and only benefits about 4,700 sugar growers. Unfortunately, the farm bill before the Senate, while it contains a lot of reforms, contains no reforms to this subsidy program.

I have introduced several amendments, but the one we are going to be voting on tomorrow is one that would repeal the subsidy so that prices are determined by the market instead of government controls.

For the past 1½ years, I have been working with our colleague, Senator MARK KIRK of Illinois, on bipartisan legislation—the SUGAR Act—which would phase out the Sugar Program over several years and eliminate government control of sugar prices. Unfortunately, Senator KIRK can't be here tomorrow for this vote because he is continuing his recovery, but I am pleased there is a bipartisan group of our colleagues who have joined in support of this sugar reform. In particular, Senators LUGAR, MCCAIN, DURBIN, TOOMEY, LAUTENBERG, COATS, PORTMAN, FEINSTEIN, and my colleague from New Hampshire, Senator AYOTTE, have all joined me in calling for elimination or significant reform of the Sugar Program.

This is a big concern for us in New Hampshire and other States around the country that actually make candy or other products that rely on sugar. In New Hampshire, we are the American home of Lindt chocolates. We also have a number of other small candy companies. As this chart shows, American manufacturing companies such as Lindt pay almost twice the world average price for their sugar. In fact, prices have gone up considerably since Congress passed the last farm bill in 2008.

We can see that this blue line at the bottom is the world price of raw sugar. This red line is the U.S. price of raw sugar. This green line at the top is the

U.S. wholesale refined sugar price. So while we can see how much higher that raw sugar price is, we can also see what it does to the refined sugar price, and we can see how significantly it has increased since the last farm bill. Again, the sugar subsidy program is able to keep these prices so high because it distorts the market.

In addition to the minimum prices guaranteed by the government, the Federal Government drastically restricts the supply of sugar in the United States, with only about 15 percent of sugar sold coming from abroad—thanks to those import restrictions. The government controls how much each individual sugar processor can sell, and that further restricts supply on the market. Again, the result of these government controls is to keep the artificially high prices for sugar that are reflected on this graph.

These high sugar prices hurt job creation. According to the Department of Commerce, for every one job protected in the sugar industry through this program, we are sacrificing three jobs in American manufacturing. A recent study by an agricultural research firm called Promar suggests that the program—the sugar subsidy, that is—costs 20,000 American jobs each year. In addition, a recent analysis that I referred to earlier found that the program also costs consumers \$3.5 billion every year in the form of artificially high sugar prices. These really are pretty startling numbers, but I wish to talk about how this subsidy program affects just one of the small businesses in New Hampshire.

We have a company called Granite State Candy Shoppe. It is a small family-owned candy manufacturing company in Concord, NH, the capital of New Hampshire. Sugar is that company's most important ingredient. Jeff Bart, who is the owner, tells me that the artificially high cost of sugar has forced the company to raise prices on their goods but, more importantly, the subsidy has also prevented the company from hiring new workers as quickly as it would like to. So while Granite State Candy Shoppe would like to grow and expand, the sugar subsidy is really slowing down that expansion because of the high price of sugar. Granite State Candy Shoppe is just one of many companies that want to grow but are forced to slow down their expansion due to an outdated, unnecessary government program that benefits relatively few sugar cane and sugar beet growers nationwide.

High sugar prices also put American companies at a competitive disadvantage with foreign manufacturers. Since foreign companies can get sugar so much cheaper, it is tempting for American companies to look elsewhere to manufacture their candy. In fact, low sugar prices are a major selling point

for foreign governments encouraging candy companies to relocate.

We just copied this cover of a brochure from Canada. It says:

Canada—North America's Location of Choice for Confectionary Manufacturers.

Consider these hard facts. Sugar refiners import the vast majority of their raw materials at world prices. Canadian sugar users enjoy a significant advantage—the average price of refined sugar is usually 30 to 40 percent lower in Canada than in the United States. Most manufactured products containing sugar are freely traded in the NAFTA region. So we are losing these jobs to Canada and to other places—20,000 jobs a year—in businesses that need sugar as a major ingredient.

This outdated program puts American companies at a competitive disadvantage, and it should go. That is why I hope our colleagues, as they are considering this amendment tomorrow morning to repeal the Sugar Program, will decide to support it. I hope we will not have opposition to voting on the amendment from any of our colleagues in the Senate.

We have had consumer and business groups calling for the repeal of the Sugar Program for years now. The Consumer Federation of America and the National Consumers League have joined business groups such as the U.S. Chamber of Commerce and the National Association of Manufacturers in support of this amendment. These groups support reforming this program because they recognize that these special interests are hurting consumers and they are hurting American businesses.

So I hope all of my colleagues will support this amendment tomorrow. Help us grow small businesses and create those American jobs. Let's reform the Sugar Program. It is long overdue.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I will take a few moments to speak about the two amendments we will be voting on with motions to table tomorrow and urge that my colleagues, in fact, do vote to table these amendments. I appreciate we have colleagues on both sides of the aisle who care about both of them, but I ask, in the interest of a strong agricultural policy and nutrition policy, that we not support the amendments that are in front of us. But I do appreciate the fact that we are beginning to talk about issues and amendments. This is very important.

We have many amendments and ideas that Members want to bring up. We are going to do our level best, within the framework we have to deal with in terms of procedure, to be able to bring up as many different topics and have as much opportunity for people to debate as possible because we want to move forward on this very important bill that we all know would reduce the deficit by over \$23 billion. It has major reforms. Yet it will strengthen agricultural policy—nutrition policy, conservation policy—and maintain and support 16 million jobs. That is why we are here.

I wish to take a moment to talk about our American sugar policy. We grow a lot of sugar beets in Michigan. Our first sugar policy goes back to 1789 in this country. I don't think either one of us was here. The Presiding Officer certainly was not here. Nobody was here. But in 1789 we began the first sugar policy. Our modern policy can be traced back to the Sugar Acts of 1934, 1937, and 1948. Sugar is not similar to other commodities. Both sugarcane and sugar beets must be processed soon after harvest—which is a key factor for them—using costly processing machinery.

If farmers need to scale back production because of a sudden drop in price, the processing plant shuts down and may never reopen. Because this processing is so capital intensive, it is imperative we give producers a stable marketplace so they do not experience a constant boom and bust, which is what we would see without the stability of the program we have today.

The current U.S. sugar policy has been run at zero cost to taxpayers for the last 10 years. Let me just say this again—zero; zero cost to the American taxpayer for the last 10 years. This policy helps defend 142,000 American jobs and \$20 billion in economic activity every year: zero cost, 142,000 jobs, \$20 billion in economic activity every year.

Two things come to mind. Even with our sugar policy, the United States interestingly is the second largest net importer of sugar behind only Russia. This is important because our policy has been viewed as a protectionist policy. Yet we are still an importer. We import sugar, the second highest only to Russia. What we are talking about is allowing a stable marketplace for American producers.

The price of sugar for consumers is among the lowest in the developed world. Despite many debates to the contrary, in the European Union prices are 30 percent higher than in the United States. When we look at the retail prices for countries such as France, Finland, Japan, Norway, and so on, U.S. sugar prices are actually very low. Again, zero cost to the taxpayer, and we are maintaining a stable price for our sugar beet growers and

protection for our sugar beet and sugarcane growers. We are creating jobs and, at the same time, this is where we fall, with the blue line being the USA.

I know there are colleagues on both sides of the aisle who care about this. I argue our sugar policy is one that makes sense. It has made sense for the last 10 years at zero cost. I hope we will vote to continue to support this policy, which is a very important part to many regions of the country, an important part of the bill that is in front of us. This policy is supported by a host of corporations, including the American Sugar Alliance, the International Sugar Trade Coalition. We have the support of our country's two largest agricultural trade organizations—the American Farm Bureau Federation and the National Farmers Union. It has made sense. It has zero cost, and I am hopeful colleagues tomorrow will support continuing this program.

Let me talk about another amendment now that goes to a lot of discussion on the floor and that goes to the nutrition parts, which is the majority of the bill that is in front of us.

All across the country the recession has devastated families. Certainly, I can speak for Michigan, where we have people who paid taxes all their lives, they have worked very hard, they continue to work very hard, and never thought in their wildest dreams they would need help putting food on their tables for their children. They have had to do that during this recession, in a temporary way, to help them get through what, for them, has been an incredibly difficult time.

We know the No. 1 way to address that is jobs. We want to make sure, in fact, we are creating jobs, supporting the private sector entrepreneurial spirit to bring back manufacturing, making things, growing things, creating jobs. But we also know, as this has been slow to turn around for many families, that we have Americans who have needed some temporary help. That is what SNAP, the Supplemental Nutrition Assistance Program, is all about.

The amendment tomorrow that we will be voting on would turn this program into an entire block grant, making it much less effective in responding to needs—frankly, block granting and then cutting over half the current levels of support and funding needed to maintain help for those who are currently receiving SNAP benefits. Reductions at that level could exceed the total amount of supplemental nutrition help projected to go to families in 29 of our smallest States and territories over the next 10 years. It is extremely dramatic and makes absolutely no sense. I hope we will join together in rejecting this approach.

One of the strongest features of the Supplemental Nutrition Assistance Program is that, in fact, it can respond

quickly when we have a recession or economic conditions that warrant it, when we have a nationwide recession, when we have a plant closure in a community. We have seen way too many of those, although we are now celebrating the fact that we have plants opening and retooling and expanding. But we have gone through some very tough times with plant closures where families have needed some temporary help. The important thing about the Supplemental Nutrition Assistance Program is that it is timely, it is targeted, and it is temporary. Approximately half of all of those new families who have needed help are getting help for 10 months or less, so this is actually a temporary program.

We have seen over the years that families receiving supplemental nutrition assistance are much more likely to be working families. This is important. We are talking about working families who are working one job or one, two, or three part-time jobs and trying to hold it together for their families while working for minimum wage. By about the second or third week of the month, there is no food on the table for the children. So being able to help families who are working hard every day to be able to have that temporary help has been life and death. I would suggest, for many families. This is actually a great American value to have something like this for families who need it.

According to the CBO—the Congressional Budget Office—we know the number of families receiving supplemental nutrition assistance is actually going to go down over the next 10 years. It is going to go down because we are seeing the unemployment rate go down, and it tracks the same. In fact, in this bill we build in savings over the life of the farm bill because it is projected that the costs are going to go down—not by some arbitrary cuts but by actually having it go down because the costs go down. When people go back to work, they don't need the temporary help anymore. There are savings in this bill by the fact that the costs are going down because the unemployment rate is going down, and that is the most significant thing.

Turning supplemental nutrition assistance into a block grant won't make the program more efficient or more effective. Instead, we are likely to see States shifting dollars out of SNAP to look at other budget priorities in very tough times. If it is a block grant, they are not required to use it for food to help families. We all know that States are under tremendous pressure on all sides, so it is not even clear—it wouldn't be accountable in terms of where those dollars are going in terms of food assistance.

It is also harder to fight fraud and abuse across State lines with this kind

of approach. The Department of Agriculture has been working hard to accomplish this. We have already reduced trafficking by three-quarters, 75 percent, over the last 15 years, and we want to be able to continue to do that as well.

So we know that nutrition assistance is a lifeline to the families who need it, but let me conclude by saying that I also want to make sure every single dollar goes to the families who need it. That is why this reform bill, this bill that cuts \$23 billion on the deficit, also focuses on waste, fraud, and abuse in the nutrition title because we want to make sure every dollar goes to those families. It is to ensure that every family and every child who needs help receives help, and we want to make sure that not one dollar is abused in that process.

So what do we have in the underlying bill? Well, we have had at least two cases in Michigan where we have had lottery winners who, amazingly, continue to get food assistance, which is outrageous. We stopped that, period. Lottery winners would immediately lose assistance. And hopefully we wouldn't have to say that, but the way it has been set up, we have to make that very clear. It would end misuse by college students who are actually able to afford food and are living at home with their parents. Students going to school are not those who would be the focus of getting food assistance help, so we would end the misuse by college students. We would cut down on trafficking. We don't want folks taking their food assistance card and getting cash or doing something else with it that is illegal. We prevent liquor and tobacco stores from becoming retailers because we want people going into the grocery store or farmers market and being able to get healthy food with their dollars. We also deal with a gap in standards that has resulted in overpayment of benefits as it relates to States. So we deal with what has been an effort by some States to go beyond legislative intent, and we address that in a very strategic way.

The bottom line is that we are making sure we increase the integrity in the food assistance program. We increase the integrity and the accountability because we want every single dollar to go for help for those families who worked all their lives, paid taxes, and now find themselves in a place where the plant closed or where they lost their jobs and need some help on a temporary basis to put food on the table.

Let me just share one more time where the dollars go in terms of children and adults. Nearly half of those who are getting help right now are children; 47 percent of those who get food help are children. Then we have those who live with children, who are another 24 percent, senior citizens are 8

percent, and disabled people are another 9 percent. So the vast majority we are talking about are children, families, parents caring for children, the disabled, or seniors.

The amendment we will be voting on tomorrow is an extreme amendment that would take away temporary help for families and children who need it. Rather than taking that approach, we take the approach of accountability. So as we look one more time at accountability, we can see we are tightening all of the areas where there has been abuse. We want every dollar to go where it should go, but at the same time we don't want to forget the children or the families of this country who are counting on us.

We have several different kinds of programs that relate to disasters in the farm bill. We have one called crop insurance where if there is a weather disaster or price disaster, we want to be there. We don't want any farmer to lose the farm because there are a few days of bad weather or some other kind of disaster beyond their control. It is called crop insurance, and we strengthened risk management tools in this bill.

Well, there is another kind of disaster assistance in this bill, and that is for families across this country. It is for children, it is for seniors, and it is for the disabled. It is called the nutrition title, and that is why it is there in case of a family disaster. We have too many middle-class families who are asking for help now. They are grateful, didn't want to ask, and mortified they have to ask, but they are in a situation where they need temporary help, and that is why it is here.

The good news is that with the unemployment rate going down, the assistance is going down. The budget will be going down through the life of this farm bill and the costs will be going down because people are going back to work. That is the way it should be.

I would urge tomorrow that we vote against what I consider to be a very extreme amendment that would cut and block grant the nutrition program and vote instead to support what we have done to increase the accountability and integrity of our food assistance programs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BENNET. Mr. President, it is a great privilege to be here tonight with the senior Senator from Colorado because the topic I come to the floor to

talk about tonight is the West. Similar to the Presiding Officer, I have been thinking a lot about our home State of Colorado because we currently have a terrible wildfire burning just west of Fort Collins. Susan and I and the girls went up to Jamestown this weekend—I think I told the Presiding Officer this earlier—and dropped them off at camp, and that is far away from where this fire is. It is on the other side of Estes Park. But even from there, we could see an incredible plume of smoke, and in the 45 minutes or so we were there, I would say the volume of that plume of smoke increased by three-or fourfold and we could tell something terrible was going on.

As the Presiding Officer knows better than anybody in this Chamber, this devastating fire has destroyed over 100 structures and has tragically claimed one life and endangered many others. In fact, as we stand in this Chamber tonight, there are many endangered by this fire. At over 43,000 acres and growing, it is the third largest fire in Colorado's history.

Today, I think I can say for both of us, our thoughts go out to the family who lost a loved one and to the hundreds of firefighters who are bravely working on the ground as we are here tonight. We wish them well and we wish them success in battling this blaze.

As the Presiding Officer knows, wildfires are simply part of life in the West. Managing our land to improve resiliency needs to be a focus of ours in this Congress. That is why I am pleased, as a member of the Committee on Agriculture, to say the farm bill reauthorizes stewardship contracting, which allows our Federal land management agencies to implement high priority forest management and restoration projects. Much of the Presiding Officer's career has had to do with these programs. I thank him for his support, and I have been pleased to be able to carry on his work as a member of the Agriculture Committee. This is a critical tool for initiatives that restore and maintain healthy forest ecosystems and provide local employment. The Presiding Officer, I think, was on the floor maybe yesterday talking about the importance of this to our timber industry in Colorado and across this country.

Another truly western aspect of this bill I would like to focus on tonight is conservation and specifically the stewardship of our western landscape. In my travels around Colorado, I have been heartened to see over and over farmers and ranchers arm in arm with conservation groups and with sportsmen, all in the name of proper stewardship of the land, of protecting our open spaces. They all share the recognition that keeping these landscapes in their historical, undeveloped state is an economic driver—as family farms, as

working cattle ranches; for tourism, for wildlife habitat, and to preserve our rural way of life and our rural economies.

Every citizen knows the American West is a destination for those seeking wide-open spaces—a “home on the range,” as they say, a way of life that is focused on working the land and the wise stewardship of our natural resources. We also know that as we have grown as a country, there has been increasing development pressure on this way of life and on the landscape. That pressure is exactly why the farm bill’s conservation title is so vital to people in the West.

I serve as chairman of the Conservation Subcommittee of the Senate Agriculture Committee, and through the dozens—literally dozens—of farm bill listening sessions I have held over the last 18 months, farmers and ranchers were always talking about the importance of conservation; conservation of their way of life and conservation of their land, particularly the use of conservation easements which help landowners voluntarily conserve the farming and ranching heritage of their land, a heritage that is so important to our State and to the entire West.

So I wished to spend a few minutes sharing some of the stories Coloradans have shared with me and, maybe more important than that, showing our colleagues what this looks like. Of course, we live in the most beautiful State of all 50 States, in Colorado. This photo is from the Music Meadows Ranch outside Westcliffe, CO, elevation 9,000 feet. On these beautiful 4,000 acres, Elin Ganschow raises some of the finest grass-fed beef in the country. Thanks to the Grassland Reserve Program, Elin’s ranch now has a permanent conservation easement. So this beautiful land will likely always have someone running cattle on it.

This photo I have in the Chamber is from the San Luis Valley, where my predecessor, Ken Salazar, is from. Fifteen different conservation easements—finalized by the Colorado Cattlemen’s Agricultural Land Trust—protect nearly all of the private land over a 20-mile stretch in the valley.

The great work of the Cattlemen’s Agricultural Land Trust, aided by the programs in the farm bill conservation title before us, is protecting our western way of life in Colorado.

This beautiful picture is also from the valley. This is not a movie set, by the way. This is how we live our lives in the great State of Colorado and why these programs have been so important.

Finally, I want to share one more Colorado story about preserving our State’s fruit orchards. Most people do not know this, as I have traveled the country—and I imagine Senators ISAKSON and CHAMBLISS from Georgia might even be surprised to hear—Colorado is

a national leader in the production of peaches. This picture is of a peach orchard in Palisade.

My friends from California might also be interested to know that Colorado has a burgeoning wine industry as well. In Colorado’s Grand Valley, pictured here, conservation programs have been efficiently employed to protect 14 family farms growing peaches and wine grapes among other things.

The Federal investments made available to protect these lands have not only ensured they will stay in agricultural production, but the resources provided from the Natural Resource Conservation Service, NRCS, help these family farms acquire new land to plant and new equipment to plant it.

Mr. President, as you can see—and as you already know—conservation is an integral part of what we are all about in the West. It helps define who we are. Sometimes people only focus on conserving public land in its undeveloped state, and that is an important endeavor in Colorado and across the West. But private land conservation—the type aided by the farm bill—is critical for so many reasons: to protect the agricultural heritage of the land, and for wildlife habitat: elk, bighorn sheep, pheasant, Colorado cutthroat trout—the list goes on and on—so many of the prized species that are important to our Nation’s sportsmen and nature lovers.

Finding open landscapes and the species that inhabit them are a fundamental part of what it is to be in the West. We need to preserve these open spaces. That is what this title does. I strongly support this new conservation title as reported out of the committee on a bipartisan vote.

I know some would look to amend this bipartisan consensus, to cut conservation resources in the name of deficit reduction or to apply it to some other purpose. I am the first to say we need to cut our deficit. We need to put the entire budget under a microscope—including agriculture—to cut waste and eliminate redundancies. And, by the way, we have.

This committee—the Senate Agriculture Committee—under the leadership of the chairwoman and the ranking member, is the only committee I am aware of in this entire Congress—the House or the Senate—that has actually come up with a bipartisan consensus on deficit reduction. I thank the ranking member and the chairwoman for their leadership, for setting a model, an example for the other committees that are working—or should be working—to get our deficit under control.

I might say, \$6.4 billion of those cuts do come from conservation, not all of which I like. But we made difficult compromises at the committee level. We have a more efficient conservation title that won support from both sides of the aisle, and we ought to move this bill forward.

I know there has been a little bit of the usual back-and-forth about amendments that are not necessarily related to the topic at hand, and we have a habit of doing that in the Senate. I hope there can be an agreement reached by the leadership so we can move this critically important bill forward.

Again, at a time when so much partisan bickering is going on around this place, to have seen the fine work that was done by this committee—Republicans and Democrats working together—to strengthen this commodity title, create real deficit reduction, and actually end direct payments to producers—one of the most significant reforms in agricultural policy that we have had around this place in decades—it would be a shame—worse than a shame; it would be terrible—to let that work go to waste.

With that, Mr. President, the hour is late. I am going to stop so we can close. I thank the Presiding Officer very much and say again what a privilege it was to be able to talk about our home with him in the chair.

So with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DELFORD MCKNIGHT

Mr. MCCONNELL. Mr. President, today I wish to recognize Mr. Delford McKnight of Laurel County, KY, for his lifetime of contributions in business as well as his many years of public service to the State of Kentucky. Delford McKnight is the founder of McKnight & Associates, a successful industrial construction company that built and renovated numerous structures in Laurel and surrounding counties.

Born in 1946, Mr. McKnight grew up on a small family farm 6 miles from London, KY. He attended Bush Elementary School and Bush High School, where he gained an interest in agriculture and construction. Taking classes in agriculture and woodworking, as well as other college prep classes, he earned the title “Boy Most Likely to Succeed” from his senior class.

After graduating high school, Delford went on to attend the University of Kentucky for 1 year before leaving to pursue a career in construction. In 1964, he married his first wife, Helen Owens McKnight. The couple moved to Lexington, where they ran a local Laundromat and managed an apartment complex. On the side, Delford also worked for a construction company. In 1965, the two moved back to their hometown, where Mr. McKnight took a job with the Hacker Brothers construction firm.

Three years later, Delford opened his first construction business, McKnight Construction and Blueprint Company, in London, KY, today known as McKnight & Associates. This construction firm is responsible for building and renovating many of the buildings in the community, including the Clay County Vocational School, the Board of Education building in Manchester, and the first building of the Laurel Campus of Somerset Community College. Along with these, Mr. McKnight also built North Laurel Middle School, as well as Hunter Hills Elementary School and the new Bush Elementary School. In the early 1970s, McKnight & Associates got the contract for the Kentucky Fried Chicken building in London, and later renovated Sanders Cafe and the Corbin KFC.

Aside from his construction work, Mr. McKnight also became involved with several other business ventures. He was the first to bring the idea of self-storage units to southeastern Kentucky, opening the first self-storage facility there in 1976. He also founded Lee-Mart Rent-to-Own Stores, which later sold to Aaron's, Inc., and he co-founded Cumberland Valley Office Suppliers, Inc., a retail office supply store. After becoming involved with the London-Laurel County Tourist Commission, Delford developed the idea of the "World Chicken Festival" in 1989 to highlight Colonel Sanders's cooking worldwide, a festival that is still joyously celebrated to this day.

Mr. McKnight has held many leadership positions throughout Kentucky. He is a past secretary of the Laurel County Chamber of Commerce, the first president of the Southeastern Kentucky Home Builders Association—from which he received the Time Award, and the current director of First National Bank & Trust in London, Kentucky. He also served as a member of the Cumberland Private Industry Council, the Cumberland Valley ADD Board, and the London-Laurel County Tourist Commission. Mr. McKnight serves as a member and chairman of the 13th Regional Vocational Advisory Council and was a 25-year member on the Corbin Tri-County Joint Industrial Development Authority. He was also honored by the Laurel County Homecoming Festival for his service to the community in 2007.

In 1989, Delford completed construction on his "dream executive home" in London, Kentucky, and he recently completed the construction and landscaping on his second home in Venice, Florida. He has recently quietly retired, although he still helps with management decisions regarding his investments and business interest. Delford has been married to Lottie Gail since January 2001 after his first wife, Helen, died of cancer. Delford and Lottie Gail have a combined family of 5 children and 12 grandchildren.

Delford is still an active member of the Laurel community today, serving as a deacon and Sunday school teacher at United Baptist Church, a member of the Laurel County Chamber of Commerce, a member of the Laurel County Vocational Advisory Council, and a member of the London-Laurel County Tourist Commission.

At this time I ask my U.S. Senate colleagues to join me in recognizing Mr. Delford McKnight for his many contributions to the Laurel County community and the Commonwealth of Kentucky. An article from the Laurel County-area publication the *Sentinel-Echo* recently highlighted Mr. McKnight's success and accomplishments. I ask unanimous consent that said article be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Sentinel-Echo*, Apr. 30, 2012]
TAKING CHANCES PAID OFF FOR MCKNIGHT
(By Nita Johnson)

Variety and challenges could well describe the life of Laurel native Delford McKnight. "I always like a challenge," McKnight said, "and I like variety."

While his office is testimony to a variety of collectibles and what-nots, so is his life's work.

With his roots in carpentry and farming, McKnight graduated from Bush High School and attended the University of Kentucky.

"I went for a year, quit, and got married," he said.

He and his wife, Helen Owens McKnight, who died from cancer in 2000, ran a Laundromat and managed a rental apartment in Lexington while Delford also worked for a commercial construction company.

In 1965, the McKnights returned to their hometown, where Delford landed a job with Hacker Brothers construction firm. Four years later, McKnight and partner Harold McPhetridge launched McKnight and Associates, which has constructed and/or renovated many of the buildings in the county.

His first "big" job came with the construction of the Clay County Vocational School, then getting the contract to build the Board of Education building in Manchester. He has since overseen the renovation of the first building of the Laurel campus of Somerset Community College, the former Interstate Coal offices on the property now known as College Park. His company built the former administration building, now known as the McDaniel Learning Center. He built North Laurel Middle School, Hunter Hills and the new Bush elementary schools as well as having his hand in school construction in Clay and Perry counties. McKnight and Associ-

ates landed the contract for the Eastern Kentucky University site in Clay County and the University of Kentucky site in Harlan.

Though he credits his family background of carpentry and farming for sparking his interest in the construction business, he said the shop and vocational agriculture classes in high school solidified his choice of careers.

"I was raised on a farm and I think I could have been a farmer just as easily as I could do construction," he said. "But I knew more about commercial construction than about building houses, so that's what I pursued. I took college prep classes in high school but I've utilized the skills in agriculture and shop classes more than any college prep class I had."

A big believer in education, McKnight encourages students to pursue a field they enjoy and to bask in the opportunities they receive through their education and training courses.

"Get as much education as you possibly can, whether it's job training or vocational training or whatever you're interested in," he continued. "You always need to continue to learn. Find something you like to do and pursue it."

McKnight's career choice also led to his involvement with community activities. In the early 1970s, his firm landed the contract for the Kentucky Fried Chicken building in London. Later on, he was involved in the renovation of Harland Sanders's first restaurant—Sanders Cafe and the Corbin KFC. He also built the London-Laurel County Tourism office and became familiar with board members for that organization. When he kept hearing about increasing tourism in Kentucky through festivals, it was he who approached then-tourism director Ken Harvey and long-time board member Caner Cornett with the idea of the World Chicken Festival that highlighted Sanders's achievements worldwide.

But being one of the "firsts" involved in the highly ranked fall festival is just one more of McKnight's "firsts."

While a student at UK in 1963, McKnight was one of those freshmen who challenged the football team to a snowball fight that has now become a tradition. Though he does not to this day recommend anyone challenge a UK football player in any form of physical challenge, he still laughs about the experience.

He was the sole sixth-grade student at the one-room Langnau School before having to attend Bush Elementary the following year as one of 20 other seventh-grade students.

He was the first to bring the idea of storage buildings to London—a challenge for both his crews as well as a business venture.

"I kept seeing these storage buildings in bigger towns and wondered if there would be a need for that in London," he explained. "Self-storage actually began in California. The ones I built were used as an experiment here, mostly to keep my men working. We had a lull after building the (McKnight) apartments and I mainly just wanted to keep the men working so we built the storage units. It was one of the first ones east of the Mississippi and was unheard of in small towns, but now look around and see how many storage buildings there are around here."

McKnight's love of variety also earned him a spot in the March/April 1991 edition of *Kentucky Builder* for his uniquely styled home in London. He has carried that variable interest into the design of his home in Florida that he shares with wife of more than 11 years, Lottie Gail.

"I've had a good life but I've always been lucky to have great employees, most of whom have worked all their lives in this business. It's the people who keep you in business—not just the customers, but the people who work with you."

AMENDMENTS TO REGULATIONS ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to inform all Senators that on Friday, May 25, 2012, the Committee on Rules and Administration adopted amendments to the following regulations:

Senate Office Building Regulations; and
Smoking Policy—Rules X, Rules for Regulation of Senate Wing.

These regulations as amended are effective immediately.

Mr. President, I ask unanimous consent that the text of the regulations as amended be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULE X

Smoking is prohibited in all public places and unassigned space within the Senate Wing of the Capitol, the Senate Office Buildings, and within twenty five feet from the entrances thereto. Smoking is also prohibited under the carriage entrance and the East Portico connected to the Senate Wing of the Capitol. Each Senator, Chairman of a Committee (after consultation with the Ranking Member), the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, the Chaplain, and heads of support organizations assigned space in the Senate Wing of the Capitol or the Senate Office Buildings may establish individual smoking policies for office space assigned to them.

SENATE OFFICE BUILDING REGULATIONS

The members of the Committee on Rules and Administration hereby issue the following regulations:

ARTICLE I—DEFINITIONS

Sec. 101. As used in these regulations, the term—

(1) "Senate Office Buildings" means the Richard Brevard Russell Office Building, the Everett McKinley Dirksen Office Building, the Philip A. Hart Office Building, the garages used in connection with such Buildings, all buildings and other structures (other than the Capitol Building or any part thereof) under the jurisdiction and control of the United States Senate, and all subways and enclosed passages connecting two or more such buildings or structures and the United States Capitol Building;

(2) "Authorized person" means—

a. Any Member of Congress; or
b. Any officer or employee of the Senate or of any Member thereof, any officer or employee of the Congress, or any officer or employee of any committee or subcommittee of the Senate or of the Congress;

(3) "Credentialed Member of the Press or Media of News Dissemination" means any reporter for a newspaper or periodical, reporter of news or press association requiring telegraph service to his/her membership, or a reporter for news dissemination through radio, wire, wireless, and similar media of transmission, who is authorized to use the reporter's galleries in the House of Representatives or the Senate, or any other adjoining rooms

or facilities made available for the use of the media of news dissemination.

(4) "Auxiliary Personnel" means any employee of a daily newspaper or periodical, news or press association, or of any radio, wire, wireless or similar media, whose services are necessary in connection with any "Credentialed Member of the Press or Media of News Dissemination" carrying out his duties as such.

(5) "Contract Employee" means any individual who is an officer or employee of any corporation or other entity, pursuant to any contract or other agreement entered into between such corporation or entity and an officer or employee of the United States Senate, or the Congress, or any committee or subcommittee thereof.

ARTICLE II—CLOSING TIME FOR THE SENATE OFFICE BUILDINGS

Sec. 201. On and after the effective date of these regulations, the Senate Office Buildings shall be closed to any individual other than an Authorized person, Credentialed Member of the Press or Media of News Dissemination, or Contract Employee or an individual within the purview of section 301, 302, 303, 304, 305, 306, 307, 401, 402, 403, or 404 of these regulations as follows:

(1) The Senate Office Buildings shall be closed Monday through Friday from 8:00 p.m. until 7:00 a.m. on the next business day, except during published recess hours when such buildings are closed at 7:00 p.m.

(2) The Senate Office Buildings shall be closed for all National holidays from 8:00 p.m. on the day preceding such holiday until 7:00 a.m. on the next business day following such holiday unless such buildings are otherwise closed in accordance with clause (1) of this section.

(3) Notwithstanding the provisions of paragraphs (1), and (2), of this section, the Senate Office Buildings shall be open to the public all times during which the Senate is in session, except that the Senate Office Buildings shall be closed to the public after the expiration of the thirty minute period following the termination of such session unless such session is terminated during the period that such Buildings are not otherwise closed to the general public in accordance with paragraphs (1), or (2), of this section.

(4) Notwithstanding the provisions of paragraphs (1), (2), and (3) of this section, the Rules Committee may alter these hours for any purpose in consultation with the U.S. Capitol Police and the Sergeant at Arms.

ARTICLE III—INDIVIDUALS ENTITLED TO ADMISSION TO THE SENATE OFFICE BUILDINGS

Sec. 301. Any individual shall be permitted to enter or remain in the Senate Office Buildings during any period that such Buildings are closed, if such individual is accompanied by a Member of Congress or other authorized person.

Sec. 302. Any individual shall be permitted to enter or remain in the Senate Office Buildings during any period that such Buildings are closed, if such individual has a prior appointment to meet with any Senator or authorized person. In no case shall such individual be permitted by reason of this section to remain in the Senate Office Buildings following the termination of appointment.

Sec. 303. Any individual shall be permitted to enter or remain in the Senate Office Buildings during any period that such Buildings are closed, for the purpose of attending any hearing before, or any deliberations of, any committee or subcommittee of the Senate or the Congress, or special event authorized by the Senate which is open to the pub-

lic. In no case shall such individual be authorized by reason of this section to remain in any part of the Senate Office Buildings other than such part within which such hearing or deliberations or special event authorized by the Senate are being conducted or carried out, or to remain in the Senate Office Buildings following the adjournment or recess of such hearing or deliberations.

Sec. 304. (a) Any individual shall be permitted to enter or remain in the Senate Office Buildings during any period that such buildings are closed, for the purpose of attending any hearing before, or any deliberations of, any committee or subcommittee of the Senate or of the Congress, which is being conducted within such Buildings, and which is not open to the public, if the presence of such individual at such hearing or deliberations is authorized or required by the Chairman of such committee or subcommittee. In no case shall such individual be authorized by reason of this section to enter or remain in any part of the Senate Office Buildings other than such part within which such hearing or deliberations are being conducted or carried out, or to remain in the Senate Office Buildings following the adjournment or recess of such hearing or deliberations.

(b) Nothing in these regulations shall be construed as prohibiting any Credentialed Member of the Press or Media of News Dissemination or Auxiliary Personnel approved by the Superintendent of the House or Senate Press Gallery, Press Photographers Gallery, Radio-Television Gallery, or Periodical Press Gallery, from entering or remaining in the Senate Office Buildings within which such hearings or deliberations are being conducted, but such member or personnel shall not be authorized, by reason of this subsection to attend any such hearing or deliberation which is not open to the public.

Sec. 305. Nothing in these regulations shall be construed as prohibiting any Credentialed Member of the Press or Media of News Dissemination or Auxiliary Personnel approved by the Superintendent of the House or Senate Press Gallery, Press Photographers Gallery, Radio-Television Gallery, or Periodical Press Gallery, from entering or remaining in the Senate Office Buildings during any period that such Buildings are closed, for the purpose of carrying out his duties as such, or utilizing any rooms or facilities set aside for the use of such member.

Sec. 306. Nothing in these regulations shall be construed as prohibiting any employee of a Member of the House of Representatives, or any officer or employee of the House of Representatives, or of any committee or subcommittee of the House of Representatives, or any individual in the company of any such officer or employee, from entering the Senate Office Buildings during periods that such Buildings are closed, solely for the purpose of utilizing such Buildings as a passageway, except that such officer or employee and individual shall be required to comply with the provisions of section 404 (a).

Sec. 307. A Contract Employee who is authorized to perform services or other duties within the Senate Office Buildings, shall be permitted to enter or remain within the Senate Office Buildings, during any period that such Buildings are closed, if such individual's entry or remaining therein is necessary in connection with the performance of such services or the discharge of such duties as provided for under the aforementioned contract or agreement. All Contract Employees are required to obtain and display a valid Congressional Identification Badge. No Contract Employees shall be authorized by reason of this section to enter or remain in any

part of the Senate Office Buildings other than such part within which such services are to be performed or such duties discharged, or to remain in such Buildings following the completion of such services or duties.

ARTICLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Nothing in these regulations shall be construed as prohibiting any individual from entering or remaining in the Senate Office Buildings during any period that such Buildings or part thereof are closed, if such individual's entering or remaining therein is necessary in connection with the health or safety of any other individuals therein, the protection of life or property therein, or any other emergency requiring the entering or remaining of such individual within the Senate Office Buildings or such part.

Sec. 402. In any case in which a function or other activity is held by any authorized person in any office or other room assigned to such person and located in the Senate Office Buildings or in which a function or other activity is held by any Member of the Senate in a room located in such Buildings and which is made available to such Member for that purpose by the Senate Committee on Rules and Administration, any individual shall be permitted to enter or remain in such Buildings during any period that such Buildings are closed for the purpose of attending such function or activity, if such individual is there by reason of an invitation extended by such authorized person. In no case shall such individual be permitted by reason of this section to enter or remain in any part of the Senate Office Buildings other than such part within which such function or activity is being carried out, or to remain in such Buildings following the termination of such function or activity.

Sec. 403. (a) The Sergeant at Arms of the Senate, or designee, or the United States Capitol Police is authorized, at any time, to issue an order temporarily closing the Senate Office Buildings or any part or area thereof, or temporarily cordoning off any part or area of the Senate Office Buildings, if he/she or designee determines that such closing or cordoning off is necessary in order to assure the security or safety of any Member of Congress, the President of the United States, the Vice President of the United States, or any other person, the preservation of the peace or good order, the securing of the Senate Office Buildings from defacement, or the protection of the public property therein.

(b) No individual (other than an authorized person or an individual within the purview of Section 401 of these regulations) shall be permitted to enter or remain in the Senate Office Buildings, or any part or other area of any such Buildings, during any period that such Buildings, part, or area are closed pursuant to subsection (a); except that nothing in this section shall be construed as prohibiting any individual accompanied by a Member of the Senate from accompanying such Member to an office or other room assigned to that Member notwithstanding the fact that such office or room is located within any such Buildings, part, or area closed pursuant to this section, but such individual shall not be authorized to remain in any part of such Buildings other than that part within which such office or room is located.

Sec. 404. (a) Except to the extent otherwise provided in subsection (b) of this section, any individual, including an authorized person (other than a Member of Congress) authorized pursuant to these regulations to enter or remain in the Senate Office Build-

ings during the period that such Buildings are closed pursuant to these regulations, shall be required to present a valid Congressional Identification Badge, or in the case of visitors, a valid government-issued ID, and to sign in or out, or both (as the case may be).

(b) (1) The provisions of subsection (a) of this section shall not be applicable with respect to any individual or individuals who are accompanied by a Member of Congress, except that the Officer on duty at the affected entrance shall record on the sign-in or sign-out record, or both (as the case may be), the name of the Member of Congress, the number of such individuals whom the Member is accompanying, the time such Member and individual or individuals were checked-in, or checked-out, or both (as the case may be), and their destination within the Senate Office Buildings following their entry.

(2) The provisions of subsection (a) of this section will not be applicable with respect to any individual within the purview of section 401 of this regulation who is entering or leaving the Senate Office Buildings under circumstances involving an emergency, or to any authorized person during the period of 8:00 p.m. to 7:00 a.m. each calendar day, if such person is otherwise identified by the officer at the affected entrance.

Sec. 405. (a) In recognition of the obligation imposed on the Senate Committee on Rules and Administration for the control and supervision of the Senate Office Buildings, on and after the effective date of these regulations, no individual shall:

(1) Act in a manner so as to cause a disturbance unreasonably interfering with the preservation of peace and good therein; or

(2) Congregate with another individual or individuals in any corridor, hallway, passageway, rotunda, or other public space in the Senate Office Buildings in a manner so as to:

a. Unreasonably interfere with the passing or movement of any other individual through such corridor, hallway, passageway, rotunda or other public space; or

b. Create any unreasonable risk to such works of art or other public property therein;

(b) And in no case shall any individual, at any time, sit, lie, or crouch down upon the floor or any other area of such corridor, hallway, passageway, rotunda, or other public space (including sitting, lying or crouching on any chair, bench, cot, stool, or other device) except that nothing in this section shall be construed as prohibiting any individual (not otherwise in violation of this section) from sitting on any chair, bench, cot, stool, or other device authorized for such purposes by the Congress, the Senate, or any committee or subcommittee thereof, or any officers of the Congress, or the Senate.

(c) If any individual engaging in any conduct prohibited by this section, when ordered by any officer of the U.S. Capitol Police to cease and desist in such conduct, refuses or fails to do so, such individual shall, when ordered by the Sergeant-at-Arms of the Senate, or designee immediately leave the Senate Office Buildings by means of the closest available exit. The refusal or failure of such individual to immediately so leave such Buildings after being ordered to do so by the Sergeant-at-Arms of the Senate or designee shall constitute an unlawful remaining in the Senate Office Buildings subject to the criminal penalty provision in 22 D.C. Code § 3302.

(d) In any case in which an individual enters or remains in the Senate Office Build-

ings in violation of these regulations, such individual, when ordered by the Sergeant-at-Arms of the Senate or designee to leave such Buildings, shall immediately leave the Senate Office Buildings by means of the closest available exit. The refusal or failure of such individual to leave after being so ordered shall constitute an unlawful remaining in Senate Office Buildings subject to the criminal penalty provisions in 22 D.C. Code § 3302.

ARTICLE V—PACKAGE INSPECTION

Sec. 501 (a) On and after the effective date of these regulations, any individual entering the Senate Office Buildings carrying or having any briefcase, attaché case, luggage, tote bag, shopping bag, or other container or item the contents of which are not readily visible to the officer or member of the Capitol Police on duty, shall be required to submit such item to the officer on duty for security screening.

(b) On and after the effective date of these regulations, the provisions of subsection (a) of this section shall not be applicable with respect to any individual entering the Senate Office Buildings carrying or having a briefcase, attaché case, or other container or item referred to in subsection (a) of this section which, as reported by such individual, contains classified documents or materials under Presidential Seal, delivered by credentialed U.S. Government carriers. Such items will be subjected to electronic inspection or X-ray but shall not be opened.

(c) No sealed packages or envelopes shall be delivered directly into any Senate Office Building. Any sealed envelopes or packages must be delivered to the Congressional Acceptance Site (CAS) for inspection, testing and retention. Once cleared, the items will be delivered to the office of the addressee by Senate Post Office employees who will obtain a signature from the recipient.

(d) If any individual subject to the requirement of subsections (a), (b), or (c) of this section, when ordered by an officer of the U.S. Capitol Police to comply refuses or fails to do so, such individual shall, when ordered by the Sergeant-at-Arms of the Senate, or designee immediately leave the Senate Office Buildings by means of the closest available exit. The refusal or failure of such individual to immediately so leave such Buildings after being so ordered shall constitute an unlawful remaining in the Senate Office Buildings subject to the criminal penalty provisions in 22 D.C. Code § 3302.

(e) The provisions of this section shall not be applicable with respect to any Member of Congress.

ARTICLE VI—EFFECTIVE DATE

Sec. 601. These regulations shall take effect as of the date of their approval.

ADDITIONAL STATEMENTS

TRIBUTE TO ANDREW LIEPMAN

• Mrs. FEINSTEIN. Mr. President, Today I wish to recognize an unsung hero of the U.S. intelligence community and upstanding San Franciscan, Mr. Andrew Liepman, who is retiring from the U.S. Government after 30 years of service.

I came to know Andy when he joined the National Counterterrorism Center, or NCTC, as the Deputy Director of Intelligence in 2006. He has served in that position and as Principal Deputy Director for the past 6 years. Andy has been

a friend to the Senate Intelligence Committee and a dedicated leader of our Nation's counterterrorism efforts. I am sorry to see him leave the NCTC and the government but wish him the very best as he plots his future course.

Andy has had a distinguished career in the intelligence community since he joined the CIA in 1982. He served in multiple positions at the CIA, at the Office of Near East and South Asian Analysis, the Office of Iraq Analysis, and the Office of Terrorism Analysis in the Counterterrorism Center. He also worked in a variety of assignments outside the CIA before coming to the NCTC, including time at the Department of State, the Nonproliferation Center, and the National Intelligence Council.

But it was during his time at the NCTC that Andy came to be one of the Nation's top counterterrorism officials and a true leader of the intelligence community. He has worked closely with the NCTC's three Directors: ADM Scott Redd, Michael Leiter, and now Matt Olsen. And he has diligently kept the Senate Intelligence Committee informed on the terrorist threat—as a hearing witness and as a briefer to Senators and staff and also on the phone to describe imminent or breaking counterterrorism operations.

When the committee has had to resolve a problem in the counterterrorism arena, whether getting information or fixing processes that weren't working, Andy was usually the person to solve it.

He has served with a direct, frank professional manner, although Andy has quite the reputation for being a lively and fun boss as well.

Mr. Lieberman's legacy is the strength and reputation of the National Counterterrorism Center and particularly its Directorate of Intelligence. Since its creation in 2005, the NCTC has developed into a world-class analytic organization. It produces thousands of reports a year, from hour-to-hour situational reports when terrorist threats are unfolding, to daily analyses, to detailed, comprehensive products. The NCTC leads interagency reviews and speaks for the intelligence community on key intelligence questions. It produces tailored reports to answer policy questions—I recently requested one myself, on whether the Haqqani Network in Pakistan meets the criteria to be named a foreign terrorist organization.

Under Andy's leadership, along with the Directors with whom he has worked, the National Counterterrorism Center has also grown to fill the role for which it was created. Among other things, the NCTC now includes Pursuit Groups, formed after the Christmas Day 2009 attempted airline bombing, to make sure that no terrorism lead goes unchecked. The center is the single repository of the government's definitive

terrorism databases, which supports the various watchlists that keep suspected terrorists from boarding a plane or crossing the border. The NCTC plays a key role in coordinating the government's preparation and response to terrorist events, enhancing border and transportation security, and sharing terrorism-related intelligence with other intelligence agencies, the rest of the Federal Government, and with State, local, and tribal partners.

A lasting reflection of Andy's work is the NCTC workforce itself. Many of its analysts and operators are detailed from around the intelligence community, and these positions have become valued assignments. With the large growth of intelligence personnel working on counterterrorism since September 11, 2001, Andy has been a teacher, mentor, and supervisor for a generation of analysts. People across the intelligence community would seek out positions working for Andy and at the NCTC, and his efforts to develop them into expert professionals is a key reason that the NCTC is capable of the work it does today.

I understand that after 30 years in government service and 6 years in the grueling environment of the NCTC, it is time for Andy to move on. I am pleased that he will have some time with his family, his mother Marianne, and his two brothers, who all live in California. It has been a long time since Andy graduated from the University of California at Berkeley—with a degree in forestry, no less—and I wish him well as he heads back to California and wherever else his future may lead.

Mr. President, the intelligence community is filled with men and women who serve this Nation with dedication and skill and who are never properly recognized for their efforts and their contribution. I am pleased to be able to honor one of them today and give thanks on behalf of the committee for his career of service. ●

TRIBUTE TO DAVE COTE

● Mr. KERRY. Mr. President, I want to take a moment of the Senate's time to extend a 60th birthday greeting to a friend of mine, and a friend of the Senate as an institution, a voice in the private sector who has been a terrific public citizen, and a visionary in the business community who has always kept his eye on the future of his industry even when the present is extraordinarily challenging: Honeywell International CEO Dave Cote.

On July 19, Dave will reach a milestone—he will be 60 years old. Zero to 60—and anyone who knows him can attest that as he enters his sixties, Dave is just getting started.

Mr. President, Dave Cote exemplifies the best of what can be accomplished in corporate America—a one-man innovative force pushing us ahead in the

global economy and, along the way and at the same time, proof positive that improving the health of our planet can be a job creator and a generator of economic activity.

Under Dave's leadership, Honeywell has become a world leader in developing and producing technologies and products that save energy and strengthen the environment. From pioneering green jet fuels to reengineering wind turbines, from advanced energy metering to home solar panels, Honeywell is leading the way to the clean energy economy—an economy that could generate 4.5 million jobs over the course of a decade and save us tens of billions of dollars in energy costs.

Long before many other corporate leaders recognized that profit and environmental protection can go hand-in-hand, Dave was pushing for alternatives to hydrofluorocarbons—HFCs—potent greenhouse gases. Now, the rest of the world is catching up. Just recently, Secretary Clinton announced she was making HFC reduction a priority through the Climate and Clean Energy Air Coalition to Reduce Short-Lived Climate Pollutants, and Honeywell is there, ready to race ahead with the alternatives we need. For Dave Cote, that is typical—because Dave is always one step ahead.

I say this having had the chance to work unbelievably closely with him over the last couple of years. The sheer number of emails and phone calls we've exchanged, not to mention his regular presence in the Foreign Relations Committee's room in the Capitol, reflect his energy and his interest in trying to get Washington to deal in facts and respond to reality. They also exemplify why I love working with him—he is a roll-up-your-sleeves, no drama, get-it-done kind of guy. It also doesn't hurt that he is also a big Red Sox fan—he has Boston jerseys adorning his office at Honeywell—and he loves riding motorcycles—you can find him tooling around the Jersey suburbs on his Harley most weekends.

In 2009 and 2010, Dave, JOE LIEBERMAN, LINDSEY GRAHAM, and I spent long hours working together on an effort around a comprehensive climate change bill. And when we needed someone to help convey to some of our more skeptical colleagues the importance of acting quickly on this issue, we knew that Dave was one of the best, if not the best, in the business community to do exactly that. When we convened a group of CEOs to meet with other Senators in June of 2010, as part of the lead-up to designing the climate change bill, Dave stepped forward as a leading business voice in the discussion. And when we finally introduced the American Power Act, Dave was right by our side.

I turned to Dave again last fall when I was serving on the Select Committee on Deficit Reduction. He was proud of

his own service as one of the Republican members of the bipartisan Simpson-Bowles Commission, which had put together a bold blueprint of its own to wrestle with the tough choices of the deficit and our national debt. I agreed completely with Dave's view that we needed to act rather than put off doing something about our deficit. He said—and I quote—"The faster we act, the less painful it will be for everyone." But more than any specific policy, what I admired most was Dave's sincerity about the issue—his frequent, encouraging text messages and emails during the long hard slog of the so-called Super Committee, always exhorting me and the Democratic and Republican members of the Committee to go the extra mile, put ideology aside, and do what was right for our country. Rather than a "moment of politics" for the Congress, Dave urged us to act responsibly and reach a "moment of truth."

Mr. President, 60 is an age where many feel it's appropriate to start slowing down. But anybody who has ever met Dave knows that is not going to happen—he is anything but predictable or conventional, and he is not about to slow down, and that is good news for our country when it comes to this always thoughtful, always earnest public citizen.

My hope—and my belief—is that Dave Cote will spend his sixties the same way he has spent his last decades: proving every day that doing the right thing can also be good business and good for our country.

I wish Dave a very happy birthday, and I look forward to working with him for many years to come.●

TRIBUTE TO FLOYD WILLIAMS

● Mr. PRYOR. Mr. President, the end of May marked the end of an era at the Internal Revenue Service. Floyd Williams, a fellow Arkansan, has served as the Director of Legislative Affairs at the IRS for the last 16 years. On May 31, 2012, Floyd served his last day with the IRS, and I rise today to thank him for his many years of service to our Nation.

Floyd began his government service many years ago serving as a congressional page for the late, great Senator from Arkansas, J. William Fulbright. Captivated by the energy of Washington, Floyd spent most of his adult life and professional career in the District of Columbia. During breaks from his undergraduate education at the University of Virginia, Floyd worked as a member of the grounds crew for the Architect of the Capitol, as a document clerk in the Senate Document Room, and as a Senate doorkeeper. After earning his juris doctor from the University of Arkansas, he returned to Washington, where he worked as a Capitol police officer while obtaining an LLM from Georgetown University.

Floyd began his professional career in 1972 at the IRS as a tax law specialist in the Individual Income Tax Branch before working as a legislative attorney for the Congressional Joint Committee on Taxation. He spent several years in the private sector as senior tax manager at Coopers and Lybrand, vice president and legislative counsel for the National Association of Home Builders, and senior tax counsel for the Tax Foundation. Floyd returned to government service at the Treasury Department, where he served as Deputy Assistant Secretary for Legislative Affairs and Public Liaison (Tax and Budget) and previously as Senior Tax Advisor for Public and Legislative Affairs. After his tenure with the Treasury Department, he returned to the IRS as Director of Legislative Affairs, a role he has held for the last 16 years.

As someone who continues to claim Fayetteville, AR, as his hometown, Floyd Williams has been a great asset to me, my staff, and Arkansas over the years. I will certainly miss his insight and depth of knowledge, and I wish him all the best in his retirement. Thank you, again, Floyd, for your many years of service.●

125TH ANNIVERSARY OF UNITED WAY

● Mr. UDALL of Colorado. Mr. President, I would like to recognize the 125th anniversary of United Way and honor their extraordinary achievements since their founding 125 years ago in Denver, CO.

In 1887, a Denver woman, along with local religious leaders, recognized the need for community-based action in order to address the city's growing problem with poverty. In Denver they established the first of what would become a worldwide network of organizations called United Way. Their goal was simple: create a community-based organization that would raise funds in order to provide economic relief and counseling services to neighbors in need. During their first campaign in 1888, this remarkable organization raised today's equivalent of \$650,000.

Now, 125 years after its founding, United Way has become a celebrated, worldwide organization committed to improving communities from the bottom up, through cooperative action and community support in 41 countries across the globe. United Way forges public-private partnerships with local businesses, labor organizations, and 120 national and global corporations through the Global Corporate Leadership Program and brings an impressive \$5 billion to local communities each year. United Way effectively leverages private donations in order to finance innovative programs and initiatives that profoundly impact communities throughout Colorado, the United

States, and the world to advance education, income, and health.

The success and strength of the partnerships between United Way and America's workers cannot be overstated. Nearly two-thirds of the funds for United Way come from voluntary worker payroll contributions and the Labor Letters of Endorsement Program championed by the AFL-CIO encourages affiliates and their members to give their time and resources to United Way campaigns. Just one powerful illustration of this partnership is the National Association of Letter Carriers' National Food Drive, a cooperative effort with the U.S. Postal Service, AFL-CIO, and United Way, which has become the world's largest 1-day food drive.

United Way has strengthened bonds and built a foundation of collaboration and partnership in our communities. Its founders could never have imagined the ultimate breadth and reach of this group, growing from a local support organization to a globally recognized force for good. United Way is an indispensable part of Colorado's social fabric, and I am proud to recognize and honor this historic anniversary.

There are 14 local United Way organizations leaving an indelible mark throughout Colorado. I want to take a moment to recognize each of them for their tremendous role as cornerstones of their communities: Foothills United Way, Boulder; Pikes Peak United Way, Colorado Springs; Moffat County United Way, Craig; Mile High United Way, Inc., Denver; United Way of Southwest Colorado, Durango; United Way of Eagle River Valley, Eagle; United Way of Morgan County, Inc., Fort Morgan; United Way of Mesa County, Grand Junction; United Way of Weld County, Greeley; United Way of Larimer County, Inc., Fort Collins and Loveland; Pueblo County United Way, Inc., Pueblo; United Way of Garfield County, Rifle; Routt County United Way, Steamboat Springs; and Logan County United Way, Sterling.

To all of the employees and partners of United Way, I join my Senate colleagues in recognizing and applauding your legacy of inspirational service. This 125th anniversary is a milestone deserving of celebration, and I commend your tireless pursuit to advance the common good.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:17 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

S. 3261. An act to allow the Chief of the Forest Services to award certain contracts for large air tankers.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 436. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 12, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6418. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Killed, nonviable *Streptomyces acidiscabies* strain RL-110T; Exemption from the Requirement of a Tolerance" (FRL No. 9348-7) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6419. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities" (Docket No. RM10-23-001) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Energy and Natural Resources.

EC-6420. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Residential Dishwashers" (RIN1904-AC64) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Energy and Natural Resources.

EC-6421. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution From Aircraft and Aircraft Engines; Emission Standards and Test Procedures" (FRL No. 9678-1) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6422. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Regional Haze State Implementation Plan" (FRL No. 9685-2) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6423. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Failure to Attain by 2005 and Determination of Current Attainment of the 1-Hour Ozone National Ambient Air Quality Standards in the Baltimore Nonattainment Area in Maryland" (FRL No. 9685-5) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6424. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Minor New Source Review (NSR) Preconstruction Permitting Rule for Cotton Gins" (FRL No. 9684-5) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6425. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Regional Haze" (FRL No. 9683-3) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6426. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Illinois; Redesignation of the Illinois Portion of the St. Louis, MO-IL Area to Attainment for the 1997 8-hour Ozone Standard" (FRL No. 9683-7) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6427. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze" (FRL No. 9683-5) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plan; Arizona; Attainment Plan for 1997 8-hour Ozone Standard" (FRL No. 9682-5) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6429. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona; Update to Stage II Gasoline Vapor Recovery Program; Change in the Definition of 'Gasoline' to Exclude 'E85'" (FRL No. 9661-3) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6430. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permit to Construct Exemptions" (FRL No. 9684-9) received in the Office of the President

of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6431. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone" (FRL No. 9672-4) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Environment and Public Works.

EC-6432. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants" (Regulatory Guide 1.160, Revision 3) received during adjournment of the Senate in the Office of the President of the Senate on May 30, 2012; to the Committee on Environment and Public Works.

EC-6433. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Production Measurement Documents Incorporated by Reference; Correction" (RIN1014-AA01) received during adjournment of the Senate in the Office of the President of the Senate on May 30, 2012; to the Committee on Environment and Public Works.

EC-6434. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-052, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6435. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-064, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6436. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-073, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6437. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-057, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6469. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-023); to the Committee on Foreign Relations.

EC-6470. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 09-087); to the Committee on Foreign Relations.

EC-6471. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-053); to the Committee on Foreign Relations.

EC-6472. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-031); to the Committee on Foreign Relations.

EC-6473. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012 and the Management Response for the period ending March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6474. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012 and the Compendium of Unimplemented Recommendations for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6475. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6476. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Fiscal Year 2011 Small Business Enterprise Expenditure Goals"; to the Committee on Homeland Security and Governmental Affairs.

EC-6477. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Political Activity—Federal Employees Residing in Designated Localities" (RIN3206-AM44) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6478. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Montgomery, Pennsylvania, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AM62) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6479. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service, Career and Career-Conditional Employment; and Pathways Programs" (RIN3206-AM34) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocations to Subcommittees of Budget Totals for Fiscal Year 2013" (Rept. No. 112-175).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. THUNE, Mr. KERRY, and Mr. MCCAIN):

S. 3285. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation; to the Committee on Finance.

By Mrs. MCCASKILL (for herself, Mr. WEBB, Mr. LIEBERMAN, Ms. COLLINS, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. SANDERS):

S. 3286. A bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL:

S. 3287. A bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, and Ms. COLLINS):

S.J. Res. 43. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. INHOFE, Mr. WICKER, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. PORTMAN, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, Mr. BURR, Mr. ROBERTS, Mr. BLUNT, Mr. COBURN, Mr. PAUL, Mr. BOOZMAN, Mr. ISAKSON, Mr. GRASSLEY, Mr. KIRK, Mr. CHAMBLISS, Mr. RUBIO, and Mr. HOEVEN):

S. Res. 489. A resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations; to the Committee on the Judiciary.

By Mrs. BOXER:

S. Res. 490. A resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases;

to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. BOOZMAN, Ms. MIKULSKI, Mr. ALEXANDER, and Ms. MURKOWSKI):

S. Res. 491. A resolution commending the participants in the 44th International Chemistry Olympiad and recognizing the importance of education in the fields of science, technology, engineering, and mathematics to the future of the United States; considered and agreed to.

By Mr. BLUMENTHAL (for himself, Mr. KIRK, Mr. DURBIN, and Mr. NELSON of Florida):

S. Res. 492. A resolution designating June 15, 2012, as "World Elder Abuse Awareness Day"; considered and agreed to.

By Mr. LEAHY (for himself and Mr. GRAHAM):

S. Con. Res. 48. A concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 557

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 866

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1039

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1221

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1221, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1381

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1381, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne disease, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1908

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1908, a bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and re-

porting of wages paid by professional employer organization, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2036

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2074

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2250

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2250, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Re-

serve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2884

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2884, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3049

At the request of Mr. BEGICH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3049, a bill to amend title 39, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs.

S. 3078

At the request of Mr. PORTMAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

S. 3084

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3084, a bill to require the Secretary of Veterans Affairs to reorganize the Veterans Integrated Service Networks of the Veterans Health Administration, and for other purposes.

S. 3204

At the request of Mr. JOHANNES, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3223

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3223, a bill to amend the Internal Revenue Code of 1986 to permanently extend the reduction in the recognition period for built-in gains for S corporations.

S. 3231

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3231, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service to support effective programs targeted at improving permanency outcomes for youth in foster care.

S. 3252

At the request of Mr. PORTMAN, the name of the Senator from Maryland

(Mr. CARDIN) was added as a cosponsor of S. 3252, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 3269

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3269, a bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

S. RES. 457

At the request of Mr. LUGAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 457, a resolution expressing the sense of Congress that the Republic of Argentina's membership in the G20 should be conditioned on its adherence to international norms of economic relations and commitment to the rule of law.

S. RES. 473

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2159

At the request of Mrs. SHAHEEN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of amendment No. 2159 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2167

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2167 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2170

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2170 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2183

At the request of Mr. JOHANNIS, his name was added as a cosponsor of

amendment No. 2183 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2199

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. RISCH), the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 2199 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 2202 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2203

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2203 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2212

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of amendment No. 2212 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2224

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of amendment No. 2224 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2228

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2228 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2229

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2229 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2232

At the request of Mr. TESTER, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Montana (Mr. BAUCUS) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of amendment No.

2232 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295

At the request of Mr. UDALL of Colorado, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2295 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2306

At the request of Ms. MURKOWSKI, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of amendment No. 2306 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2308

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2308 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2311

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2311 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2316

At the request of Mr. LEE, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2316 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2318

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2318 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2319

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2319 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2323

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2323 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2325

At the request of Mr. CHAMBLISS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER) were added as co-sponsors of amendment No. 2325 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, and Ms. COLLINS):

S.J. Res. 43. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Foreign Relations.

Mr. MCCONNELL. Mr. President, today I rise to discuss events in the country of Burma. Every year since 2003, I have come to the floor of the U.S. Senate to introduce the Burmese Freedom and Democracy Act, and every year introduction of this bill has been accompanied by a somber message to the Senate: that reform in Burma is nowhere in sight. That is what I have said every year going back to 2003.

This year, I am pleased to say that though the bill's language is the same, the message is far different, as is the legal effect of the legislation. In a remarkable turnabout of events over the past 18 months, Burma has made dramatic changes for the better. In response to these developments, the administration recently decided it will ease many of the economic sanctions against Burma through exercise of its waiver authority. As a result, this year's Burmese Freedom and Democracy Act would effectively renew only a handful of the sanctions against the regime and would preserve the administration's flexibility to use its waiver authority.

In 2008, the Burmese junta put in place a new Constitution—a very flawed document. It does not ensure civilian control of the military. In fact, the charter may only be amended if over 75 percent of the Parliament vote in favor of such changes and one-fourth of the seats in Parliament are reserved for the military.

In November 2010, Burma held an election under this new charter, which was universally derided as being neither free nor fair. The party of Nobel Peace Prize laureate Daw Aung San Suu Kyi—the National League for Democracy—refused to participate due to the unfairness of the electoral process.

Restrictions on freedom of speech and assembly were manifest, and there was a prohibition against political prisoners, such as Suu Kyi, running for office. Not surprisingly, the junta-supported party won over three-quarters

of the nonappointed parliamentary seats. The new government took office on April 1, 2011.

Shortly after this seemingly unpromising election, some signs of change began to appear. Suu Kyi was freed after years under house arrest. By July 2011 she was permitted to leave Rangoon for the first time since her release. In August she visited the new capital, Naypyitaw, and met with the new President, Thein Sein.

In September 2011 the government lifted its prohibition against major news Web sites and dropped anti-Western slogans from state publications. That same month the regime announced it would suspend action on a controversial dam to be constructed by China in Kachin State. The project was strongly opposed by democracy advocates and ethnic leaders.

As part of its reforms, the legislature enacted a bill that permitted Suu Kyi to participate in the April 1, 2012, by-election and made it possible for her party to reregister, after having technically lost its party status for boycotting the November 2010 balloting.

In January of 2012 a score of political prisoners were released and a preliminary cease-fire agreement was reached with the Karen, appearing to end one of the longest running ethnic disputes in the world.

In April 2012 Burma held a by-election to replace lawmakers who had assumed Cabinet roles. For the first time since 1990, the NLD participated in the election. Of the 45 seats that were open, the NLD contested 44 and won 43.

Suu Kyi herself won a seat in what was clearly a dramatic victory for the opposition. This spring, for the first time in a quarter of a century, Suu Kyi was granted a passport and traveled outside Burma. Thus, in a mere 18 months, Suu Kyi has gone from political prisoner to Member of Parliament. That in and of itself is a remarkable change, and it reflects more broadly the wide-ranging reforms that have occurred in the country.

In response to the Burmese Government's efforts, on May 17 the State Department announced that it would undertake a number of administrative steps to ease sanctions against Burma. These include removing both the investment ban and the financial services ban against Burma, except in transactions involving bad actors. In addition to suspending certain economic sanctions, the administration announced that it would exchange full Ambassadors with Naypyitaw.

Mr. President, I support each of these steps taken by the State Department.

What caused the Burmese Government to initiate these democratic reforms? It is hard to know for certain, but sanctions seem to have played an important part in bringing the government around. No country likes being viewed as a pariah, and the Burmese regime seems no different.

When I visited Burma back in January, the one thing I heard from all the government officials with whom I met—the President, the Foreign Minister, the Speaker of the Lower House—they all said: We want the sanctions removed.

Suu Kyi herself publicly stated a few months ago that “to those who ask whether or not sanctions have been effective, I would say yes, very, very confidently, because this government is always asking for sanctions to be removed. . . . So, sanctions have been effective. If sanctions had not been effective this would not be such an important issue for them.” All of that is from Suu Kyi herself.

So some Senators may reasonably ask why are we moving this sanctions bill again if Burma has made such dramatically positive steps. Well, there are several reasons. Let me lay them out.

First, the Burmese Government still has not met all the necessary conditions to justify a complete—a complete—repeal of all existing sanctions. Despite the unmistakable progress made by the Burmese Government, now is not the time to end our ability either to encourage further government reform or to revisit sanctions if that became necessary. As Suu Kyi herself has cautioned, the situation in Burma is “not irreversible.” Serious challenges need to be addressed.

Violence in Kachin State remains a serious problem. Numerous political prisoners remain behind bars. The constitution is still completely undemocratic. And the regime's relationship with North Korea, especially when it comes to arms sales with Pyongyang, remains an issue of grave concern.

As I noted, renewing the Burmese Freedom and Democracy Act would leave intact the import ban against Burmese goods, thus maintaining leverage the executive branch can utilize to help prompt further reform. Reauthorizing this measure would permit the executive branch, in consultation with Congress, to calibrate sanctions as necessary, thus preserving its flexibility.

Second, the renewal of this sanctions bill will not affect—will not affect—the administration's current efforts to ease sanctions as announced on May 17. Let me repeat that renewing the Burmese Freedom and Democracy Act will leave undisturbed the process for suspending sanctions announced 3 weeks ago. In part for this reason, the State Department supports renewal of this measure. In fact, a vote for reauthorization of the Burmese Freedom and Democracy Act should be seen as a vote in support of the administration's easing of sanctions and a vote to support reform efforts in Burma.

As a practical matter, renewal of the Burmese Freedom and Democracy Act would entail, No. 1, extending for another year the ban against Burmese

imports; No. 2, continuing authority for financial services sanctions but leaving in place the authority the administration needs to proceed with the easing—the easing—of such restrictions; and No. 3, leaving untouched the administration's ability to ease the investment ban, which is part of a separate bill.

Finally, renewal of the Burmese Freedom and Democracy Act has continued bipartisan support in Congress and the support of Suu Kyi and the democratic opposition in Burma.

There are, unfortunately, too few issues where the administration has sought to work with Congress in a bipartisan manner—mighty few, in fact—but on the issue of sanctions reauthorization, the State Department and I are in full agreement. I also know that my longstanding partner on Burma on the other side of the aisle, Senator FEINSTEIN, shares my sentiments about reauthorizing this measure. As for Burma's democratic opposition, I spoke with Suu Kyi just a few days ago. She told me she believes the Burmese Freedom and Democracy Act should be renewed.

If Burma stays on the path it seems to be on to reform, it will require significant help in reforming its economy and in developing business practices that encourage enduring foreign direct investment and corporate responsibility. A great deal of work must be done as Burma looks ahead to hosting the Association of Southeast Asian Nations in 2014. For the first time in a half a century, Burma seems—seems—to be on the right path to reform, and reauthorization of the Burmese Freedom and Democracy Act places the United States squarely on the side of reform and of reformers.

For the reasons I have laid out, I believe a renewal of this measure is the right step to take. Burma has made great strides over the past 18 months, and Congress should recognize those strides. At the same time, Congress should not be fully satisfied with recent reforms, as much more work remains to be done.

In closing, I am introducing the renewal of the Freedom and Democracy Act, originally passed in 2003, for myself; Senator FEINSTEIN, with whom I have worked on this over the years and referred to in my remarks; Senator JOHN MCCAIN, who has been very active in this area and met with Suu Kyi this past year; Senator DURBIN; and Senator COLLINS, who had the opportunity to meet with Suu Kyi just the week before last—all of whom are active and interested in this issue.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, before my friend leaves the floor, I express my appreciation—really from our country—for his tireless efforts in focusing at-

tention on what has been going on in Burma. He has come to the floor and given numerous statements to focus attention on this issue. It took a while to get some traction, but finally he got some traction, and that is why progress was made in Burma.

I appreciate his mentioning Senator FEINSTEIN. She has also been very focused on this. But no one has been to the floor more than Senator MCCONNELL talking about this issue. As a result of that, we have made progress. It has been slow, but it has been deliberate, and I think we can see a new day for that country.

Mr. MCCONNELL. Mr. President, I thank my good friend from Nevada.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD as follows:

S.J. RES. 43

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended by striking “nine years” and inserting “twelve years”.

SEC. 2. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 3. EFFECTIVE DATE.

This joint resolution and the amendment made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2012, whichever occurs first.

Mrs. FEINSTEIN. Mr. President, I rise today once again with my friend and colleague from Kentucky, Senator MCCONNELL, to introduce a joint resolution to renew the import ban on Burma for another year. We are proud to be joined by Senators MCCAIN and DURBIN in this important effort.

Congressman JOE CROWLEY and Congressman PETER KING have introduced this resolution in the House and I thank them for their leadership and support.

Over the past year, we have seen some remarkable changes in Burma after years of violence and repression.

But the government of Burma still has a lot of work to do to demonstrate to us, the international community, and, above all, the people of Burma that it is truly committed to reform, democratization, and national reconciliation.

We should renew this ban for another year as an incentive to the government

of Burma to continue on the path it has undertaken and take additional actions.

I have been involved in the struggle for freedom and democracy in Burma for 15 years.

In 1997, former Senator William Cohen and I authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the government of Burma had physically harmed, re-arrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the democratic opposition.

President Clinton issued the ban in a 1997 Executive Order.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator MCCONNELL and I introduced the Burmese Freedom and Democracy Act of 2003, which placed a complete ban on imports from Burma. It allowed that ban to be renewed one year at a time.

It was signed into law and has been renewed annually since then. It is set to expire on July 26, which is why a renewal of that ban is now before us today.

But unlike past years, we have some good news to report.

Burma has begun to take some significant steps towards embracing democracy, human rights, and the rule of law.

This is welcome news after so many years of inaction coupled with despotic military rule.

How did we get to this point?

Recall that in 1990 Suu Kyi and her National League for Democracy overwhelmingly won the last free parliamentary elections in Burma, but those results were annulled by the military junta, then named the State Law and Order Restoration Council or SLORC.

These events marked the beginning of more than two decades of violence, oppression, and human rights abuses.

In 2008, the ruling military junta, renamed the State Peace and Development Council, pushed through the ratification of a new constitution, which was drafted without the input of the democratic opposition, led by Aung San Suu Kyi.

Elections for the new parliament were held in November 2010, but Suu Kyi and her National League for Democracy were prohibited from participating.

The Union Solidarity and Development Party, comprised of ex-military officials, won approximately 80 percent of the seats. The new parliament elected former General and Prime Minister, Thein Sein, as President.

Following the elections, Suu Kyi was finally released from house arrest, after being in prison or house arrest for the better part of 20 years.

While I was pleased that Suu Kyi was free, I was deeply concerned that nothing had really changed for the people of Burma.

Suu Kyi and her party were blocked from participating in the political process. The military maintained its grip on the government and the economy. Democracy advocates and human rights activists remained in prison. Violence against ethnic minority groups continued unabated.

Yet, in the past year we have seen more positive change than we had in the past 20 years.

Indeed, Burma's new government has taken a number of significant actions in an effort to rejoin the international community.

Hundreds of political prisoners were released.

New legislation broadening the rights of political and civic associations has been enacted; and negotiations with ethnic minority groups have begun and some cease-fires have taken effect.

In addition, Suu Kyi and her National League for Democracy, NLD, were allowed to compete in by-elections for 45 open seats in parliament in April 2012.

Suu Kyi and the NLD won 43 of the 44 seats they contested.

For those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy, it was a thrilling and deeply moving event. Years of sacrifice and hard work had shown results the people of Burma had spoken with a clear voice in support of freedom and democracy.

The U.S. has responded to this reform process in a number of ways.

Secretary Clinton traveled to Burma last December and announced the two countries would resume full diplomatic relations.

Following the April parliamentary elections, the administration announced that it would nominate Derek Mitchell to be the first U.S. ambassador to Burma in 22 years and suspend sanctions on investment and financial services.

I supported these actions. It is entirely appropriate to acknowledge the steps Burma has already taken and encourage additional reforms.

Some may ask then: why stop there? Given the reforms, why not let the ban on imports simply expire?

The fact of the matter is, the reforms are not irreversible and the government of Burma still needs to do more to respond to the legitimate concerns of the people of Burma and the international community.

First, it must address the dominant role of the military in Burma under the new constitution.

The military is guaranteed 25 percent of the seats without elections and remains independent of any civilian oversight.

In addition, the Commander-in-Chief of the military has the authority to dismiss the government and rule the country under Martial Law.

It goes without saying that such powers are incompatible with a truly democratic government.

Second, Burma must stop all violence against ethnic minorities. I am particularly concerned about reports that the Burmese military is continuing attacks in Kachin State, displacing thousands of civilians and killing others.

Third, the government must release all political prisoners.

I applaud the decision of the Government of Burma to release hundreds of political prisoners, including a number of high-profile democracy and human rights activists.

Yet, according to the State Department, hundreds more remain in detention.

Unfortunately, the government of Burma maintains there are no more political prisoners. We must keep the pressure on Burma until all democracy and human rights activists are free and able to resume their lives and careers.

As we debate renewing the import ban, it is important to consider the advice and counsel of Aung San Suu Kyi and the democratic opposition.

For her part, Suu Kyi has said that while she does not oppose suspending sanctions, the international community must be cautious. Speaking via Skype to an event in Washington, D.C. last month she said:

I sometimes feel that people are too optimistic about the scene in Burma. You have to remember that the democratization process in Burma is not irreversible. I have said openly that we can never look upon it as irreversible until such time that the military commits itself to democratization solidly and efficiently.

I understand that Suu Kyi has spoken to Senator MCCONNELL directly about this matter and she supports renewing the import ban for another year.

I believe that renewing this ban will help keep Burma on the path to full democratization and national reconciliation and support the work of Suu Kyi, the democratic opposition, and the reformists in the ruling government.

It will give the administration additional leverage to convince the Burma to stay on the right path.

The administration will still have the authority to waive or suspend the import ban as it has suspended sanctions on investment and financial services if the Government of Burma took the appropriate actions.

If we let the import ban expire, however, and Burma backslides on reform and democratization, we would have to pass a new law to re-impose the ban.

By passing this joint resolution, we ensure that the administration has the flexibility it needs to respond to events in Burma has it as done so with financial services and investment.

Suu Kyi herself has argued that "sanctions have been effective in persuading the government to go for change." I think renewing the import ban will push it to go further.

I urge my colleagues to support this joint resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 489—EX-PRESSING THE SENSE OF THE SENATE ON THE APPOINTMENT BY THE ATTORNEY GENERAL OF AN OUTSIDE SPECIAL COUNSEL TO INVESTIGATE CERTAIN RECENT LEAKS OF APPARENTLY CLASSIFIED AND HIGHLY SENSITIVE INFORMATION ON UNITED STATES MILITARY AND INTELLIGENCE PLANS, PROGRAMS, AND OPERATIONS

Mr. MCCAIN (for himself, Mr. INHOFE, Mr. WICKER, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. PORTMAN, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, Mr. BURR, Mr. ROBERTS, Mr. BLUNT, Mr. COBURN, Mr. PAUL, Mr. BOOZMAN, Mr. ISAKSON, Mr. GRASSLEY, Mr. KIRK, Mr. CHAMBLISS, Mr. RUBIO, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 489

Whereas over the past few weeks, several publications have been released that cite several highly sensitive United States military and intelligence counterterrorism plans, programs, and operations;

Whereas these publications appear to be based in substantial part on unauthorized disclosures of classified information;

Whereas the unauthorized disclosure of classified information is a felony under Federal law;

Whereas the identity of the sources in these publications include senior administration officials, participants in these reported plans, programs, and operations, and current American officials who spoke anonymously about these reported plans, programs, and operations because they remain classified, parts of them are ongoing, or both;

Whereas such unauthorized disclosures may inhibit the ability of the United States to employ the same or similar plans, programs, or operations in the future; put at risk the national security of the United States and the safety of the men and women sworn to protect it; and dismay our allies;

Whereas under Federal law, the Attorney General may appoint an outside special counsel when an investigation or prosecution would present a conflict of interest or other extraordinary circumstances and when doing so would serve the public interest;

Whereas investigations of unauthorized disclosures of classified information are ordinarily conducted by the Federal Bureau of Investigation with assistance from prosecutors in the National Security Division of the Department of Justice;

Whereas there is precedent for officials in the National Security Division of the Department of Justice to recuse itself from such investigations to avoid even the appearance of impropriety or undue influence, and it appears that there have been such recusals with respect to the investigation of at least one of these unauthorized disclosures;

Whereas such recusals are indicative of the serious complications already facing the Department of Justice in investigating these matters;

Whereas the severity of the national security implications of these disclosures; the imperative for investigations of these disclosures to be conducted independently so as to avoid even the appearance of impropriety or undue influence; and the need to conduct these investigations expeditiously to ensure timely mitigation constitute extraordinary circumstances; and

Whereas, for the foregoing reasons, the appointment of an outside special counsel would serve the public interest: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Attorney General should—

(A) delegate to an outside special counsel all of the authority of the Attorney General with respect to investigations by the Department of Justice of any and all unauthorized disclosures of classified and highly sensitive information related to various United States military and intelligence plans, programs, and operations reported in recent publications; and

(B) direct an outside special counsel to exercise that authority independently of the supervision or control of any officer of the Department of Justice;

(2) under such authority, the outside special counsel should investigate any and all unauthorized disclosures of classified and highly sensitive information on which such recent publications were based and, where appropriate, prosecute those responsible; and

(3) the President should assess—

(A) whether any such unauthorized disclosures of classified and highly sensitive information damaged the national security of the United States; and

(B) how such damage can be mitigated.

SENATE RESOLUTION 490—DESIGNATING THE WEEK OF SEPTEMBER 16, 2012, AS “MITOCHONDRIAL DISEASE AWARENESS WEEK”, REAFFIRMING THE IMPORTANCE OF AN ENHANCED AND COORDINATED RESEARCH EFFORT ON MITOCHONDRIAL DISEASES, AND COMMENDING THE NATIONAL INSTITUTES OF HEALTH FOR ITS EFFORTS TO IMPROVE THE UNDERSTANDING OF MITOCHONDRIAL DISEASES

Mrs. BOXER submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 490

Whereas Brittany Wilkinson, the first Youth Ambassador of the United Mitochondrial Disease Foundation, joined other Youth Ambassadors of the United Mitochondrial Disease Foundation in working tirelessly to raise awareness about mitochondrial diseases;

Whereas mitochondrial diseases result from a defect that reduces the ability of the mitochondria in a cell to produce energy;

Whereas, as mitochondria fail to produce enough energy, cells cease to function properly and eventually die, leading to the failure of organ systems and possibly the death of the affected individuals;

Whereas mitochondrial diseases can present themselves at any age, and mortality rates vary depending upon the particular disease;

Whereas the most severe mitochondrial diseases result in the progressive loss of

function in multiple organs, including the loss of neurological and muscle function, and death within several years;

Whereas mitochondrial diseases are a relatively newly identified group of diseases, first recognized in the late 1960s, and diagnosis of mitochondrial diseases is extremely difficult;

Whereas there are more than 100 identified primary mitochondrial diseases, but researchers believe there are several hundred other types of unidentified mitochondrial diseases and further research is necessary to help identify those diseases;

Whereas mitochondrial dysfunction is associated with many diseases, such as Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis, autism, diabetes, cancer, and many other diseases associated with aging;

Whereas research into primary mitochondrial diseases can provide applications to biomedical research and a window into our understanding of many other diseases, including possible treatments and cures for diseases such as Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis, autism, diabetes, cancer, and many other diseases associated with aging;

Whereas researchers estimate that one in 4,000 children will develop a mitochondrial disease related to an inherited mutation by 10 years of age, and recent studies of umbilical cord blood samples show that one in 200 people could develop a mitochondrial disease in their lifetime;

Whereas researchers also believe that those numbers could be much higher, given the difficulty associated with diagnosing mitochondrial disease and the many cases that are either misdiagnosed or never diagnosed;

Whereas there are no cures for mitochondrial diseases, nor are there specific treatments for any of those diseases;

Whereas human energy production involves multiple organ systems, and therefore primary mitochondrial diseases research involves many Institutes at the National Institutes of Health;

Whereas, according to the National Institutes of Health, more than \$600,000,000 is being spent on research related to mitochondrial functions, of which \$18,000,000 is being spent on actual primary mitochondrial diseases research;

Whereas the National Institutes of Health has taken an increased interest in primary mitochondrial diseases and has sponsored a number of activities in recent years aimed at advancing mitochondrial medicine, including incorporating research into functional variations in mitochondria in the Transformative Research Awards Initiative;

Whereas, in March 2012, the National Institutes of Health convened a 2-day symposium entitled “Translational Research in Primary Mitochondrial Diseases: Obstacles and Opportunities”, which brought together leading government and private sector researchers and drug developers to share information related to primary mitochondrial diseases, develop systems to facilitate future collaboration, survey obstacles, needs, and priorities of primary mitochondrial diseases research, and develop mechanisms to enhance translation of basic science discoveries to diagnostics and therapeutics; and

Whereas, as a consequence of the symposium, a white paper has been developed that identifies current research challenges and impediments and a suggested course of action to address those challenges: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 16, 2012, as “Mitochondrial Disease Awareness Week”;

(2) reaffirms the importance of an enhanced and coordinated research effort aimed at improving the understanding of primary mitochondrial diseases and the development of treatments and cures;

(3) commends the National Institutes of Health for its efforts to organize the symposium entitled “Translational Research in Primary Mitochondrial Disease: Obstacles and Opportunities” to improve the understanding of mitochondrial diseases and to enhance collaboration and chart a course for the future with respect to research on mitochondrial diseases;

(4) encourages the National Institutes of Health to place a greater priority on research into primary mitochondrial diseases, to continue to explore the connections between mitochondrial dysfunction and other systemic diseases, and to promote collaboration and coordination among the Institutes of the National Institutes of Health and with other organizations; and

(5) encourages the National Institutes of Health to consider the recommendations and address research directions identified in the white paper developed from the symposium described in paragraph (3), including—

(A) enhanced emphasis on research regarding basic mitochondrial physiology, variations in mitochondrial function in different body tissues, and improvements in the manipulation of mitochondrial DNA;

(B) supporting research that will provide the basis for drug development, including improved mouse models, efforts to achieve breakthroughs in in vivo research capability, consensus development around assays, and next generation sequencing;

(C) expansion and support of stable, long-term patient registries and biospecimen repositories in collaboration with patient advocacy groups to promote enrollment and ultimately pave the way for natural history trials; and

(D) the establishment of a working group to develop a system for the continued interaction among the Institutes within the National Institutes of Health and with other organizations and the establishment of a website on research on primary mitochondrial diseases.

SENATE RESOLUTION 491—COMMENDING THE PARTICIPANTS IN THE 44TH INTERNATIONAL CHEMISTRY OLYMPIAD AND RECOGNIZING THE IMPORTANCE OF EDUCATION IN THE FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TO THE FUTURE OF THE UNITED STATES

Mr. COONS (for himself, Mr. BOOZMAN, Ms. MIKULSKI, Mr. ALEXANDER, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 491

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as “STEM”);

Whereas the science of chemistry is vital to the improvement of human life because chemistry has the power to transform;

Whereas chemistry improves human lives by providing critical solutions to global challenges involving safe food, water, transportation, and products, alternate sources of energy, improved health, and a healthy and sustainable environment;

Whereas the International Chemistry Olympiad is an annual competition for the most talented secondary school chemistry students in the world that seeks to stimulate interest in chemistry through creative problem solving;

Whereas the 44th International Chemistry Olympiad will be held at the University of Maryland, College Park from July 21 through 30, 2012;

Whereas more than 70 countries and nearly 300 students will compete in the 44th International Chemistry Olympiad in theoretical and practical examinations covering analytical chemistry, biochemistry, inorganic chemistry, organic chemistry, physical chemistry, and spectroscopy;

Whereas the objective of the International Chemistry Olympiad is to promote international relationships in STEM education (particularly in chemistry), cooperation among students, and the exchange of pedagogical and scientific experience in STEM education;

Whereas STEM education at the secondary school level is critically important to the future of the United States; and

Whereas the students who will compete in the International Chemistry Olympiad deserve recognition and support for their efforts: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the 44th International Chemistry Olympiad to the United States;

(2) recognizes the need to encourage young people to pursue careers in the fields of science (including chemistry), technology, engineering, and mathematics; and

(3) commends the University of Maryland, College Park for hosting and the American Chemical Society for organizing the 44th International Chemistry Olympiad.

SENATE RESOLUTION 492—DESIGNATING JUNE 15, 2012, AS “WORLD ELDER ABUSE AWARENESS DAY”

Mr. BLUMENTHAL (for himself, Mr. KIRK, Mr. DURBIN, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 492

Whereas at least 2,000,000 older adults are maltreated each year in the United States;

Whereas the vast majority of the abuse, neglect, and exploitation of older adults in the United States goes unidentified and unreported;

Whereas only 1 in 44 cases of financial abuse of older adults is reported;

Whereas at least \$2,900,000,000 is taken from older adults each year due to financial abuse and exploitation;

Whereas elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines;

Whereas older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused;

Whereas the percentage of individuals in the United States who are 60 years of age or older will nearly double by 2020;

Whereas, although all 50 States have laws against elder abuse, incidents of elder abuse

have increased by 150 percent over the last 10 years;

Whereas public awareness has the potential to increase the identification and reporting of elder abuse by the public, professionals, and victims, and can act as a catalyst to promote issue-based education and long-term prevention; and

Whereas private individuals and public agencies must work to combat crime and violence against older adults and vulnerable adults, particularly in light of continued reductions in funding for vital services: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2012 as “World Elder Abuse Awareness Day”;

(2) recognizes judges, lawyers, adult protective services professionals, law enforcement officers, social workers, health care providers, victims’ advocates, and other professionals and agencies for their efforts to advance awareness of elder abuse; and

(3) encourages members of the public and professionals who work with older adults to act as catalysts to promote awareness and long-term prevention of elder abuse by reaching out to local adult protective services agencies and by learning to recognize, report, and respond to elder abuse.

SENATE CONCURRENT RESOLUTION 48—RECOGNIZING 375 YEARS OF SERVICE OF THE NATIONAL GUARD AND AFFIRMING CONGRESSIONAL SUPPORT FOR A PERMANENT OPERATIONAL RESERVE AS A COMPONENT OF THE ARMED FORCES

Mr. LEAHY (for himself and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 48

Whereas the first volunteer militia unit in America was formed in 1636 in Massachusetts Bay, followed by other units in the colonies of Virginia and Connecticut;

Whereas from the opening salvos at Lexington and Concord, to the conclusion of the American Revolutionary War in 1783, the volunteer patriots and minutemen of the American militia helped create the United States of America;

Whereas the American founding fathers wrote Article I, Section 8, of the United States Constitution to keep the militia model, authorizing only a small standing military force that could organize, train, and equip militia volunteers when needed;

Whereas the American militia answered the call during the second war with Britain in 1812;

Whereas in the 19th Century, during the Mexican-American War, the United States Civil War, and the Spanish-American War, State militia volunteers mustered when called and more than 300,000 gave their lives in service of the United States of America;

Whereas in World War I, nearly all National Guardsmen were mobilized into Federal service, and while they represented only 15 percent of the total United States Army, they comprised 40 percent of the American divisions sent to France and sustained 43 percent of the casualties in combat;

Whereas in World War II, the National Guard comprised 19 Army divisions and 29 observation squadrons with aircraft assigned to the United States Army Air Forces;

Whereas the National Defense Act of 1947 formed the Air National Guard, created a

minimum of one flying unit in each State, with the result of more than 44,000 Air Guard troops serving in Korea and 4,000 Air Guard troops in Vietnam;

Whereas the Air National Guard flew 30,000 sorties and 50,000 combat hours during Operation Desert Storm over 37 days and were some of the first units into the fight;

Whereas on September 11, 2001, the first fighter jets over New York City and Washington, DC, were Air National Guard F-15 and F-16 aircraft from Massachusetts and North Dakota, with over 400 more Air National Guard fighter aircraft on alert by that afternoon;

Whereas 456,974 Air and Army National Guard soldiers and airmen have deployed in the many campaigns since 9/11;

Whereas Air and Army National Guard soldiers and airmen have been involved in countless domestic response missions, including missions in response to hurricanes, tornadoes, floods, and forest fires;

Whereas during the Cold War, the National Guard was regarded as a Strategic Reserve to be held in case of a Soviet invasion of Europe, yet, since 9/11, the National Guard and the Federal Reserves have made the transition to an Operational Reserve, in constant use and rotation for missions at home and abroad;

Whereas the Operational Reserve has time and again demonstrated its readiness to meet operational requirements, and its mission- and cost-effectiveness and volunteerism are the heart of modern United States military service;

Whereas the Operational Reserve must be sustained by a fully-manned and fully-funded National Guard in the spirit intended by the Framers and enshrined in Article I of the Constitution; and

Whereas the Air Force, in its fiscal year 2013 budget, has advanced a proposal to convert the Air National Guard from the Operational Reserve to the Strategic Reserve of yesteryear: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the critical importance of the Operational Reserve as a component of the Armed Forces, particularly as a means of preserving combat power during a time of budget austerity;

(2) supports making permanent the Operational Reserve as the cornerstone of military manpower in the decades to come;

(3) repudiates proposals to return the Reserve Components to a diminished or purely strategic role in United States national security;

(4) affirms the growth of the Operational Reserve as circumstances warrant; and

(5) recognizes the dual-status, State-Federal National Guard as the foundation of the Operational Reserve and of military manpower now and in the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2344. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2345. Mr. MANCHIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2346. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2347. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2348. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2349. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2350. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2351. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2352. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2353. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2354. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2355. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2356. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2357. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2358. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2359. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2360. Mr. BOOZMAN (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2361. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2362. Mr. BROWN of Ohio (for himself, Mr. NELSON of Nebraska, Mr. FRANKEN, Mr. SANDERS, Mr. BINGAMAN, Mr. JOHNSON of South Dakota, Mr. HARKIN, Mr. LEAHY, Mr. TESTER, Mr. MERKLEY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2363. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2364. Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2365. Mr. BEGICH (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2366. Mrs. HAGAN submitted an amendment intended to be proposed by her to the

bill S. 3240, supra; which was ordered to lie on the table.

SA 2367. Mrs. HAGAN (for herself, Mr. CRAPO, Mrs. MCCASKILL, Mr. RISCH, Mr. PRYOR, Mr. CHAMBLISS, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2368. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2369. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2370. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2371. Mr. MERKLEY (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2372. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2373. Mr. WICKER (for himself, Mr. CONRAD, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2374. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2375. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2376. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2377. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2378. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2379. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2380. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2381. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2382. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mr. SANDERS, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2383. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2384. Mr. CARDIN (for himself, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. WARNER, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2385. Mr. TESTER submitted an amendment intended to be proposed by him to the

bill S. 3240, supra; which was ordered to lie on the table.

SA 2386. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2387. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2388. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2389. Mr. REID (for Ms. STABENOW (for herself and Mr. ROBERTS)) proposed an amendment to the bill S. 3240, supra.

SA 2390. Mr. REID proposed an amendment to amendment SA 2389 proposed by Mr. REID (for Ms. STABENOW (for herself and Mr. ROBERTS)) to the bill S. 3240, supra.

SA 2391. Mr. REID proposed an amendment to the bill S. 3240, supra.

SA 2392. Mr. REID proposed an amendment to amendment SA 2391 proposed by Mr. REID to the bill S. 3240, supra.

SA 2393. Mr. REID proposed an amendment to amendment SA 2392 proposed by Mr. REID to the amendment SA 2391 proposed by Mr. REID to the bill S. 3240, supra.

SA 2394. Mr. DEMINT (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2395. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2396. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2397. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2398. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2399. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2400. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2343 submitted by Mr. CHAMBLISS (for himself and Mr. ISAKSON) and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2401. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2402. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2403. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2344. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. LEAN FINELY TEXTURED BEEF.

(a) **SCHOOL MEAL PROGRAMS.**—Section 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end the following:

“(i) **LEAN FINELY TEXTURED BEEF.**—The Secretary shall give States and school food authorities the option to purchase and receive meat and meat food products that do not contain low-temperature rendered product, also known as lean finely textured beef (as defined by the Secretary), for use in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”

(b) **LABELING.**—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) in paragraph (11), by striking “or” at the end;

(2) in paragraph (12), by striking the period at the end and inserting “; or” and

(3) by adding at the end the following:

“(13) if in a package or other container and at the final point of sale the meat or meat food product contains low-temperature rendered product, also known as lean finely textured beef (as defined by the Secretary), unless the package or other container bears a label stating that the meat or meat food product contains the low-temperature rendered product.”

SA 2345. Mr. MANCHIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

“(3) **PREGNANT WOMEN AND YOUNG CHILDREN.**—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.”

SA 2346. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 12205. SENSE OF CONGRESS ON NUCLEAR PROGRAM OF IRAN.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability.

(2) The United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Government of the Islamic Republic of Iran and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, par-

ticularly those concerning the possible military dimensions of its nuclear program.

(3) On November 8, 2011, the IAEA issued an extensive report that—

(A) documents “serious concerns regarding possible military dimensions to Iran’s nuclear programme”; and

(B) states that “Iran has carried out activities relevant to the development of a nuclear device”; and

(C) states that the efforts described in subparagraphs (A) and (B) may be ongoing.

(4) As of November 2008, Iran had produced, according to the IAEA—

(A) approximately 630 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(B) no uranium hexafluoride enriched up to 20 percent uranium-235.

(5) As of November 2011, Iran had produced, according to the IAEA—

(A) nearly 5,000 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(B) 79.7 kilograms of uranium hexafluoride enriched up to 20 percent uranium-235.

(6) On January 9, 2012, IAEA inspectors confirmed that the Government of the Islamic Republic of Iran had begun enrichment activities at the Fordow site, including possibly enrichment of uranium hexafluoride up to 20 percent uranium-235.

(7) Section 2(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) states, “The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.”

(8) If the Government of the Islamic Republic of Iran were successful in acquiring a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities.

(9) On December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, “we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves”.

(10) Top leaders of the Government of the Islamic Republic of Iran have repeatedly threatened the existence of the State of Israel, pledging to “wipe Israel off the map”.

(11) The Department of State has designated Iran as a state sponsor of terrorism since 1984 and characterized Iran as the “most active state sponsor of terrorism”.

(12) The Government of the Islamic Republic of Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of United States forces and innocent civilians.

(13) On July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a “secret deal” with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory.

(14) In October 2011, senior leaders of Iran’s Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia’s Ambassador to the United States on United States soil.

(15) On December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treat-

ment in detention, the targeting of human rights defenders, violence against women, and “the systematic and serious restrictions on freedom of peaceful assembly” as well as severe restrictions on the rights to “freedom of thought, conscience, religion or belief”.

(16) President Barack Obama, through the P5+1 process, has made repeated efforts to engage the Government of the Islamic Republic of Iran in dialogue about Iran’s nuclear program and its international commitments under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”).

(17) Representatives of the P5+1 countries (the United States, France, Germany, the People’s Republic of China, the Russian Federation, and the United Kingdom) and representatives of the Islamic Republic of Iran held negotiations on Iran’s nuclear program in Istanbul, Turkey on April 14, 2012, and these discussions are set to resume in Baghdad, Iraq on May 23, 2012.

(18) On March 31, 2010, President Obama stated that the “consequences of a nuclear-armed Iran are unacceptable”.

(19) In his State of the Union Address on January 24, 2012, President Obama stated, “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.”

(20) On March 4, 2012, President Obama stated “Iran’s leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon”.

(21) Secretary of Defense Leon Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran’s nuclear weapons efforts, and vowed that if the United States gets “intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it”.

(22) The Department of Defense’s January 2012 Strategic Guidance stated that United States defense efforts in the Middle East would be aimed “to prevent Iran’s development of a nuclear weapons capability and counter its destabilizing policies”.

(23) On April 2, 2012, President Obama stated, “All the evidence indicates that the Iranians are trying to develop the capacity to develop nuclear weapons. They might decide that, once they have that capacity that they’d hold off right at the edge in order not to incur more sanctions. But, if they’ve got nuclear weapons-building capacity and they are flouting international resolutions, that creates huge destabilizing effects in the region and will trigger an arms race in the Middle East that is bad for U.S. national security but is also bad for the entire world.”

(b) **SENSE OF CONGRESS.**—Congress—

(1) reaffirms that the United States Government and the governments of other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran until the Government of the Islamic Republic of Iran agrees to and implements—

(A) the full and sustained suspension of all uranium enrichment-related and reprocessing activities and compliance with United Nations Security Council resolutions;

(B) complete cooperation with the IAEA on all outstanding questions related to the nuclear activities of the Government of the Islamic Republic of Iran, including the implementation of the additional protocol to Iran's Safeguards Agreement with the IAEA; and

(C) a permanent agreement that verifiably assures that Iran's nuclear program is entirely peaceful;

(4) expresses the desire that the P5+1 process successfully and swiftly leads to the objectives identified in paragraph (3), but warns that, as President Obama has said, the window for diplomacy is closing;

(5) expresses support for the universal rights and democratic aspirations of the people of Iran;

(6) strongly supports United States policy to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(7) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(8) joins the President in ruling out any policy that would rely on containment as an option in response to the Iranian nuclear threat.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as an authorization for the use of force or a declaration of war.

SA 2347. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 12106. GRAZING ON PUBLIC RANGELANDS.

Section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended—

(1) by striking the section heading and all that follows through “(a) For the” and inserting the following:

“SEC. 6. GRAZING FEES.

“(a) **ESTABLISHMENT OF FEES.**—

“(1) **IN GENERAL.**—For the”; and

(2) in subsection (a), by adding at the end the following:

“(2) **GRAZING ON PUBLIC RANGELANDS.**—When establishing fees for grazing private livestock on public rangelands, the Secretary (with respect to land managed by the Bureau of Land Management) and the Secretary of Agriculture (with respect to National Forest System land) shall set the rate at a level that is comparable to the current private grazing land lease rate in the area or region, as determined by the applicable Secretary.”.

SA 2348. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 12106. GRAZING ON NATIONAL FOREST SYSTEM LAND.

Section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended—

(1) by striking the section heading and all that follows through “(a) For the” and inserting the following:

“SEC. 6. GRAZING FEES.

“(a) **ESTABLISHMENT OF FEES.**—

“(1) **IN GENERAL.**—For the”; and

(2) in subsection (a), by adding at the end the following:

“(2) **GRAZING ON NATIONAL FOREST SYSTEM LAND.**—When establishing fees for grazing private livestock on public rangelands that is National Forest System land, the Secretary of Agriculture shall set the rate at a level that is comparable to the current private grazing land lease rate in the area or region, as determined by the Secretary of Agriculture.”.

SA 2349. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, strike line 1 and insert the following:

(b) **LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.**—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (d) and inserting the following:

“(d) **LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.**—The total amount of marketing loan gains and loan deficiency payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle B of the Agriculture Reform, Food, and Jobs Act of 2012 (or a successor provision) for 1 or more covered commodities may not exceed \$75,000.”.

(c) **CONFORMING AMENDMENTS.**—

On page 143, line 9, strike “(c)” and insert “(d)”.

SA 2350. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 58, strike line 14 and all that follows through page 59, line 23 and insert the following:

As soon as practicable after the date of enactment of this Act, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

(1) to be used to award grants under section 3601(b) of the Consolidated Farm and Rural Development Act—

(A) \$10,250,000 for fiscal year 2013; and

(B) \$13,750,000 for each of fiscal years 2014 through 2017; and

(2) to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.)—

(A) \$10,250,000 for fiscal year 2013; and

(B) \$13,750,000 for each of fiscal years 2014 through 2017.

SA 2351. Mr. GRASSLEY submitted an amendment intended to be proposed

by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 34, strike line 4 and all that follows through page 36, line 9.

SA 2352. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STUDY; REPORT.

(a) **DEFINITION OF COMPTROLLER.**—In this section, the term “Comptroller” means the Comptroller of the United States.

(b) **STUDY.**—Not later than 1 year after the date of enactment of this Act, the Comptroller shall conduct an independent study of domestic Federal nutrition programs—

(1) to identify—

(A) areas of duplication and inefficiencies after April 1, 2010; and

(B) programs that share the same goals, specific functions, or features; and

(2) determine whether the express goals of the programs are being accomplished in the most efficient way possible.

(c) **RECOMMENDATIONS.**—The Comptroller shall make specific recommendations to consolidate or eliminate any duplicative program or significantly inefficient program described in subsection (b).

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller shall submit to Congress a report that includes—

(1) the results of the study required under subsection (b); and

(2) the recommendations described in subsection (c).

SA 2353. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ELIMINATION OF CERTAIN WORKING LANDS CONSERVATION PROGRAMS.

(a) **CONSERVATION STEWARDSHIP PROGRAM.**—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

(b) **ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**—Chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) is repealed.

SA 2354. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

SA 2355. Mr. BOOZMAN submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 860, between lines 15 and 16, insert the following:

SEC. 7602. OBJECTIVE AND SCHOLARLY AGRICULTURAL AND FOOD LAW RESEARCH AND INFORMATION.

(a) FINDINGS.—Congress finds that—

(1) the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws (including regulations);

(2) objective, scholarly, and authoritative agricultural and food law research and information helps the farm, ranch, and forestry community contribute to the strength of the United States through improved conservation, environmental protection, job creation, economic development, renewable energy production, outdoor recreational opportunities, and increased local and regional supplies of food, fiber, and fuel; and

(3) the vast agricultural community of the United States, including farmers, ranchers, foresters, attorneys, policymakers, and extension personnel, need access to agricultural and food law research and information provided by an objective, scholarly, and neutral source.

(b) PARTNERSHIPS.—The Secretary, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research and information by entering into partnerships with institutions of higher education that have expertise in agricultural and food law research and information.

(c) RESTRICTION.—For each fiscal year, the Secretary shall use not more than \$1,000,000 of the amounts made available to the National Agricultural Library to carry out this section.

SA 2356. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. EXEMPTION OF RURAL WATER PROJECTS FROM CERTAIN RENTAL FEES.

Section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)) is amended in the eighth sentence by inserting “and for any rural water project that is federally financed (including a project that receives Federal funds under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or from a State drinking water treatment revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12))” after “such facilities”.

SA 2357. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle D—Congressional Review of Agency Rulemaking in Cases of Negative Effect on Access to Affordable Food

SEC. 12301. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING IN CASES OF NEGATIVE EFFECT ON ACCESS TO AFFORDABLE FOOD.

Effective beginning on the date of enactment of this Act, if the Secretary determines that a rule promulgated by any Federal agency could have a negative effect on access by any individual to affordable food, the procedures described in this subtitle shall take effect.

SEC. 12302. CONGRESSIONAL REVIEW.

(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 12305(2);

(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

(v) the proposed effective date of the rule.

(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 12303(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 12303 or as provided for in the rule following enactment of a joint resolution of approval described in section 12303, whichever is later.

(4) A nonmajor rule shall take effect as provided by section 12304 after submission to Congress under paragraph (1).

(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this subtitle in the same Congress by either the House of Representatives or the Senate.

(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 12303.

(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

(D) issued pursuant to any statute implementing an international trade agreement.

(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 12303.

(d)(1) In addition to the opportunity for review otherwise provided under this subtitle, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

(A) in the case of the Senate, 60 session days, or

(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 12303 and 12304 shall apply to such rule in the succeeding session of Congress.

(2)(A) In applying sections 12303 and 12304 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register on—

(I) in the case of the Senate, the 15th session day, or

(II) in the case of the House of Representatives, the 15th legislative day, after the succeeding session of Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

SEC. 12303. CONGRESSIONAL APPROVAL PROCEDURE FOR MAJOR RULES.

(a)(1) For purposes of this section, the term "joint resolution" means only a joint resolution addressing a report classifying a rule as major pursuant to section 12302(a)(1)(A)(iii) that—

(A) bears no preamble;

(B) bears the following title (with blanks filled as appropriate): "Approving the rule submitted by _____ relating to _____";

(C) includes after its resolving clause only the following (with blanks filled as appropriate): "That Congress approves the rule submitted by _____ relating to _____"; and

(D) is introduced pursuant to paragraph (2).

(2) After a House of Congress receives a report classifying a rule as major pursuant to section 12302(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

(A) in the case of the House of Representatives, within three legislative days; and

(B) in the case of the Senate, within three session days.

(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 12302(b)(2), then such vote shall be taken on that day.

(h) This section and section 12304 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

(2) with full recognition of the Constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 12304. CONGRESSIONAL DISAPPROVAL PROCEDURE FOR NONMAJOR RULES.

(a) For purposes of this section, the term "joint resolution" means only a joint resolution

introduced in the period beginning on the date on which the report referred to in section 12302(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in).

(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

(2) For purposes of this section, the term submission or publication date means the later of the date on which—

(A) the Congress receives the report submitted under section 12302(a)(1); or

(B) the nonmajor rule is published in the Federal Register, if so published.

(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

(2) if the report under section 12302(a)(1)(A) was submitted during the period referred to in section 12302(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

SEC. 12305. DEFINITIONS.

In this subtitle:

(1) The term “Federal agency” means any agency as that term is defined in section 551(1) of title 5, United States Code.

(2) The term “major rule” means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

(A) an annual effect on the economy of \$100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

(3) The term “nonmajor rule” means any rule that is not a major rule.

(4) The term “rule” has the meaning given such term in section 551 of title 5, United States Code, except that such term does not include—

(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

(B) any rule relating to agency management or personnel; or

(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

SEC. 12306. JUDICIAL REVIEW.

(a) No determination, finding, action, or omission under this subtitle shall be subject to judicial review.

(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this subtitle for a rule to take effect.

(c) The enactment of a joint resolution of approval under section 12303 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding

concerning a rule except for purposes of determining whether or not the rule is in effect.

SEC. 12307. EXEMPTION FOR MONETARY POLICY.

Nothing in this subtitle shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 12308. EFFECTIVE DATE OF CERTAIN RULES.

Notwithstanding section 12302—

(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.

SA 2358. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. ATTORNEY FEE PAYMENT TRACKING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) in cooperation with the Attorney General and the Secretary of Treasury, develop a system to track and report attorney fee payment information in accordance with subsections (b) and (c); and

(2) submit to the Committee on Agriculture and the Committee on the Judiciary of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on the Judiciary of the Senate a report describing the status of the implementation of the system.

(b) REQUIREMENTS.—The system described in subsection (a)(1) shall track for each case or administrative adjudication in which the Secretary or Department of Agriculture is a party—

(1) the case name;

(2) the party name;

(3) the amount of the claim;

(4) the date and amount of the award or payment of attorney fees; and

(5) the law (including regulations) under which the case was brought.

(c) ANNUAL REPORTS.—Each year, the Secretary shall submit to the Committees described in subsection (a)(2) a report containing the information described in subsection (b).

SA 2359. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —FARM, RANCH, AND FOREST LAND PRIVATE PROPERTY PROTECTION ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “Farm, Ranch, and Forest Land Private Property Protection Act”.

SEC. 02. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken “for public use, without just compensation.”

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farm, ranch, and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation’s agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court’s decision in *Kelo v. City of New London*, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation’s public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens. Americans should not have to fear the government’s taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 03. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES TO CONFISCATE FARM, RANCH, OR FOREST LAND.

(a) IN GENERAL.—No State or political subdivision of a State shall exercise its power of eminent domain over farm, ranch, or forest land, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is used for economic development within 7 years after that exercise, if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent

jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) **OPPORTUNITY TO CURE VIOLATION.**—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation. In addition, the State must pay applicable penalties and interest to reattain eligibility.

SEC. 04. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT TO CONFISCATE FARM, RANCH, OR FOREST LAND.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over farm, ranch, or forest land to be used for economic development.

SEC. 05. PRIVATE RIGHT OF ACTION.

(a) **CAUSE OF ACTION.**—Any (1) owner of private farm, ranch, or forest land whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, may bring an action to enforce any provision of this title in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. Any such property owner or tenant may also seek an appropriate relief through a preliminary injunction or a temporary restraining order.

(b) **LIMITATION ON BRINGING ACTION.**—An action brought by a property owner or tenant under this title may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of such property owner or tenant, but shall not be brought later than seven years following the conclusion of any such proceedings.

(c) **ATTORNEYS' FEE AND OTHER COSTS.**—In any action or proceeding under this title, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 06. REPORTING OF VIOLATIONS TO ATTORNEY GENERAL OR THE SECRETARY OF AGRICULTURE.

(a) **SUBMISSION OF REPORT TO ATTORNEY GENERAL.**—Any (1) owner of private farm, ranch, or forest land whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, or (2) any tenant of farm, ranch, or forest land that is subject to eminent domain who suffers injury as a result of a violation of any provision of this title with respect to that property, may report a violation by the Fed-

eral Government, any authority of the Federal Government, State, or political subdivision of a State to the Attorney General or the Secretary of Agriculture.

(b) **INVESTIGATION BY ATTORNEY GENERAL.**—Upon receiving a report of an alleged violation, the Secretary of Agriculture shall transmit the report to the Attorney General. Upon receiving a report of an alleged violation from either a property owner, tenant, or the Secretary of Agriculture, the Attorney General shall conduct an investigation, in cooperation with the Secretary of Agriculture, to determine whether a violation exists.

(c) **NOTIFICATION OF VIOLATION.**—If the Attorney General concludes that a violation does exist, then the Attorney General shall notify the Federal Government, authority of the Federal Government, State, or political subdivision of a State that the Attorney General has determined that it is in violation of the title. The notification shall further provide that the Federal Government, State, or political subdivision of a State has 90 days from the date of the notification to demonstrate to the Attorney General either that (1) it is not in violation of the title or (2) that it has cured its violation by returning all real property the taking of which the Attorney General finds to have constituted a violation of the title and replacing any other property destroyed and repairing any other property damaged as a result of such violation.

(d) **ATTORNEY GENERAL'S BRINGING OF ACTION TO ENFORCE TITLE.**—If, at the end of the 90-day period described in subsection (c), the Attorney General determines that the Federal Government, authority of the Federal Government, State, or political subdivision of a State is still violating the title or has not cured its violation as described in subsection (c), then the Attorney General will bring an action to enforce the title unless the property owner or tenant who reported the violation has already brought an action to enforce the title. In such a case, the Attorney General shall intervene if it determines that intervention is necessary in order to enforce the title. The Attorney General may file its lawsuit to enforce the title in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. The Attorney General may seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(e) **LIMITATION ON BRINGING ACTION.**—An action brought by the Attorney General under this title may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation of the title to the Attorney General, but shall not be brought later than seven years following the conclusion of any such proceedings.

(f) **ATTORNEYS' FEE AND OTHER COSTS.**—In any action or proceeding under this title brought by the Attorney General, the court shall, if the Attorney General is a prevailing plaintiff, award the Attorney General a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 07. NOTIFICATION BY ATTORNEY GENERAL.

(a) **NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.**—

(1) Not later than 30 days after the enactment of this title, the Attorney General shall provide to the chief executive officer of each State the text of this title and a description of the rights of property owners and tenants under this title.

(2) Not later than 120 days after the enactment of this title, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) **NOTIFICATION TO PROPERTY OWNERS AND TENANTS.**—Not later than 30 days after the enactment of this title, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this title and a description of the rights of property owners and tenants under this title.

SEC. 08. NOTIFICATION BY SECRETARY OF AGRICULTURE.

(a) **NOTIFICATION TO PROPERTY OWNERS AND TENANTS.**—Not later than 60 days after the enactment of this title, the Secretary of Agriculture shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Agriculture a notice containing the text of this title and a description of the rights of property owners and tenants under this title.

SEC. 09. REPORTS.

(a) **BY ATTORNEY GENERAL.**—Not later than 1 year after the date of enactment of this title, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this title to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives, to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate, to the Chairman and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Chairman and Ranking Member of the Committee of Agriculture of the House. The report shall—

(1) be developed in cooperation with the Secretary of Agriculture;

(2) identify all private rights of action brought as a result of a State's or political subdivision's violation of this title;

(3) identify all violations reported by property owners and tenants under section 5(c) of this title;

(4) identify the percentage of minority residents compared to the surrounding non-minority residents and the median incomes of those impacted by a violation of this title;

(5) identify all lawsuits brought by the Attorney General under section 5(d) of this title;

(6) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this title, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds; and

(7) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this title.

(b) DUTY OF STATES.—Each State and local authority that is subject to a private right of action under this title shall have the duty to report to the Attorney General such information with respect to such State and local authorities as the Attorney General needs to make the report required under subsection (a).

SEC. 10. DEFINITIONS.

In this title the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—

(A) The term “economic development” means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(i) conveying private property—

(I) to public ownership, such as for a road, hospital, airport, or military base;

(II) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(III) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll; and

(IV) for use as an aqueduct, flood control facility, pipeline, or similar use;

(ii) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(iii) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(iv) acquiring abandoned property;

(v) clearing defective chains of title;

(vi) taking private property for use by a public utility, including a utility providing electric, natural gas, telecommunications, water, and wastewater services, either directly to the public or indirectly through provision of such services at the wholesale level for resale to the public; and

(vii) redeveloping of a brownfield site as defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

(B) ABANDONED PROPERTY.—In subparagraph (A)(iv), the term “abandoned property” means property—

(i) that has been substantially unoccupied or unused for any commercial, agricultural, residential, or conservation-oriented purpose for at least 1 year by a person with a legal or equitable right to occupy the property;

(ii) that has not been maintained; and

(iii) for which property taxes have not been paid for at least 2 years.

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term “Federal economic development funds” means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 11. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—The provisions of this title are severable. If any provision of this

title, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the title not so adjudicated.

(b) EFFECTIVE DATE.—This title shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this title, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 12. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 13. BROAD CONSTRUCTION.

This title shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this title and the Constitution.

SEC. 14. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 15. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this title, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this title.

SEC. 16. DISPROPORTIONATE IMPACT ON MINORITIES.

If the court determines that a violation of this title has occurred, and that the violation has a disproportionately high impact on the poor or minorities, the Attorney General shall use reasonable efforts to locate and inform former owners and tenants of the violation and any remedies they may have.

SA 2360. Mr. BOOZMAN (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 4012 and, at the appropriate place in title IV, insert the following:

SEC. 4 _____. QUALITY CONTROL BONUSES.

(a) IN GENERAL.—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

(b) CONFORMING AMENDMENTS.—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”; and

(B) in the first sentence of paragraph (5), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”; and

(2) in subsection (i)(1), by striking “subsection (d)(1)” and inserting “subsection (c)(2)”.

SEC. 4 _____. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking “2008 through 2012” and inserting “2012 through 2017”; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

“(A) for fiscal year 2012, \$260,000,000;

“(B) for fiscal year 2013, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2011 and June 30, 2012, and subsequently increased by \$43,000,000; and”;

(B) in subparagraph (C)—

(i) by striking “2010 through 2012, the dollar amount of commodities specified in” and inserting “2014 through 2017, the total amount of commodities under”; and

(ii) by striking “2008” and inserting “2012”.

SA 2361. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 652, between lines 3 and 4, insert the following:

“(c) BLENDER PUMPS.—None of funds made available for rural economic area partnership zones may be used to promote the construction or use of blender pumps.

SA 2362. Mr. BROWN of Ohio (for himself, Mr. NELSON of Nebraska, Mr. FRANKEN, Mr. SANDERS, Mr. BINGAMAN, Mr. JOHNSON of South Dakota, Mr. HARKIN, Mr. LEAHY, Mr. TESTER, Mr. MERKLEY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 574, between lines 11 and 12, insert the following:

“(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection \$10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

On page 606, between lines 4 and 5, insert the following:

“(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph \$4,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

On page 782, strike line 14 and insert the following:

through promulgation of an interim rule.

“(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”.

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and

Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955).

(b) **FUNDING.**—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$100,000,000, to remain available until expended.

On page 832, line 6, strike “\$50,000,000” and insert “\$100,000,000”.

On page 989, line 9, strike “\$5,000,000” and insert “\$15,000,000”.

SA 2363. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding “an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner,” after “stores,”.

SA 2364. Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, strike line 25 and all that follows through page 196, line 16, and insert the following:

“life habitat under subsection (g).

“(3) **WATER QUANTITY IMPROVEMENT.**—For each of fiscal years 2013 through 2017, at least 10 percent of the funds made available for payments under the program shall be used to provide payments to producers to conserve surface water and groundwater in accordance with subsection (h).”;

(5) by striking subsection (g) and inserting the following:

“(g) **WILDLIFE HABITAT INCENTIVE PRACTICE.**—The Secretary shall provide payments under the program for conservation practices that support the restoration, development, and improvement of wildlife habitat on eligible land, including—

“(1) upland wildlife habitat;

“(2) wetland wildlife habitat;

“(3) habitat for threatened and endangered species;

“(4) fish habitat;

“(5) habitat on pivot corners and other irregular areas of a field; and

“(6) other types of wildlife habitat, as determined by the Secretary.”; and

(6) in subsection (h), by adding at the end the following:

“(3) **USE OF FUNDS.**—

“(A) **PRACTICES.**—The Secretary shall promote surface water and groundwater conservation by providing assistance in the form of cost-share payments, incentive payments, and loans to producers to carry out eligible water conservation practices with respect to the agricultural operations of producers—

“(i) to improve irrigation systems;

“(ii) to enhance irrigation efficiencies;

“(iii) to convert to—

“(I) the production of less water-intensive crops;

“(II) dryland farming; or

“(III) long-term grassland rotation;

“(iv) to improve the storage of water through measures such as water banking and groundwater recharge;

“(v) to mitigate the effects of drought; and

“(vi) to carry out other measures that improve surface water and groundwater conservation, as determined by the Secretary, in the agricultural operations of the producers.

“(B) **ALLOCATION.**—

“(i) **IN GENERAL.**—Subject to clause (ii), in allocating funds under this paragraph, the Secretary shall ensure that not less than 50 percent shall be directed to groundwater conservation in multistate aquifers based on the magnitude of withdrawals from the multistate aquifers for irrigation during the prior year and the historic groundwater level reductions.

“(ii) **REQUIREMENT.**—In carrying out clause (i), the Secretary shall provide assistance to producers to carry out groundwater conservation practices in areas overlying those portions of multistate aquifers that have experienced the highest historic groundwater level reductions.”.

SA 2365. Mr. BEGICH (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 980, between lines 12 and 13, insert the following:

SEC. 11024. DISCLOSURE IN THE PUBLIC INTEREST.

Section 502(c) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)) is amended by striking paragraph (2) and inserting the following:

“(2) **DISCLOSURE IN THE PUBLIC INTEREST.**—

“(A) **IN GENERAL.**—Notwithstanding paragraph (1) or any other provision of law, except as provided in subparagraph (B), the Secretary shall on an annual basis make available to the public—

“(i) the name of each individual or entity who obtained a federally subsidized crop insurance, livestock, or forage policy or plan of insurance during the previous fiscal year;

“(II) the amount of premium subsidy received by the individual or entity from the Corporation; and

“(III) the amount of any Federal portion of indemnities paid in the event of a loss during that fiscal year for each policy associated with that individual or entity; and

“(ii) for each private insurance provider, by name—

“(I) the underwriting gains earned through participation in the federally subsidized crop insurance program; and

“(II) the amount paid under this subtitle for—

“(aa) administrative and operating expenses;

“(bb) any Federal portion of indemnities and reinsurance; and

“(cc) any other purpose.

“(B) **LIMITATION.**—The Secretary shall not disclose information pertaining to individuals and entities covered by a catastrophic risk protection plan offered under section 508(b).”.

SA 2366. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 110 —. GREATER ACCESSIBILITY FOR CROP INSURANCE.

(a) **FINDINGS.**—Congress finds that—

(1) due to changes in commodity and other agricultural programs made by the Agriculture Reform, Food, and Jobs Act of 2012, it is more important than ever that agricultural producers be able to fully understand the terms of plans and policies of crop insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(2) proposed reductions by the Secretary in the number of State and local offices of the Farm Service Agency will reduce the services available to assist agricultural producers in understanding crop insurance.

(b) **REQUIREMENT FOR USE OF PLAIN LANGUAGE.**—

(1) **IN GENERAL.**—In issuing regulations and guidance relating to plans and policies of crop insurance, the Risk Management Agency and the Federal Crop Insurance Corporation shall, to the greatest extent practicable, use plain language, as required under Executive Orders 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and 12988 (28 U.S.C. 519 note; relating to civil justice reform).

(2) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the efforts of the Secretary to accelerate compliance with the Executive Orders described in paragraph (1).

(c) **WEBSITE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers (as defined in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)), shall improve the existing Internet website through which agricultural producers in any State may identify crop insurance options in that State.

(2) **REQUIREMENTS.**—The website described in paragraph (1) shall—

(A) provide answers in an easily accessible format to frequently asked questions; and

(B) include published materials of the Department of Agriculture that relate to plans and policies of crop insurance offered under that Act.

(d) **ADMINISTRATION.**—Nothing in this section authorizes the Risk Management Agency to sell a crop insurance policy or plan of insurance.

SA 2367. Mrs. HAGAN (for herself, Mr. CRAPO, Mrs. McCASKILL, Mr. RISCH, Mr. PRYOR, Mr. CHAMBLISS, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. USE OF AUTHORIZED PESTICIDES; DISCHARGES OF PESTICIDES; REPORT.

(a) **USE OF AUTHORIZED PESTICIDES.**—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) **USE OF AUTHORIZED PESTICIDES.**—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C.

1342), the Administrator or a State shall not require a permit under that Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under this Act; or

“(B) the residue of the pesticide, resulting from the application of the pesticide.”.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

“(B) the residue of the pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) relevant to protecting water quality if—

“(i) the discharge would not have occurred without the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture, shall submit a report to the Committee on Environment and Public Works and the Committee on Agriculture of the Senate and the Committee on Transportation and Infrastructure and the Committee on Agriculture of the House of Representatives that includes—

(1) the status of intra-agency coordination between the Office of Water and the Office of Pesticide Programs of the Environmental Protection Agency regarding streamlining information collection, standards of review, and data use relating to water quality impacts from the registration and use of pesticides;

(2) an analysis of the effectiveness of current regulatory actions relating to pesticide registration and use aimed at protecting water quality; and

(3) any recommendations on how the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) can be modified to better protect water quality and human health.

SA 2368. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 953, lines 6 through 8, strike “for programs administered or managed by the Risk Management Agency” and insert “to increase the amount of the annual supplemental nutrition assistance program consolidated block grants for Puerto Rico and American Samoa under section 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028), in an amount not to exceed an increase of 25 percent each fiscal year until expended”.

SA 2369. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 12207. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) FUNDING.—

(1) IN GENERAL.—On October 1, 2013, out of any funds in the Treasury not otherwise ap-

propriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$5,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SA 2370. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

SA 2371. Mr. MERKLEY (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 8103, strike "Section 7" and all that follows through "inserting the following:" and insert the following:

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (l), by adding at the end the following:

"(4) STATE AUTHORIZATION.—

"(A) DEFINITION OF QUALIFIED ORGANIZATION.—In this paragraph, a 'qualified organization' means an organization—

"(i) defined in section 170(h)(3) of the Internal Revenue Code of 1986; and

"(ii) organized for 1 or more of the purposes described in section 170(h)(4)(A) of that Code.

"(B) AUTHORIZATION.—The Secretary shall, at the request of a State acting through the State lead agency, authorize the State to allow qualified organizations to acquire, hold, and manage conservation easements, using funds provided through grants to the State under this subsection, for purposes of the Forest Legacy Program in the State.

"(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization shall demonstrate to the Secretary the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

"(D) REVERSION.—

"(I) IN GENERAL.—If the Secretary, or a State acting through the State lead agency, makes any of the determinations described in clause (ii) with respect to a conservation easement acquired by a qualified organization under subparagraph (B)—

"(I) all right, title, and interest of the qualified organization in and to the conservation easement shall terminate; and

"(II) all right, title, and interest in and to the conservation easement shall revert to the State or other qualified designee approved by the State.

"(ii) DETERMINATIONS.—The determinations referred to in clause (i) are that—

"(I) the qualified organization is unable to carry out the responsibilities of the qualified organization under the Forest Legacy Program in the State with respect to the conservation easement;

"(II) the conservation easement has been modified or is being administered in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

"(III) the conservation easement has been conveyed to another person (other than a qualified organization approved by the State and the Secretary)."; and

(2) by striking subsection (m) and inserting the following:

SA 2372. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122. PROHIBITION ON AERIAL SURVEILLANCE OF AGRICULTURAL OPERATIONS.

The Administrator of the Environmental Protection Agency shall not conduct aerial surveillance to inspect agricultural operations or to record images of agricultural operations.

SA 2373. Mr. WICKER (for himself, Mr. CONRAD, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SECTION 12207. GRASSROOTS RURAL AND SMALL COMMUNITY WATER SYSTEMS ASSISTANCE.

(a) SHORT TITLE.—This Section may be cited as the "Grassroots Rural and Small Community Water Systems Assistance Act".

(b) FINDINGS.—Congress finds that—

(1) the Safe Drinking Water Act Amendments of 1996 (Public Law 104-182) authorized technical assistance for small and rural communities to assist those communities in complying with regulations promulgated pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(2) technical assistance and compliance training—

(A) ensures that Federal regulations do not overwhelm the resources of small and rural communities; and

(B) provides small and rural communities lacking technical resources with the necessary skills to improve and protect water resources;

(3) across the United States, more than 90 percent of the community water systems serve a population of less than 10,000 individuals;

(4) small and rural communities have the greatest difficulty providing safe, affordable public drinking water and wastewater services due to limited economies of scale and lack of technical expertise; and

(5) in addition to being the main source of compliance assistance, small and rural water technical assistance has been the main source of emergency response assistance in small and rural communities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to most effectively assist small and rural communities, the Environmental Protection Agency should prioritize the types of technical assistance that are most beneficial to those communities, based on input from those communities; and

(2) local support is the key to making Federal assistance initiatives work in small and rural communities to the maximum benefit.

(d) FUNDING PRIORITIES.—Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j-1(e)) is amended—

(1) by designating the first through seventh sentences as paragraphs (1) through (7), respectively;

(2) in paragraph (5) (as so designated), by striking "1997 through 2003" and inserting "2012 through 2017"; and

(3) by adding at the end the following:

"(8) NONPROFIT ORGANIZATIONS.—

"(A) IN GENERAL.—The Administrator may use amounts made available to carry out this section to provide technical assistance to nonprofit organizations that provide to

small public water systems onsite technical assistance, circuit-rider technical assistance programs, onsite and regional training, assistance with implementing source water protection plans, and assistance with implementation monitoring plans, rules, regulations, and water security enhancements.

"(B) PREFERENCE.—To ensure that technical assistance funding is used in a manner that is most beneficial to the small and rural communities of a State, the Administrator shall give preference under this paragraph to nonprofit organizations that, as determined by the Administrator, are the most qualified and experienced and that the small community water systems in that State find to be the most beneficial and effective.

"(9) CONSULTATION.—In carrying out paragraphs (1) through (3), the Administrator may consult or coordinate with the Secretary of Agriculture, acting through the Under Secretary of Rural Development."

SA 2374. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF DODD-FRANK ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

SA 2375. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. LEAN FINELY TEXTURED BEEF.

Section 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end the following:

"(i) LEAN FINELY TEXTURED BEEF.—The Secretary shall give States and school food authorities the option to purchase and receive meat and meat food products that do not contain low-temperature rendered product, also known as lean finely textured beef (as defined by the Secretary), for use in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)."

SA 2376. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 9 and all that follows through page 339, line 15, and insert the following:

SEC. 4002. LIMITATION ON CATEGORICAL ELIGIBILITY.

(a) IN GENERAL.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 1014) is amended—

(1) in the second sentence of subsection (a), by striking "households in which each member receives benefits" and inserting "households in which each member receives cash assistance"; and

(2) in subsection (j), by striking "or who receives benefits under a State program" and

inserting “or who receives cash assistance under a State program”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

SEC. 4003. STANDARD UTILITY ALLOWANCE.

(a) **STANDARD UTILITY ALLOWANCE.**—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C), by striking clause (iv); and

(2) in subsection (k), by striking paragraph (4) and inserting the following:

“(4) **THIRD PARTY ENERGY ASSISTANCE PAYMENTS.**—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to provide energy assistance to a household shall be considered money payable directly to the household.”.

(b) **CONFORMING AMENDMENTS.**—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))”; and

(2) in subparagraph (A), by inserting before the semicolon the following: “, except that such payments or allowances shall not be considered to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

SEC. 4004. ELIGIBILITY DISQUALIFICATIONS.

Section 6(e)(3)(B) of Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking “section” and inserting the following: “section, subject to the condition that the course or program of study—

“(i) is part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

“(ii) is limited to remedial courses, basic adult education, literacy, or English as a second language;”.

SEC. 4005. ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR LOTTERY OR GAMBLING WINNERS.

(a) **IN GENERAL.**—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(r) **INELIGIBILITY FOR BENEFITS DUE TO RECEIPT OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.**—

“(1) **IN GENERAL.**—Any household in which a member receives substantial lottery or gambling winnings, as determined by the Secretary, shall lose eligibility for benefits immediately upon receipt of the winnings.

“(2) **DURATION OF INELIGIBILITY.**—A household described in paragraph (1) shall remain ineligible for participation until the household meets the allowable financial resources and income eligibility requirements under subsections (c), (d), (e), (f), (g), (i), (k), (l), (m), and (n) of section 5.

“(3) **AGREEMENTS.**—As determined by the Secretary, each State agency, to the maximum extent practicable, shall establish agreements with entities responsible for the regulation or sponsorship of gaming in the State to determine whether individuals participating in the supplemental nutrition assistance program have received substantial lottery or gambling winnings.”.

(b) **CONFORMING AMENDMENTS.**—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking “sections 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b), (d)(2), (g), and (r) of section 6”.

SEC. 4006. RETAIL FOOD STORES.

(a) **DEFINITION OF RETAIL FOOD STORE.**—Subsection (o)(1)(A) of section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) (as redesignated by section 4020(a)(4)) is amended by striking “at least 2” and inserting “at least 3”.

(b) **ALTERNATIVE BENEFIT DELIVERY.**—Section 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(f)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) **IMPOSITION OF COSTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary shall require participating retail food stores (including restaurants participating in a State option restaurant program intended to serve the elderly, disabled, and homeless) to pay 100 percent of the costs of acquiring, and arrange for the implementation of, electronic benefit transfer point-of-sale equipment and supplies, including related services.

“(B) **EXEMPTIONS.**—The Secretary may exempt from subparagraph (A)—

“(i) farmers’ markets, military commissaries, nonprofit food buying cooperatives, and establishments, organizations, programs, or group living arrangements described in paragraphs (5), (7), and (8) of section 3(k); and

“(ii) establishments described in paragraphs (3), (4), and (9) of section 3(k), other than restaurants participating in a State option restaurant program.”; and

(2) by adding at the end the following:

“(4) **TERMINATION OF MANUAL VOUCHERS.**—

“(A) **IN GENERAL.**—Effective beginning on the date of enactment of this paragraph, except as provided in subparagraph (B), no State shall issue manual vouchers to a household that receives supplemental nutrition assistance under this Act or allow retail food stores to accept manual vouchers as payment, unless the Secretary determines that the manual vouchers are necessary, such as in the event of an electronic benefit transfer system failure or a disaster situation.

“(B) **EXEMPTIONS.**—The Secretary may exempt categories of retail food stores or individual retail food stores from subparagraph (A) based on criteria established by the Secretary.

“(5) **UNIQUE IDENTIFICATION NUMBER REQUIRED.**—The Secretary shall require all parties providing electronic benefit transfer services to provide for and maintain unique terminal identification number information through the supplemental nutrition assistance program electronic benefit transfer transaction routing system.”.

(c) **ELECTRONIC BENEFIT TRANSFERS.**—Section 7(h)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(3)(B)) is amended by striking “is operational” and all that follows through “(ii) in the case of other participating stores,” and inserting “is operational”.

(d) **APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(1) in subsection (a)—

(A) in the second sentence of paragraph (a)(1), by striking “; and (C)” and inserting “; (C) whether the applicant is located in an area with significantly limited access to food; and (D)”;

(2) by adding at the end the following:

“(4) **RETAIL FOOD STORES WITH SIGNIFICANT SALES OF EXCEPTED ITEMS.**—

“(A) **IN GENERAL.**—No retail food store for which at least 45 percent of the total sales of the retail food store is from the sale of excepted items described in section 3(k)(1) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the retail food store is required for the effective and efficient operation of the supplemental nutrition assistance program.

“(B) **APPLICATION.**—Subparagraph (A) shall be effective—

“(i) in the case of retail food stores applying to be authorized for the first time, beginning on the date that is 1 year after the date of enactment of this paragraph; and

“(ii) in the case of retail food stores participating in the program on the date of enactment of this paragraph, during periodic reauthorization in accordance with paragraph (2)(A).”; and

(3) by adding at the end the following:

“(g) **EBT SERVICE REQUIREMENT.**—An approved retail food store shall provide adequate EBT service as described in section 7(h)(3)(B).”.

SEC. 4007. IMPROVING SECURITY OF FOOD ASSISTANCE.

Section 7(h)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(8)) is amended—

(1) by striking the paragraph heading and inserting “REPLACEMENT OF CARDS.”;

(2) by striking “A State” and inserting the following:

“(A) **FEEES.**—A State”; and

(3) by adding after subparagraph (A) (as so designated by paragraph (2)) the following:

“(B) **PURPOSEFUL LOSS OF CARDS.**—

“(i) **IN GENERAL.**—Subject to terms and conditions established by the Secretary in accordance with clause (ii), if a household makes excessive requests for replacement of the electronic benefit transfer card of the household, the Secretary may require a State agency to decline to issue a replacement card to the household unless the household, upon request of the State agency, provides an explanation for the loss of the card.

“(ii) **REQUIREMENTS.**—The terms and conditions established by the Secretary shall provide that—

“(I) the household be given the opportunity to provide the requested explanation and meet the requirements under this paragraph promptly;

“(II) after an excessive number of lost cards, the head of the household shall be required to review program rights and responsibilities with State agency personnel authorized to make determinations under section 5(a); and

“(III) any action taken, including actions required under section 6(b)(2), other than the withholding of the electronic benefit transfer card until an explanation described in subclause (I) is provided, shall be consistent with the due process protections under section 6(b) or 11(e)(10), as appropriate.

“(C) **PROTECTING VULNERABLE PERSONS.**—In implementing this paragraph, a State agency shall act to protect homeless persons, persons with disabilities, victims of crimes, and

other vulnerable persons who lose electronic benefit transfer cards but are not intentionally committing fraud.

“(D) EFFECT ON ELIGIBILITY.—While a State may decline to issue an electronic benefits transfer card until a household satisfies the requirements under this paragraph, nothing in this paragraph shall be considered a denial of, or limitation on, the eligibility for benefits under section 5.”

SEC. 4008. TECHNOLOGY MODERNIZATION FOR RETAIL FOOD STORES.

(a) MOBILE TECHNOLOGIES.—Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as amended by section 4020(e)) is amended by adding at the end the following:

“(14) MOBILE TECHNOLOGIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall approve retail food stores to redeem benefits through electronic means other than wired point of sale devices for electronic benefit transfer transactions, if the retail food stores—

“(i) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(ii) bear the costs of obtaining, installing, and maintaining mobile technologies, including mechanisms needed to process EBT cards and transaction fees;

“(iii) demonstrate the foods purchased with benefits issued under this section through mobile technologies are purchased at a price not higher than the price of the same food purchased by other methods used by the retail food store, as determined by the Secretary;

“(iv) provide adequate documentation for each authorized transaction, as determined by the Secretary; and

“(v) meet other criteria as established by the Secretary.

“(B) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS OF MOBILE TRANSACTIONS.—

“(i) IN GENERAL.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

“(ii) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under clause (i), a retail food store shall submit to the Secretary for approval a plan that includes—

“(I) a description of the technology;

“(II) the manner by which the retail food store will provide proof of the transaction to households;

“(III) the provision of data to the Secretary, consistent with requirements established by the Secretary, in a manner that allows the Secretary to evaluate the impact of the demonstration on participant access, ease of use, and program integrity; and

“(IV) such other criteria as the Secretary may require.

“(iii) DATE OF COMPLETION.—The demonstration projects under this subparagraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

“(C) REPORT TO CONGRESS.—The Secretary shall—

“(i) by not later than January 1, 2016, authorize implementation of subparagraph (A) in all States, unless the Secretary makes a finding, based on the data provided under subparagraph (B), that implementation in all

States is not in the best interest of the supplemental nutrition assistance program; and

“(ii) if the determination made in clause (i) is not to implement subparagraph (A) in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”

(b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

(1) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended by adding at the end the following:

“(k) OPTION TO ACCEPT PROGRAM BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall approve retail food stores to accept benefits from recipients of supplemental nutrition assistance through on-line transactions.

“(2) REQUIREMENTS TO ACCEPT BENEFITS.—A retail food store seeking to accept benefits from recipients of supplemental nutrition assistance through on-line transactions shall—

“(A) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(B) ensure benefits are not used to pay delivery, ordering, convenience, or other fees or charges;

“(C) clearly notify participating households at the time a food order is placed—

“(i) of any delivery, ordering, convenience, or other fee or charge associated with the food purchase; and

“(ii) that any such fee cannot be paid with benefits provided under this Act;

“(D) ensure the security of on-line transactions by using the most effective technology available that the Secretary considers appropriate and cost-effective and that is comparable to the security of transactions at retail food stores; and

“(E) meet other criteria as established by the Secretary.

“(3) STATE AGENCY ACTION.—Each State agency shall ensure that recipients of supplemental nutrition assistance can use benefits on-line as described in this subsection as appropriate.

“(4) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(A) IN GENERAL.—Before the Secretary authorizes implementation of paragraph (1) in all States, the Secretary shall carry out a number of demonstration projects as determined by the Secretary to test the feasibility of allowing retail food stores to accept benefits through on-line transactions.

“(B) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under subparagraph (A), a retail food store shall submit to the Secretary for approval a plan that includes—

“(i) a method of ensuring that benefits may be used to purchase only eligible items under this Act;

“(ii) a description of the method of educating participating households about the availability and operation of on-line purchasing;

“(iii) adequate testing of the on-line purchasing option prior to implementation;

“(iv) the provision of data as requested by the Secretary for purposes of analyzing the impact of the project on participant access, ease of use, and program integrity;

“(v) reports on progress, challenges, and results, as determined by the Secretary; and

“(vi) such other criteria, including security criteria, as established by the Secretary.

“(C) DATE OF COMPLETION.—The demonstration projects under this paragraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

“(5) REPORT TO CONGRESS.—The Secretary shall—

“(A) by not later than January 1, 2016, authorize implementation of paragraph (1) in all States, unless the Secretary makes a finding, based on the data provided under paragraph (4), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

“(B) if the determination made in subparagraph (A) is not to implement in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”

(2) CONFORMING AMENDMENTS.—

(A) Section 7(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(b)) is amended by striking “purchase food in retail food stores” and inserting “purchase food from retail food stores”.

(B) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended in the first sentence by inserting “retail food stores authorized to accept and redeem benefits through on-line transactions shall be authorized to accept benefits prior to the delivery of food if the delivery occurs within a reasonable time of the purchase, as determined by the Secretary,” after “food so purchased.”

(C) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section alter any requirements of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless specifically authorized in this section or an amendment made by this section.

SEC. 4009. USE OF BENEFITS FOR PURCHASE OF COMMUNITY-SUPPORTED AGRICULTURE SHARE.

Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) (as amended by section 4008(b)(2)(B)) is amended in the first sentence by inserting “agricultural producers who market agricultural products directly to consumers shall be authorized to redeem benefits for the initial cost of the purchase of a community-supported agriculture share for an appropriate time in advance of food delivery as determined by the Secretary,” after “as determined by the Secretary.”

SEC. 4010. RESTAURANT MEALS PROGRAM.

(a) IN GENERAL.—Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (22), by striking “and” at the end;

(2) in paragraph (23), by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by adding at the end the following:

“(24) if the State elects to carry out a program to contract with private establishments to offer meals at concessional prices, as described in paragraphs 3, 4, and 9 of section 3(k)—

“(A) the plans of the State agency for operating the program, including—

“(i) documentation of a need that eligible homeless, elderly, and disabled clients are underserved in a particular geographic area;

“(ii) the manner by which the State agency will limit participation to only those private establishments that the State determines necessary to meet the need identified in clause (i); and

“(iii) any other conditions the Secretary may prescribe, such as the level of security necessary to ensure that only eligible recipients participate in the program; and

“(B) a report by the State agency to the Secretary annually, the schedule of which shall be established by the Secretary, that includes—

“(i) the number of households and individual recipients authorized to participate in the program, including any information on whether the individual recipient is elderly, disabled, or homeless; and

“(ii) an assessment of whether the program is meeting an established need, as documented under subparagraph (A)(i).”

(b) **APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended by section 4006(d)(3)) is amended by adding at the end the following:

“(h) **PRIVATE ESTABLISHMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), no private establishment that contracts with a State agency to offer meals at concessional prices as described in paragraphs 3, 4, and 9 of section 3(k) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the private establishment is required to meet a documented need in accordance with section 11(e)(24).

“(2) **EXISTING CONTRACTS.**—

“(A) **IN GENERAL.**—If, on the day before the date of enactment of this subsection, a State has entered into a contract with a private establishment described in paragraph (1) and the Secretary has not determined that the participation of the private establishment is necessary to meet a documented need in accordance with section 11(e)(24), the Secretary shall allow the operation of the private establishment to continue without that determination of need for a period not to exceed 180 days from the date on which the Secretary establishes determination criteria, by regulation, under section 11(e)(24).

“(B) **JUSTIFICATION.**—If the Secretary makes a determination to terminate a contract with a private establishment that is in effect on the date of enactment of this subsection, the Secretary shall provide justification to the State in which the private establishment is located for that termination.

“(3) **REPORT TO CONGRESS.**—Not later than 90 days after September 30, 2013, and 90 days after the last day of each fiscal year thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of a program under this subsection using any information received from States under section 11(e)(24) as well as any other information the Secretary may have relating to the manner in which benefits are used.”

(c) **CONFORMING AMENDMENTS.**—Section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amended by inserting “subject to section 9(h)” after “concessional prices” each place it appears.

SEC. 4011. EMPLOYMENT AND TRAINING.

(a) **ADMINISTRATIVE COSTS.**—Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the matter preceding paragraph (1) by inserting “(other than a program carried out under section 6(d)(4) or 20)” after “supplemental nutrition assistance program”.

(b) **FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.**—

(1) **IN GENERAL.**—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)(A), by striking “for each fiscal year under section 18(a)(1),

\$90,000,000 for each fiscal year.” and inserting the following:

“under section 18(a)(1)—

“(B) for fiscal year 2013, \$79,000,000; and

“(C) for each subsequent fiscal year, \$90,000,000.”;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking “(g), (h)(2), or (h)(3)” and inserting “or (g)”.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking “(g), (h)(2), and (h)(3)” and inserting “and (g)”.

(c) **WORKFARE.**—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall—

(1) take effect on October 1, 2012; and

(2) apply only to certification periods that begin on or after that date.

SEC. 4012. QUALITY CONTROL ERROR RATE DETERMINATION.

Section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) is amended by adding at the end the following:

“(10) **TOLERANCE LEVEL.**—For the purposes of this subsection, the Secretary shall set the tolerance level for excluding small errors at \$25.”

SEC. 4013. REPEAL OF STATE BONUS PAYMENTS.

(a) **IN GENERAL.**—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall—

(1) take effect on October 1, 2012; and

(2) apply only to certification periods that begin on or after that date.

SEC. 4014. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking “2012” and inserting “2013”.

SEC. 4015. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) in subsection (a)(1)(B)(ii)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(2) in subsection (b), by adding at the end the following:

“(3) **FUNDING.**—

“(A) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$5,000,000 for fiscal year 2013 and each fiscal year thereafter.

“(B) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

“(C) **MAINTENANCE OF FUNDING.**—The funding provided under subparagraph (A) shall supplement (and not supplant) other Federal funding made available to the Secretary to carry out this section.”

SEC. 4016. EMERGENCY FOOD ASSISTANCE.

(a) **PURCHASE OF COMMODITIES.**—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking “2008 through 2012” and inserting “2012 through 2017”;

(2) by striking paragraph (2) and inserting the following:

“(2) **AMOUNTS.**—The Secretary shall use to carry out paragraph (1)—

“(A) for fiscal year 2012, \$260,000,000; and

“(B) for each subsequent fiscal year, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2012, and June 30 of the immediately preceding fiscal year, and subsequently increased by—

“(i) for fiscal year 2013, \$28,000,000;

“(ii) for fiscal year 2014, \$24,000,000;

“(iii) for fiscal year 2015, \$20,000,000;

“(iv) for fiscal year 2016, \$18,000,000; and

“(v) for fiscal year 2017 and each fiscal year thereafter, \$10,000,000.”; and

(3) by adding at the end the following:

“(3) **FUNDS AVAILABILITY.**—For purposes of the funds described in this subsection, the Secretary shall—

“(A) make the funds available for 2 fiscal years; and

“(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary.”

(b) **EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.**—Section 209(d) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7511a(d)) is amended by striking “2012” and inserting “2017”.

SEC. 4017. NUTRITION EDUCATION.

Section 28(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(b)) is amended by inserting “and physical activity” after “healthy food choices”.

SEC. 4018. NUTRITION EDUCATION AND OBESITY INDEXING.

(a) **IN GENERAL.**—Section 28(d)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(d)(1)) is amended by striking “years—” and all that follows through the period at the end, and inserting “years, \$375,000,000.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

SEC. 4019. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

“SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

“(a) **PURPOSE.**—The purpose of this section is to provide the Department of Agriculture with additional resources to prevent trafficking in violation of this Act by strengthening recipient and retail food store program integrity.

“(b) **USE OF FUNDS.**—Additional funds are provided under this section to supplement the retail food store and recipient integrity activities of the Department.

“(c) **FUNDING.**—

“(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$18,500,000 for fiscal year 2013 and each fiscal year thereafter.

“(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

“(3) MAINTENANCE OF FUNDING.—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding for programs carried out under this Act.”.

SEC. 4020. TECHNICAL AND CONFORMING AMENDMENTS.

SA 2377. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 9 and all that follows through page 313, line 25, and insert the following:

SEC. 4002. LIMITATION ON CATEGORICAL ELIGIBILITY.

(a) IN GENERAL.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the second sentence of subsection (a), by striking “households in which each member receives benefits” and inserting “households in which each member receives cash assistance”; and

(2) in subsection (j), by striking “or who receives benefits under a State program” and inserting “or who receives cash assistance under a State program”.

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

SEC. 4003. STANDARD UTILITY ALLOWANCE.

(a) STANDARD UTILITY ALLOWANCE.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C), by striking clause (iv); and

(2) in subsection (k), by striking paragraph (4) and inserting the following:

“(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to provide energy assistance to a household shall be considered money payable directly to the household.”.

(b) CONFORMING AMENDMENTS.—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))”; and

(2) in subparagraph (A), by inserting before the semicolon the following: “, except that such payments or allowances shall not be considered to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

On page 334, after line 22, insert the following:

SEC. 4010. EMPLOYMENT AND TRAINING.

(a) ADMINISTRATIVE COSTS.—Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the matter preceding paragraph (1) by inserting “(other than a program carried out under section

6(d)(4) or 20)” after “supplemental nutrition assistance program”.

(b) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)(A), by striking “for each fiscal year under section 18(a)(1), \$90,000,000 for each fiscal year.” and inserting the following:

“under section 18(a)(1)—

“(B) for fiscal year 2013, \$79,000,000; and

“(C) for each subsequent fiscal year, \$90,000,000.”;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking “, (g), (h)(2), or (h)(3)” and inserting “or (g)”.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking “, (g), (h)(2), and (h)(3)” and inserting “and (g)”.

(c) WORKFARE.—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

(d) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on October 1, 2012; and

(2) apply only to certification periods that begin on or after that date.

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. REPEAL OF STATE BONUS PAYMENTS.

(a) IN GENERAL.—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

(b) EFFECTIVE DATE.—The amendment made by this section shall—

(1) take effect on October 1, 2012; and

(2) apply only to certification periods that begin on or after that date.

On page 335, line 12, strike “2017” and insert “2013”.

On page 338, between lines 10 and 11, insert the following:

SEC. 4015. NUTRITION EDUCATION AND OBESITY INDEXING.

(a) IN GENERAL.—Section 28(d)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(d)(1)) is amended by striking “years—” and all that follows through the period at the end, and inserting “years, \$375,000,000.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

On page 1009, after line 11, add the following:

SEC. 122. . AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009 SUNSET.

(a) IN GENERAL.—Section 101(a)(2) of title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120; 124 Stat. 2394; 124 Stat. 3265) is amended by striking “October 31, 2013” and inserting “June 30, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

SA 2378. Mr. TOOMEY submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122. . AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009 SUNSET.

(a) IN GENERAL.—Section 101(a)(2) of title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120; 124 Stat. 2394; 124 Stat. 3265) is amended by striking “October 31, 2013” and inserting “June 30, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) only apply to certification periods that begin on or after that date.

SA 2379. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1602 and insert the following:

SEC. 1602. REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 are repealed:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) Section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 are repealed:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) CERTAIN QUOTA PROVISIONS.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1340), is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SA 2380. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following:

SEC. 83. . EXEMPTION FROM PERMITTING REQUIREMENTS FOR SILVICULTURAL ROADS.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not require a permit

under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or, either directly or indirectly, require any State to require a permit for discharges of stormwater runoff from—

(1) roads, the construction, use, or maintenance of which are associated with silvicultural activities; or

(2) other silvicultural activities, including nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.

SA 2381. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, insert the following:

SEC. 122 . ASSISTANCE FOR FARMERS IMPACTED BY CANADA GEESE.

(a) ASSISTANCE FOR LANDOWNERS WITH CROPLAND DAMAGED BY CANADA GEESE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service, shall prepare and submit a report to Congress that contains an assessment of the resources needed to direct adequate personnel and equipment to assist landowners whose cropland is damaged by Canada geese.

(2) EARLY ACTION.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service and the Director of Wildlife Services, as applicable, shall, to the extent practicable, direct more personnel and equipment to respond to landowner requests for assistance with respect to cropland that is being damaged by Canada geese.

(b) STUDY ON THE ECONOMIC IMPACTS OF CANADA GEESE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the National Agricultural Statistics Service (referred to in this section as “the Administrator”) shall begin development of a study to gather data and determine the economic impact of migratory geese on farms located in significantly impacted States, as determined by the Administrator.

(2) INITIATION AND DURATION.—The Administrator shall—

(A) initiate the migratory geese study described in paragraph (1) not later than 180 days after the date of enactment of this Act; and

(B) complete the study not later than 18 months after the date of enactment of this Act.

(3) CONSIDERATIONS.—The study conducted under this section shall consider—

(A) the effects migratory geese have on crop yields in any significantly impacted States, including the annual estimated loss for those States;

(B) which commodities are most affected by goose depredation;

(C) which areas within the impacted States are most affected by goose depredation; and

(D) the overall economic impact on Federal, State, and local income as a result of goose depredation.

(4) REPORT.—

(A) IN GENERAL.—After completion of the migratory geese study conducted under this section, the Administrator shall prepare and

submit a report on the findings of the study to—

(i) the Director of the United States Fish and Wildlife Service; and

(ii) Congress.

(B) AVAILABILITY.—The Administrator shall make the report described in paragraph (1) available to the public.

SA 2382. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mr. SANDERS, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 970, between lines 5 and 6, insert the following:

SEC. 11019. CROP INSURANCE FOR ORGANIC CROPS.

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

“(D) ORGANIC CROPS.—

“(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.

“(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

“(I) the numbers and varieties of organic crops insured;

“(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;

“(III) the development of new insurance approaches relevant to organic producers; and

“(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.”.

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11018) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

SA 2383. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 122 . AUTHORIZATION OF CONVEYANCE OF CERTAIN LAND TO THE VICKSBURG NATIONAL MILITARY PARK.

(a) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the “Sec-

retary”) may acquire the land or any interests in land within the area identified as “Modified Core Battlefield” for the Port Gibson Unit, the Champion Hill Unit, and the Raymond Unit as generally depicted on the map entitled “Vicksburg National Military Park-Proposed Battlefield Additions”, numbered 306/100986, and dated October 2010.

(2) METHODS OF ACQUISITION.—Land and interests in land may be acquired under paragraph (1) by donation, purchase from a willing seller with donated or appropriated funds, or exchange, except that land owned by the State of Mississippi or any political subdivision of the State may be acquired only by donation.

(b) AVAILABILITY OF MAP.—The map described in subsection (a)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY ADJUSTMENT.—On the acquisition of land by the Secretary under this section—

(1) the acquired land shall be added to the Vicksburg National Military Park;

(2) the boundary of the Vicksburg National Military Park shall be adjusted to reflect the acquisition of the land; and

(3) the acquired land shall be administered as part of the Vicksburg National Military Park in accordance with applicable laws (including regulations).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2384. Mr. CARDIN (for himself, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. WARNER, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 246, strike line 7, and insert the following:

“quantity strategies.

“(d) FUNDING.—The Secretary shall ensure that the total amounts made available under this subtitle to geographical areas designated under this section are not less than the amounts those geographical areas would have received under title XII of the Food Security Act of 1985 (as in effect on the day before the date of enactment of this Act).”.

SA 2385. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between lines 3 and 4, insert the following:

Subtitle E—Cabin Fee Act

SEC. 8401. SHORT TITLE.

This subtitle may be cited as the “Cabin Fee Act of 2012”.

SEC. 8402. DEFINITIONS.

In this subtitle:

(1) AUTHORIZATION; AUTHORIZE.—The terms “authorization” and “authorize” mean the issuance of a special use permit for the use and occupancy of National Forest System land by a cabin owner under the Recreation Residence Program.

(2) CABIN.—The term “cabin” means a privately built and owned recreation residence

and related improvements on National Forest System land that—

(A) is authorized for private use and occupancy; and

(B) may be sold or transferred between private parties.

(3) CABIN OWNER.—The term “cabin owner” means—

(A) a person authorized by the Secretary to use and to occupy a cabin; and

(B) a trust, heir, or assign of a person described in subparagraph (A).

(4) CABIN TRANSFER FEE.—The term “cabin transfer fee” means a fee that is paid to the United States on the transfer of a cabin between private parties for money or other consideration that results in the issuance of a new permit.

(5) CABIN USER FEE.—The term “cabin user fee” means an annual fee paid to the United States by a cabin owner in accordance with an authorization for the use and occupancy of a cabin.

(6) CURRENT APPRAISAL CYCLE.—The term “current appraisal cycle” means the completion of Forest Service review and acceptance of—

(A) initial typical lot appraisals; or

(B) second appraisals, if ordered by cabin owners and approved by the Forest Service.

(7) CURRENT CABIN USER FEE.—The term “current cabin user fee” means the most recent cabin user fee, as adjusted under section 8403(c).

(8) LOT.—The term “lot” means a parcel of National Forest System land on which a person is authorized to build, use, occupy, and maintain a cabin.

(9) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means National Forest System land derived from the public domain.

(10) RECREATION RESIDENCE PROGRAM.—The term “Recreation Residence Program” means the Recreation Residence Program established under the last paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1915 (16 U.S.C. 497).

(11) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) TYPICAL LOT.—The term “typical lot” means a cabin lot, or group of cabin lots, in a tract that is selected for use in an appraisal as being representative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

SEC. 8403. CABIN USER FEES.

(a) PAYMENT OF CABIN USER FEES.—Cabin owners shall pay an annual cabin user fee established by the Secretary in accordance with this section.

(b) INITIAL CABIN USER FEES.—

(1) ESTABLISHMENT.—The Secretary shall establish initial cabin user fees in accordance with this subsection.

(2) ASSIGNMENT TO VALUE TIERS.—On completion of the current appraisal cycle, as required by paragraph (4), the Secretary shall assign each permitted lot on National Forest System land to 1 of 9 tiers based on the following considerations:

(A) Before assigning the lots to tiers, all appraised lot values shall be adjusted, or normalized, for price changes occurring after the appraisal, in accordance with the National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

(B) Second appraisal values that are not rejected by the Forest Service shall supersede initial lot appraisal values for the normalization and ranking process under subparagraph (A).

(C) The tiers shall be established, on a national basis, according to relative lot value, with lots having the lowest adjusted appraised value assigned to tier 1 and lots having the highest adjusted appraised value assigned to tier 9.

(D) The number of lots (by percentage) assigned to each tier is contained in the table set forth in paragraph (3).

(E) Data from incomplete appraisals may not be used to establish the fee tiers under this subsection.

(F) Until assigned to a tier under this subsection, the Secretary shall assess an interim fee for permitted cabin lots (including lots with incomplete appraisals), which shall be an amount equal to the lesser of—

(i) \$4,500; or

(ii) the amount of the current cabin user fee, increased by 25 percent.

(3) AMOUNT OF INITIAL CABIN USER FEES.—The initial cabin user fees, based on the assignments under paragraph (2), are as follows:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	8 percent	\$500
Tier 2	12 percent	\$1,000
Tier 3	12 percent	\$1,500
Tier 4	14 percent	\$2,000
Tier 5	14 percent	\$2,500
Tier 6	14 percent	\$3,000
Tier 7	11 percent	\$3,500
Tier 8	8 percent	\$4,000
Tier 9	7 percent	\$4,500.

(4) DEADLINE FOR COMPLETION OF CURRENT APPRAISAL CYCLE.—Not later than 3 years

after the date of enactment of this Act, the Secretary shall complete the current appraisal cycle.

(5) EFFECTIVE DATE.—The initial cabin user fees required by this subsection shall take effect beginning with the first calendar year beginning after the completion of the current appraisal cycle.

(c) ANNUAL ADJUSTMENTS OF CABIN USER FEE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average, to assess an annual adjustment to cabin user fees.

(2) LIMITATIONS.—Notwithstanding paragraph (1), cabin user fees established under this section shall be increased by not more than 25 percent in an annual adjustment under paragraph (a).

(d) EFFECT OF DESTRUCTION, SUBSTANTIAL DAMAGE, OR LOSS OF ACCESS.—

(1) IN GENERAL.—The Secretary shall reduce the cabin user fee to \$100 per year for a cabin if—

(A) the cabin is destroyed or suffers substantial damage in an amount that is greater than 50 percent of replacement cost of the cabin; or

(B) access to the cabin is significantly impaired, whether by catastrophic events, natural causes, or governmental actions, which results in the cabin being rendered unsafe or unable to be occupied.

(2) TERM OF REDUCED FEE.—The reduced fee under paragraph (1) shall be in effect until the later of—

(A) the last day of the year in which the destruction or impairment occurs; or

(B) the date on which the cabin may be lawfully reoccupied and normal access has been restored.

SEC. 8404. CABIN TRANSFER FEES.

(a) PAYMENT OF CABIN TRANSFER FEES.—In conjunction with the transfer of ownership of any cabin and the issuance of a new permit, the cabin owner transferring the cabin shall file with the Secretary a sworn statement declaring the amount of money or other value received, if any, for the transfer of the cabin.

(b) AMOUNT.—As a condition of the issuance by the Secretary of a new authorization for the use and occupancy of the cabin, the cabin owner transferring the cabin shall pay to the Secretary a cabin transfer fee in an amount determined as follows:

Consideration Received by Transfer	Transfer Fee Amount
\$0 to \$250,000	\$1,000
\$250,000.01 to \$500,000.00	\$1,000 plus 5 percent of consideration in excess of \$250,000 up to \$500,000
\$500,000.01 and above	\$1,000 plus 5 percent of consideration in excess of \$250,000 up to \$500,000 plus 10 percent of consideration in excess of \$500,000.

(c) INDEX.—The Secretary shall use changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average, to determine and apply an annual adjustment to the cabin transfer fee

threshold amounts set forth in the table contained in subsection (b).

SEC. 8405. RIGHT OF APPEAL AND JUDICIAL REVIEW.

(a) RIGHT OF APPEAL.—

(1) IN GENERAL.—Notwithstanding any action of a cabin owner to exercise rights in ac-

cordance with section 8406, the Secretary shall by regulation grant to the cabin owner the right to an administrative appeal of the determination of a new cabin user fee, fee tier, cabin transfer fee, or whether or not to reduce a cabin user fee under section 8403(d).

(2) **APPLICABLE LAW.**—An appeal under paragraph (1) shall be pursuant to the appeal process provided under subpart C of part 251 of title 36, Code of Federal Regulations (or a successor regulation).

(b) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—A cabin owner that contests a final decision of the Secretary under this subtitle may bring a civil action in United States district court.

(2) **VENUE.**—The venue for an action brought before the United States district court under this subsection shall be in the Federal judicial district in which the cabin is located or the permit holder resides.

(3) **EFFECT ON MEDIATION.**—Nothing in this subtitle precludes a person from seeking mediation for an action under this subtitle.

SEC. 8406. EFFECT.

(a) **IN GENERAL.**—Nothing in this subtitle limits or restricts any right, title, or interest of the United States in or to any land or resource.

(b) **SPECIAL RULE FOR ALASKA.**—In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin user fee or a condition affecting a cabin user fee that is inconsistent with 1303(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

SEC. 8407. REGULATIONS.

Not later than December 31, 2012, the Secretary shall issue regulations to carry out this subtitle.

SA 2386. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. DEPARTMENT OF DEFENSE FRESH PROGRAM.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4(b)) (as amended by section 4201) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”; and

(2) by adding at the end the following:

“(2) **LOCAL AND REGIONAL PURCHASE.**—In purchasing fresh fruits and vegetables under paragraph (1), the Secretary shall, to the maximum extent practicable, provide locally and regionally grown produce to schools and service institutions.

“(3) **DATA TRACKING.**—The Secretary of Agriculture, in conjunction with the Secretary of Defense in carrying out the fresh fruit and vegetable program of the Department of Defense, shall—

“(A) track annual data on—

“(i) each State and county from which fresh fruits and vegetables are purchased; and

“(ii) each State and county in which is located a school or service institution to which the purchased commodities and products are distributed; and

“(B) prepare an annual report that describes the volume, types of fruits and vegetables, purchase price, minimal processing, and percent of total purchases of commodities and products that are procured by the Department of Defense and provided to schools and service institutions locally and regionally.

“(4) **DEPARTMENT OF DEFENSE PROGRAM OPERATION.**—A school or service institution de-

scribed in paragraph (1) may carry out this section by—

“(A) electing to participate in the fresh fruit and vegetable program of the Department of Defense;

“(B) under such terms and conditions as the Secretary shall establish, purchasing unprocessed or minimally processed locally and regionally produced fruits and vegetables with amounts that would have been used by the school or service institution to participate in the fresh fruit and vegetable program of the Department of Defense; or

“(C) carrying out a combination of the activities described in subparagraphs (A) and (B).

“(5) **REPORT TO CONGRESS.**—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

“(A) the information and report described in paragraph (3); and

“(B) annual information on the number of schools and service institutions described in paragraph (4).”.

SA 2387. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 9007(a)(1)—

(1) redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) before subparagraph (B) (as so redesignated), insert the following:

(A) in subsection (a), by inserting “(other than to construct, fund, install, or operate an ethanol blender pump)” after “businesses”;

SA 2388. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 24, add the following:

SEC. 4207. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(3) in paragraph (1) (as so redesignated)—

(A) in subparagraph (B)—

(i) by striking “paragraph (1) of the policy described in that paragraph and paragraph (3)” and inserting “subparagraph (A) of the policy described in that subparagraph and subparagraph (C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(D) not later than 1 year after the date of enactment of this subparagraph, in accordance with paragraphs (2) and (3), conduct not fewer than 5 demonstration projects through school food authorities receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to facilitate the pur-

chase of unprocessed and minimally processed locally grown and locally raised agricultural products.”; and

(4) by adding at the end the following:

“(2) **SELECTION.**—In conducting demonstration projects under paragraph (1)(D), the Secretary shall ensure that at least 1 project is located in a State in each of—

“(A) the Pacific Northwest Region;

“(B) the Northeast Region;

“(C) the Western Region;

“(D) the Midwest Region; and

“(E) the Southern Region.

“(3) **PRIORITY.**—In selecting States for participation in the demonstration projects under paragraph (2), the Secretary shall prioritize applications based on—

“(A) the quantity and variety of growers of local fruits and vegetables in the State;

“(B) the demonstrated commitment of the State to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to-school programs in the State; and

“(C) whether the State contains a sufficient quantity of school districts of varying population sizes and geographical locations.”.

SA 2389. Mr. REID (for Ms. STABENOW (for herself and Mr. ROBERTS)) proposed an amendment to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; as follows:

Beginning on page 14, strike line 10 and all that follows through page 1000, line 2, and insert the following:

(7) **ELIGIBLE ACRES.**—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) through (D), the term “eligible acres” means all acres planted or prevented from being planted to all covered commodities on a farm in any crop year.

(B) **MAXIMUM.**—Except as provided in (C), the total quantity of eligible acres on a farm determined under subparagraph (A) shall not exceed the average total acres planted or prevented from being planted to covered commodities and upland cotton on the farm for the 2009 through 2012 crop years, as determined by the Secretary.

(C) **ADJUSTMENT.**—The Secretary shall provide for an adjustment, as appropriate, in the eligible acres for covered commodities for a farm if any of the following circumstances occurs:

(i) If a conservation reserve contract for a farm in a county entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) expires or is voluntarily terminated or cropland is released from coverage under a conservation reserve contract, the Secretary shall provide for an adjustment, as appropriate, in the eligible acres for the farm to a total quantity that is the higher of—

(I) the total base acreage for the farm, less any upland cotton base acreage, that was suspended during the conservation reserve contract; or

(II) the product obtained by multiplying—

(aa) the average proportion that—

(AA) the total number of acres planted to covered commodities and upland cotton in the county for crop years 2009 through 2012; bears to

(BB) the total number of all acres of covered commodities, grassland, and upland cotton acres in the county for the same crop years; by

(bb) the total acres for which coverage has expired, voluntarily terminated, or been released under the conservation reserve contract.

(ii) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(1)(D) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(a)(1)(D)).

(iii) The producer has any acreage not cropped during the 2009 through 2012 crop years, but placed into an established rotation practice for the purposes of enriching land or conserving moisture for subsequent crop years, including summer fallow, as determined by the Secretary.

(D) EXCLUSION.—The term “eligible acres” does not include any crop subsequently planted during the same crop year on the same land for which the first crop is eligible for payments under this subtitle, unless the crop was planted in an area approved for double cropping, as determined by the Secretary.

(8) EXTRA LONG STAPLE COTTON.—The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the Barbados species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(9) INDIVIDUAL COVERAGE.—For purposes of agriculture risk coverage under section 1105, the term “individual coverage” means coverage determined using the total quantity of all acreage in a county of the covered commodity that is planted or prevented from being planted for harvest by a producer with the yield determined by the average individual yield of the producer described in subsection (c) of that section.

(10) MEDIUM GRAIN RICE.—The term “medium grain rice” includes short grain rice.

(11) MIDSEASON PRICE.—The term “midseason price” means the applicable national average market price received by producers for the first 5 months of the applicable marketing year, as determined by the Secretary.

(12) OTHER OILSEED.—The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(13) PRODUCER.—

(A) IN GENERAL.—The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(14) PULSE CROP.—The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.

(15) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(16) TRANSITIONAL YIELD.—The term “transitional yield” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(17) UNITED STATES.—The term “United States”, when used in a geographical sense, means all of the States.

(18) UNITED STATES PREMIUM FACTOR.—The term “United States Premium Factor” means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1½-inch upland cotton and for Middling (M) 1½-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

SEC. 1105. AGRICULTURE RISK COVERAGE.

(a) PAYMENTS REQUIRED.—If the Secretary determines that payments are required under subsection (c), the Secretary shall make payments for each covered commodity available to producers in accordance with this section.

(b) COVERAGE ELECTION.—

(1) IN GENERAL.—For the period of crop years 2013 through 2017, the producers shall make a 1-time, irrevocable election to receive—

(A) individual coverage under this section, as determined by the Secretary; or

(B) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section.

(2) EFFECT OF ELECTION.—The election made under paragraph (1) shall be binding on the producers making the election, regardless of covered commodities planted, and applicable to all acres under the operational control of the producers, in a manner that—

(A) acres brought under the operational control of the producers after the election are included; and

(B) acres no longer under the operational control of the producers after the election are no longer subject to the election of the producers but become subject to the election of the subsequent producers.

(3) DUTIES OF THE SECRETARY.—The Secretary shall ensure that producers are precluded from taking any action, including reconstitution, transfer, or other similar action, that would have the effect of altering or reversing the election made under paragraph (1).

(c) AGRICULTURE RISK COVERAGE.—

(1) PAYMENTS.—The Secretary shall make agriculture risk coverage payments available under this subsection for each of the 2013 through 2017 crop years if the Secretary determines that—

(A) the actual crop revenue for the crop year for the covered commodity; is less than

(B) the agriculture risk coverage guarantee for the crop year for the covered commodity.

(2) TIME FOR PAYMENTS.—If the Secretary determines under this subsection that agriculture risk coverage payments are required to be made for the covered commodity, the agriculture risk coverage payments shall be made as soon as practicable thereafter.

(3) ACTUAL CROP REVENUE.—The amount of the actual crop revenue for a crop year of a covered commodity shall be equal to the product obtained by multiplying—

(A)(i) in the case of individual coverage, the actual average individual yield for the covered commodity, as determined by the Secretary; or

(ii) in the case of county coverage, the actual average yield for the county for the cov-

ered commodity, as determined by the Secretary; and

(B) the higher of—

(i) the midseason price; or

(ii) if applicable, the national marketing assistance loan rate for the covered commodity under subtitle B.

(4) AGRICULTURE RISK COVERAGE GUARANTEE.—

(A) IN GENERAL.—The agriculture risk coverage guarantee for a crop year for a covered commodity shall equal 89 percent of the benchmark revenue.

(B) BENCHMARK REVENUE.—

(i) IN GENERAL.—The benchmark revenue shall be the product obtained by multiplying—

(I)(aa) in the case of individual coverage, subject to clause (ii), the average individual yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; or

(bb) in the case of county coverage, the average county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(II) subject to clause (iii), the average national marketing year average price for the most recent 5 crop years, excluding each of the crop years with the highest and lowest prices.

(ii) USE OF TRANSITIONAL YIELDS.—If the yield determined under clause (i)(I)(aa)—

(I) for the 2012 crop year or any prior crop year, is less than 60 percent of the applicable transitional yield, the Secretary shall use 60 percent of the applicable transitional yield for that crop year; and

(II) for the 2013 crop year and any subsequent crop year, is less than 70 percent of the applicable transitional yield, the Secretary shall use 70 percent of the applicable transitional yield for that crop year.

(iii) SPECIAL RULE FOR RICE AND PEANUTS.—If the national marketing year average price under clause (i)(II) for any of the applicable crop years is lower than the price for the covered commodity listed below, the Secretary shall use the following price for that crop year:

(I) For long grain rice, \$13.00 per hundredweight.

(II) For medium grain rice, \$13.00 per hundredweight.

(III) For peanuts, \$530.00 per ton.

(5) PAYMENT RATE.—The payment rate for each covered commodity shall be equal to the lesser of—

(A) the amount that—

(i) the agriculture risk coverage guarantee for the covered commodity; exceeds

(ii) the actual crop revenue for the crop year of the covered commodity; or

(B) 10 percent of the benchmark revenue for the crop year of the covered commodity.

(6) PAYMENT AMOUNT.—If agriculture risk coverage payments under this subsection are required to be paid for any of the 2013 through 2017 crop years of a covered commodity, the amount of the agriculture risk coverage payment for the crop year shall be equal to the product obtained by multiplying—

(A) the payment rate under paragraph (5); and

(B)(i) in the case of individual coverage the sum of—

(I) 65 percent of the planted eligible acres of the covered commodity; and

(II) 45 percent of the eligible acres that were prevented from being planted to the covered commodity; or

(ii) in the case of county coverage—

(I) 80 percent of the planted eligible acres of the covered commodity; and

(II) 45 percent of the eligible acres that were prevented from being planted to the covered commodity.

(7) DUTIES OF THE SECRETARY.—In carrying out the program under this subsection, the Secretary shall—

(A) to the maximum extent practicable, use all available information and analysis to check for anomalies in the determination of payments under the program;

(B) to the maximum extent practicable, calculate a separate actual crop revenue and agriculture risk coverage guarantee for irrigated and nonirrigated covered commodities;

(C) differentiate by type or class the national average price of—

(i) sunflower seeds;

(ii) barley, using malting barley values; and

(iii) wheat; and

(D) assign a yield for each acre planted or prevented from being planted for the crop year for the covered commodity on the basis of the yield history of representative farms in the State, region, or crop reporting district, as determined by the Secretary, if the Secretary cannot establish the yield as determined under paragraph (3)(A)(ii) or (4)(B)(i) or if the yield determined under paragraph (3)(A)(ii) or (4) is an unrepresentative average yield for the covered commodity as determined by the Secretary.

SEC. 1106. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive agriculture risk coverage payments, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to use the land on the farm for an agricultural or conserving use in a quantity equal to the attributable eligible acres of the farm, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(D) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (C).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which agriculture risk coverage payments are made shall result in the termination of the agriculture risk coverage payments, unless

the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to an agriculture risk coverage payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) REPORTS.—

(1) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PRODUCTION REPORTS.—As a condition on the receipt of any benefits under section 1105, the Secretary shall require producers on a farm to submit to the Secretary annual production reports with respect to all covered commodities produced on the farm.

(3) PENALTIES.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.

(4) DATA REPORTING.—To the maximum extent practicable, the Secretary shall use data reported by the producer pursuant to requirements under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) to meet the obligations described in paragraphs (1) and (2), without additional submissions to the Department.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

SEC. 1107. PERIOD OF EFFECTIVENESS.

Sections 1104 through 1106 shall be effective beginning with the 2013 crop year of each covered commodity through the 2017 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) DEFINITION OF LOAN COMMODITY.—In this subtitle, the term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, peanuts, soybeans, other oilseeds, graded wool, non-graded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(b) NONRECOURSE LOANS AVAILABLE.—

(1) IN GENERAL.—For each of the 2013 through 2017 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(c) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (b) for any quantity of a loan commodity produced on the farm.

(d) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive a marketing assistance loan or any other payment or benefit

under this subtitle, the producers shall agree, for the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to use the land on the farm for an agricultural or conserving use in a quantity equal to the attributable eligible acres of the farm, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(D) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (C).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with paragraph (1).

(3) MODIFICATION.—At the request of a transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the purposes of this subsection, as determined by the Secretary.

(e) SPECIAL RULES FOR PEANUTS.—

(1) IN GENERAL.—This subsection shall apply only to producers of peanuts.

(2) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this section, and loan deficiency payments under section 1205, may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(3) STORAGE OF LOAN PEANUTS.—As a condition on the approval by the Secretary of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide the storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(4) STORAGE, HANDLING, AND ASSOCIATED COSTS.—

(A) IN GENERAL.—To ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) REDEMPTION AND FORFEITURE.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(5) MARKETING.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(6) REIMBURSABLE AGREEMENTS AND PAYMENT OF ADMINISTRATIVE EXPENSES.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subsection only in a manner that is consistent with those activities in regard to other loan commodities.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) IN GENERAL.—For purposes of each of the 2013 through 2017 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

- (1) In the case of wheat, \$2.94 per bushel.
- (2) In the case of corn, \$1.95 per bushel.
- (3) In the case of grain sorghum, \$1.95 per bushel.
- (4) In the case of barley, \$1.95 per bushel.
- (5) In the case of oats, \$1.39 per bushel.
- (6) In the case of base quality of upland cotton, for the 2013 and each subsequent crop year, the simple average of the adjusted prevailing world price for the 2 immediately preceding marketing years, as determined by the Secretary and announced October 1 preceding the next domestic plantings, but in no case less than \$0.47 per pound or more than \$0.52 per pound.
- (7) In the case of extra long staple cotton, \$0.7977 per pound.
- (8) In the case of long grain rice, \$6.50 per hundredweight.
- (9) In the case of medium grain rice, \$6.50 per hundredweight.
- (10) In the case of soybeans, \$5.00 per bushel.
- (11) In the case of other oilseeds, \$10.09 per hundredweight for each of the following kinds of oilseeds:
 - (A) Sunflower seed.
 - (B) Rapeseed.
 - (C) Canola.
 - (D) Safflower.
 - (E) Flaxseed.
 - (F) Mustard seed.
 - (G) Crambe.
 - (H) Sesame seed.
 - (I) Other oilseeds designated by the Secretary.
- (12) In the case of dry peas, \$5.40 per hundredweight.
- (13) In the case of lentils, \$11.28 per hundredweight.
- (14) In the case of small chickpeas, \$7.43 per hundredweight.
- (15) In the case of large chickpeas, \$11.28 per hundredweight.
- (16) In the case of graded wool, \$1.15 per pound.
- (17) In the case of nongraded wool, \$0.40 per pound.
- (18) In the case of mohair, \$4.20 per pound.
- (19) In the case of honey, \$0.69 per pound.
- (20) In the case of peanuts, \$355 per ton.

(b) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(11).

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a

marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, peanuts and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) REPAYMENT RATES FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—

(1) RICE.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) 1 $\frac{1}{2}$ -inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2018, if the Secretary determines the adjustment is necessary—

(i) to minimize potential loan forfeitures;

(ii) to minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) to ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) GUIDELINES FOR ADDITIONAL ADJUSTMENTS.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) PAYMENT OF COTTON STORAGE COSTS.—Effective for each of the 2013 through 2017 crop years, the Secretary shall make cotton storage payments available in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 20 percent.

(h) REPAYMENT RATE FOR PEANUTS.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(1) the loan rate established for peanuts under subsection (b), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of peanuts by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing peanuts; and

(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(i) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(1) **ADJUSTMENT AUTHORITY.**—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) **DURATION.**—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) **AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.**—

(1) **IN GENERAL.**—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) **UNSHORN PELTS, HAY, AND SILAGE.**—

(A) **MARKETING ASSISTANCE LOANS.**—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) **LOAN DEFICIENCY PAYMENT.**—Effective for the 2013 through 2017 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) **COMPUTATION.**—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be equal to the product obtained by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) **PAYMENT RATE.**—

(1) **IN GENERAL.**—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) **UNSHORN PELTS.**—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) **HAY AND SILAGE.**—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) **EXCEPTION FOR EXTRA LONG STAPLE COTTON.**—This section shall not apply with respect to extra long staple cotton.

(e) **EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.**—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quan-

tity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) **ELIGIBLE PRODUCERS.**—

(1) **IN GENERAL.**—Effective for the 2013 through 2017 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) **GRAZING OF TRITICALE ACREAGE.**—Effective for the 2013 through 2017 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) **PAYMENT AMOUNT.**—

(1) **IN GENERAL.**—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) (I) the yield in effect for the calculation of agriculture risk coverage payments under subtitle A with respect to that loan commodity on the farm; or

(II) in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary.

(2) **GRAZING OF TRITICALE ACREAGE.**—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) (I) the yield in effect for the calculation of agriculture risk coverage payments under subtitle A with respect to wheat on the farm; or

(II) in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712).

(c) **TIME, MANNER, AND AVAILABILITY OF PAYMENT.**—

(1) **TIME AND MANNER.**—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) **AVAILABILITY.**—

(A) **IN GENERAL.**—The Secretary shall establish an availability period for the payments authorized by this section.

(B) **CERTAIN COMMODITIES.**—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) **PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.**—A 2013 through 2017 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) **SPECIAL IMPORT QUOTA.**—

(1) **DEFINITION OF SPECIAL IMPORT QUOTA.**—In this subsection, the term “special import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The President shall carry out an import quota program during the period beginning on August 1, 2013, and ending on July 31, 2018, as provided in this subsection.

(B) **PROGRAM REQUIREMENTS.**—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1³/₃₂-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) **QUANTITY.**—The quota shall be equal to the consumption during a 1-week period of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture or other data are available.

(4) **APPLICATION.**—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

(5) **OVERLAP.**—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) **PREFERENTIAL TARIFF TREATMENT.**—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) **LIMITATION.**—The quantity of cotton entered into the United States during any marketing year under the special import quota

established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) DEMAND.—The term “demand” means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which official data of the Department of Agriculture (as determined by the Secretary) are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(B) LIMITED GLOBAL IMPORT QUOTA.—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(C) SUPPLY.—The term “supply” means, using the latest official data of the Department of Agriculture—

(i) the carryover of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture are available or as estimated by the Secretary.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, make economic adjustment assistance available to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—Effective beginning on August 1, 2012, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable for the repayment of the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2018, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and ex-

porters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term “high moisture state” means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) RECOURSE LOANS AVAILABLE.—For each of the 2013 through 2017 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that the producers on the farm were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the farm of the producer; by

(B) the lower of the actual average yield used to make payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2013 through 2017 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be

at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. ADJUSTMENTS OF LOANS.

(a) **ADJUSTMENT AUTHORITY.**—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

(b) **MANNER OF ADJUSTMENT.**—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles C through E.

(c) **ADJUSTMENT ON COUNTY BASIS.**—

(1) **IN GENERAL.**—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) **PROHIBITION.**—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) **ADJUSTMENT IN LOAN RATE FOR COTTON.**—

(1) **IN GENERAL.**—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) **REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

(B) **MANDATORY REVISIONS.**—Revisions under subparagraph (A) shall include—

(i) the elimination of warehouse location differentials;

(ii) the establishment of differentials for the various quality factors and staple lengths of cotton based on a 3-year, weighted moving average of the weighted designated spot market regions, as determined by regional production;

(iii) the elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire; and

(iv) a mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is 1 better than the applicable color grade.

(C) **DISCRETIONARY REVISIONS.**—Revisions under subparagraph (A) may include—

(i) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(ii) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(iii) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) **CONSULTATION WITH PRIVATE SECTOR.**—

(A) **PRIOR TO REVISION.**—In making adjustments to the loan rate for cotton (including

any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) **INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) **REVIEW OF ADJUSTMENTS.**—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program for upland cotton, by—

(A) revoking or revising any actions taken under paragraph (2)(B); or

(B) revoking or revising any actions taken or authorized to be taken under paragraph (2)(C).

(e) **RICE.**—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) **CONTINUATION OF CURRENT PROGRAM AND LOAN RATES.**—

(1) **SUGARCANE.**—Section 156(a)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)(5)) is amended by striking “the 2012 crop year” and inserting “each of the 2012 through 2017 crop years”.

(2) **SUGAR BEETS.**—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(3) **EFFECTIVE PERIOD.**—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

(b) **FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.**—

(1) **SUGAR ESTIMATES.**—Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended by striking “2012” and inserting “2017”.

(2) **EFFECTIVE PERIOD.**—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

Subtitle D—Dairy

PART I—DAIRY PRODUCTION MARGIN PROTECTION AND DAIRY MARKET STABILIZATION PROGRAMS

SEC. 1401. DEFINITIONS.

In this part:

(1) **ACTUAL DAIRY PRODUCTION MARGIN.**—The term “actual dairy production margin” means the difference between the all-milk price and the average feed cost, as calculated under section 1402.

(2) **ALL-MILK PRICE.**—The term “all-milk price” means the average price received, per hundredweight of milk, by dairy operations for all milk sold to plants and dealers in the United States, as determined by the Secretary.

(3) **ANNUAL PRODUCTION HISTORY.**—The term “annual production history” means the production history determined for a participating dairy operation under section 1413(b) whenever the participating dairy operation purchases supplemental production margin protection.

(4) **AVERAGE FEED COST.**—The term “average feed cost” means the average cost of feed used by a dairy operation to produce a hundredweight of milk, determined under section 1402 using the sum of the following:

(A) The product determined by multiplying 1.0728 by the price of corn per bushel.

(B) The product determined by multiplying 0.00735 by the price of soybean meal per ton.

(C) The product determined by multiplying 0.0137 by the price of alfalfa hay per ton.

(5) **BASIC PRODUCTION HISTORY.**—The term “basic production history” means the production history determined for a participating dairy operation under section 1413(a) for provision of basic production margin protection.

(6) **CONSECUTIVE 2-MONTH PERIOD.**—The term “consecutive 2-month period” refers to the 2-month period consisting of the months of January and February, March and April, May and June, July and August, September and October, or November and December, respectively.

(7) **DAIRY OPERATION.**—

(A) **IN GENERAL.**—The term “dairy operation” means, as determined by the Secretary, 1 or more dairy producers that produce and market milk as a single dairy operation in which each dairy producer—

(i) shares in the pooling of resources and a common ownership structure;

(ii) is at risk in the production of milk on the dairy operation; and

(iii) contributes land, labor, management, equipment, or capital to the dairy operation.

(B) **ADDITIONAL OWNERSHIP STRUCTURES.**—The Secretary shall determine additional ownership structures to be covered by the definition of dairy operation.

(8) **HANDLER.**—

(A) **IN GENERAL.**—The term “handler” means the initial individual or entity making payment to a dairy operation for milk produced in the United States and marketed for commercial use.

(B) **PRODUCER-HANDLER.**—The term includes a “producer-handler” when the producer satisfies the definition in subparagraph (A).

(9) **PARTICIPATING DAIRY OPERATION.**—The term “participating dairy operation” means a dairy operation that—

(A) signs up under section 1412 to participate in the production margin protection program under subpart A; and

(B) as a result, also participates in the stabilization program under subpart B.

(10) **PRODUCTION MARGIN PROTECTION PROGRAM.**—The term “production margin protection program” means the dairy production margin protection program required by subpart A.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(12) **STABILIZATION PROGRAM.**—The term “stabilization program” means the dairy market stabilization program required by subpart B for all participating dairy operations.

(13) **STABILIZATION PROGRAM BASE.**—The term “stabilization program base”, with respect to a participating dairy operation, means the stabilization program base calculated for the participating dairy operation under section 1431(b).

(14) **UNITED STATES.**—The term “United States”, in a geographical sense, means the 50 States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.

SEC. 1402. CALCULATION OF AVERAGE FEED COST AND ACTUAL DAIRY PRODUCTION MARGINS.

(a) **CALCULATION OF AVERAGE FEED COST.**—The Secretary shall calculate the national average feed cost for each month using the following data:

(1) The price of corn for a month shall be the price received during that month by farmers in the United States for corn, as reported in the monthly Agricultural Prices report by the Secretary.

(2) The price of soybean meal for a month shall be the central Illinois price for soybean meal, as reported in the Market News—Monthly Soybean Meal Price Report by the Secretary.

(3) The price of alfalfa hay for a month shall be the price received during that month by farmers in the United States for alfalfa hay, as reported in the monthly Agricultural Prices report by the Secretary.

(b) **CALCULATION OF ACTUAL DAIRY PRODUCTION MARGINS.**—

(1) **PRODUCTION MARGIN PROTECTION PROGRAM.**—For use in the production margin protection program under subpart A, the Secretary shall calculate the actual dairy production margin for each consecutive 2-month period by subtracting—

(A) the average feed cost for that consecutive 2-month period, determined in accordance with subsection (a); from

(B) the all-milk price for that consecutive 2-month period.

(2) **STABILIZATION PROGRAM.**—For use in the stabilization program under subpart B, the Secretary shall calculate each month the actual dairy production margin for the preceding month by subtracting—

(A) the average feed cost for that preceding month, determined in accordance with subsection (a); from

(B) the all-milk price for that preceding month.

(3) **TIME FOR CALCULATIONS.**—The calculations required by paragraphs (1) and (2) shall be made as soon as practicable using the full month price of the applicable reference month.

Subpart A—Dairy Production Margin Protection Program

SEC. 1411. ESTABLISHMENT OF DAIRY PRODUCTION MARGIN PROTECTION PROGRAM.

Effective not later than 120 days after the effective date of this subtitle, the Secretary shall establish and administer a dairy production margin protection program under which participating dairy operations are paid—

(1) basic production margin protection program payments under section 1414 when actual dairy production margins are less than the threshold levels for such payments; and

(2) supplemental production margin protection program payments under section 1415 if purchased by a participating dairy operation.

SEC. 1412. PARTICIPATION OF DAIRY OPERATIONS IN PRODUCTION MARGIN PROTECTION PROGRAM.

(a) **ELIGIBILITY.**—All dairy operations in the United States shall be eligible to participate in the production margin protection program, except that a participating dairy operation shall be required to register with the Secretary before the participating dairy operation may receive—

(1) basic production margin protection program payments under section 1414; and

(2) if the participating dairy operation purchases supplemental production margin protection under section 1415, supplemental production margin protection program payments under such section.

(b) **REGISTRATION PROCESS.**—

(1) **IN GENERAL.**—The Secretary shall specify the manner and form by which a participating dairy operation may register to participate in the production margin protection program.

(2) **TREATMENT OF MULTIPRODUCER DAIRY OPERATIONS.**—If a participating dairy operation is operated by more than 1 dairy producer, all of the dairy producers of the participating dairy operation shall be treated as a single dairy operation for purposes of—

(A) registration to receive basic production margin protection and election to purchase supplemental production margin protection;

(B) payment of the participation fee under subsection (d) and producer premiums under section 1415; and

(C) participation in the stabilization program under subtitle B.

(3) **TREATMENT OF PRODUCERS WITH MULTIPLE DAIRY OPERATIONS.**—If a dairy producer operates 2 or more dairy operations, each dairy operation of the producer shall separately register to receive basic production margin protection and purchase supplemental production margin protection and only those dairy operations so registered shall be covered by the stabilization program.

(c) **TIME FOR REGISTRATION.**—

(1) **EXISTING DAIRY OPERATIONS.**—During the 15-month period beginning on the date of the initiation of the registration period for the production margin protection program, a dairy operation that is actively engaged as of such date may register with the Secretary—

(A) to receive basic production margin protection; and

(B) if the dairy operation elects, to purchase supplemental production margin protection.

(2) **NEW ENTRANTS.**—A dairy producer that has no existing interest in a dairy operation as of the date of the initiation of the registration period for the production margin protection program, but that, after such date, establishes a new dairy operation, may register with the Secretary during the 1-year period beginning on the date on which the dairy operation first markets milk commercially—

(A) to receive basic production margin protection; and

(B) if the dairy operation elects, to purchase supplemental production margin protection.

(d) **TRANSITION FROM MILC TO PRODUCTION MARGIN PROTECTION.**—

(1) **DEFINITION OF TRANSITION PERIOD.**—In this subsection, the term “transition period” means the period during which the milk income loss program established under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) and the production margin protection program under this subtitle are both in existence.

(2) **NOTICE OF AVAILABILITY.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish a notice in the Federal Register to inform dairy operations of the availability of basic production margin protection and supplemental production margin protection, including the terms of the protection and information about the option of dairy operations during the transition period to make an election described in paragraph (3).

(3) **ELECTION.**—Except as provided in paragraph (4), a dairy operation may elect to participate in either the milk income loss program established under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) or the production margin protection program under this subtitle for the duration of the transition period.

(4) **TRANSFER TO PRODUCTION MARGIN PROTECTION.**—A dairy operation that elects to participate in the milk income loss program

established under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) during the transition period may, at any time, make a permanent transfer to the production margin protection program.

(e) **ADMINISTRATION FEE.**—

(1) **ADMINISTRATION FEE REQUIRED.**—Except as provided in paragraph (5), a participating dairy operation shall—

(A) pay an administration fee under this subsection to register to participate in the production margin protection program; and

(B) pay the administration fee annually thereafter to continue to participate in the production margin protection program.

(2) **FEE AMOUNT.**—The administration fee for a participating dairy operation for a calendar year shall be based on the pounds of milk (in millions) marketed by the participating dairy operation in the previous calendar year, as follows:

Pounds Marketed (in millions)	Administration Fee
less than 1	\$100
1 to 5	\$250
more than 5 to 10	\$350
more than 10 to 40	\$1,000
more than 40	\$2,500

(3) **DEPOSIT OF FEES.**—All administration fees collected under this subsection shall be credited to the fund or account used to cover the costs incurred to administer the production margin protection program and the stabilization program and shall be available to the Secretary, without further appropriation and until expended, for use or transfer as provided in paragraph (4).

(4) **USE OF FEES.**—The Secretary shall use administration fees collected under this subsection—

(A) to cover administrative costs of the production margin protection program and stabilization program; and

(B) to cover costs of the Department of Agriculture relating to reporting of dairy market news, carrying out the amendments made by section 1476, and carrying out section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b), to the extent funds remain available after operation of subparagraph (A).

(5) **WAIVER.**—The Secretary shall waive or reduce the administration fee required under paragraph (1) in the case of a limited-resource dairy operation, as defined by the Secretary.

(f) **LIMITATION.**—A dairy operation may only participate in the production margin protection program or the livestock gross margin for dairy program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), but not both.

SEC. 1413. PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATIONS.

(a) **PRODUCTION HISTORY FOR BASIC PRODUCTION MARGIN PROTECTION.**—

(1) **DETERMINATION REQUIRED.**—For purposes of providing basic production margin protection, the Secretary shall determine the basic production history of a participating dairy operation.

(2) **CALCULATION.**—Except as provided in paragraph (3), the basic production history of a participating dairy operation for basic production margin protection is equal to the highest annual milk marketings of the participating dairy operation during any 1 of the 3 calendar years immediately preceding the calendar year in which the participating dairy operation first signed up to participate

in the production margin protection program.

(3) **ELECTION BY NEW DAIRY OPERATIONS.**—In the case of a participating dairy operation that has been in operation for less than a year, the participating dairy operation shall elect 1 of the following methods for the Secretary to determine the basic production history of the participating dairy operation:

(A) The volume of the actual milk marketings for the months the participating dairy operation has been in operation extrapolated to a yearly amount.

(B) An estimate of the actual milk marketings of the participating dairy operation based on the herd size of the participating dairy operation relative to the national rolling herd average data published by the Secretary.

(4) **NO CHANGE IN PRODUCTION HISTORY FOR BASIC PRODUCTION MARGIN PROTECTION.**—Once the basic production history of a participating dairy operation is determined under paragraph (2) or (3), the basic production history shall not be subsequently changed for purposes of determining the amount of any basic production margin protection payments for the participating dairy operation made under section 1414.

(b) **ANNUAL PRODUCTION HISTORY FOR SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—

(1) **DETERMINATION REQUIRED.**—For purposes of providing supplemental production margin protection for a participating dairy operation that purchases supplemental production margin protection for a year under section 1415, the Secretary shall determine the annual production history of the participating dairy operation under paragraph (2).

(2) **CALCULATION.**—The annual production history of a participating dairy operation for a year is equal to the actual milk marketings of the participating dairy operation during the preceding calendar year.

(3) **NEW DAIRY OPERATIONS.**—Subsection (a)(3) shall apply with respect to determining the annual production history of a participating dairy operation that has been in operation for less than a year.

(c) **REQUIRED INFORMATION.**—A participating dairy operation shall provide all information that the Secretary may require in order to establish—

(1) the basic production history of the participating dairy operation under subsection (a); and

(2) the production history of the participating dairy operation whenever the participating dairy operation purchases supplemental production margin protection under section 1415.

(d) **TRANSFER OF PRODUCTION HISTORIES.**—

(1) **TRANSFER BY SALE OR LEASE.**—In promulgating the rules to initiate the production margin protection program, the Secretary shall specify the conditions under which and the manner by which the production history of a participating dairy operation may be transferred by sale or lease.

(2) **COVERAGE LEVEL.**—

(A) **BASIC PRODUCTION MARGIN PROTECTION.**—A purchaser or lessee to whom the Secretary transfers a basic production history under this subsection shall not obtain a different level of basic production margin protection than the basic production margin protection coverage held by the seller or lessor from whom the transfer was obtained.

(B) **SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—A purchaser or lessee to whom the Secretary transfers an annual production history under this subsection shall not obtain a different level of supplemental produc-

tion margin protection coverage than the supplemental production margin protection coverage in effect for the seller or lessor from whom the transfer was obtained for the calendar year in which the transfer was made.

(e) **MOVEMENT AND TRANSFER OF PRODUCTION HISTORY.**—

(1) **MOVEMENT AND TRANSFER AUTHORIZED.**—Subject to paragraph (2), if a participating dairy operation moves from 1 location to another location, the participating dairy operation may transfer the basic production history and annual production history associated with the participating dairy operation.

(2) **NOTIFICATION REQUIREMENT.**—A participating dairy operation shall notify the Secretary of any move of a participating dairy operation under paragraph (1).

(3) **SUBSEQUENT OCCUPATION OF VACATED LOCATION.**—A party subsequently occupying a participating dairy operation location vacated as described in paragraph (1) shall have no interest in the basic production history or annual production history previously associated with the participating dairy operation at such location.

SEC. 1414. BASIC PRODUCTION MARGIN PROTECTION.

(a) **PAYMENT THRESHOLD.**—The Secretary shall make a payment to participating dairy operations in accordance with subsection (b) whenever the average actual dairy production margin for a consecutive 2-month period is less than \$4.00 per hundredweight of milk.

(b) **BASIC PRODUCTION MARGIN PROTECTION PAYMENT.**—The basic production margin protection payment for a participating dairy operation for a consecutive 2-month period shall be equal to the product obtained by multiplying—

(1) the difference between the average actual dairy production margin for the consecutive 2-month period and \$4.00, except that, if the difference is more than \$4.00, the Secretary shall use \$4.00; by

(2) the lesser of—

(A) 80 percent of the production history of the participating dairy operation, divided by 6; or

(B) the actual quantity of milk marketed by the participating dairy operation during the consecutive 2-month period.

SEC. 1415. SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.

(a) **ELECTION OF SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—A participating dairy operation may annually purchase supplemental production margin protection to protect, during the calendar year for which purchased, a higher level of the income of a participating dairy operation than the income level guaranteed by basic production margin protection under section 1414.

(b) **SELECTION OF PAYMENT THRESHOLD.**—A participating dairy operation purchasing supplemental production margin protection for a year shall elect a coverage level that is higher, in any increment of \$0.50, than the payment threshold for basic production margin protection specified in section 1414(a), but not to exceed \$8.00.

(c) **COVERAGE PERCENTAGE.**—A participating dairy operation purchasing supplemental production margin protection for a year shall elect a percentage of coverage equal to not more than 90 percent, nor less than 25 percent, of the annual production history of the participating dairy operation.

(d) **PREMIUMS FOR SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—

(1) **PREMIUMS REQUIRED.**—A participating dairy operation that purchases supplemental production margin protection shall pay an

annual premium equal to the product obtained by multiplying—

(A) the coverage percentage elected by the participating dairy operation under subsection (c);

(B) the annual production history of the participating dairy operation; and

(C) the premium per hundredweight of milk, as specified in the applicable table under paragraph (2) or (3).

(2) **PREMIUM PER HUNDREDWEIGHT FOR FIRST 4 MILLION POUNDS OF PRODUCTION.**—For the first 4,000,000 pounds of milk marketings included in the annual production history of a participating dairy operation, the premium per hundredweight corresponding to each coverage level specified in the following table is as follows:

Coverage Level	Premium per Cwt.
\$4.50	\$0.01
\$5.00	\$0.02
\$5.50	\$0.035
\$6.00	\$0.045
\$6.50	\$0.09
\$7.00	\$0.40
\$7.50	\$0.60
\$8.00	\$0.95

(3) **PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 4 MILLION POUNDS.**—For milk marketings in excess of 4,000,000 pounds included in the annual production history of a participating dairy operation, the premium per hundredweight corresponding to each coverage level is as follows:

Coverage Level	Premium per Cwt.
\$4.50	\$0.02
\$5.00	\$0.04
\$5.50	\$0.10
\$6.00	\$0.15
\$6.50	\$0.29
\$7.00	\$0.62
\$7.50	\$0.83
\$8.00	\$1.06

(4) **TIME FOR PAYMENT.**—In promulgating the rules to initiate the production margin protection program, the Secretary shall provide more than 1 method by which a participating dairy operation that purchases supplemental production margin protection for a calendar year may pay the premium under this subsection for that year in any manner that maximizes participating dairy operation payment flexibility and program integrity.

(e) **PREMIUM OBLIGATIONS.**—

(1) **PRO-RATION OF PREMIUM FOR NEW DAIRY OPERATIONS.**—A participating dairy operation described in section 1412(c)(2) that purchases supplemental production margin protection for a calendar year after the start of the calendar year shall pay a pro-rated premium for that calendar year based on the portion of the calendar year for which the participating dairy operation purchases the coverage.

(2) **LEGAL OBLIGATION.**—A participating dairy operation that purchases supplemental production margin protection for a calendar year shall be legally obligated to pay the applicable premium for that calendar year, except that the Secretary may waive that obligation, under terms and conditions determined by the Secretary, for 1 or more producers in any participating dairy operation in the case of death, retirement, permanent

dissolution of a participating dairy operation, or other circumstances as the Secretary considers appropriate to ensure the integrity of the program.

(f) **SUPPLEMENTAL PAYMENT THRESHOLD.**—A participating dairy operation with supplemental production margin protection shall receive a supplemental production margin protection payment whenever the average actual dairy production margin for a consecutive 2-month period is less than the coverage level threshold selected by the participating dairy operation under subsection (b).

(g) **SUPPLEMENTAL PRODUCTION MARGIN PROTECTION PAYMENTS.**—

(1) **IN GENERAL.**—The supplemental production margin protection payment for a participating dairy operation is in addition to the basic production margin protection payment.

(2) **AMOUNT OF PAYMENT.**—The supplemental production margin protection payment for the participating dairy operation shall be determined as follows:

(A) The Secretary shall calculate the difference between the coverage level threshold selected by the participating dairy operation under subsection (b) and the greater of—

(i) the average actual dairy production margin for the consecutive 2-month period; or

(ii) \$4.00.

(B) The amount determined under subparagraph (A) shall be multiplied by the percentage selected by the participating dairy operation under subsection (c) and by the lesser of the following:

(i) The annual production history of the participating dairy operation, divided by 6.

(ii) The actual amount of milk marketed by the participating dairy operation during the consecutive 2-month period.

SEC. 1416. EFFECT OF FAILURE TO PAY ADMINISTRATION FEES OR PREMIUMS.

(a) **LOSS OF BENEFITS.**—A participating dairy operation that fails to pay the required administration fee under section 1412 or is in arrears on premium payments for supplemental production margin protection under section 1415—

(1) remains legally obligated to pay the administration fee or premiums, as the case may be; and

(2) may not receive basic production margin protection payments or supplemental production margin protection payments until the fees or premiums are fully paid.

(b) **ENFORCEMENT.**—The Secretary may take such action as necessary to collect administration fees and premium payments for supplemental production margin protection.

Subpart B—Dairy Market Stabilization Program

SEC. 1431. ESTABLISHMENT OF DAIRY MARKET STABILIZATION PROGRAM.

(a) **PROGRAM REQUIRED; PURPOSE.**—Effective not later than 120 days after the effective date of this subtitle, the Secretary shall establish and administer a dairy market stabilization program applicable to participating dairy operations for the purpose of assisting in balancing the supply of milk with demand when participating dairy operations are experiencing low or negative operating margins.

(b) **ELECTION OF STABILIZATION PROGRAM BASE CALCULATION METHOD.**—

(1) **ELECTION.**—When a dairy operation signs up under section 1412 to participate in the production margin protection program, the dairy operation shall inform the Secretary of the method by which the stabilization program base for the participating dairy operation will be calculated under paragraph (3).

(2) **CHANGE IN CALCULATION METHOD.**—A participating dairy operation may change the stabilization program base calculation method to be used for a calendar year by notifying the Secretary of the change not later than a date determined by the Secretary.

(3) **CALCULATION METHODS.**—A participating dairy operation may elect either of the following methods for calculation of the stabilization program base for the participating dairy operation:

(A) The volume of the average monthly milk marketings of the participating dairy operation for the 3 months immediately preceding the announcement by the Secretary that the stabilization program will become effective.

(B) The volume of the monthly milk marketings of the participating dairy operation for the same month in the preceding year as the month for which the Secretary has announced the stabilization program will become effective.

SEC. 1432. THRESHOLD FOR IMPLEMENTATION AND REDUCTION IN DAIRY PAYMENTS.

(a) **WHEN STABILIZATION PROGRAM REQUIRED.**—Except as provided in subsection (b), the Secretary shall announce that the stabilization program is in effect and order reduced payments by handlers to participating dairy operations that exceed the applicable percentage of the participating dairy operation's stabilization program base whenever—

(1) the actual dairy production margin has been \$6.00 or less per hundredweight of milk for each of the immediately preceding 2 months; or

(2) the actual dairy production margin has been \$4.00 or less per hundredweight of milk for the immediately preceding month.

(b) **EXCEPTION.**—If any of the conditions described in section 1436(b) have been met during the 2-month period immediately preceding the month in which the announcement under subsection (a) would otherwise be made by the Secretary in the absence of this exception, the Secretary shall—

(1) suspend the stabilization program;

(2) refrain from making the announcement under subsection (a) to implement order the stabilization payment; or

(3) order reduced payments.

(c) **EFFECTIVE DATE FOR IMPLEMENTATION OF PAYMENT REDUCTIONS.**—Reductions in dairy payments shall commence beginning on the first day of the month immediately following the date of the announcement by the Secretary under subsection (a).

SEC. 1433. MILK MARKETINGS INFORMATION.

(a) **COLLECTION OF MILK MARKETING DATA.**—The Secretary shall establish, by regulation, a process to collect from participating dairy operations and handlers such information that the Secretary considers necessary for each month during which the stabilization program is in effect.

(b) **REDUCE REGULATORY BURDEN.**—When implementing the process under subsection (a), the Secretary shall minimize the regulatory burden on participating dairy operations and handlers.

SEC. 1434. CALCULATION AND COLLECTION OF REDUCED DAIRY OPERATION PAYMENTS.

(a) **REDUCED PARTICIPATING DAIRY OPERATION PAYMENTS REQUIRED.**—During any month in which payment reductions are in effect under the stabilization program, each handler shall reduce payments to each participating dairy operation from whom the handler receives milk.

(b) **REDUCTIONS BASED ON ACTUAL DAIRY PRODUCTION MARGIN.**—

(1) **REDUCTION REQUIREMENT 1.**—If the Secretary determines that the average actual dairy production margin has been less than \$6.00 but greater than \$5.00 per hundredweight of milk for 2 consecutive months, the handler shall make payments to a participating dairy operation for a month based on the greater of the following:

(A) 98 percent of the stabilization program base of the participating dairy operation.

(B) 94 percent of the marketings of milk for the month by the participating dairy operation.

(2) **REDUCTION REQUIREMENT 2.**—If the Secretary determines that the average actual dairy production margin has been less than \$5.00 but greater than \$4.00 for 2 consecutive months, the handler shall make payments to a participating dairy operation for a month based on the greater of the following:

(A) 97 percent of the stabilization program base of the participating dairy operation.

(B) 93 percent of the marketings of milk for the month by the participating dairy operation.

(3) **REDUCTION REQUIREMENT 3.**—If the Secretary determines that the average actual dairy production margin has been \$4.00 or less for any 1 month, the handler shall make payments to a participating dairy operation for a month based on the greater of the following:

(A) 96 percent of the stabilization program base of the participating dairy operation.

(B) 92 percent of the marketings of milk for the month by the participating dairy operation.

(c) **CONTINUATION OF REDUCTIONS.**—The largest level of payment reduction required under paragraph (1), (2), or (3) of subsection (b) shall be continued for each month until the Secretary suspends the stabilization program and terminates payment reductions in accordance with section 1436.

(d) **PAYMENT REDUCTION EXCEPTION.**—Notwithstanding any preceding subsection of this section, a handler shall make no payment reductions for a participating dairy operation for a month if the participating dairy operation's milk marketings for the month are equal to or less than the percentage of the stabilization program base applicable to the participating dairy operation under paragraph (1), (2), or (3) of subsection (b).

SEC. 1435. REMITTING FUNDS TO THE SECRETARY AND USE OF FUNDS.

(a) **REMITTING FUNDS.**—As soon as practicable after the end of each month during which payment reductions are in effect under the stabilization program, each handler shall remit to the Secretary an amount equal to the amount by which payments to participating dairy operations are reduced by the handler under section 1434.

(b) **DEPOSIT OF REMITTED FUNDS.**—All funds received under subsection (a) shall be available to the Secretary, without further appropriation and until expended, for use or transfer as provided in subsection (c).

(c) **USE OF FUNDS.**—

(1) **AVAILABILITY FOR CERTAIN COMMODITY DONATIONS.**—Not later than 90 days after the funds described in subsection (a) are due as determined by the Secretary, the Secretary shall obligate the funds for the purpose of—

(A) purchasing dairy products for donation to food banks and other programs that the Secretary determines appropriate; and

(B) expanding consumption and building demand for dairy products.

(2) **NO DUPLICATION OF EFFORT.**—The Secretary shall ensure that expenditures under paragraph (1) are compatible with, and do

not duplicate, programs supported by the dairy research and promotion activities conducted under the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

(3) **ACCOUNTING.**—The Secretary shall keep an accurate account of all funds expended under paragraph (1).

(d) **ANNUAL REPORT.**—Not later than December 31 of each year that the stabilization program is in effect, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that provides an accurate accounting of—

(1) the funds received by the Secretary during the preceding fiscal year under subsection (a);

(2) all expenditures made by the Secretary under subsection (b) during the preceding fiscal year; and

(3) the impact of the stabilization program on dairy markets.

(e) **ENFORCEMENT.**—If a participating dairy operation or handler fails to remit or collect the amounts by which payments to participating dairy operations are reduced under section 1434, the participating dairy operation or handler responsible for the failure shall be liable to the Secretary for the amount that should have been remitted or collected, plus interest. In addition to the enforcement authorities available under section 1437, the Secretary may enforce this subsection in the courts of the United States.

SEC. 1436. SUSPENSION OF REDUCED PAYMENT REQUIREMENT.

(a) **DETERMINATION OF PRICES.**—For purposes of this section:

(1) The price in the United States for cheddar cheese and nonfat dry milk shall be determined by the Secretary.

(2) The world price of cheddar cheese and skim milk powder shall be determined by the Secretary.

(b) **SUSPENSION THRESHOLDS.**—The stabilization program shall be suspended or the Secretary shall refrain from making the announcement under section 1432(a) if the Secretary determines that—

(1) the actual dairy production margin is greater than \$6.00 per hundredweight of milk for 2 consecutive months;

(2) the actual dairy production margin is equal to or less than \$6.00 (but greater than \$5.00) for 2 consecutive months, and during the same 2 consecutive months—

(A) the price in the United States for cheddar cheese is equal to or greater than the world price of cheddar cheese; or

(B) the price in the United States for nonfat dry milk is equal to or greater than the world price of skim milk powder;

(3) the actual dairy production margin is equal to or less than \$5.00 (but greater than \$4.00) for 2 consecutive months, and during the same 2 consecutive months—

(A) the price in the United States for cheddar cheese is more than 5 percent above the world price of cheddar cheese; or

(B) the price in the United States for nonfat dry milk is more than 5 percent above the world price of skim milk powder; or

(4) the actual dairy production margin is equal to or less than \$4.00 for 2 consecutive months, and during the same 2 consecutive months—

(A) the price in the United States for cheddar cheese is more than 7 percent above the world price of cheddar cheese; or

(B) the price in the United States for nonfat dry milk is more than 7 percent above the world price of skim milk powder.

(c) **IMPLEMENTATION BY HANDLERS.**—Effective on the day after the date of the announcement by the Secretary under subsection (b) of the suspension of the stabilization program, the handler shall cease reducing payments to participating dairy operations under the stabilization program.

(d) **CONDITION ON RESUMPTION OF STABILIZATION PROGRAM.**—Upon the announcement by the Secretary under subsection (b) that the stabilization program has been suspended, the stabilization program may not be implemented again until, at the earliest—

(1) 2 months have passed, beginning on the first day of the month immediately following the announcement by the Secretary; and

(2) the conditions of section 1432(a) are again met.

SEC. 1437. ENFORCEMENT.

(a) **UNLAWFUL ACT.**—It shall be unlawful and a violation of this subpart for any person subject to the stabilization program to willfully fail or refuse to provide, or delay the timely reporting of, accurate information and remittance of funds to the Secretary in accordance with this subpart.

(b) **ORDER.**—After providing notice and opportunity for a hearing to an affected person, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subpart.

(c) **APPEAL.**—An order of the Secretary under subsection (b) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order. A finding of the Secretary in the order shall be set aside only if the finding is not supported by substantial evidence.

(d) **NONCOMPLIANCE WITH ORDER.**—If a person subject to this subpart fails to obey an order issued under subsection (b) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order. If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

SEC. 1438. AUDIT REQUIREMENTS.

(a) **AUDITS OF DAIRY OPERATION AND HANDLER COMPLIANCE.**—

(1) **AUDITS AUTHORIZED.**—If determined by the Secretary to be necessary to ensure compliance by participating dairy operations and handlers with the stabilization program, the Secretary may conduct periodic audits of participating dairy operations and handlers.

(2) **SAMPLE OF DAIRY OPERATIONS.**—Any audit conducted under this subsection shall include, at a minimum, investigation of a statistically valid and random sample of participating dairy operations.

(b) **SUBMISSION OF RESULTS.**—The Secretary shall submit the results of any audit conducted under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate and include such recommendations as the Secretary considers appropriate regarding the stabilization program.

SEC. 1439. STUDY; REPORT.

(a) **IN GENERAL.**—The Secretary shall direct the Office of the Chief Economist to conduct a study of the impacts of the program established under section 1431(a).

(b) **CONSIDERATIONS.**—The study conducted under subsection (a) shall consider—

(1) the economic impact of the program throughout the dairy product value chain, including the impact on producers, processors, domestic customers, export customers, actual market growth and potential market growth, farms of different sizes, and different regions and States; and

(2) the impact of the program on the competitiveness of the United States dairy industry in international markets.

(c) **REPORT.**—Not later than December 1, 2016, the Office of the Chief Economist shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a).

Subpart C—Administration

SEC. 1451. DURATION.

The production margin protection program and the stabilization program shall end on December 31, 2017.

SEC. 1452. ADMINISTRATION AND ENFORCEMENT.

(a) **IN GENERAL.**—The Secretary shall promulgate regulations to address administrative and enforcement issues involved in carrying out the production margin protection, supplemental production margin protection, and market stabilization programs.

(b) **RECONSTITUTION AND ELIGIBILITY ISSUES.**—

(1) **RECONSTITUTION.**—Using authorities under section 1001(f) and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308(f), 1308–2), the Secretary shall promulgate regulations to prohibit a dairy producer from reconstituting a dairy operation for the sole purpose of the dairy producer—

(A) receiving basic margin protection;

(B) purchasing supplemental margin protection; or

(C) avoiding participation in the market stabilization program.

(2) **ELIGIBILITY ISSUES.**—Using authorities under section 1001(f) and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308(f), 1308–2), the Secretary shall promulgate regulations—

(A) to prohibit a scheme or device;

(B) to provide for equitable relief; and

(C) to provide for other issues affecting eligibility and liability issues.

(3) **ADMINISTRATIVE APPEALS.**—Using authorities under section 1001(h) of the Food Security Act of 1985 (7 U.S.C. 1308(h)) and subtitle H of the Department of Agriculture Reorganization Act (7 U.S.C. 6991 et seq.), the Secretary shall promulgate regulations to provide for administrative appeals of decisions of the Secretary that are adverse to participants of the programs described in subsection (a).

PART II—DAIRY MARKET TRANSPARENCY

SEC. 1461. DAIRY PRODUCT MANDATORY REPORTING.

(a) **DEFINITIONS.**—Section 272(1)(A) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637a(1)(A)) is amended by inserting “, or any other products that may significantly aid price discovery in the dairy markets, as determined by the Secretary” after “of 1937”.

(b) **MANDATORY REPORTING FOR DAIRY PRODUCTS.**—Section 273(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) **IN GENERAL.**—In establishing the program, the Secretary shall only—

“(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary, no less frequently than once per month, information concerning the price, quantity, and moisture

content of dairy products sold by the manufacturer and any other product characteristics that may significantly aid price discovery in the dairy markets, as determined by the Secretary; and

“(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

“(B) require each manufacturer and other person storing dairy products (including dairy products in cold storage) to report to the Secretary, no less frequently than once per month, information on the quantity of dairy products stored.”; and

(2) in paragraph (2), by inserting “or those that may significantly aid price discovery in the dairy markets” after “Federal milk marketing order” each place it appears in subparagraphs (A), (B), and (C).

SEC. 1462. FEDERAL MILK MARKETING ORDER INFORMATION.

(a) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall, on behalf of each milk marketing order issued under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, establish an information clearinghouse for the purposes of educating the public about the Federal milk marketing order system and any marketing order referenda, including proposal information and timelines that shall be kept current and updated as information becomes available.

(2) REQUIREMENTS.—Information under paragraph (1) shall include—

(A) information on procedures by which cooperatives vote;

(B) if applicable, information on the manner by which producers may cast an individual ballot;

(C) in applicable, instructions on the manner in which to vote online;

(D) due dates for each specific referendum;

(E) the text of each referendum question under consideration;

(F) a description in plain language of the question;

(G) any relevant background information to the question; and

(H) any other information that increases Federal milk marketing order transparency.

(b) NOTIFICATION LIST FOR UPCOMING REFERENDUM.—Each Federal milk marketing order shall—

(1) make available the information described in subsection (b) through an Internet site; and

(2) publicize the information in major agriculture and dairy-specific publications on upcoming referenda.

PART III—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

SEC. 1471. REPEAL OF DAIRY PRODUCT PRICE SUPPORT AND MILK INCOME LOSS CONTRACT PROGRAMS.

(a) REPEAL OF DAIRY PRODUCT PRICE SUPPORT PROGRAM.—Section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771) is repealed.

(b) REPEAL OF MILK INCOME LOSS CONTRACT PROGRAM.—

(1) PAYMENTS UNDER MILK INCOME LOSS CONTRACT PROGRAM.—Section 1506(c)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(c)(3)) is amended—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “August 31, 2012, 45 percent; and” and inserting “June 30, 2013, 45 percent.”; and

(C) by striking subparagraph (C).

(2) EXTENSION.—Section 1506(h)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(h)(1)) is amended by striking “September 30, 2012” and inserting “June 30, 2013”.

(3) REPEAL.—Effective July 1, 2013, section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is repealed.

SEC. 1472. REPEAL OF DAIRY EXPORT INCENTIVE PROGRAM.

(a) REPEAL.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is repealed.

(b) CONFORMING AMENDMENTS.—Section 902(2) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 1473. EXTENSION OF DAIRY FORWARD PRICING PROGRAM.

Section 1502(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8772(e)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (2), by striking “2015” and inserting “2020”.

SEC. 1474. EXTENSION OF DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 4501) is amended by striking “2012” and inserting “2017”.

SEC. 1475. EXTENSION OF DAIRY PROMOTION AND RESEARCH PROGRAM.

Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking “2012” and inserting “2017”.

SEC. 1476. EXTENSION OF FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

Section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1726) is amended by inserting “or other funds” after “Subject to the availability of appropriations”.

PART IV—EFFECTIVE DATE

SEC. 1481. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle take effect on October 1, 2012.

Subtitle E—Supplemental Agricultural Disaster Assistance Programs

SEC. 1501. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term “eligible producer on a farm” means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(2) FARM.—

(A) IN GENERAL.—The term “farm” means, in relation to an eligible producer on a farm, the total of all crop acreage in all counties that is planted or intended to be planted for harvest, for sale, or on-farm livestock feeding (including native grassland intended for haying) by the eligible producer.

(B) AQUACULTURE.—In the case of aquaculture, the term “farm” means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

(C) HONEY.—In the case of honey, the term “farm” means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop for sale by the eligible producer.

(3) FARM-RAISED FISH.—The term “farm-raised fish” means any aquatic species that is propagated and reared in a controlled environment.

(4) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine;

(F) horses; and

(G) other livestock, as determined by the Secretary.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) PAYMENTS.—For each of fiscal years 2012 through 2017, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality, as determined by the Secretary, due to—

(A) attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves; or

(B) adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 65 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—The Secretary shall ensure that payments made to an eligible producer under paragraph (1) are not made for the same livestock losses for which compensation is provided pursuant to section 10407(d) of the Animal Health Protection Act (7 U.S.C. 8306(d)).

(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) ESTABLISHMENT.—There is established a livestock forage disaster program to provide 1 source for livestock forage disaster assistance for weather-related forage losses, as determined by the Secretary, by combining—

(A) the livestock forage assistance functions of—

(i) the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(ii) the emergency assistance for livestock, honey bees, and farm-raised fish program under section 531(e) of the Federal Crop Insurance Act (7 U.S.C. 1531(e)) (as in existence on the day before the date of enactment of this Act); and

(B) the livestock forage disaster program under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) (as in existence on the day before the date of enactment of this Act).

(2) DEFINITIONS.—In this subsection:

(A) COVERED LIVESTOCK.—

(i) IN GENERAL.—Except as provided in clause (ii), the term “covered livestock” means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of an eligible forage loss, as determined by the Secretary, the eligible livestock producer—

- (I) owned;
- (II) leased;
- (III) purchased;
- (IV) entered into a contract to purchase;
- (V) was a contract grower; or
- (VI) sold or otherwise disposed of due to an eligible forage loss during—
 - (aa) the current production year; or
 - (bb) subject to paragraph (4)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

(ii) EXCLUSION.—The term “covered livestock” does not include livestock that were or would have been in a feedlot, on the beginning date of the eligible forage loss, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

(B) DROUGHT MONITOR.—The term “drought monitor” means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

(C) ELIGIBLE FORAGE LOSS.—The term “eligible forage loss” means 1 or more forage losses that occur due to weather-related conditions, including drought, flood, blizzard, hail, excessive moisture, hurricane, and fire, occurring during the normal grazing period, as determined by the Secretary, if the forage—

- (i) is grown on land that is native or improved pastureland with permanent vegetative cover; or
- (ii) is a crop planted specifically for the purpose of providing grazing for covered livestock of an eligible livestock producer.

(D) ELIGIBLE LIVESTOCK PRODUCER.—

(i) IN GENERAL.—The term “eligible livestock producer” means an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the covered livestock;

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by an eligible forage loss;

(III) certifies the eligible forage loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) EXCLUSION.—The term “eligible livestock producer” does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

(E) NORMAL CARRYING CAPACITY.—The term “normal carrying capacity”, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (4)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of an eligible forage loss that diminishes the production of the grazing land or pastureland.

(F) NORMAL GRAZING PERIOD.—The term “normal grazing period”, with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (4)(D)(i).

(3) PROGRAM.—For each of fiscal years 2012 through 2017, the Secretary shall use such

sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation under paragraphs (4) through (6), as determined by the Secretary for eligible forage losses affecting covered livestock of eligible livestock producers.

(4) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO DROUGHT CONDITIONS.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—An eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to drought on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the conservation reserve program under section 1231(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(d)(2)) (as amended by section 2001 of this Act).

(B) MONTHLY PAYMENT RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance for 1 month under this paragraph shall, in the case of drought, be equal to 60 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

(C) MONTHLY FEED COST.—

(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

(I) 30 days;

(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(II), the feed grain equivalent shall equal—

(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

(iii) CORN PRICE PER POUND.—For purposes of clause (i)(III), the corn price per pound shall equal the quotient obtained by dividing—

(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable Farm Service Agency committee.

(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

(ii) DROUGHT INTENSITY.—

(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

(aa) in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B);

(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 4 monthly payments using the monthly payment rate determined under subparagraph (B); or

(cc) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period, in an amount equal to 5 monthly payments using the monthly payment rate determined under subparagraph (B).

(5) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

(i) the eligible forage losses occur on rangeland that is managed by a Federal agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (4)(C).

(C) PAYMENT DURATION.—

(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible

to receive assistance under this paragraph for the period—

(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

(II) ending on the last day of the Federal lease of the eligible livestock producer.

(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO OTHER THAN DROUGHT OR FIRE.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—Subject to subparagraph (B), an eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to weather-related conditions other than drought or fire on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the conservation reserve program under section 1231(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(d)(2)) (as amended by section 2001 of this Act).

(B) PAYMENTS FOR ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—The Secretary shall provide assistance under this paragraph to an eligible livestock producer for eligible forage losses that occur due to weather-related conditions other than—

(I) drought under paragraph (4); and

(II) fire on public managed land under paragraph (5).

(ii) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for assistance under this paragraph that are consistent with the terms and conditions for assistance under this subsection.

(7) NO DUPLICATIVE PAYMENTS.—An eligible livestock producer may elect to receive assistance for eligible forage losses under either paragraph (4), (5), or (6), if applicable, but may not receive assistance under more than 1 of those paragraphs for the same loss, as determined by the Secretary.

(8) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this subsection shall be final and conclusive.

(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

(1) IN GENERAL.—For each of fiscal years 2012 through 2017, the Secretary shall use not more than \$5,000,000 of the funds of the Commodity Credit Corporation to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b) or (c).

(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

(e) TREE ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ORCHARDIST.—The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(B) NATURAL DISASTER.—The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

(C) NURSERY TREE GROWER.—The term “nursery tree grower” means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) TREE.—The term “tree” includes a tree, bush, and vine.

(2) ELIGIBILITY.—

(A) LOSS.—Subject to subparagraph (B), for each of fiscal years 2012 through 2017, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance—

(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 65 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed \$100,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENTS.—

(1) PAYMENT LIMITATIONS.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms “legal entity” and “person” have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (e)) may not exceed \$100,000 for any crop year.

(C) DIRECT ATTRIBUTION.—Subsections (d) and (e) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

(2) PAYMENT DELIVERY.—The Secretary shall make payments under this section after October 1, 2013, for losses incurred in the 2012 and 2013 fiscal years, and as soon as practicable for losses incurred in any year thereafter.

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title and sections 11001 and 11011 of this Act shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”); and

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed the allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of the expenditures during that period to ensure that the expenditures do not exceed the allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under

that paragraph and the extent of the adjustment to be made.

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2013 through 2017 crops of covered commodities (as defined in section 1104), cotton, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2017:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2013 through 2017 crops of covered commodities (as defined in section 1104), cotton, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2017:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2013 through 2017.

SEC. 1603. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b) and (c) and inserting the following:

“(b) LIMITATION ON PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under title I of subtitle A of the Agriculture Reform, Food, and Jobs Act of 2012 for—

“(1) peanuts may not exceed \$50,000; and

“(2) 1 or more other covered commodities may not exceed \$50,000.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) in subsection (a)(1), by striking “section 1001 of the Food, Conservation, and Energy Act of 2008” and inserting “section 1104 of the Agriculture Reform, Food, and Jobs Act of 2012”; and

(B) in subsection (d), by inserting “or title I of the Agriculture Reform, Food, and Jobs Act of 2012” before the period at the end;

(c) in subsection (e)—

(i) in paragraph (1), by striking “subsections (b) and (c) and a program described in paragraphs (1)(C)” and inserting “subsection (b) and a program described in paragraph (1)(B)”; and

(ii) in paragraph (3)(B), by striking “subsections (b) and (c)” each place it appears and inserting “subsection (b)”; and

(D) in subsection (f)—

(i) by striking “or title XII” each place it appears in paragraphs (5)(A) and (6)(A) and inserting “, title I of the Agriculture Reform, Food, and Jobs Act of 2012, or title XII”; and

(ii) in paragraph (2), by striking “Subsections (b) and (c)” and inserting “Subsection (b)”; and

(iii) in paragraph (4)(B), by striking “subsection (b) or (c)” and inserting “subsection (b)”; and

(iv) in paragraph (5)—

(I) in subparagraph (A), by striking “subsection (d)” and inserting “subsection (c)”; and

(II) in subparagraph (B), by striking “subsection (b), (c), or (d)” and inserting “subsection (b) or (c)”; and

(v) in paragraph (6)—

(I) in subparagraph (A), by striking “subsection (d), except as provided in subsection (g)” and inserting “subsection (c), except as provided in subsection (f)”; and

(II) in subparagraph (B), by striking “subsections (b), (c), and (d)” and inserting “subsections (b) and (c)”; and

(E) in subsection (g)—

(i) in paragraph (1)—

(I) by striking “subsection (f)(6)(A)” and inserting “subsection (e)(6)(A)” and

(II) by striking “subsection (b) or (c)” and inserting “subsection (b)”; and

(ii) in paragraph (2)(A), by striking “subsections (b) and (c)” and inserting “subsection (b)”; and

(F) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

(2) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(A) in subsection (a), by striking “subsections (b) and (c)” and inserting “subsection (b)”; and

(B) in subsection (b)(1), by striking “subsection (b) or (c)” and inserting “subsection (b)”; and

(3) Section 1001B(a) of the Food Security Act of 1985 (7 U.S.C. 1308-2(a)) is amended in the matter preceding paragraph (1) by striking “subsections (b) and (c)” and inserting “subsection (b)”; and

(4) Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3(a)) is amended by inserting “title I of the Agriculture Reform, Food, and Jobs Act of 2012,” after “2008.”.

(c) APPLICATION.—The amendments made by this section shall apply beginning with the 2013 crop year.

SEC. 1604. PAYMENTS LIMITED TO ACTIVE FARMERS.

Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(1) in subsection (b)(2)—

(A) by striking “or active personal management” each place it appears in subparagraphs (A)(i)(II) and (B)(ii); and

(B) in subparagraph (C), by striking “, as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management” and inserting “are met by partners or members making a significant contribution of personal labor, those partners or members”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

“(A) the landowner share-rents the land at a rate that is usual and customary;”;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) the share of the payments received by the landowner is commensurate with the share of the crop or income received as rent.”;

(B) in paragraph (2)(A), by striking “active personal management or”; and

(C) in paragraph (5)—

(i) by striking “(5)” and all that follows through “(A) IN GENERAL.—A person” and inserting the following:

“(5) CUSTOM FARMING SERVICES.—A person”;

(ii) by inserting “under usual and customary terms” after “services”; and

(iii) by striking subparagraph (B); and

(D) by adding at the end the following:

“(7) FARM MANAGERS.—A person who otherwise meets the requirements of this subsection other than (b)(2)(A)(i)(II) shall be considered to be actively engaged in farming, as determined by the Secretary, with respect to the farming operation, including a farming operation that is a sole proprietorship, a legal entity such as a joint venture or general partnership, or a legal entity such as a corporation or limited partnership, if the person—

“(A) makes a significant contribution of management to the farming operation necessary for the farming operation, taking into account—

“(i) the size and complexity of the farming operation; and

“(ii) the management requirements normally and customarily required by similar farming operations; and

“(B) is the only person in the farming operation qualifying as actively engaged in farming; and

“(C) does not use the management contribution under this paragraph to qualify as actively engaged in more than 1 farming operation; and

“(D) manages a farm operation that does not substantially share equipment, labor, or management with persons or legal entities that with the person collectively receive, directly or indirectly, an amount equal to more than the applicable limits under section 1001(b).”.

SEC. 1605. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)) is amended by striking paragraph (1) and inserting the following:

“(1) COMMODITY PROGRAMS.—

“(A) LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal or program year, as appropriate, if the average adjusted gross income (or comparable measure over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary) of the person or legal entity exceeds \$750,000.

“(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

“(i) A payment under section 1105 of the Agriculture Reform, Food, and Jobs Act of 2012.

“(ii) A marketing loan gain or loan deficiency payment under subtitle B of title I of the Agriculture Reform, Food, and Jobs Act of 2012.

“(iii) A payment under subtitle E of the Agriculture Reform, Food, and Jobs Act of 2012.”.

“(iv) A payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).”.

(b) APPLICATION.—The amendments made by this section shall apply beginning with the 2013 crop year.

SEC. 1606. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 1621(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8792(d)) is amended by striking “2012” and inserting “2017”.

SEC. 1607. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking “and title I of the Food, Conservation, and Energy Act of 2008” each place it appears and inserting “title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.), and title I of the Agriculture Reform, Food, and Jobs Act of 2012”.

SEC. 1608. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) RECONCILIATION.—At least twice each year, the Secretary shall reconcile social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Commissioner of Social Security to determine if the individuals are alive.

(b) PRECLUSION.—The Secretary shall preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for payments.

SEC. 1609. APPEALS.

(a) DIRECTION, CONTROL, AND SUPPORT.—Section 272 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6992) is amended by striking subsection (c) and inserting the following:

“(c) DIRECTION, CONTROL, AND SUPPORT.—

“(1) DIRECTION AND CONTROL.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the Director shall be free from the direction and control of any person other than the Secretary or the Deputy Secretary of Agriculture.

“(B) ADMINISTRATIVE SUPPORT.—The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary.

“(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate to any other officer or employee of the Department, other than the Deputy Secretary of Agriculture or the Director, the authority of the Secretary with respect to the Division.

“(2) EXCEPTION.—The Assistant Secretary for Administration is authorized to investigate, enforce, and implement the provisions in law, Executive order, or regulations that relate in general to competitive and excepted service positions and employment within the Division, including the position of Director, and such authority may be further delegated to subordinate officials.”.

(b) DETERMINATION OF APPEALABILITY OF AGENCY DECISIONS.—Section 272 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6992) is amended by striking subsection (d) and inserting the following:

“(d) DETERMINATION OF APPEALABILITY OF AGENCY DECISIONS.—

“(1) DEFINITION OF A MATTER OF GENERAL APPLICABILITY.—In this subsection, the term ‘a matter of general applicability’ means a matter that challenges the merits or authority of a rule, procedure, local or national program practice, or determination of an agency that applies, or can apply, to more

than 1 interested party as opposed to the particular application of the rule, procedure, or practice to a specific set of facts or the facts themselves as the facts apply to 1 particular interested party.

“(2) MATTERS NOT SUBJECT TO APPEAL.—The Division may not hear appeals—

“(A) unless the determination of the agency is adverse to the appellant;

“(B) that involve matters of general applicability; and

“(C) that involve requests for equitable relief unless the equitable relief has been denied by the agency.

“(3) EQUITABLE RELIEF.—

“(A) IN GENERAL.—An appeal requesting equitable relief may not be granted by the Director to an appellant unless, using the rules and practices that the agency applies to itself, the agency could in fact have granted the relief because the appellant acted in good faith, but failed to fully comply with the requirement of the rule or practice of the agency.

“(B) REMAND.—If it cannot be determined whether the agency would have granted equitable relief because the appellant acted in good faith, but failed to comply with the rule or practice of the agency, the matter shall be remanded to the agency for further consideration.

“(4) DETERMINATION OF APPEALABILITY.—If an officer, employee, or committee of an agency determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse to the individual participant and appealable or is a matter of general applicability and not subject to appeal.

“(5) APPEALABILITY OF DETERMINATION.—The determination of the Director as to whether a decision is appealable is final.”.

(c) EQUITABLE RELIEF.—Section 278 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6998) is amended by striking subsection (d).

(d) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6)(C), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) the authority of the Secretary to carry out amendments to sections 272 and 278 made by the Agriculture Reform, Food, and Jobs Act of 2012.”.

SEC. 1610. TECHNICAL CORRECTIONS.

(a) Section 359f(c)(1)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(B)) is amended by adding a period at the end.

(b)(1) Section 1603(g) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1739) is amended in paragraphs (2) through (6) and the amendments made by those paragraphs by striking “1703(a)” each place it appears and inserting “1603(a)”.

(2) This subsection and the amendments made by this subsection take effect as if included in the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651).

SEC. 1611. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the

Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1612. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1613. SIGNATURE AUTHORITY.

(a) IN GENERAL.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) AFFIRMATION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) NO RETROACTIVE EFFECT.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements.

SEC. 1614. IMPLEMENTATION.

(a) STREAMLINING.—In implementing this title, the Secretary shall, to the maximum extent practicable—

(1) seek to reduce administrative burdens and costs to producers by streamlining and reducing paperwork, forms, and other administrative requirements;

(2) improve coordination, information sharing, and administrative work with the Risk Management Agency and the Natural Resources Conservation Service; and

(3) take advantage of new technologies to enhance efficiency and effectiveness of program delivery to producers.

(b) IMPLEMENTATION.—On October 1, 2013, the Secretary shall make available to the Farm Service Agency to carry out this title \$100,000,000.

TITLE II—CONSERVATION

Subtitle A—Conservation Reserve Program

SEC. 2001. EXTENSION AND ENROLLMENT REQUIREMENTS OF CONSERVATION RESERVE PROGRAM.

(a) EXTENSION.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking “2012” and inserting “2017”.

(b) ELIGIBLE LAND.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B), by striking “the date of enactment of the Food, Conservation, and Energy Act of 2008” and inserting “the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012”;;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by inserting before paragraph (4) the following:

“(3) grassland that—

“(A) contains forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

“(B) is located in an area historically dominated by grassland; and

“(C) could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition;”;

(4) in paragraph (4)(C), by striking “filterstrips devoted to trees or shrubs” and inserting “filterstrips and riparian buffers devoted to trees, shrubs, or grasses”; and

(5) by striking paragraph (5) and inserting the following:

“(5) the portion of land in a field not enrolled in the conservation reserve in a case in which—

“(A) more than 50 percent of the land in the field is enrolled as a buffer or filterstrip or more than 75 percent of the land in the field is enrolled in a practice other than as a buffer or filterstrip; and

“(B) the remainder of the field is—

“(i) infeasible to farm; and

“(ii) enrolled at regular rental rates.”.

(c) **PLANTING STATUS OF CERTAIN LAND.**—Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by striking “if” and all that follows through the period at the end and inserting “if, during the crop year, the land was devoted to a conserving use.”.

(d) **ENROLLMENT.**—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (d) and inserting the following:

“(d) **ENROLLMENT.**—

“(1) **MAXIMUM ACREAGE ENROLLED.**—The Secretary may maintain in the conservation reserve at any 1 time during—

“(A) fiscal year 2012, no more than 32,000,000 acres;

“(B) fiscal year 2013, no more than 30,000,000 acres;

“(C) fiscal year 2014, no more than 27,500,000 acres;

“(D) fiscal year 2015, no more than 26,500,000 acres;

“(E) fiscal year 2016, no more than 25,500,000 acres; and

“(F) fiscal year 2017, no more than 25,000,000 acres.

“(2) **GRASSLAND.**—

“(A) **LIMITATION.**—For purposes of applying the limitations in paragraph (1), no more than 1,500,000 acres of the land described in subsection (b)(3) may be enrolled in the program at any 1 time during the 2013 through 2017 fiscal years.

“(B) **PRIORITY.**—In enrolling acres under subparagraph (A), the Secretary may give priority to land with expiring conservation reserve program contracts.

“(C) **METHOD OF ENROLLMENT.**—In enrolling acres under subparagraph (A), the Secretary shall make the program available to owners or operators of eligible land at least once during each fiscal year.”.

(e) **DURATION OF CONTRACT.**—Section 1231(e) of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) **SPECIAL RULE FOR CERTAIN LAND.**—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter, the owner or operator of the land may, within the limitations prescribed under this section, specify the duration of the contract.”.

(f) **CONSERVATION PRIORITY AREAS.**—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended—

(1) in paragraph (1), by striking “watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other”;;

(2) in paragraph (2), by striking “WATERSHEDS.—Watersheds” and inserting “AREAS.—Areas”; and

(3) in paragraph (3), by striking “a watershed’s designation—” and all that follows through the period at the end and inserting “an area’s designation if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.”.

SEC. 2002. FARMABLE WETLAND PROGRAM.

(a) **EXTENSION.**—Section 1231B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3831b(a)(1)) is amended—

(1) by striking “2012” and inserting “2017”; and

(2) by striking “a program” and inserting “a farmable wetland program”.

(b) **ELIGIBLE ACREAGE.**—Section 1231B(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831b(b)(1)(B)) is amended by striking “flow from a row crop agriculture drainage system” and inserting “surface and subsurface flow from row crop agricultural production”.

(c) **CLERICAL AMENDMENTS.**—Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) by striking the heading and inserting the following:

“**SEC. 1231B. FARMABLE WETLAND PROGRAM.**”;

and

(2) in subsection (f)(2), by striking “section 1234(c)(2)(B)” and inserting “section 1234(c)(2)(A)(ii)”.

SEC. 2003. DUTIES OF OWNERS AND OPERATORS.

(a) **LIMITATION ON HARVESTING, GRAZING OR COMMERCIAL USE OF FORAGE.**—Section 1232(a)(8) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(8)) is amended by striking “except that” and all that follows through the semicolon at the end of the paragraph and inserting “except as provided in section 1233(b);”.

(b) **CONSERVATION PLAN REQUIREMENTS.**—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (b) and inserting the following:

“(b) **CONSERVATION PLANS.**—The plan referred to in subsection (a)(1) shall set forth—

“(1) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

“(2) the commercial use, if any, to be permitted on the land during the term.”.

(c) **RENTAL PAYMENT REDUCTION.**—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (d).

SEC. 2004. DUTIES OF THE SECRETARY.

Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended to read as follows:

“SEC. 1233. DUTIES OF THE SECRETARY.

“(a) **COST-SHARE AND RENTAL PAYMENTS.**—In return for a contract entered into by an owner or operator, the Secretary shall—

“(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

“(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

“(A) the conversion of highly erodible cropland or other eligible land normally de-

voted to the production of an agricultural commodity on a farm or ranch to a less intensive use;

“(B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently; and

“(C) the development and management of grassland for multiple natural resource conservation benefits, including soil, water, air, and wildlife.

“(b) **SPECIFIED ACTIVITIES PERMITTED.**—The Secretary shall permit certain activities or commercial uses of land that is subject to the contract if those activities or uses are consistent with a plan approved by the Secretary and include—

“(1) harvesting, grazing, or other commercial use of the forage in response to drought, flooding, or other emergency without any reduction in the rental rate;

“(2) grazing by livestock of a beginning farmer or rancher without any reduction in the rental rate, if the grazing is—

“(A) consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during the primary nesting season for critical birds in the area); and

“(B) described in subparagraph (B) or (C) of paragraph (3);

“(3) consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during the primary nesting season for critical birds in the area) and in exchange for a reduction of not less than 25 percent in the annual rental rate for the acres covered by the authorized activity—

“(A) managed harvesting and other commercial use (including the managed harvesting of biomass), except that in permitting those activities the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements; and

“(ii) shall identify periods during which the activities may be conducted, such that the frequency is at least once every 5 years but not more than once every 3 years;

“(B) prescribed grazing for the control of invasive species, which may be conducted annually;

“(C) routine grazing, except that in permitting routine grazing, the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

“(ii) shall identify the periods during which routine grazing may be conducted, such that the frequency is not more than once every 2 years, taking into consideration regional differences such as—

“(I) climate, soil type, and natural resources;

“(II) the number of years that should be required between routine grazing activities; and

“(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

“(D) the installation of wind turbines and associated access, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

“(i) the location, size, and other physical characteristics of the land;

“(ii) the extent to which the land contains threatened or endangered wildlife and wildlife habitat; and

“(iii) the purposes of the conservation reserve program under this subchapter; and

“(4) the intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on land adjacent to the buffer such that the permitted use does not destroy the permanent vegetative cover.

“(C) AUTHORIZED ACTIVITIES ON GRASSLAND.—Notwithstanding section 1232(a)(8), for eligible land described in section 1231(b)(3), the Secretary shall permit the following activities:

“(1) Common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality.

“(2) Haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the primary nesting season for critical birds in the area.

“(3) Fire suppression, rehabilitation, and construction of fire breaks.

“(4) Grazing-related activities, such as fencing and livestock watering.

“(d) RESOURCE CONSERVING USE.—

“(1) IN GENERAL.—Beginning on the date that is 1 year before the date of termination of a contract under the program, the Secretary shall allow an owner or operator to make conservation and land improvements that facilitate maintaining protection of highly erodible land after expiration of the contract.

“(2) CONSERVATION PLAN.—The Secretary shall require an owner or operator carrying out the activities described in paragraph (1) to develop and implement a conservation plan.

“(3) REENROLLMENT PROHIBITED.—Land altered under paragraph (1) may not be reenrolled in the conservation reserve program for 5 years.

“(4) PAYMENT.—The Secretary shall provide an annual payment that is reduced in an amount commensurate with any income or other compensation received as a result of the activities carried out under paragraph (1).”

SEC. 2005. PAYMENTS.

(a) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—Section 1234(b)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(A)) is amended—

(1) in clause (i), by inserting “and” after the semicolon;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(b) INCENTIVES.—Section 1234(b)(3)(B) of the Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(B)) is amended—

(1) in clause (i), by inserting “, practices to improve the condition of resources on the land,” after “operator”;

(2) by adding at the end the following:

“(iii) INCENTIVES.—In making rental payments to an owner or operator of land described in subparagraph (A), the Secretary may provide incentive payments sufficient to encourage proper thinning and practices to improve the condition of resources on the land.”

(c) ANNUAL RENTAL PAYMENTS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

(1) in paragraph (1), by inserting “and other eligible land” after “highly erodible cropland” both places it appears;

(2) by striking paragraph (2) and inserting the following:

“(2) METHODS OF DETERMINATION.—

“(A) IN GENERAL.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under

this subchapter may be determined through—

“(i) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

“(ii) such other means as the Secretary determines are appropriate.

“(B) GRASSLAND.—In the case of eligible land described in section 1231(b)(3), the Secretary shall make annual payments in an amount that is not more than 75 percent of the grazing value of the land covered by the contract.”; and

(3) in paragraph (5)(A)—

(A) by striking “The Secretary” and inserting the following:

“(i) SURVEY.—The Secretary”; and

(B) by adding at the end the following:

“(ii) USE.—The Secretary may use the survey of dryland cash rental rates described in clause (i) as a factor in determining rental rates under this section as the Secretary determines appropriate.”

(d) PAYMENT SCHEDULE.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended by striking subsection (d) and inserting the following:

“(d) PAYMENT SCHEDULE.—

“(1) IN GENERAL.—Except as otherwise provided in this section, payments under this subchapter shall be made in cash in such amount and on such time schedule as is agreed on and specified in the contract.

“(2) SOURCE.—Payments under this subchapter shall be made using the funds of the Commodity Credit Corporation.

“(3) ADVANCE PAYMENT.—Payments under this subchapter may be made in advance of determination of performance.”

(e) PAYMENT LIMITATION.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking “, including rental payments made in the form of in-kind commodities,”;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (2).

SEC. 2006. CONTRACT REQUIREMENTS.

Section 1235(f) of the Food Security Act of 1985 (16 U.S.C. 3835(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “DUTIES” and all that follows through “a beginning farmer” and inserting “TRANSITION TO COVERED FARMER OR RANCHER.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired farmer or rancher to a beginning farmer”;

(B) in subparagraph (D), by striking “the farmer or rancher” and inserting “the covered farmer or rancher”; and

(C) in subparagraph (E), by striking “section 1001A(b)(3)(B)” and inserting “section 1001”; and

(2) in paragraph (2), by striking “requirement of section 1231(h)(4)(B)” and inserting “option provided under section 1234(c)(2)(A)(ii)”.

SEC. 2007. CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.

Section 1235A of the Food Security Act of 1985 (16 U.S.C. 3835a) is repealed.

SEC. 2008. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 2012, except, the amendment made by section 2001(d), which shall take effect on the date of enactment of this Act.

(b) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

title shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) UPDATING OF EXISTING CONTRACTS.—The Secretary shall permit an owner or operator with a contract entered into under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before October 1, 2012, to update the contract to reflect the activities and uses of land under contract permitted under the terms and conditions of paragraphs (1) and (2) of section 1233(b) of that Act (as amended by section 2004).

Subtitle B—Conservation Stewardship Program

SEC. 2101. CONSERVATION STEWARDSHIP PROGRAM.

(a) REVISION OF CURRENT PROGRAM.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is amended to read as follows:

“Subchapter B—Conservation Stewardship Program

“SEC. 1238D. DEFINITIONS.

“In this subchapter:

“(1) AGRICULTURAL OPERATION.—The term ‘agricultural operation’ means all eligible land, whether or not contiguous, that is—

“(A) under the effective control of a producer at the time the producer enters into a contract under the program; and

“(B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

“(2) CONSERVATION ACTIVITIES.—

“(A) IN GENERAL.—The term ‘conservation activities’ means conservation systems, practices, or management measures.

“(B) INCLUSIONS.—The term ‘conservation activities’ includes—

“(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

“(ii) planning needed to address a priority resource concern.

“(3) CONSERVATION STEWARDSHIP PLAN.—The term ‘conservation stewardship plan’ means a plan that—

“(A) identifies and inventories priority resource concerns;

“(B) establishes benchmark data and conservation objectives;

“(C) describes conservation activities to be implemented, managed, or improved; and

“(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

“(4) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ means—

“(i) private and tribal land on which agricultural commodities, livestock, or forest-related products are produced; and

“(ii) land associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

“(B) INCLUSIONS.—The term ‘eligible land’ includes—

“(i) cropland;

“(ii) grassland;

“(iii) rangeland;

“(iv) pastureland;“(v) nonindustrial private forest land; and“(vi) other agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock), as determined by the Secretary.

“(5) PRIORITY RESOURCE CONCERN.—The term ‘priority resource concern’ means a natural resource concern or problem, as determined by the Secretary, that—

“(A) is identified at the national, State or local level, as a priority for a particular area of the State;

“(B) represents a significant concern in a State or region; and

“(C) is likely to be addressed successfully through the implementation of conservation activities under this program.

“(6) PROGRAM.—The term ‘program’ means the conservation stewardship program established by this subchapter.

“(7) STEWARDSHIP THRESHOLD.—The term ‘stewardship threshold’ means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource.

“SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

“(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2013 through 2017, the Secretary shall carry out a conservation stewardship program to encourage producers to address priority resource concerns and improve and conserve the quality and condition of natural resources in a comprehensive manner—

“(1) by undertaking additional conservation activities; and

“(2) by improving, maintaining, and managing existing conservation activities.

“(b) EXCLUSIONS.—

“(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land (even if covered by the definition of eligible land) is not eligible for enrollment in the program:

“(A) Land enrolled in the conservation reserve program.

“(B) Land enrolled in the Agricultural Conservation Easement Program in a wetland easement.

“(C) Land enrolled in the conservation security program.

“(2) CONVERSION TO CROPLAND.—Eligible land used for crop production after October 1, 2012, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

“(A) the land had previously been enrolled in the conservation reserve program;

“(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

“(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

“SEC. 1238F. STEWARDSHIP CONTRACTS.

“(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit a contract offer for the agricultural operation that—

“(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least 2 priority resource concerns; and

“(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 additional priority resource concern by the end of the stewardship contract by—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing existing conservation activities on the agricultural operation in a manner that increases or extends the conservation benefits in place at the time the contract offer is accepted by the Secretary.

“(b) EVALUATION OF CONTRACT OFFERS.—

“(1) RANKING OF APPLICATIONS.—In evaluating contract offers the Secretary shall rank applications based on—

“(A) the level of conservation treatment on all applicable priority resource concerns at the time of application;

“(B) the degree to which the proposed conservation activities effectively increase conservation performance;

“(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

“(D) the extent to which other priority resource concerns will be addressed to meet or exceed the stewardship threshold by the end of the contract period;

“(E) the extent to which the actual and anticipated conservation benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers; and

“(F) the extent to which priority resource concerns will be addressed when transitioning from the conservation reserve program to agricultural production.

“(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

“(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria that the Secretary determines are necessary to ensure that national, State, and local priority resource concerns are effectively addressed.

“(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the eligible land to be covered by the contract.

“(d) CONTRACT PROVISIONS.—

“(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

“(2) REQUIRED PROVISIONS.—The conservation stewardship contract of a producer shall—

“(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(d);

“(B) require the producer—

“(i) to implement a conservation stewardship plan that describes the program purposes to be achieved through 1 or more conservation activities;

“(ii) to maintain and supply information as required by the Secretary to determine compliance with the conservation stewardship plan and any other requirements of the program; and

“(iii) not to conduct any activities on the agricultural operation that would tend to defeat the purposes of the program;

“(C) permit all economic uses of the eligible land that—

“(i) maintain the agricultural nature of the land; and

“(ii) are consistent with the conservation purposes of the conservation stewardship contract;

“(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary;

“(E) include provisions where upon the violation of a term or condition of the contract at any time the producer has control of the land—

“(i) if the Secretary determines that the violation warrants termination of the contract—

“(I) to forfeit all rights to receive payments under the contract; and

“(II) to refund all or a portion of the payments received by the producer under the contract, including any interest on the payments, as determined by the Secretary; or

“(ii) if the Secretary determines that the violation does not warrant termination of the contract, to refund or accept adjustments to the payments provided to the producer, as the Secretary determines to be appropriate;

“(F) include provisions in accordance with paragraphs (3) and (4) of this section; and

“(G) include any additional provisions the Secretary determines are necessary to carry out the program.

“(3) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

“(A) IN GENERAL.—At the time of application, a producer shall have control of the eligible land to be enrolled in the program. Except as provided in subparagraph (B), a change in the interest of a producer in eligible land covered by a contract under the program shall result in the termination of the contract with regard to that land.

“(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

“(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in all or a portion of the land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that duties and rights under the contract have been transferred to, and assumed by, the transferee for the portion of the land transferred;

“(ii) the transferee meets the eligibility requirements of the program; and

“(iii) the Secretary approves the transfer of all duties and rights under the contract.

“(4) MODIFICATION AND TERMINATION OF CONTRACTS.—

“(A) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract with a producer if—

“(i) the producer agrees to the modification or termination; and

“(ii) the Secretary determines that the modification or termination is in the public interest.

“(B) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract if the Secretary determines that the producer violated the contract.

“(5) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

“(A) allow the producer to retain payments already received under the contract; or

“(B) require repayment, in whole or in part, of payments received and assess liquidated damages.

“(e) CONTRACT RENEWAL.—At the end of the initial 5-year contract period, the Secretary may allow the producer to renew the contract for 1 additional 5-year period if the producer—

“(1) demonstrates compliance with the terms of the existing contract;

“(2) agrees to adopt and continue to integrate conservation activities across the entire agricultural operation as determined by the Secretary; and

“(3) agrees, at a minimum, to meet or exceed the stewardship threshold for at least 2 additional priority resource concerns on the agricultural operation by the end of the contract period.

“SEC. 1238G. DUTIES OF THE SECRETARY.

“(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

“(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, 1 of which shall occur in the first quarter of each fiscal year;

“(2) identify not less than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

“(3) establish a science-based stewardship threshold for each priority resource concern identified under subparagraph (2).

“(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

“(1) primarily on each State’s proportion of eligible land to the total acreage of eligible land in all States; and

“(2) also on consideration of—

“(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

“(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

“(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

“(c) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2012, and ending on September 30, 2021, the Secretary shall, to the maximum extent practicable—

“(1) enroll in the program an additional 10,348,000 acres for each fiscal year; and

“(2) manage the program to achieve a national average rate of \$18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

“(d) CONSERVATION STEWARDSHIP PAYMENTS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide annual payments under the program to compensate the producer for—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

“(2) PAYMENT AMOUNT.—The amount of the conservation stewardship annual payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

“(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

“(B) Income forgone by the producer.

“(C) Expected conservation benefits.

“(D) The extent to which priority resource concerns will be addressed through the installation and adoption of conservation activities on the agricultural operation.

“(E) The level of stewardship in place at the time of application and maintained over the term of the contract.

“(F) The degree to which the conservation activities will be integrated across the entire agricultural operation for all applicable priority resource concerns over the term of the contract.

“(G) Such other factors as determined by the Secretary.

“(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

“(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

“(B) conservation activities for which there is no cost incurred or income forgone to the producer.

“(4) DELIVERY OF PAYMENTS.—In making stewardship payments, the Secretary shall, to the extent practicable—

“(A) prorate conservation performance over the term of the contract so as to accommodate, to the extent practicable, producers earning equal annual stewardship payments in each fiscal year; and

“(B) make stewardship payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

“(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.

“(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

“(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain the resource-conserving crop rotations for the term of the contract.

“(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term ‘resource-conserving crop rotation’ means a crop rotation that—

“(A) includes at least 1 resource conserving crop (as defined by the Secretary);

“(B) reduces erosion;

“(C) improves soil fertility and tilth;

“(D) interrupts pest cycles; and

“(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

“(f) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under the program that, in the aggregate, exceed \$200,000 under all contracts entered into during fiscal years 2013 through 2017, excluding funding arrangements with Indian tribes, regardless of the number of contracts entered into under the program by the person or legal entity.

“(g) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

“(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a

transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under the program.

“(i) REGULATIONS.—The Secretary shall promulgate regulations that—

“(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (f); and

“(2) otherwise enable the Secretary to carry out the program.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) CONSERVATION STEWARDSHIP PROGRAM.—Funds made available under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) (as amended by section 2601(a)) may be used to administer and make payments to program participants enrolled into contracts during any of fiscal years 2009 through 2012.

Subtitle C—Environmental Quality Incentives Program

SEC. 2201. PURPOSES.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by inserting “and” after the semicolon; and

(C) by inserting after subparagraph (A) the following:

“(B) develop and improve wildlife habitat; and”;

(2) in paragraph (4), by striking “; and” and inserting a period; and

(3) by striking paragraph (5).

SEC. 2202. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa-1) is amended—

(1) by striking paragraph (2) and redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively; and

(2) in paragraph (2) (as so redesignated), by inserting “established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)” after “national organic program”.

SEC. 2203. ESTABLISHMENT AND ADMINISTRATION.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) is amended—

(1) in subsection (a), by striking “2014” and inserting “2017”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) TERM.—A contract under the program shall have a term that does not exceed 10 years.”;

(3) in subsection (d)—

(A) in paragraph (3), by striking subparagraphs (A) through (G) and inserting the following:

“(A) soil health;

“(B) water quality and quantity improvement;

“(C) nutrient management;

“(D) pest management;

“(E) air quality improvement;

“(F) wildlife habitat development, including pollinator habitat;

“(G) invasive species management; or

“(H) other resource issues of regional or national significance, as determined by the Secretary.”; and

(B) in paragraph (4)—

(i) in subparagraph (A) in the matter preceding clause (i), by inserting “, veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))),” before “or a beginning farmer or rancher”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) ADVANCE PAYMENTS.—

“(i) IN GENERAL.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

“(ii) RETURN OF FUNDS.—If funds provided in advance are not expended during the 90-day period beginning on the date of receipt of the funds, the funds shall be returned within a reasonable time frame, as determined by the Secretary.”;

(4) by striking subsection (f) and inserting the following:

“(f) ALLOCATION OF FUNDING.—

“(1) LIVESTOCK.—For each of fiscal years 2013 through 2017, at least 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

“(2) WILDLIFE HABITAT.—For each of fiscal years 2013 through 2017, at least 5 percent of the funds made available for payments under the program shall be targeted at practices benefitting wildlife habitat under subsection (g).”; and

(5) by striking subsection (g) and inserting the following:

“(g) WILDLIFE HABITAT INCENTIVE PRACTICE.—The Secretary shall provide payments under the program for conservation practices that support the restoration, development, and improvement of wildlife habitat on eligible land, including—

“(1) upland wildlife habitat;

“(2) wetland wildlife habitat;

“(3) habitat for threatened and endangered species;

“(4) fish habitat;

“(5) habitat on pivot corners and other irregular areas of a field; and

“(6) other types of wildlife habitat, as determined by the Secretary.”.

SEC. 2204. EVALUATION OF APPLICATIONS.

Section 1240C(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa-3(b)) is amended—

(1) in paragraph (1), by striking “environmental” and inserting “conservation”; and

(2) in paragraph (3), by striking “purpose of the environmental quality incentives program specified in section 1240(1)” and inserting “purposes of the program”.

SEC. 2205. DUTIES OF PRODUCERS.

Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa-4(2)) is amended by striking “farm, ranch, or forest” and inserting “enrolled”.

SEC. 2206. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended—

(1) in subsection (a)—

(A) by striking “by the person or entity during any six-year period,” and inserting “during fiscal years 2013 through 2017”; and

(B) by striking “federally recognized” and all that follows through the period and inserting “Indian tribes under section 1244(l).”; and

(2) in subsection (b)(2), by striking “any six-year period” and inserting “fiscal years 2013 through 2017”.

SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended by striking subsection (b) and inserting the following:

“(b) REPORTING.—Not later than December 31, 2013, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

“(1) funding awarded;

“(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”.

SEC. 2208. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 2012.

(b) EFFECT ON EXISTING CONTRACTS.—The amendments made by this title shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) before October 1, 2012, or any payments required to be made in connection with the contract.

Subtitle D—Agricultural Conservation Easement Program

SEC. 2301. AGRICULTURAL CONSERVATION EASEMENT PROGRAM.

(a) ESTABLISHMENT.—Title XII of the Food Security Act of 1985 is amended by adding at the end the following:

“Subtitle H—Agricultural Conservation Easement Program

“SEC. 1265. ESTABLISHMENT AND PURPOSES.

“(a) ESTABLISHMENT.—The Secretary shall establish an Agricultural Conservation Easement Program for the conservation of eligible land and natural resources through easements or other interests in land.

“(b) PURPOSES.—The purposes of the program are to—

“(1) combine the purposes and coordinate the functions of the wetlands reserve program established under section 1237, the grassland reserve program established under section 1238N, and the farmland protection program established under section 1238I;

“(2) restore, protect, and enhance wetland on eligible land;

“(3) protect the agricultural use, viability, and related conservation values of eligible land by limiting nonagricultural uses of that land; and

“(4) protect grazing uses and related conservation values by restoring and conserving eligible land.

“SEC. 1265A. DEFINITIONS.

“In this subtitle:

“(1) AGRICULTURAL LAND EASEMENT.—The term ‘agricultural land easement’ means an easement or other interest in eligible land that—

“(A) is conveyed for the purposes of protecting natural resources and the agricultural nature of the land, and of promoting agricultural viability for future generations; and

“(B) permits the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an agency of State or local government or an Indian tribe (including farmland protection board or land resource council established under State law); or

“(B) an organization that is—

“(i) organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

“(ii) an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; or

“(iii) described in—

“(I) paragraph (1) or (2) of section 509(a) of that Code; or

“(II) section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

“(3) ELIGIBLE LAND.—The term ‘eligible land’ means private or tribal land that is—

“(A) in the case of an agricultural land easement, agricultural land, including land on a farm or ranch—

“(i) that is subject to a pending offer for purchase from an eligible entity;

“(ii) that—

“(I) has prime, unique, or other productive soil;

“(II) contains historical or archaeological resources; or

“(III) the protection of which will further a State or local policy consistent with the purposes of the program; and

“(iii) that is—

“(I) cropland;

“(II) rangeland;

“(III) grassland or land that contains forbs, or shrubland for which grazing is the predominant use;

“(IV) pastureland; or

“(V) nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development;

“(B) in the case of a wetland easement, a wetland or related area, including—

“(i) farmed or converted wetland, together with the adjacent land that is functionally dependent on that land if the Secretary determines it—

“(I) is likely to be successfully restored in a cost effective manner; and

“(II) will maximize the wildlife benefits and wetland functions and values as determined by the Secretary in consultation with the Secretary of the Interior at the local level;

“(ii) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pot hole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland;

“(iii) farmed wetland and adjoining land that—

“(I) is enrolled in the conservation reserve program;

“(II) has the highest wetland functions and values; and

“(III) is likely to return to production after the land leaves the conservation reserve program;

“(iv) riparian areas that link wetland that is protected by easements or some other device that achieves the same purpose as an easement; or

“(v) other wetland of an owner that would not otherwise be eligible if the Secretary determines that the inclusion of such wetland in such easement would significantly add to the functional value of the easement; and

“(C) in the case of both an agricultural land easement or wetland easement, other land that is incidental to eligible land if the Secretary determines that it is necessary for the efficient administration of the easements under this program.

“(4) PROGRAM.—The term ‘program’ means the Agricultural Conservation Easement Program established by this subtitle.

“(5) WETLAND EASEMENT.—The term ‘wetland easement’ means a reserved interest in eligible land that—

“(A) is defined and delineated in a deed; and

“(B) stipulates—

“(i) the rights, title, and interests in land conveyed to the Secretary; and

“(ii) the rights, title, and interests in land that are reserved to the landowner.

“SEC. 1265B. AGRICULTURAL LAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall facilitate and provide funding for—

“(1) the purchase of agricultural land easements and other interests in eligible land; and

“(2) technical assistance to provide for the conservation of natural resources pursuant to an agricultural land easement plan.

“(b) COST-SHARE ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide cost-share assistance to eligible entities for purchasing agricultural land easements to protect the agricultural use, including grazing, and related conservation values of eligible land.

“(2) SCOPE OF ASSISTANCE AVAILABLE.—

“(A) FEDERAL SHARE.—Subject to subparagraph (C), an agreement described in paragraph (4) shall provide for a Federal share determined by the Secretary of an amount not to exceed 50 percent of the fair market value of the agricultural land easement or other interest in land, as determined by the Secretary using—

“(i) the Uniform Standards of Professional Appraisal Practices;

“(ii) an area-wide market analysis or survey; or

“(iii) another industry approved method.

“(B) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—Subject to subparagraph (C), under the agreement, the eligible entity shall provide a share that is at least equivalent to that provided by the Secretary.

“(ii) SOURCE OF CONTRIBUTION.—An eligible entity may include as part of its share a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the amount contributed by the Secretary.

“(C) WAIVER AUTHORITY.—In the case of grassland of special environmental significance, as determined by the Secretary, the Secretary may provide up to 75 percent of the fair market value of the agricultural land easement.

“(3) EVALUATION AND RANKING OF APPLICATIONS.—

“(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

“(i) protecting agricultural uses and related conservation values of the land; and

“(ii) maximizing the protection of contiguous acres devoted to agricultural use.

“(C) BIDDING DOWN.—If the Secretary determines that 2 or more applications for cost-

share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any of those applications solely on the basis of lesser cost to the program.

“(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under this section.

“(B) LENGTH OF AGREEMENTS.—An agreement shall be for a term that is—

“(i) in the case of an eligible entity certified under the process described in paragraph (5), a minimum of 5 years; and

“(ii) for all other eligible entities, at least 3, but not more than 5 years.

“(C) MINIMUM TERMS AND CONDITIONS.—An eligible entity shall be authorized to use its own terms and conditions for agricultural land easements so long as the Secretary determines such terms and conditions—

“(i) are consistent with the purposes of the program;

“(ii) are permanent or for the maximum duration allowed under applicable State law;

“(iii) permit effective enforcement of the conservation purposes of such easements, including appropriate restrictions depending on the purposes for which the easement is acquired;

“(iv) include a right of enforcement for the Secretary;

“(v) subject the land purchased to an agricultural land easement plan that—

“(I) describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired;

“(II) requires the management of grassland according to a grassland management plan; and

“(III) includes a conservation plan, where appropriate, and requires, at the option of the Secretary, the conversion of highly erodible cropland to less intensive uses; and

“(vi) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

“(D) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

“(E) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement under this subsection—

“(i) the agreement may be terminated; and

“(ii) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

“(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

“(A) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

“(i) directly certify eligible entities that meet established criteria;

“(ii) enter into long-term agreements with certified eligible entities; and

“(iii) accept proposals for cost-share assistance for the purchase of agricultural land easements throughout the duration of such agreements.

“(B) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

“(i) a plan for administering easements that is consistent with the purpose of this subtitle;

“(ii) the capacity and resources to monitor and enforce agricultural land easements; and

“(iii) policies and procedures to ensure—

“(I) the long-term integrity of agricultural land easements on eligible land;

“(II) timely completion of acquisitions of easements; and

“(III) timely and complete evaluation and reporting to the Secretary on the use of funds provided under the program.

“(C) REVIEW AND REVISION.—

“(i) REVIEW.—The Secretary shall conduct a review of eligible entities certified under subparagraph (A) every 3 years to ensure that such entities are meeting the criteria established under subparagraph (B).

“(ii) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under subparagraph (B), the Secretary may—

“(I) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

“(II) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet such criteria.

“(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, if requested, to assist in—

“(1) compliance with the terms and conditions of easements; and

“(2) implementation of an agricultural land easement plan.

“SEC. 1265C. WETLAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall provide assistance to owners of eligible land to restore, protect, and enhance wetland through—

“(1) easements and related wetland easement plans; and

“(2) technical assistance.

“(b) EASEMENTS.—

“(1) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land through the use of—

“(A) 30-year easements;

“(B) permanent easements;

“(C) easements for the maximum duration allowed under applicable State laws; or

“(D) as an option for Indian tribes only, 30-year contracts.

“(2) LIMITATIONS.—

“(A) INELIGIBLE LAND.—The Secretary may not acquire easements on—

“(i) land established to trees under the conservation reserve program, except in cases where the Secretary determines it would further the purposes of the program; and

“(ii) farmed wetland or converted wetland where the conversion was not commenced prior to December 23, 1985.

“(B) CHANGES IN OWNERSHIP.—No easement shall be created on land that has changed ownership during the preceding 24-month period unless—

“(i) the new ownership was acquired by will or succession as a result of the death of the previous owner;

“(ii) (I) the ownership change occurred because of foreclosure on the land; and

“(II) immediately before the foreclosure, the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law; or

“(iii) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program.

“(3) EVALUATION AND RANKING OF OFFERS.—

“(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

“(i) the conservation benefits of obtaining an easement or 30-year contract, including the potential environmental benefits if the land was removed from agricultural production;

“(ii) the cost-effectiveness of each easement or 30-year contract, so as to maximize the environmental benefits per dollar expended;

“(iii) whether the landowner or another person is offering to contribute financially to the cost of the easement or 30-year contract to leverage Federal funds; and

“(iv) such other factors as the Secretary determines are necessary to carry out the purposes of the program.

“(C) PRIORITY.—The Secretary shall place priority on acquiring easements based on the value of the easement for protecting and enhancing habitat for migratory birds and other wildlife.

“(4) AGREEMENT.—To be eligible to place eligible land into the program through a wetland easement, the owner of such land shall enter into an agreement with the Secretary to—

“(A) grant an easement on such land to the Secretary;

“(B) authorize the implementation of a wetland easement plan;

“(C) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to;

“(D) provide a written statement of consent to such easement signed by those holding a security interest in the land;

“(E) comply with the terms and conditions of the easement and any related agreements; and

“(F) permanently retire any existing cropland base and allotment history for the land on which the easement has been obtained.

“(5) TERMS AND CONDITIONS OF EASEMENT.—“(A) IN GENERAL.—A wetland easement shall include terms and conditions that—

“(i) permit—

“(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

“(II) owners to control public access on the easement areas while identifying access routes to be used for restoration activities and management and easement monitoring;

“(ii) prohibit—

“(I) the alteration of wildlife habitat and other natural features of such land, unless specifically authorized by the Secretary;

“(II) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is authorized by the Secretary or is necessary—

“(aa) to comply with Federal or State noxious weed control laws;

“(bb) to comply with a Federal or State emergency pest treatment program; or

“(cc) to meet habitat needs of specific wildlife species;

“(III) any activities to be carried out on the owner's or successor's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and

“(IV) the adoption of any other practice that would tend to defeat the purposes of the program, as determined by the Secretary;

“(iii) provide for the efficient and effective establishment of wetland functions and values; and

“(iv) include such additional provisions as the Secretary determines are desirable to carry out the program or facilitate the practical administration thereof.

“(B) VIOLATION.—On the violation of the terms or conditions of the easement, the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under the program, together with interest thereon as determined appropriate by the Secretary.

“(C) COMPATIBLE USES.—Land subject to a wetland easement may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the wetland easement plan and is consistent with the long-term protection and enhancement of the wetland resources for which the easement was established.

“(D) RESERVATION OF GRAZING RIGHTS.—The Secretary may include in the terms and conditions of an easement a provision under which the owner reserves grazing rights if—

“(i) the Secretary determines that the reservation and use of the grazing rights—

“(I) is compatible with the land subject to the easement;

“(II) is consistent with the historical natural uses of the land and long-term protection and enhancement goals for which the easement was established; and

“(III) complies with the wetland easement plan; and

“(ii) the agreement provides for a commensurate reduction in the easement payment to account for the grazing value, as determined by the Secretary.

“(E) APPLICATION.—The relevant provisions of this paragraph shall also apply to a 30-year contract.

“(6) COMPENSATION.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—The Secretary shall pay as compensation for a permanent easement acquired an amount necessary to encourage enrollment in the program based on the lowest of—

“(I) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

“(II) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

“(III) the offer made by the landowner.

“(ii) OTHER.—Compensation for a 30-year contract or 30-year easement shall be not less than 50 percent, but not more than 75 percent, of the compensation that would be paid for a permanent easement.

“(B) FORM OF PAYMENT.—Compensation shall be provided by the Secretary in the form of a cash payment, in an amount determined under subparagraph (A).

“(C) PAYMENT SCHEDULE.—

“(i) EASEMENTS VALUED AT LESS THAN \$500,000.—For easements valued at \$500,000 or less, the Secretary may provide easement payments in not more than 10 annual payments.

“(ii) EASEMENTS VALUED AT MORE THAN \$500,000.—For easements valued at more than \$500,000, the Secretary may provide easement payments in at least 5, but not more than 10 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may

make a lump sum payment for such an easement.

“(c) EASEMENT RESTORATION.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to carry out the establishment of conservation measures and practices and protect wetland functions and values, including necessary maintenance activities, as set forth in a wetland easement plan.

“(2) PAYMENTS.—The Secretary shall—

“(A) in the case of a permanent easement, pay an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs; and

“(B) in the case of a 30-year contract or 30-year easement, pay an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs.

“(d) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall assist owners in complying with the terms and conditions of easements and 30-year contracts.

“(2) CONTRACTS OR AGREEMENTS.—The Secretary may enter into 1 or more contracts with private entities or agreements with a State, non-governmental organization, or Indian tribe to carry out necessary restoration, enhancement or maintenance of an easement if the Secretary determines that the contract or agreement will advance the purposes of the program.

“(e) WETLAND ENHANCEMENT OPTION.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetland enhancement option that the Secretary determines would advance the purposes of the program.

“(f) ADMINISTRATION.—

“(1) WETLAND EASEMENT PLAN.—The Secretary shall develop a wetland easement plan for eligible land subject to a wetland easement, which will include the practices and activities necessary to restore, protect, enhance, and maintain the enrolled land.

“(2) DELEGATION OF EASEMENT ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may delegate any of the easement management, monitoring, and enforcement responsibilities of the Secretary to other Federal or State agencies that have the appropriate authority, expertise and resources necessary to carry out such delegated responsibilities or to other conservation organizations if the Secretary determines the organization has similar expertise and resources.

“(B) LIMITATION.—The Secretary shall not delegate any of the monitoring or enforcement responsibilities under the program to conservation organizations.

“(3) PAYMENTS.—

“(A) TIMING OF PAYMENTS.—The Secretary shall provide payment for obligations incurred by the Secretary under this section—

“(i) with respect to any easement restoration obligation as soon as possible after the obligation is incurred; and

“(ii) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

“(B) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person or entity who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of

law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

“SEC. 1265D. ADMINISTRATION.

“(a) **INELIGIBLE LAND.**—The Secretary may not acquire an easement under the program on—

“(1) land owned by an agency of the United States, other than land held in trust for Indian tribes;

“(2) land owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government;

“(3) land subject to an easement or deed restriction which, as determined by the Secretary, provides similar protection as would be provided by enrollment in the program; and

“(4) land where the purposes of the program would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.

“(b) **PRIORITY.**—In evaluating applications under the program, the Secretary may give priority to land that is currently enrolled in the conservation reserve program in a contract that is set to expire within 1 year and—

“(1) in the case of an agricultural land easement, is grassland that would benefit from protection under a long-term easement; and

“(2) in the case of a wetland easement, is a wetland or related area with the highest functions and values and is likely to return to production after the land leaves the conservation reserve program.

“(c) **SUBORDINATION, EXCHANGE, MODIFICATION, AND TERMINATION.**—

“(1) **IN GENERAL.**—The Secretary may subordinate, exchange, terminate, or modify any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program when the Secretary determines that—

“(A) it is in the Federal Government's interest to subordinate, exchange, modify or terminate the interest in land;

“(B) the subordination, exchange, modification, or termination action—

“(i) will address a compelling public need for which there is no practicable alternative, or

“(ii) such action will further the practical administration of the program; and

“(C) the subordination, exchange, modification, or termination action will result in comparable conservation value and equivalent or greater economic value to the United States.

“(2) **CONSULTATION.**—The Secretary shall work with the current owner, and eligible entity if applicable, to address any subordination, exchange, termination, or modification of the interest, or portion of such interest in land.

“(3) **NOTICE.**—At least 90 days before taking any termination action described in paragraph (1), the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(d) **LAND ENROLLED IN OTHER PROGRAMS.**—

“(1) **CONSERVATION RESERVE PROGRAM.**—The Secretary may terminate or modify an existing contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program.

“(2) **OTHER.**—Land enrolled in the wetlands reserve program, grassland reserve program, or farmland protection program shall be considered enrolled in this program.

“(e) **ALLOCATION OF FUNDS FOR AGRICULTURAL LAND EASEMENTS.**—Of the funds made available under section 1241 to carry out the program for a fiscal year, the Secretary shall, to the extent practicable, use no less than 40 percent for agricultural land easements.”

(b) **COMPLIANCE WITH CERTAIN REQUIREMENTS.**—Before an eligible entity or owner of eligible land may receive assistance under subtitle H of title XII of the Food Security Act of 1985, the eligible entity or person shall agree, during the crop year for which the assistance is provided and in exchange for the assistance—

(1) to comply with applicable conservation requirements under subtitle B of title XII of that Act (16 U.S.C. 3811 et seq.); and

(2) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(c) **CROSS REFERENCE.**—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “and” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B); and

(iii) by striking subparagraph (C);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) the Agricultural Conservation Easement Program established under subtitle H; and”;

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “programs administered under subchapters B and C of chapter 1 of subtitle D” and inserting “conservation reserve program established under subchapter B of chapter 1 of subtitle D and the Agricultural Conservation Easement Program under subtitle H using wetland easements under section 1265C”; and

(ii) in subparagraph (B), by striking “subchapter C of chapter 1 of subtitle D” and inserting “the Agricultural Conservation Easement Program under subtitle H using wetland easements under section 1265C”; and

(B) in paragraph (4), by striking “subchapter C” and inserting “subchapter B”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2012.

Subtitle E—Regional Conservation Partnership Program

SEC. 2401. REGIONAL CONSERVATION PARTNERSHIP PROGRAM.

(a) **IN GENERAL.**—Title XII of the Food Security Act of 1985 is amended by inserting after subtitle H (as added by section 2301) the following:

“Subtitle I—Regional Conservation Partnership Program

“SEC. 1271. ESTABLISHMENT AND PURPOSES.

“(a) **ESTABLISHMENT.**—The Secretary shall establish a Regional Conservation Partnership Program to implement eligible activities through—

“(1) partnership agreements with eligible partners; and

“(2) contracts with producers.

(b) **PURPOSES.**—The purposes of the program are—

“(1) to combine the purposes and coordinate the functions of—

“(A) the agricultural water enhancement program established under section 1240I;

“(B) the Chesapeake Bay watershed program established under section 1240Q;

“(C) the cooperative conservation partnership initiative established under section 1243; and

“(D) the Great Lakes basin program for soil erosion and sediment control established under section 1240P.”

“(2) to further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on a regional or watershed scale; and

“(3) to encourage partners to cooperate with producers in—

“(A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production; and

“(B) implementing projects that will result in the installation and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multi-State basis.

“SEC. 1271A. DEFINITIONS.

“In this subtitle:

“(1) **COVERED PROGRAMS.**—The term ‘covered programs’ means—

“(A) the agricultural conservation easement program;

“(B) the environmental quality incentives program; and

“(C) the conservation stewardship program.

“(2) **ELIGIBLE ACTIVITY.**—The term ‘eligible activity’ means any of the following conservation activities when delivered through a covered program:

“(A) Water quality restoration or enhancement projects, including nutrient management and sediment reduction.

“(B) Water quantity conservation, restoration, or enhancement projects relating to surface water and groundwater resources, including—

“(i) the conversion of irrigated cropland to the production of less water-intensive agricultural commodities or dryland farming; and

“(ii) irrigation system improvement and irrigation efficiency enhancement.

“(C) Drought mitigation.

“(D) Flood prevention.

“(E) Water retention.

“(F) Habitat conservation, restoration, and enhancement.

“(G) Erosion control.

“(H) Other related activities that the Secretary determines will help achieve conservation benefits.

“(3) **ELIGIBLE PARTNER.**—The term ‘eligible partner’ means any of the following:

“(A) An agricultural or silvicultural producer association or other group of producers.

“(B) A State or unit of local government.

“(C) An Indian tribe.

“(D) A farmer cooperative.

“(E) An institution of higher education.

“(F) An organization with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

“(i) local conservation priorities related to agricultural production, wildlife habitat development, and nonindustrial private forest land management; or

“(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource concerns.

“(4) **PARTNERSHIP AGREEMENT.**—The term ‘partnership agreement’ means an agreement between the Secretary and an eligible partner.

“(5) PROGRAM.—The term ‘program’ means the Regional Conservation Partnership Program established by this subtitle.

“SEC. 1271B. REGIONAL CONSERVATION PARTNERSHIPS.

“(a) PARTNERSHIP AGREEMENTS AUTHORIZED.—The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity.

“(b) LENGTH.—A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the agreement 1 time for up to 12 months when an extension is necessary to meet the objectives of the program.

“(c) DUTIES OF PARTNERS.—

“(1) IN GENERAL.—Under a partnership agreement, the eligible partner shall—

“(A) define the scope of a project, including—

“(i) the eligible activities to be implemented;

“(ii) the potential agricultural or non-industrial private forest operations affected;

“(iii) the local, State, multi-State or other geographic area covered; and

“(iv) the planning, outreach, implementation and assessment to be conducted;

“(B) conduct outreach and education to producers for potential participation in the project;

“(C) at the request of a producer, act on behalf of a producer participating in the project in applying for assistance under section 1271C;

“(D) leverage financial or technical assistance provided by the Secretary with additional funds to help achieve the project objectives;

“(E) conduct an assessment of the project's effects; and

“(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

“(2) CONTRIBUTION.—A partner shall provide a significant portion of the overall costs of the scope of the project as determined by the Secretary.

“(d) APPLICATIONS.—

“(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

“(2) CRITERIA USED.—In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

“(3) CONTENT.—An application to the Secretary shall include a description of—

“(A) the scope of the project as described in subsection (c)(1)(A);

“(B) the plan for monitoring, evaluating, and reporting on progress made towards achieving the project's objectives;

“(C) the program resources requested for the project, including the covered programs to be used and estimated funding needed from the Secretary;

“(D) the partners collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and financial contribution; and

“(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

“(4) APPLICATION SELECTION.—

“(A) PRIORITY TO CERTAIN APPLICATIONS.—The Secretary shall give a higher priority to applications that—

“(i) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

“(ii) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, regional, or national efforts;

“(iii) deliver high percentages of applied conservation to address conservation priorities or local, State, regional, or national conservation initiatives; or

“(iv) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods.

“(B) OTHER APPLICATIONS.—The Secretary may give priority to applications that—

“(i) have a high percentage of producers in the area to be covered by the agreement; or

“(ii) meet other factors that are important for achieving the purposes of the program, as determined by the Secretary.

“SEC. 1271C. ASSISTANCE TO PRODUCERS.

“(a) IN GENERAL.—The Secretary shall enter into contracts to provide financial and technical assistance to—

“(1) producers participating in a project with an eligible partner as described in section 1271B; or

“(2) producers that fit within the scope of a project described in section 1271B or a critical conservation area designated pursuant to section 1271F, but who are seeking to implement an eligible activity independent of a partner.

“(b) TERMS AND CONDITIONS.—

“(1) CONSISTENCY WITH PROGRAM RULES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall ensure that the terms and conditions of a contract under this section are consistent with the applicable rules of the covered programs to be used as part of the project, as described in the application under section 1271B(d)(3)(C).

“(B) ADJUSTMENTS.—Except for statutory program requirements governing appeals, payment limitations, and conservation compliance, the Secretary may adjust the discretionary program rules of a covered program—

“(i) to provide a simplified application and evaluation process; and

“(ii) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the program.

“(2) ALTERNATIVE FUNDING ARRANGEMENTS.—

“(A) IN GENERAL.—For the purposes of providing assistance for land described in subsection (a) and section 1271F, the Secretary may enter into alternative funding arrangements with a multistate water resource agency or authority if—

“(i) the Secretary determines that the goals and objectives of the program will be met by the alternative funding arrangements;

“(ii) the agency or authority certifies that the limitations established under this section on agreements with individual producers will not be exceeded; and

“(iii) all participating producers meet applicable payment eligibility provisions.

“(B) CONDITIONS.—As a condition on receipt of funding under subparagraph (A), the multistate water resource agency or authority shall agree—

“(i) to submit an annual independent audit to the Secretary that describes the use of funds under this paragraph;

“(ii) to provide any data necessary for the Secretary to issue a report on the use of funds under this paragraph; and

“(iii) not to use any funds for administration or contracting with another entity.

“(C) LIMITATION.—The Secretary may enter into not more than 10 alternative funding arrangements under this paragraph.

“(c) PAYMENTS.—

“(1) IN GENERAL.—In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer in an amount determined by the Secretary to be necessary to achieve the purposes of the program.

“(2) PAYMENTS TO CERTAIN PRODUCERS.—The Secretary may provide payments for a period of 5 years—

“(A) to producers participating in a project that addresses water quantity concerns and in an amount sufficient to encourage conversion from irrigated to dryland farming; and

“(B) to producers participating in a project that addresses water quality concerns and in an amount sufficient to encourage adoption of conservation practices and systems that improve nutrient management.

“(3) WAIVER AUTHORITY.—To assist in the implementation of the program, the Secretary may waive the applicability of the limitation in section 1001D(b)(2) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

“SEC. 1271D. FUNDING.

“(a) AVAILABILITY OF FUNDS.—The Secretary shall use \$100,000,000 of the funds of the Commodity Credit Corporation for each of fiscal years 2013 through 2017 to carry out the program established under this subtitle.

“(b) DURATION OF AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

“(c) ADDITIONAL FUNDING AND ACRES.—

“(1) IN GENERAL.—In addition to the funds made available under subsection (a), the Secretary shall reserve 8 percent of the funds and acres made available for a covered program for each of fiscal years 2013 through 2017 in order to ensure additional resources are available to carry out this program.

“(2) UNUSED FUNDS AND ACRES.—Any funds or acres reserved under paragraph (1) for a fiscal year from a covered program that are not obligated under this program by April 1 of that fiscal year shall be returned for use under the covered program.

“(d) ALLOCATION OF FUNDING.—Of the funds and acres made available for the program under subsections (a) and (c), the Secretary shall allocate—

“(1) 25 percent of the funds and acres to projects based on a State competitive process administered by the State conservationist, with the advice of the State technical committee;

“(2) 40 percent of the funds and acres to projects based on a national competitive process to be established by the Secretary; and

“(3) 35 percent of the funds and acres to projects for the critical conservation areas designated in section 1271F.

“(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available under the program may be used to pay for the administrative expenses of partners.

“SEC. 1271E. ADMINISTRATION.

“(a) DISCLOSURE.—In addition to the criteria used in evaluating applications as described in section 1271B(d)(2), the Secretary shall make publicly available information on projects selected through the competitive process described in section 1271B(d)(1).

“(b) REPORTING.—Not later than December 31, 2013, and for every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on

the status of projects funded under the program, including—

“(1) the number and types of partners and producers participating in the partnership agreements selected;

“(2) the number of producers receiving assistance;

“(3) total funding committed to projects, including Federal and non-Federal resources; and

“(4) a description of how the funds under section 1271C(b)(3) are being administered, including—

“(A) any oversight mechanisms that the Secretary has implemented;

“(B) the process through which the Secretary is resolving appeals by program participants; and

“(C) the means by which the Secretary is tracking adherence to any applicable provisions for payment eligibility.

“SEC. 1271F. CRITICAL CONSERVATION AREAS.

“(a) IN GENERAL.—When administering the funding described in section 1271D(d)(3), the Secretary shall select applications for partnership agreements and producer contracts within designated critical conservation areas.

“(b) CRITICAL CONSERVATION AREA DESIGNATIONS.—

“(1) IN GENERAL.—The Secretary shall designate up to 6 geographical areas as critical conservation areas based on the degree to which an area—

“(A) includes multiple States with significant agricultural production;

“(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals and work plans and is adopted by a Federal, State, or regional authority;

“(C) has water quality concerns, including concerns for reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

“(D) has water quantity concerns, including—

“(i) concerns for groundwater, surface water, aquifer, or other water sources; or

“(ii) a need to promote water retention and flood prevention; or

“(E) is subject to regulatory requirements that could reduce the economic scope of agricultural operations within the area.

“(2) EXPIRATION.—Critical conservation area designations under this section shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw designation from an area if the Secretary finds the area no longer meets the conditions described in paragraph (1).

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or producer contract under this section in a manner that is consistent with the terms of the program.

“(2) RELATIONSHIP TO EXISTING ACTIVITY.—The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

Subtitle F—Other Conservation Programs

SEC. 2501. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended in-

serting “and \$30,000,000 for each of fiscal years 2013 through 2017” before the period at the end.

SEC. 2502. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb-2(b)) is amended by inserting “and \$15,000,000 for each of fiscal years 2013 through 2017” before the period at the end.

SEC. 2503. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

(a) FUNDING.—Section 1240R(f) of the Food Security Act of 1985 (16 U.S.C. 3839bb-5(f)) is amended by inserting “and \$40,000,000 for the period of fiscal years 2013 through 2017” before the period at the end.

(b) REPORT ON PROGRAM EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness of the voluntary public access and habitat incentive program established by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5), including—

(1) identifying cooperating agencies;

(2) identifying the number of land holdings and total acres enrolled by State;

(3) evaluating the extent of improved access on eligible land, improved wildlife habitat, and related economic benefits; and

(4) any other relevant information and data relating to the program that would be helpful to such Committees.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2504. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

(a) FUNDING.—Section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) is amended by striking subsection (c) and inserting the following:

“(c) FUNDING.—

“(1) IN GENERAL.—The Secretary may carry out the ACES program using funds made available to carry out each program under this title.

“(2) EXCLUSION.—Funds made available to carry out the conservation reserve program may not be used to carry out the ACES program.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2505. SMALL WATERSHED REHABILITATION PROGRAM.

Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking “2012” and inserting “2017”.

SEC. 2506. TERMINAL LAKES ASSISTANCE.

Section 2507 of the Food, Security, and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended to read as follows:

“SEC. 2507. TERMINAL LAKES ASSISTANCE.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE LAND.—The term ‘eligible land’ means privately owned agricultural land (including land in which a State has a property interest as a result of state water law)—

“(A) that a landowner voluntarily agrees to sell to a State; and

“(B) which—

“(i)(I) is ineligible for enrollment as a wetland easement established under the Agricultural Conservation Easement Program under subtitle H of the Food Security Act of 1985;

“(II) is flooded to—

“(aa) an average depth of at least 6.5 feet; or

“(bb) a level below which the State determines the management of the water level is beyond the control of the State or landowner; or

“(III) is inaccessible for agricultural use due to the flooding of adjoining property (such as islands of agricultural land created by flooding);

“(ii) is located within a watershed with water rights available for lease or purchase; and

“(iii) has been used during at least 5 of the immediately preceding 30 years—

“(I) to produce crops or hay; or

“(II) as livestock pasture or grazing.

“(2) PROGRAM.—The term ‘program’ means the voluntary land purchase program established under this section.

“(3) TERMINAL LAKE.—The term ‘terminal lake’ means a lake and its associated riparian and watershed resources that is—

“(A) considered flooded because there is no natural outlet for water accumulating in the lake or the associated riparian area such that the watershed and surrounding land is consistently flooded; or

“(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

“(b) ASSISTANCE.—The Secretary shall—

“(1) provide grants under subsection (c) for the purchase of eligible land impacted by a terminal lake described in subsection (a)(3)(A); and

“(2) provide funds to the Secretary of the Interior pursuant to subsection (e)(2) with assistance in accordance with subsection (d) for terminal lakes described in subsection (a)(3)(B).

“(c) LAND PURCHASE GRANTS.—

“(1) IN GENERAL.—Using funds provided under subsection (e)(1), the Secretary shall make available land purchase grants to States for the purchase of eligible land in accordance with this subsection.

“(2) IMPLEMENTATION.—

“(A) AMOUNT.—A land purchase grant shall be in an amount not to exceed the lesser of—

“(i) 50 percent of the total purchase price per acre of the eligible land; or

“(ii)(I) in the case of eligible land that was used to produce crops or hay, \$400 per acre; and

“(II) in the case of eligible land that was pasture or grazing land, \$200 per acre.

“(B) DETERMINATION OF PURCHASE PRICE.—A State purchasing eligible land with a land purchase grant shall ensure, to the maximum extent practicable, that the purchase price of such land reflects the value, if any, of other encumbrances on the eligible land to be purchased, including easements and mineral rights.

“(C) COST-SHARE REQUIRED.—To be eligible to receive a land purchase grant, a State shall provide matching non-Federal funds in an amount equal to 50 percent of the amount described in subparagraph (A), including additional non-Federal funds.

“(D) CONDITIONS.—To receive a land purchase grant, a State shall agree—

“(i) to ensure that any eligible land purchased is—

“(I) conveyed in fee simple to the State; and

“(II) free from mortgages or other liens at the time title is transferred;

“(ii) to maintain ownership of the eligible land in perpetuity;

“(iii) to pay (from funds other than grant dollars awarded) any costs associated with the purchase of eligible land under this section, including surveys and legal fees; and

“(iv) to keep eligible land in a conserving use, as defined by the Secretary.

“(E) LOSS OF FEDERAL BENEFITS.—Eligible land purchased with a grant under this section shall lose eligibility for any benefits under other Federal programs, including—

“(i) benefits under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

“(ii) benefits under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

“(iii) covered benefits described in section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a).

“(F) PROHIBITION.—Any Federal rights or benefits associated with eligible land prior to purchase by a State may not be transferred to any other land or person in anticipation of or as a result of such purchase.

“(d) WATER ASSISTANCE.—

“(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may use the funds described in subsection (e)(2) to administer and provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake described in subsection (a)(3)(B) through willing sellers or willing participants only—

“(A) to lease water;

“(B) to purchase land, water appurtenant to the land, and related interests; and

“(C) to carry out research, support and conservation activities for associated fish, wildlife, plant, and habitat resources.”

“(2) EXCLUSIONS.—The Secretary of the Interior may not use this subsection to deliver assistance to the Great Salt Lake in Utah, lakes that are considered dry lakes, or other lakes that do not meet the purposes of this section, as determined by the Secretary of the Interior.

“(3) TRANSITIONAL PROVISION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, any funds made available before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 under a provision of law described in subparagraph (B) shall remain available using the provisions of law (including regulations) in effect on the day before the date of enactment of that Act.

“(B) DESCRIBED LAWS.—The provisions of law described in this section are—

“(i) section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) (as in effect on the day before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012);

“(ii) section 207 of the Energy and Water Development Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 146);

“(iii) section 208 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268, 123 Stat. 2856); and

“(iv) section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858, 123 Stat. 2967, 125 Stat. 867).

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (c) \$25,000,000, to remain available until expended.

“(2) COMMODITY CREDIT CORPORATION.—As soon as practicable after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall transfer to the Bureau of Reclamation Water and Re-

lated Resources Account \$150,000,000 from the funds of the Commodity Credit Corporation to carry out subsection (d), to remain available until expended.”

Subtitle G—Funding and Administration

SEC. 2601. FUNDING.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (a) and inserting the following:

“(a) ANNUAL FUNDING.—For each of fiscal years 2013 through 2017, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under this title (including the provision of technical assistance):

“(1) The conservation reserve program under subchapter B of chapter 1 of subtitle D, including, to the maximum extent practicable—

“(A) \$10,000,000 for the period of fiscal years 2013 through 2017 to provide payments under paragraph (3) of section 1234(b) in connection with thinning activities conducted on land described in subparagraph (B)(iii) of that paragraph; and

“(B) \$50,000,000 for the period of fiscal years 2013 through 2017 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

“(2) The Agricultural Conservation Easement Program under subtitle H using to the maximum extent practicable—

“(A) \$223,000,000 for fiscal year 2013;

“(B) \$702,000,000 for fiscal year 2014;

“(C) \$500,000,000 for fiscal year 2015;

“(D) \$525,000,000 for fiscal year 2016; and

“(E) \$250,000,000 for fiscal year 2017.

“(3) The conservation security program under subchapter A of chapter 2 of subtitle D, using such sums as are necessary to administer contracts entered into before September 30, 2008.

“(4) The conservation stewardship program under subchapter B of chapter 2 of subtitle D.

“(5) The environmental quality incentives program under chapter 4 of subtitle D, using, to the maximum extent practicable—

“(A) \$1,455,000,000 for fiscal year 2013;

“(B) \$1,645,000,000 for fiscal year 2014; and

“(C) \$1,650,000,000 for each of fiscal years 2015 through 2017.”

(b) GUARANTEED AVAILABILITY OF FUNDS.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following:

“(b) AVAILABILITY OF FUNDS.—Amounts made available by subsection (a) shall be used by the Secretary to carry out the programs specified in such subsection for fiscal years 2013 through 2017 and shall remain available until expended. Amounts made available for the programs specified in such subsection during a fiscal year through modifications, cancellations, terminations, and other related administrative actions and not obligated in that fiscal year shall remain available for obligation during subsequent fiscal years, but shall reduce the amount of additional funds made available in the subsequent fiscal year by an amount equal to the amount remaining unobligated.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2012.

SEC. 2602. TECHNICAL ASSISTANCE.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (c) (as redesignated by section 2601(b)(1)) and inserting the following:

“(c) TECHNICAL ASSISTANCE.—

“(1) AVAILABILITY OF FUNDS.—Commodity Credit Corporation funds made available for a fiscal year for each of the programs specified in subsection (a)—

“(A) shall be available for the provision of technical assistance for the programs for which funds are made available as necessary to implement the programs effectively; and

“(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.

“(2) REPORT.—Not later than December 31, 2012, the Secretary shall submit (and update as necessary in subsequent years) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

“(A) detailing the amount of technical assistance funds requested and apportioned in each program specified in subsection (a) during the preceding fiscal year; and

“(B) any other data relating to this provision that would be helpful to such Committees.”

SEC. 2603. REGIONAL EQUITY.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (e) (as redesignated by section 2601(b)(1)) and inserting the following:

“(e) REGIONAL EQUITY.—

“(1) EQUITABLE DISTRIBUTION.—When determining funding allocations each fiscal year, the Secretary shall, after considering available funding and program demand in each State, provide a distribution of funds for conservation programs under subtitle D (excluding the conservation reserve program under subchapter B of chapter 1), subtitle H (excluding wetland easements under section 1265C), and subtitle I to ensure equitable program participation proportional to historical funding allocations and usage by all States.

“(2) MINIMUM PERCENTAGE.—In determining the specific funding allocations under paragraph (1), the Secretary shall—

“(A) ensure that during the first quarter of each fiscal year each State has the opportunity to establish that the State can use an aggregate allocation amount of at least 0.6 percent of the funds made available for those conservation programs; and

“(B) for each State that can so establish, provide an aggregate amount of at least 0.6 percent of the funds made available for those conservation programs.”

SEC. 2604. RESERVATION OF FUNDS TO PROVIDE ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.

Subsection (h) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as redesignated by section 2601(b)(1)) is amended—

(1) in paragraph (1) by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(4) PREFERENCE.—In providing assistance under paragraph (1), the Secretary shall give preference to a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))) that qualifies under subparagraph (A) or (B) of paragraph (1).”

SEC. 2605. ANNUAL REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.

Subsection (i) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as redesignated by section 2601(b)(1)) is amended—

(1) in paragraph (1), by striking “wetlands reserve program” and inserting “agricultural conservation easement program”;

(2) by striking paragraphs (2) and (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(3) in paragraph (3) (as so redesignated)—

(A) by striking “agricultural water enhancement program” and inserting “regional conservation partnership program”; and

(B) by striking “section 1240(i)” and inserting “section 1271C(c)(3)”; and

(4) by adding at the end the following:

“(5) Payments made under the conservation stewardship program.

“(6) Waivers granted by the Secretary under section 1265B(b)(2)(C).”.

SEC. 2606. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (a)(2), by adding at the end the following:

“(E) Veteran farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).”;

(2) in subsection (d), by inserting “, H, and I” before the period at the end;

(3) in subsection (f)—

(A) in paragraph (1)(B), by striking “county” and inserting “county”; and

(B) in paragraph (3), by striking “subsection (c)(2)(B) or (f)(4)” and inserting “subsection (c)(2)(A)(ii) or (f)(2)”; and

(4) by striking subsection (i) and inserting the following:

“(i) CONSERVATION APPLICATION PROCESS.—

“(1) INITIAL APPLICATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a single, simplified application for eligible entities to use in initially requesting assistance under any conservation program administered by the Secretary (referred to in this subsection as the ‘initial application’).

“(B) REQUIREMENTS.—To the maximum extent practicable, the Secretary shall ensure that—

“(i) a conservation program applicant is not required to provide information that is duplicative of information or resources already available to the Secretary for that applicant and the specific operation of the applicant; and

“(ii) the initial application process is streamlined to minimize complexity and redundancy.

“(2) REVIEW OF APPLICATION PROCESS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall review the application process for each conservation program administered by the Secretary, including the forms and processes used to receive assistance requests from eligible program participants.

“(B) REQUIREMENTS.—In carrying out the review, the Secretary shall determine what information the participant is required to submit during the application process, including—

“(i) identification information for the applicant;

“(ii) identification and location information for the land parcel or tract of concern;

“(iii) a general statement of the need or resource concern of the applicant for the land parcel or tract; and

“(iv) the minimum amount of other information the Secretary considers to be essential for the applicant to provide personally.

“(3) REVISION AND STREAMLINE.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall carry out a revision of the application forms and processes for each conservation program administered by the Secretary to enable use of information technology to incorporate appropriate data and information concerning the conservation needs and solutions appropriate for the land area identified by the applicant.

“(B) GOAL.—The goal of the revision shall be to streamline the application process to minimize the burden placed on applicants.

“(4) CONSERVATION PROGRAM APPLICATION.—

“(A) IN GENERAL.—Once the needs of an applicant have been adequately assessed by the Secretary, or a third party provider under section 1242, based on the initial application, in order to determine the 1 or more programs under this title that best match the needs of the applicant, with the approval of the applicant, the Secretary may convert the initial application into the specific application for assistance for the relevant conservation program.

“(B) SECRETARIAL BURDEN.—To the maximum extent practicable, the Secretary shall—

“(i) complete the specific application for conservation program assistance for each applicant; and

“(ii) request only that specific further information from the applicant that is not already available to the Secretary.

“(5) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate written notification that the Secretary has fulfilled the requirements of this subsection.”; and

(5) by adding at the end the following:

“(j) IMPROVED ADMINISTRATIVE EFFICIENCY AND EFFECTIVENESS.—In administering a conservation program under this title, the Secretary shall, to the maximum extent practicable—

“(1) seek to reduce administrative burdens and costs to producers by streamlining conservation planning and program resources; and

“(2) take advantage of new technologies to enhance efficiency and effectiveness.

“(k) RELATION TO OTHER PAYMENTS.—Any payment received by an owner or operator under this title, including an easement payment or rental payment, shall be in addition to, and not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under any of the following:

“(1) This Act.

“(2) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

“(3) The Agriculture Reform, Food, and Jobs Act of 2012.

“(4) Any law that succeeds a law specified in paragraph (1), (2), or (3).

“(l) FUNDING FOR INDIAN TRIBES.—In carrying out the conservation stewardship program under subchapter B of chapter 2 of subtitle D and the environmental quality incentives program under chapter 4 of subtitle D, the Secretary may enter into alternative funding arrangements with Indian tribes if the Secretary determines that the goals and objectives of the programs will be met by such arrangements, and that statutory limi-

tations regarding contracts with individual producers will not be exceeded by any Tribal member.”.

SEC. 2607. RULEMAKING AUTHORITY.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following:

“SEC. 1246. REGULATIONS.

“(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to implement programs under this title, including such regulations as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under section 1244(f).

“(b) RULEMAKING PROCEDURE.—The promulgation of regulations and administration of programs under this title—

“(1) shall be carried out without regard to—

“(A) the Statement of Policy of the Secretary effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

“(B) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

“(2) shall be made as an interim rule effective on publication with an opportunity for notice and comment.

“(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In promulgating regulations under this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.”.

SEC. 2608. STANDARDS FOR STATE TECHNICAL COMMITTEES.

Section 1261(b) of the Food Security Act of 1985 (16 U.S.C. 3861(b)) is amended by striking “Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop” and inserting “The Secretary shall review and update as necessary”.

Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions**SEC. 2701. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.**

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is repealed.

SEC. 2702. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

(a) REPEAL.—Section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) FUNDING.—The Secretary may use funds made available to carry out the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2703. WETLANDS RESERVE PROGRAM.

(a) REPEAL.—Subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND EASEMENTS.—The amendment made by this

section shall not affect the validity or terms of any contract or easement entered into by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) before October 1, 2012, or any payments required to be made in connection with the contract or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), any funds made available from the Commodity Credit Corporation to carry out the wetlands reserve program under that subchapter for fiscal years 2009 through 2012 shall be made available to carry out contracts or easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance), provided that no such contract or easement is modified so as to increase the amount of the payment received.

(B) OTHER.—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and easements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2704. FARMLAND PROTECTION PROGRAM AND FARM VIABILITY PROGRAM.

(a) REPEAL.—Subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING AGREEMENTS AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any agreement or easement entered into by the Secretary of Agriculture under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) before October 1, 2012, or any payments required to be made in connection with the agreement or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.), any funds made available from the Commodity Credit Corporation to carry out the farmland protection program under that subchapter for fiscal years 2009 through 2012 shall be made available to carry out agreements and easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out agreements and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such agreements and easement as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2705. GRASSLAND RESERVE PROGRAM.

(a) REPEAL.—Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) before October 1, 2012, or any payments required to be made in connection with the contract, agreement, or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), any funds made available from the Commodity Credit Corporation to carry out the grassland reserve program under that subchapter for fiscal years 2009 through 2012 shall be made available to carry out contracts, agreements, or easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance), provided that no such contract, agreement, or easement is modified so as to increase the amount of the payment received.

(B) OTHER.—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2706. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

(a) REPEAL.—Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) before October 1, 2012, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9), any funds made available from the Commodity Credit Corporation to carry out the agricultural water enhancement program under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts and agreements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the regional conservation partnerships program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts and agreements referred to in

paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2707. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) REPEAL.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1), any funds made available from the Commodity Credit Corporation to carry out the wildlife habitat incentive program under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts referred to in paragraph (1) which were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2708. GREAT LAKES BASIN PROGRAM.

(a) REPEAL.—Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb-3) is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2709. CHESAPEAKE BAY WATERSHED PROGRAM.

(a) REPEAL.—Section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) before October 1, 2012, or any payments required to be made in connection with the contract, agreement, or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4), any funds made available from the Commodity Credit Corporation to carry out the Chesapeake Bay watershed program under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts, agreements, and easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—The Secretary may use funds made available to carry out the regional conservation partnerships program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2710. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) REPEAL.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) before October 1, 2012, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), any funds made available from the Commodity Credit Corporation to carry out the cooperative conservation partnership initiative under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts and agreements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the regional conservation partnerships program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2711. ENVIRONMENTAL EASEMENT PROGRAM.

Chapter 3 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839 et seq.) is repealed.

SEC. 2712. TECHNICAL AMENDMENTS.

(a) Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended in the matter preceding paragraph (1) by striking “E” and inserting “I”.

(b) Section 1211(a) of the Food Security Act of 1985 (16 U.S.C. 3811(a)) is amended by striking “predominate” each place it appears and inserting “predominant”.

(c) Section 1242(i) of the Food Security Act of 1985 (16 U.S.C. 3842(i)) is amended in the subsection heading by striking “SPECIALITY” and inserting “SPECIALTY”.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SET-ASIDE FOR SUPPORT FOR ORGANIZATIONS THROUGH WHICH NON-EMERGENCY ASSISTANCE IS PROVIDED.

Effective October 1, 2012, section 202(e)(1) of the Food for Peace Act (7 U.S.C. 1722(e)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “13 percent” and inserting “15 percent”; and

(2) in subparagraph (A), by striking “new” and inserting “and enhancing”.

SEC. 3002. FOOD AID QUALITY.

Section 202(h) of the Food for Peace Act (7 U.S.C. 1722(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2013 and subsequent fiscal years to carry out this title—

“(A) to assess the types and quality of agricultural commodities and products donated for food aid;

“(B) to adjust products and formulations, including potential introduction of new fortificants and products, as necessary to cost-effectively meet nutrient needs of target populations;

“(C) to test prototypes;

“(D) to adopt new specifications or improve existing specifications for micronutrient fortified food aid products, based on the latest developments in food and nutrition science, and in coordination with other international partners;

“(E) to develop new program guidance to facilitate improved matching of products to purposes having nutritional intent, in coordination with other international partners;

“(F) to develop improved guidance for implementing partners on how to address nutritional deficiencies that emerge among recipients for whom food assistance is the sole source of diet in emergency programs that extend beyond 1 year, in coordination with other international partners; and

“(G) to evaluate, in appropriate settings and as necessary, the performance and cost-effectiveness of new or modified specialized food products and program approaches designed to meet the nutritional needs of the most vulnerable groups, such as pregnant and lactating mothers, and children under the age of 5.”; and

(2) in paragraph (3), by striking “2011” and inserting “2017”.

SEC. 3003. MINIMUM LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 3004. REAUTHORIZATION OF FOOD AID CONSULTATIVE GROUP.

Section 205(f) of the Food for Peace Act (7 U.S.C. 1725(f)) is amended by striking “2012” and inserting “2017”.

SEC. 3005. OVERSIGHT, MONITORING, AND EVALUATION OF FOOD FOR PEACE ACT PROGRAMS.

Section 207(f) of the Food for Peace Act (7 U.S.C. 1726a(f)) is amended—

(1) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(2) in subparagraph (A) of paragraph (5) (as so redesignated)—

(A) by striking “2012” and inserting “2017”; and

(B) by striking “during fiscal year 2009” and inserting “during the period of fiscal years 2013 through 2017”.

SEC. 3006. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended by striking “2012” and inserting “2017”.

SEC. 3007. LIMITATION ON TOTAL VOLUME OF COMMODITIES MONETIZED.

Section 403 of the Food for Peace Act (7 U.S.C. 1733) is amended by adding at the end the following:

“(m) LIMITATION ON MONETIZATION OF COMMODITIES.—

“(1) LIMITATION.—

“(A) IN GENERAL.—Unless the Administrator grants a waiver under paragraph (2), no commodity may be made available under this Act unless the rate of return for the commodity (as determined under subparagraph (B)) is at least 70 percent.

“(B) RATE OF RETURN.—For purposes of subparagraph (A), the rate of return shall be equal to the proportion that—

“(i) the proceeds the implementing partners generate through monetization; bears to

“(ii) the cost to the Federal Government to procure and ship the commodities to a recipient country for monetization.

“(2) WAIVER AUTHORITY.—The Administrator may waive the application of the limitation in paragraph (1) with regard to a commodity for a recipient country if the Administrator determines that it is necessary to achieve the purposes of this Act in the recipient country.

“(3) REPORT.—Not later than 90 days after a waiver is granted under paragraph (2), the Administrator shall prepare, publish in the Federal Register, and submit to the Committees on Foreign Affairs, Agriculture, and Appropriations of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and Agriculture, Nutrition, and Forestry of the Senate a report that—

“(A) contains the reasons for granting the waiver and the actual rate of return for the commodity; and

“(B) includes for the commodity the costs of bagging or further processing, ocean transportation, inland transportation in the recipient country, storage costs, and any other information that the Administrator determines to be necessary.”.

SEC. 3008. FLEXIBILITY.

Section 406 of the Food for Peace Act (7 U.S.C. 1736) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) FLEXIBILITY.—Notwithstanding any other provision of law and as necessary to achieve the purposes of this Act, funds available under this Act may be used to pay the costs of up to 20 percent of activities conducted in recipient countries by nonprofit voluntary organizations, cooperatives, or intergovernmental agencies or organizations.”.

SEC. 3009. PROCUREMENT, TRANSPORTATION, TESTING, AND STORAGE OF AGRICULTURAL COMMODITIES FOR PREPOSITIONING IN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended—

(1) in subparagraph (c)(4)(A)—

(A) by striking “2012” and inserting “2017”; and

(B) by striking “for each such fiscal year not more than \$10,000,000 of such funds” and inserting “for each of fiscal years 2001 through 2012 not more than \$10,000,000 of such funds and for each of fiscal years 2013 through 2017 not more than \$15,000,000 of such funds”; and

(2) by adding at the end the following:

“(g) FUNDING FOR TESTING OF FOOD AID SHIPMENTS.—Funds made available for agricultural products acquired under this Act and section 3107 of the Farm Security and

Rural Investment Act of 2002 (7 U.S.C. 1736 o–1) may be used to pay for the testing of those agricultural products.”.

SEC. 3010. DEADLINE FOR AGREEMENTS TO FINANCE SALES OR TO PROVIDE OTHER ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking “2012” and inserting “2017”.

SEC. 3011. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (e) and inserting the following:

“(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

“(1) IN GENERAL.—Subject to paragraph (2), of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than 15 percent nor more than 30 percent for each of fiscal years 2013 through 2017 shall be expended for nonemergency food assistance programs under title II.

“(2) MINIMUM LEVEL.—The amount made available to carry out nonemergency food assistance programs under title II shall not be less than \$275,000,000 for any fiscal year.”.

SEC. 3012. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS REPORT.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking “(a) IN GENERAL.—To the maximum” and inserting “To the maximum”; and

(2) by striking subsection (b).

SEC. 3013. MICRONUTRIENT FORTIFICATION PROGRAMS.

(a) ELIMINATION OF OBSOLETE REFERENCE TO STUDY.—Section 415(a)(2)(B) of the Food for Peace Act (7 U.S.C. 1736g–2(a)(2)(B)) is amended by striking “, using recommendations” and all that follows through “quality enhancements”.

(b) EXTENSION.—Section 415(c) of the Food for Peace Act (7 U.S.C. 1736g–2(c)) is amended by striking “2012” and inserting “2017”.

SEC. 3014. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

Section 501 of the Food for Peace Act (7 U.S.C. 1737) is amended—

(1) in subsection (d)—

(A) by striking “0.5 percent” and inserting “0.6 percent”; and

(B) by striking “2012” and inserting “2017”; and

(2) in subsection (e)(1), by striking “2012” and inserting “2017”.

Subtitle B—Agricultural Trade Act of 1978

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAMS.

Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (b) and inserting the following:

“(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 2013 through 2017 credit guarantees under section 202(a) in an amount equal to not more than \$4,500,000,000 in credit guarantees.”.

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking “2012” and inserting “2017”.

SEC. 3103. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking “2012” and inserting “2017”.

Subtitle C—Other Agricultural Trade Laws

SEC. 3201. FOOD FOR PROGRESS ACT OF 1985.

(a) EXTENSION.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (f)(3), by striking “2012” and inserting “2017”; and

(2) in subsection (g), by striking “2012” and inserting “2017”; and

(3) in subsection (k), by striking “2012” and inserting “2017”; and

(4) in subsection (l)(1), by striking “2012” and inserting “2017”.

(b) REPEAL OF COMPLETED PROJECT.—Subsection (f) of the Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking paragraph (6).

(c) FLEXIBILITY.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (l) by adding at the end the following:

“(5) FLEXIBILITY.—Notwithstanding any other provision of law and as necessary to achieve the purposes of this Act, funds available under this Act may be used to pay the costs of up to 20 percent of activities conducted in recipient countries by nonprofit voluntary organizations, cooperatives, or intergovernmental agencies or organizations.”.

(d) LIMITATION ON TOTAL VOLUME OF COMMODITIES MONETIZED.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by adding at the end the following:

“(p) LIMITATION ON MONETIZATION OF COMMODITIES.—

“(1) LIMITATION.—

“(A) IN GENERAL.—Unless the Secretary grants a waiver under paragraph (2), no eligible commodity may be made available under this section unless the rate of return for the eligible commodity (as determined under subparagraph (B)) is at least 70 percent.

“(B) RATE OF RETURN.—For purposes of subparagraph (A), the rate of return shall be equal to the proportion that—

“(i) the proceeds the implementing partners generate through monetization; bears to

“(ii) the cost to the Federal Government to procure and ship the eligible commodities to a recipient country for monetization.

“(2) WAIVER AUTHORITY.—The Secretary may waive the application of the limitation in paragraph (1) with regard to an eligible commodity for a recipient country if the Secretary determines that it is necessary to achieve the purposes of this Act in the recipient country.

“(3) REPORT.—Not later than 90 days after a waiver is granted under paragraph (2), the Secretary shall prepare, publish in the Federal Register, and submit to the Committees on Foreign Affairs, Agriculture, and Appropriations of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and Agriculture, Nutrition, and Forestry of the Senate a report that—

“(A) contains the reasons for granting the waiver and the actual rate of return for the eligible commodity; and

“(B) includes for the commodity the costs of bagging or further processing, ocean transportation, inland transportation in the recipient country, storage costs, and any other information that the Secretary determines to be necessary.”.

SEC. 3202. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)(2)(B)(i), by striking “2012” both places it appears and inserting “2017”; and

(2) in subsection (h), by striking “2012” both places it appears and inserting “2017”.

SEC. 3203. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.

(a) DIRECT CREDITS OR EXPORT CREDIT GUARANTEES.—Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2017”.

(b) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—Section 1542(d)(1)(A)(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2017”.

SEC. 3204. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) REAUTHORIZATION.—Section 3107(1)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(1)(2)) is amended by striking “2012” and inserting “2017”.

(b) TECHNICAL CORRECTION.—Section 3107(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(d)) is amended by striking “to” in the matter preceding paragraph (1).

SEC. 3205. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) PURPOSE.—Section 3205(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(b)) is amended by striking “related barriers to trade” and inserting “technical barriers to trade”.

(b) FUNDING.—Section 3205(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(e)(2)) is amended—

(1) by inserting “and” at the end of subparagraph (C); and

(2) by striking subparagraphs (D) and (E) and inserting the following new subparagraph:

“(D) \$9,000,000 for each of fiscal years 2011 through 2017.”.

SEC. 3206. GLOBAL CROP DIVERSITY TRUST.

Section 3202(c) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 22 U.S.C. 2220a note) is amended by striking “2008 through 2012” and inserting “2013 through 2017”.

SEC. 3207. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

Section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) is amended—

(1) in subsection (b)—

(A) by striking “(b) STUDY; FIELD-BASED PROJECTS.—” and all that follows through “(2) FIELD-BASED PROJECTS.—” and inserting the following:

“(b) FIELD-BASED PROJECTS.—”;

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated), by striking “subparagraph (B)” and inserting “paragraph (2)”; and

(D) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(2) in subsection (c)(1), by striking “subsection (b)(2)” and inserting “subsection (b)”; and

(3) by striking subsections (d), (f), and (g);

(4) by redesignating subsection (e) as subsection (d);

(5) in subsection (d) (as so redesignated)—

(A) in paragraph (2)—

(i) by striking subparagraph (B); and

(ii) in subparagraph (A)—

(I) by striking “(A) APPLICATION.—” and all that follows through “To be eligible” in clause (i) and inserting the following:

“(A) IN GENERAL.—To be eligible”;

(II) by redesignating clause (ii) as subparagraph (B) and indenting appropriately; and

(III) in subparagraph (B) (as so redesignated), by striking “clause (i)” and inserting “subparagraph (A)”; and

(B) by striking paragraph (4); and

(6) by adding at the end the following:

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2013 through 2017.

“(2) PREFERENCE.—In carrying out this section, the Secretary may give a preference to eligible organizations that have, or are working toward, projects under the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1).

“(3) REPORTING.—Each year, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of funds under this section, including—

“(A) the impact of procurements and projects on—

“(i) local and regional agricultural producers; and

“(ii) markets and consumers, including low-income consumers; and

“(B) implementation time frames and costs.”.

SEC. 3208. DONALD PAYNE HORN OF AFRICA FOOD RESILIENCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Agency for International Development.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives;

(C) the Committee on Foreign Relations of the Senate; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(3) ELIGIBLE ORGANIZATION.—The term “eligible organization” means an organization that is—

(A) a private voluntary organization or cooperative that is, to the extent practicable, registered with the Administrator; or

(B) an intergovernmental organization, such as the World Food Program.

(4) HORN OF AFRICA.—The term “Horn of Africa” means the countries of—

(A) Ethiopia;

(B) Somalia;

(C) Kenya;

(D) Djibouti;

(E) Eritrea;

(F) South Sudan;

(G) Uganda; and

(H) such other countries as the Administrator determines to be appropriate after providing notification to the appropriate committees of Congress.

(5) RESILIENCE.—The term “resilience” means—

(A) the capacity to mitigate the negative impacts of crises (including natural disasters, conflicts, and economic shocks) in order to reduce loss of life and depletion of productive assets;

(B) the capacity to respond effectively to crises, ensuring basic needs are met in a way that is integrated with long-term development efforts; and

(C) the capacity to recover and rebuild after crises so that future shocks can be absorbed with less need for ongoing external assistance.

(b) PURPOSE.—The purpose of this section is to establish a pilot program to effectively integrate all United States-funded emergency and long-term development activities that aim to improve food security in the Horn of Africa, building resilience so as—

(1) to reduce the impacts of future crises;

(2) to enhance local capacity for emergency response;

(3) to enhance sustainability of long-term development programs targeting poor and vulnerable households; and

(4) to reduce the need for repeated costly emergency operations.

(c) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall initiate a study of prior programs to support resilience in the Horn of Africa conducted by—

(A) other donor countries;

(B) private voluntary organizations;

(C) the World Food Program of the United Nations; and

(D) multilateral institutions, including the World Bank.

(2) REQUIREMENTS.—The study shall—

(A) include all programs implemented through the Agency for International Development, the Department of Agriculture, the Department of Treasury, the Millennium Challenge Corporation, the Peace Corps, and other relevant Federal agencies;

(B) evaluate how well the programs described in subparagraph (A) work together to complement each other and leverage impacts across programs;

(C) include recommendations for how full integration of efforts can be achieved; and

(D) evaluate the degree to which country-led development plans support programs that increase resilience, including review of the investments by each country in nutrition and safety nets.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study.

(4) FIELD-BASED PROJECT GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Administrator shall—

(A) provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that build resilience in the Horn of Africa in accordance with this section; and

(B) develop a project approval process to ensure full integration of efforts.

(2) REQUIREMENTS OF ELIGIBLE ORGANIZATIONS.—

(A) APPLICATION.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Administrator under this subsection, an eligible organization shall submit to the Administrator an application by such date, in such manner, and containing such information as the Administrator may require.

(B) COMPLETION REQUIREMENT.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Administrator under this subsection, an eligible organization shall agree—

(i) to collect, not later than September 30, 2016, data containing the information required under subsection (f)(2) relating to the field-based project funded through the grant or cooperative agreement; and

(ii) to provide to the Administrator the data collected under clause (i).

(3) REQUIREMENTS OF ADMINISTRATOR.—

(A) PROJECT DIVERSITY.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), in selecting proposals for

field-based projects to fund under this section, the Administrator shall select a diversity of projects, including projects located in—

(I) areas most prone to repeated crises;

(II) areas with effective existing resilience programs that can be scaled; and

(III) areas in all countries of the Horn of Africa.

(ii) PRIORITY.—In selecting proposals for field-based projects under clause (i), the Administrator shall ensure that the selected proposals are for field-based projects that—

(I) effectively integrate emergency and long-term development programs to improve sustainability;

(II) demonstrate the potential to reduce the need for future emergency assistance; and

(III) build targeted productive safety nets, in coordination with host country governments, through food for work, cash for work, and other proven program methodologies.

(B) AVAILABILITY.—The Administrator shall not award a grant or cooperative agreement or approve a field-based project under this subsection until the date on which the Administrator promulgates regulations or issues guidelines under subsection (e).

(e) REGULATIONS; GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of completion of the study under subsection (c), the Administrator shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(2) REQUIREMENTS.—In promulgating regulations or issuing guidelines under paragraph (1), the Administrator shall—

(A) take into consideration the results of the study described in subsection (c); and

(B) provide an opportunity for public review and comment.

(f) REPORT.—

(1) IN GENERAL.—Not later than November 1, 2016, the Administrator shall submit to the appropriate committees of Congress a report that—

(A) addresses each factor described in paragraph (2); and

(B) is conducted in accordance with this section.

(2) REQUIRED FACTORS.—The report shall include baseline and end-of-project data that measures—

(A) the prevalence of moderate and severe hunger so as to provide an accurate accounting of project impact on household access to and consumption of food during every month of the year prior to data collection;

(B) household ownership of and access to productive assets, including at a minimum land, livestock, homes, equipment, and other materials assets needed for income generation;

(C) household incomes, including informal sources of employment; and

(D) the productive assets of women using the Women's Empowerment in Agriculture Index.

(3) PUBLIC ACCESS TO RECORDS AND REPORTS.—Not later than 90 days after the date on which the report is submitted under paragraph (1), the Administrator shall provide public access to the report.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2013 through 2017.

SEC. 3209. AGRICULTURAL TRADE ENHANCEMENT STUDY.

(a) DEFINITION OF AGRICULTURE COMMITTEES AND SUBCOMMITTEES.—In this section, the term “agriculture committees and subcommittees” means—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(3) the subcommittees on agriculture, rural development, food and drug administration, and related agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(b) **DEVELOPMENT.**—The Secretary, in consultation with the agriculture committees and subcommittees, shall develop a study that takes into consideration a reorganization of international trade functions for imports and exports at the Department of Agriculture.

(c) **IMPLEMENTATION.**—In implementing the study under this section, the Secretary—

(1) in recognition of the importance of agricultural exports to the farm economy and the economy as a whole, may include a recommendation for the establishment of an Under Secretary for Trade and Foreign Agricultural Affairs;

(2) may take into consideration how the Under Secretary described in paragraph (1) would serve as a multiagency coordinator of sanitary and phytosanitary issues and nontariff trade barriers in agriculture with respect to imports and exports of agricultural products; and

(3) shall take into consideration all implications of a reorganization described in subsection (b) on domestic programs and operations of the Department of Agriculture.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the agriculture committees and subcommittees a report describing the results of the study under this section.

TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

SEC. 4001. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

Section 4(b)(6)(F) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(6)(F)) is amended by striking “2012” and inserting “2017”.

SEC. 4002. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.

(a) **STANDARD UTILITY ALLOWANCES IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**—Section 5(e)(6)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)(C)) is amended—

(1) in clause (i), by inserting “, subject to clause (iv)” after “Secretary”; and

(2) in clause (iv)(I), by striking “the household still incurs” and all that follows through the end of the subclause and inserting “the payment received by, or made on behalf of, the household exceeds \$10 or a higher amount annually, as determined by the Secretary.”.

(b) **CONFORMING AMENDMENT.**—Section 2605(f)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is amended by inserting before the semicolon at the end “, except that, for purposes of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such payments or allowances exceed \$10 or a higher amount annually, as determined by the Secretary of Agriculture in accordance with section 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C. 2014(e)(6)(C)(iv)(I))”.

(c) **EFFECTIVE AND IMPLEMENTATION DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section and the amend-

ments made by this section shall take effect beginning on October 1, 2013, for all certification periods beginning after that date.

(2) **STATE OPTION TO DELAY IMPLEMENTATION FOR CURRENT RECIPIENTS.**—A State may, at the option of the State, implement a policy that eliminates or minimizes the effect of the amendments made by this section for households that receive a standard utility allowance as of the date of enactment of this Act for not more than a 180-day period beginning on the date on which the amendments made by this section would otherwise affect the benefits received by a household.

SEC. 4003. ELIGIBILITY DISQUALIFICATIONS.

Section 6(e)(3)(B) of Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking “section” and inserting the following: “section, subject to the condition that the course or program of study—

“(i) is part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

“(ii) is limited to remedial courses, basic adult education, literacy, or English as a second language;”.

SEC. 4004. ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR LOTTERY OR GAMBLING WINNERS.

(a) **IN GENERAL.**—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(r) **INELIGIBILITY FOR BENEFITS DUE TO RECEIPT OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.**—

“(1) **IN GENERAL.**—Any household in which a member receives substantial lottery or gambling winnings, as determined by the Secretary, shall lose eligibility for benefits immediately upon receipt of the winnings.

“(2) **DURATION OF INELIGIBILITY.**—A household described in paragraph (1) shall remain ineligible for participation until the household meets the allowable financial resources and income eligibility requirements under subsections (c), (d), (e), (f), (g), (i), (k), (l), (m), and (n) of section 5.

“(3) **AGREEMENTS.**—As determined by the Secretary, each State agency, to the maximum extent practicable, shall establish agreements with entities responsible for the regulation or sponsorship of gaming in the State to determine whether individuals participating in the supplemental nutrition assistance program have received substantial lottery or gambling winnings.”.

(b) **CONFORMING AMENDMENTS.**—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking “sections 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b), (d)(2), (g), and (r) of section 6”.

SEC. 4005. RETAIL FOOD STORES.

(a) **DEFINITION OF RETAIL FOOD STORE.**—Subsection (o)(1)(A) of section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) (as redesignated by section 4016(a)(4)) is amended by striking “at least 2” and inserting “at least 3”.

(b) **ALTERNATIVE BENEFIT DELIVERY.**—Section 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(f)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) **IMPOSITION OF COSTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary shall require participating retail food stores (including

restaurants participating in a State option restaurant program intended to serve the elderly, disabled, and homeless) to pay 100 percent of the costs of acquiring, and arrange for the implementation of, electronic benefit transfer point-of-sale equipment and supplies, including related services.

“(B) **EXEMPTIONS.**—The Secretary may exempt from subparagraph (A)—

“(i) farmers’ markets, military commissaries, nonprofit food buying cooperatives, and establishments, organizations, programs, or group living arrangements described in paragraphs (5), (7), and (8) of section 3(k); and

“(ii) establishments described in paragraphs (3), (4), and (9) of section 3(k), other than restaurants participating in a State option restaurant program.”; and

(2) by adding at the end the following:

“(4) **TERMINATION OF MANUAL VOUCHERS.**—

“(A) **IN GENERAL.**—Effective beginning on the date of enactment of this paragraph, except as provided in subparagraph (B), no State shall issue manual vouchers to a household that receives supplemental nutrition assistance under this Act or allow retail food stores to accept manual vouchers as payment, unless the Secretary determines that the manual vouchers are necessary, such as in the event of an electronic benefit transfer system failure or a disaster situation.

“(B) **EXEMPTIONS.**—The Secretary may exempt categories of retail food stores or individual retail food stores from subparagraph (A) based on criteria established by the Secretary.

“(5) **UNIQUE IDENTIFICATION NUMBER REQUIRED.**—The Secretary shall require all parties providing electronic benefit transfer services to provide for and maintain unique terminal identification number information through the supplemental nutrition assistance program electronic benefit transfer transaction routing system.”.

(c) **ELECTRONIC BENEFIT TRANSFERS.**—Section 7(h)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(3)(B)) is amended by striking “is operational—” and all that follows through “(ii) in the case of other participating stores,” and inserting “is operational”.

(d) **APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(1) in subsection (a)—

(A) in the second sentence of paragraph (a)(1), by striking “; and (C)” and inserting “; (C) whether the applicant is located in an area with significantly limited access to food; and (D)”;

(2) by adding at the end the following:

“(4) **RETAIL FOOD STORES WITH SIGNIFICANT SALES OF EXCEPTED ITEMS.**—

“(A) **IN GENERAL.**—No retail food store for which at least 45 percent of the total sales of the retail food store is from the sale of excepted items described in section 3(k)(1) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the retail food store is required for the effective and efficient operation of the supplemental nutrition assistance program.

“(B) **APPLICATION.**—Subparagraph (A) shall be effective—

“(i) in the case of retail food stores applying to be authorized for the first time, beginning on the date that is 1 year after the date of enactment of this paragraph; and

“(ii) in the case of retail food stores participating in the program on the date of enactment of this paragraph, during periodic

reauthorization in accordance with paragraph (2)(A)."; and

(3) by adding at the end the following:

"(g) EBT SERVICE REQUIREMENT.—An approved retail food store shall provide adequate EBT service as described in section 7(h)(3)(B).".

SEC. 4006. IMPROVING SECURITY OF FOOD ASSISTANCE.

Section 7(h)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(8)) is amended—

(1) by striking the paragraph heading and inserting "REPLACEMENT OF CARDS.—";

(2) by striking "A State" and inserting the following:

"(A) FEES.—A State"; and

(3) by adding after subparagraph (A) (as so designated by paragraph (2)) the following:

"(B) PURPOSEFUL LOSS OF CARDS.—

"(i) IN GENERAL.—Subject to terms and conditions established by the Secretary in accordance with clause (ii), if a household makes excessive requests for replacement of the electronic benefit transfer card of the household, the Secretary may require a State agency to decline to issue a replacement card to the household unless the household, upon request of the State agency, provides an explanation for the loss of the card.

"(ii) REQUIREMENTS.—The terms and conditions established by the Secretary shall provide that—

"(I) the household be given the opportunity to provide the requested explanation and meet the requirements under this paragraph promptly;

"(II) after an excessive number of lost cards, the head of the household shall be required to review program rights and responsibilities with State agency personnel authorized to make determinations under section 5(a); and

"(III) any action taken, including actions required under section 6(b)(2), other than the withholding of the electronic benefit transfer card until an explanation described in subclause (I) is provided, shall be consistent with the due process protections under section 6(b) or 11(e)(10), as appropriate.

"(C) PROTECTING VULNERABLE PERSONS.—In implementing this paragraph, a State agency shall act to protect homeless persons, persons with disabilities, victims of crimes, and other vulnerable persons who lose electronic benefit transfer cards but are not intentionally committing fraud.

"(D) EFFECT ON ELIGIBILITY.—While a State may decline to issue an electronic benefits transfer card until a household satisfies the requirements under this paragraph, nothing in this paragraph shall be considered a denial of, or limitation on, the eligibility for benefits under section 5."

SEC. 4007. TECHNOLOGY MODERNIZATION FOR RETAIL FOOD STORES.

(a) MOBILE TECHNOLOGIES.—Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as amended by section 4016(e)) is amended by adding at the end the following:

"(14) MOBILE TECHNOLOGIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall approve retail food stores to redeem benefits through electronic means other than wired point of sale devices for electronic benefit transfer transactions, if the retail food stores—

"(i) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

"(ii) bear the costs of obtaining, installing, and maintaining mobile technologies, including mechanisms needed to process EBT cards and transaction fees;

"(iii) demonstrate the foods purchased with benefits issued under this section through mobile technologies are purchased at a price not higher than the price of the same food purchased by other methods used by the retail food store, as determined by the Secretary;

"(iv) provide adequate documentation for each authorized transaction, as determined by the Secretary; and

"(v) meet other criteria as established by the Secretary.

"(B) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS OF MOBILE TRANSACTIONS.—

"(i) IN GENERAL.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

"(ii) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under clause (i), a retail food store shall submit to the Secretary for approval a plan that includes—

"(I) a description of the technology;

"(II) the manner by which the retail food store will provide proof of the transaction to households;

"(III) the provision of data to the Secretary, consistent with requirements established by the Secretary, in a manner that allows the Secretary to evaluate the impact of the demonstration on participant access, ease of use, and program integrity; and

"(IV) such other criteria as the Secretary may require.

"(iii) DATE OF COMPLETION.—The demonstration projects under this subparagraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

"(C) REPORT TO CONGRESS.—The Secretary shall—

"(i) by not later than January 1, 2016, authorize implementation of subparagraph (A) in all States, unless the Secretary makes a finding, based on the data provided under subparagraph (B), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

"(ii) if the determination made in clause (i) is not to implement subparagraph (A) in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding."

(b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

(1) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) OPTION TO ACCEPT PROGRAM BENEFITS THROUGH ON-LINE TRANSACTIONS.—

"(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall approve retail food stores to accept benefits from recipients of supplemental nutrition assistance through on-line transactions.

"(2) REQUIREMENTS TO ACCEPT BENEFITS.—A retail food store seeking to accept benefits from recipients of supplemental nutrition assistance through on-line transactions shall—

"(A) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

"(B) ensure benefits are not used to pay delivery, ordering, convenience, or other fees or charges;

"(C) clearly notify participating households at the time a food order is placed—

"(i) of any delivery, ordering, convenience, or other fee or charge associated with the food purchase; and

"(ii) that any such fee cannot be paid with benefits provided under this Act;

"(D) ensure the security of on-line transactions by using the most effective technology available that the Secretary considers appropriate and cost-effective and that is comparable to the security of transactions at retail food stores; and

"(E) meet other criteria as established by the Secretary.

"(3) STATE AGENCY ACTION.—Each State agency shall ensure that recipients of supplemental nutrition assistance can use benefits on-line as described in this subsection as appropriate.

"(4) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

"(A) IN GENERAL.—Before the Secretary authorizes implementation of paragraph (1) in all States, the Secretary shall carry out a number of demonstration projects as determined by the Secretary to test the feasibility of allowing retail food stores to accept benefits through on-line transactions.

"(B) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under subparagraph (A), a retail food store shall submit to the Secretary for approval a plan that includes—

"(i) a method of ensuring that benefits may be used to purchase only eligible items under this Act;

"(ii) a description of the method of educating participant households about the availability and operation of on-line purchasing;

"(iii) adequate testing of the on-line purchasing option prior to implementation;

"(iv) the provision of data as requested by the Secretary for purposes of analyzing the impact of the project on participant access, ease of use, and program integrity;

"(v) reports on progress, challenges, and results, as determined by the Secretary; and

"(vi) such other criteria, including security criteria, as established by the Secretary.

"(C) DATE OF COMPLETION.—The demonstration projects under this paragraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

"(5) REPORT TO CONGRESS.—The Secretary shall—

"(A) by not later than January 1, 2016, authorize implementation of paragraph (1) in all States, unless the Secretary makes a finding, based on the data provided under paragraph (4), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

"(B) if the determination made in subparagraph (A) is not to implement in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding."

(2) CONFORMING AMENDMENTS.—

(A) Section 7(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(b)) is amended by striking "purchase food in retail food stores" and inserting "purchase food from retail food stores".

(B) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended in the first sentence by inserting "retail food stores authorized to accept and redeem benefits through on-line transactions shall be authorized to accept benefits prior to the delivery

of food if the delivery occurs within a reasonable time of the purchase, as determined by the Secretary," after "food so purchased,".

(c) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section alter any requirements of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless specifically authorized in this section or an amendment made by this section.

SEC. 4008. USE OF BENEFITS FOR PURCHASE OF COMMUNITY-SUPPORTED AGRICULTURE SHARE.

Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) (as amended by section 4007(b)(2)(B)) is amended in the first sentence by inserting "agricultural producers who market agricultural products directly to consumers shall be authorized to redeem benefits for the initial cost of the purchase of a community-supported agriculture share for an appropriate time in advance of food delivery as determined by the Secretary," after "as determined by the Secretary,".

SEC. 4009. RESTAURANT MEALS PROGRAM.

(a) IN GENERAL.—Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(24) if the State elects to carry out a program to contract with private establishments to offer meals at concessional prices, as described in paragraphs 3, 4, and 9 of section 3(k)—

"(A) the plans of the State agency for operating the program, including—

"(i) documentation of a need that eligible homeless, elderly, and disabled clients are underserved in a particular geographic area;

"(ii) the manner by which the State agency will limit participation to only those private establishments that the State determines necessary to meet the need identified in clause (i); and

"(iii) any other conditions the Secretary may prescribe, such as the level of security necessary to ensure that only eligible recipients participate in the program; and

"(B) a report by the State agency to the Secretary annually, the schedule of which shall be established by the Secretary, that includes—

"(i) the number of households and individual recipients authorized to participate in the program, including any information on whether the individual recipient is elderly, disabled, or homeless; and

"(ii) an assessment of whether the program is meeting an established need, as documented under subparagraph (A)(i)."

(b) APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended by section 4005(d)(3)) is amended by adding at the end the following:

"(h) PRIVATE ESTABLISHMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), no private establishment that contracts with a State agency to offer meals at concessional prices as described in paragraphs 3, 4, and 9 of section 3(k) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the private establishment is required to meet a documented need in accordance with section 11(e)(24).

"(2) EXISTING CONTRACTS.—

"(A) IN GENERAL.—If, on the day before the date of enactment of this subsection, a State

has entered into a contract with a private establishment described in paragraph (1) and the Secretary has not determined that the participation of the private establishment is necessary to meet a documented need in accordance with section 11(e)(24), the Secretary shall allow the operation of the private establishment to continue without that determination of need for a period not to exceed 180 days from the date on which the Secretary establishes determination criteria, by regulation, under section 11(e)(24).

"(B) JUSTIFICATION.—If the Secretary makes a determination to terminate a contract with a private establishment that is in effect on the date of enactment of this subsection, the Secretary shall provide justification to the State in which the private establishment is located for that termination.

"(3) REPORT TO CONGRESS.—Not later than 90 days after September 30, 2013, and 90 days after the last day of each fiscal year thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of a program under this subsection using any information received from States under section 11(e)(24) as well as any other information the Secretary may have relating to the manner in which benefits are used."

(c) CONFORMING AMENDMENTS.—Section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amended by inserting "subject to section 9(h)" after "concessional prices" each place it appears.

SEC. 4010. QUALITY CONTROL ERROR RATE DETERMINATION.

Section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) is amended by adding at the end the following:

"(10) TOLERANCE LEVEL.—For the purposes of this subsection, the Secretary shall set the tolerance level for excluding small errors at \$25."

SEC. 4011. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking "2012" and inserting "2017".

SEC. 4012. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) in subsection (a)(1)(B)(ii)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(2) in subsection (b), by adding at the end the following:

"(3) FUNDING.—

"(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$5,000,000 for fiscal year 2013 and each fiscal year thereafter.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(C) MAINTENANCE OF FUNDING.—The funding provided under subparagraph (A) shall supplement (and not supplant) other Federal funding made available to the Secretary to carry out this section."

SEC. 4013. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking "2008 through 2012" and inserting "2012 through 2017";

(2) by striking paragraph (2) and inserting the following:

"(2) AMOUNTS.—The Secretary shall use to carry out paragraph (1)—

"(A) for fiscal year 2012, \$260,250,000; and

"(B) for each subsequent fiscal year, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2012, and June 30 of the immediately preceding fiscal year, and subsequently increased by—

"(i) for fiscal year 2013, \$28,000,000;

"(ii) for fiscal year 2014, \$44,000,000;

"(iii) for fiscal year 2015, \$24,000,000;

"(iv) for fiscal year 2016, \$18,000,000; and

"(v) for fiscal year 2017 and each fiscal year thereafter, \$10,000,000.";

(3) by adding at the end the following:

"(3) FUNDS AVAILABILITY.—For purposes of the funds described in this subsection, the Secretary shall—

"(A) make the funds available for 2 fiscal years; and

"(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary."

(b) EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.—Section 209(d) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7511a(d)) is amended by striking "2012" and inserting "2017".

SEC. 4014. NUTRITION EDUCATION.

Section 28(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(b)) is amended by inserting "and physical activity" after "healthy food choices".

SEC. 4015. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

"(a) PURPOSE.—The purpose of this section is to provide the Department of Agriculture with additional resources to prevent trafficking in violation of this Act by strengthening recipient and retail food store program integrity.

"(b) USE OF FUNDS.—Additional funds are provided under this section to supplement the retail food store and recipient integrity activities of the Department.

"(c) FUNDING.—

"(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$18,500,000 for fiscal year 2013 and each fiscal year thereafter.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"(3) MAINTENANCE OF FUNDING.—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding for programs carried out under this Act."

SEC. 4016. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(1) in subsection (g), by striking "coupon," and inserting "coupon";

(2) in subsection (k)(7), by striking "or are" and inserting "and";

(3) by striking subsection (l);
 (4) by redesignating subsections (m) through (t) as subsections (l) through (s), respectively; and

(5) by inserting after subsection (s) (as so redesignated) the following:

“(t) ‘Supplemental nutrition assistance program’ means the program operated pursuant to this Act.”.

(b) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the last sentence by striking “benefits” and inserting “Benefits”.

(c) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the last sentence of subsection (i)(2)(D), by striking “section 13(b)(2)” and inserting “section 13(b)”;

(2) in subsection (k)(4)(A), by striking “paragraph (2)(H)” and inserting “paragraph (2)(G)”.

(d) Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended in subparagraphs (B)(vii) and (F)(iii) by indenting both clauses appropriately.

(e) Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by redesignating the second paragraph (12) (relating to interchange fees) as paragraph (13).

(f) Section 9(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(a)) is amended by indenting paragraph (3) appropriately.

(g) Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3)(C), by striking “civil money penalties” and inserting “civil penalties”; and

(2) in subsection (g)(1), by striking “(7 U.S.C. 1786)” and inserting “(42 U.S.C. 1786)”.

(h) Section 15(b)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2024(b)(1)) is amended in the first sentence by striking “an benefit” and inserting “a benefit”.

(i) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the proviso following paragraph (8) by striking “as amended.”.

(j) Section 18(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(e)) is amended in the first sentence by striking “sections 7(f)” and inserting “section 7(f)”.

(k) Section 22(b)(10)(B)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(10)(B)(i)) is amended in the last sentence by striking “Food benefits” and inserting “Benefits”.

(l) Section 26(f)(3)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)(C)) is amended by striking “subsection” and inserting “subsections”.

(m) Section 27(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(1)) is amended by striking “(Public Law 98-8; 7 U.S.C. 612c note)” and inserting “(7 U.S.C. 7515)”.

(n) Section 509 of the Older Americans Act of 1965 (42 U.S.C. 3056g) is amended in the section heading by striking “FOOD STAMP PROGRAMS” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS”.

(o) Section 4115(c)(2)(H) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1871) is amended by striking “531” and inserting “454”.

Subtitle B—Commodity Distribution Programs

SEC. 4101. COMMODITY DISTRIBUTION PROGRAM.

Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended in the first sentence by striking “2012” and inserting “2017”.

SEC. 4102. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended—

(1) in paragraphs (1) and (2)(B) of subsection (a), by striking “2012” each place it appears and inserting “2017”;

(2) in the first sentence of subsection (d)(2), by striking “2012” and inserting “2017”;

(3) by striking subsection (g) and inserting the following:

“(g) ELIGIBILITY.—Except as provided in subsection (m), the States shall only provide assistance under the commodity supplemental food program to low-income persons aged 60 and older.”; and

(4) by adding at the end the following:

“(m) PHASE-OUT.—Notwithstanding any other provision of law, an individual who receives assistance under the commodity supplemental food program on the day before the date of enactment of this subsection shall continue to receive that assistance until the date on which the individual is no longer eligible for assistance under the eligibility requirements for the program in effect on the day before the date of enactment of this subsection.”.

SEC. 4103. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking “2012” and inserting “2017”.

SEC. 4104. TECHNICAL AND CONFORMING AMENDMENTS.

Section 3 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));”; and

(B) in paragraph (3)(D), by striking “the Committee on Education and Labor” and inserting “the Committee on Education and the Workforce”;

(2) in subsection (b)(1)(A)(ii), by striking “section 32 of the Agricultural Adjustment Act (7 U.S.C. 601 et seq.)” and inserting “section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)”;

(3) in subsection (e)(1)(D)(iii), by striking subclause (II) and inserting the following:

“(II) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));”; and

(4) in subsection (k), by striking “the Committee on Education and Labor” and inserting “the Committee on Education and the Workforce”.

Subtitle C—Miscellaneous

SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4(b)) is amended by striking “2012” and inserting “2017”.

SEC. 4202. SENIORS FARMERS’ MARKET NUTRITION PROGRAM.

Section 4402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(a)) is amended by striking “2012” and inserting “2017”.

SEC. 4203. NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.

Section 4403 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107-171) is repealed.

SEC. 4204. WHOLE GRAIN PRODUCTS.

Section 4305 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1755a) is amended—

(1) in subsection (a), by striking “2005” and inserting “2010”;

(2) in subsection (d), by striking “2011” and inserting “2015”;

(3) in subsection (e), by striking “Labor of the House of Representative” and inserting “the Workforce of the House of Representatives”;

(4) by adding at the end the following:

“(f) FUNDING.—

“(1) IN GENERAL.—On October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$10,000,000 for the period of fiscal years 2014 through 2015.

“(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

“(3) MAINTENANCE OF FUNDING.—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding (including funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)) for programs carried out under—

“(A) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act (42 U.S.C. 1769a);

“(B) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

“(C) section 27 of the Food and Nutrition Act of 2008 (7 U.S.C. 2036).”.

SEC. 4205. HUNGER-FREE COMMUNITIES.

Section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) ELIGIBLE ENTITY.—

“(A) COLLABORATIVE GRANTS.—In subsection (b), the term ‘eligible entity’ means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated or will collaborate with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

“(B) INCENTIVE GRANTS.—In subsection (c), the term ‘eligible entity’ means a nonprofit organization (including an emergency feeding organization), an agricultural cooperative, producer network or association, community health organization, public benefit corporation, economic development corporation, farmers’ market, community-supported agriculture program, buying club, supplemental nutrition assistance program retail food store, a State, local, or tribal agency, and any other entity the Secretary designates.”.

(B) by adding at the end the following:

“(4) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(5) UNDERSERVED COMMUNITY.—The term ‘underserved community’ has the meaning given the term in section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).”.

(2) in subsection (b)(1)(A), by striking “not more than 50 percent of any funds made available under subsection (e)” and inserting “funds made available under subsection (d)(1)”;

(3) by striking subsections (c), (d), and (e) and inserting the following:

“(C) HUNGER-FREE COMMUNITIES INCENTIVE GRANTS.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—In each of the years specified in subsection (d), the Secretary shall make grants to eligible entities in accordance with paragraph (2).

“(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 50 percent of the total cost of the activity.

“(C) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—The non-Federal share of the cost of an activity under this subsection may be provided—

“(I) in cash or in-kind contributions as determined by the Secretary, including facilities, equipment, or services; and

“(II) by a State or local government or a private source.

“(ii) LIMITATION.—In the case of a for-profit entity, the non-Federal share described in clause (i) shall not include services of an employee, including salaries paid or expenses covered by the employer.

“(2) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, an eligible entity is a governmental agency or nonprofit organization that—

“(i) meets the application criteria set forth by the Secretary; and

“(ii) proposes a project that, at a minimum—

“(I) has the support of the State agency;

“(II) would increase the purchase of fruits and vegetables by low-income consumers participating in the supplemental nutrition assistance program by providing incentives at the point of purchase;

“(III) agrees to participate in the evaluation described in paragraph (4);

“(IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under this Act and incentives provided for in this subsection as apply to purchases made by individuals who are not members of households receiving benefits, such as provided for in section 278.2(b) of title 7, Code of Federal Regulations (or a successor regulation); and

“(V) includes effective and efficient technologies for benefit redemption systems that may be replicated in other for States and communities.

“(B) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that—

“(i) maximize the share of funds used for direct incentives to participants;

“(ii) use direct-to-consumer sales marketing;

“(iii) demonstrate a track record of designing and implementing successful nutrition incentive programs that connect low-income consumers and agricultural producers;

“(iv) provide locally or regionally produced fruits and vegetables;

“(v) are located in underserved communities; or

“(vi) address other criteria as established by the Secretary.

“(3) APPLICABILITY.—

“(A) IN GENERAL.—The value of any benefit provided to a participant in any activity funded under this subsection shall not be considered income or resources for any purpose under any Federal, State, or local law.

“(B) PROHIBITION ON COLLECTION OF SALES TAXES.—Each State shall ensure that no State or local tax is collected on a purchase of food under this subsection.

“(C) NO LIMITATION ON BENEFITS.—A grant made available under this subsection shall

not be used to carry out any project that limits the use of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any other Federal nutrition law.

“(D) HOUSEHOLD ALLOTMENT.—Assistance provided under this subsection to households receiving benefits under the supplemental nutrition assistance program shall not—

“(i) be considered part of the supplemental nutrition assistance program benefits of the household; or

“(ii) be used in the collection or disposition of claims under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

“(4) EVALUATION.—

“(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of each project on—

“(i) improving the nutrition and health status of participating households receiving incentives under this subsection; and

“(ii) increasing fruit and vegetable purchases in participating households.

“(B) REQUIREMENT.—The independent evaluation under subparagraph (A) shall use rigorous methodologies capable of producing scientifically valid information regarding the effectiveness of a project.

“(C) COSTS.—The Secretary may use funds not to exceed 10 percent of the funding provided to carry out this section to pay costs associated with administering, monitoring, and evaluating each project.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsection (c)—

“(A) \$15,000,000 for fiscal year 2013;

“(B) \$20,000,000 for each of fiscal years 2014 through 2016; and

“(C) \$25,000,000 for fiscal year 2017.”

SEC. 4206. HEALTHY FOOD FINANCING INITIATIVE.

(a) IN GENERAL.—Subtitle D of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6951 et seq.) is amended by adding at the end the following:

“SEC. 242. HEALTHY FOOD FINANCING INITIATIVE.

“(a) PURPOSE.—The purpose of this section is to enhance the authorities of the Secretary to support efforts to provide access to healthy food by establishing an initiative to improve access to healthy foods in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities by providing loans and grants to eligible fresh, healthy food retailers to overcome the higher costs and initial barriers to entry in underserved areas.

“(b) DEFINITIONS.—In this section:

“(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘community development financial institution’ has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

“(2) INITIATIVE.—The term ‘Initiative’ means the Healthy Food Financing Initiative established under subsection (c)(1).

“(3) NATIONAL FUND MANAGER.—The term ‘national fund manager’ means a community development financial institution that is—

“(A) in existence on the date of enactment of this section; and

“(B) certified by the Community Development Financial Institution Fund of the Department of Treasury to manage the Initiative for purposes of—

“(i) raising private capital;

“(ii) providing financial and technical assistance to partnerships; and

“(iii) funding eligible projects to attract fresh, healthy food retailers to underserved areas, in accordance with this section.

“(4) PARTNERSHIP.—The term ‘partnership’ means a regional, State, or local public-private partnership that—

“(A) is organized to improve access to fresh, healthy foods;

“(B) provides financial and technical assistance to eligible projects; and

“(C) meets such other criteria as the Secretary may establish.

“(5) PERISHABLE FOOD.—The term ‘perishable food’ means a staple food that is fresh, refrigerated, or frozen.

“(6) QUALITY JOB.—The term ‘quality job’ means a job that provides wages and other benefits comparable to, or better than, similar positions in existing businesses of similar size in similar local economies.

“(7) STAPLE FOOD.—

“(A) IN GENERAL.—The term ‘staple food’ means food that is a basic dietary item.

“(B) INCLUSIONS.—The term ‘staple food’ includes—

“(i) bread;

“(ii) flour;

“(iii) fruits;

“(iv) vegetables; and

“(v) meat.

“(c) INITIATIVE.—

“(1) ESTABLISHMENT.—The Secretary shall establish an initiative to achieve the purpose described in subsection (a) in accordance with this subsection.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—

“(i) IN GENERAL.—In carrying out the Initiative, the Secretary shall provide funding to entities with eligible projects, as described in subparagraph (B), subject to the priorities described in subparagraph (C).

“(ii) USE OF FUNDS.—Funds provided to an entity pursuant to clause (i) shall be used—

“(I) to create revolving loan pools of capital or other products to provide loans to finance eligible projects or partnerships;

“(II) to provide grants for eligible projects or partnerships;

“(III) to provide technical assistance to funded projects and entities seeking Initiative funding; and

“(IV) to cover administrative expenses of the national fund manager in an amount not to exceed 10 percent of the Federal funds provided.

“(B) ELIGIBLE PROJECTS.—Subject to the approval of the Secretary, the national fund manager shall establish eligibility criteria for projects under the Initiative, which shall include the existence or planned execution of agreements—

“(i) to expand or preserve the availability of staple foods in underserved areas with moderate- and low-income populations by maintaining or increasing the number of retail outlets that offer an assortment of perishable food and staple food items, as determined by the Secretary, in those areas; and

“(ii) to accept benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(C) PRIORITIES.—In carrying out the Initiative, priority shall be given to projects that—

“(i) are located in severely distressed low-income communities, as defined by the Community Development Financial Institutions Fund of the Department of Treasury; and

“(ii) include 1 or more of the following characteristics:

“(I) The project will create or retain quality jobs for low-income residents in the community.

“(II) The project supports regional food systems and locally grown foods, to the maximum extent practicable.

“(III) In areas served by public transit, the project is accessible by public transit.

“(IV) The project involves women- or minority-owned businesses.

“(V) The project receives funding from other sources, including other Federal agencies.

“(VI) The project otherwise advances the purpose of this section, as determined by the Secretary.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$125,000,000, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 1609(d)) is amended—

(1) in paragraph (7), by striking “or” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(9) the authority of the Secretary to establish and carry out the Health Food Financing Initiative under section 242.”.

TITLE V—CREDIT

Subtitle A—Farmer Loans, Servicing, and Other Assistance Under the Consolidated Farm and Rural Development Act

SEC. 5001. FARMER LOANS, SERVICING, AND OTHER ASSISTANCE UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

The Consolidated Farm and Rural Development Act (as amended by section 6001) is amended by inserting after section 3002 the following:

“Subtitle A—Farmer Loans, Servicing, and Other Assistance

“CHAPTER 1—FARM OWNERSHIP LOANS

“SEC. 3101. FARM OWNERSHIP LOANS.

“(a) IN GENERAL.—The Secretary may make or guarantee a farm ownership loan under this chapter to an eligible farmer.

“(b) ELIGIBILITY.—A farmer shall be eligible under subsection (a) only—

“(1) if the farmer, or, in the case of an entity, 1 or more individuals holding a majority interest in the farmer—

“(A) is a citizen of the United States; and

“(B) in the case of a direct loan, has training or farming experience that the Secretary determines is sufficient to ensure a reasonable prospect of success in the farming operation proposed by the farmer;

“(2)(A) in the case of a farmer that is an individual, if the farmer is or proposes to become an owner and operator of a farm that is not larger than a family farm; or

“(B) in the case of a lessee-operator of a farm located in the State of Hawaii, if the Secretary determines that—

“(i) the farm is not larger than a family farm;

“(ii) the farm cannot be acquired in fee simple by the lessee-operator;

“(iii) adequate security is provided for the loan with respect to the farm for which the lessee-operator applies under this chapter; and

“(iv) there is a reasonable probability of accomplishing the objectives and repayment of the loan;

“(3) in the case of a farmer that is a cooperative, corporation, partnership, trust, lim-

ited liability company, joint operation, or such other legal entity as the Secretary determines to be appropriate, with respect to the entity and each farm in which the entity has an ownership or operator interest—

“(A) if—

“(i) a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become owners or operators of a farm that is not larger than a family farm; and

“(iii) at least 1 of the individuals is or proposes to become an operator of the farm; or

“(B) if—

“(i) the entire interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become farm operators; and

“(iii) the ownership interest of each individual separately constitutes not larger than a family farm, even if the ownership interests of the individuals collectively constitute larger than a family farm;

“(4) in the case of an entity that is, or will become within a reasonable period of time, as determined by the Secretary, only the operator of a family farm, if the 1 or more individuals who are the owners of the family farm own—

“(A) a percentage of the family farm that exceeds 50 percent; or

“(B) such other percentage as the Secretary determines to be appropriate;

“(5) in the case of an operator described in paragraph (3) that is owned, in whole or in part, by 1 or more other entities, if each of the individuals that have a direct or indirect ownership interest in such other entities also have a direct ownership interest in the entity applying as an individual; and

“(6) if the farmer and each individual that holds a majority interest in the farmer is unable to obtain credit elsewhere.

“(c) DIRECT LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make a direct loan under this chapter only to a farmer who has participated in business operations of a farm for not less than 3 years (or has other acceptable experience for a period of time determined by the Secretary) and—

“(A) is a qualified beginning farmer;

“(B) has not received a previous direct farm ownership loan made under this chapter; or

“(C) has not received a direct farm ownership loan under this chapter more than 10 years before the date on which the new loan would be made.

“(2) YOUTH LOANS.—The operation of an enterprise by a youth under section 3201(d) shall not be considered the operation of a farm for purposes of paragraph (1).

“SEC. 3102. PURPOSES OF LOANS.

“(a) ALLOWED PURPOSES.—

“(1) DIRECT LOANS.—A farmer may use a direct loan made under this chapter only—

“(A) to acquire or enlarge a farm;

“(B) to make capital improvements to a farm;

“(C) to pay loan closing costs related to acquiring, enlarging, or improving a farm;

“(D) to pay for activities to promote soil and water conservation and protection described in section 3103 on a farm; or

“(E) to refinance a temporary bridge loan made by a commercial or cooperative lender to a farmer for the acquisition of land for a farm, if—

“(i) the Secretary approved an application for a direct farm ownership loan to the farmer for acquisition of the land; and

“(ii) funds for direct farm ownership loans under section 3201(a) were not available at the time at which the application was approved.

“(2) GUARANTEED LOANS.—A farmer may use a loan guaranteed under this chapter only—

“(A) to acquire or enlarge a farm;

“(B) to make capital improvements to a farm;

“(C) to pay loan closing costs related to acquiring, enlarging, or improving a farm;

“(D) to pay for activities to promote soil and water conservation and protection described in section 3103 on a farm; or

“(E) to refinance indebtedness.

“(b) PREFERENCES.—In making or guaranteeing a loan under this chapter for purchase of a farm, the Secretary shall give preference to a person who—

“(1) has a dependent family;

“(2) to the extent practicable, is able to make an initial down payment on the farm; or

“(3) is an owner of livestock or farm equipment that is necessary to successfully carry out farming operations.

“(c) HAZARD INSURANCE REQUIREMENT.—The Secretary may not make a loan to a farmer under this chapter unless the farmer has, or agrees to obtain, hazard insurance on any real property to be acquired or improved with the loan.

“SEC. 3103. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

“(a) IN GENERAL.—The Secretary may make or guarantee qualified conservation loans to eligible borrowers under this section.

“(b) DEFINITIONS.—In this section:

“(1) CONSERVATION PLAN.—The term ‘conservation plan’ means a plan, approved by the Secretary, that, for a farming operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

“(A) the installation of conservation structures to address soil, water, and related resources;

“(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

“(C) the installation of water conservation measures;

“(D) the installation of waste management systems;

“(E) the establishment or improvement of permanent pasture;

“(F) compliance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812); and

“(G) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

“(2) QUALIFIED CONSERVATION LOAN.—The term ‘qualified conservation loan’ means a loan, the proceeds of which are used to cover the costs to the borrower of carrying out a qualified conservation project.

“(3) QUALIFIED CONSERVATION PROJECT.—The term ‘qualified conservation project’ means conservation measures that address provisions of a conservation plan of the eligible borrower.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers.

“(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the citizenship and training and experience requirements of section 3101(b).

“(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

“(1) qualified beginning farmers and socially disadvantaged farmers;

“(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

“(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812).

“(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall not exceed 75 percent of the principal amount of the loan.

“(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across diverse geographic regions.

“(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 3406(a) shall not apply to loans made or guaranteed under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2012 through 2017, there are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

“SEC. 3104. LOAN MAXIMUMS.

“(a) MAXIMUM.—

“(1) IN GENERAL.—The Secretary shall make or guarantee no loan under sections 3101, 3102, 3103, 3106, and 3107 that would cause the unpaid indebtedness under those sections of any 1 borrower to exceed the lesser of—

“(A) the value of the farm or other security, or

“(B)(i) in the case of a loan made by the Secretary, \$300,000; or

“(ii) in the case of a loan guaranteed by the Secretary, \$700,000 (as modified under paragraph (2)).

“(2) MODIFICATION.—The amount specified in paragraph (1)(B)(ii) shall be—

“(A) increased, beginning with fiscal year 2000, by the inflation percentage applicable to the fiscal year in which the loan is guaranteed; and

“(B) reduced by the amount of any unpaid indebtedness of the borrower on loans under chapter 2 that are guaranteed by the Secretary.

“(b) DETERMINATION OF VALUE.—In determining the value of the farm, the Secretary shall consider appraisals made by competent appraisers under rules established by the Secretary.

“(c) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

“(1) the average of the Prices Paid By Farmers Index (as compiled by the National Agricultural Statistics Service of the Department) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

“(2) the average of that index (as so defined) for the 12-month period ending on August 31, 1996.

“SEC. 3105. REPAYMENT REQUIREMENTS FOR FARM OWNERSHIP LOANS.

“(a) PERIOD FOR REPAYMENT.—The period for repayment of a loan under this chapter shall not exceed 40 years.

“(b) INTEREST RATES.—

“(1) IN GENERAL.—Except as otherwise provided in this title, the interest rate on a loan under this chapter shall be determined by the Secretary at a rate—

“(A) not to exceed the sum obtained by adding—

“(i) the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of the loan; and

“(ii) an amount not to exceed 1 percent, as determined by the Secretary; and

“(B) adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(2) LOW INCOME FARM OWNERSHIP LOANS.—Except as provided in paragraph (3), the interest rate on a loan (other than a guaranteed loan) under section 3106 shall be determined by the Secretary at a rate that is—

“(A) not greater than the sum obtained by adding—

“(i) an amount that does not exceed $\frac{1}{2}$ of the current average market yield on outstanding marketable obligations of the United States with maturities of 5 years; and

“(ii) an amount not to exceed 1 percent per year, as the Secretary determines is appropriate; and

“(B) not less than 5 percent per year.

“(3) JOINT FINANCING ARRANGEMENT.—If a direct farm ownership loan is made under this chapter as part of a joint financing arrangement and the amount of the direct farm ownership loan does not exceed 50 percent of the total principal amount financed under the arrangement, the interest rate on the direct farm ownership loan shall be at least 4 percent annually.

“(4) GUARANTEED LOANS.—The interest rate on a loan made under this chapter as a guaranteed loan shall be such rate as may be agreed on by the borrower and the lender, but not in excess of any rate determined by the Secretary.

“(c) PAYMENT OF CHARGES.—A borrower of a loan made or guaranteed under this chapter shall pay such fees and other charges as the Secretary may require, and prepay to the Secretary such taxes and insurance as the Secretary may require, on such terms and conditions as the Secretary may prescribe.

“(d) SECURITY.—

“(1) IN GENERAL.—The Secretary shall take as security for an obligation entered into in connection with a loan, a mortgage on a farm with respect to which the loan is made or such other security as the Secretary may require.

“(2) LIENS TO UNITED STATES.—An instrument for security under paragraph (1) may constitute a lien running to the United States notwithstanding the fact that the note for the security may be held by a lender other than the United States.

“(3) MULTIPLE LOANS.—A borrower may use the same collateral to secure 2 or more loans made or guaranteed under this chapter, except that the outstanding amount of the loans may not exceed the total value of the collateral.

“(e) MINERAL RIGHTS AS COLLATERAL.—

“(1) IN GENERAL.—In the case of a farm ownership loan made after December 23, 1985, unless appraised values of the rights to oil, gas, or other minerals are specifically included as part of the appraised value of collateral securing the loan, the rights to oil, gas, or other minerals located under the property shall not be considered part of the collateral securing the loan.

“(2) COMPENSATORY PAYMENTS.—Nothing in this subsection prevents the inclusion of, as part of the collateral securing the loan, any payment or other compensation the borrower may receive for damages to the surface of the collateral real estate resulting from the exploration for or recovery of minerals.

“(f) ADDITIONAL COLLATERAL.—The Secretary may not—

“(1) require any borrower to provide additional collateral to secure a farmer program loan made or guaranteed under this subtitle, if the borrower is current in the payment of principal and interest on the loan; or

“(2) bring any action to foreclose, or otherwise liquidate, the loan as a result of the failure of a borrower to provide additional collateral to secure the loan, if the borrower was current in the payment of principal and interest on the loan at the time the additional collateral was requested.

“SEC. 3106. LIMITED-RESOURCE LOANS.

“(a) IN GENERAL.—The Secretary may make or guarantee a limited-resource loan for any of the purposes specified in sections 3102(a) or 3103(a) to a farmer in the United States who—

“(1) in the case of an entity, all members, stockholders, or partners are eligible under section 3101(b);

“(2) has a low income; and

“(3) demonstrates a need to maximize the income of the farmer from farming operations.

“(b) INSTALLMENTS.—A loan made or guaranteed under this section shall be repayable in such installments as the Secretary determines will provide for reduced payments during the initial repayment period of the loan and larger payments during the remainder of the repayment period of the loan.

“(c) INTEREST RATES.—Except as provided in section 3105(b)(3) and in section 3204(b)(3), the interest rate on loans (other than guaranteed loans) under this section shall not be—

“(1) greater than the sum obtained by adding—

“(A) an amount that does not exceed $\frac{1}{2}$ of the current average market yield on outstanding marketable obligations of the United States with maturities of 5 years; and

“(B) an amount not exceeding 1 percent per year, as the Secretary determines is appropriate; or

“(2) less than 5 percent per year.

“SEC. 3107. DOWNPAYMENT LOAN PROGRAM.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—Notwithstanding any other provision of this chapter, the Secretary shall establish, under the farm ownership loan program established under this chapter, a program under which loans shall be made under this section to a qualified beginning farmer or a socially disadvantaged farmer for a downpayment on a farm ownership loan.

“(2) COORDINATION.—The Secretary shall be the primary coordinator of credit supervision for the downpayment loan program established under this section, in consultation with a commercial or cooperative lender and, if applicable, a contracting credit counseling service selected under section 3420(c).

“(b) LOAN TERMS.—

“(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the lesser of—

“(A) the purchase price of the farm to be acquired;

“(B) the appraised value of the farm to be acquired; or

“(C) \$667,000.

“(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

“(A) the difference between—

“(i) 4 percent; and

“(ii) the interest rate for farm ownership loans under this chapter; or

“(B) 1.5 percent.

“(3) DURATION.—Each loan under this section shall be made for a period of 20 years or less, at the option of the borrower.

“(4) REPAYMENT.—Each borrower of a loan under this section shall repay the loan to the Secretary in equal annual installments.

“(5) NATURE OF RETAINED SECURITY INTEREST.—The Secretary shall retain an interest in each farm acquired with a loan made under this section that shall—

“(A) be secured by the farm;

“(B) be junior only to such interests in the farm as may be conveyed at the time of acquisition to the person (including a lender) from whom the borrower obtained a loan used to acquire the farm; and

“(C) require the borrower to obtain the permission of the Secretary before the borrower may grant an additional security interest in the farm.

“(c) LIMITATIONS.—

“(1) BORROWERS REQUIRED TO MAKE MINIMUM DOWN PAYMENT.—The Secretary shall not make a loan under this section to any borrower with respect to a farm if the contribution of the borrower to the down payment on the farm will be less than 5 percent of the purchase price of the farm.

“(2) PROHIBITED TYPES OF FINANCING.—The Secretary shall not make a loan under this section with respect to a farm if the farm is to be acquired with other financing that contains any of the following conditions:

“(A) The financing is to be amortized over a period of less than 30 years.

“(B) A balloon payment will be due on the financing during the 20-year period beginning on the date on which the loan is to be made by the Secretary.

“(d) ADMINISTRATION.—In carrying out this section, the Secretary shall, to the maximum extent practicable—

“(1) facilitate the transfer of farms from retiring farmers to persons eligible for insured loans under this subtitle;

“(2) make efforts to widely publicize the availability of loans under this section among—

“(A) potentially eligible recipients of the loans;

“(B) retiring farmers; and

“(C) applicants for farm ownership loans under this chapter;

“(3) encourage retiring farmers to assist in the sale of their farms to qualified beginning farmers and socially disadvantaged farmers providing seller financing;

“(4) coordinate the loan program established by this section with State programs that provide farm ownership or operating loans for beginning farmers or socially disadvantaged farmers; and

“(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or socially disadvantaged farmer.

“SEC. 3108. BEGINNING FARMER AND SOCIALLY DISADVANTAGED FARMER CONTRACT LAND SALES PROGRAM.

“(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm to a qualified beginning farmer or socially disadvantaged farmer on a contract land sales basis.

“(b) ELIGIBILITY.—To be eligible for a loan guarantee under subsection (a)—

“(1) the qualified beginning farmer or socially disadvantaged farmer shall—

“(A) on the date the contract land sale that is subject of the loan is complete, own

and operate the farm that is the subject of the contract land sale;

“(B) have a credit history that—

“(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

“(ii) is acceptable to the Secretary; and

“(C) demonstrate to the Secretary that the farmer is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer at a reasonable rate or term; and

“(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary.

“(c) LIMITATIONS.—The Secretary shall not provide a loan guarantee under subsection (a) if—

“(1) the contribution of the qualified beginning farmer or socially disadvantaged farmer to the down payment for the farm that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm; or

“(2) the purchase price or the appraisal value of the farm that is the subject of the contract land sale is greater than \$500,000.

“(d) PERIOD OF GUARANTEE.—A loan guarantee under this section shall be in effect for the 10-year period beginning on the date on which the guarantee is provided.

“(e) GUARANTEE PLAN.—

“(1) SELECTION OF PLAN.—A private seller of a farm who makes a loan guaranteed by the Secretary under subsection (a) may select—

“(A) a prompt payment guarantee plan, which shall cover—

“(i) 3 amortized annual installments; or

“(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

“(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

“(2) ELIGIBILITY FOR STANDARD GUARANTEE PLAN.—To be eligible for a standard guarantee plan referred to in paragraph (1)(B), a private seller shall—

“(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or

“(B) in cooperation with the farmer, use an appropriate alternate arrangement, as determined by the Secretary.

“CHAPTER 2—OPERATING LOANS

“SEC. 3201. OPERATING LOANS.

“(a) IN GENERAL.—The Secretary may make or guarantee an operating loan under this chapter to an eligible farmer in the United States.

“(b) ELIGIBILITY.—A farmer shall be eligible under subsection (a) only—

“(1) if the farmer, or an individual holding a majority interest in the farmer—

“(A) is a citizen of the United States; and

“(B) has training or farming experience that the Secretary determines is sufficient to ensure a reasonable prospect of success in the farming operation proposed by the farmer;

“(2) in the case of a farmer that is an individual, if the farmer is or proposes to become an operator of a farm that is not larger than a family farm;

“(3) in the case of a farmer that is a cooperative, corporation, partnership, trust, limited liability company, joint operation, or other such legal entity as the Secretary determines to be appropriate, with respect to the entity and each farm in which the entity has an ownership or operator interest—

“(A) if—

“(i) a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become owners or operators of a farm that is not larger than a family farm; and

“(iii) at least 1 of the individuals is or proposes to become an operator of the farm; or

“(B) if—

“(i) the entire interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become farm operators; and

“(iii) the ownership interest of each individual separately constitutes not larger than a family farm, even if the ownership interests of the individuals collectively constitute larger than a family farm;

“(4) in the case of an operator described in paragraph (3) that is owned, in whole or in part by 1 or more other entities, if not less than 75 percent of the ownership interests of each other entity is owned directly or indirectly by 1 or more individuals who own the family farm; and

“(5) if the farmer and each individual that holds a majority interest in the farmer is unable to obtain credit elsewhere.

“(c) DIRECT LOANS.—

“(1) IN GENERAL.—Subject to paragraph (3), the Secretary may make a direct loan under this chapter only to a farmer who—

“(A) is a qualified beginning farmer;

“(B) has not received a previous direct operating loan made under this chapter; or

“(C) has not received a direct operating loan made under this chapter for a total of 7 years, less 1 year for every 3 consecutive years the farmer did not receive a direct operating loan after the year in which the borrower initially received a direct operating loan under this chapter, as determined by the Secretary.

“(2) YOUTH LOANS.—In this subsection, the term ‘direct operating loan’ shall not include a loan made to a youth under subsection (d).

“(3) TRANSITION RULE.—If, as of April 4, 1996, a farmer has received a direct operating loan under this chapter during each of 4 or more previous years, the borrower shall be eligible to receive a direct operating loan under this chapter during 3 additional years after April 4, 1996.

“(4) WAIVERS.—

“(A) FARM OPERATIONS ON TRIBAL LAND.—The Secretary shall waive the limitation under paragraph (1)(C) or (3) for a direct loan made under this chapter to a farmer whose farm land is subject to the jurisdiction of an Indian tribe and whose loan is secured by 1 or more security instruments that are subject to the jurisdiction of an Indian tribe if the Secretary determines that commercial credit is not generally available for such farm operations.

“(B) OTHER FARM OPERATIONS.—On a case-by-case determination not subject to administrative appeal, the Secretary may grant a borrower a waiver, 1 time only for a period of 2 years, of the limitation under paragraph (1)(C) or (3) for a direct operating loan if the borrower demonstrates to the satisfaction of the Secretary that—

“(i) the borrower has a viable farm operation;

“(ii) the borrower applied for commercial credit from at least 2 commercial lenders;

“(iii) the borrower was unable to obtain a commercial loan (including a loan guaranteed by the Secretary); and

“(iv) the borrower successfully has completed, or will complete within 1 year, borrower training under section 3419 (from

which requirement the Secretary shall not grant a waiver under section 3419(f)).

“(d) YOUTH LOANS.—

“(1) IN GENERAL.—Notwithstanding subsection (b), except for citizenship and credit requirements, a loan may be made under this chapter to a youth who is a rural resident to enable the youth to operate an enterprise in connection with the participation in a youth organization, as determined by the Secretary.

“(2) FULL PERSONAL LIABILITY.—A youth receiving a loan under this subsection who executes a promissory note for the loan shall incur full personal liability for the indebtedness evidenced by the note, in accordance with the terms of the note, free of any disability of minority.

“(3) COSIGNER.—The Secretary may accept the personal liability of a cosigner of a promissory note for a loan under this subsection, in addition to the personal liability of the youth borrower.

“(4) YOUTH ENTERPRISES NOT FARMING.—The operation of an enterprise by a youth under this subsection shall not be considered the operation of a farm under this subtitle.

“SEC. 3202. PURPOSES OF LOANS.

“(a) DIRECT LOANS.—A direct loan may be made under this chapter only—

“(1) to pay the costs incident to reorganizing a farm for more profitable operation;

“(2) to purchase livestock, poultry, or farm equipment;

“(3) to purchase feed, seed, fertilizer, insecticide, or farm supplies, or to meet other essential farm operating expenses, including cash rent;

“(4) to finance land or water development, use, or conservation;

“(5) to pay loan closing costs;

“(6) to assist a farmer in changing the equipment, facilities, or methods of operation of a farm to comply with a standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) or a standard adopted by a State under a plan approved under section 18 of that Act (29 U.S.C. 667), if the Secretary determines that without assistance under this paragraph the farmer is likely to suffer substantial economic injury in complying with the standard;

“(7) to train a limited-resource borrower receiving a loan under section 3106 in maintaining records of farming operations;

“(8) to train a borrower under section 3419;

“(9) to refinance the indebtedness of a borrower, if the borrower—

“(A) has refinanced a loan under this chapter not more than 4 times previously; and

“(B)(i) is a direct loan borrower under this title at the time of the refinancing and has suffered a qualifying loss because of a natural or major disaster or emergency; or

“(ii) is refinancing a debt obtained from a creditor other than the Secretary; or

“(10) to provide other farm or home needs, including family subsistence.

“(b) GUARANTEED LOANS.—A loan may be guaranteed under this chapter only—

“(1) to pay the costs incident to reorganizing a farm for more profitable operation;

“(2) to purchase livestock, poultry, or farm equipment;

“(3) to purchase feed, seed, fertilizer, insecticide, or farm supplies, or to meet other essential farm operating expenses, including cash rent;

“(4) to finance land or water development, use, or conservation;

“(5) to refinance indebtedness;

“(6) to pay loan closing costs;

“(7) to assist a farmer in changing the equipment, facilities, or methods of oper-

ation of a farm to comply with a standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) or a standard adopted by a State under a plan approved under section 18 of that Act (29 U.S.C. 667), if the Secretary determines that without assistance under this paragraph the farmer is likely to suffer substantial economic injury due to compliance with the standard;

“(8) to train a borrower under section 3419; or

“(9) to provide other farm or home needs, including family subsistence.

“(c) HAZARD INSURANCE REQUIREMENT.—The Secretary may not make a loan to a farmer under this chapter unless the farmer has, or agrees to obtain, hazard insurance on the property to be acquired with the loan.

“(d) PRIVATE RESERVE.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may reserve a portion of any loan made under this chapter to be placed in an unsupervised bank account that may be used at the discretion of the borrower for the basic family needs of the borrower and the immediate family of the borrower.

“(2) LIMIT ON SIZE OF THE RESERVE.—The size of the reserve shall not exceed the lesser of—

“(A) 10 percent of the loan;

“(B) \$5,000; or

“(C) the amount needed to provide for the basic family needs of the borrower and the immediate family of the borrower for 3 calendar months.

“SEC. 3203. RESTRICTIONS ON LOANS.

“(a) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may not make or guarantee a loan under this chapter—

“(A) that would cause the total principal indebtedness outstanding at any 1 time for loans made under this chapter to any 1 borrower to exceed—

“(i)(I) in the case of a loan made by the Secretary, \$300,000; or

“(II) in the case of a loan guaranteed by the Secretary, \$700,000 (as modified under paragraph (2)); or

“(B) for the purchasing or leasing of land other than for cash rent, or for carrying on a land leasing or land purchasing program.

“(2) MODIFICATION.—The amount specified in paragraph (1)(A)(ii) shall be—

“(A) increased, beginning with fiscal year 2000, by the inflation percentage applicable to the fiscal year in which the loan is guaranteed; and

“(B) reduced by the unpaid indebtedness of the borrower on loans under sections specified in section 3104 that are guaranteed by the Secretary.

“(b) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

“(1) the average of the Prices Paid By Farmers Index (as compiled by the National Agricultural Statistics Service of the Department) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

“(2) the average of that index (as so defined) for the 12-month period ending on August 31, 1996.

“SEC. 3204. TERMS OF LOANS.

“(a) PERSONAL LIABILITY.—A borrower of a loan made under this chapter shall secure the loan with the full personal liability of the borrower and such other security as the Secretary may prescribe.

“(b) INTEREST RATES.—

“(1) MAXIMUM RATE.—

“(A) IN GENERAL.—Except as provided in paragraphs (2) and (3), the interest rate on a loan made under this chapter (other than a guaranteed loan) shall be determined by the Secretary at a rate not to exceed the sum obtained by adding—

“(i) the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of the loan; and

“(ii) an additional charge not to exceed 1 percent, as determined by the Secretary.

“(B) ADJUSTMENT.—The sum obtained under subparagraph (A) shall be adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(2) GUARANTEED LOAN.—The interest rate on a guaranteed loan made under this chapter shall be such rate as may be agreed on by the borrower and the lender, but may not exceed any rate prescribed by the Secretary.

“(3) LOW INCOME LOAN.—The interest rate on a direct loan made under this chapter to a low-income, limited-resource borrower shall be determined by the Secretary at a rate that is not—

“(A) greater than the sum obtained by adding—

“(i) an amount that does not exceed $\frac{1}{2}$ of the current average market yield on outstanding marketable obligations of the United States with a maturity of 5 years; and

“(ii) an amount not to exceed 1 percent per year, as the Secretary determines is appropriate; or

“(B) less than 5 percent per year.

“(c) PERIOD FOR REPAYMENT.—The period for repayment of a loan made under this chapter may not exceed 7 years.

“(d) LINE-OF-CREDIT LOANS.—

“(1) IN GENERAL.—A loan made or guaranteed by the Secretary under this chapter may be in the form of a line-of-credit loan.

“(2) TERM.—A line-of-credit loan under paragraph (1) shall terminate not later than 5 years after the date that the loan is made or guaranteed.

“(3) ELIGIBILITY.—For purposes of determining eligibility for an operating loan under this chapter, each year during which a farmer takes an advance or draws on a line-of-credit loan the farmer shall be considered as having received an operating loan for 1 year.

“(4) TERMINATION OF DELINQUENT LOANS.—If a borrower does not pay an installment on a line-of-credit loan on schedule, the borrower may not take an advance or draw on the line-of-credit, unless the Secretary determines that—

“(A) the failure of the borrower to pay on schedule was due to unusual conditions that the borrower could not control; and

“(B) the borrower will reduce the line-of-credit balance to the scheduled level at the end of—

“(i) the production cycle; or

“(ii) the marketing of the agricultural products of the borrower.

“(5) AGRICULTURAL COMMODITIES.—A line-of-credit loan may be used to finance the production or marketing of an agricultural commodity that is eligible for a price support program of the Department.

“CHAPTER 3—EMERGENCY LOANS

“SEC. 3301. EMERGENCY LOANS.

“(a) IN GENERAL.—The Secretary shall make or guarantee an emergency loan under this chapter to an eligible farmer only to the extent and in such amounts as provided in advance in appropriation Acts.

“(b) ELIGIBILITY.—An established farmer shall be eligible under subsection (a) only—

“(1) if the farmer or an individual holding a majority interest in the farmer—

“(A) is a citizen of the United States; and
“(B) has experience and resources that the Secretary determines are sufficient to ensure a reasonable prospect of success in the farming operation proposed by the farmer;

“(2) in the case of a farmer that is an individual, if the farmer is—

“(A) in the case of a loan for a purpose under chapter 1, an owner, operator, or lessee-operator described in section 3101(b)(2); and

“(B) in the case of a loan for a purpose under chapter 2, an operator of a farm that is not larger than a family farm;

“(3) in the case of a farmer that is a cooperative, corporation, partnership, trust, limited liability company, joint operation, or such other legal entity as the Secretary determines to be appropriate, with respect to the entity and each farm in which the entity has an ownership or operator interest—

“(A) if—

“(i) a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become owners or operators of a farm that is not larger than a family farm; and

“(iii) at least 1 of the individuals is or proposes to become an operator of the farm; or

“(B) if—

“(i) the entire interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become farm operators; and

“(iii) the ownership interest of each individual separately constitutes not larger than a family farm, even if the ownership interests of the individuals collectively constitute larger than a family farm;

“(4) if the entity is owned, in whole or in part, by 1 or more other entities and each individual who is an owner of the family farm involved has a direct or indirect ownership interest in each of the other entities;

“(5) if the farmer and any individual that holds a majority interest in the farmer is unable to obtain credit elsewhere; and

“(6)(A) if the Secretary finds that the operations of the farmer have been substantially affected by—

“(i) a natural or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(ii) a quarantine imposed by the Secretary under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); or

“(B) if the farmer conducts farming operations in a county or a county contiguous to a county in which the Secretary has found that farming operations have been substantially affected by a natural or major disaster or emergency.

“(c) TIME FOR ACCEPTING AN APPLICATION.—The Secretary shall accept an application for a loan under this chapter from a farmer at any time during the 8-month period beginning on the date that—

“(1) the Secretary determines that farming operations of the farmer have been substantially affected by—

“(A) a quarantine imposed by the Secretary under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); or

“(B) a natural disaster; or

“(2) the President makes a major disaster or emergency designation with respect to the

affected county of the farmer referred to in subsection (b)(5)(B).

“(d) HAZARD INSURANCE REQUIREMENT.—The Secretary may not make a loan to a farmer under this chapter to cover a property loss unless the farmer had hazard insurance that insured the property at the time of the loss.

“(e) FAMILY FARM.—The Secretary shall conduct the loan program under this chapter in a manner that will foster and encourage the family farm system of agriculture, consistent with the reaffirmation of policy and declaration of the intent of Congress contained in section 102(a) of the Food and Agriculture Act of 1977 (7 U.S.C. 2266(a)).

“SEC. 3302. PURPOSES OF LOANS.

“Subject to the limitations on the amounts of loans provided in section 3303(a), a loan may be made or guaranteed under this chapter for—

“(1) any purpose authorized for a loan under chapter 1 or 2; and

“(2) crop or livestock purposes that are—

“(A) necessitated by a quarantine, natural disaster, major disaster, or emergency; and

“(B) considered desirable by the farmer.

“SEC. 3303. TERMS OF LOANS.

“(a) MAXIMUM AMOUNT OF LOAN.—The Secretary may not make or guarantee a loan under this chapter to a borrower who has suffered a loss in an amount that—

“(1) exceeds the actual loss caused by a disaster; or

“(2) would cause the total indebtedness of the borrower under this chapter to exceed \$500,000.

“(b) INTEREST RATES.—Any portion of a loan under this chapter up to the amount of the actual loss suffered by a farmer caused by a disaster shall be at a rate prescribed by the Secretary, but not in excess of 8 percent per annum.

“(c) INTEREST SUBSIDIES FOR GUARANTEED LOANS.—In the case of a guaranteed loan under this chapter, the Secretary may pay an interest subsidy to the lender for any portion of the loan up to the amount of the actual loss suffered by a farmer caused by a disaster.

“(d) TIME FOR REPAYMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a loan under this chapter shall be repayable at such times as the Secretary may determine, considering the purpose of the loan and the nature and effect of the disaster, but not later than the maximum repayment period allowed for a loan for a similar purpose under chapters 1 and 2.

“(2) EXTENDED REPAYMENT PERIOD.—The Secretary may, if the loan is for a purpose described in chapter 2 and the Secretary determines that the need of the loan applicant justifies the longer repayment period, make the loan repayable at the end of a period of more than 7 years, but not more than 20 years.

“(e) SECURITY FOR LOAN.—

“(1) IN GENERAL.—A borrower of a loan made under this chapter shall secure the loan with the full personal liability of the borrower and such other security as the Secretary may prescribe.

“(2) ADEQUATE SECURITY.—Subject to paragraph (3), the Secretary may not make or guarantee a loan under this chapter unless the security for the loan is adequate to ensure repayment of the loan.

“(3) INADEQUATE SECURITY DUE TO DISASTER.—If adequate security for a loan under this chapter is not available because of a disaster, the Secretary shall accept as security any collateral that is available if the Secretary is confident that the collateral and

the repayment ability of the farmer are adequate security for the loan.

“(4) VALUATION OF FARM ASSETS.—If a farm asset (including land, livestock, or equipment) is used as collateral to secure a loan applied for under this chapter and the governor of the State in which the farm is located requests assistance under this chapter or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for the portion of the State in which the asset is located, the Secretary shall establish the value of the asset as of the day before the occurrence of the natural or major disaster or emergency.

“(f) REVIEW OF LOAN.—

“(1) IN GENERAL.—In the case of a loan made, but not guaranteed, under section 3301, the Secretary shall review the loan 3 years after the loan is made, and every 2 years thereafter for the term of the loan.

“(2) TERMINATION OF FEDERAL ASSISTANCE.—If, based on a review under paragraph (1), the Secretary determines that the borrower is able to obtain a loan from a non-Federal source at reasonable rates and terms, the borrower shall, on request by the Secretary, apply for, and accept, a non-Federal loan in a sufficient amount to repay the Secretary.

“SEC. 3304. PRODUCTION LOSSES.

“(a) IN GENERAL.—The Secretary shall make or guarantee a loan under this chapter to an eligible farmer for production losses if a single enterprise that constitutes a basic part of the farming operation of the farmer has sustained at least a 30 percent loss in normal per acre or per animal production, or such lesser percentage as the Secretary may determine, as a result of a disaster.

“(b) BASIS FOR PERCENTAGE.—A percentage loss under subsection (a) shall be based on the average monthly price in effect for the previous crop or calendar year, as appropriate.

“(c) AMOUNT OF LOAN.—A loan under subsection (a) shall be in an amount that is equal to 80 percent, or such greater percentage as the Secretary may determine, of the total calculated actual production loss sustained by the farmer.

“CHAPTER 4—GENERAL FARMER LOAN PROVISIONS

“SEC. 3401. AGRICULTURAL CREDIT INSURANCE FUND.

“The fund established pursuant to section 11(a) of the Bankhead-Jones Farm Tenant Act (60 Stat. 1075, chapter 964) shall be known as the Agricultural Credit Insurance Fund (referred to in this section as the ‘Fund’, unless the context otherwise requires) for the discharge of the obligations of the Secretary under agreements insuring loans under this subtitle and loans and mortgages insured under prior authority.

“SEC. 3402. GUARANTEED FARMER LOANS.

“(a) IN GENERAL.—The Secretary may provide financial assistance to a borrower for a purpose provided in this subtitle by guaranteeing a loan made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency.

“(b) INTEREST RATE.—The interest rate payable by a borrower on the portion of a guaranteed loan that is sold by a lender to the secondary market under this subtitle may be lower than the interest rate charged on the portion retained by the lender, but shall not exceed the average interest rate charged by the lender on loans made to farm borrowers.

“(c) FEES.—In the case of a loan guarantee on a loan made by a commercial or cooperative lender related to a loan made by the Secretary under section 3107—

“(1) the Secretary shall not charge a fee to any person (including a lender); and

“(2) a lender may charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan.

“(d) MAXIMUM GUARANTEE OF 90 PERCENT.—Except as provided in subsections (e) and (f), a loan guarantee under this subtitle shall be for not more than 90 percent of the principal and interest due on the loan.

“(e) REFINANCED LOANS GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee 95 percent of—

“(1) in the case of a loan that solely refinances a direct loan made under this subtitle, the principal and interest due on the loan on the date of the refinancing; or

“(2) in the case of a loan that is used for multiple purposes, the portion of the loan that refinances the principal and interest due on a direct loan made under this subtitle that is outstanding on the date the loan is guaranteed.

“(f) BEGINNING FARMER LOANS GUARANTEED UP TO 95 PERCENT.—The Secretary may guarantee not more than 95 percent of—

“(1) a farm ownership loan for acquiring a farm to a borrower who is participating in the downpayment loan program under section 3107; or

“(2) an operating loan to a borrower who is participating in the downpayment loan program under section 3107 that is made during the period that the borrower has a direct loan outstanding under chapter 1 for acquiring a farm.

“(g) GUARANTEE OF LOANS MADE UNDER STATE BEGINNING FARMER PROGRAMS.—The Secretary may guarantee under this subtitle a loan made under a State beginning farmer program, including a loan financed by the net proceeds of a qualified small issue agricultural bond for land or property described in section 144(a)(12)(B)(i) of the Internal Revenue Code of 1986.

“SEC. 3403. PROVISION OF INFORMATION TO BORROWERS.

“(a) APPROVAL NOTIFICATION.—The Secretary shall approve or disapprove an application for a loan or loan guarantee made under this subtitle, and notify the applicant of such action, not later than 60 days after the date on which the Secretary has received a complete application for the loan or loan guarantee.

“(b) LIST OF LENDERS.—The Secretary shall make available to any farmer, on request, a list of lenders in the area that participate in guaranteed farmer program loan programs established under this subtitle, and other lenders in the area that express a desire to participate in the programs and that request inclusion on the list.

“(c) OTHER INFORMATION.—

“(1) IN GENERAL.—On the request of a borrower, the Secretary shall make available to the borrower—

“(A) a copy of each document signed by the borrower;

“(B) a copy of each appraisal performed with respect to the loan; and

“(C) any document that the Secretary is required to provide to the borrower under any law in effect on the date of the request.

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not supersede any duty imposed on the Secretary by a law in effect on January 5, 1988, unless the duty directly conflicts with a duty under paragraph (1).

“SEC. 3404. NOTICE OF LOAN SERVICE PROGRAMS.

“(a) REQUIREMENT.—The Secretary shall provide notice by certified mail to each borrower who is at least 90 days past due on the payment of principal or interest on a loan made under this subtitle.

“(b) CONTENTS.—The notice required under subsection (a) shall—

“(1) include a summary of all primary loan service programs, homestead retention programs, debt settlement programs, and appeal procedures, including the eligibility criteria, and terms and conditions of the programs and procedures;

“(2) include a summary of the manner in which the borrower may apply, and be considered, for all such programs, except that the Secretary shall not require the borrower to select among the programs or waive any right to be considered for any program carried out by the Secretary;

“(3) advise the borrower regarding all filing requirements and any deadlines that must be met for requesting loan servicing;

“(4) provide any relevant forms, including applicable response forms;

“(5) advise the borrower that a copy of regulations is available on request; and

“(6) be designed to be readable and understandable by the borrower.

“(c) CONTAINED IN REGULATIONS.—All notices required by this section shall be contained in the regulations issued to carry out this title.

“(d) TIMING.—The notice described in subsection (b) shall be provided—

“(1) at the time an application is made for participation in a loan service program;

“(2) on written request of the borrower; and

“(3) before the earliest of the date of—

“(A) initiating any liquidation;

“(B) requesting the conveyance of security property;

“(C) accelerating the loan;

“(D) repossessing property;

“(E) foreclosing on property; or

“(F) taking any other collection action.

“(e) CONSIDERATION OF BORROWERS FOR LOAN SERVICE PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall consider a farmer program loan borrower for all loan service programs if, not later than 60 days after receipt of the notice described in subsection (b), the borrower requests the consideration in writing.

“(2) PRIORITY.—In considering a borrower for a loan service program, the Secretary shall place the highest priority on the preservation of the farming operations of the borrower.

“SEC. 3405. PLANTING AND PRODUCTION HISTORICAL GUIDELINES.

“(a) IN GENERAL.—The Secretary shall ensure that appropriate procedures, including, to the extent practicable, onsite inspections, or use of county or State yield averages, are used in calculating future yields for an applicant for a loan, when an accurate projection cannot be made because the past production history of the farmer has been affected by a natural or major disaster or emergency.

“(b) CALCULATION OF YIELDS.—

“(1) IN GENERAL.—For the purpose of averaging the past yields of the farm of a farmer over a period of crop years to calculate the future yield of the farm under this title, the Secretary shall permit the farmer to exclude the crop year with the lowest actual or county average yield for the farm from the calculation, if the farmer was affected by a natural or major disaster or emergency during at least 2 of the crop years during the period.

“(2) AFFECTED BY A NATURAL OR MAJOR DISASTER OR EMERGENCY.—A farmer was affected by a natural or major disaster or emergency under paragraph (1) if the Secretary finds that the farming operations of the farmer have been substantially affected by a natural or major disaster or emergency, including a farmer who has a qualifying loss but is not located in a designated or declared disaster area.

“(3) APPLICATION OF SUBSECTION.—This subsection shall apply to any action taken by the Secretary that involves—

“(A) a loan under chapter 1 or 2; and

“(B) the yield of a farm of a farmer, including making a loan or loan guarantee, servicing a loan, or making a credit sale.

“SEC. 3406. SPECIAL CONDITIONS AND LIMITATIONS ON LOANS.

“(a) APPLICANT REQUIREMENTS.—In connection with a loan made or guaranteed under this subtitle, the Secretary shall require—

“(1) the applicant—

“(A) to certify in writing that, and the Secretary shall determine whether, the applicant is unable to obtain credit elsewhere; and

“(B) to furnish an appropriate written financial statement;

“(2) except for a guaranteed loan, an agreement by the borrower that if at any time it appears to the Secretary that the borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source (or, in the case of a borrower under section 3106, the borrower may be able to obtain a loan under section 3101), at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, on request by the Secretary, apply for and accept the loan in a sufficient amount to repay the Secretary or the insured lender, or both, and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with the loan;

“(3) such provision for supervision of the operations of the borrower as the Secretary shall consider necessary to achieve the objectives of the loan and protect the interests of the United States; and

“(4) the application of a person who is a veteran for a loan under chapter 1 or 2 to be given preference over a similar application from a person who is not a veteran if the applications are on file in a county or area office at the same time.

“(b) AGENCY PROCESSING REQUIREMENTS.—

“(1) NOTIFICATIONS.—

“(A) INCOMPLETE APPLICATION NOTIFICATION.—If an application for a loan or loan guarantee under this subtitle (other than an operating loan or loan guarantee) is incomplete, the Secretary shall inform the applicant of the reasons the application is incomplete not later than 20 days after the date on which the Secretary has received the application.

“(B) OPERATING LOANS.—

“(i) ADDITIONAL INFORMATION NEEDED.—Not later than 10 calendar days after the Secretary receives an application for an operating loan or loan guarantee, the Secretary shall notify the applicant of any information required before a decision may be made on the application.

“(ii) INFORMATION NOT RECEIVED.—If, not later than 20 calendar days after the date a request is made pursuant to clause (i) with respect to an application, the Secretary has not received the information requested, the Secretary shall notify the applicant and the district office of the Farm Service Agency, in writing, of the outstanding information.

“(C) REQUEST INFORMATION.—

“(i) IN GENERAL.—On receipt of an application, the Secretary shall request from other parties such information as may be needed in connection with the application.

“(ii) INFORMATION FROM AN AGENCY OF THE DEPARTMENT.—Not later than 15 calendar days after the date on which an agency of the Department receives a request for information made pursuant to subparagraph (A), the agency shall provide the Secretary with the requested information.

“(2) REPORT OF PENDING APPLICATIONS.—

“(A) IN GENERAL.—A county office shall notify the district office of the Farm Service Agency of each application for an operating loan or loan guarantee that is pending more than 45 days after receipt, and the reasons for which the application is pending.

“(B) ACTION ON PENDING APPLICATIONS.—A district office that receives a notice provided under subparagraph (A) with respect to an application shall immediately take steps to ensure that final action is taken on the application not later than 15 days after the date of the receipt of the notice.

“(C) PENDING APPLICATION REPORT.—The district office shall report to the State office of the Farm Service Agency on each application for an operating loan or loan guarantee that is pending more than 45 days after receipt, and the reasons for which the application is pending.

“(D) REPORT TO CONGRESS.—Each month, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on a State-by-State basis, as to each application for an operating loan or loan guarantee on which final action had not been taken within 60 calendar days after receipt by the Secretary, and the reasons for which final action had not been taken.

“(3) DISAPPROVALS.—

“(A) IN GENERAL.—If an application for a loan or loan guarantee under this subtitle is disapproved by the Secretary, the Secretary shall state the reasons for the disapproval in the notice required under paragraph (1).

“(B) DISAPPROVAL DUE TO LACK OF FUNDS.—

“(i) IN GENERAL.—Notwithstanding paragraph (1), each application for a loan or loan guarantee under section 3601(e), or for a loan under section 3501(a) or 3502(a), that is to be disapproved by the Secretary solely because the Secretary lacks the funds necessary to make the loan or guarantee shall not be disapproved but shall be placed in pending status.

“(ii) RECONSIDERATION.—The Secretary shall retain each pending application and reconsider the application beginning on the date that sufficient funds become available.

“(iii) NOTIFICATION.—Not later than 60 days after funds become available regarding each pending application, the Secretary shall notify the applicant of the approval or disapproval of funding for the application.

“(4) APPROVALS ON APPEAL.—If an application for a loan or loan guarantee under this subtitle is disapproved by the Secretary, but that action is subsequently reversed or revised as the result of an appeal within the Department or to the courts of the United States and the application is returned to the Secretary for further consideration, the Secretary shall act on the application and provide the applicant with notice of the action not later than 15 days after the date of return of the application to the Secretary.

“(5) PROVISION OF PROCEEDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if an application for an in-

sured loan under this title is approved by the Secretary, the Secretary shall provide the loan proceeds to the applicant not later than 15 days (or such longer period as the applicant may approve) after the application for the loan is approved by the Secretary.

“(B) LACK OF FUNDS.—If the Secretary is unable to provide the loan proceeds to the applicant during the 15-day period described in subparagraph (A) because sufficient funds are not available to the Secretary for that purpose, the Secretary shall provide the loan proceeds to the applicant as soon as practicable (but in no event later than 15 days unless the applicant agrees to a longer period) after sufficient funds for that purpose become available to the Secretary.

“SEC. 3407. GRADUATION OF BORROWERS.

“(a) GRADUATION OF SEASONED DIRECT LOAN BORROWERS TO THE LOAN GUARANTEE PROGRAM.—

“(1) REVIEW OF LOANS.—

“(A) IN GENERAL.—The Secretary, or a contracting third party, shall annually review under section 3420 the loans of each seasoned direct loan borrower.

“(B) ASSISTANCE.—If, based on the review, it is determined that a borrower would be able to obtain a loan, guaranteed by the Secretary, from a commercial or cooperative lender at reasonable rates and terms for loans for similar purposes and periods of time, the Secretary shall assist the borrower in applying for the commercial or cooperative loan.

“(2) PROSPECTUS.—

“(A) IN GENERAL.—In accordance with section 3422, the Secretary shall prepare a prospectus on each seasoned direct loan borrower determined eligible to obtain a guaranteed loan.

“(B) REQUIREMENTS.—The prospectus shall contain a description of the amounts of the loan guarantee and interest assistance that the Secretary will provide to the seasoned direct loan borrower to enable the seasoned direct loan borrower to carry out a financially viable farming plan if a guaranteed loan is made.

“(3) VERIFICATION.—

“(A) IN GENERAL.—The Secretary shall provide a prospectus of a seasoned direct loan borrower to each approved lender whose lending area includes the location of the seasoned direct loan borrower.

“(B) NOTIFICATION.—The Secretary shall notify each borrower of a loan that a prospectus has been provided to a lender under subparagraph (A).

“(C) CREDIT EXTENDED.—If the Secretary receives an offer from an approved lender to extend credit to the seasoned direct loan borrower under terms and conditions contained in the prospectus, the seasoned direct loan borrower shall not be eligible for a loan from the Secretary under chapter 1 or 2, except as otherwise provided in this section.

“(4) INSUFFICIENT ASSISTANCE OR OFFERS.—If the Secretary is unable to provide loan guarantees and, if necessary, interest assistance to the seasoned direct loan borrower under this section in amounts sufficient to enable the seasoned direct loan borrower to borrow from commercial sources the amount required to carry out a financially viable farming plan, or if the Secretary does not receive an offer from an approved lender to extend credit to a seasoned direct loan borrower under the terms and conditions contained in the prospectus, the Secretary shall make a loan to the seasoned direct loan borrower under chapter 1 or 2, whichever is applicable.

“(5) INTEREST RATE REDUCTIONS.—To the extent necessary for the borrower to obtain

a loan, guaranteed by the Secretary, from a commercial or cooperative lender, the Secretary shall provide interest rate reductions as provided for under section 3413.

“(b) TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.—

“(1) IN GENERAL.—In making an operating or ownership loan, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest period of time practicable.

“(2) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

“(A) the borrower training program established by section 3419;

“(B) the loan assessment process established by section 3420;

“(C) the supervised credit requirement established by section 3421;

“(D) the market placement program established by section 3422; and

“(E) other appropriate programs and authorities, as determined by the Secretary.

“(c) GRADUATION OF BORROWERS WITH OPERATING LOANS OR GUARANTEES TO PRIVATE COMMERCIAL CREDIT.—The Secretary shall establish a plan, in coordination with activities under sections 3419 through 3422, to encourage each borrower with an outstanding loan under this chapter, or with respect to whom there is an outstanding guarantee under this chapter, to graduate to private commercial or other sources of credit.

“SEC. 3408. DEBT ADJUSTMENT AND CREDIT COUNSELING.

“In carrying out this subtitle, the Secretary may—

“(1) provide voluntary debt adjustment assistance between—

“(A) farmers; and

“(B) the creditors of the farmers;

“(2) cooperate with State, territorial, and local agencies and committees engaged in the debt adjustment; and

“(3) give credit counseling.

“SEC. 3409. SECURITY SERVICING.

“(a) SALE OF PROPERTY.—

“(1) IN GENERAL.—Subject to this subsection and subsection (e)(1), the Secretary shall offer to sell real property that is acquired by the Secretary under this subtitle using the following order and method of sale:

“(A) ADVERTISEMENT.—Not later than 15 days after acquiring real property, the Secretary shall publicly advertise the property for sale.

“(B) QUALIFIED BEGINNING FARMER.—

“(i) IN GENERAL.—Not later than 75 days after acquiring real property, the Secretary shall offer to sell the property to a qualified beginning farmer or a socially disadvantaged farmer at current market value based on a current appraisal.

“(ii) RANDOM SELECTION.—If more than 1 qualified beginning farmer or socially disadvantaged farmer offers to purchase the property, the Secretary shall select between the qualified applicants on a random basis.

“(iii) APPEAL OF RANDOM SELECTION.—A random selection or denial by the Secretary of a qualified beginning farmer or a socially disadvantaged farmer for farm inventory property under this subparagraph shall be final and not administratively appealable.

“(C) PUBLIC SALE.—If no acceptable offer is received from a qualified beginning farmer or a socially disadvantaged farmer under subparagraph (B) not later than 135 days after acquiring the real property, the Secretary shall, not later than 30 days after the

135-day period, sell the property after public notice at a public sale, and, if no acceptable bid is received, by negotiated sale, at the best price obtainable.

“(2) INTEREST.—

“(A) IN GENERAL.—Subject to subparagraph (B), any conveyance of real property under this subsection shall include all of the interest of the United States in the property, including mineral rights.

“(B) CONSERVATION.—The Secretary may for conservation purposes grant or sell an easement, restriction, development right, or similar legal right to real property to a State, a political subdivision of a State, or a private nonprofit organization separately from the underlying fee or other rights to the property owned by the United States.

“(3) OTHER LAW.—Subtitle I of title 40, United States Code, and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall not apply to any exercise of authority under this subtitle.

“(4) LEASE OF PROPERTY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may not lease any real property acquired under this subtitle.

“(B) EXCEPTION.—

“(i) QUALIFIED BEGINNING FARMER OR SOCIALLY DISADVANTAGED FARMER.—The Secretary may lease or contract to sell to a qualified beginning farmer or a socially disadvantaged farmer a farm acquired by the Secretary under this subtitle if the qualified beginning farmer qualifies for a credit sale or direct farm ownership loan under chapter 1 but credit sale authority for loans or direct farm ownership loan funds, respectively, are not available.

“(ii) TERM.—The term of a lease or contract to sell to a qualified beginning farmer or a socially disadvantaged farmer under clause (i) shall be until the earlier of—

“(I) the date that is 18 months after the date of the lease or sale; or

“(II) the date that direct farm ownership loan funds or credit sale authority for loans becomes available to the qualified beginning farmer or socially disadvantaged farmer.

“(iii) INCOME-PRODUCING CAPABILITY.—In determining the rental rate on real property leased under this subparagraph, the Secretary shall consider the income-producing capability of the property during the term that the property is leased.

“(5) EXPEDITED DETERMINATION.—

“(A) IN GENERAL.—On the request of an applicant, not later than 30 days after denial of the application, the appropriate State director shall provide an expedited review and determination of whether the applicant is a qualified beginning farmer or a socially disadvantaged farmer for the purpose of acquiring farm inventory property.

“(B) APPEAL.—The determination of a State Director under subparagraph (A) shall be final and not administratively appealable.

“(C) EFFECTS OF DETERMINATIONS.—

“(i) IN GENERAL.—The Secretary shall maintain statistical data on the number and results of determinations made under subparagraph (A) and the effect of the determinations on—

“(I) selling farm inventory property to qualified beginning farmers or socially disadvantaged farmers; and

“(II) disposing of real property in inventory.

“(ii) NOTIFICATION.—The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate if the Secretary determines that

the review process under subparagraph (A) is adversely affecting the selling of farm inventory property to qualified beginning farmers or socially disadvantaged farmers or the disposing of real property in inventory.

“(b) ROAD AND UTILITY EASEMENTS AND CONDEMNATIONS.—In the case of any real property administered under this subtitle, the Secretary may grant or sell easements or rights-of-way for roads, utilities, and other appurtenances that are not inconsistent with the public interest.

“(c) SALE OR LEASE OF FARMLAND.—

“(1) DISPOSITION OF REAL PROPERTY ON INDIAN RESERVATIONS.—

“(A) DEFINITION OF INDIAN RESERVATION.—In this paragraph, the term ‘Indian reservation’ means—

“(i) all land located within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and, including any right-of-way running through the reservation; and

“(ii) trust or restricted land located within the boundaries of a former reservation of an Indian tribe in the State of Oklahoma; or

“(iii) all Indian allotments the Indian titles to which have not been extinguished if the allotments are subject to the jurisdiction of an Indian tribe.

“(B) DISPOSITION.—Except as provided in paragraph (3), the Secretary shall dispose of or administer the property as provided in this paragraph when—

“(i) the Secretary acquires property under this subtitle that is located within an Indian reservation; and

“(ii) the borrower-owner is the Indian tribe that has jurisdiction over the reservation in which the real property is located or the borrower-owner is a member of the Indian tribe;

“(C) PRIORITY.—Not later than 90 days after acquiring the property, the Secretary shall afford an opportunity to purchase or lease the real property in accordance with the order of priority established under subparagraph (D) to the Indian tribe having jurisdiction over the Indian reservation within which the real property is located or, if no order of priority is established by the Indian tribe under subparagraph (D), in the following order:

“(i) An Indian member of the Indian tribe that has jurisdiction over the reservation within which the real property is located.

“(ii) An Indian corporate entity.

“(iii) The Indian tribe.

“(D) REVISION OF PRIORITY AND RESTRICTION OF ELIGIBILITY.—The governing body of any Indian tribe having jurisdiction over an Indian reservation may revise the order of priority provided in subparagraph (C) under which land located within the reservation shall be offered for purchase or lease by the Secretary under subparagraph (C) and may restrict the eligibility for the purchase or lease to—

“(i) persons who are members of the Indian tribe;

“(ii) Indian corporate entities that are authorized by the Indian tribe to lease or purchase land within the boundaries of the reservation; or

“(iii) the Indian tribe itself.

“(E) TRANSFER OF PROPERTY TO SECRETARY OF THE INTERIOR.—

“(i) IN GENERAL.—If real property described in subparagraph (B) is not purchased or leased under subparagraph (C) and the Indian tribe having jurisdiction over the reservation within which the real property is located is unable to purchase or lease the real property, the Secretary shall transfer the

real property to the Secretary of the Interior who shall administer the real property as if the real property were held in trust by the United States for the benefit of the Indian tribe.

“(ii) USE OF RENTAL INCOME.—From the rental income derived from the lease of the transferred real property, and all other income generated from the transferred real property, the Secretary of the Interior shall pay the State, county, municipal, or other local taxes to which the transferred real property was subject at the time of acquisition by the Secretary, until the earlier of—

“(I) the expiration of the 4-year period beginning on the date on which the real property is so transferred; or

“(II) such time as the land is transferred into trust pursuant to subparagraph (H).

“(F) RESPONSIBILITIES OF SECRETARIES.—If any real property is transferred to the Secretary of the Interior under subparagraph (E)—

“(i) the Secretary of Agriculture shall have no further responsibility under this title for—

“(I) collection of any amounts with regard to the farm program loan that had been secured by the real property;

“(II) any lien arising out of the loan transaction; or

“(III) repayment of any amount with regard to the loan transaction or lien to the Treasury of the United States; and

“(ii) the Secretary of the Interior shall succeed to all right, title, and interest of the Secretary of Agriculture in the real estate arising from the farm program loan transaction, including the obligation to remit to the Treasury of the United States, in repayment of the original loan, the amounts provided in subparagraph (G).

“(G) USE OF INCOME.—After the payment of any taxes that are required to be paid under subparagraph (E)(ii), all remaining rental income derived from the lease of the real property transferred to the Secretary of the Interior under subparagraph (E)(i), and all other income generated from the real property transferred to the Secretary of the Interior under that subparagraph, shall be deposited as miscellaneous receipts in the Treasury of the United States until the amount deposited is equal to the lesser of—

“(i) the amount of the outstanding lien of the United States against the real property, as of the date the real property was acquired by the Secretary;

“(ii) the fair market value of the real property, as of the date of the transfer to the Secretary of the Interior; or

“(iii) the capitalized value of the real property, as of the date of the transfer to the Secretary of the Interior.

“(H) HOLDING OF TITLE IN TRUST.—If the total amount that is required to be deposited under subparagraph (G) with respect to any real property has been deposited into the Treasury of the United States, title to the real property shall be held in trust by the United States for the benefit of the Indian tribe having jurisdiction over the Indian reservation within which the real property is located.

“(I) PAYMENT OF REMAINING LIEN OR FAIR MARKET VALUE OF PROPERTY.—

“(i) IN GENERAL.—Notwithstanding any other subparagraph of this paragraph, the Indian tribe having jurisdiction over the Indian reservation within which the real property described in subparagraph (B) is located may, at any time after the real property has been transferred to the Secretary of the Interior under subparagraph (E), offer to pay the

remaining amount on the lien or the fair market value of the real property, whichever is less.

“(ii) EFFECT OF PAYMENT.—On payment of the amount, title to the real property shall be held by the United States in trust for the tribe and the trust or restricted land that has been acquired by the Secretary under foreclosure or voluntary transfer under a loan made or insured under this subtitle and transferred to an Indian person, entity, or tribe under this paragraph shall be considered to have never lost trust or restricted status.

“(J) APPLICABILITY.—

“(i) IN GENERAL.—This paragraph shall apply to all land in the land inventory established under this subtitle (as of November 28, 1990) that was (immediately prior to the date) owned by an Indian borrower-owner described in subparagraph (B) and that is situated within an Indian reservation, regardless of the date of foreclosure or acquisition by the Secretary.

“(ii) OPPORTUNITY TO PURCHASE OR LEASE.—The Secretary shall afford an opportunity to an Indian person, entity, or tribe to purchase or lease the real property as provided in subparagraph (C).

“(iii) TRANSFER.—If the right is not exercised or no expression of intent to exercise the right is received within 180 days after November 28, 1990, the Secretary shall transfer the real property to the Secretary of the Interior as provided in subparagraph (E).

“(2) ADDITIONAL RIGHTS.—The rights provided in this subsection shall be in addition to any right of first refusal under the law of the State in which the property is located.

“(3) DISPOSITION OF REAL PROPERTY ON INDIAN RESERVATIONS AFTER PROCEDURES EXHAUSTED.—

“(A) IN GENERAL.—The Secretary shall dispose of or administer real property described in paragraph (1)(B) only as provided in paragraph (1), as modified by this paragraph, if—

“(i) the real property described in paragraph (1)(B) is located within an Indian reservation;

“(ii) the borrower-owner is an Indian tribe that has jurisdiction over the reservation in which the real property is located or the borrower-owner is a member of an Indian tribe;

“(iii) the borrower-owner has obtained a loan made or guaranteed under this title; and

“(iv) the borrower-owner and the Secretary have exhausted all of the procedures provided for in this title to permit a borrower-owner to retain title to the real property, so that it is necessary for the borrower-owner to relinquish title.

“(B) NOTICE OF RIGHT TO CONVEY PROPERTY.—The Secretary shall provide the borrower-owner of real property that is described in subparagraph (A) with written notice of—

“(i) the right of the borrower-owner to voluntarily convey the real property to the Secretary; and

“(ii) the fact that real property so conveyed will be placed in the inventory of the Secretary.

“(C) NOTICE OF RIGHTS AND PROTECTIONS.—The Secretary shall provide the borrower-owner of the real property with written notice of the rights and protections provided under this title to the borrower-owner, and the Indian tribe that has jurisdiction over the reservation in which the real property is located, from foreclosure or liquidation of the real property, including written notice—

“(i) of paragraph (1), this paragraph, and subsection (e)(3);

“(ii) if the borrower-owner does not voluntarily convey the real property to the Secretary, that—

“(I) the Secretary may foreclose on the property;

“(II) in the event of foreclosure, the property will be offered for sale;

“(III) the Secretary shall offer a bid for the property that is equal to the fair market value of the property or the outstanding principal and interest of the loan, whichever is higher;

“(IV) the property may be purchased by another party; and

“(V) if the property is purchased by another party, the property will not be placed in the inventory of the Secretary and the borrower-owner will forfeit the rights and protections provided under this title; and

“(iii) of the opportunity of the borrower-owner to consult with the Indian tribe that has jurisdiction over the reservation in which the real property is located or counsel to determine if State or tribal law provides rights and protections that are more beneficial than the rights and protections provided the borrower-owner under this title.

“(D) ACCEPTANCE OF VOLUNTARY CONVEYANCE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall accept the voluntary conveyance of real property described in subparagraph (A).

“(ii) HAZARDOUS SUBSTANCES.—If a hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) is located on the property and the Secretary takes remedial action to protect human health or the environment if the property is taken into inventory, the Secretary shall accept the voluntary conveyance of the property only if the Secretary determines that the conveyance is in the best interests of the Federal Government.

“(E) FORECLOSURE PROCEDURES.—

“(i) NOTICE TO BORROWER.—If an Indian borrower-owner does not voluntarily convey to the Secretary real property described in subparagraph (A), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide the Indian borrower-owner with the option of—

“(I) requiring the Secretary to assign the loan and security instruments to the Secretary of the Interior, if the Secretary of the Interior agrees to an assignment releasing the Secretary of Agriculture from all further responsibility for collection of any amounts with regard to the loan secured by the real property; or

“(II) requiring the Secretary to assign the loan and security instruments to the tribe having jurisdiction over the reservation in which the real property is located, if the tribe agrees to assume the loan under the terms specified in clause (iii).

“(ii) NOTICE TO TRIBE.—If an Indian borrower-owner does not voluntarily convey to the Secretary real property described in subparagraph (A), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of—

“(I) the sale;

“(II) the fair market value of the property; and

“(III) the requirements of this paragraph.

“(iii) ASSUMED LOANS.—If an Indian tribe assumes a loan under clause (i)—

“(I) the Secretary shall not foreclose the loan because of any default that occurred prior to the date of the assumption;

“(II) the loan shall be for the lesser of the outstanding principal and interest of the loan or the fair market value of the property; and

“(III) the loan shall be treated as though the loan was made under Public Law 91-229 (25 U.S.C. 488 et seq.).

“(F) AMOUNT OF BID BY SECRETARY.—

“(i) IN GENERAL.—Except as provided in clause (ii), at a foreclosure sale of real property described in subparagraph (A), the Secretary shall offer a bid for the property that is equal to the higher of—

“(I) the fair market value of the property; or

“(II) the outstanding principal and interest on the loan.

“(ii) HAZARDOUS SUBSTANCES.—If a hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) is located on the property and the Secretary takes remedial action to protect human health or the environment if the property is taken into inventory, clause (i) shall apply only if the Secretary determines that bidding is in the best interests of the Federal Government.

“(4) DETRIMENTAL EFFECT ON VALUE OF AREA FARMLAND.—The Secretary shall not offer for sale or sell any farmland referred to in paragraphs (1) through (3) if placing the farmland on the market will have a detrimental effect on the value of farmland in the area.

“(5) INSTALLMENT SALES AND MULTIPLE OPERATORS.—

“(A) IN GENERAL.—The Secretary may sell farmland administered under this title through an installment sale or similar device that contains such terms as the Secretary considers necessary to protect the investment of the Federal Government in the land.

“(B) SALE OF CONTRACT.—The Secretary may subsequently sell any contract entered into to carry out subparagraph (A).

“(6) HIGHLY ERODIBLE LAND.—In the case of farmland administered under this title that is highly erodible land (as defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801)), the Secretary may require the use of specified conservation practices on the land as a condition of the sale or lease of the land.

“(7) NO EFFECT ON ACREAGE ALLOTMENTS, MARKETING QUOTAS, OR ACREAGE BASES.—Notwithstanding any other law, compliance by the Secretary with this subsection shall not cause any acreage allotment, marketing quota, or acreage base assigned to the property to lapse, terminate, be reduced, or otherwise be adversely affected.

“(8) NO PREEMPTION OF STATE LAW.—If a conflict exists between any provision of this subsection and any provision of the law of any State providing a right of first refusal to the owner of farmland or the operator of a farm before the sale or lease of land to any other person, the provision of State law shall prevail.

“(d) RELEASE OF NORMAL INCOME SECURITY.—

“(1) DEFINITION OF NORMAL INCOME SECURITY.—In this subsection:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘normal income security’ means all security not considered basic security, including crops, livestock, poultry products, Farm Service Agency payments and Commodity Credit Corporation payments, and other property covered by

Farm Service Agency liens that is sold in conjunction with the operation of a farm or other business.

“(B) EXCEPTIONS.—The term ‘normal income security’ does not include any equipment (including fixtures in States that have adopted the Uniform Commercial Code), or foundation herd or flock, that is—

“(i) the basis of the farming or other operation; and

“(ii) the basic security for a farmer program loan.

“(2) GENERAL RELEASE.—The Secretary shall release from the normal income security provided for a loan an amount sufficient to pay for the essential household and farm operating expenses of the borrower, until such time as the Secretary accelerates the loan.

“(3) NOTICE OF REPORTING REQUIREMENTS AND RIGHTS.—If a borrower is required to plan for or to report as to how proceeds from the sale of collateral property will be used, the Secretary shall notify the borrower of—

“(A) the requirement; and

“(B) the right to the release of funds under this subsection and the means by which a request for the funds may be made.

“(e) EASEMENTS ON INVENTORIED PROPERTY.—

“(1) IN GENERAL.—Subject to paragraph (2), in the disposal of real property under this section, the Secretary shall establish perpetual wetland conservation easements to protect and restore wetland or converted wetland that exists on inventoried property.

“(2) LIMITATION.—The Secretary shall not establish a wetland conservation easement on an inventoried property that—

“(A) was cropland on the date the property entered the inventory of the Secretary; or

“(B) was used for farming at any time during the period—

“(i) beginning on the date that is 5 years before the property entered the inventory of the Secretary; and

“(ii) ending on the date on which the property entered the inventory of the Secretary.

“(3) NOTIFICATION.—The Secretary shall provide prior written notification to a borrower considering homestead retention that a wetland conservation easement may be placed on land for which the borrower is negotiating a lease option.

“(4) APPRAISED VALUE.—The appraised value of the farm shall reflect the value of the land due to the placement of wetland conservation easements.

“SEC. 3410. CONTRACTS ON LOAN SECURITY PROPERTIES.

“(a) CONTRACTS ON LOAN SECURITY PROPERTIES.—Subject to subsection (b), the Secretary may enter into a contract related to real property for conservation, recreation, or wildlife purposes.

“(b) LIMITATIONS.—The Secretary may enter into a contract under subsection (a) if—

“(1) the property is wetland, upland, or highly erodible land;

“(2) the property is determined by the Secretary to be suitable for the purpose involved; and

“(3)(A) the property secures a loan made under a law administered and held by the Secretary; and

“(B) the contract would better enable a qualified borrower to repay the loan in a timely manner, as determined by the Secretary.

“(c) TERMS AND CONDITIONS.—The terms and conditions specified in a contract under subsection (a) shall—

“(1) specify the purposes for which the real property may be used;

“(2) identify any conservation measure to be taken, and any recreational and wildlife use to be allowed, with respect to the real property; and

“(3) require the owner to permit the Secretary, and any person or governmental entity designated by the Secretary, to have access to the real property for the purpose of monitoring compliance with the contract.

“(d) REDUCTION OR FORGIVENESS OF DEBT.—

“(1) IN GENERAL.—Subject to this section, the Secretary may reduce or forgive the outstanding debt of a borrower—

“(A) in the case of a borrower to whom the Secretary has made an outstanding loan under a law administered by the Secretary, by canceling that part of the aggregate amount of the outstanding loan that bears the same ratio to the aggregate amount as—

“(i) the number of acres of the real property of the borrower that are subject to the contract; bears to

“(ii) the aggregate number of acres securing the loan; or

“(B) in any other case, by treating as prepaid that part of the principal amount of a new loan to the borrower issued and held by the Secretary under a law administered by the Secretary that bears the same ratio to the principal amount as—

“(i) the number of acres of the real property of the borrower that are subject to the contract; bears to

“(ii) the aggregate number of acres securing the new loan.

“(2) MAXIMUM CANCELED AMOUNT.—The amount canceled or treated as prepaid under paragraph (1) shall not exceed—

“(A) in the case of a delinquent loan, the greater of—

“(i) the value of the land on which the contract is entered into; or

“(ii) the difference between—

“(I) the amount of the outstanding loan secured by the land; and

“(II) the value of the land; or

“(B) in the case of a nondelinquent loan, 33 percent of the amount of the loan secured by the land.

“(e) CONSULTATION WITH FISH AND WILDLIFE SERVICE.—If the Secretary uses the authority provided by this section, the Secretary shall consult with the Director of the Fish and Wildlife Service for the purposes of—

“(1) selecting real property in which the Secretary may enter into a contract under this section;

“(2) formulating the terms and conditions of the contract; and

“(3) enforcing the contract.

“(f) ENFORCEMENT.—The Secretary, and any person or governmental entity designated by the Secretary, may enforce a contract entered into by the Secretary under this section.

“SEC. 3411. DEBT RESTRUCTURING AND LOAN SERVICING.

“(a) IN GENERAL.—The Secretary shall modify a delinquent farmer program loan made under this subtitle, or purchased from the lender or the Federal Deposit Insurance Corporation under section 3902, to the maximum extent practicable—

“(1) to avoid a loss to the Secretary on the loan, with priority consideration being placed on writing-down the loan principal and interest (subject to subsections (d) and (e)), and debt set-aside (subject to subsection (e)), to facilitate keeping the borrower on the farm, or otherwise through the use of primary loan service programs under this section; and

“(2) to ensure that a borrower is able to continue farming operations.

“(b) ELIGIBILITY.—To be eligible to obtain assistance under subsection (a)—

“(1) the delinquency shall be due to a circumstance beyond the control of the borrower, as defined in regulations issued by the Secretary, except that the regulations shall require that, if the value of the assets calculated under subsection (c)(2)(A)(ii) that may be realized through liquidation or other methods would produce enough income to make the delinquent loan current, the borrower shall not be eligible for assistance under subsection (a);

“(2) the borrower shall have acted in good faith with the Secretary in connection with the loan as defined in regulations issued by the Secretary;

“(3) the borrower shall present a preliminary plan to the Secretary that contains reasonable assumptions that demonstrate that the borrower will be able—

“(A) to meet the necessary family living and farm operating expenses of the borrower; and

“(B) to service all debts of the borrower, including restructured loans; and

“(4) the loan, if restructured, shall result in a net recovery to the Federal Government, during the term of the loan as restructured, that would be more than or equal to the net recovery to the Federal Government from an involuntary liquidation or foreclosure on the property securing the loan.

“(c) RESTRUCTURING DETERMINATIONS.—

“(1) DETERMINATION OF NET RECOVERY.—In determining the net recovery from the involuntary liquidation of a loan under this section, the Secretary shall calculate—

“(A) the recovery value of the collateral securing the loan, in accordance with paragraph (2); and

“(B) the value of the restructured loan, in accordance with paragraph (3).

“(2) RECOVERY VALUE.—For the purpose of paragraph (1), the recovery value of the collateral securing the loan shall be based on the difference between—

“(A)(i) the amount of the current appraised value of the interests of the borrower in the property securing the loan; and

“(ii) the value of the interests of the borrower in all other assets that are—

“(I) not essential for necessary family living expenses;

“(II) not essential to the operation of the farm; and

“(III) not exempt from judgment creditors or in a bankruptcy action under Federal or State law;

“(B) the estimated administrative, attorney, and other expenses associated with the liquidation and disposition of the loan and collateral, including—

“(i) the payment of prior liens;

“(ii) taxes and assessments, depreciation, management costs, the yearly percentage decrease or increase in the value of the property, and lost interest income, each calculated for the average holding period for the type of property involved;

“(iii) resale expenses, such as repairs, commissions, and advertising; and

“(iv) other administrative and attorney costs; and

“(C) the value, as determined by the Secretary, of any property not included in subparagraph (A)(i) if the property is specified in any security agreement with respect to the loan and the Secretary determines that the value of the property should be included for purposes of this section.

“(3) VALUE OF THE RESTRUCTURED LOAN.—

“(A) IN GENERAL.—For the purpose of paragraph (1), the value of the restructured loan

shall be based on the present value of payments that the borrower would make to the Federal Government if the terms of the loan were modified under any combination of primary loan service programs to ensure that the borrower is able to meet the obligations and continue farming operations.

“(B) PRESENT VALUE.—For the purpose of calculating the present value referred to in subparagraph (A), the Secretary shall use a discount rate of not more than the current rate at the time of the calculation of 90-day Treasury bills.

“(C) CASH FLOW MARGIN.—For the purpose of assessing under subparagraph (A) the ability of a borrower to meet debt obligations and continue farming operations, the Secretary shall assume that the borrower needs up to 110 percent of the amount indicated for payment of farm operating expenses, debt service obligations, and family living expenses.

“(4) NOTIFICATION.—Not later than 90 days after receipt of a written request for restructuring from the borrower, the Secretary shall—

“(A) make the calculations specified in paragraphs (2) and (3);

“(B) notify the borrower in writing of the results of the calculations; and

“(C) provide documentation for the calculations.

“(5) RESTRUCTURING OF LOANS.—

“(A) IN GENERAL.—If the value of a restructured loan is greater than or equal to the recovery value of the collateral securing the loan, not later than 45 days after notifying the borrower under paragraph (4), the Secretary shall offer to restructure the loan obligations of the borrower under this subtitle through primary loan service programs that would enable the borrower to meet the obligations (as modified) under the loan and to continue the farming operations of the borrower.

“(B) RESTRUCTURING.—If the borrower accepts an offer under subparagraph (A), not later than 45 days after receipt of notice of acceptance, the Secretary shall restructure the loan accordingly.

“(6) TERMINATION OF LOAN OBLIGATIONS.—The obligations of a borrower to the Secretary under a loan shall terminate if—

“(A) the borrower satisfies the requirements of paragraphs (1) and (2) of subsection (b);

“(B) the value of the restructured loan is less than the recovery value; and

“(C) not later than 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the current market value.

“(7) NEGOTIATION OF APPRAISAL.—

“(A) IN GENERAL.—In making a determination concerning restructuring under this subsection, the Secretary, at the request of the borrower, shall enter into negotiations with the borrower concerning appraisals required under this subsection.

“(B) INDEPENDENT APPRAISAL.—

“(i) IN GENERAL.—If the borrower, based on a separate current appraisal, objects to the decision of the Secretary regarding an appraisal, the borrower and the Secretary shall mutually agree, to the extent practicable, on an independent appraiser who shall conduct another appraisal of the property of the borrower.

“(ii) VALUE OF FINAL APPRAISAL.—The average of the 2 appraisals under clause (i) that are closest in value shall become the final appraisal under this paragraph.

“(iii) COST OF APPRAISAL.—The borrower and the Secretary shall each pay ½ of the cost of any independent appraisal.

“(d) PRINCIPAL AND INTEREST WRITE-DOWN.—

“(1) IN GENERAL.—

“(A) PRIORITY CONSIDERATION.—In selecting the restructuring alternatives to be used in the case of a borrower who has requested restructuring under this section, the Secretary shall give priority consideration to the use of a principal and interest write-down if other creditors of the borrower (other than any creditor who is fully collateralized) representing a substantial portion of the total debt of the borrower held by the creditors of the borrower, agree to participate in the development of the restructuring plan or agree to participate in a State mediation program.

“(B) FAILURE OF CREDITORS TO AGREE.—Failure of creditors to agree to participate in the restructuring plan or mediation program shall not preclude the use of a principal and interest write-down by the Secretary if the Secretary determines that restructuring results in the least cost to the Secretary.

“(2) PARTICIPATION OF CREDITORS.—Before eliminating the option to use debt write-down in the case of a borrower, the Secretary shall make a reasonable effort to contact the creditors of the borrower, either directly or through the borrower, and encourage the creditors to participate with the Secretary in the development of a restructuring plan for the borrower.

“(e) SHARED APPRECIATION ARRANGEMENTS.—

“(1) IN GENERAL.—As a condition of restructuring a loan in accordance with this section, the borrower of the loan may be required to enter into a shared appreciation arrangement that requires the repayment of amounts written off or set aside.

“(2) TERMS.—A shared appreciation agreement shall—

“(A) have a term not to exceed 10 years; and

“(B) provide for recapture based on the difference between the appraised values of the real security property at the time of restructuring and at the time of recapture.

“(3) PERCENTAGE OF RECAPTURE.—The amount of the appreciation to be recaptured by the Secretary shall be—

“(A) 75 percent of the appreciation in the value of the real security property if the recapture occurs not later than 4 years after the date of restructuring; and

“(B) 50 percent if the recapture occurs during the remainder of the term of the agreement.

“(4) TIME OF RECAPTURE.—Recapture shall take place on the date that is the earliest of—

“(A) the end of the term of the agreement;

“(B) the conveyance of the real security property;

“(C) the repayment of the loans; or

“(D) the cessation of farming operations by the borrower.

“(5) TRANSFER OF TITLE.—Transfer of title to the spouse of a borrower on the death of the borrower shall not be treated as a conveyance for the purpose of paragraph (4).

“(6) NOTICE OF RECAPTURE.—Not later than 12 months before the end of the term of a shared appreciation arrangement, the Secretary shall notify the borrower involved of the provisions of the arrangement.

“(7) FINANCING OF RECAPTURE PAYMENT.—

“(A) IN GENERAL.—The Secretary may amortize a recapture payment owed to the Secretary under this subsection.

“(B) TERM.—The term of an amortization under this paragraph may not exceed 25 years.

“(C) INTEREST RATE.—The interest rate applicable to an amortization under this paragraph may not exceed the rate applicable to a loan to reacquire homestead property less 100 basis points.

“(D) REAMORTIZATION.—

“(i) IN GENERAL.—The Secretary may modify the amortization of a recapture payment referred to in subparagraph (A) of this paragraph on which a payment has become delinquent if—

“(I) the default is due to circumstances beyond the control of the borrower; and

“(II) the borrower acted in good faith (as determined by the Secretary) in attempting to repay the recapture amount.

“(ii) LIMITATIONS.—

“(I) TERM OF REAMORTIZATION.—The term of a reamortization under this subparagraph may not exceed 25 years from the date of the original amortization agreement.

“(II) NO REDUCTION OR PRINCIPAL OR UNPAID INTEREST DUE.—A reamortization of a recapture payment under this subparagraph may not provide for reducing the outstanding principal or unpaid interest due on the recapture payment.

“(f) INTEREST RATES.—Any loan for farm ownership purposes, farm operating purposes, or disaster emergency purposes, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized shall, notwithstanding any other provision of this subtitle, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lowest of—

“(1) the rate of interest on the original loan;

“(2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time at which the borrower applies for a deferral, consolidation, rescheduling, or reamortization; or

“(3) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.

“(g) PERIOD AND EFFECT.—

“(1) PERIOD.—The Secretary may consolidate or reschedule outstanding loans for payment over a period not to exceed 7 years (or, in the case of loans for farm operating purposes, 15 years) from the date of the consolidation or rescheduling.

“(2) EFFECT.—The amount of unpaid principal and interest of the prior loans so consolidated or rescheduled shall not create a new charge against any loan levels authorized by law.

“(h) PREREQUISITES TO FORECLOSURE OR LIQUIDATION.—No foreclosure or other similar action shall be taken to liquidate any loan determined to be ineligible for restructuring by the Secretary under this section—

“(1) until the borrower has been given the opportunity to appeal the decision; and

“(2) if the borrower appeals, the appeals process has been completed, and a determination has been made that the loan is ineligible for restructuring.

“(i) NOTICE OF INELIGIBILITY FOR RESTRUCTURING.—

“(1) IN GENERAL.—A notice of ineligibility for restructuring shall be sent to the borrower by registered or certified mail not later than 15 days after a determination of ineligibility.

“(2) CONTENTS.—The notice required under paragraph (1) shall contain—

“(A) the determination and the reasons for the determination;

“(B) the computations used to make the determination, including the calculation of the recovery value of the collateral securing the loan; and

“(C) a statement of the right of the borrower to appeal the decision to the appeals division, and to appear before a hearing officer.

“(j) INDEPENDENT APPRAISALS.—

“(1) IN GENERAL.—An appeal may include a request by the borrower for an independent appraisal of any property securing the loan.

“(2) PROCESS FOR APPRAISAL.—On a request under paragraph (1), the Secretary shall present the borrower with a list of 3 appraisers approved by the county supervisor, from which the borrower shall select an appraiser to conduct the appraisal.

“(3) COST.—The cost of an appraisal under this subsection shall be paid by the borrower.

“(4) RESULT.—The result of an appraisal under this subsection shall be considered in any final determination concerning the loan.

“(5) COPY.—A copy of any appraisal under this subsection shall be provided to the borrower.

“(k) PARTIAL LIQUIDATIONS.—If a partial liquidation of a delinquent loan is performed (with the prior consent of the Secretary) as part of loan servicing by a guaranteed lender under this title, the Secretary shall not require full liquidation of the loan for the lender to be eligible to receive payment on losses.

“(l) ONLY 1 WRITE-DOWN OR NET RECOVERY BUY-OUT PER BORROWER FOR A LOAN MADE AFTER JANUARY 6, 1988.—

“(1) IN GENERAL.—The Secretary may provide for each borrower not more than 1 write-down or net recovery buy-out under this section with respect to all loans made to the borrower after January 6, 1988.

“(2) SPECIAL RULE.—For purposes of paragraph (1), the Secretary shall treat any loan made on or before January 6, 1988, with respect to which a restructuring, write-down, or net recovery buy-out is provided under this section after January 6, 1988, as a loan made after January 6, 1988.

“(m) LIQUIDATION OF ASSETS.—The Secretary may not use the authority provided by this section to reduce or terminate any portion of the debt of the borrower that the borrower could pay through the liquidation of assets (or through the payment of the loan value of the assets, if the loan value is greater than the liquidation value) described in subsection (c)(2)(A)(ii).

“(n) LIFETIME LIMITATION ON DEBT FORGIVENESS PER BORROWER.—The Secretary may provide each borrower not more than \$300,000 in debt forgiveness under this section.

“SEC. 3412. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN AGRICULTURAL LOAN OBLIGATIONS.

“(a) DEFINITION OF MOBILIZED MILITARY RESERVIST.—In this section, the term ‘mobilized military reservist’ means an individual who—

“(1) is on active duty under section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress, regardless of the location at which the active duty service is performed; or

“(2) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the

Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.

“(b) FORGIVENESS OF INTEREST PAYMENTS DUE WHILE BORROWER IS A MOBILIZED MILITARY RESERVIST.—Any requirement that a borrower of a direct loan made under this subtitle make any interest payment on the loan that would otherwise be required to be made while the borrower is a mobilized military reservist is rescinded.

“(c) DEFERRAL OF PRINCIPAL PAYMENTS DUE WHILE OR AFTER BORROWER IS A MOBILIZED MILITARY RESERVIST.—The due date of any payment of principal on a direct loan made to a borrower under this subtitle that would otherwise be required to be made while or after the borrower is a mobilized military reservist is deferred for a period equal in length to the period for which the borrower is a mobilized military reservist.

“(d) NONACCRUAL OF INTEREST.—Interest on a direct loan made to a borrower described in this section shall not accrue during the period the borrower is a mobilized military reservist.

“(e) BORROWER NOT CONSIDERED TO BE DELINQUENT OR RECEIVING DEBT FORGIVENESS.—Notwithstanding section 3425 or any other provision of this title, a borrower who receives assistance under this section shall not, as a result of the assistance, be considered to be delinquent or receiving debt forgiveness for purposes of receiving a direct or guaranteed loan under this subtitle.

“SEC. 3413. INTEREST RATE REDUCTION PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out in accordance with this section an interest rate reduction program for any loan guaranteed under this subtitle.

“(b) ENTERING INTO CONTRACTS.—The Secretary shall enter into a contract with, and make payments to, an institution to reduce, during the term of the contract, the interest rate paid by the borrower on the guaranteed loan if—

“(1) the borrower—

“(A) is unable to obtain credit elsewhere;

“(B) is unable to make payments on the loan in a timely manner; and

“(C) during the 24-month period beginning on the date on which the contract is entered into, has a total estimated cash income, including all farm and nonfarm income, that will equal or exceed the total estimated cash expenses, including all farm and nonfarm expenses, to be incurred by the borrower during the period; and

“(2) during the term of the contract, the lender reduces the annual rate of interest payable on the loan by a minimum percentage specified in the contract.

“(c) PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), in return for a contract entered into by a lender under subsection (b) for the reduction of the interest rate paid on a loan, the Secretary shall make payments to the lender in an amount equal to not more than 100 percent of the cost of reducing the annual rate of interest payable on the loan.

“(2) LIMITATION.—Payments under paragraph (1) may not exceed the cost of reducing the rate by more than 400 basis points.

“(d) TERM.—The term of a contract entered into under this section to reduce the interest rate on a guaranteed loan may not exceed the outstanding term of the loan.

“(e) CONDITION ON FORECLOSURE.—Notwithstanding any other law, any contract of

guarantee on a farm loan entered into under this subtitle shall contain a condition that the lender of the loan may not initiate a foreclosure action on the loan until 60 days after a determination is made with respect to the eligibility of the borrower to participate in the program established under this section.

“SEC. 3414. HOMESTEAD PROPERTY.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Small Business Administration.

“(2) BORROWER-OWNER.—The term ‘borrower-owner’ means—

“(A) a borrower-owner of a loan made or guaranteed by the Secretary or the Administrator who meets the eligibility requirements of subsection (c)(1); or

“(B) in a case in which an owner of homestead property pledged the property to secure the loan and the owner is different than the borrower, the owner.

“(3) FARM PROGRAM LOAN.—The term ‘farm program loan’ means a loan made by the Administrator under the Small Business Act (15 U.S.C. 631 et seq.) for any of the purposes authorized for loans under chapter 1 or 2.

“(4) HOMESTEAD PROPERTY.—The term ‘homestead property’ means—

“(A) the principal residence and adjoining property possessed and occupied by a borrower-owner, including a reasonable number of farm outbuildings located on the adjoining land that are useful to any occupant of the homestead; and

“(B) not more than 10 acres of adjoining land that is used to maintain the family of the borrower-owner.

“(b) RETENTION OF HOMESTEAD PROPERTY.—

“(1) IN GENERAL.—The Secretary or the Administrator shall, on application by a borrower-owner who meets the eligibility requirements of subsection (c)(1), permit the borrower-owner to retain possession and occupancy of homestead property under the terms set forth, and until the action described in this section has been completed, if—

“(A) the Secretary forecloses or takes into inventory property securing a loan made under this subtitle;

“(B) the Administrator forecloses or takes into inventory property securing a farm program loan made under the Small Business Act (15 U.S.C. 631 et seq.); or

“(C) the borrower-owner of a loan made by the Secretary or the Administrator files a petition in bankruptcy that results in the conveyance of the homestead property to the Secretary or the Administrator, or agrees to voluntarily liquidate or convey the property in whole or in part.

“(2) PERIOD OF OCCUPANCY.—Subject to subsection (c), the Secretary or the Administrator shall not grant a period of occupancy of less than 3 nor more than 5 years.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to occupy homestead property, a borrower-owner of a loan made by the Secretary or the Administrator shall—

“(A) apply for the occupancy not later than 30 days after the property is acquired by the Secretary or Administrator;

“(B) have received from farming operations gross farm income that is reasonably commensurate with—

“(i) the size and location of the farming unit of the borrower-owner; and

“(ii) local agricultural conditions (including natural and economic conditions), during at least 2 calendar years of the 6-year period preceding the calendar year in which the application is made;

“(C) have received from farming operations at least 60 percent of the gross annual income of the borrower-owner and any spouse of the borrower-owner during at least 2 calendar years of the 6-year period described in subparagraph (B);

“(D) have continuously occupied the homestead property during the 6-year period described in subparagraph (B), except that the requirement of this subparagraph may be waived if a borrower-owner, due to circumstances beyond the control of the borrower-owner, had to leave the homestead property for a period of time not to exceed 12 months during the 6-year period;

“(E) during the period of occupancy of the homestead property, pay a reasonable sum as rent for the property to the Secretary or the Administrator in an amount substantially equivalent to rents charged for similar residential properties in the area in which the homestead property is located;

“(F) during the period of the occupancy of the homestead property, maintain the property in good condition; and

“(G) meet such other reasonable and necessary terms and conditions as the Secretary may require.

“(2) DEFINITION OF FARMING OPERATIONS.—In subparagraphs (B) and (C) of paragraph (1), the term ‘farming operations’ includes rent paid by a lessee of agricultural land during a period in which the borrower-owner, due to circumstances beyond the control of the borrower-owner, is unable to actively farm the land.

“(3) TERMINATION OF RIGHTS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(E), the failure of the borrower-owner to make a timely rental payment shall constitute cause for the termination of all rights of the borrower-owner to possession and occupancy of the homestead property under this section.

“(B) PROCEDURE FOR TERMINATION.—In effecting a termination under subparagraph (A), the Secretary shall—

“(i) afford the borrower-owner or lessee the notice and hearing procedural rights described in subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.); and

“(ii) comply with any applicable State and local law governing eviction of a person from residential property.

“(4) RIGHTS OF BORROWER-OWNER.—

“(A) PERIOD OF OCCUPANCY.—Subject to subsection (b)(2), the period of occupancy allowed the borrower-owner of homestead property under this section shall be the period requested in writing by the borrower-owner.

“(B) RIGHT TO REACQUIRE.—

“(i) IN GENERAL.—During the period the borrower-owner occupies the homestead property, the borrower-owner shall have a right to reacquire the homestead property on such terms and conditions as the Secretary shall determine.

“(ii) SOCIALLY DISADVANTAGED BORROWER-OWNER.—During the period of occupancy of a borrower-owner who is a socially disadvantaged farmer, the borrower-owner or a member of the immediate family of the borrower-owner shall have a right of first refusal to reacquire the homestead property on such terms and conditions as the Secretary shall determine.

“(iii) INDEPENDENT APPRAISAL.—The Secretary may not demand a payment for the homestead property that is in excess of the current market value of the homestead property as established by an independent appraisal.

“(iv) CONDUCT OF APPRAISAL.—An independent appraisal under clause (iii) shall be conducted by an appraiser selected by the borrower-owner, or, in the case of a borrower-owner who is a socially disadvantaged farmer, the immediate family member of the borrower-owner, from a list of 3 appraisers approved by the county supervisor.

“(5) TRANSFER OF RIGHTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no right of a borrower-owner under this section, and no agreement entered into between the borrower-owner and the Secretary for occupancy of the homestead property, shall be transferable or assignable by the borrower-owner or by operation of law.

“(B) DEATH OR INCOMPETENCY.—In the case of death or incompetency of the borrower-owner, the right and agreement shall be transferable to a spouse of the borrower-owner if the spouse agrees to comply with any terms and conditions of the right or agreement.

“(6) NOTIFICATION.—Not later than the date of acquisition of the property securing a loan made under this title, the Secretary shall notify the borrower-owner of the property of the availability of homestead protection rights under this section.

“(d) END OF PERIOD OF OCCUPANCY.—

“(1) IN GENERAL.—At the end of the period of occupancy allowed a borrower-owner under subsection (c), the Secretary or the Administrator shall grant to the borrower-owner a right of first refusal to reacquire the homestead property on such terms and conditions (which may include payment of principal in installments) as the Secretary or the Administrator shall determine.

“(2) TERMS AND CONDITIONS.—The terms and conditions granted under paragraph (1) may not be less favorable than those offered by the Secretary or Administrator or intended by the Secretary or Administrator to be offered to any other buyer.

“(e) MAXIMUM PAYMENT OF PRINCIPAL.—

“(1) IN GENERAL.—At the time a reacquisition agreement is entered into, the Secretary or the Administrator may not demand a total payment of principal that is in excess of the value of the homestead property.

“(2) DETERMINATION OF VALUE.—To the maximum extent practicable, the value of the homestead property shall be determined by an independent appraisal made during the 180 day period beginning on the date of receipt of the application of the borrower-owner to retain possession and occupancy of the homestead property.

“(f) TITLE NOT NEEDED TO ENTER INTO CONTRACTS.—The Secretary may enter into a contract authorized by this section before the Secretary acquires title to the homestead property that is the subject of the contract.

“(g) STATE LAW PREVAILS.—In the event of a conflict between this section and a provision of State law relating to the right of a borrower-owner to designate for separate sale or redeem part or all of the real property securing a loan foreclosed on by a lender to the borrower-owner, the provision of State law shall prevail.

“SEC. 3415. TRANSFER OF INVENTORY LAND.

“(a) IN GENERAL.—Subject to subsection (b), the Secretary may transfer to a Federal or State agency, for conservation purposes, any real property, or interest in real property, administered by the Secretary under this subtitle—

“(1) with respect to which the rights of all prior owners and operators have expired;

“(2) that is eligible to be disposed of in accordance with section 3409; and

“(3) that—

“(A) has marginal value for agricultural production;

“(B) is environmentally sensitive; or

“(C) has special management importance.

“(b) CONDITIONS.—The Secretary may not transfer any property or interest in property under subsection (a) unless—

“(1) at least 2 public notices are given of the transfer;

“(2) if requested, at least 1 public meeting is held prior to the transfer; and

“(3) the Governor and at least 1 elected county official of the State and county in which the property is located are consulted prior to the transfer.

“SEC. 3416. TARGET PARTICIPATION RATES.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish annual target participation rates, on a county-wide basis, that shall ensure that members of socially disadvantaged groups shall—

“(A) receive loans made or guaranteed under chapter 1; and

“(B) have the opportunity to purchase or lease farmland acquired by the Secretary under this subtitle.

“(2) GROUP POPULATION.—Except as provided in paragraph (3), in establishing the target rates, the Secretary shall take into consideration—

“(A) the portion of the population of the county made up of the socially disadvantaged groups; and

“(B) the availability of inventory farmland in the county.

“(3) GENDER.—In the case of gender, target participation rates shall take into consideration the number of current and potential socially disadvantaged farmers in a State in proportion to the total number of farmers in the State.

“(b) RESERVATION AND ALLOCATION.—

“(1) RESERVATION.—To the maximum extent practicable, the Secretary shall reserve sufficient loan funds made available under chapter 1 for use by members of socially disadvantaged groups identified under target participation rates established under subsection (a).

“(2) ALLOCATION.—The Secretary shall allocate the loans on the basis of the proportion of members of socially disadvantaged groups in a county and the availability of inventory farmland, with the greatest amount of loan funds being distributed in the county with the greatest proportion of socially disadvantaged group members and the greatest quantity of available inventory farmland.

“(3) INDIAN RESERVATIONS.—In distributing loan funds in counties within the boundaries of an Indian reservation, the Secretary shall allocate the funds on a reservation-wide basis.

“(c) OPERATING LOANS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary shall establish annual target participation rates that shall ensure that socially disadvantaged farmers receive loans made or guaranteed under chapter 2.

“(B) CONSIDERATIONS.—In establishing the target rates, the Secretary shall consider the number of socially disadvantaged farmers in a State in proportion to the total number of farmers in the State.

“(2) RESERVATION AND ALLOCATION.—

“(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall reserve and allocate the proportion of the loan funds of each State made available under chapter 2 that is equal to the target participation rate of the State for use by the socially disadvantaged farmers in the State.

“(B) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute the total loan funds reserved under subparagraph (A) on a county-by-county basis according to the number of socially disadvantaged farmers in the county.

“(C) REALLOCATION OF UNUSED FUNDS.—Any funds reserved and allocated under this paragraph but not used within a State shall, to the extent necessary to satisfy pending applications under this title, be available for use by socially disadvantaged farmers in other States, as determined by the Secretary, and any remaining funds shall be reallocated within the State.

“(d) REPORT.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the annual target participation rates and the success in meeting the rates.

“(e) IMPLEMENTATION CONSISTENT WITH SUPREME COURT HOLDING.—Not later than 180 days after April 4, 1996, the Secretary shall ensure that the implementation of this section is consistent with the holding of the Supreme Court in *Adarand Constructors, Inc. v. Federico Pena*, Secretary of Transportation, 115 S. Ct. 2097 (1995).

“SEC. 3417. COMPROMISE OR ADJUSTMENT OF DEBTS OR CLAIMS BY GUARANTEED LENDER.

“(a) LOSS BY LENDER.—If the lender of a guaranteed farmer program loan takes any action described in section 3903(a)(4) with respect to the loan and the Secretary approves the action, for purposes of the guarantee, the lender shall be treated as having sustained a loss equal to the amount by which—

“(1) the outstanding balance of the loan immediately before the action; exceeds

“(2) the outstanding balance of the loan immediately after the action.

“(b) NET PRESENT VALUE OF LOAN.—The Secretary shall approve the taking of an action described in section 3903(a)(4) by the lender of a guaranteed farmer program loan with respect to the loan if the action reduces the net present value of the loan to an amount equal to not less than the greater of—

“(1) the greatest net present value of a loan the borrower could reasonably be expected to repay; and

“(2) the difference between—

“(A) the greatest amount that the lender of the loan could reasonably expect to recover from the borrower through bankruptcy, or liquidation of the property securing the loan; and

“(B) all reasonable and necessary costs and expenses that the lender of the loan could reasonably expect to incur to preserve or dispose of the property (including all associated legal and property management costs) in the course of such a bankruptcy or liquidation.

“(c) NO LIMITATION ON AUTHORITY.—This section shall not limit the authority of the Secretary to enter into a shared appreciation arrangement with a borrower under section 3411(e).

“SEC. 3418. WAIVER OF MEDIATION RIGHTS BY BORROWERS.

“The Secretary may not make or guarantee any farmer program loan to a farm borrower on the condition that the borrower waive any right under the mediation program of any State.

“SEC. 3419. BORROWER TRAINING.

“(a) IN GENERAL.—The Secretary shall contract to provide educational training to all borrowers of direct loans made under this subtitle in financial and farm management

concepts associated with commercial farming.

“(b) CONTRACT.—

“(1) IN GENERAL.—The Secretary may contract with a State or private provider of farm management and credit counseling services (including a community college, the extension service of a State, a State department of agriculture, or a nonprofit organization) to carry out this section.

“(2) CONSULTATION.—The Secretary may consult with the chief executive officer of a State concerning the identity of the contracting organization and the process for contracting.

“(c) ELIGIBILITY FOR LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), to be eligible to obtain a direct or guaranteed loan under this subtitle, a borrower shall be required to obtain management assistance under this section, appropriate to the management ability of the borrower during the determination of eligibility for the loan.

“(2) LOAN CONDITIONS.—The need of a borrower who satisfies the criteria set out in section 3101(b)(1)(B) or 3201(b)(1)(B) for management assistance under this section shall not be cause for denial of eligibility of the borrower for a direct or guaranteed loan under this subtitle.

“(d) GUIDELINES AND CURRICULUM.—The Secretary shall issue regulations establishing guidelines and curriculum for the borrower training program established under this section.

“(e) PAYMENT.—A borrower—

“(1) shall pay for training received under this section; and

“(2) may use funds from operating loans made under chapter 2 to pay for the training.

“(f) WAIVERS.—

“(1) IN GENERAL.—The Secretary may waive the requirements of this section for an individual borrower on a determination that the borrower demonstrates adequate knowledge in areas described in this section.

“(2) CRITERIA.—The Secretary shall establish criteria providing for the application of paragraph (1) consistently in all counties nationwide.

“SEC. 3420. LOAN ASSESSMENTS.

“(a) IN GENERAL.—After an applicant is determined to be eligible for assistance under this subtitle, the Secretary shall evaluate, in accordance with regulations issued by the Secretary, the farming plan and financial situation of each qualified farmer applicant.

“(b) DETERMINATIONS.—In evaluating the farming plan and financial situation of an applicant under this section, the Secretary shall determine—

“(1) the amount that the applicant needs to borrow to carry out the proposed farming plan;

“(2) the rate of interest that the applicant would need to be able to cover expenses and build an adequate equity base;

“(3) the goals of the proposed farming plan of the applicant;

“(4) the financial viability of the plan and any changes that are necessary to make the plan viable; and

“(5) whether assistance is necessary under this title and, if so, the amount of the assistance.

“(c) CONTRACT.—The Secretary may contract with a third party (including an entity that is eligible to provide borrower training under section 3419(b)) to conduct a loan assessment under this section.

“(d) REVIEW OF LOANS.—

“(1) IN GENERAL.—Loan assessments conducted under this section shall include bian-

nual review of direct loans, and periodic review (as determined necessary by the Secretary) of guaranteed loans, made under this title to assess the progress of a borrower in meeting the goals for the farm operation.

“(2) CONTRACTS.—The Secretary may contract with an entity that is eligible to provide borrower training under section 3419(b) to conduct a loan review under paragraph (1).

“(3) PROBLEM ASSESSMENTS.—If a borrower is delinquent in payments on a direct or guaranteed loan made under this title, the Secretary or the contracting entity shall determine the cause of, and action necessary to correct, the delinquency.

“(e) GUIDELINES.—The Secretary shall issue regulations providing guidelines for loan assessments conducted under this section.

“SEC. 3421. SUPERVISED CREDIT.

“The Secretary shall provide adequate training to employees of the Farm Service Agency on credit analysis and financial and farm management—

“(1) to better acquaint the employees with what constitutes adequate financial data on which to base a direct or guaranteed loan approval decision; and

“(2) to ensure proper supervision of farmer program loans.

“SEC. 3422. MARKET PLACEMENT.

“The Secretary shall establish a market placement program for a qualified beginning farmer and any other borrower of farmer program loans that the Secretary believes has a reasonable chance of qualifying for commercial credit with a guarantee provided under this subtitle.

“SEC. 3423. RECORDKEEPING OF LOANS BY GEN- DER OF BORROWER.

“The Secretary shall classify, by gender, records of applicants for loans and loan guarantees under this subtitle.

“SEC. 3424. CROP INSURANCE REQUIREMENT.

“(a) IN GENERAL.—As a condition of obtaining any benefit (including a direct loan, loan guarantee, or payment) described in subsection (b), a borrower shall be required to obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Federal Crop Insurance Corporation.

“(b) APPLICABLE BENEFITS.—Subsection (a) shall apply to—

“(1) a farm ownership loan under section 3102;

“(2) an operating loan under section 3202; and

“(3) an emergency loan under section 3301.

“SEC. 3425. LOAN AND LOAN SERVICING LIMITATIONS.

“(a) DELINQUENT BORROWERS PROHIBITED FROM OBTAINING DIRECT OPERATING LOANS.—The Secretary may not make a direct operating loan under chapter 2 to a borrower who is delinquent on any loan made or guaranteed under this subtitle.

“(b) LOANS PROHIBITED FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.—

“(1) PROHIBITIONS.—Except as provided in paragraph (2)—

“(A) the Secretary may not make a loan under this subtitle to a borrower that has received debt forgiveness on a loan made or guaranteed under this subtitle; and

“(B) the Secretary may not guarantee a loan under this subtitle to a borrower that has received—

“(i) debt forgiveness after April 4, 1996, on a loan made or guaranteed under this subtitle; or

“(ii) received debt forgiveness on more than 3 occasions on or before April 4, 1996.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm operating expenses of a borrower who—

“(i) was restructured with a write-down under section 3411;

“(ii) is current on payments under a confirmed reorganization plan under chapters 11, 12, or 13 of title 11 of the United States Code; or

“(iii) received debt forgiveness on not more than 1 occasion resulting directly and primarily from a major disaster or emergency designated by the President on or after April 4, 1996, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(B) EMERGENCY LOANS.—The Secretary may make an emergency loan under section 3301 to a borrower that—

“(i) on or before April 4, 1996, received not more than 1 debt forgiveness on a loan made or guaranteed under this subtitle; and

“(ii) after April 4, 1996, has not received debt forgiveness on a loan made or guaranteed under this subtitle.

“(C) NO MORE THAN 1 DEBT FORGIVENESS FOR A BORROWER ON A DIRECT LOAN.—The Secretary may not provide to a borrower debt forgiveness on a direct loan made under this subtitle if the borrower has received debt forgiveness on another direct loan made under this subtitle.

“SEC. 3426. SHORT FORM CERTIFICATION OF FARM PROGRAM BORROWER COMPLIANCE.

“The Secretary shall develop and use a consolidated short form for farmer program loan borrowers to use in certifying compliance with any applicable provision of law (including a regulation) that serves as an eligibility prerequisite for a loan made under this subtitle.

“SEC. 3427. UNDERWRITING FORMS AND STANDARDS.

“In the administration of this subtitle, the Secretary shall, to the extent practicable, use underwriting forms, standards, practices, and terminology similar to the forms, standards, practices, and terminology used by lenders in the private sector.

“SEC. 3428. BEGINNING FARMER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) DEMONSTRATION PROGRAM.—The term ‘demonstration program’ means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

“(2) ELIGIBLE PARTICIPANT.—The term ‘eligible participant’ means a qualified beginning farmer that—

“(A) lacks significant financial resources or assets; and

“(B) has an income that is less than—

“(i) 80 percent of the median income of the State in which the farmer resides; or

“(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

“(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term ‘individual development account’ means a savings account described in subsection (b)(4)(A).

“(4) QUALIFIED ENTITY.—

“(A) IN GENERAL.—The term ‘qualified entity’ means—

“(i) 1 or more organizations—

“(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

“(II) exempt from taxation under section 501(a) of such Code; or

“(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

“(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the ‘New Farmer Individual Development Accounts Pilot Program’ under which the Secretary shall work through qualified entities to establish demonstration programs—

“(A) of at least 5 years in duration; and

“(B) in at least 15 States.

“(2) COORDINATION.—The Secretary shall operate the pilot program through and in coordination with the farmer program loans of the Farm Service Agency.

“(3) RESERVE FUNDS.—

“(A) IN GENERAL.—A qualified entity carrying out a demonstration program under this section shall establish a reserve fund consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

“(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the total amount of the grant awarded under this section to the demonstration program for deposit in the reserve fund.

“(C) USE OF FUNDS.—Of the funds deposited under subparagraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

“(i) may use up to 10 percent for administrative expenses; and

“(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

“(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (A) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

“(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

“(F) REVERSION.—On the date on which all funds remaining in any individual development account established by a qualified entity have reverted under paragraph (5)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

“(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were not used for administrative expenses; divided by

“(ii) the total amount of funds deposited in the reserve fund.

“(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

“(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

“(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

“(i) the eligible participant agrees—

“(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity;

“(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

“(III) to complete financial training; and

“(ii) the qualified entity agrees—

“(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i)(I), at least a 100-percent, and up to a 200-percent, match of that amount into the individual development account established for the eligible participant; and

“(II) with uses of funds proposed by the eligible participant.

“(C) LIMITATION.—

“(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than \$6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

“(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

“(5) ELIGIBLE EXPENDITURES.—

“(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

“(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

“(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days after the date of the purchase;

“(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

“(iv) for other similar expenditures, as determined by the Secretary.

“(B) TIMING.—

“(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to the individual development account established for the eligible participant.

“(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

“(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

“(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

“(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

“(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

“(D) the aggregate amount of direct funds from non-Federal public sector and private

sources that are formally committed to the demonstration program as matching contributions;

“(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

“(F) such other factors as the Secretary considers to be appropriate.

“(3) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

“(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers; and

“(B) expertise in dealing with financial management aspects of farming.

“(4) APPROVAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

“(5) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applicant to carry out the project for a period of 5 years, plus an additional 2 years to make eligible expenditures in accordance with subsection (b)(5)(B).

“(d) GRANT AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall make a grant to a qualified entity authorized to carry out a demonstration program under this section.

“(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed \$250,000.

“(3) TIMING OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

“(A) on the awarding of the grant; or

“(B) pursuant to such payment plan as the qualified entity may specify.

“(e) REPORTS.—

“(1) ANNUAL PROGRESS REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

“(i) an evaluation of the progress of the demonstration program;

“(ii) information about the demonstration program, including the eligible participants and the individual development accounts that have been established; and

“(iii) such other information as the Secretary may require.

“(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

“(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

“(f) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity—

“(1) to assess the financial soundness of the qualified entity; and

“(2) to determine the use of grant funds made available to the qualified entity under this section.

“(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

“(1) the termination of demonstration programs;

“(2) control of the reserve funds in the case of such a termination;

“(3) transfer of demonstration programs to other qualified entities; and

“(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 through 2017.

“SEC. 3429. FARMER LOAN PILOT PROJECTS.

“(a) IN GENERAL.—The Secretary may conduct pilot projects of limited scope and duration that are consistent with this subtitle to evaluate processes and techniques that may improve the efficiency and effectiveness of the programs carried out under this subtitle

“(b) NOTIFICATION.—The Secretary shall—

“(1) not less than 60 days before the date on which the Secretary initiates a pilot project under subsection (a), submit notice of the proposed pilot project to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

“(2) consider any recommendations or feedback provided to the Secretary in response to the notice provided under paragraph (1).

“SEC. 3430. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

“(a) AUTHORIZATION FOR LOANS.—

“(1) IN GENERAL.—The Secretary may make or guarantee loans under chapters 1 and 2 from the Agricultural Credit Insurance Fund for not more than \$4,226,000,000 for each of fiscal years 2012 through 2017, of which, for each fiscal year—

“(A) \$1,200,000,000 shall be for direct loans, of which—

“(i) \$350,000,000 shall be for farm ownership loans; and

“(ii) \$850,000,000 shall be for operating loans; and

“(B) \$3,026,000,000 shall be for guaranteed loans, of which—

“(i) \$1,000,000,000 shall be for guarantees of farm ownership loans; and

“(ii) \$2,026,000,000 shall be for guarantees of operating loans.

“(2) BEGINNING FARMERS.—

“(A) DIRECT LOANS.—

“(i) FARM OWNERSHIP LOANS.—

“(1) IN GENERAL.—Of the amounts made available under paragraph (1) for direct farm ownership loans, the Secretary shall reserve an amount that is not less than 75 percent of the total amount for qualified beginning farmers.

“(II) DOWN PAYMENT LOANS; JOINT FINANCING ARRANGEMENTS.—Of the amounts reserved for a fiscal year under subclause (I), the Secretary shall reserve an amount not less than ¾ of the amount for the down payment loan program under section 3107 and joint financing arrangements under section 3105 until April 1 of the fiscal year.

“(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for direct operating loans, the Secretary shall reserve for qualified beginning farmers for each of fiscal years 2012 through 2017, an amount that is not less than 50 percent of the total amount.

“(iii) FUNDS RESERVED UNTIL SEPTEMBER 1.—Except as provided in clause (i)(II), funds

reserved for qualified beginning farmers under this subparagraph for a fiscal year shall be reserved only until September 1 of the fiscal year.

“(B) GUARANTEED LOANS.—

“(i) FARM OWNERSHIP LOANS.—Of the amounts made available under paragraph (1) for guarantees of farm ownership loans, the Secretary shall reserve an amount that is not less than 40 percent of the total amount for qualified beginning farmers.

“(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for guarantees of operating loans, the Secretary shall reserve 40 percent for qualified beginning farmers.

“(iii) FUNDS RESERVED UNTIL APRIL 1.—Funds reserved for qualified beginning farmers under this subparagraph for a fiscal year shall be reserved only until April 1 of the fiscal year.

“(C) RESERVED FUNDS FOR ALL QUALIFIED BEGINNING FARMERS.—If a qualified beginning farmer meets the eligibility criteria for receiving a direct or guaranteed loan under section 3101, 3107, or 3201, the Secretary shall make or guarantee the loan if sufficient funds reserved under this paragraph are available to make or guarantee the loan.

“(3) TRANSFER FOR DOWN PAYMENT LOANS.—

“(A) IN GENERAL.—Subject to subparagraph (B)—

“(i) beginning on August 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers under the down payment loan program established under section 3107, if sufficient direct farm ownership loan funds are not otherwise available; and

“(ii) beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers, if sufficient direct farm ownership loan funds are not otherwise available.

“(B) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all guaranteed farm operating loans that have been approved, or will be approved, by the Secretary during the fiscal year will be made to the extent of available amounts.

“(4) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), beginning on September 1 of each fiscal year, the Secretary may use available funds made available under chapter 3 for the fiscal year to fund the credit sale of farm real estate in the inventory of the Secretary.

“(B) SUPPLEMENTAL APPROPRIATIONS.—The transfer authority provided under subparagraph (A) shall not apply to any funds made available to the Secretary for any fiscal year under an Act making supplemental appropriations.

“(C) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all emergency disaster loans that have been approved, or will be approved, by the Secretary during the fiscal year will be made to the extent of available amounts.

“(5) AVAILABILITY OF FUNDS.—Funds made available to carry out this subtitle shall remain available until expended.

“(b) COST PROJECTIONS.—

“(1) IN GENERAL.—The Secretary shall develop long-term cost projections for loan program authorizations required under subsection (a).

“(2) ANALYSIS.—Each projection under paragraph (1) shall include analyses of—

“(A) the long-term costs of the lending levels that the Secretary requests to be authorized under subsection (a); and

“(B) the long-term costs for increases in lending levels beyond those requested to be authorized, based on increments of \$10,000,000 or such other levels as the Secretary considers appropriate.

“(3) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Agriculture and Appropriations of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and Appropriations of the Senate reports containing the long-term cost projections for the 3-year period beginning with fiscal year 1983 and each 3-year period thereafter at the time the requests for authorizations for those periods are submitted to Congress.

“(c) LOW-INCOME, LIMITED-RESOURCE BORROWERS.—

“(1) RESERVE.—Notwithstanding any other provision of law, not less than 25 percent of the loans for farm ownership purposes for each fiscal year under this subtitle shall be for low-income, limited-resource borrowers.

“(2) NOTIFICATION.—The Secretary shall provide notification to farm borrowers under this subtitle in the normal course of loan making and loan servicing operations, of the provisions of this subtitle relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.”.

Subtitle B—Miscellaneous

SEC. 5101. STATE AGRICULTURAL MEDIATION PROGRAMS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking “2015” and inserting “2017”.

SEC. 5102. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

The first section of Public Law 91-229 (25 U.S.C. 488) is amended in subsection (b)(1) by inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section” before the period at the end.

SEC. 5103. REMOVAL OF DUPLICATIVE APPRAISALS.

Notwithstanding any other law (including regulations), in making loans under the first section of Public Law 91-229 (25 U.S.C. 488), borrowers who are Indian tribes, members of Indian tribes, or tribal corporations shall only be required to obtain 1 appraisal under an appraisal standard recognized as of the date of enactment of this Act by the Secretary or the Secretary of the Interior.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Reorganization of the Consolidated Farm and Rural Development Act

SEC. 6001. REORGANIZATION OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Title III of the Agricultural Act of 1961 (7 U.S.C. 1921 et seq.) is amended to read as follows:

“TITLE III—AGRICULTURAL CREDIT

“SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This title may be cited as the ‘Consolidated Farm and Rural Development Act’.

“(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

“TITLE III—AGRICULTURAL CREDIT

“Sec. 3001. Short title; table of contents.

“Sec. 3002. Definitions.

“Subtitle A—Farmer Loans, Servicing, and Other Assistance

“CHAPTER 1—FARM OWNERSHIP LOANS

“Sec. 3101. Farm ownership loans.

“Sec. 3102. Purposes of loans.

“Sec. 3103. Conservation loan and loan guarantee program.

“Sec. 3104. Loan maximums.

“Sec. 3105. Repayment requirements for farm ownership loans.

“Sec. 3106. Limited-resource loans.

“Sec. 3107. Downpayment loan program.

“Sec. 3108. Beginning farmer and socially disadvantaged farmer contract land sales program.

“CHAPTER 2—OPERATING LOANS

“Sec. 3201. Operating loans.

“Sec. 3202. Purposes of loans.

“Sec. 3203. Restrictions on loans.

“Sec. 3204. Terms of loans.

“CHAPTER 3—EMERGENCY LOANS

“Sec. 3301. Emergency loans.

“Sec. 3302. Purposes of loans.

“Sec. 3303. Terms of loans.

“Sec. 3304. Production losses.

“CHAPTER 4—GENERAL FARMER LOAN PROVISIONS

“Sec. 3401. Agricultural Credit Insurance Fund.

“Sec. 3402. Guaranteed farmer loans.

“Sec. 3403. Provision of information to borrowers.

“Sec. 3404. Notice of loan service programs.

“Sec. 3405. Planting and production history guidelines.

“Sec. 3406. Special conditions and limitations on loans.

“Sec. 3407. Graduation of borrowers.

“Sec. 3408. Debt adjustment and credit counseling.

“Sec. 3409. Security servicing.

“Sec. 3410. Contracts on loan security properties.

“Sec. 3411. Debt restructuring and loan servicing.

“Sec. 3412. Relief for mobilized military reservists from certain agricultural loan obligations.

“Sec. 3413. Interest rate reduction program.

“Sec. 3414. Homestead property.

“Sec. 3415. Transfer of inventory land.

“Sec. 3416. Target participation rates.

“Sec. 3417. Compromise or adjustment of debts or claims by guaranteed lender.

“Sec. 3418. Waiver of mediation rights by borrowers.

“Sec. 3419. Borrower training.

“Sec. 3420. Loan assessments.

“Sec. 3421. Supervised credit.

“Sec. 3422. Market placement.

“Sec. 3423. Recordkeeping of loans by gender of borrower.

“Sec. 3424. Crop insurance requirement.

“Sec. 3425. Loan and loan servicing limitations.

“Sec. 3426. Short form certification of farm program borrower compliance.

“Sec. 3427. Underwriting forms and standards.

“Sec. 3428. Beginning farmer individual development accounts pilot program.

“Sec. 3429. Farmer loan pilot projects.

“Sec. 3430. Authorization of appropriations and allocation of funds.

“Subtitle B—Rural Development

“CHAPTER 1—RURAL COMMUNITY PROGRAMS

“Sec. 3501. Water and waste disposal loans, loan guarantees, and grants.

“Sec. 3502. Community facilities loans, loan guarantees, and grants.

“Sec. 3503. Health care services.

“CHAPTER 2—RURAL BUSINESS AND COOPERATIVE DEVELOPMENT

“Sec. 3601. Business programs.

“Sec. 3602. Rural business investment program.

“CHAPTER 3—GENERAL RURAL DEVELOPMENT PROVISIONS

“Sec. 3701. General provisions for loans and grants.

“Sec. 3702. Strategic economic and community development.

“Sec. 3703. Guaranteed rural development loans.

“Sec. 3704. Rural Development Insurance Fund.

“Sec. 3705. Rural economic area partnership zones.

“Sec. 3706. Streamlining applications and improving accessibility of rural development programs.

“CHAPTER 4—DELTA REGIONAL AUTHORITY

“Sec. 3801. Definitions.

“Sec. 3802. Delta Regional Authority.

“Sec. 3803. Economic and community development grants.

“Sec. 3804. Supplements to Federal grant programs.

“Sec. 3805. Local development districts; certification and administrative expenses.

“Sec. 3806. Distressed counties and areas and nondistressed counties.

“Sec. 3807. Development planning process.

“Sec. 3808. Program development criteria.

“Sec. 3809. Approval of development plans and projects.

“Sec. 3810. Consent of States.

“Sec. 3811. Records.

“Sec. 3812. Annual report.

“Sec. 3813. Authorization of appropriations.

“Sec. 3814. Termination of authority.

“CHAPTER 5—NORTHERN GREAT PLAINS REGIONAL AUTHORITY

“Sec. 3821. Definitions.

“Sec. 3822. Northern Great Plains Regional Authority.

“Sec. 3823. Interstate cooperation for economic opportunity and efficiency.

“Sec. 3824. Economic and community development grants.

“Sec. 3825. Supplements to Federal grant programs.

“Sec. 3826. Multistate and local development districts and organizations and Northern Great Plains Inc.

“Sec. 3827. Distressed counties and areas and nondistressed counties.

“Sec. 3828. Development planning process.

“Sec. 3829. Program development criteria.

“Sec. 3830. Approval of development plans and projects.

“Sec. 3831. Consent of States.

“Sec. 3832. Records.

“Sec. 3833. Annual report.

“Sec. 3834. Authorization of appropriations.

“Sec. 3835. Termination of authority.

“Subtitle C—General Provisions

“Sec. 3901. Full faith and credit.

“Sec. 3902. Purchase and sale of guaranteed portions of loans.

“Sec. 3903. Administration.

“Sec. 3904. Loan moratorium and policy on foreclosures.

“Sec. 3905. Oil and gas royalty payments on loans.

“Sec. 3906. Taxation.

“Sec. 3907. Conflicts of interest.

“Sec. 3908. Loan summary statements.

“Sec. 3909. Certified lenders program.

“Sec. 3910. Loans to resident aliens.

"Sec. 3911. Expedited clearing of title to inventory property.

"Sec. 3912. Prohibition on use of loans for certain purposes.

"Sec. 3913. Transfer of land to Secretary.

"Sec. 3914. Competitive sourcing limitations.

"Sec. 3915. Regulations.

"SEC. 3002. DEFINITIONS.

"In this title (unless the context otherwise requires):

"(1) **ABLE TO OBTAIN CREDIT ELSEWHERE.**—The term 'able to obtain credit elsewhere' means able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source (or, in the case of a borrower under section 3106, the borrower may be able to obtain a loan under section 3101) at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

"(2) **AGRICULTURAL CREDIT INSURANCE FUND.**—The term 'Agricultural Credit Insurance Fund' means the fund established under section 3401.

"(3) **APPROVED LENDER.**—The term 'approved lender' means—

"(A) a lender approved prior to October 28, 1992, by the Secretary under the approved lender program established by exhibit A to subpart B of part 1980 of title 7, Code of Federal Regulations (as in effect on January 1, 1991); or

"(B) a lender certified under section 3909.

"(4) **AQUACULTURE.**—The term 'aquaculture' means the culture or husbandry of aquatic animals or plants by private industry for commercial purposes, including the culture and growing of fish by private industry for the purpose of creating or augmenting publicly owned and regulated stocks of fish.

"(5) **BEGINNING FARMER.**—The term 'beginning farmer' has the meaning given the term by the Secretary.

"(6) **BORROWER.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term 'borrower' means an individual or entity who has an outstanding obligation to the Secretary under any loan made or guaranteed under this title, without regard to whether the loan has been accelerated.

"(B) **EXCLUSIONS.**—The term 'borrower' does not include an individual or entity all of whose loans and accounts have been foreclosed on or liquidated, voluntarily or otherwise.

"(7) **COUNTY COMMITTEE.**—The term 'county committee' means the appropriate county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

"(8) **DEBT FORGIVENESS.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term 'debt forgiveness' means reducing or terminating a loan made or guaranteed under this title, in a manner that results in a loss to the Secretary, through—

"(i) writing down or writing off a loan under section 3411;

"(ii) compromising, adjusting, reducing, or charging-off a debt or claim under section 3903;

"(iii) paying a loss on a guaranteed loan under this title; or

"(iv) discharging a debt as a result of bankruptcy.

"(B) **LOAN RESTRUCTURING.**—The term 'debt forgiveness' does not include consolidation, rescheduling, reamortization, or deferral.

"(9) **DEPARTMENT.**—The term 'Department' means the Department of Agriculture.

"(10) **DIRECT LOAN.**—The term 'direct loan' means a loan made by the Secretary from appropriated funds.

"(11) **ENTITY.**—The term 'entity' means a corporation, farm cooperative, partnership, joint operation, governmental entity, or other legal organization, as determined by the Secretary.

"(12) **FARM.**—The term 'farm' means an operation involved in—

"(A) the production of an agricultural commodity;

"(B) ranching; or

"(C) aquaculture.

"(13) **FARMER.**—The term 'farmer' means an individual or entity engaged primarily and directly in—

"(A) the production of an agricultural commodity;

"(B) ranching; or

"(C) aquaculture.

"(14) **FARMER PROGRAM LOAN.**—The term 'farmer program loan' means—

"(A) a farm ownership loan under section 3101;

"(B) a conservation loan under section 3103;

"(C) an operating loan under section 3201;

"(D) an emergency loan under section 3301;

"(E) an economic emergency loan under section 202 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note; Public Law 95-334);

"(F) a loan for a farm service building under section 502 of the Housing Act of 1949 (42 U.S.C. 1472);

"(G) an economic opportunity loan under section 602 of the Economic Opportunity Act of 1964 (Public Law 88-452; 42 U.S.C. 2942 note) (as it existed before the amendment made by section 683(a) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 519));

"(H) a softwood timber loan under section 608 of the Agricultural Programs Adjustment Act of 1984 (7 U.S.C. 1981 note; Public Law 98-258); or

"(I) any other loan described in section 343(a)(10) of this title (as it existed before the amendment made by section 2 of the Agriculture Reform, Food, and Jobs Act of 2012) that is outstanding on the date of enactment of that Act.

"(15) **FARM SERVICE AGENCY.**—The term 'Farm Service Agency' means the offices of the Farm Service Agency to which the Secretary delegates responsibility to carry out this title.

"(16) **GOVERNMENTAL ENTITY.**—The term 'governmental entity' means any agency of the United States, a State, or a unit of local government of a State, or subdivision thereof.

"(17) **GUARANTEE.**—The term 'guarantee' means guaranteeing the payment of a loan originated, held, and serviced by a private financial agency, or lender, approved by the Secretary.

"(18) **HIGHLY ERODIBLE LAND.**—The term 'highly erodible land' has the meaning given the term in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)).

"(19) **HOMESTEAD RETENTION.**—The term 'homestead retention' means homestead retention as authorized under section 3414.

"(20) **INDIAN TRIBE.**—The term 'Indian tribe' means a Federal and State-recognized Indian tribe or other federally recognized Indian tribal group (including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

"(21) **LOAN SERVICE PROGRAM.**—The term 'loan service program' means, with respect to a farmer program loan borrower, a primary loan service program or a homestead retention program.

"(22) **NATURAL OR MAJOR DISASTER OR EMERGENCY.**—The term 'natural or major disaster or emergency' means—

"(A) a disaster due to nonmanmade causes declared by the Secretary; or

"(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(23) **PRIMARY LOAN SERVICE PROGRAM.**—The term 'primary loan service program' means, with respect to a farmer program loan—

"(A) loan consolidation, rescheduling, or reamortization;

"(B) interest rate reduction, including the use of the limited resource program;

"(C) loan restructuring, including deferral, set aside, or writing down of the principal or accumulated interest charges, or both, of the loan; or

"(D) any combination of actions described in subparagraphs (A), (B), and (C).

"(24) **PRIME FARMLAND.**—The term 'prime farmland' means prime farmland and unique farmland (as defined in subsections (a) and (b) of section 657.5 of title 7, Code of Federal Regulations (1980)).

"(25) **PROJECT.**—For purposes of section 3501, the term 'project' includes a facility providing central service or a facility serving an individual property, or both.

"(26) **QUALIFIED BEGINNING FARMER.**—The term 'qualified beginning farmer' means an applicant, regardless of whether the applicant is participating in a program under section 3107, who—

"(A) is eligible for assistance under this title;

"(B) has not operated a farm, or has operated a farm for not more than 10 years;

"(C) in the case of a cooperative, corporation, partnership, or joint operation, has members, stockholders, partners, or joint operators who are all related to each other by blood or marriage;

"(D) in the case of a farmer who is the owner and operator of a farm—

"(i) in the case of a loan made to an individual, individually or with the immediate family of the applicant—

"(I) materially and substantially participates in the operation of the farm; and

"(II) provides substantial day-to-day labor and management of the farm, consistent with the practices in the State or county in which the farm is located; or

"(ii) (I) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, has members, stockholders, partners, or joint operators who materially and substantially participate in the operation of the farm; and

"(II) in the case of a loan made to a corporation, has stockholders who all qualify individually as beginning farmers;

"(E) in the case of an applicant seeking to become an owner and operator of a farm—

"(i) in the case of a loan made to an individual, individually or with the immediate family of the applicant, will—

"(I) materially and substantially participate in the operation of the farm; and

"(II) provide substantial day-to-day labor and management of the farm, consistent with the practices in the State or county in which the farm is located; or

"(ii) (I) in the case of a loan made to a cooperative, corporation, partnership, or joint

operation, will have members, stockholders, partners, or joint operators who will materially and substantially participate in the operation of the farm; and

“(II) in the case of a loan made to a corporation, has stockholders who will all qualify individually as beginning farmers;

“(F) agrees to participate in such loan assessment, borrower training, and financial management programs as the Secretary may require;

“(G)(i) does not own farm land; or

“(ii) directly or through interests in family farm corporations, owns farm land, the aggregate acreage of which does not exceed 30 percent of the average acreage of the farms, as the case may be, in the county in which the farm operations of the applicant are located, as reported in the most recent census of agriculture taken in accordance with the Census of Agriculture Act of 1997 (7 U.S.C. 2204g et seq.), except that this subparagraph shall not apply to a loan made or guaranteed under chapter 2 of subtitle A; and

“(H) demonstrates that the available resources of the applicant and any spouse of the applicant are not sufficient to enable the applicant to farm on a viable scale.

“(27) RECREATIONAL PURPOSE.—For purposes of section 3410, the term ‘recreational purpose’ has the meaning provided by the Secretary, but shall include hunting.

“(28) RURAL AND RURAL AREA.—

“(A) IN GENERAL.—Subject to any determination made under subparagraph (B), the terms ‘rural’ and ‘rural area’ mean any area other than—

“(i) a city or town that has a population of greater than 50,000 inhabitants; and

“(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

“(B) DETERMINATION OF AREAS RURAL IN CHARACTER.—

“(i) IN GENERAL.—If part of an area described in subparagraph (A)(ii) was eligible under the definitions of the terms ‘rural’ and ‘rural area’ in section 343 (as in effect on the day before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012) for community facility, water and waste disposal, and broadband programs, that area shall remain eligible unless the Secretary, acting through the Under Secretary for Rural Development (referred to in this subparagraph as the ‘Under Secretary’), determines the area is no longer rural, based on the criteria described in clause (iii).

“(ii) OTHER AREAS.—On petition of a unit of local government in an urbanized area described in subparagraph (A)(ii), or on the initiative of the Under Secretary, the Under Secretary may determine that part of an area is rural, based on the criteria described in clause (iii).

“(iii) CRITERIA.—In making a determination under clause (i), the Under Secretary shall consider—

“(I) population density;

“(II) economic conditions, favoring a rural determination for areas facing—

“(aa) chronic unemployment in excess of statewide averages;

“(bb) sudden loss of employment from natural disaster or the loss of a significant employer in the area; or

“(cc) chronic poverty demonstrated at the census block or county level compared to statewide median household income; and

“(III) commuting patterns, favoring a rural determination for areas that can demonstrate higher proportions of the population living and working in the area.

“(iv) ADMINISTRATION.—In carrying out this subparagraph, the Under Secretary shall—

“(I) not delegate the authority to carry out this subparagraph;

“(II) not make a determination under clause (i) until the date that is 3 years after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012;

“(III) consult with the applicable rural development State or regional director of the Department and the Governor of the respective State;

“(IV) provide an opportunity to appeal to the Under Secretary a determination made under this subparagraph;

“(V) release to the public notice of a petition filed or initiative of the Under Secretary under this subparagraph not later than 30 days after receipt of the petition or the commencement of the initiative, as appropriate;

“(VI) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (V); and

“(VII) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on actions taken to carry out this subparagraph.

“(v) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this subsection, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Under Secretary may designate any part of the areas as a rural area if the Under Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.

“(C) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

“(29) SEASONED DIRECT LOAN BORROWER.—The term ‘seasoned direct loan borrower’ means a borrower who could reasonably be expected to qualify for commercial credit using criteria determined by the Secretary.

“(30) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(31) SOCIALLY DISADVANTAGED FARMER.—The term ‘socially disadvantaged farmer’ means a farmer who is a member of a socially disadvantaged group.

“(32) SOCIALLY DISADVANTAGED GROUP.—The term ‘socially disadvantaged group’ means a group whose members have been subjected to racial, ethnic, or gender prejudice because of the identity of the members as members of a group without regard to the individual qualities of the members.

“(33) SOLAR ENERGY.—The term ‘solar energy’ means energy derived from sources (other than fossil fuels) and technologies included in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

“(34) STATE.—The term ‘State’ means—

“(A) in this title (other than subtitle A), each of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of

the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

“(B) in subtitle A, each of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and, to the extent the Secretary determines it to be feasible and appropriate, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(35) STATE BEGINNING FARMER PROGRAM.—The term ‘State beginning farmer program’ means any program that is—

“(A) carried out by, or under contract with, a State; and

“(B) designed to assist qualified beginning farmers in obtaining the financial assistance necessary to enter agriculture and establish viable farming operations.

“(36) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

“(37) WETLAND.—The term ‘wetland’ has the meaning given the term in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)).

“(38) WILDLIFE.—The term ‘wildlife’ means fish or wildlife (as defined in section 2(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(a))).

“Subtitle B—Rural Development

“CHAPTER 1—RURAL COMMUNITY PROGRAMS

“SEC. 3501. WATER AND WASTE DISPOSAL LOANS, LOAN GUARANTEES, AND GRANTS.

“(a) IN GENERAL.—The Secretary may make grants and loans and issue loan guarantees (including a guarantee of a loan financed by the net proceeds of a bond described in section 142(a) of the Internal Revenue Code of 1986) to eligible entities described in subsection (b) for projects in rural areas that primarily serve rural residents to provide for—

“(1) the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste; and

“(2) financial assistance and other aid in the planning of projects for purposes described in paragraph (1).

“(b) ELIGIBLE ENTITIES.—Entities eligible for assistance described in subsection (a) are—

“(1) associations (including corporations not operated for profit);

“(2) Indian tribes;

“(3) public and quasi-public agencies; and

“(4) in the case of a project to attach an individual property in a rural area to a water system to alleviate a health risk, an individual.

“(c) LOAN AND LOAN GUARANTEE REQUIREMENTS.—In connection with loans made or guaranteed under this section, the Secretary shall require the applicant—

“(1) to certify in writing, and the Secretary shall determine, that the applicant is unable to obtain sufficient credit elsewhere to finance the actual needs of the applicant at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time; and

“(2) to furnish an appropriate written financial statement.

“(d) GRANT AMOUNTS.—

“(1) MAXIMUM.—Except as otherwise provided in this subsection, the amount of any grant made under this section shall not exceed 75 percent of the development cost of the project for which the grant is provided.

“(2) GRANT RATE.—The Secretary shall establish the grant rate for each project in conformity with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

- “(A) lower community population;
- “(B) higher rates of outmigration; and
- “(C) lower income levels.

“(3) LOCAL SHARE REQUIREMENTS.—Grants made under this section may be used to pay the local share requirements of another Federal grant-in-aid program to the extent permitted under the law providing for the grant-in-aid program.

“(e) SPECIAL GRANTS.—

“(1) REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS.—

“(A) IN GENERAL.—The Secretary may make grants to qualified, nonprofit entities in rural areas to capitalize revolving funds for the purpose of providing financing to eligible entities for—

“(i) predevelopment costs associated with proposed water and wastewater projects or with existing water and wastewater systems; and

“(ii) short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

“(B) MAXIMUM AMOUNT OF FINANCING.—The amount of financing made to an eligible entity under this paragraph shall not exceed—

- “(i) \$100,000 for costs described in subparagraph (A)(i); and
- “(ii) \$100,000 for costs described in subparagraph (A)(ii).

“(C) TERM.—The term of financing provided to an eligible entity under this paragraph shall not exceed 10 years.

“(D) ADMINISTRATION.—The Secretary shall limit the amount of grant funds that may be used by a grant recipient for administrative costs incurred under this paragraph.

“(E) ANNUAL REPORT.—A nonprofit entity receiving a grant under this paragraph shall submit to the Secretary an annual report that describes the number and size of communities served and the type of financing provided.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$30,000,000 for each of fiscal years 2013 through 2017.

“(2) EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE PROGRAM.—

“(A) IN GENERAL.—The Secretary shall provide grants in accordance with this paragraph to assist the residents of rural areas and small communities to secure adequate quantities of safe water—

“(i) after a significant decline in the quantity or quality of water available from the water supplies of the rural areas and small communities, or when such a decline is imminent; or

“(ii) when repairs, partial replacement, or significant maintenance efforts on established water systems would remedy—

“(I) an acute or imminent shortage of quality water; or

“(II) a significant or imminent decline in the quantity or quality of water that is available.

“(B) PRIORITY.—In carrying out subparagraph (A), the Secretary shall—

“(i) give priority to projects described in subparagraph (A)(i); and

“(ii) provide at least 70 percent of all grants under this paragraph to those projects.

“(C) ELIGIBILITY.—To be eligible to obtain a grant under this paragraph, an applicant shall—

“(i) be a public or private nonprofit entity; and

“(ii) in the case of a grant made under subparagraph (A)(i), demonstrate to the Secretary that the decline referred to in that subparagraph occurred, or will occur, not later than 2 years after the date on which the application was filed for the grant.

“(D) USES.—

“(i) IN GENERAL.—Grants made under this paragraph may be used—

“(I) for waterline extensions from existing systems, laying of new waterlines, repairs, significant maintenance, digging of new wells, equipment replacement, and hook and tap fees;

“(II) for any other appropriate purpose associated with developing sources of, treating, storing, or distributing water;

“(III) to assist communities in complying with the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

“(IV) to provide potable water to communities through other means.

“(ii) JOINT PROPOSALS.—

“(I) IN GENERAL.—Subject to the restrictions in subparagraph (E), nothing in this paragraph precludes rural communities from submitting joint proposals for emergency water assistance.

“(II) CONSIDERATION OF RESTRICTIONS.—The restrictions in subparagraph (E) shall be considered in the aggregate, depending on the number of communities involved.

“(E) RESTRICTIONS.—

“(i) MAXIMUM INCOME.—No grant provided under this paragraph shall be used to assist any rural area or community that has a median household income in excess of the State nonmetropolitan median household income according to the most recent decennial census of the United States.

“(ii) SET-ASIDE FOR SMALLER COMMUNITIES.—Not less than 50 percent of the funds allocated under this paragraph shall be allocated to rural communities with populations that do not exceed 3,000 inhabitants.

“(F) MAXIMUM GRANTS.—Grants made under this paragraph may not exceed—

- “(i) in the case of each grant made under subparagraph (A)(i), \$500,000; and
- “(ii) in the case of each grant made under subparagraph (A)(ii), \$150,000.

“(G) FULL FUNDING.—Subject to subparagraph (F), grants under this paragraph shall be made in an amount equal to 100 percent of the costs of the projects conducted under this paragraph.

“(H) APPLICATION.—

“(i) NATIONALLY COMPETITIVE APPLICATION PROCESS.—

“(I) IN GENERAL.—The Secretary shall develop a nationally competitive application process to award grants under this paragraph.

“(II) REQUIREMENTS.—The process shall include criteria for evaluating applications, including population, median household income, and the severity of the decline, or imminent decline, in the quantity or quality of water.

“(ii) TIMING OF REVIEW OF APPLICATIONS.—

“(I) SIMPLIFIED APPLICATION.—The application process developed by the Secretary under clause (i) shall include a simplified application form that will permit expedited consideration of an application for a grant filed under this paragraph.

“(II) PRIORITY REVIEW.—In processing applications for any water or waste grant or

loan authorized under this section, the Secretary shall afford priority processing to an application for a grant under this paragraph to the extent funds will be available for an award on the application at the conclusion of priority processing.

“(III) TIMING.—The Secretary shall, to the maximum extent practicable, review and act on an application under this paragraph not later than 60 days after the date on which the application is submitted to the Secretary.

“(I) FUNDING.—

“(i) RESERVATION.—

“(I) IN GENERAL.—For each fiscal year, not less than 3 nor more than 5 percent of the total amount made available to carry out this section for the fiscal year shall be reserved for grants under this paragraph.

“(II) RELEASE.—Funds reserved under subclause (I) for a fiscal year shall be reserved only until July 1 of the fiscal year.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under clause (i), there is authorized to be appropriated to carry out this paragraph \$35,000,000 for each of fiscal years 2013 through 2017.

“(3) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—

“(A) DEFINITION OF COOPERATIVE.—In this paragraph, the term ‘cooperative’ means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

“(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

“(I) rural water supply corporations, cooperatives, or similar entities;

“(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

“(III) rural or native villages in the State of Alaska;

“(IV) native tribal health consortiums;

“(V) public agencies; and

“(VI) Native Hawaiian Home Lands.

“(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

“(I) water supply systems; or

“(II) waste disposal facilities.

“(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

“(iv) CERTAIN AREAS TARGETED.—

“(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

“(aa) the per capita income of the residents of which is not more than 70 percent of

the national average per capita income, as determined by the Department of Commerce; and

“(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

“(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

“(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

“(bb) an area described under subclause (II), (III), or (VI) of clause (i).

“(C) LOANS AND GRANTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

“(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

“(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

“(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

“(I) directly to the individuals by the Secretary; or

“(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

“(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

“(E) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the head of any Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this paragraph.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(i) for grants under this paragraph, \$60,000,000 for each fiscal year;

“(ii) for loans under this paragraph, \$60,000,000 for each fiscal year; and

“(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, \$20,000,000 for each fiscal year.

“(4) SOLID WASTE MANAGEMENT GRANTS.—

“(A) IN GENERAL.—The Secretary may make grants to nonprofit organizations for

the provision of regional technical assistance to local and regional governments and related agencies for the purpose of reducing or eliminating pollution of water resources and improving the planning and management of solid waste disposal facilities in rural areas.

“(B) TECHNICAL ASSISTANCE GRANT AMOUNTS.—Grants made under this paragraph for the provision of technical assistance shall be made for 100 percent of the cost of the technical assistance.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$10,000,000 for each of fiscal years 2013 through 2017

“(5) RURAL WATER AND WASTEWATER TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—

“(A) GRANTS TO NONPROFITS.—

“(i) IN GENERAL.—The Secretary may make grants to nonprofit organizations to enable the organizations to provide to associations that provide water and wastewater services in rural areas technical assistance and training—

“(I) to identify, and evaluate alternative solutions to, problems relating to the obtaining, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas;

“(II) to prepare applications to receive financial assistance for any purpose specified in subsection (a)(1) from any public or private source; and

“(III) to improve the operation and maintenance practices at any existing works for the storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

“(ii) SELECTION PRIORITY.—In selecting recipients of grants to be made under clause (i), the Secretary shall give priority to nonprofit organizations that have experience in providing the technical assistance and training described in clause (i) to associations serving rural areas in which—

“(I) residents have low income; and

“(II) water supply systems or waste facilities are unhealthful.

“(iii) FUNDING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not less than 1 nor more than 3 percent of any funds made available to carry out water and waste disposal projects described in subsection (a) for any fiscal year shall be reserved for grants under this paragraph.

“(II) EXCEPTION.—The minimum amount specified in subclause (I) shall not apply if the aggregate amount of grant funds requested by applications that qualify for grants received by the Secretary from eligible nonprofit organizations for the fiscal year totals less than 1 percent of those funds.

“(B) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

“(i) IN GENERAL.—The Secretary shall continue a national rural water and wastewater circuit rider program that—

“(I) is consistent with the activities and results of the program conducted before January 1, 2012, as determined by the Secretary; and

“(II) received funding from the Secretary, acting through the Administrator of the Rural Utilities Service.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$25,000,000 for fiscal year 2013 and each fiscal year thereafter.

“(6) SEARCH PROGRAM.—

“(A) IN GENERAL.—The Secretary may establish a Special Evaluation Assistance for

Rural Communities and Households (SEARCH) program to make predevelopment planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in this section.

“(B) TERMS.—

“(i) DOCUMENTATION.—With respect to grants made under this paragraph, the Secretary shall require the lowest quantity of documentation practicable.

“(ii) MATCHING.—Notwithstanding any other provision of this section, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this paragraph, as determined by the Secretary.

“(iii) FUNDING.—The Secretary may use not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this chapter to carry out this paragraph.

“(C) RELATIONSHIP TO OTHER AUTHORITY.—

“(i) IN GENERAL.—The funds and authorities provided under this paragraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in this section.

“(ii) AUTHORIZED ACTIVITIES.—The Secretary may furnish financial assistance or other aid in planning projects for the purposes described in subparagraph (A).

“(f) PRIORITY.—In making grants and loans, and guaranteeing loans, for water, wastewater, and waste disposal projects under this section, the Secretary shall give priority consideration to projects that serve rural communities that, as determined by the Secretary—

“(1) have a population of less than 5,500 permanent residents;

“(2) have a community water, wastewater, or waste disposal system that—

“(A) is experiencing—

“(i) an unanticipated reduction in the quality of water, the quantity of water, or the ability to deliver water; or

“(ii) some other deterioration in the supply of water to the community;

“(B) is not adequate to meet the needs of the community; and

“(C) requires immediate corrective action;

“(3) are experiencing outmigration;

“(4) have a high percentage of low-income residents; or

“(5) are isolated from other significant population centers.

“(g) CURTAILMENT OR LIMITATION OF SERVICE PROHIBITED.—The service provided or made available through any such association shall not be curtailed or limited by inclusion of the area served by such association within the boundaries of any municipal corporation or other public body, or by the granting of any private franchise for similar service within such area during the term of such loan; nor shall the happening of any such event be the basis of requiring such association to secure any franchise, license, or permit as a condition to continuing to serve the area served by the association at the time of the occurrence of such event.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to

carry out this section such sums as are nec-

essary.

“SEC. 3502. COMMUNITY FACILITIES LOANS, LOAN GUARANTEES, AND GRANTS.

“(a) IN GENERAL.—The Secretary may make grants and loans and issue loan guarantees (including a guarantee of a loan financed by the net proceeds of a bond described in section 142(a) of the Internal Revenue Code of 1986) to eligible entities described in subsection (b) for projects in rural areas that primarily serve rural residents to provide for—

“(1) essential community facilities, including—

“(A) necessary equipment;

“(B) recreational developments; and

“(2) financial assistance and other assistance in the planning of projects for purposes described in this section.

“(b) ELIGIBLE ENTITIES.—Entities eligible for assistance described in subsection (a) are—

“(1) associations (including corporations not operated for profit);

“(2) Indian tribes (including groups of individuals described in paragraph (4) of section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c)); and

“(3) public and quasi-public agencies.

“(c) LOAN AND LOAN GUARANTEE REQUIREMENTS.—

“(1) IN GENERAL.—In connection with loans made or guaranteed under this section, the Secretary shall require the applicant—

“(A) to certify in writing, and the Secretary shall determine, that the applicant is unable to obtain sufficient credit elsewhere to finance the actual needs of the applicant; and

“(B) to furnish an appropriate written financial statement.

“(2) DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.—The Secretary shall establish and implement a program that is similar to the program established under section 3411, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans to a hospital or health care facility under subsection (a).

“(d) GRANT AMOUNTS.—

“(1) MAXIMUM.—Except as otherwise provided in this subsection, the amount of any grant made under this section shall not exceed 75 percent of the development cost of the project for which the grant is provided.

“(2) GRANT RATE.—The Secretary shall establish the grant rate for each project in conformity with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(A) low community population;

“(B) high rates of outmigration; and

“(C) low income levels.

“(3) LOCAL SHARE REQUIREMENTS.—Grants made under this section may be used to pay the local share requirements of another Federal grant-in-aid program to the extent permitted under the law providing for the grant-in-aid program.

“(e) PRIORITY.—In making grants and loans, and guaranteeing loans under this section, the Secretary shall give priority consideration to projects that serve rural communities that—

“(1) have a population of less than 20,000 permanent residents;

“(2) are experiencing outmigration;

“(3) have a high percentage of low-income residents; or

“(4) are isolated from other significant population centers.

“(f) TRIBAL COLLEGES AND UNIVERSITIES.—

“(1) IN GENERAL.—The Secretary may make grants to an entity that is a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))) to provide the Federal share of the cost of developing specific Tribal College or University essential community facilities in rural areas.

“(2) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the project that may be covered by a grant under this subsection, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost of the project.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2013 through 2017.

“(g) TECHNICAL ASSISTANCE FOR COMMUNITY FACILITIES PROJECTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use funds made available for community facilities programs authorized under this section to provide technical assistance to applicants and participants for community facilities programs.

“(2) FUNDING.—The Secretary may use not more than 3 percent of the amount of funds made available to participants for a fiscal year for a community facilities program to provide technical assistance described in paragraph (1).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

“SEC. 3503. HEALTH CARE SERVICES.

“(a) PURPOSE.—The purpose of this section is to address the continued unmet health needs in the Delta region through cooperation among health care professionals, institutions of higher education, research institutions, and other individuals and entities in the region.

“(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a consortium of regional institutions of higher education, academic health and research institutes, and economic development entities located in the Delta region that have experience in addressing the health care issues in the region.

“(c) GRANTS.—To carry out the purpose described in subsection (a), the Secretary may award a grant to an eligible entity for—

“(1) the development of—

“(A) health care services;

“(B) health education programs; and

“(C) health care job training programs; and

“(2) the development and expansion of public health-related facilities in the Delta region to address longstanding and unmet health needs of the region.

“(d) USE.—As a condition of the receipt of the grant, the eligible entity shall use the grant to fund projects and activities described in subsection (c), based on input solicited from local governments, public health care providers, and other entities in the Delta region.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$3,000,000 for each of fiscal years 2013 through 2017.

“CHAPTER 2—RURAL BUSINESS AND COOPERATIVE DEVELOPMENT**“SEC. 3601. BUSINESS PROGRAMS.**

“(a) RURAL BUSINESS DEVELOPMENT GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible entities described in paragraph (2) in rural areas

that primarily serve rural areas for purposes described in paragraph (3).

“(2) ELIGIBLE ENTITIES.—The Secretary may make grants under this subsection to—

“(A) governmental entities;

“(B) Indian tribes; and

“(C) nonprofit entities.

“(3) ELIGIBLE PURPOSES FOR GRANTS.—Eligible entities that receive grants under this subsection may use the grant funds for—

“(A) business opportunity projects that—

“(i) identify and analyze business opportunities;

“(ii) identify, train, and provide technical assistance to existing or prospective rural entrepreneurs and managers;

“(iii) assist in the establishment of new rural businesses and the maintenance of existing businesses, including through business support centers;

“(iv) conduct regional, community, and local economic development planning and coordination, and leadership development; and

“(v) establish centers for training, technology, and trade that will provide training to rural businesses in the use of interactive communications technologies to develop international trade opportunities and markets; and

“(B) projects that support the development of business enterprises that finance or facilitate—

“(i) the development of small and emerging private business enterprise;

“(ii) the establishment, expansion, and operation of rural distance learning networks;

“(iii) the development of rural learning programs that provide educational instruction or job training instruction related to potential employment or job advancement to adult students; and

“(iv) the provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$65,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

“(b) VALUE-ADDED AGRICULTURAL PRODUCER GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) MID-TIER VALUE CHAIN.—The term ‘mid-tier value chain’ means a local and regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

“(i) targets and strengthens the profitability and competitiveness of small- and medium-sized farms that are structured as family farms; and

“(ii) obtains agreement from an eligible agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

“(B) PRODUCER.—The term ‘producer’ means a farmer.

“(C) VALUE-ADDED AGRICULTURAL PRODUCT.—The term ‘value-added agricultural product’ means any agricultural commodity or product—

“(i) that—

“(I) has undergone a change in physical state;

“(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

“(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

“(IV) is a source of farm-based renewable energy, including E-85 fuel; or

“(V) is aggregated and marketed as a locally produced agricultural food product; and

“(ii) for which, as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

“(I) the customer base for the agricultural commodity or product is expanded; and

“(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

“(2) GRANTS.—

“(A) IN GENERAL.—The Secretary may make grants under this subsection to—

“(i) independent producers of value-added agricultural products; and

“(ii) an agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

“(B) GRANTS TO A PRODUCER.—A grantee under subparagraph (A)(i) shall use the grant—

“(i) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity (including through mid-tier value chains) for value-added agricultural products; or

“(ii) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

“(C) GRANTS TO AN AGRICULTURAL PRODUCER GROUP, COOPERATIVE OR PRODUCER-BASED BUSINESS VENTURE.—A grantee under subparagraph (A)(ii) shall use the grant—

“(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

“(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.

“(D) AWARD SELECTION.—

“(i) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects—

“(I) that contribute to increasing opportunities for operators of small- and medium-sized farms that are structured as family farms; or

“(II) at least ¼ of the recipients of which are beginning farmers or socially disadvantaged farmers.

“(ii) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide substantial weight to the priorities described in clause (i).

“(E) AMOUNT OF GRANT.—

“(i) IN GENERAL.—The total amount provided to a grant recipient under this subsection shall not exceed \$500,000.

“(ii) MAJORITY-CONTROLLED, PRODUCER-BASED BUSINESS VENTURES.—The total amount of all grants provided to majority-controlled, producer-based business ventures under this subsection for a fiscal year shall not exceed 10 percent of the amount of funds used to make all grants for the fiscal year under this subsection.

“(F) TERM.—The term of a grant under this paragraph shall not exceed 3 years.

“(G) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than \$50,000 under this subsection.

“(3) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2013 through 2017.

“(B) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS, SOCIALLY DISADVANTAGED FARMERS, AND MID-TIER VALUE CHAINS.—

“(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund projects that benefit beginning farmers or socially disadvantaged farmers.

“(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund applications of eligible entities described in paragraph (2) that propose to develop mid-tier value chains.

“(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

“(c) RURAL COOPERATIVE DEVELOPMENT GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) NONPROFIT INSTITUTION.—The term ‘nonprofit institution’ means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(B) UNITED STATES.—The term ‘United States’ means—

“(i) the several States; and

“(ii) the District of Columbia.

“(2) GRANTS.—The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling the nonprofit institutions to establish and operate centers for rural cooperative development.

“(3) GOALS.—The goals of a center funded under this subsection shall be to facilitate the creation of jobs in rural areas through the development of new rural cooperatives, value-added processing, and rural businesses.

“(4) APPLICATION.—

“(A) IN GENERAL.—Any nonprofit institution seeking a grant under paragraph (2) shall submit to the Secretary an application containing a plan for the establishment and operation by the institution of 1 or more centers for cooperative development.

“(B) REQUIREMENTS.—The Secretary may approve an application if the plan contains the following:

“(i) A provision that substantiates that the center will effectively serve rural areas in the United States.

“(ii) A provision that the primary objective of the center will be to improve the economic condition of rural areas through cooperative development.

“(iii) A description of the activities that the center will carry out to accomplish the objective, which may include programs—

“(I) for applied research and feasibility studies that may be useful to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(II) for the collection, interpretation, and dissemination of information that may be useful to individuals, cooperatives, small

businesses, and other similar entities in rural areas served by the center;

“(III) providing training and instruction for individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(IV) providing loans and grants to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(V) providing technical assistance, research services, and advisory services to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center; and

“(VI) providing for the coordination of services and sharing of information by the center.

“(iv) A description of the contributions that the activities are likely to make to the improvement of the economic conditions of the rural areas for which the center will provide services.

“(v) Provisions that the center, in carrying out the activities, will seek, if appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

“(vi) Provisions that the center will take all practicable steps to develop continuing sources of financial support for the center, particularly from sources in the private sector.

“(vii) Provisions for—

“(I) monitoring and evaluating the activities by the nonprofit institution operating the center; and

“(II) accounting for funds received by the institution under this section.

“(5) AWARDED GRANTS.—

“(A) IN GENERAL.—Grants made under paragraph (2) shall be made on a competitive basis.

“(B) PREFERENCE.—In making grants under paragraph (2), the Secretary shall give preference to grant applications providing for the establishment of centers for rural cooperative development that—

“(i) demonstrate a proven track record in carrying out activities to promote and assist the development of cooperatively and mutually owned businesses;

“(ii) demonstrate previous expertise in providing technical assistance in rural areas to promote and assist the development of cooperatively and mutually owned businesses;

“(iii) demonstrate the ability to assist in the retention of businesses, facilitate the establishment of cooperatives and new cooperative approaches, and generate employment opportunities that will improve the economic conditions of rural areas;

“(iv) commit to providing technical assistance and other services to underserved and economically distressed areas in rural areas of the United States;

“(v) demonstrate a commitment to—

“(I) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

“(II) developing multiorganization and multistate approaches to addressing the economic development and cooperative needs of rural areas; and

“(vi) commit to providing a 25 percent matching contribution with private funds and in-kind contributions, except that the Secretary shall not require non-Federal financial support in an amount that is greater than 5 percent in the case of a 1994 institution (as defined in section 532 of the Equity

in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)).

“(6) GRANT PERIOD.—

“(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

“(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 years, to a center that has successfully met the requirements of paragraph (5)(B), as determined by the Secretary.

“(7) AUTHORITY TO EXTEND GRANT PERIOD.—The Secretary may extend for 1 additional 12-month period the period during which a grantee may use a grant made under this subsection.

“(8) TECHNICAL ASSISTANCE TO PREVENT EXCESSIVE UNEMPLOYMENT OR UNDEREMPLOYMENT.—

“(A) IN GENERAL.—In carrying out this subsection, the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment, underemployment, outmigration, or low employment growth in economically distressed rural areas that the Secretary determines have a substantial need for the assistance.

“(B) INCLUSIONS.—The assistance may include planning and feasibility studies, management and operational assistance, and studies evaluating the need for the development potential of projects that increase employment and improve economic growth in the areas.

“(9) GRANTS TO DEFRAY ADMINISTRATIVE COSTS.—

“(A) IN GENERAL.—The Secretary may make grants to defray not to exceed 75 percent of the costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under this subsection.

“(B) COST-SHARING.—For purposes of determining the non-Federal share of the costs, the Secretary shall include contributions in cash and in kind, fairly evaluated, including premises, equipment, and services.

“(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall offer to enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.

“(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—

“(A) IN GENERAL.—If the total amount appropriated under paragraph (13) for a fiscal year exceeds \$7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives—

“(i) that serve socially disadvantaged groups; and

“(ii) a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups.

“(B) INSUFFICIENT APPLICATIONS.—To the extent there are insufficient applications to carry out subparagraph (A), the Secretary shall use the funds as otherwise authorized by this subsection.

“(12) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall coordinate and chair an interagency working group to foster cooperative development and ensure coordination with Federal agencies and

national and local cooperative organizations that have cooperative programs and interests.

“(13) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2013 through 2017.

“(d) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

“(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term ‘national nonprofit agricultural assistance institution’ means an organization that—

“(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

“(B) has staff and offices in multiple regions of the United States;

“(C) has experience and expertise in operating national agricultural technical assistance programs;

“(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life; and

“(E) improves the economic viability of agricultural operations.

“(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information—

“(A) to reduce input costs;

“(B) to conserve energy resources;

“(C) to diversify operations through new energy crops and energy generation facilities; and

“(D) to expand markets for agricultural commodities produced by the producers by using practices that enhance the environment, natural resource base, and quality of life.

“(3) IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance institution.

“(B) GRANT AMOUNT.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2013 through 2017.

“(e) BUSINESS AND INDUSTRY DIRECT AND GUARANTEED LOANS.—

“(1) DEFINITION OF BUSINESS AND INDUSTRY LOAN.—In this section, the term ‘business and industry loan’ means a direct loan that is made, or a loan that is guaranteed, by the Secretary under this subsection.

“(2) LOAN PURPOSES.—The Secretary may make business and industry loans to public, private, or cooperative organizations organized for profit or nonprofit, private investment funds that invest primarily in cooperative organizations, or to individuals—

“(A) to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities, including pollution abatement and control;

“(B) to conserve, develop, and use water for aquaculture purposes in rural areas; and

“(C) to reduce the reliance on nonrenewable energy resources by encouraging the development and construction of renewable energy systems (including solar energy sys-

tems, wind energy systems, and anaerobic digestors for the purpose of energy generation), including the modification of existing systems, in rural areas.

“(3) LOAN GUARANTEES FOR CERTAIN LOANS.—The Secretary may guarantee loans made under this subsection to finance the issuance of bonds for the projects described in paragraph (2).

“(4) MAXIMUM AMOUNT OF PRINCIPAL.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, no loan may be made or guaranteed under this subsection that exceeds \$25,000,000 in principal amount.

“(B) LIMITATIONS ON LOAN GUARANTEES FOR COOPERATIVE ORGANIZATIONS.—

“(i) PRINCIPAL AMOUNT.—Subject to clause (ii), the principal amount of a business and industry loan made to a cooperative organization and guaranteed under this subsection shall not exceed \$40,000,000.

“(ii) USE.—To be eligible for a guarantee under this subsection for a business and industry loan made to a cooperative organization, the principal amount of the loan in excess of \$25,000,000 shall be used to carry out a project that is in a rural area and—

“(I) provides for the value-added processing of agricultural commodities; or

“(II) significantly benefits 1 or more entities eligible for assistance for the purposes described in paragraph (2), as determined by the Secretary.

“(iii) APPLICATIONS.—If a cooperative organization submits an application for a guarantee under this paragraph, the Secretary shall make the determination whether to approve the application, and the Secretary may not delegate this authority.

“(iv) MAXIMUM AMOUNT.—The total amount of business and industry loans made to cooperative organizations and guaranteed for a fiscal year under this subsection with principal amounts that are in excess of \$25,000,000 may not exceed 10 percent of the total amount of business and industry loans guaranteed for the fiscal year under this subsection.

“(5) FEES.—The Secretary may assess a 1-time fee and an annual renewal fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

“(6) INTANGIBLE ASSETS.—In determining whether a cooperative organization is eligible for a guaranteed business and industry loan, the Secretary may consider the market value of a properly appraised brand name, patent, or trademark of the cooperative.

“(7) LOAN APPRAISALS.—The Secretary may require that any appraisal made in connection with a business and industry loan be conducted by a specialized appraiser that uses standards that are comparable to standards used for similar purposes in the private sector, as determined by the Secretary.

“(8) LOAN GUARANTEES FOR THE PURCHASE OF COOPERATIVE STOCK.—

“(A) IN GENERAL.—The Secretary may guarantee a business and industry loan to individual farmers to purchase capital stock of a farmer cooperative established for the purpose of processing an agricultural commodity.

“(B) PROCESSING CONTRACTS DURING INITIAL PERIOD.—A cooperative described in subparagraph (A) for which a farmer receives a guarantee to purchase stock under that subparagraph may contract for services to process agricultural commodities or otherwise process value added for the period beginning on the date of the startup of the cooperative in order to provide adequate time for the planning and construction of the processing facility of the cooperative.

“(C) FINANCIAL INFORMATION.—Financial information required by the Secretary from a farmer as a condition of making a business and industry loan guarantee under this paragraph shall be provided in the manner generally required by commercial agricultural lenders in the applicable area.

“(9) LOANS TO COOPERATIVES.—

“(A) ELIGIBILITY.—

“(i) IN GENERAL.—The Secretary may make or guarantee a business and industry loan to a cooperative organization that is headquartered in a metropolitan area if the loan is—

“(I) used for a project or venture described in paragraph (2) that is located in a rural area; or

“(II) a loan guarantee that meets the requirements of paragraph (10).

“(ii) EQUITY.—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in paragraph (2)(A), as determined by the Secretary.

“(B) REFINANCING.—A cooperative organization that is eligible for a business and industry loan shall be eligible to refinance an existing business and industry loan with a lender if—

“(i) the cooperative organization—

“(I) is current and performing with respect to the existing loan; and

“(II)(aa) is not, and has not been, in payment default, with respect to the existing loan; or

“(bb) has not converted any of the collateral with respect to the existing loan; and

“(ii) there is adequate security or full collateral for the refinanced loan.

“(10) LOAN GUARANTEES IN NONRURAL AREAS.—The Secretary may guarantee a business and industry loan to a cooperative organization for a facility that is not located in a rural area if—

“(A) the primary purpose of the loan guarantee is for a facility to provide value-added processing for agricultural producers that are located within 80 miles of the facility;

“(B) the applicant demonstrates to the Secretary that the primary benefit of the loan guarantee will be to provide employment for residents of a rural area; and

“(C) the total amount of business and industry loans guaranteed for a fiscal year under this paragraph does not exceed 10 percent of the business and industry loans guaranteed for the fiscal year under this subsection.

“(11) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.—The term ‘locally or regionally produced agricultural food product’ means any agricultural food product that is raised, produced, and distributed in—

“(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or

“(II) the State in which the product is produced.

“(ii) UNDERSERVED COMMUNITY.—The term ‘underserved community’ means a community (including an urban or rural community and an Indian tribal community) that, as determined by the Secretary, has—

“(I) limited access to affordable, healthy foods, including fresh fruits and vegetables,

in grocery retail stores or farmer-to-consumer direct markets; and

“(II) a high rate of hunger or food insecurity or a high poverty rate.

“(B) LOAN AND LOAN GUARANTEE PROGRAM.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm income.

“(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under this paragraph shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

“(iii) PRIORITY.—In making or guaranteeing a loan under this paragraph, the Secretary shall give priority to projects that have components benefitting underserved communities.

“(iv) REPORTS.—Not later than 2 years after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the Internet, a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

“(I) summary information about all projects;

“(II) the characteristics of the communities served; and

“(III) resulting benefits.

“(v) RESERVATION OF FUNDS.—For each of fiscal years 2012 through 2017, the Secretary shall reserve not less than 5 percent of the total amount of funds made available to carry out this subsection to carry out this paragraph until April 1 of the fiscal year.

“(vi) OUTREACH.—The Secretary shall develop and implement an outreach plan to publicize the availability of loans and loan guarantees under this paragraph, working closely with rural cooperative development centers, credit unions, community development financial institutions, regional economic development authorities, and other financial and economic development entities.

“(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$75,000,000 for each of fiscal years 2013 through 2017.

“(F) RELENDING PROGRAMS.—

“(1) INTERMEDIATE RELENDING PROGRAM.—

“(A) IN GENERAL.—The Secretary may make or guarantee loans to eligible entities described in subparagraph (B) so that the eligible entities may relend the funds to individuals and entities for the purposes described in subparagraph (C).

“(B) ELIGIBLE ENTITIES.—Entities eligible for loans and loan guarantees described in subparagraph (A) are—

“(i) public agencies;

“(ii) Indian tribes;

“(iii) cooperatives; and

“(iv) nonprofit corporations.

“(C) ELIGIBLE PURPOSES.—The proceeds from loans made or guaranteed by the Secretary pursuant to subparagraph (A) may be relent by eligible entities for projects that—

“(i) predominately serve communities in rural areas; and

“(ii) as determined by the Secretary—

“(I) promote community development;

“(II) establish new businesses;

“(III) establish and support microlending programs; and

“(IV) create or retain employment opportunities.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2013 through 2017.

“(2) RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.—

“(A) DEFINITIONS.—In this paragraph:

“(i) MICROENTREPRENEUR.—The term ‘microentrepreneur’ means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this subsection, as determined by the Secretary.

“(ii) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term ‘microenterprise development organization’ means an organization that is—

“(I) a nonprofit entity;

“(II) an Indian tribe, the tribal government of which certifies to the Secretary that—

“(aa) no microenterprise development organization serves the Indian tribe; and

“(bb) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe;

“(III) a public institution of higher education; or

“(IV) a collaboration of rural nonprofit entities serving a region or State, if 1 lead nonprofit entity is the sole underwriter of all loans and is responsible for associated risks.

“(iii) MICROLOAN.—The term ‘microloan’ means a business loan of not more than \$50,000 that is provided to a rural microenterprise.

“(iv) PROGRAM.—The term ‘program’ means the rural microentrepreneur assistance program established under subparagraph (B).

“(v) RURAL MICROENTERPRISE.—The term ‘rural microenterprise’ means a business entity with not more than 10 full-time equivalent employees located in a rural area.

“(vi) TRAINING.—The term ‘training’ means teaching broad business principles or general business skills in a group or public setting.

“(vii) TECHNICAL ASSISTANCE.—The term ‘technical assistance’ means working with a business client in a 1-to-1 manner to provide business and financial management counseling, assist in the preparation of business or marketing plans, or provide other skills tailored to an individual microentrepreneur.

“(B) RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.—

“(i) ESTABLISHMENT.—The Secretary shall establish a rural microentrepreneur assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

“(ii) PURPOSE.—The purpose of the program is to provide microentrepreneurs with—

“(I) the skills necessary to establish new rural microenterprises; and

“(II) continuing technical and financial assistance related to the successful operation of rural microenterprises.

“(iii) LOANS.—

“(I) IN GENERAL.—The Secretary shall make loans to microenterprise development organizations for the purpose of providing

fixed-interest rate microloans to microentrepreneurs for startup and growing rural microenterprises.

“(II) LOAN TERMS.—A loan made by the Secretary to a microenterprise development organization under this subparagraph shall—

“(aa) be for a term not to exceed 20 years; and

“(bb) bear an annual interest rate of at least 1 percent.

“(III) LOAN LOSS RESERVE FUND.—The Secretary shall require each microenterprise development organization that receives a loan under this subparagraph to—

“(aa) establish a loan loss reserve fund; and

“(bb) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this subparagraph are repaid.

“(IV) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under this paragraph for a 2-year period beginning on the date on which the loan is made.

“(iv) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

“(I) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations—

“(aa) to provide training and technical assistance, and other related services to rural microentrepreneurs; and

“(bb) to carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

“(II) SELECTION.—In making grants under subclause (I), the Secretary shall—

“(aa) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

“(bb) ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations of varying sizes and that serve racially and ethnically diverse populations.

“(v) GRANTS TO ASSIST MICROENTREPRENEURS.—

“(I) IN GENERAL.—The Secretary shall make annual grants to microenterprise development organizations to provide technical assistance to microentrepreneurs that—

“(aa) received a loan from the microenterprise development organization under subparagraph (B)(iii); or

“(bb) are seeking a loan from the microenterprise development organization under subparagraph (B)(iii).

“(II) MAXIMUM AMOUNT OF TECHNICAL ASSISTANCE GRANT.—The maximum amount of a grant under this clause shall be in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under clause (iii), as of the date the grant is awarded.

“(vi) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this subparagraph may be used to pay administrative expenses.

“(C) ADMINISTRATION.—

“(i) MATCHING REQUIREMENT.—As a condition of any grant made under clauses (iv) and (v) of subparagraph (B), the Secretary shall require the microenterprise development or-

ganization to match not less than 15 percent of the total amount of the grant in the form of matching funds (including community development block grants), indirect costs, or in-kind goods or services.

“(ii) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$40,000,000 for each of fiscal years 2013 through 2017.

“SEC. 3602. RURAL BUSINESS INVESTMENT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ARTICLES.—The term ‘articles’ means articles of incorporation for an incorporated body or the functional equivalent or other similar documents specified by the Secretary for other business entities.

“(2) DEVELOPMENTAL VENTURE CAPITAL.—The term ‘developmental venture capital’ means capital in the form of equity capital investments in rural business investment companies with an objective of fostering economic development in rural areas.

“(3) EMPLOYEE WELFARE BENEFIT PLAN; PENSION PLAN.—

“(A) IN GENERAL.—The terms ‘employee welfare benefit plan’ and ‘pension plan’ have the meanings given the terms in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

“(B) INCLUSIONS.—The terms ‘employee welfare benefit plan’ and ‘pension plan’ include—

“(i) public and private pension or retirement plans subject to this subtitle; and

“(ii) similar plans not covered by this subtitle that have been established, and that are maintained, by the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State) for the benefit of employees.

“(4) EQUITY CAPITAL.—The term ‘equity capital’ means common or preferred stock or a similar instrument, including subordinated debt with equity features.

“(5) LEVERAGE.—The term ‘leverage’ includes—

“(A) debentures purchased or guaranteed by the Secretary;

“(B) participating securities purchased or guaranteed by the Secretary; and

“(C) preferred securities outstanding as of the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(6) LICENSE.—The term ‘license’ means a license issued by the Secretary in accordance with in subsection (d)(5).

“(7) LIMITED LIABILITY COMPANY.—The term ‘limited liability company’ means a business entity that is organized and operating in accordance with a State limited liability company law approved by the Secretary.

“(8) MEMBER.—The term ‘member’ means, with respect to a rural business investment company that is a limited liability company, a holder of an ownership interest, or a person otherwise admitted to membership in the limited liability company.

“(9) OPERATIONAL ASSISTANCE.—The term ‘operational assistance’ means management, marketing, and other technical assistance that assists a rural business concern with business development.

“(10) PARTICIPATION AGREEMENT.—The term ‘participation agreement’ means an agree-

ment, between the Secretary and a rural business investment company granted final approval under subsection (d)(5), that requires the rural business investment company to make investments in smaller enterprises in rural areas.

“(11) PRIVATE CAPITAL.—

“(A) IN GENERAL.—The term ‘private capital’ means the total of—

“(i)(I) the paid-in capital and paid-in surplus of a corporate rural business investment company;

“(II) the contributed capital of the partners of a partnership rural business investment company; or

“(III) the equity investment of the members of a limited liability company rural business investment company; and

“(ii) unfunded binding commitments from investors that meet criteria established by the Secretary to contribute capital to the rural business investment company, except that—

“(I) unfunded commitments may be counted as private capital for purposes of approval by the Secretary of any request for leverage; but

“(II) leverage shall not be funded based on the commitments.

“(B) EXCLUSIONS.—The term ‘private capital’ does not include—

“(i) any funds borrowed by a rural business investment company from any source;

“(ii) any funds obtained through the issuance of leverage; or

“(iii) any funds obtained directly or indirectly from the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State), except for—

“(I) funds obtained from the business revenues (excluding any governmental appropriation) of any Federally chartered or government-sponsored enterprise established prior to the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012;

“(II) funds invested by an employee welfare benefit plan or pension plan; and

“(III) any qualified nonprivate funds (if the investors of the qualified nonprivate funds do not control, directly or indirectly, the management, board of directors, general partners, or members of the rural business investment company).

“(12) QUALIFIED NONPRIVATE FUNDS.—The term ‘qualified nonprivate funds’ means any—

“(A) funds directly or indirectly invested in any applicant or rural business investment company on or before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 by any Federal agency, other than the Department, under a provision of law explicitly mandating the inclusion of those funds in the definition of the term ‘private capital’; and

“(B) funds invested in any applicant or rural business investment company by 1 or more entities of any State (including by a political subdivision, agency, or instrumentality of the State and including any guarantee extended by those entities) in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or rural business investment company.

“(13) RURAL BUSINESS CONCERN.—The term ‘rural business concern’ means—

“(A) a public, private, or cooperative for-profit or nonprofit organization;

“(B) a for-profit or nonprofit business controlled by an Indian tribe; or

“(C) any other person or entity that primarily operates in a rural area, as determined by the Secretary.

“(14) RURAL BUSINESS INVESTMENT COMPANY.—The term ‘rural business investment company’ means a company that—

“(A) has been granted final approval by the Secretary under subsection (d)(5); and

“(B) has entered into a participation agreement with the Secretary.

“(15) SMALLER ENTERPRISE.—

“(A) IN GENERAL.—The term ‘smaller enterprise’ means any rural business concern that, together with its affiliates—

“(i) has—

“(I) a net financial worth of not more than \$6,000,000, as of the date on which assistance is provided under this section to the rural business concern; and

“(II) except as provided in subparagraph (B), an average net income for the 2-year period preceding the date on which assistance is provided under this section to the rural business concern, of not more than \$2,000,000, after Federal income taxes (excluding any carryover losses); or

“(i) satisfies the standard industrial classification size standards established by the Administrator of the Small Business Administration for the industry in which the rural business concern is primarily engaged.

“(B) EXCEPTION.—For purposes of subparagraph (A)(i)(II), if the rural business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the total of—

“(i) if the rural business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the product obtained by multiplying—

“(I) the net income (determined without regard to this subparagraph); by

“(II) the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

“(ii) the product obtained by multiplying—

“(I) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i); by

“(II) the marginal Federal income tax rate that would have applied if the rural business concern were a corporation.

“(b) PURPOSES.—The purposes of the Rural Business Investment Program established under this section are—

“(1) to promote economic development and the creation of wealth and job opportunities in rural areas and among individuals living in those areas by encouraging developmental venture capital investments in smaller enterprises primarily located in rural areas; and

“(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in rural areas, by authorizing the Secretary—

“(A) to enter into participation agreements with rural business investment companies;

“(B) to guarantee debentures of rural business investment companies to enable each rural business investment company to make developmental venture capital investments in smaller enterprises in rural areas; and

“(C) to make grants to rural business investment companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by rural business investment companies.

“(c) ESTABLISHMENT.—In accordance with this subtitle, the Secretary shall establish a Rural Business Investment Program, under which the Secretary may—

“(1) enter into participation agreements with companies granted final approval under subsection (d)(5) for the purposes described in subsection (b);

“(2) guarantee the debentures issued by rural business investment companies as provided in subsection (e); and

“(3) make grants to rural business investment companies, and to other entities, under subsection (h).

“(d) SELECTION OF RURAL BUSINESS INVESTMENT COMPANIES.—

“(1) ELIGIBILITY.—A company shall be eligible to apply to participate, as a rural business investment company, in the program established under this section if—

“(A) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of such an entity;

“(B) the company has a management team with experience in community development financing or relevant venture capital financing; and

“(C) the company will invest in enterprises that will create wealth and job opportunities in rural areas, with an emphasis on smaller enterprises.

“(2) APPLICATION.—To participate, as a rural business investment company, in the program established under this section, a company meeting the eligibility requirements of paragraph (1) shall submit an application to the Secretary that includes—

“(A) a business plan describing how the company intends to make successful developmental venture capital investments in identified rural areas;

“(B) information regarding the community development finance or relevant venture capital qualifications and general reputation of the management of the company;

“(C) a description of how the company intends to work with community-based organizations and local entities (including local economic development companies, local lenders, and local investors) and to seek to address the unmet equity capital needs of the communities served;

“(D) a proposal describing how the company intends to use the grant funds provided under this section to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, as necessary, on the staff of the company or from an outside entity;

“(E) with respect to binding commitments to be made to the company under this section, an estimate of the ratio of cash to in-kind contributions;

“(F) a description of the criteria to be used to evaluate whether and to what extent the company meets the purposes of the program established under this section;

“(G) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

“(H) such other information as the Secretary may require.

“(3) STATUS.—Not later than 90 days after the initial receipt by the Secretary of an application under this subsection, the Secretary shall provide to the applicant a written report describing the status of the application and any requirements remaining for completion of the application.

“(4) MATTERS CONSIDERED.—In reviewing and processing any application under this subsection, the Secretary shall—

“(A) determine whether—

“(i) the applicant meets the requirements of paragraph (5); and

“(ii) the management of the applicant is qualified and has the knowledge, experience, and capability necessary to comply with this section;

“(B) take into consideration—

“(i) the need for and availability of financing for rural business concerns in the geographic area in which the applicant is to commence business;

“(ii) the general business reputation of the owners and management of the applicant; and

“(iii) the probability of successful operations of the applicant, including adequate profitability and financial soundness; and

“(C) not take into consideration any projected shortage or unavailability of grant funds or leverage.

“(5) APPROVAL; LICENSE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may approve an applicant to operate as a rural business investment company under this subtitle and license the applicant as a rural business investment company, if—

“(i) the Secretary determines that the application satisfies the requirements of paragraph (2);

“(ii) the area in which the rural business investment company is to conduct its operations, and establishment of branch offices or agencies (if authorized by the articles), are approved by the Secretary; and

“(iii) the applicant enters into a participation agreement with the Secretary.

“(B) CAPITAL REQUIREMENTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may approve an applicant to operate as a rural business investment company under this section and designate the applicant as a rural business investment company, if the Secretary determines that the applicant—

“(I) has private capital as determined by the Secretary;

“(II) would otherwise be approved under this section, except that the applicant does not satisfy the requirements of subsection (i)(3); and

“(III) has a viable business plan that—

“(aa) reasonably projects profitable operations; and

“(bb) has a reasonable timetable for achieving a level of private capital that satisfies the requirements of subsection (i)(3).

“(ii) LEVERAGE.—An applicant approved under clause (i) shall not be eligible to receive leverage under this section until the applicant satisfies the requirements of section 3602(i)(3).

“(iii) GRANTS.—An applicant approved under clause (i) shall be eligible for grants under subsection (h) in proportion to the private capital of the applicant, as determined by the Secretary.

“(e) DEBENTURES.—

“(1) IN GENERAL.—The Secretary may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any rural business investment company.

“(2) TERMS AND CONDITIONS.—The Secretary may make guarantees under this subsection on such terms and conditions as the Secretary considers appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

“(3) FULL FAITH AND CREDIT OF THE UNITED STATES.—Section 3901 shall apply to any guarantee under this subsection.

“(4) MAXIMUM GUARANTEE.—Under this subsection, the Secretary may—

“(A) guarantee the debentures issued by a rural business investment company only to the extent that the total face amount of outstanding guaranteed debentures of the rural business investment company does not exceed the lesser of—

“(i) 300 percent of the private capital of the rural business investment company; or

“(ii) \$105,000,000; and

“(B) provide for the use of discounted debentures.

“(f) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—

“(1) ISSUANCE.—The Secretary may issue trust certificates representing ownership of all or a fractional part of debentures issued by a rural business investment company and guaranteed by the Secretary under this section, if the certificates are based on and backed by a trust or pool approved by the Secretary and composed solely of guaranteed debentures.

“(2) GUARANTEE.—

“(A) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary considers appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Secretary or agents of the Secretary for purposes of this subsection.

“(B) LIMITATION.—Each guarantee under this paragraph shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

“(C) PREPAYMENT OR DEFAULT.—

“(i) IN GENERAL.—

“(I) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

“(II) REDUCTION OF GUARANTEE.—Subject to subclause (I), if a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest the prepaid debenture represents in the trust or pool.

“(ii) INTEREST.—Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Secretary only through the date of payment of the guarantee.

“(iii) REDEMPTION.—At any time during the term of a trust certificate, the trust certificate may be called for redemption due to prepayment or default of all debentures.

“(3) FULL FAITH AND CREDIT OF THE UNITED STATES.—Section 3901 shall apply to any guarantee of a trust certificate issued by the Secretary under this section.

“(4) SUBROGATION AND OWNERSHIP RIGHTS.—

“(A) SUBROGATION.—If the Secretary pays a claim under a guarantee issued under this section, the claim shall be subrogated fully to the rights satisfied by the payment.

“(B) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Secretary of the ownership rights of the Secretary in a debenture residing in a trust or pool against which 1 or more trust certificates are issued under this subsection.

“(5) MANAGEMENT AND ADMINISTRATION.—

“(A) REGISTRATION.—The Secretary shall provide for a central registration of all trust certificates issued under this subsection.

“(B) CREATION OF POOLS.—The Secretary may—

“(i) maintain such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this subtitle; and

“(ii) issue trust certificates to facilitate the creation of those trusts or pools.

“(C) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Secretary under this paragraph shall provide a fidelity bond or insurance in such amount as the Secretary considers to be necessary to fully protect the interests of the United States.

“(D) REGULATION OF BROKERS AND DEALERS.—The Secretary may regulate brokers and dealers in trust certificates issued under this subsection.

“(E) ELECTRONIC REGISTRATION.—Nothing in this paragraph prohibits the use of a book-entry or other electronic form of registration for trust certificates issued under this subsection.

“(g) FEES.—

“(1) IN GENERAL.—The Secretary may charge a fee that does not exceed \$500 with respect to any guarantee or grant issued under this section.

“(2) TRUST CERTIFICATE.—Notwithstanding paragraph (1), the Secretary shall not collect a fee for any guarantee of a trust certificate under subsection (f), except that any agent of the Secretary may collect a fee that does not exceed \$500 for the functions described in subsection (f)(5)(B).

“(3) LICENSE.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may prescribe fees to be paid by each applicant for a license to operate as a rural business investment company under this section.

“(B) USE OF AMOUNTS.—Fees collected under this paragraph—

“(i) shall be deposited in the account for salaries and expenses of the Secretary;

“(ii) are authorized to be appropriated solely to cover the costs of licensing examinations; and

“(iii) shall—

“(I) in the case of a license issued before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, not exceed \$500 for any fee collected under this paragraph; and

“(II) in the case of a license issued after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, be a rate as determined by the Secretary.

“(C) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in subparagraph (A) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(h) OPERATIONAL ASSISTANCE GRANTS.—

“(1) IN GENERAL.—In accordance with this subsection, the Secretary may make grants to rural business investment companies and to other entities, as authorized by this section, to provide operational assistance to smaller enterprises financed, or expected to be financed, by the entities.

“(2) TERMS.—Grants made under this subsection shall be made over a multiyear period (not to exceed 10 years) under such terms as the Secretary may require.

“(3) USE OF FUNDS.—The proceeds of a grant made under this subsection may be used by the rural business investment company receiving the grant only to provide operational assistance in connection with an equity or prospective equity investment in a business located in a rural area.

“(4) SUBMISSION OF PLANS.—A rural business investment company shall be eligible for a grant under this subsection only if the rural business investment company submits to the Secretary, in such form and manner

as the Secretary may require, a plan for use of the grant.

“(5) GRANT AMOUNT.—

“(A) RURAL BUSINESS INVESTMENT COMPANIES.—The amount of a grant made under this subsection to a rural business investment company shall be equal to the lesser of—

“(i) 10 percent of the private capital raised by the rural business investment company; or

“(ii) \$1,000,000.

“(6) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a rural business investment company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to rural business investment companies under this section.

“(i) RURAL BUSINESS INVESTMENT COMPANIES.—

“(1) ORGANIZATION.—For purposes of this subsection, a rural business investment company shall—

“(A) be an incorporated body, a limited liability company, or a limited partnership organized and chartered or otherwise existing under State law solely for the purpose of performing the functions and conducting the activities authorized by this section; and

“(B)(i) if incorporated, have succession for a period of not less than 30 years unless earlier dissolved by the shareholders of the rural business investment company; and

“(ii) if a limited partnership or a limited liability company, have succession for a period of not less than 10 years; and

“(iii) possess the powers reasonably necessary to perform the functions and conduct the activities.

“(2) ARTICLES.—The articles of any rural business investment company—

“(A) shall specify in general terms—

“(i) the purposes for which the rural business investment company is formed;

“(ii) the name of the rural business investment company;

“(iii) the 1 or more areas in which the operations of the rural business investment company are to be carried out;

“(iv) the place where the principal office of the rural business investment company is to be located; and

“(v) the amount and classes of the shares of capital stock of the rural business investment company;

“(B) may contain any other provisions consistent with this section that the rural business investment company may determine appropriate to adopt for the regulation of the business of the rural business investment company and the conduct of the affairs of the rural business investment company; and

“(C) shall be subject to the approval of the Secretary.

“(3) CAPITAL REQUIREMENTS.—

“(A) IN GENERAL.—Each rural business investment company shall be required to meet the capital requirements as provided by the Secretary.

“(B) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this paragraph.

“(C) ADEQUACY.—In addition to the requirements of subparagraph (A), the Secretary shall—

“(i) determine whether the private capital of each rural business investment company is adequate to ensure a reasonable prospect that the rural business investment company will be operated soundly and profitably, and

managed actively and prudently in accordance with the articles of the rural business investment company;

“(ii) determine that the rural business investment company will be able to comply with the requirements of this section;

“(iii) require that at least 75 percent of the capital of each rural business investment company is invested in rural business concerns;

“(iv) ensure that the rural business investment company is designed primarily to meet equity capital needs of the businesses in which the rural business investment company invests and not to compete with traditional small business financing by commercial lenders; and

“(v) require that the rural business investment company makes short-term non-equity investments of less than 5 years only to the extent necessary to preserve an existing investment.

“(4) DIVERSIFICATION OF OWNERSHIP.—The Secretary shall ensure that the management of each rural business investment company licensed after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 is sufficiently diversified from and unaffiliated with the ownership of the rural business investment company so as to ensure independence and objectivity in the financial management and oversight of the investments and operations of the rural business investment company.

“(j) FINANCIAL INSTITUTION INVESTMENTS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection and notwithstanding any other provision of law, the following banks, associations, and institutions are eligible both to establish and invest in any rural business investment company or in any entity established to invest solely in rural business investment companies:

“(A) Any bank or savings association the deposits of which are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), including an investment pool created entirely by such bank or savings association.

“(B) Any Farm Credit System institution described in subsection 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)).

“(2) LIMITATION.—No bank, association, or institution described in paragraph (1) may make investments described in paragraph (1) that are greater than 5 percent of the capital and surplus of the bank, association, or institution.

“(3) LIMITATION ON RURAL BUSINESS INVESTMENT COMPANIES CONTROLLED BY FARM CREDIT SYSTEM INSTITUTIONS.—If a Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) holds more than 25 percent of the shares of a rural business investment company, either alone or in conjunction with other System institutions (or affiliates), the rural business investment company shall not provide equity investments in, or provide other financial assistance to, entities that are not otherwise eligible to receive financing from the Farm Credit System under that Act (12 U.S.C. 2001 et seq.).

“(k) EXAMINATIONS.—

“(1) IN GENERAL.—Each rural business investment company that participates in the program established under this section shall be subject to examinations made at the direction of the Secretary in accordance with this subsection.

“(2) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—An examination under this subsection may be conducted with the assistance of a private sector entity that has the qualifications and the expertise necessary to conduct such an examination.

“(3) COSTS.—

“(A) IN GENERAL.—The Secretary may assess the cost of an examination under this section, including compensation of the examiners, against the rural business investment company examined.

“(B) PAYMENT.—Any rural business investment company against which the Secretary assesses costs under this subparagraph shall pay the costs.

“(4) DEPOSIT OF FUNDS.—Funds collected under this subsection shall—

“(A) be deposited in the account that incurred the costs for carrying out this subsection;

“(B) be made available to the Secretary to carry out this subsection, without further appropriation; and

“(C) remain available until expended.

“(1) REPORTING REQUIREMENTS.—

“(1) RURAL BUSINESS INVESTMENT COMPANIES.—Each entity that participates in a program established under this section shall provide to the Secretary such information as the Secretary may require, including—

“(A) information relating to the measurement criteria that the entity proposed in the program application of the rural business investment company; and

“(B) in each case in which the entity under this section makes an investment in, or a loan or grant to, a business that is not located in a rural area, a report on the number and percentage of employees of the business who reside in those areas.

“(2) PUBLIC REPORTS.—

“(A) IN GENERAL.—The Secretary shall prepare and make available to the public an annual report on the programs established under this section, including detailed information on—

“(i) the number of rural business investment companies licensed by the Secretary during the previous fiscal year;

“(ii) the aggregate amount of leverage that rural business investment companies have received from the Federal Government during the previous fiscal year;

“(iii) the aggregate number of each type of leveraged instruments used by rural business investment companies during the previous fiscal year and how each number compares to previous fiscal years;

“(iv) the number of rural business investment company licenses surrendered and the number of rural business investment companies placed in liquidation during the previous fiscal year, identifying the amount of leverage each rural business investment company has received from the Federal Government and the type of leverage instruments each rural business investment company has used;

“(v) the amount of losses sustained by the Federal Government as a result of operations under this section during the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur as a result of the operations during the current fiscal year;

“(vi) actions taken by the Secretary to maximize recoupment of funds of the Federal Government expended to implement and administer the Rural Business Investment Program under this section during the previous fiscal year and to ensure compliance with the requirements of this section (including regulations);

“(vii) the amount of Federal Government leverage that each licensee received in the previous fiscal year and the types of leverage instruments each licensee used;

“(viii) for each type of financing instrument, the sizes, types of geographic loca-

tions, and other characteristics of the small business investment companies using the instrument during the previous fiscal year, including the extent to which the investment companies have used the leverage from each instrument to make loans or equity investments in rural areas; and

“(ix) the actions of the Secretary to carry out this section

“(B) PROHIBITION.—In compiling the report required under subparagraph (A), the Secretary may not—

“(i) compile the report in a manner that permits identification of any particular type of investment by an individual rural business investment company or small business concern in which a rural business investment company invests; or

“(ii) release any information that is prohibited under section 1905 of title 18, United States Code.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period of fiscal years 2008 through 2017.”

“CHAPTER 3—GENERAL RURAL DEVELOPMENT PROVISIONS

“SEC. 3701. GENERAL PROVISIONS FOR LOANS AND GRANTS.

“(a) PERIOD FOR REPAYMENT.—Unless otherwise specifically provided for in this subtitle, the period for repayment of a loan under this subtitle shall not exceed 40 years.

“(b) INTEREST RATES.—

“(1) IN GENERAL.—Except as otherwise provided in this title, the interest rate on a loan under this subtitle shall be determined by the Secretary at a rate—

“(A) not to exceed a sum obtained by adding—

“(i) the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of the loan; and

“(ii) an amount not to exceed 1 percent, as determined by the Secretary; and

“(B) adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(2) WATER AND WASTE FACILITY LOANS AND COMMUNITY FACILITIES LOANS.—

“(A) IN GENERAL.—Notwithstanding any provision of State law limiting the rate or amount of interest that may be charged, taken, received, or reserved, except as provided in subparagraph (C) and paragraph (5), the interest rate on a loan (other than a guaranteed loan) to a public body or nonprofit association (including an Indian tribe) for a water or waste disposal facility or essential community facility shall be determined by the Secretary at a rate not to exceed—

“(i) the current market yield on outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for the loan, and adjusted to the nearest $\frac{1}{8}$ of 1 percent;

“(ii) 5 percent per year for a loan that is for the upgrading of a facility or construction of a new facility as required to meet applicable health or sanitary standards in—

“(I) an area in which the median family income of the persons to be served by the facility is below the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)); and

“(II) any areas the Secretary may designate in which a significant percentage of the persons to be served by the facilities are low income persons, as determined by the Secretary; and

“(iii) 7 percent per year for a loan for a facility that does not qualify for the 5 percent per year interest rate prescribed in clause

(ii) but that is located in an area in a State in which the median household income of the persons to be served by the facility does not exceed 100 percent of the statewide non-metropolitan median household income for the State.

“(B) HEALTH CARE AND RELATED FACILITIES.—Notwithstanding subparagraph (A), the Secretary shall establish a rate for a loan for a health care or related facility that is—

“(i) based solely on the income of the area to be served; and

“(ii) otherwise consistent with subparagraph (A).

“(C) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—

“(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding subparagraph (A), in the case of a direct loan for a water or waste disposal facility—

“(I) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest $\frac{1}{8}$ of 1 percent; and

“(II) in the case of a loan that would be subject to the 7 percent limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(3) INTEREST RATES ON BUSINESS AND OTHER LOANS.—

“(A) IN GENERAL.—Except as provided in paragraph (4), the interest rates on loans under sections 3501(a)(1) (other than guaranteed loans and loans as described in paragraph (2)(A)) shall be as determined by the Secretary in accordance with subparagraph (B).

“(B) MINIMUM RATE.—The interest rates described in subparagraph (A) shall be not less than the sum obtained by adding—

“(i) such rates as determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for rates comparable to the rates prevailing in the private market for similar loans and considering the insurance by the Secretary of the loans; and

“(ii) an additional charge, prescribed by the Secretary, to cover the losses of the Secretary and cost of administration, which shall be deposited in the Rural Development Insurance Fund, and further adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(4) INTEREST RATES ADJUSTMENTS.—

“(A) ADJUSTMENTS.—Notwithstanding any other provision of this subsection, in the case of loans (other than guaranteed loans) made or guaranteed under the authorities of this title specified in subparagraph (C) for activities that involve the use of prime farmland, the interest rates shall be the interest rates otherwise applicable under this section increased by 2 percent per year.

“(B) PRIME FARMLAND.—

“(i) IN GENERAL.—Wherever practicable, construction by a State, municipality, or other political subdivision of local government that is supported by loans described in subparagraph (A) shall be placed on land that is not prime farmland, in order to preserve the maximum practicable quantity of prime farmlands for production of food and fiber.

“(ii) INCREASED RATE.—In any case in which other options exist for the siting of construction described in clause (i) and the governmental authority still desires to carry out the construction on prime farmland, the 2-percent interest rate increase provided by this paragraph shall apply, but that increased interest rate shall not apply where such other options do not exist.

“(C) APPLICABLE AUTHORITIES.—The authorities referred to in subparagraph (A) are—

“(i) the provisions of section 3502(a) relating to loans for recreational developments and essential community facilities;

“(ii) section 3601(e)(2)(A); and

“(iii) section 3601(c).

“(c) PAYMENT OF CHARGES.—A borrower of a loan made or guaranteed under this subtitle shall pay such fees and other charges as the Secretary may require, and prepay to the Secretary such taxes and insurance as the Secretary may require, on such terms and conditions as the Secretary may prescribe.

“(d) SECURITY.—

“(1) IN GENERAL.—The Secretary shall take as security for an obligation entered into in connection with a loan made under this subtitle such security as the Secretary may require.

“(2) LIENS TO UNITED STATES.—An instrument for security under paragraph (1) may constitute a lien running to the United States notwithstanding the fact that the note for the security may be held by a lender other than the United States.

“(3) MULTIPLE LOANS.—A borrower may use the same collateral to secure 2 or more loans made or guaranteed under this subtitle, except that the outstanding amount of the loans may not exceed the total value of the collateral.

“(e) LEGAL COUNSEL FOR SMALL LOANS.—In the case of a loan of less than \$500,000 made or guaranteed under section 3501 that is evidenced by a note or mortgage (as distinguished from a bond issue), the borrower shall not be required to appoint bond counsel to review the legal validity of the loan if the Secretary has available legal counsel to perform the review.

“SEC. 3702. STRATEGIC ECONOMIC AND COMMUNITY DEVELOPMENT.

“(a) PRIORITY.—In the case of any rural development program authorized by this subtitle, the Secretary may give priority to applications that are otherwise eligible and support strategic community and economic development plans on a multijurisdictional basis, as approved by the Secretary.

“(b) EVALUATION.—In evaluating strategic applications, the Secretary shall give a higher priority to strategic applications for a plan described in subsection (a) that demonstrate—

“(1) the plan was developed through the collaboration of multiple stakeholders in the service area of the plan, including the participation of combinations of stakeholders such as State, local, and tribal governments, nonprofit institutions, institutions of higher education, and private entities;

“(2) an understanding of the applicable regional resources that could support the plan,

including natural resources, human resources, infrastructure, and financial resources;

“(3) investment from other Federal agencies;

“(4) investment from philanthropic organizations; and

“(5) clear objectives for the plan and the ability to establish measurable performance measures and to track progress toward meeting the objectives.

“SEC. 3703. GUARANTEED RURAL DEVELOPMENT LOANS.

“(a) IN GENERAL.—The Secretary may provide financial assistance to a borrower for a purpose provided in this subtitle by guaranteeing a loan made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency.

“(b) INTEREST RATE.—The interest rate payable by a borrower on the portion of a guaranteed loan that is sold by a lender to the secondary market under this subtitle may be lower than the interest rate charged on the portion retained by the lender.

“(c) MAXIMUM GUARANTEE OF 90 PERCENT.—Except as provided in subsections (d) and (e), a loan guarantee under this subtitle shall be for not more than 90 percent of the principal and interest due on the loan.

“(d) REFINANCED LOANS GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee 95 percent of—

“(1) in the case of a loan that solely refinances a direct loan made under this subtitle, the principal and interest due on the loan on the date of the refinancing; or

“(2) in the case of a loan that is used for multiple purposes, the portion of the loan that refinances the principal and interest due on a direct loan made under this subtitle that is outstanding on the date on which the loan is guaranteed.

“(e) RISK OF LOSS.—

“(1) IN GENERAL.—Subject to subsection (b), the Secretary may not make a loan under section 3501 or 3601 unless the Secretary determines that no other lender is willing to make the loan and assume 10 percent of the potential loss to be sustained from the loan.

“(2) EXCEPTION FOR NONPROFIT GROUPS.—Paragraph (1) shall not apply to a public body or nonprofit association, including an Indian tribe.

“SEC. 3704. RURAL DEVELOPMENT INSURANCE FUND.

“(a) DEFINITION OF RURAL DEVELOPMENT LOAN.—In this section, the term ‘rural development loan’ means a loan provided for by section 3501 or 3601.

“(b) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘Rural Development Insurance Fund’ that shall be used by the Secretary to discharge the obligations of the Secretary under contracts making or guaranteeing rural development loans.

“SEC. 3705. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

“(a) IN GENERAL.—The Secretary may designate additional areas as rural economic area partnership zones to be assisted under this chapter—

“(1) through an open, competitive process; and

“(2) with priority given to rural areas—

“(A) with excessive unemployment or underemployment, a high percentage of low-income residents, or high rates of outmigration, as determined by the Secretary; and

“(B) that the Secretary determines have a substantial need for assistance.

“(b) REQUIREMENTS.—The Secretary shall carry out those rural economic area partnership zones administratively in effect on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 in accordance with the terms and conditions contained in the memoranda of agreement entered into by the Secretary for the rural economic area partnership zones.

“SEC. 3706. STREAMLINING APPLICATIONS AND IMPROVING ACCESSIBILITY OF RURAL DEVELOPMENT PROGRAMS.

“The Secretary shall expedite the process of creating user-friendly and accessible application forms and procedures prioritizing programs and applications at the individual level with an emphasis on utilizing current technology including online applications and submission processes.

“CHAPTER 4—DELTA REGIONAL AUTHORITY

“SEC. 3801. DEFINITIONS.

“In this chapter:

“(1) AUTHORITY.—The term ‘Authority’ means the Delta Regional Authority established by section 3802.

“(2) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in—

“(A) acquiring or developing land;

“(B) constructing or equipping a highway, road, bridge, or facility; or

“(C) carrying out other economic development activities.

“(3) REGION.—The term ‘region’ means the Lower Mississippi (as defined in section 4 of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100-460)).

“SEC. 3802. DELTA REGIONAL AUTHORITY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the Delta Regional Authority.

“(2) COMPOSITION.—The Authority shall be composed of—

“(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

“(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

“(3) COCHAIRPERSONS.—The Authority shall be headed by—

“(A) the Federal member, who shall serve as—

“(i) the Federal cochairperson; and

“(ii) a liaison between the Federal Government and the Authority; and

“(B) a State cochairperson, who shall be—

“(i) a Governor of a participating State in the region; and

“(ii) elected by the State members for a term of not less than 1 year.

“(4) ALABAMA.—Notwithstanding any other provision of law, the State of Alabama shall be a full member of the Authority and shall be entitled to all rights and privileges that the membership affords to all other participating States in the Authority.

“(b) ALTERNATE MEMBERS.—

“(1) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be—

“(A) a resident of that State; and

“(B) appointed by the Governor of the State.

“(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

“(3) QUORUM.—A State alternate shall not be counted toward the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.

“(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in

paragraphs (2) and (3) of subsection (c), and no voting right of any Authority member, shall be delegated to any person—

“(A) who is not an Authority member; or

“(B) who is not entitled to vote in Authority meetings.

“(c) VOTING.—

“(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.

“(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

“(A) a modification or revision of an Authority policy decision;

“(B) approval of a State or regional development plan; and

“(C) any allocation of funds among the States.

“(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

“(A) a responsibility of the Authority; and

“(B) conducted in accordance with section 3809.

“(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate member is an alternate.

“(d) DUTIES.—The Authority shall—

“(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

“(2) review, and where appropriate amend, priorities in a development plan for the region (including 5-year regional outcome targets);

“(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;

“(5) work with State and local agencies in developing appropriate model legislation;

“(6)(A) enhance the capacity of, and provide support for, local development districts in the region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(7) encourage private investment in industrial, commercial, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal or State cochairperson or any other member of the Authority designated by the Authority,

the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Authority in carrying out duties of the Authority;

“(4) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of Authority business and the performance of Authority duties;

“(5) request the head of any Federal department or agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State department or agency or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State); or

“(C) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this chapter, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Administrative expenses of the Authority (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

“(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

“(B) by the States in the region participating in the Authority, in an amount equal to 50 percent of the administrative expenses.

“(2) STATE SHARE.—

“(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

“(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

“(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of

administrative expenses of the Authority under this subsection—

“(i) no assistance under this chapter shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

“(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority

under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee, there is a financial interest of—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

“(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

“(3) VIOLATION.—Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

“(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

“SEC. 3803. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

“(a) IN GENERAL.—The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 3809—

“(1) to develop the transportation infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

“(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

“(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

“(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

“(5) to otherwise achieve the purposes of this chapter.

“(b) FUNDING.—

“(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

“(A) entirely from appropriations to carry out this section;

“(B) in combination with funds available under another Federal or Federal grant program; or

“(C) from any other source.

“(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal and State resources in the region, Federal funds available under this chapter shall be focused on the activities in the following order or priority:

“(A) Basic public infrastructure in distressed counties and isolated areas of distress.

“(B) Transportation infrastructure for the purpose of facilitating economic development in the region.

“(C) Business development, with emphasis on entrepreneurship.

“(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

“SEC. 3804. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

“(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) the States or communities lack the economic resources to provide the required matching share; or

“(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations of any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region—

“(1) may increase the Federal share of the costs of a project under the Federal grant program to not more than 90 percent (except as provided in section 3806(b)); and

“(2) shall use amounts made available to carry out this chapter to pay the increased Federal share.

“(c) CERTIFICATIONS.—

“(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

“(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

“(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

“(2) CERTIFICATION BY AUTHORITY.—

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 3809 shall be—

“(i) controlling; and

“(ii) accepted by the Federal agencies.

“(B) **ACCEPTANCE BY FEDERAL COCHAIRPERSON.**—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

“SEC. 3805. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

“(a) **DEFINITION OF LOCAL DEVELOPMENT DISTRICT.**—In this section, the term ‘local development district’ means an entity that—

“(1) is—

“(A) a planning district in existence on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 that is recognized by the Secretary; or

“(B) if an entity described in subparagraph (A) does not exist—

“(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

“(ii) governed by a policy board with at least a simple majority of members consisting of elected officials or employees of a general purpose unit of local government who have been appointed to represent the government;

“(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

“(I) by the Governor of each State in which the entity is located; or

“(II) by the State officer designated by the appropriate State law to make the certification; and

“(iv)(I) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

“(II) a nonprofit agency or instrumentality of a State or local government;

“(III) a public organization established before December 21, 2000, under State law for creation of multi-jurisdictional, area-wide planning organizations; or

“(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

“(2) has not, as certified by the Federal cochairperson—

“(A) inappropriately used Federal grant funds from any Federal source; or

“(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(b) **GRANTS TO LOCAL DEVELOPMENT DISTRICTS.**—

“(1) **IN GENERAL.**—The Authority shall make grants for administrative expenses under this section.

“(2) **CONDITIONS FOR GRANTS.**—

“(A) **MAXIMUM AMOUNT.**—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

“(B) **MAXIMUM PERIOD.**—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

“(C) **LOCAL SHARE.**—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(c) **DUTIES OF LOCAL DEVELOPMENT DISTRICTS.**—A local development district shall—

“(1) operate as a lead organization serving multicounty areas in the region at the local level; and

“(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

“(A) are involved in multijurisdictional planning;

“(B) provide technical assistance to local jurisdictions and potential grantees; and

“(C) provide leadership and civic development assistance.

“SEC. 3806. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

“(a) **DESIGNATIONS.**—Each year, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

“(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty or unemployment;

“(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

“(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty or unemployment.

“(b) **DISTRESSED COUNTIES.**—

“(1) **IN GENERAL.**—The Authority shall allocate at least 75 percent of the appropriations made available under section 3813 for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

“(2) **FUNDING LIMITATIONS.**—The funding limitations under section 3804(b) shall not apply to a project providing transportation or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

“(c) **NONDISTRESSED COUNTIES.**—

“(1) **IN GENERAL.**—Except as provided in this subsection, no funds shall be provided under this chapter for a project located in a county designated as a nondistressed county under subsection (a)(2).

“(2) **EXCEPTIONS.**—

“(A) **IN GENERAL.**—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 3805(b).

“(B) **MULTICOUNTY PROJECTS.**—The Authority may waive the application of the funding prohibition under paragraph (1) to a multicounty project that includes participation by a nondistressed county; or any other type of project if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

“(C) **ISOLATED AREAS OF DISTRESS.**—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

“(i) by the most recent Federal data available; or

“(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

“(d) **TRANSPORTATION AND BASIC PUBLIC INFRASTRUCTURE.**—The Authority shall allocate at least 50 percent of any funds made

available under section 3813 for transportation and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 3803(a).

“SEC. 3807. DEVELOPMENT PLANNING PROCESS.

“(a) **STATE DEVELOPMENT PLAN.**—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

“(b) **CONTENT OF PLAN.**—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 3802(d)(2).

“(c) **CONSULTATION WITH INTERESTED LOCAL PARTIES.**—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

“(1) consult with—

“(A) local development districts; and

“(B) local units of government; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

“(d) **PUBLIC PARTICIPATION.**—

“(1) **IN GENERAL.**—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this chapter.

“(2) **REGULATIONS.**—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

“SEC. 3808. PROGRAM DEVELOPMENT CRITERIA.

“(a) **IN GENERAL.**—In considering programs and projects to be provided assistance under this chapter and in establishing a priority ranking of the requests for assistance provided by the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall regional development;

“(2) the per capita income and poverty and unemployment rates in an area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

“(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) **NO RELOCATION ASSISTANCE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), no financial assistance authorized by this chapter shall be used to assist a person or entity in relocating from 1 area to another.

“(2) **OUTSIDE BUSINESSES.**—Financial assistance under this chapter may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

“(c) **REDUCTION OF FUNDS.**—Funds may be provided for a program or project in a State under this chapter only if the Authority determines that the level of Federal or State

financial assistance provided under a law other than this chapter, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this chapter.

“SEC. 3809. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate sub-regional plan that is proposed for development under this chapter shall be reviewed and approved by the Authority.

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this chapter shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

“(1) describes ways in which the project complies with any applicable State development plan;

“(2) meets applicable criteria under section 3808;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this chapter.

“(d) APPROVAL OF GRANT APPLICATIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 3802(c) shall be required for approval of the application.

“SEC. 3810. CONSENT OF STATES.

“Nothing in this chapter requires any State to engage in or accept any program under this chapter without the consent of the State.

“SEC. 3811. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—A recipient of Federal funds under this chapter shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

“SEC. 3812. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this chapter.

“SEC. 3813. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this chapter \$30,000,000 for each of fiscal years 2012 through 2017, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

“SEC. 3814. TERMINATION OF AUTHORITY.

“This chapter and the authority provided under this chapter expire on October 1, 2017.

“CHAPTER 5—NORTHERN GREAT PLAINS REGIONAL AUTHORITY

“SEC. 3821. DEFINITIONS.

“In this chapter:

“(1) AUTHORITY.—The term ‘Authority’ means the Northern Great Plains Regional Authority established by section 3822.

“(2) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in—

“(A) implementing the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318);

“(B) acquiring or developing land;

“(C) constructing or equipping a highway, road, bridge, or facility;

“(D) carrying out other economic development activities; or

“(E) conducting research activities related to the activities described in subparagraphs (A) through (D).

“(3) REGION.—The term ‘region’ means the States of Iowa, Minnesota, Missouri (other than counties included in the Delta Regional Authority), Nebraska, North Dakota, and South Dakota.

“SEC. 3822. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the Northern Great Plains Regional Authority.

“(2) COMPOSITION.—The Authority shall be composed of—

“(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate;

“(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority; and

“(C) a member of an Indian tribe, who shall be a chairperson of an Indian tribe in the region or a designee of such a chairperson, to be appointed by the President, by and with the advice and consent of the Senate.

“(3) COCHAIRPERSONS.—The Authority shall be headed by—

“(A) the Federal member, who shall serve as—

“(i) the Federal cochairperson; and

“(ii) a liaison between the Federal Government and the Authority;

“(B) a State cochairperson, who shall be—

“(i) a Governor of a participating State in the region; and

“(ii) elected by the State members for a term of not less than 1 year; and

“(C) the member of an Indian tribe, who shall serve as—

“(i) the tribal cochairperson; and

“(ii) a liaison between the governments of Indian tribes in the region and the Authority.

“(4) FAILURE TO CONFIRM.—

“(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not

later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Authority may organize and operate without the Federal member.

“(B) TRIBAL COCHAIRPERSON.—In the case of the tribal cochairperson, if no tribal cochairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.

“(b) ALTERNATE MEMBERS.—

“(1) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

“(2) STATE ALTERNATES.—

“(A) IN GENERAL.—The State member of a participating State may have a single alternate, who shall be—

“(i) a resident of that State; and

“(ii) appointed by the Governor of the State.

“(B) QUORUM.—A State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

“(3) ALTERNATE TRIBAL COCHAIRPERSON.—The President shall appoint an alternate tribal cochairperson, by and with the advice and consent of the Senate.

“(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any member of the Authority, shall be delegated to any person who is not—

“(A) a member of the Authority; or

“(B) entitled to vote in Authority meetings.

“(c) VOTING.—

“(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

“(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

“(A) a modification or revision of an Authority policy decision;

“(B) approval of a State or regional development plan; and

“(C) any allocation of funds among the States.

“(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

“(A) a responsibility of the Authority; and

“(B) conducted in accordance with section 3830.

“(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal, State, or Indian tribe member for whom the alternate member is an alternate.

“(d) DUTIES.—The Authority shall—

“(1) develop, on a continuing basis, comprehensive and coordinated plans and programs for multistate cooperation to advance the economic and social well-being of the region and to approve grants for the economic development of the region, giving due consideration to other Federal, State, tribal, and local planning and development activities in the region;

“(2) review, and when appropriate amend, priorities in a development plan for the region (including 5-year regional outcome targets);

“(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, tribal, and local agencies, universities, regional and local development districts or organizations, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation for—

“(A) renewable energy development and transmission;

“(B) transportation planning and economic development;

“(C) information technology;

“(D) movement of freight and individuals within the region;

“(E) federally-funded research at institutions of higher education; and

“(F) conservation land management;

“(5) work with State, tribal, and local agencies in developing appropriate model legislation;

“(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;

“(7) encourage private investment in industrial, commercial, renewable energy, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal, State, or tribal cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, tribal, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

“(5) request the head of any Federal agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State agency, tribal government, or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government or tribal government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State);

“(C) any Indian tribe in the region; or

“(D) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of a cochairperson, appropriate assistance in carrying out this chapter, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) FEDERAL SHARE.—The Federal share of the administrative expenses of the Authority shall be—

“(A) for each of fiscal years 2012 and 2013, 100 percent;

“(B) for fiscal year 2014, 75 percent; and

“(C) for fiscal year 2015 and each fiscal year thereafter, 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the administrative expenses of the Authority shall be paid by non-Federal sources in the States that participate in the Authority.

“(B) SHARE PAID BY EACH STATE.—The share of administrative expenses of the Authority to be paid by non-Federal sources in each State shall be determined by the Authority.

“(C) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (B).

“(D) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this chapter shall be provided to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL AND TRIBAL COCHAIRPERSONS.—The Federal cochairperson and the tribal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL AND TRIBAL COCHAIRPERSONS.—The alternate Federal cochairperson and the alternate tribal cochairperson—

“(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate, shall perform such functions and duties as are delegated by the Federal cochairperson or the tribal cochairperson, respectively.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by State law.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall re-

ceive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate member to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, tribal, local, or intergovernmental agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, Indian tribe member, State alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee, there is a financial interest of—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State or the Indian tribe) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

“(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, Indian tribe member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, Indian tribe member, alternate, officer, or employee.

“(3) VIOLATION.—Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

“(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4) or subsection (i) of this chapter, or sections 202 through 209 of title 18, United States Code.

“SEC. 3823. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

“(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

“(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

“(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

“(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

“(4) to establish a Regional Working Group on Agriculture Development and Transportation.

“(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

“(1) renewable energy development and transmission;

“(2) transportation planning and economic development;

“(3) information technology;

“(4) movement of freight and individuals within the region;

“(5) federally-funded research at institutions of higher education; and

“(6) conservation land management.

“SEC. 3824. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

“(a) IN GENERAL.—The Authority may approve grants to States, Indian tribes, local governments, and public and nonprofit organizations for projects, approved in accordance with section 3830—

“(1) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

“(2) to develop the transportation, renewable energy transmission, and telecommunication infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may be made only to States, Indian tribes, local governments, and nonprofit organizations);

“(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

“(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

“(5) to otherwise achieve the purposes of this chapter.

“(b) FUNDING.—

“(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

“(A) entirely from appropriations to carry out this section;

“(B) in combination with funds available under another Federal grant program; or

“(C) from any other source.

“(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal, State, and tribal resources in the region, Federal funds available under this chapter shall be focused on the following activities:

“(A) Basic public infrastructure in distressed counties and isolated areas of distress.

“(B) Transportation and telecommunication infrastructure for the purpose of facilitating economic development in the region.

“(C) Business development, with emphasis on entrepreneurship.

“(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

“SEC. 3825. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

“(a) FINDING.—Congress finds that certain States and local communities of the region may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) the States and communities lack the economic resources to provide the required matching share; or

“(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region—

“(1) may increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 3827(b)); and

“(2) shall use amounts made available to carry out this chapter to pay the increased Federal share.

“(c) CERTIFICATIONS.—

“(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

“(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

“(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

“(2) CERTIFICATION BY AUTHORITY.—

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 3830 shall be—

“(i) controlling; and

“(ii) accepted by the Federal agencies.

“(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

“SEC. 3826. MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.

“(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term ‘multistate and local development district or organization’ means an entity—

“(1) that—

“(A) is a planning district that is recognized by the Economic Development Administration of the Department of Commerce; or

“(B) is—

“(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

“(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

“(iii) a nonprofit agency or instrumentality of a State or local government;

“(iv) a public organization established before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 under State law for creation of multijurisdictional, area-wide planning organizations;

“(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

“(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

“(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

“(A) inappropriately used Federal grant funds from any Federal source; or

“(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

“(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

“(2) CONDITIONS FOR GRANTS.—

“(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

“(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period of greater than 3 years.

“(3) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(c) DUTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

“(2) DESIGNATION.—The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.

“(d) NORTHERN GREAT PLAINS INC.—Northern Great Plains Inc., a nonprofit corporation incorporated in the State of Minnesota to implement the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318)—

“(1) shall serve as an independent, primary resource for the Authority on issues of concern to the region;

“(2) shall advise the Authority on development of international trade;

“(3) may provide research, education, training, and other support to the Authority; and

“(4) may carry out other activities on its own behalf or on behalf of other entities.

“SEC. 3827. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

“(a) DESIGNATIONS.—Each year, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

“(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

“(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

“(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

“(b) DISTRESSED COUNTIES.—

“(1) IN GENERAL.—The Authority shall allocate at least 50 percent of the appropriations made available under section 3834 for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

“(2) FUNDING LIMITATIONS.—The funding limitations under section 3825(b) shall not apply to a project to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

“(c) TRANSPORTATION, TELECOMMUNICATION, RENEWABLE ENERGY, AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 3834 for transportation, telecommunication, renewable energy, and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 3824(a).

“SEC. 3828. DEVELOPMENT PLANNING PROCESS.

“(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

“(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 3823(d)(2).

“(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

“(1) consult with—

“(A) multistate, regional, and local development districts and organizations; and

“(B) local units of government; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

“(d) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—The Authority and applicable multistate, regional, and local development districts and organizations shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this chapter.

“(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

“SEC. 3829. PROGRAM DEVELOPMENT CRITERIA.

“(a) IN GENERAL.—In considering programs and projects to be provided assistance under this chapter, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall multistate or regional development;

“(2) the per capita income and poverty and unemployment and outmigration rates in an area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

“(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) NO RELOCATION ASSISTANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no financial assistance authorized by this chapter shall be used to assist a person or entity in relocating from 1 area to another.

“(2) OUTSIDE BUSINESSES.—Financial assistance under this chapter may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

“(c) MAINTENANCE OF EFFORT.—Funds may be provided for a program or project in a State under this chapter only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this chapter, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this chapter.

“SEC. 3830. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate sub-regional plan that is proposed for development under this chapter shall be reviewed by the Authority.

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this chapter shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

“(1) describes ways in which the project complies with any applicable State development plan;

“(2) meets applicable criteria under section 3829;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this chapter.

“(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 3822(c) shall be required for approval of the application.

“SEC. 3831. CONSENT OF STATES.

“ “Nothing in this chapter requires any State to engage in or accept any program under this chapter without the consent of the State.

“SEC. 3832. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—A recipient of Federal funds under this chapter shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

“(c) ANNUAL AUDIT.—The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

“SEC. 3833. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this chapter.

“SEC. 3834. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this chapter \$30,000,000 for each of fiscal years 2012 through 2017, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

“(c) MINIMUM STATE SHARE OF GRANTS.—Notwithstanding any other provision of this chapter, for any fiscal year, the aggregate amount of grants received by a State and all persons or entities in the State under this chapter shall be not less than $\frac{1}{3}$ of the product obtained by multiplying—

“(1) the aggregate amount of grants under this chapter for the fiscal year; and

“(2) the ratio that—

“(A) the population of the State (as determined by the Secretary of Commerce based on the most recent decennial census for which data are available); bears to

“(B) the population of the region (as so determined).

“SEC. 3835. TERMINATION OF AUTHORITY.

“The authority provided by this chapter terminates effective October 1, 2017.

“Subtitle C—General Provisions**“SEC. 3901. FULL FAITH AND CREDIT.**

“(a) IN GENERAL.—A contract of insurance or guarantee executed by the Secretary under this title shall be an obligation supported by the full faith and credit of the United States.

“(b) CONTESTABILITY.—A contract of insurance or guarantee executed by the Secretary under this title shall be incontestable except for fraud or misrepresentation that the lender or any holder—

“(1) has actual knowledge of at the time the contract of insurance or guarantee is executed; or

“(2) participates in or condones.

“SEC. 3902. PURCHASE AND SALE OF GUARANTEED PORTIONS OF LOANS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may purchase, on such terms and conditions as the Secretary considers appropriate, the guaranteed portion of a loan guaranteed under this title, if the Secretary determines that an adequate secondary market is not available in the private sector.

“(b) MAXIMUM PAYMENT.—The Secretary may not pay for any guaranteed portion of a loan under subsection (a) in excess of an amount equal to the unpaid principal balance and accrued interest on the guaranteed portion of the loan.

“(c) SOURCES OF FUNDING.—The Secretary may use for the purchases—

“(1) funds from the Rural Development Insurance Fund with respect to rural development loans (as defined in section 3704(a)); and

“(2) funds from the Agricultural Credit Insurance Fund with respect to all other loans under this title.

“(d) SALE OF GUARANTEED LOANS.—

“(1) SALES.—

“(A) REGULATION.—

“(i) IN GENERAL.—The guaranteed portion of any loan made under this title may be sold by the lender, and by any subsequent holder, in accordance with such regulations governing the sales as the Secretary shall establish, subject to clauses (ii) and (iii).

“(ii) FEES TO BE PAID IN FULL.—All fees due the Secretary with respect to a guaranteed loan shall be paid in full before any sale.

“(iii) LOAN TO BE FULLY DISBURSED.—The loan shall be fully disbursed to the borrower before the sale.

“(B) POST-SALE.—After a loan is sold in the secondary market, the lender shall—

“(i) remain obligated under the guarantee agreement of the lender with the Secretary; and

“(ii) continue to service the loan in accordance with the terms and conditions of that agreement.

“(C) PROCEDURES.—The Secretary shall develop such procedures as are necessary for—

“(i) the facilitation, administration, and promotion of secondary market operations; and

“(ii) determining the increase of access of farmers to capital at reasonable rates and terms as a result of secondary market operations.

“(D) RIGHTS TO PREPAY.—This subsection does not impede or extinguish—

“(i) the right of the borrower or the successor in interest to the borrower to prepay (in whole or in part) any loan made under this title; or

“(ii) the rights of any party under any provision of this title.

“(2) ISSUE POOL CERTIFICATES.—

“(A) IN GENERAL.—The Secretary may, directly or through a market maker approved by the Secretary, issue pool certificates representing ownership of part or all of the guaranteed portion of any loan guaranteed by the Secretary under this title.

“(B) APPROVAL.—Certificates under subparagraph (A) shall be based on and backed by a pool established or approved by the Secretary and composed solely of the entire guaranteed portion of the loans.

“(C) GUARANTEE OF POOL.—On such terms and conditions as the Secretary considers appropriate, the Secretary may guarantee the timely payment of the principal and interest on pool certificates issued on behalf of the Secretary by approved market makers for purposes of this subsection.

“(D) LIMITATIONS.—A guarantee under subparagraph (C) shall be limited to the extent of principal and interest on the guaranteed portions of loans that compose the pool.

“(E) PREPAYMENT.—If a loan in a pool is prepaid, either voluntarily or by reason of default, the guarantee of timely payment of principal and interest on the pool certificates shall be reduced in proportion to the amount of principal and interest that the prepaid loan represents in the pool.

“(F) INTEREST ACCRUAL.—Interest on prepaid or defaulted loans shall accrue and be guaranteed by the Secretary only through the date of payment on the guarantee.

“(G) REDEMPTION.—During the term of the pool certificate, the certificate may be called for redemption due to prepayment or default of all loans constituting the pool.

“(H) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts that may be required to be paid under any guarantee of the pool certificates issued by approved market makers under this subsection.

“(I) FEES.—

“(i) IN GENERAL.—The Secretary shall not collect any fee for any guarantee under this subsection.

“(ii) SECRETARIAL FUNCTIONS.—Clause (i) does not preclude the Secretary from collecting a fee for the functions described in paragraph (3).

“(J) DEFAULT.—Not later than 30 days after a borrower of a guaranteed loan is in default of any principal or interest payment due for 60 days or more, the Secretary shall—

“(i) purchase the pool certificates representing ownership of the guaranteed portion of the loan; and

“(ii) pay the registered holder of the certificates an amount equal to the guaranteed portion of the loan represented by the certificate.

“(K) PAYMENT OF CLAIMS.—If the Secretary pays a claim under a guarantee issued under this subsection, the claim shall be subrogated fully to the rights satisfied by the payment, as may be provided by the Secretary.

“(L) APPLICATION OF LAWS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of the ownership rights of the Secretary in the portions of loans constituting the pool against which the certificates are issued.

“(3) DUTIES OF THE SECRETARY.—

“(A) IN GENERAL.—On the adoption of final rules and regulations, the Secretary shall—

“(i) provide for the central collection of registration information from all participating market makers for all loans and pool certificates sold under paragraphs (1) and (2), including, with respect to each original sale and any subsequent sale—

“(I) identification of the interest rate paid by the borrower to the lender;

“(II) the servicing fee of the lender;

“(III) disclosure of whether interest on the loan is at a fixed or variable rate;

“(IV) identification of each purchaser of a pool certificate;

“(V) the interest rate paid on the certificate; and

“(VI) such other information as the Secretary considers appropriate.

“(ii) before any sale, require the seller (as defined in subparagraph (B)) to disclose to each prospective purchaser of the portion of a loan guaranteed under this title and to each prospective purchaser of a pool certificate issued under paragraph (2) information on the terms, conditions, and yield of such instrument;

“(iii) provide for adequate custody of any pooled guaranteed loans;

“(iv) take such actions as are necessary, in restructuring pools of the guaranteed portion of loans, to minimize the estimated costs of paying claims under guarantees issued under this subsection;

“(v) require each market maker—

“(I) to service all pools formed, and participations sold, by the market maker; and

“(II) to provide the Secretary with information relating to the collection and disbursement of all periodic payments, prepayments, and default funds from lenders, to or from the reserve fund that the Secretary shall establish to enable the timely payment guarantee to be self-funding, and from all beneficial holders; and

“(vi) regulate market makers in pool certificates sold under this subsection.

“(B) DEFINITION OF SELLER.—For purposes of subparagraph (A)(ii), if the instrument being sold is a loan, the term ‘seller’ does not include—

“(i) the person who made the loan; or

“(ii) any person who sells 3 or fewer guaranteed loans per year.

“(4) CONTRACT FOR SERVICES.—The Secretary may contract for goods and services to be used for the purposes of this subsection without regard to titles 5, 40, and 41, United States Code (including any regulations issued under those titles).

“SEC. 3903. ADMINISTRATION.

“(a) POWERS OF SECRETARY.—The Secretary may—

“(1)(A) administer the powers and duties of the Secretary through such national, area, State, or local offices and employees in the United States as the Secretary determines to be necessary; and

“(B) authorize an office to serve an area composed of 2 or more States if the Secretary determines that the volume of business in the area is not sufficient to justify separate State offices;

“(2)(A) accept and use voluntary and uncompensated services; and

“(B) with the consent of the agency concerned, use the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, territory, or political subdivision;

“(3) subject to appropriations, make necessary expenditures for the purchase or hire of passenger vehicles, and such other facilities and services as the Secretary may from time to time find necessary for the proper administration of this title;

“(4) subject to subsection (b), compromise, adjust, reduce, or charge-off debts or claims (including debts and claims arising from loan guarantees), and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, or successor agencies under this title, except for activities conducted under the Housing Act of 1949 (42 U.S.C. 1441 et seq.);

“(5) release mortgage and other contract liens if it appears that the mortgage and liens have no present or prospective value or that the enforcement of the mortgage and liens likely would be ineffectual or uneconomical;

“(6) obtain fidelity bonds protecting the Federal Government against fraud and dishonesty of officers and employees of the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service in lieu of faithful performance of duties bonds under section 14 of title 6, United States Code, but otherwise in accordance with the section;

“(7) consent to—

“(A) long-term leases of facilities financed under this title notwithstanding the failure of the lessee to meet any of the requirements of this title if the long-term leases are necessary to ensure the continuation of services for which financing was extended to the lessor; and

“(B) the transfer of property securing any loan or financed by any loan or grant made or guaranteed by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service under this title, or any other law administered by the Secretary, on such terms as the Secretary considers necessary to carry out the purpose of the loan or grant or to protect the financial interest of the Federal Government, provided that the Secretary shall document the consent of the Secretary for the transfer of the property of a borrower in the file of the borrower; and

“(8) notwithstanding that an area ceases, or has ceased, to be rural, in a rural area, or an eligible area, make loans and grants, and approve transfers and assumptions, under this title on the same basis as though the area still was rural in connection with property securing any loan made or guaranteed by the Secretary under this title or in connection with any property held by the Secretary under this title.

“(b) LOAN ADJUSTMENTS.—

“(1) NO LIQUIDATION OF PROPERTY.—The Secretary may not require liquidation of property securing any farmer program loan or acceleration of any payment required under any farmer program loan as a prerequisite to initiating an action authorized under subsection (a).

“(2) RELEASE OF PERSONAL LIABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may release a borrower or other person obligated on a debt (other than debt incurred under the Housing Act of 1949 (42 U.S.C. 1441 et seq.)) from personal liability with or without payment of any consideration at the time of the compromise, adjustment, reduction, or charge-off of any claim.

“(B) EXCEPTION.—No compromise, adjustment, reduction, or charge-off of any claim may be made or carried out after the claim has been referred to the Attorney General, unless the Attorney General approves.

“(3) RURAL ELECTRIFICATION SECURITY INSTRUMENTS.—In the case of a security instrument entered into under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), the Secretary shall notify the Attorney General of the intent of the Secretary to exercise the authority of the Secretary under paragraph (2).

“(c) SIMPLIFIED APPLICATION FORMS FOR LOAN GUARANTEES.—

“(1) IN GENERAL.—The Secretary shall provide to lenders a short, simplified application form for guarantees under this title of—

“(A) farmer program loans the principal amount of which is \$125,000 or less; and

“(B) business and industry guaranteed loans under section 3601(a)(2)(A) the principal amount of which is—

“(i) in the case of a loan guarantee made during fiscal year 2002 or 2003, \$400,000 or less; and

“(ii) in the case of a loan guarantee made during any subsequent fiscal year—

“(I) \$400,000 or less; or

“(II) if the Secretary determines that there is not a significant increased risk of a default on the loan, \$600,000 or less.

“(2) WATER AND WASTE DISPOSAL GRANTS AND LOANS.—The Secretary shall develop an application process that accelerates, to the maximum extent practicable, the processing of applications for water and waste disposal grants or direct or guaranteed loans under section 3501(a)(1) the grant award amount or principal loan amount, respectively, of which is \$300,000 or less.

“(3) ADMINISTRATION.—In developing an application under this subsection, the Secretary shall—

“(A) consult with commercial and cooperative lenders; and

“(B) ensure that—

“(i) the form can be completed manually or electronically, at the option of the lender;

“(ii) the form minimizes the documentation required to accompany the form;

“(iii) the cost of completing and processing the form is minimal; and

“(iv) the form can be completed and processed in an expeditious manner.

“(d) USE OF ATTORNEYS FOR PROSECUTION OR DEFENSE OF CLAIMS.—The Secretary may use for the prosecution or defense of any claim or obligation described in subsection (a)(5) the Attorney General, the General Counsel of the Department, or a private attorney who has entered into a contract with the Secretary.

“(e) PRIVATE COLLECTION AGENCY.—The Secretary may use a private collection agency to collect a claim or obligation described in subsection (a)(5).

“(f) SECURITY SERVICING.—

“(1) IN GENERAL.—The Secretary may—

“(A) make advances, without regard to any loan or total indebtedness limitation, to preserve and protect the security for, or the lien or priority of the lien securing any loan or other indebtedness owing to or acquired by the Secretary under this title or under any other program administered by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service applicable program, as determined by the Secretary; and

“(B)(i) bid for and purchase at any execution, foreclosure, or other sale or otherwise acquire property on which the United States has a lien by reason of a judgment or execution arising from, or that is pledged, mortgaged, conveyed, attached, or levied on to secure the payment of, the indebtedness regardless of whether the property is subject to other liens;

“(ii) accept title to any property so purchased or acquired; and

“(iii) sell, manage, or otherwise dispose of the property in accordance with this subsection.

“(2) OPERATION OR LEASE OF REALTY.—Except as provided in subsections (c) and (e), real property administered under this title may be operated or leased by the Secretary for such period as the Secretary may consider necessary to protect the investment of the Federal Government in the property.

“(g) PAYMENTS TO LENDERS.—

“(1) REQUIREMENT.—Not later than 90 days after a court of competent jurisdiction confirms a plan of reorganization under chapter 12 of title 11, United States Code, for any borrower to whom a lender has made a loan guaranteed under this title, the Secretary shall pay the lender an amount estimated by the Secretary to be equal to the loss incurred by the lender for purposes of the guarantee.

“(2) PAYMENT TOWARD LOAN GUARANTEE.—Any amount paid to a lender under this subsection with respect to a loan guaranteed under this title shall be treated as payment towards satisfaction of the loan guarantee.

“SEC. 3904. LOAN MORATORIUM AND POLICY ON FORECLOSURES.

“(a) IN GENERAL.—In addition to any other authority that the Secretary may have to defer principal and interest and forgo foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made or guaranteed by the Secretary under this title, or under any other law administered by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service, and may forgo foreclosure of the loan, for such period as the Secretary considers necessary on a showing by the borrower that, due to circumstances beyond the control of the borrower, the borrower is temporarily unable to continue making payments of the principal and interest when due without unduly impairing the standard of living of the borrower.

“(b) INTEREST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may permit any loan deferred under this section to bear no interest during or after the deferral period.

“(2) EXCEPTION.—If the security instrument securing the loan is foreclosed, such interest as is included in the purchase price at the foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

“(c) MORATORIUM REGARDING CIVIL RIGHTS CLAIMS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, effective beginning on May 22, 2008, there shall be in effect a moratorium, with respect to farmer program loans made under subtitle A, on all acceleration and foreclosure proceedings instituted by the Department against any farmer who—

“(A) has pending against the Department a claim of program discrimination that is accepted by the Department as valid; or

“(B) files a claim of program discrimination that is accepted by the Department as valid.

“(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all farmer program loans made under subtitle A, B, or C for which loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

“(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer on the earlier of—

“(A) the date the Secretary resolves the claim; or

“(B) if the farmer appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

“(4) FAILURE TO PREVAIL.—If a farmer does not prevail on a claim of discrimination described in paragraph (1), the farmer shall be liable for any interest and offsets that accrued during the period that loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

“SEC. 3905. OIL AND GAS ROYALTY PAYMENTS ON LOANS.

“(a) IN GENERAL.—The Secretary shall permit a borrower of a loan made or guaranteed under this title to make a prospective payment on the loan with proceeds from—

“(1) the leasing of oil, gas, or other mineral rights to real property used to secure the loan; or

“(2) the sale of oil, gas, or other minerals removed from real property used to secure the loan, if the value of the rights to the oil, gas, or other minerals has not been used to secure the loan.

“(b) APPLICABILITY.—Subsection (a) shall not apply to a borrower of a loan made or guaranteed under this title with respect to which a liquidation or foreclosure proceeding was pending on December 23, 1985.

“SEC. 3906. TAXATION.

“(a) IN GENERAL.—Except as provided in subsection (b), all property subject to a lien held by the United States or the title to which is acquired or held by the Secretary under this title (other than property used for administrative purposes) shall be subject to taxation by State, territory, district, and local political subdivisions in the same manner and to the same extent as other property is taxed.

“(b) EXCEPTIONS.—No tax shall be imposed or collected as described in subsection (a) if the tax (whether as a tax on the instrument or in connection with conveying, transferring, or recording the instrument) is based on—

“(1) the value of any notes or mortgages or other lien instruments held by or transferred to the Secretary;

“(2) any notes or lien instruments administered under this title that are made, assigned, or held by a person otherwise liable for the tax; or

“(3) the value of any property conveyed or transferred to the Secretary.

“(c) FAILURE TO PAY OR COLLECT TAX.—The failure to pay or collect a tax under subsection (a) shall not—

“(1) be a ground for—

“(A) refusal to record or file an instrument; or

“(B) failure to provide notice; or

“(2) prevent the enforcement of the instrument in any Federal or State court.

“SEC. 3907. CONFLICTS OF INTEREST.

“(a) ACCEPTANCE OF CONSIDERATION PROHIBITED.—No officer, attorney, or other employee of the Department shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this title other than such salary, fee, or other compensation as the officer, attorney, or employee may receive as the officer, attorney, or employee.

“(b) ACQUISITION OF INTEREST IN LAND PROHIBITED.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no officer or employee of the Department who acts on or reviews an application made by any person under this title for a loan to purchase land may acquire, directly or indirectly, any interest in the land for a period of 3 years after the date on which the action is taken or the review is made.

“(2) FORMER COUNTY COMMITTEE MEMBERS.—Paragraph (1) shall not apply to a former member of a county committee on a determination by the Secretary, prior to the acquisition of the interest, that the former member acted in good faith when acting on or reviewing the application.

“(c) CERTIFICATIONS ON LOANS TO FAMILY MEMBERS PROHIBITED.—No member of a county committee shall knowingly make or join in making any certification with respect to—

“(1) a loan to purchase any land in which the member, or any person related to the member within the second degree of consanguinity or affinity, has or may acquire any interest; or

“(2) any applicant related to the member within the second degree of consanguinity or affinity.

“(d) PENALTIES.—Any person violating this section shall, on conviction of the violation, be punished by a fine of not more than \$2,000 or imprisonment for not more than 2 years, or both.

“SEC. 3908. LOAN SUMMARY STATEMENTS.

“(a) DEFINITION OF SUMMARY PERIOD.—In this section, the term ‘summary period’ means the period beginning on the date of issuance of the preceding loan summary statement and ending on the date of issuance of the current loan summary statement.

“(b) ISSUANCE OF STATEMENTS.—On the request of a borrower of a loan made (but not guaranteed) under this title, the Secretary shall issue to the borrower a loan summary statement that reflects the account activity during the summary period for each loan made under this title to the borrower, including—

“(1) the outstanding amount of principal due on each loan at the beginning of the summary period;

“(2) the interest rate charged on each loan;

“(3) the amount of payments made on, and the application of the payments to, each loan during the summary period and an explanation of the basis for the application of the payments;

“(4) the amount of principal and interest due on each loan at the end of the summary period;

“(5) the total amount of unpaid principal and interest on all loans at the end of the summary period;

“(6) any delinquency in the repayment of any loan;

“(7) a schedule of the amount and date of payments due on each loan; and

“(8) the procedure the borrower may use to obtain more information concerning the status of the loans.

“SEC. 3909. CERTIFIED LENDERS PROGRAM.

“(a) CERTIFIED LENDERS PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall guarantee loans under this title that are made by lending institutions certified by the Secretary.

“(2) CERTIFICATION REQUIREMENTS.—The Secretary shall certify a lending institution that meets such criteria as the Secretary may prescribe in regulations, including the ability of the institution to properly make, service, and liquidate the loans of the institution.

“(3) CONDITION OF CERTIFICATION.—

“(A) IN GENERAL.—As a condition of the certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this section, using standards that are not less stringent than generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders.

“(B) MONITORING.—The Secretary shall, at least annually, monitor the performance of each certified lender to ensure that the conditions of the certification are being met.

“(4) EFFECT OF CERTIFICATION.—Notwithstanding any other provision of law:

“(A) AMOUNT OF LOAN GUARANTEE.—In the case of a loan made or guaranteed under subtitle A, the Secretary shall guarantee 80 percent of a loan made under this section by a certified lending institution as described in paragraph (1), subject to a determination that the borrower of the loan meets the eligibility requirements and such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title.

“(B) CERTIFICATIONS BY LENDING INSTITUTIONS.—In the case of loans to be guaranteed by the Secretary under this section, the Secretary shall permit certified lending institutions to make appropriate certifications (as provided by regulations issued by the Secretary)—

“(i) relating to issues such as creditworthiness, repayment ability, adequacy of collateral, and feasibility of farm operation; and

“(ii) that the borrower is in compliance with all requirements of law, including regulations issued by the Secretary.

“(C) APPROVAL PROCESS.—

“(i) IN GENERAL.—The Secretary shall approve or disapprove a guarantee not later than 14 days after the date that the lending institution applies to the Secretary for the guarantee.

“(ii) DISAPPROVAL.—If the Secretary disapproves the loan application during the 14-day period, the Secretary shall state, in writing, all of the reasons the application was disapproved.

“(5) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this section affects the responsibility of the Secretary to certify eligibility, review financial information, and otherwise assess an application.

“(b) PREFERRED CERTIFIED LENDERS PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a Preferred Certified Lenders Program for lenders under this title who establish—

“(A) knowledge of, and experience under, the program established under subsection (a);

“(B) knowledge of the regulations concerning the guaranteed loan program; and

“(C) proficiency related to the certified lender program requirements.

“(2) REVOCATION OF DESIGNATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the designation of a lender as a Preferred Certified Lender shall be revoked at any time—

“(i) that the Secretary determines that the lender is not adhering to the rules and regulations applicable to the program; or

“(ii) if the loss experiences of a Preferred Certified Lender are excessive as compared to other Preferred Certified Lenders.

“(B) EFFECT.—A suspension or revocation under subparagraph (A) shall not affect any outstanding guarantee.

“(3) CONDITION OF CERTIFICATION.—As a condition of preferred certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders.

“(4) MONITORING.—The Secretary shall, at least annually, monitor the performance of each Preferred Certified Lender to ensure that the conditions of certification are being met.

“(5) EFFECT OF PREFERRED LENDER CERTIFICATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall—

“(i) guarantee 80 percent of an approved loan made by a certified lending institution as described in this subsection, subject to a determination that the borrower meets the eligibility requirements or such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title;

“(ii) permit certified lending institutions—

“(I) to make all decisions, with respect to loans to be guaranteed by the Secretary under this subsection relating to credit worthiness, the closing, monitoring, collection and liquidation of loans; and

“(II) to accept appropriate certifications, as provided by regulations issued by the Secretary, that the borrower is in compliance with all requirements of law or regulations promulgated by the Secretary; and

“(iii) be considered to have guaranteed 80 percent of a loan made by a preferred certified lending institution as described in paragraph (1), if the Secretary fails to approve or reject the application of such institution within 14 calendar days after the date that the lending institution presented the application to the Secretary.

“(B) REQUIREMENT.—If the Secretary rejects an application under subparagraph (A)(iii) during the 14-day period, the Secretary shall state, in writing, the reasons the application was rejected.

“(C) ADMINISTRATION OF CERTIFIED LENDERS AND PREFERRED CERTIFIED LENDERS PROGRAMS.—The Secretary may administer the loan guarantee programs under subsections (a) and (b) through central offices established in States or in multi-State areas

“SEC. 3910. LOANS TO RESIDENT ALIENS.

“(a) IN GENERAL.—Notwithstanding the provisions of this title limiting the making of a loan to a citizen of the United States, the Secretary may make a loan under this title to an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(b) REGULATIONS.—

“(1) IN GENERAL.—No loan may be made under this title to an alien referred to in subsection (a) until the Secretary issues regula-

tions establishing the terms and conditions under which the alien may receive the loan.

“(2) REQUIREMENT.—The Secretary shall submit the regulations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate at least 30 days prior to the date on which the regulations are published in the Federal Register.

“SEC. 3911. EXPEDITED CLEARING OF TITLE TO INVENTORY PROPERTY.

“(a) IN GENERAL.—The Secretary may employ local attorneys, on a case-by-case basis, to process all legal procedures necessary to clear the title to foreclosed properties in the inventory of the Department.

“(b) COMPENSATION.—Attorneys shall be compensated at not more than the usual and customary charges of the attorneys for the work.

“SEC. 3912. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this title to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

“(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

“(1) an activity related to the maintenance of a previously converted wetland; or

“(2) in the case of an activity that had already commenced before November 28, 1990.

“(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this title for a utility line.

“SEC. 3913. TRANSFER OF LAND TO SECRETARY.

“The President may at any time, in the discretion of the President, transfer to the Secretary any right, interest, or title held by the United States in any land acquired in the program of national defense and no longer needed for that purpose that the President finds suitable for the purposes of this title, and the Secretary shall dispose of the transferred land in the manner and subject to the terms and conditions of this title.

“SEC. 3914. COMPETITIVE SOURCING LIMITATIONS.

“The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department, relating to rural development or farmer program loans.

“SEC. 3915. REGULATIONS.

“The Secretary may issue such regulations, prescribe such terms and conditions for making or guaranteeing loans, security instruments, and agreements, except as otherwise specified in this title, and make such delegations of authority as the Secretary considers necessary to carry out this title.”.

SEC. 6002. CONFORMING AMENDMENTS.

(a) Section 17(c) of the Rural Electrification Act of 1936 (7 U.S.C. 917(c)) is amended by striking paragraph (1) and inserting the following:

“(1) Subtitle B of the Consolidated Farm and Rural Development Act.”.

(b) Section 305(c)(2)(B)(i)(I) of the Rural Electrification Act of 1936 (7 U.S.C. 935(c)(2)(B)(i)(I)) is amended by striking “section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A))” and inserting “section 3701(b)(2) of the Consolidated Farm and Rural Development Act”.

(c) Section 306F(a)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 936F(a)(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) chapter 1 of subtitle B of the Consolidated Farm and Rural Development Act.”.

(d) Section 2333(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-2(d)) is amended—

(1) in paragraph (11), by adding “and” at the end;

(2) by striking paragraph (12); and

(3) by redesignating paragraph (13) as paragraph (12).

(e) Section 601(b) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)) is amended by striking paragraph (3).

(f) Section 602(5) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471(5)) is amended by striking “section 355(e)(1)(D)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(e)(1)(D)(ii))” and inserting “section 3409(c)(1)(A) of the Consolidated Farm and Rural Development Act”.

(g) Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(7)(A), by striking “section 371 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f)” and inserting “section 3424 of the Consolidated Farm and Rural Development Act”; and

(2) in subsection (n)(2), by striking “subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.)” and inserting “chapter 3 of subtitle A of the Consolidated Farm and Rural Development Act”.

(h) Section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(a)) is amended—

(1) in paragraph (1), by striking “section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”; and

(2) in paragraph (4), by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(i) Section 14204(a) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2008q-1(a)) is amended by striking “an entity described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a))” and inserting “an entity determined by the Secretary”.

(j) Section 607(c)(6) of the Rural Development Policy Act of 1972 (7 U.S.C. 2204b(c)(6)) is amended in the last sentence—

(1) by striking “, and” and inserting “and any”; and

(2) by striking “required under section 306(a)(12) of the Consolidated Farm and Rural Development Act”.

(k) Section 901(b) of the Agricultural Act of 1970 (7 U.S.C. 2204b-1(b)) is amended by striking “rural areas as defined in the private business enterprise exception in section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926)” and inserting “rural areas, as defined in section 3002 of the Consolidated Farm and Rural Development Act”.

(l) Section 14220 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2206b) is amended by striking “section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(m) Section 2501(c)(2)(D) of the Food, Agriculture, Conservation, and Trade Act of 1990

(7 U.S.C. 2279(c)(2)(D)) is amended by striking “sections 355(a)(1) and 355(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(a)(1))” and inserting “paragraphs (1) and (3) of section 3416(a) of the Consolidated Farm and Rural Development Act”.

(n) Section 2501A(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1(b)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(o) Section 7405(c)(8)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(8)(B)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(p) Section 1101(d)(2)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)(2)(A)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(q) Section 1302(d)(2)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)(2)(A)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(r) Section 2375(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6613(g)) is amended by striking “section 304(b), 306(a), or 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b), 1926(a), and 1932(e))” and inserting “subtitle B of the Consolidated Farm and Rural Development Act”.

(s) Section 226B(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(a)(1)) is amended by striking “section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(t) Section 196(i)(3)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)(3)(B)) is amended by striking “subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.)” and inserting “chapter 3 of subtitle A of the Consolidated Farm and Rural Development Act”.

(u) Section 9009(a)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(a)(1)) is amended by striking “section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(v) Section 9011(c)(2)(B)(v) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111(c)(2)(B)(v)) is amended by striking subclause (I) and inserting the following: “(I) beginning farmers (as defined in accordance with section 3002 of the Consolidated Farm and Rural Development Act); or”.

(w) Section 7(b)(2)(B) of the Small Business Act (15 U.S.C. 636(b)(2)(B)) is amended by striking “section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961)” and inserting “section 3301 of the Consolidated Farm and Rural Development Act”.

(x) Section 8(b)(5)(B)(iii)(III)(bb) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(iii)(III)(bb)) is amended by striking “section 355(e)(1) of the Con-

solidated Farm and Rural Development Act (7 U.S.C.A. § 2003(e)(1))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(y) Section 10(b)(3) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(3)) is amended in the last sentence by striking “set out in the first clause of section 306(a)(7) of the Consolidated Farm and Rural Development Act” and inserting “given the term in section 3002 of the Consolidated Farm and Rural Development Act”.

(z) Section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2)) is amended by striking “section 343(a)(8) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(8))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(aa) Section 1238(2) of the Food Security Act of 1985 (16 U.S.C. 3838(2)) is amended by striking “section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(bb) The first section of Public Law 91–229 (25 U.S.C. 488) is amended in subsection (a) by striking “make loans from the Farmers Home Administration Direct Loan Account created by section 338(c), and to make and insure loans as provided in sections 308 and 309, of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c), 1928, 1929),” and inserting “make loans under chapter 1 of subtitle A of the Consolidated Farm and Rural Development Act”.

(cc) Section 5 of Public Law 91–229 (25 U.S.C. 492) is amended by striking “section 307(a)(3)(B) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343” and inserting “3105(b)(2) of the Consolidated Farm and Rural Development Act”.

(dd) Section 6(c) of Public Law 91–229 (25 U.S.C. 493(c)) is amended by striking “section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b)” and inserting “subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.)”.

(ee) Section 181(a)(2)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking “section 2009aa–1 of title 7, United States Code” and inserting “section 3801 of the Consolidated Farm and Rural Development Act”.

(ff) Section 515(b)(3) of the Housing Act of 1949 (42 U.S.C. 1485(b)(3)) is amended by striking “all the provisions of section 309 and the second and third sentences of section 308 of the Consolidated Farmers Home Administration Act of 1961, including the authority in section 309(f)(1) of that Act” and inserting “section 3401 of the Consolidated Farm and Rural Development Act”.

(gg) Section 517(b) of the Housing Act of 1949 (42 U.S.C. 1487(b)) is amended in the third sentence by striking “(7 U.S.C. 1929)” and inserting “under section 3401 of the Consolidated Farm and Rural Development Act”.

(hh) Section 3(8) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(8)) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) the Delta Regional Authority established under chapter 4 of subtitle B of the Consolidated Farm and Rural Development Act;” and

(2) by striking subparagraph (D) and inserting the following:

“(D) the Northern Great Plains Regional Authority established under chapter 5 of subtitle B of the Consolidated Farm and Rural Development Act.”.

(ii) Section 310(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5153(a)) is amended by striking paragraph (4) and inserting the following:

“(4) Chapter 1 of subtitle B of the Consolidated Farm and Rural Development Act.”.

(jj) Section 582(d)(1) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 5154a(d)(1)) is amended by striking “section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a))” and inserting “section 3301(b) of the Consolidated Farm and Rural Development Act”.

(kk) Section 213(c)(1) of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8813(c)(1)) is amended in the first sentence by striking “section 309 of the Consolidated Farm and Rural Development Act or the Rural Development Insurance Fund in section 309A of such Act” and inserting “under section 3401 of the Consolidated Farm and Rural Development Act or the Rural Development Insurance Fund under section 3704 of that Act”.

(ll) Section 1323(b)(2) of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note) is amended—

(1) in subparagraph (A), by inserting “and” at the end;

(2) in subparagraph (B), by striking “; and” at the end and inserting a period; and

(3) by striking subparagraph (C).

Subtitle B—Rural Electrification

SEC. 6101. DEFINITION OF RURAL AREA.

Section 13(3) of the Rural Electrification Act of 1936 (7 U.S.C. 913(A)) is amended by striking subparagraph (A) and inserting the following:

“(A) any area described in section 3002(28)(A)(i) of the Consolidated Farm and Rural Development Act; and”.

SEC. 6102. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

Section 313A(f) of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1(f)) is amended by striking “2012” and inserting “2017”.

SEC. 6103. EXPANSION OF 911 ACCESS.

Section 315(d) of the Rural Electrification Act of 1936 (7 U.S.C. 940e(d)) is amended by striking “2012” and inserting “2017”.

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking “loans and” and inserting “grants, loans, and”;

(2) in subsection (b), by striking paragraph (3) and inserting the following:

“(3) RURAL AREA.—The term ‘rural area’ means any area described in section 3002 of the Consolidated Farm and Rural Development Act.”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “LOANS AND” and inserting “GRANTS, LOANS, AND”;

(B) in paragraph (1), by inserting “make grants and” after “Secretary shall”;

(C) by striking paragraph (2) and inserting the following:

“(2) PRIORITY.—

“(A) IN GENERAL.—In making grants or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the

broadband service, had no incumbent service provider.

“(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

“(i) with a population of less than 20,000 permanent residents;

“(ii) experiencing outmigration;

“(iii) with a high percentage of low-income residents; and

“(iv) that are isolated from other significant population centers.”; and

(D) by adding at the end the following:

“(3) GRANT AMOUNTS.—

“(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

“(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels; and

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education;

“(IV) private entities; and

“(V) philanthropic organizations.

“(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant).”;

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking “loan or” and inserting “grant, loan, or”;

(ii) in clause (ii), by striking “a loan application” and inserting “an application”; and

(iii) in clause (iii)—

(I) by striking “the loan application” and inserting “the application”; and

(II) by striking “proceeds from the loan made or guaranteed under this section are” and inserting “assistance under this section is”;

(B) in paragraph (2)(A), in the matter preceding clause (i)—

(i) by striking “the proceeds of a loan made or guaranteed” and inserting “assistance”; and

(ii) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”;

(C) by striking “loan or” each place it appears in paragraphs (2)(B), (3)(A), (4), (5), and (6) and inserting “grant, loan, or”;

(D) in paragraph (7), by striking “a loan application” and inserting “an application”; and

(E) by adding at the end the following:

“(8) TRANSPARENCY AND REPORTING.—The Secretary—

“(A) shall require any entity receiving assistance under this section to submit quar-

terly, in a format specified by the Secretary, a report that describes—

“(i) the use by the entity of the assistance; and

“(ii) the progress towards fulfilling the objectives for which the assistance was granted;

“(B) shall maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains, at a minimum—

“(i) a list of each entity that has applied for assistance under this section;

“(ii) a description of each application, including the status of each application;

“(iii) for each entity receiving assistance under this section—

“(I) the name of the entity;

“(II) the type of assistance being received;

“(III) the purpose for which the entity is receiving the assistance; and

“(IV) each quarterly report submitted under subparagraph (A); and

“(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

“(C) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Secretary, and award those funds competitively to new or existing applicants consistent with this section; and

“(D) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.”;

(5) in subsection (f), by striking “make a loan or loan guarantee” and inserting “provide assistance”;

(6) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking “loan and loan guarantee”;

(B) in paragraph (1), by inserting “grants and” after “number of”;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “loan”; and

(ii) in subparagraph (B), by striking “loans and” and inserting “grants, loans, and”; and

(D) in paragraph (3), by striking “loan”;

(7) in subsection (k)(1)—

(A) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(B) by striking “2012” and inserting “2017”; and

(8) in subsection (l)—

(A) by striking “loan or” and inserting “grant, loan, or”; and

(B) by striking “2012” and inserting “2017”.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-5) is amended by striking “2012” and inserting “2017”.

(B) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102-551 (7 U.S.C. 950aaa note) is amended by striking “2012” and inserting “2017”.

SEC. 6202. RURAL ENERGY SAVINGS PROGRAM.

Subtitle E of title VI of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 424) is amended by adding at the end the following:

“SEC. 6407. RURAL ENERGY SAVINGS PROGRAM.

“(a) PURPOSE.—The purpose of this section is to create jobs, promote rural development, and help rural families and small businesses

achieve cost savings by providing loans to qualified consumers to implement durable cost-effective energy efficiency measures.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) any public power district, public utility district, or similar entity, or any electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986, that borrowed and repaid, prepaid, or is paying an electric loan made or guaranteed by the Rural Utilities Service (or any predecessor agency);

“(B) any entity primarily owned or controlled by 1 or more entities described in subparagraph (A); or

“(C) any other entity that is an eligible borrower of the Rural Utility Service, as determined under section 1710.101 of title 7, Code of Federal Regulations (or a successor regulation).

“(2) ENERGY EFFICIENCY MEASURES.—The term ‘energy efficiency measures’ means, for or at property served by an eligible entity, structural improvements and investments in cost-effective, commercial technologies to increase energy efficiency.

“(3) QUALIFIED CONSUMER.—The term ‘qualified consumer’ means a consumer served by an eligible entity that has the ability to repay a loan made under subsection (d), as determined by the eligible entity.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Administrator of the Rural Utilities Service.

“(c) LOANS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make loans to eligible entities that agree to use the loan funds to make loans to qualified consumers for the purpose of implementing energy efficiency measures.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—As a condition of receiving a loan under this subsection, an eligible entity shall—

“(i) establish a list of energy efficiency measures that is expected to decrease energy use or costs of qualified consumers;

“(ii) prepare an implementation plan for use of the loan funds, including use of any interest to be received pursuant to subsection (d)(1)(A);

“(iii) provide for appropriate measurement and verification to ensure—

“(I) the effectiveness of the energy efficiency loans made by the eligible entity; and

“(II) that there is no conflict of interest in carrying out this section; and

“(iv) demonstrate expertise in effective use of energy efficiency measures at an appropriate scale.

“(B) REVISION OF LIST OF ENERGY EFFICIENCY MEASURES.—Subject to the approval of the Secretary, an eligible entity may update the list required under subparagraph (A)(i) to account for newly available efficiency technologies.

“(C) EXISTING ENERGY EFFICIENCY PROGRAMS.—An eligible entity that, at any time before the date that is 60 days after the date of enactment of this section, has established an energy efficiency program for qualified consumers may use an existing list of energy efficiency measures, implementation plan, or measurement and verification system of that program to satisfy the requirements of subparagraph (A) if the Secretary determines the list, plan, or systems are consistent with the purposes of this section.

“(3) NO INTEREST.—A loan under this subsection shall bear no interest.

“(4) REPAYMENT.—With respect to a loan under paragraph (1)—

“(A) the term shall not exceed 20 years from the date on which the loan is closed; and

“(B) except as provided in paragraph (6), the repayment of each advance shall be amortized for a period not to exceed 10 years.

“(5) AMOUNT OF ADVANCES.—Any advance of loan funds to an eligible entity in any single year shall not exceed 50 percent of the approved loan amount.

“(6) SPECIAL ADVANCE FOR START-UP ACTIVITIES.—

“(A) IN GENERAL.—In order to assist an eligible entity in defraying the appropriate start-up costs (as determined by the Secretary) of establishing new programs or modifying existing programs to carry out subsection (d), the Secretary shall allow an eligible entity to request a special advance.

“(B) AMOUNT.—No eligible entity may receive a special advance under this paragraph for an amount that is greater than 4 percent of the loan amount received by the eligible entity under paragraph (1).

“(C) REPAYMENT.—Repayment of the special advance—

“(i) shall be required during the 10-year period beginning on the date on which the special advance is made; and

“(ii) at the election of the eligible entity, may be deferred to the end of the 10-year period.

“(7) LIMITATION.—All special advances shall be made under a loan described in paragraph (1) during the first 10 years of the term of the loan.

“(d) LOANS TO QUALIFIED CONSUMERS.—

“(1) TERMS OF LOANS.—Loans made by an eligible entity to qualified consumers using loan funds provided by the Secretary under subsection (c)—

“(A) may bear interest, not to exceed 3 percent, to be used for purposes that include—

“(i) to establish a loan loss reserve; and

“(ii) to offset personnel and program costs of eligible entities to provide the loans;

“(B) shall finance energy efficiency measures for the purpose of decreasing energy usage or costs of the qualified consumer by an amount that ensures, to the maximum extent practicable, that a loan term of not more than 10 years will not pose an undue financial burden on the qualified consumer, as determined by the eligible entity;

“(C) shall not be used to fund purchases of, or modifications to, personal property unless the personal property is or becomes attached to real property (including a manufactured home) as a fixture;

“(D) shall be repaid through charges added to the electric bill for the property for, or at which, energy efficiency measures are or will be implemented, on the condition that this requirement does not prohibit—

“(i) the voluntary prepayment of a loan by the owner of the property; or

“(ii) the use of any additional repayment mechanisms that are—

“(I) demonstrated to have appropriate risk mitigation features, as determined by the eligible entity; or

“(II) required if the qualified consumer is no longer a customer of the eligible entity; and

“(E) shall require an energy audit by an eligible entity to determine the impact of proposed energy efficiency measures on the energy costs and consumption of the qualified consumer.

“(2) CONTRACTORS.—In addition to any other qualified general contractor, eligible entities may serve as general contractors.

“(e) CONTRACT FOR MEASUREMENT AND VERIFICATION, TRAINING, AND TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary—

“(A) shall establish a plan for measurement and verification, training, and technical assistance of the program; and

“(B) may enter into 1 or more contracts with a qualified entity for the purposes of—

“(i) providing measurement and verification activities; and

“(ii) developing a program to provide technical assistance and training to the employees of eligible entities to carry out this section.

“(2) USE OF SUBCONTRACTORS AUTHORIZED.—A qualified entity that enters into a contract under paragraph (1) may use subcontractors to assist the qualified entity in carrying out the contract.

“(f) FAST START DEMONSTRATION PROJECTS.—

“(1) IN GENERAL.—The Secretary shall offer to enter into agreements with eligible entities (or groups of eligible entities) that have energy efficiency programs described in subsection (c)(2)(C) to establish an energy efficiency loan demonstration projects consistent with the purposes of this section.

“(2) EVALUATION CRITERIA.—In determining which eligible entities to award loans under this section, the Secretary shall take into consideration eligible entities that—

“(A) implement approaches to energy audits and investments in energy efficiency measures that yield measurable and predictable savings;

“(B) use measurement and verification processes to determine the effectiveness of energy efficiency loans made by eligible entities;

“(C) include training for employees of eligible entities, including any contractors of such entities, to implement or oversee the activities described in subparagraphs (A) and (B);

“(D) provide for the participation of a majority of eligible entities in a State;

“(E) reduce the need for generating capacity;

“(F) provide efficiency loans to—

“(i) in the case of a single eligible entity, not fewer than 20,000 consumers; or

“(ii) in the case of a group of eligible entities, not fewer than 80,000 consumers; and

“(G) serve areas in which, as determined by the Secretary, a large percentage of consumers reside—

“(i) in manufactured homes; or

“(ii) in housing units that are more than 50 years old.

“(3) DEADLINE FOR IMPLEMENTATION.—To the maximum extent practicable, the Secretary shall enter into agreements described in paragraph (1) by not later than 90 days after the date of enactment of this section.

“(4) EFFECT ON AVAILABILITY OF LOANS NATIONALLY.—Nothing in this subsection shall delay the availability of loans to eligible entities on a national basis beginning not later than 180 days after the date of enactment of this section.

“(5) ADDITIONAL DEMONSTRATION PROJECT AUTHORITY.—

“(A) IN GENERAL.—The Secretary may conduct demonstration projects in addition to the project required by paragraph (1).

“(B) INAPPLICABILITY OF CERTAIN CRITERIA.—The additional demonstration projects may be carried out without regard to subparagraphs (D), (F), or (G) of paragraph (2).

“(g) ADDITIONAL AUTHORITY.—The authority provided in this section is in addition to any other authority of the Secretary to offer loans under any other law.

“(h) EFFECTIVE PERIOD.—Subject to the availability of funds and except as otherwise provided in this section, the loans and other expenditures required to be made under this section shall be available until expended, with the Secretary authorized to make new loans as loans are repaid.

“(i) REGULATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate such regulations as are necessary to implement this section.

“(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

“(A) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

“(B) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’).

“(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

“(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), to the extent regulations are necessary to carry out any provision of this section, the Secretary shall implement such regulations through the promulgation of an interim rule.”

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking “2012” and inserting “2017”.

(b) DUTIES OF NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.—Section 1408(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(c)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4)(C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Secretary based on that consultation.”

SEC. 7102. SPECIALTY CROP COMMITTEE.

Section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) is amended—

(1) in subsection (b)—

(A) by striking “Individuals” and inserting the following:

“(1) ELIGIBILITY.—Individuals”;

(B) by striking “Members” and inserting the following:

“(2) SERVICE.—Members”; and

(C) by adding at the end the following:

“(3) DIVERSITY.—Membership of the specialty crops committee shall reflect diversity in the specialty crops represented.”;

(2) in subsection (c), by adding at the end the following:

“(6) Analysis of alignment of specialty crop committee recommendations with specialty crop research initiative grants awarded under section 412(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632).”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

“(d) CONSULTATION WITH SPECIALTY CROP INDUSTRY.—In studying the scope and effectiveness of programs under subsection (a), the specialty crops committee shall consult on an ongoing basis with diverse sectors of the specialty crop industry.”; and

(5) in subsection (f) (as redesignated by paragraph (3)), by striking “subsection (d)” and inserting “subsection (e)”.

SEC. 7103. VETERINARY SERVICES GRANT PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1415A (7 U.S.C. 3151a) the following:

“SEC. 1415B. VETERINARY SERVICES GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) QUALIFIED ENTITY.—The term ‘qualified entity’ means—

“(A) a for-profit or nonprofit entity located in the United States that operates a veterinary clinic providing veterinary services—

“(i) in a rural area, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)); and

“(ii) in response to a veterinarian shortage situation;

“(B) a State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association;

“(C) a college or school of veterinary medicine accredited by the American Veterinary Medical Association;

“(D) a university research foundation or veterinary medical foundation;

“(E) a department of veterinary science or department of comparative medicine accredited by the Department of Education;

“(F) a State agricultural experiment station; and

“(G) a State, local, or tribal government agency.

“(2) VETERINARIAN SHORTAGE SITUATION.—The term ‘veterinarian shortage situation’ means a veterinarian shortage situation determined by the Secretary under section 1415A(b).

“(b) ESTABLISHMENT OF PROGRAM.—

“(1) COMPETITIVE GRANTS.—The Secretary shall carry out a program to make competitive grants to qualified entities that carry out programs or activities described in paragraph (2) for the purpose of developing, implementing, and sustaining veterinary services.

“(2) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant described in paragraph (1), a qualified entity shall carry out programs or activities that the Secretary determines will—

“(A) substantially relieve veterinarian shortage situations;

“(B) support or facilitate private veterinary practices engaged in public health activities; or

“(C) support or facilitate the practices of veterinarians who are participating in or have successfully completed a service requirement under section 1415A(a)(2).

“(c) AWARD PROCESSES AND PREFERENCES.—

“(1) APPLICATION, EVALUATION, AND INPUT PROCESSES.—In administering the grant program under this section, the Secretary shall—

“(A) use an appropriate application and evaluation process, as determined by the Secretary; and

“(B) seek the input of interested persons.

“(2) GRANT PREFERENCES.—In selecting recipients of grants to be used for any of the purposes described in paragraphs (2) through (6) of subsection (d), the Secretary shall give a preference to qualified entities that provide documentation of coordination with other qualified entities, with respect to any such purpose.

“(3) ADDITIONAL PREFERENCES.—In awarding grants under this section, the Secretary may develop additional preferences by taking into account the amount of funds available for grants and the purposes for which the grant funds will be used.

“(4) APPLICABILITY OF OTHER PROVISIONS.—Sections 1413B, 1462(a), 1469(a)(3), 1469(c), and 1470 apply to the administration of the grant program under this section.

“(d) USE OF GRANTS TO RELIEVE VETERINARIAN SHORTAGE SITUATIONS AND SUPPORT VETERINARY SERVICES.—A qualified entity may use funds provided by grants under this section to relieve veterinarian shortage situations and support veterinary services for the following purposes:

“(1) To assist veterinarians with establishing or expanding practices for the purpose of—

“(A) equipping veterinary offices;

“(B) sharing in the reasonable overhead costs of the practices, as determined by the Secretary; or

“(C) establishing mobile veterinary facilities in which a portion of the facilities will address education or extension needs.

“(2) To promote recruitment (including for programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.

“(3) To allow veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses described in 1415A(c)(5)) to attend training programs in food safety or food animal medicine.

“(4) To establish or expand accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs carried out in coordination with accredited colleges of veterinary medicine.

“(5) To assess veterinarian shortage situations and the preparation of applications submitted to the Secretary for designation as a veterinarian shortage situation under section 1415A(b).

“(6) To provide continuing education and extension, including veterinary telemedicine and other distance-based education, for veterinarians, veterinary technicians, and other health professionals needed to strengthen veterinary programs and enhance food safety.

“(e) SPECIAL REQUIREMENTS FOR CERTAIN GRANTS.—

“(1) TERMS OF SERVICE REQUIREMENTS.—

“(A) IN GENERAL.—Grants provided under this section for the purpose specified in subsection (d)(1) shall be subject to an agreement between the Secretary and the grant recipient that includes a required term of service for the recipient, as established by the Secretary.

“(B) CONSIDERATIONS.—In establishing a term of service under subparagraph (A), the Secretary shall consider only—

“(i) the amount of the grant awarded; and

“(ii) the specific purpose of the grant.

“(2) BREACH REMEDIES.—

“(A) IN GENERAL.—An agreement under paragraph (1) shall provide remedies for any breach of the agreement by the grant recipient, including repayment or partial repayment of the grant funds, with interest.

“(B) WAIVER.—The Secretary may grant a waiver of the repayment obligation for breach of contract if the Secretary determines that the grant recipient demonstrates extreme hardship or extreme need.

“(C) TREATMENT OF AMOUNTS RECOVERED.—Funds recovered under this paragraph shall—

“(i) be credited to the account available to carry out this section; and

“(ii) remain available until expended.

“(f) COST-SHARING REQUIREMENTS.—

“(1) RECIPIENT SHARE.—Subject to paragraph (2), to be eligible to receive a grant under this section, a qualified entity shall provide matching non-Federal funds, either in cash or in-kind support, in an amount equal to not less than 25 percent of the Federal funds provided by the grant.

“(2) WAIVER.—The Secretary may establish, by regulation, conditions under which the cost-sharing requirements of paragraph (1) may be reduced or waived.

“(g) PROHIBITION ON USE OF GRANT FUNDS FOR CONSTRUCTION.—Funds made available for grants under this section may not be used—

“(1) to construct a new building or facility; or

“(2) to acquire, expand, remodel, or alter an existing building or facility, including site grading and improvement and architect fees.

“(h) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for fiscal year 2013 and each fiscal year thereafter, to remain available until expended.”.

SEC. 7104. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURE SCIENCES EDUCATION.

Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(m)) is amended by striking “section \$60,000,000” and all that follows and inserting the following: “section—

“(1) \$60,000,000 for each of fiscal years 1990 through 2012; and

“(2) \$40,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7105. AGRICULTURAL AND FOOD POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in the section heading, by inserting “AGRICULTURAL AND FOOD” before “POLICY”; and

(2) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “Secretary may” and inserting “Secretary shall, acting through the Office of the Chief Economist,”; and

(B) by inserting “with a history of providing unbiased, nonpartisan economic analysis to Congress” after “subsection (b)”;

(3) in subsection (b), by striking “other research institutions” and all that follows

through “shall be eligible” and inserting “other public research institutions and organizations shall be eligible”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, with preference given to policy research centers having extensive databases, models, and demonstrated experience in providing Congress with agricultural market projections, rural development analysis, agricultural policy analysis, and baseline projections at the farm, multiregional, national, and international levels,” after “with this section”; and

(B) in paragraph (2) by inserting “applied” after “theoretical”; and

(5) by striking subsection (d) and inserting the following: “

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.”.

SEC. 7106. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS.

Section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “(or grants without regard to any requirement for competition)”; and

(B) in paragraph (3), by striking “2012” and inserting “2017”; and

(2) in subsection (b)(1), by striking “(or grants without regard to any requirement for competition)”; and

(3) in paragraph (3), by striking “2012” and inserting “2017”.

SEC. 7107. NUTRITION EDUCATION PROGRAM.

Section 1425(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(f)) is amended by striking “2012” and inserting “2017”.

SEC. 7108. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by striking the section designation and heading and all that follows through subsection (a) and inserting the following:

“SEC. 1433. APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

“(a) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated to support continuing animal health and disease research programs at eligible institutions such sums as are necessary, but not to exceed \$25,000,000 for each of fiscal years 1991 through 2017.

“(2) **USE OF FUNDS.**—Funds made available under this section shall be used—

“(A) to meet the expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the Act of March 4, 1940 (7 U.S.C. 331);

“(B) for administrative planning and direction; and

“(C) to purchase equipment and supplies necessary for conducting research described in subparagraph (A).”.

SEC. 7109. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking “2012” and inserting “2017”.

SEC. 7110. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

Section 1447B(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b-2(d)) is amended by striking “2012” and inserting “2017”.

SEC. 7111. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking “2012” and inserting “2017”.

SEC. 7112. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b) is amended by striking subsection (c) and inserting the following: “

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2012; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7113. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended in each of subsections (a) and (b) by striking “2012” each place it appears and inserting “2017”.

SEC. 7114. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking “2012” and inserting “2017”.

SEC. 7115. SUPPLEMENTAL AND ALTERNATIVE CROPS.

(a) **AUTHORIZATION OF APPROPRIATIONS AND TERMINATION.**—Section 1473D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d) is amended—

(1) in subsection (a), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for fiscal year 2012; and

“(2) \$1,000,000 for each of fiscal years 2013 through 2017.”.

(b) **COMPETITIVE GRANTS.**—Section 1473D(c)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(1)) is amended by striking “use such research funding, special or competitive grants, or other means, as the Secretary determines,” and inserting “make competitive grants”.

SEC. 7116. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Section 1473F(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319i(b)) is amended by striking “2012” and inserting “2017”.

SEC. 7117. AQUACULTURE ASSISTANCE PROGRAMS.

(a) **COMPETITIVE GRANTS.**—Section 1475(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(b)) is amended in the matter preceding paragraph (1) by inserting “competitive” before “grants”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended to read as follows: “

“SEC. 1477. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this subtitle—

“(1) \$7,500,000 for each of fiscal years 1991 through 2012; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017.

“(b) **PROHIBITION ON USE.**—Funds made available under this section may not be used to acquire or construct a building.”.

SEC. 7118. RANGELAND RESEARCH PROGRAMS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) \$10,000,000 for each of fiscal years 1991 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7119. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking “response such sums as are necessary” and all that follows and inserting the following: “response—

“(1) such sums as are necessary for each of fiscal years 2002 through 2012; and

“(2) \$20,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7120. DISTANCE EDUCATION AND RESIDENT INSTRUCTION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) **DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.**—

(1) **COMPETITIVE GRANTS.**—Section 1490(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(a)) is amended by striking “or noncompetitive”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

(b) **RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.**—Section 1491(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363(c)) is amended by striking “such sums as are necessary” and all that follows and inserting the following: “to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. BEST UTILIZATION OF BIOLOGICAL APPLICATIONS.

Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended—

(1) by striking “\$40,000,000 for each fiscal year”; and

(2) by inserting “\$40,000,000 for each of fiscal years 2012 through 2017” after “chapter”.

SEC. 7202. INTEGRATED MANAGEMENT SYSTEMS.

Section 1627 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821) is amended by striking subsection (d) and inserting the following:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to

carry out this section through the National Institute of Food and Agriculture \$20,000,000 for each of fiscal years 2012 through 2017.”.

SEC. 7203. SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM.

Section 1628 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831) is amended by striking subsection (f) and inserting the following:

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2012 through 2017.”.

SEC. 7204. NATIONAL TRAINING PROGRAM.

Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended by striking subsection (i) and inserting the following:

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the National Training Program \$20,000,000 for each of fiscal years 2012 through 2017.”.

SEC. 7205. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended—

(1) by striking “such funds as may be necessary”; and

(2) by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) such sums as are necessary for each of fiscal years 1991 through 2012; and

“(2) \$1,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7206. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by inserting “and \$1,000,000 for each of fiscal years 2013 through 2017” before the period at the end.

SEC. 7207. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking “subsections (e) through (i) of”;

(2) in subsection (b)(2)—

(A) by striking the first sentence and inserting the following:

“(A) **IN GENERAL.**—To facilitate the making of research and extension grants under subsection (d), the Secretary may appoint a task force to make recommendations to the Secretary.”; and

(B) in the second sentence, by striking “The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with each” and inserting the following:

“(B) **COSTS.**—The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with a”;

(3) in subsection (e)—

(A) by striking paragraphs (1) through (5), (7), (8), (11) through (39), (41) through (43), (47), (48), (51), and (52); and

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively;

(4) by striking subsections (f), (g), and (i);

(5) by inserting after subsection (e) the following:

“(f) **PULSE HEALTH INITIATIVE.**—

“(1) **DEFINITIONS.**—In this subsection;

“(A) **INITIATIVE.**—The term ‘Initiative’ means the pulse health initiative established by paragraph (2).

“(B) **PULSE.**—The term ‘pulse’ means dry beans, dry peas, lentils, and chickpeas or garbanzo beans.

“(2) **ESTABLISHMENT.**—Notwithstanding any other provision of law, during the period beginning on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 and ending on September 30, 2017, the Secretary shall carry out a pulse crop health and extension initiative to address the critical needs of the pulse crop industry by developing and disseminating science-based tools and information, including—

“(A) research in health and nutrition, such as—

“(i) identifying global dietary patterns of pulse crops in relation to population health;

“(ii) researching pulse crop diets and the ability of the diets to reduce obesity and associated chronic disease (including cardiovascular disease, type 2 diabetes, and cancer); and

“(iii) identifying the underlying mechanisms of the health benefits of pulse crop consumption (including disease biomarkers, bioactive components, and relevant plant genetic components to enhance the health promoting value of pulse crops);

“(B) research in functionality, such as—

“(i) improving the functional properties of pulse crops and pulse fractions;

“(ii) developing new and innovative technologies to improve pulse crops as an ingredient in food products; and

“(iii) developing nutrient-dense food product solutions to ameliorate chronic disease and enhance food security worldwide;

“(C) research in sustainability to enhance global food security, such as—

“(i) plant breeding, genetics and genomics to improve productivity, nutrient density, and phytonutrient content for a growing world population;

“(ii) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

“(iii) improving nitrogen fixation to reduce the carbon and energy footprint of agriculture;

“(D) optimizing pulse cropping systems to reduce water usage; and

“(E) education and technical service, such as—

“(i) providing technical expertise to help food companies include nutrient-dense pulse crops in innovative and healthy foods; and

“(ii) establishing an educational program to encourage the consumption and production of pulse crops in the United States and other countries.

“(3) **ELIGIBLE ENTITIES.**—The Secretary may carry out the Initiative through—

“(A) Federal agencies, including the Agricultural Research Service and the National Institute of Food and Agriculture;

“(B) National Laboratories;

“(C) institutions of higher education;

“(D) research institutions or organizations;

“(E) private organizations or corporations;

“(F) State agricultural experiment stations;

“(G) individuals; or

“(H) groups consisting of 2 or more entities or individuals described in subparagraphs (A) through (G).

“(4) **RESEARCH PROJECT GRANTS.**—

“(A) **IN GENERAL.**—In carrying out this subsection, the Secretary shall award grants on a competitive basis.

“(B) **IN GENERAL.**—The Secretary shall—

“(i) seek and accept proposals for grants;

“(ii) determine the relevance and merit of proposals through a system of peer review, in

consultation with the pulse crop industry; and

“(iii) award grants on the basis of merit, quality, and relevance.

“(C) **PRIORITIES.**—In making grants under this subsection, the Secretary shall provide a higher priority to projects that—

“(i) are multistate, multiinstitutional, and multidisciplinary; and

“(ii) include explicit mechanisms to communicate results to the pulse crop industry and the public.

“(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$25,000,000 for each of fiscal years 2013 through 2017.

“(g) **TRAINING COORDINATION FOR FOOD AND AGRICULTURE PROTECTION.**—

“(1) **IN GENERAL.**—The Secretary shall make grants and enter into contracts or cooperative agreements with eligible entities described in paragraph (2) for the purposes of establishing a Comprehensive Food Safety Training Network.

“(2) **ELIGIBILITY.**—

“(A) **IN GENERAL.**—For purposes of this subsection, an eligible entity is a multiinstitutional consortium that includes—

“(i) a nonprofit institution that provides administering food protection training; and

“(ii) 1 or more training centers in institutions of higher education that have demonstrated expertise in developing and delivering community-based training in food and agricultural safety and defense.

“(B) **REQUIREMENTS.**—To ensure that coordination and administration is provided across all the disciplines and provide comprehensive food protection training, the Secretary may only consider an entire consortium collectively rather than on an institution-by-institution basis.

“(C) **MEMBERSHIP.**—An eligible entity may alter the consortium membership to meet specific training expertise needs.

“(3) **DUTIES OF ELIGIBLE ENTITY.**—As a condition of the receipt of assistance under this subsection, an eligible entity, in cooperation with the Secretary, shall establish and maintain the network for an internationally integrated training system to enhance protection of the United States food supply, including, at a minimum—

“(A) developing curricula and a training network to provide basic, technical, management, and leadership training to regulatory and public health officials, producers, processors, and other agrifood businesses;

“(B) serving as the hub for the administration of an open training network;

“(C) implementing standards to ensure the delivery of quality training through a national curricula;

“(D) building and overseeing a nationally recognized instructor cadre to ensure the availability of highly qualified instructors;

“(E) reviewing training proposed through the National Institute of Food and Agriculture and other relevant Federal agencies that report to the Secretary on the quality and content of proposed and existing courses;

“(F) assisting Federal agencies in the implementation of food protection training requirements including requirements contained in the Agriculture Reform, Food, and Jobs Act of 2012, the FDA Food Safety Modernization Act (Public Law 111-353; 124 Stat. 3885), and amendments made by those Acts; and

“(G) performing evaluation and outcome-based studies to provide to the Secretary feedback on the effectiveness and impact of training and metrics on jurisdictions and sectors within the food safety system.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”;

(6) in subsection (h), by striking “2012” each place it appears and inserting “2017”;

(7) by redesignating subsection (j) as subsection (i); and

(8) in subsection (i) (as so redesignated), by striking “2012” and inserting “2017”.

SEC. 7208. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, education,” after “support research”;

(B) in paragraph (1), by inserting “and improvement” after “development”;

(C) in paragraph (2), by striking “to producers and processors who use organic methods” and inserting “of organic agricultural production and methods to producers, processors, and rural communities”;

(D) in paragraph (5), by inserting “and researching solutions to” after “identifying”;

and

(E) in paragraph (6), by striking “and marketing” and inserting “, marketing, and food safety”;

(2) by striking subsection (e);

(3) by redesignating subsection (f) as subsection (e); and

(4) in subsection (e) (as so redesignated)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) \$16,000,000 for each of fiscal years 2013 through 2017.”; and

(B) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 7209. FARM BUSINESS MANAGEMENT.

Section 1672D(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925d(d)) is amended by striking “such sums as are necessary to carry out this section.” and inserting the following: “to carry out this section—

“(1) such sums as are necessary for fiscal year 2012; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7210. REGIONAL CENTERS OF EXCELLENCE.

Subtitle H of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672D (7 U.S.C. 5925) the following:

“SEC. 1673. REGIONAL CENTERS OF EXCELLENCE.

“(a) ESTABLISHMENT.—The Secretary may prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding.

“(b) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))) that provide financial support to the regional center of excellence.

“(c) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

“(1) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative

efforts regarding research, teaching, and extension;

“(2) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

“(3) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

“(4) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

“(5) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine, and NLGCA Institutions).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7211. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended—

(1) by striking “is” and inserting “are”;

and

(2) by striking “section” and all that follows and inserting the following: “section—

“(A) \$6,000,000 for each of fiscal years 1999 through 2012; and

“(B) \$5,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking “2012” and inserting “2017”.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

Section 103(a)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)(2)) is amended—

(1) by striking the paragraph designation and heading and inserting the following:

“(2) RELEVANCE AND MERIT REVIEW OF RESEARCH, EXTENSION, AND EDUCATION GRANTS.—

“(i) in subparagraph (A)—

(A) by inserting “relevance and” before “merit”; and

(B) by striking “extension or education” and inserting, “research, extension, or education”; and

(3) in subparagraph (B) by inserting “on a continuous basis” after “procedures”.

SEC. 7302. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking “2012” and inserting “2017”.

SEC. 7303. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking “such sums as may be necessary for each of fiscal years 1999 through 2012” and inserting “\$10,000,000 for each of fiscal years 2013 through 2017”.

SEC. 7304. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(d)) is amended by striking “section such sums as are necessary” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$3,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7305. SPECIALTY CROP RESEARCH INITIATIVE.

Section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632) is amended—

(1) in subsection (b)(3), by inserting “handling and processing,” after “production efficiency,”;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by inserting after subparagraph (C) the following:

“(D) consult with the specialty crops committee authorized under section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) during the peer and merit review process.”; and

(B) in paragraph (3), by striking “non-Federal” and all that follows through the end of the paragraph and inserting “other sources in an amount that is at least equal to the amount provided by a grant received under this section.”; and

(3) in subsection (h)—

(A) in paragraph (1)—

(i) by striking “(1) IN GENERAL.—Of the funds” and inserting the following:

“(1) MANDATORY FUNDING.—

“(A) IN GENERAL.—Of the funds”; and

(ii) by adding at the end the following:

“(B) SUBSEQUENT FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

“(i) \$25,000,000 for fiscal year 2013;

“(ii) \$30,000,000 for each of fiscal years 2014 and 2015;

“(iii) \$65,000,000 for fiscal year 2016; and

“(iv) \$50,000,000 for fiscal year 2017 and each fiscal year thereafter.”; and

(B) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 7306. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642(e)) is amended by striking “2012” and inserting “2017”.

SEC. 7307. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2012; and

“(2) \$3,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7308. AUTHORIZATION OF REGIONAL INTEGRATED PEST MANAGEMENT CENTERS.

Subtitle B of title VI of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7651 et seq.) is amended by adding at the end the following:

“SEC. 621. AUTHORIZATION OF REGIONAL INTEGRATED PEST MANAGEMENT CENTERS.

“(a) IN GENERAL.—There are established 4 regional integrated pest management centers (referred to in this section as the ‘Centers’), which shall be located at such specific locations in the north central, northeastern, southern, and western regions of the United States as the Secretary shall specify.

“(b) PURPOSES.—The purposes of the Centers shall be—

“(1) to strengthen the connection of the Department with production agriculture, research, and extension programs, and agricultural stakeholders throughout the United States;

“(2) to increase the effectiveness of providing pest management solutions for the private and public sectors;

“(3) to quickly respond to information needs of the public and private sectors; and

“(4) to improve communication among the relevant stakeholders.

“(c) DUTIES.—In meeting the purposes described in subsection (b) and otherwise carrying out this section, the Centers shall—

“(1) develop regional strategies to address pest management needs;

“(2) assist the Department and partner institutions of the Department in identifying, prioritizing, and coordinating a national pest management research, extension, and education program implemented on a regional basis;

“(3) establish a national pest management communication network that includes—

“(A) the agencies of the Department and other government agencies;

“(B) scientists at institutions of higher education; and

“(C) stakeholders focusing on pest management issues;

“(4) serve as regional hubs responsible for ensuring efficient access to pest management expertise and data available through institutions of higher education; and

“(5) on behalf of the Department, manage grants that can be most effectively and efficiently delivered at the regional level, as determined by the Secretary.”.

Subtitle D—Other Laws

SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “Act” and all that follows and inserting the following: “Act—

“(1) such sums as are necessary for each of fiscal years 1991 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended to read as follows:

“SEC. 532. DEFINITION OF 1994 INSTITUTIONS.

“In this part, the term ‘1994 Institutions’ means any 1 of the following:

“(1) Aaniiih Nakoda College.

“(2) Bay Mills Community College.

“(3) Blackfeet Community College.

“(4) Cankdeska Cikana Community College.

“(5) Chief Dull Knife Memorial College.

“(6) College of Menominee Nation.

“(7) College of the Muscogee Nation.

“(8) Comanche Nation College.

“(9) D-Q University.

“(10) Dine College.

“(11) Fond du Lac Tribal and Community College.

“(12) Fort Berthold Community College.

“(13) Fort Peck Community College.

“(14) Haskell Indian Nations University.

“(15) Iisagvik College.

“(16) Institute of American Indian and Alaska Native Culture and Arts Development.

“(17) Keweenaw Bay Ojibwa Community College.

“(18) Lac Courte Oreilles Ojibwa Community College.

“(19) Leech Lake Tribal College.

“(20) Little Big Horn College.

“(21) Little Priest Tribal College.

“(22) Navajo Technical College.

“(23) Nebraska Indian Community College.

“(24) Northwest Indian College.

“(25) Oglala Lakota College.

“(26) Saginaw Chippewa Tribal College.

“(27) Salish Kootenai College.

“(28) Sinte Gleska University.

“(29) Sisseton Wahpeton College.

“(30) Sitting Bull College.

“(31) Southwestern Indian Polytechnic Institute.

“(32) Stone Child College.

“(33) Tohono O’odham Community College.

“(34) Turtle Mountain Community College.

“(35) United Tribes Technical College.

“(36) White Earth Tribal and Community College.”.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—

(1) IN GENERAL.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(A) in subsection (a)(2)(A)(ii), by striking “of such Act as added by section 534(b)(1) of this part” and inserting “of that Act (7 U.S.C. 343(b)(3)) and for programs for children, youth, and families at risk and for Federally recognized tribes implemented under section 3(d) of that Act (7 U.S.C. 343(d))”; and

(B) in subsection (b), in the first sentence by striking “2012” and inserting “2017”.

(2) CONFORMING AMENDMENT.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended in the second sentence by inserting “and, in the case of programs for children, youth, and families at risk and for Federally recognized tribes, the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)),” before “may compete for”.

(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking “2012” each place it appears in subsections (b)(1) and (c) and inserting “2017”.

(d) RESEARCH GRANTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended in the first sentence by striking “2012” and inserting “2017”.

(2) RESEARCH GRANT REQUIREMENTS.—Section 536(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking “with at least 1 other land-grant college or university” and all that follows and inserting the following: “with—

“(1) the Agricultural Research Service of the Department of Agriculture; or

“(2) at least 1—

“(A) other land-grant college or university (exclusive of another 1994 Institution);

“(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

“(C) cooperating forestry school (as defined in that section).”.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (d)(2) take effect on October 1, 2012.

SEC. 7403. RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking “2012” and inserting “2017”.

SEC. 7404. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.

Section 2 of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(1)(A), in the matter preceding clause (i), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(1) STREAMLINING GRANT APPLICATION PROCESS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to Congress a report that includes—

“(1) an analysis of barriers that exist in the competitive grants process administered by the National Institute of Food and Agriculture that prevent eligible institutions and organizations with limited institutional capacity from successfully applying and competing for competitive grants; and

“(2) specific recommendations for future steps that the Department can take to streamline the competitive grants application process so as to remove the barriers and increase the success rates of applicants described in paragraph (1).”.

SEC. 7405. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM UNDER DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994.

Section 308(b)(6) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a note; Public Law 103-354) is amended by striking subparagraph (A) and inserting the following:

“(A) on September 30, 2017; or”.

SEC. 7406. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking “2012” and inserting “2017”.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95-306) is amended by striking “2012” and inserting “2017”.

SEC. 7407. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking “2012” each place it appears and inserting “2017”.

SEC. 7408. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM UNDER FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)(8)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) beginning farmers and ranchers who are veterans (as defined in section 101 of title 38, United States Code).”; and

(2) in subsection (h)—
 (A) in paragraph (1)—
 (i) in subparagraph (A), by striking “and” at the end;
 (ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and
 (iii) by adding at the end the following:
 “(C) \$50,000,000 for fiscal year 2013, to remain available until expended.”; and
 (B) in paragraph (2), by striking “2012” and inserting “2017”.

Subtitle E—Food, Conservation, and Energy Act of 2008

PART I—AGRICULTURAL SECURITY

SEC. 7501. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

Section 14112 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8912) is amended by striking subsection (c) and inserting the following:

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7502. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPARATION, AND RESPONSE.

Section 14113 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8913) is amended—

(1) in subsection (a)(2)—

(A) by striking “such sums as may be necessary”; and

(B) by striking “subsection” and all that follows and inserting the following: “subsection—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$15,000,000 for each of fiscal years 2013 through 2017.”; and

(2) in subsection (b)(2), by striking “is authorized to be appropriated to carry out this subsection” and all that follows and inserting the following: “are authorized to be appropriated to carry out this subsection—

“(1) \$25,000,000 for each of fiscal years 2008 through 2012; and

“(2) \$15,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7503. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

Section 14121(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8921(b)) is amended by striking “is authorized to be appropriated to carry out this section” and all that follows and inserting the following: “are authorized to be appropriated to carry out this section—

“(1) \$50,000,000 for each of fiscal years 2008 through 2012; and

“(2) \$15,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7504. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

Section 14122(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8922(e)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012, to remain available until expended; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”.

PART II—MISCELLANEOUS

SEC. 7511. GRAZINGLANDS RESEARCH LABORATORY.

Section 7502 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 112 Stat. 2019) is amended by striking “for the 5-year period beginning on the date of enactment of this Act” and inserting “until September 30, 2017”.

SEC. 7512. BUDGET SUBMISSION AND FUNDING.

Section 7506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614c) is amended—

(1) in subsection (a)—

(A) by striking “(a) **DEFINITION OF COMPETITIVE PROGRAMS.**—In this section, the term”; and inserting the following:

“(a) **DEFINITIONS.**—In this section:

“(1) **COMPETITIVE PROGRAMS.**—The term”; and

(B) by adding at the end the following:

“(2) **COVERED PROGRAM.**—The term ‘covered program’ means—

“(A) each research program carried out by the Agricultural Research Service or the Economic Research Service for which annual appropriations are requested in the annual budget submission of the President; and

“(B) each competitive program (as defined in section 251(f)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1))) carried out by the National Institute of Food and Agriculture for which annual appropriations are requested in the annual budget submission of the President.

“(3) **REQUEST FOR AWARDS.**—The term ‘request for awards’ means a funding announcement published by the National Institute of Food and Agriculture that provides detailed information on funding opportunities at the Institute, including the purpose, eligibility, restriction, focus areas, evaluation criteria, regulatory information, and instructions on how to apply for such opportunities.”; and

(2) by adding at the end the following:

“(e) **ADDITIONAL PRESIDENTIAL BUDGET SUBMISSION REQUIREMENT.**—

“(1) **IN GENERAL.**—Each year, the President shall submit to Congress, together with the annual budget submission of the President, the information described in paragraph (2) for each funding request for a covered program.

“(2) **INFORMATION DESCRIBED.**—The information described in this paragraph includes—

“(A) baseline information, including with respect to each covered program—

“(i) the funding level for the program for the fiscal year preceding the year the annual budget submission of the President is submitted;

“(ii) the funding level requested in the annual budget submission of the President, including any increase or decrease in the funding level; and

“(iii) an explanation justifying any change from the funding level specified in clause (i) to the level specified in clause (ii);

“(B) with respect to each covered program that is carried out by the Economic Research Service or the Agricultural Research Service, the location and staff years of the program;

“(C) the proposed funding levels to be allocated to, and the expected publication date, scope, and allocation level for, each request for awards to be published under—

“(i) each priority area specified in section 2(b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(2));

“(ii) each research and extension project carried out under section 1621(a) of the Food,

Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(a));

“(iii) each grant awarded under section 1672B(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(a));

“(iv) each grant awarded under section 412(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(b)); and

“(v) each grant awarded under 7405(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(1)); or

“(D) any other information the Secretary determines will increase congressional oversight with respect to covered programs.

“(3) **PROHIBITION.**—Unless the President submits the information described in paragraph (2)(C) for a fiscal year, the President may not carry out any program during the fiscal year that is authorized under—

“(A) section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b));

“(B) section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811);

“(C) section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b);

“(D) section 411 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631); or

“(E) section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

“(f) **REPORT OF THE SECRETARY OF AGRICULTURE.**—Each year on a date that is not later than the date on which the President submits the annual budget submission, the Secretary shall submit to Congress a report containing a description of the agricultural research, extension, and education activities carried out by the Federal Government during the fiscal year that immediately precedes the year for which the report is submitted, including—

“(1) a review of the extent to which those activities—

“(A) are duplicative or overlap with the Department of Agriculture; or

“(B) are similar to activities carried out by—

“(i) other Federal agencies;

“(ii) the States (including the District of Columbia, the Commonwealth of Puerto Rico and other territories or possessions of the United States);

“(iii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

“(iv) the private sector; and

“(2) for each report submitted under this section on or after January 1, 2013, a 5-year projection of national priorities with respect to agricultural research, extension, and education, taking into account both domestic and international needs.”.

SEC. 7513. NATURAL PRODUCTS RESEARCH PROGRAM.

Section 7525 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5937) is amended by striking subsection (e) and inserting the following:

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7514. SUN GRANT PROGRAM.

(a) **IN GENERAL.**—Section 7526 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114) is amended—

(1) in subsection (a)(4)(B), by striking “the Department of Energy” and inserting “other appropriate Federal agencies (as determined by the Secretary)”; and

(2) in subsection (b)(1)—
 (A) in subparagraph (A), by striking “at South Dakota State University”;
 (B) in subparagraph (B), by striking “at the University of Tennessee at Knoxville”;
 (C) in subparagraph (C), by striking “at Oklahoma State University”;
 (D) in subparagraph (D), by striking “at Oregon State University”;
 (E) in subparagraph (E), by striking “at Cornell University”; and
 (F) in subparagraph (F), by striking “at the University of Hawaii”;
 (3) in subsection (c)(1)—
 (A) in subparagraph (B), by striking “multistate” and all that follows through “technology implementation” and inserting “integrated, multistate research, extension, and education programs on technology development and technology implementation”;
 (B) by striking subparagraph (C); and
 (C) by redesignating subparagraph (D) as subparagraph (C);
 (4) in subsection (d)—
 (A) in paragraph (1)—
 (i) by striking “gasification” and inserting “bioproducts”; and
 (ii) by striking “the Department of Energy” and inserting “other appropriate Federal agencies”;
 (B) by striking paragraph (2);
 (C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and
 (D) in paragraph (1), by striking “in accordance with paragraph (2)”;
 (5) in subsection (g), by striking “2012” and inserting “2017”.
 (b) CONFORMING AMENDMENTS.—Section 7526(f) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(f)) is amended—
 (1) in paragraph (1), by striking “subsection (c)(1)(D)(i)” and inserting “subsection (c)(1)(C)(i)”; and
 (2) in paragraph (2), by striking “subsection (d)(1)” and inserting “subsection (d)”.

Subtitle F—Miscellaneous

SEC. 7601. FOUNDATION FOR FOOD AND AGRICULTURE RESEARCH.

(a) DEFINITIONS.—In this section:
 (1) BOARD.—The term “Board” means the Board of Directors described in subsection (e).
 (2) DEPARTMENT.—The term “Department” means the Department of Agriculture.
 (3) FOUNDATION.—The term “Foundation” means the Foundation for Food and Agriculture Research established under subsection (b).
 (4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
 (b) ESTABLISHMENT.—
 (1) IN GENERAL.—The Secretary shall establish a nonprofit corporation to be known as the “Foundation for Food and Agriculture Research”.
 (2) STATUS.—The Foundation shall not be an agency or instrumentality of the United States Government.
 (c) PURPOSES.—The purposes of the Foundation shall be—
 (1) to advance the research mission of the Department by supporting agricultural research activities focused on addressing key problems of national and international significance including—
 (A) plant health, production, and plant products;
 (B) animal health, production, and products;
 (C) food safety, nutrition, and health;
 (D) renewable energy, natural resources, and the environment;
 (E) agricultural and food security;

(F) agriculture systems and technology; and
 (G) agriculture economics and rural communities; and
 (2) to foster collaboration with agricultural researchers from the Federal Government, institutions of higher education, industry, and nonprofit organizations.
 (d) DUTIES.—
 (1) IN GENERAL.—The Foundation shall—
 (A) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include agricultural research agencies in the Department, university consortia, public-private partnerships, institutions of higher education, nonprofit organizations, and industry, to efficiently and effectively advance the goals and priorities of the Foundation;
 (B) in consultation with the Secretary—
 (i) identify existing and proposed Federal intramural and extramural research and development programs relating to the purposes of the Foundation described in subsection (c); and
 (ii) coordinate Foundation activities with those programs so as to minimize duplication of existing efforts;
 (C) identify unmet and emerging agricultural research needs after reviewing the Roadmap for Agricultural Research, Education and Extension as required by section 7504 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614a);
 (D) facilitate technology transfer and release of information and data gathered from the activities of the Foundation to the agricultural research community;
 (E) promote and encourage the development of the next generation of agricultural research scientists; and
 (F) carry out such other activities as the Board determines to be consistent with the purposes of the Foundation.
 (2) AUTHORITY.—Subject to paragraph (3), the Foundation shall be the sole entity responsible for carrying out the duties enumerated in this subsection.
 (3) RELATIONSHIP TO OTHER ACTIVITIES.—The activities described in paragraph (1) shall be supplemental to any other activities at the Department and shall not preempt any authority or responsibility of the Department under another provision of law.
 (e) BOARD OF DIRECTORS.—
 (1) ESTABLISHMENT.—The Foundation shall be governed by a Board of Directors.
 (2) COMPOSITION.—
 (A) IN GENERAL.—The Board shall be composed of appointed and ex-officio, nonvoting members.
 (B) EX-OFFICIO MEMBERS.—The ex-officio members of the Board shall be the following individuals or designees:
 (i) The Secretary.
 (ii) The Under Secretary of Agriculture for Research, Education, and Economics.
 (iii) The Administrator of the Agricultural Research Service.
 (iv) The Director of the National Institute of Food and Agriculture.
 (v) The Director of the National Science Foundation.
 (C) APPOINTED MEMBERS.—
 (i) IN GENERAL.—The ex-officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 15 individuals, of whom—
 (I) 8 shall be selected from a list of candidates to be provided by the National Academy of Sciences; and
 (II) 7 shall be selected from lists of candidates provided by industry.

(ii) REQUIREMENTS.—

(I) EXPERTISE.—The ex-officio members shall ensure that a majority of the members of the Board have actual experience in agricultural research and, to the extent practicable, represent diverse sectors of agriculture.

(II) LIMITATION.—No employee of the Federal Government may serve as an appointed member of the Board under this subparagraph.

(III) NOT FEDERAL EMPLOYMENT.—Appointment to the Board under this subparagraph shall not constitute Federal employment.

(iii) AUTHORITY.—All appointed members of the Board shall be voting members.

(D) CHAIR.—The Board shall, from among the members of the Board, designate an individual to serve as Chair of the Board.

(3) INITIAL MEETING.—Not later than 60 days after the date of enactment of this Act, the Secretary shall convene a meeting of the ex-officio members of the Board—

(A) to incorporate the Foundation; and

(B) to appoint the members of the Board in accordance with paragraph (2)(C)(i).

(4) DUTIES.—

(A) IN GENERAL.—The Board shall—

(i) establish bylaws for the Foundation that, at a minimum, include—

(I) policies for the selection of future Board members, officers, employees, agents, and contractors of the Foundation;

(II) policies, including ethical standards, for—

(aa) the acceptance, solicitation, and disposition of donations and grants to the Foundation; and

(bb) the disposition of assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

(III) policies that would subject all employees, fellows, trainees, and other agents of the Foundation (including members of the Board) to the conflict of interest standards under section 208 of title 18, United States Code;

(IV) policies for writing, editing, printing, publishing, and vending of books and other materials;

(V) policies for the conduct of the general operations of the Foundation, including a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation; and

(VI) specific duties for the Executive Director;

(ii) prioritize and provide overall direction for the activities of the Foundation;

(iii) evaluate the performance of the Executive Director; and

(iv) carry out any other necessary activities regarding the Foundation.

(B) ESTABLISHMENT OF BYLAWS.—In establishing bylaws under subparagraph (A)(i), the Board shall ensure that the bylaws do not—

(i) reflect unfavorably on the ability of the Foundation to carry out the duties of the Foundation in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee employed by or involved in a governmental agency or program.

(5) TERMS AND VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—The term of each member of the Board appointed under paragraph (2)(C) shall be 5 years.

(ii) PARTIAL TERMS.—If a member of the Board does not serve the full term applicable

under clause (i), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(iii) **TRANSITION.**—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

(B) **VACANCIES.**—Any vacancy in the membership of the Board shall be filled in the manner in which the original position was made and shall not affect the power of the remaining members to execute the duties of the Board.

(6) **COMPENSATION.**—Members of the Board may not receive compensation for service on the Board but may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(7) **MEETINGS AND QUORUM.**—A majority of the members of the Board shall constitute a quorum for purposes of conducting business of the Board.

(f) **ADMINISTRATION.**—

(1) **EXECUTIVE DIRECTOR.**—

(A) **IN GENERAL.**—The Board shall hire an Executive Director who shall carry out such duties and responsibilities as the Board may prescribe.

(B) **SERVICE.**—The Executive Director shall serve at the pleasure of the Board.

(2) **ADMINISTRATIVE POWERS.**—

(A) **IN GENERAL.**—In carrying out this section, the Board, acting through the Executive Director, may—

(i) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(ii) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define the duties of the officers, employees, and agents;

(iii) solicit and accept any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including such support from private entities;

(iv) prescribe the manner in which—

(I) real or personal property of the Foundation is acquired, held, and transferred;

(II) general operations of the Foundation are to be conducted; and

(III) the privileges granted to the Board by law are exercised and enjoyed;

(v) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of the department or agency in carrying out this section;

(vi) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

(vii) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(viii) enter into such contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

(ix) modify or consent to the modification of any contract or agreement to which the Foundation is a party or in which the Foundation has an interest;

(x) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and employees of the Foundation;

(xi) sue and be sued in the corporate name of the Foundation, and complain and defend in courts of competent jurisdiction;

(xii) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

(xiii) exercise such other incidental powers as are necessary to carry out the duties and

functions of the Foundation in accordance with this section

(B) **LIMITATION.**—No appointed member of the Board or officer or employee of the Foundation or of any program established by the Foundation (other than ex-officio members of the Board) shall exercise administrative control over any Federal employee

(3) **RECORDS.**—

(A) **AUDITS.**—The Foundation shall—

(i) provide for annual audits of the financial condition of the Foundation; and

(ii) make the audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(B) **REPORTS.**—

(i) **ANNUAL REPORT ON FOUNDATION.**—

(I) **IN GENERAL.**—Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report for the preceding fiscal year that includes—

(aa) a description of Foundation activities, including accomplishments; and

(bb) a comprehensive statement of the operations and financial condition of the Foundation.

(II) **FINANCIAL CONDITION.**—Each report under subclause (I) shall include a description of all gifts or grants to the Foundation of real or personal property or money, which shall include—

(aa) the source of the gifts or grants; and

(bb) any restrictions on the purposes for which the gift or grant may be used.

(III) **AVAILABILITY.**—The Foundation shall—

(aa) make copies of each report submitted under subclause (I) available for public inspection; and

(bb) on request, provide a copy of the report to any individual.

(IV) **PUBLIC MEETING.**—The Board shall hold an annual public meeting to summarize the activities of the Foundation.

(ii) **GRANT REPORTING.**—Any recipient of a grant under subsection (d)(1)(A) shall provide the Foundation with a report at the conclusion of any research or studies conducted that describes the results of the research or studies, including any data generated.

(4) **INTEGRITY.**—

(A) **IN GENERAL.**—To ensure integrity in the operations of the Foundation, the Board shall develop and enforce procedures relating to standards of conduct, financial disclosure statements, conflict of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

(B) **FINANCIAL CONFLICTS OF INTEREST.**—Any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(i) the individual;

(ii) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)) of that individual; or

(iii) a business organization or other entity in which the individual has an interest, including an organization or other entity with which the individual is negotiating employment.

(5) **INTELLECTUAL PROPERTY.**—The Board shall adopt written standards to govern ownership of any intellectual property rights derived from the collaborative efforts of the Foundation.

(6) **LIABILITY.**—The United States shall not be liable for any debts, defaults, acts, or

omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(g) **FUNDS.**—

(1) **MANDATORY FUNDING.**—

(A) **IN GENERAL.**—On October 1, 2012, of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Foundation to carry out this section \$100,000,000, to remain available until expended under the conditions described in subparagraph (B).

(B) **CONDITIONS ON EXPENDITURE.**—The Foundation may use the funds made available under subparagraph (A) to carry out the purposes of the Foundation only to the extent that the Foundation secures an equal amount of non-Federal matching funds for each expenditure.

(C) **PROHIBITION ON CONSTRUCTION.**—None of the funds made available under subparagraph (A) may be used for construction.

(2) **SEPARATION OF FUNDS.**—The Executive Director shall ensure that any funds received under paragraph (1) are held in separate accounts from funds received from nongovernmental entities as described in subsection (f)(2)(A)(iii).

TITLE VIII—FORESTRY

Subtitle A—Repeal of Certain Forestry Programs

SEC. 8001. FOREST LAND ENHANCEMENT PROGRAM.

(a) **REPEAL.**—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is repealed.

(b) **CONFORMING AMENDMENT.**—Section 8002 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 16 U.S.C. 2103 note) is amended by striking subsection (a).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2012.

SEC. 8002. WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) **REPEAL.**—Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 8003. EXPIRED COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.

Section 18 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2112) is repealed.

SEC. 8004. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) **REPEAL.**—Section 8402 of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 1649a) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 8005. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) **REPEAL.**—Section 303 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs

SEC. 8101. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

Section 2A(f)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(f)(1)) is amended by striking “2012” and inserting “2017”.

SEC. 8102. FOREST STEWARDSHIP PROGRAM.

Section 5(h) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(h)) is

amended by striking “such sums as may be necessary thereafter” and inserting “\$50,000,000 for each of fiscal years 2013 through 2017”.

SEC. 8103. FOREST LEGACY PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended by striking subsection (m) and inserting the following:

“(m) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2013 through 2017.

“(2) ADDITIONAL FUNDING SOURCES.—In addition to any funds appropriated for each fiscal year to carry out this section, the Secretary may use any other Federal funds available to the Secretary.”.

SEC. 8104. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

Section 7A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d) is amended by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 8105. URBAN AND COMMUNITY FORESTRY ASSISTANCE.

Section 9(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(i)) is amended by striking “such sums as may be necessary for each fiscal year thereafter” and inserting “\$50,000,000 for each of fiscal years 2013 through 2017”.

Subtitle C—Reauthorization of Other Forestry-related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking “2012” and inserting “2017”.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704) is amended by striking subsection (d) and inserting the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

“(1) such sums as are necessary for each of fiscal years 1996 through 2012; and

“(2) \$10,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 8203. INSECT INFESTATIONS AND RELATED DISEASES.

(a) FINDINGS AND PURPOSES.—Section 401 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6551) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) through (12) as paragraphs (4) through (13), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) the mountain pine beetle is—

“(A) threatening and ravaging forests throughout the Western region of the United States, including Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, and South Dakota;

“(B) reaching epidemic populations and severely impacting over 41,000,000 acres in western forests; and

“(C) deteriorating forest health in national forests and, when combined with drought, disease, and storm damage, is resulting in extreme fire hazards in national forests across the Western United States and endan-

gering the economic stability of surrounding adjacent communities, ranches, and parks;”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) to provide for designation of treatment areas pursuant to section 405.”.

(b) DESIGNATION OF TREATMENT AREAS.—Title IV of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6551 et seq.) is amended—

(1) by redesignating sections 405 and 406 (16 U.S.C. 6555, 6556) as sections 406 and 407, respectively; and

(2) by inserting after section 404 (16 U.S.C. 6554) the following:

“SEC. 405. DESIGNATION OF TREATMENT AREAS.

“(a) DESIGNATION OF TREATMENT AREAS.—Not later than 60 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall designate treatment areas on at least 1 national forest in each State, if requested by the Governor of the State, that the Secretary determines, based on annual forest health surveys, are experiencing declining forest health due to insect or disease infestation.

“(b) TREATMENT OF AREAS.—The Secretary may carry out treatments to address the insect or disease infestation in the areas designated under subsection (a) in accordance with sections 104, 105, 106, and 401.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2013 through 2017.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 407 of the Healthy Forests Restoration Act of 2003 (as redesignated by subsection (b)(1)) is amended by striking “2008” and inserting “2017”.

SEC. 8204. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591) is amended by adding at the end the following:

“SEC. 602. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) CHIEF.—The term ‘Chief’ means the Chief of the Forest Service.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Bureau of Land Management.

“(b) PROJECTS.—The Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

“(c) LAND MANAGEMENT GOALS.—The land management goals of a project under subsection (b) may include—

“(1) road and trail maintenance or obliteration to restore or maintain water quality;

“(2) soil productivity, habitat for wildlife and fisheries, or other resource values;

“(3) setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat;

“(4) removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives;

“(5) watershed restoration and maintenance;

“(6) restoration and maintenance of wildlife and fish; or

“(7) control of noxious and exotic weeds and reestablishing.

“(d) AGREEMENTS OR CONTRACTS.—

“(1) PROCUREMENT PROCEDURE.—A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

“(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

“(3) TERM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41, United States Code.

“(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

“(4) OFFSETS.—

“(A) IN GENERAL.—The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

“(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as an offset under subparagraph (A)—

“(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

“(ii) may—

“(I) be determined using a unit of measure appropriate to the contracts; and

“(II) may include valuing products on a per-acre basis.

“(5) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b).

“(6) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

“(e) RECEIPTS.—

“(1) IN GENERAL.—The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

“(2) USE.—Monies from an agreement or contract under subsection (b)—

“(A) may be retained by the Chief and the Director; and

“(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

“(3) RELATION TO OTHER LAWS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

“(B) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et

seq.) shall not apply to any agreement or contract under subsection (b).

“(f) COSTS OF REMOVAL.—Notwithstanding the fact that a contractor did not harvest the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

“(1) the Act of August 11, 1916 (16 U.S.C. 490); and

“(2) and the Act of June 30, 1914 (16 U.S.C. 498).

“(g) PERFORMANCE AND PAYMENT GUARANTEES.—

“(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103-2 and 28.103-3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

“(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director may—

“(A) collect any residual receipts under the Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et seq.); and

“(B) apply the excess to other authorized stewardship projects.

“(h) MONITORING AND EVALUATION.—

“(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

“(2) PARTICIPANTS.—Other than the Chief and Director, participants in the process described in paragraph (1) may include—

“(A) any cooperating governmental agencies, including tribal governments; and

“(B) any other interested groups or individuals.

“(i) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on—

“(1) the status of development, execution, and administration of agreements or contracts under subsection (b);

“(2) the specific accomplishments that have resulted; and

“(3) the role of local communities in the development of agreements or contract plans.”.

(b) CONFORMING AMENDMENT.—Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) is repealed.

SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.

(a) DEFINITION OF ACREAGE OWNED BY INDIAN TRIBES.—Section 502(e)(3) of the Healthy Forests Restoration Act (16 U.S.C. 6572(e)(3)) is amended—

(1) in subparagraph (C), by striking “subparagraphs (A) and (B)” and inserting “clauses (i) and (ii)”;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately; and

(3) by striking “In the case of” and inserting the following:

“(A) DEFINITION OF ACREAGE OWNED BY INDIAN TRIBES.—In this paragraph, the term ‘acreage owned by Indian tribes’ includes—

“(i) land that is held in trust by the United States for Indian tribes or individual Indians;

“(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;

“(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;

“(iv) land that is held in fee title by an Indian tribe; or

“(v) land that is owned by a native corporation formed under section 17 of the Act of June 18, 1934 (commonly known as the ‘Indian Reorganization Act’) (25 U.S.C. 477) or section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607); or

“(vi) a combination of 1 or more types of land described in clauses (i) through (v).

“(B) ENROLLMENT OF ACREAGE.—In the case of”.

(b) CHANGE IN FUNDING SOURCE FOR HEALTHY FORESTS RESERVE PROGRAM.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended—

(1) in subsection (a), by striking “IN GENERAL” and inserting “FISCAL YEARS 2009SE 198 THROUGH 2012”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$9,750,000 for each of fiscal years 2013 through 2017.

“(c) ADDITIONAL SOURCE OF FUNDS.—In addition to funds appropriated pursuant to the authorization of appropriations in subsection (b) for a fiscal year, the Secretary may use such amount of the funds appropriated for that fiscal year to carry out the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) as the Secretary determines necessary to cover the cost of technical assistance, management, and enforcement responsibilities for land enrolled in the healthy forests reserve program pursuant to subsections (a) and (b) of section 504.”.

Subtitle D—Miscellaneous Provisions

SEC. 8301. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) 1890 WAIVERS.—Section 4 of Public Law 87-788 (commonly known as the “McIntire-Stennis Cooperative Forestry Act”) (16 U.S.C. 582a-3) is amended by inserting “The matching funds requirement shall not be applicable to eligible 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)) if the allocation is below \$200,000.” before “The Secretary is authorized” in the second sentence.

(b) PARTICIPATION.—Section 8 of Public Law 87-788 (commonly known as the “McIntire-Stennis Cooperative Forestry Act”) (16 U.S.C. 582a-7) is amended by inserting “the Federated States of Micronesia, American Samoa, the Northern Mariana Islands, the District of Columbia,” before “and Guam”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2012.

SEC. 8302. REVISION OF STRATEGIC PLAN FOR FOREST INVENTORY AND ANALYSIS.

(a) REVISION REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall revise the strategic plan for forest inventory and analysis initially prepared pursuant to section 3(e) of the Forest and Rangeland Renewable

Resources Research Act of 1978 (16 U.S.C. 1642(e)) to address the requirements imposed by subsection (b).

(b) ELEMENTS OF REVISED STRATEGIC PLAN.—In revising the strategic plan, the Secretary of Agriculture shall describe in detail the organization, procedures, and funding needed to achieve each of the following:

(1) Complete the transition to a fully annualized forest inventory program and include inventory and analysis of interior Alaska.

(2) Implement an annualized inventory of trees in urban settings, including the status and trends of trees and forests, and assessments of their ecosystem services, values, health, and risk to pests and diseases.

(3) Report information on renewable biomass supplies and carbon stocks at the local, State, regional, and national level, including by ownership type.

(4) Engage State foresters and other users of information from the forest inventory and analysis in reevaluating the list of core data variables collected on forest inventory and analysis plots with an emphasis on demonstrated need.

(5) Improve the timeliness of the timber product output program and accessibility of the annualized information on that database.

(6) Foster greater cooperation among the forest inventory and analysis program, research station leaders, and State foresters and other users of information from the forest inventory and analysis.

(7) Availability of and access to non-Federal resources to improve information analysis and information management.

(8) Collaborate with the Natural Resources Conservation Service, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, and United States Geological Survey to integrate remote sensing, spatial analysis techniques, and other new technologies in the forest inventory and analysis program.

(9) Understand and report on changes in land cover and use.

(10) Expand existing programs to promote sustainable forest stewardship through increased understanding, in partnership with other Federal agencies, of the over 10 million family forest owners, their demographics, and the barriers to forest stewardship.

(11) Implement procedures to improve the statistical precision of estimates at the sub-State level.

(c) SUBMISSION OF REVISED STRATEGIC PLAN.—The Secretary of Agriculture shall submit the revised strategic plan to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

TITLE IX—ENERGY

SEC. 9001. DEFINITION OF RENEWABLE CHEMICAL.

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15) respectively; and

(2) by inserting after paragraph (12) the following:

“(13) RENEWABLE CHEMICAL.—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.”.

SEC. 9002. BIOBASED MARKETS PROGRAM.

(a) IN GENERAL.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) in subsection (a)—
 (A) in paragraph (2)(A)(i)—
 (i) in subclause (I), by striking “and” at the end;

(ii) in subclause (II)(bb), by striking the period at the end and inserting “; and”; and
 (iii) by adding at the end the following:

“(III) establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts when the procuring agency is purchasing products, or purchasing services that include the use of products, that are included in a biobased product category designated by the Secretary.”; and
 (B) in paragraph (3)—
 (i) in subparagraph (B)—

(I) in clause (v), by inserting “as determined to be necessary by the Secretary based on the availability of data,” before “provide information”;

(II) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively; and

(III) by inserting after clause (iv) the following:

“(v) require reporting of quantities and types of biobased products purchased by procuring agencies;

“(vi) focus on products that apply an innovative approach to growing, harvesting, procuring, processing, or manufacturing biobased products regardless of the date of entry of the products into the marketplace.”; and
 (ii) by adding at the end the following:

“(F) REQUIRED DESIGNATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the Secretary shall begin to designate intermediate ingredients or feedstocks and assembled and finished biobased products in the guidelines issued under this paragraph.”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the following:

“(B) AUDITING AND COMPLIANCE.—The Secretary may carry out such auditing and compliance activities as the Secretary determines to be necessary to ensure compliance with subparagraph (A).”; and

(B) by adding at the end the following:

“(4) ASSEMBLED AND FINISHED PRODUCTS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall begin issuing criteria for determining which assembled and finished products may qualify to receive the label under paragraph (1).”;;

(3) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (i), and (j), respectively;

(4) by inserting after subsection (c) the following:

“(d) OUTREACH, EDUCATION, AND PROMOTION.—

“(1) IN GENERAL.—The Secretary may engage in outreach, educational, and promotional activities intended to increase knowledge, awareness, and benefits of biobased products.

“(2) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may—

“(A) conduct consumer education and outreach (including consumer and awareness surveys);

“(B) conduct outreach to and support for State and local governments interested in implementing biobased purchasing programs;

“(C) partner with industry and nonprofit groups to produce educational and outreach materials and conduct educational and outreach events;

“(D) sponsor special conferences and events to bring together buyers and sellers of biobased products; and

“(E) support pilot and demonstration projects.”;

(5) in subsection (h) (as redesignated by paragraph (3))—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking “The report” and inserting “Each report under paragraph (1)”;;

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B)(ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(C) the progress made by other Federal agencies in compliance with the biobased procurement requirements, including the quantity of purchases made; and

“(D) the status of outreach, educational, and promotional activities carried out by the Secretary under subsection (d), including the attainment of specific milestones and overall results.”; and

(B) by adding at the end the following:

“(3) ECONOMIC IMPACT STUDY AND REPORT.—

“(A) IN GENERAL.—The Secretary shall conduct a study to assess the economic impact of the biobased products industry, including—

“(i) the quantity of biobased products sold;

“(ii) the value of the biobased products;

“(iii) the quantity of jobs created;

“(iv) the quantity of petroleum displaced;

“(v) other environmental benefits; and

“(vi) areas in which the use or manufacturing of biobased products could be more effectively used, including identifying any technical and economic obstacles and recommending how those obstacles can be overcome.

“(B) REPORT.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall submit to Congress a report describing the results of the study conducted under subparagraph (A).”;

(6) by inserting after subsection (g) (as redesignated by paragraph (3)) the following:

“(h) FOREST PRODUCTS LABORATORY COORDINATION.—In determining whether products are eligible for the ‘USDA Certified Biobased Product’ label, the Secretary (acting through the Forest Products Laboratory) shall—

“(1) review and approve forest-related products for which an application is submitted for the program;

“(2) expedite the approval of innovative products resulting from technology developed by the Forest Products Laboratory or partners of the Laboratory; and

“(3) provide appropriate technical assistance to applicants, as determined by the Secretary.”; and

(7) in subsection (j) (as redesignated by paragraph (3))—

(A) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2008 THROUGH 2012” after “FUNDING”;

(B) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”; and

(C) by adding at the end the following:

“(3) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2013 through 2017.

“(4) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$3,000,000 for each of fiscal years 2013 through 2017.”;

(b) CONFORMING AMENDMENT.—Section 944(c)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16253(c)(2)(A)) is amended by striking “section 9002(h)(1)” and inserting “section 9002(b)”.

SEC. 9003. BIOREFINERY, RENEWABLE CHEMICAL, AND BIOBASED PRODUCT MANUFACTURING ASSISTANCE.

(a) PROGRAM ADJUSTMENTS.—

(1) IN GENERAL.—Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(A) in the section heading, by inserting “, RENEWABLE CHEMICAL, AND BIOBASED PRODUCT MANUFACTURING” after “BIOREFINERY”;

(B) in subsection (a), in the matter preceding paragraph (1), by inserting “renewable chemicals, and biobased product manufacturing” after “advanced biofuels.”;

(C) in subsection (b)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(ii) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOBASED PRODUCT MANUFACTURING.—The term ‘biobased product manufacturing’ means development, construction, and retrofitting of technologically new commercial-scale processing and manufacturing equipment and required facilities that will be used to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.”; and

(D) in subsection (c)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(3) grants and loan guarantees to fund the development and construction of renewable chemical and biobased product manufacturing facilities.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2012.

(b) FUNDING.—Section 9003(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) MANDATORY FUNDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

“(i) \$100,000,000 for fiscal year 2013; and

“(ii) \$58,000,000 for each of fiscal years 2014 and 2015.

“(B) BIOBASED PRODUCT MANUFACTURING.—Of the total amount of funds made available for the period of fiscal years 2013 through 2015 under subparagraph (A), the Secretary use for the cost of loan guarantees under this section not more than \$25,000,000 to promote biobased product manufacturing.”; and

(2) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 9004. REPEAL OF REPOWERING ASSISTANCE PROGRAM AND TRANSFER OF REMAINING FUNDS.

(a) REPEAL.—Subject to subsection (b), section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) is repealed.

(b) USE OF REMAINING FUNDING FOR RURAL ENERGY FOR AMERICA PROGRAM.—Funds made available pursuant to subsection (d) of section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) that are unobligated on the day before the date of enactment of this section shall—

(1) remain available until expended;
 (2) be used by the Secretary of Agriculture to carry out financial assistance for energy efficiency improvements and renewable energy systems under section 9007(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(a)(2)); and

(3) be in addition to any other funds made available to carry out that program.

SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

Section 9005(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(g)) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(2) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

“(3) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) is amended—

(1) by striking “(d) FUNDING.—Of the funds” and inserting “(d) FUNDING.—

“(1) FISCAL YEARS 2008 THROUGH 2012.—Of the funds”; and

(2) by adding at the end the following:

“(2) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2013 through 2017.

“(3) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

(a) PROGRAM ADJUSTMENTS.—

(1) IN GENERAL.—Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended—

(A) in subsection (b)(2)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

“(D) a council (as defined in section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451)); and”; and

(B) in subsection (c)—

(i) in paragraph (1)(A), by inserting “, such as for agricultural and associated residential purposes” after “electricity”;

(ii) by striking paragraph (3);

(iii) by redesignating paragraph (4) as paragraph (3);

(iv) in paragraph (3) (as so redesignated), by striking subparagraph (A) and inserting the following:

“(A) GRANTS.—The amount of a grant under this subsection shall not exceed the lesser of—

“(i) \$500,000; and

“(ii) 25 percent of the cost of the activity carried out using funds from the grant.”; and

(v) by adding at the end the following:

“(4) TIERED APPLICATION PROCESS.—“(A) IN GENERAL.—In providing loan guarantees and grants under this subsection, the Secretary shall use a 3-tiered application

process that reflects the size of proposed projects in accordance with this paragraph.

“(B) TIER 1.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is not more than \$80,000.

“(C) TIER 2.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is greater than \$80,000 but less than \$200,000.

“(D) TIER 3.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is equal to or greater than \$200,000.

“(E) APPLICATION PROCESS.—The Secretary shall establish an application, evaluation, and oversight process that is the most simplified for tier 1 projects and more comprehensive for each subsequent tier.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2012.

(b) FUNDING.—Section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(2) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(3) in the heading of paragraph (3), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”; and

(4) by adding at the end the following:

“(4) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.

“(5) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$48,200,000 for each of fiscal years 2013 through 2017.”.

SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

Section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(2) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”; and

(3) by adding at the end the following:

“(3) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2013 through 2017.

“(4) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$26,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 9009. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended—

(1) in paragraph (1)(A), by striking “2012” and inserting “2017”; and

(2) in paragraph (2)(A), by striking “2012” and inserting “2017”.

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is amended to read as follows:

“SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) BCAP.—The term ‘BCAP’ means the Biomass Crop Assistance Program established under this section.

“(2) BCAP PROJECT AREA.—The term ‘BCAP project area’ means an area that—

“(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

“(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

“(C) is physically located within an economically practicable distance from the biomass conversion facility.

“(3) CONTRACT ACREAGE.—The term ‘contract acreage’ means eligible land that is covered by a BCAP contract entered into with the Secretary.

“(4) ELIGIBLE CROP.—

“(A) IN GENERAL.—The term ‘eligible crop’ means a crop of renewable biomass.

“(B) EXCLUSIONS.—The term ‘eligible crop’ does not include—

“(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.) or an amendment made by that title;

“(ii) any plant that is invasive or noxious or species or varieties of plants that credible risk assessment tools or other credible sources determine are potentially invasive, as determined by the Secretary in consultation with other appropriate Federal or State departments and agencies; or

“(iii) algae.

“(5) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ includes—

“(i) agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))); and

“(ii) land enrolled in the agricultural conservation easement program established under subtitle H of title XII of the Food Security Act of 1985.

“(B) EXCLUSIONS.—The term ‘eligible land’ does not include—

“(i) Federal- or State-owned land;

“(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.);

“(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

“(iv) land enrolled in the Agricultural Conservation Easement Program established under subtitle H of title XII of that Act; or

“(v) land enrolled in the conservation reserve program or the Agricultural Conservation Easement Program under a contract that will expire at the end of the current fiscal year.

“(6) ELIGIBLE MATERIAL.—

“(A) IN GENERAL.—The term ‘eligible material’ means renewable biomass harvested directly from the land, including crop residue from any crop that is eligible to receive payments under title I of the Agriculture Reform, Food, and Jobs Act of 2012 or an amendment made by that title.

“(B) INCLUSIONS.—The term ‘eligible material’ shall only include—

“(i) eligible material that is collected or harvested by the eligible material owner—

“(I) directly from—

“(aa) National Forest System;

“(bb) Bureau of Land Management land;

“(cc) non-Federal land; or

“(dd) land owned by an individual Indian or Indian tribe that is held in trust by the

United States for the benefit of the individual Indian or Indian tribe or subject to a restriction against alienation imposed by the United States;

“(II) in a manner that is consistent with—

“(aa) a conservation plan;

“(bb) a forest stewardship plan; or

“(cc) a plan that the Secretary determines is equivalent to a plan described in item (aa) or (bb) and consistent with Executive Order 13112 (42 U.S.C. 4321 note; relating to invasive species);

“(ii) if woody eligible material, woody eligible material that is produced on land other than contract acreage that—

“(I) is a byproduct of a preventative treatment that is removed to reduce hazardous fuel or to reduce or contain disease or insect infestation; and

“(II) if harvested from Federal land, is harvested in accordance with section 102(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512(e)); and

“(iii) eligible material that is delivered to a qualified biomass conversion facility to be used for heat, power, biobased products, research, or advanced biofuels.

“(C) EXCLUSIONS.—The term ‘eligible material’ does not include—

“(i) material that is whole grain from any crop that is eligible to receive payments under title I of the Agriculture Reform, Food, and Jobs Act of 2012 or an amendment made by that title, including—

“(I) barley, corn, grain sorghum, oats, rice, or wheat;

“(II) honey;

“(III) mohair;

“(IV) oilseeds, including canola, crambe, flaxseed, mustard seed, rapeseed, safflower seed, soybeans, sesame seed, and sunflower seed;

“(V) peanuts;

“(VI) pulse;

“(VII) chickpeas, lentils, and dry peas;

“(VIII) dairy products;

“(IX) sugar; and

“(X) wool and cotton boll fiber;

“(ii) animal waste and byproducts, including fat, oil, grease, and manure;

“(iii) food waste and yard waste;

“(iv) algae;

“(v) woody eligible material that—

“(I) is removed outside contract acreage; and

“(II) is not a byproduct of a preventative treatment to reduce hazardous fuel or to reduce or contain disease or insect infestation;

“(vi) any woody eligible material collected or harvested outside contract acreage that would otherwise be used for existing market products; or

“(vii) bagasse.

“(7) PRODUCER.—The term ‘producer’ means an owner or operator of contract acreage that is physically located within a BCAP project area.

“(8) PROJECT SPONSOR.—The term ‘project sponsor’ means—

“(A) a group of producers; or

“(B) a biomass conversion facility.

“(9) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

“(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—

“(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

“(2) assist agricultural and forest land owners and operators with the collection,

harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

“(c) BCAP PROJECT AREA.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to a producer of an eligible crop in a BCAP project area.

“(2) SELECTION OF PROJECT AREAS.—

“(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that, at a minimum, includes—

“(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;

“(ii) a letter of commitment from a biomass conversion facility that the facility will use the eligible crops intended to be produced in the proposed BCAP project area;

“(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

“(iv) any other information about the biomass conversion facility or proposed biomass conversion facility that the Secretary determines necessary for the Secretary to be reasonably assured that the plant will be in operation by the date on which the eligible crops are ready for harvest.

“(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

“(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that those crops will be used for the purposes of the BCAP;

“(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

“(iii) the anticipated economic impact in the proposed BCAP project area;

“(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

“(v) the participation rate by—

“(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

“(II) socially disadvantaged farmers or ranchers;

“(vi) the impact on soil, water, and related resources;

“(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

“(I) agronomic conditions;

“(II) harvest and postharvest practices; and

“(III) monoculture and polyculture crop mixes;

“(viii) the range of eligible crops among project areas; and

“(ix) any additional information that the Secretary determines to be necessary.

“(3) CONTRACT.—

“(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

“(B) MINIMUM TERMS.—At a minimum, a contract under this subsection shall include terms that cover—

“(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the

production of eligible crops and the development of biomass conversion technology;

“(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

“(iii) the implementation of (as determined by the Secretary)—

“(I) a conservation plan;

“(II) a forest stewardship plan; or

“(III) a plan that is equivalent to a conservation or forest stewardship plan; and

“(iv) any additional requirements that Secretary determines to be necessary.

“(C) DURATION.—A contract under this subsection shall have a term of not more than—

“(i) 5 years for annual and perennial crops; or

“(ii) 15 years for woody biomass.

“(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

“(5) PAYMENTS.—

“(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

“(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an establishment payment under this subsection shall be not more than 50 percent of the costs of establishing an eligible perennial crop covered by the contract but not to exceed \$500 per acre, including—

“(I) the cost of seeds and stock for perennials;

“(II) the cost of planting the perennial crop, as determined by the Secretary; and

“(III) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

“(ii) SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—In the case of socially disadvantaged farmers or ranchers, the costs of establishment may not exceed \$750 per acre.

“(C) AMOUNT OF ANNUAL PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

“(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

“(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;

“(II) an eligible crop is delivered to the biomass conversion facility;

“(III) the producer receives a payment under subsection (d);

“(IV) the producer violates a term of the contract; or

“(V) the Secretary determines a reduction is necessary to carry out this section.

“(D) EXCLUSION.—The Secretary shall not make any BCAP payments on land for which payments are received under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) or the agricultural conservation easement program established under subtitle H of title XII of that Act.

“(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

“(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible

material to a biomass conversion facility to—

“(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

“(B) a person with the right to collect or harvest eligible material, regardless of whether the eligible material is produced on contract acreage.

“(2) PAYMENTS.—

“(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

“(i) collection;

“(ii) harvest;

“(iii) storage; and

“(iv) transportation to a biomass conversion facility.

“(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of up to \$1 for each \$1 per ton provided by the biomass conversion facility, in an amount not to exceed \$20 per dry ton for a period of 4 years.

“(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of an annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage, or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

“(e) REPORT.—Not later than 4 years after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

“(f) FUNDING.—

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$38,600,000 for each of fiscal years 2013 through 2017.

“(2) COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION PAYMENTS.—Of the amount made available under paragraph (1) for each fiscal year, the Secretary shall use not less than 10 percent, nor more than 50 percent, of the amount to make collection, harvest, transportation, and storage payments under subsection (d)(2).”

SEC. 9011. REPEAL OF FOREST BIOMASS FOR ENERGY.

Section 9012 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8112) is repealed.

SEC. 9012. COMMUNITY WOOD ENERGY PROGRAM.

Section 9013(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(e)) is amended by inserting before the period at the end “and \$5,000,000 for each of fiscal years 2013 through 2017”.

SEC. 9013. REPEAL OF RENEWABLE FERTILIZER STUDY.

Section 9003 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2096) is repealed.

TITLE X—HORTICULTURE

SEC. 10001. SPECIALTY CROPS MARKET NEWS ALLOCATION.

Section 10107(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622b(b)) is amended by striking “2012” and inserting “2017”.

SEC. 10002. REPEAL OF GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

Section 10403 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622c) is repealed.

SEC. 10003. FARMERS MARKET AND LOCAL FOOD PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in the section heading, by adding “AND LOCAL FOOD” after “MARKET”;

(2) in subsection (a)—

(A) by inserting “and Local Food” after “Market”;

(B) by striking “farmers’ markets and to promote”; and

(C) by inserting “and local food capacity development” before the period at the end;

(3) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The purposes of the Program are to increase domestic consumption of and access to locally and regionally produced agricultural products by developing, improving, expanding, and providing outreach, training, and technical assistance to, or assisting in the development, improvement and expansion of—

“(A) domestic farmers’ markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities; and

“(B) local and regional food enterprises that are not direct producer-to-consumer markets but process, distribute, aggregate, store, and market locally or regionally produced food products.”;

(4) in subsection (c)(1)—

(A) by inserting “or other business entity” after “cooperative”; and

(B) by inserting “, including a community supported agriculture network or association” after “association”;

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following:

“(e) PRIORITIES.—In providing grants under the Program, priority shall be given to applications that include projects that—

“(1) benefit underserved communities;

“(2) develop market opportunities for small and mid-sized farm and ranch operations; and

“(3) include a strategic plan to maximize the use of funds to build capacity for local and regional food systems in a community.”;

(7) in subsection (f) (as redesignated by paragraph (5))—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” after the semicolon at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) \$20,000,000 for each of fiscal years 2013 through 2017.”;

(B) by striking paragraphs (2) and (4);

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (1) the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—Of the funds made available to carry out the Program for each fiscal year, 50 percent shall be used for the purposes described in subsection (b)(1)(A) and 50 percent shall be used for the purposes described in subsection (b)(1)(B).

“(B) COST SHARE.—To be eligible to receive a grant for a project described in subsection (b)(1)(B), a recipient shall provide a match in the form of cash or in-kind contributions in

an amount equal to 25 percent of the total cost of the project.”; and

(E) by adding at the end the following:

“(5) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount made available to carry out this section for a fiscal year may be used for administrative expenses.

“(6) LIMITATIONS.—An eligible entity may not use a grant or other assistance provided under the Program for the purchase, construction, or rehabilitation of a building or structure.”.

SEC. 10004. STUDY ON LOCAL FOOD PRODUCTION AND PROGRAM EVALUATION.

(a) IN GENERAL.—The Secretary shall—

(1) collect data on the production and marketing of locally or regionally produced agricultural food products;

(2) facilitate interagency collaboration and data sharing on programs related to local and regional food systems; and

(3) monitor the effectiveness of programs designed to expand or facilitate local food systems.

(b) REQUIREMENTS.—In carrying out this section, the Secretary shall, at a minimum—

(1) collect and distribute comprehensive reporting of prices of locally or regionally produced agricultural food products;

(2) conduct surveys and analysis and publish reports relating to the production, handling, distribution, retail sales, and trend studies (including consumer purchasing patterns) of or on locally or regionally produced agricultural food products;

(3) evaluate the effectiveness of existing programs in growing local and regional food systems, including—

(A) the impact of local food systems on job creation and economic development;

(B) the level of participation in the Farmers’ Market and Local Food Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), including the percentage of projects funded in comparison to applicants and the types of eligible entities receiving funds;

(C) the ability for participants to leverage private capital and a synopsis of the places from which non-Federal funds are derived; and

(D) any additional resources required to aid in the development or expansion of local and regional food systems;

(4) expand the Agricultural Resource Management Survey to include questions on locally or regionally produced agricultural food products; and

(5) seek to establish or expand private-public partnerships to facilitate, to the maximum extent practicable, the collection of data on locally or regionally produced agricultural food products, including the development of a nationally coordinated and regionally balanced evaluation of the redevelopment of locally or regionally produced food systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress that has been made in implementing this section and identifying any additional needs related to developing local and regional food systems.

SEC. 10005. ORGANIC AGRICULTURE.

(a) ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.—Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “and annually thereafter” after “this subsection”;

(B) in paragraph (1), by striking “and” at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

“(2) describes how data collection agencies (such as the Agricultural Marketing Service and the National Agricultural Statistics Service) are coordinating with data user agencies (such as the Risk Management Agency) to ensure that data collected under this section can be used by data user agencies, including by the Risk Management Agency to offer price elections for all organic crops; and”;

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) MANDATORY FUNDING.—In addition to any funds available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000, to remain available until expended.”;

(C) in paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(ii) by striking “2012” and inserting “2017”.

(b) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

“(6) \$15,000,000 for each of fiscal years 2013 through 2017; and”;

(2) by adding at the end the following:

“(c) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—

“(1) IN GENERAL.—The Secretary shall modernize database and technology systems of the national organic program.

“(2) FUNDING.—Of the funds of the Commodity Credit Corporation and in addition to any other funds made available for that purpose, the Secretary shall make available to carry out this subsection \$5,000,000 in fiscal year 2013, to remain available until expended.

“(d) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(1) describes the efforts of the Secretary to ensure that activities conducted through commodity research and promotion programs adequately reflect the priorities of all members of the applicable orders; and

“(2) includes an assessment of the feasibility of establishing an organic research and promotion program, including any current barriers to establishment and challenges related to implementation.”.

SEC. 10006. FOOD SAFETY EDUCATION INITIATIVES.

Section 10105(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7655a(c)) is amended by striking “2012” and inserting “2017”.

SEC. 10007. COORDINATED PLANT MANAGEMENT PROGRAM.

(a) IN GENERAL.—Section 420 of the Plant Protection Act (7 U.S.C. 7721) is amended—

(1) by striking the section heading and inserting “coordinated plant management program.”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) NATIONAL CLEAN PLANT NETWORK.—

“(1) IN GENERAL.—The Secretary shall establish a program to be known as the ‘National Clean Plant Network’ (referred to in this subsection as the ‘Program’).

“(2) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services—

“(A) to produce clean propagative plant material; and

“(B) to maintain blocks of pathogen-tested plant material in sites located throughout the United States.

“(3) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material produced or maintained under the Program may be made available to—

“(A) a State for a certified plant program of the State; and

“(B) private nurseries and producers.

“(4) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

“(A) consult with—

“(i) State departments of agriculture; and

“(ii) land-grant colleges and universities and NLGCA Institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

“(B) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.”.

(b) FUNDING.—Subsection (f) of section 420 of the Plant Protection Act (7 U.S.C. 7721) (as redesignated by subsection (a)(1)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking “and each fiscal year thereafter.” and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$60,000,000 for each of fiscal years 2013 through 2016; and

“(6) \$65,000,000 for fiscal year 2017 and each fiscal year thereafter.”.

(c) REPEAL OF EXISTING PROVISION.—Section 10202 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761) is repealed.

(d) CLARIFICATION OF USE OF FUNDS FOR TECHNICAL ASSISTANCE.—Section 420 of the Plant Protection Act (7 U.S.C. 7721) (as amended by subsection (a)) is amended by adding at the end the following:

“(g) RELATIONSHIP TO OTHER LAW.—The use of Commodity Credit Corporation funds under this section to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).”.

SEC. 10008. SPECIALTY CROP BLOCK GRANTS.

Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended—

(1) in subsection (a)—

(A) by striking “subsection (j)” and inserting “subsection (l)”;

(B) by striking “2012” and inserting “2017”;

(2) by striking subsection (b) and inserting the following:

“(b) GRANTS BASED ON VALUE AND ACREAGE.—Subject to subsection (c), in the case of each State with an application for a grant for a fiscal year that is accepted by the Secretary of Agriculture under subsection (f), the amount of a grant for a fiscal year to a State under this section shall bear the same ratio to the total amount made available under subsection (l) for that fiscal year as—

“(1) the average of the most recent available value of specialty crop production in the State and the acreage of specialty crop production in the State, as demonstrated in the most recent Census of Agriculture data; bears to

“(2) the average of the most recent available value of specialty crop production in all States and the acreage of specialty crop production in all States, as demonstrated in the most recent Census of Agriculture data.”;

(3) by redesignating subsection (j) as subsection (l);

(4) by inserting after subsection (i) the following:

“(j) MULTISTATE PROJECTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary of Agriculture shall issue guidance for the purpose of making grants to multistate projects under this section for projects involving—

“(A) food safety;

“(B) plant pests and disease;

“(C) crop-specific projects addressing common issues; and

“(D) any other area that furthers the purposes of this section, as determined by the Secretary.

“(2) FUNDING.—Of the funds provided under subsection (l), the Secretary of Agriculture may allocate for grants under this subsection, to remain available until expended—

“(A) \$1,000,000 for fiscal year 2013;

“(B) \$2,000,000 for fiscal year 2014;

“(C) \$3,000,000 for fiscal year 2015;

“(D) \$4,000,000 for fiscal year 2016; and

“(E) \$5,000,000 for fiscal year 2017.

“(k) ADMINISTRATION.—

“(1) DEPARTMENT.—The Secretary of Agriculture may not use more than 3 percent of the funds made available to carry out this section for a fiscal year for administrative expenses.

“(2) STATES.—A State receiving a grant under this section may not use more than 8 percent of the funds received under the grant for a fiscal year for administrative expenses.”;

(5) in subsection (l) (as redesignated by paragraph (3))—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(4) \$70,000,000 for fiscal year 2013 and each fiscal year thereafter.”.

SEC. 10009. RECORDKEEPING, INVESTIGATIONS, AND ENFORCEMENT.

The Organic Foods Production Act of 1990 is amended by inserting after section 2120 (7 U.S.C. 6519) the following:

“SEC. 2120A. RECORDKEEPING, INVESTIGATIONS, AND ENFORCEMENT.

“(a) RECORDKEEPING.—

“(1) IN GENERAL.—Except as otherwise provided in this title, all persons, including producers, handlers, and certifying agents, required to report information to the Secretary under this title shall maintain, and

make available to the Secretary on the request of the Secretary, all contracts, agreements, receipts, and other records associated with the organic certification program established by the Secretary under this title.

“(2) DURATION OF RECORDKEEPING REQUIREMENT.—A record covered by paragraph (1) shall be maintained—

“(A) by a person covered by this title, except for a certifying agent, for a period of 5 years beginning on the date of the creation of the record; and

“(B) by a certifying agent, for a period of 10 years beginning on the date of the creation of the record.

“(b) CONFIDENTIALITY.—

“(1) IN GENERAL.—Subject to paragraph (2), and except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or made available by any person under this title, other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

“(2) ALLEGED VIOLATORS AND NATURE OF ACTIONS.—The Secretary may release the name of the alleged violator and the nature of the actions triggering an order, suspension, or revocation under subsection (e).

“(c) INVESTIGATION.—

“(1) IN GENERAL.—The Secretary may take such investigative actions as the Secretary considers to be necessary to carry out this title—

“(A) to verify the accuracy of any information reported or made available under this title; and

“(B) to determine, with regard to actions, practices, or information required under this title, whether a person covered by this title has committed, or will commit, a violation of any provision of this title, including an order or regulation promulgated by the Secretary.

“(2) INVESTIGATIVE POWERS.—The Secretary may administer oaths and affirmations, subpoena witnesses, compel attendance of witnesses, take evidence, and require the production of any books, papers, and documents that are relevant to the investigation.

“(d) UNLAWFUL ACT.—It shall be unlawful and a violation of this title for any person covered by this title—

“(1) to fail or refuse to provide, or delay the timely provision of, accurate information required by the Secretary under this section;

“(2) to violate—

“(A) an order of the Secretary;

“(B) a suspension or revocation of the organic certification of a producer or handler; or

“(C) a suspension or revocation of the accreditation of a certifying agent; or

“(3) to sell, or attempt to sell, a product that is represented as being organically produced under this title if in fact the product has been produced or handled by an operation that is not yet a certified organic producer or handler under this title.

“(e) ENFORCEMENT.—

“(1) ORDER.—The Secretary may issue an order to stop the sale of an agricultural product that is labeled or otherwise represented as being organically produced—

“(A) until the product can be verified—

“(i) as meeting the national and State standards for organic production and handling as provided in sections 2105 through 2114;

“(ii) as having been produced or handled without the use of a prohibited substance listed under section 2118; and

“(iii) as being produced and handled by a certified organic operation; and

“(B) if a person has committed an unlawful act with respect to the product under subsection (d).

“(2) CERTIFICATION OR ACCREDITATION.—

“(A) SUSPENSION.—

“(1) IN GENERAL.—The Secretary may suspend the organic certification of a producer or handler, or accreditation of a certifying agent, for a period not to exceed 30 days, and may renew the suspension for an additional period, under the circumstances described in clause (ii).

“(ii) ACTIONS TRIGGERING SUSPENSION.—The Secretary may take the suspension or renewal actions described in clause (i), if the Secretary has reason to believe that a person producing or handling an agricultural product, or a certifying agent, has violated or is violating any provision of this title, including an order or regulation promulgated under this title.

“(iii) CONTINUATION OF SUSPENSION THROUGH APPEAL.—If the Secretary determines subsequent to an investigation that a violation of this title by a person covered by this title has occurred, the suspension shall remain in effect until the Secretary issues a revocation of the certification of the person or of the accreditation of the certifying agent, covered by this title, after an expedited administrative appeal under section 2121 has been completed.

“(B) REVOCATION.—After notice and opportunity for an administrative appeal under section 2121, if a violation described in subparagraph (A)(ii) is determined to have occurred and is an unlawful act under subsection (d), the Secretary shall revoke the organic certification of the producer or handler, or the accreditation of the certifying agent.

“(3) VIOLATION OF ORDER OR REVOCATION.—A person who violates an order to stop the sale of a product as an organically produced product under paragraph (1), or a revocation of certification or accreditation under paragraph (2)(B), shall be subject to 1 or more of the penalties provided in subsections (a) and (b) of section 2120.

“(f) APPEAL.—

“(1) IN GENERAL.—An order under subsection (e)(1), or a revocation of certification or accreditation under subsection (e)(2)(B) shall be final and conclusive unless the affected person files an appeal of the order—

“(A) first, to the administrative appeals process established under section 2121(a); and

“(B) second, if the affected person so elects, to a United States district court as provided in section 2121(b) not later than 30 days after the date of the determination under subparagraph (A).

“(2) STANDARD.—An order under subsection (e)(1), or a revocation of certification or accreditation under subsection (e)(2)(B), shall be set aside only if the order, or the revocation of certification or accreditation, is not supported by substantial evidence.

“(g) NONCOMPLIANCE.—

“(1) IN GENERAL.—If a person covered by this title fails to obey an order, or a revocation of certification or accreditation, described in subsection (f)(2) after the order or revocation has become final and conclusive or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order,

or the revocation of certification or accreditation.

“(2) ENFORCEMENT.—If the court determines that the order or revocation was lawfully made and duly served and that the person violated the order or revocation, the court shall enforce the order or revocation.

“(3) CIVIL PENALTY.—If the court finds that the person violated the order or revocation, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.”.

SEC. 10010. REPORT ON HONEY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with affected stakeholders, shall submit to the Commissioner of Food and Drugs a report describing how an appropriate Federal standard for the identity of honey would promote honesty and fair dealing and would be in the interest of consumers, the honey industry, and United States agriculture.

(b) CONTENTS.—In preparing the report under subsection (a), the Secretary shall take into consideration the March 2006 Standard of Identity citizens petition filed with the Food and Drug Administration, including any current industry amendments or clarifications necessary to update that 2006 petition.

SEC. 10011. EFFECTIVE DATE.

This title and the amendments made by this title take effect on October 1, 2012.

TITLE XI—CROP INSURANCE

SEC. 11001. SUPPLEMENTAL COVERAGE OPTION.

(a) AVAILABILITY OF SUPPLEMENTAL COVERAGE OPTION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (3) and inserting the following:

“(3) YIELD AND LOSS BASIS OPTIONS.—A producer shall have the option of purchasing additional coverage based on—

“(A)(i) an individual yield and loss basis; or

“(ii) an area yield and loss basis;

“(B) an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis to cover all or a part of the deductible under the individual yield and loss policy, as authorized in paragraph (4)(C); or

“(C) a margin basis alone or in combination with—

“(i) individual yield and loss coverage; or

“(ii) area yield and loss coverage.”.

(b) LEVEL OF COVERAGE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (4) and inserting the following:

“(4) LEVEL OF COVERAGE.—

“(A) DOLLAR DENOMINATION AND PERCENTAGE OF YIELD.—Except as provided in subparagraph (C), the level of coverage—

“(i) shall be dollar denominated; and

“(ii) may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation).

“(B) INFORMATION.—The Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

“(C) SUPPLEMENTAL COVERAGE OPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of the supplemental coverage option described in paragraph (3)(B), the Corporation shall offer producers the opportunity to purchase coverage in combination with a policy or plan of insurance offered under this subtitle that

would allow indemnities to be paid to a producer equal to all or part of the deductible under the policy or plan of insurance, if sufficient area data is available (as determined by the Corporation).

“(ii) **TRIGGER.**—Coverage offered under this subparagraph shall be triggered only if the losses in the area exceed 10 percent of normal levels (as determined by the Corporation).

“(iii) **COVERAGE.**—Subject to the trigger described in clause (ii) and the deductible imposed by clause (iv), coverage offered under this subparagraph shall cover the first loss incurred by the producer, not to exceed the difference between—

“(I) 100 percent; and

“(II) the coverage level selected by the producer for the underlying policy or plan of insurance.

“(iv) **DEDUCTIBLE.**—Coverage offered under this subparagraph shall be subject to a deductible in an amount equal to—

“(I) in the case of a producer who participates in the agriculture risk coverage program under section 1105(c) of the Agriculture Reform, Food, and Jobs Act of 2012, 21 percent of the expected value of the crop of the producer covered by the underlying policy or plan of insurance, as determined by the Corporation; and

“(II) in the case of all other producers, 10 percent of the expected value of the crop of the producer covered by the underlying policy or plan of insurance, as determined by the Corporation.

“(v) **CALCULATION OF PREMIUM.**—Notwithstanding subsection (d), the premium shall—

“(I) be sufficient to cover anticipated losses and a reasonable reserve; and

“(II) include an amount for operating and administrative expenses established in accordance with subsection (k)(4)(F).”

(c) **PAYMENT OF PORTION OF PREMIUM BY CORPORATION.**—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

“(H) In the case of the supplemental coverage option authorized in subsection (c)(4)(C), the amount shall be equal to the sum of—

“(i) 70 percent of the additional premium associated with the coverage; and

“(ii) the amount determined under subsection (c)(4)(C)(v)(II) for the coverage to cover operating and administrative expenses.”

(d) **CONFORMING AMENDMENT.**—Section 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(F)) is amended by inserting “or authorized under subsection (c)(4)(C)” after “of this subparagraph”.

(e) **EFFECTIVE DATE.**—The Federal Crop Insurance Corporation shall begin to provide additional coverage based on an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis, not later than for the 2013 crop year.

SEC. 11002. PREMIUM AMOUNTS FOR CATASTROPHIC RISK PROTECTION.

Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended by striking subparagraph (A) and inserting the following:

“(A) In the case of catastrophic risk protection, the amount of the premium established by the Corporation for each crop for which catastrophic risk protection is available shall be reduced by the percentage equal to the difference between the average loss ratio for the crop and 100 percent, plus a reasonable reserve, as determined by the Corporation.”

SEC. 11003. PERMANENT ENTERPRISE UNIT.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—The Corporation may pay a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).”

SEC. 11004. ENTERPRISE UNITS FOR IRRIGATED AND NONIRRIGATED CROPS.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by adding at the end the following:

“(D) **NONIRRIGATED CROPS.**—Beginning with the 2013 crop year, the Corporation shall make available separate enterprise units for irrigated and nonirrigated acreages of crops in counties.”

SEC. 11005. DATA COLLECTION.

Section 508(g)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)) is amended by adding at the end the following:

“(E) **SOURCES OF YIELD DATA.**—To determine yields under this paragraph, the Corporation—

“(i) shall use county data collected by the Risk Management Agency or the National Agricultural Statistics Service, or both; or

“(ii) if sufficient county data is not available, may use other data considered appropriate by the Secretary.”

SEC. 11006. ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.

Section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)) is amended—

(1) in the matter preceding clause (i), by inserting “for the 2012 crop year or any prior crop year, or 70 percent of the applicable transitional yield for the 2013 or any subsequent crop year,” after “transitional yield”; and

(2) in clause (ii), by striking “60 percent of the applicable transitional yield” and inserting “the applicable percentage of the transitional yield described in this subparagraph”.

SEC. 11007. SUBMISSION AND REVIEW OF POLICIES.

Section 508(h)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking “(1) **IN GENERAL.**—” and inserting the following:

“(1) **SUBMISSION AND REVIEW OF POLICIES.**—

“(A) **SUBMISSIONS.**—In addition”; and

(3) by adding at the end the following:

“(B) **REVIEW.**—The Corporation shall review any policy developed under section 522(c) or any pilot program developed under section 523 and submit the policy or program to the Board under this subsection if the Corporation, at the sole discretion of the Corporation, finds that the policy or program—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form; and

“(iii) adequately protects the interests of producers.”

SEC. 11008. BOARD REVIEW AND APPROVAL.

(a) **REVIEW AND APPROVAL BY THE BOARD.**—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (3) and inserting the following:

“(3) **REVIEW AND APPROVAL BY THE BOARD.**—

“(A) **IN GENERAL.**—A policy, plan of insurance, or other material submitted to the Board under this subsection shall be reviewed by the Board and shall be approved by the Board for reinsurance and for sale by approved insurance providers to producers at actuarially appropriate rates and under appropriate terms and conditions if the Board, at the sole discretion of the Board, determines that—

“(i) the interests of producers are adequately protected;

“(ii) the rates of premium and price election methodology are actuarially appropriate;

“(iii) the terms and conditions for the proposed policy or plan of insurance are appropriate and would not unfairly discriminate among producers;

“(iv) the proposed policy or plan of insurance will, at the sole discretion of the Board—

“(I) likely result in a viable and marketable policy that can reasonably attain levels of participation similar to other like policies or plans of insurance;

“(II) provide crop insurance coverage in a significantly improved form or in a manner that addresses a recognized flaw or problem in an existing policy; or

“(III) provide a new kind of coverage for a commodity that previously had no available crop insurance, or has demonstrated a low level of participation under existing coverage;

“(v) the proposed policy or plan of insurance will, at the sole discretion of the Board, not have a significant adverse impact on the crop insurance delivery system; and

“(vi) the proposed policy or plan of insurance meets such other requirements as are determined appropriate by the Board.

“(B) **PRIORITIES.**—

“(i) **ESTABLISHMENT.**—The Board, at the sole discretion of the Board, may—

“(I) annually establish priorities under this subsection that specify types of submissions needed to fulfill the portfolio of policies or plans of insurance to be reviewed and approved under this subsection; and

“(II) make the priorities available on the website of the Corporation.

“(ii) **PROCESS.**—

“(I) **IN GENERAL.**—Policies or plans of insurance that satisfy the priorities established by the Board under this subsection shall be considered by the Board for approval prior to other submissions.

“(II) **CONSIDERATIONS.**—In approving policies or plans of insurance, the Board shall—

“(aa) consider providing the highest priorities for policies or plans of insurance that address underserved commodities, including commodities for which there is no insurance; and

“(bb) consider providing the highest priorities for existing policies for which there is inadequate coverage or there exists low levels of participation.

“(iii) **OTHER CRITERIA.**—The Board may establish such other criteria as the Board determines to meet the needs of producers and the priorities of this subsection, consistent with the purposes of this subtitle.”

SEC. 11009. CONSULTATION.

Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

“(E) **CONSULTATION.**—

“(i) **REQUIREMENT.**—As part of the feasibility and research associated with the development of a policy or other material conducted prior to making a submission to the Board under this subsection, the submitter

shall consult with groups representing producers of agricultural commodities in all major producing areas for the commodities to be served or potentially impacted, either directly or indirectly.

“(ii) **SUBMISSION TO THE BOARD.**—Any submission made to the Board under this subsection shall contain a summary and analysis of the feasibility and research findings from the impacted groups described in clause (i), including a summary assessment of the support for or against development of the policy and an assessment on the impact of the proposed policy to the general marketing and production of the crop from both a regional and national perspective.

“(iii) **EVALUATION BY THE BOARD.**—In evaluating whether the interests of producers are adequately protected pursuant to paragraph (3) with respect to an submission made under this subsection, the Board shall review the information provided pursuant to clause (ii) to determine if the submission will create adverse market distortions with respect to the production of commodities that are the subject of the submission.”

SEC. 11010. BUDGET LIMITATIONS ON RENEGOTIATION OF THE STANDARD REINSURANCE AGREEMENT.

Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) is amended by adding at the end the following:

“(F) **BUDGET.**—

“(i) **IN GENERAL.**—The Board shall ensure that any Standard Reinsurance Agreement negotiated under subparagraph (A)(ii), as compared to the previous Standard Reinsurance Agreement—

“(I) to the maximum extent practicable, shall be budget neutral; and

“(II) in no event, may significantly depart from budget neutrality.

“(ii) **USE OF SAVINGS.**—To the extent that any budget savings is realized in the renegotiation of a Standard Reinsurance Agreement under subparagraph (A)(ii), and the savings are determined not to be a significant departure from budget neutrality under clause (i), the savings shall be used for programs administered or managed by the Risk Management Agency.”

SEC. 11011. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

(a) **AVAILABILITY OF STACKED INCOME PROTECTION PLAN.**—The Federal Crop Insurance Act is amended by inserting after section 508A (7 U.S.C. 1508a) the following:

“SEC. 508B. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

“(a) **AVAILABILITY.**—Beginning not later than the 2013 crop of upland cotton, if practicable, the Corporation shall make available to producers of maximum eligible acres of upland cotton an additional policy (to be known as the ‘Stacked Income Protection Plan’), which shall provide coverage consistent with the Group Risk Income Protection Plan (and the associated Harvest Revenue Option Endorsement) offered by the Corporation for the 2011 crop year.

“(b) **REQUIRED TERMS.**—The Corporation may modify the Stacked Income Protection Plan on a program-wide basis, except that the Stacked Income Protection Plan shall comply with the following requirements:

“(1)(A) Provide coverage for revenue loss of not more than 30 percent of expected county revenue, specified in increments of 5 percent.

“(B) The deductible is the minimum percent of revenue loss at which indemnities are triggered under the plan, not to be less than 10 percent of the expected county revenue.

“(C) Once the deductible is met, any losses in excess of the deductible will be paid up to the coverage selected by the producer.

“(2) Be offered to producers of upland cotton in all counties with upland cotton production—

“(A) at a county-wide level to the fullest extent practicable; or

“(B) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

“(3) Be purchased in addition to any other individual or area coverage in effect on the producer’s acreage or as a stand-alone policy, except that if a producer has an individual or area coverage for the same acreage, the maximum coverage available under the Stacked Income Protection Plan shall not exceed the deductible for the individual or area coverage.

“(4) Establish coverage based on—

“(A) an expected price that is the expected price established under existing Group Risk Income Protection or area wide policy offered by the Corporation for the applicable county (or area) and crop year; and

“(B) an expected county yield that is the higher of—

“(i) the expected county yield established for the existing area-wide plans offered by the Corporation for the applicable county (or area) and crop year (or, in geographic areas where area-wide plans are not offered, an expected yield determined in a manner consistent with those of area-wide plans); or

“(ii)(I) the average of the applicable yield data for the county (or area) for the most recent 5 years, excluding the highest and lowest observations, from the Risk Management Agency or the National Agricultural Statistics, or both; or

“(II) if sufficient county data is not available, such other data considered appropriate by the Secretary.

“(5) Use a multiplier factor to establish maximum protection per acre (referred to as a ‘protection factor’) of not more than 120 percent.

“(6) Pay an indemnity based on the amount that the expected county revenue exceeds the actual county revenue, as applied to the individual coverage of the producer. Indemnities under the Stacked Income Protection Plan shall not include or overlap the amount of the deductible selected under paragraph (1).

“(7) To the maximum extent practicable, in all counties for which data are available, establish separate coverage for irrigated and nonirrigated practices.

“(8) Notwithstanding section 508(d), include a premium that—

“(A) is sufficient to cover anticipated losses and a reasonable reserve; and

“(B) includes an amount for operating and administrative expenses established in accordance with section 508(k)(4)(F).

“(c) **RELATION TO OTHER COVERAGES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Stacked Income Protection Plan is in addition to all other coverages available to producers of upland cotton.

“(2) **LIMITATION.**—Acreage of upland cotton insured under the Supplemental Coverage Option shall not be eligible for the Stacked Income Protection Plan.

“(d) **PAYMENT OF PORTION OF PREMIUM BY CORPORATION.**—Subject to section 508(e)(4), the amount of premium paid by the Corporation for all qualifying coverage levels of the Stacked Income Protection Plan shall be—

“(1) 80 percent of the amount of the premium established under subsection (b)(8)(A) for the coverage level selected; and

“(2) the amount determined under subsection (b)(8)(B) to cover administrative and operating expenses.”

(b) **CONFORMING AMENDMENT.**—Section 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(F)) (as amended by section 11001(d)) is amended by inserting “or under section 508B” after “subsection (c)(4)(C)”.

SEC. 11012. PEANUT REVENUE CROP INSURANCE.

The Federal Crop Insurance Act is amended by inserting after section 508B (as added by section 11011(a)) the following:

“SEC. 508C. PEANUT REVENUE CROP INSURANCE.

“(a) **IN GENERAL.**—Effective beginning with the 2013 crop year, the Risk Management Agency and the Corporation shall make available to producers of peanuts a revenue crop insurance program for peanuts.

“(b) **EFFECTIVE PRICE.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for purposes of the policies and plans of insurance offered under subsections (a) and (b) of section 508, the effective price for peanuts shall be equal to the Rotterdam price index for peanuts, as adjusted to reflect the farmer stock price of peanuts in the United States.

“(2) **ADJUSTMENTS.**—

“(A) **IN GENERAL.**—The effective price for peanuts established under paragraph (1) may be adjusted by the Risk Management Agency and the Corporation to correct distortions.

“(B) **ADMINISTRATION.**—If an adjustment is made under subparagraph (A), the Risk Management Agency and the Corporation shall—

“(i) make the adjustment in an open and transparent manner; and

“(ii) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the reasons for the adjustment.”

SEC. 11013. AUTHORITY TO CORRECT ERRORS.

Section 515(c) of the Federal Crop Insurance Act (7 U.S.C. 1515(c)) is amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(2) in the second sentence, by striking “Beginning with” and inserting the following:

“(2) **FREQUENCY.**—Beginning with”;

(3) by adding at the end the following:

“(3) **CORRECTIONS.**—

“(A) **IN GENERAL.**—The Corporation shall establish procedures that allow an agent and approved insurance provider within a reasonable amount of time following the applicable sales closing date to correct information regarding the entity name, social security number, tax identification number, or such other eligibility information as determined by the Corporation that is provided by a producer for the purpose of obtaining coverage under any policy or plan of insurance made available under this subtitle to ensure that the eligibility information is consistent with the information reported by the producer to the Farm Service Agency.

“(B) **LIMITATION.**—In accordance with the procedures of the Corporation, procedures under subparagraph (A) may include any subsequent correction to the eligibility information described in that subparagraph made by the Farm Service Agency if the corrections do not allow the producer—

“(i) to obtain a disproportionate benefit under the crop insurance program or any related program of the Department of Agriculture;

“(ii) to avoid ineligibility requirements for insurance; or

“(iii) to avoid an obligation or requirement under any Federal or State law.”.

SEC. 11014. IMPLEMENTATION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(1) in subsection (j), by striking paragraph (1) and inserting the following:

“(1) SYSTEMS MAINTENANCE AND UPGRADES.—

“(A) IN GENERAL.—The Secretary shall maintain and upgrade the information management systems of the Corporation used in the administration and enforcement of this subtitle.

“(B) REQUIREMENT.—

“(i) IN GENERAL.—In maintaining and upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purposes of this section.

“(ii) ACREAGE REPORT STREAMLINING INITIATIVE PROJECT.—As soon as practicable, the Secretary shall develop and implement an acreage report streamlining initiative project to allow producers to report acreage and other information directly to the Department.”; and

(2) in subsection (k), by striking paragraph (1) and inserting the following:

“(1) INFORMATION TECHNOLOGY.—

“(A) IN GENERAL.—For purposes of subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than—

“(i) (I) for fiscal year 2013, \$25,000,000; and

“(II) for each of fiscal years 2014 through 2017, \$10,000,000; or

“(ii) if the Acreage Crop Reporting Streamlining Initiative (ACRSI) project is substantially completed by September 30, 2013, not more than \$15,000,000 for each of fiscal years 2014 through 2017.

“(B) NOTIFICATION.—Not later than July 1, 2013, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of the substantial completion of the Acreage Crop Reporting Streamlining Initiative (ACRSI) project.”.

SEC. 11015. APPROVAL OF COSTS FOR RESEARCH AND DEVELOPMENT.

Section 522(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)(2)) is amended by striking subparagraph (E) and inserting the following:

“(E) APPROVAL.—

“(i) IN GENERAL.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of the payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

“(I) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

“(II) at the sole discretion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

“(aa) in a significantly improved form or that addresses a unique need of agricultural producers;

“(bb) to a crop or region not traditionally served by the Federal crop insurance program; or

“(cc) in a form that addresses a recognized flaw or problem in the program;

“(III) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

“(IV) the proposed budget and timetable are reasonable, as determined by the Board; and

“(V) the concept proposal meets any other requirements that the Board determines appropriate.

“(ii) WAIVER.—The Board may waive the 50-percent limitation and, upon request of the submitter after the submitter has begun research and development activities, the Board may approve an additional 25 percent advance payment to the submitter for research and development costs, if, at the sole discretion of the Board, the Board determines that—

“(I) the intended policy or plan of insurance developed by the submitter will provide coverage for a region or crop that is underserved by the Federal crop insurance program, including specialty crops;

“(II) the submitter is making satisfactory progress towards developing a viable and marketable policy or plan of insurance consistent with section 508(h); and

“(III) the submitter does not have sufficient financial resources to complete the development of the submission into a viable and marketable policy or plan of insurance consistent with section 508(h).”.

SEC. 11016. WHOLE FARM RISK MANAGEMENT INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended by adding at the end the following:

“(18) WHOLE FARM DIVERSIFIED RISK MANAGEMENT INSURANCE PLAN.—

“(A) IN GENERAL.—The Corporation shall conduct activities or enter into contracts to carry out research and development to develop a whole farm risk management insurance plan, with a liability limitation of \$1,500,000, that allows a diversified crop or livestock producer the option to qualify for an indemnity if actual gross farm revenue is below 85 percent of the average gross farm revenue or the expected gross farm revenue that can reasonably be expected of the producer, as determined by the Corporation.

“(B) ELIGIBLE PRODUCERS.—The Corporation shall permit producers (including direct-to-consumer marketers, and producers servicing local and regional and farm identity-preserved markets) who produce multiple agricultural commodities, including specialty crops, industrial crops, livestock, and aquaculture products, to participate in the plan in lieu of any other plan under this subtitle.

“(C) DIVERSIFICATION.—The Corporation may provide diversification-based additional coverage payment rates, premium discounts, or other enhanced benefits in recognition of the risk management benefits of crop and livestock diversification strategies for producers that grow multiple crops or that may have income from the production of livestock that uses a crop grown on the farm.

“(D) MARKET READINESS.—The Corporation may include coverage for the value of any packing, packaging, or any other similar on-farm activity the Corporation determines to be the minimum required in order to remove the commodity from the field.

“(E) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and feasibility of the research and development conducted

under this paragraph, including an analysis of potential adverse market distortions.”.

SEC. 11017. CROP INSURANCE FOR LIVESTOCK.

Section 522(c) of the Federal Crop Insurance Act (as amended by section 11016) is amended by adding at the end the following:

“(19) STUDY ON SWINE CATASTROPHIC DISEASE PROGRAM.—

“(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring swine producers for a catastrophic event.

“(B) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

SEC. 11018. MARGIN COVERAGE FOR CATFISH.

Section 522(c) of the Federal Crop Insurance Act (as amended by section 11017) is amended by adding at the end the following:

“(20) MARGIN COVERAGE FOR CATFISH.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to conduct research and development regarding a policy to insure producers against reduction in the margin between the market value of catfish and selected costs incurred in the production of catfish.

“(B) ELIGIBILITY.—Eligibility for the policy described in subparagraph (A) shall be limited to freshwater species of catfish that are propagated and reared in controlled or selected environments.

“(C) IMPLEMENTATION.—The Board shall review the policy described in subparagraph (B) under subsection 508(h) and approve the policy if the Board finds that the policy—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form;

“(iii) adequately protects the interests of producers; and

“(iv) the proposed policy meets other requirements of this subtitle determined appropriate by the Board.”.

SEC. 11019. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) in the subsection heading, by striking “Contracting”;

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking “may enter into contracts to carry out research and development to” and inserting “may conduct activities or enter into contracts to carry out research and development to maintain or improve existing policies or develop new policies to”;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “conduct research and development or” after “The Corporation may”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) CONSULTATION.—Before conducting research and development or entering into a contract under subparagraph (A), the Corporation shall follow the consultation requirements described in section 508(h)(4)(E).”;

(4) in paragraph (5), by inserting “after expert review in accordance with section 505(e) and procedures of the Board” after “approved by the Board”; and

(5) in paragraph (6), by striking “a pasture, range, and forage program” and inserting

“policies that increase participation by producers of underserved agricultural commodities, including sweet sorghum, sorghum for biomass, specialty crops, sugarcane, and dedicated energy crops”.

(b) **FUNDING.**—Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (2)—

(A) by striking “(A) AUTHORITY.—” and inserting “(A) CONDUCTING AND CONTRACTING FOR RESEARCH AND DEVELOPMENT.—”;

(B) in subparagraph (A), by inserting “conduct research and development and” after “the Corporation may use to”; and

(C) in subparagraph (B), by inserting “conduct research and development and” after “for the fiscal year to”;

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “to provide either reimbursement payments or contract payments”; and

(3) by striking paragraph (4).

SEC. 11020. PILOT PROGRAMS.

Section 523(a) of the Federal Crop Insurance Act (7 U.S.C. 1523(a)) is amended—

(1) in paragraph (1), by inserting “, at the sole discretion of the Corporation,” after “may”; and

(2) by striking paragraph (5).

SEC. 11021. INDEX-BASED WEATHER INSURANCE PILOT PROGRAM.

Section 523(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1523(a)(2)) is amended—

(1) by striking “Under” inserting the following:

“(A) IN GENERAL.—Under”; and

(2) by adding at the end the following:

“(B) INDEX-BASED WEATHER INSURANCE PILOT PROGRAM.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), the Corporation, at the sole discretion of the Corporation, may conduct a pilot program to provide financial assistance for producers of underserved crops and livestock (including specialty crops) to purchase an index-based weather insurance product from a private insurance company, subject to the requirements of this subparagraph.

“(ii) PAYMENT OF PREMIUM.—

“(I) IN GENERAL.—Subject to subclause (II) and clause (v), the Corporation may pay a portion of the premium for producers who purchase index-based weather insurance protection from a private insurance company for a crop and policy that is not reinsured under this subtitle, as determined by the Corporation.

“(II) CONDITION.—The premium assistance under subclause (I) shall not exceed 60 percent of the estimated premium amount, based on expected losses, representative operating expenses, and representative profit margins, as determined by the Corporation.

“(iii) ELIGIBLE PROVIDERS.—Before providing premium assistance to producers to purchase index-based weather insurance from a private insurance company pursuant to this subparagraph, the Corporation shall verify that the company has adequate experience—

“(I) to develop and manage the index-based weather insurance products, including adequate resources, experience, and assets or sufficient reinsurance to meet the obligations of the company under this subparagraph; and

“(II) to support and deliver the index-based weather insurance products.

“(iv) PROCEDURES.—The Corporation shall develop and publish procedures to administer the pilot program under this subparagraph that—

“(I) require each applicable private insurance company to report claim and sales data,

and any other data the Corporation determines to be appropriate, to allow the Corporation to evaluate product pricing and performance;

“(II) allow the private insurance companies exclusive rights over the private insurance offered under this subparagraph, including rating of policies, protection of intellectual property rights on the product or policy, and associated rating methodology, for the period during which the companies are eligible under clause (iii); and

“(III) contain such other requirements as the Corporation determines to be necessary to ensure that—

“(aa) the interests of producers are protected; and

“(bb) the program operates in an actuarially sound manner.

“(v) **FUNDING.**—Of the funds of the Corporation, the Corporation shall use to carry out this subparagraph \$10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”.

SEC. 11022. ENHANCING PRODUCER SELF-HELP THROUGH FARM FINANCIAL BENCHMARKING.

(a) **DEFINITION.**—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) **FARM FINANCIAL BENCHMARKING.**—The term ‘farm financial benchmarking’ means—

“(A) the process of comparing the performance of an agricultural enterprise against the performance of other similar enterprises, through the use of comparable and reliable data, in order to identify business management strengths, weaknesses, and steps necessary to improve management performance and business profitability; and

“(B) benchmarking of the type conducted by farm management and producer associations consistent with the activities described in or funded pursuant to section 1672D of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f).”.

(b) **PARTNERSHIPS FOR RISK MANAGEMENT FOR PRODUCERS OF SPECIALTY CROPS AND UNDERSERVED AGRICULTURAL COMMODITIES.**—Section 522(d)(3)(F) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(3)(F)) is amended by inserting “farm financial benchmarking,” after “management.”.

(c) **CROP INSURANCE EDUCATION AND RISK MANAGEMENT ASSISTANCE.**—Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (3)(A), by inserting “farm financial benchmarking,” after “risk reduction,”; and

(2) in paragraph (4), in the matter preceding subparagraph (A), by inserting “(including farm financial benchmarking)” after “management strategies”.

SEC. 11023. BEGINNING FARMER AND RANCHER PROVISIONS.

(a) **DEFINITION.**—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) (as amended by section 11022(a)) is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) **BEGINNING FARMER OR RANCHER.**—The term ‘beginning farmer or rancher’ means a farmer or rancher who has not actively operated and managed a farm or ranch with a bona fide insurable interest in a crop or live-

stock as an owner-operator, landlord, tenant, or sharecropper for more than 5 crop years, as determined by the Secretary.”.

(b) **PREMIUM ADJUSTMENTS.**—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(E), by inserting “and beginning farmers or ranchers” after “limited resource farmers”; and

(2) in subsection (e), by adding at the end the following:

“(8) **PREMIUM FOR BEGINNING FARMERS OR RANCHERS.**—Notwithstanding any other provision of this subsection regarding payment of a portion of premiums, a beginning farmer or rancher shall receive premium assistance that is 10 percentage points greater than premium assistance that would otherwise be available under paragraphs (2) (except for subparagraph (A) of that paragraph), (5), (6), and (7) for the applicable policy, plan of insurance, and coverage level selected by the beginning farmer or rancher.”; and

(3) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking “or” at the end;

(ii) in clause (ii)(III), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(iii) if the producer is a beginning farmer or rancher who was previously involved in a farming or ranching operation, including involvement in the decisionmaking or physical involvement in the production of the crop or livestock on the farm, for any acreage obtained by the beginning farmer or rancher, a yield that is the higher of—

“(I) the actual production history of the previous producer of the crop or livestock on the acreage determined under subparagraph (A); or

“(II) a yield of the producer, as determined in clause (i).”; and

(B) in paragraph (4)(B)(ii) (as amended by section 11006)—

(i) by inserting “(I)” after “(ii)”; and

(ii) by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(II) in the case of beginning farmers or ranchers, replace each excluded yield with a yield equal to 80 percent of the applicable transitional yield.”.

SEC. 11024. AGRICULTURAL MANAGEMENT ASSISTANCE, RISK MANAGEMENT EDUCATION, AND ORGANIC CERTIFICATION COST SHARE ASSISTANCE.

Section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) is amended by striking subsection (b) and inserting the following:

“(b) **AGRICULTURAL MANAGEMENT ASSISTANCE, RISK MANAGEMENT EDUCATION, AND ORGANIC CERTIFICATION COST SHARE ASSISTANCE.**—

“(1) **AUTHORITY FOR PROVISION OF ASSISTANCE.**—The Secretary shall provide assistance under this section as follows:

“(A) Provision of organic certification cost share assistance pursuant to section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523).

“(B) Activities to support risk management education and community outreach partnerships pursuant to section 522(d), including—

“(i) entering into futures or hedging;

“(ii) entering into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

“(iii) conducting any other activity relating to an activity described in clause (i) or (ii), including farm financial benchmarking, as determined by the Secretary.

“(C) Provision of agricultural management assistance grants to producers in States in which there has been traditionally, and continues to be, a low level of Federal crop insurance participation and availability, and producers underserved by the Federal crop insurance program, as determined by the Secretary, for the purposes of—

“(i) constructing or improving—
 “(I) watershed management structures; or
 “(II) irrigation structures;
 “(ii) planting trees to form windbreaks or to improve water quality; and
 “(iii) mitigating financial risk through production or marketing diversification or resource conservation practices, including—
 “(I) soil erosion control;
 “(II) integrated pest management;
 “(III) organic farming; or
 “(IV) to develop and implement a plan to create marketing opportunities for the producer, including through value-added processing.

“(2) PAYMENT LIMITATION.—The total amount of payments made to a person (as defined in section 1001(5) of the Food Security Act (7 U.S.C. 1308(5))) (as in existence before the amendment made by section 1603(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1730)) under paragraph (1) for any year may not exceed \$50,000.

“(3) FUNDING.—

“(A) IN GENERAL.—The Secretary shall carry out this subsection through the Commodity Credit Corporation.

“(B) FUNDING.—For each of fiscal years 2013 through 2017, the Commodity Credit Corporation shall make available to carry out this subsection \$23,000,000.

“(C) DISTRIBUTION OF FUNDS.—Of the amount made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

“(i) 50 percent to carry out paragraph (1)(A);
 “(ii) 26 percent to carry out paragraph (1)(B); and
 “(iii) 24 percent to carry out paragraph (1)(C).”

SEC. 11025. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508(o) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is amended—

(1) in paragraph (1)(B), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(2) in paragraph (2)(A), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(i) a portion of crop insurance premium subsidies under this subtitle in accordance with paragraph (3);

“(ii) benefits under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

“(iii) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”;

(3) by striking paragraph (3) and inserting the following:

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in paragraph (2)—

“(i) paragraph (2) shall apply to 65 percent of the applicable transitional yield; and

“(ii) the crop insurance premium subsidy provided for the producer under this subtitle shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(B) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this

subsection, a producer may not substitute yields for the native sod acreage.”.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amended—

(1) in subparagraph (A)(ii), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(2) in subparagraph (B)(i), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(I) benefits under this section;

“(II) a portion of crop insurance premium subsidies under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) in accordance with subparagraph (C); and

“(III) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”;

(3) by striking subparagraph (C) and inserting the following:

“(C) ADMINISTRATION.—

“(i) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in subparagraph (B)—

“(I) subparagraph (B) shall apply to 65 percent of the applicable transitional yield; and

“(II) the crop insurance premium subsidy provided for the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this paragraph, a producer may not substitute yields for the native sod acreage.”.

(c) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the cropland acreage in each county and State, and the change in cropland acreage from the preceding year in each county and State, beginning with calendar year 2000 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2014, and each January 1 thereafter through January 1, 2017, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each county and State.

SEC. 11026. TECHNICAL AMENDMENTS.

Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) through (11) as paragraphs (7) through (10), respectively.

TITLE XII—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 12001. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.

(a) OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.—Section 2501 of the Food, Agriculture, Con-

servation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in the section heading, by inserting “AND VETERAN FARMERS AND RANCHERS” after “RANCHERS”;

(2) in subsection (a)—

(A) in paragraph (2)(B)(i), by inserting “and veteran farmers or ranchers” after “ranchers”; and

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “and” at the end;

(II) in clause (ii), by striking the period at the end and inserting “; and”;

(III) by adding at the end the following:

“(iii) \$5,000,000 for each of fiscal years 2013 through 2017.”;

(ii) by adding at the end the following:

“(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.”;

(3) in subsection (b)(2), by inserting “or veteran farmers and ranchers” after “socially disadvantaged farmers and ranchers”; and

(4) in subsection (c)—

(A) in paragraph (1)(A), by inserting “veteran farmers or ranchers and” before “members”; and

(B) in paragraph (2)(A), by inserting “veteran farmers or ranchers and” before “members”.

(b) DEFINITION OF VETERAN FARMER OR RANCHER.—Section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended by adding at the end the following:

“(7) VETERAN FARMER OR RANCHER.—The term ‘veteran farmer or rancher’ means a farmer or rancher who served in the active military, naval, or air service, and who was discharged or released from the service under conditions other than dishonorable.”.

SEC. 12002. OFFICE OF ADVOCACY AND OUTREACH.

Section 226B(f)(3) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(f)(3)) is amended to read as follows:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

“(A) such sums as are necessary for each of fiscal years 2009 through 2012; and

“(B) \$2,000,000 for each of fiscal years 2013 through 2017.”.

Subtitle B—Livestock

SEC. 12101. WILDLIFE RESERVOIR ZOOONOTIC DISEASE INITIATIVE.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

“SEC. 413. WILDLIFE RESERVOIR ZOOONOTIC DISEASE INITIATIVE.

“(a) DEFINITION OF COVERED DISEASE.—In this section, the term ‘covered disease’ means a zoonotic disease affecting domestic livestock that is transmitted primarily from wildlife.

“(b) ESTABLISHMENT.—There is established within the Department a wildlife reservoir zoonotic disease initiative to provide assistance through Coordinated Agricultural Project grants for research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for covered diseases.

“(c) COVERED DISEASE.—

“(1) IN GENERAL.—To be eligible for a grant under this section, an eligible entity shall

conduct research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for covered diseases in—

“(A) a wildlife reservoir in the United States; or

“(B) domestic livestock or wildlife presenting a potential concern to public health.

“(2) PRIORITY.—In making grants under this section, the Secretary shall give priority to grants that address—

“(A) *Brucella abortus* (Bovine Brucellosis);

“(B) *Mycobacterium bovis* (Bovine Tuberculosis); or

“(C) other zoonotic disease in livestock that is covered by a high-priority research and extension initiative conducted under section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925).

“(d) ELIGIBLE ENTITIES.—The Secretary shall carry out the initiative established under subsection (b) through public scientific research consortia that may consist of members from—

“(1) Federal agencies;

“(2) National Laboratories;

“(3) institutions of higher education;

“(4) research institutions and organizations; or

“(5) State agricultural experiment stations.

“(e) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

“(f) ADMINISTRATION.—

“(1) IN GENERAL.—In the case of grants awarded under this section, the Secretary shall—

“(A) seek and accept proposals for grants;

“(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103;

“(C) award grants on the basis of merit, quality, and relevance; and

“(D) manage the initiative established under subsection (b) using a Coordinated Agricultural Project format.

“(2) TERM.—The term of a grant under this section may not exceed 10 years.

“(3) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is not less than 25 percent of the amount provided by the Federal Government.

“(4) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

“(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for—

“(1) the construction of a new building or facility; or

“(2) the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2012 through 2017.

“(2) ALLOCATION.—Of the amount made available for a fiscal year under paragraph (1), the Secretary shall use not less than 30 percent of the amount for the fiscal year to carry out activities under each of subparagraphs (A) and (B) of subsection (c)(2).”

SEC. 12102. TRICHINAE CERTIFICATION PROGRAM.

Section 10405(d)(1) of the Animal Health Protection Act (7 U.S.C. 8304(d)(1)) is amend-

ed in subparagraphs (A) and (B) by striking “2012” each place it appears and inserting “2017”.

SEC. 12103. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

Section 11013(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8322(d)) is amended by striking “2012” and inserting “2017”.

SEC. 12104. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“SEC. 209. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Agricultural Marketing Service (referred to in this section as the ‘Secretary’) shall establish a competitive grant program for the purposes of improving the United States sheep industry.

“(b) PURPOSE.—The purpose of the grant program shall be to strengthen and enhance the production and marketing of sheep and sheep products, including improvement of—

“(1) infrastructure;

“(2) business;

“(3) resource development; and

“(4) innovative approaches to solve long-term needs.

“(c) ELIGIBILITY.—The Secretary shall make grants under this section to 1 or more national entities the mission of which is consistent with the purpose of the grant program.

“(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,500,000 for fiscal year 2013, to remain available until expended.”

(b) CONFORMING AMENDMENT.—Section 374 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) (as in existence on the day before the date of enactment of this Act) is—

(1) amended in subsection (e)—

(A) in paragraph (3)(D), by striking “3 percent” and inserting “10 percent”; and

(B) by striking paragraph (6); and

(2) redesignated as section 210 of the Agricultural Marketing Act of 1946; and

(3) moved so as to appear at the end of subtitle A of that Act (as amended by subsection (a)).

SEC. 12105. FERAL SWINE ERADICATION PILOT PROGRAM.

(a) IN GENERAL.—To eradicate or control the threat feral swine pose to the domestic swine population, the entire livestock industry, and the destruction of crops and natural plant communities and native habitats, the Secretary of Agriculture may establish a feral swine eradication pilot program.

(b) PILOT.—Subject to the availability of appropriations under this section, the Secretary may provide financial assistance for the cost of carrying out a pilot program—

(1) to study and assess the nature and extent of damage to the pilot area caused by feral swine;

(2) to develop methods to eradicate or control feral swine in the pilot area; and

(3) to develop methods to restore damage caused by feral swine.

(c) COORDINATION.—The Secretary shall ensure that the Natural Resource Conservation Service and the Animal and Plant Health Inspection Service coordinate to carry out the pilot program.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program under this sec-

tion may not exceed 75 percent of the total costs of carrying out the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2013 through 2017.

Subtitle C—Other Miscellaneous Provisions

SEC. 12201. MILITARY VETERANS AGRICULTURAL LIAISON.

(a) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following:

“SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

“(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

“(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

“(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

“(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

“(3) serving as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

“(4) advocating on behalf of veterans in interactions with employees of the Department.”

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 4206(b)) is amended—

(1) in paragraph (8), by striking the “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.”

SA 2390. Mr. REID proposed an amendment to amendment SA 2389 proposed by Mr. REID (for Ms. STABENOW (for herself and Mr. ROBERTS)) to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; as follows:

At the end, add the following:

SEC. . EFFECTIVE DATE.

This Act shall become effective 5 days after enactment.

SA 2391. Mr. REID proposed an amendment to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; as follows:

Beginning on page 312, strike line 1 and all that follows through page 342, line 10, and insert the following:

TITLE IV—NUTRITION**Subtitle A—Supplemental Nutrition Assistance Program****SEC. 4001. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.**

Section 4(b)(6)(F) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(6)(F)) is amended by striking “2012” and inserting “2017”.

SEC. 4002. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.

(a) STANDARD UTILITY ALLOWANCES IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section 5(e)(6)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)(C)) is amended—

(1) in clause (i), by inserting “, subject to clause (iv)” after “Secretary”; and

(2) in clause (iv)(I), by striking “the household still incurs” and all that follows through the end of the subclause and inserting “the payment received by, or made on behalf of, the household exceeds \$10 or a higher amount annually, as determined by the Secretary.”.

(b) CONFORMING AMENDMENT.—Section 2605(f)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is amended by inserting before the semicolon at the end “, except that, for purposes of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such payments or allowances exceed \$10 or a higher amount annually, as determined by the Secretary of Agriculture in accordance with section 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C. 2014(e)(6)(C)(iv)(I)).”.

(c) EFFECTIVE AND IMPLEMENTATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect beginning on October 1, 2013, for all certification periods beginning after that date.

(2) STATE OPTION TO DELAY IMPLEMENTATION FOR CURRENT RECIPIENTS.—A State may, at the option of the State, implement a policy that eliminates or minimizes the effect of the amendments made by this section for households that receive a standard utility allowance as of the date of enactment of this Act for not more than a 180-day period beginning on the date on which the amendments made by this section would otherwise affect the benefits received by a household.

SEC. 4003. ELIGIBILITY DISQUALIFICATIONS.

Section 6(e)(3)(B) of Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking “section” and inserting the following: “section, subject to the condition that the course or program of study—

“(i) is part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

“(ii) is limited to remedial courses, basic adult education, literacy, or English as a second language;”.

SEC. 4004. ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR LOTTERY OR GAMBLING WINNERS.

(a) IN GENERAL.—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(r) INELIGIBILITY FOR BENEFITS DUE TO RECEIPT OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.—

“(1) IN GENERAL.—Any household in which a member receives substantial lottery or gambling winnings, as determined by the Secretary, shall lose eligibility for benefits immediately upon receipt of the winnings.

“(2) DURATION OF INELIGIBILITY.—A household described in paragraph (1) shall remain ineligible for participation until the household meets the allowable financial resources and income eligibility requirements under subsections (c), (d), (e), (f), (g), (i), (k), (l), (m), and (n) of section 5.

“(3) AGREEMENTS.—As determined by the Secretary, each State agency, to the maximum extent practicable, shall establish agreements with entities responsible for the regulation or sponsorship of gaming in the State to determine whether individuals participating in the supplemental nutrition assistance program have received substantial lottery or gambling winnings.”.

(b) CONFORMING AMENDMENTS.—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking “sections 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b), (d)(2), (g), and (r) of section 6”.

SEC. 4005. RETAIL FOOD STORES.

(a) DEFINITION OF RETAIL FOOD STORE.—Subsection (o)(1)(A) of section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) (as redesignated by section 4016(a)(4)) is amended by striking “at least 2” and inserting “at least 3”.

(b) ALTERNATIVE BENEFIT DELIVERY.—Section 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(f)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) IMPOSITION OF COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require participating retail food stores (including restaurants participating in a State option restaurant program intended to serve the elderly, disabled, and homeless) to pay 100 percent of the costs of acquiring, and arrange for the implementation of, electronic benefit transfer point-of-sale equipment and supplies, including related services.

“(B) EXEMPTIONS.—The Secretary may exempt from subparagraph (A)—

“(i) farmers’ markets, military commissaries, nonprofit food buying cooperatives, and establishments, organizations, programs, or group living arrangements described in paragraphs (5), (7), and (8) of section 3(k); and

“(ii) establishments described in paragraphs (3), (4), and (9) of section 3(k), other than restaurants participating in a State option restaurant program.”; and

(2) by adding at the end the following:

“(4) TERMINATION OF MANUAL VOUCHERS.—

“(A) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, except as provided in subparagraph (B), no State shall issue manual vouchers to a household that receives supplemental nutrition assistance under this Act or allow retail food stores to accept manual vouchers as payment, unless the Secretary determines that the manual vouchers are necessary, such as in the event of an electronic benefit transfer system failure or a disaster situation.

“(B) EXEMPTIONS.—The Secretary may exempt categories of retail food stores or individual retail food stores from subparagraph (A) based on criteria established by the Secretary.

“(5) UNIQUE IDENTIFICATION NUMBER REQUIRED.—The Secretary shall require all parties providing electronic benefit transfer

services to provide for and maintain unique terminal identification number information through the supplemental nutrition assistance program electronic benefit transfer transaction routing system.”.

(c) ELECTRONIC BENEFIT TRANSFERS.—Section 7(h)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(3)(B)) is amended by striking “is operational—” and all that follows through “(ii) in the case of other participating stores,” and inserting “is operational”.

(d) APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(1) in subsection (a)—

(A) in the second sentence of paragraph (a)(1), by striking “; and (C)” and inserting “; (C) whether the applicant is located in an area with significantly limited access to food; and (D)”;

(2) by adding at the end the following:

“(4) RETAIL FOOD STORES WITH SIGNIFICANT SALES OF EXCEPTED ITEMS.—

“(A) IN GENERAL.—No retail food store for which at least 45 percent of the total sales of the retail food store is from the sale of excepted items described in section 3(k)(1) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the retail food store is required for the effective and efficient operation of the supplemental nutrition assistance program.

“(B) APPLICATION.—Subparagraph (A) shall be effective—

“(i) in the case of retail food stores applying to be authorized for the first time, beginning on the date that is 1 year after the date of enactment of this paragraph; and

“(ii) in the case of retail food stores participating in the program on the date of enactment of this paragraph, during periodic reauthorization in accordance with paragraph (2)(A).”;

(3) by adding at the end the following:

“(g) EBT SERVICE REQUIREMENT.—An approved retail food store shall provide adequate EBT service as described in section 7(h)(3)(B).”.

SEC. 4006. IMPROVING SECURITY OF FOOD ASSISTANCE.

Section 7(h)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(8)) is amended—

(1) by striking the paragraph heading and inserting “REPLACEMENT OF CARDS.—”;

(2) by striking “A State” and inserting the following:

“(A) FEES.—A State”; and

(3) by adding after subparagraph (A) (as so designated by paragraph (2)) the following:

“(B) PURPOSEFUL LOSS OF CARDS.—

“(i) IN GENERAL.—Subject to terms and conditions established by the Secretary in accordance with clause (ii), if a household makes excessive requests for replacement of the electronic benefit transfer card of the household, the Secretary may require a State agency to decline to issue a replacement card to the household unless the household, upon request of the State agency, provides an explanation for the loss of the card.

“(ii) REQUIREMENTS.—The terms and conditions established by the Secretary shall provide that—

“(I) the household be given the opportunity to provide the requested explanation and meet the requirements under this paragraph promptly;

“(II) after an excessive number of lost cards, the head of the household shall be required to review program rights and responsibilities with State agency personnel authorized to make determinations under section 5(a); and

“(III) any action taken, including actions required under section 6(b)(2), other than the withholding of the electronic benefit transfer card until an explanation described in subclause (I) is provided, shall be consistent with the due process protections under section 6(b) or 11(e)(10), as appropriate.

“(C) PROTECTING VULNERABLE PERSONS.—In implementing this paragraph, a State agency shall act to protect homeless persons, persons with disabilities, victims of crimes, and other vulnerable persons who lose electronic benefit transfer cards but are not intentionally committing fraud.

“(D) EFFECT ON ELIGIBILITY.—While a State may decline to issue an electronic benefits transfer card until a household satisfies the requirements under this paragraph, nothing in this paragraph shall be considered a denial of, or limitation on, the eligibility for benefits under section 5.”.

SEC. 4007. TECHNOLOGY MODERNIZATION FOR RETAIL FOOD STORES.

(a) MOBILE TECHNOLOGIES.—Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as amended by section 4016(e)) is amended by adding at the end the following:

“(14) MOBILE TECHNOLOGIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall approve retail food stores to redeem benefits through electronic means other than wired point of sale devices for electronic benefit transfer transactions, if the retail food stores—

“(i) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(ii) bear the costs of obtaining, installing, and maintaining mobile technologies, including mechanisms needed to process EBT cards and transaction fees;

“(iii) demonstrate the foods purchased with benefits issued under this section through mobile technologies are purchased at a price not higher than the price of the same food purchased by other methods used by the retail food store, as determined by the Secretary;

“(iv) provide adequate documentation for each authorized transaction, as determined by the Secretary; and

“(v) meet other criteria as established by the Secretary.

“(B) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS OF MOBILE TRANSACTIONS.—

“(i) IN GENERAL.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

“(ii) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under clause (i), a retail food store shall submit to the Secretary for approval a plan that includes—

“(I) a description of the technology;

“(II) the manner by which the retail food store will provide proof of the transaction to households;

“(III) the provision of data to the Secretary, consistent with requirements established by the Secretary, in a manner that al-

lows the Secretary to evaluate the impact of the demonstration on participant access, ease of use, and program integrity; and

“(IV) such other criteria as the Secretary may require.

“(iii) DATE OF COMPLETION.—The demonstration projects under this subparagraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

“(C) REPORT TO CONGRESS.—The Secretary shall—

“(i) by not later than January 1, 2016, authorize implementation of subparagraph (A) in all States, unless the Secretary makes a finding, based on the data provided under subparagraph (B), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

“(ii) if the determination made in clause (i) is not to implement subparagraph (A) in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”.

(b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

(1) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended by adding at the end the following:

“(k) OPTION TO ACCEPT PROGRAM BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall approve retail food stores to accept benefits from recipients of supplemental nutrition assistance through on-line transactions.

“(2) REQUIREMENTS TO ACCEPT BENEFITS.—A retail food store seeking to accept benefits from recipients of supplemental nutrition assistance through on-line transactions shall—

“(A) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(B) ensure benefits are not used to pay delivery, ordering, convenience, or other fees or charges;

“(C) clearly notify participating households at the time a food order is placed—

“(i) of any delivery, ordering, convenience, or other fee or charge associated with the food purchase; and

“(ii) that any such fee cannot be paid with benefits provided under this Act;

“(D) ensure the security of on-line transactions by using the most effective technology available that the Secretary considers appropriate and cost-effective and that is comparable to the security of transactions at retail food stores; and

“(E) meet other criteria as established by the Secretary.

“(3) STATE AGENCY ACTION.—Each State agency shall ensure that recipients of supplemental nutrition assistance can use benefits on-line as described in this subsection as appropriate.

“(4) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(A) IN GENERAL.—Before the Secretary authorizes implementation of paragraph (1) in all States, the Secretary shall carry out a number of demonstration projects as determined by the Secretary to test the feasibility of allowing retail food stores to accept benefits through on-line transactions.

“(B) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under subparagraph (A), a retail food store shall submit to the Secretary for approval a plan that includes—

“(i) a method of ensuring that benefits may be used to purchase only eligible items under this Act;

“(ii) a description of the method of educating participant households about the availability and operation of on-line purchasing;

“(iii) adequate testing of the on-line purchasing option prior to implementation;

“(iv) the provision of data as requested by the Secretary for purposes of analyzing the impact of the project on participant access, ease of use, and program integrity;

“(v) reports on progress, challenges, and results, as determined by the Secretary; and

“(vi) such other criteria, including security criteria, as established by the Secretary.

“(C) DATE OF COMPLETION.—The demonstration projects under this paragraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

“(5) REPORT TO CONGRESS.—The Secretary shall—

“(A) by not later than January 1, 2016, authorize implementation of paragraph (1) in all States, unless the Secretary makes a finding, based on the data provided under paragraph (4), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

“(B) if the determination made in subparagraph (A) is not to implement in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(b)) is amended by striking “purchase food in retail food stores” and inserting “purchase food from retail food stores”.

(B) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended in the first sentence by inserting “retail food stores authorized to accept and redeem benefits through on-line transactions shall be authorized to accept benefits prior to the delivery of food if the delivery occurs within a reasonable time of the purchase, as determined by the Secretary,” after “food so purchased.”.

(C) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section alter any requirements of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless specifically authorized in this section or an amendment made by this section.

SEC. 4008. USE OF BENEFITS FOR PURCHASE OF COMMUNITY-SUPPORTED AGRICULTURE SHARE.

Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) (as amended by section 4007(b)(2)(B)) is amended in the first sentence by inserting “agricultural producers who market agricultural products directly to consumers shall be authorized to redeem benefits for the initial cost of the purchase of a community-supported agriculture share for an appropriate time in advance of food delivery as determined by the Secretary,” after “as determined by the Secretary.”.

SEC. 4009. RESTAURANT MEALS PROGRAM.

(a) IN GENERAL.—Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (22), by striking “and” at the end;

(2) in paragraph (23), by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by adding at the end the following:

“(24) if the State elects to carry out a program to contract with private establishments to offer meals at concessional prices, as described in paragraphs 3, 4, and 9 of section 3(k)—

“(A) the plans of the State agency for operating the program, including—

“(i) documentation of a need that eligible homeless, elderly, and disabled clients are underserved in a particular geographic area;

“(ii) the manner by which the State agency will limit participation to only those private establishments that the State determines necessary to meet the need identified in clause (i); and

“(iii) any other conditions the Secretary may prescribe, such as the level of security necessary to ensure that only eligible recipients participate in the program; and

“(B) a report by the State agency to the Secretary annually, the schedule of which shall be established by the Secretary, that includes—

“(i) the number of households and individual recipients authorized to participate in the program, including any information on whether the individual recipient is elderly, disabled, or homeless; and

“(ii) an assessment of whether the program is meeting an established need, as documented under subparagraph (A)(i).”

(b) **APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended by section 4005(d)(3)) is amended by adding at the end the following:

“(h) **PRIVATE ESTABLISHMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), no private establishment that contracts with a State agency to offer meals at concessional prices as described in paragraphs 3, 4, and 9 of section 3(k) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the private establishment is required to meet a documented need in accordance with section 11(e)(24).

“(2) **EXISTING CONTRACTS.**—

“(A) **IN GENERAL.**—If, on the day before the date of enactment of this subsection, a State has entered into a contract with a private establishment described in paragraph (1) and the Secretary has not determined that the participation of the private establishment is necessary to meet a documented need in accordance with section 11(e)(24), the Secretary shall allow the operation of the private establishment to continue without that determination of need for a period not to exceed 180 days from the date on which the Secretary establishes determination criteria, by regulation, under section 11(e)(24).

“(B) **JUSTIFICATION.**—If the Secretary makes a determination to terminate a contract with a private establishment that is in effect on the date of enactment of this subsection, the Secretary shall provide justification to the State in which the private establishment is located for that termination.

“(3) **REPORT TO CONGRESS.**—Not later than 90 days after September 30, 2013, and 90 days after the last day of each fiscal year thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of a program under this subsection using any information received from States under section 11(e)(24) as well as any other information the Secretary may have relating to the manner in which benefits are used.”

(c) **CONFORMING AMENDMENTS.**—Section 3(k) of the Food and Nutrition Act of 2008 (7

U.S.C. 2012(k)) is amended by inserting “subject to section 9(h)” after “concessional prices” each place it appears.

SEC. 4010. QUALITY CONTROL ERROR RATE DETERMINATION.

Section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) is amended by adding at the end the following:

“(10) **TOLERANCE LEVEL.**—For the purposes of this subsection, the Secretary shall set the tolerance level for excluding small errors at \$25.”

SEC. 4011. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking “2012” and inserting “2017”.

SEC. 4012. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) in subsection (a)(1)(B)(ii)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(2) in subsection (b), by adding at the end the following:

“(3) **FUNDING.**—

“(A) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$5,000,000 for fiscal year 2013 and each fiscal year thereafter.

“(B) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

“(C) **MAINTENANCE OF FUNDING.**—The funding provided under subparagraph (A) shall supplement (and not supplant) other Federal funding made available to the Secretary to carry out this section.”

SEC. 4013. EMERGENCY FOOD ASSISTANCE.

(a) **PURCHASE OF COMMODITIES.**—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking “2008 through 2012” and inserting “2012 through 2017”;

(2) by striking paragraph (2) and inserting the following:

“(2) **AMOUNTS.**—The Secretary shall use to carry out paragraph (1)—

“(A) for fiscal year 2012, \$260,000,000; and

“(B) for each subsequent fiscal year, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2012, and June 30 of the immediately preceding fiscal year, and subsequently increased by—

“(i) for fiscal year 2013, \$28,000,000;

“(ii) for fiscal year 2014, \$24,000,000;

“(iii) for fiscal year 2015, \$20,000,000;

“(iv) for fiscal year 2016, \$18,000,000; and

“(v) for fiscal year 2017 and each fiscal year thereafter, \$10,000,000.”; and

(3) by adding at the end the following:

“(3) **FUNDS AVAILABILITY.**—For purposes of the funds described in this subsection, the Secretary shall—

“(A) make the funds available for 2 fiscal years; and

“(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary.”

(b) **EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.**—Section 209(d) of the Emergency Food Assistance Act of 1983 (7 U.S.C.

7511a(d)) is amended by striking “2012” and inserting “2017”.

SEC. 4014. NUTRITION EDUCATION.

Section 28(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(b)) is amended by inserting “and physical activity” after “healthy food choices”.

SEC. 4015. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

“SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

“(a) **PURPOSE.**—The purpose of this section is to provide the Department of Agriculture with additional resources to prevent trafficking in violation of this Act by strengthening recipient and retail food store program integrity.

“(b) **USE OF FUNDS.**—Additional funds are provided under this section to supplement the retail food store and recipient integrity activities of the Department.

“(c) **FUNDING.**—

“(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$18,500,000 for fiscal year 2013 and each fiscal year thereafter.

“(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

“(3) **MAINTENANCE OF FUNDING.**—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding for programs carried out under this Act.”

SEC. 4016. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(1) in subsection (g), by striking “coupon,” and inserting “coupon”;

(2) in subsection (k)(7), by striking “or are” and inserting “and”;

(3) by striking subsection (l);

(4) by redesignating subsections (m) through (t) as subsections (l) through (s), respectively; and

(5) by inserting after subsection (s) (as so redesignated) the following:

“(t) ‘Supplemental nutrition assistance program’ means the program operated pursuant to this Act.”

(b) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the last sentence by striking “benefits” and inserting “Benefits”.

(c) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the last sentence of subsection (i)(2)(D), by striking “section 13(b)(2)” and inserting “section 13(b)”;

(2) in subsection (k)(4)(A), by striking “paragraph (2)(H)” and inserting “paragraph (2)(G)”.

(d) Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended in subparagraphs (B)(vii) and (F)(iii) by indenting both clauses appropriately.

(e) Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by redesignating the second paragraph (12) (relating to interchange fees) as paragraph (13).

(f) Section 9(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(a)) is amended by indenting paragraph (3) appropriately.

(g) Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3)(C), by striking “civil money penalties” and inserting “civil penalties”; and

(2) in subsection (g)(1), by striking “(7 U.S.C. 1786)” and inserting “(42 U.S.C. 1786)”.

(h) Section 15(b)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2024(b)(1)) is amended in the first sentence by striking “an benefit” and inserting “a benefit”.

(i) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the proviso following paragraph (8) by striking “as amended.”.

(j) Section 18(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(e)) is amended in the first sentence by striking “sections 7(f)” and inserting “section 7(f)”.

(k) Section 22(b)(10)(B)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(10)(B)(i)) is amended in the last sentence by striking “Food benefits” and inserting “Benefits”.

(l) Section 26(f)(3)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)(C)) is amended by striking “subsection” and inserting “subsections”.

(m) Section 27(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(1)) is amended by striking “(Public Law 98-8; 7 U.S.C. 612c note)” and inserting “(7 U.S.C. 7515)”.

(n) Section 509 of the Older Americans Act of 1965 (42 U.S.C. 3056g) is amended in the section heading by striking “**FOOD STAMP PROGRAMS**” and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS**”.

(o) Section 4115(c)(2)(H) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1871) is amended by striking “531” and inserting “454”.

SEC. . EFFECTIVE DATE.

This Title shall become effective 3 days after enactment.

SA 2392. Mr. REID proposed an amendment to amendment SA 2391 proposed by Mr. REID to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; as follows:

Beginning on page 1, strike line 2 and all that follows through page 31, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program

SEC. 4001. PURPOSE.

The purpose of this subtitle is to empower States with programmatic flexibility and financial predictability in designing and operating State programs—

(1) to raise the levels of nutrition among low-income households;

(2) to provide supplemental nutrition assistance benefits to households with income and resources that are insufficient to meet the costs of providing adequate nutrition; and

(3) to provide States the flexibility to provide new and innovative means to accomplish paragraphs (1) and (2) based on the population and particular needs of each State.

SEC. 4002. STATE PLANS.

(a) IN GENERAL.—To receive a grant under section 4003, a State shall submit to the Secretary a written plan that describes the manner in which the State intends to conduct a supplemental nutrition assistance program that—

(1) is designed to serve all political subdivisions in the State;

(2) provides supplemental nutrition assistance benefits to low-income households for the sole purpose of purchasing food, as defined by the applicable State agency in the plan; and

(3) limits participation in the supplemental nutrition assistance program to those households the incomes and other financial resources of which, held singly or in joint ownership, are determined by the State to be a substantial limiting factor in permitting the members of the household to obtain a more nutritious diet.

(b) REQUIREMENTS.—Each plan shall include—

(1) specific objective criteria for—

(A) the determination of eligibility for nutritional assistance for low-income households, which may be based on standards relating to income, assets, family composition, beneficiary population, age, work, current participation in other Federal government means-tested programs, and work, student enrollment, or training requirements; and

(B) fair and equitable treatment of recipients and provision of supplemental nutrition assistance benefits to all low-income households in the State; and

(2) a description of—

(A) benefits provided based on the aggregate grant amount; and

(B) the manner in which supplemental nutrition assistance benefits will be provided under the State plan, including the use of State administration organizations, private contractors, or consultants.

(c) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—

(1) IN GENERAL.—The Governor of each State that receives a grant under section 4003 shall issue a certification to the Secretary in accordance with this subsection.

(2) ADMINISTRATION.—The certification shall specify which 1 or more State agencies will administer and supervise the State plan under this section.

(3) PROVISION OF BENEFITS ONLY TO LOW-INCOME INDIVIDUALS AND HOUSEHOLDS.—

(A) IN GENERAL.—The certification shall certify that the State will—

(i) only provide supplemental nutrition assistance to low-income individuals and households in the State; and

(ii) take such action as is necessary to prohibit any household or member of a household that does not meet the criteria described in subparagraph (B) from receiving supplemental nutrition assistance benefits.

(B) CRITERIA.—A household shall meet the criteria described in this subparagraph if the household is—

(i) a household in which each member receives benefits under the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(ii) a low-income household that does not exceed 100 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section) for a family of the size involved as the State shall establish; or

(iii) a household in which each member receives benefits under a State or Federal general assistance program that complies with income criteria standards comparable to or more restrictive than the standards established under clause (ii).

(4) PROVISION OF BENEFITS ONLY TO CITIZENS AND LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES.—The certification shall certify that the State will—

(A) only provide supplemental nutrition assistance to citizens and lawful permanent residents of the United States; and

(B) take such action as is necessary to prohibit supplemental nutrition assistance benefits from being provided to any individual

or household a member of which is not a citizen or lawful permanent resident of the United States.

(5) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD, WASTE AND ABUSE.—The certification shall certify that the State—

(A) has established and will continue to enforce standards and procedures to ensure against program fraud, waste, and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage; and

(B) will prohibit from further receipt of benefits under the program any recipient who attempts to receive benefits fraudulently.

(6) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary—

(A) may only review a State plan submitted under this section for the purpose of confirming that a State has submitted the required documentation; and

(B) shall not have the authority to approve or deny a State plan submitted under this section or to otherwise inhibit or control the expenditure of grants paid to a State under section 4003, unless a State plan does not comply with the requirements of this section.

SEC. 4003. GRANTS TO STATES.

(a) IN GENERAL.—Beginning 120 days after the date of enactment of this Act, and annually thereafter, each State that has submitted a plan that meets the requirements of section 4002 shall receive from the Secretary a grant in an amount determined under subsection (b).

(b) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—Subject to paragraph (3), a grant received under subsection (a) shall be in an amount equal to the product of—

(A) the amount made available under section 4005 for the applicable fiscal year; and

(B) the proportion that—

(i) the number of individuals residing in the State whose income does not exceed 100 percent of the poverty line described in section 4002(c)(3)(B)(i) applicable to a family of the size involved; bears to

(ii) the number of such individuals in all States that have submitted a plan under section 4002 for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(2) PRO RATA ADJUSTMENTS.—The Secretary shall make pro rata adjustments in the amounts determined for States under paragraph (1) for each fiscal year as necessary to ensure that—

(A) the total amount appropriated for the applicable fiscal year under section 4005 is allotted among all States that submit a plan under section 4002; and

(B) the total amount of all supplemental nutrition assistance grants for States determined for the fiscal year does not exceed the total amount appropriated for the fiscal year.

(3) ADMINISTRATIVE PROVISIONS.—

(A) QUARTERLY PAYMENTS.—The Secretary shall make each supplemental nutrition assistance grant payable to a State for a fiscal year under this section in quarterly installments.

(B) COMPUTATION AND CERTIFICATION OF PAYMENT TO STATES.—

(i) COMPUTATION.—The Secretary shall estimate the amount to be paid to each State for each quarter under this section based on a report filed by the State that shall include—

(I) an estimate by the State of the total amount to be expended by the State during the applicable quarter under the State program funded under this subtitle; and

(II) such other information as the Secretary may require.

(ii) **CERTIFICATION.**—The Secretary shall certify to the Secretary of the Treasury the amount estimated under clause (i) with respect to each State, adjusted to the extent of any overpayment or underpayment—

(I) that the Secretary determines was made under this subtitle to the State for any prior quarter; and

(II) with respect to which adjustment has not been made under this paragraph.

SEC. 4004. USE OF GRANTS.

(a) **IN GENERAL.**—Subject to subsection (b), a State that receives a grant under section 4003 may use the grant in any manner that is reasonably demonstrated to accomplish the purposes of this subtitle.

(b) **LIMITATION ON USE OF GRANT FOR ADMINISTRATIVE PURPOSES.**—A State may not use more than 3 percent of the amount of a grant received for a fiscal year under section 4003 for administrative purposes.

SEC. 4005. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$45,000,000,000 for fiscal year 2013 and each fiscal year thereafter.

SEC. 4006. REPEAL.

(a) **IN GENERAL.**—Effective 120 days after the date of enactment of this Act, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) **RELATIONSHIP TO OTHER LAW.**—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

SA 2393. Mr. REID proposed an amendment to amendment SA 2392 proposed by Mr. REID to the amendment SA 2391 proposed by Mr. REID to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; as follows:

SEC. ____ . SHORT TITLE.

This subtitle may be cited as the “Stop Unfair Giveaways and Restrictions Act of 2012” or “SUGAR Act of 2012”.

SEC. ____ . SUGAR PROGRAM.

(a) **IN GENERAL.**—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) **LOANS.**—The Secretary shall carry out this section through the use of recourse loans.”;

(2) by redesignating subsection (i) as subsection (j);

(3) by inserting after subsection (h) the following:

“(i) **PHASED REDUCTION OF LOAN RATE.**—For each of the 2012, 2013, and 2014 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to \$0 for the 2015 crop.”; and

(4) in subsection (j) (as redesignated), by striking “2012” and inserting “2014”.

(b) **PROSPECTIVE REPEAL.**—Effective beginning with the 2015 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. ____ . ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law—

(1) a processor of any of the 2015 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2015 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) **TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.**—

(1) **IN GENERAL.**—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar.”.

(c) **GENERAL POWERS.**—

(1) **SECTION 32 ACTIVITIES.**—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) **POWERS OF COMMODITY CREDIT CORPORATION.**—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) **PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.**—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) **COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.**—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) **SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.**—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) **STORAGE FACILITY LOANS.**—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) **FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.**—Effective beginning with the 2013 crop of sugar beets and sugarcane, section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) **TRANSITION PROVISIONS.**—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. ____ . TARIFF-RATE QUOTAS.

(a) **ESTABLISHMENT.**—Except as provided in subsection (c) and notwithstanding any other provision of law, not later than October 1, 2012, the Secretary shall develop and implement a program to increase the tariff-rate quotas for raw cane sugar and refined sugars for a quota year in a manner that ensures—

(1) a robust and competitive sugar processing industry in the United States; and

(2) an adequate supply of sugar at reasonable prices in the United States.

(b) **FACTORS.**—In determining the tariff-rate quotas necessary to satisfy the requirements of subsection (a), the Secretary shall consider the following:

(1) The quantity and quality of sugar that will be subject to human consumption in the United States during the quota year.

(2) The quantity and quality of sugar that will be available from domestic processing of sugarcane, sugar beets, and in-process beet sugar.

(3) The quantity of sugar that would provide for reasonable carryover stocks.

(4) The quantity of sugar that will be available from carryover stocks for human consumption in the United States during the quota year.

(5) Consistency with the obligations of the United States under international agreements.

(c) **EXEMPTION.**—Subsection (a) shall not include specialty sugar.

(d) **DEFINITIONS.**—In this section, the terms “quota year” and “human consumption” have the meaning such terms had under section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) (as in effect on the day before the date of the enactment of this Act).

SEC. ____ . APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

SA 2394. Mr. DEMINT (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CAPPING AND REDUCING THE BALANCE SHEET OF THE FEDERAL RESERVE SYSTEM.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, no action may be taken by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee on or after the date of enactment of this Act that would result in the total of the factors affecting reserve balances of depository institutions exceeding the balance as of June 8, 2012.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Federal Reserve System should expeditiously take substantial steps to reduce the size of its balance sheet to levels below those that prevailed prior to the financial crisis of 2008.

SA 2395. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 751, strike line 23 and insert the following:

“SEC. 3915. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE PROGRAM.**—The term ‘eligible program’ means a program administered by the Secretary and authorized in—

“(A) this Act;

“(B) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); or

“(C) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

“(2) **SUBSTANTIALLY UNDERSERVED TRUST AREA.**—The term ‘substantially underserved trust area’ means a community in ‘trust land’ (as defined in section 3765 of title 38, United States Code).

“(b) **INITIATIVE.**—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

“(c) **AUTHORITY OF SECRETARY.**—In carrying out subsection (b), the Secretary—

“(1) may make available from loan or loan guarantee programs administered by the Secretary to qualified entities or applicants financing with an interest rate as low as 2 percent and with extended repayment terms;

“(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Secretary to facilitate the construction, acquisition, or improvement of infrastructure, or for other purposes;

“(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

“(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

“(d) **ELIGIBILITY OF TRUST LAND FOR ELIGIBLE PROGRAMS.**—Notwithstanding any other provision of law, for purposes of eligibility for eligible programs, trust land (as defined in section 3765 of title 38, United States Code) shall be considered by the Secretary to be a rural area.

“(e) **REPORT.**—Each year, the Secretary shall submit to Congress a report that describes—

“(1) the progress of the initiative implemented under subsection (b); and

“(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.

“SEC. 3916. REGULATIONS.

On page 752, strike lines 17 through 21 and insert the following:

(c) Section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f) is repealed.

SA 2396. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. OFFICE OF TRIBAL RELATIONS.

(a) **IN GENERAL.**—Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (7 U.S.C. 3125a note; Public Law 103-354) the following:

“SEC. 309. OFFICE OF TRIBAL RELATIONS.

“The Secretary shall establish in the Office of the Secretary an Office of Tribal Relations.”

(b) **CONFORMING AMENDMENTS.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 12201(b)) is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the authority of the Secretary to establish in the Office of the Secretary the Office of Tribal Relations in accordance with section 309.”

SA 2397. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. APPROVAL OF, AND PROVISIONS RELATING TO, TRIBAL LEASES.

(a) **DEFINITIONS.**—Subsection (d) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(d)) (commonly known as the “Long-Term Leasing Act”), is amended—

(1) in paragraph (4), by striking “the Navajo Nation” and inserting “an applicable Indian tribe”;;

(2) in paragraph (6), by striking “the Navajo Nation” and inserting “an Indian tribe”;;

(3) in paragraph (7), by striking “and” after the semicolon at the end;

(4) in paragraph (8)—

(A) by striking “the Navajo Nation”;;

(B) by striking “with Navajo Nation law” and inserting “with applicable tribal law”; and

(C) by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(9) the term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”

(b) **TRIBAL APPROVAL OF LEASES.**—The first section of the Act of August 9, 1955 (25 U.S.C. 415) (commonly known as the “Long-Term Leasing Act”), is amended by adding at the end the following:

“(h) **TRIBAL APPROVAL OF LEASES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2) and at the discretion of any Indian tribe, any lease by the Indian tribe for the purposes authorized under subsection (a), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

“(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

“(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years, if such a term is provided for by the regulations issued by the Indian tribe.

“(2) **ALLOTTED LAND.**—Paragraph (1) shall not apply to any lease of land (including an interest in land) held in trust for an individual Indian.

“(3) **AUTHORITY OF SECRETARY OVER TRIBAL REGULATIONS.**—

“(A) **IN GENERAL.**—The Secretary shall have the authority to approve or disapprove any tribal regulations issued in accordance with paragraph (1).

“(B) **CONSIDERATIONS FOR APPROVAL.**—The Secretary shall approve any tribal regulation issued in accordance with paragraph (1), if the tribal regulations—

“(i) are consistent with any regulations issued by the Secretary under subsection (a); and

“(ii) provide for an environmental review process that includes—

“(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

“(II) a process for ensuring that—

“(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe; and

“(bb) the Indian tribe provides responses to relevant and substantive public comments on those impacts before the Indian tribe approves the lease.

“(4) **REVIEW PROCESS.**—

“(A) **IN GENERAL.**—Not later than 120 days after the date on which the tribal regulations described in paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

“(B) **WRITTEN DOCUMENTATION.**—If the Secretary disapproves the tribal regulations described in paragraph (1), the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

“(C) **EXTENSION.**—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Indian tribe.

“(5) **FEDERAL ENVIRONMENTAL REVIEW.**—Notwithstanding paragraphs (3) and (4), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

“(6) **DOCUMENTATION.**—If an Indian tribe executes a lease pursuant to tribal regulations under paragraph (1), the Indian tribe shall provide the Secretary with—

“(A) a copy of the lease, including any amendments or renewals to the lease; and

“(B) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the Indian tribe, documentation of the lease payments that is sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (7).

“(7) **TRUST RESPONSIBILITY.**—

“(A) **IN GENERAL.**—The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1).

“(B) **AUTHORITY OF SECRETARY.**—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary may, upon reasonable notice from the applicable Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under paragraph (1).

“(8) **COMPLIANCE.**—

“(A) **IN GENERAL.**—An interested party, after exhausting of any applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of the applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

“(B) **VIOLATIONS.**—If, after carrying out a review under subparagraph (A), the Secretary determines that the tribal regulations were violated, the Secretary may take any

action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust lands.

“(C) DOCUMENTATION.—If the Secretary determines that a violation of the tribal regulations has occurred and a remedy is necessary, the Secretary shall—

“(i) make a written determination with respect to the regulations that have been violated;

“(ii) provide the applicable Indian tribe with a written notice of the alleged violation together with such written determination; and

“(iii) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable Indian tribe with—

“(I) a hearing that is on the record; and

“(II) a reasonable opportunity to cure the alleged violation.

“(9) SAVINGS CLAUSE.—Nothing in this subsection shall affect subsection (e) or any tribal regulations issued under that subsection.”

(c) LAND TITLES AND RECORDS OFFICE REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which funds are first made available to carry out this Act, the Bureau of Indian Affairs shall prepare and submit to the Committees on Financial Services and Natural Resources of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Indian Affairs of the Senate a report regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating the Land Titles and Records Office (referred to in this subsection as the “LTRO”) functions from the Bureau of Indian Affairs.

(2) CONSULTATION.—In conducting the review under paragraph (1), the Bureau of Indian Affairs shall consult with the Department of Housing and Urban Development Office of Native American Programs and the Indian tribes that are managing LTRO functions (referred to in this subsection as the “managing Indian tribes”).

(3) CONTENTS.—The review under paragraph (1) shall include an analysis of the following factors:

(A) Whether and how tribal management of the LTRO functions has expedited the processing and issuance of Indian land title certifications as compared to the period during which the Bureau of Indian Affairs managed the programs.

(B) Whether and how tribal management of the LTRO functions has increased home ownership among the population of the managing Indian tribe.

(C) What internal preparations and processes were required of the managing Indian tribes prior to assuming management of the LTRO functions.

(D) Whether tribal management of the LTRO functions resulted in a transfer of financial resources and manpower from the Bureau of Indian Affairs to the managing Indian tribes and, if so, what transfers were undertaken.

(E) Whether, in appropriate circumstances and with the approval of geographically proximate Indian tribes, the LTRO functions may be performed by a single Indian tribe or a tribal consortium in a cost effective manner.

SEC. 12208. MODIFICATION OF DEFINITION.

(a) MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), is amended—

(A) by striking “The term” and inserting “Effective beginning on June 18, 1934, the term”; and

(B) by striking “any recognized Indian tribe now under Federal jurisdiction” and inserting “any federally recognized Indian tribe”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), on the date of enactment of that Act.

(b) RATIFICATION AND CONFIRMATION OF PRIOR ACTIONS.—Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 461 et seq.), for any Indian tribe that was federally recognized on the date of that action is ratified and confirmed, to the extent that the action is challenged based on the question of whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, as if the action had, by prior act of Congress, been specifically authorized and directed.

(c) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Nothing in this section or the amendments made by this section affects—

(A) the application or effect of any Federal law other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as amended by subsection (a)); or

(B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as so amended).

(2) REFERENCES IN OTHER LAWS.—An express reference to the Act of June 18, 1934 (25 U.S.C. 461 et seq.), contained in any other Federal law shall be considered to be a reference to that Act as amended by subsection (a).

(d) STUDY; PUBLICATION.—

(1) STUDY.—The Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, a study that—

(A) assesses the effects of the decision of the Supreme Court in Docket No. 07–526 (129 S. Ct. 1058) on Indian tribes and tribal land; and

(B) includes a list of each Indian tribe and parcel of tribal land affected by that decision.

(2) PUBLICATION.—On completion of the report under paragraph (1) and by not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall publish the list described in paragraph (1)(B)—

(A) in the Federal Register; and

(B) on the public website of the Department of the Interior.

SA 2398. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 515, strike lines 17 through 20 and insert the following:

488) is amended—

(1) in subsection (a), in the first sentence—

(A) by striking “loans from” and all that follows through “1929)” and inserting “direct loans in a manner consistent with direct

loans authorized under section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922)”); and

(B) by inserting “, a member of an Indian tribe recognized by the Secretary of the Interior,” before “or tribal corporation”; and

(2) in subsection (b)(1), by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))”.

SA 2399. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. NONIMMIGRANT DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.

(a) SHORT TITLE.—This section may be cited as the “H-2A Improvement Act”.

(b) NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting “who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, shepherd, or goat herder, or” after “abandoning”.

(c) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, shepherd, or goat herder—

“(A) may be admitted for an initial period of 3 years; and

“(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

“(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Notwithstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H-2A workers in positions as dairy workers, shepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

“(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

“(A) ELIGIBLE ALIEN.—In this paragraph, the term ‘eligible alien’ means an alien who—

“(i) has H-2A worker status based on employment as a dairy worker, shepherd, or goat herder;

“(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

“(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

“(i) the alien’s employer on behalf of the eligible alien; or

“(ii) the eligible alien.

“(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

“(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis for denying—

“(i) another petition to employ H-2A workers;

“(ii) an extension of nonimmigrant status for a H-2A worker;

“(iii) admission of an alien as an H-2A worker;

“(iv) a request for a visa for an H-2A worker;

“(v) a request from an alien to modify the alien's immigration status to or from status as an H-2A worker; or

“(vi) a request made for an H-2A worker to extend such worker's stay in the United States.

“(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.”.

SA 2400. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2343 submitted by Mr. CHAMBLISS (for himself and Mr. ISAKSON) and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, add the following:

SEC. 12207. NONIMMIGRANT DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.

(a) SHORT TITLE.—This section may be cited as the “H-2A Improvement Act”.

(b) NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting “who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, shepherd, or goat herder, or” after “abandoning”.

(c) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, shepherd, or goat herder—

“(A) may be admitted for an initial period of 3 years; and

“(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

“(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Notwithstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H-2A workers in positions as dairy workers, shepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

“(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

“(A) ELIGIBLE ALIEN.—In this paragraph, the term ‘eligible alien’ means an alien who—

“(i) has H-2A worker status based on employment as a dairy worker, shepherd, or goat herder;

“(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

“(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

“(i) the alien's employer on behalf of the eligible alien; or

“(ii) the eligible alien.

“(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

“(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis for denying—

“(i) another petition to employ H-2A workers;

“(ii) an extension of nonimmigrant status for a H-2A worker;

“(iii) admission of an alien as an H-2A worker;

“(iv) a request for a visa for an H-2A worker;

“(v) a request from an alien to modify the alien's immigration status to or from status as an H-2A worker; or

“(vi) a request made for an H-2A worker to extend such worker's stay in the United States.

“(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.”.

SA 2401. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. FARM AND RANCH LAND LINK COORDINATORS.

Section 226B(e)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(e)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

“(D) FARM AND RANCH LAND LINK COORDINATOR.—

“(i) IN GENERAL.—The Secretary shall designate 1 farm and ranch land link coordinator for each State from among the State office employees of any of the following agencies in that State:

“(I) The Farm Service Agency.

“(II) The Natural Resources Conservation Service.

“(III) The Risk Management Agency.

“(IV) The Rural Business-Cooperative Service.

“(V) The Rural Utilities Service.

“(ii) TRAINING.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the development of a training plan so that each State coordinator receives sufficient training to have a general working knowledge of the programs and services available from each agency of the Department to assist small and beginning farmers and ranchers in the transition of land from retiring farmers and ranchers.

“(iii) DUTIES.—The coordinator shall—

“(I) coordinate technical assistance at the State level to assist small and beginning farmers and ranchers, and retiring farmers and ranchers, interested in, or in process of, the transition of land, with the goal of keeping land in agricultural production;

“(II) develop, in consultation with appropriate Federal, State, and local agencies and nongovernmental organizations, and submit a State plan for approval by the Small Farms and Beginning Farmers and Ranchers Group or as directed by the Secretary to provide coordination to ensure adequate services to small and beginning farmers and ranchers at all county and area offices throughout the State that support linking small and beginning farmers and ranchers with retiring farmers and ranchers, including, at a minimum, facilitating the transition of land;

“(III) oversee implementation of the approved State plan; and

“(IV) work with outreach coordinators in the State offices of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, the Rural Utilities Service, the National Institute of Food and Agriculture, and appropriate nongovernmental organizations to ensure appropriate information about technical assistance is available at outreach events and activities.”.

SA 2402. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 831, strike lines 20 and 21 and insert the following:

38, United States Code.”;

(2) by redesignating subsection (h) as subsection (i);

(3) by inserting after subsection (g) the following:

“(h) STATE GRANTS.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) an agency of a State or political subdivision of a State;

“(B) a national, State, or regional organization of agricultural producers; and

“(C) any other entity determined appropriate by the Secretary.

“(2) GRANTS.—The Secretary shall use not less than 4 percent of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.”; and

(4) in subsection (i) (as redesignated by paragraph (2))—

SA 2403. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, lines 20 and 21, strike “15 percent” and insert “20”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 19, 2012, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the potential for induced seismicity from energy technologies, including carbon capture and storage, enhanced geothermal systems, production from gas shales, and enhanced oil recovery.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Kevin Rennert at 202-224-7826, Kelly Kryc at 202-224-0537, or Meagan Gins at 202-224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 12, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform: Impact on U.S. Energy Policy.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com-

mittee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Equality At Work: The Employment Non-Discrimination Act” on June 12, 2012, at 10 a.m., in room SD-106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 12, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the U.S. Department of Justice.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. THUNE. Mr. President, I ask unanimous consent that Justin Posey, an intern in Senator PAUL’s office, be granted the privilege of the floor during today’s session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that Tejal Shah, a fellow in Senator MARK UDALL’s office, be granted floor privileges for the duration of the Senate’s session this week on June 13 and June 14, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE PARTICIPANTS IN THE 44TH INTERNATIONAL CHEMISTRY OLYMPIAD

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 491, submitted earlier today by Senators COONS and BOOZMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 491) commending the participants in the 44th International Chemistry Olympiad and recognizing the importance of education in the fields of science, technology, engineering, and mathematics to the future of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 491) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 491

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as “STEM”);

Whereas the science of chemistry is vital to the improvement of human life because chemistry has the power to transform;

Whereas chemistry improves human lives by providing critical solutions to global challenges involving safe food, water, transportation, and products, alternate sources of energy, improved health, and a healthy and sustainable environment;

Whereas the International Chemistry Olympiad is an annual competition for the most talented secondary school chemistry students in the world that seeks to stimulate interest in chemistry through creative problem solving;

Whereas the 44th International Chemistry Olympiad will be held at the University of Maryland, College Park from July 21 through 30, 2012;

Whereas more than 70 countries and nearly 300 students will compete in the 44th International Chemistry Olympiad in theoretical and practical examinations covering analytical chemistry, biochemistry, inorganic chemistry, organic chemistry, physical chemistry, and spectroscopy;

Whereas the objective of the International Chemistry Olympiad is to promote international relationships in STEM education (particularly in chemistry), cooperation among students, and the exchange of pedagogical and scientific experience in STEM education;

Whereas STEM education at the secondary school level is critically important to the future of the United States; and

Whereas the students who will compete in the International Chemistry Olympiad deserve recognition and support for their efforts: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the 44th International Chemistry Olympiad to the United States;

(2) recognizes the need to encourage young people to pursue careers in the fields of science (including chemistry), technology, engineering, and mathematics; and

(3) commends the University of Maryland, College Park for hosting and the American Chemical Society for organizing the 44th International Chemistry Olympiad.

WORLD ELDER ABUSE AWARENESS DAY

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 492, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 492) designating June 15, 2012, as "World Elder Abuse Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 492) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 492

Whereas at least 2,000,000 older adults are maltreated each year in the United States;

Whereas the vast majority of the abuse, neglect, and exploitation of older adults in the United States goes unidentified and unreported;

Whereas only 1 in 44 cases of financial abuse of older adults is reported;

Whereas at least \$2,900,000,000 is taken from older adults each year due to financial abuse and exploitation;

Whereas elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines;

Whereas older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused;

Whereas the percentage of individuals in the United States who are 60 years of age or older will nearly double by 2020;

Whereas, although all 50 States have laws against elder abuse, incidents of elder abuse have increased by 150 percent over the last 10 years;

Whereas public awareness has the potential to increase the identification and reporting of elder abuse by the public, professionals, and victims, and can act as a catalyst to promote issue-based education and long-term prevention; and

Whereas private individuals and public agencies must work to combat crime and violence against older adults and vulnerable adults, particularly in light of continued reductions in funding for vital services: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2012 as "World Elder Abuse Awareness Day";

(2) recognizes judges, lawyers, adult protective services professionals, law enforcement officers, social workers, health care providers, victims' advocates, and other professionals and agencies for their efforts to advance awareness of elder abuse; and

(3) encourages members of the public and professionals who work with older adults to act as catalysts to promote awareness and long-term prevention of elder abuse by reaching out to local adult protective services agencies and by learning to recognize, report, and respond to elder abuse.

ORDERS FOR WEDNESDAY, JUNE 13, 2012

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day; that the majority leader be recognized; and that following any leader remarks the first hour be equally divided and controlled between the two leaders or their designees with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, Senators should expect two votes in relation to the sugar and SNAP amendments to the farm bill tomorrow. Senators will be notified when the votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:23 p.m., adjourned until Wednesday, June 13, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 12, 2012:

THE JUDICIARY

ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. DENHAM. Mr. Speaker, on rollcall No. 318, I was unable to cast a vote on this amendment to the Energy and Water Appropriations bill for fiscal year 2013 due to obligations in my district. The underlying bill was a well struck balance of funding priorities, and I feel that the funding for our National Nuclear Security Administration should be maintained at appropriate levels to protect our national security.

Had I been present, I would have voted "nay."

IN RECOGNITION OF RANDALL B. PARKER FOR HIS MERITORIOUS CIVILIAN SERVICE AWARD NOMINATION

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. AUSTRIA. Mr. Speaker, I rise today in honor of Randall B. Parker. I am honored to recognize Mr. Parker for his Meritorious Civilian Service Award nomination. Mr. Parker was nominated for his outstanding service as Vice Director, 88th Air Base Wing (ABW), Aeronautical Systems Center (ASC), Air Force Materiel Command (AFMC), Wright-Patterson Air Force Base (WPAFB), Ohio from 4 March 2007 to 10 March 2012.

During his service, Mr. Parker distinguished himself as an exceptional leader who guided the organization through numerous cultural and business challenges while executing a full range of personal management responsibilities. Over the course of his tenure, he prepared and developed personnel for career opportunities, provided guidance to ensure work effort and products reflected management's expectations, and spearheaded the "Grow the Force" 88th ABW Commander's initiative, focused on recruiting and developing a superior, qualified workforce, while responding to ongoing budgetary and manpower reduction driven by the office of the Secretary of Defense (OSD) and Headquarters Air Force (HAF) efficiency initiatives.

Mr. Parker's expertise and experience are truly noteworthy and will be greatly missed. His outstanding performance culminates a long and distinguished career that reflects his commitment and service to our community and nation.

Thus, with great pride, I recognize Randall B. Parker for his long-term commitment to the United States Air Force and I would like to extend best wishes for the future.

HONORING HOUSE INTELLIGENCE COMMITTEE REPRESENTATIVE SUE MYRICK OF NORTH CAROLINA

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. RUPPERSBERGER. Mr. Speaker, I would like to acknowledge the work and leadership of one of my colleagues on the House Intelligence Committee, Representative SUE MYRICK of North Carolina.

Representative MYRICK has decided to retire from Congress and this may well be her last official vote for the Intelligence Authorization Act of FY 2013. With her retirement, we lose a dedicated committee member.

Representative MYRICK's engagement on matters of homegrown terrorism and supply chain management and her leadership of the Subcommittee on Terrorism, HUMINT, Analysis, and Counterintelligence will be sorely missed.

As a member of the House Intelligence Committee, Representative MYRICK has consistently demonstrated a willingness to work collaboratively to ensure the intelligence community has the resources it needs while simultaneously securing the Constitutional rights of United States citizens.

It has been a pleasure and an honor to work with her on the House Intelligence Committee. She has dutifully served both her local constituents and this Nation.

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. DENHAM. Mr. Speaker, on rollcall No. 317, I was unable to cast a vote on this amendment to the Energy and Water Appropriations bill for fiscal year 2013 due to obligations in my district. The underlying bill was a well struck balance of funding priorities.

California, my district included, is very dependent on gasoline for its transportation needs. Without the necessary research funds, the state will not be able to develop new and better ways to fuel our cars and trucks. With nearly fifty percent of California's oil coming from the Middle East, it is crucial that we continue to research and develop our fuel resources here at home to ease our dependence on an unstable source that can drive up costs on consumers.

Had I been present, I would have voted "nay."

IN RECOGNITION OF LEADER NANCY PELOSI'S 25 YEARS OF SERVICE

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize Leader NANCY PELOSI's outstanding achievements during her 25 years of service as a Member of Congress. It has been a great privilege to serve alongside and learn from such a strong and effective leader.

One of the proudest moments of my career was when I was sworn into the House of Representatives by Ms. PELOSI. She has been a mentor to me, and I am continually inspired by her unwavering commitment to social and economic justice. She skillfully balances her desire for bipartisanship cooperation with faithfulness to her core beliefs, a rare talent in politics today.

Speaker PELOSI made history when she was selected as the first female Democratic Leader of the House of Representatives in 2002 and the first female Speaker of the House in 2007. She demonstrated great skill and political savvy during her tenure as Speaker, transforming the 111th Congress into one of the most productive sessions in American history. With unmatched party unity in voting, the House of Representatives passed more landmark legislation than any Congress since the Johnson administration, addressing issues as diverse as food safety, nuclear arms treaties, and the repeal of the discriminatory "Don't Ask, Don't Tell" policy in the military.

Her successful stewardship of the Patient Protection and Affordable Care Act has provided healthcare to 32 million uninsured Americans and reformed a broken system. She backed Wall Street Reform as well as President Obama's stimulus package to protect working Americans from job loss and prevent economic collapse. Her handling of the Lilly Ledbetter Fair Pay Act and the increase of minimum wage have also demonstrated her dedication to supporting pay equity in our labor force.

I would also like to take a moment to acknowledge Ms. PELOSI's many contributions to people living with HIV/AIDS. This issue has been a top priority for Ms. PELOSI since she first took her oath of office, and her work has led to significant advances over the past 25 years. By publicizing this issue, she has helped to reduce discrimination and social stigmas associated with the disease. She has also doubled the level of U.S. funding for global health initiatives during her time as Speaker. Ms. PELOSI is responsible for U.S. leadership on this issue, which has saved the lives of millions of the world's most vulnerable.

Mr. Speaker, this long list of accomplishments is a testament to Ms. PELOSI's determination, and her quarter century of service

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has left an indelible mark on this great institution. I am honored to serve under her leadership, and I look forward to her future accolades.

RECOGNIZING QUAD CITY INTERNATIONAL AIRPORT AS THE "ILLINOIS PRIMARY AIRPORT OF THE YEAR"

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. SCHILLING. Mr. Speaker, I rise today to commend the Quad City International Airport for its selection as the "Illinois Primary Airport of the Year" at the Illinois Aviation Conference held in St. Charles, Illinois, on May 23, 2012.

Success does not come without hard work and commitment. The efforts of the employees of the Metropolitan Airport Authority, MAA, have helped the Quad City International Airport win its first "Illinois Primary Airport of the Year" award since 2004, and I applaud their dedication.

The improvements to the airport's infrastructure over the past several months and years due to partnerships with the Division of Aeronautics and the Federal Aviation Administration have been excellent and contributed to the winning of this award.

I frequently use the Quad City International Airport and am excited as the airport continues to make improvements and pursue excellence. I am pleased to see that this progress has been recognized state-wide by the Illinois Aviation Conference. I congratulate the Quad City International Airport on this much-deserved achievement and look forward to traveling to and from this site in the future.

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. DENHAM. Mr. Speaker, on rollcall No. 316, I was unable to cast a vote on this amendment to the Energy and Water Appropriations bill for fiscal year 2013 due to obligations in my district. The underlying bill was a well struck balance of funding priorities.

California, my district included, is very dependent on gasoline for its transportation needs. Without the necessary research funds, the state will not be able to develop new and better ways to fuel our cars and trucks. With nearly fifty percent of California's oil coming from the Middle East, it is crucial that we continue to research and develop our fuel resources here at home to ease our dependence on an unstable source that can drive up costs on consumers.

Had I been present, I would have voted "nay."

THE ANNIVERSARY OF FLAG DAY
IN HARTFORD, CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to celebrate Flag Day, a national celebration of our country and its freedoms, which was originally conceived in Hartford, Connecticut.

The concept for a "Flag Day", a commemoration of the 1777 establishment of our national flag, originated in Hartford shortly after the start of the Civil War when Hartford resident Jonathan Morris imagined Flag Day as an opportunity to promote the idea of a strong union in the face of the growing conflict. He felt that engendering pride in our most potent and patriotic symbol of unity might serve as a reminder of the sacrifices borne by prior Americans to establish the country, and restore a sense of respect for the national government in Washington.

Mr. Morris related his idea to Charles Dudley Warner, editor of the Hartford Evening Press, who was impressed by the idea and wrote an editorial calling for two new national holidays, Flag Day and Constitution Day. On June 14th, 1861, with the country two months into the Civil War and with troops mustering in downtown Hartford, residents of Connecticut followed his lead and organized the first celebration to honor our flag, and all that it stood for.

After the success of the 1861 celebrations in Hartford, Jonathan Morris asked Congressman Dwight Loomis, representing the First District of Connecticut in the U.S. House of Representatives, to introduce a resolution recommending that the people of the United States observe June 14th and September 17th as national holidays, honoring the American Flag and the Constitution. Unfortunately, the Congressional Resolution was laid on the table and never came up again.

However, presumably also at the request of Mr. Morris, Connecticut State Senator Henry Welch introduced an identical Resolution in the General Assembly, which passed the Senate on June 6, 1862, and passed the House on June 17, 1862, recommending that the citizens of Connecticut observe June 14th and September 17th as Flag Day and Constitution Day, making Connecticut the first State to do so.

Whether it was helping to lay the foundation for the United States Constitution, or being the home to distinguished citizens such as Mark Twain, Harriet Beecher Stowe, and Samuel Colt, Hartford's history has forever been interwoven with that of our great country. Given that the city of Hartford has played such a historic role in shaping the United States, it is no surprise that the idea of Flag Day originated there.

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. DENHAM. Mr. Speaker, on rollcall No. 315, I was unable to cast a vote on this amendment to the Energy and Water Appropriations bill for fiscal year 2013 due to obligations in my district. The underlying bill was a well struck balance of funding priorities.

The United States needs to have an all-of-the-above energy approach that will meet the demand of our growing country. Nuclear energy should continue to be an aspect of our energy production and we should continue to research the capabilities and our practices surrounding the use of nuclear energy to ensure that we are as efficient and safe in our nuclear energy sector as possible.

The United States has a proven supply of resources for domestic energy use, and we should be pursuing policies that allow us to develop those resources. Nuclear energy is a renewable source with a high power generation potential.

Had I been present, I would have voted "nay."

THE FLOOD PROTECTION PUBLIC
SAFETY ACT OF 2012

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Ms. MATSUI. Mr. Speaker, Sacramento's flood risk is well documented. It is the most at-risk metropolitan area for major flooding in our nation. It is home to California's State Capitol, an international airport, and half a million people. If Sacramento were to flood the economic damages could reach up to \$40 billion dollars.

A critical component for protecting Sacramento from a disaster is the Natomas Levee Improvement Project. Local taxpayers have voted to tax themselves on two separate occasions to pay for this project. Moreover, in the absence of federal participation, the state and local governments have already completed 18 miles of levee improvements and will have spent upwards of \$350 million on the project by the end of this year.

The federal government has not been able to support this crucial flood protection project, because of the current ban on earmarks and this Congress's challenges in investing in our nation's infrastructure. The result of this is that construction is expected to stop this year leaving 100,000 of my constituents at risk.

While I realize and appreciate that the authorization of Army Corps of Engineers projects is not within the purview of the Appropriations Committee, the topic is nonetheless important to raise. The underlying problem is the absolute prohibition against "earmarks" our Majority has imposed on this body, which is impeding our ability to our job. This moratorium has resulted in the stopping routine authorizing legislation our constituents badly need: a new Water Resources Development

Act bill. Working with the Corps of Engineers, we have accomplished every conceivable review, documentation and approval requirement for this project to go forward, but Congress has still yet to act on the legislation necessary to move forward with these badly needed projects.

The completed Chief's Report for this project was sent to Congress by the Corps over a year ago yet no action has taken place. One hundred thousand people, an international airport, hundreds of small businesses, a number of schools remain at risk. It is my sincere hope our Majority will reexamine its current moratorium to ensure local needs can be met. Everyone can agree that we must bring an end to wasteful, unjustified projects. But in our effort to throw out the wasteful, we've also thrown out the very worthy, and people's lives and livelihood are in jeopardy.

To address the unjustified yet real prohibition resulting from the "earmark" label, I introduced legislation last month that is in full compliance with the House's rules: H.R. 4353, the "Flood Protection Public Safety Act of 2012." This bill authorizes flood protection projects that have a completed Army Corps of Engineers Chief's Report that have been sent to Congress for approval. The bill would allow a small number of flood protection projects across the nation to move forward including those in Sacramento, Topeka, Cedar Rapids, and North Dakota.

Congress faces a choice. Invest in our infrastructure today, or pay the price of recovering from a disaster tomorrow. We can all agree that preventing a disaster is a much wiser and cheaper solution.

Though an authorization is outside the scope of the bill pending before us, I ask that this body forge a responsible, sensible policy on so-called earmarks, a policy that continues to stop wasteful projects but allows and even promotes worthwhile initiatives.

For 200 years the federal government has been a partner with the states to provide for the public's safety. I urge my colleagues on the other side of the aisle to revise the current moratorium that is preventing Congress from responding to urgent public safety needs across the nation. I believe these matters are integral to the House of Representatives as a body and deserve each of our attention.

I have written to the House's leadership urging them to revise this body's rules and provided responsible ways to ensure taxpayer money is protected, while allowing fully vetted projects to move forward.

I look forward to working with you and our colleagues in the House in a bipartisan manner to address responsible reforms that will ensure critical public safety challenges are met, while ensuring taxpayer money is being spent wisely. It is my hope we can responsibly resolve this issue in a timely manner.

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. DENHAM. Mr. Speaker, on rollcall No. 345, I was unavoidably detained and was not present to cast my vote due to other obligations.

Had I been present, I would have voted "nay."

IN RECOGNITION OF MAJOR GENERAL EDWARD J. MECHENBIER FOR HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Major General Edward J. Mechenbier for his outstanding career in the United States Air Force, his leadership to Wright-Patterson Air Force Base, and his heroic acts for our Nation.

A graduate from the U.S. Air Force Academy in 1964, General Mechenbier attended pilot training and served tours in Europe and Southeast Asia flying the F-4C. In June 1967, he was shot down on his 80th mission over North Vietnam and spent 5 years, 8 months, and 4 days as a prisoner of war. On 29 May of 2004, he flew his final flight, returning to Hanoi on the same aircraft to bring home the remains of two servicemembers listed as missing in action.

In 1973, he was assigned to the Fighter Branch, 4950th Test Wing, Wright-Patterson Air Force Base. In 1975 he resigned his regular commission and continued to fly the F-100 and A-7 for 16 years with the Ohio National Guard. In 1991, General Mechenbier transferred to the Air Force Reserve where he served with the Joint Logistics Systems Center and Headquarters Air Force Materiel Command.

General Mechenbier has more than four decades of active-duty, Guard and Reserve service. Throughout his service he has been awarded two Silver Stars, two Distinguished Flying Crosses, the Bronze star with V, two Purple Hearts, Meritorious Service Medal, 9 Air medals and the P.O.W. medal.

Major General Mechenbier, the Air Force's last serving Vietnam-era former prisoner of war, retired in June of 2004. He served as the mobilization assistant to the Commander, Headquarters Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio. His

outstanding performance culminates a long and distinguished career that reflects his dedication and service to our community and Nation.

Thus, with great pride, I recognize Major General Ed Mechenbier for his commendable service to the citizens of the United States and his long-term commitment to the United States Air Force. I join the people of Ohio's Seventh Congressional District in extending my great appreciation for his service and success in all future endeavors.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to have it noted in the CONGRESSIONAL RECORD that I was not able to be in Washington on June 8, 2012 for votes because of a family emergency. If I had been here, I would have voted as follows:

On the Gosar Amendment that reduces the budget for the Botanic Garden by \$1,235,000 for fiscal year 2013, I would have voted "no."

On the Broun Amendment that reduces funding for the Congressional Research Service by \$878,000 (FY 2012 Level) and transfer \$878,000 to the spending reduction account, I would have voted "no."

On the Scalise Amendment that reduces by \$1,000,000 the amount provided for the Open World Leadership Center and directs that \$1,000,000 to the spending reduction account, I would have voted "aye."

On the Moran/Welch/Pingree Amendment that prohibits the use of Styrofoam products in food service facilities in the House of Representatives, I would have voted "no."

On the Flake Amendment that prohibits funding for the purchase of paid online advertisements by Members, committees, and leadership offices, I would have voted "aye."

On the Democratic Motion to Recommit H.R. 5882 that would cut by 10 percent the official franked mail component of the Member's Representational Allowance, I would have voted "aye."

On Final Passage of H.R. 5882, Legislative Branch Appropriations Act, 2013, I would have voted "no."

Finally, on the Republican Motion to Instruct Conferees on H.R. 4348, offered by Mr. BROWN of Georgia, that would instruct House conferees to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal aid highway and transit programs to amounts that do not exceed \$37,500,000,000 for FY 2013, I would have voted "no."

HONORING HOUSE INTELLIGENCE
COMMITTEE REPRESENTATIVE
DAN BOREN OF OKLAHOMA

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. RUPPERSBERGER. Mr. Speaker, I would like to acknowledge the work and leadership of one of my colleagues on the House Intelligence Committee Representative DAN BOREN of Oklahoma. Representative BOREN's support for educational matters and intelligence issues pertaining to the continent of Africa has been critical to the work of the committee. Representative BOREN immediately began offering new and fresh ideas on intelligence, including suggesting the institution of a financial reward to incentivize efforts to capture Usama bin Laden. He personally worked

to enhance the Boren Foreign Language Scholarship program initially established by his father, Senator David L. Boren.

Representative BOREN's assistance during the Intelligence Committee's drafting and passage of the Cyber Information Sharing and Protection Act was critical to our success. I always knew I could count on him for good counsel and support. While his retirement will create a vacancy on the Subcommittee on Terrorism, HUMINT, Analysis, and Counterintelligence, his service has made our committee and country better.

As members of the House Intelligence Committee, Representative BOREN has consistently demonstrated a willingness to work collaboratively to ensure the intelligence community has the resources it needs while simultaneously securing the constitutional rights of United States citizens.

It has been a pleasure and an honor to work with him on the House Intelligence Com-

mittee. He has dutifully served both his local constituents and this nation.

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2012

Mr. DENHAM. Mr. Speaker, on rollcall No. 371, I was unable to cast a vote on the Gosar amendment to the Legislative Branch Appropriations bill for fiscal year 2013 (H.R. 5882) because I was unavoidably detained at a memorial for a fallen peace officer.

Had I been present, I would have voted "aye" on rollcall No. 371, to reduce funding for the U.S. Botanical Gardens by \$1.235 million.

SENATE—Wednesday, June 13, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, give to us today the measure of grace we need to obtain Your promises. Lead our lawmakers to so embrace these promises that they will accept Your guidance, obey Your word, and walk in Your way. Lord, give them the grace so to run that they may reach their goal and so keep the faith that they may be true to You to the very end. Make them wise with Your wisdom, strong with Your strength, and pure with Your holiness.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. The Senate will continue to debate the farm bill today. We have a couple of votes lined up. We expect to have those this morning.

NOT TO COMPROMISE

Last week, in a moment of candor, House Republicans, led by Representative CANTOR, admitted they have given up legislating until after the election. Although there is far more work to be done, they have said they are going to have a timeout. I repeat, there is so much to be done—especially building on 27 straight months of private sector job growth—Republicans in the House are lurching from one recess to the next long recess. They don't take short ones, they take long ones. Last week's unscripted moment was a window into today's Republican Party—a party that obviously cares more about winning elections than creating jobs.

Then a couple of days ago we had another frank assessment of the Republican agenda. Former Florida Governor Jeb Bush said Monday that his father, George H.W. Bush, and Ronald Reagan would not fit into today's Republican Party. He went on to elaborate about some of the issues in which they are simply headed in the wrong direction. Governor Bush said today's GOP is defined by "an orthodoxy that doesn't allow for disagreement."

He is right. The Republican Party no longer has room for moderates or anyone unwilling to march in lockstep with the radical tea party. That is apparent every day on Capitol Hill—more so in the House than in the Senate, but it has now infected the Senate. It was obvious from the first weeks of this Congress that the House was taken over by extremists with no desire to work for the sake of the economy and no concept of the meaning of compromise—and legislation is the art of compromise.

But over the last year and a half it has become clear that Republicans in the Senate are also in thrall to the tea party. We see the extremism in this Chamber—I have just mentioned that—where Republicans have blocked or stalled most every jobs creation measure we have brought to the floor. We see it on the campaign trail, where

Mitt Romney told a crowd he opposes hiring anymore teachers, firefighters, and police officers. Putting more teachers in the classroom used to be a goal Democrats and Republicans could agree on. But all over the country, things are happening just as happened in Nevada a couple of days ago, where the school district—let's see, it must be about the third or fourth largest school district now in the country, the Clark County school district, with well more than 300,000 students—indicated they were going to lay off 1,000 teachers. But as a result of not filling some positions because of retirements, they were able to have to only lay off about 400-some-odd people. It is happening all over the country.

Sending more cops out on patrol used to be something that—I can remember when JOE BIDEN was down here fighting for his COPS Program. Police departments in Nevada loved the opportunity to get more people on the street. That is the way it was all over the country. We used to fight to get more cops on the street. Now we are doing everything we can to stop the layoffs, and we can't do enough because we can't get a bill passed over here to help. Hiring more brave men and women to fight fires and save lives used to be a goal Democrats and Republicans could agree on. Not now.

Because of global warming, there are fires raging all over the West. I spoke to Senator BINGAMAN from New Mexico yesterday. That fire in New Mexico is 400,000 acres and, he said, we have another fire that has broken out of only 40,000 acres. On the news this morning out of Colorado, one person has been killed, scores of buildings and homes burned to the ground. The tankers they are using to fight these fires are old. One of them crashed in Nevada last week, killing the pilots.

But today's radical Republicans have another agenda—not hiring more cops and not doing something to stop the teacher layoffs, but their goal is to drag down the economy because it is good for their politics. They believe the more horrible the economy is, the better off they are going to be in November. They love bad news.

We still have the fact that even though there were more than 8 million jobs lost during the Bush administration, we have been fortunate to bring back 4.3 million of those jobs. But we could have done so much more with the jobs measures we have brought before this body that were lost on procedural grounds over here.

Yesterday Governor Bush said his father and President Reagan—neither of

whom could win a Republican primary today—both “sacrificed political points for good public policy.”

I believe that. I was not a pal of Ronald Reagan's. I met him and worked with him. But Paul Laxalt—who retired, and I ran for his spot—was his pal, his friend. Ronald Reagan would not put up with what is going on here today, because there is no question that with Ronald Reagan the country came first, not elections.

I have great admiration for the first President Bush. I have in my private possessions a couple of handwritten notes he wrote to me. He would not put up with what is going on today. He was a pragmatist. He wanted to get things done for our country. He wasn't an ideologue. He was conservative. Certainly no one is better qualified to be President than the first Bush. He was a Congressman, head of the CIA, head of the Republican National Committee, the Vice President, Ambassador to China. He was interested in his country, not elections. He was a Republican, but we could work with him.

Today's Republicans aren't interested in good policy and, obviously, they aren't interested in creating jobs. They are too obsessed with defeating President Obama. That is their No. 1 goal. But don't take my word for it. The minority leader said so himself. This is what he said:

The single most important thing we want to achieve is for President Obama to be a one-term President.

That is a quote.

America is battling its way back from the greatest recession since the Great Depression. And although we have created 4.3 million private sector jobs, there is so much more to be done.

I just left a meeting with people interested in infrastructure. We have 70,000 bridges in America that need repair and replacement. Not 700, not 7,000 but 70,000. The highway bill is hung up over in the House someplace. They aren't focused on jobs because they are too busy checking the political scoreboard.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Madam President, tomorrow, the President plans to deliver a speech to once again tout his favorite approach to the economy. I say that because aides to the President say we should not expect much new in the speech. We can expect more of the same: More government, more debt, and higher taxes to pay for it all.

According to news reports, some Democrats are starting to get a little wary of this approach. A number of folks who worked in the Clinton administration have suggested something more positive. But others are pleading with the President to double down on the message that government is the answer.

So far it appears as though the hard-left wing of the party has the upper hand. As liberal columnist E.J. Dionne suggested recently in the *Washington Post*:

Let's turn [Reagan's] declaration on its head. Opposition to government isn't the solution.

Opposition to government was and remains the problem, and that is precisely what the President appears to be doing—doubling down on the same government-driven solutions that have kept the private sector mired in what some are calling the worst recovery ever.

These folks have so much faith in government that they seem blind to any failure or excess. They make no distinction between the things government has done well in the past and the things it does not do well now.

They have no limiting principle whatsoever. This is their logic: If you like the Hoover Dam, you should support bureaucrats making higher salaries and better benefits than the taxpayers who are paying for them. If you like the Transcontinental Railroad, you should support a \$1 trillion stimulus bill that has been more effective at creating punch lines for late night comedians than it has at creating jobs. If you like the GI bill, they believe you must also embrace a debt-to-GDP ratio that makes us look like Greece.

These folks seem to have no limiting principle whatsoever when it comes to the growth of government. They have blind faith in it. It is the only thing they ever seem to want, and they are completely out of touch.

The President wants you to believe the reason we are in this economic slump is because States and local governments have been laying off government workers. But what he does not tell you, and what the American people will not hear him say tomorrow, is

that since the recession began, for every government worker who has lost a job 11 private sector jobs have been lost—for every government worker who has lost a job 11 private sector jobs have been lost.

Another thing you will not hear the President say is that public sector unemployment is just over 4 percent—unemployment among public workers, just over 4 percent—while all other private sector industries are at least twice that. So government employment is not the problem. It is the private sector that is suffering, and it is the private sector where we need to focus our policies.

So the battle lines are clear: After 3½ years of failure, Democrats in Washington have one suggestion: more of the same. The President can repackage it however he wants tomorrow, but that is what it amounts to: more government, more debt, and fewer jobs—and that is not what Americans want.

Republicans have refused to go along with this approach, and we will continue to oppose it until the Democrats recognize what most Americans already seem to know: government is not the answer to what ails us; government is not the answer to what ails us. It does not mean government does not do some things well. It means government has its limits, and we have reached them.

I saw a story line this week about a high school in Utah. It said the school has been fined \$15,000 for selling carbonated drinks. The school has been fined \$15,000 for selling carbonated drinks. Why? Because Federal nutrition guidelines say the school cannot sell sugary drinks during lunch hour. Students could buy them before lunch and drink them during lunch, but they cannot buy them during lunch and drink them during lunch. The government will not allow it.

Madam President, we are not talking about the Transcontinental Railroad. We are talking about a government that has no sense of its own limits under the constitution and a President who does not seem to be willing to embrace anything that does not start and end with a government bureaucrat calling the shots.

It is time for a change, and here is what I would suggest: One, the Democrat-led Senate should pass a budget. It has not done so in 3 years. Two, the Senate should take up the 28 job-related bills the House Republicans passed that are collecting dust on the majority leader's desk. Three, we should pass comprehensive tax reform; and, four, entitlement reform. This Nation will not be able to get out from under the mountain of debt we have without addressing the out-of-control spending related to these programs. They are simply unsustainable.

As I said yesterday, without Presidential leadership, it simply cannot

happen. The same failed policies are not going to cut it. The only question is whether Democrats in Washington are capable of seeing that.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, what is the speaker situation? Do I have some time now to respond to the Republican leader?

The ACTING PRESIDENT pro tempore. Currently, the time is under control of the Republican leader for the next 27 minutes.

Mrs. BOXER. OK. I would ask if I could have 2 minutes just to respond to my friend.

Mr. MCCONNELL. Madam President, we are going to divide time; are we not?

The ACTING PRESIDENT pro tempore. Yes.

Mr. MCCONNELL. Madam President, I suggest the Senator from California use Democratic time, and the time on this side be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask that I be allowed to speak on the Democratic side's time for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I thank the Republican leader.

It just stuns me when the Republican leader comes to the floor and has his "blame Obama" moment every day that he can. I thought this one was over the top. It is as if President Obama came in and everything was great and suddenly things are not going well.

Excuse me, I was here. I know. I remember when we had surpluses under Bill Clinton and the Democrats, and the Republicans turned it into deficits as far as the eye could see.

I cannot forget that because I remember a time when there was discussion about whether we were even going to have U.S. Treasuries anymore because we were not going to have debt anymore when Bill Clinton was President, and the Democrats set us on that right course. We had a balance between investments in our people and fair taxes so that the top 1 percent paid a fair share, and everybody did well.

Madam President, 23 million new jobs were created with Bill Clinton. Then George W. comes in. Two wars go on the credit card, tax breaks to the wealthiest few—the millionaires and billionaires—on the credit card, and suddenly we have a crisis: No regulation of these sophisticated securities.

My friend in the chair, the Acting President pro tempore, knows well what happened: no oversight, derivatives, new kinds of securities, taking a

beautiful home ownership ethic we had in this country and gambling on it. What happened? The worst crisis since the Great Depression.

Who comes into office? President Obama takes the oath. The unbelievable crisis he inherited and the unbelievable debt he inherited and the unbelievable budget deficit he inherited was just unbelievable. An auto industry was going to be gone.

My friend Senator MCCONNELL has a right to his opinion, and I respect it so much except he avoids telling the facts about how we got where we are. The American people do not suffer from amnesia. They understand this. They saw this President, this young President come in, faced with jobs bleeding 800,000 a month. Yes, he turned it around. Yes, he did, in fact, promote a rescue of the auto industry. We would have been the only great economy that did not have one if it was not for his courage. Yes, a couple of courageous votes on the Republican side joining with Democrats—that was a good moment. Yes, as Mitt Romney said: Oh yeah, they could have gone busto, bankrupt. We did not feel that way here. The President did not feel that way.

So all of this Obama bashing on the floor of the Senate is going to continue because Senator MCCONNELL is a very straightforward person, and he said—and I quote not the exact words, the sentiment, close to the exact words: Defeating President Obama is the highest priority of the Republicans. We are seeing that play out on this floor. I pledged that I would come here when I could to straighten out the record.

So let's be clear. This President took over in the worst of times since the Great Depression. There have been millions of jobs created—not enough. I will say this: If this economy sputters, this economic recovery we are in sputters, and has a hard time because of the depth of the crisis originally—the fact that the housing crisis still continues, the fact that there are problems in the global marketplace in Europe, and all of these factors—I want to say this: I want the person in the Oval Office to be a person who understands what is happening, and that is President Obama, who relates to working people, who relates to the middle class, who is not building an elevator for his cars in San Diego. That is how I feel.

Every time there is an attack on this President, I am going to come down here and tell the truth to the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I heard the remarks of my colleague from California, and I just cannot let the record stand that President Obama took over in the worst circumstances of our time. Really? The debt of this

country was around \$10 trillion when President Obama took office. In just 3½ years, that debt has almost doubled. We are now over \$15 trillion and will soon be hitting the \$16 trillion debt ceiling limit in just 3½ years. We are in a debt crisis not from the previous administration, we are in a debt crisis because we are spending too much, we are borrowing too much, and the President keeps talking about more taxes.

Just last Friday, the President came out and said: "The private sector is doing [just] fine." It is government that is in a crisis. Well, yes, government is in a crisis. The private sector is not doing just fine, and the government crisis is not caused because we are losing government jobs.

The government crisis is caused because we are spending too much, and we are going into debt that is unsustainable in this country.

For the millions of Americans who are out of work in this country, the President's assessment of the private sector must be like salt poured in a wound. My goodness, we have seen job numbers of over 8 percent unemployment since the President took office. The last 3 months have been not so good. We are still over 8 percent, and we went up a little bit to 8.2 percent in May.

So to the nearly 13 million Americans who are unemployed and the millions more who are underemployed or have left the labor force altogether because they have lost hope—Mr. President, things are not fine, and the private sector is not fine in this country, and the middle class is bearing the brunt.

On top of the unemployment rate for those who are in poverty conditions, the people who hold jobs are also losing ground. On Monday, the Federal Reserve reported that the median net worth of American families fell 39 percent between 2007 and 2010. We have not seen these levels since 1992.

During the same period, incomes also dropped sharply. Average household income fell 11 percent to \$78,500, down from \$88,300. The hardest hit? Families in the rapidly diminishing middle class. While these statistics are troubling, there is a concern that cannot be measured in dollars and cents; that is, that families are losing faith in a secure future. There was a time when every generation had a better quality of life and expected a better quality of life for their children than their parents had. That is not the case today.

In 2010, 35 percent of families said they did not have a good idea of what their income would be just for the next year. That was 31.4 percent in 2007, 35 percent now. So the number of families who are losing the faith that their children are going to have a better life than they have had is diminishing.

How could they be confident? The job creators in the private sector are the

ones under siege. I cannot believe the President of the United States is so off base as to say the private sector is doing fine. Just this week, the National Federation of Independent Business released its monthly survey of small business optimism. Survey results continue to be historically low and consistent with the subpar performance of gross domestic product.

According to this survey, levels of hiring and spending remained depressed in May. We all know that. More important, so did plans for the future. The same report states that expectations for increasing future sales continued to be weak in May, far below readings recorded in any other similar period since 1973.

Many small business owners are reluctant to expand their businesses or hire more workers. Small business owners who expect the economy to further deteriorate outnumber those who think there will be an improvement. Small businesses are our Nation's primary job creators. Small business provided 55 percent of all jobs in the private sector.

Small business has created two of every three net jobs in the United States since the early 1970s. So I would say to the President of the United States, it is small business that is the economic engine of America, not government. That is the fundamental disagreement we have with this administration.

We must spur the private sector to create income, growth, and security in this country. The private sector is not doing fine. What should we be doing to help Americans get back to work? We need to address what is causing the uncertainty. Why are businesses not hiring? Because government spending that serves to crowd out the private sector is increasing. There are tax increases being talked about by the President constantly.

So they are looking at looming tax increases, burdensome regulations that they see coming by the bills, such as this, out of the U.S. Government. Those regulations hamper job growth in this country.

Then, on top of all that, on top of the talk of new taxes, on top of the burdensome regulations our small businesses face every day, in bigger numbers every day, it is the health care law that was passed 2 years ago this December.

If we want people to be hired, we cannot saddle our entrepreneurs and small businesses with new taxes, more regulations, and the cost, the overwhelming burden of the Obama health care plan.

President Obama, in an interview yesterday, dismissed questions from a small business owner about the negative impact of the health care law and what it is already doing to small businesses. Anybody who has paid their part of insurance, if they are lucky

enough to be covered, knows that the premiums have increased and the coverage has decreased in anticipation of the Obama health care law, adding the new burden and cost on insurance companies, hospitals, doctors.

The costs of doing business in health care are increasing in anticipation of that health care law taking full effect in the next year. I have heard so much opposition in my home State when I travel around from small businesses that are just throwing up their hands and saying: I cannot provide the government-approved health care for my employees, which is going to mean I will have a new tax burden for every one of them as they then have to go on the government plan and fend for themselves.

Even families are going to have to do it or they will have to pay a tax. It is not just a good plan, it is the government-approved plan. So if they provide 35 percent of their employees' premiums, which is what they can afford, but the government requires more than that, they will still have to pay the fine. The small businesses are saying: I am going to pay the fine because that is my only alternative. Those with more than 50 employees, will have costly new Federal regulations to comply with. The financial penalty is so great we are seeing businesses stop at 49 so they will not have more workers and therefore have a bigger responsibility.

I received a letter from a small business owner in Arlington who said it best: "Did Congress and the President know they were going to freeze our country's businesses' ability to help grow this economy when they passed this bill?" I will point out that not one Republican in the House or Senate voted for this bill in Congress. So I would have to say to my small business constituent in Arlington: This was the Democrats in Congress and the President's bill. Not one Republican would support it because of the fear of exactly what is happening; that is, small business owners are losing faith that they will be able to grow, and that is what is causing the economic crisis we are in with unemployment over 8 percent.

A small business owner in Corpus Christi, TX, who has 34 employees told my office that his company's cheapest option for health insurance would boost premiums by 44 percent over last year. How can they do it? It is happening everywhere. I hear it everywhere I go. Clearly, this is not the incentive our economy needs right now.

We need government to get out of the way of the job creators in this country not block their path with miles of regulations, new burdens and costs—new regulations, new costs—and then the talk of new taxes which is prevalent everywhere.

Our best hope is that the Supreme Court will see this has a constitutional

problem. Then we can start again and take a step-by-step reform. That will do what all of us want to do. Everyone in Congress and the President had the same goal; that is, to have more Americans with affordable coverage and options.

But that is not the bill that was passed, and it is why Republicans could not possibly support it, because they saw the burdens on families, on businesses, and they knew it was not going to encourage hiring, which is what we need in this country. We have a chance to start a process that will be positive. We need to do something to spur small business in this economy.

One thing that could be done, which is in discussions right now, is the Keystone XL Pipeline, which would create a \$7 billion, shovel-ready, privately funded project that would transport over 700,000 barrels of oil from Canada to the United States. It has been estimated it would create 20,000 construction jobs and as many as 100,000 jobs at refineries and other businesses.

By the way, we would be trading with a friendly partner, Canada, so we would not have to import more from unfriendly parts of the Middle East, and we would also be able to know that these are privately funded jobs, not one government cent. In fact, it would create taxes being paid to the government because people would be working, and that is the way we should be growing our revenue in this country.

But the President suggested a different solution. He said the answer is not to spur the private sector because they are doing just fine. He said let's spend more money bailing out the States because they are having a hard time. They are having a hard time. We can do something for the States, and it is not bailing them out with more borrowed Federal dollars that will continue to weigh down the dollar itself. No. We can do something for State governments; that is, stop sending Federal mandates that we do not pay for that we require them to do, put a moratorium on Federal mandates on States today. Let's start repealing these Federal mandates we are requiring States to absorb. It is killing their economies.

Medicaid and the lack of flexibility in Medicaid is the biggest expense most States have. It is a Federal mandate unpaid for and inflexible, not the choice States could make to cover the people who need the help. We can help the States but not at the expense of our dollar and our debt.

So the President is suggesting more spending and bailing out States, and we are offering a solution that says let's create jobs in the private sector. Keystone XL is ready to go right now, private sector, 100,000 future jobs, not one penny from the Federal Government.

Let's take these Federal regulations and let's put a moratorium on them

right now and free our small businesses to be the entrepreneurs that built this country. It was the entrepreneurs who built this country in freedom. This country has been a magnet for people coming from all over the world because they could do their research in freedom. They could grow in freedom. They could keep the fruits of their labor and give their kids a better chance than they had, which they could not get in their home country. That is what built this country.

We can get right back there, but it is not by borrowing more, spending more, taxing more, and regulating our small businesses out of existence. We can do something positive, and it is time we got started.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. ISAKSON. Madam President, I, too, wish to rise and talk some about the President's statement of last Friday but from maybe a different approach than one might imagine.

The President said he thought the private sector was doing just fine. I was driving in the car when I heard the statement, and the statement took me back because I feared the President might not actually know how the private sector truly was doing.

Twelve weeks ago, I spent a week on the road doing townhalls, knocking on doors, visiting with Georgians. I come to the floor to provide some information to the President that maybe the private sector isn't doing that well, and maybe there is something we can do about it—this administration and this Senate—because right now we are doing nothing and America is languishing because of problems, some of which are our making.

The private sector, by definition, is everybody other than the government sector; at least that is my definition. Let me talk about everybody other than the government sector for a minute and why they are not doing very well. Let me talk about the homebuilder I met in Valdosta, GA, who talked to me about the fact that he had just sold a home he built. I said that is great; house sales are getting better. He said, the only problem is I could not get an appraisal for what it cost me to build the house, so I am selling it, but I am selling it at a loss. Part of that is because of the regulation and oppression that is on appraisers right now because of a fear of appraisal fraud.

Or the tomato farmer I talked to from Bainbridge, GA. He talked about the indignation he had when the Labor Department promulgated a rule—they did not end up passing it—that would have said you have to be 18 years or older to work on a farm, even if it was

your family farm—an overreach of the Department of Labor that, fortunately, they pulled back, but the type of overreach that causes people to retrench, not build and expand and move their business forward.

Or the 81-year-old community banker I talked to yesterday on the phone, from Calhoun, GA, who had a significant amount of his savings invested in stock in the community bank he had been a part of so much of his life, which is now under a cease-and-desist letter from the FDIC and is being managed under what is called a cease-and-desist order, which means the FDIC is basically running the bank, or limiting its parameters. The bank is slowly but surely dissipating its capital base until it gets to 2 percent and then the Feds will come in and close the bank and transfer its assets to a bigger bank and give them an 80-percent loss share guarantee, and the bigger bank will foreclose on the property and move forward.

In fact, what was intended by Dodd-Frank to reduce too big to fail and empower banks has done the opposite; the bigger banks have gotten bigger, the smaller banks have become fewer, and American banking and capital investment is less.

Or the hospital I visited in Thomasville, GA, which just finished its completion, the Archibald Center—a great center. They were talking about the difficulties they were having with employees and the fear they had that the NLRB mini-union ruling on Specialty Health Care was actually going to become the law of the land through regulation, where micro units within a facility could actually unionize, where just nurses in the emergency room, or in the ICU, could unionize, and everybody else would not. Can you imagine a hospital, department store, or a manufacturer with a union in the shoe department, a union in the nursing department, a union in the lumber department, a union on the loading dock, micro unions throughout the organization? You could not function; you couldn't cross-train, you couldn't manage. You would weight the playing field between management and labor in favor of labor and to the detriment of the investor who made the investment.

I could go on and on. It is those visits that I have talked about, the people in those cities I have talked to in Georgia, people in the private sector—they are not doing well. And it is for fear of overregulation and of uncertainty. If we can do anything to empower our economy in the short run in America, we can call time out and say enough is enough.

As I told a member of the administration 2 weeks ago, the administration, I think, wants to eliminate risk. Our job is not to eliminate; it is to mitigate risk. If you eliminate risk, you take the power of investments in

the private sector, entrepreneurship, and capital risk, you take it out the window. You can't eliminate risk, but you can mitigate risk. So let's get back to mitigating risk, making sure we have a safe workplace, but where capital investment can be made. Let's make sure we mitigate risk in banking, but not so much that we choke out the small family banker. Let's make sure that agricultural workers are safe, but that the son of a farmer can work on his father's own farm. Let's make sure we are not overreaching so far that we are making the private sector's plight worse than it is today.

My message to the Senate and to the President of the United States is that the private sector is not just fine. Though it may not all be of the government's making, part of it is. We are making it worse. We are trying to run a country based on the three-legged stool of legislative, judicial, and the executive branch, on a two-legged stool of regulation through the executive branch and judicial regulation through the judicial branch—cutting out the legislative branch. Do you know what happens to two-legged stools? They fall over. The private sector is falling over, and it is, in part or in whole, because of us.

I hope the President understands that there is a private sector that pays the taxes and makes America work—a private sector that is hurting—and we can help the private sector. Let's put our nose and shoulder to the grindstone, and let's move forward in these months leading up to the election and change some of the overregulation and empower the private sector, not accept that we think it is doing just fine.

I end with this, the front page of the USA Today. Average family wealth net worth in the United States has declined 39.4 percent, back to the level of 1992, which simply means the private sector has lost 20 years of accumulation, equity, and investment in the economy of the last 3 years. That is unacceptable. It is why we have the depression we have in this country. We need to get our shoulder to the grindstone, make it work, and let the private sector be just fine again because of an empowerment of the private sector, entrepreneurship, and capital investment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, we have six Senators, including the occupant of the chair, the Senator from New York, on the floor today in the majority time to discuss the jammed bipartisan Senate highway bill.

I heard my colleague from Georgia talk about how we are doing nothing and America is languishing. One of the things we are doing nothing on is passing a highway bill that should not be

complicated. But it is jammed up by the House Republicans and, as a result, people in Rhode Island and elsewhere are suffering. I will be here throughout our majority period. I think the Senator from Minnesota and the Senator from New Hampshire were here first, so I yield to them.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Rhode Island for his leadership in bringing us all together. We have to get this transportation bill done. This is a bill that passed the Senate with 74 votes. So we are here today to say to our colleagues over in the House and to ask our colleagues on the Republican side in the Senate to ask the Republicans in the House to get this bill done.

Cold-weather States, such as Minnesota, it is sometimes said, have two seasons: the winter season and the construction season. This kind of delay can be crippling. We have a much smaller window of time to get these projects done.

We have people waiting in traffic. We ask the House, why are we making them wait? We look at the cost when we delay construction projects—the cost to taxpayers. Everybody knows if you wait too long to work on a project, and you are doing something on your house and you wait years to get it done, the costs go up.

We ask our friends in the House, why are they allowing this to happen and making this delay? Look at contractors, construction workers, and engineering firms. They need consistency. Why is the House making them wait?

Look at Caterpillar, a business that employs 750 people in my State. They make road paving equipment and have a manufacturing facility. I was there addressing the employees. They gave me a pink hat. There are people working all over that company. They want more jobs, and they want to make things in America, and they want to export to the world. We are not going to be able to do that if we don't have the roads and bridges that can take our goods to market. We ask the House of Representatives, why are we making these private employers wait? The bill makes critical reforms to our transportation policy.

Last week the Centers for Disease Control and Prevention released a report announcing that 58 percent of high school seniors said they had texted or e-mailed while driving in the previous month, and 43 percent of high school juniors said they do the same thing. This bill includes provisions to help prevent texting while driving, and incentives—the two of us together, Madam President, worked on the graduated driver's license standards in this bill.

Why are we making the parents of America wait while their kids are

texting while driving? It makes reforms in the bill to transportation policy, reduces the number of highway programs from over 100 to about 30. So the Republicans in the House—how can they explain that they are making America wait to reform and make these programs less duplicative? It defines clear national goals for transportation policy, and it streamlines environmental permitting.

Why would you make America wait? That is what we are asking the House of Representatives today. Nobody knows better than Minnesota what happens if you neglect roads and bridges: The 35-W bridge crashed down in the middle of a river 6 blocks from my house.

So we ask the House of Representatives, why are you making the people of America wait?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleagues in talking about why it is so important to pass this transportation bill. I thank Senator WHITEHOUSE for organizing this effort.

In New Hampshire, we understand what Senator KLOBUCHAR was saying, that it is important to get this bill passed so we can get our construction season underway. We have a limited amount of time. In only 17 days, this Nation's surface transportation programs are going to shut down unless Congress acts to reauthorize them.

In March, nearly three-quarters of this Senate voted to pass a bipartisan, long-term transportation bill that maintains current funding levels and avoids an increase in both the deficit and in gas taxes. This legislation is important as we look at roads and bridges and mass transit that are going to have support. It is important as we look at the jobs in the construction industry and manufacturing businesses that depend on our transportation system.

In fact, the Federal Highway Administration estimates that for every \$1 billion in highway spending, we support about 27,000 jobs. I was pleased last week to see an overwhelming bipartisan majority in the House vote to reject policies that will cut spending on roads and public transit by one-third. If that had passed, an estimated 2,000 New Hampshire jobs would have been lost. I think that vote sends an important signal to members of the conference committee that there is a strong bipartisan majority in both Houses of Congress to support funding for crucial investments in our transportation network.

I call on the House to work with the Senate in a similar bipartisan manner, as we did in the Senate, to pass transportation policies that put Americans back to work and generate economic

growth. We have seen it in New Hampshire, where we have 29 construction projects that are going to be on hold if we cannot get transportation legislation passed here. We have seen it with Interstate 93, one of our main corridors going up and down the middle of our State, which has been delayed because of the delay in passing this transportation bill.

If we are unable to set aside election year amendments, unable to set aside this partisan politics and come together to do what is right for our country and our economy and pass a transportation bill, it will be putting this country in a very difficult situation.

The Congressional Budget Office has projected that the highway trust fund will run out of money next year—sometime in 2013. We are not exactly sure when. But that will mean funding to States will face drastic cuts without any reauthorization to shore up that revenue. And were the highway trust funds to run out of money, projects in this country would grind to a halt; it would decimate jobs in the construction industry. We cannot afford that.

Investing in transportation creates jobs and creates the conditions for our small companies to succeed. It should not be an issue about politics or partisanship. I urge our colleagues on the House side—because they are the ones holding this up—to come together and pass a transportation reauthorization bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I join Senators SHAHEEN and KLOBUCHAR, and I particularly thank Senator WHITEHOUSE for bringing us together. Senator BOXER was on the floor earlier talking about the transportation conference committee, and Senator BEGICH is also here.

We are all here because of the urgency of the conference report being presented to us so that we have a multiyear reauthorization of the transportation programs of this country.

Let me point out, I know a lot of times our constituents are confused as to why legislation cannot move here. Clearly, the holdup in passing the surface transportation reauthorization is the Republicans in the House of Representatives. They are blocking a bill that has broad support from the industries that are affected by it, from the public, and from both Democrats and Republicans here in the Senate.

We passed a consensus bill. It is not even bipartisan, it is consensus. We were able to get the right balance between public transportation and transit and highways and bridges. We have the proper balance between how the money is controlled at the State level and how it is controlled at the local level. We have worked out a reform of our transportation programs to do this

in a most efficient way. That bill is being held up for one reason and one reason alone; that is, the politics of the Republicans in the House of Representatives. They believe they can score political points by blocking any legislation from moving.

Let me underscore the points my colleagues have mentioned. This bill is all about jobs. It is all about rebuilding America and saving and preserving jobs.

On Sunday I was in Cumberland, MD, talking about the first Federal highway, the national highway that was built over 200 years ago, which was the first subsidized road in America. That brought jobs to our communities. It connected the East with the expanding Nation. Quite frankly, this Transportation bill connects our Nation, and it is important for jobs. In the western part of Maryland, we have the Appalachian highway that we need to complete, the north-south highway. That will affect jobs in Pennsylvania, Maryland, and West Virginia. That is what this is about here.

A short-term extension costs us jobs. Last month we lost 28,000 jobs as a result of not being able to pass a multiyear surface transportation program. We lose the construction season, as my colleagues have pointed out. And quite frankly, we have the bill before us. We have the votes to pass it.

So what we are asking today is that the Republicans in the House release this bill, allow us to move forward so we can create jobs for America and continue the economic expansion for America that we need through modern transportation. That is what this is about, and that is why we are here today, to remind our colleagues, the Republicans in the House—the extremists who are holding up this bill—this is a bill that is important for our Nation. Let's move forward with the people's business.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I would like to thank my colleagues for coming to the floor and especially thank Senator WHITEHOUSE for organizing all of us to come here to speak on an issue that is really the core of what we do here: to figure out how to build infrastructure for this country so our private sector can have the infrastructure to work from and play off of. But let's be very blunt and very honest about what is happening. This Transportation reauthorization bill passed this body with 74 votes. It was a bipartisan effort, hard fought, with incredible debate, encompassing many different issues. Now it sits in a conference committee with House Members, led by the Republican majority over there, not wanting to move forward.

Let's be very blunt about this. Not only do we have that bill over there, we have the VAWA bill, the FDA bill, the postal reform bill, and they are all just piling up over in the House. People wonder why the economy has been struggling this last month. Well, all the business that we should be doing and that we are doing here on the Senate side—we are passing stuff—is all piling up over there on the House side.

Actually, I did what we were calling "Begich Minutes," give or take a few seconds. I went to the middle of the Capitol and described this incident of where we pass a bill, and then I physically pointed to the House side to show where the bill is now stalled. We have a small group within the Republican majority over there that is holding the Speaker hostage, literally, because they want to cut the Transportation bill by over one-third, which would devastate the infrastructure of this country.

Let me say from my own experience—and I know Senator WHITEHOUSE has heard this, and others have as well—as a former mayor, I was in charge of the metropolitan planning organization for our community of Anchorage, which maintained at that time approximately 45 or 48 percent of the population of the State. We were in charge of managing the road money. Every time Congress delayed their action or were ineffective in getting their work done, as a mayor, I had to put projects off, stall projects, and hold contracts and tell contractors they couldn't get to work. That created uncertainty, which at the end of the day does one thing: It costs more money. And the people who pay for that are the taxpayers.

So they sit over there in the House. I saw a comment that they want to do another extension. Well, we have had nine extensions. For people who don't know what extensions are, it is where the Congress says: Well, we will extend this bill for another week, another 2 weeks, another month. But these extensions create more uncertainty and add more cost. Every time you hear the word "extension" from the other side, that just means you—the taxpayers of this country—are paying more in taxes. That is what that means, pure and simple. "Extension" means you pay more for a project that should have been on the board and moving forward.

We have a bipartisan bill, with 74 Democrats and Republicans on the Senate side having voted for it. It is now lingering in conference.

We are now in the midst of the construction season. In Alaska—and I know my colleague from Minnesota, who has joined us, will know about this—the construction season is short. We need to have contracts let in early spring in order to construct in the summer and be completed by September or October because the asphalt

plants close. When the asphalt plants close, you can't put asphalt on the streets. It is very simple. We have a very limited time. So the contracting community is frustrated and angry because they do not get the certainty they need to hire the people. They can't get them to work.

So I plead with the folks on the other side, the extreme folks in the Republican majority over there who are holding the Speaker hostage on this issue, let's do what is right for America. Let's make sure these jobs, these 3 million jobs that could be retained and added, move forward. In an economy where every job makes a difference, we are talking here about 3 million jobs. Let's move this forward. Let's quit the politics.

What is amazing about this—and I heard Senator WHITEHOUSE say this more than once—if the Speaker of the House would just allow the Senate bill to go to the floor for a vote, I can guarantee what will happen: Democrats and a group of Republicans will support that bill and pass it. But that is not the issue. We have a very small subset of the majority of the Republicans over in the House who have told the majority leader he is not moving anything—nothing, zero—because they are not betting on America like we are. We bet on America. We are betting on the right things. What they want to do is to cripple this country for their own political gamesmanship.

I have to say—and I would bet every one of my colleagues here would say the same thing—that when I go back home to Alaska, I hear how fed up people are with this. They are frustrated by the inability of Congress to do its work. And I have told my folks back in Alaska that the Senate is doing its work. We are passing bipartisan bills. But they get jammed up by a small group of extreme Republican tea party folks who believe the best way to solve problems is to do nothing and to let this economy falter.

So I hope Members will come to their senses over there. I can say that my Congressman, the Republican from Alaska, is working hard to get this bill passed. He is on the conference committee. He is one of the Republicans who would vote with Democrats to get things done on this Transportation bill. Why? Because he likes building things. I like building things. But there are some other folks over there who have no interest in helping to build this country and make it a better place.

So, again, I yield my time. I hope folks on the other side in that extreme group will get some sense knocked into them. Maybe the American people will do it. I hope so.

Madam President, I yield the floor at this point for my friend from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I thank the Senator from Alaska and the Senator from Rhode Island.

I wish to emphasize the need to pass a long-term reauthorization of this surface transportation bill. It is time for Congress to do its job. Thanks to the leadership of Senators BOXER and INHOFE, this body passed a bill with 74 votes. Actually, it probably would have been 76 votes, but Senator KIRK is back at home recovering—and we wish him very well—and Senator LAUTENBERG couldn't vote that day. I think he was at the funeral of a friend. So it really would have been 76 votes. Unfortunately, our colleagues in the House were not able to pass a comprehensive reauthorization bill and were only able to join a conference committee after passing yet another short-term extension.

So I will repeat myself: It is time for Congress to do its job. As the Senator from Alaska, my good colleague, was just saying, the summer construction season is now upon us. In Minnesota, that is when we know we can build roads and bridges and light rail, because in November and December it gets cold and snowy.

State departments of transportation have already canceled projects because the House has failed to act. We have already lost thousands of jobs because, for whatever reason, the House will not pass a bill that received unanimous bipartisan support in the Environment and Public Works Committee and 74 votes in the Senate as a whole.

Speaker BOEHNER has said the House may just pass another short-term extension. But all of these extensions have whittled away at the highway trust fund—whittled it down to a dangerously low balance—and any further extension would put it in danger of going bankrupt.

This should not be controversial. This should not be partisan. Transportation and infrastructure have not been in the past. The Senate consensus bill simply maintains the current level of funding for our transportation system and streamlines many programs to make sure those investments are put to the best possible use. This is infrastructure that we need to stay competitive in our global economy.

Minnesota is ready to make these investments. Whether we are talking about maintaining our bridges so they are safe, expanding the new light rail system in the Twin Cities, or reducing congestion on our highways, these are projects that will create jobs now and strengthen our economy well into the future, as infrastructure always does.

On August 1 of this year, we in Minnesota will mark the fifth anniversary of a tragedy in our State: the collapse of the Interstate 35-W bridge in Minneapolis. The collapse killed 13 people and injured 145. That tragedy should have been a wake-up call in America

and in this body. Bridges should not collapse in the United States of America.

If that was a wake-up call, the House seems to be content to have hit the snooze button and ignore the problem. Well, we cannot wait any longer. There is no reason not to pass this bill. Frankly, the Senate bill is the conservative solution. It is paid for, it consolidates many Federal programs, and it streamlines project reviews—all things that I have heard colleagues in the House ask for. The House negotiators need to work with Senator BOXER and Senator INHOFE and the rest of the Senate conferees and come to an agreement both the House and the Senate can live with. If they can't or won't, Speaker BOEHNER should—as the Senator from Alaska just said—just take up the Senate bill and give it an up-or-down vote.

Let's prove to our constituents that we can come together and do what is right. Let's pass a bill that will create jobs for workers in our States and build prosperity for our future. It is time for Congress to do its job and pass a transportation bill without any more delay.

I thank my colleagues, and I yield back to my colleague, the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I thank the Senators on our side who have come here today during the majority time block to express their support for moving forward on the highway transportation bill.

Not all of them have had the chance to speak because time was short, but I wish to have the RECORD reflect that in addition to Senators KLOBUCHAR, SHAHEEN, BEGICH, CARDIN, and FRANKEN, who did speak, and myself of course, Senator GILLIBRAND is also here but presiding. Senator STABENOW was here but could not wait. Senator MARK UDALL is here. Senator CONRAD was here. We are all here because we are very concerned about what is going on with the highway bill.

We had a March 31 deadline in order to get things done by the summer construction season that we have heard so much about. We made the deadline. Not only did we make the deadline, we made the deadline with a bipartisan bill, one that was unanimous among both parties in the Environment and Public Works Committee and we brought it to the floor and we got it passed, 75 or more Senators supporting it. The House did not do its job. It did not have a bill. It could not pass a highway bill.

For folks who have been around here longer than I have, the failure to pass the highway bill is telling. This is not like getting an A on a chemistry test. This is like showing up for class, and they failed at that very simple task. So

they asked for an extension. We probably should not have given it. We probably should have forced the vote then. But we did. We gave them an extension on the theory that, in good faith, they would come through. We knew the extension would cost jobs. The extension has cost jobs. Out of over 90 projects slated for this construction season in Rhode Island, about 40 are going to fall off because of the delay. Those are real jobs in Rhode Island, a State that needs them, and that is true across the rest of the country. Wherever winter falls, this predicament exists. So that is why so many of my colleagues were here.

Now we are closing in on the end of the extension we gave them. It will end June 30. I am here to urge that we give no further extensions. It is either govern or get out of the way to the House of Representatives. If they can't pass a highway bill of their own, let the Senate bill come up for a vote. It is bipartisan. It is supported by manufacturers. It is supported by the U.S. Chamber of Commerce. It is supported by road builders. It is supported by environmentalists. It is supported by labor. It is a good bill. It had a great process, wide open, on the Senate floor. There is no excuse for not taking up that bill. I agree with Senator BEGICH. If that bill comes up, Democrats and Republicans together will give it a massive majority in the House, and people will be put to work.

One place where I think we all ought to be able to agree on both sides of the aisle is that Federal spending is actually helpful and does create jobs in building our roads and bridges. We don't expect Americans to repair the road in front of their house. We don't expect Americans to go and build bridges for themselves. It is a government job to build roads and bridges. The jam-up Speaker BOEHNER and Majority Leader CANTOR have created on this is costing probably hundreds of thousands of jobs right now in this country. Why they are doing it, their motive, that is not for me to say. But the practical effect is that jobs are being lost by unnecessary delay, created by Republicans in the House, which they could get rid of by simply calling up the bipartisan Senate bill and giving a free vote on it, letting it pass, and putting Americans to work.

I yield the floor. I thank the distinguished Senator from Utah for being patient as I went over my time a little bit.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague.

Last week, I discussed some unfinished business that remains for Congress and the President to address. Specifically, Congress must take up a number of tax-related matters in very short order.

When I discussed this tax agenda last week, I referred to this chart. Things have not changed since then. As this chart shows, the tax extenders, which are overdue by almost one-half year, are not alone on Congress's to-do list.

We need to resolve the death tax. Death tax relief expires at the end of 2012. We need to prevent the 2013 tax hikes. As I noted earlier, we have the so-called tax extenders that are right there, and we have to address the alternative minimum tax—or AMT—the second one on that list. The issue of the AMT is what I would like to address today.

Thirty-one million American families will be caught by the AMT or are already caught. Yet Congress has done nothing to address the AMT. The alternative minimum tax is a stealth tax on 27 million families. Approximately, 3.9 million families paid the AMT last year, and they may not be surprised if it hits them again this year. But for the other 27 million American families set to be ensnared by the AMT, this represents a significant and stealthy tax increase.

The AMT burden is, in fact, far broader than just the 31 million American families who are in its sights. Nearly double that number—60 million American families—must fill out the AMT worksheet to determine whether they owe an alternative minimum tax. While not as bad as paying the tax itself, the task of compliance is just another time-consuming, government-imposed challenge for Americans families they don't need to have.

To get some idea of the magnitude of the AMT's reach, consider this chart. It breaks down, State by State, the number of American families hit by the AMT.

When I speak of those now being caught by this tax, I am referring to those families who make estimated tax payments and who are scheduled to make their second payment tomorrow.

Last year, 3.9 million families were hit by the AMT. I think this was 3.9 million too many, but it is considerably better than the more than 31.1 million who will be hit in 2012.

The reason we are threatened by such a large increase this year is that over the last 11 years, Congress has passed legislation to temporarily increase the amount of income exempt from the AMT. Unlike many other provisions of the Tax Code, the AMT exemption amount is not automatically adjusted for inflation. These temporary exemption increases have prevented millions of middle-class American families from falling prey to the AMT, until now.

While I have always fought for these temporary exemptions, I believe the AMT ought to be permanently repealed. One reason to pursue permanent repeal is the uncertainty that the AMT creates for taxpayers when Congress must revisit and adjust it every year.

Unfortunately, a permanent fix does not appear to be forthcoming. Congress has yet to undertake any meaningful action on the AMT. President Obama has proposed permanently patching or maybe even repealing AMT. Yet what he gives with one hand, he takes away with another.

He has proposed to pay for an AMT fix with this so-called Buffett tax. The thing is, the Buffett tax is nothing more than a new alternative minimum tax. The solution to the alternative minimum tax problem surely can't be an alternative minimum tax.

Moreover, the revenue generated by the Buffett tax—in spite of the suggestion by the President that this tax on the rich could pay for all things good—would not come close to providing the revenue necessary to address the AMT in a meaningful way.

Despite assurance from the President and his allies that AMT relief is an important issue, nothing has actually been put forward as a serious legislative solution for this year. There has been no Senate committee markup or floor action for tax extenders, the AMT patch, death tax reform or even preventing 2013 tax hikes.

This year is about half over, and all we have is talk about the need to address the AMT, but a theoretical discussion is not a substitute for real action, as anyone making a quarterly payment today will attest to.

Everyone seems to agree something needs to be done—and done quickly—but the discussion does not go any further from there. We are out of time. The second quarterly AMT payment is due. Today, taxpayers across the country are under a legal requirement to pay their estimated tax. They will use the form depicted on this chart right here—"2012 Estimated Tax." Though I hope otherwise, I expect I will be here again when the third payment comes due saying basically the same thing.

A question remains about whether people who should be making an estimated tax payment tomorrow actually will. Most of these 31 million taxpayers subject to the AMT do not even know they are subject to the alternative minimum tax, so they will not be making that estimated tax payment tomorrow, even though they should. If one fails to pay sufficient estimated tax or have a sufficient amount of wages withheld on a timely basis throughout the year, then one can be subject to interest and penalties. This is an awful spot for Congress to put the American families in.

It is also worth recalling that the IRS cannot just flip a switch and have its systems in place for an AMT patch. This is not done overnight. It takes months. The Congress's failure to act on a timely basis could actually delay the processing of 2013 refund checks perhaps by even a few months.

The failure of Congress to promptly enact an alternative minimum tax fix

would have a cascading effect on our system of tax administration. Software providers and tax preparers would struggle to keep up.

One of the issues holding back an AMT fix is that many on the other side insist that, unlike new spending proposals or extensions of existing spending programs, AMT reform should happen only if it is revenue neutral. That means any revenues not collected through reform or repeal of the AMT must be offset by new taxes from somewhere else.

Notice that I said "not collected" rather than "lost." This distinction is important for the simple reason that the revenues we do not collect as a result of AMT relief are not truly lost. The AMT collects revenues it was never supposed to collect in the first place. If we offset revenues not collected as a result of AMT repeal or reform, total Federal revenues over the long term are projected to push through the 30-year historical average and then keep going.

Originally conceived as a mechanism to ensure that high-income taxpayers were not able to eliminate their tax liability completely, the AMT has failed. The AMT was originally created back in 1969, with just 155 taxpayers in mind—155—a mechanism to ensure that high-income taxpayers were not able to eliminate their tax liability completely. The AMT has failed completely. On the one hand, as IRS Commissioner Everson told the Finance Committee in 2004, the same percentage of taxpayers continues to pay no Federal income tax.

On the other hand, the AMT is projected to bring in future revenues it was never designed to collect. At least 31 million middle-class families are now in the AMT's crosshairs, and that was never meant to be. That is quite a change from 155 rich people who never paid any taxes. It should serve as a cautionary tale for those who believe today's tax increase proposals will remain limited to the so-called wealthy.

During the 2008 campaign, President Obama advocated for a permanent AMT patch. His budgets have maintained that position. While permanent repeal without offsetting the AMT is the best option, we absolutely must do something to protect taxpayers immediately, even if it involves a temporary solution, such as an increase in the exemption amount. Of course, if we do that, we are going to be in the same fix next year, and I will again be making the same points.

This coming Friday—June 15, 2012—taxpayers making quarterly payments are going to once again discover that the AMT is neither the subject of an academic seminar nor a future problem we can put off dealing with. The AMT is a real problem right now. If this Congress was truly serious about tax fairness, it does need to stand and take action.

I would like to take a few moments to address another matter of importance.

A conference committee is currently meeting with the goal of producing a transportation bill. As I said at the public meeting that was held last month, ensuring that local communities have a strong voice in the transportation decisionmaking process is a priority of mine. There are many ways this can be achieved, but one particularly effective method is through the implementation of environmental streamlining.

Negotiations are still ongoing, so I do not want to go into too much detail. Yet environmental streamlining is something that will benefit my own home State of Utah and every other State that is currently forced to comply with redundant and oppressive red tape when engaging in transportation projects with the Federal Government.

The highway trust fund, which funds many transportation programs, currently has more money coming out of it than is going into it. While there are many who want to deal with bloated and unfocused spending by raising taxes, I disagree. If revenues do not meet outlays, then we should not be punishing the American taxpayer; rather, we should be reevaluating spending priorities.

In addition to examining what Congress spends money on, we need to ensure that money being spent is spent efficiently. Currently, governments at the Federal, State and local level spend considerable resources complying with Federal regulations designed to protect the environment. Given that many of these regulations have accumulated over time, I am confident that we can scrape many of these barnacles off the ship of state without harming the environment.

Both the Senate and the House recognize the truth of what I am saying, and both bills currently in conference reflect this sentiment. Both contain provisions designed to streamline or simplify the environmental reviews with which transportation projects must comply. In particular, I am appreciative of the efforts shown by Chairman MICA of the House Transportation and Infrastructure Committee for his role in highlighting the importance of environmental streamlining within the conference committee.

Madam President, I inquire how much time I have remaining.

The ACTING PRESIDENT pro tempore. There is no controlled time. The Senator has the time.

Mr. HATCH. I do not want to infringe on my colleagues. Let me just say this: I am appreciative of the efforts shown by Chairman MICA of the House Transportation and Infrastructure Committee for his role in highlighting the importance of environmental streamlining within the conference com-

mittee. I hope the rest of my fellow Senate conferees are carefully reviewing his suggested language. I know all of us want to do all we can to expedite project delivery times while minimizing redundant costs. Chairman MICA is clearly eager to engage on this topic.

President Obama has talked in the past about the importance of funding shovel-ready jobs. All we are asking is when there is a shovel-ready job to move forward without undue or unnecessary environmental reviews.

I close with an appeal rooted in my role as ranking member of the Finance Committee. The highway trust fund is currently on a path to insolvency, and the Senate bill does not change that. By working with our colleagues in the House we can make sure taxpayer money is not wasted on redundant and unnecessary compliance and regulation. Despite current policy being green in the environmental sense, it does not mean we have to sacrifice being green in a budgetary sense.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I come to the floor to discuss the amendment that is pending to kill the Sugar Program in the United States. My colleagues should know that the domestic sugar industry employs 140,000 people in this country. If there were ever a jobs-killer amendment, it is the amendment that is going to be offered to kill the U.S. Sugar Program.

In advancing that amendment, a series of claims have been made about the U.S. Sugar Program that I believe are false. First of all, it is said that the Sugar Program has a high cost for taxpayers. That is false. It is said that it keeps sugar prices artificially high. That is false. It is said that the Sugar Program drives the confectionary industry out of the United States. That is false. It is said that the Sugar Program impedes imports into the United States. That is false. It is also said that consumers will benefit from eliminating the Sugar Program. I believe that is false as well.

Let's take each of these arguments in turn. First is that it has a high taxpayer cost. Here is the cost, according to the Congressional Budget Office, of the Sugar Program for 2013 to 2022. The cost is zero. It is hard to get lower than zero. Maybe the square root of zero would be lower. But those who say there is a high cost to taxpayers are just wrong. It is false.

The second claim is that it keeps sugar prices artificially high—false again. This chart shows the average retail sugar price in major countries around the world. Here is the United States way down here, 59 cents. The global average is 67 cents. The developed country average is 73 cents. We

are below the global average, and we are below the average of developed countries. So the claim that it keeps sugar prices high is false again.

The third claim is that the Sugar Program drives the confectionary industry out of the United States. Wrong again. Here is what is happening to the U.S. chocolate and nonchocolate confectionery production in the United States since 2004. Do you see the trend line? It is up. More production not less production.

These are facts, and facts are stubborn things. Let's go to the fourth claim, that this Sugar Program impedes imports. This is maybe the biggest whopper of all. Here are the facts: The United States, in the period from 2008–2009 through 2010–2011, is the biggest importer of sugar in the world. So this program is impeding imports into the United States? If it is, it is not doing a very good job of it because the United States is No. 1 in imports of sugar in the world.

Before we get to the final assertion, let's look at what other countries, poor countries that produce sugar are saying to us about our Sugar Program. The argument made on the Senate floor is we are hurting poor countries with our Sugar Program. Maybe we ought to listen to what those poor countries say. Here is their organization, the International Sugar Trade Coalition, that represents sugar producers in 17 developing nations in Africa, Asia, the Caribbean, Central America, and South America. Here is what they say:

The U.S. sugar policy contained in the Farm Bill passed by the Senate Agriculture Committee is important to sugar producers in developing nations because it provides a guaranteed level of access to the United States sugar market at fair, predictable prices. Attempts to weaken this policy through amendments on the Senate floor would not only harm U.S. farmers but also poor growers from developing countries where sugar is a key economic driver.

These are the poor countries that produce sugar who are saying to us: Keep your Sugar Program because not only does it benefit you, but it benefits us.

Let me go further in their letter:

Ending the sugar program would reward only a handful of large food companies and agricultural superpowers like Brazil, while punishing some of the world's poorest economies.

It goes on to say:

This was what happened when the European Union radically altered its sugar policy, and thereby lowered standards of living in places like Guyana, Fiji and Mauritius where there is no agricultural alternative to sugarcane. Sadly, Saint Kitts and Nevis had to stop sugar production altogether after 300 years as a result of the EU's reforms.

Let's not make that same mistake.

Finally, on this notion that consumers are going to benefit by eliminating the Sugar Program—really?

Let's look at the facts. The green line is the trendline on retail sugar prices. That trendline since 2010 is going up. Here is what the wholesale price of sugar has been—flat. Do you see the disconnection? Wholesale prices flat, retail prices up. The fact is that sugar is such a small part of the cost of finished products that it has almost no bearing whatsoever on retail prices of a candy bar, the box of cereal, or any of the other things that sugar goes into.

The record is so clear on the facts that I urge my colleagues to oppose the amendment being offered to kill the U.S. Sugar Program, to kill 140,000 good jobs in this country, to kill \$19 billion of economic activity in this country. It would be a profound mistake not only for us but for the poor countries in the world that produce sugar, that are calling on us to keep our Sugar Program because not only is it important to U.S. farmers, it is important to their farmers as well.

Mr. President, I ask unanimous consent that the next 10 minutes be provided to Senator UDALL of Colorado and then 5 minutes for Senator GILLIBRAND of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. I thank Senator CONRAD. He is always gracious and compelling, and I appreciate the strong case he made for his point of view.

I rise as I did yesterday, and I will continue to do so, to highlight why it is so important that we extend the production of the tax credits, or PTC as it is known, for wind energy. Senator BENNET from Colorado joins me, feeling the urgency of the moment. Members of both parties have agreed that the PTC is vital for continued economic growth in our country. Put simply, the PTC means good-paying American jobs. The longer we wait, the more American jobs we can expect to be lost in the coming months and weeks ahead.

When I go home, Coloradans say to me it does not make any sense that we would not extend the production tax credit. So over the next couple of weeks I am going to come to the floor every day to talk about how the wind production tax credit affects each State across the country, to drive home the point that real American jobs will be lost if we do not take this commonsense step.

The PTC has meant economic growth in Colorado. We have a favorable business climate in Colorado, and we have tremendous wind resources. In fact, if we harness the wind potential that is there, similar to the wind potential that is off the shores of the State of the Presiding Officer, there is enough wind power to go way beyond our needs. In Colorado's case, 25 times over the State's electricity needs could be

met if we harness and harvest that wind.

That is an amazing statistic. It is generated by the National Renewable Energy Lab, which we are happy to host in Colorado, a flagship of energy research, development, and innovation.

I hope I will not have to say too many days in the future what I said yesterday: The strong growth in the wind sector is at risk. Thousands of jobs, as you can see in this chart of Colorado, have been created across my State, all the way from Pueblo in the south central portion of the State, to Greeley, Fort Morgan up in the northeast, to Yuma County way out in the eastern part of the State.

These are quality jobs. These jobs support families and communities. I want to put a face on these families and these communities. I want to talk about Derek Palmer. He lives in Greeley, up here in the northeastern part of the State. He has three children and a wife. He graduated from the University of Northern Colorado in 2011 with a degree in business management, and he has worked at the Windsor manufacturing plant—it is a Vestas plant that manufactures wind blades—for the past 9 months. He left an excellent managerial job in the service industry and joined Vestas, in large part because of the strong benefits package that is there for his wife and kids. He loves working there. He is patriotic, and he is helping our country become energy independent. Because of our inaction, thousands of jobs like Derek's are in jeopardy. This industry deserves some certainty, some stability, and so do countless families like Derek's in Colorado and all over the country. So if we don't act, I fear dire consequences.

The CEO of Vestas—I think you have met him, Mr. President—says that he expects the wind market in the United States to fall by 80 percent if the PTC isn't extended. Eighty percent is a huge number. That is 80 percent fewer jobs, 80 percent fewer families pulling themselves out of this recession, and 80 percent less investment than we have today, all because we are not active, all because we are not taking the right steps for it.

As I close, this is not a partisan issue. Both Democrats and Republicans, Senators and House Members, agree that we need to extend this commonsense tax credit. There are bipartisan bills to extend it. I led an effort with six Democrats and six Republicans here earlier urging us to extend the PTC. The solution is simple. We just need to extend the PTC ASAP. We need to do it. Let's do it as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I would like to commend the chairwoman of the Agriculture Committee

and the ranking member of that committee for their dedicated effort to move the farm bill to the floor to discuss our Nation's agricultural policy and for their leadership in championing so many issues that help America's and New York's farmers.

I rise today because I really want to make clear to the American people just what is at stake and at the heart of this farm bill. It is about a growing economy for our family farms and for our small businesses. It is about reviving rural communities and rebuilding a thriving middle class and the opportunity for all of those who are trying to get there. It is about the health of our agricultural industry, the jobs it provides, and the health of our families whom it helps to feed. But from the amendments that are being filed today from across the aisle, you would not know it. There are some trying to use this bill to roll back protections for the air we breathe and for the water we drink. There are some who want to use this bill to expand concealed-carry laws for weapons. We are even seeing attempts to bring in the divisive politics from the Wisconsin recall and inject it right into the debate on the Senate floor on farm policy.

This bill has so much potential to create jobs, to help our farms thrive, to protect our farmers and small businesses from natural disasters, to feed our children, and to feed our at-risk seniors. But if we are ever going to reach that potential, we can't afford to get bogged down in these dead-end fights that are meant only to score political points.

Worse yet, there are Draconian cuts being proposed by some that will take even more money away from those who are the greatest in need. They want to take money away from the Supplemental Nutrition Assistance Program, better known as food stamps, which literally will result in children going to bed hungry in this country. These amendments simply do not meet the fundamental founding principles of this Nation or who we are as Americans. In this day and age, in this country, as rich as we are, to accept hungry children, hungry families, hungry seniors is unacceptable.

This farm bill started out with a \$4.5 billion cut to food stamps over 10 years. These cuts must be restored. While I fought against these cuts with 13 of my colleagues from both sides of the aisle, others are still actually advocating for additional, much more extreme cuts. They could even cut SNAP by almost half.

If you have heard from families living off of food stamps, as I have, you know this is something no one strives for. Most have never imagined that they would be on food stamps or that they would need that kind of support. But many have been dealt a very bad hand in this economy, and through no

fault of their own they are finding they are in need. Food stamps are often the last resort for those who are just trying to keep the lights on, put food on the table for their kids, and find their way back to that paycheck they desperately want to be earning.

Among all the families relying on food stamps at historical rates, we are now seeing veterans and their families. I can tell you that our veterans and their families have already suffered a lot. For these troops who are coming home, they are coming back into a very tough economy and are unable to find the jobs they need. And we have to imagine these children of our vets who have already suffered so much, and now they are being faced with not knowing from where their next meal will come.

For any parent watching this debate today, I just want to ask one question. Has your child ever said to you: Mommy, I am still hungry.

Well, I can't imagine what a mother would feel like if she could not hand her child some food. I can't imagine what a mother would feel like if her child said that to her every single night. That is exactly what we are talking about today in this farm bill. As a mother and legislator, watching children suffer, watching America's children not having enough to eat is something I will not stand quietly by and watch.

Under this bill, nearly 300,000 families in New York will become food insecure, and what that translates to is \$90 a month that they will have less money to put food on the table, and what that translates to is that it is the last week of the month. That \$90 pays the grocery bills every single week. What do these families do when they don't have enough money at the end of the month? Despite not being responsible for the economic crisis our country has faced, we will be asking these families to share a disproportionate amount of the burden being placed on them.

We know that food stamps are such a good investment into our economy. For every dollar we put into food stamps, we get \$1.71 back into the economy. Even one of the best economists, Mark Zandi, said: "The fastest way to infuse money into the economy is through expanding the SNAP/food stamps program." These food stamps pay salaries for grocery clerks and truckers who haul the food. The USDA estimates that 16 cents goes right back to the farmer.

I know my time is expiring, but I have 13 bipartisan cosponsors for this amendment, and the list keeps growing with the support from the AARP, the U.S. Conference of Catholic Bishops, and all of those who are fighting on the front line for hunger.

Our amendment will restore the SNAP funding back to the \$4.5 billion that has been cut, and it will pay for

the food our kids so desperately need. Every child in America deserves to be fed. Every child in America deserves to reach their God-given potential. We need to restore these cuts to ensure that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to discuss a particular amendment—perhaps a couple of amendments—on the farm bill, specifically the amendments to the sugar portion. There are a number of titles, it is a big, complicated bill, and there is a great deal of discussion about the many reforms that are contained in this bill.

There is one very glaring exception. There is one huge program that has no reforms whatsoever in the underlying bill, and it just so happens to be in, in my view, one of the most egregiously flawed programs in the entire agricultural sector, maybe in government as a whole, and it is the Sugar Program. This is a program which systematically forces American consumers to pay much more than the global price for sugar. It is a huge transfer of wealth from consumers, including the poorest American consumers, to a handful of wealthy sugar producers. It is completely wrong, it is ill-conceived in the first place, it is perpetuated in this bill, and I think that is just unconscionable.

Some of the specific ways in which the existing program has the government completely manipulating the market for sugar include explicit limits on how much sugar can be produced domestically. There is a de facto government-imposed price floor on sugar rather than allowing the price to reflect whatever supply and demand would lead to. It puts strict limits on how much sugar can be imported without forcing Americans to pay taxes on those imports in the form of duties. It mandates that the government purchase excess sugar and then sell it at a loss to ethanol producers. All of these are features of the existing sugar policy, and all of them are left completely unchanged by this bill. So it is screaming for some amendments to provide some commonsense reforms to this very badly flawed program.

Let me be very clear. At the end of the day, the net effect of all of these machinations in which the government manipulates the market for sugar is that U.S. consumers end up paying much more, often about double the going rate that everyone else in the world who doesn't manipulate their markets pays for sugar.

By the way, that should be reason enough to end this program entirely, but there are other reasons. For instance, the existing sugar policy—as I said, unchanged in this bill—is absolutely costing us jobs in the United States. That is not even disputable. It

is, on balance, a job killer. It is costing us jobs today specifically in manufacturing—the manufacturing of products that include sugar, of which there are many.

Here is a simple observation from the CEO of a candy manufacturer in Pennsylvania who uses sugar as an import. He points out: These sugar subsidies artificially inflate the price of one of the staples of the candy industry and force us, and any other companies, to choose between absorbing the higher costs, passing the costs on to consumers, or producing elsewhere.

The fact is that some people inevitably choose to produce elsewhere.

The next chart illustrates a point that has been made by the U.S. Department of Commerce. We are not just making these things up. Many U.S.—essentially sugar-consuming producers—manufacturers have already closed or relocated to Canada, where sugar prices are less than half of the United States. Why? Because Canada chooses not to have a ridiculous sugar program. So we lose jobs as manufacturers go to Canada, use market-priced sugar at much lower costs to produce candies, and then import them into the United States.

The next chart quantifies this. It is very simple. For every job that is protected somewhere where they are growing beets or cane sugar, three manufacturing jobs are lost. Again, these are statistics from the Department of Commerce. This is very clear. This is not really refutable.

The final chart illustrates this in another way. The Canadian Government has figured this out, and they advertise the fact that they have a huge competitive advantage because they choose not to create an artificially high price for sugar, and as a result they are constantly trying to persuade manufacturers to move up to Canada where they can have lower costs. By the way, for many of these companies, the cost of sugar in the United States is the single biggest cost they pay.

The other point that we should stress and that I would like to underline is that not only do we lose jobs systematically because of this program, it also hurts consumers. Think about it. Everybody consumes sugar. There is sugar in so many products that it is impossible to avoid this inflated cost. It should be seen as equivalent to a tax. It is as though the Federal Government is imposing a tax on sugar. It doesn't work literally that way, but it has that economic effect. It is completely equivalent. Who gets hit the hardest? It is the lowest income Americans. It is as regressive a tax as we can have. Think about that. Wealthy people devote a small percentage of their income to food. They have plenty of money to spend on other things. If you are a low-income American, then you necessarily are devoting a large part of

your income to food, and so much of it is artificially inflated in cost by our own Federal Government. This is what is so egregious about it.

The GAO said in 2000 that the existing sugar policy forced Americans to pay \$2 billion in additional food costs. And if we use their same methodology and we move it ahead to today, AEI projects that those costs are now \$3.5 billion. This is a simple straightforward transfer of wealth from low- and middle-income and ordinary American consumers to a handful of wealthy producers. It is as simple as that.

There is one other feature. There is also an ongoing risk to taxpayers. Because of that feature I alluded to earlier in which the Federal Government buys what is deemed to be excess sugar and then sells it at a loss to ethanol makers, CBO projects this will lose \$193 million for taxpayers over the next decade.

We have an amendment that would address this, the Shaheen amendment. I think Senator SHAHEEN has actually offered more than one amendment on this topic, one would repeal the entire program. I salute her. I agree with her. I support that. My understanding is that we will soon be voting on a motion to table that amendment. I think it is quite unfortunate that Senator REID would choose to take this amendment off the table, so to speak, to put it aside. A vote to table the amendment is, of course, a vote to kill it. I think we ought to be passing this amendment and end the practice of forcing American consumers to transfer this wealth in this fashion.

But I wish to also stress that I am concerned about the process that has gotten us here. I am concerned that Senator REID has intentionally chosen an amendment that is going to be very difficult to pass. As strong as its merits are, from my point of view, I know it is difficult to get a majority in this body to support the full repeal of this program. I hope we can succeed in that, but I don't know that we can. If we cannot, Senator SHAHEEN has another amendment that I have joined her on which would push back some of the excesses of this program—push us back to where we were back in 2008, prior to the most recent farm bill. The amendment makes some modest changes and just scales back some of these excesses. I certainly hope we get a chance to vote on that. If we can't pass full repeal, we have every right—and I would argue every responsibility in this body—to try to at least improve on what is such an egregiously flawed program.

Again, I would underscore the fact that the current bill is silent; in other words, it perpetuates, it continues this spectacularly flawed program that is so unfair to American consumers. We will have an opportunity to vote later today on a motion to table. I hope we

defeat the motion to table so we can take up this amendment and do away with this program. But failing that, it is very important that we have an opportunity to at least amend the program.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleague Senator TOOMEY to talk about what truly is an egregious oversight in the underlying farm bill we are considering.

This morning, the Senate is going to have the opportunity to vote on an amendment that would repeal the Sugar Program. As Senator TOOMEY has pointed out, I submitted several amendments. One would reform the Sugar Program. The one we are going to vote on this morning is the one to actually repeal the program. I, as does Senator TOOMEY, hope we will get a vote on both, but I certainly hope people will vote against the tabling motion to repeal the Sugar Program.

The underlying farm bill we are considering reforms almost every farm program we have. Every farm group has had to sacrifice with this farm bill so we can reform these programs. Unfortunately, there is one glaring exception to these reforms; that is, the Sugar Program.

We need to reform the sugar subsidy because it costs consumers and businesses \$3.5 billion each year in the form of higher prices. That is almost double the world average. We can see on this chart—which shows sugar prices over the last 30 years since 1981. This is the world price for sugar, and that is the U.S. price. We can see demonstrated very graphically—no pun intended—that we in America are paying almost twice what the world price is for sugar. It also costs us about 20,000 jobs every year. We are doing all this—we are affecting consumers and hundreds of thousands of jobs—to benefit fewer than 5,000 sugar growers. To benefit those 5,000, all of us are paying more, and we have been paying more, as this chart clearly indicates, for the last 30 years.

How does the subsidy program work? Senator TOOMEY did a great job of explaining it, but it essentially manipulates the market. It controls how much sugar is grown in the United States. It restricts how much sugar comes into the United States from outside the country. It sets a floor on sugar prices by providing a government guarantee to sugar growers on what they are going to get paid, and it requires the government, in some cases—this is what is truly outrageous—it requires the government to buy sugar off the market and then sell it to ethanol plants at a loss to taxpayers. The proponents of this program say it doesn't cost us any money? What our amendment would do is phase out this out-

dated program over the course of a couple years.

I wish to respond to some of the claims we have heard from those who support this Sugar Program. The first is that it doesn't cost taxpayers any money. That is if we ignore the fact that consumers are paying out of one pocket; they may not be paying as taxpayers in taxes, but they are paying out of the other pocket as consumers. But, in fact, that is not even accurate when it comes to taxpayer dollars. A recent study by Iowa State University showed that the program costs \$3.5 billion a year to consumers in the form of higher prices, and the Congressional Budget Office estimates this program will cost taxpayers directly in the coming years. CBO has scored this amendment as saving millions of dollars for taxpayers in the next decade. So repealing the Sugar Program, according to CBO, will save millions for taxpayers in the next decade.

Those who support the Sugar Program also claim prices just aren't that high and that consumers actually benefit from the sugar subsidy. That is absurd. We can see graphed out very clearly what consumers are paying. Consumer groups, such as the Consumer Federation and the National Consumers League, support our amendment because the sugar subsidy costs consumers and businesses \$3.5 billion a year.

Subsidy supporters cite a study which was paid for by the sugar industry to support their data. That is not accurate. Using data from USDA shows a very different story, because for wholesale prices which represent two-thirds of the sugar bought by businesses in the United States, the effect of the Sugar Program is obvious, and it is hard to argue with this drastic difference as displayed on the chart. What we have is a hidden tax that is designed to benefit a small powerful interest group. Again, studies have found that consumers are paying a cost to the tune of \$3.5 billion a year.

The supporters of the sugar subsidy also say this program doesn't get in the way of job creation. This is an argument that just doesn't hold up when we look at the facts. Multiple studies have found we are sacrificing hundreds and thousands of jobs by keeping sugar prices high. In 2006, the Department of Commerce found that for every job protected in the sugar industry, three were lost in manufacturing. A recent study from Iowa State University found that we are sacrificing 20,000 new jobs created every year due to the sugar subsidy program. So we are losing 20,000 jobs every year because of the sugar subsidy. There is no evidence sugar reform is going to hurt job creation; in fact, it is going to help. We have a small business in New Hampshire, a family-run business called Granite State Candy. They have been

doing very well. They would like to expand, but because of the high cost of sugar they are having trouble thinking about how they are going to pay for that.

There is nothing more definitive than the illustration Senator TOOMEY showed earlier today and that I showed yesterday on the floor which is from a Canadian brochure designed to attract businesses in the confectionery industry to come to Canada. It points out how much less they are going to pay. Here it is. It points out how much less businesses are going to pay for sugar in Canada and how much more beneficial it would be for companies to do business in Canada rather than the United States. It says very clearly:

Consider these hard facts: Sugar refiners import the vast majority of their raw materials at world prices. Canadian sugar users enjoy a significant advantage. The average price of refined sugar is usually 30 to 40 percent lower in Canada than in the United States. Most manufactured products containing sugar are freely traded in the NAFTA region.

If one needs any other evidence, that is it. It is clear we are losing those jobs.

I strongly urge my colleagues to vote against tabling this amendment today. This may be our only chance to reform the Sugar Program in this farm bill. Tabling this amendment would be a vote to support special interests, those fewer than 5,000 sugar growers, at the expense of over 600,000 employees in the food industry and millions of consumers.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to speak against the Paul amendment No. 2182, which would cripple the food stamp program. I have to tell my colleagues that there is an aura of wonderment around here that says: Look, let's cut food stamps for hungry families and for little children. We have the agri companies to take care of, the agribusinesses, to make sure they can feed their children.

The most fundamental test for any family is to put food on the table—to make sure their children get the nutrition they need. When tough economic times hit, families can find themselves struggling to meet their most basic needs. The food stamp program was created so that even in the toughest of times, children in this country do not go to bed hungry.

Here is a picture of a child reaching out for food—the old story about models on cereal programs, talking about satisfying the brother's hunger with the old remarkable display of what it is that comes to the fundamentals and taking care or letting families who need help get some, especially in this area.

It is appalling that our Republican colleague from Kentucky has proposed

an amendment to cut more than \$300 billion from a program that is a lifeline for many families. These harsh cuts would punish families who need help the most. We are debating a bill that contains billions in support for big agricultural companies, but instead of targeting the subsidies they get from the Federal Government—from the taxpayers—Republicans say we ought to cut programs for hungry children. I wonder if those who want to cut the food stamp program would participate in a real way and say to their little children, say to their family: Look, just to show we are serious, just to show we care, we will limit the amount of food we are going to give our children, the amount of food we are going to give the elders in our household, to show we are serious about this.

Hungry children didn't cause the recession or the deficit. Cutting food stamps will not solve our debt problem. But hungry children don't have lobbyists, so programs such as food stamps end up on the Republican chopping block—heroic, muscular men and women who say: We want to make our country fiscally sound, so let's take the food stamps away from people who could be starving.

The Paul amendment would cut support for food stamps by almost 45 percent next year alone. The consequences could be devastating. The consequences would be devastating.

The numbers are staggering: More than 46 million Americans, including 800,000 people from my State of New Jersey—we are a State that has about 9 million people—are dependent on food stamps to make it through the month. Half of them are children.

When you look at this placard, can you imagine telling a mother that she has to tell her kids they have to do more with less food so maybe other businesses—agribusinesses—can continue to get subsidies?

Republicans should have to tell these families: We are not going to cut corporate subsidies. No, no; we have to do that. We have to make sure the rich will not pay more in taxes. So please understand, as we take food off their tables, we say to our kids: Eat less, get thinner, get trimmer. Stop doing your homework because you are too tired or stop complaining because you do not feel well when the food quantity is not sufficient.

On average the Food Stamp Program provides assistance of just \$1.50 per meal—a buck and a half. There is not much there to cut. The Republicans who are so eager to cut food stamps from children should try living on \$1.50 per meal for the next month. Let them then report how it feels, how their kids survived with less food than they need. Then we will see how eager they are to cut the food stamps.

The Republican approach would hurt those with the least to protect those

with the most. That is not what this country is about. Too many of America's families are still struggling. Too many parents are still looking for work. Too many of our children are still hungry. The food banks across the country are getting evermore attention and visits.

Republicans should offer them help, show some heart. This is not an accounting organization. We are not here to just balance the books. Yes, we have to balance the books. I come from business, and I know what they have to do. But that means we would not be servicing our democratic structures, the people in our society who need help. Republicans should offer them help. Instead, they offer them deeper poverty and greater hunger.

The bottom line is this: At a time when 50 percent of food stamp recipients are children, it would be a moral stain on our country's character to cut this program. That is not what America is about, and that is not why any of us serve.

The children who would be harmed by reckless cuts cannot speak for themselves. But we should not need to hear their crying voices to know what is right. I urge my colleagues to listen to their consciences and defeat the Paul amendment.

I conclude by saying how disappointing it is to see a \$4 billion reduction to the Food Stamp Program in the farm bill. I am proud to join Senator GILLIBRAND in offering an amendment to reverse these cuts. We are going to try to make that happen.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2393

Ms. KLOBUCHAR. Mr. President, I rise today in opposition to an amendment that would eliminate the Sugar Program, and I urge my colleagues to table it at this time.

As we continue our work on the farm bill, as we debate these amendments, I think my colleagues should keep in mind at every moment that this proposal contains \$23 billion in cuts that we have brought together on a bipartisan basis, and two-thirds of those cuts—\$16 billion—is on only 14 percent of the bill; that is, the farm programs. Two-thirds of the cuts: \$16 billion on the farm program.

This bill is supported by 630 conservation groups, nutrition groups—a number of them. Obviously, they would like to see changes. People want to make things better. But if we do not get this bill done, you can imagine what is going to happen to school hot lunches and the like.

Unfortunately, eliminating the Sugar Program would actually hurt jobs in America. I know Senator CONRAD was here earlier putting the facts out, but people need to know the facts. This is

a zero-cost program that supports 142,000 jobs and generates nearly \$20 billion in economic activity. This is the kind of value we are looking for.

I believe we need to be doing everything we can to maintain programs that are working for our farmers in an efficient way—programs that are supporting jobs and putting dollars into our economy, especially those programs that do not cost money.

Most of us can appreciate the value of a strong farm safety net. During our discussions in the Agriculture Committee, I worked with Chairwoman STABENOW and other members of the committee to make sure the bill provided for that safety net so the livelihoods of our farmers cannot be swept away in the blink of an eye by natural disasters and market failures and because, you know what, we as a country do not want to be dependent on foreign food like we are dependent on foreign oil.

The Sugar Program has played its own key role in shielding farmers from risk—albeit it is a different and more predictable kind of risk they face. I am talking about the risk of competing against heavily subsidized sugar from foreign countries.

Let's put it this way: If you do not like being dependent on foreign oil, you are not going to love being dependent on foreign sugar. Past U.S. trade agreements have already opened our domestic market to foreign sugar. Over the last 3 years, the United States, on average, has been the world's largest sugar importer, supplying nearly one-third of our total sugar needs.

Since 1985 we have had 54 sugar factories close due to sustained low prices. Once these jobs are gone, they are gone forever. This is why we need to continue the Sugar Program in the 2012 farm bill—one that supports American sugar beet and sugar cane producers while ensuring an abundant supply of sugar for consumers and manufacturers.

We must continue this program. Look at what has happened. The average global retail price for sugar is 14 percent higher than it is in the United States. In other developed countries, the average price is 24 percent higher than it is in the United States.

Some people have blamed farmers for the high cost of sugar foods in the grocery store. But look at the numbers. For example, a \$1 candy bar has about 2 cents' worth of sugar in it. A \$3.50 carton of ice cream has about 10 cents' worth of sugar. So ending the Sugar Program is not the solution that will keep food prices competitive. It is the opposite.

This is an important program for our country. If changes are to be made to it, the answer should not be to eliminate it. That is why I ask my colleagues to join me in tabling this amendment as we work together in the

future to make sure we preserve American jobs.

The sugar industry supplies American jobs. Just ask the people in the Red River Valley in Minnesota and North Dakota.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank my colleague from Minnesota for her comments. This is an amendment that has come up on a regular basis—always started from New Hampshire, always defeated by the Senate.

I encourage my colleagues to table Reid amendment No. 2393. This measure is known as Senator SHAHEEN's amendment to phase out the Federal Sugar Program.

First, I would like to commend Chairwoman STABENOW and Ranking Member ROBERTS for their work on the underlying bill. They proved that the Agriculture Committee is able to take a serious look at the farm bill programs and improve what is working while cutting what is not.

The Sugar Program is an excellent example of what works in the farm bill. Since its early years, the Sugar Program has evolved to ensure that beet and cane growers can continue to provide the United States with a safe and reliable source of sugar products. I underscore "reliable" because sugar is a unique commodity. Not only are sugar crops extremely limited in their seasons, but an added component is that both sugar beets and cane must be processed immediately after harvest. Processing involves what is essentially a refinery.

In Wyoming we have three facilities that process sugar, all of which are grower owned and operated. People can always tell it's October back home when the large piles of sugar beets begin to appear outside the sugar plants. Workers race to produce raw sugar before the beets go bad. Any number of complications can spoil the crop and put the sugar refineries out of business.

Such unique conditions produce risk that is not common with other agricultural commodities. Because much of the year's sugar is produced in such a small window, a sugar program is needed to stabilize the price of sugar through the entire year. This policy benefits the very people who opponents of the Sugar Program wish to protect.

With stability in the sugar markets confectioners, food manufacturers, and beverage makers have a steady supply of quality sugar without wild price swings. Not only are U.S. sugar prices stable under the program, but the United States offers sugar users some of the lowest prices in the developed world.

I also wish to add that the U.S. Sugar Program works to ensure that other

nations have access to sugar markets. Some claim the U.S. Sugar Program is a protectionist policy. This could not be more false. Mr. President, 17 of the largest sugar exporting countries in Africa, Asia, the Caribbean, Central America, and South America have all expressed support for the U.S. Sugar Program.

As a matter of fact, the United States is the second largest net importer of sugar behind only Russia. The program is operated to ensure that we fulfill our trade obligations, especially within the WTO, and continues to provide a sugar market for developing nations wishing to export their product.

Finally, the U.S. Sugar Program has been run for the past 10 years at zero cost to the U.S. taxpayers, and the U.S. Department of Agriculture predicts it will remain that way in its current form for at least 10 more. As other colleagues have mentioned, this is all while the U.S. sugar industry has helped to generate nearly \$20 billion in annual economic activity in our country.

Wyoming offers just a few examples of how much of an economic impact the sugar industry has on rural communities across our Nation. As I mentioned, the growers and local communities in my State own the plants that refine the raw sugar we use every day. Those plants produce jobs and keep economic activity local. With all the inherent risks in sugar production, these communities are able to continue providing the United States with a safe and reliable supply of sugar for the United States.

The U.S. sugar policy not only helps growers but keeps prices low for consumers. Some American food manufacturers will claim that it is the price of sugar causing them to shed jobs or move overseas. However, sugar represents only a small portion of the input costs that go into food production. Instead, it is the cost of labor, environmental standards, and regulatory burdens that play the biggest role in whether U.S. firms can compete with food markets overseas. In recent years, U.S. candy production has actually gone up, and the U.S. Sugar Program has played its role by keeping prices stable.

With that, I ask my colleagues to table amendment No. 2393 and keep the programs that work in this farm bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to support and underscore the points just made by Senator ENZI in support of the U.S. Sugar Program, which, as he indicated, has operated successfully at no cost to the American taxpayers, consumers, or food manufacturers.

As you know, the sugar beet industry is very important to my State of Idaho,

bringing in approximately \$1.1 billion in revenue every year. History has shown that grocers and food manufacturers do not pass their savings from lower ingredient prices along to consumers.

For example, from the summer of 2010 until now, producer prices for sugar have dropped nearly 20 percent. In fact, the U.S. Sugar Program remains crucial because other nations are implementing trade-distorting subsidies for their otherwise uncompetitive sugar industries. The world sugar price, as is so often debated in these Halls, suffers from government-backed dumping that protects sugar producers overseas to the detriment of American sugar producers—hence, the need for the U.S. Sugar Program.

Consumers in the rest of the world pay, on average, 14 percent more for sugar—in the developed world, 24 percent more—than American consumers pay. In America, sugar is a readily available and affordable product.

Critics of U.S. sugar policy make the argument that the program causes disastrous shortages in U.S. sugar supply, which flies in the face of reality. U.S. farmers and producers have proven themselves, time and again, to be the most efficient in the world, but they cannot be left alone to face a trade market undermined by foreign government manipulation.

Nothing could be further from the truth, and the latest numbers released by the U.S. Department of Agriculture underline that. The USDA now estimates that there is enough sugar surplus to give every man, woman, and child in this country nearly 12 pounds of sugar on top of what they already consume. This is enough surplus sugar to fill the Capitol Dome 55 times.

I strongly encourage my colleagues to oppose any attempts at repealing this program. At risk would be 142,000 American jobs generated by the U.S. sugar-producing industry. Many of these jobs would be lost to subsidized foreign producers who are generally less efficient and less reliable and produce sugar far less safely and responsibly than American sugar producers.

I support Idaho's sugar beet growers as well as sugar growers throughout the country. I am committed to ensuring that they have access to the tools they need to produce an affordable and abundant sugar supply.

The bottom line is not only is this program not a cost to the U.S. taxpayer, it generates revenue to help us reduce our deficit. These are the kinds of programs we need to protect American producers.

I encourage all of my colleagues to oppose the Shaheen amendment.

Mr. INOUE. Mr. President, I oppose the amendment offered by Senator SHAHEEN and others which would phase out the Federal Sugar Program. I

would like to share some of my personal history with my colleagues. My grandfather and grandmother emigrated from Japan to work at McBryde Sugar Company on the island of Kauai in 1899. In my office here in Washington, I have a framed copy of the contract on which my grandfather, Asakichi Inouye, placed his "X." The contract includes a photograph of this brave young man and his wife and a little baby boy they are holding, my father.

Nearly a century later, Asakichi Inouye's grandson is proud to be representing the State of Hawaii in the United States Senate. With exception of one, all of Hawaii's sugar plantations are now closed. The Hawaiian Commercial and Sugar Company, HC&S, remains operational on the island of Maui and employs nearly 800 employees. HC&S is Hawaii's largest provider of raw sugar, producing approximately 200,000 tons each year. In addition to the growing and milling of sugarcane, HC&S produces raw sugar, specialty sugar, molasses, and the generation and sale of electricity to help provide power across the island.

I am proud to represent the men and women in Hawaii who still work directly or indirectly for the sugar industry, and their families. These agricultural workers, who are among the world's most productive, have enjoyed collective bargaining for decades and are rewarded for their productivity with good wages, with some of the best health care benefits in the country, and with generous benefits for insurance and retirement. Their safety and their health are bolstered by some of the strictest worker protection rules and highest environmental standards in the Nation, and possibly in the world.

These workers, many of whose families have been in sugar for three or four generations, lead comfortable, but by no means extravagant lives. They can put their children through college and can look forward to a decent retirement, but they are far from wealthy in the monetary sense.

The U.S. sugar policy has ensured American consumers with dependable supplies of reasonably priced sugar, adhering to U.S. standards for food safety and quality. Consumers in other developed countries pay on average 24 percent more for their sugar than American consumers. The U.S. Sugar Program provides no subsidies to American sugar producers. For the past 10 years, the policy has operated at zero cost to taxpayers, and the U.S. Department of Agriculture predicts it will remain at zero cost for the next 10 years, to 2022. In the absence of a U.S. sugar policy, it would eliminate or severely damage the no-taxpayer-cost U.S. sugar policy, and, among other things, shift American jobs overseas. Hawaii's existing sugar producer could poten-

tially close, forcing my constituents to lose their livelihood.

If the U.S. sugar policy were eliminated, our U.S. market would be flooded with subsidized sugar from the world dump market that is less reliable and less safe. The U.S. market would collapse, and efficient American sugar farmers would be driven out of business. Job and incomes losses would devastate rural economies where sugar is grown and harm urban economies where sugar is processed.

Further, if the U.S. sugar policy were eliminated Americans would have to cope with less reliable, less safe, more costly, foreign sugar. American consumers demand consistent quantity and quality. In other words, when consumers go to the grocery store to purchase sugar, they expect a high-quality product that is safe and contaminant free and identical with every purchase. They also expect to find such products on the shelf whenever they want to buy them. This is exactly what the American consumer gets from the U.S. sugar industry—so much so that we take it for granted. Further, in many of these countries, producers operate with labor, environmental, and food safety standards or enforcement that is much less than what American producers routinely meet. Accordingly, I urge my colleagues to table Shaheen amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw my motion to proceed to S. 1940.

The PRESIDING OFFICER. The motion is withdrawn.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

Mr. REID. Mr. President, it is my understanding that we are now on S. 3240, and the motion to recommit with a second-degree amendment numbered 2339 is now pending. Is that right?

The PRESIDING OFFICER. The Senator is correct.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3240) to reauthorize agricultural programs through 2017, and for other purposes.

Pending:

Reid (for Stabenow/Roberts) amendment No. 2389, of a perfecting nature.

Reid amendment No. 2390 (to amendment No. 2389), to change the enactment date.

Reid motion to recommit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions.

Reid amendment No. 2391, of a perfecting nature.

Reid amendment No. 2392 (to (the instructions) amendment No. 2391), to empower States with programmatic flexibility and predictability to administer a supplemental nutrition assistance block grant program under which, at the request of a State agency, eligible households within the State may receive an adequate, or more nutritious, diet.

Reid amendment No. 2393 (to amendment No. 2392), to phase out the Federal Sugar Program.

Mr. REID. Mr. President, I move to table amendment No. 2393. I ask for the yeas and nays on that motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—50

Akaka	Gillibrand	Nelson (NE)
Barrasso	Harkin	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Inouye	Reid
Bennet	Isakson	Risch
Bingaman	Johanns	Roberts
Blunt	Johnson (SD)	Rubio
Boxer	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Stabenow
Chambliss	Leahy	Tester
Cochran	Levin	Thune
Conrad	Lieberman	Udall (CO)
Crapo	Menendez	Udall (NM)
Enzi	Mikulski	Vitter
Feinstein	Moran	Wicker
Franken	Murray	

NAYS—46

Alexander	Durbin	McConnell
Ayotte	Graham	Merkley
Blumenthal	Grassley	Murkowski
Boozman	Hagan	Paul
Brown (MA)	Hatch	Portman
Brown (OH)	Heller	Reed
Burr	Hutchison	Sessions
Carper	Inhofe	Shaheen
Casey	Johnson (WI)	Shelby
Coats	Kohl	Snowe
Cornyn	Kyl	Toomey
Collins	Lautenberg	Webb
Coons	Lee	Whitehouse
Corker	Lugar	Wyden
Cornyn	Manchin	
DeMint	McCain	

NOT VOTING—4

Kirk	Rockefeller
McCaskill	Warner

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I move to table amendment No. 2392, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. REID. Mr. President, I ask unanimous consent that there be 4 minutes of debate equally divided prior to the vote, and that the time be controlled by Senator STABENOW and Senator PAUL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

Mr. PAUL. Mr. President, our system of helping ensure that no one in our country goes hungry is a noble one. We are now asking to spend \$750 billion on food stamps. When we ask this, we need to remember that recently a woman in Chicago faked the birth of triplets in order to receive \$21,000 in food stamps. We need to remember that millionaires, including Larry Fick, who won \$2 million, is still receiving food stamps because he says he has no income. He has \$2 million but no income. Amanda Clayton won \$1 million recently in the lottery and she was aghast she lost a third of it to taxes. She now has two homes and mortgage payments and doesn't know how can she make it without food stamps. So we are paying millionaires food stamps. Thirty percent of Polk County inmates are getting food stamps.

There has to be some reason. Should you be able to buy junk food on food stamps? Should you get to go to McDonald's on food stamps? This is out of control. It is not about helping those in need, it is about being wise with taxpayer dollars and not giving people \$20,000 a year in food stamps. We need to give only to those who cannot work, those who are infirm, those who are diseased and are not able-bodied. But we are giving to millionaires, and we are paying for junk food and giving to those who go to McDonald's, and it has to stop.

This program has doubled in the last 10 years. We do not have an endless supply of money. I think Americans would be flabbergasted at the amount of money and that some of these programs are duplicative. People getting food stamps for a meal are also getting a free lunch at school. Some of these programs are actually advertising for applicants. In my hometown they advertise to try to promote people coming in and getting the free lunch during the summertime.

It is not that we won't help people, it is that we need to be conscious of how much money we have and that we help only those who cannot help themselves. I would ask for some reason. The food stamp program is exploding, and I recommend we vote for this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I strongly oppose this amend-

ment and urge my colleagues to vote to table it.

I would agree with the Senator from Kentucky that nobody who wins the lottery should get food assistance, and we outright ban it in this bill. We outright ban a number of areas where there has been waste, fraud, and abuse. This bill does more on accountability on food assistance than we have seen in many years. But it also doesn't do what this amendment does, which is block grant funding, cut it, send it back to the States with no requirement it be used for people who truly need it.

I can tell you, coming from Michigan, I have people who have never before in their lives needed help with food assistance. They are mortified; they have paid taxes their whole life and they have never asked for help, but now that the plant has closed, they need some temporary help. Those folks are, on average, getting help for 10 months or less, and they deserve every dollar we can help them with.

I want to make sure that every single dollar goes where it should go. Waste, fraud, and abuse we tackle. But for somebody in this great country who has paid their taxes all their lives and worked all their lives and now needs help to put food on the table for the balance of the month, they need to know we are going to provide a little bit of temporary help.

This amendment is outrageous and would go completely against the commitment we as a country have made to help those who truly need it. I urge we vote yes to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—65

Akaka	Coons	Levin
Alexander	Corker	Lieberman
Baucus	Durbin	Lugar
Begich	Feinstein	Manchin
Bennet	Franken	McCaskill
Bingaman	Gillibrand	Menendez
Blumenthal	Hagan	Merkley
Boozman	Harkin	Mikulski
Boxer	Hoeven	Murkowski
Brown (MA)	Inouye	Murray
Brown (OH)	Johanns	Nelson (NE)
Cantwell	Johnson (SD)	Nelson (FL)
Cardin	Kerry	Portman
Carper	Klobuchar	Pryor
Casey	Kohl	Reed
Cochran	Landrieu	Reid
Collins	Lautenberg	Roberts
Conrad	Leahy	Rockefeller

Sanders	Stabenow	Webb
Schumer	Tester	Whitehouse
Shaheen	Udall (CO)	Wyden
Snowe	Udall (NM)	

NAYS—33

Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Paul
Burr	Heller	Risch
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kyl	Toomey
DeMint	Lee	Vitter
Enzi	McCain	Wicker

NOT VOTING—2

Kirk	Warner
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The motion was agreed to.

VOTE EXPLANATION

• Mr. WARNER. Mr. President, I was unable to vote on the motion to table the Paul amendment No. 2182 this morning due to a family commitment, but should I have been present, I would have voted yea on the motion to table the amendment.

SNAP was effective in helping over 786,157 individuals in my own Commonwealth of Virginia—including children and the elderly—have the resources necessary to purchase healthy food this past year. I believe that turning this program into a State block grant, as Senator PAUL's amendment would have done, would not allow this program to continue to be as effective. SNAP is the bedrock of our national nutrition safety net, serving as a first line of defense against hunger, and during this last economic downturn has made sure that low-income families across the Commonwealth and the country are helped in putting food on the table each night. •

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I now ask unanimous consent the pending motion to recommit be withdrawn; that amendment No. 2390 be withdrawn; that the Stabenow-Roberts amendment, No. 2389, be agreed to; the bill, as amended, be considered original text for the purpose of further amendment; that the following four amendments be the first amendments in order to the bill with no other first-degree amendments in order until these amendments are disposed of: Coburn, No. 2353; Hagan, No. 2366; DeMint, No. 2385; McCaskill, No. 2222; that there be up to 60 minutes of debate equally divided between the two leaders or their designees on each of these amendments; that upon the use or yielding back of this time on all four amendments the Senate proceed to votes in relation to the amendments in the order listed; that there be no amendments or motions in order to the amendments prior to the votes other than on motions to waive points of order and motions to table; that upon disposition of these amendments, I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I wonder if I might ask the leader a question through the Chair. It would seem to me the process we are planning now is that the leader is deciding what amendments we will vote on and what we will not. I wonder if he would be open to the consideration of us sending up 40 amendments over the next 4 days and coming to an agreement on this, because what we are playing now is a game of low priority amendments versus high priority amendments in the name of saying we are doing something rather than having an open amendment process, which is the tradition of the Senate. My question to him is would he be amenable to have a discussion on a much larger number of amendments so we don't continue to get out of order? This is the first time I remember seeing this list, and this is a very low priority amendment for many.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish my friend was near as exercised over the year, 18 months, on getting on a bill. It takes us a week to get on a bill because we have to file motions to invoke cloture every time we proceed to a bill. We could save a lot of time if we could get on a bill. One reason there used to be so much, as he said, tradition—tradition has been spilled into the spillways—is that it was a rare occasion you had to do anything to invoke cloture on a motion to proceed. Now it is what we do every time because the Republicans demand that.

In direct answer to the question, I have worked with Senator ROBERTS and Senator STABENOW. We are trying to get some amendments up. They may be low priority on his part, my friend from Oklahoma, but some people think these are important amendments. The two we just finished, no one can consider those low priority amendments, dealing with foodstamps and with sugar. These are always big deals on this farm bill.

So I say to my friend, Senator ROBERTS and Senator STABENOW are trying to come up with a list. The Republicans are having some kind of a steering meeting or whatever it is now. Maybe the Senator can go and visit with them and try to help us get a list.

I am not going to talk out here about a number, but as we did on the highway bill, we have done it on the FDA bill, come up with some amendments. There is plenty of dead time around here, and we don't have to spend a lot of time on the amendments themselves. Once we agree to them, we keep on talking about them forever.

To answer the Senator's question, yes, I would be happy if we could get, as we have been trying to get for a long

time, an agreed-upon group of amendments. I want to finish the farm bill. I think it is extremely important to our country.

So, I say to my friend, I hope we can work something out. I have told my friend, the junior Senator from Michigan and the chairman of this committee, I would like something so we can enter into an agreement today and start voting on some of these amendments tomorrow.

Ms. STABENOW. Would the leader be willing to yield for a question?

Mr. REID. Yes.

Ms. STABENOW. Thank you very much. To emphasize what the leader indicated earlier, isn't it true that while we are moving forward step by step—before we get a larger universal agreement—as he has said, the leader is open to work with me, Senator ROBERTS, and Members on both sides of the aisle to get a larger list in the range in which the distinguished Senator from Oklahoma has talked about and certainly a list which we would begin to move through?

But while we are doing that, rather than just biding time on the floor, this gives Members an opportunity to debate on issues they care deeply about and continue to move forward.

In fact, is it the leader's desire that we do this and that we are in the process of putting together that larger universe of amendments?

Mr. REID. In response to my friend's question, the reason we had these two votes this morning is while we are working on coming up with a finite list of amendments, why sit around and twiddle our thumbs? At least through this process, we have gotten two major amendments out of the way. They are gone.

If my friend continues his objection, I am going to set up some more votes this way. Listen, this is not my preference for doing these bills. But I say to my friend, I would hope with the concern the Senator has for the finances of this country and how he cares about our country, care a little bit about these motions to proceed which are such a waste of our time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I take the leader at his word. I will go back to my caucus and explain that I object to this group of bills, but I would also note we did get two amendments out of the way. The one amendment on sugar that had the potential to pass wasn't the one we chose.

So I come back to the point, never in the history of the Senate, with the rate at which we see now, did we give up our rights to allow the majority leader to decide what amendments will be voted on or offered. In fact, for the last 3 days, we could have had a great open process of having the floor open for amendments and moved 8 or 10 amendments a day. I understand the conflict.

I understand what he is trying to do, and I understand the political ramifications of that.

I will go and seek the counsel and guidance of my caucus and return and give the leader's message.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Before my friend leaves the floor, I also look back at the days, as is recounted in Caro's book and as we have heard here, to the days when the majority leader truly did some things. During the days of Lyndon Johnson, we couldn't even have a vote on anything unless he gave the nod. I don't have that power anymore. That has changed over the years, but I would love to be able to have a bill brought to the floor. If we were able to get rid of these senseless motions to proceed that I have to file cloture on, we could spend a lot of time debating and amending these bills, and that is what we need to get to.

Mr. COBURN. If the majority leader would yield, I think the leader could eliminate motions to proceed very easily by saying that every bill that comes to the floor will have an open and honest debate determined by what colleagues and Members would like to debate, but we have not seen that. That is not just the Democratic control of the Senate; we have seen some with the Republican control of the Senate as well.

We are not going to solve that problem now. I will take counsel with my caucus, and I will get back to the leader.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The majority leader.

AMENDMENT NO. 2406

Mr. REID. Mr. President, I call up amendment No. 2406 to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 2406 to the instructions of the motion to recommit S. 3240.

The amendment is as follows:

(Purpose: To eliminate certain working lands conservation programs)

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF CERTAIN WORKING LANDS CONSERVATION PROGRAMS.

(a) CONSERVATION STEWARDSHIP PROGRAM.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) is repealed.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2407 TO AMENDMENT NO. 2406

Mr. REID. Mr. President, I now call up amendment No. 2407, a second-degree amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2407 to amendment No. 2406.

The amendment is as follows:

(Purpose: To convert all mandatory spending to discretionary spending subject to annual appropriations)

At the appropriate place, insert the following:

SEC. 12 _____. FUNDING.

Notwithstanding any other provision of this Act or any amendment made by this Act, each amount made available by this Act or an amendment made by this Act that is funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))) shall be considered to be an authorization of appropriations for that amount and purpose.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, I move to proceed to Calendar No. 250, S. 1940.

The PRESIDING OFFICER. The motion is pending.

The Senator from Montana.

AGRICULTURE REFORM

Mr. TESTER. Mr. President, I rise to talk about the farm bill and recognize the fine work the Senate Agriculture Committee did in bringing this bill forward.

I am disappointed, to say the least, that this bill is bogged down in legislative games. This bill is too important for folks to play politics. If we want to talk about a lack of predictability, this is a prime example. We should be passing a bill and instead games are being played.

Agriculture is the largest industry in Montana. Montana's farmers and ranchers produce the food that powers the Nation. Providing an effective safety net for those of us in production agriculture is important, and it is potentially very costly. It would have been easy for the Senate Agriculture Committee to write a bill that keeps spending at the levels of the last farm bill, but they did not.

This bill recognizes the fiscal challenges we face. It cuts more than \$23 billion, more than double the amount proposed by the Simpson-Bowles Commission.

Due to the good work of the Senate Agriculture Committee, this bill produces meaningful savings and reduces the number of programs at the Department of Agriculture. At the same time the bill preserves a strong safety net for farmers, invests in conservation

and nutrition and institutes much needed reforms.

I have offered amendments to address the issues that still face farmers and ranchers around the country. The first is my provision to ensure that farmers will be able to buy public varieties of seeds. My amendment will make sure the Department of Agriculture follows through on the government's commitment to public seed varieties. It ensures that the USDA will devote the resources necessary to support a strong public breeding program and develop public plant and animal varieties. For too long the Agriculture Department has failed to promote public seed varieties. The USDA must support diverse seed research that farmers can adapt to various growing conditions.

My amendment will not solve the problem, but it is a necessary first step to ensure that farmers have a choice of what kind of seeds to purchase.

I have also introduced an amendment that takes a proactive approach to protect our country's livestock producers. Back in 2009, Senator BARRASSO and I wrote a new law to help livestock producers get compensation for losses related to wolves. Any producer will tell us they would rather prevent predation than get compensated for a loss, but losses do happen. A number of States receive some assistance from that program. That is why I have introduced an amendment to help producers protect their livestock from the threat of predation. It is a commonsense solution to support livestock producers who live near protected populations of predators.

Speaking of commonsense amendments, I am also offering what some have called the biggest package of sportsmen's bills in a generation. My sportsmen's act combines over 20 different sportsmen bills. It comes in response to the concerns I have heard as a chairman of the Congressional Sportsmen's Caucus.

What I hear most often from sportsmen is the importance of access to public lands. That is why this bill dedicates funding to ensure sportsmen's access to some of the best places to hunt and fish in this country.

Some folks might ask why is this important, but hunting and fishing is a way of life in places such as Montana. In fact, one in three Montanans hunts big game and over 50 percent fish. For us, it is not just recreation, it is a critical part of our economy. It drives and sustains jobs.

So Senator THUNE and I, as cochairs of the Congressional Sportsmen's Caucus, have combined the best bills and ideas from Republicans and Democrats. In addition to preserving access to public lands, it reauthorizes several vital conservation programs and preserves our shooting heritage. That is why it has the support in a wide variety of sportsmen and conservation groups.

Neither party has a monopoly on good ideas.

My sportsman's act takes the best from the House bill and the best from both sides of the aisle in the Senate to move the ball forward for sportsmen and sportswomen in Montana and the Nation. By adding this sportsmen's package to the farm bill, we will conserve some of our most productive habitat, passing on hunting and fishing traditions to future generations and entrusting them to those who care about them the most.

(The further remarks of Mr. TESTER are printed in today's RECORD under "Morning Business.")

Mr. TESTER. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, earlier this week I came to the Senate floor to speak about the importance of the forestry title in what is a bipartisan farm bill we are considering right now as I speak.

In my previous remarks, I spoke about a growing emergency in our Nation's forests caused by the largest bark beetle outbreak in our recorded history—an outbreak that is projected to kill nearly every lodgepole pine in Colorado.

I know the Presiding Officer from the neighboring State of New Mexico is experiencing these same conditions in his State. The Forest Service has estimated that 100,000 dead trees are falling in our forests every day. Hard to imagine, but their estimates are such: 100,000 trees every day. That means our landscapes are littered with tinder ready to burn, which, combined with the hot dry summer we are already experiencing, is a recipe for a disastrous fire season.

Mother Nature bats last, which means much of what we face is out of our control. But we can act, and we must act, in order to manage the magnitude of the crisis in our home States.

In some ways—I know the Presiding Officer sees this the same way I do—the forests in Colorado are the canaries in the coal mine that tie us into and identify the effects of a changing climate. Warmer temperatures and drought conditions have exacerbated beetle infestations in our forests, and we are now dealing with an unprecedented combination of explosive fire season events.

There is a raging Colorado wildfire today, as I stand here, in Larimer County—the High Park Fire—and it continues to grow. It has consumed over 46,000 acres. It has claimed the life

of a local homeowner, and it is causing devastating effects in the surrounding communities. As of first thing this morning, only 10 percent of the fire had been contained. We have made sure, though, that all available resources are dedicated to this effort. I am told we now have over 1,000 firefighters on site, which is good news. We will not know the true costs of the fire for some time, but it, undoubtedly, will have a lasting effect on my State.

I want to assure Coloradans that I will continue to closely monitor the High Park Fire to ensure that firefighters on the ground have all the resources they need to beat back this devastating blaze. I also urge my fellow Coloradans to heed the warnings and follow the evacuation guidance of the firefighters who are tasked with keeping us safe. Most importantly, I ask that we keep these brave public servants in mind as they work to protect lives and personal property—especially as what is a very unpredictable fire progresses.

Again, I know the Presiding Officer has had a series of fires in his State, and he knows the capricious nature of wildfire. I want to also, in giving a little more background, point out that the High Park Fire is burning predominantly on private land. But it is moving rapidly into a beetle-infested national forest. This is a reminder of exactly why we need flexibility to treat hazardous beetle-killed trees and to engage the public in the active and collaborative management of our Nation's forests.

We cannot reverse the tragic loss of life and property that the High Park Fire and many other fires have caused, but it is essential that we take steps to understand what can be done in the future to better prevent, prepare, and respond to wildfires. We must learn more about the conditions that make those fires catastrophic.

Let me start by talking about homeowners.

Homeowners can create what we know in our States is called defensible space, depth space. That involves clearing brush, moving woodpiles, and looking at other actions through which we can protect structures. Those actions have been proven to be the hallmark of what has saved such properties in past fires.

These are important takeaways we have learned in my State of Colorado in the wake of catastrophic fires, and they are also the result of subsequent stories and studies that I have called for to inform the public about what they can do to protect their homes and property.

The same studies have also taught us that Federal forest management policies must prioritize tree removal around communities to protect homes, roads, and infrastructure—something I have fought to provide resources for

over the last decade. The added benefit to these efforts is that they create local jobs and support the critically important timber industry in our States.

But that is not all. We must also advance new policies that will actually help prepare our firefighters to combat these raging fires. A recent example of this is action the Senate took to pass a bill I cosponsored to expedite the purchase of much needed air tankers to fight wildfires. Our Nation's tanker fleet has aged and dwindled dramatically in recent years. Without sufficient air tankers, we are ill-prepared to respond to catastrophic fires—especially multiple fires at once. I am pleased the Congress passed this bill, and I understand the President is prepared to act quickly to sign the air tanker legislation into law. Still, we need to and we can do more.

We need more flexibility to treat forests more comprehensively. I believe, as I mentioned at the beginning of my remarks, the forestry title of the farm bill is a good start. However, I believe it does not go far enough to authorize adequate resources to treat forests that have been affected by bark beetle infestations.

The Forest Service's bark beetle strategy calls for doubling the number of acres it has been able to treat in past years. In other words, the Forest Service is saying: Look, we want to double what we have been doing. We believe we have the expertise to do that. What else do they need, though? They need money.

In fiscal year 2011, the Forest Service allocated \$110 million to treating acres affected by bark beetles in the Western United States. But if we are going to double that acreage, we are going to need more Federal support.

A year ago I fought to increase the amount of funding the Forest Service had available to treat hazardous trees. I worked with the administration and strongly supported a reprogramming request that would have allowed the Forest Service to use extra money to treat problem areas in the West.

The Senate supported this common-sense request. But, I have to tell you, unfortunately, the House Appropriations Committee stood in the way of getting these critical funds into the forests where it was and is still needed most. So that inaction meant that thousands of acres of beetle-killed trees were not treated—areas that are potentially now worsening the High Park Fire as we speak.

In the new farm bill, the Agriculture Committee has authorized \$100 million for designated treatment areas affected by beetle infestation, which is less money than last year, and certainly not enough to double the number of acres that were targeted for fire prevention and tree removal.

At the current authorization level of \$100 million, the Forest Service simply

will be unable to meet its goal. To help remedy this, I have filed a bipartisan amendment, No. 2295, with Senator THUNE of South Dakota, which would increase the authorization for funding to \$200 million to authorize adequate resources in order for the Forest Service to address these looming and immediate emergencies.

I have been a strong advocate for finding ways to ensure we are prudent in how we spend taxpayer dollars, but the need to address this crisis is immediate and the threat to public health, safety, and our economy will only get worse, causing us to pay more later. Another way to put it is it is less expensive to prevent fires, to prepare for fires, than it is to fight fires and then be involved in the rehabilitation of those landscapes after those devastating fires are finally put out.

In addition to the amendment I have filed with Senator THUNE that would provide increased authorization for the funding of tree removal, I have also filed amendment No. 2294 that would extend Colorado's good neighbor authority.

Good neighbor authority gives the U.S. Forest Service and the Bureau of Land Management the capability and the power to enter into cooperative agreements with State foresters to plan and implement forest health projects on more acres more efficiently. This would give my State and other States the opportunity to collaborate with Federal agencies to perform forest, rangeland, and watershed restoration services—actions that a study I requested after the Fourmile Canyon Fire in Boulder County, CO, found firsthand helps agencies and homeowners better prepare to reduce the risk of damage and loss of life from wildfires.

Lest viewers and those who are interested in wildfires think they are an aberration, wildfires are actually a fact of life in the West and in forests in general, and they will continue to occur over and over again in Colorado. But I am committed to doing everything possible to learn from every fire and take whatever precautionary measures we can, with the hope of saving more lives, property, and communities in the future.

As I have said before—and we all know—wildfires can easily become a multimillion-dollar effort affecting every level of government. As the bark beetle epidemic continues to present a significant threat to our economy, critical infrastructure, and important natural resources, we must allocate resources to address this epidemic up front in a commonsense way.

Again, I know the Presiding Officer has faced these challenges head on in his State. Some may see this as just solely a western problem, but I urge my colleagues to support bipartisan efforts to ensure that we manage our for-

ests to reduce fire risk, protect water supplies, and bolster our economy.

Forests all over our country are susceptible and vulnerable to fires. We can work together in the Senate to ensure that we have the tools to protect our forests and protect the communities and the people who live in those communities.

I look forward to the Senate taking up these two important amendments in the near future as we hopefully move the farm bill to passage in the Senate and to the President's desk.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of Colorado are printed in today's RECORD under "Morning Business.")

Mr. UDALL of Colorado. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

(The remarks of Ms. MURKOWSKI are printed in today's RECORD under "Morning Business.")

Ms. MURKOWSKI. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I do week after week, and have since the health care bill was signed into law, with a doctor's second opinion about the health care law. I do that as someone who practiced medicine, taking care of families all around Wyoming for about a quarter century.

I continue to hear great concerns from folks back home and across the country about the health care law. So often people ask the question: Does the President understand the health care law?

Well, last week President Obama shocked a lot of Americans when he made a statement—not on the teleprompter but off script—that the "private sector was doing fine." He said the private sector was doing fine. He said the weaknesses in our economy had to do with State and local government.

The words made it very clear to people in this country that the President is not in touch with what is happening in this country—specifically with the economy.

But then on Monday, the President said something else about the health care law that made it once again look as though he doesn't understand what is happening all across America. During an interview the President was doing with a local news reporter from

Sioux City, IA, he actually was surprised to learn that his health care law is hurting small businesses—certainly hurting small businesses all across the country. He was surprised to learn of that.

While the news doesn't come as a shock to most Americans, it definitely caught President Obama off guard. Here is what happened. The Iowa reporter told the President that one business in Iowa needed to "close up shop and move the jobs back to Wisconsin" because of the President's health care law. The President's response to the reporter I found troubling. President Obama said:

Yeah, that would be kind of hard to explain, because the only folks that have been impacted in terms of the health care bill are insurance companies.

The President said that the only folks—only folks—who have been impacted in terms of the health care bill are insurance companies.

That is why I continue to come to the floor with a doctor's second opinion, ever since NANCY PELOSI made the famous statement that "first you have to pass it before you get to find out what is in it."

I had hoped that by now the President would actually know what is in the health care law. By his statements to this reporter in Iowa, it certainly seems to me the President does not know what is in the health care law, does not know how it is impacting jobs and the economy in the United States. How on Earth can President Obama believe insurance companies are the only people impacted by the health care law? Small businesses all across the country are being slammed by the law's expensive mandates—the mandates that people have to have government-approved insurance, which is much more expensive than what they had before. The insurance premiums that he promised would drop by \$2,500 per family have actually gone up higher and faster than if the law had never been passed. The President said if you like what you have, you can keep it. We know that millions of Americans who had insurance they liked are not able to keep it.

The fact is that colleges are dropping their insurance plans for students because, under the President's law, those insurance plans were going to go up anywhere from 4 to 10 times more as a result of the mandates that those students buy government-approved levels of insurance, which was a lot more insurance than the students needed, wanted, or could afford. So the colleges are saying we cannot pass this expense on to students, so we are going to drop it entirely.

It is astonishing that the President doesn't realize how many people are impacted in a bad way by his own health care law. He thinks it is only the insurance companies, but small

business owners are forced now, because of this law, to choose between bad choices. One is that they can offer very high-cost government-approved insurance, making it much more expensive for them to try to run their business and hire workers in this time of significant uncertainty in the economy, or they won't offer any health coverage at all because they cannot afford the law's out-of-touch and expensive insurance mandates. The choice is completely unacceptable, and the President should know that.

Someone in the White House ought to be informing the President. They ought to clearly be leveling with the President about the impact of his bill, his law, and his understanding of it, and what the impacts are on American families and the American economy. The private sector is not doing fine. This health care law negatively impacts people across the country, including many small business owners.

The President also deserves to know from his advisers that his health care law is having a significant impact on American seniors.

Earlier this week, Senator COBURN and I joined the rest of the Republican health care providers in Congress, in the House and Senate, and released a "Doctor's Note on Medicare." This new report details how the President's health care law specifically makes it harder for America's seniors to get the care they need from a doctor they choose at a lower price.

I want to walk you through this report. There is a section called "10 Facts Seniors Need to Know About Medicare's Future." I will focus on five of those.

One, to control Medicare spending, instead of trusting seniors, the President empowered 15 unelected bureaucrats. That is right, the President set up the Independent Payment Advisory Board, people who would be politically appointed—not elected by the voters but unelected bureaucrats. They will be the ones in charge of deciding and controlling Medicare spending.

Another is that doctors overwhelmingly believe the Independent Payment Advisory Board will hurt seniors' access to care. This is under the facts that seniors need to know about Medicare's future as a result of the President's health care law.

In a recent survey, 80 percent of doctors said this Independent Payment Advisory Board, which the President liked and put in his health care law, will cut reimbursement rates to doctors, which will harm seniors' access to care.

Now let's go to a third. Without congressional action, Medicare reimbursement rates will drop about 30 percent at the end of the year, which would harm seniors' access to care. That is in the law as it stands now. If the law isn't changed, that cut will automati-

cally go into place, and it is going to be that much harder for seniors to get doctors. Seniors are very concerned right now about being able to find a doctor. If their doctor retires, they may have a hard time finding a new doctor. If the senior moves locations, they may have a hard time finding a doctor in that location. This is an increasing problem that is made worse by the health care law.

I think the President deserves to hear that and to know that and to realize the impact his law has had on people way beyond, as he says, just insurance companies. The President also needs to know—because seniors know—that the President's health care law took \$530 billion from Medicare—not to save Medicare, not to strengthen Medicare, but to spend on other programs not for seniors. The health care law cut more than \$½ trillion from the Medicare Program to fund new government programs. Seniors realize this, and it is time the President of the United States understood the impact of the decisions he made when he signed this health care bill into law.

Many seniors on Medicare Advantage will lose their plan. More than one in four seniors are currently on Medicare Advantage. It is a choice they make. They know they are on Medicare Advantage. Over 11 million seniors are on Medicare Advantage. Yet, according to the Actuary of Medicare alone, by 2017, when the Medicare Advantage cuts in the President's health care law are fully implemented, roughly half—half—of seniors who like the Medicare Advantage plan they have will lose it.

The President said: If you like what you have, you can keep it. Perhaps he should have realized the bill he signed into law would cause him to break a number of the promises he made to the American people. That is another one of those broken promises. So the President promised: If you like what you have, you can keep it. But we find out many more people are not able to keep what they have. And the President said his plan would lower insurance costs by \$2,500 per family. Yet we see insurance rates have gone up, and they are going up faster than if the law had never been passed in the first place.

So the reality is from the time I gave my second opinion speech last week until today, the President needs to realize the private sector is not fine and his health care law hurts small businesses, hurts seniors, and hurts patients all across this country. If the President wants to do something to help the private sector, he should work with Congress to repeal his health care law and to replace it with better reforms that would actually be better for patients and providers and taxpayers.

This health care law, as I see it, is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and it is

terrible for the American taxpayer. What we need is health care reform that actually provides the care for people they need from a doctor they choose at a lower cost.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUGAR PROGRAM

Mr. BAUCUS. Mr. President, I rise in strong opposition to multiple amendments to the farm bill that would undermine critical support for American sugar producers and the American jobs they create. These amendments would pull the rug out from underneath sugar beet producers in my home State of Montana. It would leave farmers and other sugar industry workers in Montana and across the country vulnerable to job loss. In these tough economic times, this is a step backwards in job creation, and that is a step we can't afford to take.

Montana is the fifth largest sugar beet-producing State in the Nation. In 2010, our cash receipts totaled more than \$66 million, and those dollars mean good-paying American jobs. That is why the farm bill continues the vital support that helps America's sugar producers sustain more than 140,000 jobs and nearly \$20 billion in economic activity every year.

Our sugar policy is a proven investment in American jobs at no cost to the taxpayer. That is right. Let me repeat that. The U.S. sugar policy doesn't cost American taxpayers a single cent. So why in the world would we want to get rid of this proven job creator at a time when jobs should be our No. 1 priority?

The policy does not restrict access to lower sugar prices for manufacturers, but it allows sugar producers from Montana and the rest of the United States to compete in the world market with access to less quality sugar, cheaper labor, and fewer regulations. Other countries very strongly protect their sugar industry.

Some argue our Sugar Program, while not costing the American taxpayer directly, costs them indirectly at the grocery store. But let me be very clear: For every \$1 candy bar bought at a grocery store, only 2 cents of that total cost is sugar. For every \$1, only 2 cents of the cost of that candy bar is sugar.

With no cost to the American people and proven benefits extending from rural farmers through the entire economy, this policy works. It is a lifeline to Montana's sugar beet farmers and the rural communities in which they

live. I would not let us get rid of a policy that supports proven job creators at a time when we need jobs more than ever.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

FOOD FOR PEACE

Mr. MORAN. Mr. President, I come to the floor this afternoon to address an issue related to hunger, a topic that is a significant component of the farm bill we are debating, and particularly to raise the topic associated with an amendment I have offered. It is amendment No. 2403.

Most of us have heard the expression, since it is an old saying, that goes like this: Give a man a fish and he eats for a day; teach a man to fish and he will eat for the rest of his life.

By teaching someone how to fish or how to grow crops, we help them provide food for themselves and for their families. The bill we are considering has funds set aside for a program called Food for Peace, title II. They are intended to do just that, to help combat world hunger and malnutrition. We have a long history in Kansas, Senator Dole being a prime example of someone who has cared greatly about hunger not only in the United States but around the world. The funds used here in Food for Peace are very important to us, certainly as a matter of humanitarian issues, but also to the security of our country and its future.

There are funds designated within that title II, some to be used for emergency aid and some to be used for developmental aid, the difference being the ability to respond to an immediate crisis or disaster, and other funds, the developmental aid, to be used to improve the chances that crisis never occurs.

The question I want to raise with my colleagues here in the Senate is how do we allocate the amount between emergency food aid and the amount of money we use to teach folks the skills necessary to help them survive when disaster strikes? We are not talking about any new spending, any new money; we are simply trying to address the issue how do we allocate what amount has already been decided upon by the committee.

I have been to Darfur, for example, spent time in Sudan, and saw the efforts by many to keep people from starving. Those are very important. I am thankful for the generosity of Americans, both as charitable organizations and as taxpayers, who provide

emergency food assistance to these people. We never want to have the kind of suffering we see there and other places around the world.

But I am concerned about the allocation that is included in this bill and I have introduced an amendment to ensure that at least 20 percent of Food for Peace, the title II funds, is available each year for prevention-based programs that reduce hunger in poor, crisis-prone communities. If we can prevent the need for emergency food assistance and help more people gain the skills needed for their lifetime, then we should do that. That is what this amendment is intended to do.

The legislation we are considering significantly reduces the minimum amount of funding for developmental programs that equip vulnerable people around the world to feed themselves. The farm bill, this farm bill we are debating, reduces by nearly 40 percent the amount of funds that would be used for the important work of developmental aid. Instead, it directs those dollars to emergency food aid. The amendment I am offering would raise the minimum amount that would be spent on developmental programs by 5 percent so we can prevent circumstances where people are starving and need that emergency aid.

This has been an issue we have worked on for a long period of time. This is my third farm bill as a Member of Congress. In the 2008 farm bill, we created a lockbox, an amendment I offered that was included in the 2008 farm bill, that set aside about \$450 million for purposes of developmental aid, again trying to make certain we have the resources in place to reduce the chances we are going to need emergency aid. It is true that many countries have a high concentration of malnourished children, and subsistence farming usually goes hand in hand in those circumstances.

Affected by droughts and crop failures, eroding soils, lack of sustainable income, these populations are short of food several months of the year and they oftentimes need emergency food aid as a result. As a consequence of that circumstance, even though title II emergency food aid programs are intended to be short-lived, lasting between a few months maybe up to a year, usually most emergency food aid is directed to the same areas, year after year, because of the continuing need. It is a reoccurring need, in fact, so year after year we are trying to provide emergency food aid to the same populations and the same areas and the same countries.

My point is we would be wiser in spending our dollars by trying to reduce that reoccurring starvation, that recurring need, that lack of food, because of the amount and length of a food crisis and the need to stretch our taxpayer dollars as far as possible. Be-

cause using food aid more effectively is the key to success, the 2008 farm bill assured that a portion of that food aid would be combined with technical assistance, training, and business development to boost agricultural productivity, conserve natural resources, link farmers to markets, and improve child nutrition, incomes, and diets.

That lockbox set aside about \$450 million. It is expected, if this bill were fully funded, that these millions are nearly now \$100 million less. So we are moving in the direction of providing a lot less developmental aid. In fact, in the 1970s when this program was amended and altered, 75 percent of title II money, of Food for Peace money, was set aside for developmental aid. Over time, that amount has been reduced, time and time again. Through economic empowerment, improved infrastructure, watershed innovations, these programs in developmental aid help protect and safeguard against the need for emergency aid. Providing a consistent and adequate level of funding for prevention-based programs has been proven to work.

For example, in Haiti, World Vision has been implementing a 5-year multi-year assistance program, supported by developmental aid funding. The central plateau region of Haiti has historically suffered from lack of adequate food, causing extremely high levels of poverty and stunting among children under 2 years of age. World Vision has worked with clinic and community health workers through a mobile clinic strategy to provide nutritional and primary health care support to mothers and children. During their last national nutrition survey, large parts of that central plateau moved from red and yellow, crisis and severe insecurity areas, to green, indicating the investment in preventing malnutrition using the nonemergency programs is an effective and worthwhile investment in fighting ongoing hunger and preventing additional use of emergency funds down the road.

In Haiti we see the example of using the prevention dollars to reduce the need for disaster or crisis dollars. Title II prevention-based programs are implemented by private, voluntary organizations and co-ops. They are supported, begun, by the American people. They have regular audits and oversight. We are talking about organizations such as World Vision, as I mentioned, Catholic Relief Services, Food for Hunger, Mercy Corps, Congressional Hunger, the United Methodist Committee. These are folks who are engaged day in, day out, year in, year out, in trying to prevent hunger from occurring or the circumstances which create hunger in a community from occurring. The inability to plan and predict the uncertainty of the amount of money that would be available by what we do each year in appropriations and

what we do every few years in a farm bill makes their job much more difficult. So the consistency of having the resources available to fight and the need to fight the circumstances that create the need for crisis intervention is something that is important, as is the certainty that can come from knowing there will always be this certain amount of money available for prevention.

Reasonable levels of food aid are important in both the urgent needs. There are going to be crises. Certain things happen—floods, natural disasters occur. We know we need to be able to respond quickly. But we also know we need to be able to reduce the incidence of hunger occurring time and time again in certain areas of the world. With this amendment, title II will still largely be used for emergencies but will increase by a modest amount the funding for developmental programs that helps eliminate the need for that emergency assistance down the road. I encourage my colleagues in the Senate to support this amendment.

I know this has been a significant issue within the Senate Committee on Agriculture and I appreciate their consideration of this topic. I commend the chairperson, Senator STABENOW, and the ranking member, my colleague from Kansas, Senator ROBERTS, for their tremendous efforts trying to bring to the Senate a farm bill that meets both the needs of agricultural producers and the people they feed. I offer my sincere appreciation to both those Senators and other members of the Senate Agriculture Committee for their work.

I particularly wish to express my gratitude for the Senator from Kansas, Mr. ROBERTS, for his continuing involvement in agriculture throughout his time as a Member of the House, chairman of the House Agriculture Committee, now the ranking member of the Senate Agriculture Committee. His efforts on behalf of the folks back home as well as around the world are greatly appreciated by me.

Again I ask my colleagues in the Senate to support an adequate portion of the Food for Peace resources being used to stave off reoccurring food crises, rather than just reacting to them. I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Alabama is recognized.

FOOD STAMP PROGRAM

Mr. SESSIONS. Mr. President, as we deal with the farm bill we have to acknowledge that 80 percent of that bill now is the SNAP program, or the Food Stamp Program. I will repeat that—80 percent of this bill. So we need to not call it the farm bill anymore. It needs to be considered primarily the Food Stamp bill as that's what it is.

When we look at the bill, our sponsors are rightly pleased that they have

tightened the belt of the farmers, they reduced some of the subsidies and programs, they created a little better policy, I believe, and they deserve some credit for that. But of the \$800 billion that will be spent in the next 10 years, under current law—\$800 billion compared to \$200 billion in the rest of the farm program—for the \$800 billion they are only claiming a \$4 billion savings.

It is quite true that we in America do not want to have people hungry. We do not want to have people malnourished. What we want is to run a Food Stamp Program that has integrity, that creates an incentive for responsible personal behavior and that helps America to be a healthy nation.

I do not think we are there yet. In fact, we have Members on the Democratic side who are opposing even this \$4 billion reduction in projected spending. This is less than half of 1 percent. And some of them don't even want to have that. Cut the farmers, all right, whack them 10 percent; but don't make real cuts to anything else or deal with any other programs. So our challenge simply is to make sure that people who are truly in need get the benefits. My Republican colleagues and I see this as a program that is temporary, helping people through tough times and creating an incentive for them to move on, be successful, find work and take care of themselves and their dependents.

I believe this chart will give some indication of the situation that we are in today. It is an accurate illustration of spending in this bill, the 2013 bill, which begins October 1 of this year. The Food Stamp Program will make up \$82 billion out of the spending in this legislation that we are dealing with. In the bill, \$6 billion will go to conservation programs—which is not really a farmer's program, and they may get some benefits from it—another \$6 billion for commodities, which is the orange in the chart, and \$8 billion for crop insurance, which is the new fundamental basis of farm policy. I am not complaining that farmers are being squeezed. Hopefully, this has been done in a smart way that will also make those programs better. However, what I am suggesting is that there is virtually no change in the 80 percent of spending in this bill. We don't have the money to waste especially if it can be done better and smarter.

The main farm provisions in the bill experience a \$14.7 billion reduction. That is a reduction of nearly 10 percent of spending relative to the baseline. To add some context, if the food stamp portion were to be reduced by 10 percent, it would save the U.S. Treasury \$75 billion. Food stamp spending has quadrupled since 2001. It doubled between 2001 and 2006. Some people say the reason food stamp use is up is due to unemployment and recession. Well, that is not the entire story. For exam-

ple, from 2001 to 2006, under President Bush's time when the economy had a small recession but was moving along very strongly in 2006, it still doubled from 2001 to 2006. At that time unemployment remained at about 5 percent. It is now 8 percent. When food stamps were first expanded nationally, 1 in 50 Americans were on the program. Today that number has increased to 1 in 7.

Are we confident that each of those seven Americans need this kind of subsidy? Are we sure that is needed? I believe we need to examine the program. If they need this benefit, let's get it for them. If not, let's not.

There are nearly 80 welfare programs provided by the U.S. Government, and 17 are for food and nutrition support. I repeat, 17 programs are for food and nutrition support. The costs now exceed \$700 billion annually for all of these Federal programs, food and others too, plus \$200 billion in State contributions. So that is almost \$1 trillion a year, which is so much money it is difficult to express.

For example, an individual on food stamps may have a household that is eligible to receive and may receive \$25,000 a year in total welfare support. We have a host of programs for which people can qualify, so we need to keep that in mind as we go forward. There is a patchwork quilt of Federal and State programs that help people in need. This is in addition to charitable and religious support that people can access.

The farm bill proposes to permanently elevate food stamps far above prerecession levels. In 2008 we spent less than \$40 billion on food stamps. I repeat, in 2008—just a few years ago—less than \$40 billion a year. Food stamp spending over the next 10 years is estimated to average almost \$80 billion. This is double the prerecession amount.

This chart shows how we have grown from a little under \$20 billion in 2001 to over \$70 billion in 2022. We can see a little decline there between 2013 and 2022. That chart is based on projections from the Congressional Budget Office and assume that the unemployment will begin to drop in the future—we hope this is correct. Even though unemployment is expected to fall below 8 percent, they are not showing that we are going to have a major dropoff in food stamp spending in the future. Hopefully, unemployment will be falling. Hopefully, we will get this economy on the right track.

I would suggest the point that is revealed in this chart is that unemployment is not what is driving the food stamp increases. The increases far exceed the unemployment rate increases, and the decline from a projected reduction in unemployment is not very much either.

Were food stamp spending returned to prerecession levels those, say, in 2007, and then they were indexed for inflation, it would produce for the U.S.

Treasury a \$340 billion savings. So I don't think in 2007 the numbers that were spent are totally disproportionate to what we would need today, and I believe if properly managed we could do better.

The amendments I have filed—and there are four—address some of the perverse incentives for States to increase food stamp registration rather than an incentive to increase the integrity of the program.

For example, one of the things we need to do is to deal with the Federal provision that provides bonuses to States that increase the number of people who are registered. States currently receive bonuses for increasing enrollment and running the Food Stamp Program. They don't get bonuses for efficiently managing the program to reduce fraud, they don't get bonuses for finding people who are on the program illegitimately and selling their benefits in the marketplace or otherwise abusing the program, they get bonuses for seeing how many people they can sign up. That is not a sound policy.

The next amendment I have is Restoring the Asset Test for Food Stamps. You would think it is pretty well accepted that if a person has a certain amount of assets, they shouldn't have the government pay for their food. But through a system known as categorical eligibility, 43 States have now provided benefits to individuals whose assets exceed the statutory limit for them. Only 11 States did that in 2007.

Why? There are a couple of reasons. I guess one of them is they help get the incentive bonus for signing up more people. If they get around the asset test and sign up more people, maybe they get a bonus.

What incentive does the State have to reduce the amount of dollars from Washington? They don't match a dime of it. What incentive do they have to reduce the amount of money—free money in their minds—from Washington going to the State? Not much really.

According to the Congressional Budget Office, if passed, this amendment would save \$11 billion, and all it would do is to say that SNAP beneficiaries would have to comply with the requirements of the program before they get the food stamps. It is called categorical eligibility. If people qualify for any other welfare program, the States have been given the power to say they qualify for food stamps even though they don't meet the formal qualifications for the food stamp program. Let me say that again—if they qualify for these others, under categorical eligibility they are categorically entitled to food stamps. That is not a good policy. It does not appropriately target the correct population, and we should fix that.

Another issue is what has been referred to as the LIHEAP loophole. This reform—and the amendment I have offered, and I hope we get a vote on it—requires households that receive larger food stamp payments on the basis of home energy expense actually provide proof of that expense. This is a real problem. States have been part of this, frankly. They have learned how to manipulate the Low-Income Home Energy Assistance Program money, and it creates an opportunity to have more people qualify for higher food stamp benefits than they are entitled to. It is not good policy and this abuse should be dealt with. The CBO says if that abuse were eliminated, it would save \$9.5 billion over 10 years in addition to the other savings in this bill.

Then another amendment, called the SAVE amendment, would simply require that the Federal Government use a program called SAVE—similar to the E-Verify program—to ensure that those adults receiving benefits are, in fact, lawfully in the country. If they are not lawfully here, they should not be getting welfare support from the U.S. government. How basic is that? They just should not.

One of the most important things we can do to restore integrity in our immigration system is to quit providing economic benefits for people who violate the law. This is the first thing we need to do. It is an important thing to do. So I think that would be an amendment we should include.

According to the Congressional Budget Office, Federal spending is set to increase 50 percent over the next 10 years. I repeat: Federal spending is projected to increase 50 percent over the next 10 years, and this creates a problem for us. Our per-person debt is worse than that of Portugal, Greece, Spain, or Italy.

This is a chart that shows that. We didn't make up these numbers, and it is perfectly established that they are accurate.

This raises a good question. What is the per capita debt of the United States per person? In other words, what does the U.S. government owe? It is \$49,800 per person—man, woman, and child in America. In Spain it is \$20,000, in Portugal it is \$22,000, in France it is \$35,000, in Greece it is \$40,000, in Italy it is \$40,000, and in Ireland it is \$46,000.

This level of debt is not healthy for us. So the idea that we have an unlimited ability to throw money at every problem we have and that we don't have to make sure every single dollar we appropriate helps the people truly in need, and is wisely spent, is over. We have to end that concept. This government, this Congress, this administration has been far too blasé about managing the people's money.

It is like we just want to leave the money out there and maybe it will create a stimulus and somehow it will

help the economy and we will give more than we need to give and not worry about it. We don't want to investigate anybody who rightfully qualifies for these benefits. We don't want to cut off anybody who truly deserves these benefits. That would be unkind. However, it is not unkind to insist that people meet the qualifications of the program. The people who don't meet the qualifications don't get the money. That is only common sense, and that is justice as Americans know it.

It is amazing that 40 cents of every dollar we spend in our country today is borrowed. The United States is headed for what has been called the most predictable economic crisis in its history. The debt course we are on is unsustainable. We are headed to a debt crisis if we don't change where we are going, as every witness before the Budget Committee, of which I am ranking member, has told us. Yet many Senators in this body are not only unwilling to achieve more than \$4 billion in savings from the \$800 billion program, but some even consider \$4 billion too much to reduce from the program.

The junior Senator from New York proposes to increase food stamp spending even more than the current growth we have seen, explaining that "food stamps are an extraordinary investment because for every dollar that you put into the SNAP program [the food stamp program] you get out \$1.71." I won't repeat that because this is what the director of the program said, or the Secretary of Agriculture, I believe. He said that for every dollar spent on food stamps, you get out \$1.71. Under this reasoning, we ought to just increase the food stamp program 10 times. Why not? Under this reasoning we are going to get even more money back. Somehow, it is going to create a stimulus and it is going to bring more money in for the Treasury and make the economy grow. Why don't we just pay for clothes, shoes, and housing? Why not? It is precisely this kind of thinking that has bled our Treasury of money that we need to pay for the demands this country has.

I also think it is a moral issue. What is our policy objective? Is it our national goal to place as many people on welfare, food stamp support, as we can possibly put on that program? Is that our goal? Is that a moral vision for the United States of America, just to see how many people we can place in a situation where they are dependent on the Federal Government for their food? I just ask that. I think we should wrestle with that question.

Under the current proposal, no fewer than one in nine Americans will be on food stamps at any point during the next 10 years. Which is the better goal—to permanently have one in nine Americans on food stamps or to have as many Americans as possible achieving financial independence?

Left unattended, the safety net really can become a restraint, a trap. Welfare reform is guided by the moral principle that welfare support can become damaging not only to the Treasury of the United States but to the recipient. Over time, the trillions of dollars we spend on welfare programs—with the greatest of intentions, with the greatest desire to do good—can replace the normal support role of private family, church, and community. It can become a barrier to self-sufficiency and an incentive not to be engaged in the tough, real world of work and competition. So I think it is not compassionate to increase without limit the size and reach of the Federal Government. The central premise of the American society is that the empowerment of the individual is always preferable to the empowerment of the state.

The amendments we have spent a lot of time working on—each one of them is crafted to improve the program. None of them represent major cuts in the amount of spending that is involved in the food stamp program. For each one of them the biggest savings would be about \$10 billion, but in each case it is \$10 billion that would be saved, that would make the program more efficient, that would improve the integrity of the program, and not reduce any of the benefits that will go to those who would qualify for food stamps under existing law. It would not reduce that.

I am concerned that the majority leader has filled the tree on this bill. Senator REID has basically taken control of the amendment process. So we have a bill moving through the Senate that will spend about \$1 trillion over the next 10 years, and 80 percent of the spending in this bill will deal with food nutrition programs, with SNAP programs—80 percent of it—and we have only had one amendment that deals with that program—only one.

We have been here for days without voting on anything.

Senator ROBERTS is trying to get amendments from the Republican side to be voted on.

The majority leader says: Well, I don't think I will approve that one. No, we don't want to vote on that. We have already voted on something like that. We are not going to vote on that. You have already had a food stamp amendment. We are not going to have any more food stamp amendments.

That is the kind of talk that is going on here.

This is the U.S. Senate, the greatest deliberative body in the history of the world—something we are exceedingly proud of—where we can have debate, vast, continuous, intense debate. It is part of the glory of this body. So now we have one person—the majority leader—using a parliamentary technique called filling the tree and basically

saying I don't get a vote on any of those amendments I just mentioned.

I believe they are responsible amendments. I believe all four should be adopted. I believe it would make the food stamp program better. It would help ensure we have enough money to make sure the people who are in need get help. If we don't get off the debt course we are on, we are going to be in a crisis and all the programs are going to be cut—maybe more than we really need to cut them—because we have to get on the right course.

So I am objecting to this. I am not happy about it. I don't think it is healthy. I do believe the majority leader has utilized this technique of filling the tree more than any majority leader in history—far more than any majority leader in history—and it is not a healthy trend for the Senate.

We have always had a lot of amendments on the farm bill, and we need to have these amendments. So I hope and believe that—I hope we will get votes on these amendments. I hope that we will be able to debate these amendments and that we will be able to help improve the food stamp program.

I want to mention one more thing. Senator RAND PAUL offered an amendment earlier that did not pass that would have block-granted the money to the States. I am not sure—different people can disagree on exactly how he would go about that and whether he did it the right way and whether the spending level he chose was appropriate, but let me say this: A system in which the Federal Government gives an unlimited amount of money to the States creates a perverse incentive for the States to make sure they achieve every possible dollar from Washington. This system creates no incentive for the States to enhance the integrity of the program and to stop those who are abusing it, because when we spend State money to investigate and prosecute and stop abuse, we have reduced the treasury of the State. When we reduce the amount of food stamps pouring into the State, we reduce the amount of Federal money coming into a State—an additional adverse consequence economically for that State.

So we need to create a situation in which the State is given a certain amount of money—a fair formula—and then they have the responsibility of making sure it goes to the right people. If poor people aren't getting enough money, they will then have an incentive to identify those who are improperly getting the money, cut them off, and direct the money to people in need. We don't have that incentive today. That is one reason the food stamp program is not operating effectively.

So I think Senator PAUL was correct fundamentally in his approach that block-granting the food stamp program to the States would create the right incentive to make the program more ef-

fective, to create more integrity, and to make sure people most in need receive the benefits.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE ECONOMY

Mr. BENNET. Mr. President, first, I wish to thank the Senator from Alabama for calling this body's attention once again to the debt crisis we face as a country. I was with some people just a little while ago, and I was telling them a story about a conversation I had in Colorado about our debt and our deficit and the moral obligation we have to our kids to actually deal with this problem and face up to the fact. My then-10-year-old daughter was with me, Caroline.

We walked out on the front stoop of this place, and she said to me: Daddy.

I said: What.

She said: Just to be clear—she was making fun of me because I say that sometimes—she said: Just to be clear, I am not paying that back.

That is the right attitude she ought to have and the right attitude children all across the country ought to have and the right attitude we ought to have. I look forward, when we get into this discussion this summer, to finding out how to find a bipartisan path through this morass so that Caroline Bennet doesn't have to pay back a debt she didn't accrue.

I wanted to come to the floor today to talk about the economy because I think one thing we can agree on in this body for sure is that the best deficit reduction program we can find would be to get this economy moving again. I wanted to talk about one sector in particular that has created tremendous economic growth in Colorado; that is, the wind energy sector. I know my colleague from Colorado, MARK UBALL, came down earlier today to discuss the same issue, and I so much appreciate his continued efforts in fighting for these jobs.

Just a piece of context here. We face very significant structural issues in this economy today. I have brought this chart down here before, but what it shows is that our gross domestic product—our economic output—is actually higher today than it was when we went into the worst recession since the Great Depression. Our productivity is off the charts. That is the blue line, the second line. It has been going that way since the early 1990s because of our response to competition from China and India and other places, because of our use of technology, and because of the recession itself, which drove productivity straight up as firms all across the United States tried to figure out how to get through this tough time with fewer people. But median household income continues to fall in this country, and we have 23 or 24 million

people who are unemployed or underemployed, even though we are generating this economic output.

I think there are two fundamental answers to this. One is education. The worst the unemployment rate ever got for people with a college degree in the worst recession since the Great Depression was 4.5 percent. But the other is innovation. Jobs are going to be created tomorrow and next week and the week after that that have rising wages, not lowering ones, not falling ones. And this economic recovery, like the last economic recovery—those two together are the first recoveries we have had as a nation in our history where economic growth decoupled from job growth and wage growth. I don't know about the Presiding Officer, but that is what I hear about most in my townhall meetings at home.

The wind production tax credit, it seems to me, cuts right to the core of whether and how we want to compete in this global and changing economy.

Let me show another picture here. This is it. This is a factory in Brighton, CO—bricks and mortar, made in America. It is a wind production facility. We are not talking about some fly-by-night experimental industry here.

This credit has triggered tremendous economic growth in Colorado and all across the country—good-paying jobs, manufacturing jobs here in the United States. As Representative STEVE KING, a Republican from Iowa, said recently in an op-ed he published, the production tax credit has driven as much as \$20 billion in private investment. This is not some Bolshevik scheme. That is \$20 billion in private investment supporting jobs here in the United States, manufacturing jobs here in the United States.

Wind power accounts for more than one-third of all new U.S. electric generation in recent years. In Colorado alone, it has created 6,000 jobs. It has moved our State toward a more diversified and cleaner energy portfolio. But because they can't get any certainty out of Washington, like everybody else, developers and manufacturers are already starting layoffs. They are laying off employees today in anticipation of the credit expiring at the end of the year.

Vestas, which has a huge manufacturing footprint in Colorado, from Windsor all the way south to Pueblo, is poised to lay off 1,600 workers if we fail to act. It is hard for me to understand, when our concerns about the deficit and our concerns about economic growth are ones that we hear about every day on the floor, why laying off 1,600 workers in Colorado is a good idea. Iberdrola Renewables, also doing business in Colorado, has already laid off 50 employees. Nationally, 37,000 jobs are at risk, not to mention the ones we could have created after 2012 but won't if we let this credit expire.

I know sometimes I sound like a broken record, but the world is not going to wait for us. Our largest single export today is energy, actually—interestingly enough. That is a very recent occurrence that we became a net exporter of energy. Before that, our single largest export was aircraft. We build the best aircraft in the world. Mr. President, \$30 billion a year is what that export is to the United States.

China's export of solar panels last year was \$15 billion—half our largest single export. They did not export 1 solar panel 10 years ago, and we invented the technology in the United States. In fact, some of us claim we invented it right at home in Colorado.

I am sure China would love to have this business as well or we can get out of our own way and extend the PTC, extend the tax credit, save those jobs, and grow our own clean energy economy.

This is not a partisan issue. I led a letter several months ago, where Republicans and Democrats from the Colorado delegation came together to urge a quick extension as part of the payroll deal. That effort, unfortunately, was not successful, nor were the others we have tried to take in the interim.

Shortly after our letter I filed an amendment—a bipartisan amendment—with the Senator from Kansas, a fully paid-for 1-year extension of the credit. This place has become the land of flickering lights. We extend one thing for a month, we extend another thing for 2 months.

I am very proud of the work we are doing on FDA right now, which is a 5-year reauthorization. But, my goodness, couldn't we extend this for a year to give people some degree of certainty, particularly when it is paid for?

I thank Senator MORAN, Republican from Kansas, for joining me—or for letting me join him—to lead that amendment.

Following that, several colleagues and I have partnered with Senator GRASSLEY and others to write a bill that would extend the credit for 2 years. There is clearly plenty of bipartisan support out there, and I know the people in my State—whether Republicans or Democrats or Independents or not even thinking about that—I know they want us to get this done.

Nearly 7,500 Coloradans have already signed a petition on my Web site supporting the wind production tax credit. I urge others today who are watching this to visit my Web site and please add their name.

I conclude by asking why, when the economic stakes are as high as they are, the Congress cannot get its act together. We need to extend the wind production tax credit, and we need to do it now.

EQIP AND CSP

Mr. President, I rise to speak on Coburn amendment No. 2353, and I

want to be the first to say how much I appreciate the efforts of my colleague from Oklahoma at deficit reduction. In fact, we are currently working together to promote a comprehensive approach to deficit reduction, and I deeply appreciate his leadership, which in many ways has been unparalleled on this issue. However, I have to oppose this particular amendment. I understand we are likely to consider the amendment this afternoon. I urge my colleagues to oppose the amendment by supporting the motion to table.

This amendment will repeal the popular Environmental Quality Incentives Program, EQIP, and the Conservation Stewardship Program, CSP. Both are critical programs authorized under the conservation title of the farm bill.

In Colorado, I have heard time and time again from our farmers and our ranchers how critical these programs are to holding on to their family farm.

EQIP, for example, is on the front lines of agricultural production. It helps farmers ensure that their operations contribute to clean water and clean air in our rural communities. It proactively and successfully addresses new and emerging resource issues to avert the need for regulation—to put our farmers and ranchers in a place where they have less regulation, not more, because of the work they are doing on the ground to conserve their lands.

Let me give you one example from Colorado. EQIP resources have been used to ensure that the sage grouse stays off the endangered species list—a listing that would threaten ranchers all across the West. That is the result of the great work that has been done by farmers and ranchers in Colorado with EQIP.

By providing resources to mark barbed wired fences—making them more visible to the threatened bird—EQIP is working for farmers and ranchers, and it is working well. It is the flagship of voluntary, incentive-based conservation programs, which is a direction I think we should be heading, and a direction we head in this farm bill.

Both EQIP and CSP provide quantifiable benefits that are reflective of the varied conservation challenges all across our country. So I strongly support this new conservation title as we reported it out of the committee in a bipartisan vote.

As I have mentioned, and has been discussed on this bill, this bill is also remarkable for the cuts it makes: \$23.6 billion. To my knowledge, there is not any other committee in the Senate or any committee in the House of Representatives that has actually reached bipartisan agreement and, in this case, bipartisan consensus on budget cuts, which is the way we should be doing business around here because it is what the American people and the people in

Colorado expect from us, particularly on these difficult questions around our deficit and our debt. And \$6.4 billion of those cuts—\$6.4 billion of that \$23 billion—came from the conservation title, not all of which I liked, but we made difficult compromises at the committee level, and we ought not make further cuts on the floor, especially to programs that make smart and effective investments in our rural communities.

So I will oppose, for those reasons, amendment No. 2353 and support the motion to table, and I urge my colleagues from both sides of the aisle to do the same.

Finally, I wish to say thank you to the chairwoman of this committee and the ranking member, DEBBIE STABENOW and PAT ROBERTS, for their extraordinary bipartisan work in getting the bill this far. It is my fervent hope that leadership on both sides reaches an agreement on these amendments so we can move forward and do the right thing for our farmers and ranchers back home in Colorado.

With that, I see my colleague from Connecticut, Senator LIEBERMAN, on the floor. I thank the Presiding Officer for his patience and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Presiding Officer and my friend from Colorado.

Mr. President, I rise to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CYBERSECURITY

Mr. LIEBERMAN. Mr. President, I rise to speak about the urgent need for the Senate to adopt cybersecurity legislation.

I begin by recalling a recent story in the Washington Post that detailed how a young man living an ocean away from us was able to use his computer to hack into the cyber control system of a local water utility here in the United States. It took him just 10 minutes and required no special tools or no special training.

While the hacker could have taken over the water company's operations and caused real damage, instead he posted screen shots of his hack on the Internet to show that he had been there and prove his point that our Nation's Internet security is woefully lax. And it took very little in the way of resources or skill to penetrate it.

This kind of story is but one piece of what I would call an avalanche of evidence showing that there is an urgent need to pass comprehensive cybersecurity legislation that will safeguard our critical cyber infrastructure.

The fact is, as this 22-year-old's activities showed, and as authorities in the area, such as ADM Mike McConnell, the former Director of National Intelligence, have said, the cyber infra-

structure which is owned by private entities is simply not adequately defended. And when it is not adequately defended—and here I am talking about vital national systems: The electric power grid, water companies, transportation systems, pipelines, et cetera, et cetera—when the cyber systems that control them now are not adequately protected, it means our Nation is not adequately protected because a cyber-attack can incapacitate vital national entities that we all depend on every day and, in fact, cause enormous harm and loss of life, as much as a conventional attack by air in earlier confrontations and conflicts.

Yesterday the majority leader came to the floor of the Senate and spoke, I thought, eloquently about the urgency of the Senate adopting cybersecurity legislation. I wanted to come to the floor today to thank Senator REID for that statement and to say, as chairman of the Senate Homeland Security Committee, how strongly I agree with him. Of course, we are not alone.

A few days ago six of our Nation's most experienced national security leaders, spanning the last two-plus administrations, transcending any lines of partisanship, wrote a letter to Senator REID urging him to bring up cybersecurity legislation "as soon as possible." That is a quote: "as soon as possible."

In that letter to both—not just to Senator REID, but to Senator MCCONNELL, the Republican leader, as well—former Department of Homeland Security Secretary Mike Chertoff from the Bush administration; former Director of National Intelligence, ADM Mike McConnell, whom I referred to, from the Bush administration; former Deputy Defense Secretary Paul Wolfowitz, also from the previous administration; former NSA and CIA Director Mike Hayden, also from the previous administration; former Vice Chairman of the Joint Chiefs of Staff, GEN James Cartwright, and former Deputy Defense Secretary Bill Lynn sent this letter—incidentally, to say what is already a matter of public record. In doing so, they express opinions that are quite similar to what we have heard from all the leaders of the current administration when it comes to security—Secretary of Defense Panetta, Director of National Intelligence Clapper, Director of the CIA Petraeus, and so on, and, of course, Secretary Napolitano at the Department of Homeland Security.

I want to read from this letter from these national security leaders because it sums up where we are. I quote now:

Given the time left in this legislative session and the upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

In the letter they went on to say—and I quote again

We—

The signers of the letter—
carry the burden of knowing—

Along with a lot of the rest of us—

that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when "cyber 9/11" hits—it is not a question of whether this will happen; it is a question of when.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 2012.

DEAR SENATORS REID AND MCCONNELL: We write to urge you to bring cyber security legislation to the floor as soon as possible. Given the time left in this legislative session and the upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

We have spoken a number of times in recent months on the cyber threat—that it is imminent, and that it represents one of the most serious challenges to our national security since the onset of the nuclear age sixty years ago. It appears that this message has been received by many in Congress—and yet we still await conclusive legislative action.

We support the areas that have been addressed so far, most recently in the House: the importance of strengthening the security of the federal government's computer networks, investing in cyber research and development, and fostering information sharing about cyber threats and vulnerabilities across government agencies and with the private sector. We urge the Senate to now keep the ball moving forward in these areas by bringing legislation to the floor as soon as possible.

In addition, we also feel that protection of our critical infrastructure is essential in order to effectively protect our nation, and economic security from the growing cyber threat. Infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines and financial networks must be required to meet appropriate cyber security standards. Where market forces and existing regulations have failed to drive appropriate security, we believe that our government must do what it can to ensure the protection of our critical infrastructure. Performance standards in some cases will be necessary—these standards should be technology neutral, and risk and outcome based. We do not believe that this requires the imposition of detailed security regimes in every instance, but some standards must be minimally required or promoted through the offer of positive incentives such as liability protection and availability of clearances.

Various drafts of legislation have attempted to address this important area—the Lieberman/Collins bill having received the most traction until recently. We will not advocate one approach over another—however, we do feel strongly that critical infrastructure protection needs to be addressed in any cyber security legislation. The risk is simply too great considering the reality of our interconnected and interdependent world, and the impact that can result from the failure of even one part of the network across a wide range of physical, economic and social systems.

Finally, we have commented previously about the important role that the National Security Agency (NSA) can and does play in the protection of our country against cyber threats. A piece of malware sent from Asia to the United States could take as little as 30 milliseconds to traverse such distance. Preventing and defending against such attacks requires the ability to respond to them in real-time. NSA is the only agency dedicated to breaking the codes and understanding the capabilities and intentions of potential enemies, even before they hit "send." Any legislation passed by Congress should allow the public and private sectors to harness the capabilities of the NSA to protect our critical infrastructure from malicious actors.

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when 'cyber 9/11' hits—it is not a question of 'whether' this will happen; it is a question of 'when.'

Therefore we urge you to bring cyber security legislation to the floor as soon as possible.

Sincerely,

HON. MICHAEL CHERTOFF,
HON. J. MIKE MCCONNELL,
HON. PAUL WOLFOWITZ,
GEN. MICHAEL HAYDEN,
GEN. JAMES CARTWRIGHT
(RET),
HON. WILLIAM LYNN III.

Mr. LIEBERMAN. The majority leader came to the floor yesterday, as I have said, echoing these sentiments in his floor speech, when he said:

When virtually every intelligence expert says we need to secure the systems that make the lights come on, inaction is not an option.

I could not agree more with Senator REID.

The fact is, the House of Representatives, the so-called other body of Congress, has passed a cybersecurity bill—a package that I think takes some significant initial good steps. I thank the House for that. But I believe the bipartisan Senate Cybersecurity Act of 2012, S. 2105, which is sponsored by Senators COLLINS, FEINSTEIN, ROCKEFELLER, and me, takes the additional necessary steps to secure our cyber systems and, therefore, is preferable.

It is preferable, in large part, because it addresses the need to secure our Nation's critical cyber infrastructure; that is, the computers that control the systems that, if commandeered, attacked or intruded upon, could allow an attacker to open and close key valves and switches in pipelines for gas and oil and refineries and factories and water and sewer systems and electric plants and banks and along transportation nodes without detection by their operators.

We need to pass this bill or something very much like it so we can go to conference with the House and iron out whatever differences we have this year so we can get legislation to the President's desk. He has endorsed, I am grateful to say, S. 2105—certainly endorsed the principles that are in it.

We have to do that so we raise our defenses before we are victims of a cyber 9/11. The time remaining to do so in this session is obviously growing shorter. We know the lameduck session will be almost exclusively taken up with difficult questions about the budget, debt, sequester, the expiration of the so-called Bush tax cuts and much more. So we have to act.

I am encouraged by Senator REID's statement yesterday and my own belief after conversations with him that the leader is intent on bringing this legislation to the floor in July. The truth is, if we do not take it up in July and see whether we have the votes—and I am confident we will when it comes to the floor—we are not going to be able to pass this legislation that is timely and allows us to go to conference, reach an agreement, and send the bill to the President of the United States for his signature.

When talking about cybersecurity, the biggest threats we all know come from other nations, nation states, also nonstate actors such as terrorists and organized crime syndicates. But this young man I referred to at the beginning of my statement and his ability to quite easily penetrate the cyber control system of a local water company in the United States shows us that an attack can come from just about anyone and from just about anywhere.

According to the Washington Post story, "This individual who goes by the name prOf is a bright unemployed 22 year old who favors hoodie sweatshirts and lives in his parent's home somewhere overseas."

But this good guy, white-hat hacker, knows the risks our Nation is facing. He told the Post:

Eventually, somebody will get access to a major system and people will be hurt. It is just a matter of time.

That is the truth. Six of our Nation's premier equity security experts are in agreement with this 22-year-old hacker as they said in their letter: It is just a matter of time. We have to act before that time comes. To my colleagues who have concerns about the Cyber Security Act of 2011, the Collins-Feinstein-Rockefeller-Lieberman legislation, I say: Come on and work with us. We can and must resolve our differences. In fact, around some of the major areas of discussion, controversy, the section of our bill that has performance requirements for private sector entities that own the most critical infrastructure which, if attacked, could cause mass deaths, casualties, catastrophic economic loss, and a denigration of our national security, those are—and then the other section being the information-sharing section, where some people have civil liberties or privacy concerns, there is a good-faith effort going on to resolve those differences because, I think increasingly, Members of the Senate on both sides, just reacting to

the facts, are worried this is a real and present danger to our security.

Perhaps the most real and present immediate danger of a massive attack on our homeland that exists today is by cyber attack. I do not think any of us wants to look back and say: Why did we not act before we were attacked? Therefore, I am encouraged by these deliberations. But I say to anybody else who has concerns about our bill, Members of the Senate, please be in touch with Senators COLLINS, FEINSTEIN, ROCKEFELLER or myself.

If we cannot resolve our differences, then draft amendments and let's debate them on the floor and have up-or-down votes and let the Senate work its will. As Senator REID said in his remarks yesterday:

Everybody knows this Congress cannot pass laws that do not have broad bipartisan support. So we are going to need to work together on a bill that addresses the concerns of lawmakers on both sides of the aisle.

That time is coming soon, I am confident to say, based on my conversations with the majority leader. That time is coming soon on the floor of the Senate, but we have to start now to make sure we are ready when the bill comes to the Senate floor. I guarantee that one day in the near future, if we do not pass comprehensive cybersecurity legislation, and there is a serious and significant cyberspace attack on us, we will rush to pass it and that will be too late and we will not do it in a thoughtful way.

Time grows short while the threat keeps swelling. What if the next 22-year-old who decides to take over a water plant or an oil or gas pipeline or an electric powerplant decides to make a more convincing demonstration than just posting screen pictures online? If a 22-year-old can do this, think what an enemy nation with a significant amount of money and personnel and training behind it could do to us if we are not adequately defended?

I say to my colleagues on both sides of the aisle, because this is not a partisan issue at all, this is a national security-homeland security issue: Let's get to work. Let's get ready for the floor debate on cybersecurity that I am confident is coming soon. Then let's pass this urgently needed legislation for the sake of both our national and economic security.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING AGRICULTURAL PRODUCTION

Mr. WYDEN. Madam President, I am going to take a few minutes to outline the amendments I plan to offer on the farm bill. In beginning, I particularly want to commend the chair of the committee, Senator STABENOW, and Senator ROBERTS. I think we all understand that if you want to tackle a big issue, an important issue, you have to find a way to come to something resembling common ground.

This bill is especially important. This is a jobs bill at a time when our country needs good-paying jobs. It is an extraordinarily important health bill, particularly one with great implications for how America tackles the issue of obesity. It is an environmental bill because it has great implications for conservation. And, of course, it has extraordinary impact on rural communities—rural communities that are hurting right now.

The amendments I am going to be offering on the farm bill address those major concerns, and those concerns are particularly important to my State. My State does a lot of things well, but what we do best is we grow things. We grow things, add value to them, and ship them somewhere. We grow lots and lots of things—hundreds of crops, wonderful fruit and vegetables. We want to have a chance to grow this part of our economy. It is a \$5 billion economy for the State of Oregon, and one we want to strengthen in the days ahead.

The first amendment I will be offering on the farm bill addresses the Farm to School Program. Schools all across the country purchase produce—pears, cherries, tomatoes, and lettuce—from Department of Agriculture warehouses. In some cases, the warehouses may be hundreds and hundreds of miles away. There are schools, however, that wish to source their fruits and vegetables locally. There are producers who wish to sell their goods to local schools.

You don't have to be a fancy economist, but that sounds like a market to me. The Congress ought to enable this market, not make it more difficult for this market to function. I spent a lot of time in rural Oregon over the last few months. As I have previously indicated, Harry & David, a producer in my home State—and a lot of Senators have gotten their wonderful products over the years as holiday gifts—wants to sell their wonderful pears to the school down the street. In attempting to do so, Harry & David has been met with a real maze, a welter of odd Federal rules, that has prevented them from doing so.

It should not be bureaucratic water torture for a local producer to sell to a nearby school. It is getting at that kind of bureaucracy and redtape that my Farm to School amendment seeks

to address. As of now, Federal agriculture policy seems to be dishing out a diet of paperwork, process, and limited options, when we ought to be promoting innovation and getting away from this sort of one-size-fits-all approach.

My Farm to School amendment would allow for at least five Farm to School projects across the country, where States like mine that are innovative, have established and proven Farm to School programs in place, would be able to source healthy, quality produce rather than buy it from one of these faraway Federal warehouses.

Under this kind of approach, with this crucial program, the schools are going to win, our farmers are going to win, and our kids will be able to enjoy delicious local produce every day with this particular amendment.

The second amendment I plan to offer also encourages healthier eating. This one deals with the SNAP program—the program formerly known as Food Stamps. As the occupant of the chair knows, this program represents a substantial amount of the funding for the farm bill—over \$70 billion. There are 700,000 SNAP recipients in my home State of Oregon. For too many Oregonians, this program is the only thing that stands between them and hunger.

I have said it on this floor before, and I want to say it again: I am not in favor of cutting these benefits; quite the contrary. I think Senator GILLIBRAND has an excellent amendment to ensure that that doesn't take place. I hope she will win support in the Senate for it. We should not have, in a country as rich and strong as ours, this many Americans going to bed at night hungry and trying to dig themselves out of the great recession at the same time. So I am not in favor of cutting SNAP benefits, but I am in favor of incentivizing this program to make it possible for those of modest incomes to get healthier, more nutritious foods, especially in light of the growing obesity epidemic our country faces.

What troubles me is that, in one sense, the Food Stamp Program, the SNAP program, is something of a conveyor belt for calories. It essentially says all of the various food products are equal. At a time when we see such extraordinary rates of obesity, particularly for low-income children and low-income women, I only hope we can look at ways to create incentives for healthier eating.

I am not in favor of setting up some kind of Federal policy that starts dictating from Washington, DC, what folks who are using the SNAP program can eat. I am not interested in some kind of national nanny program, or something that says you can't eat this or that. What I am proposing is that here in the Senate, we look at ways,

particularly when you are talking about \$70 billion of Federal nutrition spending, to at least promote healthier eating wherever possible, and the increased consumption of healthy fruits and vegetables.

Studies by the Centers for Disease Control show that low-income women and children—those most likely to receive SNAP benefits—are more likely to be obese than higher income women and children. What I am proposing with this amendment is giving the States some flexibility to try out ways to make SNAP benefits a launch pad for better nutrition, rather than, as I characterized it earlier, a conveyor belt for calories.

What I wish—and I know the Chair hails from a State with a substantial amount of agriculture—is to see farmers, retailers, health specialists, and those who rely on the SNAP program, to get together and find a consensus—some common ground—on a way to wring more nutritional value out of those SNAP benefits.

In Oregon, we have tried this idea out. Those in the retail community, farmers and anti-hunger groups got together, and this group thinks they can do more to improve nutritional outcomes under this very large program.

The amendment makes clear that you could not get a waiver to reduce eligibility, or reduce the amount of benefits that someone on the SNAP program receives. But you could, for example, try various approaches to promote nutritional eating. A State could encourage SNAP recipients to purchase more fruits and vegetables by partnering with grocery stores or other food sellers to provide coupons to enable SNAP recipients to purchase extra or discounted fruits and vegetables. There are now programs that allow SNAP benefits to be exchanged at farmers markets for coupons that produce \$2 worth of produce for \$1 of SNAP benefits. The cost of the extra produce is paid for using non-federal funds. A State waiver could enable this type of program, for example, to be expanded beyond farmers markets.

There is a host of innovative proposals, in my view, that could improve public health and increase the consumption of healthy food. I hope as we go forward toward the conclusion of this legislation in the Senate, we can look at ways to accept the proposition that not all of the wisdom resides in Washington, DC, particularly when we are seeing these skyrocketing rates of obesity, tragically with special implications for low-income women and children. I think there are better ways to proceed. This amendment empowers States to have that opportunity.

The third amendment I am going to offer, I have not spoken about on the floor to date, and I wish to take just a minute to describe what this amendment deals with. It is an amendment I

plan to offer that addresses the issue of industrial hemp farming. It is cosponsored by Senator RAND PAUL and is identical to legislation in the House, which has 33 bipartisan cosponsors.

This is, in my view, a textbook example of a regulation that flunks the commonsense test. There is government regulation on the books that prevents America's farmers from growing industrial hemp. What is worse, this regulation is hurting job creation in rural America and increasing our trade deficit. When my colleagues get more information about this outlandish, outrageous restriction on free enterprise, I think most of them are going to agree the restriction on industrial hemp is the poster child for dumb regulations. The only thing standing in the way of taking advantage of this profitable crop is a lingering misunderstanding about its use. The amendment I have filed on this issue will end a ridiculous regulation once and for all.

Right now, the United States is importing over ten-million of dollars of hemp products to use in paper products, construction materials, textiles, and a variety of other goods. We are importing a crop that U.S. farmers could be profitably growing right here at home if not for government rules prohibiting it.

Our neighbors to the north can see the potential for this product. In 2010, the Canadian Government injected over \$700,000 into their blossoming hemp industry to increase the size of their hemp crop and fortify the inroads they're making in U.S. markets, at the expense of our farmers. It was a very good bet. U.S. imports of hemp products have consistently grown over the past decade, increasing by 300 percent in 10 years. From 2009 to 2010, they grew 35 percent. The number of acres in Canada devoted to growing industrial hemp nearly doubled from 2011 to 2012.

I know there are going to be Members of Congress, and others who are listening to this, who are going to say all this talk about hemp is basically talk about marijuana. The fact is, while they come from the same species of plant, there are major differences between them. They have different harvest times, they're different heights, and the cultivation techniques are markedly different. And when we recognize those differences, we'll be able to focus on the benefits from producing domestically the hemp we already use.

Under this amendment, the production of hemp would still be regulated, but it would be done by the States through permitting programs, not the Federal Government. Nine States have already put legislation in place to provide for a permitting system that enforces the prohibition on marijuana and ensures that industrial hemp maintains a very low THC level—under 0.3 percent. The lowest-grade marijuana typically has 5 percent THC content.

The bottom line is no one is going to get high on industrial hemp.

Hemp has been a profitable commodity in a number of countries. In addition to Canada, Australia also permits hemp production, and the growth in that sector helped their agricultural base survive when the tobacco industry dried up. Over 30 countries in Europe, Asia and North and South America currently permit farmers to grow hemp, and China is the world's largest producer. In fact, our country is the only industrialized nation that prohibits farmers from growing hemp.

Oregon is home to some of the major manufacturers of hemp products, including Living Harvest, one of the largest hemp food producers in our country. Business has been so brisk there that the Portland Business Journal recently rated them as one of the fastest growing local companies.

There are similar success stories in other States. One company in North Carolina has been incorporating hemp into building materials, reportedly making them both stronger and more environmentally friendly. Another company in California produces hemp-based fiberboard.

No country is better than ours at developing, perfecting, and expanding markets for our products. As the market grows, it ought to be domestically produced hemp that supplies that growth.

I would like to close on this topic with a couple statements by one of the leading newspapers in my State, The Bulletin. I think it would be fair to say The Bulletin would not cite itself as one of the first places one ought to look for left-wing thinking, and here is what they had to say with respect to my amendment, which they encouraged support for:

... producers of hemp products in the United States are forced to import it. That denies American farmers the opportunity to compete in the market. It's like surrendering the competitive edge to China and Canada, where it can be grown legally.

The editorial then goes on to say:

Legalizing industrial hemp does not have to be a slippery slope towards legalizing marijuana. It can be a step toward removing regulatory burdens limiting Oregon farmers from competing in the world market.

I ask unanimous consent to have printed in the RECORD a copy of the editorial from The Bulletin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bulletin Staff, June 9, 2012]

U.S. SHOULD LEGALIZE INDUSTRIAL HEMP
(Editorial)

U.S. Sen. Ron Wyden, D-Ore., has introduced a change to the farm bill to remove the federal prohibition on growing industrial hemp. Wyden's change would put an end to an unnecessary ban.

The Oregon Legislature authorized the growing of industrial hemp in 2009, but federal law still blocks hemp as an illegal crop.

Why? Federal policy does not distinguish between the varieties of cannabis. Some are good for oilseed and fiber. Some are better for smoking to get high.

Yes, both do contain the hallucinogenic compound delta-9 tetrahydrocannabinol (THC). Industrial hemp is low in it. Marijuana is high in it.

That doesn't mean the country should ban growing all of it.

Industrial hemp is versatile and can grow like crazy. It can be used for paper, clothes, rope. The seed oil can be used for a variety of things: food, paint, pharmaceuticals and more.

It's already used in Oregon and across the country. But producers of hemp products in the United States are forced to import it. That denies American farmers the opportunity to compete in the market. It's like surrendering the competitive edge to China and Canada, where it can be grown legally.

There are concerns about what legalizing hemp would mean. Would it be another headache for law enforcement?

One way to solve that, if it's a problem, is to require industrial hemp fields to be licensed and require random testing to ensure the crop is low in THC. Oregon's law said the state could seize crops that had a THC level higher than 0.3 percent.

Legalizing industrial hemp does not have to be a slippery slope toward legalizing marijuana. It can be a start toward removing regulatory burdens limiting Oregon farmers from competing in the world market.

Mr. WYDEN. Madam President, if this farm bill is about empowering farmers and increasing rural jobs, let's give them the tools they need to get the job done. Let's boost revenue for farmers and reduce the overhead costs for the businesses around the country that use this product. And let's put more people to work growing and processing an environmentally friendly crop with a ready market in the United States.

For all the reasons I have described, I will be urging my colleagues to support this amendment so the law can be changed and farmers are not prevented from growing a profitable crop in the future.

Even though my amendment is about growing a crop and should be clearly relevant to the farm bill, it may be blocked from getting a vote because of the Senate rules on what amendments are allowed to be offered once cloture is invoked on the bill. If I get the opportunity, I am going to bring this amendment up through the regular order. But if cloture is invoked and my amendment is not allowed, I want colleagues to know I will be back at this again until there are smarter regulations in place for industrial hemp.

In closing, let me say I don't think we can overstate the importance of the best possible farm bill. Senator STABENOW and Senator ROBERTS have, in my view, done yeomen's work in trying to build a bipartisan approach. The question now is can we use the amendment process to improve on the kind of bipartisan effort they brought to the floor.

Each of the areas I have described this afternoon—improving the Farm to

School program, wringing more value and better nutritional outcomes from the SNAP program, and helping a promising hemp industry—give us a chance to attain the objectives of what I have described as the best possible farm bill, and we can do this all without spending one single dime of additional taxpayer money—not a dime of additional taxpayer money. It is my hope we can take the good work that has already been done by Senators STABENOW and ROBERTS and build on that. I hope the Senate will support the three amendments I have described this afternoon.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, first, let me thank all of our colleagues who are working with us as we move forward in putting together a package of amendments to be voted on here in the Senate. I want to thank everyone—of course my ranking member, Senator ROBERTS, but also people on both sides who are working together in good faith as we move through this process.

This morning, we did have two votes, and in the next little while we will have two more. And I do want to speak to one of those but also to just indicate again to all of our colleagues how important it is to farmers and ranchers, families, and rural communities across America that we come together and pass this farm bill.

Sixteen million people have jobs related to agriculture. I am not sure there is any one single piece of legislation we have had in front of us that actually impacted 16 million people like this one. Of course, we are very proud of the way we have come together in a bipartisan way to propose something that actually cuts the deficit by over \$23 billion and creates real reforms that taxpayers and farmers have asked for, while strengthening our risk-management tools for agriculture, conservation, other jobs efforts, certainly rural development, alternative energy, and certainly our support for families with their own personal disaster when it comes to putting food on the table during an economic downturn for them.

I want to specifically take a moment, though, to speak and urge my colleagues to vote yes on a motion to table Coburn amendment No. 2353, which would repeal two of the most successful conservation programs in the history of our country, the Environmental Quality Incentives Program, which we all call EQIP, and the Conservation Stewardship Program.

EQIP is on the front lines of production agriculture, helping farmers comply with regulatory pressures, and it has been very effective. It is the cornerstone of our country's commitment to voluntary, incentive-based conservation—voluntary—working with farmers, working with ranchers in a voluntary way, to partner with them to be able to provide ways to tackle environmental issues we all care about.

I would underscore the fact that what we call the farm bill is actually the largest investment we as a country make in conservation of land, air, and water on working lands—lands that are owned by the private sector, partnering, because we all have a stake in runoff and clean water issues and erosion issues and all of the other things that relate to protecting our wildlife and our wetlands for not only habitats but also for our hunters and fishermen and all of the other issues around which we celebrate what we have been able to do around conservation in this country.

EQIP really is a cornerstone of our commitment to a voluntary incentive-based conservation program. It provides a cost share to farmers to implement practices that have been absolutely proven to work to benefit our country's soil, air, and water resources.

This last year the Environmental Quality Incentive Program entered into 38,000 contracts with farmers and ranchers all across America, covering 13 million acres of land. EQIP has a number of incredible stories across the country—in Louisiana, helping farmers recover from Hurricane Katrina; in Oklahoma, helping producers implement best management practices to reduce sediment in the Mission Creek, improving water quality, helping restore fish populations. In Michigan, they have helped farmers struggling with bovine TB protect their herds and livelihoods.

So this is one of two critical conservation programs that would be repealed by this amendment. The other one is the Conservation Stewardship Program. This encourages higher levels of conservation across agricultural operations as well as the adoption of new and emerging conservation practices. CSP encourages producers to address resource concerns by undertaking additional conservation activities and improving and maintaining their current activities. And they focus on seven resource concerns as well as energy—soil quality, soil erosion, water quality, water quantity, air quality, plant resources, and animal resources—all things important not only for our farmers and ranchers but to all of us—every community, every State, all of us in the country.

This program is extremely popular. It has been very successful. This year producers enrolled 12 million acres in the program, and this brings the total

to 49 million acres across the country that now have conservation practices as a result of the CSP. It provides conservation bankers with more acres than any other conservation program in the country. I strongly urge we table this amendment. I ask for a "yes" vote in tabling the amendment.

I would like to talk a little bit more about what we have done in a positive way in the conservation title. One of the areas of this bill I am most proud of is the work that has been done with conservation and environmental groups all across the country—in fact, we have 643 conservation and environmental groups that have said this is the right approach.

In tough economic times, when we know we do not have additional dollars, we took a look at every single page, every single program. There are 23 different programs in conservation. Every time somebody had a good idea, a program got added rather than looking at duplication, redundancy, how we can streamline and make it better for farmers, communities, better for ranchers, make it simpler and more understandable. So we decided to go back and do what every taxpayer and every citizen has asked us to do; that is, streamline, make more accountability, cut the paperwork, make things work better.

We do support flexibility. We support locally led ground-up voluntary efforts. We increase transparency and accountability, we streamline, consolidate programs, help farmers comply with regulatory pressures, and we basically have come together. We have taken 23 different programs down to 13 and put them in three different areas and created a lot of flexibility. We want to stretch the dollars even further in four areas: working lands, easements, conservation reserve programs, and regional partnerships, which are so important to so many of us.

All across the country family farms are passed down to children, grandchildren, and great-grandchildren. Our rapidly growing population demands our farmers and ranchers double their production over the next few decades and use fewer acres to do it, so innovation in farming is absolutely critical. But no amount of technology can make up for degraded soil or polluted water.

The farm bill's conservation programs help our producers meet their challenges and the country's challenges, ensuring that we have a safe, abundant food supply, clean water, and thriving wildlife populations for many generations to come.

It is wonderful to see the partnerships that are going on all across Michigan, all across the country. Many farmers take advantage of these voluntary, incentive-based conservation programs. In our Great Lakes region alone—I would say not only Michigan but our Presiding Officer from Minnesota certainly cares as well. We

championed together so many times on the Great Lakes initiative. But in the Great Lakes region alone farmers use one form of conservation on 95 percent of the acres. On 95 percent of the acres we have conservation going on.

As we look at streamlining from 23 to 13 programs, making them more flexible and so on, we actually have been able to achieve savings of \$6 billion while maintaining conservation functions, and I would argue strengthening their effectiveness as well while cutting the dollars. Nationally, there are 357 million acres of cropland, 406 million acres of forest land, 119 million acres of pasture land, and 409 million acres of rangeland under private ownership in the United States. That is a lot of land, and all of that is impacted by what we do in the conservation title of the farm bill.

We also know the challenges my farmers face in Michigan are different than those in Kansas or Oklahoma or Minnesota or Montana. We have built in enough flexibility in this new title, modernizing it, reforming it, creating flexibility to be able to meet very different needs across the country. I will briefly go through each area. We are focusing, as I said, on four different areas.

Working lands, where we have two programs that are proposed to be eliminated right now, the Environmental Quality Incentives Program, which I spoke about, and CSP is in the working lands title. We also include the conservation innovation grants, which are geared to projects that offer new approaches to providing producers environmental and production benefits. Again, we look for ways to support efforts that have not been receiving ongoing funding through the past bill to be able to continue and have greater flexibility in a number of different programs.

One is critical, I believe, for America's sportsmen and sportswomen; that is, access to good recreational land. I know that is very important to my State of Michigan, very important to my family.

The Voluntary Public Access and Wildlife Incentives Program encourages farmers to open their land for recreational uses—hunting, fishing, bird-watching. Right now, 26 States are taking advantage of the program, and we continue that in the bill, which is very important.

Our second area is on easements. There are three existing conservation easement programs. We are putting them into one to protect our lands from development and keep them devoted to agricultural use as well as to keep the land for grazing. Wetland easements restore, protect, and enhance wetlands which are important to water quality, quantity, and wildlife habitat in many areas also.

We are focusing on long-term land protection. Over the last 20 years the

Wetlands Reserve Program helped more than 11,000 private landowners voluntarily restore, protect, and enhance wetlands and wildlife habitat. So we are very pleased all of this is in the bill as well.

The Conservation Reserve Program has been very successful. From 2006 to 2010 the USDA estimates the Conservation Reserve Program was responsible for reducing 1.09 billion tons of sediment, 3.1 billion metric tons of nitrogen, and 613 million pounds of phosphorus from going into our waters—that is an accomplishment—from going into our Great Lakes, into our oceans, into our rivers, into our streams. These are the main contributors to many of the water quality issues we face as a country.

During the same time period, USDA estimates the Conservation Reserve Program contributed 284 million metric tons of greenhouse gas reduction. It is reducing CO₂. I would say it is equivalent to taking 55 million cars off the road for a year. Coming from the car State, I appreciate CRP doing that. We want to be able to continue to drive our automobiles, and we are proud of what we are doing around automobiles, but can you imagine that this program alone has taken enough CO₂ out of the atmosphere to equate to 55 million cars being taken off the roads?

As of 2011, CRP was enrolling just under the acreage cap of 32 million. Over the next couple of years, over 15 million acres are set to expire. We recognize not all of those will be reenrolled, but we want to make sure there is adequate room to reenroll the most sensitive acres.

As an example of the effectiveness of CRP, last year parts of Oklahoma—I have a special affinity for Oklahoma. My mother was born in Oklahoma. My grandparents' family has lived there all their lives. I am very familiar with that State. Parts of Oklahoma experienced drought worse than the Dust Bowl era of the 1930s. But we did not see dust storms like the 1930s because the voluntary conservation efforts—of the CRP in particular—worked to reduce soil erosion and keep the soil where it was supposed to be, which is on the ground.

There are huge successes we have seen because our country has made an investment in protecting our precious land and water and air. We also have established a new program called the Regional Conservation Partnerships Program which consolidates four very effective regional partnerships into one. I am very pleased we have been able to do this. There is great significance for Members in all parts of the country. We consolidate the Cooperative Conservation Partnership Initiative, the Agricultural Water Enhancement Program, the Chesapeake Bay Watershed Initiative, and the Great Lakes Water Erosion Sediment Pro-

gram. This exemplifies many of the principles of this title.

We focus on conservation efforts that are locally led, that are voluntary, and we create more flexibility and transparency for reporting as well as making sure we have adequate resources. When we were talking to producers and a variety of partner organizations, nonprofits—again, hunters, fishermen, other organizations—they were very excited about this new regional partnership title as a section. We appreciate all of the input and the support we have received to be able to make this effective.

Let me just say in conclusion that we have a conservation title that is supported in terms of its approach by almost 650 different conservation and environmental groups all across America in every 1 of the 50 States. They have sent a strong message. They worked with us. They know times are tight. They knew we had to create savings, we had to reduce dollars, but we had to make sure we had enough flexibility to do the job people across our country want to see done in protecting our lands, our water, and our air.

This has been achieved with a tremendous amount of hard work on the part of many people. I am grateful for the work of our committee and many others. I appreciate our subcommittee chairman MICHAEL BENNET, who has been deeply involved in this as well, and the Presiding Officer from Minnesota as well. We have many people who feel very strongly. Our chairman of the Finance Committee who was on the Senate floor earlier speaking about this is another true champion around conservation. There were so many people in our committee.

I could go on and on about this, and on both sides of the aisle I might add, but if I start naming people I will probably get in trouble for missing someone. But we have strong people, strong advocates on both sides of the aisle.

I thank everybody for their wonderful work on this conservation title. I think it is an example of the great work that has been done in putting the bill together. Again, I urge colleagues to vote yes to table the Coburn amendment and the additional amendment I will talk about at another point that will be coming before us, and continue to work with us as we bring together the path forward to completing this very important bill that affects 16 million American jobs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

SEXUAL ASSAULT IN THE MILITARY

Mr. BROWN of Massachusetts. Mr. President, I rise to speak about something very serious, which is the issue of sexual assault in the military, and in support of the Shaheen amendment which I cosponsored in the Senate Armed Services Committee markup. Today, I wrote a letter to the House majority leadership expressing my concern for this issue and asking that it be addressed immediately.

The Senate Armed Services Committee recently considered and passed the National Defense Authorization Act for Fiscal Year 2013, and it awaits full consideration of the Senate.

As we all know, our troops need the tools and resources to complete their mission. It is imperative that it gets brought up right away.

As a member of the committee, I joined with members of both sides of the aisle in supporting this amendment which would ensure that women who serve in our Armed Forces and their families are provided access to abortion services in cases of rape or incest.

Sadly, sexual assault of women servicemembers has been recently exposed as far more prevalent than anyone previously thought. As a matter of fact, the Pentagon believes such crimes are vastly underreported. There is evidence that there are as many as 19,000 assaults that are committed every year. That is as many as 50 each day.

Furthermore, women are serving in harm's way—we know that—and they are often in dangerous locations without access to safe, nonmilitary health services. Given their courageous service, they deserve our care and protection, put quite simply.

The language of the amendment is consistent with the longstanding Hyde amendment, which prevents Federal funding for abortions, except for the victims of rape or incest or when the life of the mother is at stake.

It is a simple issue: Those who are serving in harm's way who are victims of such horrific crimes should be afforded the same rights as citizens they protect and who rely on Federal funding for their health care.

Our amendment passed 16 to 10 on a bipartisan basis, as I referenced earlier, in committee, and I will continue to work with my colleagues to ensure it remains included in the version that passes the full Senate.

As I said, unfortunately, the House Armed Services Committee did not include a similar provision in their version of the bill, and I am not quite sure why.

I urge the House Members to think about the real-world implications of their actions and not block this legislation. I hope we can work together, in a truly bipartisan and bicameral basis, to ensure that our amendment language becomes law so the President may sign it as such.

Extending these provisions to our military servicewomen is the right thing to do.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DREAM ACT

Mr. DURBIN. On June 15, 1982, 30 years ago, the U.S. Supreme Court handed down a landmark decision, *Plyler v. Doe*. In 1975, the State of Texas had passed a law that allowed public schools to refuse admission to children who were undocumented. The law also withheld State funds from local school districts if they were to be used for education of undocumented kids.

In the *Plyler* case, the Court struck down the Texas law and held that it is unconstitutional to deny public education to children on the basis of their immigration status. Justice William Brennan, who authored the opinion, wrote: "By denying these children a basic education, we deny them the ability to live within the structure of our civic institutions and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our nation."

The year was 1982. In the 30 years since *Plyler v. Doe* was decided, millions of immigrant children have received an education and become contributing members to America and society. They are today's doctors, soldiers, teachers, engineers, and they make us a better nation.

But since it was decided, *Plyler* has been under attack from anti-immigration forces. On the very day the decision was announced, there was a lawyer at the Justice Department who wrote a memo criticizing his superiors for not arguing support of this Texas law that was stricken by the Court.

Keep in mind at the time *Plyler* was decided, the Justice Department was not under the control of a Democratic President; Ronald Reagan was President. Who was the Justice Department lawyer criticizing the Reagan administration for not being tough enough on immigrant children? His name was John Roberts.

Twenty-three years later, in 2005, he was nominated to be Chief Justice of the Supreme Court. During his confirmation hearing, Chief Justice Roberts said he would not vote to overturn

cases that are "well-settled law." For example, he said *Brown v. Board of Education*, the Supreme Court decision that ordered desegregation of schools, was also well-settled law.

Plyler v. Doe is often called the *Brown v. Board of Education* of the immigrants in America. But when I asked John Roberts whether he considered *Plyler* to be well-settled law, he refused to answer my question. Over the years, there have been attempts to pass Federal legislation overturning this Supreme Court decision.

In 1996, Congress was considering a bill to restrict illegal immigrants. Representative ELTON GALLEGLY, a Republican from California, offered an amendment to overturn *Plyler v. Doe* and permit States to bar undocumented children from public schools. At the time, I was in the House. I voted against the Gallegly amendment and so did most of the Democrats.

But most Republicans voted for it and it passed. President Clinton threatened a veto if the Gallegly amendment was included in the final version of the immigration bill. The amendment was also opposed by a bipartisan group of Senators, including the late great Senator Ted Kennedy and our colleague, Senator KAY BAILEY HUTCHISON of Texas.

As a result of this opposition, the Gallegly amendment was dropped from the final version of the bill. The latest threat to *Plyler v. Doe* is a spate of State laws targeting legal and illegal immigrants. On June 9, 2011, 1 year ago this week, Alabama Gov. Robert Bentley signed into law H.B. 56, the strictest immigration law in the country.

Under Alabama law H.B. 56, it is a crime for a legal immigrant to fail to carry documents proving his or her legal status at all times. Police officers in Alabama are required to check the immigration status of any individual if they have "reasonable suspicion that he or she is undocumented."

I am especially concerned about the provisions of the Alabama law that involve schools in enforcing immigration laws. For example, in Alabama, schools must check the immigration status of every student and report that information to the State. Schools are authorized to report students and parents they believe to be undocumented to the Federal Government.

Last year, the U.S. Justice Department and the U.S. Department of Education sent a letter to every school district in the country warning that enrollment practices that discourage students from attending school could violate Federal civil rights law. The letter reminded school districts of their obligation to provide access to undocumented students under the Supreme Court's decision in *Plyler v. Doe*.

Supporters of the Alabama law argue it does not prohibit immigrant children

from attending public schools. But involving schools in enforcing immigration laws will clearly discourage immigrant children from attending. Last month, Tom Perez, the head of the Justice Department's Civil Rights Division, sent a letter to the Alabama Superintendent of Education about their department's investigation of Alabama's H.B. 56.

Mr. Perez said the Justice Department has concluded that "in the immediate aftermath of [H.B. 56's] implementation, Hispanic student absence rates tripled, while absence rates for other groups of students remained virtually flat" and "the rate of total withdrawals of Hispanic children substantially increased" to 13.4 percent of all Hispanic students in Alabama schools.

Mr. Perez also said: "Hispanic children reported increased anxiety, diminished concentration in school, deteriorating grades, and increased hostility, bullying, and intimidation."

The author of the education provision of the Alabama law has made it clear his real goal is to overturn *Plyler v. Doe*. If this challenge should make it to the Supreme Court, it could find a receptive audience in the Chief Justice, who criticized *Plyler v. Doe* when it was decided and refused to say it was well-settled law when he appeared before the Senate Judiciary Committee.

I think this is the wrong approach for America. Instead of challenging *Plyler v. Doe*, we should be building on its legacy. Eleven years ago, I introduced the DREAM Act—11 years. The DREAM Act is a bill that would give a select group of immigrant students who grew up in America the chance to earn their way to legal status if they do one of two things: serve in America's military or at least complete 2 years of college in good standing.

These young people were brought to the United States as children. I am sure the Presiding Officer knows many of them in his home State. They grew up in this country and, thanks to *Plyler v. Doe*, they got a chance to go to school here. They are the valedictorians and ROTC leaders in many schools.

It wasn't their decision to come to this country. They were kids when the decision was made, and their parents made the decision. The fundamental premise of the DREAM Act is that we should not punish kids for any wrongdoing by their parents. That isn't the American way. As Senator MARCO RUBIO has said, just because the parents got it wrong, we should not hold it against the kids.

As Justice Brennan said in *Plyler v. Doe*, "legislation directing the onus of a parent's misconduct against his children does not comport with fundamental conceptions of justice."

The DREAM Act isn't just the right thing to do, it is the right thing to do

for America. It would help our economy by giving these talented immigrants a chance to become tomorrow's engineers, entrepreneurs, small business owners, teachers, and doctors.

The DREAM Act would strengthen America's national security by giving thousands of highly qualified, well-educated young people a chance to serve in America's Armed Forces. It is one of the greatest levelers in America. When we decided to integrate the Armed Forces under President Harry Truman, we set the stage for the civil rights revolution in this country. When men and women in the military were recognized for their inherent worth and commitment to this Nation rather than the color of their skin, it set a standard that now guides our Nation.

Almost every week I do my best to come to the floor to tell a story of one of these young people who would qualify for the DREAM Act. Today I will tell you about Al Okere. Al was born in Nigeria in 1990. In 1991, Al's father was killed by the Nigerian police after he wrote newspaper columns criticizing the Nigerian Government. The killing of Al's father was documented in the State Department's annual human rights report.

In 1995, Al's mother fled Nigeria and brought her 5-year-old boy Al to the United States. Al's mother, because of the murder or killing of her husband, applied for asylum, but her application was denied and she was deported in 2005, when Al was 15—after 10 years in the United States.

Today Al is 21 years of age. He lived in the State of Washington. His mother's sister, who is a U.S. citizen, is Al's legal guardian and has raised him since Al's mother was deported.

Al graduated from Rogers High School, near Tacoma, WA. He is currently attending Central Washington University, where he is an honors student with a 3.5 grade point average. He is an avid basketball and football player. He is an active volunteer in his community. For example, he recently headed up a fundraising drive for the Hope Children's Hospital.

I ask a lot of these "dreamers" to send me letters about their view of the United States and their hope for the future. He wrote this:

I have been in accelerated academic programs most of my educational life and hope to be a medical doctor some day, to contribute to the well-being of fellow humans. I hope to continue to emulate and walk in the great academic shoes of my late father, who earned a Ph.D degree from a university in Paris, France. My family and community support has been enormous and it gives me zeal to work hard in my studies, to be able to lend a hand to others in need, to realize a bright future.

Unfortunately, Al has been placed in deportation proceedings. Under our immigration law, his aunt, who is a U.S. citizen and his legal guardian, can't sponsor him for citizenship.

Al Okere grew up in America. He has never committed a crime. We have already invested in him. He has received his entire education, from kindergarten through college, in the United States. He didn't get any financial help in going to college from the Federal Government. He borrowed for that because he is undocumented. He had to find other sources and work his way through college. But he made it. He has a great potential to contribute to America. He doesn't remember a thing about Nigeria, and he doesn't speak their native language. Despite all that, the laws of America say that Al should be deported.

Here is what Al said about that possibility:

I don't remember anything about my mother's country of Nigeria. I cannot even speak the language. Every experience I have had in life that I can remember has been in the United States of America. Everyone I know and care about are all here, except for my mother, who was sadly removed and remains in hiding in fear of her life.

Fortunately, the Department of Homeland Security has decided to put Al's deportation on hold. I support this decision, but I know it is only temporary, it doesn't give Al permanent legal status of any kind, and there is still a risk of deportation in the future. The only way for Al to become a citizen is for the DREAM Act to become the law of the land.

Would America be a better Nation if Al Okere were deported? Of course not. Al is not an isolated example. There are thousands of others like him, who are only asking for a chance, asking for justice.

Plyler v. Doe gave Al Okere and other bright, accomplished, and ambitious young people like him the opportunity to obtain an education in America. The DREAM Act would give them a chance to fulfill their God-given potential and become our future doctors, engineers, teachers, and soldiers.

A couple of weeks ago—a lot of these DREAM Act students keep in touch with us—one student contacted our office saying he had given up. He lived in America all his life and had been educated here. He made his way through college and was looking forward to being an engineer. He waited 11 years for passage of the DREAM Act, and it hasn't happened. He decided he had no choice but to move to Canada. So now his talents will go to Canada. I have nothing against Canada; it is a great nation and neighbor. But why would we give up someone we have educated and trained to be a part of America?

On the 30th anniversary of *Plyler v. Doe*, I again ask my colleagues in both parties to support the DREAM Act. Let's give Al Okere and so many other young people like him a chance to contribute more fully to the only country they have called home. It is the right thing to do, and it will make America a stronger Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDHOOD OBESITY

Mr. LAUTENBERG. Mr. President, I rise today because there is an epidemic hovering over America, and we ought not to stand by and let it continue.

A staggering one-third of Americans are obese a condition that can endanger health and shorten lifespan. Among our children, the situation is becoming a plague and leaving too many young people unable to participate in physical activities, such as sports or games.

I salute the First Lady, Michelle Obama, for bringing attention to this crisis by educating parents, teachers, and kids about the need to be more active and eat nutritious food, but it is going to take the involvement of this Congress. We need to protect our children, our economy, and our national security.

Our Nation's childhood obesity rate is one of the highest in the world. Here we see it, childhood obesity rates displayed worldwide: Obesity epidemic as seen among American youth. And if we look at the other major countries in the world, going from the lowest, China is at 5.2 percent, upwards to France at 14.1 percent, and then we get to America, and 31.7 percent of our children are obese or overweight. That is discouraging, very sad for the individual and for the country at large.

People who are obese are at a higher risk for heart disease, stroke, diabetes, and even certain types of cancer. Obesity-related conditions kill more than 110,000 Americans every year. We do not want to see more children with diabetes. We don't want our children to be burdened with a lifetime of disease and disability.

Public health advocates have been sounding the alarm for years, but this problem has only gotten worse and this Congress and the Federal Government have largely ignored the problem. Over the last few decades, the rate of children who are obese or overweight has doubled. In 1973, we were looking at 15.4 percent. That was the percentage of obese and overweight American children. But if we look ahead only 40 years, we see the rate has gone from 15.4 percent to 31.7 percent. That is almost one-third of our childhood population. This issue has even affected our military and the statistics are shocking; 25 percent of our young men and women who want to join the military are too overweight to serve.

We need to take bold action. This farm bill is not just about making sure

businesses stay profitable, it should be about keeping our citizens healthy too. We owe it to our kids and our country to learn what is causing this calamity.

That is why I filed an amendment to focus in on a particular suspected contributor to the problem. The Federal Government can and should determine whether sugary drinks are causing obesity and causing the damage that goes with it. Americans are drinking more high-sugar drinks than ever before—children and adults drink twice the amount of sugary soda than they did just three decades ago. These drinks are cheap and available everywhere—in restaurants, convenience stores, movie theaters or vending machines.

We have seen children and teenagers holding giant cups of soda or other sugary drinks. Some of these sizes are so big they look like a barrel. When a child drinks 32 ounces, takes a 32-ounce cup of soda, it is the equivalent of ingesting 41 sugar cubes. Can you imagine anyone permitting their children to devour 41 sugar cubes? Who in this body would give their child or grandchild 41 sugar cubes to eat?

The city of New York is taking a bold course of action and other communities have done their own studies and have decided to act. In Congress, we need to step up and do our part. We need to know what role sugary drinks are playing in the childhood obesity epidemic in America. My amendment would initiate a study on the impact of these drinks on obesity and human health in the United States. It would require an examination of public health proposals regarding the cost and the size of these drinks. The amendment is endorsed by organizations such as the American Academy of Pediatrics, the American Heart Association, the American Diabetes Association, the American Public Health Association, and the Center For Science and the Public Interest.

I reach out, I urge my colleagues to support this amendment. I ask that, once and for all, we work together to do what we can to protect our children—protect them, in this case, from the obesity epidemic. I hope we will join together to fight for the well-being of our children.

I yield the floor and I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE REFORM

Mr. BROWN of Ohio. Mr. President, the Agriculture Reform, Food, and Jobs Act of 2012, which the Presiding Officer from New Jersey just spoke of, in my State called the farm bill, represents the most significant reform of U.S. agriculture in decades. It is the product of months of policy discussion and late-night deliberations, guided by Chairwoman STABENOW and Ranking Member ROBERTS. It is the reason why people across the country, farmers and business owners and faith leaders and county commissioners are paying attention. The bill benefits all of us, all Americans.

Today, one in seven jobs in Ohio is related to the food and agriculture industry. To get the economy back on track, the farm bill must remain a priority in Congress. The Agriculture Committee has worked to craft a farm bill that is forward-looking and realistic. The centerpiece of the bill's deficit reduction efforts is based on a bill I authored with my colleague JOHN THUNE, a Republican from South Dakota, along with Senator DURBIN, a Democrat from Illinois, and Senator LUGAR, a Republican from Indiana. Our Aggregate Risk and Revenue Management Program proposed streamlining the farm safety net and making it more market oriented. The era of direct payments—the billions of dollars that newspaper editorial writers and constituents alike complained about, these huge farm subsidies that went mostly to large corporate farmers—the era of direct payments made annually regardless of need under this bill is over.

Instead, the new Ag Risk Coverage Program will work hand in hand with crop insurance to provide farmers the tools needed to manage risk, making payments only when farmers need them most.

The program is market oriented. It relies on market data instead of arbitrary numbers in statutes. It is more responsive to farmers' needs and more responsible to taxpayers. The bill reforms a number of longstanding, unjustifiable practices. For the first time, this farm bill ends payments to landowners who have nothing to do with farm management. It puts a firm cap on how much support any farmer can receive from the direct farm support programs every year. There are commonsense reforms that ensure the taxpayer dollars go only where they are needed.

Is there more to be done to make sure taxpayers get the most efficient, effective, and affordable farm policy possible? Of course there is. In the coming years, we will continue to improve our farm and food policy, but this is a good start. It is good for farmers, good for taxpayers. It continues to move our Nation's food and agriculture policy in a positive direction.

The farm bill is a jobs and innovation bill. Every \$1 billion in exports supports 8,400 American jobs that cannot be shipped overseas, according to the USDA. In 2011, U.S. agriculture enjoyed a trade surplus of \$42 billion, \$42 billion we sold more than we brought in from abroad in farm products, the highest annual surplus on record. Contrast that with the billions and billions, tens of billions, hundreds of billions of dollars in trade deficit we have in manufacturing in other parts of our economy.

There is so much room for growth, not only overseas but also at home. Bio-based manufacturing and renewable energy are two examples of the potential that American agriculture holds for U.S. economic growth and for job creation. Alongside food production, farm-based and renewable energy production, such as advanced biomass energy, can serve as the engine of the rural economy for decades to come. It is investments in agriculture such as this, such as the ones this bill maintains in research and energy and bio-based products and food production, that will enable continued creation of good-paying jobs, again that will not, that cannot be shipped overseas.

The farm bill provides economic relief to millions of Americans. Although we call it a farm bill, this bill is fundamentally an economic relief bill. For farmers, the bill provides financial assistance to weather tough times or adopt conservation practices that protect clean water and healthy soils and wildlife habitat. For millions of Americans, this bill helps put dinner on the table when wages are tight and families are struggling to make ends meet and keeps children from going hungry. That is why this bill is so important. I add, the Presiding Officer from New Jersey has always been such a strong advocate of these nutrition programs. We both understand that more than one-third of people who are getting SNAP, who are receiving what we used to call food stamps, are working families, people who are only making \$9, \$10, \$11 an hour, sometimes working two jobs, and still cannot make it without some food assistance.

The bill includes resources for SNAP, the Supplemental Nutrition Assistance Program, which is one of the Nation's most essential antipoverty programs. In addition to supporting people who are struggling to feed their families, SNAP supports retailers and businesses and the farmers and ranchers who grow the food.

At a time of high unemployment, SNAP participation now exceeds 44 million Americans, half of whom are children. Many of these families are working families. Half the people served by SNAP are children.

SNAP participation is expected to fall as the economy recovers. The bill continues to support SNAP with minimal modifications. It continues and in-

creases support for commodity distribution to food banks at a time when food pantry shelves in Ohio and across the Nation are bare. But I want to be clear. I have serious concerns with the cuts, not large cuts such as the House Agriculture Committee wants to do and that Senator PAUL tried to do—very unsuccessfully—and that Congressman RYAN made with his budget from the House of Representatives—nothing even close to the tens and tens of billions of dollars they want to cut from nutrition. But I am concerned about this \$4 billion cut. When compared to the \$130 billion in cuts to SNAP in the Ryan budget, the modification in this bill was done carefully.

The farm bill is a deficit reduction bill, a jobs bill, an economic relief bill. It affects every American every day. I commend, again, Chairwoman STABENOW and Ranking Member ROBERTS. Their joint effort to work across party lines is to be commended.

These months of work and deliberation are at risk because some insist on debating dozens of unrelated amendments and others seek to score political points at the expense of American families and at the expense of American farmers. This is not the time to debate conceal-and-carry laws or American aid to Pakistan or the future of the Labor Relations Board. Not that any of those are not debatable or any of those aren't a place where people can have reasonable differences on public policy. But conceal and carry, American aid to Pakistan, the future of the Labor Relations Board should not be part of the farm bill.

I urge my colleagues to work together and halt the impasse that keeps us from making progress on this bill.

I am the first Ohio Senator who is a member of the Agriculture Committee in 40 years. In my first month in the Senate, I made a request to Senator REID to join the Agriculture Committee, along with other duties, because of the importance of agriculture in my State. One out of seven jobs in Ohio is related to agriculture. It is the largest business, largest industry in my State. It matters so much to Ohio.

My position on the Agriculture Committee has helped as I have done roundtables around Ohio and met with literally hundreds of farmers, including grain farmers, dairy farmers, specialty crop farmers, nursery farmers, tree farmers, experts at Ohio State in the agriculture school, and I have come prepared to help write this farm bill both back in 2007 and this year. This is a major step forward. It is something of which we can be proud.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to

speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

TRIBUTE TO MARCIA HERZOG

Mr. REID. Mr. President, I rise today to acknowledge a dedicated public servant who will be retiring this month after 37 years of service to the General Services Administration. Marcia Herzog started her career with GSA in 1973, working for the Federal Supply Service. From 1982 to 1987, she moved to GSA headquarters to work with the Office of the Comptroller, then on to the Public Buildings Service and then to work for the Executive Secretariat. In 1987, Marcia joined the Office of Congressional and Intergovernmental Affairs. In 1997, she assumed the role of national director for the Congressional Support Program, which she continues to hold. For these last 16 years, Marcia has worked in unison with the Senate Sergeant at Arms, the Committee on House Administration, and the House Chief Administrative Officer to oversee and ensure that district offices of both Senate and House Members are located and equipped to each Member's specification and desire. Her poise, professionalism, wisdom, and support have successfully guided the congressional service representatives of GSA, who operate in each of the 10 GSA regions of the United States, to provide the highest level of customer service when responding to congressional office needs in Member home State offices across the country. We congratulate Marcia on her diligent service to this body and offer her our heartfelt well wishes as she transitions to her next endeavor.

TRIBUTE TO MCCREARY COUNTY, KENTUCKY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a very special part of my home State, the Commonwealth of Kentucky. I am speaking of McCreary County, in the southeastern region of the State. This year, McCreary County celebrates its centennial; according to the McCreary County Museum located in the heart of historic downtown Stearns, KY, the county's birthday was on March 12, 2012. One hundred years ago, Kentucky Governor James B. McCreary signed the legislation creating the county, named after himself, as the 120th and last county of the Bluegrass State, formed out of portions of Wayne, Pulaski and Whitley counties.

The people of McCreary County today have upheld the rich traditions and legacy of the hardy Kentuckians who were there for that county's founding 100 years ago. They have exemplified the very best of what southeastern Kentucky has to offer, they have kept

Kentucky's history alive, and they represent the future of Kentucky and our Nation. I ask my Senate colleagues to join me in wishing the people of McCreary County the very best as they celebrate their centennial.

An article published in the McCreary County Record recently described the events of McCreary County's centennial celebration. I ask unanimous consent that said article appear in the RECORD.

There being no objection, the article was ordered to appear as follows:

[From the McCreary County Record, Mar. 15, 2012]

HAPPY BIRTHDAY! COUNTY MARKS 100 YEARS
WITH DAY-LONG CELEBRATION
(By Janie Slaven)

WHITLEY CITY.—The past, present, and future converged Monday as McCreary County celebrated its centennial.

Festivities centered around the local courthouse, which attracted state and federal dignitaries.

Representatives for Governor Steve Beshear and U.S. Senator Mitch McConnell read congratulatory letters while State Representative Sara Beth Gregory presented McCreary County Judge-Executive Doug Stephens with a resolution passed by the House on Friday.

Judge Stephens opened the ceremony with a prayer. Quoting I Chronicles, he acknowledged that McCreary County has suffered the "curse of poverty and scourge of drugs" but asked God to heal our land. The judge went on to praise the endurance and resilience of our citizens, saying that McCreary County is not just a spot on a map but a way of life.

"We have a rich history but we also have a rich future," Judge Stephens said.

To illustrate that history, the bulk of the ceremony was devoted to "A Governor's Visit"—the dramatization of namesake Governor James B. McCreary's 1914 visit to Kentucky's latest county—by local historian Sam Perry. Through speeches from the governor (as portrayed by Jimmy Waters), first elected county judge Joseph Williams (Adam Phillips), State Rep. William B. Creekmore (Grady Wilson), and narration from former judge-executive Jimmie W. Greene; the play gave the crowd attending a lesson in who settled the Big South Fork region and what went into forging the new McCreary County from portions of Wayne, Pulaski and Whitley counties.

Following the play, Judge Stephens ceremoniously cut the first piece of the county birthday cake (prepared by Yummi Bakery)—which he presented to the oldest citizen in attendance, Fannie Morgan, who turned 100 last November. The second piece went to the youngest citizen, four-year-old Bailey Gilreath.

The crowd then gathered into the fiscal courtroom, where county officials debuted the recently refurbished portraits of 14 of McCreary County's 19 judges and judge-executives. Centennial Commission member Shane Gilreath noted that the elite group came from all walks of life. They were attorneys, social workers, farmers, miners, teachers and more.

Photographs of Mahan Renfro and Joseph Williams, which had hung in the portrait gallery and have been replaced by paintings, were presented to family members. Maxine Lawson, "Cookie" Joe Williams and Debbie Jo Peterson represented three generations of

the Williams family. Greene, Renfro's nephew by marriage, joked that he had lobbied for a portrait to represent each of his four terms.

Deputy Judge-Executive Andrew Powell and McCreary County Museum director Amy Combs recognized the artists in attendance—including Dorothy Washam, Dale Crabtree, and Nadine Heth—before unveiling two new portraits honoring the last two judge-executives. Judge Stephens's portrait will be hung at a later date, but Blaine Phillips's portrait was hung by his wife, Kathy, and twin brother, Wayne.

Before breaking for a luncheon hosted by the McCreary County Historical Society, those attending had the opportunity to view a number of exhibits displayed throughout the courthouse's ground floor.

If the morning was devoted to our county's past, the evening focused firmly on the future. After signing a proclamation honoring the county's centennial during Monday's regular fiscal court meeting, Judge Stephens signed another in honor of the Girl Scouts' 100th anniversary. Local troops—assisted by representatives from the Daniel Boone National Forest's Stearns Ranger District (which is celebrating its 75th anniversary)—planted a sugar maple on the courthouse lawn.

If you missed Monday's celebration, you have several opportunities to obtain centennial keepsakes.

For a limited time, the U.S. Postal Service is offering a postmark commemorating the occasion. Mail order requests for the special cancellations will be available for 30 days beginning March 12.

Customers should allow at least a 2-inch-by-4-inch space in the stamp area for the postmark and have postage applied to cards or letters before mailing them—inside another envelope—to: Postmaster, McCreary County Centennial Station, 1387 North Highway 27, Whitley City, KY 42653.

The McCreary County Museum is offering a set of 12 historic postcards as well as DVDs of the day's events for \$10 each. Call 376-5730 for more information.

WORLD WAR II VETERANS

Mr. TESTER. Mr. President, finally, let me shift gears to another topic I care deeply about; that is, taking care of our veterans. This weekend a group of World War II veterans from Montana will be visiting our Nation's capital. With a great deal of honor and respect, I extend a hearty Montana welcome to each and every one of them.

Together, they will visit the World War II Memorial and share stories about their service. This journey will no doubt bring about a lot of memories. I hope it will give them a deep sense of pride also.

What they achieved together almost 70 years ago was remarkable. That memorial is a testament to the fact that a grateful nation will never forget what they did nor what they sacrificed. To us, they were the greatest generation. They left the comforts of their family and their communities to confront evil from Iwo Jima to Bastogne. Together, they won the war in the Pacific by conquering an empire and liberated a continent by defeating Hitler and the Nazis.

To them, they were simply doing their jobs. They enlisted in unprecedented numbers to defend our freedoms and our values. They represented the very best of us and made us proud.

From a young age I remember playing the bugle at the memorial services of veterans of the first two world wars. It instilled in me a profound sense of respect I will never forget.

Honoring the service of every generation of American veterans is a Montana value. I deeply appreciate the work of the Big Sky Honor Flight, a nonprofit organization that made this trip possible.

To the World War II veterans making the trip this weekend, I salute you. We will always be grateful, and we will never forget your service or sacrifice.

TRIBUTE TO STAN SLOSS

Mr. UDALL of Colorado. Mr. President, as every one of our colleagues will attest, the work we do in this Chamber is made possible by many exceptional people who do not carry an election certificate. I am speaking of the dedicated staffers who work on committees and in our personal offices.

Many of the staff members we interact with every day go on to build their own careers in political life, while others use the skills they developed here to work in rewarding ways for the private sector. Others continue in public service with nonprofit organizations or other kinds of government service. A few will make their contribution to public service by staying here as employees of the House of Representatives or the Senate. A smaller and more distinct group will develop such broad expertise in the legislative branch that they might as well carry an election certificate of their own because of the respect, esteem, and high regard in which they are held. These are the men and women whom other congressional staffers seek for their wisdom and guidance. These are the wise people whom Senators and Congressmen look upon as peers, not only because of their good counsel and uniquely honed years of experience but also because they often know more about the legislative process than legislators themselves.

Among this more and most distinct group of staff members, there is a standout, my friend Stan Sloss. I know the Presiding Officer knows Stan Sloss. Stan is marking his 14th year of service in my office but also 37 total years of work in Congress.

A native of Glenwood Springs, CO, Stan is a graduate of Amherst College and Harvard Law School. He came to Washington, DC, in the late 1960s, working first in the General Counsel's Office of the Atomic Energy Commission.

Stan's congressional career started in 1975 when he joined the staff of what

was then known as the Interior and Insular Affairs Committee in the House of Representatives.

In 1977 Stan became a counsel to the new Subcommittee on General Oversight and Alaska Lands chaired by former Representative John Seiberling, an iconic past Member of the House of Representatives. In this capacity, Stan worked with both Representative Seiberling and my father, Morris Udall, who was chairman of the full Interior Committee.

Stan has had many successes, but one that I am most proud of is his work to help draft legislation that became the Alaska National Interest Lands Conservation Act—key legislation setting aside more than 100 million acres of Alaska's most pristine public lands. Stan staffed hearings throughout the lower 48 States and Alaska and was one of the many key professional staff who helped shape the final legislation. The law was a milestone in conservation, protecting an area larger than the State of California and more than doubling the size of the Nation's system of national parks, wildlife refuges, wilderness, and wild and scenic rivers.

When John Seiberling retired in 1987, Stan remained on the Interior Committee staff, serving under former Representative Bruce Vento, chairman of the Subcommittee on National Parks and Public Lands. Stan continued to work on many other laws and regulations affecting public lands and natural resources, including the Arizona Desert Wilderness Act sponsored by my father.

Stan's expertise was simply indispensable. In 1995 Stan left the Resources Committee to become the legislative director for David Skaggs, a House Member from Colorado, who benefited from Stan's years of experience and expertise with public lands issues.

I have a letter from Congressman Skaggs noting all of Stan's accomplishments and service. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 13, 2012.

Hon. STAN SLOSS,
*Congressional Staffer Extraordinaire, Office of
Senator Mark Udall, Washington, DC.*

DEAR STAN: Yes, "The Honorable." You are entitled to that term of address more than most on whom it is bestowed *ex officio*. For you, it is has been earned *per labores*.

I am reluctant to contemplate your retirement—or, more precisely, to think of the Congress no longer subject to your knowledgeable instruction and deft oversight. No doubt the superlatives will flow from those who will speak in person at your party. I wish I could be there, and will count on the good Senator to read this for me.

My vocabulary is barely adequate to express my admiration, respect and gratitude for your service to Article I branch and to me personally. You are simply without peer in devotion to duty, in insistence on the highest standards of intellect and integrity,

and in institutional loyalty. You have educated us with your insights into law and policy, you have inspired us by your courage and steadfastness, and you have supported us with your friendship and wry humor.

All who have had the privilege of working with you, even as we pretended that you worked for us, feel a poignant mix of deep affection and some sadness at the occasion of your retirement. To say that you will be profoundly missed barely suffices. I pray that you will draw enormous pride and satisfaction in looking back on a career of exceptional service to your country. The United States is a much better place on account of Stan Sloss. The Honorable Stan Sloss.

Godspeed, dear friend.

With great respect and affection,

DAVID E. SKAGGS,

Former Member of Congress.

Mr. UDALL of Colorado. While Stan was working with Congressman Skaggs, he also dealt with contentious issues related to Rocky Flats, a former nuclear weapons site in Colorado, and the other sites in the U.S. Department of Energy nuclear weapons complex.

Stan was one of the first people I hired following my election to the House of Representatives in November of 1998. It was one of the best decisions I have ever made. I was fortunate to have someone with Stan's experience who also understood issues important to Colorado. While in my House office, Stan was instrumental in developing a number of land and environmental bills that were signed into law, including the Rocky Flats National Wildlife Refuge Act, which converted this site and a vast expanse of open space into a wildlife habitat asset after it was cleaned up and closed. He also steered into law the James Peak Wilderness and Protection Area Act, one of the last unprotected areas along Colorado's Northern Front Range mountainous backdrop. Stan has also been my expert on fire prevention, developing legislation on forest health and wildfire response and mitigation.

But Stan's work has not just been confined to the environmental arena. His keen intellect, common sense, and sharp legal analysis have been invaluable on a wide range of issues and topics that face each and every one of us every day. He has been especially effective in tutoring many of the younger members of my staff on the inner workings of Congress, helping them learn the nuances of legislative drafting, and serving as an example of the highest standard of professionalism for congressional staff.

Like any thoughtful and accomplished lawyer, Stan is often fond of saying that he can "argue it flat or he can argue it round," and his objectivity is legendary in our office. Having said that, however, I also know that beneath his always calm demeanor and his capacity to see all sides of the question, there beats the heart of a man who is passionate about doing the right thing.

Through many years of working on behalf of the people of Colorado in my

House office and now my Senate office, Stan has always been a voice of wisdom, reason, and, above all, integrity. My colleagues in the Colorado congressional delegation have often looked upon Stan as their resource as well. I have never minded sharing him because his advice and guidance carry weight that inevitably makes better whatever bill or policy he has been asked to consider. I think I daresay the Presiding Officer has also had the opportunity to work with Stan and take advantage of his wisdom and insight.

Stan is a person of depth and accomplishment beyond his work in Congress. He is one of the best read people I have ever met. He is an expert on gardening, on opera, on history, and the list goes on and on. I have to say parenthetically, as a graduate of Williams College, for me to say that about an Amherst graduate probably has double weight.

Stan has an exceptional sense of humor and a dry wit, as demonstrated in the poems he often wrote making wry observations on current events which he would regularly circulate to staff. In short, he has perfected what seems to be the lost art of being polite and courteous to other people even when he disagrees with them. That, of course, is a quality we could always use a bit more of in Congress.

Stan is not only a good employee, he is also a good human being. In the rough-and-tumble world of politics, that is perhaps the highest praise to which any of us can aspire. His contributions to my offices, the offices of other Members, the House Resources Committee, and the whole Congress and ultimately the people of the United States serve as an example of a professional life that commands both respect and affection.

Just a few months ago, my staff and I celebrated Stan's 70th birthday with him, as we had his 60th and 65th birthdays in past years, and today we are honored to celebrate his retirement. My staff and I will miss Stan, it goes without saying, and we will miss working with him.

As a point of personal privilege, I want to make it clear that I know I will continue to seek his advice even after he leaves congressional service. I am excited to see what the next chapter will be for Stan. It will no doubt involve some adventure, some noble pursuits, some deep thought, and some new summits to ascend.

So please join me in thanking Stan Sloss for 37 years of exceptional work in the Congress and for his service to our country that he loves so much. We wish him well.

TRIBUTE TO SHERRIE SLICK

Ms. MURKOWSKI. Mr. President, I am pleased to follow my colleague from Colorado who has come to the

floor to recognize a very fine public servant who has been with him and the Senate for years. I, too, today rise to speak of an Alaskan who has dedicated a quarter century to service in the Senate, working as my staff person down in Ketchikan, AK.

I would like to share a few comments with my colleagues on this occasion. It is a little bit of a happy occasion, a little bit of a sad occasion. I think my colleague from Colorado would agree that when we have someone who has dedicated so many years, we wish them well as they move forward, but their departure leaves a little bit of a hole for those of us who carry on.

Today I rise to honor Sherrie Slick, who on June 1 began her 25th year as a Senate staffer in southeast Alaska based in her hometown of Ketchikan. Sherrie plans to retire from Federal service on July 30, after, again, a quarter century of service to her State.

For Sherrie, I think her retirement is very likely a cause for joy. It is going to give her more time to spend with her kids and her grandchildren, more time to devote to the many volunteer and civic efforts in which she is engaged in southeast Alaska. But it is going to be a sad time for myself and for Congressman DON YOUNG.

Sherrie provided guidance to the Alaska delegation in Ketchikan, Alaska's first city, through a very interesting time. It has been somewhat of a turbulent quarter century, one in which the region's former economic mainstay, which is its timber industry, has sharply contracted, during a period in which the tourism industry has significantly grown, and during a period where its prospects of supporting major mineral development I think have substantially brightened—that is a good spot for us. It has been a period when Ketchikan, which is the seventh largest entity in our State, which is the only large community that is separated from its lifeline with its airport on a neighboring island, has endured somewhat unwelcome national attention solely because they seek dependable access by bridge.

Over the years, Sherrie has responded to tens of thousands of public and media inquiries and requests for help over everything from Social Security checks and visas to immigration documents. She has listened to thousands of complaints over access to Alaska public land and to objections to many, many Federal regulations—far too many to count here. Through it all, I think it is fair to say that Sherrie has been that proverbial energizer bunny. She has more enthusiasm, more energy than many people combined. She listens patiently, and she works tirelessly to help all. She helps those southeast residents and visitors deal with Federal agencies, navigate the Federal redtape, and then on top of it, all in that extra time, she volunteers to help her com-

munity and help her State be a better place in which to live and raise a family.

Sherrie's volunteer efforts were recognized by the community when she was named Citizen of the Year back in 2005 by the Greater Ketchikan Chamber of Commerce. But her accomplishments go far beyond being named the Federal Employee of the Year, the Ketchikan Chamber of Commerce's Outstanding Chamber Emissary in 1991, its outstanding board member in 1994 and its chairman in 1996. She has also received the Ketchikan Rotary Club's Community Service Award in 1994, received the Ketchikan Federal Executive Association's Lifetime Community Service Award in 2006, received the Ketchikan Visitors Bureau Rainbird Award in 1990 and gained its Outstanding Service Award in 2006.

Ms. Slick, originally from Corvallis, Oregon, has a degree in elementary education from Oregon State University and also training in business and accounting from Linn-Benton Community College in Corvallis. She moved to Ketchikan in 1975. A mother of two, Brian and Theresa, she first worked for eight years as the office manager of the Ketchikan Credit Bureau before moving to insurance underwriting for three years. She later became the assistant sales tax auditor for the Ketchikan Gateway Borough for five years and then spent a sixth year working as the borough's planning and zoning secretary.

In June 1988, former Alaska Senator Ted Stevens, with encouragement from the state's other Senator at the time, my father, Frank Murkowski, stole Sherrie away from local government to head the Delegation's unified southern Panhandle constituent office. In addition to her legislative work, Sherrie has performed a dizzying array of volunteer services for her community and state.

Since 2004 she has been a member of the Ketchikan Pioneers Home Foundation, the state's main senior care provider. She was a board member of the Alaska State Pioneer Homes Board from 2007 to 2010, a board member of the Ketchikan General Hospital Foundation from 2008 to 2010, served as chair person of the Ketchikan Chamber of Commerce in 1996, as chairman of Ketchikan Rotary in 2000 and as the Secretary-Treasurer of the Ketchikan Federal Executive Association. She also was the Treasurer and Vice Chairman of Ketchikan Soroptimists, a member of the Executive Board of the Alaska Public Employees Association and State Treasurer of the Ketchikan Gateway Borough chapter of the State Employees Political Information Committee.

While active in local and state politics, Sherrie also was the founding board member of the Ketchikan Soccer League, the vice president of the

Ketchikan Killer Whales Swim Club, the Co-Leader and Day Camp director of the local Campfire Girls program, a Boy Scouts Co-Leader and Den mother, a leader for the local junior and senior high schools' drill teams and for four years was a board member, vice-chair and chairman of the Ketchikan Theater Ballet. The latter posts allowed her to express her musical loves which include playing piano, organ, clarinet and accordion.

Sherrie, in her "free" time, also operated a part-time catering company and was a partner in the Alaska Cruise Line Agency, which provides lecturers to explain Alaska's history, discuss its scenery and wildlife and answer tourist questions about the state during voyages up the Inside Passage aboard commercial cruise ships. In that role Sherrie has provided factual information to thousands of visitors to the 49th State answering such questions as whether visitors to Alaska can use American stamps on their postcards. She, in that post, has been a true ambassador for the state's tourism industry.

Through it all, including organizing and staffing literally hundreds of federal official visits, congressional field hearings and volunteer fundraising events, such as those to aid breast cancer detection and treatment, Sherrie has maintained her calm, her poise and her never failing sense of humor and graciousness—not to mention her energy level. Her dedication to family, community and career is universally recognized by friends and associates.

I can't thank her enough for her service to me during my decade in the U.S. Senate, and her service to her fellow Alaskans over the past 25 years. Her intelligence, knowledge and people-pleasing skills will be sorely missed in the future. I hope that all members of the U.S. Senate will join me in wishing her well and godspeed in her retirement pursuits. She has earned all of her accolades and the true thanks of all Alaskans in the Panhandle for a job very well done.

I am pleased and delighted to have her here with her granddaughter enjoying some Washington, DC, hospitality. Again, I cannot give thanks near enough to her for all the years of service Sherrie has provided to my State.

TRIBUTE TO LORY YUDIN

Mr. HARKIN. Mr. President, there is a definition of "United States Senator" that I have always enjoyed: "A United States Senator is a constitutional impediment to the smooth functioning of staff." We may laugh. But we all know that there is a lot of truth in that!

On the Committee on Health, Education, Labor, and Pensions, which I chair, I am blessed with one of the finest staff teams on Capitol Hill. And on that staff, Lory Yudin, our chief clerk,

has set the highest standard for professionalism, expertise, and work ethic. So it is a sad day for the committee as Lory retires this week.

Actually, this is Lory's second retirement from the Senate. She originally came to work in the Senate in 1977, as a staffer for the Banking Committee, later moving to the Rules Committee, and retiring in 2001.

She was coaxed to come back to the Senate in 2009. It was a critical time for the HELP Committee, just days before the committee was scheduled to begin markup of the historic health reform bill. We were in sudden, urgent need of a new chief clerk. And not just any chief clerk. This was no time for on-the-job training. We needed a seasoned veteran who could step right in and take charge of a long and complex markup process. Long-time staffers put their heads together and came up with the answer: We need to persuade Lory Yudin to come back to the Senate.

Fortunately, Lory said yes. On her first day, she walked into a scene of disarray, with boxes, papers, and documents scattered across tables and lining hallways. Lory quickly took charge, imposing order and discipline—and, most importantly, projecting a sense of calm and competence. In short order, everything was sorted, organized, and under control. The committee was ready for one of the most important markups in its history. As one senior staffer said about Lory's leadership at this time, "She really rescued the committee."

In the nearly 3 years since, Lory Yudin has become a beloved and respected chief clerk, looked up to by everyone as the quintessential Senate professional. And, of course, she has been a great friend to members and staffers alike. For younger staffers, she has been the perfect mix of mentor and mom, someone they turn to for wisdom and counsel.

Lory is very much a member of our Senate family. This is where she met her husband David, as well as so many of her lifelong friends. And while Lory has always been dedicated to her work here in the Senate, there is no question that her family has always come first, especially her son Eli. As we know, Lory is extraordinarily proud of Eli's graduation, just weeks ago, from the University of Michigan.

Today, as Lory begins the next chapter of her life, I join with the HELP Committee's Ranking Member, Senator ENZI, and all the committee's members and staffers in expressing our respect and love for Lory, and our gratitude for a job done with enormous skill and dedication. We wish Lory and her family the very best in the years to come.

HURWITZ NOMINATION

Mr. GRASSLEY. Mr. President, yesterday, all time was yielded back on

the Hurwitz nomination, post-cloture, and the nominee was then confirmed by voice vote. I was not aware we were going to vote on the nomination by voice. Had I known, I would have requested the yeas and nays. The following Members have informed my staff that if there had been a rollover vote, they would have voted 'nay' on final confirmation on the nomination of Andrew Hurwitz to the Ninth Circuit Court of Appeals:

1. Senator Chuck Grassley (R-IA)
2. Senator Orrin Hatch (R-UT)
3. Senator Mike Lee (R-UT)
4. Senator Jeff Sessions (R-AL)
5. Senator Richard Shelby (R-AL)
6. Senator Lindsey Graham (R-SC)
7. Senator Jim DeMint (R-SC)
8. Senator John Cornyn (R-TX)
9. Senator Kay Bailey Hutchison (R-TX)
10. Senator Tom Coburn (R-OK)
11. Senator James Inhofe (R-OK)
12. Senator Mitch McConnell (R-KY)
13. Senator Rand Paul (R-KY)
14. Senator John Barrasso (R-WY)
15. Senator Mike Enzi (R-WY)
16. Senator David Vitter (R-LA)
17. Senator Pat Toomey (R-PA)
18. Senator Roy Blunt (R-MO)
19. Senator Johnny Isakson (R-GA)
20. Senator Saxby Chambliss (R-GA)
21. Senator John Thune (R-SD)
22. Senator Pat Roberts (R-KS)
23. Senator Jerry Moran (R-KS)
24. Senator Dan Coats (R-IN)
25. Senator Thad Cochran (R-MS)
26. Senator Roger Wicker (R-MS)
27. Senator James Risch (R-ID)
28. Senator Mike Crapo (R-ID)
29. Senator John Hoeven (R-ND)
30. Senator Mike Johanns (R-NE)
31. Senator Richard Burr (R-NC)
32. Senator Lamar Alexander (R-TN)
33. Senator Bob Corker (R-TN)
34. Senator John Boozman (R-AR)
35. Senator Marco Rubio (R-FL)
36. Senator Dean Heller (R-NV)
37. Senator Ron Johnson (R-WI)
38. Senator Kelly Ayotte (R-NH)
39. Senator Ron Portman (R-OH)

ADDITIONAL STATEMENTS

VETERANS' HEALTH CARE

• Ms. COLLINS. Mr. President, today I wish to recognize a landmark moment in health care for our veterans. Today is the 25th anniversary of the ribbon cutting ceremony for the Nation's first Veterans' Community Based Outpatient Clinic, CBOC. On June 13, 1987, at the Cary Medical Center in Caribou, ME, Governor John McKernan was joined by Senators George Mitchell and William Cohen, and then-Congresswoman OLYMPIA SNOWE to cut the ribbon of the new clinic. As the first community based outpatient clinic of its kind in the United States, the Caribou clinic served as the proving ground upon which the Department of Veterans Affairs, VA, has built a nationwide health care system that delivers much improved access to care for America's rural veterans. Today nearly 3.5 million veterans, approximately 41 percent of those enrolled in the VA

health care system, live in rural areas, many of whom receive care at more than 800 community based outpatient clinics.

The history of the CBOC in Caribou, however, began long before the ribbon cutting, when seven Aroostook County veterans dedicated themselves to the mission of improving access to critical health care services to the veterans living in their communities. To accomplish this goal, they established the Aroostook County Veterans Medical Facility Research and Development, Inc. The initial members were Percy Thibeault, Meo Bosse, John Rowe, Ray Guerrette, Wesley Adams, Walter Corey, and Leonard Woods, Sr.

Over a span of 8 years, they committed themselves to convincing the VA to establish a veterans' health clinic in Caribou. They were joined along the way by other concerned veterans, community members, the Cary Medical Center, and a number of Maine veterans service organizations. Their initiative paid off 8 years later, and today, on the 25th anniversary of their historic accomplishment, they deserve to be recognized. Our veterans in rural areas throughout the United States benefit today from the dedication of this landmark work. CBOCs are a vital part of veteran health services today.

These exemplary seven men battled to ensure that health care services were available to every veteran living in rural areas. That battle, despite the VA's best efforts, goes on.

Rural areas are still underserved in the types of medical treatment available. In some cases CBOCs don't even have permanent physicians assigned. The Iraq and Afghan wars have created a new generation of combat veterans, many of whom have new medical needs including prosthetic medical treatments, mental health care, and extensive physical therapy needs.

I am encouraged by the VA's renewed commitment to rural health care, and the \$250 million that VA is allocating for programs for rural communities. But I would urge the VA to do more, and expand one program in particular, the Access Received Closer to Home, ARCH, project. ARCH has been tremendously popular in all five of the communities where the pilot program was established. Given Caribou's history, it is especially fitting that Caribou CBOC was selected as one of the five locations.

Our veterans have sacrificed so much for our country. We owe them all that we can to ensure they receive the best care possible. The seven men who fought for the Caribou CBOC knew that, and we honor their dedication to their fellow veterans by carrying on their work.●

TRIBUTE TO PAT BRUCE

• Mr. HELLER. Mr. President, I rise today to congratulate Pat Bruce for

being presented with the Bureau of Land Management's, BLM, "Making a Difference" National Volunteer Award. Mr. Bruce, a volunteer with the BLM Winnemucca District Black Rock Field Office, has been awarded for his outstanding volunteer service and leadership to preserve and maintain the Silver State's wilderness areas. I am proud to honor a Nevadan who is dedicated to giving back to our community to create a better and brighter tomorrow.

As the field project coordinator for the Friends of Nevada Wilderness, Mr. Bruce has dedicated 6 years to organizing volunteer projects within wilderness areas in the Black Rock Desert, which span over 1 million acres of BLM lands. Hiking in remote areas, Mr. Bruce maps routes and boundaries to create an assessment of current ground conditions. He is also a volunteer supervisor for nonwilderness projects which include the restoration and protection of BLM's Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area.

The Silver State is home to vast wildlands and wildlife, which are vital to the character of our State. As a life long Nevadan and an avid outdoorsman, I was raised to respect and appreciate our State's natural surroundings and abundant wildlife. I first enjoyed these great Nevada treasures with my father and have since passed that same respect and appreciation along to my children.

I understand the importance of good stewardship and appreciate Mr. Bruce's dedication to protecting and maintaining Nevada's lands. I am proud to represent him in the Senate and applaud him for his efforts to provide future generations of Nevadans the same recreational opportunities we enjoy. Today, I ask my colleagues to join me in recognizing Mr. Bruce for his commitment to Nevada.●

RECOGNIZING OAKHURST DAIRY

● Ms. SNOWE. Mr. President, in honor of June being National Dairy Month, I rise today to recognize Oakhurst Dairy, located in Portland, ME, for supplying New England with essential vitamins and nutrients. Through its sale of refrigerated milk and dairy products, Oakhurst is committed to producing the highest quality goods sourced from over 70 local farms throughout Maine and northern New England.

National Dairy Month began in 1937 in an effort to promote the immense benefits derived from milk and to stabilize the dairy demand during surplus production. Calcium, potassium, protein, and vitamins A and D are just a few of the indispensable nutrients found in dairy products that help reduce the risk for hypertension, osteoporosis, and certain cancers,

while also helping improve weight management, muscle tissue repair, and healthy skin. Although this national campaign only lasts for the month of June, the family-owned Oakhurst Dairy is constantly working to increase awareness of the necessity of these nutrients through community integration and product innovation in northern New England.

Stanley Bennett purchased the Portland dairy farm in 1921, naming the company after a grove of Oak trees found nearby. He promised to provide only the freshest quality products to all of his customers and established the trend of supporting the local community and the environment, practices which still hold true today. Oakhurst Dairy embodies the ideals of entrepreneurialism and encourages this spirit in others by resourcing products from small local farms to create their milks, dairy creams, cheeses, and juices. These products are then distributed to a variety of retailers, including chain grocery stores, and small independent grocery stores, and to foodservice outlets such as schools and restaurants.

Oakhurst understands the importance of providing for its employees and in the 1940s became one of the first businesses in southern Maine to initiate company-paid medical insurance and deferred profit-sharing plans. Since that time, Oakhurst has been devoted to providing for the community at all levels. On the corporate level, every year Oakhurst pledges 10 percent of pretax profits to organizations supporting healthy children and a healthy environment. This company also inspires future generations by giving out numerous scholarships for academic achievements and even promotes the future of the milk industry by sponsoring 4-H dairy program awards given at agricultural fairs. On the individual level, employees are encouraged to donate their time to fundraising events for nonprofit organizations and are often found serving on local boards, dedicating their leadership skills to inspire valuable changes.

The third generation of the Bennett family has continued to keep Oakhurst thriving, which now employs nearly 240 people. In addition to its headquarters in Portland, there are three distribution facilities located in Maine, New Hampshire, and Massachusetts, each operating to guarantee healthy lives in the communities they serve. Oakhurst Dairy—continuously seeking to improve the dairy industry—has recently begun fortifying their products with beneficial additives such as probiotics and Omega-3, which improve digestion, cardiovascular health, and boost immunity. In addition to product innovation, Oakhurst Dairy has made several truly outstanding achievements, including perfect scores from Federal quality and sanitation inspections, and

State awards such as the 2011 Maine Restaurant Association's Allied Member of the Year and the 2010 Maine Grocers Association's Vendor of the Year.

In addition, Oakhurst Dairy insists on making green initiatives a top priority in an effort to minimize their impact on the environment. Within the last decade, the company has largely reduced carbon dioxide emissions and offset fuel oil usage by transforming nearly the entire shipping fleet into biodiesel fuel trucks and installing solar panels in several of its facilities. As a means to ensure product safety and customer satisfaction, Oakhurst became one of the first companies in the U.S. to offer financial incentives to partnering farms for abstaining from treating their cows with artificial growth hormones. Oakhurst continues this practice of avoiding growth hormone additives through their trademarked America's First Farmer's Pledge.

Oakhurst Dairy continues to flourish, even in difficult economic times, thanks to its commitment to innovation and service. Year after year, Oakhurst Dairy has cultivated a winning strategy through its tradition of public service, safeguarding the environment, and keeping New England healthy. As a strong advocate for dairy farm protection, I am proud to extend my best wishes to the entire Oakhurst Dairy operation for their continued success.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6480. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Horse Protection Act; Requiring Horse Industry Organizations To Assess and Enforce Minimum Penalties for Violations" (RIN0579-AD43) (Docket No. APHIS-2011-0030) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6481. A communication from the Director of the Regulatory Review Group, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Selection and Functions of Farm Service Agency State and County Committees" (RIN0560-AG90) received in the Office of the President of the Senate on June 6, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6482. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC-6483. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Special Compensation for

Members of the Uniformed Services with Catastrophic Injuries or Illnesses Requiring Assistance in Everyday Living Fiscal Year 2012 Report Congress"; to the Committee on Armed Services.

EC-6484. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the Department in the position of Assistant Secretary for Community Planning and Development, received in the Office of the President of the Senate on June 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6485. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was originally declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-6486. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revision to the Section 8 Management Assessment Program Lease-Up Indicator" (RIN2577-AC76) received in the Office of the President of the Senate on June 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6487. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "U.S. Treasury Securities—State and Local Government Series" ((31 CFR Part 344) (Department of the Treasury Circular, Public Debt Series No. 3-72)) received in the Office of the President of the Senate on June 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6488. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Prudential Management and Operations Standards" (RIN2590-AA13) received in the Office of the President of the Senate on June 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6489. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Political Contributions by Certain Investment Advisers: Ban on Third-Party Solicitation; Extension of Compliance Date" (RIN3235-AK39) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6490. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy, Office of Energy Efficiency and Renewable Energy Activity Funding Level Report; to the Committee on Energy and Natural Resources.

EC-6491. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2010 and 2011"; to the Committee on Energy and Natural Resources.

EC-6492. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Management of Nuclear Construction Projects That Exceed \$1 Billion: Impact on Nuclear Safety Culture";

to the Committee on Energy and Natural Resources.

EC-6493. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers" (RIN1904-AB90) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Energy and Natural Resources.

EC-6494. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program; Revision" (FRL No. 9684-6) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Environment and Public Works.

EC-6495. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards for Several Counties in Illinois, Indiana, and Wisconsin; Corrections to Inadvertent Errors in Prior Designations" (FRL No. 9682-2) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Environment and Public Works.

EC-6496. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Florida: New Source Review Prevention of Significant Deterioration: Nitrogen Oxides as a Precursor to Ozone" (FRL No. 9687-1) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Environment and Public Works.

EC-6497. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; Wisconsin; Disapproval of 'Infrastructure' SIP with Respect to Oxides of Nitrogen as a Precursor to Ozone Provisions and New Source Review Exemptions for Fuel Changes as Major Modifications for the 1997 8-Hour Ozone and 24-Hour PM_{2.5} NAAQ" (FRL No. 9685-7) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Environment and Public Works.

EC-6498. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Surrogate Foreign Corporations" ((RIN1545-BF47) (TD 9591)) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Finance.

EC-6499. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Relief and Procedures Under Notice 2010-30 and Notice 2011-16 for Spouses of U.S. Servicemembers Who are Working In or Claiming Residence or Domicile in a U.S. Territory Under the Military Spouses Residency Relief Act" (Notice 2012-41) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Finance.

EC-6500. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Substantial Business Activities" ((RIN1545-BK86) (TD 9592)) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Finance.

EC-6501. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru" (RIN1515-AD89) received in the Office of the President of the Senate on June 4, 2012; to the Committee on Finance.

EC-6502. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a determination pursuant to Section 620H of the FAA, and Section 7021 of the Department of State, Foreign Operations, and Related Appropriations, 2012 (Div. I, PL. 112-74) regarding U.S. assistance (DCN OSS 2012-0837); to the Committee on Foreign Relations.

EC-6503. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-011); to the Committee on Foreign Relations.

EC-6504. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2012 through March 31, 2012; to the Committee on Foreign Relations.

EC-6505. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to provisions of Section 7042(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, as they relate to restrictions on assistance to the central government of Serbia; to the Committee on Foreign Relations.

EC-6506. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal entitled "Transfer of Naval Vessels to Certain Foreign Recipients"; to the Committee on Foreign Relations.

EC-6507. A communication from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN1890-AA17) received in the Office of the President of the Senate on June 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6508. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to new safety technologies and equipment that have been studied, tested, and certified for use in the mining environment; to the Committee on Health, Education, Labor, and Pensions.

EC-6509. A communication from the General Counsel, Office of Compliance, transmitting, pursuant to law, a report entitled "Safety and Health in the Congressional Workplace—Report on the 111th Congress Biennial Occupational Safety and Health Inspections"; to the Committee on Health, Education, Labor, and Pensions.

EC-6510. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Montgomery, Pennsylvania, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AM62) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6511. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Political Activity—Federal Employees Residing in Designated Localities" (RIN3206-AM44) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6512. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6513. A communication from the Chairman and Members of the Federal Labor Relations Authority, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6514. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6515. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Department of the Treasury Office of Inspector General Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

Deborah J. Jeffrey, of the District of Columbia, to be Inspector General, Corporation for National and Community Service.

* Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

* Larry V. Hedges, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

* Susanna Loeb, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring March 15, 2016.

* Kamillah Oni Martin-Proctor, of the District of Columbia, to be a Member of the National Council on Disability for a term expiring September 17, 2014.

* Sara A. Gelsner, of Oregon, to be a Member of the National Council on Disability for a term expiring September 17, 2014.

* Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and tes-

tify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Mr. JOHNSON of South Dakota):

S. 3288. A bill to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. GRASSLEY):

S. 3289. A bill to expand the Medicaid home and community-based services waiver to include young individuals who are in need of services that would otherwise be required to be provided through a psychiatric residential treatment facility, and to change references in Federal law to mental retardation to references to an intellectual disability; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. DEMINT, Ms. AYOTTE, Mr. COBURN, Mr. SESSIONS, Mr. LEE, Mr. CORNYN, Mr. RISCH, Mr. JOHNSON of Wisconsin, Mr. CHAMBLISS, Mr. ISAKSON, Mr. JOHANNES, Mr. INHOFE, Mrs. HUTCHISON, Mr. ROBERTS, Mr. COCHRAN, Mr. HOEVEN, Mr. WICKER, Mr. COATS, Mr. ENZI, Mr. GRAHAM, Mr. BOOZMAN, Mr. THUNE, Mr. BARRASSO, Mr. CRAPO, and Mr. MCCONNELL):

S. 3290. A bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 3291. A bill to prohibit unauthorized third-party charges on wireline telephone bills, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL (for herself, Mr. PORTMAN, Mr. MCCONNELL, Mr. KYL, Mr. HOEVEN, Mr. RISCH, Mr. ROBERTS, Mr. COATS, Mr. DEMINT, Mr. VITTER, Mr. ENZI, Mr. WICKER, Mr. COCHRAN, Mr. ISAKSON, Mr. TOOMEY, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mrs. HUTCHISON, Mr. SESSIONS, Mr. COBURN, and Mr. MCCAIN):

S. 3292. A bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 387

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH)

was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2027

At the request of Mr. BENNET, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2027, a bill to improve micro-finance and microenterprise, and for other purposes.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2165

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2165, *supra*.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2515

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2515, a bill to promote the use of clean cookstoves and fuels to save lives, improve livelihoods, empower women, and combat harmful pollution by creating a thriving global market for clean and efficient household cooking solutions.

S. 3202

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3202, a bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3228

At the request of Mr. THUNE, the name of the Senator from North Da-

kota (Mr. HOEVEN) was added as a cosponsor of S. 3228, a bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

S. 3235

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3235, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. RES. 176

At the request of Ms. MIKULSKI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

S. RES. 489

At the request of Mr. MCCAIN, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. RES. 492

At the request of Mr. BLUMENTHAL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 492, a resolution designating June 15, 2012, as "World Elder Abuse Awareness Day".

AMENDMENT NO. 2160

At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2160 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2196

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2196 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2197

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2197 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2199

At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 2199 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 2202 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2216

At the request of Mr. TOOMEY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 2216 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2219 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2224

At the request of Mr. THUNE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 2224 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2232

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 2232 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. TESTER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 2232 intended to be proposed to S. 3240, *supra*.

AMENDMENT NO. 2240

At the request of Mr. THUNE, the name of the Senator from Missouri

(Mr. BLUNT) was added as a cosponsor of amendment No. 2240 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2247

At the request of Mr. TOOMEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2247 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2248

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2248 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2257

At the request of Mr. SANDERS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2257 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2287

At the request of Mr. CARPER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 2287 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2289

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 2289 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295

At the request of Mr. UDALL of Colorado, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2295 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2299

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2299 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2306

At the request of Ms. MURKOWSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2306 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2311

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2311 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2367

At the request of Mrs. HAGAN, the names of the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 2367 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2370

At the request of Ms. CANTWELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 2370 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. MERKLEY, the names of the Senator from California (Mrs. BOXER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 2382 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2395

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2395 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. GRASSLEY):

S. 3289. A bill to expand the Medicaid home and community-based services waiver to include young individuals who are in need of services that would otherwise be required to be provided through a psychiatric residential treatment facility, and to change references in Federal law to mental retardation to references to an intellectual disability; to the Committee on Finance.

Mr. KERRY. Mr. President, each year nearly 3 million youth receive mental health services to address a range of issues including depression, severe mental illness, and suicide prevention. When youth with mental health needs are treated early, with the most appropriate care for their situation, they are

more likely to have positive outcomes during both their childhood and their adult life.

I have worked with my colleague Senator GRASSLEY on a bipartisan bill that will expand the Medicaid 1915(c) waiver to provide an option to serve children and adolescents with intensive home or community-based treatment services in lieu of being treated as inpatients in a psychiatric residential treatment facility. There are currently nine States participating in a 1915(c) waiver demonstration focused on children and adolescents, which expires in September of this year. Data has shown that the youth served through this demonstration waiver have had positive outcomes, have been able to stabilize, and have had significant improvement in mental and behavioral health. The waiver gives States more flexibility to offer the most appropriate mental health services for children on Medicaid. Without access to intensive home or community-based services, these children could otherwise be institutionalized. The waiver expansion will allow more States the opportunity to provide cost-effective care that best meets their children's mental health needs.

In addition, this bill officially removes the outdated term "mentally retarded" from the Social Security Act and replaces it with the phrase "intellectually disabled". In 2010, the President enacted the bipartisan Rosa's Law which removed the words "mentally retarded" from federal health, education and labor laws. This bill takes the necessary step of removing this obsolete term from a significant portion of the U.S. Code.

I would like to recognize Youth Villages, which has been integral to the development of this legislation. More than 30 organizations are supportive of this bill, including the American Academy of Child and Adolescent Psychiatry, the American Association of People with Disabilities, American Psychiatric Association, Bazelon Center for Mental Health Law, Child Welfare League of America, First Focus Campaign for Children, National Alliance on Mental Illness, National Council on Independent Living, and the Arc of the United States.

I look forward to continued progress in improving mental health treatment options for our youth and ask all of my colleagues to support this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2404. Mr. VITTER (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2405. Ms. MURKOWSKI submitted an amendment intended to be proposed by her

to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2406. Mr. REID proposed an amendment to amendment SA 2391 proposed by Mr. REID to the bill S. 3240, supra.

SA 2407. Mr. REID proposed an amendment to amendment SA 2406 proposed by Mr. REID to the amendment SA 2391 proposed by Mr. REID to the bill S. 3240, supra.

SA 2408. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2409. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2410. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2186 submitted by Mr. COBURN (for himself and Mr. DURBIN) and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2411. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2412. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2413. Mr. BLUMENTHAL (for himself, Mr. LIEBERMAN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2414. Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. REED, Mr. NELSON of Florida, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2415. Mr. PRYOR (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2416. Mr. PRYOR (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2417. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2418. Mr. LIEBERMAN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2419. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2420. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2421. Mr. PAUL (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2422. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KYL) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2404. Mr. VITTER (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the

bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 122. MINIMIZATION OF IMPACT OF ENDANGERED SPECIES LISTINGS AND DESIGNATIONS ON AGRICULTURAL LAND.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

“(j) MINIMIZATION OF IMPACT OF ENDANGERED SPECIES LISTINGS AND DESIGNATIONS ON AGRICULTURAL LAND.—

“(1) IN GENERAL.—Before any action is taken to list a species or designate critical habitat under this Act, the Secretary shall—

“(A) consult with the Secretary of Agriculture to identify all private agricultural land and land maintained by the Forest Service that could be adversely impacted by the listing or designation; and

“(B) prepare a report that describes the economic impacts of the listing or designation on land used for agricultural activities.

“(2) ECONOMIC ANALYSES.—In conducting economic analyses on the impact of the listing of species, or designation of critical habitat, described in paragraph (1), the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall—

“(A) conduct, and make available to the Secretary of the Interior and the public, separate economic analyses for—

“(i) private agricultural land; and

“(ii) land maintained by the Forest Service;

“(B) give landowners an opportunity for comment on the proposed listing or designation—

“(i) to obtain the input of the landowners; and

“(ii) to provide landowners the same opportunity to comment as other affected parties;

“(C) use sound and proven economic analysis tools in conducting the analyses, listing species, and designating habitat under this Act; and

“(D) make available on a public website—

“(i) a description of the total economic impact on agricultural land from all actual and potential listings and designations under this Act; and

“(ii) a map of all locations in the United States that are proposed for critical habitat designations.

“(3) ACTUAL NOTICE.—In listing species or designating habitat under this Act, the Secretary of the Interior shall, to the maximum extent practicable, provide actual notice to affected landowners and other parties.

“(4) APPEALS.—Before a species is listed or habitat is designated under this Act, the Secretary of Agriculture shall make available to affected landowners and other parties a description of all options that are available to appeal or obtain compensation from the listing or designation (including administrative and judicial options) against the Federal Government.

“(5) TRESPASSING ON PRIVATE PROPERTY.—

“(A) IN GENERAL.—If any person enters private land without the consent of the landowner to promote the purposes of this Act, any data obtained during or as a result of the trespass shall not be considered—

“(i) to be the best available science; or

“(ii) to meet the scientific quality standards issued under section 515 of the Treasury and General Government Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-153) (commonly referred to as the ‘Data Quality Act’).

“(B) AERIAL SURVEILLANCE.—No science that is produced as a result of aerial surveillance of private land without the consent of the landowner shall be considered to meet the scientific quality standards described in subparagraph (A)(ii).”.

SA 2405. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XIII—RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING

SEC. 13001. SHORT TITLE.

This title may be cited as the “Recreational Fishing and Hunting Heritage and Opportunities Act”.

SEC. 13002. DEFINITIONS.

In this title:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term “Federal public land” does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING.—The term “recreational fishing” means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13003. RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use

of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(1) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(3) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) **MANAGEMENT.**—Consistent with subsection (a), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(1) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) **PLANNING.**—

(1) **EFFECTS OF PLANS AND ACTIVITIES.**—

(A) **EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.**—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(B) **OTHER ACTIVITY NOT CONSIDERED.**—

(i) **IN GENERAL.**—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(I) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(II) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(ii) **ENHANCED OPPORTUNITIES.**—Federal public land management officials may consider the opportunities described in clause (i) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(2) **USE OF VOLUNTEERS.**—If hunting is prohibited by law, all Federal public land planning document described in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(d) **BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.**—

(1) **LAND OPEN.**—

(A) **IN GENERAL.**—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation Sys-

tem, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(B) **MOTORIZED ACCESS.**—Nothing in this paragraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(2) **CLOSURE OR RESTRICTION.**—Land described in paragraph (1) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(3) **SHOOTING RANGES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this title and other applicable law—

(i) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(ii) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(B) **LIMITATION ON LIABILITY.**—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(C) **EXCEPTION.**—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(e) **REPORT.**—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(2) the reason for the closure.

(f) **CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.**—

(1) **IN GENERAL.**—Other than closures established or prescribed by land planning actions referred to in subsection (d)(2) or emergency closures described in paragraph (3), a perma-

nent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(A) publishes appropriate notice of the withdrawal or change, respectively;

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(2) **AGGREGATE OR CUMULATIVE EFFECTS.**—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) **EMERGENCY CLOSURES.**—

(A) **IN GENERAL.**—Nothing in this title prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(B) **TERMINATION.**—An emergency closure under subparagraph (A) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this title.

(g) **NO PRIORITY.**—Nothing in this title requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(h) **CONSULTATION WITH COUNCILS.**—In carrying out this title, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(i) **AUTHORITY OF STATES.**—

(1) **IN GENERAL.**—Nothing in this title interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) **FEDERAL LICENSES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), nothing in title section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(B) **MIGRATORY BIRD STAMPS.**—This paragraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

SA 2406. Mr. REID proposed an amendment to amendment SA 2391 proposed by Mr. REID to the bill S. 3240, to

reauthorize agricultural programs through 2017, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____ . ELIMINATION OF CERTAIN WORKING LANDS CONSERVATION PROGRAMS.

(a) CONSERVATION STEWARDSHIP PROGRAM.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) is repealed.

SA 2407. Mr. REID proposed an amendment to amendment SA 2406 proposed by Mr. REID to the amendment SA 2391 proposed by Mr. REID to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 12 _____ . FUNDING.

Notwithstanding any other provision of this Act or any amendment made by this Act, each amount made available by this Act or an amendment made by this Act that is funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))) shall be considered to be an authorization of appropriations for that amount and purpose.

SA 2408. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 12 _____ . YOUNG AND BEGINNING FARMER AND RANCHER LOAN FUND AND PROGRAM.

(a) IN GENERAL.—Part D of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2203 et seq.) is amended by adding at the end the following:

“SEC. 4.22. YOUNG AND BEGINNING FARMER AND RANCHER LOAN FUND AND PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE BORROWER.—The term ‘eligible borrower’ means an agricultural producer who, as determined by the Secretary—

“(A) is not more than 35 years old;

“(B)(i) has experience of at least 3 years in operating a farm or ranch; but

“(ii) has not more than 10 years of total farming or ranching experience;

“(C) for the immediately preceding complete taxable year had an average adjusted gross farm income (as defined in section 1001D of the Farm Security Act of 1985 (7 U.S.C. 1308-3a) of not more than \$250,000;

“(D) meets the creditworthiness standards of the Farm Service Agency; and

“(E) has received, or commits to obtain, a minimum quantity of training in agricultural production and financial management.

“(2) FUND.—The term ‘Fund’ means the Young and Beginning Farmer and Ranchers Loan Fund established by subsection (b).

“(3) FUNDING INSTITUTION.—The term ‘funding institution’ means an entity that, during the immediately preceding taxable year—

“(A) was part of the Farm Credit System;

“(B) was subject to regulation by the Farm Credit Administration; and

“(C) had net income resulting from tax-exempt earnings on real estate lending.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Administrator of the Farm Service Agency.

“(b) YOUNG AND BEGINNING FARMER AND RANCHERS LOAN FUND.—

“(1) ESTABLISHMENT OF FUND.—

“(A) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Young and Beginning Farmer and Ranchers Loan Fund’, to be administered by the Secretary, to be available without fiscal year limitation and not subject to appropriation.

“(B) USE OF FUNDS.—Amounts in the Fund may be used by the Secretary for—

“(i) the costs of making loans to eligible borrowers for use as collateral toward the purchase of farm or ranch land in accordance with subsection (c);

“(ii) the provision of training in agricultural production and financial management to eligible borrowers; and

“(iii) the making of grants to States under subsection (d).

“(C) RELATIONSHIP TO OTHER AUTHORITIES.—The authority and funding for loans described in subsection (c) shall be in addition to any other authority of the Secretary for providing such loans to eligible borrowers.

“(2) TRANSFERS TO FUND.—

“(A) IN GENERAL.—The Fund shall consist of—

“(i) such amounts as are transferred to the Fund by funding institutions under subparagraph (B);

“(ii) such amounts as are received from any payment made with respect to any loan made from the Fund; and

“(iii) appropriations equivalent to the taxes received in the Treasury under section 4968 of the Internal Revenue Code of 1986.

“(B) TRANSFERS.—Not later than an annual date determined by the Secretary, each funding institution shall be required to—

“(i) transfer into the Fund an amount equal to 10 percent of the dollar value of the tax-exemption of the institution under the Internal Revenue Code of 1986 for the immediately preceding taxable year as determined by the Secretary of the Treasury, or

“(ii) provide such evidence as the Secretary determines necessary to show that such institution loaned at least such amount to eligible borrowers during such preceding taxable year at an interest rate specified in subsection (c)(4).

“(3) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purpose described in paragraph (1)(B).

“(c) LOAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a loan program under which eligible borrowers may apply for loans for use as collateral toward the purchase of farm or ranch land.

“(2) USE OF LOAN.—An eligible borrower may use a loan under this subsection in conjunction with other loans made by—

“(A) the Farm Service Agency;

“(B) an institution that is part of the Farm Credit System; or

“(C) a bank or credit union that is subject to safety and soundness examination by an agency of Federal or State government, including the Farm Service Agency.

“(3) AMOUNT.—

“(A) IN GENERAL.—The total amount that an eligible borrower may borrow under this subsection is \$300,000.

“(B) INDIVIDUAL LOAN MAXIMUM.—The total amount of any 1 loan under this subsection shall not exceed the lesser of—

“(i) the lesser of—

“(I) 10 percent of the appraised value of the land to be purchased; and

“(II) 10 percent of the purchase price of the land; and

“(ii) \$250,000.

“(4) INTEREST RATE.—A loan under this subsection shall have an interest rate equal to the lesser of—

“(A) 1.5 percent; and

“(B) the then current cost of funds to the Department of the Treasury for obligations with a 10-year maturity.

“(5) REPAYMENT.—

“(A) IN GENERAL.—The repayment of a loan under this subsection shall be amortized over a 30-year period, with a balloon payment due for the entire unpaid balance of the loan due on the earlier of—

“(i) the date that is 20 years after the date on which the loan is made; or

“(ii) the date on which the land is sold.

“(B) DEFAULT.—

“(i) IN GENERAL.—If an eligible borrower fails to use the land subject to a loan under this subsection for an agricultural use for a minimum usage period as determined by the Secretary, the loan shall be considered in default and become due and payable.

“(ii) SALE OF LAND.—Subject to subparagraph (C), if an eligible borrower sells or otherwise disposes of an interest in the land subject to a loan under this subsection without the prior permission of the Secretary, the loan shall be considered in default and become due and payable.

“(C) DEATH OR DISABILITY.—

“(i) IN GENERAL.—If an eligible borrower dies or becomes disabled, a loan under this subsection may be assumed by another eligible borrower, including an immediate family member of the original borrower who has been involved in the agricultural operation, as determined by the Secretary.

“(ii) NO ASSUMPTION OF DEBT.—If no eligible borrower is able or willing to assume the loan, the loan shall be due and payable—

“(I) in the case of death of the original borrower, not later than 18 months after the date of death; and

“(II) in the case of disability of the original borrower, not later than 18 months after the determination of disability by an appropriate agency.

“(6) COLLATERALIZATION.—Notwithstanding applicable State law, the total amount of indebtedness of an eligible borrower in relation to the purchase of land subject to a loan under this subsection shall be fully collateralized in an amount that does not exceed the appraised value of the land being purchased, so that all creditors involved in financing the purchase of the land are considered secured creditors.

“(d) GRANTS TO STATES.—

“(1) PURPOSE.—The purpose of the grants made available under this subsection is to develop State-based local farm and food-product economies to revitalize rural and urban communities, promote healthy eating, create jobs, and support economic growth by making local farm and food products more available locally.

“(2) PROGRAM.—The Secretary shall use not less than one-fourth of the amounts available in the Fund each fiscal year to make grants to States to assist in the development of local farm economies, including the creation of new markets for local farm products, such as the sale of fresh produce by local agricultural producers to schools.

“(3) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall—
“(A) submit to the Secretary a plan that describes—

“(i) the manner in which the State intends to use the grant funds to support small and beginning agricultural producers who are starting or expanding operations to supply local and regional markets as part of a strategy to rebuild and reinvest in rural areas; and

“(ii) which agency of the State will carry out the plan; and

“(B) agree to submit to the Secretary reports at such intervals and containing such information as the Secretary determines to be necessary to ensure that the State is using the grant funds in accordance with the purpose of this subsection.

“(4) OVERSIGHT.—The Small Farms and Beginning Farmers and Ranchers Council shall oversee the program in consultation with the Advisory Committee on Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554)

“(e) REPORTS.—

“(1) IN GENERAL.—The Secretary shall submit regular programmatic reports on the status of the Fund and the program under this section to the Advisory Committee on Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554).

“(2) REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2013, the Secretary shall submit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report on the operation of the Fund during the fiscal year.

“(3) CONTENTS.—Each report submitted under paragraph (2) shall include, for the fiscal year covered by the report, the following:

“(A) A statement of the amounts deposited into the Fund.

“(B) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

“(C) Recommendations, developed in consultation with the Advisory Committee described in paragraph (1), for additional authorities to fulfill the purpose of the Fund.

“(D) A statement of the balance remaining in the Fund at the end of the fiscal year.

“(f) REPORTS ON LENDING DATA BY FUNDING INSTITUTIONS.—The Farm Credit Administration shall—

“(1) require each funding institution to annually aggregate and report all lending data by individual eligible borrower, and

“(2) annually report this lending activity to the Secretary and Congress.”.

(b) EXCISE TAX ON FAILURE TO TRANSFER REQUIRED AMOUNT TO YOUNG AND BEGINNING FARMER AND RANCHERS LOAN FUND.—

(1) IN GENERAL.—Chapter 42 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

“Subchapter H—Failure to Transfer Required Amount to Young and Beginning Farmer and Ranchers Loan Fund

“Sec. 4968. Failure to transfer required amount to Young and Beginning Farmer and Ranchers Loan Fund.

“SEC. 4968. FAILURE TO TRANSFER REQUIRED AMOUNT TO YOUNG AND BEGINNING FARMER AND RANCHERS LOAN FUND.

“(a) IN GENERAL.—If a funding institution fails to transfer any portion of the amount required to be transferred to the Young and Beginning Farmer and Ranchers Loan Fund under section 4.22(b)(2)(B)(i) of Farm Credit Act of 1971 on the date such transfer is due, there is imposed on such date a tax equal to such portion.

“(b) FUNDING INSTITUTION.—For purposes of this section, the term ‘funding institution’ has the meaning given such term by section 4.22(a)(3) of such Act.”.

(2) CONFORMING AMENDMENT.—The table of subchapters for chapter 42 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“SUBCHAPTER H—FAILURE TO TRANSFER REQUIRED AMOUNT TO YOUNG AND BEGINNING FARMER AND RANCHERS LOAN FUND”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to failures occurring after the date of the enactment of this Act.

SA 2409. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ TAX SUBSIDIES FOR MEMBERS OF AGRICULTURAL COOPERATIVES.

Section 36B(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(4) ELIGIBILITY FOR MEMBERS OF AGRICULTURAL COOPERATIVES.—

“(A) IN GENERAL.—Members of agricultural cooperatives that were in existence on March 23, 2010, shall be considered to be enrolled in a qualified health plan if—

“(i) such members purchase their health insurance coverage—

“(I) through their agricultural cooperative rather than through an Exchange; or

“(II) from a health care cooperative organized to provide health care coverage for agricultural producers and agribusinesses; and

“(ii) the agricultural cooperative health plan meets all the minimum benefit requirements of a qualified health plan.

“(B) DEFINITION.—For the purposes of this subsection, the term ‘members of agricultural cooperatives’ means farmers and agribusiness owners who meet membership criteria of the legally established agricultural cooperatives in which they are enrolled, in addition to their spouses and dependents, and their employees, their spouses and dependents.”.

SA 2410. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2186 submitted by Mr. COBURN (for himself and Mr. DURBIN) and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 21 and insert the following:

erage level selected by the producer.

“(C) APPLICATION.—

“(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary,

in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the amount of premiums paid by participating producers;

“(IV) any potential liability for approved insurance providers;

“(V) any crops or growing regions that may be disproportionately impacted;

“(VI) program rating structures;

“(VII) creation of schemes or devices to evade the impact of the limitation; and

“(VIII) underwriting gains and losses.

“(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the availability of crop insurance services to producers; and

“(III) increase the costs to the Federal government to administer the Federal crop insurance program established under this subtitle.”.

SA 2411. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 652, between lines 12 and 13, insert the following:

“SEC. 3707. FRONTIER COMMUNITIES ECONOMIC DEVELOPMENT.

“(a) DEFINITION OF FRONTIER COMMUNITY.—

“(1) IN GENERAL.—The Secretary, in consultation with the Director of the Bureau of the Census and the Administrator of the Economic Research Service, shall promulgate regulations to define, for purposes of this section, the term ‘frontier community’.

“(2) REQUIREMENTS.—The definition of ‘frontier community’ shall be based on a weighted matrix that uses population density, distance in miles and travel time in minutes from the nearest significant service center or market, and such other factors as the Secretary determines to be appropriate.

“(3) IDENTIFICATION.—The Secretary shall work with State executives, officials of non-metropolitan local governments, and officials of federally recognized Indian tribes, as appropriate, to identify communities that qualify as ‘frontier communities’ based on the weighted matrix.

“(4) RECONSIDERATION PROCESS.—The Secretary shall establish a reconsideration process under which a community that has not been designated as a ‘frontier community’ may petition for designation.

“(b) RESERVATION OF FUNDS FOR FRONTIER COMMUNITIES.—

“(1) IN GENERAL.—The Secretary shall reserve an amount of not less than 3 percent of all funds made available for a fiscal year for programs of the rural development mission area that provide grants, loans, or loan guarantees to communities, for the costs of making grants, loans, or loan guarantees to frontier communities in accordance with those programs and this section.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and notwithstanding any

other provision of this title, in making a grant, loan, or loan guarantee to a frontier community using funds reserved under paragraph (1), the Secretary shall apply the terms and conditions of the applicable rural development program.

“(B) EXCEPTIONS.—The Secretary—

“(i) in the case of grants and regardless of cost-sharing requirements in the underlying program, may make available a grant of up to 100 percent Federal cost share to frontier communities;

“(ii) for purposes of scoring grant applications, may not consider whether a frontier community belongs to a regional partnership; and

“(iii) may not impose a minimum grant or loan amount requirement.

“(3) INSUFFICIENT APPLICATIONS.—If funds reserved under paragraph (1) remain available due to insufficient applications after the end of the 180-day period beginning on the date on which the funds are reserved, the Secretary shall use the funds for the purposes for which the funds were originally made available.

“(C) CAPACITY BUILDING, TECHNICAL ASSISTANCE, AND PROJECT PLANNING.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) an association of counties;

“(B) a council of State and local governments;

“(C) a cooperative;

“(D) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

“(E) a public agency;

“(F) a community-based organization, intermediary organization, network, or coalition of community-based organizations that does not engage in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986; or

“(G) a similar entity, as determined by the Secretary.

“(2) GRANTS.—The Secretary shall make available to eligible entities grants to facilitate greater capacity for frontier communities to plan projects and acquire and manage loans and grants made available through rural development programs of the Department and other funding sources.

“(3) PRIORITY.—In considering grant applications under this subsection, the Secretary shall give higher priority to an eligible entity that, as determined by the Secretary—

“(A) demonstrates an existing relationship with the frontier community intended to be served by the eligible entity; and

“(B) is a local organization or government entity.

“(4) RESERVATION OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall reserve an amount of not more than 5 percent of all funds made available for programs of the rural development mission area for a fiscal year to make grants in accordance with this subsection.

“(B) INSUFFICIENT APPLICATIONS.—If funds reserved under subparagraph (A) remain available due to insufficient applications after the end of the 180-day period beginning on the date on which the funds are reserved, the Secretary shall use the funds for the purposes for which the funds were originally made available.

SA 2412. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes;

which was ordered to lie on the table; as follows:

On page 751, strike line 23 and insert the following:

“SEC. 3915. COMMUNITY LAND GRANT-MERCEDES.

“(a) FINDINGS.—Congress finds that—

“(1) Spanish and Mexican community land grant-mercedes are part of a unique and important history in the southwest United States dating back to the 1600s and becoming incorporated into the United States through the Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic, signed at Guadalupe Hidalgo February 2, 1848, and entered into force May 30, 1848 (9 Stat. 922) (commonly referred to as the ‘Treaty of Guadalupe Hidalgo’);

“(2) the years following the signing of that treaty resulted in a significant loss of land originally belonging to the community land grant-mercedes due to manipulations and unfulfilled commitments;

“(3) the community land grant-mercedes that are recognized as political subdivisions are in need of increased economic opportunities; and

“(4) the rural development programs of the Department of Agriculture are an appropriate venue for addressing the needs of the community land grant-mercedes.

“(b) DEFINITIONS.—In this section:

“(1) COMMUNITY LAND GRANT-MERCEDES.—The term ‘community land grant-mercedes’ means a political subdivision of a State that is part of the United States and is located on land that was granted by the government of Spain or the government of Mexico to—

“(A) a community, town, colony, or pueblo; or

“(B) a person for the purpose of founding or establishing a community, town, colony, or pueblo.

“(2) LAND GRANT COUNCIL.—The term ‘land grant council’ means an agency of a State government established by law—

“(A) to provide support to land grants-mercedes; and

“(B) to serve as a liaison between land grant-mercedes and other State agencies and the Federal government.

“(c) PROGRAM.—

“(1) IN GENERAL.—In addition to any other funds made available for similar purposes, the Secretary shall use funds set aside under paragraph (3) to provide grants to community land grant-mercedes and land grant councils for the purpose of carrying out economic and community development initiatives under—

“(A) the water and waste disposal systems for rural communities program under section 3501;

“(B) the Special Evaluation Assistance for Rural Communities and Households (SEARCH) program under section 3501(e)(6);

“(C) the community facility grant program under section 3502;

“(D) the program of rural business development grants under section 3601(a)(3)(A);

“(E) the program of rural business enterprise grants under section 3601(a)(3)(B);

“(F) the rural microentrepreneur assistance program under section 3601(f)(2); and

“(G) the rural community development initiative.

“(2) FEDERAL SHARE.—Notwithstanding any other requirement of the programs described in paragraph (1), the Secretary shall make available to community land grant-mercedes grants under those programs at a Federal share of up to 100 percent.

“(3) SET ASIDE.—Notwithstanding any other provision of law, of amounts made available for a fiscal year for rural development programs of the Department of Agriculture, \$10,000,000 shall be used to carry out this section.

“SEC. 3916. REGULATIONS.

SA 2413. Mr. BLUMENTHAL (for himself, Mr. LIEBERMAN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1003, strike lines 16 through 25 and insert the following:

able; and”;

(ii) in subparagraph (B)—

(I) by inserting “(except ferns)” after “floricultural”;

(II) by inserting “(except ferns)” after “ornamental nursery”; and

(III) by striking “(including ornamental fish)” and inserting “(regardless of production method and including ornamental fish, but excluding tropical fish)”;

(iii) by adding at the end the following:

“(D) AQUACULTURE CROPS.—The Secretary shall not exclude an aquaculture crop from the definition of eligible crops under this paragraph solely because the aquaculture crop is not planted or seeded in a container, wire basket, net pen, or any other similar device that is designed for the protection and containment of seeded aquacultural species.”;

SA 2414. Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. REED, Mr. NELSON of Florida, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 122. CRITERIA AND NOTICE FOR CLOSURE OR RELOCATION OF LOCAL OFFICES OF DEPARTMENT OF AGRICULTURE.

(a) CRITERIA.—Prior to selecting State, county, or field offices of the Farm Service Agency, the Under Secretary for Rural Development, or the Natural Resources Conservation Service (referred to in this section as a “covered office”) for closure, the Secretary shall consider—

(1) the cost saved from closing each covered office;

(2) the driving distance between each covered office and the closest covered office;

(3) the number of citizens served;

(4) after an evaluation of the workload of each covered office, the overall workload of the covered office;

(5) the average number of employees staffed in each covered office during the preceding 5-calendar year period;

(6) the number of covered offices within each county; and

(7) in the case of local offices of the Farm Service Agency—

(A) the total number of reported planted acres covered by each office; and

(B) the total number of reported livestock covered by each office.

(b) PUBLIC DISCLOSURE.—Prior to the closure of a covered office, the Secretary shall publish in the Federal Register—

(1) a list of covered offices that are proposed to be closed; and

(2) a description of the formula used to select the covered offices for closure.

(c) CONGRESSIONAL DISCLOSURE.—Not later than 3 days before public disclosure under subsection (b), the Secretary shall submit the information described in subsection (b) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Appropriations of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(4) the Committee on Appropriations of the Senate;

(5) each Member of the Senate representing the State in which a covered office proposed to be closed is located; and

(6) the Member of the House of Representatives who represents the Congressional district in which a covered office proposed to be closed is located.

(d) PUBLIC MEETING AND NOTICE.—The Secretary may not close a covered office unless—

(1) not later than 30 days after the Secretary proposes to close the covered office, the Secretary holds a public meeting regarding the proposed closure in the county in which the covered office is located; and

(2) after the public meeting described in paragraph (1) but not later than 90 days before the date on which the Secretary approves the closure of the covered office, the Secretary submits to each Committee and Member described in subsection (c) notice of the proposed closure of the covered office.

(e) PRESENCE AFTER CLOSURE.—The Secretary shall ensure that employees of the Department of Agriculture—

(1) maintain a presence in counties without a covered office by frequently and consistently sending to the affected counties employees of the same agency for consultation; and

(2) use any remaining office of the Department of Agriculture in an affected county as a location for maintaining a presence in the affected county.

SA 2415. Mr. PRYOR (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 1203(b)—

(1) strike “The Secretary” and insert the following:

“(1) IN GENERAL.—The Secretary”; and

(2) add at the end the following:

“(2) PERMITTED EXTENSIONS.—The Secretary may extend the term of a marketing assistance loan (including the loan rate) for any loan commodity if—

“(A) at the time the marketing loan is due—

“(i) the loan commodity is stored in a county for which—

“(I) a natural disaster is declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

“(II) a major disaster or emergency is designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(ii) the port used to ship the loan commodity is closed or restricted pursuant to a Coast Guard regulation;

“(B) the loan commodity is stored in the county described in subparagraph (A)(i);

“(C) the marketing loan is extended not more than 90 days;

“(D) the request for the extension is approved by the applicable State Director of the Farm Service Agency on an individual basis; and

“(E) the extension does not extend the term of the marketing assistance loan beyond July 31 of the applicable crop year.”.

SA 2416. Mr. PRYOR (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, strike lines 5 through 15 and insert the following:

SEC. 9001. DEFINITIONS.

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) BIOBASED PRODUCT.—

“(A) IN GENERAL.—The term ‘‘biobased product’’ means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

“(i) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

“(ii) an intermediate ingredient or feedstock.

“(B) INCLUSION.—The term ‘biobased product’, with respect to forestry materials, includes forest products that meet biobased content requirements, notwithstanding market maturity.”;

(2) by redesignating paragraphs (9), (10), (11), (12), (13), and (14) as paragraphs (10), (11), (12), (13), (15), and (16), respectively;

(3) by inserting after paragraph (8) the following:

“(9) FOREST PRODUCT.—

“(A) IN GENERAL.—The term ‘forest product’ means a product made from materials derived from the practice of forestry or the management of growing timber.

“(B) INCLUSIONS.—The term ‘forest product’ includes—

“(i) pulp, paper, paperboard, pellets, lumber, and other wood products; and

“(ii) any recycled products derived from forest materials.”; and

(4) by inserting after paragraph (13) (as so redesignated) the following:

“(14) RENEWABLE CHEMICAL.—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.”.

SA 2417. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 988, between lines 22 and 23, insert the following:

(A) in paragraph (1), by inserting “and veteran farmers and ranchers” after “ranchers”;

On page 988, line 23, strike “(A)” and insert “(B)”.

On page 988, line 26, strike “(B)” and insert “(C)”.

On page 989, lines 9 and 10, strike “\$5,000,000 for each of fiscal years 2013 through 2017” and insert “\$150,000,000, to remain available until expended”.

On page 989, line 19, strike “and” after the semicolon.

On page 990, line 3, strike the period and insert “; and”.

On page 990, between lines 3 and 4, insert the following:

(5) in subsection (e)(5)(A), by inserting “and veteran farmers and ranchers” after “ranchers” each place it appears in clauses (i) and (ii).

On page 990, between lines 13 and 14, insert the following:

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the head of the Office of Advocacy and Outreach of the Department of Agriculture shall submit to Congress a report describing the extent and means of compliance by the Office with the recommendations of the Office of the Inspector General of the Department of the Agriculture contained in the audit report entitled “Controls over the Grant Management Process of the Office of Advocacy and Outreach – Section 2501 Program Grantee Selection for Fiscal Year 2012”, numbered 91011-0001-21, and dated May 18, 2012.

(2) SUBSEQUENT REPORT.—Not later than 18 months after the date of enactment of this Act, the head of the Office of Advocacy and Outreach shall submit to Congress a follow-up report describing the extent and means of compliance by the Office with the control measures contained in the audit report described in paragraph (1) relating to the grant management process of the Office with respect to program grantee selection under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).

SA 2418. Mr. LIEBERMAN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, strike lines 3 through 16 and insert the following:

“(g) WILDLIFE HABITAT INCENTIVE PRACTICE.—

“(1) DEFINITION OF ELIGIBLE LAND.—

“(A) IN GENERAL.—Notwithstanding section 1240A, in this subsection, the term ‘eligible land’ has such meaning as the applicable State conservationist, in consultation with the State technical committee, shall establish, in accordance with subparagraph (B).

“(B) REQUIREMENTS.—

“(i) RESTRICTION.—The definition of ‘eligible land’ shall include only non-Federal land.

“(ii) DEADLINE.—An initial definition under subparagraph (A) shall be established not more than 180 days after the date of enactment of this Act.

“(iii) REVIEW.—Each definition of ‘eligible land’ shall be reviewed by the applicable State technical committee not less frequently than once each year.

“(2) PAYMENTS.—The Secretary shall provide payments under the program for conservation practices that support the restoration, development, and improvement of wildlife habitat on eligible land, including—

“(A) upland wildlife habitat;

“(B) wetland wildlife habitat;

“(C) habitat for threatened and endangered species;

“(D) fish habitat;

“(E) habitat in riparian areas and waterways;

“(F) habitat on pivot corners and other irregular areas of a field; and

“(G) other types of wildlife habitat, as determined by the Secretary.”.

SA 2419. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITION OF FOOD.

Section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amended by inserting before the period at the end the following: “, except that a food, food product, meal, or other item described in this subsection shall be considered a food under this Act only if the Secretary determines that the food, food product, meal, or other item is necessary for essential nutrition”.

SA 2420. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. VARIANCE FOR GEOGRAPHICALLY ISOLATED SHELL EGG PRODUCERS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 424. VARIANCE FOR GEOGRAPHICALLY ISOLATED SHELL EGG PRODUCERS.

“(a) SHELL EGG VARIANCE.—A State without a shell breaking facility may request a variance from part 118 of title 21, Code of Federal Regulations (or any successor regulations) on behalf of egg producers located in such State. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the shell eggs for which the variance is requested will be contaminated with *Salmonella Enteritidis*, and that the variance provides a similar level of public health protection as the requirements of the regulations under part 118 of title 21, Code of Federal Regulations (or any successor regulations).

“(b) ACTION ON VARIANCES.—

“(1) TIMING.—The Secretary shall review a request for a variance within a reasonable timeframe.

“(2) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

“(3) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure the safety of shell eggs and is not reasonably likely to provide the same level of public health protection as the requirements of part 118 of title 21, Code of Federal Regulations (or any successor regulations). The Secretary shall notify the person requesting such variance of the reasons for the denial.

“(4) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and

an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the shell eggs will test negative for *Salmonella Enteritidis* and is not reasonably likely to provide the same level of public health protection as the requirements of part 118 of title 21, Code of Federal Regulations (or any successor regulations).”.

SA 2421. Mr. PAUL (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title IV and insert the following:

Subtitle A—Nutrition Assistance Block Grant Program

SEC. 4001. NUTRITION ASSISTANCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—For each of fiscal years 2014 through 2021, the Secretary shall establish a nutrition assistance block grant program under which the Secretary shall make annual grants to each participating State that establishes a nutrition assistance program in the State and submits to the Secretary annual reports under subsection (d).

(b) REQUIREMENTS.—As a requirement of receiving grants under this section, the Governor of each participating State shall certify that the State nutrition assistance program includes—

(1) work requirements;

(2) mandatory drug testing;

(3) verification of citizenship or proof of lawful permanent residency of the United States; and

(4) limitations on the eligible uses of benefits that are at least as restrictive as the limitations in place for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) as of May 31, 2012.

(c) AMOUNT OF GRANT.—For each fiscal year, the Secretary shall make a grant to each participating State in an amount equal to the product of—

(1) the amount made available under section 4002 for the applicable fiscal year; and

(2) the proportion that—

(A) the number of legal residents in the State whose income does not exceed 100 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size involved; bears to

(B) the number of such individuals in all participating States for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(d) ANNUAL REPORT REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1 of each year, each State that receives a grant under this section shall submit to the Secretary a report that shall include, for the year covered by the report—

(A) a description of the structure and design of the nutrition assistance program of the State, including the manner in which residents of the State qualify for the program;

(B) the cost the State incurs to administer the program;

(C) whether the State has established a rainy day fund for the nutrition assistance program of the State; and

(D) general statistics about participation in the nutrition assistance program.

(2) AUDIT.—Each year, the Comptroller General of the United States shall—

(A) conduct an audit on the effectiveness of the nutritional assistance block grant program and the manner in which each participating State is implementing the program; and

(B) not later than June 30, submit to the appropriate committees of Congress a report describing—

(i) the results of the audit; and

(ii) the manner in which the State will carry out the supplemental nutrition assistance program in the State, including eligibility and fraud prevention requirements.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A State that receives a grant under this section may use the grant in any manner determined to be appropriate by the State to provide nutrition assistance to the legal residents of the State.

(2) AVAILABILITY OF FUNDS.—Grant funds made available to a State under this section shall—

(A) remain available to the State for a period of 5 years; and

(B) after that period, shall—

(i) revert to the Federal Government to be deposited in the Treasury and used for Federal budget deficit reduction; or

(ii) if there is no Federal budget deficit, be used to reduce the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. 4002. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) for fiscal year 2014, \$44,400,000,000;

(2) for fiscal year 2015, \$45,500,000,000;

(3) for fiscal year 2016, \$46,600,000,000;

(4) for fiscal year 2017, \$47,800,000,000;

(5) for fiscal year 2018, \$49,000,000,000;

(6) for fiscal year 2019, \$50,200,000,000;

(7) for fiscal year 2020, \$51,500,000,000; and

(8) for fiscal year 2021, \$52,800,000,000.

(b) DISCRETIONARY SPENDING LIMIT ADJUSTMENT.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

(1) in paragraph (3), by striking the figure and inserting “\$1,110,400,000,000”;

(2) in paragraph (4), by striking the figure and inserting “\$1,131,500,000,000”;

(3) in paragraph (5), by striking the figure and inserting “\$1,153,600,000,000”;

(4) in paragraph (6), by striking the figure and inserting “\$1,178,800,000,000”;

(5) in paragraph (7), by striking the figure and inserting “\$1,205,000,000,000”;

(6) in paragraph (8), by striking the figure and inserting “\$1,232,200,000,000”;

(7) in paragraph (9), by striking the figure and inserting “\$1,259,500,000,000”; and

(8) in paragraph (10), by striking the figure and inserting “\$1,286,800,000,000”.

(c) DISCRETIONARY CAP ADJUSTMENT FOR NEW PROGRAM SPENDING.—Section 251A(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(2)) is amended—

(1) in subparagraph (B)(ii), by striking the figure and inserting “\$554,400,000,000”;

(2) in subparagraph (C)(ii), by striking the figure and inserting “\$565,500,000,000”;

(3) in subparagraph (D)(ii), by striking the figure and inserting “\$576,600,000,000”;

(4) in subparagraph (E)(ii), by striking the figure and inserting “\$588,800,000,000”;

(5) in subparagraph (F)(ii), by striking the figure and inserting “\$602,000,000,000”;

(6) in subparagraph (G)(ii), by striking the figure and inserting “\$616,200,000,000”;

(7) in subparagraph (H)(ii), by striking the figure and inserting “\$629,500,000,000”; and

(8) in subparagraph (I)(ii), by striking the figure and inserting "\$642,800,000,000".

SEC. 4003. REPEALS.

(a) IN GENERAL.—Effective September 30, 2013, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) REPEAL OF MANDATORY FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective September 30, 2013, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as in effect prior to that date) shall cease to be a program funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)) prior to the amendment made by paragraph (2)).

(2) DIRECT SPENDING.—Effective September 30, 2013, section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) is amended—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking ";; and" at the end and inserting a period; and

(C) by striking subparagraph (C).

(3) ENTITLEMENT AUTHORITY.—Effective September 30, 2013, section 3(9) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(9)) is amended—

(A) by striking "means—" and all that follows through "the authority to make" and inserting "means the authority to make";

(B) by striking ";; and" and inserting a period; and

(C) by striking subparagraph (B).

(4) OTHER DIRECT SPENDING.—Effective September 30, 2013, section 1026(5) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 691e(5)) is amended—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking ";; and" at the end and inserting a period; and

(C) by striking subparagraph (C).

(c) RELATIONSHIP TO OTHER LAW.—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the nutrition assistance block grant program under this subtitle.

SEC. 4004. BASELINE.

Notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907), the baseline shall assume that, on and after September 30, 2013, no benefits shall be provided under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as in effect prior to that date).

SA 2422. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KYL) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2207 and insert the following:

SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended—

(1) in subsection (b)(2), by striking "2012" and inserting "2017"; and

(2) by adding at the end the following:

"(c) REPORTING.—Not later than December 31, 2013, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

"(1) funding awarded;

"(2) project results; and

"(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 13, 2012, at 10 a.m. to conduct a committee hearing entitled "A Breakdown in Risk Management: What Went Wrong at JPMorgan Chase?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 13, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled "Hearing on the nomination of Allison Macfarlane and re-nomination of Kristine L. Svinicki to be Members of the Nuclear Regulatory Commission."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 13, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 13, 2012, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on June 13, 2012. The Committee will meet in room 418 of the Senate Russell Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 13, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "Empowering Patients and Honoring Individual's Choices: Lessons in Improving Care for Individuals with Advanced Illness."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that Taylor Ibrahim, an intern in Senator PAUL's office, be granted floor privileges for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that two detailees from my office, Herrick Fox and Benjamin Thomas, be granted the privilege of the floor for the remainder of debate on S. 3240, the Agriculture Reform, Food, and Jobs Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a fellow in Senator SANDERS' office, Rebecca French, be granted floor privileges for the duration of consideration of S. 3240, the Agricultural Reform, Food and Jobs Act of 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 14, 2012

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that following any leader remarks, the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, we continue to work on an agreement on amendments to the farm bill. We hope such an agreement can be reached. Votes are possible during to-

morrow's session, and we will notify Senators when they are scheduled.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come be-

fore the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Thursday, June 14, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 14, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 19

10 a.m.

Environment and Public Works
Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine a review of recent Environmental Protection Agency's air standards for hydraulically fractured natural gas wells and oil and natural gas storage.

SD-406

Judiciary

Constitution, Civil Rights and Human Rights Subcommittee

To hold hearings to examine reassessing solitary confinement, focusing on the human rights, fiscal and public safety consequences.

SD-226

Energy and Natural Resources

To hold hearings to examine the potential for induced seismicity from energy technologies, including carbon capture and storage, enhance geothermal systems, production from gas shales, and enhanced oil recovery.

SD-366

Finance

To hold hearings to examine confronting the looming fiscal crisis.

SD-215

Health, Education, Labor, and Pensions

To hold hearings to examine Title IX, focusing on forty years and counting.

SD-430

2:15 p.m.

Foreign Relations

Business meeting to consider S. 641, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to

fully implement the Senator Paul Simon Water for the Poor Act of 2005, S. 1039, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, S. 2165, to enhance strategic cooperation between the United States and Israel, H.R. 4240, to reauthorize the North Korean Human Rights Act of 2004, S. Res. 402, condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield, S. Res. 429, supporting the goals and ideals of World Malaria Day, S. Res. 473, commending Rotary International and others for their efforts to prevent and eradicate polio, S. Res. 385, condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy, and the nominations of Piper Anne Wind Campbell, of the District of Columbia, to be Ambassador to Mongolia, Peter William Bodde, of Maryland, to be Ambassador to the Federal Democratic Republic of Nepal, Dorothea-Maria Rosen, of California, to be Ambassador to the Federated States of Micronesia, Edward M. Alford, of Virginia, to be Ambassador to the Republic of The Gambia, Mark L. Asquino, of the District of Columbia, to be Ambassador to the Republic of Equatorial Guinea, Douglas M. Griffiths, of Texas, to be Ambassador to the Republic of Mozambique, Michele Jeanne Sison, of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Brett H. McGurk, of Connecticut, to be Ambassador to the Republic of Iraq, and Susan Marsh Elliott, of Florida, to be Ambassador to the Republic of Tajikistan, all of the Department of State.

S-116, Capitol

2:30 p.m.

Joint Economic Committee

To hold hearings to examine the economic impact of ending or reducing funding for the American Community Survey and other government statistics.

210, Cannon Building

JUNE 20

9:30 a.m.

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee

To hold hearings to examine the initial public offering (IPO) process, focusing on ordinary investors.

SD-538

10 a.m.

Judiciary

To hold an oversight hearing to examine the United States Patent and Trademark Office, focusing on implementation of the Leahy-Smith "America Invents Act" and international harmonizing efforts.

SD-226

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine risks, opportunities, and oversight of commercial space.

SR-253

2:30 p.m.

Judiciary

To hold hearings to examine Holocaust-era claims in the 21st century.

SD-226

Armed Services

Personnel Subcommittee

To hold hearings to examine Department of Defense programs and policies to support military families with special needs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

JUNE 21

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration, Department of Transportation.

SR-253

Health, Education, Labor, and Pensions

To hold hearings to examine an update on Olmstead enforcement, focusing on using the Americans with Disabilities Act (ADA) to promote community integration.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of James C. Miller III, and Katherine C. Tobin, of New York, both to be a Governor of the United States Postal Service.

SD-342

1:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Universal Music Group/EMI merger and the future of online music.

SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 27

JUNE 28

10 a.m.

Veterans' Affairs

To hold hearings to examine health and
benefits legislation.

SR-418

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating
positive learning environments for all
students.

Room to be announced

SENATE—Thursday, June 14, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, You are our God. Eagerly we seek You, longing to see Your strength and glory. Today, assure the Members of this body of Your love and give them unshakeable confidence in Your providential leading. Lord, teach them what they should think and do, as You illuminate their path so that they will not stumble. As You have led this Nation through troubled times in the past, be now to us our source of life and light and wisdom. Inspire us all so that we may know and do Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if any, the next hour will be divided and controlled between the two leaders. It will be equally divided. The majority will control the first half and the Republicans will control the final half.

We are still working on trying to finish an agreement to the farm bill so we can move forward. It is disappointing we don't already have something, but hope is still here, and I hope we can get that done. It is a very important piece of legislation, but a few Senators are holding this up and that is too bad. I have agreed we can have some amendments. I had a nice colloquy on the floor yesterday with Senator COBURN, who is concerned about this bill and legislation generally. He indicated that he thought it was a good idea to have a number of amendments and start voting on them, so I hope we can get there. We can't do all 250 amendments that are out there, but we can do a lot of them, so let's see where we are. I hope we can get it done.

We are on the flood insurance bill. We have to get to that. The flood insurance expires at the end of this month.

We will continue to work on an agreement with the farm bill.

I also hope to reconsider the failed cloture vote on the nomination of Mari Carmen Aponte, to be an ambassador to the Republic of El Salvador.

Votes are possible throughout today's session. Senators will be notified when they are scheduled.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EPA MERCURY RULE

Mr. WHITEHOUSE. Mr. President, last December, the Environmental Protection Agency finalized a rule called the Mercury Air Toxics Standard for powerplants. This rule is important, and it was long overdue.

Many Americans might not realize that before last December, there were no Federal standards for mercury or the other toxic air pollution pouring out of our Nation's powerplants. Thirty-two years ago, Congress directed EPA to limit toxic air pollution from all big polluting industries. In response, EPA set standards for nearly 100 industries across our Nation. However, until December, there were no such standards for the utility industry—the biggest source of mercury, arsenic, and other toxic air pollution in the country.

Now there are standards in place, estimated to provide \$3 to \$9 of health and economic benefits for every \$1 invested in pollution controls. We should be celebrating this sensible yet significant public health achievement. Yet from the other side of the aisle we only hear about the \$1 that the polluters have to spend to clean up. We never hear about the \$3 to \$9 the rest of the public saves as a result of the pollution being cleaned up.

We hear about the cost to the polluter all the time. We never hear about the cost, for example, of an asthma attack caused by soot and ozone. We never hear about the public health cost to all of us of the child having to go to the emergency room for an asthma attack. We never hear about the cost to the business of the mom who is not at work that day because she is off on a sick day taking care of that child in the emergency room or, if she is working on a regular wage, maybe it is on her. Maybe she does not get paid for that day because she is in the emergency room with her child. We never hear about that cost.

How about the simple cost of a mother stuck in an emergency room with a child having a pollution-provoked asthma attack, waiting anxiously—waiting for the nebulizer to kick in, waiting for that little oxygen meter on the child's finger to show that the oxygen levels are back where they should be? That is not even counted—the worry of a mom

for her child having a pollution-caused asthma incident. We never hear about that. We never hear about the dollar side. All they talk about, all we hear about from them is the \$1 the polluter has to pay to clean up their pollution—never, in this case, the \$3 to \$9; in other cases it is \$35 to \$1, over \$100 to \$1.

Instead, we have colleagues on the other side who want to halt this progress—notwithstanding the savings for virtually every American—with a resolution we are facing now that would void these new standards—standards that have just emerged after 32 years for the first time regulating toxic pollution out of utility plants. This resolution would not only void the new standard, but it would bar EPA from ever setting similar limits on powerplants in the future.

In speeches against these public health standards, one of my colleagues appears somewhat confused about the mercury air toxic standards. I wish to set the record straight on two points. One, this colleague has complained that the technology does not exist to meet these standards. That is the complaint: the technology does not exist to meet these standards. But if you look at the Clean Air Act, it directs the EPA—as EPA did—to set these standards based upon the performance of the top 12 percent in the industry—the actual performance of the top 12 percent in the industry. In other words, at least one out of every eight powerplant units must already be meeting each of the standards that is set. This is not a case in which the technology does not exist. This is a situation in which one out of every eight plants is already meeting it. The technology assuredly exists, demonstrably exists. What EPA is doing is leveling the field so that utilities do not get a competitive advantage by running dirtier powerplants than their fellow utilities.

This colleague has also complained that the rule establishes standards for toxic air pollution other than mercury. Well, limiting all toxic air pollution at once is more efficient for the utilities than tackling each pollutant separately. Frankly, if we are going at mercury once, and then later arsenic—and over and over the utilities had to go back and recalibrate—we would be hearing complaints that was the wrong way to do it. So if you do it all at once, they complain; if you do it separately, they would complain. The bottom line is, any time polluters are asked to clean up their act, some people are going to complain.

In section 112(d) of the Clean Air Act, Congress told the EPA that they shall establish emission standards for each category of major sources of the toxic air pollutants listed in section 112(c). Congress provided a list of 180 pollutants, which EPA used as the basis for the powerplant standards. You cannot fault EPA for that. Moreover, the stag-

gering health benefits of this rule—4,700 fewer anticipated heart attacks, 130,000 fewer cases of child asthma symptoms, 5,700 fewer emergency room visits each year—flow from limiting all toxic air pollution from powerplants—not eliminating, limiting all toxic air pollution from powerplants rather than just mercury.

In pointing out that EPA correctly sought to limit all toxic air pollution from powerplants, I do not want to gloss over the importance of setting those Federal mercury standards. As I indicated earlier, powerplants are the largest source of airborne mercury pollution in the United States.

Mercury, as everybody knows, is a neurotoxin that can be most devastating to developing nervous systems. The reason we have the phrase “mad as a hatter” is because hatters used mercury in their work and it affected their brains. It is a neurotoxin. Exposure to mercury in utero, or as a child, can permanently reduce a person’s ability to think and learn. For this reason, women of childbearing age, infants, and children must avoid mercury exposure.

What does this mean for Rhode Island? Many of you have heard me talk about the out-of-State air pollution that plagues my State. Most air pollution in Rhode Island is not generated from within our borders. It is sent from sources hundreds, even thousands of miles away. It is sent by powerplants out of State in significant measure.

On a clear summer day in Rhode Island, we will be commuting in to work, and we will hear on the drive-time radio: Today is a bad air day in Rhode Island. Infants, seniors, and people with respiratory difficulties should stay indoors today; otherwise, it is a beautiful day—a summer day when kids should be out playing. But if they have asthma, if they have a respiratory ailment, no, they are condemned to stay indoors—not because of anything that happened in Rhode Island but because of out-of-State pollution, mostly from these powerplants.

So the same sources that create those bad air days for Rhode Island—that force seniors and infants and children, people with respiratory difficulties to stay indoors on an otherwise fine summer day—also send us mercury pollution, which is why, although Rhode Island does not have a single coal-fired generating unit within its borders, our health department has to issue fish advisories.

If there is one emblematic image of American families doing something in the out-of-doors, it is the parent or grandparent taking their child—their son or their daughter—or their grandchild fishing. Norman Rockwell has captured this image. Many of us have similar images stored away in our childhood memories.

Yet today if a child goes fishing with her grandfather in Rhode Island, she

cannot eat the fish she caught. The Rhode Island Department of Health warns that pregnant women, women thinking of becoming pregnant, and small children should not eat any freshwater fish in Rhode Island. The health department also warns these populations not to eat some saltwater fish, such as shark and swordfish, because they have high levels of mercury stored in their fat. The health department suggests that no one in Rhode Island should eat more than one serving of freshwater fish—not just children, women who are pregnant, and women thinking of becoming pregnant—no one in Rhode Island should eat more than one serving of freshwater fish caught in our State each month in order to protect against mercury poisoning.

Finally, the health department warns that no one should ever eat any of the fish caught in three bodies of water in Rhode Island: The Quiddick Reservoir, Wincheck Pond, and Yawgoog Pond. For those of us who remember fishing as kids and eating what we caught, this is a sad state of affairs, and this is a state of affairs caused by polluters. This cost of a family not being able to go to Quiddick Reservoir, to Wincheck Pond to catch a fish, to take it home, to fry it up, to eat it—to do things that are as American as apple pie, in some respects—is because of the polluters.

Mrs. BOXER. Mr. President, will the Senator yield at this point for a question?

Mr. WHITEHOUSE. Of course.

Mrs. BOXER. First, I want to thank the Senator so much—so much—for taking to the floor today and explaining to everyone within the sound of his voice that we face a very important vote, because we have a colleague on the other side of the aisle who wants to say to the Environmental Protection Agency: Stop your work and allow polluters to continue to poison this atmosphere and those of us who live in it. You are talking about mercury. There is arsenic, there is lead, there is formaldehyde. We have to say to the utilities: Clean up your act. We are giving them enough time to do it.

I want to ask my friend a question, and then I will yield altogether to him. The question is, is my friend aware that the cost-benefit ratio of this rule that Senator INHOFE wants to now repeal is 9 to 1? In other words, for every \$1 that we put in to make sure this pollution goes away or is controlled, there is \$9 of benefits in health? Is my colleague aware of that?

Mr. WHITEHOUSE. First of all, let me thank my wonderful chairman of the Environment and Public Works Committee for joining me on the floor and asking me this question. The figure I have used—I have been more conservative—is in a range between \$3 and \$9. But there is a very significant payback. As I was pointing out, that payback actually counts in hard dollars to

the public. It does not count things such as, as I mentioned in my speech, the worry of a mom spending the day in the emergency room waiting for her child's breathing to recover. It may take into account her or her employer's economic loss. It does not take into account her worry. It does not take into account the grandfather not being able to take the fish home from Yawgoog Pond because it is now poisonous because out-of-State polluters have dumped mercury into the atmosphere and into the pond for so long.

Those are real costs if you have a traditional American kind of family and people go fishing together and do things such as that. You cannot do that any longer. That does not even count in the equation. The polluters get to take that away from America for free in that equation.

But, as I said, what is interesting is that our friends on the other side only seem to think about, only seem to notice, only seem to talk about the \$1 that the polluters have to pay to clean up their act. They do not talk about the folks who get the jobs repairing the pollution, building the scrubbers—the American jobs that creates. They just talk about their cost, and they do not talk at all about the cost on the other side—the health care costs, the job losses, the loss of education, the long-term health damage that people undertake.

SURFACE TRANSPORTATION

While the Senator is on the floor, let me tell my chairman how proud I am of the job she did yesterday on our highway bill. Getting out there with those big trucks and with the big, heavy paving equipment was a wonderful way of demonstrating to the public what has happened here, which is that the most important jobs bill the Senate has passed this year is being blocked by the House to eliminate or damage the summer construction season for highway work.

In my State, as I think I have told the Senator, we have more than 90 projects on the roster for this summer's highway construction season. Forty of them are falling off because of the delay from March until June that the Republicans already forced on us.

As the Senator has told me, they are trying to push for another delay that is going to knock more projects off, put more people out of work. Ours was a bipartisan bill. It could not have been better and more openly and transparently run by the Senator and her ranking member, Senator INHOFE.

There are 2.9 million jobs at stake. Everybody gets that our roads and highways need repair. Yet a group of Republicans in the House of Representatives will not agree to go forward. And time is running out on this summer's construction season.

Mrs. BOXER. Right.

Mr. WHITEHOUSE. They get the benefit of knocking down jobs in the runup

to the election, which I think is a disgraceful way to go about the Nation's business. But we cannot move them. The irony and the tragedy here is, if Speaker BOEHNER would call up this bipartisan Senate transportation bill, it would pass.

Mrs. BOXER. That is right.

Mr. WHITEHOUSE. It would pass with Republican votes and Democratic votes, and we could put people back to work across this country right now, doing the work that every American knows our highway system needs. This is not bridges to nowhere. This is bridges that people drive across to get to work. This is potholes and highways and places like 95 that goes through Providence on a viaduct. It is falling in so much that they have put planks underneath it to keep the pieces that fall through from landing on the Amtrak trains and the car traffic underneath.

We need this work. We need these jobs. It is so disingenuous and so cynical to stop this work just because there is an election coming. What the Senator did yesterday to press on that was very important. I appreciate that.

I see Senator UDALL.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

WIND PTC

Mr. UDALL of Colorado. Mr. President, I rise again to continue the fight for our effort to extend the production tax credit for wind. I am going to continue to return to the floor every morning until we get the PTC extended.

It has a positive economic effect on each and every one of our States and we ought to immediately extend it. If we do not, there are tremendous risks because there will be uncertainty. There will be 37,000 jobs at risk, per the estimate of the American Wind Energy Association, in 2013, if we let this important, crucial tax credit expire.

On the other hand, looking at this prohibitively, a recent study by Navigant concludes that a stable tax policy would allow the wind industry to create and save 54,000 jobs. That is a clear choice. Do we want to lose 37,000 jobs or do we want to create and save 54,000 more?

Over the last number of years in tough economic times, the wind industry has been a bright spot. We have seen growth in the wind industry on the manufacturing side, and these are good-paying jobs. But we are at a make-or-break moment for wind energy. If we let the wind PTC expire, we will lose thousands of jobs and billions of dollars in investment.

We also run the real risk of losing our position in the global economic race for clean energy technology. Other countries are taking note. While we are dithering in the Congress, our foreign competitors are literally eating our lunch.

I am about to attend a hearing in the Energy Committee on our competitiveness in the clean energy sector. We are going to be discussing how China is outpacing us in the clean energy economy. The witnesses, I know, will emphasize—because I have seen their testimony—that we have to improve and maximize domestic manufacturing capacity or we risk losing these jobs to overseas competitors.

I wish to give an example this morning. In North Carolina, there is a company, PPG Industries. It is a fiberglass company, hundreds of employees. They have been threatened by foreign competition in the last few years. Fiberglass is a primary component of wind turbine blades. The company has found new buyers in the wind industry.

I wish to quote the manager, Cheryl Richards, of this factory. She has urged us to act. She said:

That's investment in the U.S. That's investment in jobs, in technology, in the future, in clean energy. If we're not doing it, there are people across the ocean who will. And they'll be happy to sell their products here.

So while we cannot get our act together in Congress to pass the wind PTC, our economic competitors in Europe and Asia have moved ahead. They have developed robust manufacturing capacity to serve both their domestic demands, and now they are beginning to sell all over the world.

To emphasize how real this threat is, I wish to show all of the viewers and my colleagues what has happened in the past when the PTC has expired. Look back in 2000. There was a 93-percent drop. There was a 73-percent drop from 2001 to 2002. It does not make sense. I hear this from Coloradans. I hear this from Americans.

Wind project developers in the United States and American manufacturers are not receiving orders. We could see another boom-and-bust cycle, where we get a 73-percent or 93-percent drop in installations. Our economy does not need that, especially right now. So there is a time for leadership. It is time to show the American people we can bridge partisan divides in the Congress, we can act, and we can take urgent action.

Let's get the wind PTC reauthorized as soon as possible. It is within our power to stop sending jobs overseas, to prevent falling behind major economies such as China, Germany, India, and to stop harming domestic industries and manufacturing.

Again, look at this chart. This tells the story. We have to stand and do the right thing. Let's start by passing the wind PTC extension now. We can do it today. I am going to continue coming back to the floor of the Senate until we get the wind PTC extended.

TRIBUTE TO TEJAL SHAH

As my time begins to expire, I wished to take a moment of personal privilege

and note that Tejal Shah, who has been working in my office as a fellow from the State Department, is leaving my office this week. She is returning to the State Department to continue doing her work there.

I wish to thank her for the phenomenal support she has given me, for the knowledge and skill she has brought to my office. I wish her well in her efforts at the State Department.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

UTILITY MACT

Mr. UDALL of New Mexico. Mr. President, I also, as my colleague Senator WHITEHOUSE did, wish to thank the chairman, BARBARA BOXER, for her hard work and her leadership to protect our air and our public health on this crucial vote that is going to come up later this month.

I rise in opposition to the resolution of disapproval that we expect Senator INHOFE to offer. This resolution would permanently block the EPA from reducing mercury and toxic pollution from powerplants in the United States. The standard is called the Maximum Achievable Control Technology standard or Utility MACT.

By blocking this standard, this resolution is bad for public health. This resolution is also bad for America's natural gas producers. This resolution is especially bad for electric utilities that did the right thing and followed the law. Environmental protection should be a bipartisan issue. Republicans and Democrats both passed the Clean Air Act, the Clean Water Act, and other environmental laws by wide margins.

I urge both parties not to support this resolution. Here are some key points on the public health issues that are before us when this resolution comes to the floor: The Environmental Protection Agency estimates this standard will save 4,000 to 11,000 lives per year by reducing toxic pollution. The EPA also estimates this standard will prevent nearly 5,000 heart attacks and 130,000 childhood asthma attacks.

Mercury is a powerful neurotoxin. It is mostly a threat to pregnant women and young children. We took lead out

of gasoline, we can also take mercury out of smokestacks. Similar to many westerners, I know the Presiding Officer and I both enjoy fly fishing. In too many areas in America, we have mercury advisories for fish from American lakes and rivers.

In New Mexico, most of our streams are under mercury advisories, which means pregnant women and children cannot eat the fish from those streams. We cannot put a price on healthy children. But if we try, this rule produces tens of billions of health benefits each year.

This resolution of disapproval could permanently block these benefits. I would also like to talk about the impact of this resolution on natural gas. Natural gas has much lower toxic emissions than coal. It has no mercury. It has no soot, known as particulate matter. Recent discoveries of U.S. natural gas have led to a 100-year supply. Natural gas prices are low. While that is actually bad for New Mexico's economy in some places, it is good for consumers.

Natural gas has increased its market share in the power sector from 20 to 29 percent recently because it is a lower cost and cleaner fuel. EPA standards do not ban coal, but they do call on coal to compete on a level playing field and reduce its pollution. If we pass this resolution, we will inject further uncertainty into the utility sector, which is balancing its portfolio to more equal shares of coal and gas as opposed to being overly reliant on coal.

I support research in defining ways to clean up coal. If we put our minds to it, we may be able to take out the toxic pollutants.

I see the Senator from Arizona is on the floor. I first wish to thank him for allowing me a couple minutes to get my statement in.

I yield the floor.

Mr. MCCAIN. If the Senator from New Mexico desires a few extra minutes, I would be more than happy to yield.

Mr. UDALL of New Mexico. I thank the Senator. I will take 1 more minute to finish.

Finally, I would like to note that this resolution is a bailout of companies that would rather spend money on lobbying than on pollution controls. The EPA standard does not harm responsible coal companies. It is achievable with current technology. It is my understanding that most or all of the coal plants in New Mexico already have the technology to meet these standards. The Public Service Company of New Mexico has invested in mercury controls to reduce pollution in our State. Across the Nation, many other utilities have as well.

A variety of business groups support EPA's mercury standard, including the Clean Energy Group of utilities, the American Sustainable Business Coun-

cil, and the Main Street Alliance. Those standards are required by the Clean Air Act. If we block them, we will punish the law abiders and bail out the procrastinators. I urge my colleagues to oppose the resolution of disapproval.

Once again, I thank Senator MCCAIN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

FARM BILL AUTHORIZING

Mr. MCCAIN. Mr. President, I note the Presiding Officer was paying close attention to the Senator from New Mexico. I think that is entirely appropriate for that to happen. I am sure it certainly has nothing to do with family allegiance.

The Senate is considering the farm bill, which we do every 5 years. During this debate, Americans will hear speeches about spending reductions and cuts to farm subsidies. I concede that there is some of that in this bill.

Unfortunately, so far we have failed to have an open and fair amendment process that should be the case in the Senate. I have several amendments I would like to have considered. Similar to my other colleagues, we have been prevented from doing so. I have been in this body for some years during the consideration of previous farm bills. I have always been able to have a couple amendments considered and voted on.

Unfortunately, that does not seem to be the case in the consideration of this farm bill.

It is very regrettable and unfortunate that we cannot just start voting on amendments and then see where we are. Instead, we have the filling of the tree and other language, and most Americans have no idea what we are talking about. But it does prevent this body from considering the amendments of Members on both sides of the aisle. It is unfortunate.

Also, the fact remains that the programs authorized under this farm bill consume a colossal sum of taxpayer dollars. It is over 1,000 pages and is estimated to cost \$969 billion over 10 years. Again, that is \$969 billion over 10 years. That is about \$1 billion per page. It is a 60-percent increase from the previous farm bill, which was passed in 2008. While I believe it is necessary to assist low-income families with nutrition programs, we should keep farmers out of the red when a natural disaster strikes.

I am also mindful of the taxpayers who are saddled with a \$1.5 trillion deficit and a ballooning \$15 trillion national debt. The farm bill is certainly ripe for spending cuts. Some have taken place—not nearly as much are necessary. As usual, the farm bill, being 1,000 pages long, is filled with special deals for special interests.

I acknowledge that the Senate bill generates \$23 billion in savings, and that is a notable accomplishment. We

have finally done away with Depression-era farm subsidies such as “direct payments” and the “countercyclical program,” which encourages overproduction, thereby triggering more farm subsidies to compensate for depressed prices. Unfortunately, it seems that Congress’s idea of farm bill reform is to eliminate one subsidy program only to invent a new one to take its place. Cutting direct and countercyclical payments actually saved the taxpayers about \$50 billion, but rather than plug that money into deficit reduction this farm bill blows \$35 billion of its own savings on several new subsidy programs.

For example, we have a new agricultural risk coverage subsidy program, or ARC, which works by locking in today’s record-high crop prices and guaranteeing farmers up to an 89-percent return on their crop. ARC could cost taxpayers anywhere from \$3 billion to \$14 billion each year, depending on market conditions. We also create a new \$3 billion cotton subsidy program called STAX, which the Brazilian Trade Representative has signaled will escalate their WTO antidumping complaint against the United States. I wonder how many of our taxpayers know that we already pay Brazil \$150 million a year to keep our cotton programs. Why would we make things worse?

This bill authorizes the creation of a new marginal loss subsidy program for catfish. This bill maintains a \$95 billion federally backed crop insurance program, which also subsidizes crop insurance premiums. We then pile on a new \$4 billion program called supplemental coverage option, or SCO, that subsidizes crop insurance deductibles. Subsidized insurance, subsidized premiums, and subsidized deductibles—I am hard pressed to think of any other industry that operates with less risk at the expense of the American taxpayer.

This is all part of farm bill politics. In order to pass the farm bill, Congress must find a way to appease every special interest of every commodity association, from asparagus farmers to wheat growers. If you cut somebody’s subsidy, you give them a grant. If you kill their grant, then you cover their insurance programs.

Let’s look at several other handouts that special interests have reaped in this year’s farm bill, which may account for the size of the bill.

The bill authorizes \$15 million to establish a new grant program to “improve” the U.S. sheep industry. We are going to spend 15 million of your taxpayer dollars to improve the U.S. sheep industry.

The bill authorizes \$10 million to establish a new USDA—Department of Agriculture—program to eradicate feral pigs. I have always been against pork spending, but now we are going to spend \$10 million to establish a new USDA program to eradicate feral pigs.

The bill authorizes \$25 million to study the health benefits of peas, lentils, and garbanzo beans—\$25 million to study the health benefits of peas, lentils, and garbanzo beans. I know mothers all over America who have advocated for their children to eat their peas will be pleased to know there is a study that will cost them \$25 million as to the health benefits of peas, lentils, and garbanzo beans.

It authorizes \$200 million for the Value Added Grant Program, which gives grants to novelty producers such as small wineries and—I am not kidding—the occasional cheesemaker.

There is \$40 million in grants from the U.S. Department of Agriculture to encourage private landowners to use their land for bird-watching or hunting. We are looking at a \$1.5 trillion deficit this year, and we are going to spend \$40 million to encourage private landowners to use their land for bird-watching or hunting. I am all for bird-watching, and I support hunters—not to the tune of \$40 million.

The bill authorizes \$700 million for the Agriculture and Food Research Initiative—\$700 million. That funds a variety of research grants, such as testing pine tree growth in Florida or studying moth pheromones. I have no clue what a moth pheromone is. When did it become a national priority to study moth pheromones?

There is \$250 million for the U.S. Department of Agriculture’s Urban Forest Assistance Program, which spends Federal funds to plant trees in urban parks and city streets. There is a new program that spends \$125 million to promote healthy food choices in schools. There are already at least four other healthy eating educational programs in this bill. There are already four, but we are going to add another \$125 million program for another healthy eating educational program.

There is \$200 million for one of my all-time favorites, the Market Access Program, which has been there for years, which subsidizes overseas advertising campaigns of large corporations. We have, of course, the infamous mohair wool subsidy, which has been fleecing the American people since 1954. When Congress passed the 1954 farm bill, they wanted to ensure a domestic supply of wool for military uniforms by paying farmers to raise, among other things, angora goats for mohair. This may have held merit then, but nobody can dispute that mohair became obsolete, thanks to synthetic fibers. Today we use mohair in custom socks, fashionable scarves, and trendy throw rugs. Some of my colleagues may recall that Congress killed off mohair subsidies in the 1990s. Unfortunately, goats are reputed to eat just about anything, and our hard-earned tax dollars are no exception.

By the time Congress passed the 2002 farm bill, mohair subsidies had been re-

stored. The mohair program, which costs taxpayers about \$1 million a year, may not be particularly expensive compared to most farm programs. I suppose where some of my colleagues see a minor government pittance for wool socks I see a disgraceful example of how special interests can embed themselves in a farm bill for generations.

As if field corn and ethanol subsidies weren’t nefarious enough, this farm bill includes a new carve-out for popcorn subsidies—I am not making it up. This is a perfect example of farm bill politics. Thanks to a provision snuck into a 2003 appropriations bill, popcorn started receiving millions of dollars in “direct payment” subsidies. However, because the new farm bill eliminates direct payments, the popcorn industry is scrambling to be added to the newly created ARC Program. Under this farm bill, popcorn will be subsidized to the tune of \$91 million over 10 years, according to CBO.

The cooking oil that movie theaters use to heat popcorn is already subsidized, as well as the butter they put on top. So popcorn is doing fine is the truth of the matter. The price of popcorn has risen 40 percent in recent years, thanks in part to ethanol, and recent free-trade agreements with Colombia and South Korea are creating a boom for American popcorn exports. There isn’t a kernel of evidence that they need this support from taxpayers.

The Sugar Program is another masterful scam. The USDA operates a complex system of important tariffs, loans, and government production quotas that restrict sugar imports and keeps sugar prices artificially high. The sugar barons will tell us that the Department of Agriculture Sugar Program operates at “no net cost” to the American taxpayers because sugar didn’t receive “direct payments.”

In actuality, businesses and consumers bear the burden of the Sugar Program by paying higher costs for any sweetened product. Every year, American consumers are forced to pay an extra \$3.5 billion on sweetened food products.

Just yesterday, the Senate voted to table an amendment to phase out the Sugar Program, which is quite a sweetheart deal for sugar growers.

Finally, one of my favorites of all time is regarding catfish. I have an amendment that will repeal the farm bill provision that directs the USDA to create a new catfish inspection office. I am grateful for the support of my colleagues who cosponsored it. What we are attempting to do with this amendment is simple: It puts an end to the latest attempt by southern catfish farmers to restrict catfish imports.

Five years ago, a protectionist provision was snuck into the 2008 farm bill that requires the Department of Agriculture to begin inspecting catfish. As

my colleagues know, the USDA inspects meat, eggs, and poultry but not seafood. That is a whole new government office. It is being developed at USDA just to inspect catfish. Catfish farmers have tried to argue that we need a catfish inspection office to ensure Americans are eating safe and healthy catfish.

I wholeheartedly agree that catfish should be safe for consumers. The problem is that FDA already inspects catfish, just as it does all seafood, screening it for biological and chemical hazards. If there were legitimate food safety reasons for having USDA inspect catfish, we would not be having this discussion. Don't take my word for it, just ask USDA.

When the Department of Agriculture completed an internal assessment for the program in December 2010, the Department said it could not establish a "rational relationship" between the catfish office and the risks to human health, concluding, "There is substantial uncertainty regarding the effectiveness of the catfish inspection program." The Department of Agriculture estimates that this questionable program will come at a cost to taxpayers of \$30 million just to create the office and another \$14 million each year thereafter.

GAO has also extensively examined the catfish office. In February 2011, GAO released a report saying the catfish office is at "high risk" for fraud, waste, and abuse, and it is "duplicative" of FDA's functions and would fragment our food safety system. Just last week GAO issued a new report, titled "Responsibility For Inspecting Catfish Should Not Be Assigned to USDA," and they called upon Congress to repeal the catfish office.

This isn't the first time consumers have been hoodwinked by southern catfish farmers. When the Senate considered the 2002 farm bill, they slipped in an obscure provision that made it illegal to label Vietnamese catfish as "catfish" in the United States. At that time, the State Department had recently reopened trade relations with Vietnam, and domestic catfish farmers in Southern States found themselves competing against cheaper catfish imports. Domestic catfish farmers wanted to discourage American consumers from buying Vietnamese catfish by marketing it under the Latin name "pangasius," or "panga," even though it is virtually indistinguishable from U.S.-grown catfish.

Although the panga labeling law was enacted, it ultimately backfired on catfish farmers because panga catfish remained popular with American consumers. It is a senseless law, and my colleagues may recall that I came to the floor to fight against it. I asked the question: "When is a catfish not a catfish?" Why would Congress pass a law that renames a species of catfish into

something else? Why single out catfish and put it in the same category as USDA-inspected beef. Ironically, catfish farmers are lobbying USDA to relabel Vietnamese "panga" back to "catfish" to ensure Asian imports are subject to this new catfish office.

So the catfish office offers no legitimate food safety benefit. Its true goal is to erect trade barriers on Asian catfish imports to prop up the domestic catfish industry and make American consumers pay more.

The farm bill before us has some laudable parts to it. There are some reductions in spending. When we examine the bill, however, we find more and more of this kind of special interest, unnecessary spending, and programs that either are protectionist in nature or programs that have been inserted sometimes in the middle of the night in the past. We have also just begun to examine a number of provisions in this bill, which I did not discuss today.

I wish the small business men and women in my State had a bill for small business, a bill that would help them in the very difficult times they are experiencing, in the terrible economic times which have caused them to not be in business anymore so that they and their families are going through the most difficult of times. This is obviously a well-intentioned bill, but I also think in these harsh economic times it is far from the kind of legislation we owe the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESERVING WATERS OF THE USA ACT

Mr. HELLER. Mr. President, I rise today to discuss one of the biggest threats to economic growth in this country, and that is this administration's job-killing regulatory agenda.

My goal in the Senate is to promote policies that create jobs. With my home State of Nevada leading the Nation in unemployment, I do not believe the private sector is doing just fine, and I support commonsense policies that give our job creators the necessary tools to provide for long-term economic growth.

Under the current administration, they seem bent upon issuing regulation after regulation that threatens existing jobs and preventing new ones from being created. As I have stated before, you cannot be pro jobs and antibusiness at the same time.

With unemployment at 11.7 percent in Nevada—and it continues to lead the Nation in unemployment—the only

things as scarce as jobs in Nevada are private property and water. Roughly 87 percent of Nevada is controlled by the Federal Government, and the remaining 13 percent is heavily regulated by the Federal Government also. Nevada is also one of the driest States in the Nation. Because of this, water is a very precious commodity.

As we debate the farm bill, I am proud to join with some of my colleagues in their efforts to provide some much needed regulatory relief for American farmers in rural America. However, the latest efforts by this administration go well beyond the agricultural sector.

For years there has been a concerted effort to expand the regulatory reach over water in this country. After years of failed attempts to legislatively change the scope of regulatory authority over water, the EPA is now trying to overturn both congressional intent and multiple Supreme Court decisions to further their goal of overregulation.

To put it into context, if this regulation were enacted, it would give the EPA and the Army Corps of Engineers the ability to regulate irrigation ditches, large mud puddles, or anything that contains standing water, regardless of whether it is permanent, seasonal, or manmade. Never before under the Clean Water Act have Federal regulations extended this far. This was not the intent of Congress when writing the Clean Water Act, and Congress has repeatedly rejected any legislative effort to alter the existing law.

More disturbing, the administration has bypassed public outreach and has neglected to consider the economic impact of their proposed action. This is in addition to ignoring the fact that the Supreme Court twice affirmed the limits of the Federal authority under the Clean Water Act. But apparently the EPA believes it does not have to adhere to laws of the land.

Expanding the Federal regulatory overreach into water also infringes on private property rights. It stops investments and development and infrastructure projects, including housing, schools, hospitals, roads, highways, agriculture, and energy. In my home State, this regulation will hurt farming, ranching, mining, and construction—the same middle-class, blue-collar jobs this administration claims to care about.

In an already struggling economy, we cannot afford to create additional regulatory barriers that will cost jobs and prevent future economic growth. That is why Senators BARRASSO, INHOFE, SESSIONS, and I have offered an amendment to the farm bill, as well as a stand-alone piece of legislation that would preserve the current definition of waters of the United States. The Preserve the Waters of the United States Act is simply straightforward

legislation that would preserve the current definition of Federal waters as well as uphold private property rights.

Opposition to this legislation has been disingenuous. It is ridiculous to assert that supporters of this important legislation are opposed to clean water. What I am opposed to is the Federal Government continuing its overreach and further hurting our economy and jeopardizing personal property rights and States rights. I am opposed to giving Washington bureaucrats the authority to regulate your backyard. And I am opposed to this administration using a closed-door process to issue job-killing regulations that have become far too common.

I had hoped for a vote on this amendment that will allow the Senate to make a clear choice between jobs and an extreme environmental agenda. Unfortunately, the amendment process has once again broken down, and we will not have the ability to openly debate this important issue.

I encourage my colleagues to support the Preserve the Waters of the United States Act and show their constituents that they stand with job creators. There is a vast and diverse coalition of support for our efforts to limit the Federal Government's overreach. It includes local governments, municipalities, manufacturers, small businesses, and many more.

As an outdoorsman, I am committed to good stewardship of our natural resources and believe that we do not have to choose between a healthy environment and economic prosperity. The Preserve the Waters of the United States Act is a commonsense solution that will prevent jobs from being destroyed and keep private property rights from being further eroded by this Federal Government. I respectfully urge all of my colleagues to support this legislation and bring it to a vote.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FARM BILL AMENDMENTS

Mr. SANDERS. Mr. President, I will be speaking about two amendments that I intend to offer as part of the farm bill. I think both amendments are extremely important, and both amendments have the support of the vast majority of the people of our country. They may not have the support of powerful special interests, but I think that from Maine to California, people will be supporting these amendments.

The first one is amendment No. 2310, which is cosponsored by Senator BARBARA BOXER of California.

All across our country, people are becoming more and more conscious about the foods they are eating and the foods they are serving to their kids, and this is certainly true for genetically engineered foods. This is a major concern in my State of Vermont, I know it is a major concern in Senator BOXER's State of California, and it is a major concern all over our country.

This year in my State of Vermont, our legislature tried to pass a bill that would have required foods that contain genetically engineered ingredients to have that information on their labels. That information would simply give consumers in the State of Vermont the knowledge about the ingredients that are in the food they are ingesting—not, I believe, a terribly radical idea.

I personally believe, and I think most Americans believe, that when a mother goes to the store and purchases food for her child, she has the right to know what she is feeding her child, what is in the food she is giving to her kids and her family. This concern about genetically engineered labeling brought out a huge turnout to the Vermont State legislature of people who were supportive of this concept. In fact, it was one of the most hotly debated and discussed issues in our legislature this year. Over 100 Vermonters testified at a committee meeting—the Committee on Agriculture meeting of the State of Vermont—in favor of this legislation. We are a small State. Hundreds more crowded in the statehouse to show their support.

What people in Vermont, and I believe all over this country, are saying, simply and straightforwardly, is: We want to know what is in the food we are eating and whether that food is genetically engineered. Clearly, this is not just a Vermont issue. Almost 1 million people in the State of California signed a petition to get labeling of genetically engineered food on the November ballot. In California, a big State, 1 million people is a lot of people. In other words, what we are seeing from Vermont and California and all over this country is people want to know what is in the food they are eating and they want to know whether that food is genetically engineered. I thank Senator BOXER of California for representing the people of her State in cosponsoring this legislation.

This is not just a Vermont issue. It is not just a California issue. According to an MSNBC poll in February of 2011, 95 percent of Americans agree that labeling of food with genetically engineered ingredients should be allowed. Those polling numbers have been consistently over 90 percent dating back to 2001.

What we are seeing in polling, year after year, is people want to know

what is in the food they are eating. Not everybody agrees. Monsanto, one of the world's largest producers of genetically engineered food, does not like this idea. Monsanto is also the world's largest producer of the herbicide Roundup, as well as so-called Roundup Ready seeds that have been genetically engineered to resist the pesticide. It is no mystery why Monsanto would fight people's right to know. Business is booming for this huge chemical company. It raked in over \$11 billion in revenues and cleared \$1.6 billion in profits in 2011. This year is going pretty well for Monsanto.

Once it seemed possible that Vermont could pass the bill. That is because the people of the State of Vermont want to see that legislation passed. But our friends at Monsanto threatened to sue the State if that bill was passed. Sadly—and this is what goes on in politics, not just on this issue but on so many issues—despite passing out of the House Committee on Agriculture by a vote of 9 to 1, the bill did not make it any further because of the fear of a lawsuit from this huge, multinational corporation.

Today, we have an opportunity, with the Sanders-Boxer amendment, amendment No. 2310, to affirm States rights to label food that contains genetically engineered ingredients. This amendment recognizes that the 10th amendment to the U.S. Constitution clearly reserves powers in our system of federalism to the States and to the people. In other words, that is what federalism is about. This amendment acknowledges that States have the right to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered. Simply put, this amendment gives people the right to know. It says that a State, if its legislature so chooses, may require that any food or beverage containing a genetically engineered ingredient offered for sale in that State have a label that makes that information public and clear.

It also requires that the Commissioner of the FDA, with the Secretary of Agriculture, shall report to Congress within 2 years on the percentage of food and beverages in the United States that contain genetically engineered ingredients.

There are strong precedents for labeling. The FDA, as everybody knows, already requires the labeling of over 3,000 ingredients, additives, and processes. If we want to know if our food contains gluten, aspartame, high-fructose corn syrup, trans fats or MSG, we simply read the ingredients label. Similarly, the FDA requires labeling for major food allergens such as peanuts, wheat, shellfish, and others. But Americans, for some reason, are not afforded that same information when it comes to genetically engineered foods.

Here is a very important point to make. What I am asking now, for the people of America, is something that exists right now all over the world. Genetically engineered foods are already required to be labeled in 49 countries around the world, including Russia, the United Kingdom, Australia, South Korea, Japan, Brazil, China, New Zealand, and others, and the entire European Union allows its countries to require such labels, which is essentially what this amendment is about. It is not telling, but it is allowing States the right to go forward, if that is what the people of those States want.

If this is good for 49 or more countries around the world, why is it not acceptable in the United States of America? The answer is pretty simple. We have a large, powerful, multinational corporation that is more concerned about their own profits than they are about allowing the American people to know what is in the food they are eating.

Let me clarify just a few pieces of information regarding genetically engineered foods. Monsanto claims there is nothing to be concerned about with genetically engineered foods. In the 1990s, there was a consensus among scientists and doctors at the FDA that GE foods could have new and different risks, such as hidden allergens, increased plant toxin levels, and the potential to hasten the spread of antibiotic-resistant disease, but those concerns were quickly pushed aside in the name of biotechnology progress. Their concerns were not, however, unfounded.

In May 2012, a landmark independent study by Canadian doctors published in the peer-reviewed journal *Reproductive Toxicology* found that toxins from soil bacterium which had been engineered into Bt corn to kill pests was present in the bloodstream of 93 percent of pregnant women as well as in 80 percent of their fetal cord blood. In the wake of this study, action is being taken. In 3 days, on June 17, the American Medical Association will consider resolutions that ask for studies on the impacts of GE foods and labeling. Resolutions calling for labeling of GE foods have already been passed by the American Public Health Association and the American Nurses Association.

There is a great need for this information because there have never been mandatory human clinical trials of genetically engineered crops—no tests for the possibility of it causing cancer or for harm to fetuses, no long-term testing for human health risks, no requirement for long-term testing on animals, and only limited allergy testing. What this means is that for all intents and purposes, the long-term health study on GE food is being done on the American people. We are the clinical test.

Let me clarify just a few things about labeling genetically engineered food. GE food labels will not increase

costs to shoppers. Everybody knows companies change their labels all the time. They market their products differently and adding a label does not change this. In fact, many products already voluntarily label their food as “GMO free.” Further, genetically engineered crops are not better for the environment. For example, the use of Monsanto Roundup Ready soybeans engineered to withstand the exposure to the herbicide Roundup has caused the spread of Roundup-resistant weeds which now infest 10 million acres in 22 States, with predictions of 40 million acres or more by mid-decade. Resistant weeds increase the use of herbicides and the use of older and more toxic herbicides.

Further, there are no international agreements that prohibit the mandatory identification of foods produced through genetic engineering. But as I mentioned, 49 other countries already require it.

The Sanders-Boxer consumers right to know about genetically engineered food amendment, amendment No. 2310, is about allowing States to honor the wishes of their residents and allowing consumers to know what they are eating. If this is not a conservative amendment, I do not know what is. Americans deserve the right to know what they and their children are eating and that is what this amendment is all about. Monsanto and other major corporations should not be the ones to decide this issue. The Congress and the American people should make that decision. Without commonsense labeling requirements, the 295 million American citizens who favor labeling, the overwhelming majority of Americans who in poll after poll said yes, want to know whether the food they are eating contains genetically engineered products. They are not being listened to. On behalf of the American people who want to know what is in their food, I urge support for this important amendment.

I have another amendment, but I will come back at another time to talk about the amendment, which will demand that the Commodity Futures Trading Commission do what the law requires of them; that is, end excessive speculation in the oil futures market, but I will hold off on that until a later time.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from New Jersey is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that at 12 noon today, the Senate proceed to executive session and that the motion to proceed to the motion to reconsider the cloture vote by which cloture was not invoked on Executive Calendar No. 501 be agreed to, the motion to reconsider be

agreed to, and that there be 30 minutes for debate equally divided in the usual form; and that following the use or yielding back of time, the Senate proceed to vote on cloture on the nomination, upon reconsideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Michigan.

AGRICULTURE PRODUCTION

Ms. STABENOW. Mr. President, I want to spend a few moments talking about one of our job-creating titles in the farm bill, but first I want to thank colleagues who are continuing to work on this bill. As we continue to do the business of the Senate, they are working through the amendment process and coming together with what I am optimistic will be an agreement for us to be able to move forward so we can complete our task on the farm bill.

I thank the ranking member of the committee, Senator ROBERTS, for his leadership and his staff and my staff for working so hard together. There has been a lot of coffee involved for folks to be able to stay awake on some late nights right now. They are doing a great job, and we are very optimistic as we move forward in this process.

One of the reasons we need to get this done, as I have stressed many times but it bears repeating, is this is a jobs bill. As the distinguished Presiding Officer from Ohio knows—as well as myself, coming from Michigan—jobs are a big deal. Jobs are a big deal across the country, but we have been in the middle of it in terms of the recession. We are now seeing optimism because we are recommitting ourselves to making things and growing things in this country.

We make a lot of great things in Michigan, not the least of which is automobiles, but a lot of other things also. I know Ohio, as well, is a great State for making things. Both of our States are also States where we grow things, and I appreciate the leadership of the Presiding Officer who is on our Agriculture Committee and has played a very significant role in getting us to this point. The distinguished Presiding Officer, Senator BROWN, has helped with major reforms in this bill. He has put forward a bipartisan proposal that relates to moving a risk-based system to support our farmers. I appreciate very much the Senator's leadership on that as well as a number of other things.

But this is about growing things. Almost one out of four people in Michigan has a job because we grow things.

We have more diversity of crops than any State, with the exception of California, and so that means every page of the farm bill matters to Michigan, which is why over the years I have paid attention to every single page of the farm bill.

Overall in our country 16 million people work because of agriculture. They may be involved in production, they may be involved in packaging, they may be involved in processing, they may make the farm equipment, or they may be involved in a variety of things, but they work because we grow things in America. Our one area of huge trade surplus, and where we have grown in the last 2 years by 270 percent, is in agriculture. We are creating jobs here and exporting, and so this is a jobs bill.

I want to talk specifically about a very important piece where we bring together making things and growing things in our economy, and that is the energy title of the farm bill. The energy title reflects the important work being done by America's farmers, ranchers, forest managers, and rural small businesses to help improve our energy security.

Since we added this title in the 2002 farm bill—I was pleased to be a strong supporter in doing that—the Rural Energy for America Program has helped put in place nearly 8,000 projects and jobs that have helped farmers lower their energy bills and actually produce electricity that goes back to the electric grid. In the last 10 years, we have seen incredible advances in advanced biofuels and biobased manufacturing, which is the ultimate way to bring together making things and growing things, both of which are supported and strengthened in this bill.

The farm bill is also an energy bill and it is a jobs bill. There are more than 3,000 companies doing innovative, biobased manufacturing, and using agricultural products instead of petroleum to manufacture finished products. Those companies have already created over 100,000 jobs and are growing every day. Many of these businesses are in rural communities, and supporting those businesses is one of the best ways we can create jobs and economic growth in small towns all across our country.

This kind of manufacturing is also a win-win for the farmers. They get new markets for their products and, in some cases, markets for their waste products.

We have also seen tremendous growth in biofuels. This farm bill shifts our focus to the next generation of advanced biofuels, such as cellulosic ethanol, to continue lowering prices for families at the pump. According to a study by the University of Wisconsin and the University of Iowa, ethanol has already helped keep gas prices more than \$1 lower than they otherwise would be. It is the only competition we

have at the moment at the pump. As a consumer, what we need is more choice and more competition so that depending on foreign oil is not the only choice.

Many of our colleagues have different feelings about our energy policies, and the great thing about the farm bill is that it doesn't matter what we believe or where we come from, it is a winner because it creates choices. If we want to reduce greenhouse gas pollution, this bill is a winner. If we want to make America more energy independent so we are not relying so much on foreign oil, this bill is a winner. If we want farmers to pay lower energy bills so they have more money to hire workers and improve their business, this bill is a winner. And if we want Americans to pay lower prices at the gas pump, as we all do, this bill is a winner for every American.

I especially want to thank Senators CONRAD, LUGAR, HARKIN, BEN NELSON, BENNET, BROWN, KLOBUCHAR, THUNE, CASEY, and HOEVEN, who worked very hard at putting together the energy title and the necessary funding to continue supporting these innovative farmers and businesses all across our country. I appreciate their leadership in working with us and being able to get this done.

I want to talk about some of the specific areas we have in the energy title. There is something called the Rural Energy for America Program, also known as REAP. It is one of the most successful programs in the energy title, and one we hear about most often from farmers and ranchers across the country.

This program helps farmers with loan guarantees and grants to purchase and install renewable energy systems and make energy efficiency upgrades. Farmers have been able to put solar panels, wind turbines, as well as biomass energy and geothermal and hydroelectric and other forms of renewable energy technology on the farm. Since 2003, REAP has supported 7,997 different energy-efficient projects that have generated or saved 6.5 million megawatt hours, which is enough power to meet the annual needs of nearly 600,000 households.

As a caveat, I also want to say that when we talk about all of these alternatives, I also see this from the standpoint of making things. When we look at a big wind turbine, a lot of folks see energy use. I see 8,000 parts. We can make every one of them in Michigan and probably an awful lot of them in Ohio. So when we talk about creating energy efficiency opportunities, we are also talking about creating manufacturing jobs in the process. REAP is a big success story, which is why we continued the program and streamlined the application process for farmers and small businesses applying for small and medium-sized projects.

Each project funded by REAP can make a significant impact, as I said, on utility costs incurred by the businesses. For example, one company in Georgia created an on-farm solar system that will produce about 60,000 kilowatt hours per year to lower the company's power bills. Another Kentucky company used an energy efficiency grant to improve lighting and support a refrigeration/freezer project that would give them 63 percent energy savings—63 percent. That is a pretty big deal when we are paying the bills.

The next part I want to talk about is something called biobased markets and part of a larger biobased manufacturing effort that I am very enthused about. Biobased manufacturing is rapidly becoming a critical component of our new economy. According to USDA, there are 3,118 registered biobased companies in the United States that have so far created about 100,000 jobs, and growing. With customers demanding more choices, oil prices rising, these innovative companies are taking new approaches, turning agricultural products into manufactured products. So as we can see, all across the country there are 3,000 companies. This is a huge area that is growing, the innovation process, where we are literally taking agricultural products and replacing chemicals, replacing petroleum and plastics, and doing a variety of things that allow us to create new markets for farmers, get us off of foreign oil, and create jobs. I would argue that in the next 5 years we will see many, many, many more dots on this map as a result of the farm bill and private sector efforts that are going on across the country.

In the 2008 farm bill, we created the biobased program to develop and expand markets for these biobased products. Here are a few examples: Papermate makes a biodegradable, retractable grip pen manufactured by Sanford Newell Rubbermaid in Georgia. This pen is made from biodegradable components that include an exclusive corn-based material to produce less waste and more compost.

Purell Advanced Green Certified Instant Hand Sanitizer is a green-certified product made by a company in Ohio, containing ingredients from renewable resources. It kills more than 99.9 percent of most germs. It is a product that is biodegradable.

Greenware Cold Portion Cups made by Fabri-Kal Corporation in Michigan are made from materials such as plant-based and post-consumer recycled resins. My colleagues will note that this looks familiar because it is the same kind of cup we use in the Senate. This is something we are using and thereby supporting the biobased economy.

By including biobased manufacturing in the Biorefinery Assistance Program within the energy title, we are expanding economic opportunities for farmers

by giving them new markets for crops to grow and we are supporting cutting-edge manufacturing businesses that are making these products and creating these jobs.

We also have done other pieces that will strengthen this effort. I might mention, though we don't have a picture of it with us on a chart, one of the exciting things I am seeing in Michigan, as we bring together making things and growing things, is the extent to which our automakers are using biobased products in the making of automobiles. So for anyone who is buying a new Ford vehicle today—I sound like an advertisement—but a new Ford vehicle or a great new Chevy Volt or a number of new great American-made vehicles we have today, we are sitting on seats made from soy-based foam. We have soybean in the seats. Soy-based foam was actually started over 80 years ago with Henry Ford and has been something we have focused on, on and off, for 80 years. But now it has become a major effort. A major company in Michigan called Lear is making these seats. They are biodegradable. They are lightweight. We get better fuel economy. And as I often tell my friends, if you get hungry, you get something to munch on.

So the truth is we are seeing huge advances. One may very well have cupholders in their car that have a corn-based or wheat-based or other kind of agricultural-based product in the plastic, rather than petroleum—another way to get off of foreign oil. They are experimenting with tires, rather than using petroleum in tires. I think there is an explosion here of opportunity for innovation with our farmers and our manufacturers, with our universities, our scientists. It is very exciting, and it is part of the next generation for us of a new economy and new jobs. This farm bill strengthens that effort, working with the private sector, to help us rapidly move forward on jobs.

One of the other ways we support efforts to create and then the commercialization of products, to be able to move forward as it relates to creating, producing more products and so on, is to give consumers a way to find these products. So we have something called the USDA Certified Biobased Product label.

The mission of the BioPreferred Program is to develop and expand markets for biobased products through preferred Federal purchases of biobased products across the Federal Government and a voluntary labeling program to raise consumers' awareness and to help make sure we know that what we are buying is, in fact, a biobased product. Since the program was created in the last farm bill in 2008, there are now 64 different categories of biobased products and almost 9,000 products—9,000 products—approved for preferred Federal purchases. It is in everybody's best

interests for us to be encouraging these new markets, encouraging innovation, and at the same time addressing other critical needs for our country, including getting off of foreign oil. In addition, another 430 products from 150 companies have been certified to carry the USDA Certified Biobased Product label. So this is important. And there are new efforts happening. The President, the Secretary of Agriculture, and I have come together to urge, in fact, that we increase the amount of biobased labeling that is going on and make sure that consumers are looking for this label.

We then have the Biorefinery Assistance Program which is a very important piece of all of this. The Biorefinery Assistance Program was originally created in the 2002 farm bill to support the development and construction of demonstration-scale biorefineries to determine the commercial viability of some of the processes that are involved in converting renewable biomass to advanced biofuels. It also guarantees loans for companies that are developing, constructing, or retrofitting commercial-scale biorefineries using these new technologies. In the last 2 years, companies participating in this effort have created nearly 300 direct jobs, and it is estimated that as this program is written into the 2012 farm bill, it will help these innovative businesses hire another 450 people as well.

We also expand eligibility for the program to include biobased manufacturing. This is a very important piece of this bill. We are now going from refineries, talking about advanced biofuels, to expanding the opportunity for tools for our biobased manufacturers within the rubric of the energy title and the focus on jobs.

We are talking about loan guarantees for companies to leverage private dollars. So for just over \$400 million in loan guarantees, we have leveraged \$1.5 billion in private dollars to help companies with the cost of retrofitting and building new commercial biofuels plants. When operational, these facilities are expected to produce 113 million gallons of advanced biofuels and generate almost 25 million kilowatt hours of renewable energy, and reduce greenhouse gas emissions by an estimated 600,000 metric tons of carbon dioxide which, by the way, is the equivalent of taking 11,000 cars off the road. I have a little bit of a mixed feeling about that. Actually, we would much prefer to do it this way and keep great new advanced vehicles on the road.

In 2011, the USDA awarded \$6.9 million in grants and \$13.1 million in loan guarantees to 17 anaerobic digester projects—here we are talking about waste on the farm and turning it into energy—which will create enough energy to power 10,000 homes.

There are so many opportunities for us, whether it is animal waste, food

waste. We have a facility in Michigan that will be opening in the fall that is up by Gerber Baby Food. We are the international home of Gerber Baby Food in Fremont, MI. There is a new biobased facility opening that will use all the food waste to generate energy—electricity—for the northwestern area of Michigan. There are so many opportunities for us right now, using, again, food waste, byproducts from agriculture, and so on, where we can blend those together and create jobs and get us off of foreign oil.

The Biorefinery Assistance Program has helped build seven first-of-their-kind biorefineries to produce advanced biofuels in States from Florida to Oregon, Michigan to New Mexico. One of the companies, called INEOS New Plant Bioenergy, has just begun commissioning their plant in Indian River County, FL, which will use citrus and other municipal solid waste to produce 8 million gallons of cellulosic ethanol every year and 6 megawatts of renewable electricity. They have over 100 people working on the job, completing this first-of-a-kind plant, using 85 percent U.S.-manufactured equipment, by the way, for the facility.

There is so much. I could spend a long time going through all of the exciting efforts going on, literally from the east coast to the west coast, North and South, where creative entrepreneurs are coming forward, with support from the USDA to be able to get them through what is often called the valley of death, as they have a great idea but are trying to get it to commercialization, and efforts that are leveraging private dollars and public dollars to be able to have these companies move forward into full commercialization. Then they can create jobs, create renewable energy, get us off of foreign oil or create other kinds of products—all kinds of opportunities for us around products.

That leads me to another important piece, which is R&D, which is always a very important part of what needs to be done as we are looking at these new ideas. Entrepreneurs, companies large and small, many small businesses—in fact, most of them start as small businesses with a great idea, and they are looking for how to turn that into a great business, and hiring people, and so on. The Biomass Research and Development Initiative is an integral component to bridging the gap between technology development and commercialization. As I said, this is often called the valley of death. If you are somebody out there who is an entrepreneur with a great idea, how do you actually convince somebody to invest in it so you can move forward? Nearly \$133 million in grants was provided through the research and development effort from 2003 to 2010 and they helped leverage \$61 million in private investment.

One of the great success stories among many comes out of Wisconsin. We heard about this during one of our farm bill hearings when Lee Edwards, CEO of Virent Energy, came in to tell us about the great work his company is doing. They were awarded a grant as seed money to develop their technology with the University of Wisconsin. Virent now has over 120 employees and plans to expand again after receiving a contract from Coca-Cola to develop a 100-percent plant-based bottle for its carbonated beverages. Virent's technology is feedstock-neutral and produces drop-in jet fuel and renewable chemicals. Their corporate partners include Cargill, Coca-Cola, and Shell.

We also have the Biomass Crop Assistance Program, which helps farmers and ranchers who want to plant energy crops for biomass that would be converted to biofuels or bioenergy. In 2011, this program supported between 3,000 and 4,000 jobs.

Our investment in the BCAP could result in companies hiring—in this farm bill, we are told—between 2,000 and 2,600 additional new employees. We have also addressed issues around collection, harvest, storage, and transport to address problems that had occurred in the last farm bill.

This program provides financial assistance to owners and operators of agricultural and nonindustrial private forest land as well. I have not talked a lot about forest land, but certainly biomass efforts—what has been done around forest by-products—are very important as well.

Steve Flick of Show Me Energy received the first BCAP project area, covering approximately 50,000 acres in 38 counties in Missouri and Kansas. Individual farmers within the boundaries of the project area can now sign contracts with the USDA to grow dedicated energy crops. This is another provision we have in the bill. Show Me's plant in Centerville currently pelletizes crops into biomass fuel for space heat and electric power. This technology will eventually provide liquid fuels that can replace gasoline and diesel. Steve Flick also testified at our hearing in February.

I could go on and on with examples. We have a very exciting project I visited not long ago in Alpena, MI, in the northeastern part of the State, which is a plant working with a paneling company that makes decorative panels, doing beautiful paneling work with 100-percent wood paneling. They are now taking what used to be waste that they sent to a waste treatment facility and pumping it right next door to a new company that is creating cellulosic ethanol. And they are now looking for other products. One of them will be a new green biodegradable effort to device runways. So there are all kinds of possibilities.

What I am excited about is that this farm bill is focused on small busi-

nesses, farmers, ranchers, working with the forestry industry. How do we grow the economy by taking the two great strengths that have created the middle class of this country—growing things and making things? That is what this title is about; that is what this bill is about.

I am anxious to get us through this process so we can complete this bill and get on to the next generation of jobs.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, first, let me thank my distinguished colleague from Michigan for her extraordinary leadership on a milestone bill. I am so proud to be supporting this bill and to be in this Chamber speaking with her on issues that affect every American, not just farmers or those in States that may be recognized as farm States. The kind of leadership that has just been heard, I think, is a model for all of us, and I thank her.

S.J. RES. 37

Mr. President, I want to talk today about two issues that directly affect the health and safety of Americans of all ages, but particularly our seniors, and begin by associating myself with the remarks made earlier by Senators WHITEHOUSE and BOXER with respect to S.J. Res. 37.

I strongly oppose efforts underway to roll back Clean Air Act provisions that are critical to the health and safety and well-being of every man, woman, and child in this country.

Last December, the EPA finalized a rule aimed at reducing mercury and other toxic emissions from electric-generating units by about 90 percent. This rule affects the most toxic emissions in the United States—mercury, acid gas, nickel, selenium, cyanide. These rules are more important than ever.

The effort to roll them back should be resisted and rejected, and I hope my colleagues will join with me in opposing the Senate joint resolution that would not only stymie but stop efforts to protect Americans against the most toxic emissions.

I fought for these kinds of protections as attorney general. In fact, I took action as attorney general to compel these kinds of rules, and I believe the EPA is acting responsibly now in promulgating them.

WORLD ELDER ABUSE AWARENESS DAY

Mr. President, I want to thank my colleagues, on behalf of myself and Senator KIRK, for approving, Tuesday, a resolution designating tomorrow, June 15, as "World Elder Abuse Awareness Day."

The resolution Senator KIRK and I submitted, and that this body agreed to, recognizes the scourge that elder abuse represents here in America and around the world. I thank my colleagues for supporting it overwhelmingly, and I thank the President of the United States for proclaiming tomorrow, June 15, as "World Elder Abuse Awareness Day," and I thank Secretary Sebelius for announcing today that \$5.5 million in funding for States and tribes will be available to test ways to prevent elder abuse, neglect, and exploitation.

This initiative helps to implement the Elder Justice Act which was enacted as part of the Affordable Care Act. I believe this kind of initiative brings together in partnership local, State, and Federal authorities and private groups to combat this epidemic.

The abuse of elders is a spreading epidemic. We have statistics that indicate how it is, in fact, spreading. Elder abuse incidents have increased by 150 percent in the last 10 years alone. A recent study of the GAO shows that every year 14 percent of all noninstitutionalized adults are victims of abuse or neglect or exploitation, whether it is physical or financial or even sexual. So the statistics show a trend that is undeniable—not only in the 2 million adults who are maltreated every year but in the \$2.9 billion taken from older adults each year as a result of financial abuse and exploitation. That is \$2.9 billion every year taken from older Americans.

But the statistics only tell a fraction of the story because the fact is only 1 out of every 44 incidents of financial abuse is reported. Mr. President, 43 out of 44 incidents are unreported. In fact, of all incidents of abuse, 22 out of 23 are unreported. And the reasons are diverse. They may be because of shame, embarrassment. In fact, one of the most common reasons for underreporting is that the victim is related to the perpetrator.

Sadly, shamefully, tragically, all too many victims of elder abuse suffer at the hands of relatives. It may be a daughter or son. It may be a brother or sister. All too often they are victims at the hands of caregivers who are entrusted with their care, literally in positions of trust for people who may suffer physically from debilitating illnesses or from dementia or other kinds of afflictions. So this population is among our most vulnerable, and we must take stronger steps to protect them.

As attorney general, I sought to lead such efforts. In fact, Connecticut now has stronger measures against elder abuse, such as more thorough background checks as a result of these initiatives.

As a member of the Committee on Aging, I held a hearing in Hartford very recently to document this spreading epidemic and the way it affects all

of us—all of our relatives, all of our friends. It cuts across all lines of geography, race, gender, even income group. So this epidemic must be stopped.

That is why this resolution is important in calling attention to the problem. The President's proclamation enhances awareness, and I thank my colleagues for their continued effort and their involvement in this cause.

What is required at the end of the day is more resources—more resources for law enforcement authorities who have such a critical role in protecting those who suffer from it, and deterring those who would commit it, and having partnerships among State, local, and Federal authorities. Those partnerships must seek out and encourage greater reporting so that efforts can be taken to stop and deter it.

I will continue this battle. I thank my colleagues for joining me and for agreeing to this resolution and for demonstrating that we care. We care as a body and as an institution. It is not a Republican or Democratic issue. It is truly bipartisan because this generation has worked hard, accumulated savings, counted on security, and is depending on us, trusting us for their safety. We know the number in this age group will only grow—in fact, double—within the next years. That is why we must address it. I thank, again, my colleagues for doing so.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The motion to proceed to the motion to reconsider the vote by which cloture was not invoked on Executive Calendar No. 501 is agreed to, the motion to reconsider is agreed to, and there will now be 30 minutes of debate equally divided in the usual form.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have come to the floor to address and advocate for the nomination of an extraordinary woman, a qualified, tal-

ented Latina, Mari Carmen Aponte, to be the U.S. Ambassador to El Salvador.

Over 2 years ago I first chaired the nomination hearing for Ambassador Aponte to serve as President Obama's Ambassador to El Salvador, to San Salvador. The reality is that as a member of the Senate Foreign Relations Committee, I found her to be an exceptional candidate. Last November I chaired yet another hearing for Ambassador Aponte, and then last December this Chamber met to vote on her confirmation. In addition to last year's vote, the Foreign Relations Committee has held a series of meetings to consider her nomination. Frankly, I have not seen any nominee forced to go through such an arduous and drawn-out confirmation process as Ms. Aponte.

Let me talk about her record. Mari Carmen Aponte is a respected American diplomat who has been on the job and has served this Nation with distinction. During the 15 months Ambassador Aponte was sworn in as the U.S. Ambassador to El Salvador, she impressed the diplomatic establishment with her professionalism and won the respect of parties both on the right and the left in El Salvador. She has won the respect of civilian and military forces. She has won the respect of the public and private sectors. She has won everyone's support and fostered a strong U.S.-Salvadorian bilateral relationship that culminated with President Obama announcing El Salvador as one of only four countries in the world and the only country in Latin America chosen to participate in the Partnership for Growth Initiative.

Most importantly, Ambassador Aponte has been an advocate for American national security and democratic values. As a result of her advocacy, El Salvador is again a key ally in Central America. Its troops were the only ones from a Latin American country fighting aside American troops in both Iraq and Afghanistan.

As a result of her negotiating skills, the United States and El Salvador will open a new jointly funded electronic monitoring center that will be an invaluable tool in fighting transnational crime.

Before that period of time in which she had a recess appointment, Ambassador Aponte had been the Executive Director of the Puerto Rican Federal Affairs Administration. In 2001 she had served as a director at the National Council of La Raza, the Puerto Rican Legal Defense and Education Fund. She presided over the Hispanic Bar Association of the District of Columbia and the Hispanic National Bar Association.

This is a record of success. It is a record of honor. It is a record of diplomatic and political distinction. It is a record of a dedicated, qualified, experienced, and engaged American diplomat, a 15-month record that brought

our nations together. What more could we ask? What more should we ask?

Finally, I will simply say that I believe the statements that have been used by some against Ambassador Aponte are baseless. As someone who personally reviewed her record, as someone who personally looked at all of the files, I believe there is absolutely nothing to prevent Ambassador Aponte from being confirmed by the Senate. It is my hope, with having had the whole history of her tremendous service and all of the issues vetted, that today the Senate will take a vote that will confirm an incredibly qualified person who has a long history of tremendous service to the Hispanic community in this country, to our Nation, and who did an exceptional job in the 15 months she was appointed by President Obama during a recess appointment as the Ambassador to El Salvador. She served the national interests and security of the United States very well.

We have had an incredible period of time in which we have had no Ambassador confirmed there. That sends the wrong message to a country that is willing to embrace its relationship with the United States in Central America, in the midst of other countries that are not as friendly to the United States. We need to confirm an Ambassador, send her there, and have her continue the work she was doing.

I ask unanimous consent that any time in which there is a quorum call be equally divided against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, I rise to speak about Mari Carmen Aponte, the President's nominee to be Ambassador to El Salvador.

Those of us who have had the privilege of being here for some period of time—Senator INOUE has been here almost 50 years; I have been here for 27; Senators LEAHY, LUGAR, BAUCUS, and others have also served for a significant period of time. Brief as my stay has been, never have I seen this institution behaving as it does today.

Certainly, ideology isn't new to the American political arena and ideology isn't unhealthy. But in a Senate where the extraordinary measure of a filibuster has become an ordinary expedient, where Senate procedure is used as a political tool to undermine almost every proposal by the President and his Democratic colleagues, I think we all need to take a long, hard look at our priorities.

One priority that is staring us in the face is to work for the swift confirmation of Ms. Aponte. El Salvador has been without a U.S. Ambassador for 5 months. And I would ask colleagues how does this serve our national security or economic interests? El Salvador is the only Latin American country to

send troops to Afghanistan. It is an increasingly important partner on counternarcotics and trade. Right now, more than 300 U.S. companies are operating on its soil. Bottom line: We are long overdue in bringing Ms. Aponte's nomination to a vote on the floor.

I have said before—and I repeat today—that the Senate should not hold Ms. Aponte hostage to the partisan infighting that has consumed our politics. It should allow her the right to a full appointment as Ambassador, given the commendable job she has already done in that capacity.

Let's review the facts because I think there has been some confusion here. Ms. Aponte has already received three high-level security clearances from national security experts in our government. Let me repeat. After three separate and thorough reviews, our national security experts gave Ms. Aponte the green light to represent our country.

We have been down this road many times. Senators have reviewed Ms. Aponte's FBI file for themselves. Along with the administration, I have sought repeatedly and in good faith to address the concerns of some of my colleagues. The administration even offered high-level briefings, but their offers were turned down. To continue addressing patently partisan concerns about her personal background, in my judgment, would be counterproductive.

So let's talk about her accomplishments. Ms. Aponte will bring intelligence, diligence, and broad experience to this important responsibility. Prior to serving as Ambassador, she was a practicing attorney for over 30 years. She has been a proud champion of Hispanics in the United States and is a highly respected leader within the Puerto Rican community on the mainland.

Ms. Aponte served a recess appointment as Ambassador to El Salvador until the end of the last congressional session. During her approximately 16-month tenure, Ms. Aponte served our country with distinction. She did a tremendous job negotiating an agreement with the Salvadoran Government to open a new bilateral initiative to fight transnational crime. She aggressively promoted initiatives to remove constraints on economic growth in El Salvador and brought together the U.S. and Salvadoran Governments to sign a comprehensive Partnership for Growth Joint Action Plan. These aren't small achievements.

But you don't need to take my word for it. Just ask the eight former Foreign Ministers from El Salvador who wrote to the Foreign Relations Committee in support of her nomination. Their position on Ms. Aponte is crystal clear:

Her endeavors are very valued in all segments of political, social and economic centers. There is no doubt that Ambassador

Aponte will continue to find areas of common interest to build consensus not only between the United States and El Salvador, but will also continue to collaborate towards the strengthening of our institutions and will support the ongoing development process of our country.

I couldn't agree more.

Mr. President: Thomas Jefferson used to say that he could "never fear that things will go far wrong where common sense has fair play." Ms. Aponte has already demonstrated that she was a superb Ambassador to El Salvador. She deserves to be sent back, where she will represent our country with distinction. All we need to do now is allow our narrow interests to yield to the national interest and give common sense fair play.

I ask unanimous consent to have the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAN SALVADOR,
November 11, 2011.

Hon. RICHARD LUGAR,
U.S. Senator, Senate Foreign Relations Committee, Washington, DC.

Hon. JOHN KERRY,
U.S. Senator, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATORS: The undersigned are all former Ministers of Foreign Relations of the Republic of El Salvador, covering various Administrations lead by different political parties until 2009. We write this letter in support of the confirmation of Mari Carmen Aponte as United States Ambassador to El Salvador.

As experienced diplomats, we have closely watched Ambassador Aponte's work since her arrival. She came to El Salvador at a critical, delicate and politically complicated time. With the first FMLN government in power after the armed conflict, there was uncertainty as to which direction the country would take. Ambassador Aponte immediately commenced an even-handed and balanced approach, reaching out to all sides of the political spectrum. Systematically, she gained key players trust and since then, has consistently brought the government, private sector and civil society to the table on a myriad of issues, and has worked to cement a stronger democracy built on free market. El Salvador has experienced a very successful political transition and her impartial efforts have contributed to this goal.

With very minor exceptions, one can hear in our capital in private conversations as well as read in opinion and press articles the deep sense of respect and confidence Ambassador Aponte enjoys in our country. Her endeavors are very valued in all segments of political, social and economic centers. There is no doubt that Ambassador Aponte will continue to find areas of common interest to build consensus not only between the United States and El Salvador, but will also continue to collaborate towards the strengthening of our institutions and will support the ongoing development process of our country.

We urge you to confirm her appointment as U.S. Ambassador to El Salvador. We are also grateful if you could share this letter with all the members of the Senate Foreign Relations Committee.

Sincerely,

Marisol Argueta de Barillas; Jose Manuel Pacas Castro; Fidel Chavez Mena;

Alfredo Martinez Moreno; Francisco E. Lainez; Oscar Alfredo Santamaria; Maria Eugenia Brizuela de Avila; Ramon Gonzalez Giner.

Mr. REID. Madam President, I urge that the Senate confirm the nomination of Mari Aponte to be the Ambassador to El Salvador. She has been waiting in the aisle too long, and I hope she will be able to renew her old job.

She was an exemplary nominee of whom the Puerto Rican community, and Hispanics in general, can feel proud. She is an excellent Ambassador.

President Obama recess-appointed her as an Acting Ambassador to El Salvador in 2010, and she has served with distinction. That is why she will be confirmed today.

During her time as Acting Ambassador, Ms. Aponte was an outspoken advocate for American values and democracy and a staunch supporter of the U.S. private enterprise. She persuaded the government of El Salvador to deploy troops to Afghanistan. El Salvador is the first and only Latin American country to send military forces to join our NATO deployment. That says it all.

She reached an agreement with the Salvadoran Government to open a new, jointly-funded electronic monitoring center to fight transnational crime. She has already proved her strengths and qualifications on the job. That is what she has already done.

She has the support of the Congressional Hispanic Caucus and countless local and national Latino organizations around the country. They are very proud of her—as they should be. I am proud of her.

President Obama supported her and, to his credit, the Obama administration did a lot of heavy lifting to get her confirmed.

White House staff worked diligently for the past month to round up every vote possible. Secretary Clinton personally called Senators this week, Democrats and Republicans, to support this Aponte nomination. I commend Senator MENENDEZ for his tireless leadership on this issue. It is high time the United States has a Senate-confirmed Ambassador to El Salvador, our ally.

I also wish to express my appreciation to my Republican colleagues who dropped their unwarranted opposition and will help us confirm this well-qualified nominee. I am sorry for her and the country that El Salvador has been without someone doing advocacy for our country within El Salvador. That will not happen anymore. She will be able to go to work tomorrow.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I ask unanimous consent to speak in the remaining time before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, we are about to vote—what I hope will be a positive vote—to send a message to the people of El Salvador that we appreciate their positive engagement with the United States, at a time in which many Central and Latin American countries have taken a different view.

This is a country that has been engaged with us on the whole issue of narcotic trafficking and has sent their sons and daughters to fight alongside us, and they have shown a willingness to engage in democracy and the rule of law.

We have an incredibly qualified American of Latina descent, Mari Carmen Aponte. She is someone who has served with distinction for 15 months. I assume the absence of voices to the contrary in the Chamber up to this time speaks volumes of the process we have had and the opportunity in which we are about to engage.

It is my hope that we will see a strong bipartisan vote on behalf of Ambassador Aponte and send her back to El Salvador to get back to work for the United States and our collective interests.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Upon reconsideration, is it the sense of the Senate that debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary Plenipotentiary of the United States to the Republic of El Salvador shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—62

Akaka	Graham	Murray
Ayotte	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Rubio
Brown (MA)	Landrieu	Sanders
Brown (OH)	Lautenberg	Schumer
Cantwell	Leahy	Shaheen
Cardin	Levin	Snowe
Carper	Lieberman	Stabenow
Casey	Lugar	Tester
Collins	Manchin	Udall (CO)
Conrad	McCain	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—37

Alexander	Enzi	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Corker	Johnson (WI)	Vitter
Cornyn	Kyl	Wicker
Crapo	Lee	
DeMint	McConnell	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion, upon reconsideration, is agreed to.

The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. 3268

Mr. INHOFE. Madam President, in a moment I am going to propound a unanimous consent request. Before I do, I would like to say what it is on so people will understand the time and effort that has gone into getting legislation passed. I am referring now to S. 3268.

When John Glenn retired from this body, that left me as kind of the last acting commercial pilot. Consequently, I ended up getting a lot more of the complaints and problems within the

FAA and the way accusations are made and enforcement actions are taken. I have gone to bat for a lot of these people when I believed there was really a fairness problem.

It was not until I had an experience, a personal experience, that I realized the depth of the problem. It is very hard for people in this room to understand. If you have been, as I have been, a private pilot, commercial pilot, and flight instructor for 55 years, what it would mean to have that license taken away from you if that were merely at the whim of some enforcement officer in the field. I think all of us know—when I was mayor of Tulsa, now and then we had a few police officers who could not handle the authority. It happens all the time. Certainly we hear about it with enforcement actions brought about by the FAA.

What happened to me, and I will share this with you—I think it is very important—I have probably more hours than most airline pilots have and I was still active in aviation. I was flying down to the southern part of Texas, the furthest south part of Texas, way down by Brownsville, to Cameron County Airport. Papa India Lima is the identifier for it. In this effort, with several passengers with me, I was going by the controllers. This is what you do not have to do but I always do for safety purposes. I went through the Corpus Christi approach control. He handed me off to the Valley approach control. I was going into a field that was uncontrolled, so the only control is the Valley approach control. They are watching on a screen, and they have all the information they need to direct you and authorize you to do things. They are looking for traffic and you are squawking, so they know exactly where you are, how high you are, and all the things that are happening. Again, you don't have to do that. On this day in October, a year ago October, I did not have to do it, but I did it anyway.

As I approached—the wind is always out of the south down there. The runway is 1-3—that coordinates with 130 degrees. When I was on about—I would have to go back and listen again to the voice recorder—about a 2- or 3-mile final to runway 1-3, the controller said: Twin Cessna 115 echo alpha, you are cleared to land runway 1-3.

When you do this, you dirty up your plane so you can land. This happens to be a pretty sophisticated twin-engine plane; you have to let the flaps down and gears down and all that stuff. You get to the point, if you have a full plane, beyond which you cannot go around. When I came in to make a landing, I did not see X on the runway because it was not very prominent, but nevertheless there was one there. But there were some workers on the far east side of the runway. This was a 8,000- or 9,000-foot runway. I only needed 2,000 or 3,000 feet. So I went over the

workers and I landed. Immediately they got upset that I landed.

A lot of people, because I am a Member of the U.S. Senate, started calling the New York Times and the Washington Post. They had a wonderful time with this. I started looking at it and talking to the people who do the enforcement action. I have to say they were good, and they were responding to a lot of hysterical people, frankly, who did not like me. So they came with an enforcement action against me which merely was to go around the pattern with a CFI, a flight instructor. So I did this. I am also a flight instructor. I had given him his license, as a matter of fact. I went through this procedure, and everything was fine.

However, the problem was this: I was denied access to the information they were going to use against me. When I told them that I was cleared to land by the controller, it took me, a U.S. Senator, 4 months to get the voice recording to prove I was right.

Second, there is a thing called Notices to Airmen. NOTAMS are supposed to be published every time there is work on a runway. Pilots are supposed to have access to NOTAMS. You look through your resources, as I always do, to see if there are NOTAMS on the runways where I land. When I go back on weekends, normally I will fly—gosh, I will be at five or six different towns, but I look up the NOTAMS on all the towns. I had done that. There were no NOTAMS on Cameron County Airport. We checked afterward. We could never find any. No one says there were NOTAMS now. So, No. 1, I was clear to land, and No. 2, there were no NOTAMS that were published.

What they could have done—they could have very well done is taken my license away. It doesn't mean much to people who are listening to me right now because you are not pilots, but it means a lot to the 400,000 members of the AOPA who are watching us right now and to the 175,000 general aviation pilots with the EAA, Experimental Aircraft Association, who are watching us right now. They know that they, at the whim of one bureaucrat, could lose their licenses.

Anyway, I came back and drafted legislation. I have to say this was way back a year ago now—July 6 of 2011. I introduced a bill with 25 cosponsors that would do three things:

No. 1, it would let the accused have access to all relevant evidence within 30 days prior to a decision to proceed with an enforcement action.

No. 2, it would allow the accused to have access to the Federal courts. As it is right now, the National Transportation Safety Board—it goes to them, and they rubberstamp whatever the FAA does. In fiscal year 2010, there were 61 appeals, and of those only 5 were reversed. Of the 24 petitions in 2010 seeking review for emergency de-

terminations, only 1 was granted and 23 were denied. It is a rubberstamp. Everybody knows it. Ask any pilot you can find, and they will tell you that is what it is.

This way, they would have access to the Federal courts. It is not going to happen because I can assure you, that inspector in the field, the enforcement officer in the field is not going to put his reputation on the line knowing that someone is going to be looking at it with a sense of fairness. The district court doesn't have to know anything about piloting an airplane, it is just a fairness issue.

In my case, they would have looked at this and said: Wait, you are cleared to land by the FAA, and there are no NOTAMS published. What did you do wrong?

I did nothing wrong.

They would make sure flight station communications are available to all airmen. They are supposed to be. But if it took me 4 months—and I am a U.S. Senator—to get a voice recording to show I was cleared to land at this airport, what about somebody who is not a Senator? What about somebody who would be intimidated to the point he would lose his license?

The second thing this does is it forces the NOTAMS—Notices to Airmen—to be put in a place where they are visible, a central location.

The third thing. If you talk to the aircraft owners and the pilots association, of all the problems that they get called to their attention, 28 percent of all the requests for assistance received by them relate to the medical certification process. In other words, someone might lose his medical and then find he has corrected any kind of physical problem and wants to get it back, and he gets it back. However, if he happens to live in a different town and there are hundreds of doctors around to do this, there is no uniformity to it.

So it sets up a process or helps facilitate setting up a process by having general aviation, having the FAA, having the NTSB, having anyone who is relevant and interested in this to look at and coordinate the medical certification process.

That is essentially it. I am prepared to go into a lot of detail. I know I now have 66 cosponsors in this body. I could have had a lot more; we quit after we got two-thirds. I think everyone knows that is normally what you do. I do know we may have one objection to this unanimous consent request, but I am going to make it now.

As in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 3268, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, reserving the right to object, first of all, I know this bill is very important to the Senator who is offering it. I understand that, and I respect the Senator. He is a good Senator. But my objection is not based so much on what he said, it is based on the whole concept of public safety.

This is about public safety. We should not have to worry that potentially unqualified pilots are in the air. We have so many tens of thousands of airplanes in the air every hour of every day. This bill would create a process which would be new which could result in the Federal Government being unable to pursue enforcement action because of the limited resources. It is a fact of life these days. FAA has to cut way back. We are having to address other mandated priorities which are perhaps more important than this one. That could very well mean that the FAA and the NTSB, the National Transportation Safety Board, which are ultimately responsible for making decisions about whether pilots have violated aviation regulations, could be barred from taking actions to prevent unsafe pilots from continuing to fly. That is heavy water. That could have serious safety consequences.

According to the FAA, in some cases which would typically warrant revocation of a pilot's license, some unqualified pilots would be able to avoid losing their certificates by avoiding FAA prosecution of the matter before the NTSB.

This bill, in closing, would stand the FAA's enforcement structure on its head. As a result, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. INHOFE. Let me respond. This in no way has anything to do with safety because we are talking—the first arbitrator is the FAA. That is not what this is about at all. When we have had a chance to talk, as we have to almost all the Senators in this body, we have talked about safety. We bounced that off many people. We had a hearing at Oshkosh about safety. I had the air traffic controllers support me on this. They are the ones concerned with safety.

I would say I don't agree with the argument, but I respect the Senator from West Virginia.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I too object, along with Senator ROCKEFELLER. I have been on the National Transportation Safety Board, and I know well the kinds of cases that are pilots' license revocations and the NTSB process for appeals of those. I understand Senator INHOFE's explanation for what happened with him and that he is in somewhat of a disagreement with some of the reporting of that incident.

I also understand the Senator from Oklahoma's long-time record of being a pilot, and I respect that very much, but I am afraid that what he is not taking into consideration is most certainly a safety issue.

We have tasked the FAA with air safety, and we have given them the responsibility for revoking pilots' licenses when there is a need to do that in their opinion, whether it be for a violation of landing on a runway that has an X, which pilots know means that runway cannot be used at that time.

As happened with Senator INHOFE's case, he is saying that he had a clearance, but the X was there and the FAA cited him for that. They did not revoke his pilot's license at all, yet he is coming forward with a bill that not only addresses some of his legitimate concerns, which I agree with. The FAA's expertise and its mission, which is given to it by Congress, is to provide for safety and to revoke a private pilot's license or commercial pilot's license or aviation mechanic's license. Senator INHOFE's bill that would allow pilots to not have to go through the appellate process with the National Transportation Safety Board, which is the appellate authority, which also has the expertise and experience to know when a revocation would be questionable or if the FAA was right. They have the pilots, they have the expertise to make those decisions, and after the NTSB appeal, they then have the right to go to Federal court if they so choose.

What Senator INHOFE's bill does is take away the NTSB portion of the appeals process. Let me say that I have offered to Senator INHOFE—because he knew I objected to this bill—to do everything in his bill that he has addressed, including the openness, the requirement that an enforcement action that the FAA would grant the pilot all the relevant evidence in 30 days prior to a decision, that it would clarify the statutory deference as it relates to NTSB. NTSB is not a rubberstamp at all. I think they have been fair with their expertise. The FAA has the responsibility for aviation safety. Requiring the FAA to undertake a notice to the Airmen Improvement Program, I think, is certainly legitimate. Making flight service station communications available to all airmen is a legitimate piece of this legislation.

What I object to and have asked Senator INHOFE to let us work together to do is not to bypass NTSB, but to let the appellate process go forward, and then at the end, if there is still a feeling of unfairness on the part of the pilot, that they would have access to the Federal courts. They can do that now.

So I think Senator INHOFE insisting on bypassing NTSB is holding up the good parts of his bill because it is very

important, in my opinion, that we keep the expertise for safety in the skies where it is, in the FAA, the NTSB, and then go to the Federal courts if rights are violated.

In 2011, the NTSB had 350 appeal cases for administrative law judges and the number was similar in 2010. Cases are typically disposed of in 90 to 120 days, so there is not a long lag time in which the pilot doesn't have the access to his or her license. The NTSB held 62 appeals hearings in 2011 and 36 cases went to the full board. The breakdown of the cases was private pilots, 48 percent; airline mechanics or aviation mechanics, 13 percent; commercial pilots, 6 percent; air carriers, 8 percent; and medical with 25 percent.

Senator ROCKEFELLER and I, as the relevant chairman and ranking member on the Commerce Committee, have agreed to have a hearing on Senator INHOFE's bill so that this can be fully vetted, and most certainly I have on many occasions offered to work with Senator INHOFE to get the notification requirements, the openness requirements—every part of his bill that would require reforms of the process for fairness to the pilots—I would agree with and work to help him pass. But I think taking out the NTSB and going directly to Federal courts is not necessary, and I think it will hurt aviation safety.

I also believe that a different, extraneous issue is that our Federal courts are pretty clogged already and the Federal courts do not have those with pilots' licenses on their staff clerkship rolls, to a great extent. Maybe they happen to be. But they don't have the familiarity with the requirements of FAA and the issues that FAA looks at, and they do have access to Federal courts in the end anyway. But I think the NTSB part is important so that the experienced pilots in the NTSB have the appellate authority, as they do now, to decipher what happened with the FAA and determine if fairness was given to the pilot. It is also to help determine if that pilot should continue to fly or if it would endanger aviation safety, which should not be the role of the Federal courts.

So Senator ROCKEFELLER and I do object. I hold my hand out to Senator INHOFE to work with him on the notification and fairness issues in his bill, which I support. I just don't think bypassing the expertise of the NTSB and adding another burden to the Federal courts where they do not have the expertise is in anyone's best interest in this country, and I am happy to work with anyone who is interested in this issue and hope we can resolve it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think it would be redundant for me to go back and repeat what I said before. The Senator from Texas talked about

the X on the runway. I made it very clear by the time you can see the X on the runway when you are cleared to land and you have a sophisticated plane that is full of passengers, there is a point beyond which you can't go in terms of your plane is dirtied up making a go-around. Obviously it wasn't necessary because I had 7,000 empty feet to come around, but that is not important because that is not the issue.

I recognize and respect Senator HUTCHISON in the fact that she was on the NTSB, and I know that obviously is meaningful to her, as it is to Senator ROCKEFELLER.

What we are dealing with here is we have a committee—and I have a lot of respect for the committee for which Senator ROCKEFELLER is the chairman and Senator HUTCHISON is the ranking member, and this committee is the committee of jurisdiction.

Now, what did I do? I introduced this bill a year ago. I talked about it. We had 25 cosponsors at that time. We had endorsements from all over the country. We had the National Air Traffic Controllers Association come in. We sent out "Dear Colleagues" to talk to people. Again, we sent a letter to the Commerce Committee that Senator HUTCHISON was on at that time requesting a hearing. We had 32 cosponsors signing that letter, requesting a hearing, some of which were on the Commerce Committee. Nothing happened.

On September 20, as the months go by, we made more requests. We talked about this, and every time they said we are going to be doing this. You finally get to the point where you have to go ahead and get it done. And that is why we have a rule XIV. I am not a Parliamentarian, and I don't know exactly how things work.

I remember I had experience with this when I worked in the House of Representatives, that when something is bogged up in a committee we had what is called the discharge petition reform of 1994. It was considered by the Wall Street Journal, or perhaps Business Daily, as the single greatest reform in the history of the U.S. House of Representatives. It addressed this same thing. It is a way of bottling up bills in committees so they could never have hearings and never be able to get on the floor for a vote. That discharge petition reform became a reality, and now the light is shining and everything is great.

But when you have been trying to get a hearing before a committee for a year and you have 66 cosponsors, you have to resort to whatever is out there available to you for a remedy. That remedy happens to be rule XIV. Rule XIV will allow me to do this, and with the two people holding the bill up, Senator ROCKEFELLER and Senator HUTCHISON, I will have no choice but to file cloture and to go ahead and get a

vote on this bill, recognizing it takes a supermajority when you file cloture. So I would do that.

I didn't think I would get into this or need to enter it into the RECORD. I have an article which I will find here and will submit for the RECORD. I think it is very important. It goes into detailed documentary cases where they have been unable to get fairness through this system.

How many cases would ultimately go to the district court? I think very few. The idea that there is going to be an opportunity for a pilot to take what he is accused of to the district court to see it in a sense of fairness has nothing to do with how many pilots are sitting on that district court. It is a sense of fairness, and that is what they deal with. The people in the district court system don't have expertise in all of these areas, but they can look at fairness. And I can tell you in my case, if they had looked at that and said, wait a minute, the FAA has cleared him to land and there are no NOTAMs published, he didn't do anything wrong. It finally gets to the point—and I have been very patient. I have waited a whole year for this and finally I have come to the point where I have flat given up, so I decided that we are going to have to do it this way since it is clearly the will of the Senate to pass this legislation.

So, with that, I have some things I want to have printed in the RECORD. First of all, I have the sequence of events, the request that we made of the Commerce Committee to hear this legislation.

I have an article that was in Pilot magazine by John Yodice, who is considered to be the single foremost legal authority in this area.

Madam President, I ask unanimous consent to have both items printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1335, INHOFE-BEGICH PILOT'S BILL OF RIGHTS SUMMARY

THE PILOT'S BILL OF RIGHTS DOES THREE THINGS

1. Makes the FAA Enforcement Process Fairer for Pilots—Requires that in an FAA enforcement action against a pilot, the FAA must grant the pilot all relevant evidence 30 days prior to a decision to proceed with an enforcement action. This is currently not done and often leaves the pilot grossly uninformed of his violation and recourse. Eliminates the NTSB rubber stamp review of FAA actions. Too often the NTSB, which hears appeals from the FAA, gives wide latitude to the FAA, making the appeals process meaningless. In FY10, of the 61 appeals of FAA certificate actions considered by the NTSB, only five were reversed. Of the 24 petitions seeking review of emergency determinations considered by the NTSB, only one was granted and 23 were denied. The bill clarifies the deference NTSB gives to FAA actions. Allows for federal district court review of appeals from the FAA, at the election of the

appellant. Makes flight service station communications available to all airmen. Currently, the FAA contracts with Lockheed Martin to run its flight service stations. If a request is made for flight service station briefings or other flight service information under FOIA, it is denied to the requestor because Lockheed Martin is not the government, per se. However, they are performing an inherently governmental function and this information should be available to pilots who need it to defend themselves in an enforcement proceeding.

2. Improves the Notices to Airmen System—Requires the FAA undertake a NOTAM Improvement Program, requiring simplification and archival of NOTAMs in a central location. The process by which Notices to Airmen are provided by the FAA has long needed revision. This will ensure that the most relevant information reaches the pilot. Non-profit general aviation groups will make up an advisory panel.

3. Requires a Review of the Medical Certification Process—The FAA's medical certification process has long been known to present a multitude of problems for pilots seeking an airman certificate. In fact, 28% of all requests for assistance received by the Aircraft Owners and Pilots Association relates to the medical certification process. The bill requires a review of the FAA's medical certification process and forms, to provide greater clarity in the questions and reduce the instances of misinterpretation that have, in the past, lead to allegations of intentional falsification against pilots. Non-profit general aviation groups will make up an advisory panel.

ACTION ON PILOT'S BILL OF RIGHTS

July 6, 2011—Introduced Pilot's Bill of Rights with 25 cosponsors and endorsements from Aircraft Owners and Pilots Association and Experimental Aircraft Association.

July 11—National Air Traffic Controllers Association endorses.

July 28—Dear Colleague from Begich and Pryor sent to Democrats requesting cosponsorship.

July 30—Presented PBOR at OshKosh Airventure.

September 15—Sent letter (with 32 signatures) to Commerce Committee requesting hearing.

September 20—EAA sends e-Hotline to members regarding hearing request.

November 10—Roundtable event with Harrison Ford, endorses PBOR.

November 17—Acquires 60th Cosponsor.

November 19—AOPA makes PBOR front-page story on website.

January 19, 2012—Staff meeting with Gael Sullivan (Rockefeller), Jarrod Thompson (KBH), and Michael Daum (Cantwell) to discuss committee consideration of PBOR (staff requested hearing).

January 25—Sam Graves introduces H.R. 3816, a companion measure.

March—AOPA publishes story highlighting Pilot's Bill of Rights.

May 5—Acquires 66th cosponsor.

[From the AOPA Pilot]

NTSB: AN IMPARTIAL FORUM FOR PILOTS?

(By John S. Yodice)

Under the Federal Aviation Act, the National Transportation Safety Board functions as a court of appeals for pilots when the FAA has suspended or revoked a pilot or medical certificate. In our increasingly complex airspace system and the more intensive regulation of our flying activities, no pilot is

immune. This appellate function is given to the NTSB because it is independent of the FAA, and presumably able to provide a fair and impartial forum for the hearing of such appeals. Under the Act, an appealing pilot is entitled to "an opportunity for a hearing." It also provides that an FAA order of suspension or revocation must be reversed if the NTSB finds after a hearing that "safety in air commerce or air transportation and the public interest do not require affirmation of the order."

Decisions of the current NTSB cause us to question its fairness and impartiality in pilot appeals. Many of these decisions have been reported in this column, one as recently as last month ("Pilot Counsel: No 'Statute of Limitations,'" July AOPA Pilot). Here is another case that raises doubts.

The FAA ordered the suspension of a private pilot's certificate for 30 days for piloting a Piper Cherokee 140 into the Washington, D.C., Air Defense Identification Zone (now the "Special Flight Rules Area"). The FAA said that the pilot failed to comply with the special security procedures of the relevant notam, and was "careless or reckless" in the operation. The pilot appealed the order of suspension to the NTSB. He filed an answer to the FAA's order admitting the inadvertent incursion, but defending that "the special procedures required pursuant to FDC notam 7/0206 are unique, complex, and ambiguous." (To prove the pilot's point, although it never came up in the case, there have been thousands of such inadvertent incursions, as opposed to very few, if any, intentional ones.) He also adamantly denied that he was "careless or reckless" in his operation.

The result of the appeal to the NTSB was that the pilot was denied a hearing to contest the FAA charges; he was denied a waiver of the suspension even though he timely filed a report with NASA under the Aviation Safety Reporting Program ("Pilot Counsel: ASRP," June AOPA Pilot); and he wound up with a "careless or reckless" violation on his public FAA airman record.

This result was achieved by a series of procedural, regulatory, and policy interpretations by the NTSB, all one-sided. To start with, the NTSB has a procedural rule allowing summary judgment, i.e., no hearing, if there are no factual issues to be heard. (In my experience the only party routinely granted summary judgment is the FAA, never the pilot.) Based on the pilot's admission that he inadvertently entered the ADIZ, the FAA moved for summary judgment, and the board granted the motion. What the FAA and the board ignored in denying a hearing were the three issues raised by the pilot: one, that he was not "careless or reckless;" two, that "the special procedures required pursuant to FDC notam 7/0206 are unique, complex, and ambiguous;" and three, that he was entitled to a waiver under ASRP.

The FAA has a catchall regulation, FAR 91.13(a), that provides: "No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another." In a one-sided interpretation, the NTSB has written out of the rule the required element of proof that life or property has been endangered. The pilot was never afforded the opportunity to prove that there was no danger to anyone or anything. In another one-sided interpretation of the same rule, the board held that the "careless or reckless" part of the charge is merely "residual" to the ADIZ incursion charge and therefore does not warrant a hearing.

The board rejected without serious discussion, the pilot's defense that the security

procedures are unique, complex, and ambiguous. Apparently the board could not bring itself to acknowledge that there could be something wrong with a rule that is unintentionally violated by thousands of otherwise law-abiding and safety-conscious pilots.

The pilot timely filed a report with NASA under ASRP that should have entitled him to a waiver of the 30-day suspension. Most pilots charged with inadvertent incursions have been granted waivers. The board, although conceding that the pilot raised this issue in his reply to the FAA's motion for summary judgment, denied that this was an issue for hearing because, technically, the pilot did not raise it in his answer. Merely raising it in a different pleading filed with the board was not sufficient.

Notice that every one of these issues, without exception, went against the pilot and in favor of the FAA, all without granting the pilot the hearing, which the Act contemplates, to put on his side of the case. This case would not be so remarkable if it stood alone, and not in context with the many other cases we have seen, many of which we have reported, in which the NTSB one-sidedly seems to favor the FAA and disfavor pilots.

Mr. INHOFE. He talks about the decision of the current NTSB calls into question its fairness and impartiality in pilot appeals. And he talks about all the notices that have gone out and the problems they have had with this.

Of the 100,000 pilots who are interested in this today—actually, well over that—but just those who are involved in this process right now, they have had documented cases where the fairness is not there. This would offer fairness, and that is all we are asking, just to be treated as fairly as every other citizen in the United States.

I yield the floor.

Mrs. HUTCHISON. Mr. President, on the point of the hearing, Senator ROCKEFELLER and I have agreed certainly with Senator INHOFE to hold a hearing, which we notified Senator INHOFE we would, and I expect it to be next month for the hearing schedule. I just hope we can pass a good part of his bill, which I would like to work with him on, but I think the motivation should be safety and assuring safety. I know the personal conflict Senator INHOFE has with what happened to him, and I am sympathetic, but I don't think passing legislation that could hurt the aviation safety community is the right approach to meet the objections of Senator INHOFE.

I would love to have a hearing and have all the witnesses he would put forward to get an objective look at what this would do to taking the expertise and the mission from FAA and allow it to be bypassed at the NTSB level and go to Federal courts where there is not the experience and the aviation safety mission that is well protected today.

I hope we can work together on this. I understand the Senator's frustration, but I don't think this is the right solution for what happened to him with one incident.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Oklahoma.

Mr. INHOFE. First of all, I am not aware that I was offered a hearing. But let me make sure I have in the RECORD, and I ask unanimous consent to have printed in the RECORD a letter dated September 15, 2011, which was 9 months ago, signed by 32 Members of this Senate, including the occupier of the chair right now, the Senator from West Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 15, 2011.

JOHN D. ROCKEFELLER,
*Chairman, Senate Committee on Commerce,
Science, and Transportation, Dirksen Sen-
ate Office Building, Washington, DC.*

KAY BAILEY HUTCHISON,
*Ranking Member, Senate Committee on Com-
merce, Science, and Transportation, Dirksen
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: A bill that was recently introduced by Senator Inhofe, S. 1335, the Pilot's Bill of Rights, has been referred to your committee. It currently has 32 cosponsors, 13 of which are members of the Commerce Committee. With a majority of committee members having already voiced their support for this legislation, we respectfully request that you hold a committee or subcommittee hearing and markup of this legislation.

During the drafting of this legislation, Senator Inhofe worked extensively with the Aircraft Owners and Pilot's Association and the Experimental Aircraft Association, both of which have strongly endorsed this bill, as well as private aviation attorneys. It became clear during this process that several common sense changes should be made to enhance the relationship between the FAA and general aviation, and those were incorporated into the bill.

First, the bill requires that in an FAA enforcement action against a pilot, the FAA must grant the pilot all relevant evidence, such as air traffic communication tapes, flight data, investigative reports, flight service station communications, and other relevant air traffic data 30 days before the FAA can proceed in an enforcement action against the pilot. This is currently not done and often leaves the pilot grossly uninformed of his alleged violation and recourse.

Second, the bill also allows for federal district court review of appeals from the FAA, at the election of the appellant, and states that the NTSB shall not grant deference to the FAA in an appeal, should the pilot choose to go the NTSB route. Both of these things are done because too often the NTSB rubber stamps a decision of the FAA, giving wide latitude to the FAA and making the appeals process meaningless.

Third, this bill requires that the FAA undertake a Notice to Airmen Improvement Program, requiring simplification and archival of NOTAMs in a central location. The process by which Notices to Airmen are provided by the FAA has long needed revision. This will ensure that the most relevant information reaches the pilot. Non-profit general aviation groups will make up an advisory panel, which we believe will give pilots a seat at the table when deciding how the NOTAM system can be improved.

Fourth and finally, the FAA's medical certification process has long been known to present a multitude of problems for pilots seeking an airman certificate. The bill simply requires a review of the FAA's medical

certification process and forms, to provide greater clarity in the questions and reduce the instances of misinterpretation that have, in the past, led to allegations of intentional falsification against pilots. Non-profit general aviation groups, aviation medical examiners, and other qualified medical experts will make up an advisory panel to advise the Administrator, again giving the right people a voice in the overall determination.

Again, we hope that you will schedule a hearing and markup of this legislation that is extremely important to the general aviation community. As many of us sit on your committee, we look forward to being an active part of this process.

Sincerely,

James M. Inhofe; John Hoeven; Jim DeMint; Roger F. Wicker; Dean Heller; Pat Toomey; Joe Manchin III; Lisa Murkowski; Mark Begich; Kelly Ayotte; Jerry Moran; Lamar Alexander; Roy Blunt; John Boozman; Marco Rubio; John Cornyn; Olympia J. Snowe; Michael B. Enzi; James E. Risch; Richard Burr; John Barrasso; Pat Roberts; Mike Crapo; Mike Johanns; Tom Coburn; Ron Johnson; Saxby Chambliss; Mark L. Pryor; Debbie Stabenow; Susan M. Collins; Daniel Coats; Jeff Sessions.

Mr. INHOFE. Mr. President, I don't think anyone is going to say we haven't done everything we could to go through the committee process to get a hearing. I just flat gave up. That is why we have this rule.

I will be looking forward to taking the next steps. I know there are a lot of people out there who want to have this type of justice afforded the pilots of the United States of America, the same as every other citizen enjoys.

With that, I appreciate the patience of my colleagues, because I know we have other business, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. I rise to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENDING VETERAN HOUSING DISCRIMINATION

Mr. BROWN of Massachusetts. Mr. President, I rise to discuss a terrible shortcoming in our housing discrimination laws and legislation which I have introduced and which I encourage the Presiding Officer to sign on to.

Last week, the Boston Herald reported that a veteran of Iraq and Afghanistan had been forced to file suit in Massachusetts because a political activist landlord allegedly discouraged him from renting because of his military background, claiming the situation would be "uncomfortable."

This brave veteran brought his fight to the press and to the courts of Massachusetts, where State law makes it illegal to discriminate against veterans who are seeking housing. In Massachusetts, that is, in fact, the law. It is illegal. When I read this, I was angry, as I know the Presiding Officer would be angry if it happened in his State. That

this could happen today is mind-boggling. So my staff and I started working to see what we could do to right this wrong and see if it was something that was systemic throughout the country. We started digging into this issue and found that when it comes to housing, it is apparently not illegal—let me repeat that, it is apparently not illegal—under Federal law to discriminate against a veteran or a member of our Armed Forces on the basis of their brave service to our Nation.

Back when I was a State senator and State representative in Massachusetts, at the statehouse, we took action, as I referenced, to ensure our veterans are protected, whether it is a welcome home bonus for first- and second-time soldiers who have served, antidiscrimination reemployment or educational benefits. I could go on and on.

Quite frankly, I think Massachusetts does it better than any other State in the country. So it came as a surprise to learn that fewer than one-half dozen States have similar protections. With tens of thousands of veterans returning home in the next few years and the size of our Armed Forces actually shrinking dramatically, now is clearly the time to fix the problem. I know the Presiding Officer as well does not want to hear more stories such as this one because I recognize how important that issue is for the Presiding Officer.

No one who puts on the uniform of our Nation and serves should be faced with discrimination. There is no one who should ever face that discrimination when they are trying to put a roof over their head and the heads of their family. The idea that anyone would deny a home to someone who has put their life on the line for our freedom is, quite frankly, un-American. It should be condemned by every Member of this body.

In order to understand today's problem, however, we must go back to 1968, when I was 9 years old, when one of my predecessors, Senator Edward Brooke, a great legislator from my home State of Massachusetts—a gentleman whom I still speak with—helped author the Fair Housing Act which was signed into law by then-President Johnson. That civil rights legislation broke new ground by banning housing discrimination on the basis of race, color, religion or national origin. Another great Senator from Massachusetts, Senator Ted Kennedy, joined Senator Brooke in urging the bipartisan passage of that very important piece of legislation.

Then, in 1974, closer to the Presiding Officer, Senator Bill Brock of Tennessee amended the act to prevent housing discrimination on the basis of gender. Then, in 1988, Senator Kennedy extended the act's protections to those Americans with disabilities and families with children. Both of these expansions received broad bipartisan support and were actually signed into law.

As Senator Brooke said 44 years ago:

Fair housing is not a political issue, except as we make it one by the nature of our debate. It is purely and simply a matter of equal justice for all Americans.

Well said by Senator Brooke 44 years ago.

Fair housing has a bipartisan history and we have a chance to do it again. We can do it by protecting two additional groups from housing discrimination. My Ending Housing Discrimination Against Servicemembers and Veterans Act, S. 3283, is needed and it is needed right now. It amends the Fair Housing Act to protect veterans and servicemembers from housing discrimination.

By passing this bill right away, the Senate can say affirmatively and immediately that veterans and servicemembers deserve the same rights to housing as anyone else. This is a no-brainer. The Commander in Chief of the Veterans of Foreign Wars of the United States has endorsed my bill, as referenced for people looking on, saying:

Senator Brown's work to protect servicemembers and veterans from housing discrimination is very positive. It is unconscionable that members of our military and veterans should fear not being able to rent or buy a home because of their status as a veteran.

This bill will correct the issue.

By passing this bill right away, we can, once again, say to those veterans and servicemembers that they have our pride and respect. We need the action right now. No veteran or servicemember should ever face the indignity of being denied housing solely on the basis of their service.

The Fair Housing Act of 1968 and Senator Kennedy's amendments in 1988 passed with overwhelming support. We should be able to do the same. I urge all my colleagues to cosponsor this important piece of legislation and work for its immediate and unanimous passage. It is time to fix this shortcoming in our Nation's housing laws and it is, quite frankly, the right thing to do.

I would like to also take this opportunity to wish the U.S. Army a happy 237th birthday. I was honored to go to the cake-cutting last night and honor those who have done so much for our great country.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I yield back all postcloture time on the nomination of Mari Carmen Aponte.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, very quickly, that was the last vote today. It appears we will have no votes tomorrow. But Senator STABENOW and Senator ROBERTS are working very diligently to come up with an agreement on the farm bill. We are going to have a vote Monday evening. We have not decided exactly what that will be on. We have a number of different alternatives. But we hope we can have common sense prevail and be able to come up with an agreement, if for no other reason than to recognize the hard work of the two managers of this bill.

It is so important we get this done. There are issues we are going to vote on, one of which Senator KERRY will talk about. There are relevant amendments. We have a lot of them. We will agree to vote on those. We are trying to work out also the nonrelevant amendments, and we are not there yet.

The PRESIDING OFFICER. The Senator from Massachusetts.

APONTE NOMINATION

Mr. KERRY. Mr. President, I am grateful we finally have been able to get the nomination of Mari Aponte confirmed. I thank Senator MENENDEZ for managing for me.

I thank our colleagues in the Senate for finally getting our nominee in place and confirming her to be the Ambassador to El Salvador. I think it is long overdue. She will do a terrific job, and I am grateful to colleagues that we finally have, in fact, confirmed this nomination.

Mr. President, I understand I can proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE REFORM

Mr. KERRY. Mr. President, I will do so, but I wish to speak with respect to an amendment on the farm bill for when we get back to that.

I wish to call to the attention of my colleagues the fact that in 2008, the

farm bill's conferees inserted a provision that transfers authority of the regulation of catfish, but only catfish—it was the only particular item singled out to be transferred—from the Food and Drug Administration to the U.S. Department of Agriculture. The provision was not debated in either body. It is one of those things that, as we all know, people have increasingly gotten incensed about in the public as well as around here, in the Congress itself.

Because it was transferred over to the U.S. Department of Agriculture, the USDA subsequently published a proposal in order to carry out the new mandate it had been given to regulate catfish. But that proposal has remained, and properly so, stalled in the regulatory process. I say "properly so" because it serves no public interest, it is costly for taxpayers, and it is duplicative and confrontational with other entities that are engaged in that kind of oversight. As a result, it will invite trade retaliation abroad and put us on a train wreck, if you will, of sort of excessive regulatory conflict.

Senator MCCAIN and I have joined together, along with a bipartisan group of our colleagues, to offer an amendment, amendment No. 2199, to repeal the 2008 catfish language. If we don't repeal it, the USDA is going to try to continue to proceed forward in this regulatory train wreck.

Let me give a little background. In February of 2011, the GAO cited the proposed catfish regulatory program—cited it as part of its report on those programs that were at high risk for waste, fraud, and abuse. Then, in March of 2011, the GAO again called this program duplicative as part of a totally separate report. Then, just last month, the GAO produced an extensive and detailed analysis of why this program is not only costly and duplicative but why it would have no food safety benefit. If it is not going to have any food safety benefit, it is costly, it is duplicative, the obvious question for all of us is: Why? What is going on here?

All of us care about jobs in our communities. Every State is always vying to find a way to try to guarantee that the jobs it has are protected and that it is creating more jobs. We all understand that. So I don't have any animus against any particular Senator fighting to do that. In this case, a number of catfish producers in the South managed to get protection that takes care of them but hurts a lot of other folks in a lot of other parts of the country. So it may be good for catfish producers in a few places in the South, but it is bad for consumers in the United States generally because it raises costs, and it is very bad for seafood processors and for communities, in my State among others, but in other States in the country on the west coast and east coast. There are employers in my State that would like to process and distribute

products that come from various other places, including abroad, and they ought to be able to do so in a free market, in an open market that is not protected and chopped up and diced and sliced in order to protect people inappropriately. Playing protectionist games with the rules and regulations and agencies is bad public policy.

It is bad economic policy, particularly, and it is an invitation to our trading partners to do the same thing. And when they do it, we complain about it, and rightfully.

As Senator BAUCUS, the chairman of the Finance Committee, has pointed out:

U.S. agricultural products, including safe, high-quality Montana beef, face unscientific trade restrictions in many important markets. If we expect other countries to follow the rules and drop these restrictions, it is critical that we play by the rules and do not block imports for arbitrary and unscientific reasons.

That is exactly what we are trying to undo with the amendment Senator MCCAIN and I are bringing to the farm bill. The only reason this bad idea that was codified in 2008 has not yet become an active program is that—get this, Mr. President—the bill did not define the word "catfish." So as a result, for the last 4 years, lawyers, lobbyists, public relations firms, foreign governments, legislators, and multiple Cabinet officials have engaged in a definitional debate over what qualifies a fish to be called a catfish and, subsequently, fall into this new regime.

Well, it turns out that whether a fish is or is not a catfish is something that experts can actually debate for hours, believe it or not. It also turns out it does not matter because, according to the GAO, the FDA ought to retain jurisdiction over all fish, catfish and non-catfish alike, and that is the simplest solution.

As I mentioned, apparently, you can debate forever about what kind of fish it is, and that is exactly what has been going on, as to whether it constitutes being a catfish. But this is very simple. The GAO put out a report in May of this year, and in the report the GAO could not have been more clear. They made it about as simple as they could in their statement, saying:

Responsibility for Inspecting Catfish Should Not Be Assigned to USDA.

A simple sentence. GAO, as we all know, gives nonpolitical assessments, is a watchdog, if you will, for the actions here in the Congress. In that report, they state:

The proposed program essentially mirrors the catfish oversight efforts already underway by FDA and the National Marine Fisheries Service. Furthermore, since FDA introduced new requirements for seafood processing facilities, including catfish facilities, in 1997, no outbreaks of illnesses caused by Salmonella contamination of catfish have been reported. . . . Consequently, if implemented, the catfish inspection program

would likely not enhance the safety of catfish but would duplicate FDA and NMFS [National Marine Fisheries Service] inspections at a cost to taxpayers.

So I think that is pretty clear-cut. We need to repeal the 2008 farm bill language related to catfish. We need to let the American consumer decide from all of the safe food options that exist, let them decide what they want to consume. And, obviously, we have nothing specifically against catfish per se in any part of the country, and particularly the jobs. We all want the jobs. But they should not come at the expense of another part of the country, setting up a duplicative, completely wasteful, taxpayer-expenditure-duplicated program.

Mr. President, in addition to that, I want to say a quick word about another amendment Senator MURKOWSKI and I are sponsoring—my colleague, Senator BROWN, is also a sponsor of it—and that is to resolve an important inequity that exists in the current law. We need to help provide desperately needed disaster assistance to fishermen in Massachusetts and around the Nation. It is not just for Massachusetts.

I hope the managers of this legislation will let the bipartisan amendment receive a vote during the Senate consideration of this legislation. Everybody knows that in certain parts of New England and in places such as the State of Washington—I was out in Washington last weekend, in Seattle, they have a huge fishing industry—California, San Diego, various parts of the country, Louisiana, we have a lot of fishing. But, increasingly, those fishery resources are under pressure, and increasingly there is regulation in order to try to preserve the stocks.

So fishermen who have fished for a livelihood for a lifetime are being restricted in the numbers of days they can go to sea, restricted in the amount they can catch. People have lost homes. They have lost boats. Whole lives have been turned topsy-turvy because of conditions beyond their control. Whether it is the ecosystem, Mother Nature, nobody knows, but it is no different from a drought in the Iowa cornfields or in other parts of the country. It is no different from a disaster that takes place when crops are wiped out.

These folks are being wiped out. They are the farmers of the sea, the farmers of the ocean, and they farm sustainably. But they need help. Gloucester and New Bedford in Massachusetts are two of the largest fishing ports in our Nation, and the commercial fishing industry supports about 83,000 jobs in the State and \$4.4 billion in revenue. But it is becoming harder and harder for these fishing families and for the smaller boats to survive. These small boat fishermen, particularly, are part of the culture of our State and of our region, and we want to try to preserve that.

Last fall, the National Oceanographic and Atmospheric Administration announced a reversal in the most recent Gulf of Maine Cod Assessment. Within 3 years of each other, two radically different stock assessments have been issued—one saying the stocks are replenishing, another saying they are disappearing. And fishermen are whipsawed between these stock assessments and are told different things. In one, they think they can invest in their boats and in the future; in the next, they are being told: Sorry, folks, you are out of luck.

Well, it should not be that arbitrary, and it certainly should not just whack them and abandon them.

NOAA is now undertaking a new survey for next year because of the conflict of the surveys. So how are we going to help these people survive until next year? How are we going to help them get through those hard times and keep those boats, so if the word comes back that they can go back out to the ocean and continue their livelihoods, they are actually able to do that?

My amendment simply expands the eligibility for the Emergency Disaster Loan Program—underscore loan; it is not a grant; it is a loan program—to include commercial fishermen and shellfish fishermen. That is all we are asking. It would allow fishermen to be eligible for a low-interest emergency disaster loan, available through the Department of Agriculture's Farm Service Agency. It is my understanding this amendment would have no score.

Fishermen, as we know—many people saw "The Perfect Storm." They risked their lives to go out and put protein, food on the tables of America. All you have to do is watch one of the shows—"Deadliest Catch"—to get a sense of what is at stake. I believe they are agricultural producers, like other kinds of farmers, and they ought to be treated with the same respect.

We have put billions upon billions of dollars, often in grants, in emergency assistance, for one reason or another, to farmers across the States of the Midwest, Far West, and some in the Northeast, where we do have some farming, but usually it is in other parts of the country, and we have consistently voted to do that, to help people.

We are asking our colleagues to treat our farmers of the sea with the same respect that others are treated in this country. We simply end an inequity in the law that does not provide a legal mechanism for people to be able to do what they would like to do, which is being able to legally help our fishermen with these low-interest loans.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

PILOTS' BILL OF RIGHTS

Mr. INHOFE. Mr. President, a while ago we were talking about the unanimous consent request that was objected to by Senator HUTCHISON to bring up my pilots' bill of rights by unanimous consent, actually Senate rule XIV.

During that time, it was the intention of Senator MARK BEGICH from Alaska to be on the Senate floor with me. He was tied up with constituents. I did not want to talk about him unless he was down here. But I have visited with him. Right now we have—I do not know how many—thousands and thousands of pilots who are watching this at this moment. I want them to know that MARK BEGICH has been the cosponsor of my legislation. We would not be able to be here and doing what we are doing, as far along with 66 cosponsors, if we had not had his cooperation. I wish to thank him and the junior senator from West Virginia Mr. MANCHIN, who has been on my side on this legislation all of the way through.

I just want to make sure the pilots of America know who does want them to have equal justice under the law and who, perhaps, does not.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all, I want to thank the good Senator from Oklahoma, Mr. INHOFE, for his leadership on this very important piece of legislation. I am proud to be part of that with him and the leadership he has shown for us fellow pilots and, basically, the only connection we have in some rural parts of not only West Virginia but of all over the country, our private aviation. We hope to keep that alive and well. I know it is the same in the Presiding Officer's State. We appreciate all of the support and Senator INHOFE's leadership.

HYDROCODONE ABUSE

Mr. President, I rise today to speak about a very important issue that I believe will truly help each and every one of us, every Senator and every Congressman from all 50 States, accomplish something meaningful when it comes to fighting the prescription drug abuse epidemic that is plaguing communities all over this great Nation.

I have not talked to a person in my State who has not been affected by a person in their immediate family or extended family with prescription drug abuse. It is something that is of epidemic proportions that we have to fight and work together on.

Less than a month ago, I was so proud when the Senate came together to unanimously support an amendment I offered with Senators MARK KIRK, KIRSTEN GILLIBRAND, CHUCK SCHUMER, and JAY ROCKEFELLER that would make

it far more difficult to abuse addictive pain medication by reclassifying drugs containing hydrocodone as schedule II substances.

Let me explain what this means in practical terms. Moving hydrocodone to a schedule II drug means that patients would need an original prescription to get their pills refilled. Pills would be stored and transported more securely, and traffickers would be subject to increased fines and penalties.

As we speak, negotiations are ongoing between the House and the Senate on a compromise version of the Prescription Drug User Fee Act. The Senate version contains my amendment and the House version does not. So we are fighting as hard as we can to make sure this amendment is included in the final bill.

Last month I stood on the Senate floor and shared stories that I heard in communities across West Virginia about why this amendment is so urgently needed. Prescription drug abuse is responsible for about 75 percent of the drug-related deaths in the United States and 90 percent in my home State of West Virginia.

According to the White House Office of National Drug Control Policy, prescription drug abuse is the fastest growing drug problem in the United States. It is claiming the lives of thousands of Americans every year. But no statistic can illustrate the scope of this problem like hearing the pleas of children who are begging their leaders to do something to get drugs out of their communities—children such as those I met in Wyoming County, West Virginia, last October where more than 120 people have died from drug overdose in 7 years, including 41 last year and 12 already this year.

Since that proud moment when the Senate unanimously passed my hydrocodone rescheduling amendment, it has come under fire—you can imagine—from groups that seem to think trying to limit the number of hydrocodone pills making their way into our communities, and oftentimes into the wrong hands, is a bad idea because it affects their bottom lines.

I recognize this amendment does not fit into the business model of selling as many pills as possible. I understand that. But with that being said, I believe we have a responsibility to this great Nation, and especially to the youth of America. This will affect us for generations to come. To win this war on prescription drugs it needs to happen now.

Hydrocodone is one of the most abused substances we have and the most addictive. I do not think I have talked to a person who does not recognize that each and every State is experiencing these horrible problems with this prescription drug abuse. The facts will bear this out.

According to a report issued by the Centers for Disease Control in November, the death toll from overdoses of prescription painkillers has more than tripled in the last decade. The findings show that more than 40 people die every day from overdoses involving narcotic pain relievers such as hydrocodone, methadone, oxycodone, and oxymorphone.

These prescription painkillers are responsible for more deaths than heroin and cocaine combined. Yet still we are hearing from some folks who just do not believe that rescheduling hydrocodone is a good idea. I have said to those groups: Let's work together on a compromise that can address your legitimate concerns. If anyone has a concern with this amendment, just come to me and we will sit down with you and try to work through it in a most reasonable manner.

We have already offered a number of compromises to different groups in an effort to get this bill passed and signed into law. I want to clarify some of these concerns.

We have heard from some with concerns that making hydrocodone a schedule II drug will mean that patients with legitimate needs for those medications would face increased hurdles to obtaining them and that those patients would have to visit the doctor more often.

To them, I would say the following: Look at what the DEA did in 2007 to reduce burdens facing patients when it came to refills. They finalized a new rule allowing doctors to provide individual patients with a 90-day supply of any schedule II medication by issuing three separate prescriptions: one for an immediate supply and two additional prescriptions that cannot be filled until a certain specified date.

If they receive a 90-day supply, patients would only need to visit their doctor four times per year. If they have a chronic ailment, I would think those patients would want that type of evaluation anyway. That makes all the sense in the world to me, and I know to a lot of Americans.

If a practitioner is prescribing medication as part of a usual course of professional practice and for legitimate medical reasons, there is no numerical limitation on the quantity they can prescribe. Federal law does not limit physicians to providing only a 30-day supply of medication. The amount prescribed and length of treatment is within each doctor's discretion.

We have also heard from those who are worried that pharmacies could face increased operating costs caused by new storage requirements as well as increased paperwork. But there is no difference in Federal storage requirements between schedule III and schedule II drugs. Federal law requires that all controlled substances be stored and securely locked in substantially constructed cabinets.

As for more paperwork, pharmacies are already doing paperwork on their current schedule II drug orders. All this amendment would require is including an additional line on the existing form that specifies how many hydrocodone combination pills they are ordering.

The bottom line is, we have to recognize this is a very addictive drug. As a schedule III drug, hydrocodone is very available to people who might not use it for the right purposes but for illicit purposes. All we are saying is give us a chance to protect some of the most vulnerable people we have, especially our young people who are addicted to these prescription drugs.

Look at all of the people who support this amendment, the folks who are out there on the front lines trying to keep our society safe and fight the war on drugs so that we can all be in a better society and more protected. We have groups such as the Fraternal Order of Police, the National District Attorney's Association, the National Narcotics Officers' Association, the National Troopers Coalition, the National American Society of Addiction Medicine, the National Association of Drug and Alcohol Interventionists, the West Virginia Medical Professionals Health Program, the Drug Free America Foundation, Inc., the National Coalition Against Prescription Drug Abuse, and the Prevention Partnership.

These people are on the front lines. They are saying this amendment is needed. This will help them immensely fight this war on drugs. Those are the people who are out there helping us every day in society.

We are willing to sit down and work with people if they have legitimate concerns. But if the concern is that this amendment interrupts their business plan, I hope they would rise above their business plan and be an American first. What we are trying to do is good for this country. It is good for each one of our States. I know it would be good for the State of West Virginia and the Presiding Officers's State of Vermont for generations to come.

We will be working hard and we will be protecting them for the quality of life as Americans. I am not trying to put anyone out of business. I am a businessperson myself. I appreciate the hard work of businesses all across this country and the risks they take and the dedication they have. But when we have a problem, we have to fix it. We have a problem. This amendment is not going to solve all of our problems, we recognize that. It is not going to eliminate prescription drug abuse once and for all. But it does give us one more tool to fight the drug abuse problem we have in this country.

To get this passed, it is going to take the voices of the public—not just the voices in this Chamber or across the Capitol but the voices of the public, the

voices of people who have seen what it has done to our families, to our children, and our communities. We need their voices saying: We cannot stand by and watch this happen any longer; voices such as those from Oceana Middle School in Wyoming County in the State of West Virginia who participated in a letter-writing campaign to their elected leaders asking for help with a drug epidemic.

One of them wrote this to me:

My town, Oceana, has an issue about drugs. I write this letter to you because I hope you can do something about it. In 2006, my godmother died of an overdose. She was the only person I could talk to. Drugs make people act in bad ways, and if something doesn't happen about them, then our town will be in worse shape.

Mr. President, I have been there many times. As a young person in college, my roommate was from Oceana. It was one of the most beautiful cities I had ever seen 40 years ago, but you would not recognize it with what has happened. These are young middle-school children crying out for help. They are afraid to go out in the streets.

This is happening all over America. These students want a better life for their parents, their siblings, their friends, and for their communities. Also, they want a better life for themselves. They are willing to fight, and we should be willing to fight for them. That is our job and what we were sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I come to the floor of the Senate today to speak about a number, a number that has a particular significance for us here, and that number is 400. Why is 400 an important number at this point in our history? What is important about 400 is that it is the number of parts per million of carbon dioxide that has been measured this spring in the Arctic.

This is a first. We have never hit 400 before. For 8,000 centuries mankind has inhabited this planet within an atmospheric carbon dioxide range of 190 to 300 parts per million. That is the range, the bandwidth, within which we have lived.

How long is 800,000 years? It is a pretty darn long time. I don't think there are any human remains or artifacts that go back further than 200,000 years. If we go back more than 10,000 years, we are only seeing the very beginnings of agriculture, where people are beginning to scratch the soil and plant things. For longer than our species has

effectively inhabited this Earth, we have been in this happy bandwidth that has supported our lives, supported congenial climate for human development.

We are out of that now for the first time in that period—800,000 years—and we are not just a little bit out of it. We didn't go to 302 or to 350. We have now crossed 400, and we are still going. We are still going, and there is no end in sight.

We continue to dump gigatons of carbon dioxide into our atmosphere every single year, and we continue to subsidize the people who do the dumping. At least in this building, and probably in the boardrooms of ExxonMobil and a few other places, we studiously ignore the facts that are right before our faces.

Here are just a few stories from the past week or so: A June 4 story in the New York Times reported that "climate change threatens power output."

Why would a warming climate change threaten power output? It is because warmer waters, when they are pumped through powerplants, don't provide the same cooling capacity. So if we are going to keep plants from overheating, we have to dial back the power output. For places such as the heavily developed U.S. Northeast, we can be pretty close to our margins from time to time, particularly when air-conditioning loads are high in the summer, and those hot days increase the risk of power cutbacks or conceivably even power outages.

A June 5 story in the U.S. News and World Report described a recently published article in which several European public health experts wrote that climate change could alter patterns of food availability and change disease distribution, all in ways that could harm human health.

If we want an example of how the change in climate changes the way things move around on this Earth, we have to look no further than the pine beetle, which is decimating our traditional western forests because the winters are no longer cold enough to kill off the larvae. As the warmth moves ever northward, so do the larvae, and we can fly over mountains and look down and see the brown wasteland of trees that used to be green pine forests.

NOAA reported that the lower 48 States just experienced the warmest May on record. The national average temperature for this spring—March through May—was 5.2 degrees above the 20th century's long-term average, surpassing the previous warmest spring ever, in 1910, by 2 full degrees.

Some States are warming faster than others, and Rhode Island, unfortunately for us, is at the top of the list. Climate Central, a research organization, crunched averages of the daily high and low temperatures from the National Climatic Data Center's U.S. Historical Climatology Network of

weather stations. Their recently published report determined that over the past 100 years, Rhode Island has actually warmed the fastest of any State. This has terrible consequences for us, from shifting our growing season to harming the cold-water fish we catch in our warming Narragansett Bay.

As an aside, when my wife was doing her graduate research out in Narragansett Bay, she was studying the interaction between winter flounder and a shrimp that lives in the bay called Crangon septemspinosa. The reason that was important then was because winter flounder was a huge cash crop for our Rhode Island fishermen. It hasn't been that long since she did her graduate research, and winter flounder has fallen off as a cash crop for our fishermen. Narragansett Bay has warmed. The water temperature is up nearly 4 degrees, which may not seem much to terrestrial beings like us when we jump in the water and it is 64 degrees instead of 60 degrees. Does that really make a difference to us? No. But for the fish for whom that is their entire ecosystem, that has shifted and has demolished the winter flounder fisheries, which are down something like 10 times.

Many people understand that there is a connection between carbon pollution in our atmosphere and these warming temperatures. But it is becoming incontrovertible that these things are happening. The science behind this is rock solid. People say there are questions about the theory. No. No, there are not. There are questions about some of the complicated modeling that people go through. But the theory has been clear since the time of the American Civil War. The scientist, John Tyndall, determined that increasing moisture and carbon dioxide in the atmosphere had a blanketing effect that kept heat in, trapped heat on our planet. That has been basic textbook science for a century. It has never been controverted. It is a law, essentially, of science. Yet there are special interests who try to deny that.

Set against those special interests is about as unanimous a coalition from science as has ever been assembled. Virtually every prestigious scientific and academic institution has stated that climate change is happening, and human activities—specifically our reckless release of carbon pollution—are the driving cause of this change.

In 2009, there was a very clear letter, signed by the American Association for the Advancement of Science, American Chemical Society, American Geophysical Union, American Institute of Biological Sciences, American Meteorological Society, American Society of Agronomy, American Society of Plant Biologists, American Statistical Association, Association of Ecosystem Research Centers, Botanical Society of America, and on and on. Here is what

they said in pretty darn hard-hitting words for scientists:

Observations throughout the world make it clear—

"Clear" is the word they used—

that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

Not observations throughout the world make it "likely" that it is occurring, and not "potentially" indicates, and not the greenhouse gases emitted by human activities "might be" the primary driver. It is "clear" it has demonstrated that they are the primary drivers. They go on:

These conclusions are based on multiple independent lines of evidence—

Here is what we might call the sock-dolager—

and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

In a nutshell, if you are looking at the actual peer-reviewed science and being objective—if you are not putting your thumb on the scale—contrary assertions are inconsistent with that. You are basically making it up.

So that is a pretty powerful statement. The argument that the jury is still out on climate change is a false and bogus argument. The jury is not out. In fact, the verdict is in. The effects are obvious. They surround us every day, and we need to take action.

I have been on the Senate floor with Senator FRANKEN before, and we have talked about this. He makes a wonderful point, which is that 97 percent of the climate scientists agree that this is happening, it is happening because of our carbon pollution, and we need to do something urgent about it.

Three percent question it. That is 97-to-3 odds. We are asked to avoid taking any action, not to worry about it because there is doubt and debate. Translate that to real, ordinary human life, not this peculiar political world we are in here.

Let's say someone has a child, and the child appears to be sick. They go in to see the doctor, and he says: Yes, your child is sick, and she is going to need treatment.

They say: Yes, but treatment is expensive, and it might be unpleasant. I will tell you what, I am going to get a second opinion.

So then they go to another doctor, and he says the same thing—that their child is sick and will need treatment. They say: Well, two opinions are kind of a lot, but let's just be sure and get a third opinion. That doctor says the same thing too.

What would we think of the parents who did that 100 times, who were told by 97 out of 100 doctors that the child was sick and needed treatment, and they said: You know what, there is doubt about this. I am not sure, so I am not going to give my child the treatment they need.

It is a preposterous example, isn't it? It is an absolutely ridiculous point of view for the parent to hold. Yet that is exactly the point of view we are being asked to hold to deny and delay the steps we have to take to protect us, our children, and our country from the damage that is being done, frankly, by ourselves—the polluting interests that we don't take adequate steps to put on the right track toward a successful and clean energy future.

The last thing I will say is on that exact point. The more we depend on fossil fuels, the more we depend on a diminishing resource that pollutes our country. It is a diminishing force that goes up under the laws of supply and demand, and in practice, and right now, forces us to engage with foreign oil-producing countries that do not have our best interests at heart. We send our dollars—hundreds of millions of them—into their treasuries so that money can filter out into organizations that actually wish to do us harm. That is not a great state of affairs.

The alternative is a clean energy future where American homes are more efficient. We have replaced windows and added insulation and improved boilers. We have created innumerable jobs through all that work, and we have paid for it with reduced energy costs. It pays for itself. Sometimes it pays for itself in 1 year, sometimes in 2 years, sometimes in 5 years, but it pays for itself and it creates work.

We are in a battle right now for clean energy technologies. It is an international competition. It is us against China, us against India, us against the European Union. Every single one of the other countries gets it, and they are trying to push resources onto their clean energy industries so they can lap us in this race, so they can get so far ahead of us that we become the world's biggest global consumer of clean energy, not its biggest manufacturer.

We invented the solar cell. Fifteen years ago, we made 40 percent of all the solar cells in the world. I think we are down to 7 percent now. The top 10 wind turbine companies in the world include one American company—one. And by knocking down the production tax credits, by eliminating the 1603 Program, by subsidizing Big Oil like crazy, people in this building are doing their very best not to help us in the race against foreign competition but to put weights in the pockets of American companies, to tie their shoelaces together, to interfere with their ability to compete. They do not see it yet as international competition. They are so tied to the fossil fuel industry that they only see it as competition between fossil fuels and clean energy, and in that battle they want to be with the fossil fuel energy. They do not see the future. They do not see how important these technologies are going to be in batteries, in wind, in clean energy, and

in all these areas where we can not only command our energy future by building and creating the power we use and unhinge ourselves from these foreign dictatorships that run off oil economies, but we can improve the future and the safety of our planet by dialing down the pollution.

My State pays a particular price. We are downwind of the midwestern polluters—the big utility companies, the big manufacturing companies, the ones that have built thousand-foot-high smokestacks for the specific purpose of shoving as much of their pollution as high in the atmosphere as they can so that it doesn't rain down on their States—not on Missouri, Ohio, or Pennsylvania—but that it rains down on Rhode Island, on Massachusetts, on Vermont, and on other States.

I was here earlier this morning talking about the mercury rule. We have ponds and lakes and reservoirs in Rhode Island where it is unsafe to eat the fish you catch because of mercury poisoning. It is unsafe everywhere in Rhode Island to eat the fish you catch if you are a child or an expectant mother. Nobody can safely eat the fish you catch in these ponds because there is so much mercury in them. How did the mercury get there? How did the mercury get there? From pollution out of the smokestacks dumped down on our State. And there is nothing we can do to prevent it other than to support the EPA in these mercury-limit rules.

There is a real cost to continuing down this fossil fuel path. My home State pays it all the time. And when it comes time to reap the whirlwind of storm activity, of sea level rise, coastal States such as Rhode Island will pay a particularly high price.

I am going to continue to come to the Senate floor. This is not a popular topic. The Presiding Officer, Senator SANDERS of Vermont, is eloquent, articulate, and a constant ally on these subjects. There are a handful of us who are regulars on this subject, but I think a great many of my colleagues and virtually everybody on the other side of the aisle would just as soon wash their hands of it, forget about it, pretend it is not happening, and continue to sleepwalk toward disaster. So I will keep doing this. It is important to my State. I believe it is important for our country.

I appreciate the attention of the Presiding Officer and those who have the attention of the floor.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY LEAKS

Mr. WICKER. Mr. President, I rise today to express my serious concern about a matter of national security. It is a matter that is increasingly more visible with the American people. It is a matter that they are more and more concerned about as they hear more. It is an issue that is not going away until it is properly investigated by the executive branch of this government. That, of course, is the recent news publications that discussed details of counterterrorism plans, programs, and operations of our government. These publications refer to specific counterterrorism military and intelligence activities that are among the most classified and highly sensitive national security operations involving our military and our intelligence community. The leaks of this information constitute a grave breach of our vital national security interests.

The President, in his press conference last Friday, attempted to distance his administration from these damaging leaks, stating, "The notion that my White House would purposefully release classified national security information is offensive."

The matter is certainly offensive and needs to be fully investigated.

I must point out that the President did not explicitly deny that members of his administration were responsible for leaking classified or sensitive information to the media. As a matter of fact, so many of the news reports, quite frankly, point to members of this administration for these damaging and criminal leaks.

Any mishandling of classified material must be taken with the utmost seriousness. The authors of these publications cite unnamed senior administration officials and Presidential aides as their sources. We need to know the names of these senior administration officials, we need to know the names of these Presidential aides, and we need to know, quite frankly, if they were engaged in criminal breaches of our espionage and intelligence statutes.

Our men and women in the military and our intelligence community officials work under extremely difficult conditions. These leaks have put their lives in danger. These leaks have put their methods and their ongoing operations at risk. They need to stop, and they need to be investigated.

All individuals privy to the White House discussions regarding counterterrorism and intelligence operations hold security clearances at the very highest levels. Before being granted access to these classified items of information, individuals must undergo a thorough background investigation and receive extensive security training regarding proper procedures for handling

classified materials. They are trained as to what they can say and what they ought not to say. They are trained as to what the law requires and what the law prohibits. It is clear that any potential leak of classified material was not an accidental slip of the tongue but a deliberate and brazen violation of Federal law, and we need to get to the bottom of this.

I will also add that we are not talking about an isolated instance of a leak. As the chair of the Senate Select Committee on Intelligence, Senator DIANNE FEINSTEIN, rightly observed last Wednesday, we are talking about what she described as an "avalanche" of leaks—an avalanche of leaks—on national security matters that have, in her words, put our Nation's security in jeopardy, to quote the chair of the Intelligence Committee.

Quoting from the chairman of the Foreign Relations Committee, Senator JOHN KERRY:

A number of those leaks, and others in the last months about drone activities and other activities, are frankly all against national security interests.

He goes on to say:

I think they're dangerous, damaging, and whoever is doing that is not acting in the interest of the United States of America.

Yet, news reports say these reports come from senior administration officials. We need to find out who these administration officials are.

Then, further to quote Senator FEINSTEIN, whom I began quoting earlier:

When people say they don't want to work with the United States because they can't trust us to keep a secret, that's serious. When allies become concerned when an asset's life is in jeopardy or the asset's family's life is in jeopardy, that's a problem. The point of intelligence is to be able to know what might happen to protect this country.

I could go on and on.

I have joined 10 of my colleagues in cosponsoring a Senate resolution that urges the U.S. Attorney General, Eric Holder, to appoint an independent special counsel to investigate classified information leaks by the administration. Yet instead of a special counsel, the Attorney General has merely appointed two Justice Department attorneys to investigate the leaks, U.S. attorney for the District of Columbia, Ronald Machen, and his counterpart in Maryland, Rod Rosenstein.

Although I have no question about their abilities, the appointment of these two Obama administration officials is unacceptable and raises questions as to their independence. A truly independent investigation would almost certainly reveal any breaches of the criminal law concerning classified information essential to national security. A truly independent counsel would have his or her own prosecutorial discretion. If the administration leaks such information, the public has a right to know and the public has a

right to be outraged. The lives of Americans and our friends have already been put at risk. The Obama administration cannot be expected to pursue a complete self-investigation of allegations of this magnitude. In the midst of an election, they simply cannot be asked to do this, especially when those responsible could well be members of the administration themselves.

Attorney General Holder is a principal on the President's national security team. Members of this team may very well have been the sources of these leaks—members of the Attorney General's team. I wish to ask this: Does the administration want the truth in this or is the administration simply looking for cover? What is it about an independent special counsel that frightens this administration? Is it the truth this administration is afraid of? Are Americans more likely to get the truth from a truly independent counsel or from U.S. attorneys who will still report directly to the Attorney General?

The administration's concern about special counsels is understandable. If an independent counsel investigation reveals proof of leaks for political gain, it will not be pretty and will not sit well with the American people.

This Sunday marks the 40th anniversary of the Watergate break-in. It started small, but as more and more people began to ask questions and as more and more people began to demand a true investigation, the truth finally was revealed and it brought down a Presidency. Early on in Watergate, a member of my political party, a member of President Nixon's political party, a former nominee for President, Barry Goldwater, came forward to the American people and said: Let's get the truth out. No more coverups. Let's get rid of the stink and let's find out what was going on.

Members of my party should have heeded the words of Barry Goldwater at that moment and perhaps the scandal could have been brought to light and people involved in the subsequent coverup would not have been asked to do so. Barry Goldwater was right.

Members of both political parties would be well advised to ask this administration to come forward, appoint a truly independent counsel to have a truly independent investigation of these breaches of national security. What I am talking about is evidence of criminal disclosures of national intelligence secrets, disclosures that have damaged our national security and continue to damage our national security. This issue is not going away. I urge the Attorney General, I urge my President, to ensure confidence in government, to appoint a special counsel to investigate and hold accountable anyone responsible for these flagrant violations of our national security.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from New Jersey.

JUDICIAL NOMINATIONS

Mr. LAUTENBERG. Madam President, I rise to challenge the obstinacy of our colleagues on the other side of the aisle to prevent us from doing anything that can help ordinary families in our country get back on their feet and succeed. As a matter of fact, it was very clearly stated by the minority leader, the Republican leader, to tell us that his No. 1 priority—imagine that, the leader of the Republican Party in the Senate, his No. 1 priority is to make sure President Obama is a one-term President. I ask, what good is that to the people who do not have jobs or the people whose mortgages are about to be foreclosed or their kids can't get an education no matter how smart they are because it is impossible to afford it? Imagine, stated proudly on the floor of this Senate, that the mission is to destroy the Presidency. Shame on him.

His No. 1 priority—not to create jobs, prevent another financial crisis or keep our children safe and healthy; it is just that cynical goal of destroying the Presidency, no matter how much harm, no matter how much pain these actions inflict on our general population. It is a disgrace.

We have seen what the Republicans are willing to do to accomplish this goal. They brought our Nation to the brink of default. They shut down the Federal Aviation Administration. They had to be dragged kicking and screaming to extend the payroll tax cut—just to name a few of the most egregious examples.

Now the Republican mission appears to be punishing the American people with longer waits in courtrooms for judgments to be concluded. There are currently 74 Federal judicial vacancies waiting to be filled. In other words, nearly 1 in 11 Federal judgeships across this country is vacant. These vacancies are not some abstract problem only lawyers and academics care about. Judicial vacancies deny everyday Americans and businesses the justice and redress our Constitution guarantees. Millions of them have had their cases delayed. At a time when our economy is making a fragile recovery, we cannot afford to have a legal system that makes it more difficult for businesses to get legal judgment, certainty about their rights and responsibilities, to move their operations, for instance, to full gear, perhaps.

But now we have learned the Senate Republicans are committed to making matters even worse. Roll Call reports that at yesterday's weekly luncheon of the conservative steering committee, Minority Leader MCCONNELL decided to halt—stop all circuit court confirmations. How can our democracy function

when we cannot even put judges in the courtroom?

The very next nominee in line to be confirmed for the circuit court is a highly qualified nominee from New Jersey and we need her on the bench now. Magistrate Judge Patty Shwartz has been nominated to serve on the Third Circuit Court of Appeals. Her nomination was favorably reported by the Judiciary Committee on March 8, nearly 100 days ago. They refused to let us take it up. For more than 3 months she has waited patiently for a confirmation vote. She is anxious to get to work and we need her, while the Republicans in the Senate play games with the confirmation process.

Now that Judge Shwartz is on the verge of receiving a vote and filling a critical vacancy, the Republicans have pulled the rug out to make sure she does not sit there. It is not fair to the judge—to Judge Shwartz or to the people of New Jersey, Pennsylvania, and Delaware who deserve to have a fully staffed Federal bench. It sends a particularly noxious message to the women of this country. If confirmed, Patty Shwartz would fill a void, and she would be only the second woman ever to represent New Jersey on that appeals court.

This obstruction is especially outrageous, given the record of skill, confidence and admiration Judge Shwartz has earned in the legal community. Her nomination has received strong bipartisan support in our State. Her supporters include Republican Gov. Chris Christie. He is a former U.S. Attorney of New Jersey.

He says:

Judge Patty Shwartz has committed her entire professional life to public service, and New Jersey is the better for it.

That is his statement. If Governor Christie and I agree on someone, you know she's really got to be good.

We are not the only ones who feel so strongly about Patty Shwartz's stellar qualifications for the bench. John Lacey, who is the past President of the Association of the New Jersey Federal Bar, said that Judge Shwartz "is thoughtful, intelligent, and has an extraordinarily high level of common sense."

Thomas Curtin, chairman of the Lawyers' Advisory Committee for the U.S. District Court of New Jersey, said: "Every lawyer in the world will tell you she is extraordinarily qualified, a decent person and an excellent judge."

The American Bar Association clearly agrees. They gave her their highest rating of "unanimously well qualified."

A review of Judge Shwartz's experience shows why she has earned such respect and praise. Since 2003, Patty Shwartz has served as a U.S. magistrate judge in the District of New Jersey, where she has handled more than 4,000 civil and criminal cases. She graduated from Rutgers University

with the highest honors, from the University of Pennsylvania Law School, at which she was an editor of the Law Review and was named her class's Outstanding Woman Law Graduate.

As Governor Christie said, Patty Shwartz has devoted her entire career to public service. Preventing her from doing so will only hurt the American people, people in our area, in Pennsylvania, New Jersey, Delaware. It will only hurt those people seeking justice and our very system of democracy. It has often been said justice delayed is justice denied. It is a lesson people in New Jersey and all over the country are learning and it has to stop. All Americans should be aware of the price they pay for the obstruction of the Republicans on their side of the aisle. When these confirmations are blocked, it is not just nominees who suffer, the justice system suffers under the weight of vacancies and the American people suffer longer waits for justice in overburdened courts. It is time for Republican politicians to stop blocking votes on those well-qualified nominees and allow the Senate to confirm them without further delay.

Make no mistake: I take very seriously the Senate's constitutional duty of advice and consent regarding Presidential nominees. I do not believe the Senate should rubberstamp judicial nominees without consideration or deliberation. However, what we see today is an unprecedented level of obstruction in confirming judges.

At this point in the term of President George W. Bush's Presidency, the Senate had confirmed 179 judges, 28 more than the 151 of President Obama's nominees who have been confirmed today. President Obama's nominees have been forced to wait approximately four times as long as President Bush's nominees to be confirmed after being favorably reported by the Judiciary Committee. When we had the numbers favoring our majority, we didn't permit delays like this. We would never use that as a punishment for a Presidency we disagree with.

As a result, the vacancy rate is nearly twice what it was at this point in President Bush's first term. These delay-and-destroy tactics cannot be what our Founding Fathers had in mind when they gave us the power of advise and consent.

I am the son of immigrants who came to this country, and I got the message often from my parents and my grandparents to come to America and find a better way of life than they had in Russia or Poland, their birthplace. I view our justice system as the Nation's premier institution. It demonstrates so well what America is about.

I am proud that a courthouse in Newark, NJ, bears my name. It has an inscription that I authored. We spent a lot of time talking about the inscription and what it would look like. I

came up with this: "The true measure of a democracy is its dispensation of justice."

When people walk into that courtroom, they have to know that they have an equal chance at a proper decision just like anybody else. There shouldn't be the discrimination that exists when we don't fill vacancies that are begging to be filled with qualified candidates. All in this Chamber know when the dispensation of justice is obstructed and delayed, our democracy suffers.

I plead with our Republican colleagues: Stop the obstruction, allow the Senate to vote on Judge Patty Shwartz's confirmation without further delay. Put off your attempt to discredit President Obama's tenure as President. That doesn't fit in here. If you want to do it in the political mainstream, and you want those wild gestures and those ridiculous claims that they want to destroy President Obama's tenure, don't do that. Don't do that to the American people. Be fair. Do your job, and let's get on with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

STUDENT LOANS

Mr. REED. Madam President, we are running out of time. The interest rate on subsidized student loans is set to double in just over 2 weeks. This will hit middle-class families hard at a time when they are dealing with the devastating effects of the most severe recession that we have witnessed in our lifetime.

Earlier this week the Federal Reserve reported additional sobering news. Between 2007 and 2010, median family wealth declined by nearly 40 percent. Median family income declined by nearly 8 percent, and the share of families with education-related debt rose from 15.2 percent to 19.2 percent.

This is no time to increase the interest rate on need-based student loans on the more than 7,000 moderate and low-income students who rely on them to go to college. What we have seen is a middle-class that in terms of wealth and income has been shrinking dramatically. Ironically—perhaps not ironically—the very wealthy have seen income and wealth increase. However, for the vast majority of Americans, they have seen their economic position deteriorate.

Closely allied with economic opportunity and the idea of making your way in this country is the necessity to go on to higher education. We have been preaching that. That is what our parents told us, go on to college. They said, when you go to college, you will be prepared to go into the workforce, increase your family income, contribute more to your country. Yet now we see a situation where not only is there a compression in middle-income

wealth and income, there is also a staggering amount of student debt. It is almost \$1 trillion. In fact, I heard reports suggesting that it eclipsed credit card debt in terms of what households in America are holding.

There is a generation of college students who have graduated and are struggling with this debt. The worst thing we can do now is double the interest rate on those who need more loans to finish their school and put an even greater burden on them and their family as they go forward.

We need to pass this legislation that will prevent the doubling of interest on student loans, and we need to do it before July 1. We are looking at a period of time when interest rates are very low. The Federal Reserve is charging financial institutions somewhere around 1 percent or less to borrow money, and yet we are going to students and saying, the interest rate used to be 3.4 percent, now it will be 6.8 percent. That seems not only incongruous but incomprehensible, that we will allow the interest rate to double, particularly in this environment.

Students' families can't afford this increase. They are stretched too thin already. Every statistic—forget the statistics. Talk to people back home in New Hampshire or Rhode Island or New Jersey, and they will tell you it is tough. There are children who are moving back in with their families because they are struggling to find a good job so they can pay their student debt and get by. This is not the time to double the interest rate on these loans.

It is an issue of fairness. It is an issue of the future of this country. It is an issue of avoiding innumerable personal tragedies. We were just on a conference call when a woman called in and said she is involved with many students who have graduated in the last few years and they are literally at their wit's end that they can't pay their debts. They don't have jobs that will give them the chance to move on. They are saddled with debt. How will they even begin to think of starting a family and buying a home? That was something my generation sort of took for granted in their mid twenties. We have to deal with this issue. This is the first step.

According to Georgetown University Center on Education Workforce, over 60 percent of jobs will require some post-secondary education by 2018. No longer is higher education some nice thing to do, it has become a necessity to get jobs that will provide for a family. Yet in 2010 only 38.3 percent of working-age adults have a 2-year or 4-year degree. So we know there is a gap already. We have 40 percent of people with a post-secondary education, and experts are telling us we will need 60 percent by 2018, and that is just 6 years away. And we are proposing to make it harder to pay for college? Again, it does not make any sense.

That is why last January, working with my colleague JOE COURTNEY in the House of Representatives, we introduced the Student Loan Affordability Act. We saw this coming. We knew we had to prevent this increase. Initially the response from our colleagues on the other side was, no way. In fact, they voted for two budgets that assumed the interest rate would double, therefore giving more resources for tax cuts and other preferences that certainly won't be as effective to help the middle class as giving a youngster a chance to go to college. But we continued to push. With the President and students and families and student organizations across the country, I think we have made some progress. We have seen at least a change in rhetoric.

Governor Romney said he was in favor of keeping the rates low. There has been no specifications on how to do this or urging on how to do this, but at least conceptually there seems to be agreement on that one point. The Republican leaders then followed suit saying, yes, we have to keep this interest rate from doubling. But we have not seen the actions to match these words.

They initially made a proposal to keep the interest rates low by going after preventive health care, and that is a nonstarter. I hope we all understand that, one, if we are going to improve the quality of health care in this country, we have to emphasize preventive care. By the way, if we are going to bend that proverbial cost curve, we better start to do more prevention than treatment because it is a lot more cost effective to prevent than treat disease.

Then they proposed another offset that would take resources from low- and middle-income families through various programs, taking from one pocket of a low- and middle-income family and giving it to them in the education pocket. That didn't work.

They continued to resist a proposal we made to pay for it because we do understand in this environment we have to be fiscally responsible. We proposed to close one of the most egregious loopholes in the Tax Code. There is a provision that allows high-paid lobbyists, high-paid lawyers, high-paid consultants to avoid their payroll taxes, Medicare taxes, and other taxes by forming a subchapter S corporation. At the end of the year they give themselves a dividend, which is not wages subject to these taxes, and is actually treated at a very preferential tax rate. This is such an outrageous loophole that it was condemned by Bob Novak, late conservative columnist. It was condemned by the Wall Street Journal. It was condemned by everyone, but it was not something they could accept.

Well, we have moved forward. We have put a new offer on the table, led by Leader HARRY REID, and that would effectively help with respect to pension

liabilities. First, it would give employers more predictability in terms of their contribution by allowing them to smooth out the interest rate which they assume in their contributions to the fund.

If you are trying to fund a pension liability over many years, you have to put in principal, but then you have to assume an interest rate to see if that principal will grow to an adequate amount. So the present law looks back about 2 years, and this is a remarkably low interest rate environment. So with low interest rates, they have to put more principal in. This way they could look much farther back, smooth it out, and take a more realistic interest rate that will reflect not just the last 2 years, which one would argue is very exceptional in terms of interest rates, but look at something that is more representative of the 25 or so years that they must provide for in their pension fund. In fact, this is a provision that employers think is very important to them.

The other side is to provide an increase of premiums paid to the Pension Benefit Guaranty Corporation, the insurance fund for defined benefit pension plans. Too often today the PBGC has to step in where companies go bankrupt and their pension funds are not adequate to pay for even part of the bona fide liabilities that they owe to workers, many of whom spent years in their employ and are depending on their pension.

This is a very balanced approach. It is an approach in the past that has had bipartisan support. I hope we are reaching a point now where we can come together. This is an incredibly difficult issue for families across this country.

I have heard pleas from Rhode Island families to fix this. I received letters and calls. One of them came in and said:

Please continue to fight for keeping the interest rate of Stafford loans down to 3.4 percent. It is difficult enough to pay for college. With unemployment so high for recent college graduates, our financial future seems bleak. My parents and I have taken loans to pay for my and my sister's tuition. We are from a middle class family. We appreciate your support and help with this issue.

Those words are more eloquent than mine.

Let's just get this done. We have no time to waste. July 1 is almost upon us. We have 2 weeks. Let's come together. Let's help people across this country and help our country.

Thank you, Madam President. I yield the floor and note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. BARRASSO. Madam President, the President of the United States earlier today was in Cleveland. He spoke for 54 minutes, yet he said almost nothing—at least certainly nothing that most of us have not heard before.

It was 2 years ago this very weekend that the White House announced the start of what it referred to as the “recovery summer.” That campaign was an effort to convince the American people that the Obama administration’s policies to create jobs were working.

David Axelrod, who was the senior adviser to the President, said at the time, talking about the summer of 2010, “This summer will be the most active Recovery Act season yet.” Again, that was the summer of 2010. Treasury Secretary Tim Geithner wrote an op-ed in the New York Times, and it was entitled “Welcome to the Recovery.” Again, that was 2010. Now here we are, 2 years later, and Americans are still waiting for a real recovery. The “recovery summer” failed to produce results because it was never more than just a cheap slogan. It was designed to hide the fact that an unaccountable administration had no real solutions.

Instead of working to create a healthier economy, President Obama has offered more excuses, more gimmicks, and more empty promises, and he continues to say the economy is about to turn the corner.

This past March President Obama said things would get better soon. “Day by day,” he promised, “we’re restoring this economy from crisis.” We have heard this all before.

In February 2009 the President said his stimulus bill was “the beginning of the first steps to set our economy on a firmer foundation, paving the way to long-term growth and prosperity.”

In April 2010 he said, “Our economy is stronger; that economic heartbeat is growing stronger.”

In January 2011 he claimed that “the next two years, our job now, is putting our economy into overdrive.”

Now, after disappointing jobs numbers for May of this year, when just 69,000 jobs were created, the President once again promises that “we will come back stronger.”

It is a shame that our economy doesn’t run on the President’s rhetoric. Saying that things will get better does not make them better.

Well, the President’s record speaks for itself. For starters, we all remem-

ber early 2009 when the incoming Obama administration told the American people that its stimulus plan would keep unemployment below 8 percent. That is what they said—it would keep unemployment below 8 percent. Instead, we have now had 40 straight months, 40 consecutive months with unemployment over 8 percent. By now, unemployment was supposed to be even much better because the administration had said that by mid-2012—where we are right now, today—their projections were that unemployment would be below 6 percent if the stimulus bill passed. Well, the stimulus bill passed. I voted against it. Instead, unemployment has ticked up again in May to 8.2 percent.

Last month one official at the Federal Reserve said it might take 4 to 5 more years to get unemployment down to 6 percent, which is where the President promised it would be today. The latest jobs report also said that over 23 million Americans are unemployed or are working at less of a job than what they would like.

President Obama said the other day that “the private sector is doing fine.” He said that in a nationally televised press conference, that the private sector is doing fine. He went on to say that it was only government jobs that were lagging behind. Well, I think many of these 23 million-plus Americans who are unemployed or underemployed would absolutely disagree with this President.

Under the Obama economy, since early 2009 we have lost 433,000 manufacturing jobs; 79,000 real estate jobs have been lost; and 160,000 jobs in communications industries, such as wireless carriers, have been lost. We have lost 932,000 construction jobs. These may sound like a lot of numbers upon numbers, but behind each one of these statistics is a person—a homebuilder, a phone salesman in the mall, a real estate agent in our communities—real people who have lost the private sector jobs their families rely on to put food on the table, a roof over their head, and to help their kids get through school.

Many Americans have gotten so discouraged by the Obama economy that they have actually given up looking for work entirely. Those Americans who have not given up are finding it more difficult to get jobs. Even if they are trying to find a job, they are finding that their job search is taking much longer than they ever imagined. Over 5 million Americans have been searching for work for more than 27 weeks. That is over 5 million Americans who have spent more than half a year looking for work. The unemployed now spend an average of nearly 40 weeks looking for work—double the average when President Obama took office. That is the equivalent of losing a job on New Year’s Day and not finding work again until October.

So why are the jobs so scarce? Well, it is because President Obama’s policies have done far too little to help our struggling economy, and in many cases his policies have actually hurt the economy and made things worse. Contrary to what President Obama believes, the private sector is not doing fine, and the problem is not just that we don’t have enough bureaucrats.

Growth in America’s GDP for the first quarter of 2012 was just 1.9 percent. That is nowhere near the level we need for a healthy economy. During past recoveries from economic downturns, other Presidents have presided over much faster growth. After the recession of the early 1980s, President Reagan’s economy grew much faster. Well, there is a simple reason why, and it has to do with the policies coming out of this President’s administration.

President Obama keeps repeating that we face economic headwinds. Well, the biggest headwinds we are facing come from the President’s own economic policies. The American people understand this. They read the papers. Headlines such as the one from the Washington Post on Tuesday, just 2 days ago—“Families See Their Wealth Sapped.” The American people read about the bad economic data saying that durable goods orders were down 3.7 percent in March. People know that when the manufacturing sector, which is an important source of jobs, slows down dramatically, it does not bode well for job growth in other sectors of the economy.

When people hear this drumbeat of bad economic news, it explains why the Consumer Confidence Index fell again in May. When we ask people if the country is on the right course, the majority say it is not on the right path. When we ask if they think the President is doing a good job with the economy, they say no, he is not.

Confidence is down not just because the American people follow the news and know what is going on in the country, it is because they also know what is going on in their own lives—what they are seeing at home and what they are seeing with their families. For many people, they are not earning as much as they had earned in the past. The median household income has fallen by over \$4,000 since President Obama took office. Meanwhile, the actual costs of everyday living continue to rise. More and more people every day are finding that for them and for their families, they just can’t keep up.

Today there are more than 46 million Americans on food stamps. That is 14 million more than relied on the program in January of 2009 when President Obama was sworn into office. Sadly, the Congressional Budget Office expects the number to go even higher over the next 2 years. Well, that is obviously the wrong direction, and it is a result of bad decisions and bad policies

out of the President's administration. Those policies have contributed to the lower wages we are seeing, to higher unemployment we are living with, and to more people living in poverty. Those policies are contributing as well to the sagging home markets that threaten to keep millions of American families in dire financial straits for years to come. We all know President Obama faced a difficult economic situation when he took office in 2009. His failed policies have not healed our economy. Higher taxes, more bureaucracy, more borrowing, and more wasteful spending by Washington will continue to make things worse.

When we take a look at what is happening around the world, with Europe facing collapse and the global slowdown that threatens our economy, the President seems more concerned with his next election than with actually taking action to make things better. Alongside all the bad economic news, ABC News reported the other day that President Obama will continue his record-smashing fundraising schedule—record-smashing fundraising schedule. That is not the kind of leadership our economy needs today.

Republicans are focused on real solutions: making our Tax Code simpler, flatter, fairer for every American; reducing the debt and the deficit; ending overregulation, the redtape that is burdensome, expensive, and time-consuming; putting patients and doctors—their own doctors—in control of health care and not creating more Washington bureaucracy; and, of course, reducing our dependency on foreign oil and sending so much American money overseas.

Two years ago, when the Obama administration was putting out press releases and staging photo-ops to proclaim the “recovery summer,” Republicans were proposing real solutions to help create a healthy economy. When voters had a chance to compare the two approaches that November—November of 2010—Republicans earned control of the House of Representatives, and at that time they started passing a jobs agenda.

Democrats in the Senate still do not get it, and they have refused to even consider these bills passed by the House.

There are 27 jobs bills that have passed the House of Representatives on bipartisan votes. The bills are still today waiting for Senate action.

The President of the United States remains silent on these bills that would actually get people back to work. He is offering nothing but scare tactics, excuses, and blame.

He gave another speech today—this very afternoon—in Ohio and what he did was more of that: more scare tactics, excuses, and blame. Because in his mind, it seems it is always someone else's fault.

Imagine where our economy would be today if Democrats had been willing to

accept commonsense Republican solutions 2 years ago. We would actually be in recovery today. We would have seen significant improvements to the economy. If Democrats had been willing to work with us, instead of giving speeches and pushing more wasteful stimulus spending, millions of more people would be working today across the country.

If President Obama had been focused on putting people back to work, instead of on keeping his own job, then today—today—in the summer of 2012, the private sector and the American people really would be doing fine.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank my colleague for his remarks. I caught part of the President's statement this afternoon and have gotten a transcript of some of the things he said.

As ranking member on the Budget Committee, as someone who has wrestled very intensely with these numbers for 2 years, I was shocked, I say to Senator BARRASSO, by some of the things he said.

I would ask the Senator, based on the world we are in, how he reacts to the summary the Presidential adviser gave to the New York Times before the President's speech today, saying his plan “focuses on education, energy, innovation, and infrastructure.”

First, does that suggest to the Senator spending?

Mr. BARRASSO. Madam President, I ask unanimous consent to enter into a colloquy with my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Just talking about those things, isn't this the same President who lobbied this body, this Senate, to block the Keystone XL Pipeline that would have brought energy from our northern neighbor Canada to the United States, creating jobs on the ground here in terms of construction of that pipeline? So you are talking about energy, and you are talking about construction, and that was not government spending. Yet the President lobbied the Senate to block that.

Mr. SESSIONS. There would have been private growth and private investment—not an increase in our deficit.

But it goes on. In their summary of what the President was going to say, it said he favored a “tax code that creates American jobs and pays down our debt.”

First of all, is the Senator aware that under the President's plan that he submitted to us—his budget—the lowest single year's deficit in the 10-year window is \$488 billion—that we never come close to paying down the debt in the plan he submitted to us? And how can the President—this is an unfair question, but I will ask the Senator from

Wyoming—how can the President say he has a plan that pays down our debt when the lowest single deficit he proposes is nearly \$500 billion?

Mr. BARRASSO. I would say to my colleague, who is on the Budget Committee, who watches these things very carefully, as I look at what the President proposed, it never got to balance, it never even addressed dealing with the large deficit, let alone the monumental debt. In the time we have been talking here in the last 4 or 5 minutes, we have continued to borrow money from overseas, specifically from China. We in the United States are borrowing at a rate of \$2 million a minute. Nothing I have seen coming from the President or from the Democrats, as a matter of fact, in the Senate has dealt with any of those things, to the point that we have not passed a budget for the last 3 years in this Senate, which is irresponsible.

Mr. SESSIONS. It absolutely is.

Let me say this, in his speech—this is a quote from the transcript I have of it—he declared:

Both parties have laid out their policies on the table for all to see.

Isn't it a fact that the House Republicans passed a long-term budget that would change the debt course of America and three Members of the Republican Senate laid out budgets that would have balanced the budget in the United States of America, and that the Democratic leadership never laid out a plan, refused to lay out a plan, and violated a law—the Congressional Budget Act—by refusing to lay out a plan? Isn't that true? Or am I missing something?

Mr. BARRASSO. Well, that is exactly the way I see it. And I voted for the plan that was submitted by the House, which actually does get to a balance of our budget, and the plans of three of our Senate colleagues from our side of the aisle whose plans also get to a balance of the budget. I voted in favor of all of those. But not one Democrat in the Senate—not one Democrat—cast one vote in favor of any one budget, whether it was a Republican budget, whether it was the President's budget. Yet the President goes to Ohio today and gives a speech for 54 minutes—and it was supposed to be a big speech on the economy—and I heard nothing new, nothing we had not heard before, no new ideas other than to spend more money, at a time when we are \$15 trillion in debt, and adding to that by the minute.

The President did make one interesting statement. He said some of the regulations that are coming out—he said all the regulations are not good. Well, who can do anything about it but the President; his regulations. And he has over 1,000 new regulations that have come out under his administration that are called economically significant regulations—regulations that

have an impact to the economy of over \$100 million. Those regulations, all of that redtape is putting people out of work. It provides so much uncertainty to the economy as to what is the next regulation that is coming out, where businesses do not have the certainty to go hire people. What is going to happen with the health care law? Is it going to be found constitutional or unconstitutional? I believe it is unconstitutional. What are the costs going to be to business?

In statement after statement that the President makes, it shows there is a fundamental question as to his understanding of how the economy works versus people who have been out in the private sector who have created jobs and have put people to work, who have written the paycheck, who have signed the front of the paycheck, who have hired folks and helped the economy in a community in a way that makes a difference and builds that community. Yet I do not see those things coming out of the President's speeches, certainly not today in Ohio.

Mr. SESSIONS. I thank my colleague for those insights because this is a bit disappointing. It is more than disappointing. The President said, again, that he has a plan, and he has a vision "of how to create strong, sustained growth," and "how to pay down our long-term debt." He does not have such a plan. His plan comes nowhere close to balancing the budget. In 10 years, the lowest single deficit he would have is \$488 billion, according to the Congressional Budget Office—not me, the independent Congressional Budget Office.

His statement is not accurate. How can we have a bipartisan discussion on how to solve the sustained debt threat we have in this Nation if the President goes around saying his plan will help pay down our debt? It does not pay down the debt. It does not come close to paying down the debt.

He said that last year, and I grilled his Budget Director at a Budget Committee hearing. He could not defend that statement because it is indefensible. Nobody can defend that statement. And I say to any Member of this Congress, this Senate—a Democratic Member—I urge you to come down and tell me if the plan laid out by the President of the United States—the only plan we have seen, his budget—pays down the debt. It does not.

He goes on to say in this speech:

I've signed a law—

Forgive me if this is distressing to me, but we have been involved in the discussion a good long time. We have the U.S. Congress, including the Senate, and we have the President of the United States, and we all have a role in formulating an economic policy for America that will put our country on a growth path to eliminate the unsustainable debt course we are on.

The statement cited so often from President Obama's own debt commis-

sion—Simpson-Bowles—is: This Nation has never faced a more predictable financial crisis. Why? Because of the increasing debt, they said. The numbers are relentless. It is unsustainable. That is what it means. At some point, it means there will be a credit reaction, a financial collapse, or a reaction that will put us back into recession and distress. They pleaded with us to get off the path we are on.

So the President says:

I've signed a law that cuts spending and reduces our deficit by \$2 trillion.

What does he mean by that? Well, I think most Americans can remember that last August we reached the debt ceiling. We borrowed so much money that we hit the limit of money the U.S. Government can borrow. The President asked Congress to raise that debt limit so he could keep spending and keep borrowing, and basically the Republican House and Members in the Senate—to the extent we had influence—said: Mr. President, we will raise the debt limit, but we want you to reduce spending some. So they agreed, after much debate, in the wee hours of the morning—at the latest possible time—to cut \$2.1 trillion in spending. The President went kicking and screaming to that point. The Democrats pretended it was a disaster and Americans were going to sink into the ocean. That is what that was all about.

Here we came with this plan, and the President now claims it is his deal, that he cut \$2 trillion. I remember how it went down, and that is not a fair thing to say. He signed that law because if he did not sign it, spending would have to be cut 40 percent immediately, because that is how much, out of every dollar we spend, we borrow. We are borrowing 40 cents of every \$1 we spend.

So if we had not raised the debt ceiling, the U.S. Government would have had to immediately cut all expenditures by 40 percent. That is why we are on an unsustainable course. It is not a little bitty matter.

The President suggests, if you listen to his speech: Don't worry about it. I have a plan. We are moving along fine. You do not have to sacrifice. We are going to have more education, energy, innovation, infrastructure. More spending—that is what that means. Investments, they say—that means spending. But we do not have the money. This country is out of money. This is a serious time. We have to make some tough decisions, and we need a Chief Executive telling the American people the truth about where we are, rather than promising some balanced budget and paying down debt when that is nowhere in his plan.

He says:

My own deficit plan would strengthen Medicare and Medicaid for the long haul by slowing the growth of health care costs.

He has steadfastly refused to reform Medicare and Medicaid. Under this \$2.1

trillion, the President insisted that Medicaid not receive a dime of cuts. And it did not receive a dime of cuts. The Defense Department gets a big time hammering under the cuts and the sequester. Medicaid—not a dime cut out of it. No reforms in Medicaid that would provide any benefit—anything other than to drive up the cost and increase the cost of Medicaid.

So how can he say that? And he has attacked Congressman RYAN, the chairman of the Budget Committee in the House, for actually laying out a vision to try to put Medicare on sound footing, where it can actually be sustainable over time.

Congressman RYAN has the support of Senator WYDEN, a Democratic Member of the Senate. He has the support of Alice Rivlin who was President Clinton's budget director at OMB. Alice Rivlin basically agreed with the policy that Congressman RYAN laid out to save Medicare. What happened? The President called in Congressman RYAN and attacked him on the spot. They are still accusing him of having a radical scheme to destroy Medicare. Nothing could be further from the truth. It is a plan to strengthen Medicare, to save Medicare, and put it on a sound basis so that people working today can be confident that when they retire and become eligible for it, it will be there.

But we cannot create something from nothing. We have to have a plan that provides the funding for it. This is not smoke and mirrors. Nothing comes from nothing, I have to tell you.

One more thing. The President said, "I signed a law that cuts spending and reduces our deficit by \$2 trillion."

Well, he was forced into signing that bill. Did he really want to sign it? No, he did not. We all know that. Anyone could tell that from reading the newspapers and how the negotiations went. Our big spenders resisted that dramatically.

How much is \$2 trillion over 10 years? We planned to spend \$37 trillion over 10 years, increasing the debt by about \$10 to \$11 trillion. This would have cut it from \$37 trillion being spent to \$35 trillion being spent. It meant we would have increased the deficit by only \$10 to \$11 trillion, I guess. Not nearly enough, but at least some step toward reining in soaring spending.

So the President bragged on that just a few minutes ago. He is bragging about it. What is the real truth? The budget he submitted eviscerates that agreement. The budget he submitted in February of this year—5 months after the agreement last August—would wipe out the entire sequester, would eliminate \$1 trillion in cuts, and add more spending.

In fact, he would add, under that plan, \$1.5 trillion more in spending than the Budget Control Act agreement he is taking credit for signing would have allowed to be spent. This is

not a matter of dispute. This is a fact. The budget he has submitted wiped out more than half of the cuts that were in that agreement, and he had big tax increases, about \$1.8 trillion in tax increases. So \$1.6 trillion more in spending than we agreed to just last summer, and \$1.8 trillion in more taxes.

Tax, spend. Tax, spend. That is this President's philosophy. If he wants to stand for that, campaign on that, run on that, well and good. Be honest with the American people. But do not come in and take credit for things he resisted. Do not come in and take credit for budget cuts that he proposed to eliminate. How can we have a bipartisan discussion to try to reach an agreement on what to do about the unsustainable course we are on if the President is going out and saying things that are not connected to reality? I think it is irresponsible. I really do.

I do not see how a President of the United States could possibly not spend a great deal of time with the American people explaining to them why we are all going to have to tighten our belts, that we do not have the money we wish we had, that we are going to have to do this. Is there some sort of political fear that big spenders will ultimately get caught if they tell the truth about how much debt their big spending has caused the country, so they just have to pretend it is not so?

Well, they said President Bush had big debt. He did spend too much money. I criticized him some on that, and none of us are perfect in this Congress. We all voted for things probably we should not have.

The largest annual deficit that President Bush ever had was \$470 billion. That is big. It is a lot of money.

President Obama's deficits have been \$1.2, \$1.3 trillion all 4 years he has been in office, more than twice President Bush's deficits. He has been in office now 4 years. In the plan he has laid out, even assuming our economy continues to grow—as we assume in these budget analyses—he does not come close to balancing the budget.

Every year we are adding hundreds of billions of dollars more in debt. The lowest single year in his 10-year plan would add \$488 billion more to the debt. According to the Congressional Budget Office, the interest on the debt soars. The largest single increase in spending is interest.

Interest last year was \$225 billion on the debt, and in the 10th year of the President's budget the Congressional Budget Office projects that the interest in that 1 year—10 years from now—will be \$743 billion, exceeding virtually every item in the government including the Defense Department.

This is not healthy. In May, at a fundraiser—he is going to a lot of those, but sometimes, somebody has to stay home in Washington and bring

this wasteful spending under control. He was at a fundraiser in Denver and he said, "I'm running to pay down our debt." He said: I am running to pay down our debt. Do not worry. Let me. I am going to pay down our debt.

Well, that is just not what the numbers show. No plan has been laid out other than his budget: to tax, spend, and keep the debt on the same level we were on if he had no changes at all in the budget situation.

I am not happy about this. It is very distressing to me that this Nation is facing a financial crisis. We are all going to have to recognize we do not have the money that we would like to have to spend as we would like to spend. I told some people this morning at a breakfast/luncheon, a group from the Air Force Association, that the defense people needed to know we do not have the money. We do not have the money. For years we are going to have to be tightening our belts.

But we can work our way through it. We can do the right things. Who knows, by producing efficiencies and encouraging productivity, we could get our country on a healthier course than we can imagine at this point. I actually think we could. But we have to be honest about the situation. We have to have somebody who stays in the office for a while and actually drives the restraints in spending and insists that every Cabinet Member, sub-Cabinet Member, GSA person going to a resort in Las Vegas who is spending the taxpayers' money, that they do it with restraint and that wasteful actions are eliminated.

That is the kind of leadership we need, and the American people need to be told, and we all need to understand, we just do not have the money we wished we did. So we will have to alter our spending levels for a few years, get this country on a sound path, and create confidence. That will come when the world knows that we have gotten off the unsustainable debt path and gotten on a path that is sustainable, are set on a sound path, a path that leads to prosperity, not a path that leads to debt crisis and decline, but growth, prosperity and freedom. That is what it is all about.

Forgive me if it is irritating to me. But I did conclude, after today's speech, that the President has made a decision that he is going to run to November. He is going to run on the fact that he is reducing the debt. That is what he has apparently said. "I'm running to pay down the debt" is what he said in Denver. He repeated that again today. So that has to be confronted.

If I am wrong, I ask any Member of the Senate to come forward and show me what in the President's plan leads to any conclusion that he has laid out a plan that would pay down the debt of the United States. I do not see it. I do not think it is close.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD WAR II VETERANS

Mr. BAUCUS. Mr. President, George Washington once said:

The willingness of future generations to serve in our military will be directly dependent upon how we have treated those who have served in the past.

Tomorrow, 95 World War II veterans will fly from Montana to Washington to see their memorial with their own eyes for the first time.

This trip is made possible by the Big Sky Honor Flight Program. Their mission is to recognize American veterans by flying them to Washington, DC, to see their memorials at no cost.

These veterans, and the volunteers who helped send them here, say a lot about what makes the United States of America the greatest country on Earth.

Who are these veterans? Their average age is 90. They hail from all parts of our State—from Plentywood to Superior, from Miles City to Libby, and many places in between. Each veteran has a story to tell.

Shortly after the attack on Pearl Harbor, Bill Smith left his job as an accountant in Billings and volunteered to fly B-24 Liberator bombers with the 466th Bomb Group.

Bill went on to fly 30 missions over Europe from 1943 to 1945. He rose through the ranks and eventually took command of an entire crew.

On a typical day, Bill and his crew would rise at 4 a.m., eat a quick breakfast, and receive a mission brief. As crew commander, Bill was responsible for seeing to it that the bomber safely navigated enemy airspace, accomplished its mission on time and on target, and returned to base safely.

Bill's B-24 flew at 22,000 feet in sub-zero temperatures in nonpressurized cabins. Think about that. We are not talking about the cozy airplane cabins you and I are used to today. We are talking about open air, very loud and very cold cabins.

Imagine, if one can, doing all that with Nazi fighters on your tail. In one instance, incoming enemy fire shot the oxygen mask right off the face of one of the gunners on Bill's crew.

Bill is 96 now. When asked about his service, he said:

I am proud of what we did. I know we hit a lot of targets. That's what we were there for. We weren't there for a joy ride.

In March, I had the privilege of meeting Del Olson from Billings. Del was

born and raised on a farm in Rapleje, Montana, which is a very small town.

In 1944, Del joined the Women's Army Corps as an airplane mechanic. The Women's Army Corps was the first female unit, besides nurses, to serve within the ranks of the U.S. Army. They were patriots and trailblazers. Similar to all trailblazers, their service didn't come without controversy.

Del didn't let the controversy get in the way of her mission. She dedicated herself to fixing up bomber aircraft in Texas, which was her job, including the B-24 Liberator that Bill Smith was flying over Europe.

Later in the war, Del moved to Bakersfield, CA, where she worked as a nurse caring for the countless wounded warriors.

Now, at age 92, when you ask Del about her service, she will tell you, "I didn't do much during the war. Others did so much more."

Del's humility is a testament to what real selfless service looks like. When Del visits the World War II memorial, she plans to pay her respects to those who made the ultimate sacrifice during the war. Del said she will think of her brothers, of her sister, who all served under General Eisenhower in Europe. She especially wants to honor her first and second husbands, both of whom served in the South Pacific during the war.

I met with Del and talked with her about coming to Washington, DC, on the Honor Flight. She is such a special lady.

When I talked to her, I said: Boy, Del, we have to make sure we raise enough money so you get a seat on the plane.

She said: Oh, no, no, not me. There are others who are so much more deserving than I am. Not me.

That is exactly the kind of selfless attitude she and others who served in World War II have. But she now has a seat. She will be back here in Washington, DC. The first event is tomorrow night, with a service earlier at the memorial tomorrow.

But Honor Flights just don't happen automatically. It takes work—a lot of work. Kathy Shannon, Beth Bouley, Tina Vauthier, Chris Reinhard, Vicky Steven, Yellowstone County commissioner Bill Kennedy, and countless other volunteers have all been instrumental in organizing Montana's first Honor Flight. Students, friends, neighbors, and businesses pooled together more than \$150,000 to make this happen. In today's tough times, when families are struggling to make ends meet, pooling together that kind of contribution is no small feat.

This will be the first Honor Flight from Montana, but I know it won't be the last. I know because I have seen the passion and dedication of these volunteers firsthand. In March I had the incredible opportunity to pitch in by

serving burgers at a fundraiser in Billings. It was a lot of fun. It was very inspiring seeing all these folks, inspiring to see our young Montanans demonstrating their spirit of service. For example, students from the Huntley Project Schools raised an amazing \$2,425 to make this flight happen—just kids. In the process, they learned a valuable lesson about the sacrifices that made it possible for them to grow up strong and free in this country.

This Honor Flight visit is larger than just a thank-you to our World War II veterans. It shows the commitment we Americans consider a sacred obligation to all our veterans—to those who served on the frozen battlefields of Korea, to the jungles of Vietnam, to the deserts of Iraq, and to those who on this very day are fighting in the mountains of Afghanistan. So I ask the Senate to join me in welcoming these heroes to our Nation's Capital this weekend. And a special thanks to all 18,000 World War II veterans living in Montana. We are forever grateful for your service and your sacrifice.

I might add, Mr. President, that as we honor our veterans, especially those who served during World War II, it is a good reminder to all of us here who aspire to public service. In many cases, these veterans put themselves in harm's way, sacrificing themselves for their country, so the very least we can do here in the Senate is to remember our veterans who sacrifice so much, remember our Armed Forces today who serve us so well, and at the very least we should work together as a Senate, as a Congress, to solve the problems ahead of us and not be so partisan and so divisive, which is clearly not a public service.

CITIZENS UNITED

Mr. President, before I conclude, I also would like to say a few words on another important topic impacting our democracy; that is, the freedom of a people to choose their own elected representatives.

Today, the Supreme Court is considering a challenge to Montana's 1912 Corrupt Practices Act. One hundred years ago, Montanans said, in passing legislation, that elections should not be bought by the Copper Kings. Who were the Copper Kings? They were basically three very wealthy corporate titans trying to control copper production in the State of Montana, and they virtually controlled our State. Montanans said: No, elections should not be bought by copper kings or by any corporation. Today, we in Montana say the same thing.

Unfortunately, the Supreme Court's 2010 decision in *Citizens United* cleared the way for unlimited out-of-State corporations throughout the country. I applaud Montana's attorney general Steve Bullock for sticking up for Montanans as the Supreme Court takes a closer look at this case. I have intro-

duced a constitutional amendment to limit corporate campaign expenditures, and I have supported every piece of campaign reform legislation that has come before me.

As the Supreme Court looks at Montana's 1912 Corrupt Practices Act today, it is my hope that Montana can continue to lead the Nation in saying that elections belong in the hands of the people, not out-of-State foreign corporations.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING THE ECONOMY

Mr. CARPER. Mr. President, a week or so ago, I was being interviewed by CNN. I think it was a couple days after the jobs report had come out for the month of May. The reporter who was interviewing me was commenting on those job numbers—which I think were disappointing to all of us—and asking me if we were back in the soup, were we heading back into a recession. Instead of continuing to recover from a really deep, awful recession, an awfully hard, tough recession, would we go back into the soup? And I said to her that I know there are people in my State and across the country who are still hurting, still suffering. People have lost jobs, and in too many cases people have lost their homes and are fearful of losing their health care and not being able to maybe send their son or daughter back to school. And I said that I realize we still have more pain in our country, more than any of us would like.

But, I said, maybe there are four things we should keep in mind:

No. 1, let's not talk ourselves back into a recession, which we have the ability to do. Our hair is not on fire. Let's continue to make sure we are looking at the underlying fundamentals of the economy, and while they are not universally up or upbeat, the underlying fundamentals are not entirely bad either. Our energy costs are way down. We are not just the Saudi Arabia of coal, we are the Saudi Arabia of natural gas. We are now a net exporter of oil, and we are seeing significant reductions over the last half-dozen or so years in our dependence on foreign oil, from about 60 percent of the oil we use being from foreign sources to approaching 40 percent. So the movement is right.

Another underlying factor is the cost of health care in this country. For years we have seen double-digit increases in the rate of health care costs in this country, and last year health

care costs in this country rose by only 4 percent. That is a positive factor as we try to be more competitive with the rest of the world.

Another factor is the difference in labor costs between our country and other countries with which we compete, one of them China and another, believe it or not, Vietnam—a very low-cost producer of manufactured products. What we have seen in those other countries—Vietnam, China, and some of the other Asian countries—is that their wage levels have come up, and our wage levels in this country have pretty much remained the same. As a result, the inducements for companies here, particularly manufacturing companies, to move offshore their manufacturing operations have diminished from where they were a couple of years ago.

I think those are all encouraging factors, again, to lay the groundwork for a sustained economic recovery, if our friends in Europe can work their way through, navigate their way through their problems in places such as Greece and Spain. So it is not all bad news. It is not all bad news.

In the near term, what should we do? Again, No. 1, not talk ourselves back into a recession. No. 2, prepare to hit a home run. From a guy who likes baseball a lot, we need to hit a home run. I don't think we will hit a home run here in this Chamber, in this building, in this city before the election.

But the best thing, in my view, we can do for the economy is to adopt a bipartisan, comprehensive deficit reduction deal, much like that proposed by the deficit commission led by Erskine Bowles, former Chief of Staff to President Clinton, and by former U.S. Senator from Wyoming, Republican Alan Simpson—the so-called Bowles-Simpson Deficit Reduction Plan. That plan provides for \$4 trillion to \$5 trillion in deficit reduction over the next 10 years—\$3 on the spending side for every \$1 on the revenue side. That actually lowers both corporate and individual tax rates. It lowers the rates and bottoms the base of income that is taxable, eliminating half of our so-called tax exemptions, tax breaks, tax deductions, tax credits, and tax loopholes.

That is how we end up with lower rates both on the corporate and individual sides, and also actually creating revenue: \$1 for every \$3 of spending reduction. That is a home run. I don't know if we are going to hit that home run before the election, but sometime between the day after the election and, hopefully, by the end of the year we will adopt something similar to that and provide certainty: One, can we govern? Yes, we can. Two, can we be fiscally responsible? Yes, we can. Three, can we provide certainty with respect to our Tax Code? Yes, we can. I think the adoption of that kind of plan answers all those questions with, yes, we can. And we are.

But while we prepare to hit a home run, I don't think we ought to wait around until the end of the year to do something. In the meantime, we need to hit a lot of singles. So rather than hitting a home run with runners on base, let's see if we can't hit some singles and maybe some doubles and score some runs for the economy.

I spend a lot of time, as my colleagues will tell folks, on how to create a more nurturing environment here for job creation and job preservation. How do we do that? Our friend, John Chambers from West Virginia, a native of West Virginia—as am I—who now heads up Cisco, a big technology company, likes to say the jobs of the 21st century will go to those States and those countries that do two things especially well: One, a productive workforce—students who can read, write, think, do math and science coming out of our high schools, coming out of our colleges and universities, into the workforce; and, the States and nations that do another thing very well; that is, create a world-class infrastructure; broadly defined, roads, highways, bridges, transit, rail, port, airports, waterways, water treatment, broadband—all of the above, broadly defined infrastructure.

In addition to that, there are a number of other things we can do to provide a nurturing environment, and they include cost-effective regulations, commonsense regulations, access to leaders like us.

Another positive development in job creation and job preservation is access to capital, the ability to actually borrow money for businesses, large and small, at reasonable rates; the ability to export into foreign markets and to get financing for those exports if they need it; incentives to do basic research and development that actually can be commercialized and create products that we can sell around the world. Those are some of the things that actually contribute to a nurturing environment—not all, not the only things, but some of them.

The other thing that we can do in terms of hitting singles and doubles is some things that we have done in this Chamber this year, and I want to mention a few of those. They include actually doing something about our aviation infrastructure.

When we passed the Federal Aviation Administration reauthorization earlier this year, we not only provided for a source of revenues—provided by the general aviation community and the civilian airlines here, the sorts of revenues to upgrade, modernize, and improve airports—but we also provided money to bring an analogue air traffic control system into the 21st century, arguably a digital system. So that is one in terms of a more nurturing environment.

No. 2, I actually said the idea that in the past, if someone comes up with an

idea—like this young woman who is typing down my words on the floor today. If she comes up with a good idea and goes to the Patent Office—in the past she could go to the Patent Office and say: I have a great idea—maybe for a better machine than the one she is taking down my words with here today—and she files for a patent on that machine. A year later, I show up at the Patent Office and say: No, that was really my idea, and I thought of it first. She just filed first, but I really had it first. I end up going and litigating with her, and it may string out for months, years, and provide a lot of uncertainty. I don't have a patent, but I just want to be bought out and basically paid off. Maybe I had the idea first, but in a lot of cases I didn't, and I want to be given something of financial consequence so I will go away.

We have changed that with the law we passed here and the President signed that says: Whoever files first—if she files first for that new machine, it is her patent. It is an important thing for us to do with respect to providing certainty for innovation and creativity.

Another thing we did that I think is a smart idea is we said: We are having a hard time selling our goods and services in places such as South Korea, Panama, Colombia, and a lot of other places around the world. We negotiated in the Bush administration—with George W. Bush—and further in the Obama administration, free-trade agreements with South Korea, Panama, and with Colombia. They have been approved by the Senate, agreed to by the President, and they are now the law of our land and the lands of those free countries.

What does it mean for us and South Korea, a place where they sold to us last year 500,000 cars, trucks, and vans; a country we sold 5,000 cars, trucks, and vans to? That is going to change, and their ability to keep our vehicles out will phase out over time, and we will have the opportunity to sell our vehicles there just as they have the ability to sell their vehicles here.

We will have the ability to sell poultry products. We raise a lot of poultry on the Delmarva Peninsula in Delaware. We will have the ability to sell poultry products into countries such as Panama and Colombia without impediment and tariff barriers to keep them out.

So the idea to provide better access to foreign markets, we have done that at least with respect to those three, and we are trying to negotiate now something called the Transpacific Partnership, which would allow a number of countries in this hemisphere—including us and maybe Chile and a couple other countries south of us, maybe even Canada and Mexico—to create a trading partnership with countries

such as Malaysia, Australia, New Zealand, Vietnam, and a couple of other countries over there.

I am told the Japanese are interested in being part of that as well. That could be an enormous new global partnership that would enhance trade between all the countries that are a part of it.

Another piece of legislation for a single that we have hit over here is something called the JOBS Act. You may recall that IPO onramp—initial public offering—for changing the shareholder threshold, raising it from 500 shareholders to 2,000, something I worked on. The IPO onramp will make it easier for companies, if they want to go public, to do so.

JOHN CARNEY, a Congressman from Delaware, worked on that in the House and did a very nice job. But that is legislation endorsed by the President, supported by Democrats and Republicans, now the law of the land—another single, maybe a double, I don't know—where middle-sized companies and smaller companies that want to grow either remain privately held or become publicly traded.

Other potential singles and doubles are the postal legislation that Senator LIEBERMAN, Senator COLLINS, Senator BROWN, and myself and others have worked on to try to save the Postal Service, which is losing \$25 million a day in the 21st century. We have a pretty good idea on how to stem that hemorrhaging and how to help them help themselves become sustainable again in a break-even operation. That legislation, a bipartisan bill, passed the Senate and was sent over to the House awaiting action. We need for the House to take up that legislation. If they do, that is something that can help save and preserve 7 to 8 million jobs and affect a significant part of our country.

Another potential double—maybe even a triple—is transportation legislation and the 2 or 3 million jobs that flow from that. A lot of transportation projects in my State and 49 other States are literally grinding to a halt because of the inability, in this case, of the House to agree with bipartisan legislation that we passed in the Senate to fund and to go forward with transportation projects in all 50 States that nobody is arguing with. They are not bridges to nowhere. They are actually smart ideas, and a lot of them involve State funding as well, but they need some Federal help.

We passed it in the Senate, and the House has sort of gone to conference with it. But we are having a tough time getting to yes. If they do, that is a double or triple with runners on base, 2 to 3 million jobs.

Those are things that we can do to actually enhance and nurture the environment for economic growth, for job creation, job preservation in this State.

There is one more single or double I want to talk about, and it is the agriculture legislation. We have an agriculture bill that has been brought out of committee by a big bipartisan vote. It would enable us to do what I think we need to do in a lot of areas of our government; that is, get better results for less money. I like to say in everything we do, everything I do, I know I can do better. I think the same is true of my 99 colleagues. I believe that is true of most Federal programs. One of our challenges is to figure out how to get better results for everything we do.

Today we had a very interesting hearing on the Medicaid Program and how to get better results for less money with respect to Medicaid and how we reduce improper payments—mistakes and so forth—and how we reduce fraud losses, which are about 10 percent of what we spend in Medicaid and Medicare. But a recurring theme for me and for the subcommittee I lead on Federal financial management in the Senate is how do we get better results in almost everything we do for less money or better results for the same amount of money? That is not a Democratic idea, it is not a Republican idea, it is not a liberal idea or a conservative idea. It is just a smart idea.

In a day and age of these trillion-dollar deficits—and deficits are coming down, but it is still too high. While we wait to do that big deal, hit that home run with something like the Bowles-Simpson Deficit Commission recommendation later this year, we need to continue to hit singles in terms of reducing spending taxpayers' money in a smart and more cost-effective way.

That brings us to the legislation that has been before the Senate this week, and that is the Agriculture bill. Believe it or not, in Delaware, our little State, we have 300 million people in about 100 miles from one end to the other, north-south, right here on the Mid-Atlantic between Washington, DC and New York City. For us, agriculture is still a big deal. We don't have a lot of cows—we have some. We don't have a lot of hogs—we have some. What we have a lot of is chickens. We have a lot of chickens.

For every person who lives in my State, there are 300 chickens. As you go from north to south, the chickens have us outnumbered even more than 300 to 1.

Eighty percent of our agricultural economy in Delaware is poultry related. The poultry industry doesn't need a lot or ask for a lot in terms of support or investment from the Federal Government. But we raise a lot of corn and soybeans in Delaware, and so we care about agriculture and we care about the farm bill. Other parts of the country care about it even more, maybe, than we do. But I want to talk about it for a few more minutes before I head back to my office.

I am here today to say that the farm bill that has been before us this week, when compared to the ones that have come before it in recent years, makes great strides toward reforming a process that was too often—and I think rightly—criticized as regressive and, unfortunately, wasteful.

All told, the bill that has been brought to the floor—a bipartisan bill. Great kudos to the chairman of the Agriculture Committee in the Senate, DEBBIE STABENOW of Michigan, and the Ranking Republican Senator, PAT ROBERTS from Kansas. They have done great work in steering this legislation through committee, again with strong bipartisan support, and bringing it to the Senate floor, saving the Federal Government almost \$24 billion over the next 10 years compared to what we would otherwise be spending under current law.

The legislation eliminates wasteful spending by getting rid of the so-called direct payments program, which too often gave money to farmers even when farmers didn't grow anything or even own the land. But I think the bill is also humane, and this legislation is not unfair to our farmers. I believe it embraces the Golden Rule of treating other people the way we want to be treated, and that includes farmers and farm families and taxpayers.

But instead of continuing the direct payments program that has prevailed for years, this legislation institutes a new crop insurance program, a long sought after goal by those of us wanting to make progressive changes to farm law.

Instead of giving money to farmers who, again, sometimes don't grow even a single crop in a year, this legislation only helps farmers when they actually experience a loss on the crops they are actually growing.

For a lot of people in this country, that would just sound like common sense. But in Washington, DC, and across the country, it is an uncommon approach to farm legislation. This is a much smarter approach.

In the end, the new crop insurance program, the Agriculture bill before the Senate this week, still would give farmers the security they need to continue farming. There is a lot of uncertainty in farming. Is it going to rain? Is it going to be cold? Are we going to have hail? Are we going to have drought? There is a huge amount of uncertainty, and it is important for us—to the extent that we can reasonably do that—to reduce uncertainty and lack of predictability for all kinds of businesses. It is hard to do that. We don't control the weather; we don't control the temperature—well, indirectly maybe. But to the extent that we can help provide some certainty, security, and predictability for the farmers at a lower cost to the taxpayers, we ought to do that.

I think this committee has pretty well thought that through and figured out a way to do crop insurance—an old program—with a new approach, a smarter approach that is good for farmers and, I think, good for taxpayers.

Another thing this legislation focuses on is nutrition and how we can encourage farmers to grow and people to eat more healthful foods as part of their daily diets.

We live in a country where, sadly, one-third of the American people are overweight or on their way to being overweight, and maybe on their way to being obese—about one-third of us. The trend is not good.

In terms of cost for health care, it is killing us: Medicaid costs, dialysis, diabetes, hospitalization, loss of limbs, loss of eyesight, and for our ability to fund Medicare, again, the same kind of challenges and hardships in the ability for us to compete with the rest of the world when we are so much heavier than they are. We know the four major cost factors in health care are, No. 1, weight; No. 2, tobacco; No. 3, high blood pressure; No. 4, high cholesterol. If we could do a better job on all those fronts, we would be off to the races on our health care costs. We are making some progress bringing health care costs down.

Believe it or not, this agricultural legislation is part of the solution because it, among other things, encourages us to eat a diet that is more healthy for us. This bill doesn't mandate what people eat, but it helps to encourage and provide ways to make healthier foods available, nutritious foods available in places such as health deserts. There are some communities, some cities around the country, where the only grocery store they have in their community is a convenience store. There is nothing wrong with convenience stores, but if that is the only place one can buy fruits and vegetables, and they don't have them—maybe bananas if one is lucky—that is not good.

This effort, along with the First Lady Michelle Obama, will be reducing those food deserts. It includes support for programs that help farmers produce fruits and fresh vegetables. In our State, we raise not only corn and soybeans, we raise a lot of fruits and vegetables, most notably watermelons, but we do a few lima beans and other products as well. We grow most of those in the summer, some in the fall and the spring, but we will be able to bring it to market in ways that benefit farmers and consumers and also support programs such as Farm to School, where we actually bring fresh fruits and vegetables from our farms to schools to feed our students.

We also talk a lot around here, as my colleagues know, about reducing our dependence on foreign oil. As I said

earlier, dependence on foreign oil in this country has dropped from about 6 years ago; a half dozen years ago, 60 percent of our oil was from foreign sources; now we are turning down toward 40 percent. We hopefully will be there in another year or two. But this legislation, the agriculture bill, actually helps move us in that direction where we are lessening our dependence on foreign oil.

It includes legislation I joined Senator STABENOW in introducing earlier this year that would support the expansion of products made in country from bio-based material, such as the renewable chemicals made from plant material which can be used to displace petroleum and our plastics.

The DuPont Company, which is a major employer in our State—frankly, one of the great companies in this country for the last 200 years and around the world—does great work, exciting work not only in figuring out how to use corn, get more yield off an acre of land—as much as 300 bushels off an acre of land. Thirty years ago, a farmer was doing good if an acre was getting 50 bushels. Now DuPont has these experimental farms where they are getting 300 bushels off an acre of land, so we can feed ourselves and fuel ourselves. Not only that, we can take the corn—the cornstalks, the leaves, the corncobs—and turn that into cellulosic ethanol. We can also take the by-product of some of the vegetables and some of the plants we are raising to create carpeting, as attractive as the carpeting in this Chamber, and clothing. One of the great growth businesses for DuPont, at least, is using plant life to create carpets and not to have to depend on petroleum to do that. It is very exciting. It reduces our dependence on oil, particularly on foreign oil.

It also creates new jobs in communities across our country, including my State and I suspect including Minnesota, where our Presiding Officer is from.

Another key investment this bill continues, although it is at a somewhat reduced Federal level from what we saw in the 2008 farm bill, is the agricultural bill's investment in conservation. Conservation and the preservation of agricultural lands are the key to the future of agriculture in every State but are especially important in a little State such as Delaware. These investments are also particularly critical to regions such as the Chesapeake Bay to our west, which Delawareans and Marylanders and Virginians especially are working hard to restore and to protect.

I might mention, if I could, in terms of conservation, we had a big problem in our State. People like to come to Delaware. We have great beaches, Cape Henlopen and Lewes and Rehoboth and Dewey and Bethany on down to Fenwick Island. People come to our

State a lot of times because they want to retire there, maybe have a beach house in the summer and then decide they want to live in Delaware. We have had a lot of demand for housing in the southern part of our State crowding out some of our agricultural land. We are concerned about what does that do for open spaces and preserving our agriculture land.

When I was privileged to be Governor, initially proposed by Mike Castle, our previous Governor, we wrote a program to preserve our agricultural land. We have invested a fair amount of tax dollars in Delaware, with broad support from people who live in the suburbs and the cities as well as farmers, to preserve the farmland and we have preserved a lot of it. I am very proud of that. One of the best ways to preserve farmland is to make sure farmers can make money off the land they are farming. If they are able to make a good income in good years and bad years, if they have ways to get extra sources of income from the farms—which include raising corn that can be turned to a cellulosic biofuel and help fuel our country or provide the materials that are needed to create carpeting or clothing or to be a place we can build maybe windmill farms or solar energy and deploy those and harvest that as well as crops, those are ways to supplement the income of our farmers and promote conservation.

Beyond that, the bill we are looking at does focus some good attention, appropriate attention, on encouraging and nurturing conservation. I mentioned earlier, we have about 1 million people in Delaware and about 300 chickens for every person. About 60 percent of the cost, I am told, of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has risen dramatically. Our new pages who are here for a 3-week period are anxious to know how much it costs to feed a chicken. We can actually take a chicken from the time it comes out of an egg and in about 7 weeks or so it is ready to actually go to market. But what do we feed them in the meantime? We feed them a lot of corn and we feed them a lot of soybeans. We have seen the cost of corn go from maybe a couple bucks for a bushel of corn to rise to as much as maybe \$7 or \$8 a bushel of corn. We have seen soybeans go from about \$5 a bushel to as high as \$12 or \$13 a bushel. It is hard to pay that kind of money for corn and soybeans to feed chickens, to raise chickens, and make money. We have lost a major poultry integrator in our State and other places because of the difficulty in feeding the chickens with the high cost of corn and soybeans. About 60 percent of the cost of raising a chicken is corn and about another 20 percent is soybeans. It is a tough business when those prices have doubled and actually tripled. They are coming

back down. We are working hard to bring them down, but they increased a strain on the poultry business and made a very profitable business in some places unprofitable.

That is why Senator JOHN BOOZMAN of Arkansas and I have introduced an amendment to the bill we hope to be adopted, folded into the bill, that makes a priority at USDA research to improve the efficiency, the digestibility and nutritional value of food for poultry and livestock, including corn, soybean meal, grains, and grain by-products. By improving the feed that is used to raise our chickens, and I might add other livestock, hogs and cattle and so forth, we can provide the poultry and the livestock industries with a great variety of feed choices to use in their operations which will ultimately help provide relief to those producers that rely heavily on their commodities in their operations and still provide healthy food.

Let me go back to where I started; that is, to ask then how do we get better results with less money in everything we do or maybe for the same amount of money? I think that every day I am here. I know many of my colleagues do as well. The bill before us, the agriculture bill, seeks to answer that question in a number of ways. They do help us get better results for less money, not just a better result for the taxpayer but I think maybe a better health result, reducing somewhat this upward trend toward obesity, making sure people who are not eating the kind of healthy foods they need, particularly fruits and vegetables, have access to fruits and vegetables. On both those counts, this legislation helps not just to serve farmers who are literally the lifeblood of this country but the rest of us too, including taxpayers.

I will wrap up where I started. I asked the sort of rhetorical question of how is the economy doing, and we are still struggling. To some extent, it is better than it was, but we know folks are having, in some parts of the country, including some parts of my State, a tough time finding a job, keeping a job, being able to keep their house and make sure their kids can go to college, make sure they have health care. We know there are challenges. We should be ever mindful of that.

I would say, though, in terms of moving out of the recession, the underlying fundamentals of the economy are not all bad, and we should keep that in mind. One of the surest ways to talk ourselves into another recession—having just come out of the Great Depression, we can now talk ourselves into depression. We can talk ourselves into a recession. We don't need to do that. We have seen consistent job growth in the private sector side for over 24 months, manufacturing jobs for over 30 months. We need to keep a balanced view, knowing there is still work to be done.

In baseball parlance, I was talking to a guy up here who follows the Minnesota Twins, the Presiding Officer pretty much. My guess is he is joined by the former Governor and now Senator from North Dakota. My guess is he might be a Twins fan too. I am not sure.

I got a thumbs up.

We pull for the Phillies. I pull for the Tigers as well, for some reason I will not bore everyone with today.

But we need to hit a home run to get the economy moving, and in my view the home run is bipartisan, comprehensive, balanced deficit reduction, not unlike the Bowles-Simpson Commission recommendation. When the elections are over, we can move and pass something along those lines before the end of the year. For me, that is a home run with men on base.

In the meantime, there are a bunch of things we do to get singles, doubles, and get the economy moving to create that nurturing environment; do what needs to be done and finish with our transportation legislation to keep 2 or 3 million people working. The House has been less willing to help us find a good compromise, and they need to—as well as postal legislation, which supports an industry of 7 or 8 million people.

We passed bipartisan legislation 2 months ago, and we are still waiting for the House to move the bill 8 months after they reported the bill out of the committee. We need to get on with that. If they do that and we get a good compromise on a bipartisan bill on transportation, we preserve 2 or 3 million jobs, free a lot of money for transportation all over the country. That would be great. On the postal side, help the Postal Service rein in its deficits, move toward self-sufficiency and make sure there are 7 or 8 million jobs remaining there and the industry is strengthened.

The last thing we need to do is find a way, focus every day on how to get better results on everything we do. How do we do that? Not just defense spending, defense projects, not just education, not just transportation, not just environment, not just agriculture but all of the above.

This bill doesn't help us rein in the growth in some other areas, but it sure does in respect to agriculture. It saves us about \$24 billion above what we would otherwise spend over the next 10 years. I think that moves us in the right direction, in terms of healthy Americans, to be a trimmer, less-obese population, and a healthier population by virtue of eating our spinach and our broccoli and a lot of other vegetables and fruits that are making us healthier and maybe a little bit leaner than we would otherwise be.

I think that pretty well wraps up what I wanted to say today. I think maybe I should yield the floor to my

friend from North Dakota, a recovering Governor and a good man. I am happy to yield the floor for him at this time.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from North Dakota.

Mr. HOEVEN. I thank my esteemed colleague, who is not only a Senator but a former Governor as well.

AGRICULTURE REFORM

Mr. President, I rise to speak on the farm bill. I think we have a real opportunity to pass a farm bill that will not only reduce the deficit but provide strong support for our farmers and ranchers. Right now at this point, there is something like 250 amendments that have been filed on the farm bill. Some are good, others are probably not so good, and certainly many amendments have been filed by both parties. Some of them are germane, meaning they actually relate to the farm bill, and many of them are not. That means if we are going to get a farm bill, we have to find a way to work through these amendments and come to agreement on the amendments as far as the ones that will be voted on, and that is going to take some compromise on the part of both parties. I mean that. We have to come together in a bipartisan way and come up with an agreement so we can have a reasonable number of amendments brought forward and we can vote on those amendments and pass a farm bill. We should be able to do it. We absolutely should be able to get that done because this bill accomplishes some very important things for our country.

As I said, this bill saves money. It saves \$23.6 billion that will help with the deficit and the debt. It also provides a very strong farm program for our farmers and ranchers, and that is important not only for our farmers and ranchers but for every American. It is important for every single American. Good farm policy not only benefits farmers and ranchers, it benefits all Americans.

First, we have the highest quality, lowest cost food supply in the world, bar none. We have the highest quality, lowest cost food supply in history. Every American benefits from that.

Second, it is a jobs bill. We are talking about millions of jobs, both on a direct basis and on an indirect basis. If we talk about small businesses, we are talking about hundreds of thousands of small businesses across this country in every State. For farmers and ranchers and all of the businesses that go with farming and ranching, it is hundreds of thousands of businesses. So it really is a jobs bill at a time when we need to get our economy going and we need to get people back to work.

It is also about national security. Think how important it is that we be able to rely on our own farmers and ranchers across this country for our food supply. We are not beholden to

other countries or relying on other countries, particularly countries that may have very different interests than we have for our food supply. It really is an issue of national security as well.

So for all of these reasons and more, we need to move forward on this farm bill. We are talking about legislation that affects every single American.

In addition, this is a cost-effective bill. It provides strong support to our farmers and ranchers, but, as I said, it also provides real savings to help with our deficit and debt. Agriculture is doing its part to help reduce the deficit. I would like to go through the numbers for just a minute to demonstrate that.

On an annual basis, the farm bill is about \$100 billion out of a \$3.7 trillion budget. So it is \$100 billion out of a \$3.7 trillion budget, but the portion that goes to farm programs and really goes to agriculture to maintain this network of farms and ranches across the country is only about \$20 billion—actually less than \$20 billion out of an annual budget of \$3.7 trillion. Now, 80 percent of the farm bill, *per se*, is nutrition payments.

So let's go through these numbers. How does the farm bill score? How do we get what is really spent and where it is spent and the savings that we generate with this new legislation? The farm bill is scored, of course, over 10 years by the CBO. The total cost is \$960 billion. Out of that 80 percent-plus is nutrition, primarily SNAP, which is the Supplemental Nutrition Assistance Program, and the School Lunch Program. So approximately \$800 billion of that score is nutrition. Less than \$200 billion of the score relates to the farm program portion of the farm bill. But, as we know, the farm bill is actually a 5-year legislation, not a 10-year legislation. So the actual cost is half that; it is \$480 billion in total. Approximately \$400 billion of that goes to the nutrition programs I talked about. Less than \$100 billion over 5 years or less than \$20 billion a year is actually the farm program portion of the bill.

Back to the savings. There is \$23.6 billion saved out of the portion that is less than—or mostly out of the portion that is about \$200 billion. In fact, out of what are truly farm programs—the commodity title and crop insurance—we are talking about \$15 billion in reductions and another \$6 billion in reductions out of the conservation programs. Again, those two programs alone are \$21 billion of the \$23 billion, and only about \$4 billion in total comes out of the nutrition programs. Again, on a 5-year basis, cut that in half. We are reducing by 10 percent the funding that goes to support the farm program. That is a significant reduction.

Let's go back to my point about all of these amendments we have. We have on the order of 250 amendments, and we have to get through them and have

some agreement, again on a bipartisan basis, as to the amendments that will be brought forward and voted on as part of this package.

We have the core bill that came out of the Agriculture Committee. It came out of the Agriculture Committee with a strong bipartisan vote—16 to 5—and that is for the underlying legislation. We have these 250 amendments. We have to somehow get together, come to the floor, and have a reasonable vote on these amendments—some will pass and some will not—and move this legislation forward.

As I said, while many of the amendments relate to the farm program portion of the farm bill, they either seek to further reduce the cost of the bill or seek to improve the bill. Regarding the cost of the bill, as I have just explained, the farm program portion of the bill is less than \$20 billion a year, and we have already saved 10 percent. We are already reducing 10 percent. So no amount of amending for additional savings is going to make a large difference on the \$3.7 trillion budget.

Further, as I said, since we already reduced the 10 percent, agriculture is doing its part to help with the deficit. For example, think if we went through the rest of the budget and were able to secure a 10-percent reduction out of all of the other portions of the budget, right? Again, my point being, of course, we have to find savings, but we are doing it in agriculture, and we are doing it in a big way. It truly is a cost-effective measure.

There are also amendments that seek to improve the bill. Here I go back to the old saying that perfect is the enemy of good. I get that there are a lot of amendments and everybody wants their amendment passed, but no amount of amending this bill is going to make it perfect. What this bill does is it already builds on the strengths of the existing farm program and makes the program stronger.

The heart of this bill is enhanced crop insurance. That is what producers across this country told us over and over again that they want. It is what they need to continue to do the very best possible job to produce the food supply we rely on throughout this country and many other countries throughout the world. Enhanced crop insurance is the risk tool they want. It is a market-based approach, and it is cost-effective.

In fact, we enhanced crop insurance with what we call the supplemental coverage option. Essentially what we do in this farm bill is we say we are going to build on the core and strength of the existing farm program because that is what the farmers and ranchers of this country have told us they want.

As it is now, the farmer goes out and buys his crop insurance and insures up to the level he thinks is appropriate. He tries to make the best decision he

can, all conditions considered, and buys the crop insurance on a cost-effective basis. But the higher level he insures, the more costly it becomes to insure. So we add a new element to this bill, and it is called the supplemental coverage option. Essentially what it does is once the farmers purchase their crop insurance at whatever level they feel is cost-effective, then they can buy a secondary policy on top of that to insure at a higher level on a cost-effective basis. It is not farm-level coverage, it is countywide coverage that makes it more cost-effective. If the farmer has a disaster, it truly makes sure the farmer can continue in business. So they are able to buy crop insurance in a way that affords them better coverage.

In addition, the legislation provides help with shallow or repetitive losses that farmers sometimes face due to weather. That coverage is called ARC, or the Agriculture Risk Coverage Program. These are voluntary programs. These are an effort to make sure farmers and ranchers can insure like other types of businesses and continue even when weather conditions make it very hard for them to farm or ranch, not only in a given year but if they face weather difficulties over a period of time.

I know some of the Senators from the Southern States think that in this bill for their farmers, particularly for peanuts and rice and to some extent cotton—although there is a STAX program for cotton—there needs to be more price protection. In fact, we are working with them to do just that. We have offered amendments that I think we are making real progress on that will help them with some of the price protection they want for the southern crops, particularly peanuts and rice. As I said, they do have a product that I think they feel works for cotton, but this would provide additional price protection for cotton as well.

Again, I believe we are reaching out and doing what we need to do with southern producers. I hope we can get their support on this bill as part of getting an amendment package that we can agree to and move forward on the bill.

The other point that I think is very important to keep in mind relative to southern growers is that they will have additional opportunity in the House for some of the improvements they may feel they need in the bill even though, as I say, I think the underlying bill itself is very strong, and we have, I believe, come to some agreement or gotten very close to some amendments that will afford them the further price protection they feel is needed in the legislation.

So that is where we are. I want to return to where I started. We have to come together in a bipartisan way. Both sides of the aisle have to come to

reasonable agreement on these amendments so we can move forward and vote on this bill. I absolutely believe we can do it, but I want to be very clear that it is incumbent on all of us to make it happen.

This bill is not just about our farmers and ranchers. This is a bill that affects every single American, and it is time we come together on an amendment package and find a way to move forward and get this bill done for the good of farm country and for the good of the American people.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL REFORM

Ms. STABENOW. Mr. President, as we wrap up today and the week, I wish to take a few moments to give a status report as to moving forward in our negotiations on the farm bill. We have actually had some very good progress and overcome some obstacles and we are putting together something for the Senate for the beginning of the week that will allow us to move forward.

I wish to also thank the junior Senator from North Dakota whom I heard on the floor a little while ago, Mr. HOEVEN, about the 250 different amendments we have. Of course, the great thing about the Senate is we can all offer amendments whether they are relevant or not, and the challenge for someone managing a bill is that anyone can offer amendments. So we have worked our way from the 250, we are working our way down from 50 to 40 and putting together an approach that will be fair and balanced and allow us to move forward and have the input of everyone on both sides of the aisle.

So I wish to thank Senator ROBERTS again for being truly a partner with me all the way through this process and a terrific committee. We heard from one of those members, the junior Senator from North Dakota, in laying out what a positive and important bill this is for us. I wish to thank him as our newest member of the committee for all his contributions as well.

To briefly recap as we bring the discussion to a close this week, there are 16 million people who work because of agriculture. They may be working in the fields. They may be packaging, processing, making machinery for agriculture. They could be doing a number of things, but 16 million people work because of agriculture. I am not sure we can say any other individual bill that has been brought to the floor of

the Senate impacts that many people—16 million people.

As I have said so many times, I don't believe we have a middle class in this country unless we make things and grow things. I am proud of Michigan where we do that. We make things and grow things. The State of the Presiding Officer as well makes things and grows things. That is the strength of our economy.

One of the bright spots for us, even during the deepest, toughest times in the country, and certainly in Michigan, has been and continues to be agriculture, our major source of a trade surplus, having seen the trades expand 270 percent just over a short period of time, and over 8,000 jobs created for every \$1 billion we do in trade exports. So there are multiple facets to this jobs bill, from production agriculture, alternative energy, biomanufacturing, whether it is support for the critical needs of families through nutrition, whether it is conservation, where we have the largest investment in land and water conservation in our country on working lands, done through the farm bill.

This is important. It covers many important subjects that touch every single person in rural America and every person across this country as consumers of the safest, most affordable food supply in the world. So we have an obligation to get this right and to take the time to do it, and that is exactly what we are doing.

I am so proud this bill came out of committee with a broad, bipartisan vote and that we had such a very strong vote to proceed to the bill and now we are moving through the process of bringing us down the path to a final conclusion.

As we do that, I wish to stress again a few points. We could talk a long time because this has many pieces to it, and I am not going to do that this evening. But I do want to say one more time, to my knowledge, this is the one piece of real deficit reduction done on a bipartisan basis—in fact, on a House-Senate basis back in the fall—that we have had before the Senate.

There is \$23 billion in deficit reduction. So we all have an opportunity to vote to reduce the deficit—something we all care about—and we can do that while passing the farm bill. This repeals direct payments. Four different subsidies, in fact, are repealed. In its place, we put a risk management system.

So if there are losses, if there is a disaster from weather, such as we have seen in Michigan, if there are other disasters on price declines, world actions that create a challenge for our farmers or ranchers, we will be there to make sure nobody loses their farm because there are a few days of bad weather or any other risk that is beyond their control. However, if things are going

well, we are not going to be giving a government payment.

We are going to cover farmers for what they plant and when there are losses. We are strengthening payment limits so we again are focusing precious dollars on those who need it, and we end more than 100 different programs and authorizations. As we have scoured every single page of the farm bill and the USDA responsibilities, we have found areas where there is duplication, redundancy, things that are no longer needed, and we have solidified, made things more flexible, cut duplication. In the process of that, we have actually eliminated 100 different programs and authorizations, cut \$23 billion. At the same time, we have continued our commitment to families and children in this Nation who have their own personal disasters and need food assistance help.

We continue a strong commitment on conservation. We have 643 different conservation and environmental groups that have come together to support our approach, 125 different agriculture and hunger groups, and other organizations that say yes to this bill. We are anxious to get it done.

I would just say, as we conclude a very busy week—and I have to say it has been a very productive week—we began a process. We have had some votes. We have had a number of folks come together. I thank people on both sides of the aisle for their willingness to work with this as we move forward on our path to completion of this very important 5-year bill. I wish to indicate to everyone that we will look forward to having the opportunity next week to present something to the body.

VOTE EXPLANATION

Mrs. MCCASKILL. Mr. President, I was unable to arrive at the Senate Chamber in time for Senate rollcall vote 119. I would have opposed tabling amendment No. 2393 to S. 3240. The outcome of the vote would not have been changed had I been present.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURWITZ NOMINATION

Mr. BLUMENTHAL. Mr. President, I would like to express my strong support for the nomination of Andrew Hurwitz to be a member of the U.S. Court of Appeals for the Ninth Circuit. Justice Hurwitz is already an experienced judge, having served for almost 10 years as a member of the Arizona Supreme Court. He has disposed of hundreds of cases and has received the highest possible rating from the American Bar Association Standing Committee on the Federal Judiciary, "well qualified."

Most important to my support, I have known Justice Hurwitz for literally four decades, so I am exceptionally familiar with his professional and personal background and am certain that he will be an outstanding addition to the Ninth Circuit Court of Appeals.

I first met him at Yale Law School, where we worked together on the Yale Law Journal. He attended Yale after graduating from Princeton University in 1968. Our lives intersected again when I followed him as a law clerk to Judge Jon O. Newman and then as a law clerk on the U.S. Supreme Court, although in different years and for different Justices. At every step of his career as a litigator and judge, as well as student and law clerk, he has been a paragon of intellect and integrity.

Justice Hurwitz has built a distinguished record while serving on the Arizona Supreme Court. Time and again, he has demonstrated an extraordinary capacity for analysis, thoughtfulness, and insight when facing the most complex and challenging questions of law. He has the qualifications, both professionally and personally, to be a great Federal judge. His reasoning is often of such a caliber that even on highly contested or controversial issues he has been able to build consensus on the court. Indeed, many of his most significant opinions were joined by all members of the Arizona Supreme Court.

Before his appointment to the Arizona Supreme Court, Justice Hurwitz spent 25 years in private practice in Arizona, where he represented a wide range of interests—from AT&T and the American Broadcasting Company to the city of Phoenix and the Arizona State Compensation Fund. He also developed a specialty in Native American law, representing, among others, the Salt River Pima-Maricopa Indian Community and the Hopi Tribe. Much of the work he did during his years of practice involved complex appellate litigation, including numerous arguments before the Ninth Circuit and two before the U.S. Supreme Court. This experience gives Justice Hurwitz familiarity with a broad swath of Federal law.

Equally impressive is Justice Hurwitz's commitment to pro bono work and public service. While in private practice, Justice Hurwitz argued

and won a groundbreaking death penalty Supreme Court case, *Ring v. Arizona*, to vindicate the rights of death row inmates sentenced by judges rather than juries. He also took time out of his successful practice to work in Arizona government. Among other projects, Justice Hurwitz was responsible for creating the Arizona Health Care Cost Containment System, a program designed to rein in State Medicaid costs. He also worked with the Reagan administration to implement greater control over transportation and education for State agencies. He served from 1988 until 1996 on the Arizona Board of Regents, including as board president. During his tenure, he led an effort to require annual reports from universities certifying they had reached mandated educational goals. His commitment to public service work shows a dedication to the legal system that I believe should be shared by all members of the Federal bench.

Throughout the 40 years I have known him, Justice Hurwitz has always been open about his passion for the law. From private practice to government to serving on the Arizona Supreme Court, he has shown unparalleled legal acumen and a devotion to public service. I have no doubt that his adherence to precedent, coupled with his passion and his wisdom, will serve this Nation well. President Obama has made a truly excellent nomination that will benefit the cause of justice in our Nation for many years to come.

ETHIOPIAN FREE PRESS ASSAULT

Mr. LEAHY. Mr. President, later this month, I and other Members of Congress will be watching what happens in a courtroom 7,000 miles from Washington, in Addis Ababa, Ethiopia.

That is where a journalist named Eskinder Nega stands accused of supporting terrorism simply for refusing to remain silent about the Ethiopian government's increasingly authoritarian drift. The trial is finished, and a verdict is expected on June 21.

Mr. Eskinder is not alone. Since 2011, the Ethiopian government has charged 10 other journalists with terrorism or threatening national security for questioning government actions and policies—activities that you and I and people around the world would recognize as fundamental to any free press. Ironically, by trying to silence those who do not toe the official line, the government is only helping to underscore the concerns that many inside and outside of Ethiopia share about the deterioration of democracy and human rights in that country.

Ethiopia is an important partner for the United States in at least two key areas: containing the real threat of terrorism in the region, and making gains against the region's recurring famines and fostering the kind of development

that can bring the cycle of poverty and hunger to an end. The United States has provided large amounts of assistance in furtherance of both goals, because a stable, democratic Ethiopia could exert a positive influence throughout the Horn of Africa and help point the way to a more peaceful and prosperous future.

That is why President Obama invited Prime Minister Meles Zenawi to last month's G-8 Summit at Camp David. The subject was food security, and Prime Minister Meles and the leaders of several other African countries helped inaugurate a new public-private alliance for nutrition that aims to increase agricultural production and lift 50 million people out of poverty in the next 10 years. I can think of nothing that will do more to further peace and prosperity of the region than this kind of targeted, practical, and cooperative initiative.

But initiatives like this depend for their success on broad national consultation, transparency and accountability. Consultation to integrate ideas from diverse perspectives, transparency to maintain partner confidence that their investment is reaching its targets, and accountability to ensure it produces the desired results. And transparency and accountability depend, in no small part, on a free press.

In Ethiopia, that means enabling journalists like Eskinder Nega to do their work of reporting and peaceful political participation.

But seven times in Prime Minister Meles's 20-year rule, Mr. Eskinder has been detained for his reporting. In 2005, he and his journalist wife Serkalem Fasil were imprisoned for reporting on protests following that year's disputed national elections. They spent 17 months in prison, their newspapers were shut down, and Mr. Eskinder has been denied a license to practice journalism ever since. Yet he carried on, publishing articles online that highlight the government's denial of human rights and calling for an end to political repression and corruption.

In some of those articles, Mr. Eskinder specifically criticized the Meles government for misusing a vaguely-worded 2009 antiterrorism law to jail journalists and political opponents. Now he stands accused of terrorism. At his trial, which opened in Addis Ababa on March 6, the government reportedly offered as evidence against him a video of a town hall meeting in which Mr. Eskinder discusses the Arab spring and speculates on whether similar protests were possible in Ethiopia. If convicted, he could face the death penalty.

The trial of Eskinder Nega, the imprisonment of several of his colleagues on similar spurious charges, and the fact that Ethiopia has driven so many journalists into exile over the last decade has eroded confidence in Prime

Minister Meles' commitment to press freedom and to other individual liberties that are guaranteed by the Ethiopian constitution and fundamental to any democracy.

The United States and Ethiopia share important interests, and the administration's fiscal year 2013 budget requests \$350 million in assistance for Ethiopia. However, to the extent that any of that assistance is intended for the Ethiopian government, the importance of respecting freedom of the press cannot be overstated. What happens to Mr. Eskinder and other journalists there will resonate loudly not only in Ethiopia, but also in the United States Congress.

FLAG DAY

Mr. CARDIN. Mr. President, I rise today to commemorate the 96th anniversary of Flag Day in the United States and to draw attention to its heightened significance in this year, the 200th anniversary of the United States' 'Second War of Independence,' the War of 1812. Since its adoption by the Second Continental Congress in 1777, our flag, with its thirteen stripes and fifty stars, has proudly stood as a beacon of liberty and justice throughout the world.

For more than 200 years our flag has stood as a tangible expression of our Nation and the lofty ideals it was created to protect. In 1916 President Woodrow Wilson sought to formally recognize the significant cultural and historical legacy that our flag embodies, proclaiming that the fourteenth of June should be known as Flag Day as a means of commemorating the Flag Resolution of 1777. While Flag Day was celebrated in many communities across the country in the years following Wilson's proclamation, it was not until 1949 that President Truman signed an Act of Congress designating June 14 of each year as National Flag Day and the week on which it falls as National Flag Week.

My State of Maryland plays a prominent role in the rich and storied history of our national Flag. Shortly after the British sack of Washington, D.C., the Royal Navy turned its gaze north, moving in force towards the strategic port city of Baltimore, MD. Despite the lack of formally trained, commissioned soldiers, the citizens of Baltimore diligently prepared the city's defenses and steadfastly stood their ground against the better equipped and trained forces of the British military. Despite their manifold disadvantages, the volunteer militia fought valiantly during the Battle of North Point, holding off the British infantry long enough for reinforcements to arrive. With their ground forces stymied, the British Navy commenced its intense, 25-hour bombardment of Fort McHenry. However, the bombardment was to no avail,

as the stalwart American defenders refused to yield and the British were forced to depart.

During the bombardment, American lawyer Francis Scott Key, who was being held aboard an American flag-of-truce vessel in Baltimore Harbor, beheld by the dawns early light the American flag still fluttering in the breeze atop Fort McHenry. At that moment, Key realized the Americans had survived the assault and stopped the enemy advance. Deeply moved by the sight of the American flag after the devastating assault, he immortalized the event in a poem entitled "The Defense of Fort McHenry," which was later set to music and renamed "The Star Spangled Banner." On March 3, 1931, President Herbert Hoover signed a Congressional resolution, formally making the "Star Spangled Banner" the national anthem of the United States.

The flag that flew over Fort McHenry during that fateful night is now a national treasure that remains on display at the Smithsonian Institution as a stirring inspiration to all Americans. Each year the National Flag Day Foundation of Baltimore sponsors a moving ceremony at the Fort McHenry National Monument and Historical Shrine which brings our community together in celebration and remembrance of our illustrious history.

America's flag graces classrooms, statehouses, courtrooms, and churches, serving as a daily reminder of this Nation's past accomplishments and ongoing dedication to safeguarding individual rights and political freedom. Whether it is being carried into battle by the brave members of our armed forces as they fulfill their missions in defense of democracy and peace or flying over the public buildings, the flag is a badge of honor for all to see—a sign of our citizens' common purpose.

This week and throughout the year let us do all we can to teach younger generations the significance of our flag and to respect the men and women who have fallen to protect it. In red, white, and blue, we see the spirit of a Nation, the resilience of our Union, and the promise of a future forged in common purpose and dedication to the principles that have always kept America strong. As we reflect on our heritage, let us remember that our destiny is stitched together like those 50 stars and 13 stripes, united as one, with liberty and justice for all.

TRIBUTE TO ANGELO ROPPOLO

Ms. LANDRIEU. Mr. President, today I wish to ask my colleagues to join me in honoring Mr. Angelo Roppolo and extending my appreciation for his extraordinary accomplishments and dedication to the city of Shreveport and the State of Louisiana.

Mr. Roppolo is a modest man who seldom takes credit for his achieve-

ments and is known throughout his community as someone who avoids the spotlight. He has an unwavering loyalty to his family and friends and has never been known to abandon his core beliefs and principles.

Mr. Roppolo stands for righteousness and justice, and he has never hesitated to support a candidate who has challenged the norm. Mr. Roppolo has played integral roles in many landmark political events in Louisiana. He was involved in organizing and planning the campaigns of the first African American judge to be elected in Shreveport and in Caddo Parish, along with the campaigns of the first female judge in Caddo Parish and the first female judge on the 2nd Circuit Court of Appeals. Mr. Roppolo also served as the north Louisiana campaign chairman for Governor Kathleen Blanco, who was the first female to be elected as Governor of Louisiana.

Along with his love for the political process, Mr. Roppolo is also a strong supporter of entrepreneurs in Shreveport. He was a founder of the South Shreveport Business Association, an organization dedicated to the success of businesses within the rapidly growing area of his community. He has also helped many individuals gain financing for their endeavors and has seen many of these ventures grow and prosper into successful businesses.

Mr. Roppolo is a kind and caring man who has always given praise and gratitude to the men and women in the armed services who serve and protect this country. Mr. Roppolo is a source of inspiration for all who know him. He is beloved throughout his community and the city of Shreveport, where his family and friends alike respect and admire all he has done for those around him.

It is with a special measure of sincerity and heartfelt commendation for the mark he has left of the State of Louisiana that I ask my colleagues to join me along with Mr. Roppolo's family in honoring and celebrating the life of this most extraordinary person.

ADDITIONAL STATEMENTS

RECOGNIZING ST. PIUS VEREIN

• Mr. CONRAD. Mr. President, I am pleased to honor St. Pius Verein, a social and fraternal organization in North Dakota that will soon celebrate its 100th anniversary. On June 23 and 24 of this year, the community of Scheffield will host a celebration to recognize St. Pius Verein's history and founding.

The town of Scheffield started with the establishment of the St. Pius Catholic Church, which was built in 1910. The town's name is said to be derived from "schoenfeld," the German word for beautiful field. In 1912, St.

Pius Verein was founded by German settlers from Russia. The organization was first started as a way to unite the community. Members especially enjoyed singing and playing instruments together. Today, St. Pius Verein has 440 members. All members pay dues and contribute to a survivor benefit program that pays a benefit to families that experience a loss. St. Pius Verein holds monthly meetings, in addition to an annual picnic held on St. Pius Day. Scheffield takes great pride in the history of St. Pius Verein, and the community is expecting an enjoyable gathering.

To celebrate the 100-year anniversary of St. Pius Verein, Scheffield residents and visitors will participate in many fun-filled activities. Over the span of 2 days, the celebrants will enjoy children's games, a town dance, a citywide mass at St. Pius Verein Hall, a parade, an antique tractor pull, and an old-time jam session. DVDs will also be sold that describe the proud history of the town. Although many St. Pius Verein members no longer live in Scheffield, the town is expecting big numbers for the celebration.

Mr. President, I ask the Senate to join me in congratulating St. Pius Verein and the Scheffield residents on the organization's 100th anniversary and in wishing them a bright future.●

TRIBUTE TO IMRE HIR

● Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate an honorable American and a great Georgian, Mr. Imre Hir, on the occasion of his retirement after 40 years as general manager of Atlanta Country Club.

Imre is a native of Hungary where, in 1956, he was part of a youth movement in that country that helped drive the Soviets out. When the Soviets later returned to Hungary, Imre was forced to leave his country and sought refuge in Austria. While in Austria, Imre was debriefed by the U.S. Central Intelligence Agency, which later arranged to bring him to the United States. Shortly after arriving in the United States, Imre served in the U.S. Army.

After completing his service in the military, Imre worked his way up from a dishwasher at the Red Coach Grill in Boston, MA, to becoming the general manager of Druid Hills Country Club in Atlanta in 1969. He then went on to serve as the general manager of the Atlanta Country Club, where he has held that position until this month, retiring after 40 great years.

Imre is an example of an individual who has lived the American dream, and his story is one of many among immigrants who have come to the United States—the land of opportunity—and built successful lives through hard work and perseverance.

I congratulate Imre Hir for a successful career and the contributions he has

made to the United States. I wish him well in his retirement.●

SEEDS OF PEACE 20TH ANNIVERSARY

● Ms. SNOWE. Mr. President, today I wish to join with individuals across the world in recognizing the 20th anniversary of the founding of Seeds of Peace, an organization dedicated to the advancement of peace through understanding, reconciliation, acceptance, and coexistence among people, and established on the principle that long-term peace within or between nations can only be achieved with the emergence of a new generation of leaders who choose dialogue over violence.

Seeds of Peace's first camp session in 1993 was a labor of love for the late founder and esteemed journalist, John Wallach. That summer, under the leadership of Wallach, Bobbie Gottschalk, and Timothy Wilson, Seeds of Peace hosted 46 Arab and Israeli teenagers at its first summer camp in my home State of Maine. Since that day, the organization has blossomed into a full-fledged leadership program, which spans 27 countries with full staff in Amman, Gaza, Jerusalem, Kabul, Lahore, Mumbai, New York, Otisfield, Ramallah, and Tel Aviv.

Today, for 3 weeks at a time, during the months of June, July, and August, on the beautiful shores of Pleasant Lake in Otisfield, ME, Seeds of Peace brings together young people and educators from areas immersed in civil conflict, war, and other political and social unrest, to learn about coexistence and conflict resolution at their international summer camp. Camp participants engage with one another in both guided coexistence sessions and typical summer camp activities, which expose the human face that lie behind ethnic, religious, and political differences.

Now, under the acclaimed leadership of Leslie Lewin, Seeds of Peace has prepared over 5,000 alumni, known as "Seeds," primarily from the Middle East, South Asia, the Balkans, and Cyprus, for roles of leadership by offering them not only the unmatched summer camp experience of sleeping next to, eating alongside, and swimming with those who are their alleged enemies, but also a robust and worthwhile slate of intensive, year-round programs encircling the globe, which are focused on further refining the skills learned and relationships built at camp.

Seeds of Peace is a testament to the importance of conflict resolution and reconciliation programs as a tool for creating peace, and the program is indisputably making a difference in the lives of its Seeds each and every day. It is no surprise that Seeds of Peace is strongly supported by participating governments and many world leaders, and I urge my colleagues to join me in

recognizing the organization's contributions to the advancement of peace—which all began with a 3 week stint at a summer camp in Maine 20 years ago. Seeds of Peace provides a promise for a better future, and I enthusiastically welcome its continued efforts for years to come.●

RECOGNIZING FALMOUTH HERITAGE MUSEUM

● Ms. SNOWE. Mr. President, today I wish to recognize the Falmouth Historical Society and the Falmouth Heritage Museum, located in my hometown of Falmouth, ME. Through their steadfast commitment to preserving the past, future generations of Mainers and Americans alike will be able to not only witness, but understand the richness of their heritage.

Established in 1966, the Falmouth Historical Society was founded upon the venerable goal of preserving and sharing the town's vast and storied history. In order to accomplish that objective, members have tirelessly researched, collected, and catalogued hundreds of years of Falmouth's sacred artifacts, while the society has sponsored several outreach and awareness events for local residents as well as visitors. Indeed, through educational programs, research assistance, and newsletters, the society works diligently to reach an ever-broadening audience in the effort to showcase their many other activities, including photo exhibits, genealogical inquiries, and the Maine Heritage Day event held in September.

It was back in November of 2004 when the Falmouth Historical Society began the long and arduous process of opening a permanent museum to house their historical treasures. The original building which housed the museum was first built in 1830 and donated to the Society by Dr. David Andrews and his wife Jan for whom the house was their private home. The house was then moved in 2005 to land donated by the town of Falmouth, and following years of preparation and hard work the Falmouth Heritage Museum first opened its doors in June of 2008.

Today, the Falmouth Heritage Museum provides a unique glimpse into the past and plays a vital role in the preservation of artifacts. By serving as a new home to pieces of Maine's history, the museum offers the opportunity for historic items to serve as tools of learning and a window to the past. With knowledgeable docents to answer questions and provide greater insight into the exhibits and the early history of Falmouth, the museum provides a fun and interactive way to engage our past. Furthermore, the museum recently completed work on a new storage and display barn, which will serve as a home to the ever growing number of historical treasures. The

grand opening of the barn coincides with the annual opening day festivities of the museum, this year being held on June 23.

Falmouth's rich history is well preserved thanks to the efforts of the Falmouth Historical Society and the Falmouth Heritage Museum. It is through their hard work that we are able to so readily access and learn from the past. As we look to the future of Falmouth and of Maine, we treasure the path we have already traveled. I am proud to extend my gratitude, congratulations, and praise to the Falmouth Historical Society and the Falmouth Heritage Museum for their many contributions and accomplishments. I look forward to seeing their continued growth, knowing that they will one day play a vital role in preserving the history of our present day.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6516. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Tomatoes From the Economic Community of West African States Into the Continental United States" ((RIN0579-AD48) (Docket No. APHIS-2011-0012)) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6517. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Highly Pathogenic Avian Influenza" ((RIN0579-AC36) (Docket No. APHIS-2006-0074)) received in the Office of the President of the Senate on June 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6518. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John M. Bird, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6519. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral James W. Houck, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6520. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Charles B. Green, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6521. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Gary L. North, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6522. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Duane D. Thiessen, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6523. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Dennis J. Hejlik, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6524. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, the 2011 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC-6525. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Heating, Cooling, and Lighting Standards for Bureau-Funded Dormitory Facilities" (RIN1076-AF10) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Indian Affairs.

EC-6526. A communication from the Chair of the Federal Election Commission, transmitting, pursuant to law, a report relative to five legislative recommendations; to the Committee on Rules and Administration.

EC-6527. A communication from the Deputy Assistant Secretary, Department of Labor, transmitting, pursuant to law, the Annual Report of the Department of Labor's Veterans' Employment and Training Service for fiscal year 2011; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 3295. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112-176).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 3301. An original bill making appropriations for financial services and general gov-

ernment for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112-177).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. McCASKILL (for herself, Mr. BLUNT, Mr. WICKER, and Mr. COCHRAN):

S. 3293. A bill to amend title 28, United States Code, to realign divisions within two judicial districts; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts:

S. 3294. A bill to dedicate funds from the Crime Victims Fund to victims of elder abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 3295. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. TESTER:

S. 3296. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. MERKLEY, and Mr. KERRY):

S. 3297. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 3298. A bill to amend the Oil Pollution Act of 1990 to establish the Federal Oil Spill Research Committee, and to amend the Federal Water Pollution Control Act to include in a response plan certain planned and demonstrated investments in research relating to discharges of oil and to modify the dates by which a response plan must be updated; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 3299. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, Ms. CANTWELL, Mr. UDALL of New Mexico, and Mrs. MURRAY):

S. 3300. A bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 3301. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. PAUL:

S. 3302. A bill to establish an air travelers' bill of rights, to implement those rights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL:

S. 3303. A bill to require security screening of passengers at airports to be carried out by private screening companies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. HOEVEN):

S.J. Res. 44. A joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. CHAMBLISS, Mr. CARDIN, Mr. AKAKA, and Mr. WYDEN):

S. Res. 493. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by supporting education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. DURBIN, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Mr. RISCH, and Mr. MENENDEZ):

S. Res. 494. A resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 52

At the request of Mr. INOUE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 250

At the request of Mr. LEAHY, the name of the Senator from Delaware

(Mr. COONS) was added as a cosponsor of S. 250, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 387

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 697

At the request of Mr. CASEY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 866

At the request of Mr. TESTER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 1086

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1096

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for

bone mass measurement under such program through 2013.

S. 1102

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1102, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1613

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2077

At the request of Mr. BLUMENTHAL, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

S. 2103

At the request of Mr. LEE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2168

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a

cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 2376

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2376, a bill to recognize and clarify the authority of the States to regulate air ambulance medical standards pursuant to their authority over the regulation of health care services within their borders, and for other purposes.

S. 3225

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3225, a bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes.

S. 3235

At the request of Mr. PRYOR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3235, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

S. 3248

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3263

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3263, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 3270

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

S. RES. 401

At the request of Mr. WHITEHOUSE, the name of the Senator from Massa-

chusetts (Mr. BROWN) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

S. RES. 428

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 428, a resolution condemning the Government of Syria for crimes against humanity, and for other purposes.

S. RES. 435

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

S. RES. 489

At the request of Mr. MCCAIN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 492

At the request of Mr. BLUMENTHAL, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 492, a resolution designating June 15, 2012, as "World Elder Abuse Awareness Day".

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2170

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2170 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2175

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2175 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2187

At the request of Mr. KERRY, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2187 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2188

At the request of Mr. KERRY, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2188 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2199

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2199 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2220

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2220 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2224

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2224 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2232

At the request of Mr. TESTER, the names of the Senator from Virginia (Mr. WARNER), the Senator from North Dakota (Mr. HOEVEN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2232 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2240

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2240 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2241

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 2241 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2242

At the request of Mr. NELSON of Nebraska, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2242 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2244

At the request of Mr. FRANKEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2244 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2253

At the request of Mr. SANDERS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 2253 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2259 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295

At the request of Mr. UDALL of Colorado, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2295 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2302

At the request of Mr. RISCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from South Dakota (Mr. THUNE) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 2302 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2306

At the request of Ms. MURKOWSKI, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2306 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2325

At the request of Mr. CHAMBLISS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 2325 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2366

At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2366 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2367

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 2367 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2382 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2385

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2385 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2386

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2386 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2396

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 2396 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2399

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2399 in-

tended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2413

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2413 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2416

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 2416 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2418

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2418 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 493—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN-AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY SUPPORTING EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW PROSTATE CANCER AFFECTS AFRICAN-AMERICAN MEN

Mr. KERRY (for himself, Mr. CHAMBLISS, Mr. CARDIN, Mr. AKAKA, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 493

Whereas the incidence of prostate cancer in African-American men is more than one and a half times higher than in any other racial or ethnic group in the United States;

Whereas African-American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is approximately two and a half times higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed at an earlier age and at a later stage of cancer progression than all other ethnic and racial groups, leading to

lower cure rates and lower chances of survival;

Whereas, for cases diagnosed early, studies show a 5-year survival rate of nearly 100 percent, but the survival rate drops significantly to 28 percent for cases diagnosed in late stages; and

Whereas recent genomics research has increased the ability to identify men at high risk for aggressive prostate cancer: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African-American men;

(2) recognizes the importance of health coverage and access to care, as well as promoting informed decision making between men and their doctors, taking into consideration the known risks and potential benefits of screening and treatment options for prostate cancer;

(3) urges Federal agencies to support—

(A) research to address and attempt to end the health crisis created by prostate cancer;

(B) efforts relating to education, awareness, and early detection at the grassroots level to end that health crisis; and

(C) the Office of Minority Health of the Department of Health and Human Services in focusing on improving health and healthcare outcomes for African Americans at an elevated risk of prostate cancer; and

(4) urges investment by the National Cancer Institute and National Institute of Biomedical Imaging and Bioengineering, and other elements of the National Institutes of Health, as well as the Department of Defense, in research focusing on the improvement of early detection and treatment of prostate cancer, such as by using biomarkers to accurately distinguish indolent forms of prostate cancer from lethal forms and advanced imaging tools to assure the best level of individualized patient care.

Mr. KERRY. Mr. President, as we approach Father's Day, I would like to take the opportunity to discuss an important men's health issue that has personally affected my family and the families of many of my colleagues in the Chamber.

Prostate cancer is the most common cancer in men. Every year, more than 200,000 men are diagnosed with prostate cancer, and more than 25,000 men die from it. When caught early, five-year survival rates are near 100 percent. But when this cancer is caught in later stages, the survival rate drops significantly to only 28 percent.

African-American men are one and a half times more likely to get prostate cancer and two and a half times more likely to be killed by it than any other racial or ethnic group in the United States. As we move forward with better screening and treatment options, we must also close disparity gaps so all men have improved outcomes.

This is why Senators CHAMBLISS, CARDIN, AKAKA, WYDEN and I are submitting a resolution to recognize the disproportionate occurrence of prostate cancer in African-American men. This resolution acknowledges the importance of health care coverage for prostate cancer screenings and the need for informed decision making between men and their doctors, taking into consider-

ation the known risks and potential benefits of screening and treatment options. It also encourages Federal agencies to place a greater emphasis on education, awareness, and research focused on improved screening tools such as more effective biomarkers and advanced imaging.

I would like to recognize the Prostate Health Education Network, PHEN, AdMeTech Foundation, and ZERO—The Project to End Prostate Cancer for their work on the development of this resolution and their ongoing advocacy to support innovative research that holds real promise in turning the tide against cancer.

I look forward to working with my colleagues in the Senate to pass this important resolution.

SENATE RESOLUTION 494—CON-DEMNING THE GOVERNMENT OF THE RUSSIAN FEDERATION FOR PROVIDING WEAPONS TO THE REGIME OF PRESIDENT BASHAR AL-ASSAD OF SYRIA

Mr. CORNYN (for himself, Mr. DURBIN, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Mr. RISCH, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 494

Whereas the Government of the Russian Federation has an extensive history of providing weapons and political support to the regime of President Bashar al-Assad of Syria, a country designated by the Secretary of State as a "state sponsor of terrorism";

Whereas, at the Port of Tartus in Syria, the Government of the Russian Federation maintains for the Russian Navy its only permanent warm-water naval port outside of the former Soviet Union, which bolsters the Assad regime;

Whereas the Assad regime responded to the widespread, peaceful, and sustained calls for political reform that began in March 2011 in a manner that has caused the deaths of more than 10,000 people in Syria, mostly civilians, as of June 2012, according to an estimate by the United Nations;

Whereas the Government of the Russian Federation remains the top supplier of weapons to the Government of Syria, reportedly providing nearly \$1,000,000,000 worth of arms to the Government of Syria in 2011 alone;

Whereas the Government of the Russian Federation has unabatedly continued to ship arms to the Government of Syria during the ongoing popular uprisings;

Whereas, on October 4, 2011, the Russian Federation, together with the People's Republic of China, vetoed a United Nations Security Council resolution that would have condemned "grave and systematic human rights violations" in Syria and would have warned the Government of Syria of the actions, including sanctions, to be considered against it, if warranted;

Whereas, on January 18, 2012, Foreign Minister of the Russian Federation Sergei Lavrov criticized "the sending of so-called humanitarian convoys to Syria";

Whereas, on January 19, 2012, Foreign Minister Lavrov stated that, with regard to the Government of Syria, "For us, the red line is

fairly clearly drawn. We will not support any sanctions.";

Whereas, on February 4, 2012, the Russian Federation, together with the People's Republic of China, vetoed a United Nations Security Council resolution calling for an end to the violence in Syria, demanding that all parties in Syria cease all violence and reprisals and implement the plan set out by the League of Arab States, expressing grave concern for the deteriorating situation in Syria, and condemning the widespread gross violations of human rights;

Whereas, on March 13, 2012, Deputy Minister of Defence of the Russian Federation Anatoly Antonov stated that the Government of the Russian Federation would not halt arms shipments to Syria, acknowledging that the Government of the Russian Federation has military instructors on the ground training the Syrian Arab Army and stating, "Russia enjoys good and strong military technical co-operation with Syria, and we see no reason to reconsider it. Russian-Syria military co-operation is perfectly legitimate.";

Whereas, on May 30, 2012, Permanent Representative of the United States to the United Nations Susan Rice condemned recent reports of an arms shipment that arrived in Syria from the Russian Federation on May 26, 2012, as "reprehensible," stating that "this is obviously of the utmost concern given that the Syrian government continues to use deadly forces against civilians";

Whereas, on May 31, 2012, Secretary of State Hillary Clinton stated that the policy of the Government of the Russian Federation toward the Government of Syria "is going to help contribute to a civil war," maintaining that Russian officials "are just vociferous in their claim that they are providing a stabilizing influence," and stating, "I reject that. I think they are, in effect, propping up the regime at a time when we should be working on a political transition.";

Whereas the Government of the Russian Federation has thus far failed to effectively use its influence and relationship with the Assad regime to halt the murder of civilians in Syria, including the massacre of over 100 people, many of them women and children, in Houla on May 25 to 26, 2012;

Whereas Russian Federation President Vladimir Putin rejected appeals by President of France François Hollande for tougher United Nations sanctions aimed at ending violence in Syria;

Whereas, on June 5, 2012, Secretary of State Clinton stated that "it's pretty clear that we all have to intensify our efforts to speed a political transition. . . . And we invite the Russians and the Chinese to be part of the solution of what is happening in Syria";

Whereas, on June 7, 2012, Permanent Representative of the Russian Federation to the United Nations Vitaly Churkin publicly criticized the Governments of Saudi Arabia and Qatar for supporting the opposition in Syria; and

Whereas, on June 12, 2012, Secretary of State Clinton stated that "there are attack helicopters on the way from Russia to Syria, which will escalate the conflict quite dramatically"; Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of the Russian Federation for—

(A) its longstanding and ongoing support for the criminal regime of President Bashar al-Assad in Syria;

(B) continuing to transfer weapons to the Assad regime, which cannot be considered legitimate for purposes of self-defense; and

(C) its troubling opposition to resolutions from the United Nations Security Council regarding Syria, including those recently tabled by the United States;

(2) concludes that the actions of the Government of the Russian Federation—

(A) have enabled the Assad regime to maintain power and perpetrate mass atrocities against its own people; and

(B) directly undermine the core national security interests of the United States, as well as the stability of the entire Middle East; and

(3) urges the Government of the Russian Federation to—

(A) immediately end all transfers of weapons to the Assad regime;

(B) call on the Assad regime to end all violence against civilians;

(C) support international sanctions against Syria; and

(D) support a peaceful transition of leadership in the Government of Syria, starting with the early departure of Bashar al-Assad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2423. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2424. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2425. Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HOEVEN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2426. Mr. COONS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2427. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2428. Mr. BAUCUS (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2429. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2430. Mr. BROWN of Ohio (for himself, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. FRANKEN, Mr. TESTER, Mr. BEGICH, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2431. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2432. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2433. Mr. TOOMEY (for himself, Mrs. SHAHEEN, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2434. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2435. Mr. WARNER (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2436. Mr. NELSON of Florida (for himself, Mr. MENENDEZ, Mr. CARDIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2437. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2438. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2423. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 6 of the amendment, between lines 18 and 19, insert the following:

SEC. 13105. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term “Federal public land” does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING.—The term “recreational fishing” means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves

the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.—

(1) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) MANAGEMENT.—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(A) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVITIES.—

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED.—

(I) IN GENERAL.—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) ENHANCED OPPORTUNITIES.—Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning document described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data

available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.—

(A) LAND OPEN.—

(i) IN GENERAL.—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(ii) MOTORIZED ACCESS.—Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) CLOSURE OR RESTRICTION.—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) SHOOTING RANGES.—

(i) IN GENERAL.—Except as provided in clause (ii), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this section and other applicable law—

(I) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(II) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(ii) LIMITATION ON LIABILITY.—Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) EXCEPTION.—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.—

(A) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(i) publishes appropriate notice of the withdrawal or change, respectively;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES.—

(i) IN GENERAL.—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) TERMINATION.—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) NO PRIORITY.—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) CONSULTATION WITH COUNCILS.—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) AUTHORITY OF STATES.—

(A) IN GENERAL.—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(B) FEDERAL LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency

head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) MIGRATORY BIRD STAMPS.—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

SA 2424. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 3904 of the Consolidated Farm and Rural Development Act (as amended by section 6001), strike subsections (a) and (b).

SA 2425. Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HOEVEN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1102 and insert the following:

SEC. 1102. COUNTER-CYCLICAL PROGRAM.

(a) IN GENERAL.—Section 1104 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714) is amended—

(1) in subsection (a), by striking “2008 through 2012 crop years for each covered commodity” and inserting “2013 through 2017 crop years for each covered commodity (other than upland cotton)”;

(2) in subsection (b), by striking “during the 12-month marketing year” each place it appears in paragraphs (1)(A)(i) and (2)(A)(i) and inserting “for the first 5 months of the marketing year”;

(3) in subsection (c), by adding at the end the following:

“(4) 2013 THROUGH 2017 CROP YEARS.—For purposes of each of the 2013 through 2017 crop years, the target prices for covered commodities shall be as follows:

“(A) Wheat, \$4.46 per bushel.

“(B) Corn, \$2.81 per bushel.

“(C) Grain sorghum, \$2.81 per bushel.

“(D) Feed barley, \$2.81 per bushel.

“(E) Malt-type barley, \$3.57 per bushel.

“(F) Oats, \$1.92 per bushel.

“(G) Long grain rice, \$11.00 per hundredweight.

“(H) Medium grain rice, \$11.00 per hundredweight.

“(I) Soybeans, \$6.30 per bushel.

“(J) Other oilseeds, \$13.18 per hundredweight.

“(K) Dry peas, \$8.82 per hundredweight.

“(L) Lentils, \$13.31 per hundredweight.

“(M) Small chickpeas, \$10.86 per hundredweight.

“(N) Large chickpeas, \$13.31 per hundredweight.”;

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

“(f) PAYMENT AMOUNT.—

“(1) DEFINITIONS.—In this subsection:

“(A) PAYMENT ACRES.—The term ‘payment acres’ means—

“(i) 75 percent of the acres planted or prevented from being planted to a covered commodity on a farm; but

“(ii) not to exceed 75 percent of the total base acres for the covered commodity established for the 2012 crop year.

“(B) PAYMENT YIELD.—The term ‘payment yield’ means the yield established for counter-cyclical payments for the 2012 crop year for a farm for a covered commodity.

“(2) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2013 through 2017 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

“(A) The payment rate specified in subsection (d).

“(B) The payment acres of the covered commodity on the farm.

“(C) The payment yield for the covered commodity for the farm.”.

(b) PEANUTS.—Section 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8754) is amended—

(1) in subsection (a), by striking “2008 through 2012” and inserting “2013 through 2017”;

(2) in subsection (b)(1)(A), by striking “during the 12-month marketing year” and inserting “for the first 5 months of the marketing year”;

(3) in subsection (c), by striking “\$495 per ton” and inserting “\$25.25 per hundred-weight”;

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

“(f) PAYMENT AMOUNT.—

“(1) DEFINITIONS.—In this subsection:

“(A) PAYMENT ACRES.—The term ‘payment acres’ means—

“(i) 75 percent of the acres planted or prevented from being planted to peanuts on a farm; but

“(ii) not to exceed 75 percent of the total base acres for peanuts established for the 2012 crop year.

“(B) PAYMENT YIELD.—The term ‘payment yield’ means the yield established for counter-cyclical payments for the 2012 crop year for a farm for peanuts.

“(2) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2013 through 2017 crop years of peanuts, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

“(A) The payment rate specified in subsection (d).

“(B) The payment acres on the farm.

“(C) The payment yield for the farm.”.

(c) PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.—Section 1106 shall apply to counter-cyclical payments under sections 1104 and 1304 of the Food and Nutrition Act of 2008 (7 U.S.C. 8714, 8754) (as amended by this section) in the same manner as that section applies to agriculture risk coverage payments.

(d) PAYMENT LIMITATIONS.—Section 1101(b) of the Food Security Act of 1985 (as amended by section 1603(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and indenting appropriately;

(2) by striking “The total” and inserting the following:

“(1) IN GENERAL.—The total”; and

(3) by adding at the end the following:

“(2) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

“(A) IN GENERAL.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership)

for any crop year under section 1104 of the Food and Nutrition Act of 2008 (7 U.S.C. 8714) for 1 or more covered commodities (except for peanuts) may not exceed \$65,000.

“(B) PEANUTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under section 1304 of the Food and Nutrition Act of 2008 (7 U.S.C. 8754) for peanuts may not exceed \$65,000.”.

(e) PERIOD OF EFFECTIVENESS.—

(1) IN GENERAL.—Section 1109 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8719) is amended—

(A) by striking “This subtitle” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), this subtitle”; and

(B) by adding at the end the following:

“(2) COUNTER-CYCLICAL PROGRAM.—Section 1104 shall be effective beginning with the 2013 crop year of each covered commodity (other than upland cotton) through the 2017 crop year.”.

(2) ADMINISTRATION GENERALLY.—Notwithstanding any other provision of law, for the period of crop years 2013 through 2017, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out sections 1104 and 1304 of the Food and Nutrition Act of 2008 (7 U.S.C. 8714, 8754) in accordance with the amendments made by this section.

(f) OFFSET.—Sections 11006 and 11012, and the amendments made by those sections, shall have no force or effect.

SA 2426. Mr. COONS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 970, between lines 5 and 6, insert the following:

SEC. 11019. POULTRY BUSINESS DISRUPTION INSURANCE POLICY.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by sections 11016, 11017, and 11018) is amended by adding at the end the following:

“(21) POULTRY BUSINESS DISRUPTION INSURANCE POLICY AND CATASTROPHIC DISEASE PROGRAM.—

“(A) DEFINITION OF POULTRY.—In this paragraph, the term ‘poultry’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out—

“(i) a study to determine the feasibility of insuring commercial poultry production against business disruptions caused by integrator bankruptcy; and

“(ii) a study to determine the feasibility of insuring poultry producers for a catastrophic event.

“(C) BUSINESS DISRUPTION STUDY.—The study described in subparagraph (B)(i) shall—

“(i) evaluate the market place for business disruption insurance that is available to poultry producers;

“(ii) assess the feasibility of a policy to allow producers to ensure against a portion of losses from loss under contract due to business disruption from integrator bankruptcy; and

“(iii) analyze the costs to the Federal government of a Federal business disruption insurance program for poultry producers.

“(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of—

“(i) the study carried out under subparagraph (B)(i); and

“(ii) the study carried out under subparagraph (B)(ii).”.

SA 2427. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATIONS.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) DEFINITION OF MAPLE SUGARING.—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2012 through 2015.

SA 2428. Mr. BAUCUS (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 7, strike “clause (iii)” and insert “clauses (iii) and (iv)”.

On page 25, between lines 15 and 16, insert the following:

(iii) MINIMUM PRICE.—

(I) IN GENERAL.—If the national marketing year average price calculated under clause (i)(II) for a covered commodity for any of the applicable crop years falls below the minimum price for the covered commodity described in subclause (III), for the first crop year in which the national marketing year average price is below the minimum price, the Secretary shall use a price that is equal to the greater of—

(aa) the difference between—

(AA) the minimum price for the covered commodity described in subclause (III); and

(BB) 5 percent of the minimum price for the covered commodity; or

(bb) the national marketing year average price calculated under clause (i)(II).

(II) SUBSEQUENT YEARS.—For each applicable crop year after the first crop year in which the national marketing year average price is below the minimum price, the Secretary shall use a price that is equal to the greater of—

(aa) the national marketing year average price calculated under clause (i)(II); or

(bb) if the minimum price was adjusted for the prior crop year under subclause (I)(aa), 95 percent of the adjusted minimum price used for that prior crop year.

(III) MINIMUM PRICE.—The minimum price for each covered commodity shall be as follows:

(aa) For wheat, \$4.50 per bushel.

(bb) For corn, \$2.84 per bushel.

(cc) For grain sorghum, \$2.84 per bushel.

(dd) For malt barley, \$3.60 per bushel.

(ee) For feed barley, \$2.84 per bushel.

(ff) For oats, \$1.93 per bushel.

(gg) For soybeans, \$6.48 per bushel.

(hh) For other oilseeds, \$13.69 per hundredweight.

(ii) For dry peas, \$8.99 per hundredweight.

(jj) For lentils, \$13.83 per hundredweight.

(kk) For small chickpeas, \$11.19 per hundredweight.

(ll) For large chickpeas, \$13.83 per hundredweight.

SA 2429. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 16 and 17, insert the following:

(iii) ANNUAL PAYMENT BASED ON DROUGHT CONDITIONS DETERMINED BY MEANS OTHER THAN THE U.S. DROUGHT MONITOR.—

(I) IN GENERAL.—An eligible livestock producer that owns grazing land or pastureland that is physically located in a county that has experienced on average, over the preceding calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

(II) NO DUPLICATE PAYMENT.—A producer may not receive a payment under both clause (ii) and this clause.

SA 2430. Mr. BROWN of Ohio (for himself, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. FRANKEN, Mr. TESTER, Mr.

BEGICH, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 574, between lines 11 and 12, insert the following:

“(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection \$10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

On page 606, between lines 4 and 5, insert the following:

“(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph \$4,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

On page 782, strike line 14 and insert the following:

through promulgation of an interim rule.

“(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$100,000,000, to remain available until expended.

On page 832, line 6, strike “\$50,000,000” and insert “\$100,000,000”.

On page 957, line 18, strike “80 percent” and insert “70 percent”.

On page 989, line 9, strike “\$5,000,000” and insert “\$15,000,000”.

SA 2431. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 12. CIVIL RIGHTS COMPLAINTS AGAINST THE DEPARTMENT OF AGRICULTURE.

Section 14010 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2279-2) is amended—

(1) by striking the section enumerator and heading and all that follows through “Each year” and inserting the following:

“SEC. 14010. CIVIL RIGHTS COMPLAINTS AGAINST THE DEPARTMENT OF AGRICULTURE.

“(a) REQUIRED REPORTS AND SUBMISSIONS.—Each year”;

(2) in paragraph (1)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by adding “and” at the end; and

(C) by adding at the end the following:

“(E) the number of claims that have not been resolved during the 270-day period beginning on the date of acknowledgment of receipt of the claim by the agency;”;

(3) in paragraph (2), by striking “and” at the end;

(4) in paragraph (3), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(3) submit to each Senator and Member of Congress a list that—

“(A) identifies the number of constituents in the State or district of the Senator or Member that have outstanding civil rights claims that have been pending for more than 270 days since the date of acknowledgment of receipt of a formal complaint by the Department of Agriculture; and

“(B) includes the number of claims that are outstanding for each 60-day interval beyond the 270-day period.

“(c) REQUIRED SUBMISSIONS TO CLAIMANT.—As soon as practicable after the expiration of the 270-day period beginning on the date of acknowledgment of receipt of a civil rights claim by the Department of Agriculture, if the claim remains outstanding, the Secretary shall submit to the claimant of the outstanding civil rights claim the estimated time of resolution for the claim.

“(d) TIMELINE FOR RESPONSE AND RESOLUTION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall accept or deny all formal civil rights complaints sent by registered mail or delivered in person for processing during the 45-day period beginning on the date of receipt of the complaint.

“(2) FAILURE TO ACCEPT COMPLAINT.—

“(A) IN GENERAL.—If the Secretary refuses to accept a complaint as a formal civil rights complaint, the complainant may appeal the intake decision during the 15-day period beginning on the date of the disputed intake through the office of the Assistant Secretary for Administration of the Department of Agriculture.

“(B) REQUIRED RESPONSE.—The Assistant Secretary for Administration shall respond not later than 45 days after the date on which an appeal is filed under subparagraph (A) on acceptance or denial of the formal complaint process.

“(3) RESOLUTION OF CLAIMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall resolve all civil rights claims during the 270-day period beginning on the date of acknowledgment of delivery of the complaint by registered mail or in person.

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DISPUTE RESOLUTION.—Notwithstanding subparagraph (A), in a case in which the claimant has pursued the option of alternative dispute resolution with the Secretary, the 270-day period shall not begin until—

“(I) the claimant terminates the alternative dispute resolution process in writing to the Department of Agriculture; and

“(II)(aa) the Department has acknowledged receipt of the claim; or

“(bb) the Postal Service verifies that the complaint has been delivered by registered mail.

“(ii) PENDING CRIMINAL INVESTIGATION.—Notwithstanding subparagraph (A), in a case in which a criminal investigation is pending with respect to the claims, the 270-day period shall not begin until the pending criminal investigation has been concluded.

“(C) FAILURE TO RESOLVE.—

“(i) IN GENERAL.—If a civil rights claim is not resolved during the 270-day period, the

Secretary shall provide to the claimant, in accordance with subsections (a)(3) and (b)—

“(I) an explanation of the reason for delay;“(II) an explanation of the remaining process that is required for the resolution of the claim;“(III) a description of any items necessary for review; and“(IV) an estimated time for resolution of the claim.

“(ii) PROTECTION OF CONFIDENTIAL INFORMATION.—An explanation of the reason for delay under clause (i) shall not include confidential information relating to the claim that would interfere with potential or ongoing court proceedings.

“(4) APPEAL OF FINDING OF DISCRIMINATION.—

“(A) IN GENERAL.—For any civil rights claim in which discrimination is found under this section, the claimant may file an appeal of the finding with the Assistant Secretary for Administration.

“(B) ACTION BY ASSISTANT SECRETARY FOR ADMINISTRATION.—Not later than 180 days after the date on which an appeal is filed under subparagraph (A), the Assistant Secretary for Administration shall respond to the appeal by issuing an acceptance or denial of the finding.

“(e) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the date of enactment of this subsection and not less frequently than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.”.

“(e) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the date of enactment of this subsection and not less frequently than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.”.

“(e) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the date of enactment of this subsection and not less frequently than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.”.

SA 2432. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 10003(7), strike subparagraph (A).

SA 2433. Mr. TOOMEY (for himself, Mrs. SHAHEEN, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.”.

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking “2012” and inserting “2017”; and

(B) in subparagraph (B), by inserting “at reasonable prices” after “stocks”;“(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(B) in paragraph (2)(B), by inserting “at reasonable prices” after “market”; and

(2) in subsection (g)—

(A) by striking “ALLOTMENTS.—” and all that follows through “Subject to subparagraph (B), the” and inserting “ALLOTMENTS.—The”; and

(B) by striking subparagraph (B).

(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following:

“(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—“(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

“(2) the relative competitiveness of domestically produced and imported foods containing sugar.”.

(d) ADMINISTRATION OF TARIFF RATE QUOTAS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

“(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

“(b) ADJUSTMENT.—“(1) IN GENERAL.—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar

“(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—“(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

(3) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

to provide adequate supplies of sugar at reasonable prices in the domestic market.

“(2) ENDING STOCKS.—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

“(3) MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.—

“(A) IN GENERAL.—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

“(i) unreasonably high prices; or

“(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

“(B) ANNOUNCEMENT.—The Secretary shall publicly announce any establishment of a target under this paragraph.

“(4) CONSIDERATIONS.—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

“(c) TEMPORARY TRANSFER OF QUOTAS.—

“(1) IN GENERAL.—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

“(2) TRANSFERS VOLUNTARY.—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

“(3) TRANSFERS TEMPORARY.—

“(A) IN GENERAL.—Any transfer under this subsection shall be valid only for the duration of the quota year during which the transfer is made.

“(B) FOLLOWING QUOTA YEAR.—No transfer under this subsection shall affect the share of the quota allocated to the transferor or transferee for the following quota year.”.

(e) EFFECTIVE PERIOD.—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

On page 897, strike lines 8 through 15, and insert the following:

SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

SA 2434. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize

agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 3002(28) of the Consolidated Farm and Rural Development Act (as amended by section 6001), add at the end the following:

“(D) EXCEPTION.—

“(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Secretary may determine on a case-by-case basis that a project funded under this title is in a rural area if the project meets the criteria described in clause (ii).

“(ii) CRITERIA.—To be considered for a waiver under clause (i), a project shall, as determined by the Secretary—

“(I) receive a direct or guaranteed loan under section 3502;

“(II) be subject to match in an amount equal to 100 percent of the loan in the case of a Federal loan, or Federal loan guarantee in case of a guaranteed loan, with funds from non-Federal sources;

“(III) serve regional and national purposes; and

“(IV) primarily support agribusiness, specifically in relation to agribusiness education.

SA 2435. Mr. WARNER (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 764, strike lines 9 through 15 and insert the following:

“(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

“(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

“(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

“(I) certified by the affected community, city, county, or designee; or

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable; and

“(iii) give a higher priority to applicants that have not previously received grants, loans, or loan guarantees under paragraph (1) and that are seeking to build out unserved areas or to upgrade rural households to the minimum acceptable level of broadband service established under subsection (e).

On page 765, line 22, strike “and” after the semicolon at the end.

On page 766, line 7, strike the period at the end and insert “; and”.

On page 766, between lines 7 and 8, insert the following:

“(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part

of an unserved community that is below that minimum acceptable level of broadband service.

On page 766, between lines 21 and 22, insert the following:

(i) by striking clause (i) and inserting the following:

“(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);”;

On page 766, line 22, strike “(ii)” the first place it appears and insert “(iii)”.

On page 766, line 25, strike “(iii)” the first place it appears and insert “(iv)”.

On page 767, strike lines 8 through 18 and insert the following:

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “the proceeds of a loan made or guaranteed” and inserting “assistance”; and

(bb) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”; (II) in clause (i), by striking “is offered broadband service by not more than 1 incumbent service provider” and inserting “are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)”; and

(III) in clause (ii), by striking “3” and inserting “2”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking “3” and inserting “2”; and

(II) in clause (i), by inserting “the minimum acceptable level of broadband service established under subsection (e) in” after “service to”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “loan or” and inserting “grant, loan, or”; and

(ii) in subparagraph (B), by adding at the end the following:

“(iii) INFORMATION.—Information submitted under this subparagraph shall be—

“(I) certified by the affected community, city, county, or designee; and

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable.”;

(D) in paragraph (4)—

(i) by striking “Subject to paragraph (1),” and inserting the following:

“(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),”;

(ii) by striking “loan or” and inserting “grant, loan, or”; and

(iii) by adding at the end the following:

“(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).”;

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “loan or” and inserting “grant, loan, or”; and

(ii) in subparagraph (C), by inserting “, and proportion relative to the service territory,” after “estimated number”;

(F) in paragraph (6), by striking “loan or” and inserting “grant, loan, or”;

On page 767, line 19, strike “(D)” and insert “(G)”.

On page 767, line 22, strike “(E)” and insert “(H)”.

On page 768, line 6, before the semicolon, insert the following: “, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure)”.

On page 768, line 9, before the semicolon, insert the following: “, including—

“(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

“(II) the speed of broadband service;

“(III) the price of broadband service;

“(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

“(V) any other metrics the Secretary determines to be appropriate

On page 769, strike lines 5 through 12 and insert the following:

“(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

“(i) recover funds from loan defaults;

“(ii) (I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

“(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

“(iii) consolidate and minimize overlap among the programs; and”.

On page 769, line 12 strike “and”.

On page 769, between lines 12 and 13, insert the following:

“(D) with respect to an application for assistance under this section, shall—

“(i) promptly post on the website of the Rural Utility Service—

“(I) an announcement that identifies—

“(aa) each applicant;

“(bb) the amount and type of support requested by each applicant; and

“(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

“(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to

“(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

On page 769, line 13, strike “(D)” and insert “(E)”.

On page 769, between lines 16 and 17, insert the following:

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

“(A) a 4-Mbps downstream transmission capacity; and

“(B) a 1-Mbps upstream transmission capacity.

“(2) ADJUSTMENTS.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.”;

On page 769, line 17, strike “(5)” and insert “(6)”.

On page 769, between lines 19 and 20, insert the following:

(7) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient would be serving an area that is unserved; and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

On page 769, line 20, strike “(6)” and insert “(8)”.

On page 769, strike lines 23 and 24 and insert the following:

(B) in paragraph (1)—

(i) by inserting “grants and” after “number of”; and

(ii) by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

On page 770, line 5, strike “and”

On page 770, between lines 6 and 7, insert the following:

(E) in paragraph (5), by striking “and” at the end;

(F) in paragraph (6), by striking the period at the end and inserting “; and”;

(G) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”; and

On page 770, strike line 7 and insert the following:

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

“(k) BROADBAND BUILDOUT DATA.—

“(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under

this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

“(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the ‘Administration’); and

“(B) not later than 30 days after the earlier of—

“(i) the date of completion of any project milestone established by the Secretary; or

“(ii) the date of completion of the project.

“(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

“(3) CORRECTIONS.—

“(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

“(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

“(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.”;

(11) in paragraph (1) of subsection (I) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

(12) in subsection (m) (as redesignated by paragraph (9))—

SA 2436. Mr. NELSON of Florida (for himself, Mr. MENENDEZ, Mr. CARDIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Citrus Disease Research and Development Trust Fund

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the “Citrus Disease Research and Development Trust Fund Act of 2012”.

SEC. 3302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably

wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 3303(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this subtitle restricts the use of any funds for scientific research and technical activities in the United States.

SEC. 3303. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**“SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ‘Citrus Disease Research and Development Trust Fund’ (in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

“(b) TRANSFER OF AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

“(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

“(A) an amount equal to $\frac{1}{3}$ of the amount attributable to the duties received on articles described in paragraph (1); or

“(B) \$30,000,000.

“(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

“(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

“(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

“(A) for expenditures relating to citrus disease research and development under section 3304 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

“(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

“(d) INVESTMENT OF TRUST FUND.—

“(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

“(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

“(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

“(3) an assessment of the amounts available in the Trust Fund for future expenditures.

“(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

“(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2012 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.

“The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could result—

“(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

“(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

“Sec. 1001. Citrus Disease Research and Development Trust Fund.

“Sec. 1002. Reports required before entering into certain trade agreements.”.

SEC. 3304. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development

Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) PERSON.—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term “program” means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(8) TRUST FUND.—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 3303(a) of this Act.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint $\frac{1}{3}$ of the members to terms of 1, 3, and 5 years, respectively.

(F) **DISQUALIFICATION FROM BOARD SERVICE.**—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) **COMPENSATION.**—

(i) **IN GENERAL.**—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) **TRAVEL EXPENSES.**—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) **POWERS.**—

(A) **GIFTS.**—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) **POSTAL SERVICES.**—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) **VOLUNTEER SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) **TECHNICAL AND LOGISTICAL SUPPORT.**—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(i) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) **OTHER DEPARTMENTS AND AGENCIES.**—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) **GENERAL RESPONSIBILITIES OF THE BOARD.**—

(A) **IN GENERAL.**—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities

of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) **CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.**—

(A) **IN GENERAL.**—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) **AFFIRMATIVE SUPPORT REQUIRED.**—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) **SECRETARIAL APPROVAL.**—

(i) **IN GENERAL.**—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) **CONSIDERATIONS.**—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) **REPORT TO CONGRESS.**—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) **CONTRACTS AND AGREEMENTS.**—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) **ADMINISTRATIVE COSTS.**—Each fiscal year, the Secretary may transfer up to \$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) **TERMINATION OF BOARD.**—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of enactment of this Act.

Subtitle E—Cotton and Wool Trust Funds

SEC. 3401. RENEWAL AND MODIFICATION OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) **RENEWAL AND MODIFICATION OF DUTY SUSPENSIONS.**—

(1) **IN GENERAL.**—Headings 9902.52.08, 9902.52.09, 9902.52.10, 9902.52.11, 9902.52.12, 9902.52.13, 9902.52.14, 9902.52.15, 9902.52.16, 9902.52.17, 9902.52.18, and 9902.52.19 of the Harmonized Tariff Schedule of the United States (relating to woven fabrics of cotton) are each amended—

(A) in the article description—

(i) by striking “other than fabrics provided for in headings 9902.52.20 through 9902.52.31,”; and

(ii) by striking “, the foregoing imported” and all that follows; and

(B) by striking the date in the effective period column and inserting “12/31/2015”.

(2) **CONFORMING AMENDMENTS.**—Subchapter II of chapter 99 of the Harmonized Tariff Schedule is amended—

(A) in the U.S. Notes, by striking the second Note 18 and Note 19; and

(B) by striking headings 9902.52.20 through 9902.52.31.

(b) **EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.**—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2015”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “beginning in fiscal year 2007” and inserting “for fiscal year 2012 and each fiscal year thereafter”;

(B) by striking “grown in the United States” each place it appears; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by inserting “that produce ring spun cotton yarns in the United States” after “of pima cotton”;

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1)—

(i) by striking “grown in the United States” and inserting “during the year in which the affidavit is filed and”; and

(ii) by inserting “in the United States” after “cotton yarns”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SEC. 3402. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) **IN GENERAL.**—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking “subject to the limitation in subparagraph (B)” and inserting “subject to subparagraphs (B) and (C)”; and

(2) by adding at the end the following new subparagraph:

“(C) **ALTERNATIVE FUNDING SOURCE.**—Subparagraph (A) shall be applied and administered by substituting ‘chapter 62’ for ‘chapter 51’ for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).”.

(b) **FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEARS 2010 THROUGH 2012.**—

(1) **TRANSFER OF AMOUNTS.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 51 or chapter 62 of the Harmonized Tariff Schedule of the United States (as determined under section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004), subject to the limitation in subparagraph (B).

(B) **LIMITATION.**—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act during calendar years 2010, 2011, and 2012, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act during calendar years 2010, 2011, and 2012; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers

under section 4002(c)(6) of such Act during calendar years 2010, 2011, and 2012, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act during calendar years 2010, 2011, and 2012.

(2) **PAYMENT OF AMOUNTS.**—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) **RULE OF CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

(d) **CONFORMING AMENDMENTS.**—Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended by striking “Bureau of Customs and Border Protection” each place it appears and inserting “U.S. Customs and Border Protection”.

(e) **DISCRETIONARY AUTHORITY.**—

(1) **IN GENERAL.**—Section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 is amended by inserting “(or at the request of the manufacturer and in the sole discretion of the U.S. Customs and Border Protection, no later than April 15 of the year of the payment)” after “March 1 of the year of the payment”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to a request made by a manufacturer after such date of enactment for an extension of time to file an affidavit pursuant to section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004, as amended by paragraph (1), with respect to a payment payable under that section during calendar year 2011 or any calendar year thereafter.

SEC. 3403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be 100.25 percent of such amount; and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 3404. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “August 2, 2021” and inserting “October 22, 2021”;

(2) in subparagraph (B)(i), by striking “December 8, 2020” and inserting “October 29, 2021”; and

(3) by striking subparagraphs (C) and (D).

SA 2437. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize

agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) **LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**—

“(A) **DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.**—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)).

“(B) **LIMITATION.**—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) **APPLICATION.**—

“(i) **STUDY.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the amount of premiums paid by participating producers;

“(IV) any potential liability for approved insurance providers;

“(V) any crops or growing regions that may be disproportionately impacted;

“(VI) program rating structures;

“(VII) creation of schemes or devices to evade the impact of the limitation; and

“(VIII) underwriting gains and losses.

“(ii) **EFFECTIVENESS.**—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the availability of crop insurance services to producers; and

“(III) increase the costs to the Federal government to administer the Federal crop insurance program established under this subtitle.”.

SA 2438. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title II, add the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);”.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking “(2) If,” and inserting the following:

“(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

“(A) IN GENERAL.—If,”;

(B) in the second sentence, by striking “In carrying” and inserting the following:

“(B) MINIMIZATION OF DOCUMENTATION.—In carrying”; and

(C) by adding at the end the following:

“(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.”.

(b) WETLAND CONSERVATION PROGRAM INELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

“(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, June 27, 2012, at 3 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1897, a bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station;

S. 2158, a bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area;

S. 2229, a bill to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park;

S. 2267, a bill to reauthorize the Hudson Valley National Heritage Area;

S. 2272, a bill to designate a mountain in the State of Alaska as Mount Denali;

S. 2273, a bill to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station;

S. 2286, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System;

S. 2316, a bill to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the “Thomas P. O’Neill, Jr. Salt Pond Visitor Center”;

S. 2324, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System;

S. 2372, a bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area; and

S. 3300, a bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact please contact Sara Tucker (202) 224-6224 or Jake McCook (202) 224-9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 28, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review innovative non-federal programs for financing energy efficient building retrofits.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224-5360, or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 14, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a roundtable entitled “Medicare Physician Payment Policy: Lessons from the Private Sector.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., to hold a hearing entitled, “The Law of the Sea Convention (Treaty Doc. 103-39): Perspectives from the U.S. Military.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 14, 2012, at 2:30 p.m., to hold a hearing entitled, “The Law of the Sea Convention (Treaty Doc. 103-39).”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 14, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m. to conduct a hearing entitled “New Tax Burdens on Tribal Self-Determination.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on

Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on June 14, 2012, at 10 a.m., to conduct a hearing entitled, "Saving Taxpayer Dollars by Curbing Waste and Fraud in Medicaid."

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE ACTION VITIATED

Mr. FRANKEN. Mr. President, as if in executive session, I ask unanimous consent that the action of reporting the nomination of Erica Lynn Groshen be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRANKEN. Mr. President, I ask unanimous consent that on Monday, June 18, 2012, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 612; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 128.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 128) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 128) was agreed to.

ORDERS FOR MONDAY, JUNE 18, 2012

Mr. FRANKEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that at 5 p.m. the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRANKEN. Mr. President, we continue to work on an agreement on amendments to the farm bill. We hope such an agreement can be reached.

At 5:30 p.m., Monday, there will be a rollo call vote on confirmation of the Lewis nomination.

ADJOURNMENT UNTIL MONDAY, JUNE 18, 2012, AT 3 P.M.

Mr. FRANKEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until June 18, 2012, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MICHAEL DAVID KIRBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2015. (REAPPOINTMENT)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant (junior grade)

KYLE S. SALLING
DANIEL D. SMITH
ANTHONY R. KLEMM
RICHARD J. PARK
DAVID J. RODZIEWICZ
ANDREA L. PROIE
JOSEPH T. PHILLIPS
KELLI-ANN E. BLISS
LARRY V. THOMAS, JR.
LESLIE Z. FLOWERS
SHANNON K. HEFFERAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF THE NATIONAL GUARD BUREAU

AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 10505 AND 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. LENGVEL
IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LAWRENCE W. BROCK

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. REYNOLD N. HOOVER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CHANCE J. HENDERSON
JEFFREY P. TAN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JESSICA L. WEAVER

To be major

PATRICK D. HUCK
JONELLE J. KNAPP

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

YOUNGMI CHO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD M. ZYGADLO

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID H. RITTEGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be major

ERIC S. SLATER
MARCUS P. WONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GASTON P. BATHALON
KEVIN C. REILLY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JERRY L. BRATU, JR.
ROGER D. JOHNSON
AMOS P. PARKER, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRETT W. ANDERSEN
BENJAMIN S. JOHNSON
ELBERT R. JORDAN
SAMUEL M. RILEY
KIMBERLY K. TULLY
MICHAEL D. WHITED, JR.

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

CASEY ROGERS

To be lieutenant colonel

AMIR I. ESHEL
PHILLIP S. HOLMES

To be major

BORIS A. FROLOV
JOHN P. KENNEDY
JOHN A. LANG
SHARON A. SCHELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DWAYNE C. BECHTOL
PATRICK J. CANCHOLA
CHRISTINE L. CHRISTENSEN
TODD A. COLLINS
CLAIRE CORNELIUS
ROBERT S. DOLE
PAUL R. FACEMIRE
DAWN FITZHUGH
ANNE E. HESSINGER
SARAH B. HINDS
LISA M. HULL
DANIEL A. LEACH
CHARLES L. MARCHAND III
JACQUELYN S. PARKER
LISA T. READ
ALISA R. WILMA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ARMANDO AGUILERA, JR.
ERIC T. ASHLEY
BRENT CLARK
SEAN P. CONNOLLY
KEN JO
ROBERT KEELER
NAM K. KIM
SLOAN G. LANCTOT
YOSUK J. LEE
BERNIE S. MANASAN
KENDALL R. MOWER
DALE A. NICHOLS
DAVID OLSON
JULIA PLEVNI
KARL RICHARDS
MICHAEL J. RYHN
DAVE ST JOHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

BRUCE J. BEECHER
JANETTA R. BLACKMORE
KATHERINE M. BROWN
GAIL A. DREITZLER
MICHAEL E. FRANCO
SCOTT R. GREGG
DAVID L. HAMILTON
ROBERT S. HEATH
SEAN M. HRMICK
KARL KISCH
SHANE L. KOPPENHAVER
JEFFREY E. OLIVER
CRAIG V. PAIGE
LESLIE A. RANDOLPHMOSS
REVA L. ROGERS
KATHLEEN M. SCHULTZ
JASON L. SILVERNAIL
PAULA T. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RENEE D. ALFORD
WILLIAM L. AMSINK
WESLEY J. ANDERSON
DEBORAH R. BAIN
RODDEX G. BARLOW
SANDRA J. BARR
ROMER M. BLANCO
CATTLEYA M. BORN
MARY K. BRIAN
TIMOTHY J. BRYANT
SHELLY M. CHAVEZ
JANE M. CHRISTENSEN
RODGER S. CHRISTY
JEFFREY CLARK
BETTY E. CLOUDENPERDUE
GRETA V. COLLIER
JEFFREY P. CONROY
SAMANTHA CRUMBLY
MICHAEL S. CYRA
GLENN L. DORNER
DAVID G. DOTY
JOSEPH K. DUBOSE

JODY L. DUGAI
HECTOR ERAZO
TANYA M. FOSTER
MARC A. FRY
LISEL M. GATES
GAIL D. GAUTHIER
RONALD J. GAY
RONALD S. GESAMAN
KIMBERLY M. GESLAK
JENNIFER J. GLIDEWELL
KAREN A. GOODEN
LINDA S. GOWENLOCK
SEAN P. HARBERT
KAITNARINE M. HARILAL
IRMA T. HARTMAN
DAVID HERNANDEZ
WILFRED D. HINZE
HAYONG N. HIRST
GAVIN O. HITCHCOCK
ROBERT A. HOLCEK
KAREN R. HOLTZCLAW
ROGER D. HORNE
GREGORY P. HUBBS
JOSEPH A. HULSE
BEVERLY L. G. INOCENCIO
AMELIA S. JACKSON
TODD S. JACKSON
WILLIAM S. JACOBS
PAUL M. JOHNSON
HEIDI A. KELLY
SHAWN D. KELLY
DONALD E. KIMBLER, JR.
AGA E. KIRBY
STEVEN A. KNAPP
JOHN V. KULIG
PAUL R. LABRADOR
HELEN A. LAQUAY
BRIAN E. LAUER
JAMES M. LEITH, JR.
LISA M. LUTE
YVETTE M. MALMQUIST
RONALD L. MILAM, JR.
GENERA D. MILLER
MARK L. MITCHELL
PATSY D. MORRIS
DENISE A. MOULTRIE
HECTOR MUNIZ
MICHAEL S. NAGRA
DAVID NEE
SCOTT A. NEUSER
CARLA J. PATTON
JENNIE P. POLK
PATRICK J. POLLMAN
ANTHONY L. PORTEE
HYON S. QUATTLEBAUM
ANTHONY E. RHEA
KATHLEEN J. RICHARDSON
THERESA M. ROLLASON
GERALD C. ROSS III
ROBERT E. RUSSUM
CHRISTOPHER SANCHEZ
JAMES R. SELLARS
ANN C. SIMS
MARK R. SMITH
SANDRA A. SNIPES
KATHLEEN G. SPANGLER
JEFFREY A. SPORER
ROBERT J. STAGGS
MICHELLE D. STEWMON
BIRGIT STOKES
CHRISTIAN B. SWIFT
MICHAEL F. SZYMANIAK
BOZHENA TABAKMAN
LANCE C. TAYLOR
CORNELIUS R. TYLER
DALE A. VEGTER
TANYA L. WAHLBERG
MICHAEL J. WATSON
STEPHEN J. WILLIAMS
HOPE M. WILLIAMSON
MARY A. WITT
GLENDA S. WOLFE
MYONG S. WOO
TERRI L. YOST
PJ ZAMORA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JUDE M. ABADIE
CHRISTOPHER C. ALGER
JENNIFER R. ALLOUCHE
HEATHER S. ANDERSON
THOMAS J. ANTON
JANELLE A. ARNETTE
JIMMY G. BAKER
JON E. BAKER
MICHAEL A. BALL
JAMES W. BEACH
BRIAN J. BENDER
TAIWO H. BOLAJI
JOSEPH A. BOWMAN
KENT A. BROUSSARD
CASEY P. CARVER
JOSEPH A. CHAPMAN
MATTHEW G. CLARK
CHARLES C. COOK
WALTER G. S. CUMMINGS
DEBRA L. DANDRIDGE
ROSS A. DAVIDSON

JON M. DAVIS
PAUL R. DUERINGER
RYAN R. ECKMEIER
BRIAN P. EVANS
JOHN M. EVANS
MARCELLA R. FEDDES
JOHN R. FUDA
JOHN A. GAOAY
CRAIG D. GEHRELS
SHAWN R. GELZAINES
JEANNE A. GEYER
GEORGE O. GILBERT, JR.
PHILIP W. GINDER
JAMES B. GOETSCHUS
MATTHEW J. GORSKI
JASON L. GRANT
THOMAS H. GRANT
DOUGLAS R. GRAY
TIMOTHY O. GREEN
ANDREW HAGEMASTER
KEVIN C. HAMILTON
JOHN M. HAMMER
KEVIN A. HANNAH
MARK G. HARTELL
JAMES H. HAYES
JILL J. HENDERSON
CHRISTOPHER C. HENRY
BERNITA HIGHTOWER
STACY A. HOLMAN
GARY A. HUGHES
TIMOTHY J. HUNT, JR.
DERECK L. IRMINGER
AMY B. JENSIK
DAVID S. JOHNSTON
FOREST S. KIM
DUBRAY KINNEY, SR.
MICHAEL C. KRAMER
SEAN T. LANKFORD
JON R. LASELL
STEPHANIE LATIMER
DEREK J. LICINA
JOSELITO C. LIM
DOUGLAS K. LOMSHEK
PAUL W. MAETZOLD
MARK W. MAITAG
MARK S. MANEVAL
GLENN E. MARSH
DEAN L. MARTIN
ARTHUR R. MATHISEN
KAREN J. MCCART
MICHAEL S. MENDENHALL
CARTER T. MEREDITH
MARY E. MILLER
HEIDI P. MON
JOSEPH M. MROZINSKI
MICHAEL J. NACK
WOODROW NASH, JR.
RALPH T. NAZZARO
JEFFREY J. NEIGH
MARK F. NEWSOME
DANIEL A. NICHOLS
MICHAEL T. PEACOCK
KEVIN A. PECK
MICHAEL E. PERRY
RICARDO A. REYES
CHRISTIAN P. RICHARDS
MICHAEL A. D. RICHARDS
STEVEN J. RICHTER
GERI L. ROBERTSON
TODD A. RYKTARSYK
DAVID A. SARTORI
ANTHONY L. SCHUSTER
JEFFREY J. SHAW
SHANNON N. SHAW
ROBERT B. SIDELL
SUSAN M. SLOAN
KEVIN S. SMITH
LESLIE E. SMITH
NATHANIEL L. SMITH
WILLIAM J. M. SMITH
BRIAN C. SPANGLER
KATRINA M. STREETER
VICTOR A. SUAREZ
REBECCA J. TERRY
ROBERT R. TIEDEMANN
BRETT H. VENABLE
MATTHEW W. VOYLES
ERIC J. WAGAR
BRYAN J. WALRATH
LESLIE G. WALTHALL
KEITH D. WASHINGTON
CHRISTOPHER M. WILSON
JASON G. WILSON
JOHN D.A. YEAW
TODD M. YOSICK
DAVID R. ZINNANTE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

BRIAN E. ABELL
GILBERT AIDINIAN
AARON G. AMACHER III
ROGER A. ANDERSON
THOMAS J. BACKENSON
ERIC Y. BADEN
VINCENT L. BALL
BEAMAN N. A. BANKS

RUSSELL L. BARFIELD
 KIMBERLY R. BARRETT
 TYSON E. BECKER
 RONALD D. BEESLEY
 WILLIAM F. BIMSON
 JOHN A. BOGER
 JONATHAN A. BOLLES
 BASCOM K. BRADSHAW
 JAMES M. BROWN
 KEVIN L. BUFORD
 TIEN D. BUI
 BENJAMIN D. BYERS
 JASON B. CABOOT
 ANGELITA M. CALLAHAN
 AARON S. CARLISLE
 PATRICK J. CONTINO
 JIMMY L. COOPER
 LISA C. COVIELLO
 PHILLIP B. CUENCA
 CORD W. CUNNINGHAM
 JENNIFER J. DACUS
 KARLA L. DAVIS
 DAVID H. DENNISON
 JOSEPH G. DOUGHERTY
 GARY L. EBERLY
 COLIN C. EDGERTON
 JEREMY V. EDWARDS
 JOSEF K. EICHINGER
 DAVID J. EIGNER
 SHANNON B. ELLIS
 MICHELLE K. ERVIN
 MATTHEW N. FANDRE
 MATTHEW V. FARGO
 BRADLEY C. GARDINER
 DUNCAN A. GILLIES II
 BRUCE A. GLEASON
 DAVID GLOYSTEIN
 ELIZABETH A. GROSSART
 AIKA S. GUMBOC
 THOMAS J. HAIR
 BRIAN T. HALL
 ELLINA HALL
 RONALD D. HARDIN, JR.
 DAWN M. HAROLD
 DAVID P. HARPER
 WAYNE J. HARSHA
 JASON S. HAWLEY
 BRYAN S. HELSEL
 GARTH S. HERBERT
 JOSHUA P. HERZOG
 MATTHEW S. HING
 AARON B. HOLLEY
 CHAD K. HOLMES
 NELSON HOWARD
 PAULA J. JACKSON
 MARK L. JACQUES
 MATTHEW A. JAVERNICK
 JEFFERSON W. JEX
 DIANE K. JONES
 TIMOTHY W. JUDGE
 RYAN J. KENEALLY
 EUGENE H. KIM
 WON I. KIM
 JUDY KOVELL
 HERBERT P. KWON
 CHRISTINE A. LAKY
 LOUIS J. LAND
 DAVID G. LAWTON
 LLEWELLYN V. LEE
 DOWNING LU
 JENNIFER W. MBUTHIA
 THANE MCCANN
 MICHAEL Y. MCCOWN
 BRIAN R. MCMILLAN
 SCOTT T. MCNEAR
 GARY E. MEANS
 STEVE B. MIN
 SCOTT J. MURCIN
 JACQUELINE NAYLOR
 LAUREL A. NEFF
 BRETT A. NELSON
 DANA R. NGUYEN
 CHARLES D. NOBLE
 PETER D. OCONNOR
 STEPHEN W. OLSON
 DAVID J. OSBORN
 JEREMY C. PAMPLIN
 IOANNIS B. PAPADOPOULOS
 DINA S. PAREKH
 PARESH R. PATEL
 RUSSELL M. PECKHAM
 CHRISTOPHER L. PERDUE
 JORDAN E. PINSKER
 BENJAMIN K. POTTER
 DUNFORD N. C. POWELL
 GORDON K. RAINEY
 DAVID A. RANKIN
 ROSEANNE A. RESSNER
 ANGEL M. REYES
 WILLIAM V. RICE, JR.
 PEACHES A. RICHARDS
 ERIC R. RICHTER
 ROBERT G. RIVARD
 MICHAEL J. ROACH
 ERIC A. ROBERGE
 JEFFERSON R. ROBERTS
 DAVID RUFFIN
 TAYLOR L. SAWYER
 KEVIN E. SCHLEGEL
 JEFFREY N. SCHMIDT
 KEITH A. SCORZA
 MICHAEL J. SOCHER

MICHELE A. SOLTIS
 WON S. SONG
 MARK E. STACKLE
 FREDERICK L. STEPHENS
 NEIL R. STOCKMASTER
 ABRAHAM W. SUHR
 TIMOTHY L. SWITAJ
 NATHAN TAGG
 BRENT A. TINNEL
 PETER H. VANGEERTRUYDEN
 TIMOTHY G. VEDDER
 VANESSA A. VENEZIA
 KRISTINA S. WALICK
 KYLE WALKER
 CHARLES WEBER
 LUTHER WIEST
 JOHN W. WILLIAMS
 KEVIN M. WOODS
 BELINDA J. YAUGER

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

LING YE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

GREGORY E. RINGLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

CRAIG S. COLEMAN
 EDUARDO B. RIZO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PAUL D. GINKEL
 GABRIEL S. NILES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MICHELE M. DAY

To be lieutenant commander

DET R. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STEVE M. CURRY
 CYNTHIA J. FIELDS
 JOHN E. GAY
 WILLIAM M. KAFKA
 TAMARA D. LAWRENCE
 BARBARA J. MERTZ
 JOHN P. PERKINS
 RYAN M. PERRY
 WILLIAM R. URBAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AMY L. BLEIDORN
 ERLINA A. HAUN
 BENJAMIN A. JONES
 RUTH A. LANE
 MICHAEL J. LOOMIS, JR.
 SHANE STOUGHTON
 ALLON G. TUREK
 KENNETH A. WALLACE
 MICAH A. WELTMER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL J. BARRIERE
 REX D. BURKETT
 RAMIRO E. FLORES
 ARSENIO S. FRANCISCO
 CARL C. HINK
 WINFORD A. PEREGRINO
 MARILEE A. PIKE
 TIMOTHY M. SNOWDEN
 MATTHEW T. WILCOX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN M. BALLER

JOHN R. BUSH
 ALEXANDER C. DUTKO
 RICHARD M. GENSLEY
 MICHAEL P. KLINE
 THOMAS J. KNEALE, JR.
 TANYA D. LEHMANN
 JONATHAN A. MCELLROY
 DONALD L. MOSELEY, JR.
 DAVID S. MURRAY
 MICHAEL J. SAVARESE
 CHRISTIAN M. SEWELL
 HOLLY B. SHOGER
 MICHAEL J. SZCZERBINSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

HEATH D. BOHLEN
 SCOTT M. BOOTHROYD
 ANDREW J. CAMPBELL
 HUBERT C. DANTZLER III
 JOANNA C. JACKOBY
 ERIC S. LASER
 BRYAN H. LEESE
 JASON D. MENARCHIK
 DOROTHY S. MILBRANDT
 JON A. OCONNOR
 SEAN T. OCONNOR
 MICHAEL V. OWEN
 ERIC S. PARTIN
 JOHN W. SHONE
 KIRBY L. TOLCH
 MAXIMILLIAN L. WESTLAND
 MATTHEW C. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DERECK C. BROWN
 CORY C. CHRISTENSEN
 MARK E. DENNISON
 DANNY J. GARCIA
 FRANK T. GOERTNER
 KEITH J. HARNETIAUX
 LEONID L. HMELEVSKY
 LUIGI L. LAZZARI
 MICHAEL P. MEYDENBAUER
 TUAN NGUYEN
 DAVID D. OBRIEN
 DAVID C. PARKER
 STACEY A. PRESCOTT
 DAVID L. RICHARDSON, JR.
 ERICH J. SCHUBERT
 JASON W. STARMER
 SHERRY W. WANGWHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARC A. ARAGON
 PABLO C. BREUER
 CORY S. BRUMMETT
 JESUS M. CORDEROVILA
 ANDREW R. DITTMER
 DONALD E. HOCUTT
 JASON C. KEDZERSKI
 LAURO LUNA
 SAMUEL I. MARSHALL
 BRADLEY R. NALITT
 HEZEKIAH NATTA, JR.
 JASON A. PARISH
 RAFAEL PEREZ, JR.
 ANDRE N. ROWE
 JONATHAN W. SIMS
 DAVID J. WHITE
 MICHAEL WILLIAMSON
 ROBERT A. YEE

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

KEVIN J. BEHM
 MARK B. CALLAGAN
 QUENTIN M. COOPER
 DOUGLAS A. EVANS
 CHRISTIAN O. EZE
 PETER A. FIELD
 DANIEL R. FULTON
 THOMAS D. FUTCH
 ROBERT R. GIVEN
 DOUGLAS G. HAGENBUCH
 JUSTIN R. HARDY
 BRYAN P. HART
 JONATHAN T. HINES
 PRESTON S. HOOPS
 CARL D. JAPPERT
 SETH R. KRUEGER
 MICHAEL B. LEE
 ALFRED W. LONG, JR.
 ROBERT A. LOW
 ZACHARY D. MERRITT
 SAMUEL C. MILLS
 JEREMY MINER
 GREGORY F. NOTARO
 KELSEY C. PETERSON III

NICHOLAS R. PINKSTON
BRIAN M. RHOADES
MICHAEL J. SIEDSMA
EVAN P. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ERIK E. ANDERSON
SCOTT P. BAILEY
MARIO BENTIVOGLIO
CINDA L. BROWN
REMIL J. CAPILI
SAMUEL F. CORDERO
JOSHUA D. CRINKLAW
JUSTIN A. DOWD
GREGORY L. ELKINS
RODNEY H. ESTWICK
KEVIN M. FLOOD
ANDREW J. GILLESPIE
JASON GRABELLE
RICHARD A. JONES
BRIAN A. KAROSICH
JEROD W. KETCHAM
DANIEL C. KIDD
JONATHAN J. H. KIM
JAMES A. KUHLMANN
JON P. LETOURNEAU
JOHN R. MENTZER
DAVID A. MONTI
DAVID L. MURRAY
KYLE OLECHNOWICZ
MARK C. PARRELLA
CHRISTOPHER J. PETERSON
DEREK E. REEVES
MATTHEW K. SCHROEDER
MATTHEW L. TARDY
SCOTT A. TRACEY
MICHAEL A. VIOLETTE
OMAR J. WHEATLEY
CHRISTOPHER G. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RENE V. ABADESCO
ALAN D. ABSHEAR
KEVIN S. BARNETT
BRUCE G. BRONK
CARVIN A. BROWN
DANIEL J. CARUS
BRYAN K. CATOE
CLIFFORD COLLINS
CHARLES C. COWART
MICHELLE M. DEBOURGE
THOMAS A. DECKER
JOEL A. DOANE
TINA G. DOLAN
BRADY D. DRENNAN
KELLY D. ENNIS
JOSEPH G. FELTOVIC
ALLEN L. FRY
TYLER R. FRYE
FRANK FUENTES III
MARC T. GOODE
ROGER A. HAHN
JAMES L. HAMILTON
STEVEN D. INGRAM
ATKINS JINADU
PETER J. KLOETZKE
FRANK S. KREMER
KENNETH J. LOOKABAUGH
CHARLES E. LYNCH
JIMMY H. MELTON
JACK D. MILLER
ROCCO F. MINIGIONE, JR.
OLIVER C. MINIMO
DENNIS MOJICA
JEROME D. MORRIS
EDGARDO R. NARANJO
GIL V. NICDAO
MARK A. NOWALK
JOHN E. OLANOWSKI
JAMES W. PITCOCK
PAUL H. PLATTSMIER
TERRY J. PRATT
KEITH E. SHIPMAN
JERRY L. SMITH, JR.
WAYNE D. SMITH
ERIC J. STEIN
MARK A. STONE
REYNALDO T. TANAP
EUGENE T. TSCHUDY
GEORGE G. VERGOS
BRIAN O. WALDEN
DOUGLAS D. WASKIEWICZ
THOMAS N. WHITEHEAD
DWAYNE C. WHITHAM
ERIC M. WILLIAMS
MARK W. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID J. ADAMS
HENRY J. ALLEN
WALTER H. ALLMAN III

BRIAN S. AMADOR
GABRIEL A. ANSEEUW
KENNETH M. ATHANS
MICHAEL L. ATWELL
DANIEL J. AUGUST
GILBERT AYAN
THOMAS B. AYDT
TODD S. BAIER
WILLIAM C. BAKER
KURT D. BALAGNA
ANDREW R. BARLOW
RAYMOND F. BARNES, JR.
JOHN S. BARSANO
ANDREW D. BATES
KYLE R. BEAHAN
PATRICK J. BEAM
WILLIAM J. BERRYMAN
BRANNON S. BICKEL
BRYAN J. BILLINGTON
JENNIFER M. BLAKESLEE
RYAN J. BLAZEIVICH
HOWARD J. BOGAC
MATTHEW A. BOGUE
KURT H. BOHLKEN
DANIEL A. BOMAN
ORLANDO S. BOWMAN
JOHN F. BRADFORD
MICHAEL P. BRADLEY
FLINT J. BRADY
KENDALL G. BRIDGEWATER
CARL W. BROBST, JR.
BOBBY E. BROWN, JR.
CALEB C. BROWN
CHRISTOPHER A. BROWN
DEREK R. BROWN
TROY A. BROWN
JOSEPH R. BRUNSON
SAMUEL C. BRYANT
SCOTT J. BUCHAR
THOMAS A. BUECKER
CALVIN E. BUMPHUS
LEONARD BUNCH
SEAN K. BURKE
PAUL R. BURKHART
DAVID A. BURMEISTER
JOSEPH P. BURNS
PATRICK BURRUS
CHARLES W. BURTON
RAOUL J. BUSTAMANTE
KEVIN H. CADY
RUSSELL J. CALDWELL
LEWIS W. CALLAWAY
MARCOS D. CANTU
KEVIN R. CARLSON
TODD D. CARROLL
CHRISTOPHER D. CARTER
JOSEPH J. CASALE
BRICE D. CASEY
BRIAN J. CEPAITIS
MEGER D. CHAPPELL
GARY M. CHASE
TONY CHAVEZ
KIRK A. CHRISTOFFERSON
JASON L. CHUDEREWICZ
THANE C. CLARE
SHANNON M. CLARK
JEREMY L. CLAUZE
ADAM C. CLAYBROOK
RYAN D. COLLINS
BRIAN D. CONNOLLY
TIMOTHY A. CRADDOCK
MARC D. CRAWFORD
RANDY C. CRUZ
ERIK L. CYRE
SAMUEL J. DALE
ADAM C. DEJESUS
MATTHEW B. DELABARRE
LEROY P. DENNIS III
MICHAEL P. DESMOND
STANLEY G. C. DICKERSON
CORBETT L. DIXON
STEVEN V. DJUNAEDI
BENJAMIN W. DOMOTO
MATTHEW E. DOYLE
JAMES P. DREW
MICHAEL R. DUBUQUE
BENJAMIN P. DUELLEY
DARREN T. DUGAN
CHARLES E. EATON
JENNIFER L. EATON
CHARLES B. ECKHART
ROY A. EDGE
DAVID C. ELLIS
CHRISTOPHER S. ENGLAND
RICARDO A. ESCALANTE
RICKSON E. EVANGELISTA
FORD C. EWALDSEN, JR.
RAFAEL C. FACUNDO
STEVEN E. FAULK
JUSTIN T. FAUNTLEROY
TROY A. FENDRICK
ARJUNA FIELDS
DANIEL E. FILLION
BENJAMIN H. FINNEY
STANFORD E. FISHER III
ADAM L. FLEMING
JOHN K. FLEMING
PAUL N. FLORES
STEVEN M. FOLEY
JACOB A. FORET
EDWARD R. FOSSATI
MATTHEW T. FRAUENZIMMER

ERIC B. FROSTAD
CHRISTOPHER L. FUSSELL
SAMUEL D. GAGE
WILLIAM D. GALLAGHER
MARCUS B. GALMAN
WILLIAM K. GANTT, JR.
JUAN R. GARCIA
JOSE L. GARZA
STEVEN P. GARZA
CHRISTOPHER C. GAVINO
JEFFERY J. GAYDASH
JASON M. GEDDES
PATRICK E. GENDRON
CHAD A. GERBER
ROBERT S. GEROSA, JR.
WILLIAM E. GIBSON
CHRISTOPHER J. GILBERTSON
JEFFREY A. GLASER
JASON A. GMEINER
JAVIER GONZALEZOCASIO
GEOFFREY A. GORMAN
THOMAS R. GOUDREAU
AMY E. GRAHAM
CHAD W. GRAHAM
JOSEPH R. GREENTREE
DALE M. GREGORY, JR.
SEAN T. GRUNWELL
MICHAEL J. GUNTHER
JOHN W. HALE
MATTHEW H. HALL
CHARLES E. HAMPTON
ADAM C. HANCOCK
ERIC M. HANKS
MICHAEL H. HANSEN
ASHLEY M. HARRIS
WILLIAM D. HAWTHORNE
TIMOTHY S. HENRY
MANUEL HERNANDEZ
ERIC P. HIGGS
KATRINA L. HILL
ARTHUR A. HODGE
JUSTIN R. HODGES
PETER HOEGEL, JR.
KEVIN J. HOFFMAN
BRIAN P. HOGAN
TODD K. HOLBECK
MICHAEL C. HOLLAND
STEVEN N. HOOD
PAVAO A. HULDISCH
CHRISTOPHER M. HUNTER
ABIGAIL A. HUTCHINS
TODD E. HUTCHISON
WADE A. IVERSON
JONATHAN W. JACKSON
MARCOS A. JASSO
CEDRICK L. JESSUP
IVAN A. JIMENEZ
EDWARD D. JOHNSON
JEFFREY F. JOHNSON
JOSEPH P. JOHNSON
MICHAEL R. JOHNSON
BARTOLOME R. J. JUMAOAS
DAVID I. KAISER
REGINA P. F. KAUFFMAN
PAUL J. KAYLOR
MARC A. KENNEDY
JOHN C. KIEFABER
DANIEL W. KIMBERLY
SHAWN C. KIRLIN
ARIEL S. KLEIN
JASON S. KNAPP
STEPHEN M. KOSLOSKI, JR.
JUDD A. KRIER
NEIL A. KRUEGER
HERBERT E. LACY
TEAGUE R. LAGUENS
BRANT T. LANDRETH
JOEL B. LANG
DOUGLAS M. LANGENBERG
MICHAEL D. LEE
MICAH A. LENOX
JOHN C. LEPAK
MARK A. LITKOWSKI
TOMMY L. LIVEOAK
DENNIS S. LLOYD
RYAN J. LOGAN
DANIEL J. LOMBARDO
JUSTIN A. LONG
JOSEPH R. LOSIEVSKY
ELAINE G. LURIA
ROBERT D. LUSK
ALEX T. MABINI
ADAM J. MACKIE
WALTER C. MAINOR
RONALD P. MALLOY
RONNIE P. MANGSAT
NICOLAS V. MANTALVANOS
CRISTINA S. MARECZ
JAJA J. E. MARSHALL
RAYMOND S. MARSHALL
CHRISTOPHER E. MARVIN
JOSEPH S. MATISON
STEPHEN B. MAY
THOMAS A. MAYS
GEOFFREY P. MCALWEE
GINA L. MCCAIN
SEAN M. MCCARTHY
MILTON B. MCCAULEY
CARLTON J. MCCLEIN
STEVEN R. MCDOWELL
SCOTT J. MCGINNIS
RICHARD S. MCGOWEN

MARK L. MCGUCKIN
 AMY M. MCINNIS
 JACK E. MCKECHNIE
 CHARLES A. I. MCLENITHAN
 GREGORY D. MENDENHALL
 MICHAEL W. MERRILL
 STEPHEN M. MERRITT
 SEAN J. MICHAELS
 GARRETT H. MILLER
 CHRISTOPHER G. MILNER
 ETHAN D. MITCHELL
 ANTHONY I. MONELL
 JAMES C. MONTGOMERY
 SHANNON L. MOORE
 KATHLEEN A. MULLEN
 DAVID R. MULLINS
 DAVID E. MURPHY
 CHRISTOPHER S. MUSSELMAN
 ANTHONY M. MYERS
 PAUL S. NAGY
 MICHELLE L. NAKAMURA
 JEREMY P. NILES
 JESSICA J. OBRIEN
 PAUL J. ODEN
 PATRICK H. OMAHONEY
 TERRANCE D. ONEILL
 SEAN D. OPITZ
 MATTHEW H. ORT
 CHRISTOPHER M. OSBORN
 TIMOTHY A. OSWALT
 GONZALO PARTIDA
 KAMYAR PASHNEHTALA
 NIRAV V. PATEL
 HADEN U. PATRICK
 GEOFFREY W. PATTERSON
 MICHAEL J. PAUL
 ROBERT S. PEARSON
 DOUGLAS J. PEGHER
 ERICK A. PETERSON
 BENJAMIN A. PHELPS
 ISAAC A. PHILIPS
 MIKAL J. PHILLIPS
 RYAN M. PHILLIPS
 TODD K. PHILLIPS
 MARC A. PICARD
 STEPHEN C. PLEW
 COREY J. PLOCHER
 CHRISTOPHER J. POLK
 THOMAS R. POULTER
 MICHAEL E. POWELL
 ANDREW L. PRESBY
 WILLIAM G. PRESSLEY
 COREY L. PRITCHARD
 GREGORY J. PROVENCHER
 BRETT A. PUGSLEY
 JAMES A. QUARESIMO
 DANIEL T. QUINN
 MICHAEL J. RAK
 KEVIN W. RALSTON
 JAMES F. RANKIN
 KELAND T. REGAN
 TIMOTHY P. REIDY, JR.
 PAUL B. REINHARDT
 MATTHEW A. RENNER
 JASON M. RHEA
 CHRISTOPHER A. RICHARD
 JEFFREY A. RICHTER
 CHRISTOPHER J. RIERSON
 ANDREW H. RING

ROBERT P. ROBBINS
 MARTIN L. ROBERTSON
 DAVID J. ROGERS
 OSCAR E. ROJAS
 SEAN RONGERS
 ARNOLD I. ROPER
 JOANNIS C. ROUSSAKIES
 ERIC J. ROZEK
 WILLIAM S. RUTHERFURD
 THOMAS A. RYNO
 KARREY D. SANDERS
 BRIAN D. SANDERSON
 ADAM P. SCHLISMANN
 WILLIAM M. SCHOMER
 ASHLY H. SCHWARTZ
 JASON W. SCHWARZKOPF
 BRANDON M. SCOTT
 RYAN P. SHANN
 JOHN D. SHANNON
 JAMES P. SHELL
 KEVIN R. SHILLING
 WILLIAM H. SHIPP
 ROBERT Y. SHU
 MICHAEL C. SIMPSON
 ERIC J. SINIBALDI
 SEAN L. SLAPPY
 ROBERT G. SMALLWOOD III
 ANTHONY F. SMITH
 GERALD N. SMITH
 JANICE G. SMITH
 JEFFREY J. SMITH, JR.
 MELVIN R. SMITH, JR.
 WILLIAM S. SNYDER, JR.
 JEFFREY D. SOWERS
 CRAIG E. SPEER
 JONATHAN E. SPORE
 JOHN W. STAFFORD
 JONATHAN A. STALEY
 JEFFREY W. STEBBINS
 THOMAS S. STEPHENS
 JAMES W. STEWART
 JASON W. STEWART
 RONALD L. STOWE
 RAYMOND G. STROMBERGER
 JARROD W. STUNDAHL
 JAMES T. SULTENFUSS
 EDWARD D. SUNDBERG
 LISA A. SUTTER
 SCOTT A. SWAGLER
 WILLIAM F. SWINFORD
 OLAF O. TALBERT
 JASON S. TAYLOR
 MILCIADES THEN
 MEGAN A. THOMAS
 JEREMY F. THOMPSON
 SHEA S. THOMPSON
 TIMOTHY M. THOMPSON
 JAMES T. THORP
 TROY A. TINKHAM
 JASON L. TOMASOVIC
 JOSEPH A. TORRES
 JASON I. TOSCANO
 DARYL E. TRENT
 MATTHEW B. TUCKER
 ELISABETH A. VAGNARELLI
 JEREMY T. VAUGHAN
 JAMES O. VEGA
 KEVIN J. VOLPE
 HOLGER M. WAGNER

MICHEAL K. WAGNER
 STEFAN L. WALCH
 KENNETH P. WARD
 SAMUEL G. WARTELL
 JOHN W. WEIDNER, JR.
 EDWARD M. WEILER
 ORION P. WELCH
 DAVID S. WELLS
 DONALD G. WETHERBEE
 MARTIN L. WEYENBERG
 CARL B. WHORTON
 PAUL D. WILL
 JASON W. WILLENBERG
 SAI G. WILLIAMS
 GREGORY R. WISEMAN
 MICHAEL F. WOLNER
 JOHN I. WOOD
 ROY A. WYLIE
 MARK E. YATES
 JASON P. YOUNG
 ROY M. ZALETSKI
 RICHARD A. ZASZEWSKI
 KEVIN P. ZAYAC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN P. BURROW
 WILLIAM A. DANIELS
 KEVIN R. LOCK
 DOMINIC R. LOVELLO
 CHRISTOPHER A. WEECH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DERRICK E. BLACKSTON
 SADYRAY M. CARINO
 JEREMY L. DUEHRING
 JASON A. HUDSON
 CLAUDE M. MCROBERTS
 MICHAEL P. MORAN
 RAJSHAKER G. REDDY
 HERMAN L. REID
 LOREN S. REINKE
 TODD M. SINCLAIR
 BRENDA M. STENCIL
 TODD M. SULLIVAN
 DEREK A. VESTAL

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 2012:

DEPARTMENT OF STATE

MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

HOUSE OF REPRESENTATIVES—Friday, June 15, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You, so that with Your spirit and aware of Your presence among us, we may all face the tasks of this day with grace and confidence.

Bless the Members of the people's House as they spend their final day away of this constituent work week.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens, nor You.

May all that is done this day be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Monday, June 18, 2012, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6437. A letter from the Assistant Secretary, Department of Defense, transmitting a draft of proposed legislation, titled the "Leadership, Education, Accountability and Discipline on Sexual Assault Prevention Act of 2012"; to the Committee on Armed Services.

6438. A letter from the Secretary, Department of Health and Human Services, transmitting the thirty-second annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

6439. A letter from the Chair, Advisory Council on Alzheimer's Research, Care, and Services, transmitting recommendations by the Council; to the Committee on Energy and Commerce.

6440. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Testing and Labeling Pertaining to Product Certification [CPSC Docket No.: CPSC-2010-0038] received May 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6441. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act [CMS-9998-F] (RIN: 0938-AR41) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6442. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "National Plan to Address Alzheimer's Disease"; to the Committee on Energy and Commerce.

6443. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets [WT Docket No.: 07-250] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6444. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties en-

tered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6445. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

6446. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Review of the Permanent Supportive Housing Program — Department of Human Services", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6447. A letter from the Director, Office of Personnel Management, transmitting the Office's "Major" final — Excepted Service, Career and Career-Conditional Employment; and Pathways Programs (RIN: 3206-AM34) received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [Docket No.: USCG-2012-0144] (RIN: 1625-AA09) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6449. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Sellwood Bridge Project, Willamette River; Portland, OR [Docket No.: USCG-2011-1174] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6450. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Eighth Coast Guard District Annual Marine Events and Safety Zones [Docket No.: USCG-2011-0286] (RIN: 1625-AA00; 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6451. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30838; Amdt. No. 3475] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Insurance Premium Tax Credit [TD 9590] (RIN: 1545-BJ82) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

6453. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department requests be enacted during the second session of the 112th Congress; jointly to the Committees on Foreign Affairs, Armed Services, the Judiciary, and Oversight and Government Reform.

6454. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department requests be enacted during the 112th Congress; jointly to the Committees on Foreign Affairs, Transportation and Infrastructure, Armed Services, and the Judiciary.

6455. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department requests be enacted during the second session of the 112th Congress; jointly to the Committees on Oversight and Government Reform, Armed Services, the Judiciary, Intelligence (Permanent Select), and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 3173. A bill to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center; with an amendment (Rept. 112-523). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3685. A bill to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; with an amendment (Rept. 112-524, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4039. A bill to convey certain Federal land to the city of Yerington, Nevada; with an amendment (Rept. 112-525). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4094. A bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes (Rept. 112-526, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District (Rept. 112-527). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4383. A bill to streamline the application for permits to drill process and increase funds for energy project permit processing, and for other purposes; with an amendment (Rept. 112-528, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3065. A bill to

amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States (Rept. 112-529, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4381. A bill to direct the Secretary of the Interior to establish goals for an all-of-the-above energy production plan strategy on a 4-year basis on all onshore Federal lands managed by the Department of the Interior and the Forest Service; with an amendment (Rept. 112-530). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4382. A bill to ensure Federal oil and natural gas lease sales occur, eliminate redundant leasing bureaucracy, and provide leasing certainty; with an amendment (Rept. 112-531). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2352. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes (Rept. 112-532). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4234. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; with an amendment (Rept. 112-533, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 538. A bill to require the establishment of customer service standards for Federal agencies; with an amendment (Rept. 112-534). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4363. A bill to amend title 5, United States Code, to allow Federal employees to continue their public service while partially retired; with an amendment (Rept. 112-535). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 2008. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract (Rept. 112-536). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on the Judiciary discharged from further consideration. H.R. 3065 referred to the Committee of the Whole House on the state of the Union.

The Committee on Agriculture discharged from further consideration. H.R. 3685 referred to the Committee of the Whole House on the state of the Union.

The Committee on the Judiciary discharged from further consideration. H.R. 4094 referred to the Committee of the Whole House on the state of the Union.

The Committee on Agriculture discharged from further consideration. H.R. 4234 referred to the Committee of the Whole House on the state of the Union.

The Committee on the Judiciary discharged from further consideration. H.R. 4383 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. ROGERS of Michigan, Mr. RUPERSBERGER, Mr. SENSENBRENNER, and Mr. DANIEL E. LUNGREN of California):

H.R. 5949. A bill to extend the FISA Amendments Act of 2008 for five years; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 5950. A bill to amend the FAA Modernization and Reform Act of 2012 to establish prohibitions to prevent the use of unmanned aircraft systems as weapons while operating in the national airspace system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HECK:

H.R. 5951. A bill to amend title 5, United States Code, to restore to Members of the House of Representatives an election to decline coverage under the Federal Employees' Retirement System; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Mr. COLE):

H. Res. 687. A resolution calling for Syrian President Bashar al-Assad to be tried before the International Criminal Court for committing crimes against humanity; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 5949.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clauses 1 and 3 of the United States Constitution.

By Mr. BURGESS:

H.R. 5950.

Congress has the power to enact this legislation pursuant to the following:

The attached language falls within Congress' delegated authority to legislate interstate commerce, found in Article I, Section

8, clause 3 of the U.S. Constitution. Further, Congress' authority to authorize the FAA to regulate airspace within the U.S. has been found to be within its authority under the General Welfare clause of the U.S. Constitution, Article I, Section 8, clause 1.

By Mr. HECK:

H.R. 5951.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 6: The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States.

Article 1, Section 8: . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Ms. DEGETTE.

H.R. 1464: Ms. FOXX, Mr. PITTS, Mr. BERMAN, and Mr. SCHIFF.

H.R. 2066: Mr. GINGREY of Georgia.

H.R. 2140: Mr. HIGGINS.

H.R. 2827: Mr. HANNA.

H.R. 2969: Ms. ROYBAL-ALLARD, Mr. REYES, Ms. RICHARDSON, and Ms. NORTON.

H.R. 3067: Mr. CANSECO, Mr. FALEOMAVAEGA, Mr. JOHNSON of Ohio, Ms. SPEIER, Mrs. NAPOLITANO, Mr. MORAN, Mr. THOMPSON of California, Mr. CUMMINGS, and Mr. TOWNS.

H.R. 3187: Mr. BRADY of Pennsylvania, Mr. CULBERSON, Mr. LONG, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. MCHENRY, Mr. HIMES, Ms. NORTON, and Mr. PLATTS.

H.R. 3324: Mr. RANGEL.

H.R. 3352: Mr. LOBIONDO.

H.R. 3399: Mr. MEEHAN.

H.R. 3596: Ms. JACKSON LEE of Texas.

H.R. 3797: Mr. LANCE.

H.R. 3839: Mr. YOUNG of Alaska.

H.R. 4160: Mrs. BLACKBURN and Mr. HENSARLING.

H.R. 4329: Ms. CHU.

H.R. 5707: Mr. PERLMUTTER.

H.R. 5850: Mr. GARRETT, Mr. RIVERA, and Mr. JOHNSON of Ohio.

H.R. 5895: Mr. FILNER, Ms. CASTOR of Florida, Mr. SCOTT of Virginia, and Ms. CLARKE of New York.

H.R. 5910: Mr. CHAFFETZ, Mr. JOHNSON of Illinois, Mr. BOREN, Mr. SIMPSON, and Mr. RANGEL.

H. Res. 134: Mr. RIBBLE, Mr. FRELINGHUYSEN, and Ms. SCHWARTZ.

H. Res. 289: Mr. BERMAN and Mr. MORAN.

H. Res. 397: Mr. HOLT and Mr. THOMPSON of Mississippi.

H. Res. 506: Mr. MICHAUD.

H. Res. 623: Mr. CULBERSON and Mr. ROGERS of Michigan.

H. Res. 672: Mr. CONYERS and Mr. MCGOVERN.

H. Res. 683: Mr. BERMAN, Ms. RICHARDSON, Mr. SHERMAN, Ms. SPEIER, and Mr. CLARKE of Michigan.

EXTENSIONS OF REMARKS

IN MEMORY OF ALEX
HILDEBRAND

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today to honor the late Alex Hildebrand who passed away at the age of 98 on January 23, 2012.

Mr. Hildebrand was born and raised in the Berkeley Hills. He raised animals and rode horses, working from a young age for the Bruno cattle ranch. He graduated from the University of California, Berkeley in 1935 with a degree in Physics and Chemistry. Mr. Hildebrand had a 27 year career with Standard Oil where he served as a refinery design engineer, assistant chief engineer of the Richmond refinery, manager for the atomic energy subsidiary of Livermore Lab, and the director of Chevron's oil field research lab.

During World War II, after a stint in the Navy Reserves, Mr. Hildebrand served the war effort as Chief Engineer at an oil refinery on Bahrain Island in the Persian Gulf. Upon returning home, he purchased farmland southwest of Manteca on the San Joaquin River. In 1962, he took an early retirement from Standard Oil and moved his family to the farm. For almost 50 years, he farmed his land and served as the Consulting Engineer to the South Delta Water Agency (SDWA). He worked tirelessly to protect the Delta and the agriculture of the region.

In addition to the SDWA, Mr. Hildebrand served on more than 20 federal, state and local boards dealing with water-related issues. He served on the San Joaquin Farm Bureau Board, California Farm Bureau Water Committee, Delta Water Uses Board, Water Education Foundation Advisory Board, California Central Valley Flood Control Association Board, Sierra Club and with several others created the San Joaquin River Flood Control Association. Mr. Hildebrand was appointed by Governor Wilson to serve on the CalFed Bay Delta Oversight Committee and then the CalFed Bay Delta Advisory Committee. He served as the President of the McMullin Reclamation District for many years. He was outspoken and persistent in his advocacy of Delta water and Agriculture and treated others with respect and always appreciated a good debate.

Mr. Hildebrand was warm, loving and caring to his family and was an inspiration to many. He met his wife Barbara on a Sierra Club cross country ski trip. Together they have three daughters: Mary, Janet and Harriet and many grandchildren and great-grandchildren.

Mr. Speaker, the recognition that I am offering today before the House of Representatives for Alex Hildebrand is small compared to the contributions and impact he had on the lives

of so many. He was truly an invaluable member of our community and an outstanding human being.

HONORING THE CAREER OF
DONNA MCEACHERN

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and acknowledge the distinguished career of Donna McEachern, Councilwoman representing the City of Wayne, Michigan as she retires after 25 years of dedicated service.

After moving to Wayne in 1962, Donna graduated from the University of Michigan in 1964. Her devotion to her community was quickly apparent as she became secretary of Wayne Cooperative Nursery from 1966–1967. During her storied career in public service, Donna has dutifully served the citizens of the Wayne area as Public Relations Liaison for the Huron Valley Girl Scouts, Wayne Jaycee Auxiliary President, City of Wayne representative to the Detroit-Wayne County Mental Health Board, President for the West Suburban Area Council of Chambers. She was also the director of the Wayne Chamber of Commerce for 28 years.

Donna McEachern has been involved in her community in an incredible number of ways. She shared her time as a Metric Program worker in the Wayne-Westland School District, worked with the Roosevelt Scouts, and spent six years as a Religious Education Teacher at St. Mary's of Wayne. Donna lent her considerable skills to Soroptimist International Wayne-Westland, Wayne Business and Professional Women, Wayne Rotary and the Western Wayne County YWCA and many other worthy organizations.

Donna has been acknowledged as Wayne Outstanding Jaycette, District 30 Speakup Winner, Wayne Business and Professional Woman of the Year, Wayne-Westland WYCA Woman of Achievement and was named by the Wayne County Commission as a "Woman of Distinction". Her dedicated support of cultural arts is a living legacy in the Donna M. McEachern Youth Theater Scholarship established in 2004.

Mr. Speaker, during her distinguished career, Councilwoman McEachern has bettered the lives of countless Michiganders. As she embarks upon the next chapter of her life with Barry, her beloved husband of 51 years, her adored children Donna and Barry II, and her treasured grandchildren Colleen, Ian and Meredith, I ask my colleagues to join me in applauding her legendary leadership, and in thanking her for her unfaltering service to our community and our country.

COMMEMORATING FATHER'S DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to commemorate Father's Day and pay tribute to our fathers and father figures in our lives, who shape us into the people we are today. The value of a father cannot be overstated. A father can be a most powerful role model, a child's best friend and loudest cheerleader. On this Sunday, families across the Nation express a deep gratitude to those who make sacrifices everyday to fill this important role in a child's life.

The unconditional love between parent and child is a pillar for that child's success. Whether by checking over a homework assignment, coaching a Little League team, or sharing time over a family dinner, fathers teach valuable lessons about succeeding in school and in life. They support and protect their children, giving them the confidence to take new risks and explore their dreams. All fathers know the enormous responsibility and hard work that come with parenthood; however, they also know the immense reward of helping a child grow into the best person he or she can be.

As a member of the House Committee on Homeland Security, I would also like to recognize all the fathers who are currently serving in the armed forces and are away from their families during this holiday. From their service, their children—and all our children—will live in a safer world. They are teaching their children by example, and I can think of no greater inspiration than the courage and sacrifice displayed by our servicemen and women. To these fathers and their families, I offer my own thanks and prayers for a safe return.

Mr. Speaker, I ask my colleagues to join me today in recognizing the millions of wonderful fathers and father figures in this country. They are a driving force for America's greatness, giving the next generation the guidance and encouragement to continue that legacy.

HONORING THE LIFE AND SERVICE
OF JOHN H. DAVIS OF BAGDAD,
FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize and pay tribute to the life of Mr. John H. Davis of Bagdad, Florida who passed away on June 9, 2012. Mr. Davis was a beloved member of the Northwest Florida community, a proud veteran, and a dedicated public servant. I am humbled to commemorate his life.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Born in 1938, John Davis grew up in the close-knit community of Bagdad. He attended the Sewanee Military Academy in Tennessee and later studied at both Florida State University and the University of Alabama. Mr. Davis honorably served a tour of duty in the United States Army, deploying to Germany and France, before returning to Bagdad. He joined Phillip R. Jones and Associates as a mechanical engineer and was the last remaining partner in the firm now known as PRJ Associates LLC.

Outside of his professional life as an engineer, Mr. Davis was a true community leader. He served as the Chief of the Bagdad Volunteer Fire Department for 25 years and was active in the Bagdad Village Preservation Association and Bagdad Waterfronts, Florida. Mr. Davis cherished his family and friends as part of the Emerald Coast Sandpipers RV club, as a member of the Blackwater Pyrates service organization, and as a lifelong member of the Bagdad United Methodist Church.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the life and service of John Davis. My wife Vicki and I offer our prayers for his wife, Janet, his daughter Amelia, and their family. He truly will be missed.

CELEBRATING THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 175

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the 50th anniversary of Boy Scout Troop 175 of Irving, Texas. The troop has a remarkable history of serving the community and developing young men into leaders.

Troop 175 was originally chartered at W.T. Hanes Elementary School in Irving. It then relocated its charter in 1981 to Northgate United Methodist Church in Irving.

Since its founding in 1962, Troop 175 has produced 27 Eagle Scouts with the first recorded promotion in 1971. The distinguished group of Eagle Scouts from Troop 175 include Craig Barton (1971), Paul Roberts (1975), Bobby Bell (1976), William Meers (1976), Mark Corry (1977), James Bush III (1986), Clyde Hogan Jr. (1988), Adrian Carrales (1989), Joseph Bush (1989), Andrew Bartlett (1991), Gregory Yoas (1992), Robert Daniel (1992), Travis Brandt (1998), James Cross (2000), Ryan Scott Barnett (2003), Stefan Austin Hopkins (2004), Reagan McNabb (2005), Ashwin Tharappel (2005), Robert Samczuk (2006), Frank Wright III (2006), Alexander Bichler (2007), Anish Tharappel (2007), Austin McNabb (2008), Samuel Anderson (2008), Colton Sligar (2010), Campbell Castleberry (2011), and William Canales (2012).

Throughout its 50 years, the troop has been guided by the leadership of Scoutmasters including Clyde Hogan, David West, Jerry Cross, Peter McNabb, James Roman, and Mark Sligar.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distin-

guished colleagues to join me in congratulating Boy Scout Troop 175 for its 50 years of developing fine young men and community involvement.

IN SUPPORT OF THE SYRIAN PEOPLE

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to express my horror and outrage at the events currently taking place across Syria. It has now been 15 months since the first protests flared up in response to the imprisonment of 17 teenagers in Dara for writing anti-government graffiti on a wall, and the death toll has risen to well over 13,000 men, women, and children.

For the past three decades the Syrian people have lived in a repressive peace. Israel had claimed it to be its safest border, and minorities were treated relatively well compared to surrounding countries. President Assad transitioned easily into power after the death of his father, and was hailed as a reformist who would lead Syria onto the world's stage as a constructive member of the international community.

However, the reforms never came, and the emergency law put into place over 50 years ago remained. People were living in a constant fear that they would be turned in by a friend or neighbor for even a simple comment against the regime. The mail and internet were tracked by government officials, and websites such as facebook were blocked. This was not the secular democracy the West expected for a reformed Syria. It is instead an authoritarian dictatorship.

In the beginning the protests in Syria were small and peaceful, but were met with such brutality from the regime that they incited even greater public resistance. The Syrian people were rising up and claiming their natural right to freedom. President Assad authorized the massacre of women and children in a desperate attempt to retain control over a country that no longer wants him.

Mr. Speaker, this conflict has escalated into civil war. Those who have fared well under Assad's government have no desire for change, but the impoverished majority has found its voice and is unwilling to return to the status quo. I believe that the United States should stand with those who are fighting for democracy and human rights.

Kofi Annan's peace plan was a valiant effort to bring an end to the violence through diplomacy, but it has not yielded the results hoped for, and President Assad has shown no inclination to keep his promises. The time has come for greater action. Yesterday Secretary Clinton rightly criticized Russia for its continued support of the Assad regime, specifically the weapons it has been providing to the regime. This and other actions by the Russians undermine the efforts of the United Nations to broker a solution to meet this crisis.

The recent massacre in Houla a few days ago, which left over 50 children dead, is the

most shocking example of official terror that has been occurring weekly over the past 15 months. President Assad has lost the confidence of the Syrian people who no longer regard his regime as legitimate. I believe that for the good of the country and for the cause of peace in the region President Assad should step down.

What began as a peaceful stand against tyranny has morphed into the bloodiest movement of the Arab Spring. With a grip as tight as the Assad family has had over this country for decades the outcome was foreseeable, but nobody could have envisioned anything as bloody as this.

Mr. Speaker, Syrian men and women fighting for democratic ideals should not be abandoned to face the wrath of a tyrant alone. They should know that they have a friend in the United States and the United Nations. I call upon both to redouble their efforts to find a solution to the crisis in Syria. As a member of the Committee on Homeland Security I have seen how America is an example of democracy and peace, and I wish to see the same outcome for Syria. I stand today to show my support for the rebel fighters and all those in Syria who are fighting against oppression and cruelty.

HONORING RITA CANNAN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor Rita Cannan on her retirement from the Can-Am Crown International Sled Dog Races.

Rita is stepping down from the Can-Am International Sled Dog Races after 15 years as its President and 19 years of dedicated service overall. Her remarkable efforts helped transform the community of Fort Kent, Maine into a premier dog sled racing location on the mushing map of North America.

The Can-Am International Sled Dog Races loses an incredible asset with Rita's departure. She is extremely well known in the Fort Kent community as a businesswoman and a civic leader. Rita has served as a member of the planning board, president of the Greater Fort Kent Chamber of Commerce, a trustee of the Northern Maine Medical Center, a member of the Aroostook County Tourism Board, a member and president of the Rotary Club, a member of the American Legion Auxiliary, a member of the Fish River Scenic By-Way Committee, and as a director of the University of Maine at Fort Kent Foundation. Without question, Rita's leadership was instrumental to the growth of Can-Am.

The recipient of countless awards and commendations issued by the town of Fort Kent and the State of Maine, there has been little left unsaid about Rita's enormous value to the community. I am pleased to join the members of the Can-Am Crown International Sled Dog Races, and the people of Maine, in congratulating Rita Cannan on her retirement.

Mr. Speaker, please join me again in congratulating Rita on achieving this milestone, and thanking her for her all that she has done for the community of Fort Kent.

DR. BENJAMIN T. DURAN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Dr. Benjamin Duran in the event of his retirement after fourteen years of dedicated service as Superintendent/President of Merced Community College District.

Dr. Duran has spent forty years as an educator in Merced County. His career began as a high school teacher in Le Grand. He served as Vice Principal of Le Grand High School from 1976 to 1980 before becoming the Assistant Director of Merced County's migrant education program. He returned to Le Grand in 1983 as Superintendent of Schools, a position he held until 1991. Dr. Duran's career with Merced College began in 1991 when he became the Vice President for Administrative Services.

Dr. Duran chaired the Community College League of California's 2010 Commission on the Future. He has served as President of the California Community Colleges (CCC) Chief Executive Officers Board of Directors and President of the CCC Economic and Workforce Development Program Advisory Committee. He was a member of the Hewlett/Irvine Foundation Task Force on Basic Skills Development, the CCLC Board of Directors, and has served as Staff Developer for the California School Leadership Academy.

In addition, Dr. Duran has been involved in numerous community organizations and initiatives, among them include the Greater Merced High Speed Rail Committee, the Merced County Regional Arts Council, the Mercy Medical Center Board of Directors, and the Merced School Employees Federal Credit Union Board of Directors. His professional associations include the UC Merced Foundation Board of Directors, the CSU Stanislaus Community Advisory Board and Center for Public Policy Studies. He is a member of the California Association of Latino Superintendents and a director of the California Dollars for Scholars Program.

Dr. Duran and his wife, Dr. Rose Mary Parga-Duran have two children in college. Dr. Parga-Duran is presently serving as the District Superintendent for the Merced City School District. Upon his graduation he is looking forward to becoming engaged in the community as well as watching his children continue to grow into adulthood. He also is looking forward to spending more time with his eldest daughter and two grandsons who live in Southern California.

Mr. Speaker, I ask that my colleagues join me in honoring Dr. Benjamin Duran for his dedication to Merced College and our community as a whole.

IN SUPPORT OF H. RES. 289 "COMMEMORATING CARIBBEAN AMERICAN HERITAGE MONTH"

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H. Res. 289, which celebrates June as Caribbean American Heritage Month and recognizes the significant contributions of Caribbean Americans that have strengthened our country and made it better.

This month also marks the 50th anniversaries of independence for the Caribbean nations of Jamaica and of Trinidad and Tobago. Although a half century has passed since they gained their independence, the struggle they waged to win their freedom still stands as a testament to the ideals of our own great nation.

I am privileged to represent a large segment of Los Angeles County, which is home to the second largest foreign-born population of any major metropolitan area. There are an estimated 500,000 Americans of Caribbean heritage living, working, and enriching the quality of life in Southern California.

Mr. Speaker, Americans of Caribbean heritage have made a positive impact on virtually every aspect of American life, including the arts, science, business, education, athletics, military, and government. For example, in the area of government and public affairs America has benefitted from the contributions of Colin Powell, a former Secretary of State and Chairman of the Joint Chiefs of Staff; U.N. Ambassador Susan Rice; former Members of Congress Mervyn Dymally of California, and Shirley Chisholm of New York, and current Congresswoman YVETTE CLARKE of New York; Kamala Harris, the Attorney General of California; and Maryland Lieutenant Governor Anthony Brown.

American art and culture has been enriched by the legendary performances of Sidney Poitier, Harry Belafonte, Cicely Tyson, and Sheryl Lee Ralph; the writings of authors W.E.B. DuBois and Malcolm Gladwell; the music of Grace Jones, Gil Scott-Heron, and Christopher Wallace, "The Notorious B.I.G."; and the prowess of great athletes like Carl Lewis, Tim Duncan, Patrick Ewing, Sandra Richards-Ross, Dwight Freeney, and Ndamukong Suh.

Mr. Speaker, I am very pleased that on June 29 the Caribbean Heritage Organization will be holding the 2012 Caribbean Heritage Salute to Hollywood and the Stars gala in Los Angeles honoring industry stalwarts Sheryl Lee Ralph, Antonio Fargas, Lorraine Tousseint, and Rob Edwards.

I also wish to recognize the leadership of the Institute of Caribbean Studies. The ICS has been very effective in advocating on behalf of the Caribbean American community and each year it hosts a Legislative Conference Week as part of the month long celebration. The conference focuses the attention of policy makers and experts on issues of particular concern to the Caribbean American community such as trade, job creation and economic empowerment, Haitian disaster relief

and economic reconstruction. I congratulate the ICS, the Caribbean Heritage Organization in my home county of Los Angeles, and the many community organizations and volunteers across the nation for their efforts in making Caribbean American Heritage Month the success that it is.

During this month I hope all Americans will join with me in celebrating the remarkable history, culture, and contributions of Caribbean Americans to our nation's past and future.

HONORING THE 150TH ANNIVERSARY OF THE U.S. DEPARTMENT OF AGRICULTURE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the 150th anniversary of the U.S. Department of Agriculture (USDA). I represent the city of Davis, which is home to the University of California, Davis (UC Davis). The USDA has a natural partner in UC Davis given its outstanding history of agricultural research and outreach. In California, USDA has reduced crop pests and disease, protected over 120,000 wetlands in California, and worked to keep the farming culture strong. I would like to submit for the RECORD the following letter dated May 16, 2012, from Val Dolcini, the State Executive Director of the USDA Farm Service Agency in California. This letter illustrates just a few successes of USDA over the last 150 years and, with our support, their accomplishments will continue in the future.

USDA AT 150: FARMS, FOOD, JOBS

One hundred and fifty years ago, in the midst of a great Civil War, President Lincoln signed legislation to establish a Department of Agriculture to "acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture . . . and to procure, propagate, and distribute among the people new and valuable seeds and plants."

Armed with these broad mandates, the "People's Department," as he called it, set about to serve American farmers and a mostly rural American landscape.

At that time, half of all Americans lived on farms, compared with about 2 percent today. The U.S. population in 1862 was about 31.4 million and today, that number has increased tenfold to almost 313 million people.

Since its inception, the department has continued to fulfill Abraham Lincoln's original vision to touch the lives of every American, every day in almost every way. Now, the modern USDA works in food science, agricultural research, nutrition assistance, bio-fuel production, economic and community development, natural resource conservation, international trade, credit and a host of other issues.

By any measure, it's been a very successful 150 years for the USDA. Americans benefit from safe, abundant and reasonably priced food. We produce 85 percent of what we consume and therefore enjoy food security.

Our food, fuel and fiber industries provides employment for more than 20 million Americans, and agricultural exports continue to post

significant trade surpluses, which, in turn, have generated almost 1 million jobs alone.

Looking to the future, the USDA must continue the legacy of contributing to the strength and health of the nation by becoming a more modern and effective service provider. We must tighten our belt, just as many Americans are doing with their household budgets.

In the past few decades, American agriculture has become one of the most productive sectors of our economy, thanks to farmers, ranchers and growers adopting technology, reducing their debt and effectively managing risk.

The USDA is adopting these same strategies in its Blueprint for Stronger Service, announced by Secretary Tom Vilsack earlier this year. The blueprint aims to build a modern and efficient service organization that is closely aligned with technological innovations—and better suited to respond to 21st century agricultural challenges.

The challenges ahead are many, both for the USDA and American agriculture. But by focusing on a strong safety net for farmers and ranchers, supporting policies that encourage sustainable productivity, and promoting vibrant markets that help feed consumers at home and abroad, the “People’s Department” will continue to help create jobs, support working families, strengthen rural communities and build on the success and productivity of the American farmer.

HONORING MEMBERS OF THE
MAINE DEPARTMENT OF THE
AMERICAN LEGION AUXILIARY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the members of the Maine Department of the American Legion Auxiliary, in honor of their tremendous work on behalf of the “Operation: Military Kids” program.

Our men and women in uniform put themselves at risk every day to defend our freedom and security. It is our duty as citizens to honor their sacrifices and the sacrifices made by their families. In this spirit, Operation: Military Kids was established to support children and youth who have family members deployed around the world. 945 community members representing over 43 national, state, and local organizations came together in 2011 to remind our military children that they are not alone.

I am pleased to congratulate the members of the Maine Auxiliary, and the rest of the Maine American Legion family, on securing 24 kayaks and supporting equipment for the Operation: Military Kids program. This was a remarkable effort by the community. The kayaks, valued at over \$24,000 all together, will be put to use in Maine’s western mountains at the Maine Army National Guard Youth Camp in Bog Brook, ME.

Today, we celebrate the tremendous success of the American Legion’s fundraising efforts and the incalculable joy those kayaks will bring to Maine’s military families.

Mr. Speaker, please join me in congratulating the members of the American Legion

Department of Maine Auxiliary for their dedication to our military families.

SUPPORT FOR H.R. 1842, THE
DREAM ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H.R. 1842, The DREAM Act. I call up the House Republican leadership to bring this important legislation, which reflects fundamental American values of opportunity, responsibility, and community to the floor. The DREAM Act provides an opportunity for certain young men and women who demonstrate the responsible behavior necessary to earn the chance to become a naturalized citizen.

The DREAM Act recognizes that there are a limited number of young people who, through no fault of their own, have been living in the United States illegally since childhood. For the vast majority of these young men and women, the United States is the only country they have ever known and is the one to which they have always pledged allegiance.

By providing those who have demonstrated good moral character the ability to integrate fully into American society through military service or a college education, The DREAM Act rewards responsible and productive behavior while at the same time invests in the future prosperity of our great Nation.

Passing The DREAM Act makes our country stronger, fairer, more just. And it will also make our Nation more prosperous in the long term by providing incentives and opportunities for higher education for thousands of students who each year are unable to attend college because of their immigration status.

The Congressional Budget Office estimates that The DREAM Act will reduce the deficit by \$1.4 billion over the next 10 years through increased tax revenue. Similarly, a study conducted by UCLA also estimates that DREAM Act beneficiaries have the potential to generate from \$1.4 trillion to \$3.6 trillion in income throughout their working lives.

Each year, approximately 65,000 students graduate high school without the possibility of continuing their education due to their immigration status and less than 10 percent of these students will go on to pursue college. Not only do these talented, law-abiding young individuals lose out on their extraordinary potential, but as a Nation we also run the risk of losing out on a tremendous amount of economic growth.

Mr. Speaker, The DREAM Act gives these students the opportunity to continue their academic pursuits, be officially recognized by the country in which they have spent most of their lives, and realize everything the American Dream has to offer. Young, undocumented immigrants who have just graduated from high school deserve the opportunity to follow their dreams and should not have a ceiling placed on their future because of decisions made by others and circumstances entirely beyond their control.

During my visits to schools in my district, one of the most ethnically diverse in the Nation, I have had the opportunity to meet many students who will benefit greatly from the passage of this legislation. These students have grown up attending schools in the United States and are intimately woven into our Nation’s fabric. It is time that we recognize these students’ achievements and allow them to step out of the shadow that prevents them from pursuing their dreams.

The Washington Post recently published an article on a young woman named Heydi Mejia, whose story exemplifies the type of situation we can hope to avoid by passing The DREAM Act. Young Heydi has lived in America from the age of 4, graduated in the top 10 percent of her class and had plans to attend college to become a nurse and return to serve her community. Her life was turned upside down when nine immigration officials showed up at her house this past December ordering her back to Guatemala, a country she barely knows, and to which she never pledged allegiance.

I was delighted to hear yesterday that Heydi and her mother have been granted a 1-year reprieve from deportation by the DHS, but this situation should not have arisen in the first place. It should not take a front page article in The Washington Post to keep a hardworking and successful young woman from being deported.

Mr. Speaker, I rise today to ask my colleagues to support The DREAM Act. We are a nation of immigrants, built on the backs of those who risked everything for the dream of a country that accepts all those who are willing to work hard and make something of themselves. I believe America is still that country, and it is our fundamental duty to provide a better life to those willing to work for it.

CELEBRATING 50TH WEDDING ANNIVERSARY OF C.H. “BUDDY” AND JEANETTE BELLAMY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. FOXX. Mr. Speaker, I wish to recognize a significant milestone in the lives of two of my constituents. On June 24th, C.H. “Buddy” and Jeanette Bellamy, celebrate their 50th wedding anniversary.

Buddy and Jeanette were both born in rural South Carolina; Buddy just outside of Loris and Jeanette in Dillon. He was the only son and she the youngest daughter of families who were familiar with hardship and difficult circumstances. In fact, it was one of those difficult circumstances that brought their lives together. Buddy was hospitalized after suffering a severe injury in his work as an auto mechanic. In the hospital, he was treated carefully and brought back to health by a young nurse named Jeanette. During the time that she cared for him, a friendship began that would soon lead to love.

Soon after, Buddy began working for Trailways as a driver, and was able to see every

one of these great United States in the process. Jeanette continued nursing and has continued to focus her life on the caretaking of those in need.

Buddy and Jeanette were married in Dillon, South Carolina in 1961. They started a family with the birth of daughter Sharon and then sons, Scott and Dean, soon after. Eventually the Bellamy family settled in Clemmons, North Carolina in the Fifth Congressional District, where they still reside today. They are proud grandparents and have been blessed with eight wonderful grandchildren.

Mr. Speaker, Buddy and Jeanette Bellamy are proud Americans who are role models for us all. They enjoy the simple things in life that living in a country like ours offers them, including shagging to Carolina beach music. They love their family and, most importantly, they love each other. It is my distinct pleasure to represent them in Congress and to recognize them today for this wonderful milestone in their lives.

EL PASO INDEPENDENT SCHOOL
DISTRICT—ASAP REGIONAL
AWARD

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. REYES. Mr. Speaker, I rise today to congratulate El Paso Independent School District (EPISD) on receiving a regional award for combating obesity and promoting healthier habits among its students.

Physical activity is an essential component of a healthy lifestyle. In combination with healthy eating, it can help prevent a range of chronic diseases, including heart disease, cancer, and stroke, which are the three leading causes of death. Physical activity helps control weight, builds lean muscle, reduces fat, promotes strong bone, muscle and joint development, and decreases the risk of obesity.

The Active Schools Acceleration Project (ASAP) was launched by First Lady Michelle Obama and ChildObesity 180 and identify and reward the most creative, impactful, and scalable school-based programs and technological innovations that promote physical activity for children. ASAP initiated a competition this year for schools nationwide to create a school-based physical activity program in order to inspire youth to be more physically active. ASAP honored school districts with the most innovative ideas.

EPISD and the other regional winners will receive a grant of \$25,000 to support physical activity programming. Regional winners are now eligible to become national winners with the opportunity to receive a \$100,000 grant, and participate in a developmental pilot aimed at expanding its program's to reach even more students and schools within the region and nationally, so I wish EPISD the best of luck! This award displays the courage and activism of a community that prioritizes children's health.

None of this could have been possible without the passionate staff, the leadership of Superintendent Terri Jordan, and, of course, the energetic students of EPISD. I am pleased

that EPISD has made great strides in the area of health and wellness, and the award both gives their program validation and allows them to do more for our students in these areas. It is important that future generations have a well-rounded education that includes physical wellness. The award is not only an indication of the district's success, but is also a great example for youth to follow.

COMMEMORATING "JUNETEENTH"

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. RICHARDSON. Mr. Speaker, I rise to mark the occasion of "Juneteenth," the oldest nationally celebrated commemoration of the ending of slavery in the United States. From its Galveston, Texas origin in 1865, the observance of June 19 as the African American Emancipation Day has spread from coast to coast in the United States and beyond.

Today Juneteenth commemorates African-American freedom. This special day emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics and family gatherings.

Juneteenth is a time for reflection and rejoicing. It is a time for assessment, self-improvement and for planning the future. Its growing popularity signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized to the conditions and experiences of others, only then can we make significant and lasting improvements in our society.

The Civil Rights Movement of the 50's and 60's yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality, many linked these struggles to the historical struggles of their ancestors. This was evidenced by student demonstrators involved in the Atlanta civil rights campaign in the early 1960's, whom wore Juneteenth freedom buttons.

Again in 1968, Juneteenth received another strong resurgence through Poor Peoples March to Washington D.C. Rev. Ralph Abernathy's call for people all races, creeds, economic levels and professions to come to Washington to show support for the poor. Many of these attendees returned home and initiated Juneteenth celebrations in areas previously absent of such activity.

On January 1, 1980, Juneteenth became an official state holiday through the efforts of Al Edwards, an African American state legislator. The successful passage of this bill marked Juneteenth as the first emancipation celebration granted official state recognition. Representative Edwards has ever since actively sought to spread the observance of Juneteenth all across America.

Juneteenth today, celebrates African American freedom while encouraging self-develop-

ment and respect for all cultures. As I look proudly upon the 37th District of California—one of the most ethnically and culturally diverse districts in the nation—the future of Juneteenth looks bright.

Throughout the year, but especially during this celebration, the communities of Southern California have come together to recognize one another's heritages and histories. From commemorating Black History Month in February to celebrating the Cambodian New Year this April, we are seizing every opportunity to educate ourselves about the experiences of others in true Juneteenth spirit.

And yet, we remain mindful that the struggle continues.

Unfortunately, laws aimed at voter suppression have been recently introduced in several states across the country and disproportionately reduce the turnout of minority voters. Some laws require specific forms of government-issued photo identification that as many as one in ten voters do not have. Nine states have introduced bills to reduce early voting periods, a system that is most utilized by minorities and seniors.

Given the lack of evidence of current voter fraud, I fear that these bills instead stem from a political agenda to dampen voter turnout. These unnecessary and discriminatory regulations are a dangerous step backward in time. We should be promoting civic participation, not limiting it and disenfranchising millions of Americans.

Mr. Speaker, freedom is not to be taken for granted. It is promised to every citizen, but that promise is only upheld by constant vigilance and hard work. To mark Juneteenth this year, I ask my colleagues to join me in ensuring that the freedom secured through emancipation is a reality for all citizens almost 150 years later.

HONORING MAYOR ROB LEDERER
FOR HIS SERVICE TO THE CITY
OF FAIRFAX, VIRGINIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize and thank Mayor Rob Lederer of the City of Fairfax, Virginia, for his years of service to our community. On June 30th, Mayor Lederer will complete his 5th term as mayor and he will retire from elected office. First elected to the City Council in 1982, Mayor Lederer served three two-year terms and later returned to the Council to serve two more terms starting in 1998. In 2002, he was elected Mayor.

During his decades of service to the City, Mayor Lederer has had many notable accomplishments. Forbes Magazine ranked the City of Fairfax as the third best place to live in the U.S. The city achieved a AAA bond rating from the credit rating agencies in recognition of its sound fiscal management, saving taxpayers millions of dollars in financing costs for needed infrastructure improvements. The city received a Gold Medal from the National Recreation and Parks Association, only the

fourth time a Virginia locality has won this award since 1965.

As a former Member of the Fairfax County, Virginia, Board of Supervisors and as the current Representative for the 11th District of Virginia, which includes the City of Fairfax, I have been pleased to partner with Mayor Lederer in regional matters affecting our shared constituents. Mayor Lederer led the effort to redevelop and renew historic Old Town Fairfax, including the planning, development, construction and opening of the City of Fairfax Regional Library in partnership with Fairfax County.

In addition, Mayor Lederer played a lead role in protecting surrounding businesses and homeowners affected by leaks from the gas and oil tank farm at Pickett Road. The tank farm affected residents of both Fairfax County and the City of Fairfax, and the Mayor collaborated with me and other regional leaders to improve safety and accountability. Thanks to those efforts, last year the Commonwealth of Virginia enacted a law to require modern storage and safety procedures at the tank farm. This is a tremendous example of how local leaders like Mayor Lederer are able to work with neighboring jurisdictions and with various levels of government to protect the interests and the safety of their communities.

Mayor Lederer is a lifelong resident of the city. In addition to serving the entire city, he found time to serve his neighbors as a board member on the Cobbdale Civic Association. Thanks to his tireless efforts over the years, Mayor Lederer has made a tremendous contribution to the lives of residents of the City of Fairfax now and for future generations. I have no doubt that despite his retirement from elected office he will continue to serve the community for many years to come.

Mr. Speaker, I ask my colleagues to join me in commending Mayor Rob Lederer for his service to the residents of the City of Fairfax, thanking him for all that he has done to improve our community, and wishing him and his family well in his retirement from public life.

HONORING THE PRINCETON SENIOR HIGH SCHOOL "TIGERS" BASEBALL TEAM WEST VIRGINIA STATE CHAMPIONS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. RAHALL. Mr. Speaker, I rise today to honor the Princeton Tigers, the 2012 Class AAA state high school baseball champions, who won the West Virginia state championship with a come from behind 7-4 victory over the Nitro Wildcats on June 3, 2012.

From little league to legends, the Princeton "Nine" have stuck together through thick and thin. There's a lesson in that for all of us. Teamwork is as American as baseball, Chevrolet and apple pie. Every time we have succeeded, we have succeeded together.

And, boy, did the Tigers ever succeed this year.

We all are proud of what they have accomplished together. They have the hearts of true champions, the determination of true all stars, and the talents of true all Americans.

And if you have any questions about that, well then, just ask Josh Wilburn—Coach of the Year—what this team is made of. Congratulations, Coach—way to bring it home—you deserve this honor.

There's not much I can tell Mercer Countians about baseball—a county where baseball is the county's pastime—from Little League to the minor league. And we know the value especially of Little League, as only the great Yogi Berra could put it, "Little League baseball is a very good thing because it keeps the parents off the streets."

Mr. Speaker, all in the Nation's Capitol, should take notice of what nine young men with grit and gumption can do when a seasoned coach brings out the best in each of them and turns teamwork into triumph.

Congress could use a few doses of Tiger spirit here in the Capitol, as well. Because when one participates in a celebratory parade with this community as I did, you know that it just wasn't nine guys on the field and their coach by the dugout by themselves in that championship game. It was the whole town rooting with them and for them.

Princeton High School is a special place. The city, Mercer County, the State of West Virginia, and our nation have invested in this community. These students are blessed with many fields and resources other schools can only dream of, and they have more choices in extracurricular activities than many can even imagine.

But, they have your priorities right, too. All nine student athletes graduated before they took to the championship field. Parents, boosters, coaches, teachers, staff and administrators are all fully engaged—day in and out.

The good book tells us that to whom much is given, much is also expected. Everyone should celebrate their well-earned championship today. But for all the tomorrows yet to come they cannot ever forget what this one day means—that hard work, determination, community support and spirit, good leadership and teamwork can produce victories throughout life.

As dependable family members, good neighbors, and fellow citizens there will be many causes to champion. Looking around Princeton High School at the Tigers celebration, I know I am looking at champions—America's champions—on and off the field.

Congratulations to everyone in Tiger Country.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent to address the House for one minute and revise and extend my remarks.

I was unavoidably detained on Tuesday, June 5th and for the early afternoon of Wednesday, June 6th. Therefore was not present to be recorded on rollcall votes No. 315 to 324. I ask the RECORD to reflect that had I been present I would have voted as follows:

1. On rollcall No. 315 (McClintock Amendment #3), I would have voted "no" (June 5)

(Reduces the Nuclear Energy account by \$514,391,000, and applies the savings to the spending reduction account.)

2. On rollcall No. 316 (Hirono Amendment), I would have voted "aye" (June 5)

(Reduces the Fossil Energy Research and Development account by \$133,400,000, and increases funds for the Advanced Research Project Agency—Energy (ARPA-E) account by the same amount.)

3. On rollcall No. 317 (McClintock Amendment #5), I would have voted "no" (June 5)

(Zeroes out the Fossil Energy Research and Development account (a cut of \$554 million) and applies the savings to the spending reduction account.)

4. On rollcall No. 318 (Matheson Amendment), I would have voted "aye" (June 5)

(Increases the Non-Defense Environmental Cleanup account by \$9,600,000, and reduces the National Nuclear Security Administration construction and expansion account by the same amount.)

5. On rollcall No. 319 (Rohrabacher Amendment), I would have voted "no" (June 6)

(Prohibits the use of funds to be used for the U.S. China Clean Energy Research Center.)

6. On rollcall No. 320 (First Stearns Amendment), I would have voted "no" (June 6)

(Prohibits the use of funds to be used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (the loan guarantee provisions) or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations.)

7. On rollcall No. 321 (Shimkus Amendment), I would have voted "no" (June 6)

(Reduces the Department of Energy salary and expenses account by \$10 million and increases the Nuclear Regulatory Commission salaries and expenses account by the same amount to support review of the Yucca Mountain nuclear waste repository license.)

8. On rollcall No. 322 (Tipton Amendment), I would have voted "aye" (June 6)

(Prohibits agencies funded under the bill from conducting surveys in which money is included or provided for the benefit of the survey responder.)

9. On rollcall No. 323 (Second Luetkemeyer Amendment), I would have voted "no" (June 6)

(Prohibits the use of funds to be used for the study of the Missouri River Projects authorized in section 108 of the FY 2009 Energy and Water Development and Related Agencies Appropriations Act.)

10. On rollcall No. 324 (Fourth Jackson Lee Amendment), I would have voted "aye" (June 6)

(Reduces the amount made available for the "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities" Account by \$10 million and increases the amount made available for the "Corps of Engineers—Civil—Department of the Army—Construction" Account by the same amount.)

HONORING THE LIFE OF ARTHUR
SHUFFLEBARGER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Arthur Shufflebarger and to mourn him upon his passing at the age of 60.

Born on May 3, 1952, Arthur graduated in 1970 from Atchison High School in Atchison, Kansas. He attended Benedictine College from 1970 until 1972 and went on to earn a Bachelor of Science in Biology from Kansas State University in 1974. In 1977, Arthur re-

ceived a Masters of Environmental Health Science from the University of Kansas where he earned a Masters in Public Administration in 1983.

After serving as City Manager in Osawatomie, Kansas, Arthur became Village Manager of Milford, Michigan in 1990 where he served until his sudden passing. Mr. Shufflebarger was an active director in the Huron Valley Chamber of Commerce, a member of the Michigan Municipal League, a Rotarian and shared his time and talent with many other professional and civic groups.

A member of Milford United Methodist Church, Arthur was known as a calm, gentle and caring man. He possessed an amiable sense of humor. His dedication to Milford will

forever be remembered. Arthur loved his community and his community loved him

Regrettably, on June 11, 2012, Arthur Shufflebarger passed from this earthly world to his eternal reward. He is survived by his beloved wife, Kelsey and his daughters Kayla Marie and leasha Nicole. An honorable man, Arthur will be sorely missed. Mr. Speaker, Arthur will be long remembered as a compassionate father, a dedicated husband, a leader, and a friend. Arthur was a man who deeply treasured his family, friends, community and his country. Today, as we bid Arthur farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and our community.

SENATE—Monday, June 18, 2012

The Senate met at 3 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, in Your faithfulness guide our Senators today. As they trust Your leadership, may they experience Your faithful love. Lord, lead them from the path of disunity, as You teach them Your will. As they experience the constancy of Your presence, guide them to Your higher wisdom and fill their hearts with Your peace. Watch over them with Your gracious protection.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the Senate will continue debate on the farm bill today. At 5 p.m. the Senate will proceed to executive session to consider the nomination of Mary Lewis to be U.S. District Judge for the District of South Carolina. At 5:30 this evening there will be a rollcall vote on confirmation of the Lewis nomination.

MOVING FORWARD

Mr. President, I have spoken to Senator STABENOW several times in the last couple of days. In fact, I spoke to her today—what time did I get back? It is 3 o'clock—at 2 o'clock or thereabouts. She indicated to me they are making progress on the bill. There was one amendment she was concerned about. I worked that out and told her she could go ahead and have that as part of the consent agreement. So I have worked very hard to try to make the lives of Senators STABENOW and ROBERTS easier, and I have worked through some of the problems my people had.

But, Mr. President, the issues on this bill overwhelmingly are on the other side, and I hope we can work something out. They have worked so hard—Senators STABENOW and ROBERTS—and I hope we can find a path forward. It is important. I commend them for their dedication to this measure which cuts subsidies and protects 16 million American jobs.

We have spent so much precious time on this bill—precious time we do not have—and we need to move forward on it. We are going to move forward or off of this bill. I hope we will be able to move forward today with this bill; otherwise, we are going to have to file cloture on the bill because it is the third week of jockeying around on this bill.

THE DREAM ACT

Mr. President, Astrid Silva is an average American 24-year-old from all outward appearances. She is a Las Vegas resident. She is fascinated with Nevada history—whether it is Area 51 or about the time when it is alleged the mob ran the casinos. She is active in her community, school politics, and local politics.

One day Astrid would like to come to Washington, DC, to see, as she said, the Declaration of Independence—see it

herself. She recently completed her associate's degree at the College of Southern Nevada, and she dreams of completing her bachelor's degree at UNLV.

But there is one issue standing in her way: Astrid is not an American citizen. Twenty years ago this week this little girl, 3½ years old—a little baby girl—was brought to the United States by her parents. She has no knowledge of Mexico. America is her country. The country where she was born—Mexico—she knows nothing about. She speaks perfect English. She was an honor student in high school, and she has never called anywhere but Nevada her home.

So, of course, I thought of this brave young woman when President Obama announced last Friday he would suspend the deportation of young people like Astrid who were brought to this country illegally when they were only children.

I had a difficult campaign, as everyone knows. During that campaign, on occasion I would be given a little handwritten note. I would look at it later. One was from Astrid telling me of her dreams—her dreams that she wanted fulfilled, that could not be because she was not a citizen even though this is her country.

She has been looking over her shoulder for many years now—since the time she was old enough to understand—afraid of deportation. She decided she was going to step out of the shadows and be no longer afraid and become an advocate for the DREAM Act. She is truly a DREAMer.

As we know, the DREAM Act would create a pathway to citizenship for outstanding young people who were brought to this country through no fault of their own and want to attend college or serve our Nation in the Armed Services.

The DREAM Act is not amnesty. It rewards responsibility with opportunity.

Astrid's handwritten letters convinced me years ago of the importance of this issue. Unfortunately, Republican opposition has stalled this legislation.

I was stunned listening to the Republican nominee for President say: Why doesn't Congress do this?

Mr. President, we have tried. We cannot get Republican votes. We have tried.

Thanks to President Obama, Astrid and 800,000 other young people just like her who are American in all but paperwork no longer need to live in fear of deportation. President Obama's directive to suspend deportation of the

DREAMers comes after a yearlong review. It will be applied on a case-by-case basis. It frees up law enforcement resources to focus on people who actually threaten public safety and national security, and it removes the specter of deportation that has hovered over deserving young men and women.

For a long time the Presiding Officer was the chief attorney, the chief enforcer of the law in the State of Connecticut, and he had to direct his resources where they could best be used. He wanted to focus on people who were threatening public safety and national security.

What good would it do for us as a country to say to people such as Astrid: You cannot go to school. What you can do is go ahead and be part of a gang. Women become gang members too. Some of those violent gang members we have in America today are now women. Are we better off preventing these young men and women from going to school, from going into the military, even though this is the only country they have ever known as home?

Are we better off saying stay in the shadows or are we better off letting them get an education and serving our country in the military? The answer to that is so easy.

It removes the specter of deportation that has hovered over deserving young men and women. That is what President Obama did. So I congratulate him for this courageous decision—a decision that benefits both the DREAMers and our Nation as a whole.

Like Astrid, these young people share our language, share our culture, share our love for America—the only country they know. They are talented, patriotic men and women who want to defend our Nation in the military, get a college education, work hard, and contribute to their communities and this country.

When they pledge allegiance, it is to the United States of America. Unfortunately, President Obama's directive is temporary. The onus is now on Congress to protect the DREAMers and fix our broken immigration system once and for all.

For all of these people who are saying: Why didn't you do it in Congress, we tried. We invite them here. If they want to make it permanent, it could be done very easily.

Comprehensive immigration reform should be tough, fair, and practical. It should continue efforts to secure our borders, hold unscrupulous employers accountable, and reform our Nation's legal immigration system. It should require 11 million undocumented people to register with the government, pay taxes and fines, work, and learn English. Then they do not go to the front of the line, they go to the back of the line and work their way up.

Some Republicans have suggested a solution to the DREAMers' terrible di-

lemma should have come from Congress, not the President. I have talked about that today already.

I repeat, it is Republican opposition that has prevented Congress from acting. In fact, Senate Republicans have blocked the DREAM Act twice. Many Republicans who once said they favored a long-term fix for America's broken immigration system are now abandoning efforts to find common ground.

It was interesting to note that on one of the Sunday shows yesterday, the former Governor of Massachusetts refused to answer the question when asked four times by Bob Schieffer: What is your proposal? He would not answer four times. We all know he said if the DREAM Act passed he would veto it. But he is saying: Why don't you work it out in Congress? But he is saying: If you do, I am going to veto it.

Obviously, efforts to find common ground have been abandoned. So the President took decisive action in offering this directive. But he can only do so much by himself. So for Astrid's sake and for the sake of every American, it is time for Congress to become part of the solution.

I hope my Republican colleagues will finally join Democrats to find a bipartisan way to mend this Nation's flawed immigration system instead of just complaining about the system being broken. The pathway is there. We know what needs to be done. We just need a little help from our Republican colleagues.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESPONDING TO THE PRESIDENT

Mr. KYL. Mr. President, I want to respond today to some statements President Obama has been making on the campaign trail regarding debt, spending, and taxes during his administration.

Last week, the President said he should not be blamed for the massive debt and spending in recent years because, in his words, it was all "baked into the cake" when he took office. He also contended that his administration has done the responsible thing in taking steps to fix our Nation's fiscal problems. Here is the totality of what the President said:

I love it when these guys talk about debt and deficits. I inherited a trillion dollar deficit. We signed \$2 trillion of spending cuts into law. Spending under my administration has grown more slowly than under any President in the last 60 years. They baked all this stuff into the cake with the tax cuts and the war.

I would like to respond to each of the President's comments. First, on deficits and debt, President Obama is not the reformer he makes himself out to be. Since he took office, the national debt has climbed by \$5 trillion. It is now larger than the entire economy. If we take his entire 4 years and all of the Presidents before him, he has incurred as much debt as all of the Presidents, from George Washington through George W. Bush, just in his time as President.

Yearly deficits, which is the gap between revenues and spending, have grown substantially as well. Despite a promise to cut the deficit in half by the end of his first term, the President has run annual deficits in excess of \$1 trillion for 4 years in a row. None of this has anything to do with what happened before he became President. So how about after he became President?

According to the President's own budget numbers, in 2009, the first year of his Presidency, the deficit was \$1.4 trillion. In 2010 the deficit was \$1.3 trillion. In 2011 it, again, was \$1.3 trillion. If the President's policies are followed, the deficit this year is expected to top \$1.3 trillion. Those are all in the years when he was President.

The highest deficit under President Bush, his predecessor, was \$458 billion, and that was in 2008. Every deficit under President Obama has been more than double that figure. But President Obama says he is blameless when it comes to the debt problem? Not hardly. He never even submitted a plan to come close to balancing the budget, even with the massive tax hike he supports.

As Washington Post columnist Dana Milbank wrote last week:

Despite [the President's] claim that "both parties have laid out their policies on the table," President Obama has made no serious proposal to fix the runaway entitlement programs that threaten to swamp the government's finances.

Dana Milbank is not a conservative Republican.

Second, let's take a look at the President's claim that spending during his Presidency has grown more slowly than during any Presidency in the last 60 years. That claim does not pass the smell test.

Keith Hennessey, former Director of the National Economic Council, is one of many observers who has debunked this claim.

First, as Hennessey notes, the President's claim is based on a discredited article that suggests he isn't actually accountable for anything that happened before October 1, 2009. That is

the start of the fiscal year. But, of course, he took office almost 9 months before that time.

In other words, that timetable excludes the auto bailouts, the first year of the stimulus bill—which, of course, was President Obama's legislation—the bailouts of Fannie Mae and Freddie Mac, and a lot of other things. As Hennessey writes, this date was “cherry-picked . . . to make President Obama's record look good.”

I would ask: Does President Obama also disclaim anything to do with the auto bailouts that occurred during that same period of time? No, last time I heard, he was bragging about that. That is the height of cherry picking. The things that make you look good, you take; the things that make you look bad, you reject. You can't have it both ways.

Second, the President actually proposed spending far higher than was enacted into law. For example, his latest budget request proposed spending of \$3.72 trillion in fiscal year 2013. But the President is taking credit for spending in the CBO baseline which is \$3.58 trillion, which is somewhat less than the \$3.72 trillion he proposed. So the President wanted to spend more but was restrained by the Republicans in the House of Representatives in Congress.

Mr. Hennessey also explains how the President's spending claim collapses once you take three basic errors into account. He writes:

If you instead do this calculation the right way and measure the average annual growth rate from fiscal year 2008 to CBO scoring of the President's budget proposal for fiscal year 2013, you get an average annual growth rate of Federal spending of 4.5 percent. That is a nominal growth rate, so the real growth rate will be in the 2s.

Finally, on spending, it is inaccurate to measure a President's record without looking at the overall size and scope of government. President Obama's preference for big government is obvious to everyone. He usually argues for it. He doesn't argue he is for a smaller or less active government. Well, the historical average of spending to gross domestic product before President Obama took office was roughly 20.6 percent.

So how does President Obama's record stack up? Here is the breakdown of spending to gross domestic product. These are the ratios during the Obama years. Remember now, this is compared to the historical average of 20.6 percent. In 2009, his first year, 25.2 percent; next, 2010, 24.1 percent; in 2011, 24.1 percent again; and an estimate for this year, 2012, is 24.3 percent.

All of these figures are substantially higher than the historical average of spending at 20 percent. So his spending every year he has been in office, including the projected spending this year, will be far greater than the historical average.

And lastly, in the President's budget request for fiscal year 2013, which

would be next year, the spending averages 22.5 percent—still above the 20-percent historical figure.

So it is no wonder President Obama doesn't want to run on his real spending record, because it is not one of fiscal constraint.

Third, I want to address the President's claim that the tax relief Congress enacted in 2001 and 2003 somehow played an outsized role in driving up the debt. We have heard him talk about this—if it weren't for the Bush tax cuts, he said we would be closer to having a balanced budget. Not true. The records for this come from the non-partisan referees at the Congressional Budget Office. These are not partisan people—not on one side or the other—and they have shown what we have is a spending problem, not a revenue problem.

In May of 2011, CBO released an analysis showing that nearly 50 percent of the cumulative budget deficit since 2001 is due to increased government spending, 28 percent of it is due to economic and technical corrections, and 11 percent is due to temporary stimulus-like tax provisions. The 2001 and 2003 tax relief to which President Obama refers—which, by the way, is the same tax relief he extended for 2 years about a year and a half ago—accounts for how much? Just 14 percent of the deficit since 2001 and 2003.

So, far from being the cause of the deficit, it only accounts for 14 percent of the deficit. It is inaccurate for the President to place the blame for his spending records on broad-based progrowth tax relief that has helped to create jobs and economic growth in this country prior to the last downturn—and that he himself supported extending.

Additionally, the recently released “Long-Term Budget Outlook” estimates that tax revenues will exceed the historical average in the next 10 years if this same tax policy—the 2001 and 2003 tax relief—is extended, and if Congress prevents the alternative minimum tax from hitting millions of additional middle-class families. And that is what Republicans have been supporting all along. So we will get back to the historical average of revenues raised.

We all know robust economic growth is the most effective way to reduce our debt and that raising taxes will not achieve that goal. Failure to stop this tax-driven fiscal cliff could push us into another recession next year, again according to the nonpartisan Congressional Budget Office. It would result in a \$4.59 trillion tax hike on individuals, families, businesses, and investors over the next decade. We have said that is the largest tax increase in the history of our country—over \$4.5 trillion. If we are serious about increasing tax revenues through economic growth, avoiding a recession is a good place to start.

Republicans are happy to debate President Obama on the best way to create jobs and to get our country back on sound fiscal footing. But in order to do so, we need to get the facts straight first. President Obama has not lived up to his promise to cut the deficit. He has not reduced spending in any meaningful way. And tax relief is not the main reason why we are in the red today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGRICULTURE REFORM

Mr. JOHNSON of South Dakota. Mr. President, I rise today to talk about the critically important piece of legislation currently before the Senate, the Agriculture Reform, Food and Jobs Act. But first I would like to thank Senators STABENOW and ROBERTS for the great work they have done to get us to this point in the reauthorization process.

The bill as reported out of the Agriculture Committee saves taxpayers more than \$23 billion over the next 10 years and will support millions of jobs. With this bill, we are taking several important steps in making our farm support system more responsive to actual need rather than sending payments to producers no matter what they grow. We are long past due in eliminating direct payments. At the same time, we are maintaining a strong crop insurance program and creating a new system that makes assistance available to producers when they actually experience a loss.

Another important area of reform in this bill is payment limitations and ensuring that actual farmers receive payments. Senator GRASSLEY and I have worked for years to lower the caps on our farm program payments and to direct payments to family farmers. The new Agriculture Risk Coverage Program contains a cap of \$50,000 and requires that program payment recipients contribute labor to the farm operation. Current law has enabled multiple farm managers in an operation to qualify for separate farm program payments with as little participation as one conference call a year. Not anymore under this bill. I am disappointed that there have been amendments filed to weaken this language. I don't understand how anyone can stand before this body and justify sending Federal farm program payments to people who aren't engaged in agriculture. Our country faces serious fiscal challenges,

and it seems to me that limiting farm payments to real farmers is a reasonable concept. I urge my colleagues to oppose efforts to weaken this language.

With this bill we are also taking important steps to combine and streamline our conservation programs, while still allowing us to continue meeting the same land, water, and wildlife goals. Additionally, this bill contains a sodsaver provision that will discourage the breaking of native sod for crop production.

One area of the bill with which I am disappointed is that it does not contain a livestock title. However, I have joined with some of my colleagues in filing amendments to give our independent livestock producers a fair shake in the marketplace. Along with Senator GRASSLEY and others, I have worked for more than a decade to prohibit the ownership of livestock by the big meatpackers for more than 14 days prior to slaughter. Additionally, I have joined with Senator ENZI in filing an amendment to require more transparency in the use of forward contracts in the livestock markets. These are important provisions that I hope my colleagues will support.

I also applaud the committee's work on the energy and rural development titles, which strengthen our rural economies. The Rural Development water and wastewater program has been a critical funding source to help alleviate a severe water infrastructure need on the Cheyenne River Sioux Indian Reservation. I hope my colleagues will act favorably on Senator BROWN's amendment that I have cosponsored to bolster this and other Rural Development programs.

Finally, I would like to commend efforts to address the pine beetle epidemic in the forestry title of this bill. The underlying bill does good work to increase flexibility, and I support the efforts of Senator MARK UDALL and others to increase the resources we are providing to the Forest Service to address this threat to our forest health and public safety.

I understand that the Agriculture Committee leaders and Senate leadership have been making progress in their negotiations toward an agreement on a path forward. I hope we can avoid letting a small minority of Senators hold up progress on this bill. It is time that we act and that we give our producers certainty.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT *pro tempore*. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 3306 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCAIN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield to the Chairman.

EXECUTIVE SESSION

NOMINATION OF MARY GEIGER LEWIS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Court Judge for the District of South Carolina.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, last week, Senate Republicans announced they are going to shut down and block the confirmation process for qualified and consensus circuit nominees for the rest of the year. That is unfortunate, and it does nothing to help the American people or our courts. The courts continue to be overburdened while consensus nominees for vacancies that could be filled are being stalled. In some cases for nominees, we have two Republican Senators from the State supporting them and others where we have a Democratic and Republican Senator supporting them. They have gone through our committee—usually by voice vote—and they are non-controversial. I have often spoken during the last three years of the foot dragging and obstruction by Senate Republicans with respect to this President's judicial nominations.

Just last week we saw the Majority Leader file the 28th cloture petition to end another filibuster against another

qualified judicial nominee. Last week it was a nominee from Arizona supported by Senator KYL and Senator MCCAIN. By their announcement, the Senate Republican leadership is saying that it will not agree to proceeding with debate and a vote on any of the four circuit court nominees voted on by the Senate Judiciary Committee. They include a nominee from Maine strongly supported by both Republican Senators from Maine, and a nominee from Oklahoma supported by the Republican Senators from that state, as well as a nominee from New Jersey and one for the Federal Circuit who was approved by all of the Republican Senators on the Judiciary Committee, except for an unrelated protest vote. This plan to shut down the confirmation process is consistent with what the partisan Senate Republican leadership did in 1996, when it would not allow any circuit nominees to be confirmed, and again at the end of President Clinton's presidency, and can be contrasted with how Democrats acted in 1992, 2004 and 2008. This is really a challenge to the Senators who have said that they will not support these filibusters and this kind of obstruction.

It is hard to see how this new application of the Thurmond rule is anything more than another name for the stalling tactics we have already seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified consensus nominees, as we did up until September of the last two Presidential election years when we had a Republican President. That was supported by both Democrats and Republicans—to vote up through September. I have yet to hear a good explanation why we can't work to solve the problems of high vacancies for the American people. I will continue to work with the Senate leadership to try to confirm as many of President Obama's qualified judicial nominees as possible because I hear from judges all over the country how these judicial vacancies are burdening our courts, and American taxpayers are unable to get a court to hear their cases.

I was heartened to see the senior Senator from Maine has said she will continue to work with the bipartisan Senate leadership in an effort to bring the Maine nominee to the First Circuit before the Senate for a confirmation vote. I trust that many Republican Senators who joined Senator KYL and Senator MCCAIN in opposing the filibuster of Justice Hurwitz will now join to oppose the filibusters of William Kayatta of Maine, Judge Robert Bacharach of Oklahoma, Judge Shwartz of New Jersey, and Richard Taranto for the Federal Circuit. I hope the Senators from South Carolina, whose State's nominee we consider today, will aid this effort just as we worked with them throughout the

process to ensure they were consulted by the President. In fact, I personally requested the President consult with Republican Senators when they were going to have a nominee from their home State. I hope they are going to show that same courtesy to other Senators.

Senate Republicans were talking about shutting down the confirmation process from the beginning of this year, as I chronicled in my statement on February 7 on their obstruction and delay. They slow walked nominees who should have been confirmed last year into May of this year. And now, one month later, they announce that they are closing the gates on progress. The article by John Stanton in Roll Call on June 14 blew the whistle on their plan. The banner headline notes the "GOP . . . Judge Blockade" but it is not just beginning. It began from the moment the President was elected.

I think this pattern of obstruction—and I say this more out of sadness than anything else—has been as transparent as the Senate Republican leader's statement that "the single most important thing [Senate Republicans] want to achieve is for President Obama to be a one-term President." Just as they obstruct his qualified judicial nominees, they have also rejected virtually every effort this President has made to improve the economy and create jobs. They have become the party of no—no help for the American people, no to jobs, no to economic recovery, no to police, firefighters, and teachers, no to those students who are seeking help to pay for education, no to consumer protection, no to assisting State and local governments, no to the highway bill, and no to any more judges.

Never mind that the American people rely on our courts for justice and that the courts are overburdened with vacancies and that we have 17 judicial nominees voted out of the Judiciary Committee waiting for Senate confirmation.

The idea that Senate Republicans would oppose a proposal, bill or nomination simply because it comes from this President is sadly no surprise. Republicans objected to extending the payroll tax cut even though they ultimately supported it. Republicans have also come to reject ideas and proposals that originated from their own party simply because this President supports them. This was the case with the individual mandate for healthcare, which was a Republican idea. So it should come as no surprise that Republicans have been obstructing President Obama's judicial nominees since the President first took office.

Regrettably, the obstruction of judicial nominations is just one more example of Republicans saying no or simply going slow. They are saying no to the police, firefighters, teachers, students, consumer protection, and to

those 50 States that want to go forward with highway bills.

I hear from Vermonters—Republicans and Democrats alike—and they cannot wait while politics trump sound policy efforts in Washington. It is time for a reality check.

While our economy is showing some signs of progress since the economic collapse four years ago, there is no doubt domestic job growth has not been as strong as we had hoped. Even though we have under 5 percent unemployment in Vermont, we still have too many Vermonters looking for work. We have to continue looking for ways to spur job growth and economic investment in this country. Unfortunately, efforts in Congress to increase jobs, reduce unemployment, and support hard-working American families struggling to keep food on their tables and roofs over their heads meet with partisan obstruction too.

While Congress delays, the clock is ticking down for the millions of Americans struggling to afford college and those struggling to pay back student loans once they have graduated. In less than two weeks, student loan interest rates will double, threatening to make student loan debt an almost insurmountable obstacle to accessing a college education. Meanwhile, Senate Republicans continue to filibuster commonsense legislation to address this looming deadline.

In less than 2 weeks, millions of jobs will be put on hold when critical transportation programs, including funding for the highway trust fund, expire. Failing to pass a long-term transportation bill jeopardizes thousands of construction and development projects, impacting millions of jobs in every single State in this country. These programs impact every one of our states—which means more jobs lost in an already weak economy. The Senate has passed a bill to bring certainty to this fund for two years. We are still waiting for the House Republican leadership to act on that legislation.

In a little over 1 month, important legislation to extend the National Flood Insurance Program will expire. The failure to reauthorize this important program puts at risk the sale of thousands of homes at a time when our housing market is still trying to recover. The program expired in 2008, and subsists now on a series of short term extensions. A five-year extension is pending before Congress; Senate Republicans have delayed consideration of that important legislation, too.

Meanwhile, in this election year, Republicans in Congress are more intent on extending the Bush-era tax cuts that contributed to the financial crisis facing us today than in working together to move forward with reasonable policies to bolster economic growth and development. Extending to the wealthiest Americans a lower tax

rate will not lead to job creation. These tax cuts have not led to job creation. Meanwhile, businesses continue to shutter their doors, costing communities jobs and economic development.

I know I raised the question at the time when Congress voted to go to war in Iraq—a war I voted against—that they were going to do it by borrowing the money, the same in Afghanistan. Never before in this Nation have we gone to war and borrowed the money. We have had a tax to pay for it. So we lose \$1 trillion in Iraq and at least \$½ trillion so far in Afghanistan.

If we want to cast partisan politics aside and have a consensus on meaningful jobs and job preservation legislation, we can do so. We have shown how to do it. The Leahy-Smith America Invents Act is one of the best examples of laws enacted in this Congress to promote our American economy and create American jobs. The Republican chairman of the House Judiciary Committee and I in the Senate brought together Republicans and Democrats in both bodies, and we passed the Leahy-Smith America Invents Act. Unfortunately, it was only one of the few job-creating bills enacted in this Congress.

The outlook this Congress need not be gloom and doom. Working together, we can enact meaningful legislation to close the loopholes that incentivize companies to ship jobs overseas. We can bolster the middle class, rather than the wealthiest one percent of Americans, by promoting job creation through small business development. We can ensure that students graduating from school are not saddled with student loans, the interest rates on which are simply too high to afford. We can do all this, today.

I am disheartened that the Republican leaders in Congress have said they are simply done legislating for the year. The reality check is that Vermonters and other Americans of all States cannot wait. President Obama has signaled his commitment to moving forward with job-creating legislation to get Americans back to work and to protect America's leadership in the global marketplace. We should move on that. Let the two candidates for President argue, let them state their positions, and let the voters decide which one they want to vote for. In the meantime, when we have legislation to put Americans to work, let's put politics aside and focus on the right policies, on the needs of the American people. All of us—Republicans and Democrats alike—should act on behalf of the people who sent us. It is past time for that work to begin.

Shutting down judicial confirmations makes no sense when the judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. Senate Republicans were successful in keeping it near or above 80 for three years. Nearly one

out of every 11 Federal courts is currently vacant. As a current report from the nonpartisan Congressional Research Service confirms, not a single one of the last three presidents has had judicial vacancies increase after their first term. President Obama will likely be the first given partisan obstruction. The same recent CRS report notes that the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican foot dragging and obstruction. Last year Senate Republicans again refused to act on 19 judicial nominees and delayed consideration of those nominations an extra year.

Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and a partisan filibuster by Senate Republicans. So when I hear some Senate Republicans say they are invoking the Thurmond Rule and have decided they are not going to allow President Obama's judicial nominees to be considered, I wonder how the American people can tell the difference. There are longstanding vacancies with nominees ready to fill them that Republicans are delaying unnecessarily for months. How do we tell the difference between the Republican obstruction—that was signaled when they filibustered President Obama's very first circuit court nominee, a nomination supported by the longest-serving Republican in the Senate and the nominee's home state Senator—and this new application of the Thurmond Rule?

Last week we needed to overcome a filibuster to confirm Justice Andrew Hurwitz of Arizona to the Ninth Circuit despite the strong support of his home state Senators, Republicans JON KYL and JOHN MCCAIN. Last month the Majority Leader had to file cloture to secure an up-or-down vote on Paul Watford of California to the Ninth Circuit despite his sterling credentials and bipartisan support. The year started with the Majority Leader having to file for cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Circuit even though he was strongly supported by his Republican home state Senator. Every single one of these nominees for whom the Majority Leader was forced to file cloture was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy.

Did Republicans secretly invoke the Thurmond Rule before this year even started, when they departed from the Senate's traditional practice and would

not consent to confirm 19 judicial nominees that were on the calendar at the end of last year? Up until last month, we were considering nominees that could and should have been confirmed last year. Given that we have only confirmed eight judicial nominees that were reported by the Committee this year and only two of them circuit court nominees it seems oddly premature to declare an artificial cut-off of confirmations when our work this year has only just begun. Among those now being blockaded are nominees waiting since March of this year. So by delaying last year's nominees until May, Senate Republicans effectively prevented consideration of the Shwartz, Taranto and Kayatta nominations for months after being voted out of the Judiciary Committee. The Senate Republican leadership is not shutting off circuit nominees just after June 12, they are blocking nominees ready for consideration since early March of this year.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the Committee that year. This year we have confirmed only two circuit court nominees that have been reported by the Committee this year, and both were filibustered. By this date in 2004 the Senate had already confirmed 32 of President Bush's circuit court nominees, and we confirmed another three that year for a total of 35 circuit court nominees in his first term. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees five fewer, 17 percent fewer while higher numbers of vacancies remain, and yet the Senate Republican leadership wants to artificially shut off nominations with no good reason.

There is no reason that the Senate could not vote on consensus circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the Committee two months ago. There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during Committee consideration. Senator COBURN said that Judge Bacharach would make a great nominee for a Republican president. So why is the Republican leadership playing politics with his nomination?

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly three months ago, and was

supported by conservatives such as Robert Bork and Paul Clement. The Federal Circuit has never been controversial before. The one circuit court nominee who was reported out of Committee with a split roll call vote Judge Shwartz of New Jersey should not have been controversial, as seen by the bipartisan support she has received from New Jersey's Republican Governor Chris Christie.

Every circuit court nominee that Senate Republicans currently refuse to consent to vote on have been rated unanimously "well qualified" by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These are not controversial nominees. They are qualified and should be considered as consensus nominees and confirmed. By invoking the Thurmond Rule, Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond Rule.

Senate tradition has been that in Presidential election years, nominees receive a vote unless they do not have bipartisan support. In the past five presidential election years, Senate Democrats have never denied an up or down vote to any circuit court nominee of a Republican president who received bipartisan support in the Judiciary Committee. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote by the Senate and all four were nominated by President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic presidents. In the previous five presidential election years, a total of 13 circuit court nominees have been confirmed after June 1. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is not tit-for-tat as some contend but, rather, a one way street in favor of Republican presidents' nominees.

The precedent for this decision by Senate Republican Leadership to shut-down the confirmation process for well-qualified consensus nominees is their prior actions obstructing President Clinton's nominees. Senator SCHUMER held a Judiciary Committee hearing in May 2002 to shed light on the harmful and damaging practice of stalling and obstructing qualified, consensus nominees that had occurred during the last years of the Clinton administration. Of course, there was the nomination of Bonnie Campbell of Iowa to the Eighth Circuit. Ms. Campbell was the first woman ever elected to be Attorney General of Iowa. She was also once named by Time Magazine as one of the

25 most influential people in America. She served as President Clinton's head of the Office on Violence Against Women. Despite having the support of her home state Senators, Senator GRASSLEY and Senator HARKIN, she never received a Committee vote after her hearing.

How ironic that last week the junior Senator from Utah tried to claim credit for progress this year by comparing confirmations to the 1996 session. The Senate Republican majority that year stalled most of President Clinton's nominees and would not allow the confirmation of any circuit court nominees. That is not a record to be proud of but a record that led to Chief Justice Rehnquist criticizing the Senate Republicans for their obstruction. This should not be a race to the bottom but that seems to be the intent of Senate Republicans.

By contrast, if we look at the last two presidential election years, we will see we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004 at the end of President Bush's first term, vacancies were reduced to 28 not the 75 at which they are today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed between June and the presidential election, and in 2008, 22 nominees were confirmed between June and the presidential election.

The nonpartisan Congressional Research Service recently released a report confirming that judicial nominees continue to be confirmed in presidential election years, except it seems when there is a Democratic President. In five of the last eight presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. Otherwise, it has been the rule rather than the exception. So, for example, the Senate confirmed 32 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term.

We have heard lots of excuses from Senate Republicans, who have tried to shift the blame for the judicial vacancy crisis to the President—much as they try to blame him for the debt of European countries and other matters. They claim that the President has not made enough nominations. With last week's announcement that Senate Republicans refuse to confirm any more circuit court nominees, that excuse melts away. There are nominees ready to be confirmed and the reason they

are not being considered is Republican obstruction. This is wrong. I wish they would not put politics ahead of the needs of the American people.

The across-the-board obstruction of President Obama's nominees is not the product of a Thurmond Rule to limit confirmations at the end of presidential election years to nominees with bipartisan support. Rather this is a continuation of obstruction that began as soon as this President was elected. Senate Republicans insisted that filibusters of President Bush's judicial nominees were unconstitutional, yet they reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and who had the support of his home state Senator, the longest-serving Republican in the Senate. Senate Republicans filibustered the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit before she was confirmed 99-0, and the nomination of Judge Denny Chin of New York to the Second Circuit was filibustered before he was confirmed 98-0 after four months of needless delays.

At a time when judicial vacancies remained historically high for three years, with 30 more vacancies and 30 fewer confirmations than at this point in President Bush's first term, I would hope the Senate Republican leadership would reconsider and work with us on filling these longstanding judicial vacancies to help the American people. We have well-qualified, consensus nominees with bipartisan support who can fill these vacancies. It is only partisan politics and continued tactics of obstruction that stand in the way.

Is it any wonder why Congress is so unpopular? I take no comfort in the rise in the congressional approval rating—it is from 9 percent to 17 percent. This is this kind of obstruction that turns off the American people. Stop the senseless obstruction—whether you call it the Thurmond Rule or not—and start helping the American people by easing the burden on them and the courts around the country.

Today, the Senate will vote on the nomination of Mary Geiger Lewis to fill a judicial vacancy in the U.S. District Court for the District of South Carolina. Ms. Lewis has the support of her Republican home state Senator LINDSEY GRAHAM. Her nomination was voted on and received bipartisan support in the Judiciary Committee over three months ago. I thank the Majority Leader for his work in securing a vote on this nomination.

Mary Lewis has worked in private practice for over 25 years at the law firm Lewis & Babcock LLP, and has tried approximately 15 cases to verdict or final judgment. Born in Columbia, South Carolina, she earned her J.D.

from the University of South Carolina and served as a law clerk to Judge Owens Taylor Cobb in the South Carolina Judicial Department. The ABA Standing Committee on the Federal Judiciary unanimously rated Ms. Lewis "qualified" to serve on the district court. I support Ms. Lewis and hope she will be confirmed.

I also hope that Senate Republicans will reconsider their wrongheaded move to shut down the confirmation of consensus, well-qualified circuit court nominees. Given our overburdened Federal courts and the need to provide all Americans with prompt justice, we should all be working in a bipartisan fashion to confirm these nominees.

Mr. GRASSLEY. Mr. President, today the Senate turns to another judicial nomination, that of Mary Geiger Lewis, to be U.S. district judge for the District of South Carolina. Once again, for the third time this month, we have a nonconsensus nominee brought before the Senate. I oppose this nomination and urge all Senators to do likewise.

We continue to confirm the President's nominees at a brisk pace. We already confirmed 149 nominees of this President to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

For those who claim this President is being treated differently, let me put that in perspective for my colleagues, with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During President Bush's entire second term, the Senate confirmed a total of only 119 district and circuit court nominees. If Ms. Lewis is confirmed today, we will have confirmed 31 more district and circuit nominees for President Obama than we did for President Bush, in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. With a confirmation today, we will match that number. We have already confirmed five circuit nominees, and this will be the 23rd district judge confirmed this year.

Some have complained about the length of time to confirm these judges, focusing only on one phase of the confirmation process.

In reality, the timeframes are comparable for nomination to confirmation. For President Bush, that time frame was around 211 days; for President Obama, it is 222 days.

We take this time for review because our inquiry of the qualifications of nominees must be rigorous. At the beginning of this Congress, I articulated my standards for judicial nominees. I want to ensure that the men and women who are appointed to a lifetime position in the Federal judiciary are

qualified to serve. Factors I consider important include intellectual ability, respect for the Constitution, fidelity to the law, personal integrity, appropriate judicial temperament, and professional competence.

Last year, I became increasingly concerned about some of the judicial nominations being sent to the Senate. In a few individual cases, it was very troublesome. The nomination of Ms. Lewis was one of those that gave me concern. When applying the standards I have articulated, it is my judgment that Ms. Lewis falls short and should not be confirmed.

The Senate process for reviewing the professional qualifications, temperament, background, and character is a long and thorough process. These issues need to be fully examined; nominations are not just rubberstamped.

At the conclusion of that lengthy process, a substantial majority of Republicans on the Judiciary Committee determined that this nomination should not be reported to the Senate.

Nevertheless, we now have the nomination before us. Even so, there are reasons sufficient to oppose this nominee. Ms. Lewis has limited courtroom experience and little criminal law experience. Her responses in her questionnaire and hearing regarding her legal experience indicated her significant cases were handled more than 10 years ago and was more of a team effort than individual experience. At her hearing she was not prepared to discuss the legal principles involved in a case her firm took to the Supreme Court. For these reasons and others, I will vote nay on this nomination and urge my colleagues to do likewise.

I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. I ask that all time be yielded back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina?

Mr. TESTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—64

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCain	Whitehouse
Corker	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—27

Barrasso	DeMint	Lee
Blunt	Enzi	McConnell
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Kyl	Thune

NOT VOTING—9

Casey	Kirk	Rubio
Harkin	McCaskill	Toomey
Johnson (WI)	Moran	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

The Senator from Massachusetts.

The PRESIDING OFFICER.

HANSCOM AIR FORCE BASE

Mr. BROWN of Massachusetts. Madam President, I rise today to speak

about the Electronic Systems Center at Hanscom Air Force Base in Massachusetts and its role in our Nation's cybersecurity.

I want to clarify a situation we face as a nation. First, the Secretary of Defense has said loudly and clearly that the threat of cyber attacks on our country and the need for America to develop strong military capabilities keeps him up at night, and it keeps me and many other people up as well. We read about the cyber attacks by the Chinese, and we read about Iran. The Secretary has described it as an evolving and urgent threat in our future. Our Nation's security depends on winning the battle in cyberspace.

Unfortunately, the Air Force is in the midst of a four-structure change that ignores the crucial facts I have just stated. At a time when cyber threats are growing more important each day, the Air Force is making questionable decisions that, in my opinion, create an unnecessary risk to our Nation's cyber defenses and our ability to deal with those very threats. It makes absolutely no sense at this point in time.

That is why just a few weeks ago the House and Senate Armed Services Committee took strong action to prevent what the entire Massachusetts delegation believed was a premature proposal by the Air Force to reduce Hanscom's leadership from a three-star general to a two-star general.

The elimination of the ESC commander position at Hanscom will diminish our cyber capabilities and focus across the entire force, and that is not good at this point in time. That is the last thing we need in the midst of a cyber attack.

In response, Representative TSONGAS of Massachusetts inserted a provision in this year's National Defense Authorization Act that was passed by the full House of Representatives which required the Secretary of the Air Force to remain and retain core functions at Hanscom as they existed on November 1, 2011. Her language was aimed at retaining Hanscom's three-star leadership.

Similarly, I worked with Senator LIEBERMAN and our Senate Armed Services Committee to include language in the Senate Armed Services markup reported version of the Defense authorization bill that directs the Air Force to keep in place the current leadership rank structure until the two defense committees have had an opportunity to review the recommendations of the National Commission on the Structure of the Air Force.

Given Secretary Panetta's warning, I believe we must pay particular attention to any changes that relate to cybersecurity. The Massachusetts delegation has been united in declaring that both Hanscom's mission and the senior leadership should be preserved in order

to bring forth the best cyber capabilities our country has to offer.

Both defense committees have spoken with one voice to the Air Force: Stand down with this change until both committees receive more information about how the proposed force structure changes will impact our cybersecurity.

I also wish to explain why the delegation feels so strongly about this. Massachusetts has been a national security and information technology leader for many decades. Groundbreaking innovation in cybersecurity is taking place in Massachusetts as we speak—perhaps more than any other State in our entire Nation. That innovation is happening at Hanscom, at universities such as the Massachusetts Institute of Technology, and in our defense sector. Our capabilities are second to none.

The Electronic Systems Center at Hanscom has unlimited potential to take on future missions and future threats in the realm of cybersecurity. The Air Force and the MIT Lincoln Lab are now upgrading their partnership to enhance our Nation's ability to meet key and growing cyber requirements. The Department of Defense and the Air Force continue to depend on Hanscom's unmatched cyber expertise.

To ensure our Nation's crucial cyber defense, I say again very firmly today that the Air Force must preserve the senior three-star leadership in Massachusetts. Doesn't it make sense for our military's cyber leadership, expertise, and talent to be based in a location where some of the world's most leading research and technological development is actually taking place? Placing Hanscom's cyber team under a chain of command with a 3-star general in another State with a number of other Air Force responsibilities diminishes our Nation's ability to deliver critical cyber tools and resources and impacts our ability to respond to the ever-growing cyber threat.

Congress has spoken in a bipartisan and bicameral way. We have stated our position clearly. The Air Force should not move forward with any force structure changes at Hanscom until Congress has had an opportunity to review what our appropriate force structure mix should be, particularly as it relates to cybersecurity. We absolutely, positively must be ready to meet this next-generation threat—the one that keeps Secretary Panetta up at night. I will continue to fight to make sure we are prepared.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING JUNETEENTH INDEPENDENCE DAY

Mr. BROWN of Ohio. Madam President, I rise today in support of a resolution I am cosponsoring to commemorate Juneteenth Independence Day.

In just 2 weeks, Americans will gather, of course, as we know, to celebrate the Fourth of July, but it is important to remember that when our Nation gained its independence, there were some 450,000 enslaved people in the 13 States. It wasn't until June 19, 1865, more than 2 years after President Lincoln issued the Emancipation Proclamation, which liberated a limited number of people, that enslaved people in the Southwestern States finally learned of their freedom.

Months after the 13th amendment was ratified, Army MG Gordon Granger and Federal troops arrived in Galveston, TX, to enforce emancipation. Since then, Americans in Texas and throughout the United States have celebrated Juneteenth, which is the oldest known celebration of the end of slavery in our country.

To celebrate that day, people from all backgrounds—not only African Americans and not only descendants of slaves but people of all backgrounds and ethnicities—will gather in special places all over Ohio. They will gather at Franklin Park in Columbus, our State capital. They will gather at “The Coming of Emancipation” memorial service in Oberlin, just a few miles from my house, the site of visits from Martin Luther King and the site of the Underground Railroad where those escaping slavery were housed on their way to Canada. Ohioans will reflect in Westwood Cemetery in Oberlin, where former slaves and famous abolitionists are buried. At Cincinnati's Juneteenth Festival in Eden Park, families and visitors will gather on one of the hilltops overlooking the Ohio River, which slaves saw while coming from Kentucky into freedom as they crossed the river into the North. They will remember the perilous journey to freedom that many made at the banks of that river. In Wilberforce, an African-American school—a university in southwest Ohio—and Zanesville, in Newcomerstown and Cleveland, Ohioans will hold ceremonies of remembrance and celebration.

On Juneteenth Independence Day, especially, we have yet another opportunity to celebrate our great Democratic traditions—our American ingenuity, innovation, and imagination. We celebrate the rich heritage and vibrant culture of all Americans who are descendants of enslaved people on American soil. We celebrate the ingenuity of Ohioans such as Columbus native Granville T. Woods, who invented the telegraph device that sent messages from moving trains and train stations. We celebrate the innovation of Ohioans such as Garrett Morgan, a Cleveland native who invented the traffic light. We cele-

brate the imagination and wisdom of Ohioans such as Nobel Prize-winning and recent Presidential Medal of Freedom honoree Toni Morrison of Lorain, OH.

In America, progress is never promised, but through the work of dedicated citizens, we move closer to being the Nation our Framers envisioned. We can work together toward achieving a more perfect union, where justice isn't limited to the powerful but is also accessible to the people.

Today I am proud to commemorate Juneteenth Independence Day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UTILITY MACT

Mr. INHOFE. Madam President, as we know, the Senate will take a vote this week on the CRA that I have offered concerning Utility MACT. Utility MACT is a requirement. MACT, of course—M-A-C-T—means maximum achievable controlled technology. One of the problems with the overregulation we have with a lot of these emissions is that there is no technology to accommodate this. In the case of Utility MACT, I think everyone understands now that this is an effort to kill coal. I know there are a lot of reasons people have, but recently some things have happened, and I thought I would mention them as we look toward this bill. It looks as though it is going to be on Wednesday. It looks as if there will be some speaking time on Tuesday, and on Wednesday we will actually have the vote.

As we all know, a CRA is an effort for elected officials to reflect upon overregulation and to stop a regulation. After all, we are the ones who are accountable to the people and not the Environmental Protection Agency.

The breaking news is that President Obama just issued a statement this afternoon that he will veto my resolution if it passes. Just before that announcement from the White House this afternoon, Representatives ED MARKEY and HENRY WAXMAN came out fighting with a new report detailing what Representative WAXMAN has called the most anti-environmental House of Representatives in history. I wish to remind my Democratic friends that 19 House Democrats supported the companion legislation in the House—the same thing we will be voting on here. Democrats and many of the labor unions have sent letters in support of my resolution, so it is not just Republicans whose constituents are feeling the pain of the EPA's regulations.

To my Democratic friends in the House, I beg to differ—it is not that this Congress is anti-environmental; it

is that the EPA is the most radical EPA in history, aggressive to the point that even the left-leaning Washington Post has called out the Agency for “earning a reputation for abuse.” Of course, this is the same EPA whose top officials have told us they are out to crucify the American energy producers.

We all remember the sixth area of the EPA, when Mr. Armendariz came out and made this statement to some of his supporters: We need to do the same thing the Romans did. We remember back in the old days when they were going around the Mediterranean and they would go into the towns in Turkey and they would crucify the first five people they would see. That gets them under their control.

He said: That is what we have to do.

He said: That is going to be our operation.

Well, we went through that, and of course he is no longer there.

Over the course of President Obama's Presidency, whatever they could not achieve through legislation they have tried to achieve through aggressive, onerous EPA regulations. They tried first of all to do it through legislation. Remember the cap-and-trade legislation—they tried for 10 years to get that done. Finally, each year they brought it up, more and more people in this body, the U.S. Senate, were opposed to a cap-and-trade system to do away with greenhouse gases and to put regulations on them. Well, every time a vote comes up, there is a larger majority opposed to it because the people of this country are concerned about the economy and the fact that this would be very costly. It was President Obama who said that with the cap-and-trade regulations, it would be very expensive.

Now, when they couldn't pass the Clean Water Restoration Act, the same thing happened. Remember, that was introduced by Senator Feingold from Wisconsin and by Representative Oberstar in the House. And not only did they defeat overwhelmingly the Clean Water Restoration Act, but the two individuals who were the sponsors in the House and the Senate were both defeated in the next election.

So just how radical is President Obama on environmental issues? By imposing these backdoor global warming cap-and-trade regulations through the EPA, President Obama is fulfilling his campaign promise that energy prices would necessarily skyrocket—his words. By vetoing the Keystone Pipeline, he gave the far left what one of his supporters called the biggest global warming victory in years. By finalizing the most expensive EPA rule in history, he is making good on his campaign promise that if anybody wants to build a coal-fired powerplant, they can; it is just that it will bankrupt them. And he succeeded in throwing hundreds of millions of taxpayers' dollars out the window on companies

such as Solyndra, which he said would lead us to a brighter and more prosperous future.

But President Obama is not running on this record of accomplishments. Why? Because Americans are worse off, not better off, for it. They are out of work, and they are struggling to make ends meet under the pain of regulations that cause their energy prices to skyrocket. So he is running as far away from that radical record as possible.

So what are we trying to do in the Senate by stopping Utility MACT? We are trying to prevent the President from achieving another aspect of his radical global warming agenda and hopefully restore some sanity and balance to this out-of-control regulatory regime.

I think everyone in this body can agree that we all share a commitment to improving air quality, that it should be done in a way that doesn't harm jobs and the economy and cause electricity prices to skyrocket on every American or do away with one of the most reliable, abundant, affordable energy resources—coal. We have to keep in mind that right now, in order to run this machine called America, 50 percent of it is actually being done on coal.

I wish to address the public health debate which has long been the excuse for those in this administration who simply want to kill coal. It was certainly the excuse President Obama used today to defend his decision to veto my resolution. Let's be clear about one thing from the outset: If the effort behind Utility MACT were really about public health, then my Democratic colleagues would have joined our efforts way back in 2005 and passed the Clear Skies bill—a bill that would have put a plan in place to achieve a 70-percent reduction in mercury emissions—but they didn't. We all remember why. We wanted to include in this bill Sox, Nox, and mercury—the real pollutants—a mandatory 70-percent reduction, and they said we can't do it because we don't also have CO₂ anthropogenic gases that are covered by this bill. So it was held hostage, and consequently we weren't able to get it passed.

I can remember President Obama said:

I voted against the Clear Skies bill. In fact, I was the deciding vote despite the fact that I'm a coal State and that half of my State thought I'd thoroughly betrayed them because I thought clean air was critical and global warming was critical.

At an Environment and Public Works hearing in April of this year, Senator BARRASSO asked Brenda Archambo from the National Wildlife Federation if the American people would have been better off if the Senate had passed the Clear Skies bill back in 2005, and her answer was “absolutely.” Of

course, the National Wildlife Federation was not happy that we were calling attention to Ms. Archambo's admission, so over the weekend they accused my staff of twisting her words. My staff did nothing of the sort. Not only did Ms. Archambo say that mercury reductions in 2005 would absolutely have made Americans better off, she reiterated that same point later when Senator BARRASSO asked her again, “It would have been better if they had done it in 2005?” Ms. Archambo replied, “Sure.” The entire exchange from the hearing has been posted on our EPW Web site for anyone who wants to see exactly what was said.

I do not think it gets any clearer than that. Commonsense reductions earlier would have made us better off. That was 2005 when we would have had these reductions, mandatory reductions, in a very short period of time; and that time is more than 50 percent expired at this time.

In a National Wildlife Federation blog accusing me of twisting Ms. Archambo's words, the author says:

An odd part of Sen. Inhofe's attack: He's essentially saying a 70% reduction in mercury emissions would've been just dandy, but the 91% reduction proposed by the EPA would destroy the economy. Is that really such a huge difference? Or is he just playing politics with public health?

That is a good question: What is the difference between Clear Skies and Utility MACT? It is very simple. Clear Skies would have reduced emissions dramatically—by 70 percent—now we are talking about reducing emissions on SO_x, NO_x, and mercury—but it would have done it without threatening to kill coal and the millions of jobs that coal sustains.

On the other hand, Utility MACT is specifically designed to kill coal. It makes no effort whatsoever to balance environmental protection and economic growth.

Now who is playing politics with public health? If public health were the priority, why did President Obama and his fellow Democrats vote against a 70-percent reduction way back in 2005?

What is this effort about? It is about one thing: killing coal. And killing coal is the centerpiece of their radical global warming agenda. Remember then-Senator Obama said that he voted against the health benefits in Clear Skies because he thought “global warming was critical.” In other words, global warming was more important than any of the considerations regarding health. And these are real pollutants: SO_x, NO_x, and mercury.

Importantly, the Senate will take this vote on my resolution just as the world leaders are gathering in Rio de Janeiro. Right now they are down there gathering at the Rio + 20 Sustainable Development Conference.

Let's remember what happened 20 years ago. In 1992, that was the conference in Rio where they all got together, and they were going to be doing all these things on anthropogenic gases and all of that. President Obama, who is now busy pretending to be a fossil fuel President to garner votes, will not be attending. But he is sending his "green team" to negotiate on his behalf.

What is this conference about? As Fox News reported back in April:

The main goal of the much-touted, Rio + 20 United Nations Conference on Sustainable Development . . . is to make dramatic and enormously expensive changes in the way that the world does nearly everything—or, as one of the documents puts it, "a fundamental shift in the way we think and act."

Utility MACT is a huge part of this effort to change the way we live and to spread the wealth around, and that is what they are talking about down there. We have started invoking a new tax system.

U.N. Secretary General Ban Ki-moon proposes how sustainable development challenges "can and must be addressed." He included—now I am quoting him—more than \$2.1 trillion a year in wealth transfers from rich countries to poorer countries, in the name of fostering "green infrastructure," "climate adaptation," and other "green economy" measures.

He is advocating for new carbon taxes—that is on us—for industrialized countries that could cost about \$250 billion a year or 0.6 percent of gross domestic product by 2020. Other environmental taxes are mentioned but not specified.

Also included are further unspecified price hikes that extend beyond fossil fuels to anything derived from agriculture, fisheries, forestry, or other kinds of land and water use, all of which would be radically reorganized. These cost changes would "contribute to a more level playing field between the established, 'brown' technologies and newer, greener ones."

He has advocated for major global social spending programs, including a "social protection floor" and "social safety nets" for the world's most vulnerable social groups for reasons of "equity."

It is all talking about more higher taxes on the developed world to go to the benefit of the underdeveloped world. This is the same thing they were talking about 20 years ago.

I think it is very timely that this is happening today. It is happening at the very moment we will be voting on Wednesday as to whether to kill coal. By the way, this is the only vote that will be taken this year or probably ever to ultimately kill coal. Once this is passed, then, of course, the contracts are all broken and we have to figure out: What are we going to do in this country? If you kill coal, how do we

run this machine called America? The answer to that question is, you cannot do it.

So it is very important, and I do not think there is any doubt in anyone's mind that the real purpose of the vote that will take place on Wednesday is to kill coal in America. And America cannot provide the necessary energy to run its machine and be competitive without coal. So it is a critical vote, and it is one that I think people are aware of that is going to be taking place.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Madam President, more than two centuries ago, in the Declaration of Independence, our Founding Fathers wrote that "all men are created equal." America has sometimes fallen short of that ideal, but the history of our country has been a slow march toward equality for all.

We have seen Presidents play a key role in expanding freedom and equality. Who can forget Harry Truman's desegregation of the military, which set the stage for a Supreme Court decision and a civil rights era that has literally changed the face of America?

Last Friday was another case in point. President Barack Obama declared that his administration will no longer deport immigrant students who grew up in America. This action will give these young immigrants the chance to come out of the shadows and be part of the only country they have ever called home. With that decisive executive decision, America took another step toward fulfilling the Founders' promise of justice for all.

It has been 11 years—11 years—since I first introduced the DREAM Act—legislation that would allow a select group of immigrant students with real potential to contribute more fully to America.

The DREAM Act would give these students a chance to earn citizenship if they came to the United States as children, they have been long-term U.S. residents, they have good moral character, graduate from high school, and either complete 2 years of military service or 2 years of college.

The DREAM Act has a history of broad bipartisan support. When I first introduced it, Senator ORRIN HATCH, Republican from Utah, was my lead co-sponsor. In fact, we had kind of a head to head—who was going to be the first name: HATCH or DURBIN? Since the Republicans were in the majority, I bowed toward Senator HATCH.

In 2006—when Republicans last controlled this Congress—the DREAM Act passed the Senate as part of comprehensive immigration reform on a 62-to-36 vote, with 23 Republicans voting for the DREAM Act. Unfortunately, the Republican leaders in the House refused to even consider the bill.

Republican support for the DREAM Act, unfortunately, has been diminishing over the years. The last time the DREAM Act was considered in Congress, the bill passed the House under the leadership of Congressman LUIS GUTIERREZ of Illinois and received a strong majority vote in the Senate. But only eight Republican House Members and three Republican Senators voted for the bill. What a change in such a short period of time.

Let's be clear: The only reason the DREAM Act is not the law of the land of America is because we consistently face a Republican filibuster whenever we bring up this bill.

The vast majority of Democrats continue to support the DREAM Act, but the reality is it cannot pass without support from my colleagues on the other side of the aisle. That is why I have always said I am open to sitting down with anyone, Republican or Democrat, who is interested in working in good faith to solve this problem.

I am personally committed to passing the DREAM Act, no matter how long it takes. But the young people who would be eligible for the DREAM Act cannot wait any longer for Congress to act. Many have been deported from the only country they have ever known: America. They have been sent off to countries they do not remember with languages they do not speak.

Those who are still here are growing older. And when they graduate from college, they are stuck, unable to work, unable to contribute to the only country they know.

That is why President Obama, using his Presidential authority, did such an important thing to help these immigrant students. The President granted them a form of relief known as "deferred action," which puts a hold on their deportation and allows them, on a temporary, renewable basis, to live and work legally in America.

That was the right thing to do. These students grew up here pledging allegiance to our flag and singing the only national anthem they know. They are Americans in their heart and in their mind. They did not make the decision to come to this country; their parents did.

As Homeland Security Secretary Janet Napolitano said last Friday, immigrants who were brought here illegally as children "lacked [any] intent to violate the law." And it is not the American way to punish children for their parents' actions. We do not do that in any aspect of the law in this country. Why would we do it here?

There will always be critics when the President uses his power, as he did last Friday. In fact, some Members of Congress attacked President Truman when he ordered the desegregation of America's military. They said Truman's order would hurt the military. Many even claimed Truman had performed an illegal act as President.

Today, many of the naysayers in this generation claim that halting the deportation of DREAM Act students will hurt the economy and that it too may be illegal. President Truman's critics were wrong, and so are President Obama's.

President Obama's new deportation policy will make America a stronger nation by giving these talented immigrants the chance to contribute more fully to our economy.

Studies show these young people could contribute literally trillions of dollars to the American economy during their working lives. They are the doctors, engineers, teachers, and soldiers who will make us a stronger nation. Why would we waste that talent? They have been educated and trained in the United States. We have invested in these people. Let us at least see the fruits of this investment, the benefits that can come to America.

Let's be clear. What the Obama administration has done in establishing this new process for prioritizing deportations is perfectly appropriate and legal. Throughout our history, the government has decided whom to prosecute, and whom not to prosecute based on law enforcement priorities and available resources.

The Supreme Court has held this:

An agency's decision not to prosecute . . . is a decision generally committed to an agency's absolute discretion.

President Obama granted deferred action—to use the technical term—to DREAM Act students. Past administrations, both Democratic and Republican, have used deferred action to stop deportation of low-priority cases.

Last month, 90 immigration law professors sent a letter to the President arguing that the executive branch has "clear executive authority" to grant deferred action to DREAM Act students. The letter explains that the executive branch has granted deferred action since at least 1971 and that Federal courts have recognized this authority since at least the mid-1970s. These immigration experts have also noted there are a number of precedents for granting deferred action to groups of individuals such as DREAM Act students.

The President's action is not just legal, it is also a smart and realistic approach to enforcing our immigration laws. Today, there are millions of undocumented immigrants in the United States, and it would literally take billions of dollars to deport them.

The Department of Homeland Security has to set priorities about which

people to deport and which not to deport.

The Obama administration has established a deportation policy that makes it a high priority to deport those who have committed serious crimes or are a threat to public safety. I totally support that approach. President Obama has said we will not use our limited resources to deport DREAM Act students.

Some of my Republican colleagues have claimed this is a sort of backdoor amnesty. That isn't even close to being true. This is simply a decision to focus limited government resources on serious criminals and other public safety threats. DREAM Act students will not receive permanent legal status or citizenship under the President's order.

This policy has strong bipartisan support in Congress. I wish to say a special word about a colleague. Two years ago, Indiana Republican Senator RICHARD LUGAR joined me—crossing the aisle—to ask the Department of Homeland Security to grant this deferred action. I called him on Friday and said: DICK, I just want to tell you how much I respect you. It took us 2 years, but we got it done.

He was the only Senator from the other side of the aisle with the courage to step up and join me in that letter. He may have paid a price for it, though he denied it in the phone conversation. I cannot tell you how much I respect that man for his courage in asking for this.

It took 2 years, but those students who are appreciative of the President's action should not forget the singular courage of the Senator from Indiana.

Last year, when Senator LUGAR and I sent a renewed request, 21 Senators joined us, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and, of course, Senator BOB MENENDEZ, who heads up the Hispanic Caucus in the Senate.

It is easy to criticize the President's new deportation policy when it is an abstract debate and we are talking about constitutional legal authority and deferred action and so forth.

I think what has brought this debate to where it stands today are the real stories, the stories of these young people. I have tried almost every week to come to the floor to tell a DREAM Act story. Today, I wish to tell one more.

This is a photo of Manny Bartsch, who was born in Germany. He was abused and neglected by his parents, so his grandmother became his guardian. After Manny's grandfather passed away, his grandmother married an American soldier. When Manny was 7 years old, sadly, his grandmother was tragically killed by a drunk driver. His step-grandfather decided to return to America, and he brought Manny with him. They moved to Gilboa, a small town in northwestern Ohio.

Unfortunately, Manny's step-grandfather, wanting to protect him, failed to file any papers for Manny to become a U.S. citizen. But Manny grew up in Ohio, where he went to elementary school and high school. When Manny was preparing to apply for college, he learned he didn't have any legal status in America.

Manny wanted to do the right thing, so he made an appointment with Immigration Services to clear up things. When he showed up for his appointment, Manny was arrested and detained. He was 17 years old.

Here is what Manny said about the prospect of being deported to Germany, a country he left as a little boy:

I don't know anybody over there. This is my home. This is where everybody I know lives, and to have to think about leaving, I just wouldn't be able to imagine it.

Manny's friends and family rallied behind him, asking for his deportation to be at least temporarily suspended. Thanks to the community support, he was ultimately allowed to stay. He went on to college at Heidelberg University in Tiffin, OH.

Last month, Manny graduated with a major in political science and a minor in history. He was president of his fraternity and has been active in community service. For instance, for the last 4 years, he has organized a fundraiser to purchase Christmas presents for children with cancer at the Cleveland Clinic.

Here is what Manny says about his future:

I would go through any channel I have to to correct this situation. I'm not asking for citizenship [but] I would love to earn it if that possibility would arise. . . . I would love to contribute to this country, give back to it. I just don't understand why they would educate people in my situation and deport them back and let countries reap the benefits of the education system here.

David Hogan is the chairman of the History Department at Heidelberg University. He says this about Manny:

We want good people in this country. We want honest, hard-working people, and that's Manny pure and simple. [He is] in the top two percent [of students] in terms of brilliance, work ethic, personal qualities.

Thanks to President Obama's executive order last Friday, Manny Bartsch and other DREAM Act students will continue to be able to live and work legally in America.

I ask the critics of that policy this: Would we be better off if we deported Manny back to Germany, a country he left when he was a little boy? Of course not.

Manny grew up in America. He doesn't have any criminal background. He is no threat to our country. He will make America stronger if we just give him a chance.

Manny isn't just one example. There are a lot more—literally hundreds, if not thousands, of others just like him.

When the history of civil rights in this century—the 21st century—is written, President Obama's decision to grant deferred action to DREAM Act students will be a key chapter.

But it is also clear this is only a temporary solution. It doesn't absolve Congress—the Senate and the House—from tackling this difficult but critically important issue. It is a matter of justice as well as for the future of our economy. This is still our burden and responsibility. It was 2 years ago when I sent this letter with Senator LUGAR. I am grateful there was a President who read it and listened and had the courage to act. His courage in standing for these young people will make us a better nation, and, equally important, it will bend that arc toward justice again.

At the end of the day, these young people will make the case for why this was the right thing to do. I have no doubt in my mind that when the balance sheet comes in on these DREAM Act students, we are going to say thank goodness we did this. I personally salute the President for his leadership. This was a historic and humanitarian moment. It has changed the debate in America about immigration and has given these young people a chance.

I called one of those students on Friday, Gabby Pacheco. She is the best. She walked from Florida to Washington to dramatize the DREAM Act. She came out publicly and said: I am undocumented, and I will stand for those in a similar situation. She was crying on the phone. She just heard about it. She said: I am afraid these students will come forward and admit they are undocumented and someday some Congress and some President will use it against them and deport them. I said: Gabby, I don't think so. Once they stand and say we are going to follow the law and do what we are told to do and put our names down and tell you who we are, anybody who tries to use that against them is going to cause a terrific backlash across America. People in America will respect these young people and realize we will be a better nation because of it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3240

Mr. REID. Mr. President, this is a day I did not think would ever arrive. But we are here, I think. I so admire, having managed a few bills in my day, the work done by Senator STABENOW

and Senator ROBERTS. I will say more about that later. This is not a great agreement, but it is a good agreement, and they worked so hard to get where we are. I so appreciate what they have done. As I said before, I did not think we would be here.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 3240, the pending motion to recommit be withdrawn; that amendment No. 2390 be withdrawn; that the Stabenow-Roberts amendment No. 2389 be agreed to, the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments and motions be the only first-degree amendments and motions in order to the bill: Akaka No. 2440, Akaka No. 2396, Baucus No. 2429, Bingaman No. 2364, Brown of Ohio No. 2445, Cantwell No. 2370, Casey No. 2238, Coons No. 2426, Feinstein No. 2422, Feinstein No. 2309, Gillibrand No. 2156, Hagan No. 2366, Kerry No. 2187, Landrieu No. 2321, Manchin No. 2345, Merkley No. 2382, Schumer No. 2427, Stabenow No. 2453, Udall of Colorado No. 2295, Warner No. 2457, Wyden No. 2442, Wyden No. 2388, Leahy No. 2204, Nelson of Nebraska No. 2242, Klobuchar No. 2299, Carper No. 2287, Sanders No. 2254, Thune No. 2437, Durbin-Coburn No. 2439, Snowe No. 2190, Ayotte No. 2192, Collins No. 2444, Grassley No. 2167, Sessions No. 2174, Nelson of Nebraska No. 2243, Sessions No. 2172, Paul No. 2181, Alexander No. 2191, McCain No. 2199, Toomey No. 2217, DeMint No. 2263, DeMint No. 2262, DeMint No. 2268, DeMint No. 2276, DeMint No. 2273, Coburn No. 2289, Coburn No. 2293, Kerry No. 2454, Kyl No. 2354, Lee No. 2313, Lee No. 2314, Boozman No. 2355, Boozman No. 2360, Toomey No. 2226, Toomey No. 2433, Lee motion to recommit, Johnson of Wisconsin motion to recommit, Chambliss No. 2438, Chambliss No. 2340, Chambliss No. 2432, Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, Vitter No. 2363, Toomey No. 2247, Sanders No. 2310, Coburn No. 2214, Boxer No. 2456, Johanns No. 2372, Murray No. 2455, McCain No. 2162, Rubio No. 2166; that at 2:15 p.m., Tuesday, June 19, the Senate proceed to votes in relation to the amendments in the order listed, alternating between Republican- and Democratic-sponsored amendments; that there be no amendments or motions in order to the amendments prior to the votes other than motions to waive points of order and motions to table; that there be 2 minutes of debate equally divided in the usual form between the votes, and all after the first vote be 10-minute votes; that the Toomey No. 2247, Sanders No. 2310, Coburn No. 2214, Boxer No. 2456, Johanns No. 2372, Murray No. 2455, McCain No. 2162, and Rubio No. 2166 be subject to a 60-affirmative-vote threshold; that the clerks be authorized to modify the instruction lines on amend-

ments so the page and line numbers match up correctly; that upon disposition of the amendments, the bill, as amended, be read a third time; that there be up to 10 minutes equally divided in the usual form prior to a vote on passage of the bill, as amended, if amended; finally, that the vote on passage of the bill be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, as we are waiting for wrap-up this evening, I wish to take a moment to thank all our colleagues for the extraordinary effort to get to this point where we are going to be able to come together, debate a number of different issues related to the farm bill and other issues as well, and be able to come to a final vote and passage of the farm bill.

I wish to thank, first of all, Senator REID for his extraordinary patience and talent in working with Senator ROBERTS and me and all the staff, all the leadership staff, who have worked with us on this.

I also wish to thank Senator ROBERTS for being a tremendous partner with me, and both our staffs who are doing yeoman's work.

There is a lot more work to do. We have a lot of amendments we will begin tomorrow, I believe tomorrow afternoon, and then we will work on through the week to get this done.

But this really is an example of the Senate coming together to agree to get things done—people of different backgrounds, ideas, and different regions of the country. This is an opportunity for us to show that the Senate can work together—which is what we are doing right now, on a bipartisan basis—and be able to move forward on a very important piece of legislation.

This bill is a jobs bill. This bill represents 16 million people in the country who work because of agriculture in some way. We have had a lot of jobs bills in front of us. I am not sure there has been one that has directly affected 16 million jobs like this does.

We also have an opportunity in this bill to come together and clearly state that we are serious about deficit reduction. We are the only authorizing committee that has come forward in a bipartisan way with a bill that cuts the spending within our jurisdiction—\$23 billion in deficit reduction. We have

gone through every part of this bill, and we have literally analyzed every page and determined that there were some programs that were duplications or not effective or didn't make any sense anymore, and we ended up with about 100 different programs and authorizations that we eliminated from those items under USDA's jurisdiction. So this really is a reform bill.

I know the Presiding Officer is a real champion of reform and of agriculture. We have worked together, certainly, on fruits and vegetables and organic farming and local food systems and a whole range of things that we have improved upon in this bill. I thank the Chair for his continued leadership on those issues.

This really is an opportunity to come together around deficit reduction, around reform, to focus on jobs and give our farmers and ranchers predictability in terms of knowing what will happen going forward as they make business decisions for themselves.

It is a huge opportunity around conservation. I think most people wouldn't realize at first blush that the farm bill is actually the largest investment we as Americans make in land and water conservation, air quality, related to working lands. Seventy percent of our lands are privately held lands in some way—farmers and others, landholders—and the conservation title affects how we work with them to be able to conserve our land and water and address the air quality issues. We have had two successes there. So this is a real opportunity to build on that certainly for many regions in the country, such as my own Great Lakes region. It is critical in working with our farmers who have a number of different environmental issues to address. On behalf of all of us, this gives us an opportunity to partner with them and deal with soil erosion and water quality issues and runoff into our lakes and streams and Great Lakes and deal with open spaces, protecting wildlife habitat and wetlands, and creating a new easement program that will address urban sprawl so that we are protecting our lands.

I am very proud of what we have done in conservation. We have taken it from 23 programs down to 13 and divided it into 4 topics—a lot of flexibility, locally led, with farmers and ranchers working with local communities. We have saved money, but at the same time we are actually strengthening conservation, which is why we have I think 643 different conservation and environmental groups supporting what we are doing in terms of our approach on conservation. I am pleased with that.

The rural development provisions of this bill affect every community outside of our urban areas. The majority of Michigan—we see support through financing for water and sewer projects, small businesses, housing, working

with local law enforcement, police and firefighters, local mayors and city council people, counties all across Michigan and the country, certainly in Oregon, where rural development funding and support for quality of life and jobs and rural communities is very much a part of the bill.

We think of the bill in terms of production agriculture. Obviously, it is critical. I don't know any business that has more risk than a farmer or rancher—nobody. So we all have a stake. We have the safest, most affordable, dependable food supply in the world. We wanted to make sure no farmer loses a farm because of a few days of bad weather. What we do in production agriculture is very important.

We also have a broad role, together with rural communities, with ranchers and farmers, to support our land and our water and our habitat and our air. We do that through conservation. We have rural development. We have an energy title that allows us to take what we do—the byproducts from agriculture, whether that be food or animal waste or biomass from forests or corn or wheat or soybean oil—whatever it is—to be able to create jobs through bio-based manufacturing, advanced biofuels, going beyond corn to other kinds of advanced cellulosic biofuels, which is very much a part of the bill, all of which creates jobs.

We are creating jobs in a multitude of ways in the bill. We are also supporting families who, because of no fault of their own in this recession, have been hit so hard and need temporary food help. That is also a very big and important part of the bill. For the people in my State who have been hit very hard in the last number of years, it is important that we be there. They have paid taxes all their lives and supported their neighbors. They have been there for other people. Now, if they need some temporary help, we need to make sure it is there for them as well. That is a very important part of the bill also.

In addition, we see a whole range of efforts around local food systems that also create jobs—farmers markets, children's schools being able to get fresh fruits and vegetables, schools being able to purchase locally, things that we can do to support families to put healthy food on the table for their children or make sure it is available in school—very important efforts going on there. We make sure that all of agriculture is included in our local food systems. That is a very important part of the bill.

This is a large effort. We do it every 5 years. It takes a tremendous amount of work. Every region of the country has a different view and different crops that they grow and different perspectives, so it is a lot of hard work to bring it all together.

This evening we have been able to come together on a path to final pas-

sage, agreeing to the list of amendments. This is a democracy. I don't agree or support all of those amendments. I know other colleagues don't as well. We will talk about them and debate, and we will vote. That is the Senate at its best. That is what we are doing here by agreeing to a process or list of amendments from every part of the country.

Members on both sides have very strongly held beliefs. We respect that. We respect their right to be able to debate those amendments, and I also thank those for the amendments that will not be brought up, which were not in the unanimous consent agreement. I think we had about 300 amendments when we started. We knew it was not possible to be able to vote on every one of those. So colleagues' willingness to work with us was important, and I am grateful to the people who worked with us on both sides of the aisle and those whom we will continue to work with.

This is another step in the process, as we have put together a bill that we reported out of committee with a strong bipartisan vote. Now we have brought it to the floor with a large majority. Ninety out of 100 colleagues came together to say: Yes, we should debate and discuss and work on this Agriculture Reform, Food, and Jobs Act.

Now, with the agreement we have, Members are saying: Yes, we should go forward and work on these amendments and have a final vote. In the democratic process, people of good will are willing to come together and have the opportunity to debate and vote. That is what it is about. I am grateful that colleagues were willing to work with us to be able to do that.

We are waiting for the final wrap-up comments. At this moment, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 37

Ms. STABENOW. Mr. President, I ask unanimous consent that on Tuesday, June 19, at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 37, a joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; that there be up to 4 hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; further, that 2 hours of

debate equally divided occur on Tuesday, June 19, and the Senate resume consideration of the motion to proceed at 10:30 a.m., Wednesday, June 20, for the remaining 2 hours of debate; that at 12:30 p.m. on Wednesday, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO CHRIS BERN

• Mr. HARKIN. Mr. President, Chris Bern retires on July 14 as president of the Iowa State Education Association after completing his second two-year term in that position. Chris is a longtime advocate for quality education within ISEA and is an important voice for teachers at the local, State, and national levels. I have valued Chris's views on a variety of education issues.

I am especially grateful to Chris for his leadership on anti-harassment and anti-bullying issues within the Iowa State Education Association and the National Education Association. Chris understood the importance of anti-bullying efforts before recent events drew national attention to the topic. Chris is a certified trainer for the NEA's program on school safety and anti-harassment issues. One of his leadership priorities at ISEA has been to promote anti-bullying awareness in our schools, traveling to locals around the State to talk about how to protect students from mistreatment by their peers.

After graduation from Buena Vista College, Chris started his teaching career as a junior high school math teacher in Woodbine, IA and then moved to Knoxville, IA, where he taught high school math. He soon became involved in the Iowa State Education Association, serving in a variety of local, State and national roles. Chris spent 11 years on various committees, including the ISEA Resolutions and New Business Committee. He was elect-

ed vice president of the ISEA in 2006 and, on the national level, was a member of the NEA Resolutions Committee.

As Chris retires from his presidency of the Iowa State Education Association, I wish him the very best. Chris' service to education as a teacher and ISEA leader remind me of the quote by American essayist Christopher Morley who said, "Things of the spirit differ from things material in that the more you give the more you have."

Indeed, Chris Bern has much. I wish him the best in his future endeavors.●

HOSMER, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the town of Hosmer, SD. Located in Edmunds County, Hosmer is a close-knit community with a rich cultural heritage and a strong tradition of farming.

Named after Stella Hosmer, the railroad agent's wife, the town was founded in 1887 and officially incorporated in 1904. Early settlers arrived in Hosmer shortly after the town's founding. Most were German-Russians, who persevered despite drought, poor land, and grasshopper infestations. Thanks in part to its location along the Chicago, Milwaukee, St. Paul & Pacific Railroad, by the 1920s Hosmer was a flourishing community. Local businesses popped up, including general stores, cream stations, churches, a drug store, meat market, and a hotel.

Today in Hosmer they still honor the traditions of their German-Russian ancestors. Kuchen, German-style noodles, and German-style sausage are just a few of their culinary specialties, available in local establishments. Many residents proudly make their own sausage, much like the intrepid settlers who founded Hosmer 125 years ago.

The people of Hosmer will be celebrating their quasiquicentennial June 29 to July 1 with a complete schedule of events. There will be entertainment for children in the park, a free meal, car show, parade, dances, music, and performances. It promises to be a weekend full of family fun.

Mr. President, 125 years after its founding, Hosmer continues to be a small town that represents the best South Dakota has to offer. I am honored to congratulate the people of Hosmer on this memorable occasion.●

TRIBUTE TO ALECK SHILAOS

• Mr. LEE. Mr. President, today I wish to recognize the exemplary service of Chief Aleck Shilaos, who has served in law enforcement for 43 years and as the chief of police for the city of Price, UT for 25 years.

Shilaos began his career in 1969 as the first parking officer ever hired by the University of Utah. When the uni-

versity's security force became an official police department, Aleck joined the police force. The school's biggest need for police stemmed from theft at the University Hospital, where felons from Utah's prison system would receive medical treatment. The crime wave was quickly stopped, saving the hospital untold long-term costs.

In 1972, Shilaos accepted a position with the Lakewood, CO Police Department, where he served for a decade and continued to improve his merits as a nationally ranked pistol shooter. Those skills helped him to gain immediate respect from fellow officers when he joined the police force in his hometown of Price a decade later. Five years later, he was named chief of police in Price, a position he would hold for the next quarter of a century.

Under Shilaos's leadership, the Price Police Department advanced into the information age. With Shilaos at the helm, Price began implementing technologies that increased efficiency and paved the way for the next generation of police officers.

Shilaos graduated from the FBI National Academy in 1995, created his department's first detective division, and a new field training program. Additionally, Shilaos looked beyond his own department and helped to found a regional drug strike force and SWAT team, and implemented the DARE anti-drug program in local schools.

Shilaos also fought a brave personal battle against non-Hodgkin's lymphoma. Diagnosed in 2010, the disease is now in remission. Shilaos recently commented that the good days now outnumber the bad ones.

Aleck Shilaos has been an outstanding public servant for the city of Price, UT and will surely be missed. His career is an example of leadership, dedication, and commitment. I wish he and his wife Shirley a long and enjoyable retirement, and thank him for his dedicated service.●

RECOGNIZING INDIANA PRAIRIE FARMER MAGAZINE

• Mr. LUGAR. Mr. President, today I would like to recognize a publication in the State of Indiana that is not only making sure to supply useful information that will help Hoosier farm families thrive but is also taking the time to honor exceptional families through the Master Farmer award program.

As one of 18 State and regional subsidiaries of Farm Progress, Indiana Prairie Farmer is constantly striving to ensure that our farmers are equipped with the information and support necessary to handle the difficult tasks facing agriculturalists. At the helm of this initiative is editor Tom Bechman who not only brings experience from a small tenant dairy farm but is also nationally known for his

coverage of Midwest agronomy, conservation, no-till farming, farm management, farm safety, high-tech farming and personal property tax relief.

Considered one of the top honors an Indiana farmer can receive, the first Master Farmer was presented in December 1925 in Chicago. The first 21 Indiana farmers to receive the award had an average farm size of 202 acres. The program was discontinued in 1935 due to the Great Depression and reinstated by James C. Thompson, then-managing editor of the *Prairie Farmer*, in 1968. More than 200 Indiana farmers have been recognized since the program was reborn. In addition, roughly a dozen people who are not farmers but who made great contributions to Indiana agriculture have been recognized as Honorary Master Farmers. In 2006, Purdue University's College of Agriculture joined Indiana *Prairie Farmer* as co-sponsor of the award and has since been supported by two Glenn W. Sample dean's of the College of Agriculture, making sure that it maintained its reputation as a top award.

As a farmer myself, I am honored as both a Hoosier and member of the agriculture industry to have the great work of my fellow agriculturalists recognized by Mr. Bechman and the Indiana *Prairie Farmer*. Their tireless efforts to identify and reward Indiana farmers for their work to provide the safest, most abundant and least expensive food supply in the world is humbling and deserves the utmost recognition.

I ask my colleagues to join me in honoring Indiana *Prairie Farmer* for their work on behalf of Indiana farmers and the Master Farmer award program. I am privileged to represent a State so dedicated to this vital industry and its participants.●

RECOGNIZING INNOVATIVE LIVESTOCK SERVICES

● Mr. ROBERTS. Mr. President, you have heard me recount numerous stories on the importance of agriculture in my home State of Kansas. Many of these stories center around the fact that cattle outnumber people by more than two to one, and I often joke that cattle are usually in a better mood. In recent years, the Kansas livestock industry has accounted for nearly 50 percent of all agricultural cash receipts within the State.

Mr. Lee Borck, chairman, and Mr. Andrew Murphy, president and chief executive officer, of Innovative Livestock Services have played a key role within the livestock industry. I want to take this opportunity to recognize part of the Innovative Livestock Services operation, Ward Feed Yard, on celebrating 50 years of feeding cattle. Great Bend Feeding and Ward Feed Yard, both part of the Innovative Livestock Services operation, have now

been in business for more than 50 years. There is no doubt in the strong heritage, optimistic outlook and positive economic development this cattle feeding company has created in Kansas. Just as the beef industry is a leading segment of the agriculture industry in Kansas, with the leadership of Mr. Borck and Mr. Murphy, Innovative Livestock Services is a true champion within the beef industry.

Today I wish to say congratulations to all of those who have helped over the past 50 years and to wish Ward Feed Yard nothing but the best for the next 50 years. Congratulations to all of the partners, employees, customers, community leaders and industry representatives on a job well done.●

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2012.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national se-

curity and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, June 18, 2012.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO NORTH KOREA—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2012.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.
THE WHITE HOUSE, June 18, 2012.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3304. A bill to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the "William Jefferson Clinton Federal Building"; to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building"; and to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the "Eliot Ness ATF Building"; and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. LEE):

S. 3305. A bill to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes"; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. REID):

S. 3306. A bill to establish a United States Boxing Commission to administer the Professional Boxing Safety Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself and Mr. CASEY):

S. 3307. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States, and for other purposes; to the Committee on Finance.

By Mr. HELLER:

S. 3308. A bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 3309. A bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 495. A resolution designating the period beginning on June 17, 2012, and ending on June 23, 2012, as "Polycystic Kidney Disease Awareness Week", and raising awareness and understanding of polycystic kidney disease and the impact such disease has on patients; considered and agreed to.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. PRYOR, the name of the Senator from Oklahoma

(Mr. COBURN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 697

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 866

At the request of Mr. TESTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 1119

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S.

1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1613

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

S. 2077

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2168

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Colorado

(Mr. BENNET) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2371

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Michigan (Ms. STABENOW) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3235

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3235, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 3237, a bill to

provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3257

At the request of Mr. COBURN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3257, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction.

S. 3263

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3263, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 3287

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 3287, a bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

S.J. RES. 37

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

S.J. RES. 42

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 42, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 448

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

S. RES. 473

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

S. RES. 494

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 494, a resolution condemning the

Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

AMENDMENT NO. 2156

At the request of Mrs. GILLIBRAND, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 2156 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2190

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2190 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2219 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2382 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2399

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2399 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2426

At the request of Mr. COONS, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2426 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2435

At the request of Mr. WARNER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 2435 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. REID):

S. 3306. A bill to establish a United States Boxing Commission to administer the Professional Boxing Safety

Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today I am pleased to be joined by Senator REID of Nevada, our distinguished majority leader, to introduce the Professional Boxing Amendments Act of 2012. This legislation is virtually identical to a measure reported by the Commerce Committee during the 111th Congress, after being approved unanimously by the Senate in 2005. Simply put, this legislation would better protect professional boxing from the fraud, corruption, and ineffective regulation that has plagued the sport for too many years, and that has devastated physically and financially many of our Nation's professional boxers.

My involvement with boxing goes back a long way, first as a fan in my youth—in what many view as the golden age of boxing in America: in the days of Joe Louis and Billy Conn and Floyd Patterson and Sugar Ray Robinson—probably the greatest boxer in history—and Kid Gavilan and Joey Giardello, the names I still remember because of the incredible acts of sportsmanship and courage and tenacity in the ring that they displayed, which made boxing one of the most popular sports in all of the United States, then with my undistinguished record as a boxer at the U.S. Naval Academy, and then over my time here in Congress, where I have been involved in legislation related to boxing since the mid-1990s.

The 19th century sportswriter Pierce Egan called the sport of boxing the “sweet science.” Long-time boxing reporter Jimmy Cannon called it the “red light district of sports.” In truth, it is both. I have always believed that at its best, professional boxing is a riveting and honorable contest of courageous and highly skilled athletes. Unfortunately, the last few decades of boxing history have—through countless examples of conflicts of interest, improper financial arrangements, and inadequate or nonexistent oversight—led most to believe that Cannon's words—that boxing is the “red light district of sports”—were more appropriate than that of Pierce Egan's words, who called it the “sweet science.”

The most recent controversy surrounding the Pacquiao-Bradley fight is the latest example of the legitimate distrust boxing fans have for the integrity of the sport. After the Pacquiao-Bradley decision was announced, understandably fans were clearly apoplectic and many commentators found the decision astonishing.

Bob Arum, the promoter of the fight—and he represented both Pacquiao and Bradley—said:

What the hell were these people watching? . . . How can you watch a sport where you

don't see any motive for any malfeasance and yet come up with a result like we came up with tonight? How do you explain it to anybody? . . . Something like this is so outlandish, it's a death knell for the sport.

Those words came from the promoter of the fight, long-time promoter Bob Arum.

ESPN boxing analyst Dan Rafael—who scored the fight 119 to 109 for Pacquiao—called the decision an “absolute absurdity.” And he said:

I could watch the fight 1,000 times and not find seven rounds to give to Timothy Bradley.

Additionally, following the fight, HBO's Max Kellerman—a guy I have always enjoyed—was ringside, where he said:

This is baffling, punch stat had Pacquiao landing many more punches, landing at a higher connect percentage, landing more power punches. Ringside, virtually every reporter had Pacquiao winning by a wide margin. . . . I can't understand how Bradley gets this decision. There were times in that fight where I felt a little bit embarrassed for Bradley.

Clearly, the conspiracy theories and speculation surrounding the fight are given life because there are so many questions surrounding the integrity of the sport and how it is managed in multiple jurisdictions. Professional boxing remains the only major sport in the United States that does not have a strong centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization—though preferable to government oversight—is not a realistic option.

What has happened to the meaning of the word champion? There is an alphabet soup of organizations today, some of them—or many of them—based outside of the United States of America, that clearly manipulates the rankings in order to set up a fight which has a “championship” associated with it.

Ineffective oversight of professional boxing will continue to result in scandals, controversies, unethical practices, a lack of trust in the integrity of judged outcomes and, most tragic of all, unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable Federal boxing commission.

The legislation that Senator REID and I are introducing would establish the United States Boxing Commission—the USBC or Commission—providing the much-needed oversight to ensure integrity within this profession through better reporting and disclosure, requiring that the sport avoid the conflicts of interest which cause fans to question the outcome of bouts, which hurts the sport.

If enacted, the commission would administer Federal boxing law and co-

ordinate with other Federal regulatory agencies to ensure that this law is enforced, oversee all professional boxing matches in the United States, and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing in the United States.

More specifically, this legislation would require that all referees and judges participating in a championship or a professional bout lasting 10 rounds or more be fully registered and licensed by the commission. Further, while a sanctioning organization could provide a list of judges and referees deemed qualified, only the boxing commission will appoint the judges and referees participating in these matches.

Additionally, the commission would license boxers, promoters, managers, and sanctioning organizations. The commission would have the authority to revoke such a license for violations of Federal boxing law, to stop unethical or illegal conduct, to protect the health and safety of a boxer or if the revocation is otherwise in the public interest.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the basic health and safety standards for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and basic standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Thankfully, current law—which we passed in the 1990s—has already improved some aspects of the state of professional boxing. However, like me, many others remain concerned the sport continues to be at serious risk. In 2003, the Government Accountability Office spent more than 6 months studying 10 of the country's busiest State and tribal boxing commissions. Government auditors found that many of these commissions do not comply with Federal boxing law, and that there is a disturbing lack of enforcement by both Federal and State officials.

It is important to state clearly and plainly for the record that the purpose of the commission created by this bill is not to interfere with the daily operations of State and tribal boxing commissions. Instead, it would work in consultation with local commissions, and it would only exercise its authority when reasonable grounds exist for such intervention. In fact, this bill states explicitly that it would not prohibit any boxing commission from exercising any of its powers, duties, or

functions with respect to the regulation or supervision of professional boxing to the extent consistent with the provisions of Federal boxing law.

With respect to costs associated with this legislation, the pricetag for this legislation should not fall on the shoulders of the American taxpayer, especially during a time of crushing debt and deficits. As such, to recover the costs, the bill authorizes the commission to assess fees on promoters, sanctioning organizations, and boxers, ensuring that boxers pay the smallest portion of what is, in fact, collected.

Let there be no doubt, however, of the very basic and pressing need in professional boxing for a Federal boxing commission. The establishment of the USBC would address that need. The problems that have plagued the sport of professional boxing for many years continue to undermine the credibility of this sport in the eyes of the public and, more importantly, compromise the safety of boxers. This bill provides an effective approach to curbing these problems.

I take a back seat to no one in my desire for smaller government and less regulation. It is a crying need today, not only for the integrity of the sport but the health of boxers. We are finding more and more, especially in the sport of professional football lately, the effect of blows to the head. Anyone who has had the honor of knowing Muhammad Ali, as I have over the years, recognizes that this is a very brutal sport. There is no doubt that if in professional football blows to the head can be damaging to one's health, clearly it can be in the sport of boxing. I regret to tell my colleagues that there are not sufficient protections for the safety of the boxers engaged in the sport today.

The Pacquiao-Bradley fight is only the latest example, and its outrage is spread because of the size of the fight. Unfortunately, over the years, there have been a series of fights—some of them I will add for the RECORD at the appropriate time—where the wrong decision has been announced.

This is a great sport. It has given an opportunity, for young men particularly, to rise from the depths of poverty to pinnacles of greatness in the sport—and wealth beyond their imagining at the time they entered the sport. So we need to protect these people. We need to give them a fair and legitimate playing field in which to compete.

I urge the support of my colleagues and again thank my friend the majority leader, Senator HARRY REID, who was a boxer of great skill and ability himself in his younger days. Some of those traits he has displayed very prominently here on the floor of the Senate, and I respect him greatly.

By Mrs. MURRAY:

S. 3309. A bill to amend title 38, United States Code, to improve the as-

sistance provided by the Department of Veterans Affairs to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am pleased to introduce the Homeless Veterans Assistance Improvement Act of 2012. No one who has made sacrifices to serve our Nation should ever be homeless, and this problem should never be ignored. The bill I am introducing today would allow the Department of Veterans Affairs, VA, to continue the important work of ending veteran homelessness.

The administration reported that on any given night in January 2011, an estimated 67,500 veterans were homeless. I want to commend the VA for its efforts to reduce the number of veterans sleeping in the streets. Between 2010 and 2011 the number of homeless veterans decreased by 12 percent, but the number of homeless women veterans has continued to increase. We are making great progress, in large part due to interagency collaborations, but there is still more work to be done.

In light of recent reports from VA's Office of Inspector General and the Government Accountability Office, VA must do more to make its homeless veterans programs more welcoming to women and veterans with families. The reports highlighted limitations in available housing options for women veterans with children. Additionally, infrastructure needs such as private and secure rooms and showering facilities are often lacking placing women veterans in uncomfortable and potentially unsafe situations. We can and should do better.

The Homeless Veterans Assistance Improvement Act of 2012 helps achieve this goal by allowing VA to provide transitional housing services to the children of homeless veterans, where it is appropriate to do so. It also requires grantees who receive funding for transitional housing to meet the privacy, safety, and security needs of women veterans and veterans with families. No veteran should have to choose between housing and their safety or between housing and remaining with their family.

Other provisions in this legislation help VA to meet the self-identified, unmet needs of homeless veterans. VA conducts an annual assessment of homeless veterans, homeless programs staff, and grantees that ranks the top ten unmet needs of homeless veterans. The most recent report, which was from fiscal year 2010, highlights the fact that many homeless veterans ranked legal assistance among their top ten unmet needs for the last several years. Among the top-ranked needs for the last several years have been legal services and dental care. My legislation makes veterans in the HUD-

VASH program eligible to participate in the Homeless Veterans Dental Program. It also ensures that a percentage of the funding available for homelessness prevention and rapid re-housing will be used for legal services to remove some of the barriers to obtaining or maintaining stable housing for homeless veterans.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeless Veterans Assistance Improvement Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Requirement that recipients of grants from Department of Veterans Affairs for comprehensive service programs for homeless veterans meet physical privacy, safety, and security needs of such veterans.
- Sec. 3. Modification of authority of Department of Veterans Affairs to provide capital improvement grants for comprehensive service programs that assist homeless veterans.
- Sec. 4. Funding for furnishing legal services to very low-income veteran families in permanent housing.
- Sec. 5. Modifications to requirements relating to per diem payments for services furnished to homeless veterans.
- Sec. 6. Authorization of grants by Department of Veterans Affairs to centers that provide services to homeless veterans for operational expenses.
- Sec. 7. Expansion of Department of Veterans Affairs authority to provide dental care to homeless veterans.
- Sec. 8. Extensions of authorities and programs affecting homeless veterans.

SEC. 2. REQUIREMENT THAT RECIPIENTS OF GRANTS FROM DEPARTMENT OF VETERANS AFFAIRS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS MEET PHYSICAL PRIVACY, SAFETY, AND SECURITY NEEDS OF SUCH VETERANS.

Section 2011(f) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(6) To meet the physical privacy, safety, and security needs of homeless veterans receiving services through the program.”.

SEC. 3. MODIFICATION OF AUTHORITY OF DEPARTMENT OF VETERAN AFFAIRS TO PROVIDE CAPITAL IMPROVEMENT GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS THAT ASSIST HOMELESS VETERANS.

Section 2011(a) of title 38, United States Code, is amended, in the matter before paragraph (1), by inserting “and maintaining” after “in establishing”.

SEC. 4. FUNDING FOR FURNISHING LEGAL SERVICES TO VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) Of amounts made available under paragraph (1), not less than one percent shall be available for the furnishing of services described in subsection (b)(1)(D)(vii).”.

SEC. 5. MODIFICATIONS TO REQUIREMENTS RELATING TO PER DIEM PAYMENTS FOR SERVICES FURNISHED TO HOMELESS VETERANS.

(a) **AUTHORIZATION OF PER DIEM PAYMENTS FOR FURNISHING CARE TO DEPENDENTS OF CERTAIN HOMELESS VETERANS.**—Section 2012(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) Services for which a recipient of a grant under section 2011 of this title (or an entity described in paragraph (1)) may receive per diem payments under this subsection may include furnishing care for a dependent of a homeless veteran who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient (or entity).”.

(b) **PROVISION OF FUNDS FOR PER DIEM PAYMENTS FOR NONCONFORMING ENTITIES.**—

(1) **IN GENERAL.**—Section 2012(d)(1) of such title is amended, in the matter preceding subparagraph (A), by striking “may make” and inserting “shall make”.

(2) **REGULATIONS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe such regulations as may be necessary to implement the amendment made by paragraph (1).

SEC. 6. AUTHORIZATION OF GRANTS BY DEPARTMENT OF VETERANS AFFAIRS TO CENTERS THAT PROVIDE SERVICES TO HOMELESS VETERANS FOR OPERATIONAL EXPENSES.

(a) **IN GENERAL.**—Subchapter II of chapter 20 of title 38, United States Code, is amended by inserting after section 2012 the following new section:

“§ 2012A. Service center operational grants

“(a) **IN GENERAL.**—Subject to the availability of appropriations provided for such purpose, the Secretary may award to a recipient of a grant under section 2011 of this title for the establishment of a service center described in subsection (g) of such section a grant for the operational expenses of such service center not otherwise covered by the receipt of per diem payments under section 2044 of this section.

“(b) **LIMITATION.**—The aggregate amount of all grants awarded under subsection (a) in any fiscal year may not exceed \$500,000.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2012 the following new item:

“2012A. Service center operational grants.”.

(c) **REGULATIONS.**—The Secretary of Veterans Affairs shall promulgate regulations to

carry out section 2012A of title 38, United States Code, as added by subsection (a), not later than one year after the date of the enactment of this Act.

SEC. 7. EXPANSION OF DEPARTMENT OF VETERANS AFFAIRS AUTHORITY TO PROVIDE DENTAL CARE TO HOMELESS VETERANS.

Subsection (b) of section 2062 of title 38, United States Code, is amended to read as follows:

“(a) **ELIGIBLE VETERANS.**—(1) Subsection (a) applies to a veteran who—

“(A) is enrolled for care under section 1705(a) of this title; and

“(B) for a period of 60 consecutive days, is receiving—

“(i) assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)); or

“(ii) care (directly or by contract) in any of the following settings:

“(I) A domiciliary under section 1710 of this title.

“(II) A therapeutic residence under section 2032 of this title.

“(III) Community residential care coordinated by the Secretary under section 1730 of this title.

“(IV) A setting for which the Secretary provides funds for a grant and per diem provider.

“(2) For purposes of paragraph (1), in determining whether a veteran has received assistance or care for a period of 60 consecutive days, the Secretary may disregard breaks in the continuity of assistance or care for which the veteran is not responsible.”.

SEC. 8. EXTENSIONS OF AUTHORITIES AND PROGRAMS AFFECTING HOMELESS VETERANS.

(a) **COMPREHENSIVE SERVICE PROGRAMS.**—Section 2013 of title 38, United States Code, is amended by striking paragraph (5) and inserting the following new paragraphs:

“(5) \$250,000,000 for fiscal year 2013.

“(6) \$150,000,000 for fiscal year 2014 and each subsequent fiscal year.”.

(b) **HOMELESS VETERANS REINTEGRATION PROGRAMS.**—Section 2021(e)(1)(F) of such title is amended by striking “2012” and inserting “2013”.

(c) **OUTREACH, CARE, TREATMENT, REHABILITATION, AND THERAPEUTIC TRANSITIONAL HOUSING FOR VETERANS SUFFERING FROM SERIOUS MENTAL ILLNESS.**—Section 2031(b) of such title is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

(d) **PROGRAM TO EXPAND AND IMPROVE PROVISION OF BENEFITS AND SERVICES BY DEPARTMENT OF VETERANS AFFAIRS TO HOMELESS VETERANS.**—Section 2033(d) of such title is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

(e) **HOUSING ASSISTANCE FOR HOMELESS VETERANS.**—Section 2041(c) of such title is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(f) **FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.**—Section 2044(e)(1) of such title is amended by adding at the end the following new subparagraph:

“(E) \$300,000,000 for fiscal year 2013.”.

(g) **GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.**—Section 2061(c)(1) of such title is amended by striking “through 2012” and inserting “through 2015”.

(h) **ADVISORY COMMITTEE ON HOMELESS VETERANS.**—Section 2066(d) of such title is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 495—DESIGNATING THE PERIOD BEGINNING ON JUNE 17, 2012, AND ENDING ON JUNE 23, 2012, AS “POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK”, AND RAISING AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND THE IMPACT SUCH DISEASE HAS ON PATIENTS

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas polycystic kidney disease, known as “PKD”, is a life-threatening genetic disease, affecting newborns, children, and adults regardless of sex, age, race, geography, income, or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), and autosomal recessive (ARPKD), a rare form frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number 1 genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 17, 2012, and ending on June 23, 2012, as “Polycystic Kidney Disease Awareness Week”;

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support

Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2439. Mr. DURBIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2440. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2441. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2442. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2443. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2444. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2445. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2446. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2172 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2447. Mr. BEGICH (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2448. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2347 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2449. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2348 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2450. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2294 submitted by Mr. UDALL of Colorado (for himself and Mr. BENNET) and intended to be proposed to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2451. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2452. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2453. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2454. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2455. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2456. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2457. Mr. WARNER (for himself, Mrs. SHAHEEN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2458. Ms. STABENOW (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 488, commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to extinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine.

TEXT OF AMENDMENTS

SA 2439. Mr. DURBIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

“(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)).

“(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) APPLICATION.—

“(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Government Accountability Office, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the level of coverage purchased by participating producers;

“(IV) the amount of premiums paid by participating producers and the Federal Government;

“(V) any potential liability for participating producers, approved insurance providers, and the Federal Government;

“(VI) different crops or growing regions;

“(VII) program rating structures;

“(VIII) creation of schemes or devices to evade the impact of the limitation; and

“(IX) administrative and operating expenses paid to approved insurance providers and underwriting gains and loss for the Federal government and approved insurance providers.

“(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) significantly increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the crop insurance coverage available to producers; and

“(III) increase the total cost of the Federal crop insurance program.”.

SA 2440. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5102 and insert the following:

SEC. 5102. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

(A) IN GENERAL.—The first sentence of Public Law 91-229 (25 U.S.C. 488) is amended—

(1) in subsection (a), in the first sentence, by striking “loans from” and all that follows through “1929” and inserting “direct loans in a manner consistent with direct loans pursuant to chapter 4 of subtitle A of the Consolidated Farm and Rural Development Act”;

(2) in subsection (b)(1)—

(A) by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))”; and

(B) by inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section” before the period at the end; and

(3) by adding at the end the following:

“(c) CONSULTATION REQUIRED.—In determining regulations and procedures to define eligible purchasers of highly fractionated land under this section, the Secretary of Agriculture shall consult with the Secretary of the Interior.”.

(b) RELATIONSHIP TO OTHER AMENDMENT.—Section 6002 is amended by striking subsection (bb).

SA 2441. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3915 of the Consolidated Farm and Rural Development Act (as added by section 6001) and all that follows through section 6002(c), and insert the following:

“SEC. 3915. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PROGRAM.—The term ‘eligible program’ means a program administered by the Secretary and authorized in—

“(A) this Act;

“(B) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); or

“(C) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

“(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term ‘substantially underserved trust area’ means a community in ‘trust land’ (as defined in section 3765 of title 38, United States Code).

“(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

“(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

“(1) may make available from loan or loan guarantee programs administered by the Secretary to qualified entities or applicants financing with an interest rate as low as 2 percent and with extended repayment terms;

“(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Secretary to facilitate the construction, acquisition, or improvement of infrastructure, or for other purposes;

“(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

“(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

“(d) ELIGIBILITY OF TRUST LAND FOR ELIGIBLE PROGRAMS.—For purposes of eligibility for eligible programs, trust land (as defined in section 3765 of title 38, United States Code) shall be considered by the Secretary to be a rural area.

“(e) REPORT.—Each year, the Secretary shall submit to Congress a report that describes—

“(1) the progress of the initiative implemented under subsection (b); and

“(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.

“SEC. 3916. REGULATIONS.

“The Secretary may issue such regulations, prescribe such terms and conditions for making or guaranteeing loans, security instruments, and agreements, except as otherwise specified in this title, and make such delegations of authority as the Secretary considers necessary to carry out this title.”.

SEC. 6002. CONFORMING AMENDMENTS.

(a) Section 17(c) of the Rural Electrification Act of 1936 (7 U.S.C. 917(c)) is amended by striking paragraph (1) and inserting the following:

“(1) Subtitle B of the Consolidated Farm and Rural Development Act.”.

(b) Section 305(c)(2)(B)(i)(I) of the Rural Electrification Act of 1936 (7 U.S.C. 935(c)(2)(B)(i)(I)) is amended by striking “section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A))” and inserting “section 3701(b)(2) of the Consolidated Farm and Rural Development Act”.

(c) Section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f) is repealed.

SA 2442. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3201 of the Consolidated Farm and Rural Development Act (as added by section 5001), add the following:

“(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY FOODS FOR THE HUNGRY.—

“(1) DEFINITION OF GLEANER.—In this subsection, the term ‘gleaner’ means an entity that—

“(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

“(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

“(2) PROGRAM.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, within the operating loan program established under this chapter, a pilot program under which the Secretary makes loans available to eligible entities to assist the entities in providing food to the hungry.

“(3) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive loans under this subsection.

“(4) LOAN AMOUNT.—

“(A) IN GENERAL.—Each loan issued under the program shall be in an amount of not less than \$500 and not more than \$5,000.

“(B) REDISTRIBUTION.—If the eligible recipients in a State do not use the full allocation of loans that are available to eligible recipients in the State under this subsection, the Secretary may use any unused amounts to make loans available to eligible entities in other States in accordance with this subsection.

“(5) LOAN PROCESSING.—

“(A) IN GENERAL.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

“(B) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

“(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

“(7) PROGRAM INTEGRITY.—The Secretary shall take such actions as are necessary to ensure the integrity of the program established under this subsection.

“(8) MAXIMUM AMOUNT.—Of funds that are made available to carry out this chapter, the Secretary shall use to carry out this subsection a total amount of not more than \$500,000.

“(9) REPORT.—Not later than 180 days after the maximum amount of funds are used to carry out this subsection under paragraph (8), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program and the feasibility of expanding the program.

SA 2443. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 7408, strike “(2) in subsection (h)—” and insert the following:

(2) by redesignating subsection (h) as subsection (i);

(3) by inserting after subsection (g) the following:

“(h) STATE GRANTS.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) an agency of a State or political subdivision of a State;

“(B) a national, State, or regional organization of agricultural producers; and

“(C) any other entity determined appropriate by the Secretary.

“(2) GRANTS.—The Secretary shall use such sums as are necessary of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.”; and

(4) in subsection (i) (as redesignated by paragraph (2))—

SA 2444. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title I, add the following:

SEC. 1463. STUDY ON FEDERAL MILK MARKETING ORDERS.

(a) IN GENERAL.—The Secretary shall conduct a study of the implications of the Federal milk marketing orders issued under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(b) REQUIREMENTS.—The study shall include—

(1) an analysis of the impact of—

(A) end product pricing on milk price volatility; and

(B) classified pricing and pooling on processing investment, competition, and dairy product innovation; and

(2) the feasibility of replacing end product pricing and moving toward a competitive pricing or mandatory price reporting system.

(c) FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.—The Secretary may use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1726) or documents of the Commission, to conduct all or part of the study required by this section.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this section, including any recommendations.

SA 2445. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 574, between lines 11 and 12, insert the following:

“(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection \$12,500,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 606, between lines 4 and 5, insert the following:

“(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph \$3,750,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 782, between lines 14 and 15 and insert the following:

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, beginning in fiscal year 2014, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$50,000,000, to remain available until expended.

On page 832, line 6, strike “\$50,000,000 for fiscal year 2013” and insert “\$17,000,000 for each of fiscal years 2013 through 2017”.

SA 2446. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2172 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

“(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

“(A) technology;

“(B) improvements in administration and distribution; and

“(C) actions to prevent fraud, waste, and abuse.”.

SA 2447. Mr. BEGICH (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

After section 11023, insert the following:

SEC. 11024. DISCLOSURE IN THE PUBLIC INTEREST.

Section 502(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D) respectively; and

(2) by inserting before subparagraph (C) (as so redesignated) the following:

“(A) DISCLOSURE IN THE PUBLIC INTEREST.—Notwithstanding paragraph (1) or any other provision of law, except as provided in subparagraph (B), the Secretary shall on an annual basis make available to the public—

“(i)(I) the name of each individual or entity who obtained a federally subsidized crop

insurance, livestock, or forage policy or plan of insurance during the previous fiscal year;

“(II) the amount of premium subsidy received by the individual or entity from the Corporation; and

“(III) the amount of any Federal portion of indemnities paid in the event of a loss during that fiscal year for each policy associated with that individual or entity; and

“(ii) for each private insurance provider, by name—

“(I) the underwriting gains earned through participation in the federally subsidized crop insurance program; and

“(II) the amount paid under this subtitle for—

“(aa) administrative and operating expenses;

“(bb) any Federal portion of indemnities and reinsurance; and

“(cc) any other purpose.

“(B) LIMITATION.—The Secretary shall not disclose information pertaining to individuals and entities covered by a catastrophic risk protection plan offered under section 508(b).”.

SA 2448. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2347 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 122 . . . GRAZING PERMITS AND LEASES.

(a) TERMS OF GRAZING PERMITS AND LEASES.—Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) in subsection (b)—

(A) by striking “or” at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

(b) RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING OF GRAZING PERMITS AND LEASES.

“(a) DEFINITIONS.—In this section:

“(1) CURRENT GRAZING MANAGEMENT.—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior,

or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 5801);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

“(c) TERMS; CONDITIONS.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) CANCELLATION; SUSPENSION; MODIFICATION.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) RENEWAL, TRANSFER, OR REISSUANCE AFTER PROCESSING.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at the sole discretion of the Secretary concerned, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

SA 2449. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2348 submitted by Mr. NELSON of Nebraska and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs

through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 122. GRAZING PERMITS AND LEASES.

(a) **TERMS OF GRAZING PERMITS AND LEASES.**—Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) in subsection (b)—

(A) by striking “or” at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

(b) **RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.**—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING OF GRAZING PERMITS AND LEASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **CURRENT GRAZING MANAGEMENT.**—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) **SECRETARY CONCERNED.**—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) **RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.**—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 5801);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

“(c) **TERMS; CONDITIONS.**—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) **CANCELLATION; SUSPENSION; MODIFICATION.**—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) **RENEWAL, TRANSFER, OR REISSUANCE AFTER PROCESSING.**—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that

is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at the sole discretion of the Secretary concerned, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) **PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.**—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) **NEPA EXEMPTIONS.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

SA 2450. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2294 submitted by Mr. UDALL of Colorado (for himself and Mr. BENNET) and intended to be proposed to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8303. COOPERATIVE AGREEMENTS FOR FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION SERVICES.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE STATE.**—The term “eligible State” means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) **STATE FORESTER.**—The term “State forester” means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) **COOPERATIVE AGREEMENTS AND CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and water-

shed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State.

(2) **AUTHORIZED SERVICES.**—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) **STATE AS AGENT.**—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) **SUBCONTRACTS.**—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) **TIMBER SALES.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) **RETENTION OF NEPA RESPONSIBILITIES.**—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) **APPLICABLE LAW.**—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

SA 2451. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4. QUALITY CONTROL BONUSES.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”; and

(B) in the first sentence of paragraph (5), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”;

(2) by striking subsection (d); and

(3) in subsection (i)(1), by striking “subsection (d)(1)” and inserting “subsection (c)(2)”.

On page 337, line 8, strike “\$28,000,000” and insert “\$71,000,000”.

On page 337, line 10, strike “\$24,000,000” and insert “\$67,000,000”.

On page 337, line 12, strike “\$20,000,000” and insert “\$63,000,000”.

On page 337, line 14, strike “\$18,000,000” and insert “\$61,000,000”.

On page 337, line 16, strike “\$10,000,000” and insert “\$53,000,000”.

SA 2452. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR CERTAIN DWELLINGS IN THE STATE OF ALASKA.

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

“(4) Notwithstanding any other provision of law, the Secretary may not deny an application for a loan under this section with respect to a dwelling in the United States solely on the basis that the application relates to a dwelling with an alternative water supply system (including a catchment, holding tank, or cistern system), if the Secretary determines that it is not feasible for the dwelling to obtain potable water from a conventional water supply system.”.

SA 2453. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1006, between lines 21 and 22, insert the following:

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).”.

SA 2454. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

(a) IN GENERAL.—No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

(b) NATIONAL INTEREST WAIVER.—The President may waive subsection (a) if the President determines and certifies to the Committees on Agriculture, Nutrition, and Forestry and Foreign Relations of the Senate and the Committees on Agriculture and

Foreign Affairs of the House of Representatives that the waiver is in the national interest of the United States.

SA 2455. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPORT ON EFFECTS OF DEFENSE AND NONDEFENSE BUDGET SEQUESTRATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to raise an equivalent level of savings between 2013 and 2021.

(2) These savings are in addition to \$900,000,000,000 in deficit reduction resulting from discretionary spending limits established by the Budget Control Act of 2011.

(b) REPORT.—

(1) IN GENERAL.—As soon as practicable, the Office of Management and Budget shall submit to Congress a detailed report on the impact of the sequestration required to be ordered by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) For discretionary appropriations an estimate for the defense and nondefense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction.

(B) For direct spending an estimate for the defense and nondefense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction.

(C) Any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as homeland security, food safety, and air traffic control activities.

SA 2456. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On p. 1009, after line 11, add the following:

SEC. 122 ____ . REQUIREMENTS FOR AERIAL OVERFLIGHTS OF AGRICULTURAL OPERATIONS TO PROTECT PUBLIC HEALTH AND SAFETY.

The Administrator of the Environmental Protection Agency, pursuant to her responsibility to protect public health and safety, shall only conduct aerial overflights to inspect agricultural operations if the EPA Administrator determines that aerial overflights are more cost-effective than ground inspections to the taxpayer and the Agency has notified the appropriate State officials of such flights.

SA 2457. Mr. WARNER (for himself, Mrs. SHAHEEN, and Mr. KIRK) submitted an amendment intended to be proposed

by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6104 and insert the following:

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking “loans and” and inserting “grants, loans, and”;

(2) in subsection (b), by striking paragraph (3) and inserting the following:

“(3) RURAL AREA.—The term ‘rural area’ means any area described in section 3002 of the Consolidated Farm and Rural Development Act.”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “LOANS AND” and inserting “GRANTS, LOANS, AND”;

(B) in paragraph (1), by inserting “make grants and” after “Secretary shall”;

(C) by striking paragraph (2) and inserting the following:

“(2) PRIORITY.—

“(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

“(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

“(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

“(I) certified by the affected community, city, county, or designee; or

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable; and

“(iii) give a higher priority to applicants that have not previously received grants, loans, or loan guarantees under paragraph (1) and that are seeking to build out unserved areas or to upgrade rural households to the minimum acceptable level of broadband service established under subsection (e).

“(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

“(i) with a population of less than 20,000 permanent residents;

“(ii) experiencing outmigration;

“(iii) with a high percentage of low-income residents; and

“(iv) that are isolated from other significant population centers.”; and

(D) by adding at the end the following:

“(3) GRANT AMOUNTS.—

“(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

“(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50

percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;
 “(ii) low community populations;
 “(iii) low income levels;
 “(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—
 “(I) State, local, and tribal governments;
 “(II) nonprofit institutions;
 “(III) institutions of higher education;
 “(IV) private entities; and
 “(V) philanthropic organizations; and
 “(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

“(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant).”;

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking “loan or” and inserting “grant, loan, or”;

(ii) by striking clause (i) and inserting the following:

“(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e).”;

(iii) in clause (ii), by striking “a loan application” and inserting “an application”;

and

(iv) in clause (iii)—

(i) by striking “the loan application” and inserting “the application”;

(II) by striking “proceeds from the loan made or guaranteed under this section are” and inserting “assistance under this section is”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(i) in the matter preceding clause (i)—
 (aa) by striking “the proceeds of a loan made or guaranteed” and inserting “assistance”;

(bb) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”;

(II) in clause (i), by striking “is offered broadband service by not more than 1 incumbent service provider” and inserting “are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).”;

(III) in clause (ii), by striking “3” and inserting “2”;

(ii) by striking subparagraph (B) and inserting the following:

“(B) ADJUSTMENTS.—

“(i) INCREASE.—The Secretary may increase the household percentage requirement under subparagraph (A)(i) if—

“(I) more than 25 percent of the costs of the project are funded by grants made under this section; or

“(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000.

“(ii) REDUCTION.—The Secretary may reduce the household percentage requirement under subparagraph (A)(i)—

“(I) to not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people; or

“(II) to not less than 18 percent, if the proposed service territory does not have a population in excess of 7,500 people.”; and

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking “3” and inserting “2”; and

(II) in clause (i), by inserting “the minimum acceptable level of broadband service established under subsection (e) in” after “service to”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “loan or” and inserting “grant, loan, or”;

(ii) in subparagraph (B), by adding at the end the following:

“(iii) INFORMATION.—Information submitted under this subparagraph shall be—

“(I) certified by the affected community, city, county, or designee; and

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable.”;

(D) in paragraph (4)—

(i) by striking “Subject to paragraph (1),” and inserting the following:

“(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),”;

(ii) by striking “loan or” and inserting “grant, loan, or”;

(iii) by adding at the end the following:

“(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).”;

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “loan or” and inserting “grant, loan, or”;

(ii) in subparagraph (C), by inserting “, and proportion relative to the service territory,” after “estimated number”;

(F) in paragraph (6), by striking “loan or” and inserting “grant, loan, or”;

(G) in paragraph (7), by striking “a loan application” and inserting “an application”;

and

(H) by adding at the end the following:

“(8) TRANSPARENCY AND REPORTING.—The Secretary—

“(A) shall require any entity receiving assistance under this section to submit quarterly, in a format specified by the Secretary, a report that describes—

“(i) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

“(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—

“(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

“(II) the speed of broadband service;

“(III) the price of broadband service;

“(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

“(V) any other metrics the Secretary determines to be appropriate;

“(B) shall maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains, at a minimum—

“(i) a list of each entity that has applied for assistance under this section;

“(ii) a description of each application, including the status of each application;

“(iii) for each entity receiving assistance under this section—

“(I) the name of the entity;

“(II) the type of assistance being received;

“(III) the purpose for which the entity is receiving the assistance; and

“(IV) each quarterly report submitted under subparagraph (A); and

“(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

“(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

“(i) recover funds from loan defaults;

“(ii)(I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

“(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

“(iii) consolidate and minimize overlap among the programs;

“(D) with respect to an application for assistance under this section, shall—

“(i) promptly post on the website of the Rural Utility Service—

“(I) an announcement that identifies—

“(aa) each applicant;

“(bb) the amount and type of support requested by each applicant; and

“(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

“(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

“(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

“(E) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.”;

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

“(A) a 4-Mbps downstream transmission capacity; and

“(B) a 1-Mbps upstream transmission capacity.

“(2) ADJUSTMENTS.—

“(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

“(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.”;

(6) in subsection (f), by striking “make a loan or loan guarantee” and inserting “provide assistance”;

(7) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient would be serving an area that is unserved; and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

(8) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking “loan and loan guarantee”;

(B) in paragraph (1)—

(i) by inserting “grants and” after “number of”; and

(ii) by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “loan”; and

(ii) in subparagraph (B), by striking “loans and” and inserting “grants, loans, and”;

(D) in paragraph (3), by striking “loan”;

(E) in paragraph (5), by striking “and” at the end;

(F) in paragraph (6), by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”; and

(9) by redesignating subsections (k) and (l) as subsections (1) and (m), respectively;

(10) by inserting after subsection (j) the following:

“(k) BROADBAND BUILDOUT DATA.—

“(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

“(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the ‘Administration’); and

“(B) not later than 30 days after the earlier of—

“(i) the date of completion of any project milestone established by the Secretary; or

“(ii) the date of completion of the project.

“(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

“(3) CORRECTIONS.—

“(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

“(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

“(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of making the grant or loan award decision.”;

(11) subsection (l) (as redesignated by paragraph (9))—

(A) in paragraph (1)—

(i) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(ii) by striking “2012” and inserting “2017”; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) set aside at least 1 percent to be used for—

“(I) conducting oversight under this section; and

“(II) implementing accountability measures and related activities authorized under this section.”; and

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking “loan or” and inserting “grant, loan, or”; and

(B) by striking “2012” and inserting “2017”.

SA 2458. Ms. STABENOW (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 488, commending the efforts of the firefighters and emergency response personnel of Maine, New Hampshire, Massachusetts, and Connecticut, who came together to ex-

tinguish the May 23, 2012, fire at Portsmouth Naval Shipyard in Kittery, Maine; as follows:

In the fourth whereas clause of the preamble, strike paragraph (18) and insert the following:

“(18) Newington Fire Department, New Hampshire;”.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, June 19, 2012, at 10 a.m. in SD-430 Dirksen Senate Office Building to conduct a hearing entitled “Forty Years and Counting: The Triumphs of Title IX.”

For further information regarding this meeting, please contact Libby Masiuk of the committee staff on (202) 224-5501.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, June 21, 2012, at 10 a.m. in SD-430 Dirksen Senate Office Building to conduct a hearing entitled “Olmstead Enforcement Update: Using the ADA to Promote Community Integration.”

For further information regarding this meeting, please contact Lee Perselay of the committee staff on (202) 228-3453.

COMMENDING THE FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL—USS “MIAMI” FIRE

Ms. STABENOW. Mr. President, notwithstanding the adoption of S. Res. 488 and the preamble thereto, I ask unanimous consent that a Snowe amendment to the preamble that is at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2458) was agreed to, as follows:

In the fourth whereas clause of the preamble, strike paragraph (18) and insert the following:

“(18) Newington Fire Department, New Hampshire;”.

NATIONAL DAY OF THE AMERICAN COWBOY

Ms. STABENOW. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 470.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 470) designating July 28, 2012, as "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 470) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 470

Whereas pioneering men and women, recognized as "cowboys", helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2012, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 495, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 495) designating the period beginning on June 17, 2012, and ending on June 23, 2012, as "Polycystic Kidney Dis-

ease Awareness Week," and raising awareness and understanding of polycystic kidney disease and the impact such disease has on patients.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KOHL. Mr. President, Senator HATCH and I submitted a resolution to increase awareness of Polycystic Kidney Disease, PKD, a life-threatening genetic illness.

PKD is the most common genetic illness, and over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has reported the discovery of specific genes involved in the development of PKD, allowing for the development of clinical trials.

While scientists continue researching to find new treatments and cures for PKD, others are working to bring awareness. Every year, the PKD Foundation holds an annual fundraising walk for PKD. In Wisconsin, where over 11,000 patients are living with the disease, residents gather across the state to take part in this very special walk.

To support these efforts, I propose that Congress increase public awareness of the disease by designating the week of June 17 to 23 of this year as "National Polycystic Kidney Disease Awareness Week." We will be taking a positive step toward finding a cure for this disease by increasing awareness.

I trust that my colleagues will see how designating a week to this disease will help those afflicted by polycystic kidney disease, and I hope for my colleagues' full support of this important resolution.

Ms. STABENOW. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 495) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 495

Whereas polycystic kidney disease, known as "PKD", is a life-threatening genetic disease, affecting newborns, children, and adults regardless of sex, age, race, geography, income, or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), and autosomal recessive (ARPKD), a rare form frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number 1 genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 17, 2012, and ending on June 23, 2012, as "Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

ORDERS FOR TUESDAY, JUNE 19, 2012

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that following leader remarks, the next 2 hours be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; and that finally, at 2:15 p.m., the Senate resume consideration of S. 3240, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. STABENOW. This evening we reached agreement for consideration of amendments to the farm bill. There will be several rollcall votes beginning at 2:15 tomorrow in relation to the amendments to the farm bill. We will also begin consideration of S.J. Res. 37, a joint resolution of disapproval regarding boiler MACT.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Ms. STABENOW. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 9:05 p.m., adjourned until Tuesday, June 19, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 18, 2012:

THE JUDICIARY

MARY GEIGER LEWIS, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

HOUSE OF REPRESENTATIVES—Monday, June 18, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:
Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with many forces and interests demanding their attention.

In these days, give wisdom to all the Members that they might execute their responsibilities to the benefit of all Americans.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRESIDENT OBAMA CREATES MORE CHAOS AND UNCERTAINTY

(Mr. BURGESS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, on Friday, the administration showed it is less concerned with supporting policies that will put millions of unemployed Americans back to work and instead has decided to go in an entirely new direction. Unilateral changes in law that have been done for political expediency put individuals ahead of the 12.5 million people who have been seeking work for the past 3½ years.

Mr. Speaker, the administration has produced an executive order that is a political decision—purely political—and one that will continue to block opportunities for American citizens trying to find employment.

Prosecutorial discretion is what we heard this was. This is not prosecutorial discretion. Prosecutorial discretion means you decide whether or not to prosecute an individual for a crime they may or may not have committed. What this is is new policy, new policy that is being implemented by the administration unilaterally—no respect for the people's House, no respect for the United States Congress, no respect for the legislative branch. Instead, prosecutorial discretion now has morphed into, well, we'll provide you a work permit good for 2 years that's renewable for 2 years.

This administration has a history of picking winners and losers. This time it's got to stop. This Congress needs to stand up to this administration starting today.

CHIEF IGNORER OF THE LAW

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker:

With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed.

Mr. Speaker, that was President Obama a year ago. But that was then and this is now.

On Friday, the administration issued an imperial decree, acting to unilaterally ignore portions of the immigration law of the land. Mr. Speaker, the last time I checked, it was Congress who makes law, not the President. And it is the job of the Executive to enforce laws, not ignore the ones he just doesn't like.

The President has no interest in fixing the broken immigration system.

Instead, he has decreed this temporary amnesty in hopes of winning votes in November. He doesn't like the constitutional process for law-making because it just gets in his way, so he acts like an emperor instead of a President.

It's time for the former constitutional professor to read the Constitution.

And that's just the way it is.

UNCERTAINTY DESTROYS JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in Wednesday's Washington Examiner, columnist John Stossel quoted Economist John B. Taylor of the Hoover Institution who stated:

Unpredictable economic policy—massive fiscal stimulus and ballooning debt, the Federal Reserve's quantitative easing with multiyear near-zero interest rates, and regulatory uncertainty due to ObamaCare and the Dodd-Frank financial reforms—is the main cause of persistent high unemployment and our feeble recovery.

Over the last 3 years, our economy has not improved, our unemployment rate has remained above 8 percent, our small business owners have been forced to pay higher taxes, and the government spending continues to spiral out of control. The President and his liberal allies in the Senate continue to support legislation that creates more barriers resulting in job loss. The President and the Senate should work with House Republicans and pass over 30 House bills that are aimed to create jobs through private sector growth.

In conclusion, God bless our troops; and we will never forget September the 11th in the global war on terrorism.

Best wishes for a speedy recovery for Earl Brown of Columbia.

SENATE SUGAR VOTE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I want to praise my colleague from Pennsylvania, Senator TOOMEY, for introducing an amendment to the farm bill to phase out the Federal sugar program. Though the Senate narrowly voted to table the amendment, it demonstrated that there is substantial bipartisan support to reform a program that hurts American job creators and consumers.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today's Wall Street Journal editorial entitled "A Tale of Two Conservatives" also praises Senator TOOMEY and calls out the Republicans who voted against this free-market amendment.

By some estimates, the Federal sugar program artificially doubles the price of sugar in the United States. While we protect sugar growers and processors, sugar users and consumers are at a severe disadvantage. American jobs have been lost as foreign competitors benefit from reduced prices for raw sugar.

The Department of Commerce estimates that sugar-using industries lost 112,000 jobs from 1997 to 2009. Here in the House, I'm working with DANNY DAVIS on a bipartisan amendment to the farm bill. I hope that when the Chamber considers reforming the farm bill, Democrats and Republicans can come together to protect jobs and stop the government from playing favorites.

PROTECT THE CONSTITUTION FROM WHITE HOUSE ATTACKS

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, last week Barack Obama unilaterally and unlawfully changed America's immigration law by ordering the Federal Government to accept illegal aliens' applications for work permits. I am deeply alarmed that America's President so blatantly undermines the rule of law.

Article I, section 1 of our Constitution states:

All legislative powers herein granted shall be vested in a Congress of the United States.

Article I, section 8 states:

The Congress shall have the power to regulate commerce and to establish a uniform rule of naturalization.

Article II defines executive branch power. It does not give any President the power to make his own laws. In America, we elect Presidents, not Caesars. The only way to change America's immigration law is as our Constitution demands, through Congress, not by imperial decree. In America, no one, not even the President, is above the law. I urge Congress and all law-abiding Americans to protect our Constitution from White House attacks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to avoid personal references toward the President of the United States.

ELECTRIC COOPERATIVE YOUTH TOUR

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to recognize the more than 1,500 youth from across America

visiting our Nation's capital this week to participate in the 48th annual Electric Cooperative Youth Tour. These high school juniors and seniors are attending meetings with their Senators and Representatives, watching floor action from the respective galleries, and visiting museums and memorials dedicated to our country's rich past.

I personally look forward to meeting with the 18 participating students from Nebraska and urge my colleagues to take time this week to meet with youth from their States as well. These students are part of a great tradition. Every June, for the past 48 years, more than 50,000 young citizens and future leaders have come to Washington, D.C., with the help of their electric cooperatives. Electric Cooperative Youth Tour alumni are now engaged at many levels of government as well.

I want to once again applaud these young people and thank participating electric cooperatives and rural electric associations for sponsoring these programs to instill lessons of citizenship in the next generation.

□ 1410

RECOGNIZING THE OUTSTANDING CAREER OF DR. JOHN W. BECHER

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Mr. Speaker, I rise today to recognize the outstanding career of Dr. John W. Becher, or "Chief" as he was called by scores of medical residents, an osteopathic physician who has dedicated his life to his patients, his students, and to the improvement of the medical profession.

Dr. Becher's commitment to the field of emergency medicine spans more than 30 years. As professor and chairman of the Department of Emergency Medicine at the Philadelphia College of Osteopathic Medicine, he has helped countless students and residents, myself included, develop their skills and become an essential part of our health care workforce.

As a young resident at Albert Einstein Medical Center, I was fortunate to have Dr. Becher's insight and guidance as my residency director. His dedication to emergency medicine was evident then, and his understanding of the osteopathic profession was invaluable to my training and to my career.

His involvement in the field of osteopathic medicine is unparalleled. In addition to his work at PCOM, he currently serves as the secretary treasurer of the National Board of Osteopathic Medical Examiners and is a member of the board of trustees for the American Osteopathic Association.

He was a member of the editorial board of the Journal of the American Osteopathic Association for nearly 20

years, and he is the past president of the American College of Osteopathic Emergency Physicians—and these are only some of his accomplishments. His never-ending contributions and service to his profession and his patients have rightly been recognized, most recently by the awarding of the O.J. Snyder Memorial Medal.

Dr. Becher's lifelong commitment to patient care and to the excellence of future physicians serves as a powerful legacy to the field of emergency medicine. I consider myself fortunate to have learned under his leadership, and it is an honor to recognize his achievements.

Chief, my sincere congratulations on your well-deserved retirement.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 15, 2012 at 10:20 a.m.:

That the Senate passed without amendment H. Con. Res. 128.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1601

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 4 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

OMNIBUS INDIAN ADVANCEMENT ACT AMENDMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1556) to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND USE.

Section 824(a) of the Omnibus Indian Advancement Act (Public Law 106-568) is amended to read as follows:

“(a) LIMITATION FOR EDUCATIONAL, HEALTH, CULTURAL, AND ECONOMIC DEVELOPMENT PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School and economic development projects that provide funding for such purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The Santa Fe Indian School in Santa Fe, New Mexico, established in the late 1800s, is a Federal off-reservation boarding school for the 19 pueblo governors of New Mexico. On December 20, 2000, Public Law 106-568 transferred 115 acres of property to the school with certain limitations. H.R. 1556 would allow the Santa Fe Indian School to use its 115 acres of land for economic development. The bill will retain the prohibition on Indian gaming on the transferred land.

I urge adoption of the measure, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Chairman HASTINGS, Chairman YOUNG, Ranking Member MARKEY, and Ranking Member BOREN for working with me in the Natural Resources Committee to help address the many issues impacting Indian Country and the tribes I represent in New Mexico. I also want to recognize the hard work of the

superintendent of Santa Fe Indian School and former governor of Kewa Pueblo, Everett Chavez, and former AIPC president and former NCAI president Joe Garcia on this bill. They worked with the pueblos and the All Indian Pueblo Council to support this legislation, which will help Santa Fe Indian School and New Mexico's 19 pueblos achieve educational sovereignty for Native American students across New Mexico.

Santa Fe Indian School and the 19 pueblos approached my office early last year seeking the introduction of a technical change to the Omnibus Indian Advancement Act to allow certain lands designated to the school to be used to generate income to provide funding for academic and cultural programs at the Indian school. Knowing the importance of what Santa Fe Indian School provides to Native American students in New Mexico, I was very interested in their approach to move toward true financial independence and educational sovereignty for Santa Fe Indian School and its students.

I want to point out the importance of sovereignty and what it means for our tribal brothers and sisters to be able to provide a quality education for their own children. Education is truly empowering, especially when Native American students are able to get an education that embraces their cultural and traditional identities—and that is the type of education Santa Fe Indian School provides.

I worked with Superintendent Chavez and Santa Fe Indian School to draft a bill that would make a technical amendment to allow the school to explore economic opportunities so that students at the Indian school can attain the best possible education and to be able to support their mission. Santa Fe Indian School provides a challenging, stimulating, and nurturing learning environment that shares educational responsibility with Native communities, parents, and students to develop the students' true potential to meet obligations to themselves and their tribal communities.

In this time of financial uncertainty and the limitations of the Federal Government to assist in Federal education programs, it is so important to give Santa Fe Indian School the tools they need to help their students receive a quality education regardless of the climate in Washington. H.R. 1556 would achieve that goal. I'm proud to be able to assist the Santa Fe Indian School in amending the Omnibus Indian Advancement Act to allow the school to achieve new heights in educating Native American students. This technical amendment will help make the school more self-sufficient and create greater opportunities for students attending the Indian School by ensuring the financial capability to maintain and ex-

pand the level of academic and cultural education for Native American students.

This is a commonsense bill that will help Native American students in New Mexico, and I urge the support of my colleagues. I thank the chairman for his support as well.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge adoption of the bill, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1556, which amends the Omnibus Indian Advancement Act to allow land taken into trust for the 19 Pueblos of New Mexico to be used to generate income to provide funding for academic programs and other purposes of the Santa Fe Indian School. I am proud to co-sponsor the Omnibus Indian Advancement Act, and I thank my colleague, Congressman LUJÁN for introducing this legislation.

As a member of the Native American Caucus, addressing the needs of Native Americans is of great importance to me. California is home to over one hundred federally recognized tribes and it is my belief that these tribes deserve the right to use land to fund academic programs for the advancement of their citizens.

This legislation will allow eligible tribes to promote self-determination and economic self-sufficiency by allowing the land taken into trust under section 823(a) to be used solely for the educational, health, or cultural purposes and economic development projects that provide funding for such purposes.

The Santa Fe Indian School has a Community-Based Education Program that is seen nationwide as a model of instructional innovation. The over 700 students that attend the Santa Fe Indian School, are able to participate in a constructive learning environment with new dormitories, new classrooms, and student activity centers. Santa Fe Indian School graduates are given an effectual education and past graduates have received over \$800,000 in scholarship assistance to schools such as Dartmouth, Georgetown, and Notre Dame. Not only are students of the Santa Fe Indian School able to enter into the competitive environment of college admissions, but students are also equipped with a knowledge to better understand the issues facing tribes in the Southwest to one day be able to return to these communities to contribute positively to the infrastructure that is necessary for continued growth.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1556 to allow Native American tribes the opportunity to continue to improve the educational programs and environment for these students. Native Americans should be afforded the opportunity to raise funds for their educational pursuits and become actively involved in the economic development and constructive use of their land.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1556.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

CLARIFICATION OF AUTHORITY GRANTED REGARDING DEFINING EXTERIOR BOUNDARY OF THE UINTAH AND OURAY INDIAN RESERVATION

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4027) to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF AUTHORITY.

The Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes", approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled "An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character" approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

"SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

"(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

"(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

"(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

"(B) 50 percent of any rental or other payments received by the State as consideration

for the lease or authorization to develop such mineral resources;

"(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

"(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

"(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

"(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

"(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

"(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

"(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

"(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

"(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

"(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

"(7) TERMINATION.—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4027 is a bipartisan bill that would clarify the boundaries of the Uintah and Ouray Indian Reservation as passed by the Hill Creek Extension of 1948. The bill would authorize Utah's School and Industrial Trust Land Administration to relinquish to the Ute Indian Tribe its subsurface mineral rights in exchange for subsurface rights to an equal number of acres of other land owned by the Federal Government. The exchange would allow the school trust fund and the tribe to explore additional oil and gas development that will help support Utah education and create jobs for the tribe while preserving more culturally sensitive land for the tribe.

I urge adoption of the resolution, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4027 clarifies existing law regarding the Federal Government's authority to permit land exchanges within the boundaries of the Ute Indian Reservation in northeastern Utah and resolves the tribe's split estate problem caused by Federal error over 50 years ago. This legislation returns the subsurface mineral estate to the Ute Tribe in a portion of its reservation that the tribe considers culturally and environmentally significant and thus preserves the area's pristine wilderness from development. The bill also benefits the State of Utah by opening up Federal minerals for development in an area of the tribe's reservation already being developed by the tribe's energy company.

Legislation that corrects a Federal error and satisfies both tribal and State interests, without cost to the Federal Government, does not come along very often. Mr. MATHESON is to be commended for his dedication in seeing this bill pass out of the House and for crafting a workable solution to a difficult problem.

I urge my colleagues to support H.R. 4027, and I reserve the balance of my time.

□ 1610

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise in support of H.R. 4027, a bill to authorize an acre-for-acre exchange of subsurface mineral lands within the Hill Creek Extension between the State of Utah and the United States on behalf of the Ute Tribe.

I really want to thank Chairman HASTINGS and his staff, and also subcommittee Chairman YOUNG and his staff, Ranking Member MARKEY and his

staff, and Ranking Member BOREN and his staff for their support in moving this bill through the Natural Resources Committee. And I would also like to thank my colleague from Utah (Mr. BISHOP) who is a cosponsor of the bill.

In the transaction authorized in this bill, the tribe would acquire certain State minerals in Grand County, Utah, and in exchange, the BLM would relinquish certain Federal lands in Uintah County, Utah, to the State.

This bipartisan bill would give the Bureau of Land Management the authority to approve this transaction that was first proposed several years ago. In order to fully protect State and Federal interests, this legislation reserves identical overriding financial interests in each other's exchanged lands should development occur. Often in the past, these land exchanges had challenges with appraisals and making sure everyone is treated fairly. This legislation tries to address that issue looking forward.

This bill is a win/win. It helps the tribe consolidate its management of land that is considered sacred and culturally significant, and at the same time, it allows for domestic energy development on land not considered environmentally sensitive that would provide more school trust fund revenue for Utah and employment for energy workers in the State as well.

This legislation has broad support from local government, including Grand, Duchesne, and Uintah Counties, the State of Utah, and the Ute Tribe as well as partner agencies. The Wilderness Society also testified in support of this legislation.

So I urge my colleagues to join me in passing this bill.

Mr. HASTINGS of Washington. I'm prepared to yield back if the gentleman has no more requests for time.

Mr. LUJÁN. Mr. Speaker, we thank the gentleman from Utah for his hard work, and I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge adoption, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 4027, which redefines the boundary of the Ute Indian Tribe of the Uintah and Ouray Reservation. I thank my colleague, Congressman MATHESON, for introducing this legislation.

This bill will authorize Utah to relinquish certain subsurface mineral lands for the benefit of the Ute Indian Tribe. Native American tribes deserve the opportunity to benefit from the natural resources available on their land.

The bill concurrently protects the interests of Utah, by requiring the State to reserve an overriding interest in the portion of the mineral estate that is being relinquished. This portion of the mineral lands is to be reserved for the benefit of the school trust.

Mr. Speaker, as a member of the Native American Caucus, I am proud to work with my colleagues in the House to continue to protect

the rights and interests of Native Americans around the country. As such, I urge my colleagues to join me in supporting H.R. 4027.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4027.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LAND GRANT PATENT MODIFICATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-516), the Secretary of the Interior, acting through the Bureau of Land Management, issued to the Great Lakes Shipwreck Historical Society located in Chippewa County of the State of Michigan United States Patent Number 61-98-0040 on September 23, 1998;

(2) United States Patent Number 61-98-0040 was recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan, on January 22, 1999, at Liber 757, on pages 115 through 118;

(3) in order to correct an error in United States Patent Number 61-98-0040, the Secretary issued a corrected patent, United States Patent Number 61-2000-0007, on March 10, 2000;

(4) after issuance of the corrected United States Patent Number 61-2000-0007, the original United States Patent Number 61-98-0040 was cancelled on the records of the Bureau of Land Management; and

(5) corrected United States Patent Number 61-2000-0007 should be modified in accordance with this Act—

(A) to effectuate—

(i) the Human Use/Natural Resource Plan for Whitefish Point, dated December 2002; and

(ii) the settlement agreement dated July 16, 2001, filed in Docket Number 2:00-CV-206 in the United States District Court for the Western District of Michigan; and

(B) to ensure a clear chain of title, recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

SEC. 2. MODIFICATION OF LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall modify the matter under the heading "Subject Also to the Following Conditions" of paragraph 6 of United States Patent Number 61-2000-0007 by striking "Whitefish Point Comprehensive Plan of October 1992 or for a gift shop" and inserting "Human

Use/Natural Resource Plan for Whitefish Point, dated December 2002".

(b) EFFECT.—Each other term of the conveyance relating to the property that is the subject of United States Patent Number 61-2000-0007, including each obligation to maintain the property in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.) and any other appropriate law (including regulations), and the obligation to use the property in a manner that does not impair or interfere with the conservation values of the property, shall remain in effect.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The modification of United States Patent Number 61-2000-0007 in accordance with section 2 shall become effective on the date of the recording of the modification in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

(b) ENDORSEMENT.—The Office of the Register of Deeds of Chippewa County of the State of Michigan is requested to endorse on the recorded copy of United States Patent Number 61-2000-0007 the fact that the Patent Number has been modified in accordance with this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 404 would simply modify a land patent that was issued by the Department of the Interior to the Great Lakes Shipwreck Historical Society in 1998 to reflect an agreement between the historical society, the Michigan Audubon Society, and the U.S. Fish & Wildlife Service.

The current land patent references an outdated 1992 Comprehensive Plan for Whitefish Point, a 43-acre spit of land surrounded by Lake Superior. The Michigan Audubon Society sued when this plan for development was proposed, and following a court-ordered settlement of the lawsuit, a new plan was negotiated in 2002. This bill would modify the land patent to appropriately reference the 2002 plan and finally allow for the development to go forward.

Congressman DAN BENISHEK, our colleague from Michigan, is the author of the companion House bill, H.R. 3411, and he should be commended for his commonsense approach to help manage this important tourism area in the Upper Peninsula of Michigan.

And with that, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 404 requires the Secretary of the Interior to modify a land grant patent in Chippewa County, Michigan. The patent, issued to the Michigan Audubon Society and the Great Lakes Shipwreck Historical Society, will be amended to allow for use and modification of the property to allow for new use plans.

We have no objection to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the author of the companion bill in the House of this legislation, the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Mr. Speaker, this evening the House will take up Senate bill S. 404, a bill authored by my colleague in the Senate, Senator CARL LEVIN. As you heard, I authored a companion bill in the House last November.

This bill will end a bureaucratic roadblock that has prevented the Great Lakes Shipwreck Museum from making improvements to its facility located in Chippewa County, Michigan, along the southern shore of Lake Superior. Only an act of Congress is able to correct an error in the land patent that was enacted in 1992.

From the bell of the Edmund Fitzgerald to the U.S. Coast Guard's Whitefish Point Lighthouse, the shipwreck museum's exhibits tell the story of brave men and women who have navigated the Great Lakes for hundreds of years.

This facility displays important parts of Northern Michigan's history. Each year, some 60,000 individuals visit the museum and explore firsthand the rich maritime traditions of Michigan's First District. Preserving Michigan's maritime history is a resource that both Senator LEVIN and I agree warrants enthusiastic bipartisan support for the benefit of future generations of visitors.

I want to thank Chairman HASTINGS for bringing this bill to the floor today, and I encourage all of my colleagues to support this measure and bring it one step closer to the President's desk.

Mr. LUJAN. Mr. Speaker, we have no other speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge adoption of S. 404, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 404.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ALTA, UTAH, CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 684) to provide for the conveyance of certain parcels of land in the town of Alta, Utah.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) DEFINITIONS.—In this Act:

(1) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means the parcels of National Forest System land that—

(A) are located—

(i) in sec. 5, T. 3 S., R. 3 E., Salt Lake meridian;

(ii) in, and adjacent to, parcels of land subject to special use permit SLC102708, the authority of which expires on December 30, 2026;

(iii) in the Wasatch-Cache National Forest in Salt Lake County, Utah; and

(iv) in the incorporated boundary of the town of Alta, Utah; and

(B) consist of approximately 2 acres (including appurtenances).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) TOWN.—The term "Town" means the town of Alta, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) MAXIMUM AREA.—The acreage of the National Forest System land determined under paragraph (1) may not exceed 2 acres.

(3) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary based on the best interests of the United States, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such

additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 684, introduced by Senator MIKE LEE of Utah, would address a pressing issue in the town of Alta, Utah.

Alta is a small ski town that currently operates most of its municipal infrastructure on land managed by the Wasatch-Cache National Forest under a multitude of special use permits. This legislation would convey this land—a maximum of 2 acres—to the town to provide for certainty, simplicity, and flexibility in maintaining its facilities.

I urge my colleagues to support this commonsense bill, and I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 684, sponsored by Senator MIKE LEE of Utah, provides for the conveyance of no more than 2 acres of land from the Wasatch-Cache National Forest to the town of Alta, Utah. The town of Alta has built two facilities for public use on this government property under a special use permit. The town will be paying for all survey costs.

We have no objections to this legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 684.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 997) to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “East Bench Irrigation District Water Contract Extension Act”.

SEC. 2. AUTHORITY TO EXTEND WATER CONTRACT.

The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14-06-600-3593, until the earlier of—

(1) the date that is 4 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

□ 1620

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 997, the East Bench Irrigation District Water Contract Extension Act, extends the water contract between the United States and the East Bench Irrigation District in southwestern Montana until December 31, 2013, or until a new contract can be executed.

This bill allows for the continued irrigation of 28,000 acres of land which is important to that area's economy. It also preserves the district's renewal rights while a local matter is adjudicated at the State level. The bill will

not influence the outcome of State actions.

S. 997 is supported by our colleague from Montana, Congressman DENNIS REHBERG, and by the administration. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 997 was introduced by Senator JON TESTER in May of last year and passed the Senate in November 2011.

As my colleague mentioned, S. 997 would extend the East Bench Irrigation District's water contract for 4 years pending a judicial ruling. The administration has testified in support of S. 997 because it would allow for water service to the district to continue and allows for contract renewal while the court confirmation process is given time to be completed.

We thank Senator JON TESTER for his leadership, and we have no objections to this legislation.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge adoption of the legislation, and I yield back the balance of my time.

Mr. REHBERG. Mr. Speaker, I rise today in support of S. 997, the East Bench Irrigation District Water Contract Extension.

Water and energy are pretty important to Montana, and as you may know, I've spent a lot of time working with the House Water and Power Subcommittee over the years on these issues. This time, though, there's something a little different. There's just something cool about working on a bill that starts with “S” instead of “H.R.”—I think I could get used to this!

I'm sure it's not lost on you that this legislation is sponsored by Senator JON TESTER, the Junior Senator from Montana. We're both Montanans and while there are certainly things we disagree about—President Obama's health reform and stimulus, protecting gun rights and government bailouts—even with all those differences, there are ways to find common ground.

An example of common ground is this legislation. S. 997 is a good idea, and it's one I hope my colleagues will vote in favor of.

The bill simply authorizes the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District in Beaverhead and Madison Counties in southwestern Montana. It has no impact on the federal budget.

The Clark Canyon Dam and Reservoir—owned and operated by the Bureau of Recreation—supplies irrigation water for 28,000 acres within the East Bench Irrigation District.

The operation is bound by a contract between the federal government and the District—a contract that expired on December 31, 2005. Since then, federal appropriations acts have extended the original contract for two year durations. S. 997 extends it again through the end of 2013.

I realize this sort of congressional contract extension isn't common, but in cases where

specific variables delay contract renewals, it's appropriate and necessary. In this case, the law requires Montana's 5th District Court to issue a decree before any new contract can be signed.

That decree has been delayed, so S. 997 provides the regional farmers and ranchers with necessary water certainty until at least 2014. Hopefully, by then, all parties will be ready to agree to a new long-term contract.

For dry land farmers and ranchers, water is our most precious resource. We have a lot of land—plenty of dirt between light bulbs—and our productivity is only constrained by our access to water. In Montana where we rely on water for drinking, irrigation, and energy.

It's vitally important we pass this bill to try to avoid needless disruptions in service. There is no conflict or objection to this “house-keeping” matter, and its importance to the many impacted farmers and ranchers cannot be over-emphasized. I have worked hard to extend the contract in the past and look forward to passing this critical legislation today. As I said, it's a good idea.

I'm here to do what's best for Montana, and a good idea is a good idea regardless of who gets credit. That's why I'm up here today.

This is a good bill, and I hope my colleagues will join me in voting in favor of its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 997.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

EXPRESSING REGRET FOR PASSAGE OF LAWS ADVERSELY AFFECTING THE CHINESE IN THE UNITED STATES

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 683) expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 683

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life;

Whereas the United States ratified the Burlingame Treaty on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and made China a “most favored nation”;

Whereas in 1878, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate

the Burlingame Treaty so Congress could limit Chinese immigration to the United States;

Whereas, on February 22, 1879, the House of Representatives passed the Fifteen Passenger Bill, which only permitted 15 Chinese passengers on any ship coming to the United States;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty;

Whereas, on May 9, 1881, the United States ratified the Angell Treaty, which allowed the United States to suspend, but not prohibit, immigration of Chinese laborers, declared that "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will," and reaffirmed that Chinese persons possessed "all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation";

Whereas the House of Representatives passed legislation that adversely affected Chinese persons in the United States and limited their civil rights, including—

(1) on March 23, 1882, the first Chinese Exclusion bill, which excluded for 20 years skilled and unskilled Chinese laborers and expressly denied Chinese persons alone the right to be naturalized as American citizens, and which was opposed by President Chester A. Arthur as incompatible with the terms and spirit of the Angell Treaty;

(2) on April 17, 1882, intending to address President Arthur's concerns, the House passed a new Chinese Exclusion bill, which prohibited Chinese workers from entering the United States for 10 years instead of 20, required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain "certificates of return," and prohibited courts from naturalizing Chinese individuals;

(3) on May 3, 1884, an expansion of the Chinese Exclusion Act, which applied it to all persons of Chinese descent, "whether subjects of China or any other foreign power";

(4) on September 3, 1888, the Scott Act, which prohibited legal Chinese laborers from reentering the United States and cancelled all previously issued "certificates of return," and which was later determined by the Supreme Court to have abrogated the Angell Treaty; and

(5) on April 4, 1892, the Geary Act, which reauthorized the Chinese Exclusion Act for another ten years, denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus, and contrary to customary legal standards regarding the presumption of innocence, authorized the deportation of Chinese persons who could not produce a certificate of residence unless they could establish residence through the testimony of "at least one credible white witness";

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for readmission to the United States of Chinese persons who were United States residents;

Whereas in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded only the residents of Chinese ancestry of these territories from entering the United States mainland;

Whereas, on April 29, 1902, as the Geary Act was expiring, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, to the extent consistent with Treaty commitments;

Whereas in 1904, after the Chinese government withdrew from the Gresham-Yang

Treaty, Congress permanently extended, "without modification, limitation, or condition," the prohibition on Chinese naturalization and immigration;

Whereas these Federal statutes enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom;

Whereas in an attempt to undermine the American-Chinese alliance during World War II, enemy forces used the Chinese exclusion legislation passed in Congress as evidence of anti-Chinese attitudes in the United States;

Whereas in 1943, in furtherance of American war objectives, at the urging of President Franklin D. Roosevelt, Congress repealed previously enacted legislation and permitted Chinese persons to become United States citizens;

Whereas Chinese-Americans continue to play a significant role in the success of the United States; and

Whereas the United States was founded on the principle that all persons are created equal: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGEMENT.

That the House of Representatives regrets the passage of legislation that adversely affected people of Chinese origin in the United States because of their ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed or relied on to authorize or support any claim, including but not limited to constitutionally based claims, claims for monetary compensation or claims for equitable relief against the United States or any other party, or serve as a settlement of any claim against the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 683 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentlewoman from California (Ms. CHU) for introducing H. Res. 683, expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

I know, through conversations with several of my colleagues, including the ranking member of the Foreign Relations Committee, Mr. BERMAN, that this is an important resolution for them and their constituents.

The resolution concerns laws passed by the House of Representatives that restricted the civil rights of certain in-

dividuals in the United States based solely on the ethnicity of those individuals. Specifically, during the late 19th and early 20th centuries, Congress passed, and Presidents signed, laws that restricted the rights of people of Chinese ethnicity.

For instance, in March 1882, the House of Representatives passed the initial Chinese Exclusion Act that denied Chinese people the right to be naturalized as American citizens. And in April 1892, the House of Representatives passed the Geary Act, which reauthorized the Chinese Exclusion Act for 10 years and denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus.

Laws that deny certain civil rights to individuals legally in the United States are inconsistent with the values on which this country was founded. I thank the gentlewoman from California for working with me to refine the text of this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 683. First, I want to thank Chairman LAMAR SMITH and Subcommittee Chair TRENT FRANKS of the Judiciary Committee for all their work on this resolution. I appreciate it so much.

We have come together across party lines to show that no matter what side of the aisle we sit on, Congress can make amends for the past, no matter how long ago those violations occurred. It is because we have worked together in a bipartisan way that we will make history today. Today, for the first time in 130 years, the House of Representatives will vote on a bill that expresses regret for the Chinese Exclusion Act of 1882, one of the most discriminatory acts in American history.

Over a century ago, the Chinese came here in search of a better life. During the California Gold Rush, the Chinese came to the United States to make something of themselves. Their blood, sweat, and tears built the first transcontinental railroad, connecting the people of our Nation. They opened our mines, constructed the levees, and became the backbone of farm production. Their efforts helped build America.

But as the economy soured in the 1870s, the Chinese became scapegoats. They were called racial slurs, were spat upon in the streets, and even brutally murdered. The harsh conditions they faced were evident in the Halls of Congress.

By the time 1882 came around, Members of Congress were competing with each other to get the most discriminatory law passed and routinely made speeches on the House floor against the so-called "Mongolian horde." Representative Albert Shelby Willis from Kentucky fought particularly hard for

a Chinese Exclusion Act. In his floor speech, he said the Chinese were an invading race. He called them aliens with sordid and unrepugnant habits. He declared that the Pacific States had been cursed with the evils of Chinese immigration and that they disturbed the peace and order of society.

□ 1640

The official House committee report accompanying the bill claimed that the Chinese "retain their distinctive peculiarities and characteristics, refusing to assimilate themselves to our institutions and remaining a separate and distinct class, entrenched behind immovable prejudices; that their ignorance or disregard of sanitary laws, as evidenced in their habits of life, breeds disease, pestilence and death."

So on April 17, 1882, under a simple suspension of the rules, the House passed the Chinese Exclusion Act. It prevented them from becoming naturalized citizens. It prevented them from ever having the right to vote. It also prevented the Chinese—and the Chinese alone—from immigrating.

But this was only the beginning.

As the years passed, the House built upon this act, increasing the discriminatory restrictions on the Chinese. Two years later, the House made clear that any ethnically Chinese laborer, even if he were not from China but from somewhere like Hong Kong or the Philippines, was banned from U.S. shores.

Four years later, the House passed the Scott Act. This bill prohibited all Chinese laborers from reentering the United States, if they ever left, even if they were legal residents in the U.S. and even if they had the certificates of return that should have guaranteed their right of return. This prevented approximately 20,000 legal U.S. residents who had gone abroad, including 600 on ships who were literally en route back to the United States, from returning to their families or their homes. With little floor debate, the Scott Act passed the House unanimously.

In 1892, when the Chinese Exclusion Act was set to expire, the House extended it for another decade, but it increased restrictions further. It made the Chinese the only residents who could not receive bail after applying for a writ of habeas corpus, that being to protest an unjust imprisonment. It made them the only people in America who had to carry papers, or certificates of residence, with them at all times. If they couldn't produce the proper documents, authorities threw them into prison or out of the country regardless of whether they were U.S. citizens or not. Legally, the only means by which this could be stopped is if a white person testified on their behalf.

In 1898, the U.S. annexed Hawaii and the Philippines, making them U.S. Territories; and while other residents of

the territories could come and go between their homes and the U.S., who did the House make sure to exclude? Only the Chinese.

Then, in 1904, the House made the Chinese Exclusion Act permanent. This act lasted for 60 long years. It was not until 1943 that this law was repealed, but it was only because of World War II, when the United States needed to maintain a critical military alliance with China. U.S. enemies were pointing to the Chinese Exclusion Act as proof that the U.S. was anti-Chinese, and the U.S. had to erase that perception. However, Congress made no formal acknowledgment that these laws were wrong. The Chinese Exclusion Act was the first and only Federal law in our history that excluded a single group of people from immigration on no basis other than its race, and the effects of this act produced deep scars on the Chinese American community.

Families were split apart permanently without the ability to naturalize as citizens and to vote. The community was disenfranchised. Because immigration had been so severely restricted, few women could come, and the ratio of males to females was as high as 20-1. Many Chinese American males could not have families and were forced to die completely alone. If they did try to marry, they were forced to go abroad, and families were separated.

The family of Jean Quan, mayor of Oakland, had been here legally since 1880. Her father went abroad to marry a woman in China in 1920, but had to leave her behind along with her children. When the Chinese Exclusion Act was repealed over 25 years later, his wife was finally able to come and have Jean in the United States, but the siblings did not know each other for decades.

The Chinese, like my grandfather, did not have the legal right to become naturalized citizens. He had been here legally since 1904, but unlike non-Chinese immigrants, he was forced to register and carry a certificate of residence at all times for almost 40 years or else be deported. He could only be saved if a white person vouched for him. These laws are why we ask for this expression of regret.

Last October, the U.S. Senate did its part to right history by passing its own resolution of regret for these hateful laws. It did so unanimously with bipartisan support. Today, the House should also issue its expression of regret. It is for my grandfather and for all Chinese Americans that we must pass this resolution, for those who were told for six decades by the U.S. Government that the land of the free wasn't open to them. We must finally and formally acknowledge these ugly laws that were incompatible with America's founding principles.

We must express the sincere regret that Chinese Americans deserve. By

doing so, we will acknowledge that discrimination has no place in our society, and we will reaffirm our strong commitment to preserving the civil rights and constitutional protections for all people of every color, every race, and from every background.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no other speakers on this side, so I reserve the balance of my time.

Ms. CHU. I yield 3 minutes to the gentleman from California, Representative MIKE HONDA.

Mr. HONDA. I, too, would like to add my thanks to the leadership, specifically to Chairman LAMAR SMITH.

Mr. Speaker, I rise today in support of H. Res. 683, a resolution expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the passage of the Chinese Exclusion Act.

A century and a half ago, the Chinese were used as cheap labor to do the most dangerous work—laying the tracks of our transcontinental railway and building the California delta levees. They strengthened our Nation's infrastructure only to be persecuted when their labor was seen as competition and when the dirtiest work was done.

In 1848, when gold fever spread across the Pacific Ocean, many thousands of young Chinese came in boats to Gold Mountain, to California.

In 1861 to 1865, there was waged a Civil War in this country. There were over 50 Chinese Americans who battled each other in this Civil War, a battle which went unnoticed.

In 1863, the construction of the transcontinental railway commenced. With the discovery of silver in Nevada in 1865, many of the white workers left the railroad to search for silver. To fill the labor shortage, Charles Crocker, one of the big four investors of the railroad and the man responsible for constructing the western portion of the railroad, began hiring Chinese immigrants. Crocker's famous justification was, They built the Great Wall of China, didn't they?

For the promise of \$25 to \$30 a month, the new workers endured long hours and harsh winters in the Sierra Nevada Mountains. While working in the Sierras, Chinese workers were hung in baskets, which were 2,000 feet above raging rivers, in order to blast into the impenetrable granite mountain, making way for laying the tracks. Once they bored holes and stuffed them with dynamite, they had to be pulled back up before the fuse exploded, endangering the lives of everyone on both ends of the rope; and sometimes these poor souls in the baskets were not drawn up safely because there was no faith in the timing of the fuse—hence the origin of the phrase: you ain't got a Chinaman's chance. By 1867, 90 percent of the workers were Chinese; and by 1869, over 11,000 workers were Chinese.

On the national historic site of the Golden Spike at Promontory, Utah, where on May 10, 1869, the final spike was driven, sits a plaque commemorating “the attainment and achievement of the great political objective of binding together by iron bonds the extremities of the continental United States, a rail link from ocean to ocean.” However, neither in Thomas Hill’s famous painting nor in the historical photos of “The Last Spike” are the faces of the 11,000 Chinese workers visible.

One wonders, where were these 11,000 workers? Perhaps they were given the day off on that day.

Though absent in these visual, historical depictions, the Chinese left an undeniable and indelible mark on the history of California and in the larger story of binding this country from ocean to ocean. Upon the railroad completion, the Chinese settled in the California delta to help with the levee construction, thus advancing California’s agricultural development.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CHU. I yield one more minute to the gentleman from California.

Mr. HONDA. The passage of anti-Chinese laws illustrates the xenophobic hysteria of this country’s shameful chapter of exclusion. We cannot vilify entire groups of people—we learned that—because it is politically or economically expedient.

□ 1650

The great thing about humanity is that we have the opportunity to learn from our mistakes.

In closing, Mr. Speaker, I’m pleased that this resolution is on the floor today. Acknowledging and addressing these injustices throughout our Nation’s history not only strengthens civil rights and civil justice, but doing so brings us closer to a more educated Nation and a more perfect union.

Ms. CHU. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa, Representative ENI FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Texas, the chairman of the Judiciary Committee, Mr. LAMAR SMITH, for his leadership and support of this legislation, as well as my good friend, Congressman CONYERS, the ranking member of the Judiciary Committee, for his support. I especially want to express my appreciation and thanks to the chairwoman of our congressional Asian Pacific Caucus, Ms. JUDY CHU, not only as the chief sponsor of this legislation but for her dynamic leadership in bringing this bill to the floor today.

Mr. Speaker, I rise in support of House Resolution 683, a resolution of regret for the Chinese Exclusion Act of 1882. The Chinese Exclusion Act was the first major law restricting immi-

gration to the United States to enforce a 10-year moratorium on Chinese immigrant laborers and denying naturalization to those who were already in the United States. Enacted on the premise that Chinese laborers “endangered the good order of certain localities,” the law was largely motivated by economic fears by our fellow Americans who felt that Chinese laborers were to blame for unemployment and the declining wages in the West.

Through the Geary Act of 1892, the Chinese Exclusion Act was extended for another 10 years before becoming permanent in 1902, and it was only repealed by the Magnuson Act of 1943, when China became an ally of the United States during World War II. Even then, the new law only allowed 105 Chinese immigrants per year, a much lower quota than immigrant quotas from other countries and regions of the world. Large-scale Chinese immigration was only finally allowed again with the Immigration Act of 1965, some 80 years after the Chinese Exclusion Act.

Like their counterparts from European countries, Chinese immigrants in the 19th century came to the United States in search of opportunities for a better life. Since the first wave of Chinese immigrants to the United States, the Chinese American community has contributed greatly to the development of our Nation, and it is a shame that these discriminatory practices and fear-based laws split up Chinese families and prevented them for decades from pursuing the American Dream. For example, Chinese laborers made up the majority of the Central Pacific railroad network workforce that connected the First Transcontinental Railroad through the Sierra Mountains into the Western States. Of course, that final spike was done in the State of Utah. The completion of the railroad—with the help of these Chinese laborers—would later mobilize other industries and pave the way for a more connected and prosperous America.

But the Chinese Exclusion Act, Mr. Speaker—the first law restricting entry of an ethnic working group—stifled Chinese immigrants’ ability to lend their skills to the betterment of our Nation and become a part of the American family.

Because this law was validated by leaders in our Nation, it gave credence to the underlying notion that certain groups did not deserve fair treatment in our Nation. The policy sent a clear message that Chinese immigrants were not qualified for the American Dream. Furthermore, it set a precedent for later policies against immigrant groups such as the National Origins Act of 1929, which barred Asian immigration, and our shameful policy of internment some 100,000 Americans born in the United States but who happened to be of Japanese ancestry.

This is one reason why I always admired our Nation, Mr. Speaker, and our form of democracy, and that is, it tries to correct its mistakes from the past. While our Nation has come a long way since this legislation was enacted 130 years ago, let us continually be reminded in our diverse country to uphold the founding principle of our Nation: that all men and women are to be treated equally and fairly under the law.

With that, I urge my colleagues to pass this bill.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Today is historic. This is a very significant day in the Chinese American community. It is an expression that discrimination has no place in our society and that the promise of equality is available to all.

This is only the fourth such apology in the last 25 years. In 1988, President Reagan signed the bill apologizing for the Japanese American interment during World War II. In 1993, Congress apologized to Hawaiians for the U.S.-led overthrow of their monarchy. In 2008, the House issued an apology to African Americans on behalf of the people of the United States for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow.

This bill was a huge undertaking, requiring the efforts of Chinese Americans and their supporters all across the Nation. Without the dedication of countless community organizations and grassroots advocates across the country, none of this would have happened.

I thank them, and I thank all the Congress Members from both sides of the aisle, including the 50 cosponsors of the bill and especially Chairman LAMAR SMITH, for their support.

With that, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in support of H. Res. 683, which expresses regret for a series of discriminatory laws passed between 1879 and 1904 that targeted individuals of Chinese descent in the United States, and yield myself as much time as I may consume.

I’d like to begin by thanking the gentlelady from California, Ms. CHU, for her leadership on this bipartisan resolution. To my friend, the Chairman of the Judiciary Committee, Mr. SMITH, thank you for your work on this resolution and for bringing it to the floor so quickly.

Beginning in 1879, Congress passed a series of discriminatory measures against the Chinese that restricted immigration and violated the civil rights of the Chinese living in the U.S.

At the height of Chinese immigration to the U.S. in the 19th and 20th centuries, many Chinese—like immigrants from other parts of the world—were searching for the opportunity to create a better life, driven by their hope that America could be their new promised land.

With the enactment of multiple Chinese Exclusion Acts, immigrants from China were denied the right to be naturalized as American citizens.

Six decades of anti-Chinese legislation resulted in the persecution and political alienation of persons of Chinese descent and legitimized racial discrimination, excluding them both from the democratic process and the American promise of freedom.

Chinese-Americans have since achieved prominence in all walks of American life. Though we may not be able to reverse the past, we can take action now.

By acknowledging and expressing regret for this bleak period in our history, we reaffirm our core principles of equality and justice upon which our country was founded.

Mr. Speaker, H. Res. 683 is an important demonstration of our bipartisan commitment to recognize the continued contributions of the Chinese-American community in the United States, and I urge my colleagues to support it.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 683, "Expressing the regret of the House of Representatives for the passages of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act." This resolution acknowledges the historical injustices against Chinese Americans, as reflected by a series of laws; however, with a particular emphasis on the Chinese Exclusion Act that which was first passed on March 23, 1882.

One hundred thirty years after the passage of the Chinese Exclusion Act and other such measures unjustly targeting individuals in the U.S. with Chinese heritage, it is necessary for Congress to take steps to right the wrongs that were placed on thousands of people by recognizing that discriminatory laws were passed that had a harmful effect on persons of Chinese descent here in the United States.

Just last year, I congratulated the Chinese American Citizens Alliance in Houston, Texas during their momentous 51st Biennial National Convention. This historical and highly respected organization was founded in response to the repressive 1882 Chinese Exclusion Act and other Federal and State laws that aimed to restrict and ostracize. This celebration highlights the organization's 116 years as the oldest Asian American civil rights organization, consciously commemorating its courageous founders by continuing to pioneer a pragmatic future.

Securing equal economic and political support, cultivating minds through the exchange of knowledge, defending American citizenship, and observing the practice of the principles of brotherly love and mutual help, are a few of this organization's highly beneficial practices.

These goals are achieved by the organization's eighteen affiliated chapters being highly decorated with individuals of significant achievement; including leaders in the legal, medical, educational, scientific, arts and literature as well as corporate, business, and entrepreneurial endeavors. These endeavors are also supported by Members of Congress who recognize the important contributions of Chinese Americans. Legislation like the one before us today serve as reminders of how important it is not to remember our past so that we do not repeat it.

The United States has always been a place where people from diverse backgrounds arrive in hopes of attaining better opportunity, seeking refuge to escape prosecution and provide a more fruitful lifestyle for their families, likewise in the 19th and 20th century many Chinese came to the United States for similar reasons, unfortunately they were not treated favorably.

With the passage of legislation that limited Chinese immigration such as the renegotiation of the Burlingame Treaty and the Fifteen Passenger Bill which only permitted 15 Chinese passengers on any ship coming to the United States, the Chinese in this country were directly affected by unequal treatment.

On a personal level I can relate to the plight of many Chinese Americans as they fought to be accepted in the United States. I am well aware of the United State's history of discrimination and the harmful impact such discrimination has upon our society as a whole. It is my belief that no one should be forced to endure inequality on the basis of their race, class, gender or religious belief.

It is necessary that measures are constantly taken to ensure that our past failures are acknowledged and not repeated. H.R. 683 demonstrates the regret felt by the House of Representatives for the passages of laws that targeted people of Chinese origin solely based upon their ethnicity.

The passage of this bill will make clear that we do not support those actions today. It is essential that we continue to aim for cultural acceptance and embrace the differences that make up the diversity of this country that sets us apart from any other nation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of H. Res. 683. This resolution expresses the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act. These laws discriminated against people of Chinese descent and blatantly contradicted our belief that all people are created equal.

Congress passed the Chinese Exclusion Act in 1882. The bill imposed a ten-year moratorium on immigration and naturalization of Chinese settlers. The law was expanded several times to apply to all persons of Chinese descent and each expansion imposed increasingly tougher restrictions on Chinese immigration and naturalization. As the resolution before us today states, the Chinese exclusion laws "enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom."

The United States Senate passed a similar resolution in October 2011. I believe passage of H. Res. 683 will be a historic acknowledgment by Congress of the injustice of the Chinese exclusion laws.

I am proud to cosponsor this resolution and I encourage my colleagues to support it.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of House Resolution 683. This resolution expresses the regret of the House of Representatives for laws that unfairly targeted the Chinese community in the United States, specifically the Chinese Exclusion Act.

I want to thank my good friend from California, Ms. CHU, for her hard work and determination in bringing this important resolution to

the floor, and I am proud to join her as the lead cosponsor of this historic effort.

America's strength has always been derived from our commitment to the principles of our founders. And although we do not always succeed in living up to those ideals, we continually strive to do so, and we become stronger in the process.

Today, we have the opportunity to take another important step by recognizing one of the great—yet often overlooked—injustices in our shared history.

One-hundred and thirty years ago, just thirteen years after the last spike was driven into the first transcontinental railroad, the Congress of the United States strayed from the path laid by our founders and implemented the Chinese Exclusion Act of 1882.

This ten-year ban on Chinese immigration and naturalization targeted Chinese immigrants for physical and political exclusion, and its passage was driven by an unfortunate mix of racism, jingoism, and intolerance.

In subsequent years, Congress expanded and hardened these laws, making it impossible for legal Chinese workers to reenter America, apply for citizenship, and reunite with their families. And it wasn't until the U.S.-Chinese alliance of World War Two that Congress finally repealed these laws and restored the rights of Chinese-Americans.

Since that time, this body has passed many reforms. Yet, over 100 years later, this chamber has yet to acknowledge its own misguided actions. Today, we have the opportunity to do just that and reaffirm our shared commitment to equality.

Mr. Speaker, I also would like to thank Linda Yang, the Director of the Xilin [SI-LIN] Asian Community Center in Naperville, Illinois, whose advice and input has helped to drive this resolution to the floor.

It was she who told me about the individuals in our own community whose parents and grandparents were impacted by the Chinese Exclusion Act.

Unfortunately, many of these victims are no longer with us. But for those who remain, it is critical to address this issue now, before the opportunity is lost forever.

With that in mind, I urge all of my colleagues to support this important resolution. Through it, let us acknowledge the past, express our regret, and promote a greater appreciation for the challenges that past generations of Chinese Americans have bravely overcome.

Mr. BLUMENAUER. Mr. Speaker, I strongly support passage of H. Res. 683, an overdue and needed resolution that expresses the regret of the House for passing laws that targeted Chinese in the United States, including the Chinese Exclusion Act. A previous commitment has prevented me from being present to vote in support of H. Res. 683 today, but had been present, I most certainly would have voted for the Resolution, adding my voice to the Sense of the House of Representatives in expressing regret for the unconscionable Chinese Exclusion Act of 1882.

That Act stands as an example of the intolerance against which Americans must constantly fight to achieve the ideals on which our nation was founded. We can't ignore our country's history of exclusion and discrimination based on identity and country of origin.

But today, the House's expression of regret for the past and apology to Chinese Americans is an important milestone in our nation's ongoing moral journey. This resolution, insufficient to repair the historical harm caused by such laws, does serve to recognize past wrongs and to remind us of our continuing work ensuring inclusion and equality for all.

While I could not be present to add my solemn support to the votes in favor of the resolution, I wish to express my regret for this historical legislation. I join my fellow members of the House of Representatives in recognition of the immense contribution of Chinese-Americans to the success of the United States historically and today, and affirm my commitment to securing the rights of all who call America home.

Ms. McCOLLUM. Mr. Speaker, I rise in strong support of H. Res. 683, expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

In 1882, the U.S. Congress passed the Chinese Exclusion Act to prohibit people of Chinese descent from immigrating to the U.S. and becoming naturalized citizens. While the Chinese Exclusion Act was finally repealed in 1943, severe restrictions on Chinese immigration continued until the Immigration Act of 1965.

For sixty years of our history, America closed its doors to the Chinese people. During this period, Chinese immigrants already living in the United States were prevented from becoming citizens, regardless of how long they had called this country home. This official discrimination by the government of the United States against people of Chinese descent was deeply wrong and a fundamental violation of America's principles of equality and justice.

The pain caused by the Chinese Exclusion Act and other discriminatory policies cannot be undone. Still, Members of Congress have an obligation to recognize these injustices as a means of apology to all Chinese-Americans. Today, one hundred and thirty years after passage of the Chinese Exclusion Act, Congress is voting to express our regret on behalf of the American people. May this action also strengthen the resolve of this body to protect and defend the civil rights of all peoples, in all times.

I urge all of my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, House Resolution 683.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COUNTERFEIT DRUG PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3668) to prevent trafficking in counterfeit drugs, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 3668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Counterfeit Drug Penalty Enhancement Act of 2012".

SEC. 2. COUNTERFEIT DRUG PENALTY ENHANCEMENT.

(a) OFFENSE.—Section 2320(a) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by inserting "or" at the end of paragraph (3);

(3) by inserting after paragraph (3) the following:

"(4) traffics in a counterfeit drug,"; and
(4) by striking "through (3)" and inserting "through (4)".

(b) PENALTIES.—Section 2320(b)(3) of title 18, United States Code, is amended—

(1) in the heading, by inserting "AND COUNTERFEIT DRUGS" after "SERVICES"; and

(2) by inserting "or counterfeit drug" after "service".

(c) DEFINITION.—Section 2320(f) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) the term 'counterfeit drug' means a drug, as defined by section 201 of the Federal Food, Drug, and Cosmetic Act, that uses a counterfeit mark on or in connection with the drug.".

(d) PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

SEC. 3. SENTENCING COMMISSION DIRECTIVE.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by section 2, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Mr. MEEHAN of Pennsylvania and Ms. LINDA SANCHEZ of California for their work on this issue. This is a bipartisan, bicameral bill. Similar legislation sponsored by Senator LEAHY was approved by the Senate last March by voice vote.

This bill enacts penalties for trafficking in counterfeit drugs similar to those for trafficking in military goods and services, as established in the National Defense Authorization Act, which Congress passed last December.

Counterfeit military goods affect the credibility of the supply chains that support our national defense, and counterfeit drugs call into doubt the credibility of America's pharmaceutical legal drug supply. In both situations, the significant and multiple dangers to the public demand enhanced penalties.

Counterfeit drugs are fake drugs. They may be contaminated, contain the wrong ingredient or no ingredient at all, or have the right active ingredient but the wrong dose. They are intentionally packaged to convince the consumer they are genuine. Counterfeit drugs are illegal and can be harmful to a person's health and even deadly.

□ 1700

Counterfeit drugs present not only a financial loss to the manufacturer or mark holder, but also a real health risk to consumers.

While current law technically includes counterfeit drugs, the law does not expressly prohibit trafficking in counterfeit drugs and carries a maximum penalty of only 10 years.

Late last month, the U.S. Food and Drug Administration warned consumers and health care professionals about a counterfeit version of Adderall that is available for sale on the Internet. Approved for treatment of attention deficit hyperactivity disorders, this medication is a prescription drug

classified as a controlled substance, a class of drugs for which special controls are required for dispensing by pharmacists. The FDA's preliminary laboratory test revealed that the counterfeit version of this drug contained the wrong active ingredients. The counterfeit product contained none of the four active ingredients found in the genuine medication. In fact, it contained two different drugs found in medicines used to treat acute pain.

Rogue Web sites and corrupt distributors now prey on the fears of Americans when medicines are in short supply. Drug shortages have increased in frequency and severity in recent years and adversely affect patient care. An unfortunate and potentially deadly side effect of drug shortages is counterfeit drug trafficking.

Last February, the FDA warned health care professionals and patients about a counterfeit version of Avastin, a cancer treatment. Tests revealed the counterfeit version did not contain the medicine's active ingredient. This may have resulted in patients not receiving needed cancer therapy. Several medical practices in the United States may have purchased the counterfeit drug from a foreign supplier. The FDA requested that the medical practices stop the use of any remaining products from this supplier. Unfortunately, in this case alone, there were dozens of cancer patients who may never know that they did not receive lifesaving cancer drugs. Instead, they got a useless counterfeit drug, a drug counterfeited and sold only for the purpose of financial gain. These recent situations prove that those who traffic in counterfeit drugs should be subject to enhanced penalties.

I urge my colleagues to support this bicameral legislation, and I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3668, the Counterfeit Drug Penalty Enhancement Act of 2012, would increase the maximum criminal penalties for trafficking in counterfeit drugs. Counterfeit drugs are a serious public threat to all Americans for several reasons.

To begin with, a person who unknowingly consumes a counterfeit medication may be harmed by dangerous but undisclosed substances in the drug. As a Food and Drug Administration representative testified at a hearing before the Judiciary Committee's Crime Subcommittee, "a counterfeit drug could be made using ingredients that are toxic to patients and processed under poorly controlled and unsanitary conditions."

Also, an individual who consumes a counterfeit drug is deprived of meaningful treatment that can respond to life-threatening illnesses. Consider, for example, a patient suffering from a heart ailment or a child who is des-

perately fighting an aggressive life-threatening infection. The consequences of consuming an ineffective counterfeit drug are blatantly obvious.

By receiving these counterfeit drugs instead of the real medications that they require, each of these individuals would be denied receiving the effective treatment that they must quickly be given in order to address their illnesses.

Finally, the proliferation of counterfeit drugs poses a grave nationwide risk to the public health and safety of all of our citizens. Current technology and distribution channels present the real danger that a very large quantity of these counterfeit drugs could enter into the marketplace where they can injure and possibly risk the lives of many Americans before they are even detected.

The Food and Drug Administration is working with medical product supply chain stakeholders to respond to this emerging threat, but we need to do more. It is critically important for us to reinforce our criminal law so that it clearly addresses the national menace presented by large-scale, intentional trafficking in counterfeit drugs.

Under current law, trafficking in counterfeit drugs receives the same criminal penalty as trafficking in other less dangerous items. This shortcoming in current law explains why the U.S. Intellectual Property Enforcement Coordinator supports H.R. 3668, as stated in her recent annual report to Congress.

This bill not only appropriately recognizes the need to treat crimes involving counterfeit medications more seriously, but also requires the Justice Department to prioritize its investigatory and prosecutorial efforts with respect to these crimes.

I am particularly pleased that during the Judiciary Committee's markup of the bill, an amendment offered by my colleague, Congressman BOBBY SCOTT, was adopted that would direct the Attorney General to give increased priority to efforts to investigate and prosecute these offenses.

As amended, this measure appropriately recognizes that, while penalty increases may be warranted, effective deterrence depends mostly on the likelihood of apprehension and conviction of offenders.

I commend the efforts of my colleagues, Congressman PATRICK MEEHAN and Congresswoman LINDA SÁNCHEZ, for introducing this important legislation.

I urge my colleagues to support H.R. 3668, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MEEHAN), who is the sponsor of this legislation.

Mr. MEEHAN. I thank the chairman.

Mr. Speaker, I rise today in support of H.R. 3668, the Counterfeit Drug Penalty Enhancement Act.

I want to thank the distinguished gentleman from Texas for his leadership on this issue on the Judiciary Committee, and I also want to thank my colleagues from the other side of the aisle as we rise in a truly bipartisan, bicameral fashion in working for the passage of this very important legislation. So I appreciate the kind remarks of the gentlelady from California in support of this bill as well.

Like so many other health care costs, prescription drugs are expensive, and the cost is rising. So what we are beginning to see increasingly is people going online to make the purchases of those drugs. It's an issue that I saw firsthand as a Federal prosecutor who began to work on the proliferation of illegal drug sales over the Internet. Oftentimes, the people who are purchasing these are senior citizens.

Online, there are not the kinds of protections that would exist traditionally as there are in a pharmacy setting where, not only do you have the ability to have the advice of a pharmacist, but the certainty of the chain of custody, so to speak, for the drugs that have been traveling in commerce.

What we are finding is that close to 90 percent of counterfeit drugs are sold online. And we're not just talking about mislabeled pills here. The fakes could actually contain no active ingredients, the wrong active ingredient, or even a contaminant.

The counterfeit medicines pose a threat because of the conditions under which they are manufactured, often in unregulated locations and frequently under unsanitary conditions. In many instances, they contain none of the active pharmaceutical ingredients found in the authentic medicine or are in incorrect doses. In others, they may contain toxic ingredients, such as heavy metals, arsenic, pesticides, rat poison, brick dust, floor wax, and even leaded highway paint. In a worst-case scenario, the medicine itself is a fake, and the result of the counterfeit sale is harm to the patient's health and safety.

And while all types of drugs are counterfeited, what's of particular concern to me is the illicit market in significant drugs, cancer drugs, like Avastin and Altuzan; ADHD drugs, like Adderall; and pain treatments, like Vicodin.

This is an economic harm. Estimates are that there are \$75 billion worth of counterfeit drug sales annually. But it's not just the economic harm that is of the greatest concern to me; it is the consumer safety associated with this.

The World Health Organization, in their estimates, predicted or believed that counterfeit drugs caused 100,000 deaths worldwide last year. This is an

issue of such importance, it even captured the attention of the world governments, with the G-8 leaders at Camp David issuing a declaration on the need to address this international crisis.

Today it's illegal to introduce counterfeit drugs into interstate commerce, but the penalties are no different than those assessed for trafficking other counterfeit products, such as movies or fashion products like purses.

□ 1710

That's why our bill seeks to have sentencing laws reflect the seriousness of the crime. The bill increases fines to a maximum of \$4 million for the first offense and \$8 million for subsequent offenses, and prison terms for a maximum of 10 to 20 years. This is an overdue and needed change—and I can say that as a prosecutor.

I would like to thank Congresswoman SÁNCHEZ for her leadership on this issue. I want to thank my colleague from Pennsylvania, Congressman TOM MARINO, for his hard work on the Judiciary Committee, working with Chairman SMITH on this issue. And I want to thank the Members in both parties that should be recognized for bringing this critical measure to the floor so expeditiously.

I encourage my colleagues on both sides of the aisle to lend their support for this very important legislation.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of H.R. 3668, the Counterfeit Drug Penalty Enhancement Act. I have worked with Representative MEEHAN, worked for quite a while on this issue and it's rewarding to see that bipartisan, practical ideas still have a place in this body.

H.R. 3668 will raise the penalties for counterfeit medicines, a unique consumer health and safety problem. This legislation is needed, bipartisan, and non-controversial.

Counterfeit drug enterprises jeopardize the public's safety and I believe perpetrators should be held accountable.

Unlike other consumer goods, counterfeit medicines pose a significant public health and safety threat to the innocent, sick patients who receive them.

H.R. 3668 will help protect seniors and children, who are uniquely vulnerable, as well as anyone who could be harmed by fraudulent medicines.

We must have tougher penalties for crimes that are a threat to public safety.

H.R. 3668 ensures this and I encourage my colleagues to support this straightforward, reasonable approach.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3668, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-113)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2012.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, June 18, 2012.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-114)

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2012.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, June 18, 2012.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 684, by the yeas and nays;

S. 404, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

ALTA, UTAH, CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 684) to provide for the conveyance of certain parcels of land to the town of Alta, Utah, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 383, nays 3, not voting 45, as follows:

[Roll No. 379]

YEAS—383

Adams	Carson (IN)	Eshoo
Aderholt	Cassidy	Farenthold
Akin	Castor (FL)	Farr
Alexander	Chabot	Fattah
Altmire	Chaffetz	Filner
Amash	Chandler	Fincher
Amodei	Chu	Fitzpatrick
Andrews	Cicilline	Flake
Baca	Clarke (MI)	Fleischmann
Bachmann	Clarke (NY)	Fleming
Bachus	Clay	Forbes
Baldwin	Cleaver	Fortenberry
Barletta	Clyburn	Fox
Barrow	Coffman (CO)	Frank (MA)
Bartlett	Cohen	Franks (AZ)
Barton (TX)	Cole	Frelinghuysen
Bass (CA)	Conaway	Gallely
Bass (NH)	Connolly (VA)	Garamendi
Becerra	Conyers	Gardner
Benishhek	Cooper	Garrett
Berg	Costa	Gerlach
Berman	Costello	Gibbs
Biggart	Courtney	Gibson
Billray	Cravaack	Gonzalez
Bilirakis	Crawford	Goodlatte
Bishop (GA)	Crenshaw	Gosar
Bishop (NY)	Critz	Gowdy
Bishop (UT)	Crowley	Granger
Black	Cuellar	Graves (GA)
Blackburn	Culberson	Graves (MO)
Bonamici	Cummings	Green, Al
Bonner	Davis (CA)	Green, Gene
Bono Mack	Davis (IL)	Grijalva
Boren	DeFazio	Grimm
Boswell	DeGette	Guinta
Boustany	DeLauro	Guthrie
Brady (PA)	Denham	Hahn
Brady (TX)	Dent	Hall
Braley (IA)	DesJarlais	Hanabusa
Brown (GA)	Deutch	Hanna
Brown (FL)	Diaz-Balart	Harris
Buchanan	Dicks	Hastings (FL)
Buchson	Dingell	Hastings (WA)
Burgess	Doggett	Hayworth
Burton (IN)	Dold	Heck
Calvert	Doyle	Heinrich
Camp	Dreier	Hensarling
Canseco	Duffy	Herger
Cantor	Duncan (SC)	Herrera Beutler
Capito	Duncan (TN)	Higgins
Capps	Edwards	Himes
Capuano	Ellison	Hinche
Cardoza	Ellmers	Hinojosa
Carnahan	Emerson	Hirono
Carney	Engel	Hochul

Holden	McKinley	Ruppersberger
Holt	McMorris	Ryan (OH)
Honda	Rodgers	Ryan (WI)
Hoyer	McNerney	Sanchez, Loretta
Huelskamp	Meehan	Sarbanes
Huizenga (MI)	Meeks	Scalise
Hultgren	Mica	Schakowsky
Hunter	Michaud	Schiff
Hurt	Miller (MI)	Schmidt
Issa	Miller (NC)	Schock
Jackson Lee	Miller, Gary	Schrader
(TX)	Miller, George	Schwartz
Jenkins	Moore	Schweikert
Johnson (GA)	Moran	Scott (SC)
Johnson (OH)	Mulvaney	Scott, Austin
Johnson, E. B.	Murphy (PA)	Scott, David
Johnson, Sam	Myrick	Sensenbrenner
Jones	Nadler	Serrano
Jordan	Napolitano	Sessions
Kaptur	Neal	Sewell
Keating	Neugebauer	Sherman
Kelly	Noem	Shimkus
Kildee	Nugent	Shuler
Kind	Nunes	Shuster
King (IA)	Nunnelee	Simpson
King (NY)	Olson	Sires
Kingston	Olver	Slaughter
Kinzinger (IL)	Palazzo	Smith (NE)
Kissell	Pallone	Smith (NJ)
Kline	Pascarell	Smith (TX)
Kucinich	Pastor (AZ)	Smith (WA)
Labrador	Paul	Southerland
Lamborn	Paulsen	Stark
Lance	Pence	Stearns
Landry	Perlmutter	Stivers
Langevin	Peters	Stutzman
Lankford	Peterson	Sullivan
Larsen (WA)	Petri	Sutton
Larson (CT)	Pitts	Terry
Latham	Pingree (ME)	Thompson (CA)
LaTourette	Platts	Thompson (PA)
Latta	Poe (TX)	Thornberry
Lee (CA)	Polis	Tipton
Levin	Pompeo	Tonko
Lewis (GA)	Poser	Tsongas
Lipinski	Price (GA)	Turner (NY)
LoBiondo	Price (NC)	Turner (OH)
Loeback	Quayle	Upton
Lofgren, Zoe	Quigley	Van Hollen
Long	Rahall	Velázquez
Lucas	Rangel	Visclosky
Luetkemeyer	Reed	Walberg
Lujan	Rehberg	Walden
Lummis	Reichert	Walsh (IL)
Lungren, Daniel	Renacci	Walz (MN)
E.	Reyes	Waters
Lynch	Ribble	Watt
Mack	Richardson	Waxman
Maloney	Richmond	Webster
Manzullo	Rigell	Welch
Marino	Rivera	West
Markey	Roby	Westmoreland
Matheson	Rogers (AL)	Whitfield
Matsui	Rogers (KY)	Wilson (FL)
McCarthy (CA)	Rogers (MI)	Wilson (SC)
McCaul	Rooney	Wittman
McClintock	Ros-Lehtinen	Wolf
McCollum	Roskam	Womack
McCotter	Ross (FL)	Woolsey
McDermott	Rothman (NJ)	Yarmuth
McGovern	Roybal-Allard	Yoder
McHenry	Royce	Young (AK)
McIntyre	Runyan	Young (IN)
McKeon		

NAYS—3

Griffith (VA) Woodall

NOT VOTING—45

Brooks	Ackerman	Gutierrez	Rokita
	Austria	Harper	Ross (AR)
	Berkley	Hartzler	Rush
	Blumenauer	Israel	Sánchez, Linda
	Buerkle	Jackson (IL)	T.
	Butterfield	Johnson (IL)	Schilling
	Campbell	Lewis (CA)	Scott (VA)
	Carter	Lowey	Speier
	Coble	Marchant	Thompson (MS)
	Davis (KY)	McCarthy (NY)	Tiberi
	Donnelly (IN)	Miller (FL)	Tierney
	Flores	Murphy (CT)	Towns
	Fudge	Owens	Wasserman
	Greney (GA)	Pelosi	Schultz
	Gohmert	Roe (TN)	Young (FL)
	Griffin (AR)	Rohrabacher	

□ 1854

Messrs. GRAVES of Missouri, McDERMOTT, AMASH and POE of Texas changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HARPER. Madam Speaker, on rollcall No. 379 I was unavoidably detained. Had I been present, I would have voted “yea.”

LAND GRANT PATENT MODIFICATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 380]

YEAS—380

Adams	Burgess	DeGette
Aderholt	Burton (IN)	DeLauro
Akin	Calvert	Denham
Alexander	Camp	Dent
Altmire	Canseco	DesJarlais
Amash	Cantor	Deutch
Amodei	Capito	Diaz-Balart
Andrews	Capps	Dingell
Baca	Capuano	Doggett
Bachmann	Cardoza	Dold
Bachus	Carnahan	Doyle
Baldwin	Carney	Dreier
Barletta	Carson (IN)	Duffy
Barrow	Cassidy	Duncan (SC)
Bartlett	Castor (FL)	Duncan (TN)
Barton (TX)	Chabot	Edwards
Bass (CA)	Chaffetz	Ellison
Bass (NH)	Chu	Ellmers
Becerra	Clarke (MI)	Emerson
Benishhek	Clarke (NY)	Engel
Berg	Clay	Eshoo
Berman	Cleaver	Farenthold
Biggart	Clyburn	Farr
Billray	Coffman (CO)	Fattah
Bilirakis	Cohen	Filner
Bishop (GA)	Cole	Fincher
Bishop (NY)	Conaway	Fitzpatrick
Bishop (UT)	Connolly (VA)	Flake
Black	Conyers	Fleischmann
Blackburn	Cooper	Fleming
Bonamici	Costa	Forbes
Bonner	Costello	Fox
Bono Mack	Courtney	Frank (MA)
Boren	Cravaack	Franks (AZ)
Boswell	Crawford	Frelinghuysen
Boustany	Crenshaw	Gallely
Brady (PA)	Critz	Garamendi
Brady (TX)	Crowley	Gardner
Brooks	Cuellar	Garrett
Brown (GA)	Culberson	Gerlach
Brown (FL)	Cummings	Gibbs
Buchanan	Davis (CA)	Gibson
Buchson	Davis (IL)	Gonzalez
	DeFazio	Goodlatte

Gosar	Lungren, Daniel	Rogers (KY)
Gowdy	E.	Rogers (MI)
Granger	Lynch	Rooney
Graves (GA)	Mack	Ros-Lehtinen
Graves (MO)	Maloney	Roskam
Green, Al	Manzullo	Ross (FL)
Green, Gene	Marino	Rothman (NJ)
Griffith (VA)	Markey	Roybal-Allard
Grijalva	Matheson	Royce
Grimm	Matsui	Runyan
Guinta	McCarthy (CA)	Ruppersberger
Guthrie	McCaul	Ryan (OH)
Hahn	McClintock	Ryan (WI)
Hall	McCollum	Sanchez, Loretta
Hanabusa	McCotter	Sarbanes
Hanna	McDermott	Scalise
Harper	McGovern	Schakowsky
Harris	McHenry	Schiff
Hastings (FL)	McIntyre	Schmidt
Hastings (WA)	McKeon	Schock
Hayworth	McKinley	Schrader
Heck	McMorris	Schwartz
Heinrich	Rodgers	Schweikert
Hensarling	McNerney	Scott (SC)
Herger	Meehan	Scott, Austin
Herrera Beutler	Meeks	Scott, David
Higgins	Mica	Sensenbrenner
Himes	Michaud	Serrano
Hincheey	Miller (MI)	Sessions
Hinojosa	Miller (NC)	Sewell
Hirono	Miller, Gary	Sherman
Hochul	Miller, George	Shimkus
Holden	Moore	Shuler
Holt	Moran	Shuster
Honda	Mulvaney	Simpson
Hoyer	Murphy (PA)	Sires
Huelskamp	Myrick	Slaughter
Huizenga (MI)	Nadler	Smith (NE)
Hultgren	Napolitano	Smith (NJ)
Hunter	Neal	Smith (TX)
Hurt	Neugebauer	Smith (WA)
Issa	Noem	Southerland
Jackson Lee	Nugent	Stark
(TX)	Nunes	Stearns
Jenkins	Nunnelee	Stivers
Johnson (GA)	Olson	Stutzman
Johnson (OH)	Oliver	Sullivan
Johnson, E. B.	Palazzo	Sutton
Johnson, Sam	Pallone	Terry
Jones	Pascrell	Thompson (CA)
Jordan	Pastor (AZ)	Thompson (PA)
Kaptur	Paul	Thornberry
Keating	Paulsen	Tipton
Kelly	Pearce	Tonko
Kildee	Pence	Tsongas
Kind	Perlmutter	Turner (NY)
King (IA)	Peters	Upton
King (NY)	Peterson	Van Hollen
Kingston	Petri	Velázquez
Kinzinger (IL)	Pingree (ME)	Visclosky
Kissell	Pitts	Walberg
Kline	Platts	Walden
Kucinich	Poe (TX)	Walsh (IL)
Labrador	Polis	Walz (MN)
Lamborn	Pompeo	Waters
Lance	Posey	Watt
Landry	Price (GA)	Waxman
Langevin	Price (NC)	Webster
Lankford	Quayle	Welch
Larsen (WA)	Quigley	West
Larson (CT)	Rahall	Westmoreland
Latham	Rangel	Whitfield
LaTourette	Reed	Wilson (FL)
Latta	Rehberg	Wilson (SC)
Levin	Reichert	Wittman
Lewis (GA)	Renacci	Wolf
Lipinski	Reyes	Womack
LoBiondo	Ribble	Woodall
Loeback	Richardson	Woolsey
Lofgren, Zoe	Richmond	Yarmuth
Long	Rigell	Yoder
Luetkemeyer	Rivera	Young (AK)
Luján	Roby	Young (IN)
Lummis	Rogers (AL)	

NOT VOTING—51

Ackerman	Cicilline	Gohmert
Austria	Coble	Griffin (AR)
Berkley	Davis (KY)	Gutierrez
Blumenauer	Dicks	Hartzer
Buerkle	Donnelly (IN)	Israel
Butterfield	Flores	Jackson (IL)
Campbell	Fortenberry	Johnson (IL)
Carter	Fudge	Lee (CA)
Chandler	Gingrey (GA)	Lewis (CA)

Lowey	Rohrabacher	Thompson (MS)
Lucas	Rokita	Tiberi
Marchant	Ross (AR)	Tierney
McCarthy (NY)	Rush	Towns
Miller (FL)	Sánchez, Linda	Turner (OH)
Murphy (CT)	T.	Wasserman
Owens	Schilling	Schultz
Pelosi	Scott (VA)	Young (FL)
Roe (TN)	Speier	

□ 1900

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, I had obligations that necessitated my attention in Champaign, Illinois and missed suspension votes on S. 684, a bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah and S. 404, a bill to modify a land grant patent issued by the Secretary of the Interior.

Had I been present, I would have voted "yea" on the above stated bills.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2578, CONSERVATION AND ECONOMIC GROWTH ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-539) on the resolution (H. Res. 688) providing for consideration of the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. WALZ of Minnesota. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Walz of Minnesota moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to resolve all issues and file a conference report not later than June 22, 2012.

MINNESOTA CHIPPEWA TRIBE JUDGMENT FUND DISTRIBUTION ACT OF 2012

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1272) to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Fed-

eral Claims in Docket Numbers 19 and 188, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012".

SEC. 2. FINDINGS.

Congress finds the following:

(1) On January 22, 1948, the Minnesota Chippewa Tribe, representing all Chippewa bands in Minnesota except the Red Lake Band, filed a claim before the Indian Claims Commission in Docket No. 19 for an accounting of all funds received and expended pursuant to the Act of January 14, 1889, 25 Stat. 642, and amendatory acts (hereinafter referred to as the Nelson Act).

(2) On August 2, 1951, the Minnesota Chippewa Tribe, representing all Chippewa bands in Minnesota except the Red Lake Band, filed a number of claims before the Indian Claims Commission in Docket No. 188 for an accounting of the Government's obligation to each of the member bands of the Minnesota Chippewa Tribe under various statutes and treaties that are not covered by the Nelson Act of January 14, 1889.

(3) On May 17, 1999, a Joint Motion for Findings in Aid of Settlement of the claims in Docket No. 19 and 188 was filed before the Court.

(4) The terms of the settlement were approved by the Court and the final judgment was entered on May 26, 1999.

(5) On June 22, 1999, \$20,000,000 was transferred to the Department of the Interior and deposited into a trust fund account established for the beneficiaries of the funds awarded in Docket No. 19 and 188.

(6) Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), Congress must act to authorize the use or distribution of the judgment funds.

(7) On October 1, 2009, the Minnesota Chippewa Tribal Executive Committee passed Resolution 146-09, approving a plan to distribute the judgment funds and requesting that the United States Congress act to distribute the judgment funds in the manner described by the plan.

SEC. 3. DEFINITIONS.

For the purpose of this Act:

(1) AVAILABLE FUNDS.—The term "available funds" means the funds awarded to the Minnesota Chippewa Tribe and interest earned and received on those funds, less the funds used for payments authorized under section 4.

(2) BANDS.—The term "Bands" means the Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band.

(3) JUDGMENT FUNDS.—The term "judgment funds" means the funds awarded on May 26, 1999, to the Minnesota Chippewa Tribe by the Court of Federal Claims in Docket No. 19 and 188.

(4) MINNESOTA CHIPPEWA TRIBE.—The term "Minnesota Chippewa Tribe" means the Minnesota Chippewa Tribe, Minnesota, composed of the Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band. It does not include Red Lake Band of Chippewa Indians, Minnesota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIPPEWA TRIBE.

(a) IN GENERAL.—The Secretary is authorized to reimburse the Minnesota Chippewa Tribe the

amount of funds, plus interest earned to the date of reimbursement, that the Minnesota Chippewa Tribe contributed for payment of attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and 188 before the U.S. Court of Federal Claims and the distribution of judgment funds.

(b) **CLAIMS.**—The Minnesota Chippewa Tribe's claim for reimbursement of funds expended shall be—

(1) presented to the Secretary not later than 90 days after the date of enactment of this Act;

(2) certified by the Minnesota Chippewa Tribe as being unreimbursed to the Minnesota Chippewa Tribe from other funding sources;

(3) paid with interest calculated at the rate of 6.0 percent per annum, simple interest, from the date the funds were expended to the date the funds are reimbursed to the Minnesota Chippewa Tribe; and

(4) paid from the judgment funds prior to the division of the funds under section 5.

SEC. 5. DIVISION OF JUDGMENT FUNDS.

(a) **MEMBERSHIP ROLLS.**—Not later than 90 days after the date of the enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary updated membership rolls for each Band, which shall include all enrolled members the date of the enactment of this Act.

(b) **DIVISIONS.**—After all funds have been reimbursed under section 4, and the membership rolls have been updated under subsection (a), the Secretary shall—

(1) set aside for each Band a portion of the available judgment funds equivalent to \$300 for each member enrolled within each Band; and

(2) after the funds are set aside in accordance with paragraph (1), divide 100 percent of the remaining funds into equal shares for each Band.

(c) **SEPARATE ACCOUNTS.**—The Secretary shall—

(1) deposit all funds described in subsection (b)(1) into a "Per Capita" account for each Band; and

(2) deposit all funds described in subsection (b)(2) into an "Equal Shares" account for each Band.

(d) **WITHDRAWAL OF FUNDS.**—After the Secretary deposits the available funds into the accounts described in subsection (c), a Band may withdraw all or part of the monies in its account.

(e) **DISBURSEMENT OF PER CAPITA PAYMENTS.**—All funds described in subsection (b)(1) shall be used by each Band only for the purposes of distributing one \$300 payment to each individual member of the Band. Each Band may—

(1) distribute the \$300 payment to the parents or legal guardians on behalf of each dependent Band member instead of distributing such \$300 payment to the dependent Band member; or

(2) deposit into a trust account the \$300 payment to each dependent Band member for the benefit of such dependent Band member, to be distributed under the terms of such trust.

(f) **DISTRIBUTION OF UNCLAIMED PAYMENTS.**—One year after the funds described in subsection (b)(1) are made available to the Bands, all unclaimed payments described in subsection (e) shall be returned to the Secretary, who shall divide these funds into equal shares for each Band, and deposit the divided shares into the accounts described in subsection (c)(2) for the use of each Band.

(g) **LIABILITY.**—If a Band exercises the right to withdraw monies from its accounts, the Secretary shall not retain liability for the expenditure or investment of the monies after each withdrawal.

SEC. 6. GENERAL PROVISIONS.

(a) **PREVIOUS OBLIGATIONS.**—Funds disbursed under this Act shall not be liable for the payment of previously contracted obligations of any

recipient as provided in Public Law 98-64 (25 U.S.C. 117b(a)).

(b) **INDIAN JUDGMENT FUNDS DISTRIBUTION ACT.**—All funds distributed under this Act are subject to the provisions in the Indian Judgment Funds Distribution Act (25 U.S.C. 1407).

The SPEAKER pro tempore (Mr. AMASH). Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. LUJAN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In 1999, the United States Court of Federal Claims awarded a \$20 million settlement to the Minnesota Chippewa Tribe, pursuant to the Nelson Act and various treaties that are not covered by the Nelson Act, for various accounting obligations of the Federal Government. These funds have been held in trust and have not been disbursed. H.R. 1272 authorizes the Secretary of the Interior to disburse the balance held in trust to the Minnesota Chippewa Tribe.

I would like to thank Congressman CHIP CRAVAACK and the sponsor of this bill, Congressman COLLIN PETERSON, for working with the Minnesota Chippewa Tribe and for getting this bill to the floor.

I urge the adoption of the measure, and I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the author of the legislation, the ranking member of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 1272, the Minnesota Chippewa Tribe Judgment Fund Distribution Act.

Thirteen years ago, the United States Court of Federal Claims awarded and appropriated \$20 million to the Minnesota Chippewa Tribe. This settlement appropriation was to compensate the descendants of the Chippewa Indians of Minnesota for the improper valuation of timber and the taking of land under the Nelson Act of 1889. Now, because of the Indian Judgment Fund Act of 1983, Congress must pass legislation detailing how the settlement should be distributed amongst the six bands that make up the Minnesota Chippewa Tribe.

The Minnesota Chippewa Tribe Judgment Fund Distribution Act, H.R. 1272,

authorizes the Secretary of the Interior to release the funds, plus interest that has been earned, that were appropriated into the trust fund for the Minnesota tribe in 1999. Being the expenses for prosecuting the Minnesota Chippewa Tribe claims were shared equally by all the bands, these expenses should be expended equally from the fund. H.R. 1272 requires that each of the six bands provide the Secretary with updated membership rolls. It directs the Secretary to set aside \$300 to each member enrolled and to divide the remaining funds into equal shares for each band.

It is important to note that the CBO has concluded that H.R. 1272 does not need an appropriation and that it has no budgetary impact because the \$20 million settlement proceeds were appropriated and paid to the Minnesota Chippewa Tribe in 1999. They've been there since 1999.

So I think it is high time that this settlement is finally distributed and put to work within these communities. The sooner we resolve this issue, the sooner these funds can be released and go to work within these economically depressed areas. There is a great need on these reservations for things like schools, health care facilities, and other infrastructure improvements.

I want to alert everybody that this is not unanimous. Five of the six tribes support this. This has been going on for 13 years, but this is as good as we can do. We don't want the perfect to be the enemy of the good, and it's time that we got this settled. I think it makes no sense for anybody to draw hard-line positions on this. Judging from experience, no hard-line position has ever succeeded, so it's time for everybody to come together and find an agreement that maybe not everybody loves but that everybody can benefit from.

That is what H.R. 1272 is. We encourage the adoption of the bill. Our folks back home would really appreciate getting this settled and letting these funds go to work on their reservations.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. CRAVAACK), the author of the bill.

Mr. CRAVAACK. I thank my good friend from Alaska for yielding.

Mr. Speaker, I rise today in support of H.R. 1272, the Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012, of which I am an original co-sponsor.

I represent five of the six bands that constitute the Minnesota Chippewa Tribe, which is a sovereign, federally recognized tribal entity and the sole plaintiff in the litigation whose settlement gives rise to this legislation.

□ 1910

The five bands that reside in my district are: Bois Forte, Grand Portage, Mille Lacs, Leech Lake, and Fond Du Lac.

I've met with the representatives from all five bands on a number of occasions in the 112th Congress, and they've all made it very clear to me that it is more than past time to bring resolution to this longstanding issue. I agree.

The Minnesota Chippewa Tribe entered into a \$20 million legal settlement with the United States Government in 1999 to compensate for damages stemming from the improper taking of land and valuation of timber under the Nelson Act of 1889.

These settlement funds have been sitting in a Department of the Interior trust fund ever since and with interest have grown to about \$28 million. That money now belongs to the Minnesota Chippewa Tribe. The United States' only role in this has been to temporarily hold it in trust for them until it can be distributed. Thus I've joined with my fellow Minnesota Representatives, Mr. PETERSON and Mr. PAULSEN, in cosponsoring the legislation before you today.

This legislation puts forth a disbursement formula which reflects and honors the formula decided democratically by the governing body of the Minnesota Chippewa Tribe, known as the Tribal Executive Committee. This formula voted for and passed by the committee supports a per capita apportionment of \$300 each to each member, followed by a six-way split for the remaining settlement funds. Importantly, H.R. 1272 will distribute the settlement funds according to the formula that has been determined by the CBO to have no budgetary impact.

It is always difficult to craft a compromise between such varied and competing interests. However, the compromise represented in this bill respects the decision of the governing body of the entity that brought forth the claim on behalf of all six bands, and the U.S. Court of Federal Claims recognizes as having the constitutional authority to enter into a proposed settlement on behalf of all six bands. All six bands shared equally in the expense of the risk of prosecuting the case, and the tribal executive committee provided the six bands an equal opportunity to vote on how the judgment funds should be distributed.

The release of the \$28 million to the members of the Chippewa Tribe will have positive implications far beyond just righting a past wrong. This money will flow directly into the hands of the bands and their members, sparking much needed consumer activity and, hopefully, investment in the reservations in northern Minnesota. This will benefit the entire region.

H.R. 1272 is the solution that must be enacted in order to fulfill the U.S. Government's legal obligations, conclude its litigation with the Minnesota Chippewa Tribe, and release over \$28 million in settlement funds in a fair and

expeditious manner. Thus, I am hopeful that my colleagues will join me in support of the bill that brings resolution to this longstanding issue.

Mr. LUJÁN. If my friend doesn't have any other speakers, I yield back the balance of my time.

Mr. YOUNG of Alaska. I have no further speakers.

Mr. Speaker, I urge passage of this legislation.

And I misspoke a moment ago. Congressman COLLIN PETERSON has been fighting this battle for years and years, and I'm glad to finally see that he has succeeded. He is the prime sponsor of this legislation, along with Mr. CRAVACK and Mr. PAULSEN. So we're on the right track. And I want to congratulate you. Perseverance overcomes many things, and you persevered this time.

With that, I yield back the balance of my time, and I urge the passage of this legislation.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1272, Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012. As a Member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans.

This legislation authorizes the Secretary of the Interior to reimburse the Minnesota Chippewa Tribe for the amount, plus interest, that the Tribe contributed for the payment of attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and No. 188 before the U.S. Court of Federal Claims and the distribution of judgment funds.

This legislation before us today is not a handout, but a guarantee that directs the fair distribution of funds to a claim awarded to Native Americans by the United States Court of Federal Claims; these funds have been held in trust since June 22, 1999.

Mr. Speaker, by today's end four Native American bills will have passed. I hope that these are not the last. While we can't undo the damage that the Federal Government inflicted on black farmers and Native Americans, today we will help compensate them for their losses and ensure that this never happens again. I urge my colleagues to continue supporting Native Americans.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1272, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GILA BEND INDIAN RESERVATION LANDS REPLACEMENT CLARIFICATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2938) to prohibit certain gam-

ing activities on certain Indian lands in Arizona, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gila Bend Indian Reservation Lands Replacement Clarification Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1986, Congress passed the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503, 100 Stat. 1798, to authorize the Tohono O'odham Nation to purchase up to 9,880 acres of replacement lands in exchange for granting all right, title and interest to the Gila Bend Indian Reservation to the United States.

(2) The intent of the Gila Bend Indian Reservation Lands Replacement Act was to replace primarily agriculture land that the Tohono O'odham Nation was no longer able to use due to flooding by Federal dam projects.

(3) In 1988, Congress passed the Indian Gaming Regulatory Act, which restricted the ability of Indian tribes to conduct gaming activities on lands acquired after the date of enactment of the Act.

(4) Since 1986, the Tohono O'odham Nation has purchased more than 16,000 acres of land. The Tohono O'odham Nation does not currently game on any lands acquired pursuant to the Gila Bend Indian Reservation Lands Replacement Act.

(5) Beginning in 2003, the Tohono O'odham Nation began taking steps to purchase approximately 134.88 acres of land near 91st and Northern Avenue in Maricopa County, within the City of Glendale (160 miles from the Indian tribe's headquarters in Sells). The Tohono O'odham Nation is now trying to have these lands taken into trust status by the Secretary of the Interior pursuant to the Gila Bend Indian Reservation Lands Replacement Act of 1986 ("Gila Bend Act"), and has asked the Secretary to declare these lands eligible for gaming, thereby allowing the Indian tribe to conduct Las Vegas style gaming on the lands. The Secretary has issued an opinion stating that he has the authority to take approximately 53.54 acres of these lands into trust status, and plans to do so when legally able to do so.

(6) The State of Arizona, City of Glendale, and at least 12 Indian tribes in Arizona oppose the Tohono O'odham Nation gaming on these lands. No Indian tribe supports the Tohono O'odham Nation's efforts to conduct gaming on these lands.

(7) The Tohono O'odham Nation's proposed casino violates existing Tribal-State gaming compacts and State law, Proposition 202, agreed to by all Arizona Indian tribes, which effectively limits the number of tribal gaming facilities in the Phoenix metropolitan area to seven, which is the current number of facilities operating.

(8) The Tohono O'odham casino proposal will not generate sales taxes as the State Gaming Compact specifically prohibits the imposition of any taxes, fees, charges, or assessments.

(9) The proposed casino would be located close to existing neighborhoods and a newly built school and raises a number of concerns. Homeowners, churches, schools, and businesses made a significant investment in the area without knowing that a tribal casino would or even could locate within the area.

(10) The development has the potential to impact the future of transportation projects, including the Northern Parkway, a critical transportation corridor to the West Valley.

(11) *The Tohono O'odham Nation currently operates three gaming facilities: 2 in the Tucson metropolitan area and 1 in Why, Arizona.*

(12) *Nothing in the language or legislative history of the Gila Bend Indian Reservation Lands Replacement Act indicates that gaming was an anticipated use of the replacement lands.*

(13) *It is the intent of Congress to clarify that lands purchased pursuant to the Gila Bend Indian Reservation Lands Replacement Act are not eligible for Class II and Class III gaming pursuant to the Indian Gaming Regulatory Act. Such lands may be used for other forms of economic development by the Tohono O'odham Nation.*

SEC. 3. GAMING CLARIFICATION.

Section 6(d) of Public Law 99-503 is amended by inserting "except that no class II or class III gaming activities, as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703), may be conducted on such land if such land is located north of latitude 33 degrees, 4 minutes north" after "shall be deemed to be a Federal Indian Reservation for all purposes".

SEC. 4. NO EFFECT.

The limitation on gaming set forth in the amendment made by section 3 shall have no effect on any interpretation, determination, or decision to be made by any court, administrative agency or department, or other body as to whether any lands located south of latitude 33 degrees, 4 minutes north taken into trust pursuant to this Act qualify as lands taken into trust as part of a settlement of a land claim for purposes of title 25 U.S.C. 2719(b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. At this time, I yield 5 minutes to the author of the bill, Congressman FRANKS from Arizona.

Mr. FRANKS of Arizona. Mr. Speaker, I want to thank Chairman YOUNG and Chairman HASTINGS and the House leadership for bringing this bill to the floor today, as well as the bipartisan group of cosponsors for their support.

Mr. Speaker, H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act, seeks to prevent Las Vegas-style casino gambling in the Phoenix metropolitan area on lands purchased by the Tohono O'odham Nation.

Mr. Speaker, the Tohono O'odham Nation has tried to manipulate the Gila Bend Indian Reservation Lands Replacement Clarification Act of 1986 to acquire lands for gambling which are more than 100 miles from the Tohono O'odham's existing reservation. This "reservation shopping" for

casino gambling purposes is contrary to the express and public commitments that the Tohono O'odham made between 2000 and 2002 to the other 16 Indian tribes in Arizona, the State, and the voters of Arizona when it openly and definitively supported passage of Proposition 202, a State referendum to limit casino gambling in the Phoenix metropolitan area.

Indeed, while the Tohono O'odham was in negotiations with the other tribes to craft a gaming compact agreement, they were simultaneously in the process of covertly purchasing attractive land in the Phoenix metropolitan area for casino gambling purchases. Thus, the bipartisan cosponsors of H.R. 2938 are simply trying to keep the Tohono O'odham Nation to its publicly stated commitment not to engage in casino gambling in the Phoenix metropolitan area.

Mr. Speaker, during the subcommittee hearing on this bill, witnesses made it clear that there is a problem and a serious threat to existing gaming structure in Arizona if the Tohono O'odham Nation is able to develop a Las Vegas-style casino in the Phoenix metropolitan area.

The passage of H.R. 2938 will prevent an ominous precedent that could lead to an expansion of off-reservation casinos and dangerous changes to the complexion of tribal gaming in the other States across the country in which Indian tribes can use front companies to buy up land and declare it part of their sovereign reservation for gaming purposes.

Additionally, Mr. Speaker, even if the casino weren't in violation of Federal law—which it is—but if it weren't, claims that the operation would create jobs and benefit the economy of the surrounding area are woefully misinformed at best and shamefully dishonest at worst. The most frequently cited job creation numbers that have been thrown about during this debate come almost without exception from a study commissioned by the Tohono O'odham tribe themselves. The study was conducted by the Spectrum Gaming Group. Tellingly, multiple organizations asked the tribe to release the data and the methodology supporting this so-called "study," which was released roughly 3 years ago. To this day, the tribe continuously to steadfastly refuse. In other words, the tribes released a slew of numbers extolling the supposed amazing economic benefits of their casino, then refused to tell anybody how they came up with the numbers.

Far from economically benefiting the West Valley, one recent well documented study found that casino operations would ultimately provide \$172,500 of revenue annually for the city of Glendale—keep in mind the surrounding areas would not benefit from the normal sales taxes, bed taxes, and

property taxes because the casino, being on tribal land, would be exempt from all three. Meanwhile, Glendale estimates an added cost of \$3.6 million per year just for the additional cost of public safety services necessary to such a large operation. Of course, it should always be remembered, Mr. Speaker, that casino revenues are primarily comprised of gambling losses that would otherwise have found their way into the economy in more productive sectors.

Mr. Speaker, my bill would not seek to take any lands away from Tohono O'odham. Consistent with the intent of the Indian Gaming Regulatory Act, my bill merely prevents the Tohono O'odham from building a gambling casino on certain lands, as it previously agreed it would never do.

I respectfully ask my colleagues to join me and the members of Arizona's delegation in supporting this bill.

Mr. LUJÁN. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Let me thank my good friend, Mr. LUJÁN from New Mexico, for his time.

H.R. 2938 is named the Gila Bend Indian Reservation Lands Replacement Clarification Act. However, do not be misled by this bill's benign sounding title. It does not aim to clarify anything. Rather, it seeks to unilaterally abrogate an Indian land claim and water rights settlement, and it would also interfere with pending litigation in Federal court.

In 1986, the United States enacted Federal legislation specific to this tribe and this situation. The Gila Bend Indian Reservation Lands Replacement Clarification Act, Public Law 99-503, was to implement a settlement reached between the United States and the Tohono O'odham Nation. In this settlement, the nation released claims against the United States for flooding and loss of its land, as well as water rights of 36,000 acre feet per year. In exchange for releasing the claims, Congress guaranteed, via statute, that the nation could obtain replacement reservation lands within three counties without restriction as to the use of that land.

□ 1920

H.R. 2938 seeks to renege on Congress' solemn promise and change the material terms of the settlement; this while Congress contemplates in a very real way breaking its word to Indian Country one more time. The legislation will reopen and change the terms of a 1986 bipartisan land settlement authored by Congressman Mo Udall, then-Congressman JOHN MCCAIN, then-Senator Dennis DeConcini, and then-Senator Barry Goldwater that compensated the Tohono O'odham Nation for 10,000 acres of land destroyed by the Army Corps of Engineers in the 1950s.

By violating an existing settlement, this legislation will create new liabilities for the Federal Government, as taxpayers will have to provide more compensation to the nation as a result of prohibiting the purchase of replacement lands, as provided in the original settlement act.

Enactment of this legislation would also set a dangerous precedent in which Congress could unilaterally alter the terms of a Federal settlement years later. If this is the case that would stop Congress from revisiting any settlements over the years, then all settlements are open for review.

H.R. 2938 is job-killing special interest legislation. The primary advocates for this legislation are wealthy gaming entities, tribal entities trying to protect their monopoly on a gaming market. If they get their way, they will prevent the Tohono O'odham Nation from creating thousands of new jobs, permanent and construction.

It reneges on the United States' promise to replace the reservation lost, and it vastly diminishes the Tohono O'odham settlement by imposing new restrictions on the land replacement provided for in the 1986 settlement.

It creates new liabilities for the United States. If this were to become law, H.R. 2938, it will breach the settlement act, and it will leave the United States liable for untold millions of dollars in land and taking claims for the land and water rights that the nation relinquished under the original settlement act.

And it undermines ongoing litigation. The same interests that support H.R. 2938 have brought various lawsuits to stop the nation from exercising its rights. But so far, both State and Federal courts have fully upheld the Tohono O'odham Nation's rights. The proponents of H.R. 2938 want Congress to change the law in order to legislate a victory that they cannot get through legislation.

In addition, misinformation, distortion, and outright lies have been spread through congressional offices by a major lobbying firm in D.C. in the employment of a gaming entity that is opposed to the original law and is promoting this law.

This has nothing to do with "reservation shopping." In no way would defeating this bill allow tribes to start buying up plots of land outside of, say, New York City and open up casinos. The original act was specific only to the Tohono O'odham. The replacement land could be only purchased in one of three Arizona counties. In fact, the land in question is in the exact same county, Maricopa, where the flooded land of Gila Bend reservation was located.

So I think it's time to stop this. This land was purchased legally by the Tohono O'odham Nation, all in accordance with the Gila Bend Reservation

Land Replacement Act, to replace reservation land the U.S. Government flooded and destroyed, to be used by the nation at their discretion for economic development. The innuendo of reservation shopping or the idea that its defeat will cause rampant reservation shopping is absurd, and it needs to stop.

I also want to address the idea that compact guaranteed no new casinos in the Phoenix area. If this was the case, the only casinos that would exist in the Phoenix area are the ones that were in existence in 2003. But lo and behold, the very tribes supporting this legislation have built two additional casinos since then. In fact, one of these tribes is about to break ground on a new \$135 million Las Vegas-style casino and hotel right outside of southwest Phoenix.

And, finally, let's stop the lies about the administration being "neutral" on this bill. They have testified against it. I have spoken to them. Their position hasn't changed, and the administration does not support this legislation.

This legislation is causing disparate treatment of one tribe for the sake of protecting a market. The market should be competitive. This is not a violation of the Arizona Gaming Compact, but it is an abrogation of a law this Congress passed in 1986 that is now being changed due to the whims of those afraid of a competitive market.

I thank the gentleman from New Mexico for yielding.

Mr. YOUNG of Alaska. I yield 3 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise in support of my friend TRENT FRANKS' legislation, H.R. 2938.

Ten years ago, stakeholders from across the State of Arizona gathered together to come up with a 21st-century plan to manage gaming activity. As part of that final agreement, many tribes agreed to forgo building a casino to share revenues as a whole. Gaming revenues were set aside for education, health care, and other measures to improve the lives of average tribal members.

The key part of that compact was a tribal agreement that no new additional casinos would be permitted in the Phoenix metropolitan area. The Tohono O'odham Nation agreed to those terms; but as they agreed to one thing publicly, they were preparing privately to undermine the entire agreement. The tribe has since acquired land in Glendale and has made it clear they intend to break their agreement and establish a casino on that land. This legislation ensures the Tohono O'odham Nation must keep the promise they made in 2002 to the other tribes, the State, and our constituents.

Additionally, the small, but vocal, opposition to this legislation claims the bill before us seeks to unilaterally

nullify an Indian water rights settlement. I assure my House colleagues that statement is false. Water rights associated with the Gila Bend reservation were settled in the Arizona Water Rights Settlement Act of 2004, not the Gila Bend Act.

The passage of H.R. 2938 would not affect the State adjudication of water rights. Any claims to water rights based on aboriginal occupancy that Tohono might have claimed were also waived in the tribe's separate water rights settlement, an act that provided for a complete and total waiver of all such water rights in exchange for substantial consideration and payments. Last fall, the Department of the Interior testified on this bill, and water rights were not mentioned. The committee resolved any concerns during the markup of the bill.

Today's debate is not about jobs or Native American water rights. It is about protecting the integrity of Arizona's gaming compact and preventing a dangerous precedent that could lead to the expansion of off-reservation casinos in other States.

I urge my colleagues to vote "yes" on H.R. 2938.

Mr. LUJÁN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from New Mexico.

H.R. 2938 should not have been brought to the House floor under suspension of the rules. This legislation doesn't name a post office or authorize a park study. H.R. 2938, instead, is a highly controversial piece of legislation that will amend a settlement agreement between the United States and an Indian tribe, impose restrictions on a tribe's authority to use its own land, and circumvent years of Federal and State court rulings.

During consideration by the Natural Resources Committee, members from both sides of the aisle expressed concern with this measure. House Members have heard from tribes across the country, Arizona State legislators, local mayors, small business owners, and community leaders on both sides of this issue. The number of stakeholders with strong feelings on both sides of this issue is plain evidence that the bill does not belong on suspension.

□ 1930

So we're here tonight, and the implications for local, regional, and national gaming industry precedents are quite significant. We should only bring suspension-worthy bills out here on the floor. I say that because Mr. GRIJALVA from Arizona, whose tribal constituents are the sole target of this legislation, is being denied this opportunity and, therefore, any chance to address his constituents' needs. And I think that since it does affect his district, his tribe, he's on the Natural Resources

Committee, he deserves the right to be able to make amendments that can improve this legislation, and he is not going to be allowed to do that.

So that is my view on this bill, that it's under the wrong process. Suspensions are really meant for bills that do not bring the level of complexity and the level of controversy that a bill like this brings to the House floor, and as a result, I urge a "no" vote.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time. I have one more speaker.

Mr. LUJAN. I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Arizona (Mr. GRIJALVA) stated the facts very clearly. In the 1950s, the Federal Government condemned and seized land and water rights owned by the Tohono O'odham Indian Nation. In 1986, Congress settled the tribe's outstanding claims by agreeing, in part, to take into trust replacement land that the Tohono O'odham might acquire under specific conditions. The tribe has acquired a particular parcel meeting all of the conditions set forth in the law and asserted its rightful claim under that law. This bill retroactively and fundamentally alters that settlement, breaking the promises the Tohono O'odham have relied upon as they've spent many years and millions of dollars acquiring this parcel and planning the project.

Now, why in the world would we want to do such a thing? Well, it's obvious. Like many tribes, the Tohono O'odham want to build a casino on this land. This casino would compete with another tribe's casino in the region, and that tribe doesn't want the competition. Competition is so annoying and inconvenient. It requires offering your customers a better service at a lower price. Tohono O'odham seeks to do that. The other tribe doesn't want to.

So that other tribe, which has a monopoly on gaming in the Phoenix area, created a front made up of antigambling pressure groups and NIMBY activists to try and stop them. They have been defeated in the courts at every turn. So what to do? What to do? They don't want to compete for customers. They don't have a leg to stand on in court. What is left? Well, of course. Get Congress to break its promise, which is why we're all here tonight.

Let's be very clear about what passing this bill would mean. Many in this House have widely criticized the President for killing thousands of jobs to satisfy his ideological opposition to the Keystone pipeline. Well, this bill does exactly the same thing. It kills 6,000 construction jobs and 3,000 permanent, ongoing service jobs by blocking this project on ideological grounds. But the

damage only begins there. Federal taxpayers will become liable for hundreds of millions of dollars of economic damages to compensate the Tohono O'odham for lost profits, for the devaluation of their property, and for years of planning suddenly rendered worthless by this act.

So what's the balance sheet here? On the plus side, we satisfy the ideological itch of antigambling busybodies and antigrowth zealots, and we protect a gambling monopoly in Phoenix from any competition. On the minus side, we destroy 6,000 construction jobs, 3,000 service jobs, and we open our constituents to hundreds of millions of dollars of damages that we are certain to lose in court.

I would suggest that this bill ought to be laughed off the floor, but there's nothing in it to laugh about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Thank you, Mr. Chairman.

Mr. Speaker, I come to this with a somewhat unique view, because I was actually there 19 years ago as the majority whip in the Arizona State House when this was originally being negotiated. I sat in the room hour after hour after hour for months with many of these Native American communities and these very discussions about what would happen in this type of scenario and assurances that were given to those of us who were in the legislature who were having to make the decision that this would never happen.

And I've listened to a little bit of this testimony, even from my good friend here from California, and the facts don't line up. First off, in the gaming agreements, in the compacts, there's the language about the distance from the base aboriginal territories and how far things could move away from that. This is outside that. The jobs numbers are an absolute fantasy for the construction. And I think Mr. FRANKS actually went over that in his discussion earlier.

But why do I stand here so passionately supporting TRENT's bill? If this happens, it's going to destroy the nature of my State because, understand, the compacts go kaboom, the cascade begins. And this isn't just for Arizona. It will be all over the country. I promise you, in a few years you will wake up and my State will be a statewide gaming State. And then when this becomes precedent, understand, all your States are now in play.

This is more than just us having a dispute with the Tohono O'odhams. That isn't what this is about. This is about keeping the promises that were made for many of us who were embattled in building these compacts years ago.

Let's have everyone keep their promise, and let's keep the deal we made.

Mr. YOUNG of Alaska. Will the gentleman yield for a moment? If he doesn't have the time, I will yield him additional time.

Does the tribe in question have a casino on their own property?

Mr. SCHWEIKERT. Oh, yes. I think they have multiple casinos.

There's another fact that bounced up here, Mr. Speaker. There's actually, I think, one, two, three, four, five casinos in the urban area by, I think, three different Native American communities. This isn't about defending one tribe versus another. This is about there's 21 tribes in Arizona and the agreements that have been put together. Heaven forbid what you're going to do to these communities, particularly the rural ones that get some of the sharing, if we blow up the compacts through my State.

Mr. YOUNG of Alaska. Mr. Speaker, does the gentleman have any more speakers?

Mr. LUJAN. Mr. Speaker, yes, I do.

Mr. YOUNG of Alaska. I reserve the balance of my time.

Mr. LUJAN. I yield such time as he may consume to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Thank you, Mr. LUJAN.

Just, I think, important points to clarify. One is that the Tohono O'odham Nation's proposed gaming facility in this land that was authorized by Congress would violate its tribal-State gaming compact, or Prop 202. The Department of the Interior has spoken clearly on this issue and confirmed in section 3(j) of the tribal-State gaming compact clearly allows the nation to develop a gaming facility on the land. Nothing in Proposition 202 would disallow the nation from gaming in the Phoenix metropolitan area, as the other five to six casinos show that there were gentlemen's agreements for no additional casinos in Phoenix.

Well, there was no such side deal. The line of argument is, I think, an after-the-fact rationalization for a position that is entirely unsupported by the letter of the law. The compact has stated all elements of tribal-State gaming agreements must be embodied in the compact and must be approved by the Department of the Interior.

I think that we have to look at what has not been said. The United States' breach, if this becomes law, will void the nation's release of its original land claims and open the United States to a liability that was valued at \$100 million in 1986 dollars. The breach will also open the portion of the nation's original water claims settlement. This settlement is key to the negotiations going on now with the Salt River Project, the Central Arizona Water Conservation District, the State of Arizona, the Maricopa-Stanfield Water District, and the Central Arizona Irrigation District, all affecting the very

precious commodity in Arizona, which is water.

So at the expense of those liabilities, that breach could cause not only the State of Arizona, but the United States taxpayer, millions and millions of dollars and loss in settlements that are so vitally needs around the water issues affecting Arizona and the West.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

□ 1940

Mr. YOUNG of Alaska. Mr. Speaker, I can say that this is somewhat difficult for me because I have a rule about laws that are being passed in Members' districts, and I usually support. Mr. FRANKS represents that district.

And I will say, Mr. GRIJALVA has made some statements. I would suggest Congress makes laws, and Congress can remake laws. Lawsuits, that's a scare tactic. They can sue all they want. One of the problems we have in America today is we have too many lawyers, so you can sue anything and anybody, anytime, anywhere.

This is a battle about a State and a large group of American Natives that reached an agreement. Mr. GOSAR said this very clearly. He was there, and they reached an agreement and they are signatories. We had a hearing on this legislation. We had a quite intensive hearing, and that was brought up. And, of course, they can cite all the arguments they want, but they also understand that when a State is involved under Native gaming laws, which I and Mr. Udall sponsored, the State had to be directly involved; otherwise, you wouldn't have gambling anywhere in Arizona because the State would not have agreed to that if there hadn't been an agreement between all of the tribes, there would be no more than was established in the compact. And I think we have to consider the State's belief in this because that does affect the State. They probably wouldn't have any gambling at all.

This money from those five existing casinos is shared, even by the tribe requesting this casino outside their territory where they have their own casinos, they want it in the Phoenix area, and we all know that. This is about money. There's no doubt about that. But what concerns me the most is the compact. When I listen to this, when you make an agreement and you're a tribe and you agree to something, don't try to go around and change that later on by asking some lawyers. We talk about finances and where the finances are coming from. We can find that out, too, later on.

So with the understanding that this is an Arizona battle, but as chairman, I have to listen to both sides, and right now I come down on the side that Arizona, the State of, has an agreement, and we ought to live by it.

I yield back the balance of my time.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act.

I support this important legislation because I believe we should all be bound by the agreements we make.

In the late 1990s, Arizona tribes' gaming ventures were being threatened by litigation and anti-Indian gaming interests.

As a response, a number of tribes formed a coalition to create a joint negotiating position before entering into tribal compact discussions with state officials.

One of these tribes was the Tonoho O'dham Nation.

Following this agreement, proposition 202 was passed, limiting Phoenix area casinos to seven.

Through all this time, the Tonoho O'dham Nation never expressed any hesitation to the agreement they signed with other tribes or Proposition 202, until now.

I ask my colleagues to support this important measure because it upholds the good faith negotiations that were conducted to reach this joint power resolution between the Arizona Tribes.

I ask my colleagues to support it because it upholds the integrity of all the other tribes who have and still are living up to their word.

I urge my colleagues to vote "yes" on this important bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 2938, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CRISIS IN SYRIA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, the crisis in Syria is getting worse and worse and worse. I join with the United Nations, but I ask that the Arab League and NATO raise their voices to remove women and children and the elderly and the disabled and the sick from this onslaught of violence.

And I ask the head of Russia, Mr. Putin, does he have a heart? Is he going to continue on the basis of ego and collaboration, determined that he allow the violence against the Syrian people to continue?

I ask my Christian friends in Syria, as well, to join with the world of humanity to stop the violence against women and children. It is time now.

ONE VOTE, ONE PERSON

Mr. Speaker, I change to another topic very quickly and say: one vote,

one person. The voter ID law doesn't allow that, and the massive infusion of dollars coming from places that no one knows, no one has to account for. Let us have the Constitution stand again. Let America have a 2012 election without the infusion of unnamed dollars; now, \$100 million may be coming into this election from one person. Mr. Speaker, the Constitution deserves respect—one vote, one person.

CLEARING THE NAMES OF JOHN BROW AND BROOKS GRUBER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, I won't take the entire hour, but this is a 10-year journey that I have been on since I was notified by the wife of one of the pilots, Connie Gruber, who lives in my district, that the very tragic plane crash on April 8, 2000, when 19 marines were killed in a V-22 Osprey, that her husband, Major Brooks Gruber and Colonel John Brow, pilots, were being blamed for the accident. Nineteen marines that night were killed. And again, 10 years ago I was contacted by Mrs. Gruber, who lives in Jacksonville, North Carolina, which is the home of Camp Lejeune Marine Base.

Mr. Speaker, I have, for the House, a photograph of the V-22 Osprey that many people might have forgotten. In the year 2000, it was a plane going through a lot of trouble, meaning from the standpoint of testing, standpoint of records being changed, and the standpoint that the Secretary of Defense at the time, Dick Cheney, wanted to scrap the program. But the Marine Corps was saying that they had to have the MV-22. And again, Mr. Speaker, for you to know, this is the plane that goes from a helicopter mode to an airplane mode, that the nacelles will go from this way to a plane mode. I have this beside me so that people can see the V-22. The pilot was Colonel John Brow. He's pictured immediately on my left, and the copilot to the poster's left was Major Brooks Gruber.

Connie Gruber wrote me a letter. It's a full page, Mr. Speaker, and I would like to just read what she said, just one paragraph:

With so many wrongs in the world we cannot make right, I ask you prayerfully consider an injustice that you can make right. I realize you alone may not be able to amend the report, but you can certainly support my efforts to permanently remove this black mark from my husband's honorable military service record.

Mr. Speaker, there was a time when there was an issue involving the V-22 that the Marine Corps did not recognize, nor did Bell-Boeing, the manufacturer of the plane. It's called vortex

ring state, VRS, and it's where the different, the two helicopter nacelles can be impacted in a different way, and that's what caused this tragic accident on April 8, 2000.

Mr. Speaker, right after the accident, the Marine Corps sent three investigators—Colonel Mike Morgan, Colonel Ron Radich, and Major Phil Stackhouse—to Arizona to investigate this accident, which was very, very difficult for the marines who were given the responsibility to find out why this plane crashed and burned.

Mr. Speaker, they came back and completed what was known as the JAGMAN report that was submitted to the Marine Corps. The investigators, this was their findings of what caused the accident.

□ 1950

This is what has created the problem is that the Marine Corps issued a press release that I will talk about in just a few minutes. And the JAGMAN the families agreed with. Everything in the JAGMAN they agree with. And I'll touch on that in just a moment.

I also at this time want to thank Congressman STENY HOYER from Maryland, who is the Congressman for the wife of the pilot. Her name is Trish Brow. She has two sons, Matthew and Michael. Mr. HOYER has joined me in clearing the names of these two pilots, and I want to thank him again for that.

In addition, Congressman NORM DICKS from the State of Washington, who will be leaving this year, has heard me speak on the floor about this accident, and he also wants to join in clearing the names of these two pilots.

Mr. Speaker, I also want to thank attorney Jim Furman in Texas. Attorney Jim Furman represented Connie Gruber and Trish Brow in the lawsuit against Bell-Boeing. In addition, Brian Alexander and his associate, Francis Young, were the attorneys for the 17 Marine families. So those two attorneys, Jim Furman and Brian Alexander, have joined me in clearing the names of John Brow and Brooks Gruber.

Mr. Speaker, I must state that they won their case against Bell-Boeing. The amount of money allotted to the families has been secured, so therefore no one knows except the families; but it tells me a whole lot when a manufacturing company decides that they would rather settle out of court than take the case to court.

Phil Coyle, the Assistant Secretary of Defense and Director of Operational Test and Evaluation in the Department of Defense at the time of this accident, has also joined us in clearing the names of the two pilots. Also, shortly after the accident in the year 2002, CBS "60 Minutes," led by Mike Wallace, who is now deceased, gave the story of what happened and why this plane crashed and why the two pilots should not be seen at fault.

Mr. Speaker, there have been many people in this 10-year journey. Local press in eastern North Carolina all the way to press in Texas have joined us in this effort to say to Connie Gruber and Trish Brow and their sons and their daughter: your husbands were not at fault.

Why the Marine Corps will not join in this effort I do not understand. All the Marine Corps has to do is to issue a paragraph that clearly states to Trish Brow that your husband, John Brow, Colonel John Brow, pilot, was not at fault for the accident that occurred on April 8, 2000, in Marana, Arizona. All the Marine Corps has to do is to write a paragraph on the commandant stationery to Connie Gruber stating the same thing, except: your husband, Major Brooks Gruber, copilot, was not at fault for the accident that happened on April 8, 2000, in Marana, Arizona.

Mr. Speaker, you might think—and maybe some people watching tonight might think—well, why is this so difficult? The lawsuits are over, the plane is surviving, there's no threat to the Marine Corps that they're going to eliminate the V-22. It is part of their arsenal now. But this is what happened: a Marine Corps press release July 27, 2000, states:

Unfortunately, the pilot's drive to accomplish that mission appears to have been the fatal factor.

Mr. Speaker, the official JAGMAN investigation that I made reference to, Colonel Morgan, Colonel Radich and Major Stackhouse, this is what they said in the JAGMAN:

During this investigation, we found nothing that we would characterize as negligence, deliberate pilot error, or maintenance/material failure.

Mr. Speaker, if only the Marine Corps, after the JAGMAN report came out, would have released a press statement that would have said: After we have reviewed this JAGMAN report, it is now our determination, because of the JAGMAN report, that Colonel John Brow and Major Brooks Gruber were not at fault for this accident.

Mr. Speaker, at the time of this accident, this issue of vortex ring state was not fully understood. It was understood in the world of the helicopters, but not in the world of the Osprey. The Marine Corps did not understand, nor did Bell-Boeing understand, how the vortex ring state, how these pilots could have reacted. Mr. Speaker, in fact, at the time of the accident, the NATOPS manual that was given to the pilots of the V-22—and this night given to Colonel John Brow and Major Brooks Gruber—the NATOPS manual had absolutely nothing about the vortex ring state. It had one sentence. Since that time, the NATOPS manual for the Marine Corps and the Navy and the Air Force, Mr. Speaker, is six pages about vortex ring state and how you react to vortex ring state.

Mr. Speaker, there are warning systems in the cockpit of the V-22 now that these two Marines never saw, never had, never understood, never knew about. But since that accident, Mr. Speaker, they now have a warning system that tells the pilots that you're in trouble, you're in trouble. They even have in the helmets they wear a voice of a woman saying "sink, sink, sink," meaning you have to react to the sinking of the ship, this plane.

Mr. Speaker, that's why tonight and once a month I'm coming down on the floor to talk about the fact that these marines have every right to rest in peace. One's buried in Arlington Cemetery; that's Colonel John Brow. And the other, Major Brooks Gruber, is buried in the veterans cemetery down in Jacksonville, North Carolina, where his wife lives.

Mr. Speaker, I also want to thank WTVD of Durham. They're bringing a film crew up tomorrow to interview Trish Brow and one of her sons. They will meet Mrs. Brow over at Arlington Cemetery. This is why it does not make any sense why the Marine Corps will not issue a public statement in a paragraph to the two wives saying: after this many years and all the facts and all the testing and everything that we've done, there's no way that your husbands could have known what they were doing.

Mr. Speaker, they were sitting in the air. They did not understand how to react to vortex ring state. The Marine Corps knew not how to explain to them how to react. And Bell-Boeing had not done the proper research. Mr. Speaker, when I say proper research, after this accident and an additional accident, Tom Macdonald, a test pilot, spent 700 hours trying to figure out how the V-22 responds to vortex ring state and how the pilot should respond to vortex ring state. In fact, Mr. Macdonald deserved and he earned from the Test Pilots Association the Kincheloe Award for finding out and figuring out what you do when a plane gets into vortex ring state.

Mr. Speaker, these two men would not have given their lives and 17 marines in the back of the plane if Bell-Boeing had done its job and the Marine Corps had demanded that Bell-Boeing understand vortex ring state and how it would impact the V-22.

Mr. Speaker, very quickly—I'm going to close in just a few minutes, but I wanted to share with the RECORD that when the JAGMAN said that this was not deliberate pilot error, I wrote to one of the investigators, Lieutenant Colonel Morgan, and I asked him how and why did you use the words "deliberate pilot error" in the JAGMAN report. Again, the families, we accept the JAGMAN report; but I did not quite understand, I'm not a pilot, not a marine, never served, but I wanted to understand why. And I'd like to read this for the RECORD.

□ 2000

Colonel Morgan stated, and these are his words:

My personal feeling and opinion, supported by my interview with the lead flight crew, is that the mishap aircraft had no idea they had exceeded any flight parameters.

Mr. Speaker, the pilots had no idea they had exceeded any flight parameters. They were merely trying to remain in position on a flight lead trying to salvage a bad approach.

Mr. Speaker, the bad approach was by the lead plane. This was the second plane.

And, again, he said, the pilots had no idea they had exceeded any flight parameters.

Mr. Speaker, as I said just a moment ago, they now have warning systems, and if the pilots today had exceeded any flight parameters, there would be a warning system going off, and the plane would not crash and 19 Marines would not burn to death.

Mr. Speaker, again, I want to thank Congressman STENY HOYER for joining in this effort to clear the names of these two Marines. I want to thank the families, Trish Brow and her two boys, and Connie Gruber and her little girl, Brooks, for continuing to say somebody's got to clear the names of these two men.

They were outstanding pilots. Mr. Speaker, I've never had anyone in the Marine Corps tell me anything different than that John Brow and Brooks Gruber were outstanding pilots. But, as I've said tonight, the environment of the times, Secretary of Defense Dick Cheney was opposed to the V-22 program. He wanted to eliminate the program. There were Members in Congress in both parties that wanted to save the program. There was a fight going on.

So when these two Marines crashed, and the 17 Marines in the back of the plane that died, they sent out this press release that I just made mention of, and they never had a second press release that would clearly have stated, based on the investigation, based on the JAGMAN report that we, the Marine Corps, have reviewed, and signed by General McCorkle, that these two pilots were not at fault. They had not been trained. They did not understand vortex ring state. Bell Boeing didn't do its job. The Marine Corps didn't demand that Bell Boeing make this plane safe, and how it would react to vortex ring state, and they didn't understand it.

So for 10 years—actually 12 now; the crash was in 2000—for 10 years there have been many people who have joined me in trying to say to the Marine Corps, you owe these two men. They deserve and their families deserve a letter from the Marine Corps stating that they were not at fault for this accident.

Mr. Speaker, again, all I can say, and I will continue to say to the Marine

Corps, you have the utmost respect of the American people. They have great respect for the history of the Marine Corps and what the Marine Corps has done for our country in all the wars, just like the other services.

But in this case we're talking about the Marine Corps. And all the families want is one paragraph that clearly states that Colonel John Brow, pilot, was not at fault for the accident that occurred on April 8, 2000, in Marana, Arizona. All Connie Gruber wants is the same letter, but with her husband's name. This is to certify that copilot Brooks Gruber, Major Brooks Gruber, was not at fault for the accident that occurred on April 8, 2000, in Marana, Arizona.

Mr. Speaker, this is a journey that I will not stop till we clear the names of these two pilots. The facts are on our side. There's so much more that I could say tonight. I have volumes, Mr. Speaker. I have the tape that Jim Furman presented in the lawsuit case. I have a copy of that, given to me by Jim Furman. I've seen it all.

I've seen the tape from Mike Wallace and "60 Minutes." I've talked to Jim Schafer, Colonel Schafer, now retired. He was in the air. There were four planes flying that night, and he was in the air. These were his buddies, John Brow and Brooks Gruber. He saw the plane crash. He's joined us in this effort to clear the names of Colonel John Brow and Major Brooks Gruber.

I want to thank Chairman BUCK MCKEON and Ranking Member ADAM SMITH. They allowed language to be in the NDAA bill that basically says they hope that the Marine Corps will work to clear the names of these two pilots.

And, Mr. Speaker, I want to thank the press that has taken on this effort also. Voltaire said, and I quote Voltaire, We owe the living our respect. We owe the dead the truth. And that's all this effort has ever been about is trying to call on the Marine Corps, who the American people respect, I respect, to issue the letter to Trish Brow and Connie Gruber.

Mr. Speaker, all the lawsuits are over, and I look at this letter from Mike Morgan, and I don't read it because the first sentence is about me. But it says:

I applaud and fully support the extraordinary effort you have undertaken in support of John Brow and Brooks Gruber and the families who lost loved ones in the tragic crash of Nighthawk 72.

Let me read just a couple more, and then I'm going to close, Mr. Speaker. This is from Phil Stackhouse. Again, this is one of the three investigators. He said:

I do not believe that it would be a surprise to anyone that it is my opinion the mishap was not a result of pilot error, but was the result of a perfect storm of circumstances.

Mr. Speaker, that's what I'm talking about. They did not understand vortex

ring state. The manufacturer didn't understand it. The Marine Corps didn't understand it, so they couldn't train the pilots to understand it. That's what Major Stackhouse meant by a perfect storm of circumstances.

During the conduct of this investigation, we collected some 20 binders of evidence, including, among other things, maintenance records, training records, telemetry records, operational and testing records, and dozens of photographs. He further states this includes, for example, compressed testing and evaluation created by deadlines, funding, and maintenance.

Mr. Speaker, that's what he's talking about—at that particular time, when this plane was up and going to Arizona, they were cutting programs to test the plane. You had Secretary of Defense Dick Cheney trying to kill the program. They did everything they could.

I don't blame the Marine Corps for trying to save the program. They believed that this was the helicopter of the present and the future.

But he further stated:

The actions of the lead aircraft in the section, and lack of understanding how vortex ring state/power settling would actually affect the Osprey in the real world, was part of the problem. I do not feel that our investigation reflects that the mishap was a result of pilot error, and if the investigation was interpreted that way, it was misinterpreted.

Mr. Speaker, this is one of the three investigators. They all wrote about the same letter. And Major Phil Stackhouse closed by saying this:

For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

Mr. Speaker, I've had the privilege and the pleasure to meet Major Brooks Gruber's daddy and mom. They live in Florida. One time after the accident they came to Jacksonville, North Carolina, and Connie Gruber invited me to the First Baptist Church of Jacksonville. And it's one of those falls where they have reunions. And I never will forget, after the church service, Connie said, I want you to meet my father-in-law.

□ 2010

I went out and met Mr. Gruber. Mr. Speaker. He was a marine who fought for this country in Korea. We were in the vestibule of the First Baptist Church in Jacksonville.

He said, I want to shake your hand.

With tears in his eyes, he said, Congressman, I cannot thank you enough for trying to clear my son's name.

Mr. Speaker, I've stayed in touch with Mr. Gruber from time to time to let him know we're making progress. No, we're not there yet, but we keep beating this drum, the drum saying, Clear their names; clear their names; clear their names.

I called Trish Brow last week to tell her that WTVD wanted to come up and

interview her about the accident. It happened to be a tough day, Mr. Speaker, because her father-in-law, who is 80 years old, was having surgery. I am pleased to report that the surgery went well.

I want Mr. Brow, Sr., and his family and I want Mr. Gruber, Sr., and his family to see the letter that we are asking the Marine Corps to send to the two wives. Both men are in their eighties.

I will read it one more time before closing:

For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

The three investigators—Colonel Mike Morgan, Colonel Ron Radich, Major Phil Stackhouse—have all written me letters and have said the same thing, that our JAGMAN report says the pilots were not at fault.

Mr. Speaker, we are going to keep battling this thing for the families. I will say we're getting closer because I have such faith in God Almighty that I know that it's God's will that these two pilots who are dead and their families who are living deserve to have their names cleared. I just call on the Marine Corps to do what's right for their marines.

Do what's right for the marines. Forget the Congressman. He just happens to be the foot soldier. Do what's right for the two marines who are dead. Do what's right for the 17 marines who were in the back of the plane who are dead, and do what's right for the families of the pilot and co-pilot.

Mr. Speaker, with that, I want to thank you and the staff. You stayed here tonight to give me this chance to share my concern, my heart.

I will ask God to please touch the hearts of those in the United States Marine Corps, to look at the face of Colonel John Brow, pilot, and at the face of Major Brooks Gruber, co-pilot, and call on the Marine Corps to write the letters to the families and to publicly say that the JAGMAN report has cleared these two pilots' names and that we, the Marine Corps, could have 8 years ago issued a press release to the Nation saying that these two pilots were not at fault.

Had they done that, I would not be on the floor tonight.

Mr. Speaker, I close, as I always do, from the bottom of my heart for all of those fighting in Afghanistan: God, please bless the families of our men and women in uniform. Please, God, bless those who are serving our Nation. Those who have lost loved ones in Afghanistan and Iraq, hold them in your arms, dear God. Give them comfort.

God, please bless the House and Senate that we will do what is right in the eyes of God. Please bless President Obama that he will do what is right in the eyes of God for God's people.

And three times I will say in closing: God, please, God, please, God, please, continue to bless America.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for today on account of illness.

Mr. SCHILLING (at the request of Mr. CANTOR) for today on account of attending the visitation of a fallen soldier.

ADJOURNMENT

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 19, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6456. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2011, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6457. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment [Docket No.: EERE-2011-BT-STD-0029] (RIN: 1904-AC47) received May 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6458. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers [Docket Number: EERE-2008-BT-STD-0019] (RIN: 1904-AB90) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6459. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FDA-1999-F-0021; Formerly 1999F-2673] received May 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6460. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human

Use; Delay of Compliance Dates [Docket No.: FDA-1978-N-0018] (Formerly Docket No.: 1978N-0038) (RIN: 0910-AF43) received May 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6461. A letter from the Deputy Director, Office of State, Local, and Tribal Affairs, Executive Office Of The President, Office of National Drug Control Policy, transmitting reports on the National Youth Anti-Drug Media Campaign for Fiscal Year 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6462. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2011 on Voting Practices in the United Nations, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

6463. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

6464. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Export and Import of Nuclear Equipment and Material; Export of International Atomic Energy Agency Safeguards Samples [NRC-2011-0213] (RIN: 3150-AJ04) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6465. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Sandia National Laboratories in Albuquerque, New Mexico to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6466. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes in Requirements for Specimens and for Affidavits or Declarations of Continued Use or Excusable Nonuse in Trademark Cases [Docket No.: PTO-T-2010-0073] (RIN: 0651-AC49) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6467. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Clinton Engineer Works in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6468. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Brookhaven National Laboratory in Upton, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6469. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Electro Metallurgical site in Niagara Falls, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6470. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from Hangar 481 on the premises of Kirtland Air Force Base, Albuquerque, New Mexico to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6471. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's final rule — Amendment of Americans With Disabilities Act Title II and Title III Regulations To Extend Compliance Date for Certain Requirements Related to Existing Pools and Spas Provided by State and Local Governments and by Public Accommodations [CRT Docket No: 123; A.G. Order No. 3332-2012] (RIN: 1190-AA69) received May 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6472. A letter from the Director, Executive Office Of The President, Office of National Drug Control Policy, transmitting a report of the Use of High Intensity Drug Trafficking Areas Program Funds to Combat Methamphetamine Trafficking; to the Committee on the Judiciary.

6473. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications to Definition of United States Property [TD 9589] (RIN: 1545-BK11) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6474. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — June 2012 (Rev. Rul. 2012-15) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6475. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation of Mortgage Insurance Premiums [TD 9588] (RIN: 1545-BH84) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3668. A bill to prevent trafficking in counterfeit drugs; with an amendment (Rept. 112-537). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3100. A bill to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park, to conduct a study of potential land acquisitions, and for

other purposes; with an amendment (Rept. 112-538). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 688. Resolution providing for consideration of the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (Rept. 112-539). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. MCINTYRE, Mr. BUCHSHON, Mr. FINCHER, Mr. JOHNSON of Illinois, Mr. BOSWELL, and Mr. KISSELL):

H.R. 5952. A bill to require each Federal agency to submit and obtain approval from the Director of the Office of Science and Technology Policy of guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by the agency; to the Committee on Oversight and Government Reform.

By Mr. QUAYLE (for himself, Mr. ROSS of Florida, Mr. GRAVES of Georgia, Mr. RIBBLE, Mr. MULVANEY, Mr. BROOKS, and Mr. LONG):

H.R. 5953. A bill to prohibit the implementation of certain policies regarding the exercise of prosecutorial discretion by the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. ALTMIRE (for himself and Mr. GERLACH):

H.R. 5954. A bill to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself, Mr. KIND, Ms. PINGREE of Maine, Mr. HINCHEY, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LUJÁN, Mr. BUTTERFIELD, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. LOEBSACK, Ms. LEE of California, Ms. RICHARDSON, Mr. WALZ of Minnesota, Mr. MICHAUD, Mr. BLUMENAUER, and Ms. FUDGE):

H.R. 5955. A bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs; to the Committee on Agriculture, and in addition to the Committees on Oversight and Government Reform, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. PETRI, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. HINCHEY, and Mr. STARK):

H.R. 5956. A bill to provide safe, fair, and responsible procedures and standards for resolving claims of state secrets privilege; to the Committee on the Judiciary.

By Mr. SCHWEIKERT:

H.R. 5957. A bill to prohibit the Secretary of Homeland Security from granting deferred action or otherwise suspending the effectiveness or enforcement of the immigration laws; to the Committee on the Judiciary.

By Mr. TURNER of New York (for himself, Mr. KING of New York, and Mr. GRIMM):

H.R. 5958. A bill to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley; to the Committee on Natural Resources.

By Mr. SCHIFF:

H.J. Res. 111. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate contributions and expenditures in political campaigns and to enact public financing systems for such campaigns; to the Committee on the Judiciary.

By Mr. DESJARLAIS (for himself and Mr. ROE of Tennessee):

H.J. Res. 112. A joint resolution disapproving the rule submitted by the Internal Revenue Service relating to the health insurance premium tax credit; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. KAPTUR, Mr. HIGGINS, Mr. CARDOZA, Mrs. CAPPS, Ms. MCCOLLUM, Mr. RANGEL, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. ROYBAL-ALLARD, and Ms. ESHOO):

H. Res. 689. A resolution honoring Catholic sisters for their contributions to the United States; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MANZULLO:

H.R. 5952.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause

By Mr. QUAYLE:

H.R. 5953.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. ALTMIRE:

H.R. 5954.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Ms. KAPTUR:

H.R. 5955.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of Article I & Clause I of section 8 of Article I

By Mr. NADLER:

H.R. 5956.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clauses 9 and 18 of the Constitution

By Mr. SCHWEIKERT:

H.R. 5957.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8. Clause 4—The Congress shall have the power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

By Mr. TURNER of New York:

H.R. 5958.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:[2]

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States,

By Mr. SCHIFF:

H.J. Res. 111.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

By Mr. DESJARLAIS:

H.J. Res. 112.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BONNER.

H.R. 139: Mr. LEWIS of Georgia, Ms. HAHN, Mr. CAPUANO, and Ms. BROWN of Florida.

H.R. 140: Mrs. BLACK and Mr. MICA.

H.R. 191: Mr. MCGOVERN.

H.R. 266: Ms. CHU.

H.R. 267: Ms. CHU.

H.R. 459: Mrs. ELLMERS and Mr. WHITFIELD.

H.R. 529: Ms. EDWARDS.

H.R. 587: Ms. CHU.

H.R. 605: Mr. KINGSTON.

H.R. 694: Mr. SIREN, Mr. HONDA, Mr. RYAN of Ohio, Mr. LARSEN of Washington, Mrs. CAPPS, Mr. COHEN, Mr. DAVID SCOTT of Georgia, and Mr. LEWIS of Georgia.

H.R. 733: Mr. WAXMAN, Mrs. BLACKBURN, Mr. LATOURETTE, and Ms. BONAMICI.

H.R. 791: Ms. CHU.

H.R. 812: Mr. COHEN.

H.R. 816: Mr. THORNBERRY.

H.R. 835: Ms. SEWELL.

H.R. 860: Ms. VELÁZQUEZ.

H.R. 905: Mr. PRICE of Georgia.

H.R. 1170: Mr. JONES.

H.R. 1236: Mr. REED, Ms. HANABUSA, and Mrs. ELLMERS.

H.R. 1265: Mr. MACK.

H.R. 1327: Mr. BUTTERFIELD, Mr. CAMPBELL, Mr. SCOTT of Virginia, and Mr. COSTA.

H.R. 1344: Mr. RYAN of Ohio.

H.R. 1385: Mr. CHABOT.

H.R. 1409: Mr. PALAZZO.

H.R. 1513: Ms. SEWELL and Mr. KEATING.

H.R. 1653: Mr. HANNA.

H.R. 1704: Mr. GRIMM.

H.R. 1746: Mr. MICHAUD and Ms. KAPTUR.

H.R. 1755: Mr. BONNER, Mr. GRAVES of Georgia, Mr. AKIN, Mr. KINGSTON, and Mr. COHEN.

H.R. 1802: Mr. ANDREWS.

H.R. 1878: Ms. LEE of California.

H.R. 1910: Mr. TURNER of Ohio.

H.R. 1916: Mrs. LOWEY and Ms. EDWARDS.

H.R. 1936: Mr. KISSELL.

H.R. 1956: Mr. ADERHOLT.

H.R. 2010: Mr. KINGSTON.

H.R. 2030: Mr. LUJÁN, Mr. HINCHEY, and Mr. ISRAEL.

H.R. 2104: Mr. BACA and Mr. KING of New York.

H.R. 2123: Mrs. MCCARTHY of New York.

H.R. 2151: Mr. CONYERS.

H.R. 2194: Mrs. DAVIS of California.

H.R. 2267: Mr. PERLMUTTER, Ms. HIRONO, Mr. OLVER, Mr. RUSH, Mr. MCDERMOTT, Mr. BARTLETT, and Mr. ROONEY.

H.R. 2327: Mr. ROSS of Florida.

H.R. 2499: Mr. LEWIS of Georgia, Mr. ROSS of Arkansas, and Ms. KAPTUR.

H.R. 2514: Mr. MICA and Mr. HARRIS.

H.R. 2634: Mr. COHEN.

H.R. 2671: Mr. WELCH.

H.R. 2866: Ms. SEWELL and Mr. DIAZ-BALART.

H.R. 3145: Mr. CAPUANO.

H.R. 3187: Mr. GUTHRIE.

H.R. 3307: Mr. LATOURETTE.

H.R. 3458: Mr. ROSS of Florida.

H.R. 3481: Mr. NUNNELEE.

H.R. 3485: Ms. BASS of California and Mr. CARNAHAN.

H.R. 3506: Mr. YOUNG of Alaska.

H.R. 3510: Mr. CROWLEY and Mr. PAULSEN.

H.R. 3596: Mr. CICILLINE.

H.R. 3612: Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. TIERNEY, and Mr. GERLACH.

H.R. 3618: Mr. DOGETT.

H.R. 3627: Mr. KELLY and Ms. EDWARDS.

H.R. 3656: Mr. BRALEY of Iowa.

H.R. 3668: Mr. LUJÁN and Mr. CROWLEY.

H.R. 3798: Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Mr. CICILLINE, Mr. SARBANES, Ms. SEWELL, Mr. ISRAEL, Mr. BUCHANAN, Mr. REYES, Mr. LYNCH, Mr. NADLER, and Mr. KEATING.

H.R. 3849: Mr. KISSELL, Mr. WILSON of South Carolina, Mr. FLEISCHMANN, and Mr. MARINO.

H.R. 3860: Mr. FRANK of Massachusetts and Ms. RICHARDSON.

H.R. 3895: Mrs. EMERSON.

H.R. 3905: Mr. CLARKE of Michigan.

H.R. 4052: Mr. SHERMAN, Mrs. MCCARTHY of New York, Mr. CARSON of Indiana, and Mr. LIPINSKI.

H.R. 4070: Mr. HULTGREN and Ms. HOCHUL.

H.R. 4104: Mr. SENSENBRENNER, Mr. BISHOP of Utah, Mr. REICHERT, Mr. WOLF, Mr. YODER, Mr. REHBERG, Mr. SCHWEIKERT, Mr. WOODALL, Mr. GARY G. MILLER of California, Mr. GRAVES of Georgia, Mr. SMITH of Nebraska, Mr. MARINO, Mr. ROGERS of Kentucky, Mr. ROYCE, Mr. CARSON of Indiana, Mr. HIGGINS, Ms. CASTOR of Florida, Ms. SCHWARTZ, Ms. TSONGAS, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Ms. CHU, Mr. SHERMAN, Mr. KEATING, Mr. YARMUTH, Mr. BRALEY of Iowa, Mr. HEINRICH, Mr. PETRI, Mr. MCKINLEY, Mr. CLAY, Ms. HANABUSA, Mrs. NOEM, Mr. NUNES, Mr. ALEXANDER, Mr. DUNCAN of Tennessee, Mr. PENCE, Mr. GOODLATTE, Ms. ROS-LEHTINEN, Mr. WALSH of Illinois, Mr. WALBERG, Mr. PLATTS, Mr. HERGER, Mr. LANCE, Mr. JONES, Mrs. BACHMANN, Mr. HULTGREN, Mr. SMITH of Texas, Mr. ROSS of Florida, Mr. THORNBERRY, Mr. TERRY, Mr. CLARKE of Michigan, Mr. CAPUANO, Mr. ELLISON, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. ACKERMAN, Ms. HOCHUL, Mr. SCHRADER, Mr. MEEKS, Ms. CLARKE of New York, Mr. GALLAGLY, Mr. GUINTA, Mr. CASSIDY, Mr. BROWN of Georgia, Mr. KING of Iowa, Mr. WHITFIELD, Mr. GUTHRIE, Mr. CRENSHAW, Mr. CALVERT, Mr. MCCLINTOCK, Mr. FRANKS of Arizona, Ms. MOORE, Mr. JOHNSON of Illinois, Mr. LIPINSKI, Mr. LYNCH, Mr. BLUMENAUER, and Mr. BURTON of Indiana.

H.R. 4122: Mr. LYNCH.

H.R. 4238: Mr. MORAN.

H.R. 4256: Mr. SESSIONS.

H.R. 4285: Mr. GONZALEZ.

H.R. 4286: Mr. MICHAUD, Ms. SEWELL, Mr. LARSEN of Washington, and Mr. PETERS.

H.R. 4287: Mr. HASTINGS of Florida, Ms. EDWARDS, Ms. SCHAKOWSKY, Mr. RUSH, Mr. FILNER, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. GRIFFIN of Arkansas, Mr. BARLETTA, and Mr. CARSON of Indiana.

H.R. 4318: Ms. SCHAKOWSKY.

H.R. 4323: Mr. ROE of Tennessee.

H.R. 4335: Mr. MARINO.

H.R. 4342: Mr. ROSKAM and Mr. HOLDEN.

H.R. 4367: Mr. HONDA, Mr. AMASH, Mr. RUPERSBERGER, Mr. WALZ of Minnesota, Mr. WILSON of South Carolina, Mr. LYNCH, Mr. LUJÁN, and Ms. HAHN.

H.R. 4965: Mr. GOSAR, Mr. POSEY, Mr. PALAZZO, and Mr. MARINO.

H.R. 5186: Ms. SLAUGHTER, Ms. BORDALLO, Mr. OLVER, Ms. LEE of California, Ms. KAPTUR, Ms. BROWN of Florida, and Mr. KUCINICH.

H.R. 5542: Ms. SUTTON and Mr. CONYERS.

H.R. 5593: Mr. RUSH.

H.R. 5646: Mr. HARRIS.

H.R. 5683: Mr. PERLMUTTER.

H.R. 5684: Mr. COURTNEY.

H.R. 5744: Mr. LABRADOR.

H.R. 5796: Mr. RIGELL, Mr. RIVERA, Mr. WELCH, Mr. DANIEL E. LUNGREN of California, and Mr. WOLF.

H.R. 5822: Mr. POMPEO.

H.R. 5823: Ms. LEE of California.

H.R. 5850: Mr. AMODEL.

H.R. 5859: Mr. KINZINGER of Illinois.

H.R. 5860: Mr. CONYERS.

H.R. 5893: Mr. CONNOLLY of Virginia.

H.R. 5901: Mr. FATTAH, Mr. RANGEL, and Mr. JOHNSON of Georgia.

H.R. 5910: Mr. GRIMM and Mr. PAULSEN.

H.R. 5911: Mr. PETRI, Mr. ROSS of Arkansas, and Mr. LANDRY.

H.R. 5942: Mr. ENGEL.

H.R. 5943: Mr. THORNBERRY, Mr. BOSWELL, Mr. HANNA, Mr. COURTNEY, and Mr. BISHOP of New York.

H.R. 5948: Mr. MILLER of Florida and Mr. ROE of Tennessee.

H.J. Res. 78: Mr. CAPUANO.

H. Con. Res. 116: Mr. BERG.

H. Con. Res. 127: Mr. CRITZ, Ms. BONAMICI, Mr. BUCHANAN, Mr. NUNNELEE, Mr. FARR, Mr. GEORGE MILLER of California, Mr. BURGESS, Mr. POLIS, and Ms. ZOE LOFGREN of California.

H. Con. Res. 129: Mr. CAMP.

H. Res. 20: Mr. MEEKS.

H. Res. 21: Mr. RANGEL.

H. Res. 29: Mr. SHERMAN.

H. Res. 608: Mr. ELLISON and Mr. CLARKE of Michigan.

H. Res. 616: Mr. CARTER.

H. Res. 623: Mr. NUGENT, Mr. PLATTS, and Mr. LANCE.

H. Res. 654: Ms. BROWN of Florida.

H. Res. 662: Mr. JOHNSON of Ohio and Mr. CRAVACK.

H. Res. 678: Mr. CALVERT and Mr. GOSAR.

H. Res. 683: Mr. FALEOMAVAEGA, Ms. PELOSI, and Mr. STARK.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of the rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JESSE BROWN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. CARDOZA. Mr. Speaker, I rise today along with my colleague Congressman JEFF DENHAM to honor Jesse Brown for his years of dedicated service to Merced County. Jesse is the Executive Director of the Merced County Association of Governments (MCAG) and will be retiring after twenty-four years in the position.

MCAG was formed in 1967 by the local governments in the Merced County region as a forum for making key decisions on regional growth and transportation issues. Jesse took on his position in 1988. He is well known for his leadership in promoting regional solutions to the many challenges facing the region, including transportation, public transit and solid waste. In his thirty years of public service, Jesse has successfully worked to build partnerships at the state and federal level to ensure the San Joaquin Valley remains a high priority.

Jesse has served as Chair of the California Council of Governments Director Association, President of the San Joaquin Valley Transportation Planning Directors Association, and Executive Director of the Yosemite Area Regional Transportation System, known as YARTS. Additionally, he served as a committee member through the Greater Merced Chamber of Commerce to ensure that Merced was the choice place for the tenth campus of the University of California.

Jesse has a Bachelor's in Public Administration and M.S. in Urban Planning from the University of Arizona.

Mr. Speaker, we thank you for the opportunity to recognize Jesse Brown and his career with the Merced County Association of Governments. Further, we appreciate you joining us in thanking him for his dedicated service to Merced County and his commitment to the betterment of the region. We wish him well during this next chapter of his life.

HONORING LLOYD LACUESTA
UPON HIS RETIREMENT FROM
KTVU

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Lloyd LaCuesta upon his retirement from KTVU.

Lloyd retires on June 15th, after over 35 years of reporting with KTVU Channel 2

News. Lloyd held the position of South Bay Bureau Chief for decades and is the longest tenured reporter at KTVU. He received his B.A. in Journalism and Political Science from California State University, Los Angeles, and San Jose State University. He obtained his M.A. in Journalism from University of California, Los Angeles.

Lloyd worked for the Los Angeles Herald Examiner as a high school correspondent and then in radio at KNBC/KNX. Lloyd later served in the U.S. Army as a military broadcast journalist for the American Forces Korea Network before coming to KTVU in 1976.

From 1987–1990, Lloyd served as Asian American Journalists Association's (AAJA) first elected national president. In 1991, Lloyd co-founded the UNITY alliance to increase diversity in the news and served as its first president. His mentorship, reputation, and service earned him AAJA's Lifetime Achievement Award in 2004.

Lloyd covered stories ranging from the L.A. Riots in 1992 and the Columbine high school shooting to the first landing of the Space Shuttle at Edwards Air Force Base and a flight into Mr. St. Helen's volcano crater. His reporting led him to the Philippines to cover the Marcos vs. Aquino Presidential campaign, Honduras to report on Hurricane Mitch, and Vietnam to produce a series on Amerasian children.

For his work, Lloyd has won six Emmy Awards from the National Academy of Arts and Sciences. He received awards from the Associated Press and the Peninsula Press Club. He uses his expertise to teach journalism at San Jose State University and Menlo College.

We honor Lloyd LaCuesta, on the special occasion of his retirement and will miss him on the ten o'clock news. We commend Lloyd for his invaluable service to our community and wish him the best in his future adventures. We are very fortunate to have benefited from his dedication, tenacity, and perspective. He has left his mark in San Jose and the larger community.

SUSAN J. CAMPBELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Susan J. Campbell of Susan J. Campbell Copywriting Solutions of Saint Joseph, Missouri. This business has been chosen to receive the YWCA Women of Excellence Award for Employer of Excellence.

Susan J. Campbell is passionate about her work and she takes every opportunity to ensure those who work with her are able to break into a similar passion. Balancing work and family is perhaps the greatest stand-out

feature within the company. Susan sets the pace by working hard to build the company, encouraging co-workers, and reaching out in service to the community.

Susan is involved in many service opportunities and invites co-workers to join in. Each year, Susan and her co-workers volunteer at the Royal Family Kids Camp, and Susan is always asking what more can she do to help. She goes above and beyond in her community and in her workplace allowing every employee and independent contractor to set his or her own work schedule.

Mr. Speaker, I proudly ask you to join me in recognizing Susan J. Campbell Copywriting Solutions. This business is a tremendous asset to the St. Joseph community, and I am honored to represent this business in the United States Congress.

TRIBUTE TO AMBASSADOR RENEE
JONES-BOS OF THE NETHERLANDS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise to extend my warmest regards and great appreciation to Ambassador Jones-Bos for her successful efforts to reinforce the strong ties between the people of the United States and the people of the Netherlands.

For four years, Ambassador Jones-Bos has served the Dutch people with energy and grace in a time of great tumult for both the Dutch and American people. During her tenure, our two peoples have stood side-by-side on the battlefields of Afghanistan and as partners in the aftermath of global financial crisis. Throughout these challenges, Ambassador Jones-Bos has been a poised and unwavering advocate for her country and strong ally to the United States. Through her educational efforts and through her sound advice at key times, Ambassador Jones-Bos has played a major diplomatic role in the most significant events of our bi-lateral relationship over the last four years.

The people of the Netherlands and the United States have shared a bond since the Dutch ship, the *Half Moon*, first sailed up the Hudson River more than 400 years ago. The Dutch helped settle and found New Amsterdam, Brooklyn, and Harlem. Their descendants rose to become Presidents of the United States and to build the great fortunes that helped America attain its stature as the most prosperous and powerful Nation this world has ever known.

As an enthusiastic and committed joint-custodian of those ties since 2008, Ambassador Jones-Bos helped to strengthen our ability to confront with confidence the major challenges that our two countries face today. The strength

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of our alliance and the endurance of our friendship have made both our nations stronger and the world more secure as a consequence.

As co-chair of the Congressional Caucus on the Netherlands, on behalf of my colleagues and on behalf of a grateful Nation, I thank Ambassador Jones-Bos for her dedicated service in support of the ties between the Dutch and American people and I congratulate her on her many successes as her country's representative to the U.S.

CELEBRATING THE 136TH ANNIVERSARY OF ST. JOHN MISSIONARY BAPTIST CHURCH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate St. John Missionary Baptist Church on the historic occasion of its 136th year anniversary. From its most humble beginnings in 1876, the church has grown to provide a wealth of spiritual guidance and stewardship to so many in the Dallas area.

Like the structure that houses its congregants today, St. John Missionary Baptist Church has been a bedrock of devotion and service to thousands in the community over the years. The church's call to action for decades has been "Where Christianity is a business and not a sideline," and so many have taken up that call to provide leadership and evangelism to their friends and neighbors.

I want to acknowledge the church's current pastor, the Reverend Bertrain Bailey for his stalwart commitment to outreach in his ministry, and the leadership and guidance he has provided.

Mr. Speaker, please join me in congratulating St. John Missionary Baptist Church on their 136th year in service to God and their community. St. John Missionary Baptist Church has fed the souls of generations in Dallas and the surrounding communities, and may it in its blessings continue to prosper and grow in the years to come.

IN RECOGNITION OF STAR ISLAND CORPORATION AND THEIR SUCCESSFUL RESTORATION OF THE HISTORIC GOSPORT REGATTA

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate the non-profit Star Island Corporation for their successful restoration of the historic Gosport Regatta.

The Star Island Corporation has owned and maintained Star Island for almost 100 years. As part of the National Historic District located on the Isles of Shoals, the Corporation was desirous of re-creating a historic moment in time for the benefit of today's retreats and

conferences on the island. Research into the 1875 Gosport Regatta, which was held to celebrate the opening of the Oceanic Hotel on the island, revealed that the race was won by the America, the yacht for which the America's Cup is named. The Captain and owner of the America, General Benjamin Franklin Butler, played a pivotal role in the creation of the Emancipation Proclamation issued by President Abraham Lincoln and the restoration of the Gosport Regatta allows for recognition of this important historical connection to the Star Island Retreat and Conference Center, on the Isles of Shoals in Rye, New Hampshire.

I commend the Board of Directors and the Staff of the Star Island Corporation for their time and efforts on this restoration, and wish you all the best for continued success in the future.

IN RECOGNITION OF MAYOR MATT DOHERTY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. PALLONE. Mr. Speaker, I rise today to recognize Matt Doherty, Mayor of Belmar, New Jersey. Mayor Doherty is the 2012 recipient of the Friendly Sons of the Shillelagh Irish Man of the Year award. Matt is a respected member of Belmar, New Jersey and continues to dedicate his efforts to improving the community. His commitment to his profession and constituents is truly worthy of this body's recognition.

In 2006, Mayor Doherty was elected to serve on the Borough Council and was re-elected in 2009. He proudly served as Borough Council President and was respected by his colleagues and constituents. Matt Doherty was elected Mayor of the Borough of Belmar, New Jersey on November 2, 2010. During his tenure as Mayor, Belmar has continued to see tremendous growth and prosperity. He has also been the catalyst for growth and prosperity throughout the Borough and an advocate for improvement projects. Of his many notable accomplishments as Mayor, Matt is often praised for his support of first-responders. Mayor Doherty implemented free beach access for all Monmouth County First-Aid and Fire Department Volunteers throughout Belmar. He has also required the implementation of Mobi-Mats on the beach for ADA-approved accessibility. The 9th Avenue pier at the Belmar Marina has been redeveloped as a result of Mayor Doherty's foresight and ingenuity. In addition to his capacity as Mayor, Matt served as ADA coordinator, Harbor Commissioner, and presided as a member of the Belmar Planning Board. Mayor Doherty is a passionate and committed leader, whose unyielding leadership and vision for the future of Belmar are exemplified through his actions as Mayor.

Mayor Doherty demonstrates strong ties to the Irish-American community. Matt is a dedicated member of the Friendly Sons of the Shillelagh of the Jersey Shore and is applauded for his commitment. His participation and contributions to the organization remain,

in part, a reason for the organization's success. Matt is also a member of the Ancient Order of Hibernians and serves as a trustee for the Inlet Terrace Association in Belmar. In addition to his recreational and professional career, Matt has traveled to Northern Ireland multiple times to participate in the "Bloody Sunday March" in Derry, Ireland. He has also visited Ballybriggan, Ireland and continues to proudly represent his Irish culture and heritage. Most recently, Irish Echo named Mayor Doherty to the "40 Under 40" for his efforts and outstanding contributions to the Irish-American community.

Matt Doherty is a Financial Advisor at Investors Bank. He was previously employed as a Licensed Mortgage Banker and owner of Doherty Mortgage, LLC located in Belmar. He earned his Bachelor's degree and a Master's degree in Public Policy from Georgetown University. Matt is happily married to Maggie Moran. Together, they have two daughters, Hannah and Claire.

Mr. Speaker, Mayor Matt Doherty continues to exemplify outstanding contributions to Belmar, New Jersey and serves as an outstanding role model and dedicated leader of the Irish-American community. The fitting recognition of Irish Man of the Year bestowed by the Friendly Sons of the Shillelagh is a fitting tribute to his outstanding contributions.

CHRISTI NORRIS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Christi Norris of Saint Joseph, Missouri. Christi is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in Support Services.

As the Communications Manager for the Social Welfare Board, Christi's influence extends far beyond the organizing and daily operations responsibilities of her job. Christi has been responsible for developing successful fundraisers, putting together a quarterly newsletter, and promoting a cheerful atmosphere in the organization through birthday celebrations and productive staff functions.

Christi's faith influences her work attitude and she is recognized as one who interacts with people of every age and socio-economic level with consistent charm and effectiveness. Christi demonstrates the high character coupled with high work standards which constitute a career worth imitating.

Mr. Speaker, I proudly ask you to join me in recognizing Christi Norris. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

IN HONOR OF THE RCA HERITAGE PROGRAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor The RCA Heritage Program for its tireless efforts in preserving the name and legacy of RCA. For over sixty years, RCA served as a vanguard of progress not only in South Jersey, but in the country as a whole. RCA's visionary leadership and its dedication to industrial innovations led this company to become a world-renowned manufacturer of products for entertainment, communications, and national security. RCA also served as a critical component of the country's defense and manufacturing industries during World War II, giving the United States a significant technological advantage on the world stage. In having such a broad impact on the region, it is only right to preserve RCA's cultural and societal legacy.

The RCA Heritage Program, under the sponsorship of Rowan University, has worked to establish The RCA Heritage Program Museum, which will preserve the memory of RCA and educate future generations on its impact. In further promotion of education, The RCA Heritage Program established a scholarship available to South Jersey residents interested in pursuing a master's degree in electrical engineering at Rowan University.

With the help of former RCA employees, The RCA Heritage Program has brought together generations of South Jersey residents, collecting pieces of history which would otherwise be lost to time.

Mr. Speaker, The RCA Heritage Program's continuing mission to preserve the lasting legacy of RCA for South Jersey and its residents should not go unrecognized. I join all of South Jersey in paying tribute to this exceptional organization.

TOP COPS—ISSAQUAH PD

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. REICHERT. Mr. Speaker, September 24 of last year during a beautiful fall afternoon, six police officers in Issaquah, Washington stopped a gunman intent on murdering innocent people. Because of their quick actions and bravery, the officers will be honored Saturday evening at the 19th annual TOP COPS Awards ceremony in Washington, DC.

On that fateful day last fall, the gunman walked through yards and on sidewalks indiscriminately firing a rifle at homes, businesses, and passersby. Not far away, more than 100 people were watching a youth football game at a local school. Before the players and spectators could find refuge, the six officers put an end to his rampage utilizing the information being relayed via 9-1-1 operators.

On that day, as on every day, law enforcement officers saved lives calmly, swiftly and selflessly.

Each year, Mr. Speaker, the National Association of Police Organizations recognizes law enforcement officers from federal, state, county and local agencies for acts of bravery, courage and outstanding service to their communities over the preceding year. I am proud that six of our nation's finest officers—and who serve in the district that I represent—8th of Washington—will be acknowledged with the rest of our heroes during police week.

Mr. Speaker, to Officers Brian Horn, Jesse Petersen, Laura Asbell, Tom Griffith, Corporal Christian Munoz, and Sergeant Chris Wilson, I say "thank you." I will continue to support you and all of our law enforcement professionals around the country.

DIANE WATSON**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Diane Watson of Saint Joseph, Missouri. Diane is active in the community and has been chosen to receive the YWCA Women of Excellence Award for Woman in Volunteerism.

Diane's recent retirement from the St. Joseph School District Board of Education ended more than 40 years of total service to the public school system as a teacher and volunteer, including 12 consecutive years as a Board Member. During her first term on the board, she helped lead a \$36 million bond project for school improvement. In her later term, she helped with the establishment of personal computers for students. Diane's volunteer career extends across the community, including roles as a docent at the Albrecht-Kemper Museum of Art; Chapter and Reciprocity President of P.E.O.; and an elder, deacon and committee member to the First Presbyterian Church. As Area Coordinator for Phi Delta Kappa, she traveled the western part of Missouri encouraging quality education. She has also contributed her time and talents to the Calla Varner Board, the Junior League, the Flower Society, the St. Joseph Symphony, and the Performing Arts Association, among others. With an enthusiastic personality and a "can-do" attitude, Diane Watson has become an outstanding community volunteer and an admired friend to many—all of which she humbly attributes to "going wherever the Lord leads."

Mr. Speaker, I proudly ask you to join me in recognizing Diane Watson. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

IN HONOR OF PLUMBERS & PIPEFITTERS LOCAL 562

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. CARNAHAN. Mr. Speaker, I rise to today to recognize the 100th anniversary of Plumbers & Pipefitters Local 562.

Local 562 has a proud history in local labor movement which began in the 1800s and I am honored to rise today to honor its people, and its work, over the last 100 years. Local 562's 4,500 members serve the plumbing and mechanical industry in 67 counties in Eastern Missouri. In 1999 Plumbers Local 35 was merged by the International Union with Pipefitters Local 562 to create the new Plumbers & Pipefitters Local 562.

Plumbers and Pipefitters local 562 provides some of the best educated and trained labor workforce in the world. Its workers have participated in the successful construction of some of St. Louis' most significant initiatives, ranging from large private buildings to major transportation and infrastructure projects. This success is due to Local 562's attention to quality service and craftsmanship.

Local 562 has also been a leader in the industry, as exemplified by its investing over \$12 million in a new training facility. Because of rigorous training, members of local 562 are at the forefront of innovative new industries in our ever changing economy. They are integral to our regional and national economic development, as a well skilled and educated workforce is critical to a growing economy.

For all of Local 562's contributions to our economy, it is also well known for its volunteer and charitable efforts in the community. The Plumbers & Pipefitters annually provide thousands of dollars worth of services to help St. Louis' poor and elderly citizens pay for their utility bills; donate plumbing repairs and home renovations for the less fortunate; help build decent and affordable housing; raise funds for police officers, firefighters, and emergency responders who have fallen in the line of duty; and volunteer time and money to children's hospitals.

Recognizing a century of leadership and excellence in the construction industry, and in our community, I offer hearty congratulations to the members of Plumbers & Pipefitters Local 562, and thank them for their service.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, on the 200th anniversary of President James Madison signing a declaration of war against Great Britain, it is \$15,736,971,094,472.17. We've added \$5,110,094,045,559.09 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

LEECHIA JONES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Leechia Jones of Saint Joseph, Missouri. Leechia is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in the Workplace.

Leechia is humble regarding her numerous accomplishments she has earned through her leadership and dedication, which include the Communicator of the Year award from Southwestern Bell; the Sullivan Award from Catholic Charities, and the Distinguished Leadership Award from the National Association for Community Leadership and from Leadership St. Joseph. Often called upon to help with new initiatives, Leechia extended her wisdom and leadership as coordinator for the St. Joseph Youth Alliance during its beginning phases, serving there as a loaned team member from Family Guidance Center for three years.

Mr. Speaker, I proudly ask you to join me in recognizing Leechia Jones. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

CELEBRATING CHIEF DAVID
DUBOIS' TWENTY NINE YEARS
WITH THE ROCHESTER POLICE
DEPARTMENT

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GUINTA. Mr. Speaker, on May 31, 2012 Chief David Dubois retired from the Rochester Police Department after 29 years as a law enforcement officer in that community. A native of Somersworth, New Hampshire, Chief Dubois decided from an early age to pursue a career in law enforcement based on the example of his father who also enjoyed a career as a police officer.

Chief Dubois began his career as a part-time police officer in Somersworth and became a full-time officer in Rochester in 1983. He quickly rose through the ranks, serving the community in many capacities during his tenure. In May of 2002, he was appointed Police Chief and served in that position for a decade. Throughout his career, he has been known as a community leader committed to protecting the citizens he represented and the men and women under his command. Chief Dubois has also been active in the Rochester community and has participated in many civic organizations like the Rochester Chamber of Commerce and the Rotary Club of Rochester.

I want to commend Chief Dubois for his service and wish he and his family well in the coming years.

MONTFORT POINT MARINES: JOE COBBS AND JOHNNY THOMPSONS; DISTINGUISHED MASON AND SON OF CIVIL WAR VETERAN LUKE MARTIN, JR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor two American trail blazers from North Carolina's first congressional district; Montfort marine veterans Johnny Thompskins and the recently deceased Joe Cobbs. I would also like to recognize the son of a Civil War veteran Luke Martin, Jr. Thompskins, Cobbs, and Martin will be honored by the Christian Community Charity Workers (CCCW) Inc., on June 24 at the Flame Banquet Center in New Bern, North Carolina.

Mr. Speaker, recruiting for the "Montfort Marines" began on June 1, 1942, following public pressure on President Franklin D. Roosevelt by Black leaders to issue Executive Order 8802, which barred government agencies and federal contractors from employment discrimination on the basis of race, creed, color or national origin. The order also required all of the U.S. Armed Services, including the United States Marine Corps, to recruit and enlist African Americans. Despite an era thick with racial discrimination, Black recruits lined up by the thousands to defend the freedoms of people abroad, while still being denied basic unalienable rights at home.

Among the inaugural class of Black Marines were Johnny Thompskins and the late Joe Cobbs. Thompskins, a man of small stature but enormous courage; and Cobbs, who developed a strong work ethic while working his family's farmland, received basic training at the segregated Camp Montfort Point in North Carolina, because no Black recruit was allowed to enter the main base of nearby Camp Lejeune unless accompanied by a white Marine.

Nevertheless, these three men were unafraid by the onslaught of World War II. They understood that victory in war was only achievable with the talent of its Black citizens. As a result, these men served their country with distinction, chartered uncharted territory, and set the bar for exemplary African American servicemen.

At 94 years old, Martin is widely known around the state of North Carolina as one of a few living children of Civil War veterans. His father, Luke Martin, Sr., was a slave in Hertford County when he joined the Union Army and began to bravely fight for the freedoms of his loved ones.

Nonetheless, Martin, Jr. is a distinguished mason who has earned enormous respect for building a several structures across Craven County. Martin's son Frederick Martin was killed in the Vietnam War in 1968.

Today, Thompskins and Martin reside in New Bern, North Carolina. Cobbs also lived there until his passing in May. All entered the world as young men determined to forge independence and enthusiastic to contribute to the country and their communities.

Mr. Speaker, the contributions of Thompskins, Cobb, and Martin to America expand the

definition of patriotism. Their trailblazing efforts will forever remain a cornerstone in American history.

LINDA JUDAH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Linda Judah of Saint Joseph, Missouri. Linda is active in the community and has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award: Woman in the Workplace.

Ms. Judah has served as Director of Buchanan Child Support Enforcement, a hospital and school nurse, and is currently the Executive Director of the Social Welfare Board. Linda has grown to have a compassionate understanding of the specific health challenges faced by low-income patients and has worked aggressively to overcome those challenges. Through her hard work and dedication to ensure that the Social Welfare Board achieve the highest level of care, the clinic now serves as a standard for others seeking to provide high-quality care.

In addition to serving as a leader for several overseas medical trips, Ms. Judah has worked diligently to secure funding for the free clinic through a period of economic uncertainty and has earned such a respect among nursing students and interns that she was invited to be the commencement speaker at graduation.

Mr. Speaker, I proudly ask you to join me in recognizing Linda Judah. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

HONORING THE NEIGHBORHOOD
MUSIC SCHOOL AS THEY CELEBRATE
THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many who have gathered in celebration of the 100th anniversary of the Neighborhood Music School in New Haven, Connecticut. This is a remarkable milestone for this wonderful institution of learning.

The Neighborhood Music School is not your ordinary school. Its 3,000 students hail from communities across Connecticut and range from 6 months to over 80 years of age. The Neighborhood Music School offers a myriad of programs in music and dance that are open to children and adults regardless of age, economic status, or experience. The arts, in all of its many mediums, are both a celebration of culture and tradition as well as a means of personal expression. The Neighborhood Music School has opened the doors of opportunity to

thousands throughout its century-long history and has become a beloved community treasure.

The Neighborhood Music School has a particularly interesting history. When it first opened in 1911, on Wooster Street in New Haven, it was established in conjunction with St. Paul's Church as a settlement house and social services organization for local immigrants known as the Neighborhood House. However, in its first four years Neighborhood House saw such a demand for music programs it was decided that a separate entity, the Neighborhood House Music School was created and placed under the leadership of its first director, Susan Hart Dyer, a violinist and graduate of the Yale School of Music.

Faculty came from the Yale School of Music and the New Haven Symphony Orchestra. The school grew rapidly and even during the most difficult economic times of the Great Depression, the demand for the programs remained high. In 1945, Neighborhood House Music School officially became an independent entity called Neighborhood Music School and during the next decade a change in admission policies broadened the school's reach and enrollment reached new heights. It was in 1968, after a 4-year long building fund campaign, that the Neighborhood Music School opened its new home on Audubon Street, in what is now the heart of New Haven's thriving arts community.

Today, in its 30,000 square foot facility, Neighborhood Music School is home to thirty-three studios, practice rooms, a recital hall, and a library, showcasing the extraordinary talents of thousands of children and adults every year. In fact, just a few years ago, eighteen students from the Neighborhood Music School participated in the White House Community Classroom Music Series program with First Lady Michelle Obama. It was an extraordinary opportunity for them and a testament to the incredible opportunities this organization provides.

The Neighborhood Music School is an extraordinary organization—a place where anyone can explore their passion for music and dance. I am proud to join our community in congratulating them on their 100th anniversary and wish them all the best for many more years of success.

IN RECOGNITION OF CHAIRMAN
VICTOR V. SCUDIERY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Victor Scudiery upon his retirement from his position as Chairman of the Monmouth County Democratic party. Chairman Scudiery has faithfully dedicated his time and political experience to the constituents of Monmouth County, New Jersey and is truly worthy of this body's recognition.

Victor Scudiery was born and raised in Newark, New Jersey where he was active in local politics. Chairman Scudiery is an alumnus of Seaton Hall University where he earned

a degree in business administration. Chairman Scudiery served two years active duty and four years as a reservist with the United States Army upon graduation. Along side his brother, Chairman Scudiery began to embark on his business endeavors and opened Interstate Electronics, Inc. (IEI) in 1968. Interstate Electronics was the beginning of a successful business enterprise that later included a record company, a series of children's albums and coloring books, and numerous successful music and pictorial productions. The Airport Plaza Shopping center on Route 36 in Hazlet, New Jersey remains the Chairman's primary base of operation. Through his efforts, Airport Plaza has been revitalized. Chairman Scudiery continues to admirably oversee several other business ventures throughout the State of New Jersey.

In addition to his business ventures, Chairman Scudiery served under former Governor Brendan Byrne on the Ethics Advisory Council. Chairman Scudiery was also appointed to serve as Co-Chairman of the Boy Scouts of Monmouth County, Technical Advisor at Kean College and Chairman of the Buck Smith Scholarship Award Foundation. Chairman Scudiery sits on the Bayshore Community Hospital Board of trustees and is the Chairman of the Bayshore Senior Health, Education and Recreation Center Board of Directors. He is a dedicated member of the Bayshore Hospital Health Care Center. Chairman Scudiery is also a long time member of the Northern Monmouth Chamber of Commerce and was recently appointed to the Board of Directors. As a result of his hard work and dedication, he was honored with the 2008 Business Ambassador of the Year Award.

Victor Scudiery was elected Chairman of the Monmouth County Democratic Party in 1989. Under Chairman Scudiery's leadership, the Democratic party of Monmouth County continues to make impressive strides to assure that Democrats are elected to office. Multiple towns in Monmouth County with long tradition of Republican leadership now have a Democratic presence as a result of Chairman Scudiery's direction. The Chairman will be retiring from his position in 2012. His steadfast leadership has boosted the Monmouth County Democratic party. He will continue to serve as an inspiration to future Democratic leaders.

Mr. Speaker, Chairman Victor Scudiery has dedicated his life to various philanthropic, business and political endeavors. Please join my colleagues in thanking the Chairman for 23 years of service to the Democratic Party and dedication to the Monmouth County, New Jersey community.

LORI PRUSSMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Lori Prussman of Saint Joseph, Missouri. Lori is active in the community and has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award: Woman in Volunteerism.

Lori Prussman is a valuable volunteer leader and has provided faithful services within the PTA for nearly 20 years. Ms. Prussman has served two terms as the St. Joseph PTA Council President. In that capacity, she has worked tirelessly promoting new schools and new technology and has patiently addressed hundreds of questions from concerned citizens. Ms. Prussman has been actively involved in leading PTA projects like the Character and Spiritual Scholarship and has worked to keep the organization solvent through the Major Savers Fundraisers. Thanks to Lori Prussman, the PTA manages to keep attention focused on advocating for children in the St. Joseph community.

Mr. Speaker, I proudly ask you to join me in recognizing Lori Prussman. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 362, On agreeing to the King Amendment—I would have voted "aye."

Rollcall vote 363, On agreeing to the King Amendment—I would have voted "aye."

Rollcall vote 364, On agreeing to the Blackburn Amendment—I would have voted "nay."

Rollcall vote 365, On agreeing to the Blackburn Amendment—I would have voted "nay."

Rollcall vote 366, On agreeing to the Sullivan Amendment—I would have voted "aye."

Rollcall vote 367, On agreeing to the Turner Amendment—I would have voted "aye."

Rollcall vote 368, On agreeing to the Polis Amendment—I would have voted "nay."

Rollcall vote 369, Motion to Recommit H.R. 5855—I would have voted "nay."

Rollcall vote 370, Final passage of H.R. 5855—Department of Homeland Security Appropriations Act—I would have voted "aye."

PAYING TRIBUTE TO THE GREATER LANSING BUSINESS MONTHLY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor The Greater Lansing Business Monthly, which this month will mark the 25th anniversary of its founding by mid-Michigan entrepreneur Chris Holman.

Twenty-five years ago, Mr. Holman saw the need for a publication that would promote, publicize, and support local companies, provide a forum for ideas, and keep members of the community informed of the services and products offered by businesses in the area.

The first issue of The Greater Lansing Business Monthly hit the streets in June 1987. In

its 25 years of existence, the magazine has become known for its consistent quality and for the positivity of its content.

The magazine is distributed to all non-resident addresses in the cities of Lansing, Mason, Holt, Grand Ledge, East Lansing, Haslett, DeWitt, Williamston, and Okemos. Readership has grown to an estimated 40,000 per month.

The Business Monthly's content includes feature stories centered around a theme each month. Whether the topic is banking or business travel, health care or hospitality, articles highlight the quality products and people of the Greater Lansing area. These stories highlight successful businesses in the community and the people who comprise the companies.

In response to market needs, The Greater Lansing Business Monthly has become involved in many other endeavors. For example, The Greater Lansing Business Index & Survey provides an in-depth look at mid-Michigan's economy. Other projects include CEO networks, the Greater Lansing Entrepreneurial Awards, the Greater Lansing Business Showcase and the Greater Lansing Business + Sports Luncheon. The magazine is also represented on more than a dozen boards in the area. The magazine enjoys a 92 percent awareness and readership rate among businesses in the Greater Lansing market.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring The Greater Lansing Business Monthly and its staff for 25 years of exceptional service to mid-Michigan employers and their customers.

MORGAN BRAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Morgan Brand of Saint Joseph, Missouri. Morgan is active in the community and in her school and has been chosen to receive the YWCA Women of Excellence Future Leader Award.

Leadership is a hallmark of Morgan's high school career. While earning high academic honors each semester, she remained involved in Student Council and was a delegate to the Missouri Association of Student Council Summer Leadership Workshop. Morgan's leadership extends to the broader community where she has worked part-time and was essential to the organization of the Senior Citizen Prom. She is often seen at athletic events supporting her peers, and is a member of the varsity tennis team as well as a gifted actor and singer. Morgan was also named to the Scholastic Honor Society at its May induction ceremony. Morgan is a natural tutor and mentor, leading activities for struggling students.

Those who work with Morgan describe her as highly organized and able to win the participation of others through her own example and dependability. Morgan Brand has a bright smile and a bright future both in terms of personal success and community.

Mr. Speaker, I proudly ask you to join me in recognizing Morgan Brand. She is an amazing

individual and a tremendous asset to our community. I am honored to represent her in the United States Congress.

HONORING THE 10-YEAR ANNIVERSARY OF THE NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND BIOENGINEERING

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the 10-year anniversary for one of the newest Institutes at the National Institutes of Health. The Congress authorized the creation of the National Institute for Biomedical Imaging and Bioengineering over a decade ago, and I am proud to say I was a cosponsor of the enacting legislation. Since 2002, the NIBIB has worked diligently towards its mission to develop new technologies that are combating a myriad of diseases and conditions. NIBIB is unique in the sense that unlike most Institutes at NIH, NIBIB doesn't focus on a particular body area. Its mission is not bound to a particular disease either. Instead, it fills a vital need: it creates the tools and technologies for clinicians and researchers to fight all diseases. In a way, we are all patient advocates for NIBIB.

Some of the technological advances include innovations like advanced imaging tools, such as functional MRI and PET/CT. These not only save lives by diagnosing disease noninvasively and earlier than ever before, but they have provided researchers in other areas of medicine new tools to study and combat their particular disease of focus. In its unique role at NIH, NIBIB is not only providing new bench-to-bedside diagnostics and therapies for patients, but also delivering novel bench-to-bench tools and technologies that are revolutionizing the way other researchers fight diseases in the laboratory.

In this vein, NIBIB is providing an enormously positive return on the taxpayers' investment. The therapies, diagnostics and treatments created by NIBIB research have forever changed patient care and the way we conduct research. But perhaps equally as important, these technologies are being commercialized and manufactured by the private sector here in the U.S. We are an exporter of these incredible technologies, created and manufactured by highly-skilled workers. And when the NIBIB delivers on the next game-changing technology, the U.S. will again be the home to those job-supporting companies.

With that, I would like to congratulate NIBIB, its Director, Dr. Rod Pettigrew, Deputy Director Dr. Belinda Seto and all of the dedicated staff that have made NIBIB a model of success. I hope my fellow colleagues can agree that these are important federal programs deserving of our sustained support.

TRIBUTE TO PAUL AND SYLVIA HOLLINGER

HON. TIM WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. WALBERG. Mr. Speaker, I rise today to pay tribute to Paul and Sylvia Hollinger for their contributions and years of service to the Christian broadcasting community.

Both born in Lancaster County, Pennsylvania, Paul and Sylvia graduated from the Moody Bible Institute of Chicago in 1958 and were married that same year. After starting a "temporary" job at the Christian radio station WDAC in July of 1961, Paul's role expanded from salesman to station manager, and eventually to partner in the WDAC Radio Company. Along the way, Sylvia served as chief encourager and critic, while assisting Paul as an editor and typist.

Beyond their roles at WDAC, the "Voice of Christian Radio," Paul and Sylvia have contributed to the greater Christian broadcasting community through the National Religious Broadcasters organization. Ever-present at NRB national conventions, Paul and Sylvia developed sincere and lasting friendships with other station owners and broadcasters like David Jeremiah, James Dobson, and Joni Eareckson Tada.

From their stone farmhouse and farm in southern Lancaster County, Paul and Sylvia spent over four decades raising their two children and welcoming visitors. They are devoted grandparents to six grandchildren and eagerly await the arrival of their first great-grandchild. When not at work or home, Paul and Sylvia played an integral role in the life of Calvary Church of Lancaster. Since 1973, they have served in the capacity of Sunday school teachers, choir members, and on various church boards.

Paul is a past member of the Moody Alumni Board and I share his and Sylvia's passion for the Moody Bible Institute. I also commend them both for their unwavering commitment to upholding and defending the rights of the unborn. They have actively supported pro-life organizations and Sylvia hosts a weekly pro-life radio report titled "Heartbeat."

Today, Paul and Sylvia live in the Willow Valley retirement community where they continue to welcome family and guests, and together are writing a 70 year history of their church. Paul and Sylvia have led rich, dedicated lives to each other and for their Maker. To paraphrase a familiar verse in the Gospel of John, were all their stories written down, I suppose the whole world could not contain the books that would be written.

HONORING THE LIFE AND LEGACY OF FIREFIGHTER NATHAN RAULZ

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the life of Nathan Raulz, 18, of

Conroe, Texas. Raulz had been a volunteer with Central Montgomery County Fire-Rescue (formerly River Plantation Fire Department) Station 171 for the past three years and planned to continue his career in public service.

After graduating from Conroe High School approximately three weeks ago, he joined the department full time. He loved serving his community and his country, which explain why he recently enlisted in the military as well. His dream was to serve his country, gain valuable training through the military, and then return home to resume his career in professional fire fighting. The city of Conroe, and all of Montgomery County were shocked when such a bright light of a young life was snuffed out in a tragic motorcycle accident June 6. Nathan's legacy of service and dedication to his dreams will stay with our community for years to come.

The Central Montgomery County Fire-Rescue Station 171 issued this statement after learning of the loss of Raulz: "Today our department suffered a great loss. Firefighter Nathan Raulz was killed in an automobile accident on Stidham Road. This young man won our hearts almost three years ago when he joined our department as a junior firefighter. Immediately he stood out as a stellar newcomer, and grew into an amazing young man and firefighter. The dedication and promise he showed earned him the title Junior Firefighter of The Year two years in a row. We will truly miss our "Ragoo"! We would like to send our deepest condolences to the family and loved ones of Nathan. You will be in our thoughts and prayers."

Today we honor the life of Nathan Raulz, we pray for his family, and we remember his dedication to others and hope it will challenge us all to live each day to the fullest.

HONORING THE LIFE AND LEGACY
OF VINCENT WILLIAMS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. DeLAURO. Mr. Speaker, it is with the heaviest of hearts that I rise today to pay tribute to the life and legacy of Vincent Williams. Though he was 85 years old and lived a full and happy life, to all of us who knew him, his sudden passing this week came much too soon.

Vinnie was a fixture at 59 Elm Street—the building where my District Office is located. Sitting next to his shoeshine stand in the first floor lobby, he always had a kind word and a contagious smile for any passerby. Vinnie was one of those people who always brightened the days of others. He had a kind and generous nature and he loved seeing people every day—always ready for a conversation. If he saw that you were a little down, he would do what he could to make you smile. He was the last of the shoeshine men in New Haven and he was a beloved member of our building's community.

Born in North Carolina, one of Vinnie's first jobs was as a shoeshine. A local barber of-

fered him the position and it came naturally to him. He later joined the United States Navy and served our country with honor and integrity during World War II. It was after his service that he arrived in New Haven where he took up work at the Winchester firearms factory. After five years at Winchester Vinnie took a job with the U.S. Postal Service where he worked until his retirement. However, retirement did not suit Vinnie well—he did not like sitting at home. So he went back to where he began—a shoeshine stand—setting up shop at the 59 Elm Street building.

My staff and I will always carry fond memories of Vinnie. Almost every afternoon, Vinnie would close up shop and take a walk around the building stopping in each office to wish everyone a good afternoon. I am not sure how many people knew about Vinnie's sweet-tooth, but he had one. My staff always made sure the small candy dish at our front desk had something in it—because the few times it did not, Vinnie was the first one to let us know. He also loved the word jumbles in the daily paper and worked them out every day. Every once in a while, however, he would get stumped. There is one member of my staff that he would always ask for help. After memorizing the letters, he would come upstairs, poke his head in her office, repeat the letters and give her a minute to come up with a suggestion. Even if the others he asked were stumped as well, he would work at it until he figured it out—and then would let everyone he had asked know the answer as well.

On behalf of myself and my staff, I extend my deepest sympathies to his six children, Ulysses, Cynthia, Gail, Michael, Latanga, and Vincent, Jr., as well as his family and friends. I want them to know how many lives he touched and the impact he had on others. Vinnie was a remarkable human being. His absence leaves an emptiness in our hearts that will never be quite filled. He will be deeply missed by all of those fortunate enough to have known him.

A SALUTE TO THE LIFE OF DR.
GARDNER CALVIN TAYLOR

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise to honor the life of Dr. Gardner Calvin Taylor on the occasion of his 94th birthday. Dr. Taylor's indispensable contribution to American preaching and his instrumental role in the Civil Rights Movement underscore a life devoted to uplifting the human soul and the equal treatment of men and women everywhere.

Dr. Taylor was born June 18, 1918 in segregated Baton Rouge, Louisiana. He was the only child born to Reverend Washington and Selina Taylor. He was only 13 years old when his father "Wash" Taylor passed away. Even the short time Gardner had with his father; he had already impacted Gardner's delivery of the spoken word. Originally pursuing hopes of one day becoming a lawyer, a single event would forever change his course and life pur-

suits. Gardner survived a horrific car accident that claimed the lives of two others. Convinced that his survival was no happenstance, it was then he experienced a call to ministry.

In 1937, Dr. Taylor forewent plans to attend the University of Michigan Law School and enrolled in the Oberlin School of Theology. It was there he met his wife, Laurabelle Scott, whom he married in 1940 and had one daughter, Martha. During his studies at Oberlin, Dr. Taylor preached at Bethany Baptist Church from 1938 to 1941. He later went on to pastor Concord Baptist Church of Christ in New York City in 1948. When he commenced his pastoral duties at Concord, church membership was a very respectable 5,000 members. By the end of his tenure in 1990, his unparalleled leadership and sermon delivery grew the membership to more than 14,000 members.

Striving to serve equally beyond the pulpit, in 1961, he unsuccessfully sought the presidency of the National Baptist Convention. His close affiliation with Martin Luther King, Jr. and other Civil Rights leaders placed him at odds with members of the National Baptist Convention. Not one to be deterred from service, Dr. Taylor along with Dr. King, went on to found the Progressive National Baptist Convention.

Dr. Taylor's talent was revered. He taught at several elite divinity schools including Yale, Harvard, and Duke Universities. In 1979, Time magazine named Dr. Taylor one of the seven greatest Protestant preachers in America, and in 1980, the publication deemed him the "Dean of the Nation's Black Preachers".

In 1993, his influence reached into public service when he delivered the sermon for President William Jefferson Clinton's Inaugural Prayer Service. President Clinton was so impressed with Dr. Taylor that in 1997, he again enlisted Dr. Taylor to deliver the benediction at his second inauguration. And, in 2000, President Clinton honored Dr. Taylor with the Nation's highest civilian honor, the Presidential Medal of Freedom.

Dr. Taylor is commonly referred to as the "dean of American preaching" and the "poet laureate of American Protestantism." For many, Dr. Taylor's oration and style is considered the standard for young ministers seeking to learn the art of preaching. His brilliant ability to merge significant metaphors and powerful language into a seamless narrative continues to inspire clergy and laymen alike.

Dr. Taylor's life constitutes a worthy example for others, one in which everyone uses his or her individually bestowed talents to enrich the lives of the beloved community. Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Gardner Calvin Taylor on his 94th birthday and honoring his lifelong commitment to the betterment of society.

SARA SUMMERS STEIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Sara Summers Stein of Saint Joseph, Missouri. Sara is active

in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Emerging Leader.

Sara is an intelligent and highly motivated young woman who is considered a sparkplug wherever she happens to be serving. During an outstanding college and post-graduate career, Sara demonstrated strong leadership both in her personal work and her ability to head up major University programs. Since graduating with a PhD in Education Leadership, Sara has used her considerable talent to improve the lives of others. Sara has worked with the youth through EmpowerU and has been pivotal in the success of the parent-child reading program Read from the Start. Sara is currently working to bring awareness to Clean Air St. Joe while being a wife and a mother of two.

Mr. Speaker, I proudly ask you to join me in recognizing Sara Summers Stein. She has already made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

IN HONOR OF BRUCE KATSIFF'S
RETIREMENT FROM THE JAMES
A. MICHENER ART MUSEUM

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. FITZPATRICK. Mr. Speaker, I rise today in honor of Mr. Bruce Katsiff, Director and CEO of the James A. Michener Art Museum, who is retiring after 23 years of dedicated service to the museum and the Bucks County community.

The Michener Museum is an important part of my district's art and cultural identity and this is due in no small part to Mr. Katsiff's leadership and vision. In fact, it was he who changed the name from the James A. Michener Arts Center to the now nationally recognized James A. Michener Art Museum.

In 1989 when he began as director, attendance at the museum averaged 8,000 visitors a year. Now, 120,000 people come to see the exhibits each year and the museum ranks among the top art museums in the greater Philadelphia region.

Bruce's love of art goes back to high school, where he discovered photography and participated in his first exhibit at the age of 17. He then studied photography at Rochester Institute of Technology, earned a Master of Fine Arts at the Pratt Institute and completed post-graduate work at the University of Oxford.

Mr. Katsiff's keen business sense blended well with his passion for art. Under his guidance, the museum flourished in size and staff. Just this month, the Edgar N. Putman Event Pavilion was opened to establish the museum as a premier destination for facility rentals in our area.

For Bruce's final project, the museum will host an exhibition from the Uffizi Gallery in Florence, Italy, of Old Master paintings and tapestries, including oil paintings from legendary artists such as Botticelli and Titian.

Because of all that Mr. Katsiff has accomplished, I know that he will leave this position

in high spirits. Thanks again to Bruce Katsiff for all that you have done for not only the Michener Museum, but for the entire Bucks County community. I am honored to serve as your representative in Congress, and I wish you many more years of continued success.

HONORING MR. RICHARD ZILKA

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Richard Zilka, outgoing president of the Clearing Civic League in Chicago, Illinois, for his lasting service to the community.

Mr. Zilka's community owes him an enormous debt. A member of the Clearing Civic League since 1965, he has been president for 26 years during which time he has distinguished himself as a tireless fighter for the success and safety of the neighborhood. Instrumental in securing a public library for the citizens of Clearing and establishing the Clearing Night Watch, he also successfully campaigned against the installation of high-pollution medical incinerators in the area. These are just some of the many successes that he spearheaded on behalf of the residents of Clearing.

Mr. Zilka and his wife of 54 years, Marie, have two sons and one daughter. Prior to his retirement he worked for International Harvester, which has since become Navistar. He has also fulfilled a number of diverse roles in the community, including serving on the advisory council of Chicago's John F. Kennedy High School, and the Community Advisory Council in Bedford Park. He has also served as a member of the nearby Garfield Ridge Civic League. In recognition of his achievements, South Rutherford Avenue was recently renamed in his honor.

A resident of Chicago his entire life, Richard Zilka has been a tireless fighter for the well being of his neighbors on the Southwest Side. Held in the utmost regard within the community, I have been inspired by his loyal and enduring service. As he retires from his position as president of the Clearing Civic League, I wish him all the very best for the future.

COLONEL TODD P. "SLEDGE"
HARMER RETIRES AFTER 26
YEARS' SERVICE WITH THE
UNITED STATES AIR FORCE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. McKEON. Mr. Speaker, I rise today to recognize and pay tribute to Colonel Todd P. "Sledge" Harmer on the occasion of his retirement from the United States Air Force.

I have had the pleasure of working with Sledge on a number of occasions during his tenure in the Air Force House Liaison Office, and greatly appreciate his professionalism, knowledge, and dedication, which has bene-

fited me personally, as well as numerous other Members and staff.

Colonel Harmer has given much to this Nation through his dedicated and selfless service. His Air Force career started the day he arrived at the U.S. Air Force Academy in June of 1982. He established himself as a serious student with a great aptitude for flying. Upon graduation on May 28, 1986 with a Bachelor of Science degree in aeronautical engineering, Lt Harmer was competitively selected among pilot training selectees to attend Euro-NATO Joint Jet Pilot Training, Lead-In Fighter Training, and F16C Operational Course, excelling in each course. He was assigned to the 14th Tactical Fighter Squadron at Misawa AB, Japan where he started flying combat training missions and preparing for greater aerial tasks. His superiors rated him the "best wingman in the squadron" and recognized him as a gifted fighter pilot. As a new Captain, he was upgraded to instructor pilot (IP) and mission commander in absolute minimum time, then selected to be a Standardization/Evaluation Flight Examiner because of his great flying skill and leadership. He was reassigned to the 69th Fighter Squadron at Moody AFB, GA as an IP and Chief of Weapons and Tactics. He was certified as combat-ready, and qualified in air-to-surface, air-to-air and nuclear roles. To no one's surprise, he was selected to attend the coveted F-16 Fighter Weapons Instructor Course, and completed it with honors. He went on to complete Squadron Officer School, again completing it with honors and the designation of Distinguished Graduate. He returned to the 69th Fighter Squadron for a few years to train and evaluate pilots, and contributed greatly to the success of this important fighter squadron. Captain Harmer was reassigned to the 23rd Operations Support Squadron at Pope AFB, NC where he was responsible for planning and coordinating F-16 employment supporting contingencies, exercises and readiness inspections. After serving as a flight commander and IP, he was sent overseas to serve in the 36th Fighter Squadron, Osan AB, Republic of Korea. He was hand-picked to command a flight of fighter pilots flying wartime taskings in an upgraded F-16C. His superiors identified him as an "aviator without peers", and the "greatest contributor to the combat readiness of the most forward deployed fighter squadron in the Air Force." He was promoted to the rank of Major and give greater responsibility as the Assistant Operations Officer, and later the Aide-de-Camp to the Seventh Air Force Commander, Lt General Joseph Hurd. General Hurd recognized his superior airmanship and trusted counsel and called him the finest aide he had ever seen. Sledge was sent to the U.S. Naval War College and earned a Master of Arts degree in National Security and Strategic Studies, then went on to the Air Force's School of Advanced Airpower Studies and spent a year excelling in a rigorous curriculum. Following this, newly promoted Lt Colonel Harmer was assigned to the prestigious Checkmate Division at the Pentagon to lead the European Command Pacific Command Branch. There he continued to contribute, lead and inspire his research teams through keen analysis and writings. Senior Air Force leadership had been impressed with his papers and reports over

the years, but his writings would receive special recognition while in Checkmate and would help shape the employment and advancement of air and space power. Perhaps more importantly, however, Lt Colonel Harmer would become an impact strategist and leader in the days following 9–11. He led teams developing Air Force position on Grand Military Strategy, air and space operations plans, combat search and rescue, and the air attack plan for Operation Enduring Freedom. His years of training, education and performing every mission in a superb manner would help him to continue on the track to senior leadership. He was assigned as the Commander, 63rd Fighter Squadron, Luke AFB, AZ and given the difficult task of commanding in the Air Force's largest fighter wing. He did not disappoint. He set the benchmark for training and air operations. Following this assignment, Lt Colonel Harmer would attend National War College at Fort McNair in Washington, DC and receive a Master of Science in National Security Strategy, and the designation of Distinguished Graduate. He would spend the following year in Turkey as an Executive Officer to the Commander of CC–Air and 16th Air Force, and, U.S. Senior National Representative, Allied Air Component Command HQ Izmir. He was promoted to Colonel and assigned as the Vice Commander to a very demanding and active fighter wing, 388th FW, Hill AFB, UT, and to prepare him to later command his own wing, the 33rd Fighter Wing, Eglin AFB, FL. His boss, Lt General Gary North, tasked him to direct important sorties such as protection to POTUS, space shuttle and several deployments at home and abroad. General North also hand-picked Colonel Harmer for a demanding position in Iraq's Ministry of Defense where he led a highly specialized planning and training team, and advised the U.S. Forces-Iraq leadership on sensitive Arab-Kurd issues. Upon returning to the U.S., the Air Force continued to challenge Sledge by assigning him to one of the most demanding positions within the Air Force, his current job as the Chief of Air Force House Liaison. Since June 2010, Sledge has advised the Secretary of the Air Force, Chief of Staff of the Air Force, the Director of Legislative Liaison, and numerous other senior military and civilian leaders on issues of the greatest concern to HQ Air Force and the Congress. He has more than served as a liaison between the Pentagon and the Hill, he has developed and improved key relationships that help us make better decisions about the Air Force. He is extremely intelligent and articulate, and has helped shape my thinking and influenced many Members of Congress. Simply, we trust him!

Colonel Harmer is a command pilot with over 3,300 flying hours primarily in the F–15 and F–16. He is the recipient of the following major medals and decorations for his service and accomplishments: the Bronze Star, Legion of Merit, Defense Meritorious Service Medal, Air Force Meritorious Service Medal, Air Medal, Aerial Achievement Medal, Air Force Commendation Medal, Air Force Achievement Medal, Combat Readiness Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Iraq Campaign Medal, Global War on

Terrorism Expeditionary Medal, Korean Defense Service Medal, and the NATO Medal.

Throughout his distinguished career he has represented our country and Air Force with dignity and honor, and this is why I am so privileged to pay tribute to this fine Airman. Mr. Speaker, on behalf of the Congress and the United States of America, I thank Colonel Todd Harmer, his wife Stacie and their daughters, Jordan, Leigh and Erika, for their service and sacrifices over the past 26 years. I wish them Godspeed, and continued happiness as they start a new chapter in their lives.

RECOGNIZING JOHN GUALTIER

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to recognize John Gaultier of Vinton, IA for his years of service to veterans in Eastern Iowa.

John's service to the veterans and his community in Eastern Iowa has been a lifelong endeavor, as he's drawn on his own experience in war and battling PTSD to ensure that returning veterans are better served and that students are aware of the service and sacrifice their elders made in the Second World War. At the age of 18, John served as an Army Medic in the European Theater of Operations where he saved many American lives and participated in the liberation of two concentration camps and a Russian POW camp.

Since 1995, John has logged over 7,000 hours of volunteer service at the Iowa City Veterans Medical Center visiting with his fellow veterans and drawing on his own experience battling post-traumatic stress to help them recover. John has worked with psychiatrists at the Medical Center to help them in treating servicemembers with PTSD returning from Iraq and Afghanistan. John has also donated money and vehicles to ensure that veterans have transportation to VA facilities for their care.

John's service to his community also extends to students at Vinton-Shellsburg and North Linn Schools where he has shared stories of his experience in the war for the past eight years. John has turned his difficult experience in war into a lesson for our community's youth.

For his work volunteering at the Iowa City VA hospital and sharing his experiences with students, John was honored earlier this year by Cedar Rapids' KCRG's "9 Who Care" Awards, and he was nominated to represent Eastern Iowa at the Jefferson Awards for Public Service, where he is a finalist for the Jacqueline Kennedy Onassis Award for "Outstanding Community Service Benefiting Local Communities."

As the son of a World War Two veteran, who landed on Iwo Jima when he was 17, I understand the service and sacrifice made by veterans like John. They truly are members of the Greatest Generation, and John deserves to be commended for continuing to serve after he returned home and turning his own trials from war into a learning experience for others.

Congratulations John for this well-deserved honor. Thank you for your continued service to our community and work on behalf of Veterans. You represent the best of Iowa, having served your country and community for over half a century. Keep up the good work.

COMMEMORATING THE 20TH ANNIVERSARY OF THE LEADERSHIP ALLIANCE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. FATTAH. Mr. Speaker, I rise today to commemorate the 20th anniversary of the Leadership Alliance. The Leadership Alliance, established in 1992, is a national academic consortium of leading research universities and minority serving institutions with the mission to develop underrepresented students into outstanding leaders and role models in academia, business and the public sector.

Through an organized program of research, networking and mentorship at critical transitions along the entire academic training pathway, the Leadership Alliance prepares young scientists and scholars from underrepresented and underserved populations for graduate training and professional apprenticeships. Leadership Alliance faculty mentors provide high quality, cutting-edge research experiences in all academic disciplines at the nation's most competitive graduate training institutions and share insights into the nature of academic careers.

In the 20 years since its establishment, the Leadership Alliance has mentored over 2,000 undergraduates who have participated in the Summer Research Early Identification Program and over 200 alumni who have obtained their PhD (215) or MD–PhD (19) degrees as Leadership Alliance Doctoral Scholars.

More than 53 percent of Leadership Alliance early identification students enroll into a graduate level program versus the national rate of 40 percent enrollment into graduate programs. Of this 53 percent, 42 percent enrolled into or completed PhD programs. Of the 42 percent of students enrolling into doctoral training programs, 46 percent completed PhD programs and more than half of those were in the science, technology, engineering and mathematics (STEM) disciplines. Leadership Alliance institutions graduated approximately 25 percent of all biomedical sciences PhD degrees to underrepresented minority students in a five year time period (2004–2008), making it a leading consortium grantor of PhD degrees in the biomedical sciences in the United States.

In my district, over the past 18 summers, the University of Pennsylvania has hosted 210 undergraduates who were mentored by faculty and had an in-depth research experience designed to provide them with theoretical knowledge and practical training in research and scientific experimentation and other scholarly investigations.

Leadership Alliance Doctoral Scholars are diversifying the academy with 58 percent of

them at research-intensive institutions. Doctoral Scholars also are engaging in career positions in government and industry. The Leadership Alliance has demonstrated its effectiveness as a model for identifying, training and mentoring underrepresented minorities who are poised to expand and diversify the base of the 21st century workforce.

I am pleased today to recognize the importance of sustaining efforts to invest in programs that identify, train and mentor talented underrepresented and underserved students; recognize the continued dedication of institutional leaders, faculty members, administrators and students across the United States and support their roles in the continued training and mentoring of underrepresented students along the academic pathway; and to congratulate and commend the Leadership Alliance, including the University of Pennsylvania, for 20 years of mentoring a diverse and competitive research and scholarly workforce.

**CONGRATULATIONS TO MOUNT
WASHINGTON CRUISES ON THEIR
140TH ANNIVERSARY**

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Mount Washington Cruises on reaching your 140th anniversary.

New Hampshire is proud to be home to some of the most beautiful sights in the Northeast. The White Mountains and Lakes Region have attracted tourists from all over the world, and the beauty and grandeur of Lake Winnepesaukee has been shared with thousands of visitors thanks to the M/S *Mount Washington*.

The M/S *Mount Washington* is truly one of New Hampshire's greatest treasures and continues to be one of the state's leading tourist attractions in the Lakes Region and for Weirs Beach. The daily in season tours give visitors the chance to view firsthand the beauty and majesty of Lake Winnepesaukee. With the ability to hold 1250 passengers, the "*Mount*" has also been a popular venue for parties, weddings and various celebrations. Today Mount Washington Cruises is owned and operated by local individuals ensuring that this fine vessel and her operations maintain in New Hampshire and are run by New Hampshire's great citizens.

I congratulate the owners, officers and crew of the Mount Washington Cruises for their continued success and their dedication to maintain the great legacy of the M/S *Mount Washington* here in the Granite State. I wish you all the best for continued success in the future.

RECOGNIZING BISHOP T.D. JAKES

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Bishop

T.D. Jakes, senior pastor and evangelist at The Potter's House in Dallas. The Potter's House is not only a house of worship, but a global humanitarian organization with over 30,000 members, which Bishop Jakes has faithfully served for more than 15 years. As well as celebrating a career in service with over 35 years of ministry, Bishop Jakes also celebrates his 55th birthday this month.

During an event in his honor this month, Bishop Jakes was joined by various church members, celebrities, and dignitaries in Dallas for a spiritual celebration of his 35 years of accomplishments in the ministry. The event, titled "Triumphant Journey," highlighted Bishop Jakes' contributions to his congregants and supporters as a pastor, author, and husband.

Few people have the ability and the calling to lead such a great following into a life of devotion and compassion. Yet, Bishop Jakes has devoted his efforts in his commitment to helping the needy, and empowering the disillusioned. Through his ministerial work, Bishop Jakes has used his talents to unite tens of thousands of North Texans under a united spiritual cause. Harnessing the generosity of his congregation, Bishop Jakes continues to lead a commanding effort to better his community, and bring humanitarian assistance to other parts of the world.

Mr. Speaker, faith-based leaders and the powerful following they command serve as powerful tools in the furthering of altruism, and the building of strong communities. Bishop Jakes is a unifying force in North Texas, and his contributions to the faith-based community are undeniable. I commend Bishop Jakes for his leadership, and wish The Potter's House continued success in its pursuit of a better understanding of the faith.

**A TRIBUTE TO COACH FINLEY
READ**

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to a truly outstanding North Carolinian, Finley Read, of Lumberton, North Carolina. Coach Read has dedicated over twenty years coaching and administrative work Lumberton High School, which is my alma mater. Coach Read deserves to be honored here today for his tireless contribution to the community of Lumberton. I ask that you join me in recognizing his long and remarkable career.

Coach Read enrolled and graduated from NC State University, where he was active in the football program. His impressive record during this time was interrupted only to serve our country in the U.S. Army. After returning to Lumberton, Coach Read became a high school teacher and multi-sport coach for the Lumberton Pirates, where he remained for two decades. In addition to his role as an administrator, Coach Read has bettered his community in countless ways. Through his leadership in football, baseball, and basketball, Coach Read has touched the lives of many Lumberton High students. He has been quite influential in our community, where he is known for his integrity and kindness.

Recently, the loss of long-time colleague and close friend, Coach Alton "Turney" Brooks, left a hole in the lives of Lumberton High School students. His passing galvanized the community to honor Coach Brooks, which in turn has reminded us of the quiet, humble integrity of Coach Finley Read. His award today from the community of Lumberton comes in the form of a pirate ship, in recognition of his winning leadership for the Lumberton Pirates. His friends, former colleagues, and students from all walks of life have come together to praise him for role as a successful mentor, devout Christian, loving husband, and dedicated father.

I have known Coach Read all of my life, and I have personally witnessed and experienced Coach Read's powerful and positive influence in many different settings—from teaching me and other youngsters how to swim at Woodside Pool when I was in the third grade, to his giving me the opportunity to serve as Manager of the Pirates baseball team while I was in high school, to my work with him as a fellow Elder in our home church, First Presbyterian, in Lumberton. Coach Read, his wife Ruth, and all of his children, Kathy, Carey, and Allison, are dear friends that my family and I have long-known and respected.

Mr. Speaker, Coach Finley Read has mentored students in Robeson County for decades. As Co-founder and Co-Chairman of the Congressional Caucus on Youth Sports, I especially appreciate the work Coach Finley Read has done to make our community a better and healthier place. I wish Coach Read and his family God's richest blessings, and I ask that you join me today in recognition of his impressive career.

**RECOGNIZING BARBARA
WILLIAMS-SKINNER**

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Dr. Barbara Williams-Skinner, who is being honored by President Obama as a Champion for Change. Dr. Williams-Skinner is being commended for her dedication to addressing the needs of low-income men and boys.

Dr. Williams-Skinner has worked tirelessly through her organization, the Skinner Leadership Institute, to promote leadership building and evangelism. The organization prides itself in its holistic approach, which builds moral character, technical skills, and spiritual growth. Using this approach, the organization trains youth, ministry, and political leaders. Her work with young men, in particular, highlights the importance that she places on fatherhood within the family.

As former Executive Director of the Congressional Black Caucus, Dr. Williams-Skinner helped to coordinate the Congressional Black Caucus Prayer Breakfast, which today attracts leaders from across the Nation. Since 1992, she has worked through the Leadership Institute to empower the communities around her. She has helped to train up-and-coming leaders, many of whom are today the stalwarts of

their communities. The Skinner Leadership Institute hosts bi-weekly prayer walks through the halls of Congress, and its African American Leadership seminars have helped to foster a sense of community among African American leaders. Dr. Williams-Skinner has also served as a board member of Operation Push, the Christian Community Development Association, and the Neighborhood Learning Center.

Mr. Speaker, the work of faith-based leaders should not go unnoticed. Dr. Williams-Skinner's commitment to cultivating spiritual maturity and public service has shaped leaders that help to reconcile the spiritual, moral, and technical needs of our country. These leaders will help build strong communities. Her work not only benefits today's leaders, but helps to secure leaders of the future. Her accomplishments and contributions to our Nation are indisputable. I applaud Dr. Williams-Skinner's leadership, and I wish her continued success with the Skinner Leadership Institute.

**HONORING THE LIFE AND SERVICE
OF NORTHWEST FLORIDA'S BE-
LOVED WENDELL GRIFFITH**

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life and service of Northwest Florida's beloved Wendell Griffith.

For nearly 25 years, Wendell Griffith was a constant presence on the campus of Northwest Florida State College. As a professor of United States and World History, Mr. Griffith had a unique personal teaching style that inspired his students to engage with history and learn invaluable life lessons. A true patriot, Mr. Griffith served his country honorably in the United States Marine Corps and his reverence for our Constitution guided both his service to our nation and the community.

Mr. Griffith was remembered by students and colleagues alike as a truly world class story teller. By framing historical events in this unique context, he was able to reach thousands of students and instill in them a true and full appreciation of history and of the importance of historical events and documents. Mr. Griffith was also an ardent follower of politics, and he bestowed upon his students an appreciation for the importance of participating in American democracy.

Mr. Griffith was also a loving and committed husband, father and friend. He is survived by his wife, Sara Lynn, his three sons, Edward, Brett and Lucas, his two grandchildren, Nathan and James, and scores of friends, colleagues and students. To some, Wendell Griffith will be remembered as an inspiring teacher, to others as a true American patriot. To his family and friends, he will be remembered as a loyal and caring family man.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Wendell Griffith. My wife Vicki joins me in extending our most sincere condolences to the entire Griffith family.

**A TRIBUTE TO MR. RALPH
POTTER**

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. McINTYRE. Mr. Speaker, I rise with sorrow today following the passing of Ralph Potter of Fayetteville, North Carolina. Mr. Potter was a proprietor of almost fifty restaurants in the Carolinas, beloved member of the community, devoted family man, dear friend, and effective public servant. Mr. Potter passed away on June 2, 2012 at the age of 75, and he will be dearly missed.

Ralph Potter grew up in Wilmington, attended New Hanover High School, and then enrolled at UNC-Chapel Hill, where he was the first in his family to graduate from college. He went on to earn his juris doctor from UNC School of Law, which he would later use to serve his community as the president of the state restaurant association. His strong work ethic and intelligence helped earn him the Methodist University's Entrepreneur and Businessman of the Year award, and his restaurants can now be found throughout North and South Carolina. Outside of business, Mr. Potter was devoted to his family, to his church and his community, and he will long remain a well-known and influential figure in Fayetteville.

Mr. Potter was very active in the American Hellenic Educational Progressive Association as a reflection of his proud Greek heritage, and supported education efforts through his such as the Ira Douglas Potter Memorial and Ralph M. Potter Scholarship Funds at UNC, as well as a scholarship fund at Salem College. He pushed for the creation of the first Cumberland County Public library, along with his roles at the board of trustees of Fayetteville Academy and ARC of Cumberland County. He always worked hard to address community challenges in Fayetteville, and always did so with humor and kindness.

Mr. Potter was also recognized for his deep faith in Christ, and was active at Saints Constantine and Helen Greek Orthodox Church. There he taught Bible study, established the Paris and Potter Endowment Fund for the church, and became a godfather for the church at its consecration. We know today that he is resting at home in peace and joy with his Savior.

Mr. Speaker, Mr. Potter was a personal friend of mine and I have the utmost respect for his integrity, business acumen and his strong commitment to church and community. May we never forget the goodness, humility, service, and character that defined his life. He is survived by his wife, Dena Fasul Potter, son Nicholas D. Potter, daughter Rebecca Cooke and numerous grandchildren, cousins, nieces and nephews. May God continue to bless all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

**DEPORTATION EXEMPTION FOR
IMMIGRANT ALIENS**

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. RAHALL. Mr. Speaker, like many Americans, I was taken aback by the Administration's announcement last week that it would decline to enforce the law when it comes to the deportation of illegal aliens who were brought to our Nation as young children.

I believe that the president is wrong on this issue—as wrong as he can be.

We are a Nation of immigrants. We take pride in our immigrant roots. Southern West Virginia has a proud history of immigrant families and workers who migrated to the coal fields to live and work.

For every immigrant who came to this country legally, abiding by the process and respecting the law, this action is a slap in the face. For the immigration and border security officers, who are working and risking their lives to enforce the law, this announcement is a slap in the face. For the American workers who will be forced to compete for American jobs against immigrant aliens, this announcement is a slap in the face.

I share the frustration of many Americans in the stubborn refusal of the House Republican Majority in not taking action on critical legislation—a long-term surface transportation, budget and appropriations bills, and a host of expiring laws that run the gamut from tax breaks, to Medicare payments to our hospitals and health providers, to critical government programs; all of which are undermining confidence in the Congress as an institution and acting as deadweight on job creation and growth. To some extent, one could even argue the Congress has invited this executive action by refusing to act to strengthen our Nation's borders and immigration enforcement.

But, a chief executive's decision, to bypass the Congress and refuse to implement the law, is unacceptable. It may make for good politics in some quarters of our Nation, but it sets a terrible and dangerous precedent.

The Constitution requires the president to enforce the law. It authorizes the president to recommend changes to the law. It does not—does not—permit the president to selectively choose which laws to enforce.

The Congress must disabuse the president and every future president of the notion that laws with which the executive branch disagrees can be ignored. More important than party, and more important than presidential politics, must be the upholding of the Constitution and seeing to it that the laws are faithfully executed.

**HONORING THE LIFE AND SERVICE
OF WILLIE J. O'NEAL**

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor the life and service of Mr. Willie

J. O'Neal who passed on June 12, 2012 at the age of 74. Mr. O'Neal, known to his family and friends as "Deacon Bill," was an esteemed member of the Northwest Florida community, a proud veteran, and a dedicated servant of God. I am humbled to commemorate his life.

Born in 1937, Deacon Bill enlisted in the United States Air Force, retiring at the rank of Chief Master Sergeant. Upon retirement from the Air Force, he continued to serve his country in the civil service. Earlier this month, Deacon Bill celebrated his 20th year as a deacon at Holy Name of Jesus Catholic Church in Niceville, Florida. He spent his days as a fixture at the Eglin Air Force Base Exchange (BX) ministering to countless people from his favorite booth at the BX Starbucks. Deacon Bill was a mentor to some, a minister to many, and a friend to all.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the life and dedicated service of Willie J. "Deacon Bill" O'Neal. My wife Vicki and I offer our prayers for his children, Monica, Steven, and Mark, five grandchildren, Melony, Ethan, Clare, Grace and Matthew, and their entire family. He will truly be missed by all of us throughout the community.

A TRIBUTE TO ALTON G.
"TUNNEY" BROOKS

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Alton G. "Tunney" Brooks, a long-serving coach and athletic director at Lumberton High School, my own alma mater. Coach Brooks was an irreplaceable mentor for many students in our community, a devoted family man, and a dear friend. Coach Brooks passed away on the morning of May 4, 2012, after a three-year battle with lung cancer, and he will be deeply missed.

Driven by a strong love for his community and a deep investment in its youth, Coach Brooks coached numerous sports during his lifetime and served as the Lumberton High School Athletic Director. In this capacity, Coach Brooks was a valuable leader and role model, who pushed young athletes to achieve things they never thought possible and worked to shape their senses of integrity, character, discipline, and teamwork.

This dedication is evident through his many recognitions, as he was named to the N.C. Athletic Directors and N.C. High School Athletic Association's Halls of Fame. His legacy will also be remembered through the Lumberton High School football stadium, named in his honor, and through an endowment scholarship at UNC-Pembroke. Coach Brooks also received honors as a superior athlete himself—at Charles Coon High School, where he received all-state honors and won state championships, at Wake Forest University where he was team captain of the baseball and basketball teams, and on the national level in 1951, when he helped the U.S. win silver at the first-ever Pan American Games in Argentina as the catcher for the U.S. baseball team.

I knew Coach Brooks personally, not only as the father of my good friend, Richie Brooks, with whom I grew up with in Lumberton, and with whom I served on the Student Council at LHS, but also through his being the first Manager of Woodside Pool, which he and my father spent countless hours developing through Recreation Facilities, Inc. As President of the Student Body at LHS and as Manager of the Lumberton Pirates baseball team when I was in high school, I knew first-hand of Coach Brooks' leadership as our school's well-respected and dynamic athletic director.

As a Co-Founder and Co-Chairman of the Congressional Caucus on Youth Sports, I have a deep, personal respect for Coach Brooks' dedication to this cause. Over several decades, he has taught hundreds of youth in the Lumberton area valuable lessons and skills that have made a meaningful and lasting impact on their lives, and our community will always remain grateful.

Mr. Speaker, may we never forget the goodness, humility, and character that defined the life of Alton "Tunney" Brooks. May God continue to bless his three children, Debbie, Richie and John, all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

ENSURING SOUND SCIENCE IN
AGENCY RULEMAKING AND RISK
ASSESSMENTS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. MANZULLO. Mr. Speaker, I rise today to introduce the Sound Science in Agency Rulemaking and Risk Assessments Act to help restore sound science and scientific integrity to the rulemaking process at our federal agencies.

On March 9, 2009, President Obama issued a Presidential memorandum directing the Office of Science and Technology Policy (OSTP) to require federal departments and agencies to develop procedures "for restoring scientific integrity to government decision making." To date, this worthwhile and sensible project has not been completed.

This bipartisan bill, which I am introducing with my colleague from North Carolina, MIKE MCINTYRE, seeks to build on the President's initiative by codifying the requirement that the Director of OSTP require each agency to develop guidelines to maximize the quality, objectivity, utility, and integrity of scientific information used by federal agencies. This legislation requires appropriate peer review, the disclosure of scientific studies used in making decisions, and an opportunity for stakeholder input. The bill requires federal agencies to give greatest weight to information based on reproducible data that is developed in accordance with the scientific method. Further, it deems agency actions that do not follow such procedures to be arbitrary and subject to challenge by affected stakeholders.

Mr. Speaker, we all want the best science used in decisions made by the federal government. This bill will help accomplish that goal.

RECOGNIZING LONGWOOD STU-
DENTS WHO HONORED VET-
ERANS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize the students, both past and present, of the Longwood School District in my district on Long Island for the completion of two major projects—the Longwood Veterans Walk and the accompanying Longwood Veterans History Project, which honor those men and women who have served this nation in overseas conflicts.

In tribute to the service our veterans have given to this country, a monument commemorating the service of former Longwood school students who served in the Gulf War, the Iraq War, and the continuing War in Afghanistan, has been constructed and will be dedicated on June 16, 2012, in Bartlett Pond Park.

This monument is the last in a series honoring the Longwood veterans from every war in our nation's history, dating back to the Revolution. The first, dedicated in 2007, created an enthusiasm for local history and the personal stories of these men and women.

Since then, the students of Longwood Junior High School have, using a variety of sources, conducted their own research to locate the names and lives of every Longwood veteran, an undertaking that resulted in six volumes of biographies. Through the generosity of the local community, sufficient funds were raised for the completion of this ambitious and moving project.

Mr. Speaker, I am deeply proud of this project and the students who have made it a reality. On behalf of New York's first congressional district, I urge my colleague in the U.S. House of Representatives to join me in recognizing the inspiring civic duty demonstrated by these students who have honored our community's veterans.

A TRIBUTE TO MR. DEWAYNE
CHARLES HESTER

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to a tremendous public servant, Deputy Sheriff Dewayne Charles Hester, who served the people of Bladen County as a law enforcement officer for more than a decade. The Bladenboro community recently and unexpectedly lost this dear friend and beloved lawman, but his influence and compassion for the people he served will live on. I rise today to honor him and pay tribute to his memory.

Deputy Hester's career in law enforcement began in the City of Elizabethtown Police Department, and his hard work earned him the title of Sheriff's Deputy with the Bladen County Sheriff's Department. Deputy Hester was well-respected for his dedication to keeping the citizens of Bladen County safe.

Deputy Hester made a lasting mark on his community, our state and our nation. We all owe him a tremendous debt of gratitude, and we can best honor his memory by honoring his commitment to public service.

A man of faith, Hester was a member of Hickory Grove Baptist Church in Bladenboro. We know today that he is resting at home in peace and joy with his Savior.

As a Member of the Law Enforcement Caucus, I have been personally aware of Deputy Hester's commitment and service. Following the tragedy befalling our friend and colleague, Congresswoman Gabby Giffords, I benefitted from the professionalism, courtesies, and respect he showed as he provided protection for me during one of my "Conversations with the Congressman" meetings at the Town Hall in Elizabethtown. This was but one example of his answering the call of duty wherever and wherever he was needed.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout North Carolina and a wonderful husband, loving father, and dutiful son. Deputy Dewayne Hester will be dearly missed by his family—his wife, Tammie Hester; his daughters, Haley and Hannah Hester; his two brothers, Jamie and Kenneth; and his mother, Elfriede Hester.

Our thoughts and prayers are with them during this difficult time, and we will continue to remember him as an honorable man who gave his life in the line of duty.

CONGRATULATING MURDIC AND
BEULAH BOWEN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on July 3, 2012, Mr. and Mrs. Murdic and Beulah Bowen will celebrate their 70th wedding anniversary. Murdic and Beulah were married on July 3, 1942, in Columbia, South Carolina, and are longtime residents of the Elgin community in Richland County, South Carolina.

Together, the Bowens have contributed a great deal to their community, the State of South Carolina, and our Nation. On December 3, 1942, Murdic reported to the United States Army and served in the 94th Division during World War II throughout the European Theatre. After his tour of duty, he returned to Elgin where he began working in textiles and became the owner of a mercantile business and a used car business. Beulah worked with the Citizens and Southern National Bank in Elgin, South Carolina, and retired from the bank after 40 years of dedicated service.

Murdic and Beulah have remained active and devoted members of the Highway Pentecostal Holiness Church in Elgin, South Carolina, and continue to remain a steadfast example of devotion, patience, and understanding to their three daughters, six grandchildren, and ten great-grandchildren. I would like to congratulate Murdic and Beulah Bowen on this momentous occasion and offer my best wishes to them and their family in the future.

THE AFFORDABLE CARE ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, millions of Americans are anxiously awaiting the Supreme Court's ruling on the constitutionality of the Affordable Care Act. Many of these individuals await this decision in fear, as they stand to lose their sense of security if the law is struck down. Since the Affordable Care Act was signed into law on March 23, 2010, millions of Americans have already benefited from its sweeping reforms, and millions more stand to benefit once the law is fully implemented in 2014. Texas has the highest percentage of adults without health insurance, and striking down the Affordable Care Act will only worsen this predicament for Texans.

If the Supreme Court strikes down the Affordable Care Act, there will be no winners. The Affordable Care Act forces insurance companies to play by the rules, giving Americans greater control over their own health care. Under the health care law, insurance companies are required to publicly justify their actions if they chose to raise rates by 10 percent or more, and can no longer impose lifetime dollar limits on health benefits. In a major show of support, several insurance companies, including UnitedHealthcare and Aetna, have even pledged to preserve certain provisions of the health care law no matter what the Supreme Court decides.

A repeal of the Affordable Care Act would further exacerbate health disparities between minorities and non-minorities. Minorities suffer disproportionately from serious illnesses such as cancer, diabetes, and HIV/AIDS. Historically, minorities have faced considerable barriers to accessing affordable health insurance, and these barriers have contributed to significant health disparities. Under the Affordable Care Act, an estimated 3.8 million African Americans and roughly 5.4 million Latinos who would otherwise be uninsured will gain coverage by 2016. If the Affordable Care Act is struck down, millions of minorities will be forced to seek primary care in our Nation's overcrowded emergency rooms, and the costs of care will be shifted to taxpayers.

Mr. Speaker, while the Republicans have introduced numerous measures to undermine and repeal the Affordable Care Act, they have not yet offered one piece of legislation which would reduce health care costs for young adults and seniors or address the growing health disparities between minorities and non-minorities. As we await this monumental court decision, I, along with my Democratic colleagues, will continue to advocate for access to affordable, quality health care for all Americans.

IN RECOGNITION OF THE
WHITEVILLE HIGH SCHOOL
BASEBALL TEAM BEING NAMED
NORTH CAROLINA 2-A STATE
CHAMPIONS

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2012

Mr. MCINTYRE. Mr. Speaker, it is my great pleasure to rise today to ask you to join me in recognizing the Whiteville High School baseball team of Whiteville, North Carolina, on being named North Carolina 2-A State Champions.

The Whiteville Wolfpack finished their season strong with a 16-game winning streak for a record of 26–5, including the championship game win over the 2011 returning State Champions. The Whiteville team also received the honors for All-Cape Fear region baseball coach of the year, Brett Harwood, and player of the year, Nathan Hood.

As founder of the Congressional Caucus on Youth Sports, a long-time little league coach and one who grew up playing baseball, I appreciate the dedication, determination, and teamwork that earned these players the esteemed title of State Champions. I am also impressed by Coach Brett Harwood who led this team to victory, as well as the parents of each player and the Whiteville community as a whole for supporting these young baseball players as they worked to achieve their dream.

Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the Whiteville High School baseball team, and wishing them the very best in all of their future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 19, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

9:30 a.m.

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee

To hold hearings to examine the initial public offering (IPO) process, focusing on ordinary investors.

SD-538

10 a.m.

Judiciary

To hold an oversight hearing to examine the United States Patent and Trademark Office, focusing on implementation of the Leahy-Smith "America Invents Act" and international harmonizing efforts.

SD-226

Commerce, Science, and Transportation
Science and Space Subcommittee

To hold hearings to examine risks, opportunities, and oversight of commercial space.

SR-253

2:30 p.m.

Judiciary

To hold hearings to examine Holocaust-era claims in the 21st century.

SD-226

Armed Services

Personnel Subcommittee

To hold hearings to examine Department of Defense programs and policies to support military families with special needs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

JUNE 21

Time to be announced

Environment and Public Works

Business meeting to consider H.R. 1160, to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, S. 1324, to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, S. 1201, to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, S. 2018, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, S. 3264, to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, S. 2104, to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act, S. 3304, to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the "William Jefferson Clinton Federal Building", to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building", and to designate the Federal building housing the Bureau of Alco-

hol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the "Eliot Ness ATF Building", H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse", and the nominations of Allison M. Macfarlane, of Maryland, and Kristine L. Svinicki, of Virginia, both to be a Member of the Nuclear Regulatory Commission, and a proposed resolution relating to the General Services Administration.

Room to be announced

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine perspectives on money market mutual fund reforms.

SD-538

Commerce, Science, and Transportation

To hold hearings to examine the nomination of Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration, Department of Transportation.

SR-253

Finance

To hold hearings to examine Russia's World Trade Organization (WTO) accession, focusing on the Administration's views on the implications for the United States.

SD-215

Foreign Relations

To hold hearings to examine implementation of the New Start Treaty, and related matters.

SD-419

Health, Education, Labor, and Pensions

To hold hearings to examine an update on Olmstead enforcement, focusing on using the Americans with Disabilities Act (ADA) to promote community integration.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Katherine C. Tobin, of New York, and James C. Miller III, of Virginia, both to be a Governor of the United States Postal Service.

SD-342

Judiciary

Business meeting to consider S. 250, to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, S. 285, for the relief of Sopuruchi Chukwueke, S. 1744, to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and

audit conservatorships of protected persons, and the nominations of Brian J. Davis, to be United States District Judge for the Middle District of Florida, Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, to be United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, Grande Lum, of California, to be Director, Community Relations Service, and Jamie A. Hainsworth, to be United States Marshal for the District of Rhode Island, John S. Leonardo, to be United States Attorney for the District of Arizona, Patrick A. Miles, Jr., to be United States Attorney for the Western District of Michigan, and Danny Chappelle Williams, Sr., to be United States Attorney for the Northern District of Oklahoma, all of the Department of Justice.

SD-226

1:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Universal Music Group/EMI merger and the future of online music.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine security clearance reform, focusing on sustaining progress for the future.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 27

10 a.m.

Veterans' Affairs

To hold hearings to examine health and benefits legislation.

SR-418

3 p.m.

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 1897, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 2158, to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, S. 2229, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, S. 2267, to reauthorize the Hudson Valley National Heritage Area, S. 2272, to designate a mountain in the State of Alaska as Mount Denali, S. 2273, to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station, S. 2286, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 2316, to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the

“Thomas P. O’Neill, Jr. Salt Pond Visitor Center”, S. 2324, to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System, S. 2372, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and S. 3300, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee,	Los Alamos, New Mexico, and Hanford, Washington.	10 a.m.	Health, Education, Labor, and Pensions
		SD-366	To hold hearings to examine creating positive learning environments for all students.
	JUNE 28		Room to be announced
9:30 a.m.	Energy and Natural Resources		
	To hold hearings to examine innovative non-federal programs for financing energy efficient building retrofits.		
		SD-366	

HOUSE OF REPRESENTATIVES—Tuesday, June 19, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HONORING HEALTH CARE PROFESSIONALS WHO PROVIDE HOSPICE CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, today on Capitol Hill there are hundreds of nurses, chaplains and social workers, the people who deliver hospice care at the bedside, here to promote an honest discussion and careful analysis of how to help individuals and their families grapple with the final chapter of life. It may be the hardest issue in health care, and the fear that it invokes can be a powerful weapon.

For most of us, the majority of health care we receive in our lifetime will be administered in those last few months. It's when we need the most doctors and nursing care, medical procedures and oftentimes in hospitals.

But we know from scientific studies that when patients are educated about their treatment options, they make decisions that are not only aligned with their personal preferences, but shared decision-making relieves stress and anxiety. Ironically, sometimes getting

less intensive help, like in a hospice, not only improves the quality of life, these patients, many of them actually live longer.

From a public policy perspective, it's perverse that Medicare will pay for almost any medical procedure, yet not reimburse doctors to have a thoughtful conversation to prepare patients and their families for the delicate, complex, and emotionally demanding decisions surrounding the end of life.

That's why I sought to direct Medicare, in the Affordable Care Act, to cover a voluntary discussion with the doctor about living wills, power of attorney, and end-of-life preferences. Helping patients and their families clarify what they want and need should be an element of any rational, comprehensive health care system.

Despite our recent history, it's also a rare common denominator in health care politics because it's something that most people actually agree on. In fact, the majority of my Republican colleagues supported a similar provision for terminally ill elderly patients that was part of the 2003 prescription drug bill.

I had a friend of mine, a Republican cardiovascular surgeon here in the House, who told me he had many end-of-life conversations; but, unfortunately, they were often too late. He wished he could have spoken to patients and their families when they could have properly reflected, not just when the surgery was merely hours away.

During the early debates on the Affordable Care Act, I was confident that this was an area where we were making a contribution to improve the quality of health care, but it actually might be something that would bring us together because of the shared agreement. But, unfortunately, battle lines were drawn; and you know how the rest of that story went: death panels, rationing, forced consultation with government-appointed physicians.

In war, truth is the first casualty. The same goes for politics. As a country, we have a difficult time talking rationally and thoughtfully about end-of-life issues. That's why it's so important that we have these dedicated people on Capitol Hill today—the nurses, the hospice workers, the social workers—to have this thoughtful conversation from people who do it every day. Their work to help patients and families can help Congress understand that the work is not finished.

I urge my colleagues to take a look at the Personalize Your Health Care

Act, H.R. 1589. Join me in making sure that the Federal Government is a better partner in helping families prepare for this difficult chapter.

HONORING THE LIFE OF SERGEANT TOM BAGOSY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, today, a number of us are rising to commemorate an individual out of the now more than 2,000 who have lost their lives during Operation Enduring Freedom. I would like to submit, for the RECORD, 11 names of brave servicemembers who were recently killed in Afghanistan.

Today, I would like to recognize a man in particular who is not counted in the 2,000. Sergeant Tom Bagosy, a combat veteran of Iraq and Afghanistan, took his own life on May 10, 2010, at Camp Lejeune marine base in North Carolina. Tom's wounds were mental, but he is no less a casualty of the war in Afghanistan.

That Tom is not counted in this 2,000 number speaks to the fact that our country does not fully understand the effect that a generation of war has had on those who've fought it. We do not understand the future cost of caring for over 300,000 returning veterans with mental wounds.

Tom's death, like those of the 154 Active Duty servicemembers who took their lives at a rate of one per day this year, was preventable.

Tom left behind a wife, Katie, and two children. Today, Katie is working towards becoming a mental health counselor so she can support the thousands of veterans coming home today with mental wounds. We should be inspired by her efforts.

Mr. Speaker, I want to share with the House a letter that Katie wrote to her husband, Tom, who had died in May. And she wrote this letter August 23 of 2011. These are her words:

I wonder what life would be like if you didn't die that day. I wonder what we would be doing right now in this very moment instead. I hate playing the "what if" game, but I'm playing it anyway right now.

I could really use a hug and kiss from you. I love the way you kiss me. I wish your arms were around me right now. Guess wishing is all I can do.

Love always, Katie.

Mr. Speaker, it's time now that our Congress stands up and says let's bring our troops home now; let's start the process. If we brought them home now,

it would still take months, maybe even years. But 2014 is the date that the President says we'll start bringing them home.

Then, there's also going to be a security agreement with Afghanistan; 10 months, spending about \$4 billion a month.

We need to be spending that money to take care of our wounded, both physically and mentally, veterans. We need to start spending that money here in America to build our streets and roads and bridges.

Mr. Speaker, it is time that the Congress does its job based on the Constitution. We have the authority based on the Constitution.

I don't know how many—this poster of Sergeant Bagosy and his wife, Katie, how many, how many are coming back from Afghanistan, and those who came back from Iraq, that are mentally wounded. It's time that this Congress starts thinking about the wounded and thinks about the families who lost loved ones in Afghanistan and Iraq. Let's not cheat them out of their benefits because we want to spend money in Afghanistan that we can't even account for by the Inspector General.

Mr. Speaker, I will, at this time, ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform.

I ask God, in His loving arms, to hold the families who've given a child dying for freedom in Afghanistan and Iraq.

I ask God to bless the House and Senate, that we will do what is right in the eyes of God for God's people today.

I ask God to bless the President of the United States that he will do what is right in the eyes of God for God's people today and tomorrow.

And three times I will ask God, please, God, please, God, please, God, continue to bless America.

RECENT U.S. SERVICE MEMBER DEATHS

Spc. Kedith L. Jacobs
Pfc. Leroy Deronde III
Staff Sgt. Alexander G. Povilaitis
Staff Sgt. Roberto Loeza
Petty Officer 2nd Class Sean E. Brazas
Cpl. Nicholas H. Olivas
Lance Cpl. Steven G. Sutton
Capt. John R. Brainard
Chief Warrant Officer Five John C. Pratt
Spc. Tofiga J. Tautolo
Spc. Vilmar Galarza Hernandez

□ 1010

STAFFORD STUDENT LOAN INTEREST RATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 11 days, the interest rates for the subsidized Stafford student loan program are going to increase from 3.4 percent to 6.8 percent. This is at a time when student loan

debt now has topped the \$1 trillion number, which is according to the Federal Reserve Bank.

This is a program which will provide relief for over 7 million college students who literally today are already trying to budget for next fall's semester at colleges and universities—at 2-year colleges, at 4-year colleges. Yet this Congress left for 10 days, up until yesterday, for another recess—the ninth recess this year. This number, 11 days until the rate-hike increase, should probably be 6 days because that's all the number of days that the Speaker has scheduled between now and July 1.

How did we get to this point?

In 2007, when the Democrats controlled the Congress, we voted for the College Class Reduction Act, with Republican support, which cut the rate for the subsidized Stafford student loan program from 6.8 percent to 3.4 percent. That has helped over 15 million college kids over the last 5 years. It was a sunset measure, like many other bills that pass in this Congress; and last July 25, on that podium, President Obama challenged this Congress to avoid allowing that rate to double on July 1.

For 3 solid months, we had absolutely no action in this Congress—no hearings, no markup, no bill. Luckily, external pressure was exercised on this Chamber. We had 130,000 college students drop off petition signatures to the Speaker, demanding action. Finally, the Speaker rushed a bill to the floor, without a hearing, without a markup—a totally hyper-partisan bill—that did delay the rate hike for 1 year, yet was paid for with a measure that was so unacceptable: cutting programs and funding for cervical cancer screening, diabetes screening, cardiac screening. It was a measure which was dead on arrival, but at least it was some response. It was at least a flicker of acknowledgment that there was a real problem out there for middle class families around the country.

Now, on January 5, when the President announced his challenge to the Congress, I introduced legislation before midnight that night which would have locked in the lower rate at 3.4 percent. We have 152 cosponsors in the House for that measure, and in the Senate there is a back-and-forth going on right now about a 1-year extension. So, again, there actually are some hopeful signs. Leader REID, HARRY REID, introduced a measure with a pay-for, which was not greeted with immediate criticism and denunciation, so there is actually a chance that between now and July 1 we can come together and do our jobs and actually be here to work on the people's business and to make sure that, again, 7 million college kids don't see their interest rates spike at a time when student loan debt has shattered all records.

The stakes could not be higher. U.S. graduation rates now have fallen to 12th in the world. We were No. 1 in the 1980s. There are a variety of reasons which explain that, but certainly the high cost of college is one of those reasons. We are seeing now an alarming trend of individuals who take on debt to go to college and then never get their degrees. Debt without a degree is almost a death sentence—a lifetime of struggling in terms of trying to get ahead. We as the Congress have the responsibility to make sure that that doesn't happen or at least that we don't add to the problem by allowing these rate hikes to go into effect on July 1.

Mr. Speaker, if you look historically at the Stafford student loan program, if you look historically at the Pell Grant program, if you look historically at the Land Grant College program instituted by President Abraham Lincoln, this is an issue on which we have always been able to put aside partisanship and move forward together in order to make sure that the real crown jewels of our country, which are our people—particularly our young people—are always protected. That test is now before us over the next 11 days.

Let's do the right thing; let's work together; let's compromise; let's come up with a plan to protect 7 million college kids, and for once send a signal to the people of this country that we are listening and that we are actually responding to the critical needs that face this Nation's future.

AN EMPEROR INSTEAD OF A PRESIDENT?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, our Nation's income tax system is a giant mess. It's complicated; it's not fair; it's outdated—and not everyone follows the law.

Hypothetically, suppose tomorrow, the President issued an edict from the White House directing the IRS not to enforce tax laws for certain special people, for example, people under the age of 30.

Why? Maybe the President just doesn't like the law, so he issues that new order. Well, Mr. Speaker, last Friday, much to the surprise of all of us who believe in the Constitution and in the separation of power, something very similar did happen.

In his latest Friday afternoon surprise, the President issued a decree unilaterally discarding the immigration law of the land—a law passed by Congress and signed by a previous President. The President disagrees with the law; and since he had to have his way, in spite of the Constitution, he improperly ordered his way to be the law of the land. The President's

temporary amnesty plan applies to those who are under 30 years of age. They also can obtain a work permit.

It would be nice if the President were as concerned about the 23 million Americans who are looking for work in America as he is about the 12 million undocumented individuals the President claims are looking for work in America. News reports even show 50 percent of new American college graduates can't even find work.

Mr. Speaker, here is the chart we all probably saw in ninth grade civics classes: a bill is filed in the House. If the House of Representatives debates it and passes the bill, it goes down the hallway to the Senate, and they discuss it and vote on the bill. If they pass the bill, it becomes the law if the President signs it.

We call that "the law of the land."

But the President, it seems, has ignored most of this and has just issued new orders from the White House to not pay any attention to the Senate or to the House of Representatives.

Mr. Speaker, like most of us learned in ninth grade civics classes, it is Congress' job to write laws and the President's job to execute the laws. That means: enforce the law. It doesn't mean he is supposed to ignore laws and then issue his own policies like kings used to do with their policies. He is to follow the law whether he likes it or not. Once upon a time, the President even claimed to believe in the Constitution.

Here is what he said last year:

With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed.

But that was a year ago. That was then and this is now. If the President doesn't like a law, he believes he can ignore it and come up with his own set of rules.

Our Founders envisioned a country in which freedom was protected from government and was limited from the policies of kings. You see, old King George III of England constantly decreed new laws without the consent of the people. That was one of the reasons we rebelled against the merry ole King of England and his monarchy and his policies. Our ancestors structured the American Government in the Constitution. The last time I checked, it was Congress that makes laws and the job of the executive branch to enforce laws, not to ignore the ones it doesn't like.

The immigration system needs fixing. Congress should do its job and fix the problem. In the meantime, the President should do his job, not ours, and he should enforce the law. Otherwise, we have lawlessness in America.

The President says he can use prosecutorial discretion not to enforce immigration law. Mr. Speaker, the President is wrong again. I dealt with pros-

ecutorial discretion as a former prosecutor and a judge. Prosecutorial discretion is when a prosecutor does not prosecute a specific case because the accused is innocent or there is insufficient evidence or witnesses have disappeared or the government has violated the rights of the accused, et cetera. Prosecutorial discretion cannot be used to ignore a specific law because the government just doesn't like the law.

It is true, through no fault of their own, that young undocumented individuals are here as a result of decades of a failed broken immigration system, but the President has no interest in fixing what is broken. He is more concerned with picking up a few votes to further his reelection. The law gets in the way, so his policies look like they come from an emperor instead of a President.

So what new orders will be issued next week from the President and the White House? Is he going to ignore the Tax Code for some in the name of prosecutorial discretion? I guess it depends on what political forces push the President to new orders and decrees.

We shall see.

Stay tuned for another day in the life of the Republic. It's time for the former constitutional professor to follow the Constitution, not to make up his own rules during his on-the-job training.

And that's just the way it is.

□ 1020

HELPING OUR CHILDREN ACROSS THIS NATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, I've had the pleasure of chairing the Congressional Children's Caucus for a number of years, having founded it almost a decade ago.

I'm delighted to have, as part of our agenda, a number of issues dealing with mentoring, nutrition, obesity, issues dealing with now a phenomena that is raging across our Nation, bullying, and introduced legislation just 6 months ago and now revised legislation that deals with renewing the Juvenile Accountability Block Grant, as well as providing intervention on these issues.

I'm looking forward to bipartisan support because, as we've seen statistics across America, children as young as pre-K and kindergarten now can interpret actions as bullying. We need to give help and relief to school districts and parents and families, and most of all, a public statement that that action is intolerable and that we want our children to go to schools and playgrounds and places that they will find comfort and enjoyment as a child.

That brings me also to my commitment to science, technology, engineer-

ing, and math. I was very pleased to be involved in a program that provided opportunity for sixth and seventh grade boys at risk. It gave them math and science in the morning with what we called the SMART board, and then in the afternoon they played with college football players and learned the skills of football with various sports leagues. Of course, we had the corporate support.

So I raised the question to my good friend, the company Halliburton, and asked for their CEO, who was supportive of this program last summer, to recognize the value of science, technology, engineering, and math, and respond to the needs of these inner-city boys in Houston, the place where the company is located with so many employees. I'm reminded of going to give comfort to many of their employees when KBR was owned by Halliburton and they had tragically lost employees in Iraq. It was my chance to go and respond to that crisis and to give my sympathy. That's the way we are as neighbors, but they are not acting neighborly now. And there are a number of boys, the same kind of children that I see that come here to Washington all the time. Of course, these at-risk boys have probably never been out of the city of Houston, but they are in school districts across the city. Isn't it a shame that we can't get a response, with all the great employees that I know care about the city, to be able to support these children? I ask for the CEO to respond to these at-risk boys. I'll certainly be looking forward to engaging and making sure that that happens. It's very important.

I understand that there has been some question about an executive order that deals with helping children again across this Nation, children who have come to the United States not of their own accord, who were brought by their parents and have been here since the age of 16 and have attempted, like many children that I see, to do the right thing, to get a high school diploma, to be in the United States service, to get a GED that happened to have come and they're unstatuted.

This issue has been before the Congress for 11 years. In fact, there was an effort passed by the House that moved to the Senate, as was instructed, and the Senate refused to move forward on something called the DREAM Act. If you look at all of our cases and our caseload in our respective districts, particularly those of us in the Southwest, there are tons of cases that have come in that will bring tears to your eyes, children being deported away from their families or families being separated.

Let me disabuse you of the notion that this is not done under the law. There is a regulatory scheme under the Homeland Security Department that allows discretionary determination

about deportation or whether or not someone should go into deportation. These are children. The President did the right thing by having an executive order that utilized the powers by the Secretary of Homeland Security under the Code of Federal Regulations to be able to use that discretion. It's the right thing to do.

Congress, it's not too late, my colleagues, Republicans and Democrats, to come forward and support the DREAM Act that has been introduced over and over again, that had bipartisan support. In fact, it's not too late to help the farmers, to help the high-tech industry, and pass comprehensive immigration reform. Who are we, other than Americans, who are humanitarians, who are empathetic, who love the values of this Nation and believe in opportunity?

I don't want people to be equating the loss of jobs with allowing a few children to be able to be saved from deportation, whether they come from South and Central America, they come from Ireland, they come from Italy, they come from the continent of Africa, the Caribbean. It is time to be the Nation that we know we are, which is lifting up people, giving opportunity. This is the greatest country in the world, and I look forward to corporations responding to at-risk boys, Mr. Speaker, and, as well, that we recognize the importance of helping children wherever they are.

THE WHITE HOUSE DECREE IS BAD FOR AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Mr. Speaker, last week, the White House decreed partial amnesty for an estimated 3 million illegal aliens and mandated acceptance of illegal alien work permit applications. The White House decree is bad for America.

First, Mr. Speaker, it is unconscionable for the White House to pit unemployed Americans against illegal aliens in a competition for scarce jobs. In 2009, the Pew Hispanic Center found that 7.8 million struggling American families have already lost job opportunities to illegal aliens. America suffers an 8.2 percent unemployment rate. Even worse, Hispanic Americans suffer an 11 percent unemployment rate. Even worse, African Americans suffer a 14 percent unemployment rate. Even worse, American teenagers suffer a 25 percent unemployment rate. All are hammered by a White House decree that grants as many as 3 million illegal aliens work permits.

I understand heartfelt compassion for illegal aliens, but where is the compassion for millions of Americans who are unemployed and suffering from jobs lost to illegal aliens? Where is the com-

passion for American taxpayers who must pay higher taxes to support millions of extra unemployed?

Second, the White House decree grants amnesty to illegal aliens. Webster's defines "amnesty" as "the act of an authority, as a government, by which pardon is granted to a large group of individuals." Further, "pardon" is defined as "a release from the legal penalties of an offense."

A penalty for breaking America's immigration laws is not lawfully getting a job. The White House releases illegal aliens from this penalty; hence, the White House grants amnesty. While the amnesty is admittedly partial, it is amnesty nonetheless.

Third, Mr. Speaker, the 1980s amnesty taught foreigners that America won't enforce its immigration laws. The result is over 10 million illegal aliens in America and an immigration mess that is destructive to America. A 2011 Federation of Americans for Immigration Reform study found that illegal aliens cost American taxpayers a net loss of \$99 billion a year. Illegal aliens overcrowd our schools and need costly English interpreters. In 2011, illegal aliens drove up America's K-12 education costs by \$49 billion per year. Illegal aliens overcrowd our emergency rooms, delay treatment for Americans, and drive up health care costs. Illegal aliens commit crimes, sometimes heinous, against American citizens and burden taxpayers with higher jail costs. In my home county, more Madison Countians have been killed by illegal aliens than have lost their lives in Iraq and Afghanistan combined.

Mr. Speaker, amnesty did not solve America's illegal alien problem in the 1980s, nor will it today. Those who do not learn from history are doomed to repeat it. Mr. Speaker, America must never again give blanket amnesty to illegal aliens.

Fourth, Mr. Speaker, the White House decree is of questionable constitutionality. The Constitution states, and I quote article I, section 1, "all legislative powers herein granted shall be vested in a Congress of the United States," and "the Congress shall have the power . . . to establish a uniform rule of naturalization." The Constitution does not empower a President to make law. Hence, the only change to immigration law is as our Constitution demands, through Congress, not by imperial decree.

Mr. Speaker, in 2011, when it was not an election year, President Obama agreed. On March 28, 2011, the President stated:

With respect to the notion that I can just suspend deportations through executive order, that's just not the case because there are laws on the books that Congress has passed. The executive branch's job is to enforce and implement those laws. For me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as President.

Last September the President again stated:

I just have to continue to say this notion that somehow I can just change the laws unilaterally is just not true. The fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of the DREAM Act that somehow, by myself, I can go and do these things. It's just not true.

Mr. Speaker, the President's own words speak volumes about the constitutionality of a White House decree that undermines America and the rule of law.

□ 1030

EXTENSION OF RENEWABLE ENERGY TAX INCENTIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, this Congress' failure to extend renewable energy tax credits is already costing my home State, the Commonwealth of Virginia, jobs. As CBS News reported last month, Virginia is losing a wind turbine development to Spain because the United States doesn't have the right policies and tax incentives in place for renewable energy development. A spokesperson for the wind energy company Gamesa said that the uncertainty over the future of those tax credits for wind energy and the lack of Federal energy policy caused the company to invest in Spain instead of Virginia. The jobs to construct and maintain that turbine will be Spanish, not American.

The so-called Strategic Energy Production Act, coming to the House floor this week, actually perpetuates the problem by doubling down on oil and gas to the detriment of developing new and renewable energy sources in America. Even the Republican Governor of Virginia said that the lack of a national energy policy was one of the reasons we aren't moving forward with this project in America. President Obama has called on Congress to pass a "clean energy standard" that would guarantee a market for wind, solar, and other clean domestic energy sources. That legislation has not received any consideration in this House.

The House Republican leadership won't even bring legislation to the floor to extend critical renewable tax credits for wind and solar energy. Republicans consider it anathema to even suggest that they reconsider special oil and gas company tax breaks in the face of record industry profits. Yet while the extension of renewable energy tax credits would encourage the development of an innovative industry that would support America's energy independence, they allow it to wither. In fact, House Republicans actually attacked the renewable energy sector

through a number of different amendments to the Energy and Water appropriations bill earlier this month.

As part of the Recovery Act, Congress and the President extended production and investment tax credits for the production of wind and solar energy. As a result of those investments, wind energy electricity generation has grown by 40,000 megawatts in the last 2 years. Between 2007 and 2010, wind energy represented 35 percent of all new electricity generation in America. Solar energy production in America more than doubled in that time period.

Approximately 173,000 Americans work now in the wind and solar industries, with 70 percent growth in the number of wind energy jobs since 2007. What other industry can we point to that has seen that kind of significant job growth? In fact, the growth in renewable energy jobs has helped offset job losses in the coal industry, which has been declining for many years. As the Nation continues to recover, and as monthly job growth moderates, it is essential to support innovative American industries, such as wind and solar, with extensive growth potential.

Wind and solar electricity generation creates American jobs throughout the supply chain. For example, Micron is a semiconductor manufacturer in my district whose components are used in solar installations. The value of solar installations completed in 2011 was \$8.4 billion. Thanks to Buy American provisions and other domestic manufacturing programs in the Recovery Act, we're increasing the share of wind energy components manufactured in America. Over 470 factories in the United States now build components for wind turbines. But as tax incentives expire, where will that future growth go?

In the global hunt for scarce resources, the renewable energy industry will not just be a job creator, though it will create jobs. It will also help support national security. If America is not at the forefront of this burgeoning field, then we will be left behind as global competitors seize that initiative.

Unfortunately, all of this economic growth is at risk as the Republican House leadership ignores renewable energy tax credit extensions. Failure to extend the production and investment tax credits for renewable energy will mean losing projects across the country. As our loss of a wind facility in Virginia demonstrates, Mr. Speaker, the failure to extend these tax credits in a timely manner already is hurting what would otherwise continue to be a growth industry.

YUCCA MOUNTAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I enjoyed listening to my Republican colleagues talk about the Constitution and how a bill becomes a law.

I taught freshman civics. And when a bill passes both Chambers, the bill then goes to the President. The President then signs a bill. It becomes a law. The job of the Chief Executive is to enforce the law, as signed and as passed.

Like the 1982 Nuclear Waste Policy Act, it is the law of the land. The amendments passed in 1987 identified Yucca Mountain as the sole geological repository for nuclear waste in this country. The problem is, it's not being enforced by the President, who is complicit with the majority leader in the Senate, Senator REID, in stopping the project.

So over the past year, I have been coming down to the floor and identifying where we're at on the status of what do we do with high-level nuclear waste. And I have gone through the whole country. I have identified all the Senators and where they stand. We actually have a majority of Senators—55 of them—who support high-level nuclear waste being stored at Yucca Mountain. We have 23 that either have made statements of "no" or 22 that we don't know their position. Can you imagine being a U.S. Senator on a very important position, never having to state your position on what to do with high-level nuclear waste or defense waste, especially if it's in your own State, and never being forced to come to a position.

Over the past year, we've been going around the country identifying all these locations. And now the time for truth has come, to really start narrowing down on individual States and Senators who should at least state their position.

So I return to my next-door neighbor State, the State of Missouri. I live in the St. Louis metropolitan area. I represent parts of 30 counties in southern Illinois. But I am very close to the State of Missouri. In fact, I root for the Cardinals, the Rams, the Blues. And if the University of Missouri's not playing the Fighting Illini, I'll root for the Missouri Tigers.

Missouri has a nuclear power plant called Callaway. And what I did months ago, I came down on the floor—these are old posters—and compared Callaway to Yucca Mountain. Right now, Callaway has 615 metric tons of uranium spent fuel on site; Yucca has none. Waste would be stored 1,000 feet underground; waste is being stored in pools above ground. Waste would be 1,000 feet from the water table; at Callaway, it's 65 feet above the groundwater. At Yucca, the waste would be 100 miles from the Colorado River; at Callaway, it's only 5 miles from the Missouri River.

So the State of Missouri needs an answer by their elected Members of what

should they do, how should we handle the nuclear waste at Callaway? Well, Senator BLUNT has already stated his position that he supports moving nuclear waste to Yucca Mountain. In fact, in a floor vote just 2 weeks ago, eight of the nine Members of Congress—a bipartisan majority—said nuclear waste should be in Yucca Mountain, or at least we should finish the scientific study to see if it's feasible versus keeping it in Missouri. The Members of the House who voted in support of the Shimkus amendment were Representative AKIN, Representative CLAY, Representative CLEAVER, Representative EMERSON, Representative GRAVES, Representative HARTZLER, Representative LONG, and Representative LUTKEMEYER. Of course we know Senator BLUNT supports it.

Now we focus on Senator McCASKILL. This is no surprise to her—I've talked to her personally about this—that there would be a time when eventually she needs to state, does she support high-level nuclear waste being stored in Missouri? Does she support a long-term geological storage underneath a mountain in a desert in Nevada?

□ 1040

If she would make a statement, we could then move her from the undecided to either a nay or a yea. And if a yea, that would bring us to 56. We're actually trying to see if we can get 60 United States Senators to say, Yeah, we support moving forward. We've only spent \$15 billion, going back to 1982, to prepare, locate the site.

Yucca Mountain is not just a mountain on its own but it's at the nuclear test site. It's bigger than the State of Rhode Island, the Federal grounds. It's Federal property. And so we come down on the floor—and we'll be doing this in the following weeks—highlighting individual Senators who are either undecided, no commitment, no position on what should be the disposition of high-level nuclear waste in their State, where it should go, and at least get them on the record as far as this issue.

Again, this law was passed in 1982. The amendment passed identifying Yucca Mountain as the long-term geological repository was then signed in 1987. We would just ask the administration to follow the law.

2,000 DEATHS IN OPERATION ENDURING FREEDOM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, while the House was out of session last week, the Nation suffered its 2,000th fatality in the conflict known as Operation Enduring Freedom, the overwhelming number of those deaths coming in Afghanistan. For more than 10 years now,

we've been losing young, courageous servicemembers on a mission that isn't bolstering our national security, isn't supported by the American people, but is costing us billions of dollars every month. What a disaster and what a tragedy.

Mr. Speaker, from this Chamber, I regularly hear Members of the majority invoking morality in support of efforts to cut effective programs that help the most vulnerable members of our society. So where is their moral outrage and where is their budget axe when it comes to the most expensive government program imaginable that has killed 2,000 of our troops?

Two of those 2,000 come from my part of the country, the Sixth Congressional District of California. Army Specialist Christopher Gathercole and Army Sergeant Ryan Connolly, both of Santa Rosa, California, were killed less than a month apart in the year 2008.

We had others who were killed during the nearly 9 years that our troops were in Iraq, but 2,000 deaths doesn't even begin to tell the story of the human cost of this war. More than 15,000 Americans have come home wounded, many in ways that will alter their lives forever. Even those who returned with their bodies intact often suffer from devastating posttraumatic stress that may never go away. Postdeployment suicide has reached epidemic levels.

Nearly 2.5 million men and women have served in Afghanistan and Iraq, and I actually can't say that I trust that the veterans health care system is prepared or will be prepared to deal with the huge demand that will be placed on the services in the coming years.

A recent report prepared by VA doctors outlines the unique and varied health care needs of returning Iraq and Afghanistan veterans. In addition to traumatic brain injuries, depression, and substance abuse, there's chronic muscle pain, sleep disturbances, hypertension, and complications from environmental exposures. Many of our returning heroes have difficulty readjusting to civilian life, integrating once again into their families, their workplaces, and their communities.

We had better be willing as a Nation to write that check for their care as we were for the war that damaged them in the first place.

And it's critical, Mr. Speaker, that we remember the human cost is not just here in the United States. Two thousand Americans have died in nearly 11 years of war. Well, 3,000 Afghan civilians, many of them children, were killed last year alone for the cause of their so-called liberation.

It's not enough to acknowledge the casualties of this war, to memorialize the dead and pay tribute to their service. What we need is an immediate change of policy. To extend the war through 2014 is to sentence hundreds

more servicemembers to their deaths, all for a policy that isn't achieving its stated objectives while strengthening the very terrorists and extremists that we're trying to defeat.

There's only one solution, Mr. Speaker. There's only one choice that will finally keep the death toll from climbing. That choice is bring our troops home. Bring them home now.

WHEN WILL WE ATTACK SYRIA?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

Mr. PAUL. Plans, rumors, and war propaganda for attacking Syria and deposing Assad have been around for many months. This past week, however, it was reported that the Pentagon indeed was finalizing plans to do just that.

In my opinion, all the evidence to justify this attack is bogus. It is no more credible than the pretext given for the 2003 invasion of Iraq or for the 2011 attack on Libya.

The total waste of those wars should cause us to pause before this all-out effort at occupation and regime change is initiated against Syria. There are no national security concerns that require such a foolish escalation of violence in the Middle East. There should be no doubt that our security interests are best served by completely staying out of the internal strife now raging in Syria. We are already too much involved in supporting the forces within Syria anxious to overthrow their current government. Without outside interference, the strife, now characterized as a civil war, would likely be non-existent.

Whether or not we attack yet another country, occupying it and setting up another regime that we hope we can control, poses a serious constitutional question: From where does a President get such authority?

Since World War II, the proper authority to go to war has been ignored. It has been replaced by international entities like the United Nations and NATO, or the President, himself, while ignoring the Congress. And sadly, the people don't object.

Our recent Presidents explicitly maintain that the authority to go to war is not the U.S. Congress'. This has been the case since the 1950s, when we were first taken into war in Korea under a UN resolution and without congressional approval. Once again, we are about to engage in military action against Syria, and at the same time irresponsibly reactivating the Cold War with Russia. We're now engaged in a game of "chicken" with Russia, which presents a much greater threat to our security than does Syria.

Would we tolerate Russia in Mexico demanding a humanitarian solution to the violence on the U.S.-Mexican bor-

der? We would consider that a legitimate concern for us. But for us to be engaged in Syria, where the Russians have a legal naval base, is equivalent to the Russians being in our backyard in Mexico.

We are hypocritical when we condemn Russia for protecting its neighborhood interests, as we claim we are doing the same ourselves thousands of miles from our shore. There's no benefit for us to be picking sides, secretly providing assistance and encouraging civil strife in an effort to effect regime change in Syria. Falsely charging the Russians with supplying military helicopters to Assad is an unnecessary provocation. Falsely blaming the Assad government for a so-called massacre perpetrated by a violent warring rebel faction is nothing more than war propaganda.

Most knowledgeable people now recognize that to plan war against Syria is merely the next step to take on the Iranian Government, something the neoconservatives openly admit. Controlling Iranian oil, just as we have done in Saudi Arabia and are attempting to do in Iraq, is the real goal of the neoconservatives who have been in charge of our foreign policy for the past couple of decades.

War is inevitable without a significant change in our foreign policy—and soon. Disagreements between our two political parties are minor.

□ 1050

Both agree that sequestration of any war funds must be canceled. Neither side wants to abandon our aggressive and growing presence in the Middle East and South Asia.

This crisis building can easily get out of control and become a much bigger war than just another routine occupation and regime change that the American people have grown to accept or ignore.

It's time the United States tried a policy of diplomacy, seeking peace, trade, and friendship. We must abandon our military effort to promote and secure an American empire.

Besides, we're broke. We can't afford it. And worst of all, we're fulfilling the strategy laid out by Osama bin Laden, whose goal had always been to bog us down in the Middle East and bring on our bankruptcy here at home.

It's time to bring our troops home and establish a noninterventionist foreign policy, which is the only road to peace and prosperity.

This week I'm introducing legislation to prohibit the administration, absent a declaration of war by Congress, from supporting—directly or indirectly—any military or paramilitary operations in Syria. I hope my colleagues will join me in this effort.

MOURNING 2,000TH DEATH OF OPERATION ENDURING FREEDOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GARAMENDI) for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, last Thursday, the 2,000th U.S. military servicemember was killed in Operation Enduring Freedom. I send my deepest sympathies to the families and loved ones of each individual who has been killed since this war began more than a decade ago. Those losses are a cause for sadness beyond what I can adequately convey in my words. Having just celebrated Father's Day with my daughters and son, I reflect on the fact that each fallen soldier was the child of some parent. Many were husbands and wives, and many were parents themselves.

We are a Nation at war. Yet the burden of this war has been primarily borne by a very few, by our military servicemembers and their families. Less than 1 percent of the United States population is in the armed services. Many Americans were not aware of last week's tragic milestone, or perhaps they may have glanced at the fatality count in their local paper and then they went about their daily events. This is a war that, for many, goes on in the background while most Americans carry on their daily lives.

It's imperative that we stop and think deeply about the human cost of this war. We must read the names of those who have been killed, look at their pictures, and imagine the grief of those who have been left behind. We must also think about those who have been wounded. Every day outside this Chamber, we see yet one more military man or woman who has lost a limb, who has been harmed. They are in our military hospitals now, their futures uncertain. We must think about those servicemembers whose lives have been so shattered by the experience of war that they cannot continue living. More servicemembers took their lives in this year than were killed in combat in Afghanistan. Only when we feel those losses can we fully comprehend the cost of this war.

Recently, this House passed its version of the National Defense Authorization Act that I opposed but the majority pushed forward, a bill that has no meaningful timeline for ending combat operations and bringing our troops home, no concrete plans for transitioning full responsibility for Afghanistan security to Afghan forces. Most Republican supporters of the National Defense Authorization Act would slow down the withdrawal of our troops. They would have American troops continue to fight against a domestic insurgency in Afghanistan, and they would have American troops fighting for the corrupt Karzai government.

As Members of Congress, we're responsible for authorizing the funds

that sustain this war. If we believe this war should continue, we should say that this war is absolutely essential to our Nation's security. This war is not.

Can we look into the eyes of the mother or father of a serviceman who has been killed and say your child died for a mission that's absolutely essential to our Nation's security? I can't do that, and I believe most of us cannot. I believe it is time for the war in Afghanistan to come to an end. Our troops and their families have given enough. We should welcome them home as heroes, and we should ensure that they receive the support and care that is due when they return.

We sent our brave servicemen and -women to Afghanistan to eliminate international terrorist organizations that threaten the United States. As President Obama said last month, our goal is to destroy al Qaeda. Our troops have successfully executed this mission with phenomenal dedication and capacity. We have virtually eliminated al Qaeda from Afghanistan. No expert says that there's more than 100 there, and they have no meaningful operation. They have demonstrated that we can take terrorists out wherever they are in this world. We have captured and killed most all of al Qaeda's top commanders. One year ago, we celebrated the historic moment when Osama bin Laden, the 9/11 mastermind, was killed. He met his just end.

The cost of this war in blood and treasure has been staggering. Even those who have not given their lives have given of their lives. It's time for this war to end. The loyalty and dedication of our servicemembers, our most sacred resource, must be conserved. We must not squander it. End this war now.

Mr. Speaker, last Thursday, the 2,000th U.S. military service member was killed in Operation Enduring Freedom. I send my deepest sympathies to the families and loved ones of each of the individuals who have been killed since we began this war in Afghanistan more than a decade ago. These losses are a cause for sadness beyond what I can adequately convey in words. Having just celebrating Father's day with my daughters and son, I reflect on the fact that each fallen soldier was the child of some parent. Many were husbands and wives, and many were parents themselves.

We are a nation at war. Yet the burden of this war has been primarily borne by the few—by our military servicemembers and their families. Less than 1% of the U.S. population serves in the armed forces. Many Americans were not aware of last week's tragic milestone, or perhaps glanced at the fatality count in their local paper and continued with their day. This is a war that, for many, goes on in the background while they carry on with their daily lives.

It is imperative that we stop and think deeply about the human costs of this war. We must read the names of those who have been killed, look at their pictures, and imagine the

grief of those they left behind. We must think also about those who have been wounded, who are right now in our military hospitals with uncertain futures. Every day outside this Chamber, we see yet one more soldier who has lost a limb. And we must think about those servicemembers whose lives were so shattered by the experiences of war that they could not continue living. More servicemembers took their own lives this year than were killed in combat in Afghanistan. Only when we feel these losses can we fully comprehend the costs of this war.

Recently, this House passed its version of the National Defense Authorization Act, which contains a provision inserted by the majority that would continue this war indefinitely. I opposed this bill. This majority bill has no meaningful timeline for ending combat operations and bringing our troops home. It has no concrete plans for quickly transitioning full responsibility for Afghanistan's security to Afghan forces. The majority has pushed to slow down the withdrawal of U.S. forces. They would have American troops continue fighting against a domestic insurgency in Afghanistan and striving to defeat those armed factions that threaten the corrupt Karzai government.

As Members of Congress, we are responsible for authorizing the funds that would sustain this war. If we believe this war should continue, we affirm that this war is essential to our national security. It is not. We should be able to look into the eyes of a mother or father of a service member who has been killed and say, "Your child died in a war that is absolutely necessary to keep our country safe." I cannot do that, and I believe most of us cannot. It is time for the war in Afghanistan to come to an end. Our troops and their families have given enough. We should welcome them back as heroes and ensure that they receive the support and care that is their due when they return.

We sent our brave service men and women to Afghanistan to eliminate those international terrorist organizations that threatened the United States. As President Obama stated very clearly last month, "Our goal is to destroy al Qaeda." Our troops have successfully executed this mission with phenomenal dedication and capacity. They have virtually eliminated al Qaeda from Afghanistan, as our intelligence experts report that fewer than 100 al Qaeda operatives remain in the country. They have demolished terrorist training camps, and captured or killed most of al Qaeda's top commanders. One year ago we all celebrated the historic moment when Osama Bin Laden, the 9/11 mastermind who bears responsibility for the death of thousands of innocent American civilians, met his just end.

The costs of this war, in blood and treasure, have been staggering. Even those who have not given their lives have given of their lives, missing time with loved ones at home while they serve our country abroad. The loyalty and dedication of our military servicemembers is America's most sacred resource, and we must not squander it. They have achieved the core national security objectives for which they were sent to Afghanistan. It is now time for our troops to come home to their families.

COMMEMORATING LEVITTOWN'S 60TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor and commemorate the 60th anniversary of Levittown, Pennsylvania, which is the place that I have called home my entire life.

Located in historic Bucks County, Pennsylvania, construction of Levittown began in 1952 and was completed in 1958. One of the first planned communities built in the United States, it became a popular first home for thousands of returning veterans from World War II and Korea.

Over the course of its rich history, Levittown has developed into a model middle class community. Now it is home to over 50,000 residents with schools, churches, and businesses that help create a sense of community and foster a warm environment for families to live and to work, to raise their families and to retire to.

Levittown's residents have worked in our steel mills, built our communities, and served in our military, all while raising their children and their grandchildren. It was a pleasure growing up in such a close-knit, hard-working community. I'm proud to say that I'm from Levittown, raising my own family there.

The highest honor of all is being given the chance to serve Levittown in the United States Congress. I will continue to listen to and work with members of my community to ensure that all of their voices are heard. Congratulations to all who have called Levittown home over the last 60 years. With such a rich history, Levittown deserves our recognition and praise. I'm honored to live amongst these great families and wish them all the best on this momentous occasion.

HAPPY 100TH BIRTHDAY TO ROBERT GRAY SHIPLEY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to wish a well-deserved happy 100th birthday to a pillar of Watauga County, Mr. Robert Gray Shipley, Sr. Mr. Shipley was born in Valle Crucis, North Carolina, on June 23, 1912. Growing up on his parents' farm, Mr. Shipley's aptitude for agriculture and ranching was evident from a young age.

□ 1100

He put that skill to use, working his way through college, milking cows, judging livestock competitions, and maintaining records in Virginia Polytechnic Institute's dairy department.

Mr. Shipley began teaching upon his graduation from Virginia Tech in 1933, and aside from the time he spent in the United States Air Force as a gunnery instructor on B-24 bombers; teaching agriculture in an innovative and hands-on manner is what he did for most of his professional life. In fact, Mr. Shipley counts among his many students my husband, Tom.

Today, if you take a trip down to Watauga County, evidence of Mr. Shipley's involvement in the community is everywhere. He helped organize the Watauga County Hereford Association, he taught sheep sheering at 4-H clubs, and he ran the Cove Creek Horse Show for two decades. He's a member of the North Carolina State Fair Hall of Fame, the Western North Carolina Agricultural Hall of Fame, and the North Carolina Livestock Hall of Fame. He's a charter member of the Boone Rotary Club and is a mainstay in the Cove Creek Ruritan Club, working faithfully at every monthly fish fry.

Throughout his busy life, Mr. Shipley has had a wonderful partner, his wife of nearly 70 years, Agnes. Together, they are the proud parents of three children, grandparents to six, and great-grandparents to nine. This weekend, friends and former students of the Shipleys will be gathering at the historic Cove Creek High School in Sugar Grove to celebrate Mr. Shipley's 100th birthday and Mrs. Shipley's 95th birthday.

I speak for the community when I express gratitude for the lives of the Shipleys and for their being the wonderful role models that they are.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of this assembly to be the best and most faithful servants of the people they serve. Purify their intentions that they will say what they believe and act consistent with their words.

Help them, indeed help us all, to be honest with themselves, so that they

will not only be concerned with how their words and deeds are weighed by others, but also with how their words and deeds affect the lives of those in need and those who look to them for support, help, strength, and leadership.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Vermont (Mr. WELCH) come forward and lead the House in the Pledge of Allegiance.

Mr. WELCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NEW POLICY IS OUT OF TOUCH WITH AMERICAN FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday, the President revealed a new policy that promotes illegal aliens who are in our country from deportation. This shifts jobs from lawful Americans to illegal aliens. As a former immigration attorney myself, we welcome legal immigrants. In 2009 and 2010, Congress refused to pass legislation giving amnesty to the same individuals included under the President's new policy. Not only is this decision a Presidential abuse of power, it also shows this administration is out of touch with American families who are suffering from lack of jobs.

Instead of encouraging policies aimed to help our law-abiding citizens find jobs, the President believes that he should reward those who have broken laws by granting them work permits. At a time of record unemployment, I urge the President and the liberal-controlled Senate to take up the dozens of bipartisan bills that have passed the House to help American families find jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

DELPHI SALARIED RETIREES

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Imagine you got up every day of your adult life working for the same company, helping build the American auto industry. You worked hard, but you're proud because you're part of something bigger than just collecting a paycheck—you're part of rebuilding the economic engine that gave us the middle class. You counted on a pension, life insurance, and health insurance when you retired, because that's what you were promised. You thought you lived the American Dream—until one day that dream turned into a nightmare.

That's what happened when GM spun off Delphi Corporation in 1999 and later filed for bankruptcy, and over 20,000 salaried employees were left out to dry. Family finances were ruined all across this country, including the cities of Lockport and Rochester in my district. This must be corrected. That's why I'm delighted to see the reemergence of GM as a global powerhouse.

But we cannot forget these individuals. I've called on this administration for their help. I've not received an adequate response from the Department of Labor and the Department of Treasury. And I call on the President to take up the cause of these retirees because they need our help. Their promises are broken, and it's our responsibility to help them at this time.

FARMERS DESERVE CERTAINTY

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, successful agriculture is vital for America and for my home State of Illinois to thrive in the future. The farmers in my district in northern Illinois are saying that they can do without direct payments as long as there is some protection from catastrophe. That's why I'm looking forward to supporting a broad plan for strong, reliable, and affordable crop insurance when we take up the farm bill next week.

A successful farm bill must have strong protection from uncontrollable risks for our Nation's agriculture sector. Farmers take large risks every year to acquire the seed, feed, and supplies they will need for the season. Crop insurance gives them the certainty to take these risks, knowing that they will be protected from conditions beyond their control.

We have an opportunity to empower farmers by giving them choices and the ability to tailor protection to their needs while also asking that they share the risk so the taxpayer isn't picking up the whole tab.

IT'S TIME TO EXTEND THE STUDENT LOAN RATE

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, in 11 days, the interest rates on the Stafford student loans will double from 3.4 percent to 6.8 percent. It's unthinkable that Congress would allow this to happen. But here we are, only 11 days from the deadline, and no closer to a solution than we were months ago. This is one of those only-in-Washington situations. Nearly everyone agrees that we can't let these rates double. Doing so will be a real blow to the middle class and those trying to climb their way into the middle class. It would be bad for the economy, and it makes no practical sense. The Federal Government is borrowing at 1.6 percent. Yet Congress has been unable to extend the lower rate, and it is now only 11 days away.

Take Jessie from Norwich, who will be affected. Despite significant financial support from scholarships and her family, she's graduating from nursing school with over \$150,000 in student loan debt. At age 26, Jessie worries that she'll not be able to start a family or put a down payment on a home because of this staggering debt. She worries that if interest rates increase, a bad situation will be even worse.

Madam Speaker, we have 11 days. It's time to get this done.

CHINA'S ONE-CHILD POLICY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, last week, I received an extremely disturbing report about China's one-child policy from China's central Shaanxi province. Feng Jianmei was 7 months pregnant and home alone when she was abducted by government family planning officials. She was taken to a hospital and bound while her child was administered a powerful poison. After she gave birth to her dead child, without the aid of painkillers, the baby was then left beside her on the hospital bed, as shown in this picture. Her husband is a common worker, who has no recourse for the crime that has been perpetrated on his wife and child. Family planning officials in Shaanxi took this gruesome step in order to meet their quotas under China's brutal one-child policy. This is further evidence that government officials routinely take extreme measures to enforce China's barbaric one-child policy.

It's a human rights issue. It's far past time that the Chinese government stop this terrible repression and end the destruction of lives. I call on Secretary Clinton to condemn this policy in the strongest terms.

LET'S PASS A TRANSPORTATION BILL

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. The American public deserves better. They deserve more from their Congress. The sacrifices that so many millions of Americans have given, whether it's in military service or service to this Nation, to allow us to stand here and self-govern ourselves needs to be repaid with maybe the words of Daniel Webster above us up there: Let's do something great in our time. The differences this Nation has is what makes us strong—differences of opinion. But compromise and common purpose is the glue that hold us together.

If there's anything that we can agree upon, it's that this Nation should have a world-class transportation system to move people and goods in an efficient, effective manner. And we're sitting here not passing a transportation bill. We have never had this problem in this Congress. The last five transportation bills have passed with an average of 375 bipartisan votes. We have a bill that passed the Senate 100 days ago that passed with a 74-22 vote. I'm not sure they can agree it's Tuesday in the Senate, and they compromised on a transportation bill.

I urge my colleagues here, either get the compromise done this week or bring the Senate bill forward and let us vote up or down to put America back to work and do something great in our time.

□ 1210

UTILITY MACT AND PJM AUCTION

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, President Obama's regulatory war on coal is having an effect. In the 2015-2016 capacity auction by regional transmission organization PJM Interconnection, the market clearing price for the mid-Atlantic area was \$167 per megawatt. And for northern Ohio, it was \$357 per megawatt. The average over the last 8 years has been \$89.

Andy Ott at PJM Interconnection said:

Capacity prices were higher than last year's because of retirements of existing coal-fired generation resulting largely from environmental regulations which go into effect in 2015.

A study published in 2010 by the Edison Electric Institute identified seven different new regulations that will raise the cost of electrical generation by 2017. The costs are huge. The EPA's estimate of costs for its utility MACT

regulation alone is \$9.6 billion per year starting in 2015.

The House of Representatives has taken action to prevent the imposition of new regulatory burdens in the midst of this fragile economic recovery, but the Senate has yet to follow that lead. Madam Speaker, prices are climbing, and Americans will suffer.

2,000 AMERICAN FATALITIES IN OPERATION ENDURING FREEDOM

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, last Thursday, June 14, marked the 2,000th American fatality in Operation Enduring Freedom. Today, that number is now 2,004 OEF fatalities, of which 1,887 happened in Afghanistan. Suicide rates by our veterans are now one every day. This is the human cost of war. It is heartbreaking. Forty-three hail from Massachusetts, including eight from my district. These are not just statistics. They were living, breathing men and women in uniform.

At this solemn moment, I would like to send my condolences to the families of:

Army Private Brian Moquin, Jr., 19 years old, Worcester; Army Master Sergeant Shawn Simmons, 39, Ashland; Army Major Brian Mescall, 33, Hopkinton; Marine Captain Kyle Van De Giesen, 29, North Attleboro; U.S. Air National Guard Sergeant Robert Barrett, 21, Fall River; Army Specialist Scott Andrews, 21, Fall River; U.S. Army National Guard Private 1st Class Ethan Goncalo, 21, Fall River; and Air Force Major David Brodeur, 34, Auburn.

You are not forgotten.

REBUILDING OUR NATION'S INFRASTRUCTURE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, we all agree that rebuilding our Nation's infrastructure is the best way to create jobs today and ensure long-term economic growth tomorrow. Our failure to pass a long-term, fully funded transportation authorization has undermined our competitiveness as a Nation, overburdened our local and State governments, and hurt American businesses.

It prevents the State and local governments in every single one of our districts from funding repairs to their bridges, roads, and railways. It leaves our infrastructure crumbling. And it discourages businesses from creating construction and manufacturing jobs that American workers could be filling today.

Madam Speaker, I urge the transportation conference committee to final-

ize their work before the current authorization expires at the end of next week. We owe it to the American people to get this done.

LOOK TO THE GREEN ECONOMY

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, President Obama laid out in his State of the Union address a blueprint for an America to last. To do this, he said, we need to rebuild the American economy by reviving manufacturing, new and innovative energy sources, educating and creating a strong, more skilled workforce. And, more importantly, renewing our American values.

I want to talk about the new and innovative energy sources. Remember when the ARRA was passed, President Obama spoke about building the green economy, jobs in the energy field that look to the future. Hawaii shows that this can work. Our recent unemployment rate shows that it does work. Our UI rate is 6.3 percent, though we would like to see it lower. Note that our initial claims are down 16 percent. Total claims are down 10 percent from last year. And the area where we're seeing job creation is in the solar energy market. We have an 18 percent increase in the permits in the first 5 months of this year.

Our Department of Labor projects 2,900 jobs by the end of this year—green jobs, 25 percent over the past 2 years.

President Obama has got it right. Let's look to the green economy.

SUBSIDIZING ENERGY COMPANIES IS A FAILED POLICY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Madam Speaker, each year, Americans write a check to Uncle Sam in hopes that their money is going to the right places. Unfortunately, the Federal Government has lost credibility as the steward of taxpayer money.

In the past 3 years, millions of taxpayer dollars have been squandered in risky "clean and green" energy projects, and many of those companies have failed. And the beneficiaries of these shady ventures just happen to be the President's men. Enter Solyndra. Half a billion tax dollars subsidized a company that was doomed to fail. Eighteen hundred people lost their jobs, and Americans will never see the refund on their money. But the cynicism continues. Last week, the Department of Energy awarded \$2 million to Solar Mosaic. The President's former green jobs czar, Van Jones, is an adviser to that company. Imagine that.

It's time to quit gambling taxpayer money on risky projects for all the President's men.

And that's just the way it is.

MCCONNELL AND DISCLOSURE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, in 2003, the current Senate minority leader told NPR:

Money is essential in politics, and not something that we should feel squeamish about—provided the donations are limited and disclosed, everyone knows who's supporting everyone else.

I agree with that version of Senator MCCONNELL. But there's a new version who revealed last week that he doesn't think that we should know who's buying our democracy, and he compared this administration's opposition to unlimited anonymous campaign contributions to the Nixon administration. I understand why Nixon came to mind, but I think the Senator is projecting here. After all, he now believes anonymous donors using secret money should be able to influence elections, all out of public view. Nixon wrote that playbook.

Anonymity allows people in campaigns to distort the truth at best, or to lie outright, with no chance of being held accountable. If you oppose disclosure of campaign financiers, you're endorsing dishonest campaigns.

Madam Speaker, the voters have a right to judge the credibility of campaign ads, and that is simply impossible without disclosure of those who are influencing our elections.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. WILSON of South Carolina. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1380, the New Alternative Transportation to Give Americans Solutions Act of 2011.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2578, CONSERVATION AND ECONOMIC GROWTH ACT

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 688 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 688

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-25. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

□ 1220

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), with also a congratulations and a welcome back to the gentlelady from New York, who has been incapacitated for a while. It is nice to see her back on the floor with her health starting to recover.

Pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I also ask, Madam Speaker, that all Members may have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. This particular resolution provides for a structured rule for the consideration of H.R. 2578, the Conservation and Economic Growth Act, which contains 14 titles containing important legislation impacting our Nation's public lands and our national parks.

The rule provides for 90 minutes of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources and makes in order the vast majority of amendments which were filed at the Rules Committee. So this structured rule is extremely fair and will provide for a balanced and open debate on the merits of this particular bill.

It was only a couple of Congresses ago, Madam Speaker, in which the Senate sent over an omnibus bill. It had over 100 particular bills added to it. I should have been happy. Three of them were mine. And even though mine were really great bills, some of the rest of them were really bad. That was 1,200 pages. But what was most egregious about that bill that was sent from the Senate is that 75 of those 100 bills had not had any hearing whatsoever in the House. One in particular that dealt with my State, although not my district, not only had not had a hearing in the House, it hadn't even had a hearing in the Senate when it was put into this pile, and it was brought to the floor under a closed rule.

This bill, every single title has gone through regular order. The committee of jurisdiction has had a hearing on each of these elements. They have had a debate in full committee on each of these sections, and they have had a markup on every one of these bills. The committee has heard and has done the work. The amendments that were germane to the issue and were not assigned to other committees were made in order to be heard on the floor.

So once again, this is a bill that is unique in the spectrum of traditional omnibus bills, tying things together, because it did go through regular order, the committee did hear each of these provisions, and it is appropriate to now send it over to the Senate so they can try to consider something at some time in some form of regular order.

With that, Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I thank the gentleman for yielding me the customary 30 minutes and yield myself such time as I may consume.

Madam Speaker, first I want to say how happy I am to be back. I appreciate the welcome I've gotten from all my colleagues, and I've missed you terribly. I missed you, like we used to say in Kentucky, like a front tooth.

The bill before us today, Madam Speaker, is another wasted opportunity, I'm afraid. Today's legislation is composed of 14 separate bills, several of which are even bipartisan. But regrettably, these worthy proposals will not be signed into law because the majority has packaged them with other proposals that endanger our environment and public health.

Several of the controversial provisions before us are based on Democratic proposals. Unfortunately, the Democratic bills were taken and rewritten in such a way—extremely—that they can no longer receive bipartisan support. Two provisions in particular illustrate the extremely partisan approach.

First, title III would unnecessarily change a long-standing agreement and endanger the biologically sensitive Alaskan wilderness. This provision would open up our Nation's largest national forests to logging and allow rare old-growth forests to be clear-cut and sold for private gain.

Second, in the most extreme proposal before us, title XIV would impose a so-called "operational control zone" over almost 100 million square miles of American land.

On Federal land within this zone, the Department of Homeland Security would then be allowed to ignore 36 environmental laws, and Federal border agents would be able to operate with few limits on their power. My good friend from Utah has put forward an amendment to pare the 36 laws down to 16, but that is still 16 too many.

Title XIV proposes a solution to a problem that doesn't exist. Proponents claim that environmental protections prevent the U.S. Customs and Border Patrol from stopping illegal immigration. However, sworn testimony by both Border Patrol officials and the Federal land agency officials contradict this claim. In fact, the Department of Homeland Security opposes this legislation.

My entire district, all of it, would fall under the newly created operational control zone. As a result, U.S. Customs and Border Patrol could take control over all the historic landmarks, such as the Theodore Roosevelt National Historic Site, build anything on it that they needed. And I know my constituents pretty well after this number of years. They would not take to that at all.

Meanwhile, the sacred, historic, and sovereign lands of the Tuscarora Indian Nation would also be open to Federal agents. Such an extreme Federal overreach would violate the sovereignty of the Tuscarora Indian Nation. Many other tribes around the country whose land falls within this zone would face the same problem.

In a letter to the leaders of the House, the United South and Eastern Tribes wrote of the danger of this provision. They wrote:

Many Indian tribes have lands and sacred places located near U.S. international borders, and we believe that the sovereignty and cultural integrity of our member tribes and others is unnecessarily put in jeopardy by the sweeping approach in this bill.

Federal cooperation, not Federal overreach, is a proven and prudent way to protect our borders. A recent GAO reported confirmed what we learned in sworn testimony: every time Federal cooperation between the Border Patrol officials and our land management officials was requested, it was given—every time. The only time conflicts remained between environmental laws and border enforcement was when Border Patrol officials didn't bother to ask the Department of the Interior nor the USDA for cooperation.

Finally, it is worth mentioning that the majority violated the rules of the House when they combined 14 unrelated bills into the one bill before us today. However, the Rules Committee gave itself a waiver despite repeatedly denying such waivers for Democratic proposals throughout the year. Once again, when the majority wants to break the rules, they find a way. But when Democrats ask for a waiver for one of our proposals, all of a sudden the rules of the House have been written in stone.

I urge my colleagues to oppose today's extreme and partisan legislation and to stand up against the Federal overreach contained within this bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Within this bill, there are, as I said, several proposals that are there, all of them dealing with Federal lands and all of them dealing with overreach that has taken place, unfortunately, by this administration. Let me just highlight a couple of them and why these bills are useful and very much important.

Title X of this particular section deals with Cape Hatteras in North Carolina. Cape Hatteras in North Carolina was established as a recreation area. In fact, the economy of that particular county, Dare County, was established as a recreation zone and a recreation area. Authorized in 1937, that's still 30,000 acres for recreation purposes.

The U.S. Fish and Wildlife Service started in negotiations with the community of how they would actually try to manage that land, especially governing off-road vehicles. They established certain restrictions that would limit visitation.

□ 1230

And for local residents who were there, the residents agreed to those, even though they weren't really quite happy about it. And everything was going well until special interest groups started the litigation process.

You see, the Fish and Wildlife Service had issued a biological opinion find-

ing that this interim management strategy that was established in the cooperative, collaborative process had indeed solved the problem and that there would never be any kind of jeopardy to any endangered species listed in that particular area. Everything was going well until, once again, there was a lawsuit.

A year after this agreement had been made, there was a lawsuit which this administration, unfortunately, decided to negotiate out of court. The lawsuit was never actually adjudicated. No judge made a decision. Basically, the administration caved to the special interest groups; and they rewrote the opinion that had been ruled by the Fish and Wildlife Service, their biological opinion that it did not jeopardize any endangered species.

So that went into effect. And, unfortunately, in March of this year, they even shrank the rule again to make it even more restrictive than the consent decree that had been settled out of court.

What this bill, this section of this particular bill, does in Cape Hatteras is do what's logical. It goes back to the original concern, the original land management plan that was done with the cooperation of the Fish and Wildlife Service and the local constituents that had been agreed upon, that had nothing to do with endangered species and did not jeopardize anything, simply going back to what had been done before the administration decided simply to cave in to special interest groups and settled out of court.

There's another section, I believe it's section 11, that deals with grazing rights. One of the things that businesses deal with, especially those that deal with grazing rights, is they need a constant to make sure that business is not uncertain. That is a most significant part.

One of the things we're finding out right now, though, is with grazing, especially in the West, excessive paperwork within the Department means we create missed deadlines that cause environmental litigation. And once again, stability is a constant that is necessary in business, and grazing is a business. It's one of those problems that to redo a permit to allow grazing will take 4 to 7 years for a permit that's only 10 years in the first place.

What this bill does is say those permits now go from 10 to 20 years, once again, to give some consistency to those who are engaged in grazing activities. It also codifies appropriation language that has had bipartisan support for over a decade and makes sure that NEPA review in crossing and trailing of livestock on public lands is not going to be subjected to another layer of red tape.

This industry puts \$1.4 billion into our economy every year. And if, indeed, we do not treat our ranchers well,

the 22,000 ranchers who have these Federal permits, the ability of maintaining this as a viable occupation is put in jeopardy. This amendment, this section fixes that. It solves that problem.

There are some other good ones. In fact, the one that I am proposing I will talk about in a minute. But for now, let me simply reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman.

Madam Speaker, I rise to focus attention upon one provision in this legislation, perhaps a few rose petals hidden in a very unnecessary thicket of painful thorns that are the center of this legislation.

Recently nominated as a World Heritage Site, the Spanish missions in San Antonio are a unique treasure for parishioners, for tourists, and for Texans everywhere. In 2010, our able former colleague, *Ciro Rodriguez*, introduced bipartisan legislation, both to expand the San Antonio Missions National Historical Park by about 151 acres and to require a study by the Secretary of the Interior about even further expansion of this important park.

In 2010, this very House approved the *Rodriguez* legislation. Though a companion bill was offered by Senator *KAY BAILEY HUTCHISON*, and she got it out of the Senate committee, the full Senate failed to act on the *Rodriguez* bill.

During this Congress, I have been one of five Members who joined Representative *CANSECO* in re-introducing the *Rodriguez* bill. Instead of approving our bipartisan measure, the Resources Committee has merged only a fraction of that bill into a totally unrelated piece of legislation that is little more than a giant giveaway and exploitation of public property and which will endanger irreplaceable natural resources from the seashore in North Carolina to the Tongass wilderness in Alaska.

While Senator *HUTCHISON* continues to work on a bipartisan basis, this particular measure really includes little of the protection that our missions deserve. Now any purchase of additional land for this park, an original purpose of the bill, that's prohibited, and even a mere study of the possibility of additional park expansion, that's denied in this bill.

Now, the only way that the park can be expanded is if a private or public owner donates land to the park. In other words, it makes future expansion and protection of these San Antonio missions dependent entirely upon charity.

No matter how public-minded some private property owners may be, some are likely to be unable to afford to donate the land.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield an additional minute to the gentleman.

Mr. DOGGETT. So some property owners will be unable to donate their land. Instead of continuing the previous bipartisan commitment to the missions, this bill reflects the same ideological extreme so evident in our larger public policy debates, like that over the future of our national transportation system. Yes, our Republican House colleagues are all for good transportation. It's just paying for that transportation that they're opposed to.

And so today we hear about private property rights. Well, what about the private property right of an individual landowner to sell their property for a legitimate public purpose such as expanding this vital national park? That is denied in today's bill.

This bill will not grow the park in the way necessary to fully enhance the missions that are so very significant to San Antonio and to the culture and history of our Nation. The better approach is to wait and follow Senator HUTCHISON's lead and to approve a free-standing, bipartisan bill and give these missions the protection they deserve.

Mr. BISHOP of Utah. Once again, I appreciate the opportunity of talking about a couple of other elements in this bill. I appreciate the gentleman from Texas and his comments.

Unfortunately, yes, the study was taken out because it would be a replication of what has already been done; and the land that could be used to expand this is already in the public domain. And what we are simply saying with this particular bill is, no, we don't need to try and force private property owners to sell their lands. If they want to donate it, that's fine. It's not essential to the expansion of this particular park. I think it's the appropriate thing to do.

Let me, though, Madam Speaker, if I could, talk about the other provision, title XIV in there, which deals with our border security. It's one of those things that I happen to think fairly significant.

If I could start with just a few charts so that people understand what is going on. This chart is simply the division of this country by Border Patrol sections. You'll find out that certain sections have a lot more people coming into this country illegally than other sections.

For 2009 and 2010—those are the last 2 years for which we have full data—there were about a half million people that were illegally apprehended, just apprehended coming into this country. But of those half million, a quarter million, 51 percent or more, were coming through one sector which happens to be the Tucson, Arizona sector. That's not even the entire State of Arizona.

So the question has to be asked, why are 200,000-plus people being appre-

hended in Arizona when in Maine it looks like about 39 people were apprehended? Why is this area the entrance of choice?

I think it's undeniably that one of the reasons is simply because of the territory on that southern border. Everything in red on this border is land that is owned by the Federal Government. You'll see that 80 percent of Arizona is Federal land, much of that being wilderness and endangered species habitat or conservation rights-of-way.

One of the ironies is our Border Patrol, which is tasked with securing our border, has almost unlimited rights to do what they need to do to protect our border on private property and no one objects to it, which is why the statement of the gentlelady from New York is somewhat disingenuous, because most of her district is, indeed, private property. Border Patrol already has these kinds of options.

□ 1240

It is only on Federal property that the Federal Border Patrol is prohibited from doing its Federal job, and that seems bizarre and, indeed, unusual.

See, this is what the border actually looks like. That's the fence, and that's the one road that the Border Patrol is allowed to use if this happens to be a Federal wilderness designation. The break in the fence, by the way, happens to be there so that animals can go freely from Mexico into the United States and back and forth. I think I could contend that not only animals are using that kind of break in the fence.

Needless to say, the issue at hand simply is: Why is the Border Patrol prohibited from going into certain Federal areas when they need to do it even though the bad guys—the drug cartels, the human traffickers, the kidnapping rings, the prostitution rings—are allowed to go in there?

We have in these Federal wilderness areas 8,000 miles of illegal roads, created by illegal drug traffickers, going into this area, and the Border Patrol by our rules and regulations and laws is prohibited from going into that same area. Is it right that they, in hot pursuit, should have to go to the edge of one of those wilderness areas and then have to wait? Indeed, that is what has happened.

Secretary Napolitano, when she was first put in there, simply said:

One of the issues is, at the Southwest border, it can be detrimental to the effective accomplishment of our mission. In fact, it may be inadvisable for officers' safety to wait for the arrival of horses for pursuit purposes or to attempt to apprehend smuggling vehicles within wilderness with less than capable forms of transportation.

The Border Patrol clearly recognizes this. They actually tell us they don't need more money, that they don't need more manpower. What they need is access into that area, which currently

they are denied. Let me show you how that works.

This is simply one of the sensors that's used. Instead of having an actual fence, you use the sensor. It's a truck with a sensor on the back of it. In this Federal national monument, which is almost all wilderness designation, the Border Patrol wanted to move this truck from point A to point B. It took the land manager 3 months to grant approval to back up the truck and move it to some other place. During that 3 months, there was a 7-mile blackout area in which there was no surveillance possible. At the end of that 7 months, if the land manager had said, "No, that area is too sensitive. I don't think you should go there," I would have objected, but I would have understood. Unfortunately, after 3 months of review, he let them move the truck, and it was too late to do it then.

That kind of example of what is happening on our border is replicated time and time again. Let me give you some examples.

In 2007, the Border Patrol asked permission to improve two forest roads in the Coronado National Forest, a total of 4 or 5 miles on the border at the edge of this area. They wanted to be able to move their mobile surveillance systems to higher ground to actually get control of the particular area. They would use the road at most once a day, but the Fish and Wildlife Service delayed the decision because they were afraid some of the dirt may eventually get into one of the streams in the particular area. The net result is, in 2011, permission still not being granted in this particular area, a catastrophic wildfire burned 68,000 acres. Three illegal aliens were arrested, and one admitted actually starting the blaze.

In 2010, the Border Patrol requested three helicopter landing sites in the Miller Peak Wilderness. The Forest Service liked the idea because they could use those sites also for fire suppression. Once again, the Fish and Wildlife Service, a competing agency, had concerns because it would have an impact on the Mexican Spotted Owl. Unfortunately, when they did a survey, they found that there were no spotted owls in the area. Nonetheless, the Fish and Wildlife Service stopped the construction of those helicopter pads. Then in 2011—you guessed it—1 year later, a 32,000-acre fire, which destroyed dozens of homes, took place. Once again, it was found that illegals coming into this country started those fires.

The citizens of Tombstone, Arizona, are allowed to go five at a time with hand tools into these wilderness areas in order to repair the pipeline, which supplies water to the city, that was damaged in these fires. Once again, the Fish and Wildlife Service said the Mexican Spotted Owl was the reason for those limitations.

GAO did a survey, a report: 17 of the 26 Border Patrol stations experienced delays, and 14 of those 17 reported being unable to obtain permits or permission from land managers to use it. Stations that were found in California, Texas, Arizona, and New Mexico confirmed that they were unable to control the border due to land management positions. Even on the northern border, in the Spokane sector, they found, once again, they were being blocked from existing roads on national forest land due to environmental concerns.

The GAO report found that it could take 6 months or more for permission to improve roads needed for patrolling in New Mexico. Another Border Patrol station reported 8 months in delay for the permission to move a sensor as the land manager required an historic property assessment. A station in California reported that it took 9 months for permission to do road maintenance on Federal land.

These are the factors that are inhibiting our Border Patrol from doing their job.

Now, in the GAO report—and some people look at the executive summary, and they are looking at it improperly—it said that 22 of the 26 agents in charge reported that the overall security status had not been affected. What that meant was their status of being a controlled sector, a managed sector, or a monitored sector had not been changed; but what they did say is they were being inhibited and impeded in doing their job to try and control our particular borders.

Look, those who are coming in—the drug cartels, the human traffickers—they don't care about our laws. This is an endangered species. This cactus was cut down, but it was cut down by the drug cartel to do a roadblock across a public road in the United States so they could use it to stop cars and then mug the participants of those cars, and this is whether in those cars were Americans or other foreign nationals coming in there.

What is probably worst of all are the rape trees that are taking place—violence against women who are coming down on American land in these areas. That simply means, as the coyotes lead these women across the border, at the end of that road, as the final payment, they will rape the women and then leave an article of clothing on one of the trees as a trophy for their actions.

This heinous activity taking place on American land is not being prohibited now and will not be prohibited unless the Border Patrol is allowed to maintain access on this property. That's why this bill, this section, is so essential. It is the war on women.

We had 19 people in the month of May of this year who died in the Tucson sector alone. Unfortunately, that is an increase from what happened a year

ago in May. We need to end this problem. There are three reasons why this section is important:

One, sovereign countries control their borders. We need to be able to say we control our borders.

Two, I want to see a comprehensive immigration package go forward, but every time I hold a public town hall meeting, I know the first question that will be asked of me, which is: When will we control the border? There is a great deal of anger and anxiety out there, and it is very clear that we will never get consensus for other immigration reforms to take place until we have first reduced the anger and anxiety.

C.S. Lewis said, You do first things first, and second things will be added to it. If you do second things first, you will accomplish neither first nor second things.

This administration seems to be intent on trying to do, for whatever political purpose it may have, second things first. The first thing is to control the border. When we can truly look with an honest answer in the eye of our fellow citizens and say, "America's borders are secure," then there will be a reduction in the anger and the anxiety that will allow us to move forward.

Three, we have to stop the violence against women. These rapes that take place on rape trees on American property—on Federal land on American property—because the Border Patrol does not have access to this area to patrol it effectively must stop. It's our duty and obligation to make that stop.

With that, Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to a member of the Committee on Natural Resources, the gentleman from California (Mr. COSTA).

Mr. COSTA. I rise today to speak in opposition to the rule for H.R. 2578, the Conservation and Economic Growth Act.

First, I want to thank the gentleman from New York for allowing me some time to speak on what I think are some of the good things in this package. Unfortunately, I don't think this is the appropriate way we ought to be debating some elements of the challenging issues of immigration reform in the House of Representatives.

First, these bills should be taken on their individual merits, not as a package. If we consider them together, we should then have an open rule that would allow us to then debate the merits of each individual bill.

□ 1250

Some of the bills contained in H.R. 2578 are helpful to my constituents, and I've supported them in the past. As an example, the measure offered by Mr. DENHAM allows the Federal Energy

Regulatory Commission to consider spillway improvements on the project by the Merced Irrigation District. This would allow an expansion of the capacity of that reservoir. Some 1,800 feet of the Merced River would be impacted; but as a result of it, we would gain perhaps as much as 78,000 acre feet of additional water supply that is much needed in the San Joaquin Valley. That is a good portion of this package.

There are also other areas that I support, language within the bill, to provide certainty to the grazing community that I am an original cosponsor for: grazing land, public lands that provide opportunities for America's beef industry that is very essential and very important.

However, this bill also contains controversial provisions that would be damaging to my constituents. H.R. 1505 gives the Customs and Border Protection authority to waive numerous laws pertaining to Federal land management.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield an additional 1 minute to the gentleman.

Mr. COSTA. I thank the gentleman.

H.R. 1505, as I was indicating, would waive numerous laws that pertain to very important elements of not only the coastal zone, but mining, public health, safety, and public review within 100 miles of the U.S. border. I oppose this measure because it is too sweeping in its efforts.

This bill also portends to provide border security problems on land management laws. We have challenges with our border; there is no question about it. I've supported additional funding for the Border Patrol agency. We must protect our borders, but to do so in a land management bill simply makes no sense. We should be taking up comprehensive immigration reform separately from land management bills. That is, I think, the method that we ought to apply.

Mr. BISHOP of Utah. Madam Speaker, I yield myself 2 minutes.

Once again, Madam Speaker, I appreciate the gentleman from California's comments, although I'm going to have to push back slightly on a few of those, if it's at all possible.

This particular bill deals with 100 miles from the border simply because that is the legal definition of border land by both statute and judicial decree. It does not deal with coastal areas. In the committee, those areas were taken out because it is maritime area. The Border Patrol deals only with land borders and those particular areas.

The 36 rules that are waivable is precedent established by this Congress. In California, where the gentleman resides, when they wanted to finish the fence and it was being withheld by certain kinds of litigation, Homeland Security came up with 36 specific rules

and regulations they wanted to be able to waive so they could do it. That was the precedent. The rules and regulations that are in this particular bill that's now title XIV are the exact same 36. That's where the precedent comes. That's why Homeland Security wanted that time to finish their job. That's what they needed this time.

However, I'm also making an amendment to this bill that will reduce those 36 because, to be honest, some of those never really were a problem. It will reduce it now to the 12 that the Border Patrol thinks are the most egregious. But there is precedent for that particular thing. All we are doing is trying to give the Border Patrol the same rights on Federal lands that they currently have on private property. There is no expansion of power and no expansion of jurisdiction. It's the ability to say our number one goal is to have border security; and if there is a rule or regulation getting in the way—and there are according to the GAO reports—those should be waived for the purpose of border security. That's the whole purpose. We're not expanding a power. We're not taking anything more than that in particular away.

With that, Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), who would like to speak about this particular rule.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Utah for yielding, and I particularly appreciate it, given the subject matter I'm about to bring up.

Madam Speaker, I had introduced legislation months ago in this Congress, in fact, as far back as last August, H.R. 2942. It's the result of the massive flooding that we have suffered in the Missouri River bottom last summer.

The Corps of Engineers released unprecedented discharges of water coming down the Missouri River; 70,000 cubic feet per second was the previous high. We went through 160,000 cubic feet per second. It was a secret flood. No one could drive there, and no one could boat there. You had to fly over it to see it, and it was water that was perhaps a mile and a half wide downstream from Sioux City, Iowa, to just a few miles south of there, 8 miles wide at Blencoe, 11 miles wide upstream of Omaha. And south of Omaha downstream below Glenwood, it became 4 to 6 miles wide all the way down into Missouri, St. Joseph, Kansas City, and on about halfway towards St. Louis.

This was a massive flood of historic proportions. It could have been prevented; yet I have not challenged the Corps of Engineers on that. I've just said to them we need to fix the problem so it doesn't happen again. They have declared that this was a 500-year event, even though the USGS statistician said it is somewhere between a 70- and a 1,000-year event.

H.R. 2942 enjoys the support of almost everyone that represents the Missouri River watershed area. And, yes, naturally, it will be more downstream. But from Sioux City downstream to the mouth, there's only one that represents the river that has not signed onto this bill. It's bipartisan; it's the entire Iowa delegation and most of Nebraska. Yet the Rules Committee turned down my request to offer an amendment even though there is no discussion and no disagreement. My amendment was germane to the bill. They raised an issue of jurisdiction after I was dismissed from the committee. I don't think that was by plan or strategy.

My preparation is this: if a Member of Congress can't have their voice heard on an amendment that's germane when all of the boxes are checked and everything was done right to present it before the committee—by the way, I want to thank the gentleman from Florida for calling for a recorded vote on this, a party-line vote. This time it was Democrats siding with STEVE KING. It's the second time the Rules Committee has turned me down this year on a legitimate request.

But I'd ask, if the House is going to work its will, as Speaker BOEHNER has said, we must have a Rules Committee that will allow when it's in proper form to allow that kind of a vote here on the House floor. I'm not going to get that debate. I'm not going to get that vote. And the people that I represent and all of us from Sioux City downstream to St. Louis now have been covered by not just water for an entire summer, more than 3 months of epic-proportions flooding, but now what's left for us, Madam Speaker, is sand and camel habitat.

I'll vote "no," but I don't intend to try to bring down the rule.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a valued member of the Committee on Rules.

Mr. POLIS. I thank the gentlelady for the time as I rise in opposition to the rule.

I agree with my colleague from Iowa. I voted for the amendment to the rule offered by Mr. HASTINGS of Florida that would have allowed his amendment and others.

What are we scared of here? This is what we do. We are the House of Representatives. Let us work our will. Some of us will be for amendments, and some of us will be against amendments. But to hold all that power to a select group of people rather than allow the entire membership of this body to offer—again, we're talking about relevant amendments that meet the requirements, meet the rules of the House. What are we scared of in bringing that forward? Let's have a discussion on the merits.

Instead, what do we have here under this rule? We have 14 separate bills all cobbled together with a limited period of time to debate all of them and without an opportunity to amend them from both sides of the aisle that would have been afforded under either an open process or a structured process that allowed all the rules that met the requirements to be debated under this bill each for their own period of time.

Now, I want to discuss in particular what I find to be one of the most egregious provisions of the bill, which is really a solution in search of a problem, namely, this is an aspect of the bill that would waive over 40 environmental safety and public health laws and give Department of Homeland Security complete authority to seize control of Federal lands within 100 miles of our northern and southern borders.

□ 1300

Now this provision's reach is broad. It rolls back all of the relevant protection laws. And again, for what purpose? We had a discussion in the Rules Committee yesterday, and I, with my colleague Mr. BISHOP from Utah, had the opportunity to follow up.

And it is very clear in statute that in any wilderness or any Federal lands, under any level of protection, if they are in hot pursuit of a suspect, they are allowed to continue that pursuit in the wilderness. Wilderness areas are not some sort of legal sanctuary where criminals can go and not be pursued. That has nothing to do with the purpose of wilderness, and it has nothing to do with the reality of wilderness. Much of my district in Colorado has wilderness areas. And if, in fact, there were these lawless areas that the police couldn't go to pursue suspects, all the criminals would live in the wilderness, and they would simply come out to commit crimes and then go back in. That is simply not the case. Law enforcement officials assure me that whenever they're engaged in hot pursuit, they are able to, of course, continue to pursue immigrants or others, criminal aliens, et cetera, into wilderness territories.

Now this is a problem, the immigration issue, that cannot simply be enforced away. When we're talking about immigrants without papers, they are in our cities and towns. They are in our schools. They are the grandmother of the American grandkids. They are residents of our communities. They are people who I meet with on a regular basis. We try to help our immigrants get on with their lives, contribute to our country, and make it stronger.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I will be glad to yield the gentleman an additional 1 minute.

Mr. POLIS. Yes, there's a problem here. And thankfully, President Obama

took a bold first step and reduced the number of illegal immigrants in this country by 800,000 to 1 million with one stroke of his pen. But frankly, the presence of any illegal immigrants in this country is an affront to our law and an affront to our national sovereignty.

We owe it to the American people to take up real immigration reform to ensure that there are not 15 million people here illegally, not 10 million people here illegally, but there are zero people here illegally through comprehensive immigration reform, of which President Obama took the bold first step of ensuring that young *de facto* Americans have their permission to work.

Look, our undocumented population is not fleeing into the wilderness, and the problem with immigration is not that we are not able to pursue them. It's simply not the facts on the ground. Let's deal with the real issue and replace our broken immigration issue with one that works and makes our country stronger.

Mr. BISHOP of Utah. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, if we defeat the previous question, I'm going to offer an amendment to the rule that will allow the House to consider the United States Call Center Worker and Consumer Protection Act. Call centers have been outsourced more than pretty much any other type of job from the United States. This bill will help keep call center jobs in America.

And to discuss his call center proposal, I'm pleased to yield 5 minutes to my colleague from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentlelady for yielding.

Madam Speaker, the U.S. Call Center Worker and Consumer Protection Act, H.R. 3596, is a bipartisan bill. It has 128 Democratic sponsors. It has seven Republican sponsors. And the bill is very straightforward.

It would do four things. It would require companies that plan to move a call center overseas to notify the Secretary of Labor no less than 120 days before the relocation occurs. If a company does move a call center overseas, that company would be ineligible for any Federal grants, contracts, or loans during the time that the call center workers are overseas. It would require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas. And it would allow customers who are calling customer service communications at the beginning of the call to request that the call be transferred to a U.S.-based call center, if they so chose.

There are two dimensions to this bill: one is about jobs, and the other is about the security of consumer data. They are both very important. But let me start with the more important, which is jobs.

Now we talk a great deal in this Congress about how the number one priority has to be the creation of jobs. It does. And we have to move beyond the lip service that I think the Republican majority has given to the creation of jobs and actually put policies in place that will create jobs. But we also have to protect the jobs that we have. And one of the scourges of our economy right now is the outsourcing of jobs. Just in call centers alone, in the last 5 years, we have lost over 500,000 call center jobs. These are good, solid middle class jobs. To add insult to injury, the companies that are offshoring the jobs have taken millions of dollars of incentives from local taxpayers to open call centers in the U.S., only to offshore those jobs a short time later and leave local communities devastated and still paying the bill.

And the U.S. consumers are getting it. U.S. consumers have become more and more skeptical of the toll that outsourcing plays on the American economy. A paper by the Council on Foreign Relations noted that over two-thirds of Americans think companies sending jobs overseas is a major reason why the economy is ailing. In a paper done by a Harvard economist, more recent polling data suggests that these feelings have increased, where now over half of all Americans are "resentful of businesses that send jobs overseas," and over 80 percent have "concern for their family future" due to outsourcing. So this job creation and job protection dimension of the bill that I have filed—as I say, with bipartisan support—would address these issues at least in one piece of our economy, and that is call centers.

Let me move to the issue of the protection and security of consumer data. Outsourcing call center work exposes the confidential and vulnerable personal information of American consumers to foreign workers. Foreign call centers are not subject to the same rigorous oversight as American call centers. As American companies look to less developed countries for offshoring their jobs, call center companies are actually subsourcing call center work without their American customers' knowledge.

It's expensive and difficult to conduct proper background checks on foreign call center workers, and up to one-quarter of all foreign call center applicants provide false or incorrect information. Foreign call center workers have been caught offering to sell personal consumer data to undercover journalists, threatening to release Americans' medical records and employment disputes, misleading American bank customers in schemes to bolster sales, and attempting to sell trade secrets to their employers' competitors.

A March 18, 2012, article published in *The Times of London* cited that under-

cover journalists were offered data such as credit card numbers, medical records, and loan data for hundreds of clients for just pennies. So clearly, from both dimensions here—from a job protection dimension and from a consumer data security dimension—this bill addresses both of these issues; and we simply must put in place these kinds of protections.

States have already done this. State legislatures in Florida, Georgia, and New Jersey have all passed bills that are very similar to the bill that we have before us. This is a commonsense proposal that enjoys bipartisan support. Let's vote "no" on the previous question so that we may consider this job-saving bill.

Mr. BISHOP of Utah. I appreciate the efforts of my namesake from New York. I appreciate what he is doing. Chairman HASTINGS of the Resources Committee was extremely specific in which he said that after the Democrat Senate had sent over that atrocious omnibus bill with over 100 bills cobbled together, 75 of which have never had a hearing over here, we would only put together this type of regulation if it had gone through regular order. Unfortunately, the gentleman's bill has not had a hearing in any committee. It has not actually been reported yet, which is one of the reasons why it has not been included in this particular list. Although I'm not denigrating his efforts whatsoever.

I would like to yield 1½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, back in the nineties, I introduced a bill dealing with the wilderness area along the border. Originally, those on the other side of the aisle in the Clinton administration opposed the inclusion of roads in that wilderness area—and they opposed it strongly—until the Secretary of the Interior came down to the border and saw the habitat destruction being caused by a lack of proper enforcement.

This situation that's being proposed now is actually to try to get this issue addressed appropriately because you have individuals who are using environmental issues as a way of blocking the enforcement of law along the border.

And let me say this to both sides of the aisle: If you really do care about the habitat destruction along the border, if you really do care about the preservation of the wildlife opportunities down there, will you ask yourself, Why are you or the Republican side not addressing the issue that the Federal Government today has not taken care of the problem at the border because it hasn't taken care of the real source of the problem of the out-of-control borders, and that is employers hiring illegals.

I challenge you: Why does the Federal Government allow businesses to

deduct the price of hiring illegals? Why isn't every Democrat and Republican on the New IDEA bill cutting off the tax deduction and the ability for people to profit from the tax code by profiting from illegal immigration?

□ 1310

Your impact on the border will be addressed more by changing your enforcement at the workplace and your Tax Code than it will be with whatever you do at the border. So I just ask you, if you care about the environment, if you care about eliminating the scourge of illegal immigration and all the problems, why aren't you stopping the subsidy of those who are creating the problem by employing them?

Ms. SLAUGHTER. I yield 3 minutes to the gentleman from New Jersey, ROB ANDREWS.

Mr. ANDREWS. I thank my friend, and it's so good to see her energy and enthusiasm back on this floor with us today. We welcome her.

286 days ago, the President of the United States came to this Chamber and addressed the number one problem that I hear about from my constituents, which is jobs for the American people.

I know that this bill raises very serious and important issues, and I applaud its authors and sponsors for bringing it to the House floor, but I think it's the wrong bill on the wrong day.

The President said that we should cut taxes for small businesses if they hire people. But we haven't taken a vote on that proposal, and we're not going to take one today.

The President said that we should put construction workers back to work building bridges and roads and our electric infrastructure, our intellectual infrastructure, but we're not voting on that proposal today.

The President said that firefighters and police officers and teachers who have been taken off the job should be put back on the job so they can spend money in the stores and the restaurants, but we're not voting on that proposal today, and we haven't voted it on it on any of the 286 days since the President proposed it.

Instead, we have the proposal in front of us that, again, is very serious, raises a lot of issues. But I suspect if most of us went back to our district today and said, "What would you rather have us do, vote on three simple, clear ideas up or down on whether to create jobs for the American people or vote on this?" I think they'd want us voting on the jobs bill.

Now, we have a version of that jobs bill that we have a chance to get on the floor, and that is Mr. BISHOP's proposal that says the following: If you do business in the United States of America, if you sell your products to the American consumer, then your call center ought to be in the United States of America.

How many of our constituents, Madam Speaker, are tired of placing a call to a call center and you don't know where it is, the person at the other end of the phone doesn't know what you're saying and doesn't understand what you're asking about. Should we be using American tax dollars to reward companies that outsource call center jobs? I think the answer is no.

This would be one simple and clear idea that we ought to put on this floor so the Members have a chance, by voting "no" on the previous question, to say, Let's take a vote on the proposition that you can't use American taxpayers' dollars to outsource American jobs in call centers. And then maybe some day, after 286 days, we'll finally get around to the President's idea to create jobs in small businesses in this country.

Vote "no" on the previous question, "no" on the rule.

Mr. BISHOP of Utah. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank my colleague, the ranking member on the Rules Committee, for allowing me to speak.

I'm a strong supporter and an original cosponsor of the U.S. Call Center Worker and Consumer Protection Act. This legislation will help us protect U.S. consumers and level the playing field for American workers who have seen thousands of call center jobs needlessly sent offshore in recent years. Namely, this bill would require the call center to notify the Secretary of Labor at least 120 days before relocating outside the United States. It would require the Department of Labor to publicly list the firms that have moved call center jobs overseas and then make those very firms ineligible for any direct or indirect Federal loan for 5 years. To protect consumers, this legislation requires call center employees to notify U.S. consumers where they are located, if asked, and will require that call center to transfer calls to an American call center for questions.

The U.S. Call Center Worker and Consumer Protection Act has support of both sides of the aisle, and I ask all my colleagues in the Chamber to stand with American consumers particularly, but also with these American jobs, and support this legislation and, again, support the effort to make sure we can have a vote on the House floor for that.

Mr. BISHOP of Utah. Madam Speaker, I yield myself 3 minutes.

I appreciate many of the comments that have been made here. I'm glad the gentleman from Colorado is still here, because in the memo of understanding which controls what the Border Patrol does, Border Patrol is able to go anywhere they want to on foot or horse-

back. They may go on a motorized vehicle on existing public administrative roads. But there is nothing in the memo of understanding that extends there to prevent them unless it is an existing exigent emergency. And the problem the Border Patrol actually has is no one really knows how to define exigent emergencies. That's one of the reasons why they want to have something specific in the memo of understanding—nor the statute does not help them in those particular areas—because, indeed, land managers have handled those exigent circumstances differently.

I would like to say one other thing as well, because there are some places in this Nation in which the idea of title XIV in this bill, which is the bill that deals with border security, has been expanded with information that is simply inaccurate. Montana, for example, has a 545-mile border with Canada. It has different issues than the southern border—but it's not numbers—but it is remote, and who can cross that border illegally is significant.

The junior Senator from Montana actually asked the GAO to come up with a study on border security in the North, and the report was only 1 percent of the northern border is secure. That was his study that he wanted. Despite the fact that the Missoulain has warned about al-Qaeda plots in Montana, that the Border Patrol chief from Montana has begged some kind of action—indeed, this month the Border Patrol has sent out a warning of the use of terrorists who are talking about—chatter abusing wildfires as an area to distract so they can come in entrance, and one of the States they specifically mentioned was Montana.

Even though that is taking place, there is a campaign going on where this particular issue, border security, has been hijacked in the name of politics. And only because it is my idea that's being the center of this, I find that somewhat unusual, somewhat offensive. It is an effort to say that this effort to try to control our borders is related in some way to the PATRIOT Act or the REAL ID Act or, indeed, that it deals with some other element of expansion of power. Some people have gone as far as saying it is a land grab.

It is unusual to me that this concept of border security was presented in the Senate on an appropriations bill and was passed by a voice vote. Then the bill in which this amendment was placed was then passed by the Senate, and the junior Senator from Montana did not object to the voice vote and actually voted for it and now claims that this same idea is an expansion of government power.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield myself 1 additional minute.

What I also found somewhat distressing is that in this campaign in Montana there is another group called Montana Hunters and Anglers, who, unfortunately, are simply a partisan hit group that are taking out ads directly against this particular provision and saying that other members in the delegation from Montana are supporting something that is wrong. Unfortunately, the members of that hit group have ties to Democrat organizations. The secretary is part of the Obama Committee in the State of Montana. The treasurer is a former Democratic staffer up there.

This group, the Montana Hunters and Anglers, are a faux group. The real supporters of this bill are people like the Montana Wool Growers Association, the Montana Association of State Grazing Districts, the Montana Public Lands Council, Montana Stock Growers Association. These are real groups, and they all support this particular provision and this particular bill because they realize the value of border security that takes place. They also realize what Secretary Napolitano recognized: that if you improve border security in the area by removing violators from public lands—those are the people that destroy things—the land value is enhanced. It is better for Border Patrol if they have enhanced ability to control those particular borders.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman is advised that he has 1½ minutes remaining, and the gentlewoman from New York has 6½ minutes remaining.

□ 1320

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. I thank the gentlelady. And in response to my friend from Utah, I want to quote the MOU specifically. It says:

Nothing in this MOU is intended to prevent CBP-BP agents from exercising existing exigent/emergency authorities to access lands, including authority to conduct motorized off-road pursuit of suspected CBVs at any time.

And it goes on to say in wilderness and wilderness study areas, and all different areas.

In fact, the committee had a hearing on this very topic. There were three instances cited by Chairman BISHOP on this, and it was determined that those were incorrect interpretations of this existing MOU by local managers, and it would be addressed through the command structure. So again, a solution in search of a problem.

We all want to address the problem of illegal immigration in this country, but that problem cannot be characterized as illegal immigrants fleeing into the wilderness. It simply isn't the prob-

lem. If there are suspects of any type of criminal nature fleeing into wilderness and there is law enforcement in hot pursuit, they continue; they continue, and they don't stop. If they stop, they'll be in trouble with their superiors, and we'll work it out through the command change.

Mr. BISHOP of Utah. I reserve the balance of my time to close.

Ms. SLAUGHTER. Madam Speaker, I yield myself the balance of my time.

In closing, we have wasted yet another opportunity to pass some bipartisan legislation here. Everybody knows this bill is not going to be taken up in the Senate, so it's again a day and a half of exercise in some kind of procedure by the House of Representatives. By combining worthwhile proposals with extreme and partisan proposals, they've continued to move forward with an ineffective and unnecessary partisan agenda.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I urge my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. In my last minute, Madam Speaker, there are a couple of things I would like to say. First of all, I appreciate the words that were read. Unfortunately, reality is different. One of the reasons why this particular provision is supported by the Border Patrol Union as well as the Association of Retired Border Patrol Agents, reality is sometimes different than what we think it should be. And I also have a list of three pages worth of groups who support not only this provision but the other 13 provisions.

I must in closing, though, bid the apology of the gentlelady of New York for one thing. One of the former Parliamentarians wrote a book and said when we put C-SPAN cameras in here, everyone started to read their speeches, and our debates became extremely dull. That's true. But when you read something, you don't make a misstatement. I did. I did a couple. My amendment does not reduce it from 36 down to 12; it reduces it from 36 to 16. I also used the "disingenuous" in talking about the gentlelady's remarks. That was the wrong word. That was, indeed, the word I said, but it is not what I meant to say, and I apologize for saying that. That goes over the line of comity and I'm sorry, and I just want you to know that I apologize for "oopsing." That should only be done by Governors, not by Members of Congress.

Madam Speaker, in conclusion, each of these bills in here has been heard by

the committee of jurisdiction. It's had a hearing. It's had a markup. The difference between this and other bills that we have seen in the past is that everything had to go through regular order first. Nothing was included in this rule that had not gone through regular order through this particular committee.

It's a good bill. It's a good rule. It's a fair rule, and I urge its adoption.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 688 OFFERED BY

MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3596) to require a publicly available list of all employers that relocate a call center overseas and to make such companies ineligible for Federal grants or guaranteed loans and to require disclosure of the physical location of business agents engaging in customer service communications. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the

opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. With that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum

time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 238, nays 178, not voting 15, as follows:

[Roll No. 381]

YEAS—238

Adams	Gibson	Olson
Aderholt	Gingrey (GA)	Palazzo
Akin	Gohmert	Paul
Alexander	Goodlatte	Paulsen
Altmire	Gosar	Pearce
Amash	Gowdy	Pence
Amodei	Granger	Petri
Austria	Graves (GA)	Pitts
Bachmann	Graves (MO)	Platts
Barletta	Griffith (VA)	Poe (TX)
Bartlett	Grimm	Pompeo
Barton (TX)	Guinta	Posey
Bass (NH)	Guthrie	Price (GA)
Benish	Hall	Quayle
Berg	Hanna	Reed
Biggart	Harper	Rehberg
Bilbray	Harris	Reichert
Bilirakis	Hartzer	Renacci
Bishop (UT)	Hastings (WA)	Ribbie
Black	Hayworth	Rigell
Blackburn	Heck	Rivera
Bonner	Hensarling	Roby
Bono Mack	Herger	Roe (TN)
Boren	Herrera Beutler	Rogers (AL)
Boustany	Huelskamp	Rogers (KY)
Brady (TX)	Hultgren	Rogers (MI)
Brooks	Hunter	Rohrabacher
Broun (GA)	Hurt	Rokita
Buchanan	Issa	Rooney
Buchson	Jenkins	Ros-Lehtinen
Buerkle	Johnson (IL)	Roskam
Burgess	Johnson (OH)	Ross (FL)
Burton (IN)	Johnson, Sam	Royce
Calvert	Jordan	Runyan
Camp	Kelly	Ryan (WI)
Campbell	King (IA)	Scalise
Canseco	King (NY)	Schilling
Cantor	Kingston	Schmidt
Capito	Kinzinger (IL)	Schock
Carter	Kline	Schrader
Cassidy	Labrador	Schweikert
Chabot	Lamborn	Scott (SC)
Chaffetz	Lance	Scott, Austin
Coble	Landry	Sensenbrenner
Coffman (CO)	Lankford	Sessions
Cole	Latham	Shimkus
Conaway	LaTourette	Shuler
Cravaack	Latta	Shuster
Crawford	LoBiondo	Simpson
Crenshaw	Long	Smith (NE)
Culberson	Lucas	Smith (NJ)
Davis (KY)	Luetkemeyer	Smith (TX)
Denham	Lummis	Southerland
Dent	Lungren, Daniel E.	Stearns
DesJarlais	Mack	Stivers
Diaz-Balart	Manzullo	Stutzman
Dold	Marchant	Sullivan
Dreier	Marino	Terry
Duffy	Matheson	Thompson (PA)
Duncan (SC)	McCarthy (CA)	Thornberry
Duncan (TN)	McCaul	Tiberi
Ellmers	McClintock	Tipton
Emerson	McCotter	Turner (NY)
Farenthold	McHenry	Turner (OH)
Fincher	McKeon	Upton
Fitzpatrick	McKinley	Walberg
Flake	McMorris	Walder
Fleischmann	Rodgers	Walsh (IL)
Fleming	Meehan	Webster
Flores	Mica	West
Forbes	Miller (MI)	Westmoreland
Fortenberry	Miller, Gary	Whitfield
Fox	Mulvaney	Wilson (SC)
Franks (AZ)	Murphy (PA)	Wittman
Frelinghuysen	Myrick	Wolf
Gallely	Neugebauer	Womack
Gardner	Noem	Woodall
Garrett	Nunes	Yoder
Gerlach	Nunnelee	Young (AK)
Gibbs		Young (IN)

NAYS—178

Ackerman	Barrow	Berman
Andrews	Bass (CA)	Bishop (GA)
Baca	Becerra	Bishop (NY)
Baldwin	Berkley	Blumenauer

Bonamici	Hanabusa	Pallone
Boswell	Hastings (FL)	Pascrell
Brady (PA)	Heinrich	Pastor (AZ)
Braley (IA)	Higgins	Pelosi
Brown (FL)	Himes	Perlmutter
Butterfield	Hinchey	Peters
Capps	Hinojosa	Peterson
Capuano	Hirono	Pingree (ME)
Carnahan	Hochul	Polis
Carney	Holt	Price (NC)
Castor (FL)	Honda	Quigley
Chandler	Hoyer	Rahall
Chu	Israel	Rangel
Cicilline	Jackson Lee	Reyes
Clarke (MI)	(TX)	Richardson
Clarke (NY)	Johnson (GA)	Richmond
Clay	Johnson, E. B.	Ross (AR)
Cleaver	Jones	Rothman (NJ)
Clyburn	Kaptur	Roybal-Allard
Cohen	Keating	Ruppersberger
Connolly (VA)	Kildee	Rush
Conyers	Kind	Ryan (OH)
Cooper	Kissell	Sanchez, Loretta
Costa	Kucinich	Sarbanes
Costello	Langevin	Schakowsky
Courtney	Larsen (WA)	Schiff
Critz	Larson (CT)	Schwartz
Cuellar	Lee (CA)	Scott (VA)
Cummings	Levin	Scott, David
Davis (CA)	Lipinski	Serrano
Davis (IL)	Loebach	Sewell
DeFazio	Lofgren, Zoe	Sherman
DeGette	Lowey	Sires
DeLauro	Lujan	Slaughter
Deutch	Lynch	Smith (WA)
Dicks	Maloney	Speier
Dingell	Markey	Stark
Doggett	Matsui	Sutton
Donnelly (IN)	McCarthy (NY)	Thompson (CA)
Doyle	McColum	Thompson (MS)
Edwards	McDermott	Tierney
Ellison	McGovern	Tonko
Engel	McIntyre	Tsongas
Eshoo	McNerney	Van Hollen
Farr	Meeks	Velázquez
Fattah	Michaud	Visclosky
Filner	Miller (NC)	Walz (MN)
Frank (MA)	Miller, George	Wasserman
Fudge	Moore	Schultz
Garamendi	Moran	Waters
Gonzalez	Murphy (CT)	Watt
Green, Al	Nadler	Waxman
Green, Gene	Napolitano	Welch
Grijalva	Neal	Wilson (FL)
Gutierrez	Oliver	Woolsey
Hahn	Owens	Yarmuth

NOT VOTING—15

Bachus	Huizenga (MI)	Sánchez, Linda
Cardoza	Jackson (IL)	T.
Carson (IN)	Lewis (CA)	Towns
Crowley	Lewis (GA)	Young (FL)
Griffin (AR)	Miller (FL)	
Holden	Nugent	

□ 1350

Messrs. HINOJOSA, ELLISON, MCNERNEY, and CLYBURN changed their vote from "yea" to "nay."

Mr. LOBIONDO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 13, 2012.

Hon. JOHN BOEHNER,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter

received from Ms. Amy B. Chan, State Election Director, Office of the Secretary of State, State of Arizona, indicating that, according to the unofficial returns of the Special Election held June 12, 2012, the Honorable Ron Barber was elected Representative to Congress for the Eighth Congressional District, State of Arizona.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

KEN BENNETT, SECRETARY OF
STATE,
STATE OF ARIZONA,
Phoenix, AZ, June 13, 2012.

Hon. KAREN L. HAAS,
Clerk, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR Ms. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, June 12, 2012, for Representative in Congress from the Eighth Congressional District of Arizona, show that Ron Barber received 101,559 or 52.02 percent of the total number of votes cast for that office.

It would appear from these unofficial results that Ron Barber was elected as Representative in Congress from the Eighth Congressional District of Arizona.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved and the election has been officially canvassed, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

AMY B. CHAN,
State Election Director.

SWEARING IN OF THE HONORABLE RON BARBER, OF ARIZONA, AS A MEMBER OF THE HOUSE

Mr. PASTOR of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona, the Honorable RON BARBER, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. Will Representative-elect BARBER and the members of the Arizona delegation present themselves in the well.

All Members will rise and Representative-elect BARBER will please raise his right hand.

Mr. BARBER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 112th Congress.

WELCOMING THE HONORABLE RON BARBER TO THE HOUSE OF REP- RESENTATIVES

The SPEAKER. Without objection, the gentleman from Arizona (Mr. PASTOR) is recognized for 1 minute.

There was no objection.

Mr. PASTOR of Arizona. Mr. Speaker, the world sometimes leads us down strange and troubling paths, and the fact that we are gathered today swearing in a new Member of Congress into the most deliberative body in the world is a tribute to our former colleague Gabby Giffords. It is a tribute to the resilience of the people of Arizona, a tribute to our strong and fruitful democracy that has continually endured hard and challenging times, and it is a tribute to our new colleague, RON BARBER.

So it is with great pride and renewed zeal for the strength of the American people and for our system of governing that I introduce our newest colleague, Congressman RON BARBER.

I have gotten to know RON better over the last few months, and there is no one who will work harder to make sure that the people of the Eighth District are treated fairly, with dignity and with honor.

RON and his wife, Nancy, have dedicated their lives to southern Arizona. They have run a business for more than 30-some-odd years, a business that helps young parents provide for their own children. They've raised their two daughters, Jenny and Crissi, right here at home in Tucson. They are watching their four grandchildren grow up in Tucson.

But RON also wanted to do more for his community, so he spent 30 years with the Arizona Division of Developmental Disabilities, where he worked countless hours helping people with disabilities get out of government-run institutions and back into their communities, fully employed, contributing to their society, and living with their families. His service then expanded beyond those with disabilities, becoming Gabby's district director and coordinating all her efforts to assist her constituents experiencing personal problems with the Federal Government. And now these same people are RON's constituents.

Welcome to the House, RON BARBER.

Mr. Speaker, I would like to yield to my distinguished colleague, JEFF FLAKE.

Mr. FLAKE. I thank the gentleman for yielding.

On behalf of the Republican members of the Arizona delegation, welcome, RON BARBER. We are glad to have you here.

Nobody would have wished for the circumstances that made this seat va-

cant. We all miss our colleague Gabby Giffords, but it was her wish that you fill this seat for the remainder of her term. She got her wish as was the wish of so many Arizonans. Those of us who have worked with your office, with the capable staff during this trying time, have been very impressed with your commitment to the State of Arizona, and that commitment will now continue with your being a Member of Congress.

We welcome you here.

Mr. PASTOR of Arizona. Mr. Speaker, it is now with great pride that I yield to our distinguished new Member, Congressman RON BARBER.

The SPEAKER. The gentleman from Arizona is recognized.

Mr. BARBER. Thank you, Mr. Speaker.

First of all, I would like to thank the Arizona delegation for that warm welcome—and all of you—for this amazing welcome on my first day here.

I also want to thank Speaker BOEHNER for his long and dedicated service to our country and for swearing me in today.

And to my family in the gallery and to my grandchildren who are here on the floor, thank you, all of you, my family, for your support and love, without which I would not be here today.

□ 1400

I have the most amazing family. I think everyone would say that, but I am very blessed to have them in my life, especially over this past year and a half. And to my high school sweetheart and wife, Nancy, I love you dearly and look forward to celebrating our 45th wedding anniversary tomorrow.

Mr. Speaker, I stand here on the floor of the House in the very spot where 5 months ago my friend and my predecessor, Congresswoman Gabrielle Giffords, bravely delivered her resignation from Congress. I want to thank the Congresswoman for her vision and leadership and the inspiration she continues to give to our country. Gabby, southern Arizona misses you dearly, and we cannot wait to have you home.

Today, as I begin my service in this, the people's House, I'm mindful that the stakes for our Nation are very high. They are too high not to set aside political division in favor of seeking common ground, too high to use our words as weapons, too high to think of those with whom we disagree as villains. As an Arizonan, I look to the example of Congressman Mo Udall and Senator Barry Goldwater, two leaders in their respective parties who disagreed much, but did so without being disagreeable. They came together many times to do what was right for their State and their country. I'm going to approach my work for the people of southern Arizona with an eye not toward partisan victory, but toward American achievement.

We as a country have much to achieve. We must protect middle class families at a time when our middle class is slowly disappearing. We must honor our veterans and military families by ensuring that the more than 100,000 veterans I represent in southern Arizona and every other American veteran and servicemember receives the services and benefits they have earned.

We must ensure the dignity and health of every American senior in retirement. We must secure our border so that border residents are safe on their land, and impede the flow of drugs into our communities and the illegal drug money out of our country. And we must create jobs with innovative energy technologies, improvements in our essential infrastructure, and by supporting local small businesses to grow.

I look forward to working across party lines to achieve these goals for the good of my constituents and for all Americans.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Arizona, the whole number of the House is 433.

PROVIDING FOR CONSIDERATION OF H.R. 2578, CONSERVATION AND ECONOMIC GROWTH ACT

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 175, not voting 17, as follows:

[Roll No. 382]

AYES—240

Adams	Bishop (UT)	Cantor
Aderholt	Black	Capito
Akin	Blackburn	Carter
Alexander	Bonner	Cassidy
Amash	Bono Mack	Chabot
Amodei	Boustany	Chaffetz
Austria	Brady (TX)	Coble
Bachmann	Brooks	Coffman (CO)
Bachus	Broun (GA)	Cole
Barletta	Buchanan	Conaway
Bartlett	Bucshon	Cravaack
Barton (TX)	Buerkle	Crawford
Bass (NH)	Burgess	Crenshaw
Benishek	Burton (IN)	Culberson
Berg	Calvert	Davis (KY)
Biggert	Camp	Denham
Bilbray	Campbell	Dent
Bilirakis	Canseco	DesJarlais

Diaz-Balart	Kingston	Ribble	Kucinich	Nadler	Schwartz
Dold	Kinzinger (IL)	Rigell	Langevin	Napolitano	Scott (VA)
Donnelly (IN)	Kissell	Rivera	Larsen (WA)	Neal	Scott, David
Dreier	Kline	Roby	Larson (CT)	Olver	Serrano
Duffy	Labrador	Roe (TN)	Lee (CA)	Owens	Sewell
Duncan (SC)	Lamborn	Rogers (AL)	Levin	Pallone	Sherman
Duncan (TN)	Lance	Rogers (KY)	Lewis (GA)	Pascarell	Sires
Ellmers	Landry	Rogers (MI)	Lipinski	Pastor (AZ)	Slaughter
Emerson	Lankford	Rohrabacher	Loeb sack	Pelosi	Smith (WA)
Farenthold	Latham	Rokita	Lofgren, Zoe	Perlmutter	Speier
Fincher	LaTourette	Rooney	Lowey	Peters	Stark
Fitzpatrick	Latta	Ros-Lehtinen	Lujan	Peterson	Sutton
Flake	LoBiondo	Roskam	Lynch	Polis	Thompson (CA)
Fleischmann	Long	Ross (AR)	Maloney	Price (NC)	Thompson (MS)
Fleming	Lucas	Ross (FL)	Markey	Quigley	Tierney
Flores	Luetkemeyer	Royce	Matsui	Rahall	Tonko
Forbes	Lummis	Runyan	McCarthy (NY)	Rangel	Tsongas
Fortenberry	Lungren, Daniel E.	Ryan (WI)	McCollum	Reyes	Van Hollen
Fox	Mack	Scalise	McDermott	Richardson	Visclosky
Franks (AZ)	Manzullo	Schilling	McGovern	Richmond	Walz (MN)
Frelinghuysen	Marchant	Schmidt	McIntyre	Rothman (NJ)	Wasserman
Galleghy	Marino	Schock	McNerney	Roybal-Allard	Schultz
Gardner	Matheson	Schweikert	Meeks	Ruppersberger	Waters
Garrett	McCarthy (CA)	Scott (SC)	Michaud	Rush	Watt
Gerlach	McClintock	Scott, Austin	Miller (NC)	Ryan (OH)	Waxman
Gibbs	McCotter	Sensenbrenner	Miller, George	Sarbanes	Welch
Gibson	McHenry	Sessions	Moore	Schakowsky	Wilson (FL)
Gingrey (GA)	McKeon	Shimkus	Moran	Schiff	Woolsey
Gohmert	McKinley	Shuler	Murphy (CT)	Schrader	Yarmuth
Goodlatte	McMorris	Shuster			
Gosar	Rodgers	Simpson			
Gowdy	Meehan	Smith (NE)			
Granger	Mica	Smith (NJ)			
Graves (GA)	Miller (MI)	Smith (TX)			
Graves (MO)	Miller, Gary	Southerland			
Griffith (VA)	Mulvaney	Stearns			
Grimm	Murphy (PA)	Stivers			
Guinta	Myrick	Stutzman			
Guthrie	Neugebauer	Sullivan			
Hall	Noem	Terry			
Hanna	Nugent	Thompson (PA)			
Harper	Nunes	Thornberry			
Harris	Nunnelee	Tiberi			
Hartzler	Olson	Tipton			
Hastings (WA)	Palazzo	Turner (NY)			
Hayworth	Paul	Turner (OH)			
Heck	Paulsen	Upton			
Hensarling	Pearce	Walberg			
Herger	Pence	Walden			
Herrera Beutler	Petri	Walsh (IL)			
Huelskamp	Pitts	Webster			
Hultgren	Platts	West			
Hunter	Poe (TX)	Westmoreland			
Hurt	Pompeo	Whitfield			
Issa	Posey	Wilson (SC)			
Jenkins	Price (GA)	Wittman			
Johnson (IL)	Quayle	Wolf			
Johnson (OH)	Reed	Womack			
Johnson, Sam	Rehberg	Woodall			
Jones	Reichert	Yoder			
Jordan	Renacci	Young (AK)			
Kelly		Young (IN)			
King (NY)					

NOES—175

Ackerman	Clarke (NY)	Filner
Altmire	Clay	Fudge
Baca	Cleaver	Garamendi
Baldwin	Clyburn	Gonzalez
Barber	Cohen	Green, Al
Barrow	Connolly (VA)	Green, Gene
Bass (CA)	Conyers	Grijalva
Becerra	Cooper	Gutierrez
Berkley	Costa	Hahn
Berman	Costello	Hanabusa
Bishop (GA)	Courtney	Hastings (FL)
Bishop (NY)	Critz	Heinrich
Blumenauer	Cuellar	Higgins
Bonamici	Cummings	Himes
Boren	Davis (CA)	Hinche
Boswell	Davis (IL)	Hinojosa
Brady (PA)	DeFazio	Hirono
Brady (IA)	DeGette	Hochul
Brown (FL)	DeLauro	Holt
Butterfield	Deutch	Honda
Capps	Dicks	Hoyer
Capuano	Dingell	Israel
Carnahan	Doggett	Jackson Lee
Carney	Doyle	(TX)
Carson (IN)	Edwards	Johnson (GA)
Castor (FL)	Ellison	Johnson, E. B.
Chandler	Engel	Keating
Chu	Eshoo	Kildee
Cicilline	Farr	Kind
Clarke (MI)	Fattah	King (IA)

Kucinich	Nadler	Schwartz
Langevin	Napolitano	Scott (VA)
Larsen (WA)	Neal	Scott, David
Larson (CT)	Olver	Serrano
Lee (CA)	Owens	Sewell
Levin	Pallone	Sherman
Lewis (GA)	Pascarell	Sires
Lipinski	Pastor (AZ)	Slaughter
Loeb sack	Pelosi	Smith (WA)
Lofgren, Zoe	Perlmutter	Speier
Lowey	Peters	Stark
Lujan	Peterson	Sutton
Lynch	Polis	Thompson (CA)
Maloney	Price (NC)	Thompson (MS)
Markey	Quigley	Tierney
Matsui	Rahall	Tonko
McCarthy (NY)	Rangel	Tsongas
McCollum	Reyes	Van Hollen
McDermott	Richardson	Visclosky
McGovern	Richmond	Walz (MN)
McIntyre	Rothman (NJ)	Wasserman
McNerney	Roybal-Allard	Schultz
Meeks	Ruppersberger	Waters
Michaud	Rush	Watt
Miller (NC)	Ryan (OH)	Waxman
Miller, George	Sarbanes	Welch
Moore	Schakowsky	Wilson (FL)
Moran	Schiff	Woolsey
Murphy (CT)	Schrader	Yarmuth

NOT VOTING—17

Andrews	Huizenga (MI)	Sánchez, Linda
Cardoza	Jackson (IL)	T.
Crowley	Kaptur	Sanchez, Loretta
Frank (MA)	Lewis (CA)	Towns
Griffin (AR)	Miller (FL)	Velázquez
Holden	Pingree (ME)	Young (FL)

□ 1411

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. MCKINLEY. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. McKinley moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on the provisions contained in title V of the House bill (relating to coal combustion residuals).

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 3238

Mr. PASCARELL. I ask unanimous consent to remove Congressman HAROLD ROGERS and Congressman RICK BERG from H.R. 3238.

The SPEAKER pro tempore (Mr. AMODEI). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSERVATION AND ECONOMIC GROWTH ACT

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 2578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 688 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2578.

The Chair appoints the gentleman from New Hampshire (Mr. BASS) to preside over the Committee of the Whole.

□ 1415

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, with Mr. BASS of New Hampshire in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 45 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the Conservation and Economic Growth Act is aimed squarely at cutting government red tape and bureaucracy to boost local economic development and job creation. This legislation contains 14 commonsense bills from the House Natural Resources Committee, nearly all of which have received bipartisan support.

By solving problems and reducing red tape, this legislation will have a real impact on the people it affects. Among its many economic and job creation benefits, the bill will encourage tourism and recreation by ensuring public access to public lands. It will promote responsible use of our resources. It will protect the environment. It will secure Federal lands along our borders. And it promotes clean and renewable hydro-power.

Month after month, Mr. Chairman, Republicans in Congress have been focused on encouraging and supporting new job creation. The House has passed over 30 job creation bills that sit in the Senate, where Democrat leaders have refused to take any action.

By reducing red tape, promoting American-made energy, and streamlining bureaucracy, we can start creating jobs for tens of millions of Americans who are looking for work. The Conservation and Economic Growth

Act fits into this same job creation mold.

When it comes to the Environmental Protection Agency, the American public is well aware of the ability of this Federal agency to slow our economy with debilitating regulations. And when it comes to our Federal lands, which are predominated located in the Western part of the United States, there is plenty of bureaucracy and red tape to go around.

In that regard, there are four primary Federal land management agencies: the Bureau of Land Management; the Forest Service; the Fish & Wildlife Service; and the National Park Service. Combined, they manage over 600 million acres of Federal land and have over 60,000 Federal employees. Many of these Federal employees do important, helpful work. But there are many times when their actions or outdated Federal laws have a tremendous negative impact on their surrounding communities. But these Federal policies, restrictions, lawsuits, and the bureaucratic decisions can harm local economies and the public's ability to access public lands for the multiple uses for which these public lands were intended.

It doesn't have to take Federal spending or taxpayer money to solve these problems. It simply takes Congress making commonsense changes in laws and regulations to restore reasonableness, transparency, accountability, and, yes, Mr. Chairman, sometimes sanity to the actions of the Federal Government.

That is the purpose of this underlying legislation: to fix local and national problems caused by Federal red tape and policies that are harming the public and our economy throughout America. We will hear more specific information from the sponsors of these solutions during the debate this afternoon.

Mr. Chairman, this legislation also reflects the promises of House Republicans when they were elected as a new majority in 2010. The Conservation and Economic Growth Act is an efficient way to uphold Republicans' commitment to an open and transparent House.

The text of the act has been online since last Tuesday and available for Members and the public to read now for a week. Each and every one of the 14 bills that is in this package has had a public hearing, has been open to amendment in the committee, has been voted on in the committee, and amendments will be debated and voted on here today by the full House.

Now, Mr. Chairman, this stands in stark contrast to the previous way of doing business, when we had monster omnibus bills that were forced through the House without any chance of amendment. In fact, one can compare this small 14-bill package that has undergone full public and legislative re-

view with the 2009 monster omnibus lands bill enacted into law when the Democrats controlled both houses of Congress. The 2009 omnibus bill was over 1,200 pages in length, it cost \$10 billion, and it contained over 170 bills, including 75 that had never been considered in the House.

□ 1420

Yet through all of this process, not one single amendment was allowed to be offered, and even the minority—the Republicans at that time—were denied an opportunity with the motion to recommit.

Well, those days of the monster omnibus are over. No longer will controversial bills that haven't seen the light of day be hidden deep inside a thousand-page bill. Since the start of this Congress, we reviewed bills one by one in the Natural Resources Committee. Each has had a public subcommittee hearing; and once the committee acts, the full House considers them in a transparent manner.

This bill, the underlying legislation we're dealing with, lives up to this standard. It is an antidote to the abusive processes of the past. It is a bite-sized package that can be easily read and today is getting a thorough debate on the House floor.

So now the House can act to approve this bill to roll back red tape, to restore some commonsense to solve problems, and to boost economic activity. This bill deserves bipartisan support, and I urge my colleagues to vote for its passage.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, ladies and gentlemen of the House, I rise in opposition to H.R. 2578.

Now, some of you may recall the old Rod Serling television show, "The Twilight Zone." At the beginning of each episode, Serling would explain that viewers were "about to enter another dimension—a dimension not only of sight and sound, but of mind, a journey into a wondrous land of imagination. Next stop, the Twilight Zone."

Well, that is very much where we are this week on the House floor. We are truly entering another dimension—a wondrous land of paranoid imagination. Republicans call it the "Operational Control Zone," but it is really the "Drone Zone."

Submitted for your consideration are the following facts:

This week, world leaders are gathering in Rio to deal with the threat of global warming. Meanwhile, the majority has us gathered here to address the threat sea lions pose to salmon. Right now, firefighters are working day and night to try to contain wildfires in forests in Colorado and New Mexico, and the majority has us working here to give away old-growth Alaskan forest.

We have just 2 weeks before the transportation authorization bill expires and student loan rates double. And what are we doing? We are spending an entire day on a piece of legislation that has zero chance of being enacted into law. It is a package of bad ideas that are largely irrelevant to the real issues facing our Nation.

Title I of this bill would flood part of a Wild and Scenic River. Title III is an earmark to an Alaskan Native corporation that will facilitate clear-cutting in the Tongass National Forest. Titles IV and V appear to create new parks, but include harmful provisions that would cripple the management of these parks. Title VII would authorize the death penalty for sea lions whose only crime is eating fish. Title X would overturn the protections for endangered turtles from being run over by off-road vehicles. Title XI would extend the practice of below-cost grazing on public lands—a bargain-basement discount for cattlemen all across this country not paying their fair share. Actually, being a type of Federal welfare for cattlemen. And unbelievably, title XIV would create a 100-mile “drone zone” along our northern and southern borders within which the Border Patrol could suspend 36 environmental laws and seize control of all public land management.

Let me spend a moment here talking about what I find to be the most offensive part of this legislation: title XIV. This is the national map. What the Republicans do here today is they take a 100-mile area all along the northern border of the United States and the southern border of the United States and they create a new area. And this new area is really a drone zone. The reason that it's a drone zone is that it allows for 36 health and safety and environmental laws to be overridden, and it would expand the area where the Department of Homeland Security could use drones for surveillance. It allows the Department of Homeland Security to shut down national parks at a moment's notice. So all of a sudden the Department of Homeland Security can start using drones in this area.

Now, when you add up all of the space that is now included, it is equal to the total area of California, Massachusetts, New Hampshire, and Connecticut combined, which will now be in this new special area that has the Department of Homeland Security determining where drones can be used. And as we know, that won't be just for ensuring environmental laws not being violated. They'll be over this whole area.

Now, if you take a look at this map, I understand why the gentleman from Utah introduced this bill. Utah is far away from the Republican drone zone. They're not within the hundred miles of the border of the Mexican or Canadian people. But what if you live in

Maine? Nearly your entire State is in this drone zone. Want to go to Acadia National Park? Better check with the Department of Homeland Security and the Republicans first. Or Minnesota: maybe you want to take a trip up to the Boundary Waters. Better check with the Department of Homeland Security and the Republicans first. Or Olympia National Park in Washington State: better check with the Department of Homeland Security or the Republicans first.

Want clean air in the drone zone? Better make sure the Department of Homeland Security and the Republicans haven't exempted the Clean Air Act. Want to drink some water after a long hike? Better make sure the Department of Homeland Security and the Republicans haven't waived the Safe Drinking Water Act.

Make no mistake, this isn't a bill that actually addresses America's immigration issues. Neither the Department of Homeland Security nor its Customs and Border Protection division support this bill. They don't want this authority, but the Republicans are insisting on giving them this authority—100 miles along the Mexican and Canadian borders.

The GOP's drone zone bill does not increase resources for border agents, but instead turns over our natural resources to the Department of Homeland Security. Passing this bill does not increase the number of Border Patrol agent boots on the ground. It just ignores the protections against trampling on sovereign and sacred ground like tribal grave sites. It does not look for a path toward citizenship. It tells families on vacation or a picnic that the Department of Homeland Security can kick you off a path at any moment.

Under this bill, ranchers and their cattle can be herded away by border agents, jeopardizing their entire ranching operation. Families and visitors to public parks can have their trips canceled. And the water, the air, and the land will be left unprotected.

Instead of working to pass a DREAM Act to help solve the immigration challenge, House Republicans instead want to create a nightmare scenario at our borders. That's why more than 50 Hispanic and Latino groups have joined with environmental organizations, tribal groups, and organizations representing sportsmen and hunters to oppose the Republican drone zone bill. Fifty Hispanic and Latino groups opposing this bill.

We might be spending 4 hours here today on the House floor in a legislative twilight zone created by the majority considering a bill that isn't grounded in reality. But as we do, let us not forget that there are millions of Americans outside of this alternative reality who are trying to make ends meet, trying to keep their families to-

gether and safe, and hoping to maintain the environmental protections which make our country great.

I urge a “no” vote on this bill, and I reserve the balance of my time.

□ 1430

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 3 minutes to the gentleman from California (Mr. DENHAM), the primary sponsor of this legislation.

Mr. DENHAM. First, let me thank the chairman for not only allowing all of these bills to come up, but doing it in a very transparent fashion, allowing debate from both sides of the aisle and amendments from both sides of the aisle. This truly has been a transparent debate, giving the American public a chance to see exactly what we are doing here.

But let me talk about this unimaginable place that some of the extremists like to talk about. The unimaginable place I'm talking about is California's Central Valley, where you have twice the national average of unemployment, where some areas of the district are 30 to 40 percent unemployment. That's truly un-American, when you have a solution for Republicans and Democrats to come together, and yet you have some extremists who are willing to ignore putting people back to work. It is an unimaginable place, but one that both parties should take note of it, one that the President should not only take note of, but the President should actually come out and visit. Now the President likes to come to L.A. and San Francisco quite frequently. He's been there over a dozen times, but yet not once when Republicans and Democrats have invited him to come to the Central Valley and see the devastation, see the unimaginable place that this high unemployment leaves our community in. That's why you've got both Republicans and Democrats coming together and supporting this bill in a bipartisan fashion.

When the Merced Wild and Scenic River was designated, it encroached nearly half a mile into a Federal Energy Regulatory Commission operational boundary for New Exchequer Dam. Aligning the Merced Wild and Scenic River boundary with the standing FERC project boundary will allow FERC to consider MID's proposal to raise their spillway gates by just 10 feet. We're talking about 70,000 acre feet of water that'll create 840 jobs. Now, this is not the 5 to 6 million acre feet that we need, but it's a small step. But if the extremists cannot even support this small step where you've got Valley Republicans and Democrats coming together, the question is, what really is this unimaginable, un-American place that they talk about? We need thousands of jobs in the Central Valley. We need many more projects like this. We need Los Vaqueros, Exchequer. We need Temperance Flat. We

need to raise Shasta in a fashion that Republicans and Democrats continue to agree on.

While some say that this will set a precedent for undoing Wild and Scenic designations, this area being discussed naturally—naturally—floods already, and it will impact less than 1 mile of the 122.5 miles of the Merced River. Again this is one small project. One desperately needed project, but one very small project in this unimaginable place.

Title I of H.R. 2578 is commonsense legislation that will allow for desperately needed storage; again, up to 70,000 acre feet, which has the potential for generation of an additional 10,000 megawatt hours of clean, renewable electricity. Why wouldn't we want clean, renewable electricity? Hydro is not necessarily the clean energy they like to talk about.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. DENHAM. This will also create increased recreational activity in the area and agricultural benefits.

Furthermore, if a Wild and Scenic River designation is made by congressional or administrative action, we should be able to adjust those boundaries, especially if it serves the greater good. Again, this is not the greater good that some like to talk about because they're not focused on American jobs. They're focused on a small set of criteria that they don't understand in our agricultural areas.

To not adjust the boundary because it has never been done before is an inadequate justification. Again, this is a bipartisan bill that has support on both sides of the aisle from Members of the Central Valley, and one that was open for public debate, was open for amendments. And again, I'd like to thank the chairman for having such a transparent process. I encourage Member support of H.R. 2578.

Mr. MARKEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Mrs. NAPOLITANO), the ranking member of the Subcommittee on Water and Power.

Mrs. NAPOLITANO. Mr. Chairman, I thank the ranking member on the committee for allowing me this time.

Mr. Chairman, I rise to speak in opposition to H.R. 2578, the Republican lands package. Specifically, I do oppose title XIV, which is H.R. 1565 of H.R. 2578, the National Security and Federal Lands Protection Act.

This legislation creates a 100-mile—as explained by Mr. MARKEY—from the north border and 100 miles from the south border inland. You might call it operational control, or if you want to call it drone zone, it still waives over 36 landmark laws to give Homeland Security complete operational control and immediate access to these lands.

Some of these 36 laws that would be suspended in all or part of the 18 States affected would include the Safe Drinking Water Act, the Clean Air Act, hazardous waste laws, tribal preservation law, Migratory Bird Treaty Act, and the National Park Service Organic Act. This legislation overreaches in waiving dozens of environmental laws disguised as a solution for immigration reform. Guess again.

I was born and raised in the border town of Brownsville, Texas. My hometown is within this Operational Control Zone, or drone zone, if you want to call it that. I am currently the ranking member of the Water and Power Subcommittee, with jurisdiction over the Bureau of Reclamation, and several of the projects owned and operated by Reclamation are in this drone zone. There is concern about how the projects could be managed or mismanaged and its impact in this zone.

Title XIV, which also includes Canada, would disrupt longstanding treaty agreements between the United States and Mexico, and again with Canada, on how we manage our water and power resources. And, of course, the drought planning for the Colorado River.

The projects are part of the Colorado River basin system, like Reclamation's Yuma desalting plant, and are also in the drone zone. One thousand miles of canal and related water delivery infrastructure that provides for a \$5 billion economy—\$5 billion for the States of Arizona and California—would be compromised as they are in this drone zone.

The proposed legislation will also impede Reclamation from meeting its mission requirements in water delivery obligations pursuant to the 1944 treaty between the U.S. and Mexico on the use of the Colorado and Tijuana rivers, and the Rio Grande. Title XIV also impacts the United States' ability to negotiate with Canada regarding the Columbia River. In fact, several projects of the Federal Columbia River power system in Washington State and Montana are in this operating zone. Water has no international boundary. This is a blatant attack on the environment, on the lives of American citizens, and it threatens their health and safety.

We strongly believe that compliance with laws and regulations is key to ensuring the rights of borderland landowners so rural communities are protected. Ensuring the security of America's borders is an important goal. This bill will not enhance our Nation's border security and will do great harm to our borders and our environment.

I urge my colleagues to vote against H.R. 2578. I have a list of 54 organizations in opposition, and I would like just a moment to read some of them—my colleague has already mentioned the Latino organization:

Alaska Wilderness League; American Civil Liberties Union; BorderLinks;

California Coastal Commission; Center for Biological Diversity; Citizens for a Safe and Secure Border; Citizens for Border Solution; Coastal States Organization; Cochise County Chapter Progressive Democrats of America; Defenders of Wildlife; Earthjustice; Equality Alliance of San Diego County; Escondido Human Rights Committee; Green Valley Samaritans; Klamath Forest Alliance; Labor Council for Latin American Advancement; League of Conservation Voters; Hispanic National Bar Association; National Estuarine Research Reserve Association; National Parks Conservation Association; National Resources Defense Council; No More Deaths Tucson; Northern Alaska Environmental Center; San Diego Foundation for Change; Southern Border Communities Coalition; and the list goes on.

ENVIRONMENTAL AND LATINO ORGANIZATIONS OPPOSING TITLE XIV, H.R. 1505, THE NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

1. Alaska Wilderness League
2. American Civil Liberties Union
3. BorderLinks
4. California Coastal Commission
5. Center for Biological Diversity
6. Citizens for a Safe and Secure Border
7. Citizens for Border Solutions
8. Coastal States Organization
9. Cochise County Chapter Progressive Democrats of America
10. Defenders of Wildlife
11. Earthjustice
12. Equality Alliance of San Diego County
13. Escondido Human Rights Committee
14. Green Valley Samaritans
15. Hispanic Access Foundation
16. Hispanic Association of Colleges and Universities
17. Hispanic Federation
18. Hispanic National Bar Association
19. Klamath Forest Alliance
20. Labor Council for Latin American Advancement
21. Latino and Latina Roundtable of the San Gabriel and Pomona Valley
22. League of Conservation Voters
23. League of United Latin American Citizens
24. National Association of Hispanic Federal Executives
25. National Association of Hispanic Publications
26. National Association of Latin American and Caribbean Communities
27. National Conference of Puerto Rican Women
28. National Council of La Raza
29. National Estuarine Research Reserve Association
30. National Hispanic Association of Colleges and Universities
31. National Hispanic Coalition on Aging
32. National Hispanic Environmental Council
33. National Hispanic Medical Association
34. National Institute for Latino Policy
35. National Latino Coalition on Climate Change
36. National Parks Conservation Association
37. Natural Resources Defense Council
38. No More Deaths—Tucson
39. Northern Alaska Environmental Center
40. San Diego Foundation for Change
41. School Sisters of Notre Dame, Douglas, AZ

- 42. Southern Border Communities Coalition
- 43. Southern Border Communities Coalition, Arizona Chapter
- 44. Southwest Voter Registration and Education Project
- 45. St. Regis Mohawk Tribe
- 46. Texas Border Coalition
- 47. The Sierra Club
- 48. The Wilderness Society
- 49. Tucson Samaritans
- 50. U.S. Hispanic Leadership Institute
- 51. United States-Mexico Chamber of Commerce
- 52. Vet Voices
- 53. Voces Verdes
- 54. Western Environmental Law Center

□ 1440

Mr. HASTINGS of Washington. Mr. Chairman, just to correct the record, there is nothing in this bill that affects the Bureau of Reclamation or the hydro-dams on the Columbia River in my district.

I'm very pleased right now to yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), who is the author of title III of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 2578. I'm primarily interested in the Sealaska provision. It's very important to understand something: the Alaska Tongass National Forest is 17 million acres of land. We're asking for 77,000 acres of land to be transferred to the Sealaska Corporation that has already been cut.

There is no old-growth timber involved in this. It gets Sealaska away from sensitive areas, including municipal watersheds, and onto areas already zoned for timber management on a road system. The exchange lands are near Native villages on Prince of Wales Island where unemployment is about 25 percent.

This bill supports the Forest Service by making Sealaska timberlands more accessible to rural and mostly Native communities, where unemployment is above 25 percent. Sealaska's land base will then support a sustainable timber rotation in perpetuity.

This bill affects approximately 77,000 acres in the 17 million-acre Tongass forest. It's already protected by designation, so it cannot be harvested.

Sealaska and its contractors combined make up the largest for-profit sector employer in southeast Alaska, providing over 360 jobs. Including direct and indirect payroll, it's almost 500 jobs.

This bill also finalizes Sealaska's Native land claim rights passed in 1971, and it does not entitle the Natives to an acre above what the 1971 Native Claims Settlement this Congress passed that limits it to them.

H.R. 2578 supports timber jobs while conserving environmentally sensitive lands in community watersheds. Failure to pass this bill may spell the end of Sealaska's timber program as early as 2012 and the loss of timber jobs in an

Alaska private industry that's decreased 90 percent since 1990 because of action of this Congress when they passed the Alaska National Lands Act and put most of the land off limits.

Because the Forest Service is either unwilling or unable to offer an adequate timber supply in southeast Alaska, the remaining industry relies on Sealaska timber. The Alaska Forest Association testified:

AFA strongly supports the passage of H.R. 2578 without delay. Passage of this bill is critical to the future of our remaining industry.

Most importantly, the bill finalizes the land claim settlement for 20,000 Alaska Native jobs in southeast Alaska.

Now, Mr. Speaker, I'd like to go to the "Bull Dip" awards, the Bull Dip awards for information put out on this legislation. We're talking about 77,000 acres that have already been cut. The Bull Dip award goes to those people who say there's transfer of over 50,000 miles of road. There may be 5,000 miles' worth, maybe 500 miles of road, but it's already roads that have been built on acreage that has already been harvested.

The other area of the Bull Dip award is the fact that the road will not be accessible to public use. It will be used for public use. There are no restrictions, not any action that will be taken to prohibit anybody from choosing these lands or moving on these lands.

All I'm asking today is give—an action of this Congress in 1971—the right to the Native people to land that's not old-growth timber.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. YOUNG of Alaska. It's not old-growth timber. This is land that's already been cut over, but they want to use it like Silviculture, growing timber forever, not like the Forest Service now, keeping old timber not cut. This is the right thing to do.

The idea that we would have people sending out propaganda—I know there's an outfit called Red States saying this is going to cost the Federal Government money and it's a giveaway. It's strange that that same operation doesn't like the Federal Government. I'm asking that this Federal land that's already been harvested over be given to the Alaska Native people, as they should have it. And they're trying to stay away from the old-growth timber. That's what they're trying to do. If I was doing it myself, I'd cut the old-growth timber; it's dying anyway. But nobody wants to do it; they don't recognize it.

I sat on this floor and watched the Alaska National Lands Act under GEORGE MILLER, my good friend, say: don't worry, we'll have a timber indus-

try. We've lost 15,000 jobs in southeast Alaska—high-paying jobs—because of the so-called "environmental movement." That does not make sense. That does not make sense for America. This is a renewable resource that should be utilized correctly. Let's pass this legislation.

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentlelady from the State of Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to this bill, which would result in the Tongass National Forest in Alaska, our Nation's largest and wildest national forest, being opened to additional logging. At 17 million acres—roughly the size of West Virginia—the Tongass is the crown jewel of our forest system.

Mr. YOUNG of Alaska. Will the gentlelady yield?

Ms. DELAURO. I would love to do that, dear colleague, but I can't. I need to be back in Appropriations.

Mr. YOUNG of Alaska. Seventeen million acres are set aside already.

The CHAIR. The gentlewoman from Connecticut controls the time.

Ms. DELAURO. If the gentleman would just back off. Okay?

At 17 million acres—roughly the size of West Virginia—the Tongass is the crown jewel of our forest system. Along with the Chugach National Forest in Alaska, it boasts the world's most intact temperate rainforest, with centuries-old trees providing critical habitat for wolves, grizzly bears, wild salmon, bald eagles and other wildlife. The Tongass is also a vital piece of the tourism industry in Alaska, allowing visitors from around the world to take in a true environmental spectacle.

I have experienced the beauty of the Tongass firsthand when I got to travel through the forest on an old Navy minesweeper 10 years ago. It's hard to imagine why anyone would want to spoil such a perfect example of nature's magnificence, but the bill before us would do exactly that. It removes 100,000 acres of some of the most used and visited lands in southeast Alaska from public ownership and gives them to the Sealaska Corporation, who plans to clear-cut the vast majority of its land selections for timber. This is approximately 20,000 acres over Sealaska's legal entitlement under the Alaska Native Claims Settlement of 1971.

With 290,000 acres of land and an additional 560,000 acres of subsurface rights, Sealaska is already the largest private landholder in southeast Alaska. And after three decades of extensive and intensive logging, they have left a legacy of expansive clear-cuts of the lands they already own. If this bill passes, they will do the same to some of the most biologically and culturally valuable lands within the Tongass.

Over the last 50 years, this national forest has already lost 550,000 acres of

old-growth trees and been marked by 5,000 miles of logging roads. This bill further threatens what is left of this national forest. It also endangers the economy of southeast Alaska by privatizing lands and waters that are used by guides and commercial fishermen, industries that employ over 17,000 men and women, 20 percent of the Alaskans in the region.

The Forest Service currently manages these lands for multiple uses and has announced a transition plan to ensure a sustainable future for the Tongass. We should not deliver this national treasure—and one of Alaska's most substantial tourism draws—over solely to one private corporation for timber rights.

I urge my colleagues to protect the Tongass for generations of Americans to come and to vote against this amendment.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would remind Members to address their remarks to the Chair.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the author of title XIV, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the minority insists that we are creating some sort of drone zone in title XIV. Now, I understand the intent of that is to muddy the waters on what is otherwise a very clear issue. Can I tell you, I like that phrase, I'm going to use it in the future, but it is also as cute as it is totally inaccurate.

Members should understand that this title specifically and intentionally deals with Federal lands on the northern and southern borders. It does not include private property. The use of the size characteristics are as cute as they are inaccurate.

The legislation does not expand the current reach of the Border Patrol. The Border Patrol already has enforcement authority out to 100 miles today. That's why the 100-mile figure is in there.

The gentleman is also late in his authorization of drones. The use of drones is not authorized by this legislation. The fact is the Border Patrol already uses drones, regardless of what the Federal or the land designation happens to be. With passage of this title and this bill, the impact on drone use will be zero. Whether you support drones or are concerned with drones, this bill doesn't address it. Once again, it's cute as it is inaccurate.

This legislation does not increase or create new enforcement authority. It does not limit constitutional rights. The only source of this bill, this title, is to allow the Border Patrol to have on Federal property the same rights they exercise on State and private property.

□ 1450

These lands will still be managed and administered by the Departments of In-

terior and Agriculture, but border security will no longer be a second to the whims of Federal land managers. It becomes the priority.

The idea of rounding up cattle by the Border Patrol is as cute as it is inaccurate, but I am going to use it because it's cute.

This bill specifically protects legal uses, including recreation, and specifically prohibits the Border Patrol from limiting public access.

Now, some people have said on the other side they object to this operational control of these areas by the Border Patrol.

What does "operational control" mean? It's in the title. It is to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics and other contraband through the international land borders with the United States.

You're actually opposed to that? You're opposed to doing that? You're opposed to actually allowing our Border Patrol to make sure that is the purpose and that is what is happening?

This bill is about giving the Border Patrol access to Federal lands so they can do their Federal responsibility instead of being prohibited from fulfilling their Federal responsibility by certain Federal regulations. That's silly. That's wrong. It's cute, but it's also inaccurate.

Mr. MARKEY. I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman very much.

This, as we have heard, is a package of bills dealing with lands, and it is as partisan as can be. I wish that we were working in a bipartisan way. We could have a real lands package that would go somewhere. We could have addressed preservation of open space. This is important all across the country.

I often hear from my colleague from Utah and others that, well, people in New Jersey don't have a lot of Federal lands. Let me tell you, this is important for people in New Jersey and every one of the other 49 States and in the territories of the United States. My constituents, who live in the most densely populated State in the Union, have demonstrated again and again their support for open space preservation, for fighting sprawl, for providing for their kids and their kids' kids with safe places to experience the outdoors.

This legislation does so many bad things I hardly know where to begin. It's another attempt to remove most of the protections of environmental laws. And as you've heard from the ranking member, Mr. MARKEY, it establishes an intrusive domestic security enforcement zone, a drone zone.

Call it cute if you want, but as the ranking member said, if you're going to go to Big Bend or Acadia or any of

the other national parks that fall in this, you'd better pay attention. It will do nothing to make us more secure.

I could talk all day about the problems in this bill, but let me just focus on one. One reason that this bill is not going anywhere legislatively, because it is so extreme, is the controversial provision it contains on the brazen effort to give away part of the Tongass National Forest.

The Tongass National Forest is known as a crown jewel of the National Forest System. Encompassing 17 million acres in southeast Alaska's panhandle, it's the last remaining intact temperate rainforest. It's the only remnant of the temperate rainforests that used to stretch from Northern California to Prince William Sound. Only half of the very large old-growth tree stands that used to cover the Tongass remain, and even the second growth land is spectacular. The other side was talking about how, well, some of this is not first-growth forest and, therefore, it's okay to give away to spoil. Now over a million people throughout the country—really, throughout the world—visit the Tongass National Forest annually to view the forest virtually unspoiled.

The bill before us today transfers 100,000 acres of the best of the best lands in southeast Alaska to the Sealaska Corporation, including the fine salmon streams, the areas most visited, recreational sites and tourist sites, as well as subsistence sites. This bill gives public lands to a private company, which some might call an earmark. Well, whatever you call it, it's an unjustified giveaway.

And since we're speaking of lands, I'd like to point out that I have introduced legislation to help preserve battlefields from the American Revolution and the War of 1812, legislation based on and including a very successful program to preserve civil war battlefields. This legislation, my bill, passed out of committee unanimously. Why was this not included in this bill? We could have been more bipartisan.

My colleague, Mr. MARKEY, has gone through a long list and others have gone through a long list of the problems with this legislation. Suffice it to say, this is not about preserving lands for the long-term enjoyment and benefit of the American people.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Virginia (Mr. WITTMAN), the author of title XIII of this legislation.

Mr. WITTMAN. Mr. Chairman, today's a proud moment for Virginia and the entire Chesapeake Bay community as the House is poised to pass legislation to aid in the cleanup of one of the Nation's most prized historic natural resources, the Chesapeake Bay. This body of water provides habitat for plants and animals, and it is these resources that drive local economies,

recreation, and a way of life for so many that live on and around its shores.

I rise in support of H.R. 2578, especially title XIII, the Chesapeake Bay Accountability and Recovery Act. I'm proud to author this measure, which receives broad support throughout the watershed. In fact, during the 111th Congress, the House passed similar legislation by a vote of 418-1.

These provisions would implement and strengthen management techniques to ensure we get more bang for our buck and are more aggressive in pursuing progress in bay restoration efforts. This bill will also ensure coordination of how restoration dollars are spent and that everyone understands how individual projects fit in the bigger picture in eliminating duplication and waste.

I urge my colleagues to support the health of the Chesapeake Bay, this provision, and H.R. 2578.

Mr. GRIJALVA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Nevada (Mr. AMODEI), the author of title IX of this bill.

Mr. AMODEI. Thank you to my colleague from the Evergreen State.

Twilight zone, partisan as can be, package of bad ideas for the Nation. Interesting phrases when you look at title IX.

Title IX is about 10,500 acres adjacent to the city of Yerington. This 10,500 acres is a known copper and iron ore deposit since about 1975. On this 10,000 acres and in title IX, you are seeing nothing that waives anything of environmental significance, not NEPA, not the National Historic Preservation Act.

The city's going to pay for the land. We're not giving it away. All the costs associated with transferring the land are to be borne, no cost to the government.

The District and State Bureau of Land Management offices were silent in terms of this proposal. There are no mining issues, cleanup issues, surface water, groundwater, environmental, none of those issues, none at all, abandoned mine sites.

And by the way, in this particular county, which is the leading county for unemployment in the State of Nevada, which I am sorry to inform you, we still lead the Nation in unemployment, this represents a transfer of less than 1 percent of Federal land in Lyon County.

□ 1500

So, when we talk about open space preservation, guess what? There is 99 percent left. Don't think you've got that one either.

Oh, by the way, there were some concerns about 90 days being too soon to

transfer this, and there were some concerns about whether it was mandatory or not. Did you hear the part about 1975 known deposits? So you want to change the bill to "if you feel like doing it, go ahead, and by the way, take as much time as you want"? No, thank you. No, thank you to "if you feel like it, and take as much time as you want."

So, when you hear about bad ideas for the Nation, this is about the responsible, multiple use of public resources that goes no one's environmental ox.

Oh, and here is another part that may be of significance: 800 jobs—no cost to the Federal Government. This is a State where there are loan guarantees for renewable energy to the tune of \$1.5 billion, and we've got 136 jobs to show for it. Eight hundred jobs—no cost to the government.

When the Office of Management and Budget talks about "they like to work through the community," I've got news for you: title IX is supported by everyone in the State of Nevada who has a voice as a shareholder in these. There hasn't been a single voice raised in opposition to this. By the way, they've been working on it for 4 years. So, if you think there's a problem with the appraisal process, did I mention it's going to be appraised for the value? There is nothing more transparent, nothing more responsible for land use that can be 800 jobs—oh, oh, and the average pay is about \$75,000-plus per job. Did I say "no cost to the government"? I'll quit saying that.

If you want to do something for the people of the State of Nevada, get behind this bill. I want to thank my Democratic colleagues who supported the bill in committee, and I look forward to their being advocates on the north side of the building.

Mr. GRIJALVA. Mr. Chairman, I inquire as to the time available.

The CHAIR. The gentleman from Arizona has 23½ minutes remaining. The gentleman from Washington has 24½ minutes remaining.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the author of title V of this bill, the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Chairman, I rise today in support of H.R. 2578. Title V of this bill incorporates my legislation, H.R. 1545, and would recognize and establish the Waco Mammoth Site as a national monument.

In 1978, Waco residents Paul Barron and Eddie Bufkin were out looking for arrowheads and fossils along the Bosque River. During their journey, they happened to come across a large bone protruding from the Earth. Realizing the possible significance of this discovery, Mr. Barron and Mr. Bufkin

immediately took the bone to the Strecker Museum at Baylor University for further analysis.

Over a period of nearly 30 years following their discovery, crews of paleontological and archaeological experts, scientists, and volunteers slowly excavated this lost world, eventually unearthing more than two-dozen mammoths and other artifacts. In 2006, the Waco Mammoth Foundation, a nonprofit organization of local citizens, helped make the site a public park. The city of Waco and Baylor University have been working together since to protect the site and to develop further research and educational opportunities at the site.

This legislation will recognize the unique discovery of an extinct species while providing education and enjoyment for families and students visiting from all over the country and throughout the world while benefiting future generations for many years to come.

A special resource study on the Waco Mammoth Site was conducted by the National Park Service and was completed in 2008. This study concluded that the site possesses national significant resources, is a suitable addition to the system, and would be a feasible addition to the system. The study cites an appropriateness to investigate a partnership arrangement between the city of Waco, Baylor University, and NPS. Given our current fiscal situation, the legislation included in this title has been drafted to provide the national recognition that the site deserves without its adding additional burdens to the Federal budget or to the backlog at NPS.

I urge my colleagues to support this bill, which will establish the Waco Mammoth National Monument and give this Central Texas treasure the national recognition it deserves, all at no cost to hardworking American taxpayers.

CITY OF WACO,
OFFICE OF THE MAYOR,
Waco, TX, June 12, 2012.

Re H.R. 1545.

Congressman BILL FLORES,
Longworth HOB, Washington, DC.

DEAR CONGRESSMAN FLORES: We respectfully request your support on H.R. 1545 designating the Waco Mammoth Site as a National Monument. A special Resource Study was completed on the Waco Mammoth Site in July 2008 which clearly concluded that the site meets all four criteria necessary to be added to the National Park system. To date we have raised more than \$4.4 million locally to construct a climate controlled protective structure for the in situ remains along with associated infrastructure to allow for visitation by the public. We also have formed the Waco Mammoth Foundation as formal partnership between the City of Waco and Baylor University along with an active friends group for fund raising activities.

There will be no cost to the Federal Government for the transfer of this five acre site with its improvements from the City of Waco to the National Park Services (NPS). Support of the Waco Mammoth Site will not be

a drain on federal funding. It will provide national attention to a national treasure. If the site receives national recognition, we would desire a management and operations partnership be developed with the NPS, the City, and Baylor. This anticipated partnership would capitalize on the strengths of each of the participating groups and ensure that the Waco Mammoth Site would receive the same protections and operate under the same guidance required of all other units of the NPS.

Your favorable support on H. R. 1545 will be greatly appreciated.

Sincerely,

MALCOLM DUNCAN, Jr.,

Mayor.

Mr. GRIJALVA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. LABRADOR), who is the author of title XI of this bill.

Mr. LABRADOR. I rise in support of title XI, the Grazing Improvement Act of 2012.

Livestock grazing is an important part of the rich ranching tradition in America. One need look no further than at the iconic images of cowboys driving huge herds of cattle across open land to realize how big a part ranching has played in American history. Today, my home state of Idaho produces some of the world's finest-tasting lamb and beef, which makes its way to dinner tables across America and as far away as Korea. Food production is a major part of Idaho's history and is an integral part of our cultural fabric and our economic security. These traditions are under attack, and we must preserve them for future generations.

Ranchers are proud stewards of the land. Their reputations and financial security depend on this basic fact. Yet, the process to review the very permits which allow them to produce food has become severely backlogged due to lawsuits aimed at eliminating livestock from public lands. The local Federal land managing office, staffed by fine men and women, cannot keep up with the pace of litigation and the endless environmental analysis. This diverts the already limited resources from these offices and leaves ranchers at risk of losing their grazing permits and of jeopardizing their livelihoods.

Agriculture is a difficult way to make a living, but producers choose this path because it is their livelihood, their passion, and their way of life. When my constituent, Owyhee County rancher Brenda Richards, testified in March on behalf of H.R. 4234, she talked not just about the efficiencies the bill would bring to the overall system, providing cost savings to taxpayers, but she passionately expressed the unstable situation facing ranchers like her: 78 percent of Owyhee County is public land, making local ranchers and the county economy dependent on

reliable, yet responsible, access to public land forage.

According to Richards, ranchers not only face uncertainty each year about whether permits will be renewed, but they are also being threatened with new bureaucratic red tape when it comes to crossing and trailing their animals across public lands. Radical special interest litigants have driven the agencies to consider this low-impact activity a "major agency action" that requires full environmental analysis under NEPA.

The Grazing Improvement Act of 2012 would accomplish three important goals. First, it extends livestock grazing permits from 10 to 20 years in order to give producers adequate stability. Second, it reduces the workload on overburdened Federal land managers at the local level, and it allows them to get out into the field, which is where they belong. Finally, the legislation includes bipartisan language to encourage land managers to use existing tools in order to expedite permit processing.

We can be good stewards of our land and resources without hurting American ranchers. We must alleviate the problems caused by a tedious bureaucratic process that was created only to respond to the litigious environmental agenda. We can no longer allow the Federal Government to maintain an enormous backlog in processing grazing permits. My legislation aims to ensure grazing certainty and stability for America's livestock producers. Our ranchers depend upon it.

I urge my colleagues to support this commonsense legislation.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

I wanted to talk, and maybe list, so that the American people and the Members of Congress understand the scope and the depth of H.R. 2578, in particular, title XIV: National Park Service Units within 100 Miles of the U.S.-Mexico and U.S.-Canadian Borders. There are 54 National Park Service units and 11 National Park Service wilderness areas:

Acadia National Park; Amistad National Recreation Area; Apostle Islands National Lakeshore-Gaylord Nelson Wilderness; Big Bend National Park; Cabrillo National Monument; Carlsbad Caverns National Park-Carlsbad Caverns Wilderness; Casa Grande Ruins National Monument; Chamizal National Memorial; Chiricahua National Monument-Chiricahua Wilderness; Coronado National Memorial; Isle Royale National Park-Isle Royale Wilderness; James A. Garfield National Historic Site; Joshua Tree National Park; Keweenaw National Historical Park; Klondike Gold Rush National Historical Park; Lake Chelan National Recreation Area; Lake Roosevelt National Recreation Area; Marsh-Billings-Rockefeller National Historic

Park; Nez Perce National Historical Park; North Cascades National Park-Stephen Mather Wilderness; Olympic National Park-Olympic Wilderness; Organ Pipe Cactus National Monument; Organ Pipe Wilderness; Padre Island National Seashore; Palo Alto Battlefield National Historical Park; Perry's Victory and International Peace Memorial; Pictured Rocks National Lakeshore; River Raisin National Battlefield Park; Ross Lake National Recreation Area; Saguaro National Park-Saguaro Wilderness; St. Croix Island International Historic Site; San Juan Island National Historical Park; Theodore Roosevelt Inaugural National Historic Site; Theodore Roosevelt National Park; Tumacacori National Historical Park; Voyageurs National Park; White Sands National Monument; Women's Rights National Historical Park; Wrangell-St. Elias National Park; Wrangell-St. Elias National Preserve; Yukon-Charley Rivers National Preserve.

□ 1510

I list those because turning these shared treasures of the American people from the land managers that provide the access, the interpretation, and the multiuse mandate to these areas to an agency like Homeland Security with no expertise, no track record, no history, and giving them carte blanche, almost czar-like control over these valuable legacy parks of our Nation, is one of the reasons that we have 66 organizations—environmental, Latino, and consumer organizations—opposed to the legislation and opposed in particular to title XIV.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from Texas (Mr. CANSECO), who is the author of title IV of this bill.

Mr. CANSECO. Mr. Chairman, I want to thank the chairman, Mr. HASTINGS, the park subcommittee chairman, Mr. BISHOP, and the staff of the Natural Resources Committee for working with me to move my legislation, the San Antonio Missions National Historical Park Boundary Expansion Act, through the committee and have it included as part of the bill before us.

Would the chairman enter into a brief colloquy with me?

Mr. HASTINGS of Washington. Yes.

Mr. CANSECO. Is it the chairman's understanding that, after adoption of the manager's amendment, the bill contains reforms that would only allow for lands to come into the park via donation or exchange, and that these reforms apply only to the land coming into the park boundary as a result of the legislation before us?

Mr. HASTINGS of Washington. The gentleman is correct, with the adoption of the manager's amendment.

Mr. CANSECO. Thank you, Mr. Chairman.

I'm pleased to rise in support of the underlying legislation which contains my legislation, the San Antonio Missions National Historical Park Boundary Expansion Act, which I introduced with the entire Bexar County, Texas delegation.

In efforts to settle North America, the English founded Jamestown, Plymouth Rock, and other colonial settlements that schoolchildren learn about in U.S. history classes. The Spanish took a very different approach in their efforts to settle their possessions in North America. Instead of sending ships full of families to found new towns, the Spanish sent Franciscan priests to establish missions. At the missions, the Spanish priests would bring local Native Americans to live at the mission, teach them farming, educate them, and ultimately convert them to Christianity.

The San Antonio Missions National Historical Park is an important asset to the community in San Antonio, Texas, and one of our Nation's historic treasures. The San Antonio Missions National Historical Park is comprised of four mission churches: Mission Concepcion, Mission San Jose, Mission San Juan, and Mission Espada.

Adjusting the boundaries of the San Antonio Missions National Historical Park is absolutely critical to protecting these treasures and allowing the park to continue thriving and further enhance the visitors' experience. It is also a critical part of the redevelopment taking place on the south side of San Antonio.

A recent study found that the San Antonio Missions National Historical Park supported over 1,000 local jobs and almost \$100 million in economic activity. This boundary adjustment will help reconnect the missions to the San Antonio River, where the Mission Reach Project is taking place to extend to the south side the economic prosperity and job opportunities enjoyed in other parts of San Antonio. Such redevelopment will allow for significant job and economic opportunities that currently do not exist in parts of San Antonio.

The San Antonio missions are important to the Nation in that they help visitors understand the history of our Nation, its diverse origins, as well as the history of San Antonio and the history of Texas. I would also add that the four missions that comprise the San Antonio Missions National Historical Park are still functioning parish churches, continuing to fulfill the role in the San Antonio community for which they were founded almost 300 years ago.

The San Antonio missions are just as important to understanding the story and the history of America as other historic places like Jamestown, Inde-

pendence Hall, or Mount Vernon, and this legislation will help protect and preserve them for future generations of Americans to enjoy, all the while helping to create jobs and economic opportunity on the south side of San Antonio.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ), who is the author of title II of this bill.

Mr. CHAFFETZ. I want to thank Chairman HASTINGS, my colleague, the chairman of the subcommittee, Mr. BISHOP, for his support in this bill that we introduced, the section that will be included in this bill dealing with the Diamond Fork System.

In Utah, we're blessed to live in one of the most beautiful parts of the world. We're also one of the fastest growing States in the Nation.

The Diamond Fork System, which is included as part of the Central Utah Project, has the capacity to generate up to 50 megawatts of hydroelectric power. Currently, thousands of acre-feet of water flow through the Diamond Fork System through tunnels, pipes, and canals each and every second. This water is necessarily slowed through energy dissipaters as they travel from Strawberry Reservoir to the Wasatch Front. This bill would allow those dissipaters to be easily converted into turbines, thus being able to generate the necessary energy that we need along the Wasatch Front.

The purpose of this bill, which has been included in H.R. 2578, is to waive the unrecoverable sunk cost payment requirements that are inhibiting development of the hydropower at a Bureau of Reclamation facility in Utah. Existing Department of the Interior regulation inhibits hydropower development on the Diamond Fork unit. If the sunk cost recovery requirement is waived, the project will go forward, thus being able to yield the following benefits:

The Treasury is expected, according to the CBO, to get \$2 million in revenue over 10 years that it otherwise would not have received. Let me repeat this. This is a net increase to the revenues to the Treasury. It is not an expense to the United States Treasury. In fact, if we don't pass this bill, we won't be able to recover some of those sunk costs. So the net increase to the revenue to the Treasury will go up.

Energy consumers in my district—which this is so desperately needed—will get up to 50 megawatts of new power. And the environmental benefits of this energy are numerous, given that it's clean and it's renewable.

I would also like to remind my colleagues that this bill passed the previous Congress through a voice vote. We introduced this in a bipartisan way. We have Democrats who sponsored this bill as well as Republicans.

With that, I encourage its passage.

□ 1520

Mr. GRIJALVA. I think the purpose of title XIV of H.R. 2578 is not to make the border more secure. Rather, the purpose of the bill is to use border security as cover to effectively repeal more than a century of environmental protections for Americans living and working along our borders with Canada and Mexico.

In April, the Natural Resources Committee held a joint oversight hearing with the House Oversight and Government Reform Committee, during which the Government Accountability Office, the Interior Department, the Agriculture Department, and the Border Patrol all testified under oath that Federal land management laws do not impair border security. According to the GAO report, 22 of 26 Border Patrol agents-in-charge that were interviewed reported that Federal land management laws had no impact on the overall security status of their jurisdiction.

In summary, the number of Border Patrol agents-in-charge who found that Federal land management laws were impeding border security but were prevented from fixing the problems by the Interior Department was exactly zero. The administration concurred with this finding at multiple hearings. The record is clear. And the problem this bill claims to solve does not exist.

The true purpose of this legislation is also clear. The proponents oppose the more-than-30 bedrock environmental protections that will be effectively repealed by this legislation, including the Clean Water Act, the Clean Air Act, the Clean Drinking Water Act, everywhere, not just within 100 miles of the border. Title XIV employs a manufactured conflict with border security to weaken their application.

The laws to be waived by this act are the work product of dozens of administrations and Congresses, developed after thousands of hours of negotiation and compromise and, in most cases, were enacted with strong bipartisan support. Title XIV hands the Border Patrol a unilateral veto over all of these laws, all this work, and all this bipartisan effort.

Enactment of this legislation and title XIV would not only allow DHS to trample the ground near the border. It would also allow the Agency to trample the rights of States and Native people. This legislation would empower individual patrol agents to enter tribal land without notice and conduct any and all activities, including excavation and construction, without regard for the presence of tribal sites or tribal leadership.

The real problem of border enforcement is one of manpower, budgets, economic incentives, and difficult terrain. This bill addresses none of those concerns. We will not secure our borders

by allowing our waters to be polluted. We will not secure our borders by allowing our air to be dirtier, by ignoring the laws that have protected the environment and the American people. That will not bring security to the border.

This legislation and title XIV reduce the number of immigrants coming to this country. If it does, it will only be because the water, air, and economics of our border communities are so degraded that no one wants to come there anymore. This legislation is sweeping. It's reactionary. This bill is not what it appears to be. And it should be rejected.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from North Carolina (Mr. JONES) who is the author of title X of this bill.

Mr. JONES. I thank the chairman for his support of this provision in this bill.

The title of my provision is the Preserving Access to Cape Hatteras National Seashore Recreational Area Act. The Cape Hatteras act is about jobs. Its about taxpayers' rights to access the recreational areas they own. It's about restoring balance and common sense to National Park Service management.

This language would overturn a final rule implemented by the Park Service earlier this year that excessively restricts taxpayers' access to the Cape Hatteras seashore and is unnecessary to protect the wildlife. It would reinstitute the Park Service's 2007 interim management strategy to govern visitor access and species protection at Cape Hatteras. The interim strategy was backed by a 113-page biological opinion issued by the United States Fish and Wildlife Service, which found that it would not jeopardize piping plover, sea turtles, or other species of concern.

In addition to adequately protecting wildlife, this bill would give taxpayers more reasonable access to the land they own. It would reopen 26 miles of beach that are now permanently closed to motorized beach access and give seashore managers flexibility to implement more balanced measures that maximize both recreational access and species protection.

By doing so, this bill would reverse the significant job loss and economic decline that Hatteras Island has experienced. I want to repeat that, Mr. Chair: by doing so, the bill would reverse the significant job loss and economic decline that Hatteras Island has experienced since the Park Service cut off access to the most powerful area of the seashore.

My bill and now this bill has bipartisan support in Dare County. The county commissioners in Dare County are predominantly Democrats. They support this bill 100 percent. They ask

that this bill move through the House. I am pleased to say that the North Carolina Senators, Republican Senator RICHARD BURR and Democrat Senator KAY HAGAN, have introduced a companion bill that says exactly on the Senate side what this bill says on the House side. The bill is also supported by a national sportsmen's group, including the American Sportfishing Association and the Congressional Sportsmen's Foundation.

Mr. Chair, that's why I am honored today to be on the floor with my colleagues to support this legislation. It is time for the taxpayers to be considered, and it's time that we protect the species that are endangered. This is a balanced piece of legislation, not just talking about my aspect of it, but the bill itself. So I hope that my colleagues will support this legislation in a bipartisan way, and let's send this bill to the Senate.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

Without a doubt, proponents of H.R. 2578 and, in particular, title XIV, the border bill portion, claim this legislation will end the horrors of the border, that it will secure the border and, finally, Arizona and the rest of the Nation will be ready to sit down, conduct real work, and reach comprehensive immigration reform.

The horrors they will describe—the rape tree, the murders, the abuse of people—some are quite real. The violence is conducted by criminal organizations that prey on desperate and poor people, fueled by a drug trade that produces billions upon billions of dollars for these very criminals that create the violence.

In the last decade, over 4,000 souls have died trying to cross through the most desolate parts of the Arizona desert. And this human tragedy should not be the excuse to undo environmental and public protection laws, which the majority has been attacking on all fronts since the beginning of this Congress. This is a dangerous precedent, that in order to secure the border we must lose those protections. It's an absurd connection, and there is no correlation.

It is interesting that in the list of laws to be waived, if we are truly to make a dent in that violence, we find no mention of suspending the unregulated gun shows that happen in border regions. Eighty-five percent of the assault rifles used by cartels and organized crime syndicates along the border and in Mexico originate in the United States from these gun shows. It is interesting that there is no mention of suspending Federal support for U.S. financial interests that harbor and launder money from Mexican crime syndicates here in the United States.

The environmental laws and protections being eliminated under title XIV

will not bring long-term solutions to our beleaguered southern border. These laws are not the reasons for the stress. The reason for the stress is the unwillingness of this Congress to deal with immigration reform and the broken immigration system. Enforcement is part of the solution; it is not the only part of the solution.

□ 1530

The stress is caused by politicians who either exploit the issue for their own gain or run away from the issue because of their own fear of it. To begin to deal with this issue, we need the resolve to work toward comprehensive immigration reform. But all the majority wants to do is scapegoat its lack of resolve to deal with this real issue in order to advance an agenda to hijack the laws that have served our public lands and our citizens well for decades.

This is a terrible precedent. It's backdoor amnesty for polluters, developers, and mining industries. And those extremists want all these protections and environmental laws eliminated. The border is the excuse; the target is the environment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 2 minutes to the gentleman from California (Mr. HERGER), who is the author of title VIII of this bill.

Mr. HERGER. Thank you, Mr. Chairman.

I rise in support of H.R. 2578, the Conservation and Economic Growth Act, which would extend the bipartisan Herger-Feinstein Quincy Library Group Recovery Act for 7 more years, ensuring that the Forest Service has a stable and consistent period to fully implement it. At the discretion of the Forest Service, the bill would also allow for its expansion to all National Forest system lands within parts of California and Nevada. The expansion of the pilot project will enable the Forest Service to use the effective QLQ approach in additional forest communities.

The northern California congressional district I represent includes all or parts of seven national forests. The rural forest communities near to them have been devastated by years of mismanagement of our national forests. Nearly 20 years ago, a group of local environmentalists and citizens formed the Quincy Library Group to develop a collaborative and locally driven solution to bring health and stability to our communities and the forests they live in. The QLQ's efforts brought about the bipartisan Herger-Feinstein Quincy Library Group Forest Recovery Act.

Mr. Chairman, we need commonsense forest management that allows communities to utilize their natural resources and create jobs while also restoring the health of our forests. The

Quincy Library Group pilot project can provide a model for achieving these critical goals.

In 2007, the 64,000-acre Moonlight fire occurred in the Plumas National Forest. That fire came to an abrupt halt when it reached Antelope, a QLG-constructed defensible fuel profile zone. It saved tens of thousands of spotted owl habitat from burning.

Mr. Chairman, this is the solution to our catastrophic wildfire problem that can and should be replicated. I urge my colleagues to extend and expand this balanced and collaborative project.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, may I inquire of my friend from Arizona, we have no more requests for time, and I'm prepared to close, if the gentleman is prepared to close.

Mr. GRIJALVA. Yes, we are.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield myself the remainder of my time.

This package of 14 bills is an unwarranted combination of individual bills that would do serious and lasting damage to communities and people across this country. Many of the individual pieces are controversial, but they are overshadowed by title XIV, the drone zone title.

The drone zone created by this bill would trample the environment and the personal freedoms of millions of people living within 100 miles of the border. At a time when the clock is ticking on the reauthorization of the highway trust fund, where real jobs can be created, we are wasting time on this misguided package. At a time when the clock is ticking on making college loans remain affordable, we are wasting time on this package. We should reject H.R. 2578 and get down to the serious work, which is to create jobs and help middle class families make ends meet.

Mr. DEFazio and Ranking Member MARKEY and I will be offering amendments to address the absolute worst aspects of this package. I urge my colleagues to support the amendments. Unfortunately, even those amendments cannot fix all that is wrong with this package, and I ask my colleagues to reject H.R. 2578. There is a point in which common sense and sanity should prevail in this House. We have a piece of legislation that begs the question on both before us, and I would urge its defeat.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, can I inquire as to how much time I have remaining.

The CHAIR. The gentleman from Washington has 8 minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, let's go back to the basic issue, really, that's facing this

country—and I alluded to it in my opening statement. What Americans really want is jobs. And while this package of bills is in line with that, what it really does is add some certainty to those that live in and around Federal lands. Therefore, allowing for at least some certainty as it relates to jobs, but probably as important, if not more important, is access to our public lands for those that want to utilize our public lands.

There's been much discussion here about how this bill does some damage to the environment. Well, let me just touch on a couple of issues that were mentioned on the other side and I think it needs to be clarified, at least here, before this debate is over.

First, the reference was made to sea lions that were guilty of one thing, and that was eating only fish. Well, I happen to be the author of the title of that bill. Let me clarify. There's a rest-of-the-story here. We had a hearing in the full committee of the Natural Resources Committee today on the Endangered Species Act. I think, frankly, it hasn't been reauthorized for 25 years, and I think we need to update that act to make sure that we recover species. And my colleagues on the other side of the aisle said it's a great act. That's good. We at least have some establishment of commonality.

The reason that provision is in the bill regarding sea lions is that salmon are listed as threatened on the Columbia River. And as they move upstream after coming back from the ocean, they get crowded going up Bonneville Dam. Now, there's a nonindigenous animal called the California sea lion that comes up there and feasts on these fish as they're going through the Bonneville Dam. So it's destroying an endangered species. The California sea lion is not listed as endangered, and they're not indigenous.

So that part of the legislation simply allows for lethal taking of those sea lions so the fish can pass upstream and spawn. Nothing more than that. It's a cute way, to borrow a phrase, to say that they're guilty of only eating fish. But there's more to that story.

This legislation also encourages the development of renewable hydropower. What could be cleaner than that? It promotes healthy forest and prevents forest fires, as my colleague from northern California just said in regard to the title of the act he has in there. It restores access to different parks for recreational purposes in the North Cascades and at Cape Hatteras on the Atlantic Coast, and it preserves old growth in Alaska.

So, Mr. Chairman, there is a lot to be liked about this bill, but it seems most of the discussion is around title XIV.

Let me read the title of title XIV one more time. It is the National Security and Federal Lands Protection Act. Now why do we need that? Because, unfortu-

nately, there are those that want to come into our country illegally, and they don't have the same feelings as we do about our public lands. When they come through illegally, in many cases, they trash those lands. We're simply giving the Border Patrol more tools to protect those public lands and to provide for our national security. I don't know why anybody on the floor of this House should be opposed to that aspect. That's all that title XIV does, as was explained very well by the author of that provision, Mr. BISHOP of Utah.

So, Mr. Chairman, this bill is worth supporting. It has been developed in a bipartisan method. It has been developed in a transparent method, having gone through the committee process.

I urge adoption, and I yield back the balance of my time.

Ms. CHU. Mr. Chair, I rise today in strong opposition to the so-called Conservation and Economic Growth Act, H.R. 2578. On behalf of my constituents and millions of other Americans who believe in protecting our public lands and natural resources, I am opposed to this bill.

This bill is yet another in a long string of anti-environmental assaults that the Republican majority has put forth relentlessly throughout the last two years. Most of its 14 titles do nothing to promote conservation or economic growth. Rather, they advance ineffective and unnecessary policies that undermine long-standing, successful laws like the National Wild and Scenic Rivers Act, the Endangered Species Act, the Wilderness Act, the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, and the American Indian Religious Freedom Act.

One of the most concerning provisions of this bill seeks to create a 100-mile zone along the northern and southern U.S. borders that would allow U.S. Customs and Border Protection to circumvent laws protecting Native rights, clean water, clean air, wildlife habitat and recreational opportunities in areas rich in hunting, fishing and outdoor recreation opportunities in National Parks, Forests, refuges and recreation areas. This undermines the balance between security and preservation of public lands, putting at risk some of America's most renowned natural treasures such as Joshua Tree National Park in my home state of California. And the Department of Homeland Security doesn't even want it, calling this provision "unnecessary and bad policy."

Another provision would reverse, for the first time in Congressional history, the National Wild and Scenic River designation for part of the Lower Merced River in California. The Merced River was given this designation in 1992, under the administration of George H.W. Bush, and Wild and Scenic River protections have successfully preserved miles of pristine U.S. waters, enjoyed by a vast outdoor tourism, sporting and recreation industry. The Merced River runs through Yosemite Valley, one of America's most popular natural wonders, and is a tributary to the San Joaquin River that provides most of the water supply for California's agricultural industry. This provision would remove vital protections for one of

California's most important water life-lines in a never-before-seen manner, and undermine valuable economic activity among some of the most hard-hit California communities.

The bill would allow the clear-cutting of America's largest remaining old-growth temperate rainforest in the Tsongas National Forest of Alaska; reverse the prohibition of vehicle use on the fragile habitats of Cape Hatteras National Seashore; and mandate the killing of sea lions in the Pacific Northwest in order to protect endangered fish species. . . . This is the Republicans' conservation and jobs bill: killing sea lions and destroying landscapes and habitat across the nation.

As a leading member on the House Small Business Committee and a firm defender of environmental protection, I believe striking the right balance of policy has always been key to our economic growth and our strength as a nation. H.R. 2578 does not accomplish that goal. In fact it does much to undermine it. H.R. 2578 is wrong for America.

I strongly encourage my colleagues to oppose this bill, and any measure introduced that undermines the conservation of America's treasured public lands and natural resources.

Mr. QUIGLEY. Mr. Chair, Americans have a penchant for believing that more is always better.

That unfettered and unabridged access will solve problems.

H.R. 2578, the Conservation and Economic Growth Act, purports to create jobs by violating or eliminating over 35 laws that currently govern our land, air, water, and importantly, our Nation's borders.

The idea follows that in giving the Department of Homeland Security free rein to traverse the roughshod lands around our borders, we'll be safer.

But, the Department of Homeland Security didn't ask for this access, nor do they believe it's warranted.

Homeland Security Secretary Janet Napolitano told a Senate subcommittee in March that unrestricted authority over public lands was unnecessary for the Border Patrol to do its job and was "bad policy."

And, we're not just talking the lands on the collar of America's borders.

No, this bill would disrupt your vacation in Cape Hatteras by lifting necessary current restrictions regarding the use of off-road vehicles.

The bill would allow corporations to dip right into Alaska's Tongass National Forest, allowing for trees that started growing before the Revolutionary War to be felled.

And, if someone decided that development of surveillance equipment in a national park was a good idea—say on Chief Mountain in Glacier National Park—it could be installed without any public comment or even internal review process.

This last point was made by two farmers and ranchers from the Mexico and Canadian borders, with more than a century of land-use between the two.

These folks who work the land, who have toiled to create and produce what the land will provide to them and their families for years, those who know it best—oppose this bill.

"In Arizona," the gentlemen write, "we are concerned that poorly designed roads and

fences will damage ongoing range land restoration work.

Private landowners have spent thousands of dollars and manpower hours restoring these lands to their original state, which could all be compromised by these bills."

Another veteran publicly denounced the bill in an op-ed, stating, "As a veteran, a patriot of this nation and a Californian, I can't stand by while these lands are threatened. I'm proud to have worn this country's uniform and I want to continue serving. That's why I've chosen to follow in the path of the great Teddy Roosevelt—a man who was both a soldier and a conservationist—and stand up for our public lands."

That's right.

A veteran, a rancher, a farmer, the Secretary of Homeland Security, are NOT extolling the virtues of a true wild, wild west.

The stewards of the land know that in order for crops to flourish;

In order to protect the Sweet Grass Hills, in Montana, a sacred location for many tribal ceremonies—and a vital source of water for surrounding communities that it is protected from mining and most motorized travel;

In order to preserve the incredible natural beauty and uniqueness that makes this land great;

We must protect it.

Over 100 years ago, Teddy Roosevelt addressed a crowd in Kansas, a state that knows its lands.

"I recognize the right and duty of this generation to develop and use the natural resources of our land," he said, "but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us . . ."

"Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war—

There is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.

I fear we miss the mark on today's legislation, and I urge my colleagues to join me in my opposition.

Mr. VAN HOLLEN. Mr. Chair, today's Conservation and Economic Growth Act is an amalgam of 14 separate public lands bills that have little to do with conservation or economic growth.

Indeed, while a few of the provisions—like Rep. WITTMAN's proposal to create an inter-agency cross-cut budget for Chesapeake Bay restoration efforts—have merit, many more run directly counter to sound natural resource management.

For example, under the guise of border control, Title 14 of today's bill would create a 100 mile zone along our borders with Canada and Mexico where over thirty of environmental laws—including the Clean Air Act, the Safe Drinking Water Act and the National Environmental Protection Act—would not apply. There is no evidence that any of these laws are hindering border enforcement, and the Department of Homeland Security is firmly opposed to this measure. Title 11 of this legislation would similarly undermine the National Environmental Protection Act while providing a windfall to those who graze livestock on fed-

eral lands by doubling the current term limits for grazing permits. And Title 3 of H.R. 2578 is essentially an earmark for a single corporation in the state of Alaska, which threatens both the local economy as well as the largest tracts of remaining old growth forest in the United States.

Mr. Chair, I support environmental conservation and meaningful steps to accelerate economic growth—which is why I will be opposing today's legislation.

Mr. CARDOZA. Mr. Chair, I rise today to offer my reserved support for the legislation before us today.

This bill, like so many others that we vote on, is far from perfect. I have reservations about the continued expansion of Administrative authority to waive laws that we enact here in Congress and I have reservations about continuing to expose some of the most wild and pristine areas of our country to development. However, I will support this bill because of its positive impacts for the people I was sent here to represent.

As many of you are aware, water is the lifeblood of the San Joaquin Valley, the most productive agricultural region in the world. Since I entered Congress, I have made it a priority to increase water supply reliability for both the San Joaquin Valley and the Sacramento-San Joaquin Bay Delta. Title I of this bill helps to achieve that purpose.

It achieves this purpose in a very simple way, by allowing for the consideration of a 10-foot increase in the spillway of an existing dam. This raise in the spillway will allow for critical year water supply increases of 15,000 acre-feet and will generate an additional 10,000 Mega-Watt Hours per year of clean, renewable energy, all at no cost to the taxpayer. And importantly, the project still has to meet environmental standards. This is a common sense approach to solve a problem incrementally, and one that I liked so much that I carried the bill in previous Congresses.

I'd like to thank you for the opportunity to speak in support of this legislation.

Mr. BARBER. Mr. Chair, I rise today to raise concerns about H.R. 2578. I support the goal of the provision (H.R. 1505) which will strengthen our efforts to secure the border, but I believe it was overreaching.

I have long believed that securing our border is of paramount importance to the safety of the people who live and work along the border, but I do not believe that this end needs to be achieved at the expense of maintaining a strong commitment to our environment and the regulations that ensure its protection. I would have preferred that we consider a standalone bill which specifically responded to the expressed needs of the Department of Homeland Security regarding access to public lands.

I do not support those provisions of H.R. 2578 which seek to privatize public land and significantly reduce the scope of existing laws which protect those lands.

I am against the rule specifically because I believe that amendments should have been heard to improve this bill.

Ms. BALDWIN. Mr. Chair, I rise in opposition to the Conservation and Economic Growth Act, H.R. 2578, a measure that will not create jobs in our country, but instead poke gaping holes in the Clean Air and Clean Water Act.

I support pieces of this legislation, including the Target Practice and Marksmanship Training Support Act, H.R. 3065. This bill, introduced by Representative HEATH SHULER, would facilitate the construction and expansion of target shooting ranges by increasing the federal share of funding that can be used for such purposes. Had this provision come up for a vote on its own, I would have strongly supported this pro-sportsman legislation.

Unfortunately, this lands package incorporates 13 other bills including several poison pills meant to score political points, not address real issues. This bill includes sections that would wave dozens of federal statutes, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and the Farmland Protection Policy Act. I will not support legislation that severely weakens the laws that protect the public health of Americans.

Instead of tackling the significant challenges facing our country, House Republicans created a partisan patchwork of legislation that does not create jobs. With the highway bill extension and student loan interest rates set to expire on June 30, and with millions of jobs and students in limbo, I believe Congress should work on bipartisan legislation that strengthens American infrastructure, keeps college affordable, and puts Americans back to work.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-25. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Conservation and Economic Growth Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*

TITLE I—LOWER MERCED RIVER

- Sec. 101. Lower Merced River.*

TITLE II—BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

- Sec. 201. Short title.*
- Sec. 202. Diamond Fork System defined.*
- Sec. 203. Cost allocations.*
- Sec. 204. No purchase or market obligation; no costs assigned to power.*
- Sec. 205. Prohibition on tax-exempt financing.*
- Sec. 206. Reporting requirement.*
- Sec. 207. PayGo.*
- Sec. 208. Limitation on the use of funds.*

TITLE III—SOUTHEAST ALASKA NATIVE LAND ENTITLEMENT FINALIZATION AND JOBS PROTECTION ACT

- Sec. 301. Short title.*
- Sec. 302. Definitions.*
- Sec. 303. Findings; purpose.*
- Sec. 304. Selections in southeast Alaska.*

- Sec. 305. Conveyances to Sealaska.*

- Sec. 306. Miscellaneous.*

- Sec. 307. Maps.*

TITLE IV—SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT

- Sec. 401. Short title.*
- Sec. 402. Findings.*
- Sec. 403. Boundary expansion.*

TITLE V—WACO MAMMOTH NATIONAL MONUMENT ESTABLISHMENT ACT OF 2012

- Sec. 501. Short title.*
- Sec. 502. Findings.*
- Sec. 503. Definitions.*
- Sec. 504. Waco Mammoth National Monument, Texas.*
- Sec. 505. Administration of monument.*
- Sec. 506. No buffer zones.*

TITLE VI—NORTH CASCADES NATIONAL PARK ACCESS

- Sec. 601. Findings.*
- Sec. 602. Authorization for boundary adjustments.*

TITLE VII—ENDANGERED SALMON AND FISHERIES PREDATION PREVENTION ACT

- Sec. 701. Short title.*
- Sec. 702. Findings.*
- Sec. 703. Taking of sea lions on the Columbia River and its tributaries to protect endangered and threatened species of salmon and other nonlisted fish species.*
- Sec. 704. Sense of Congress.*
- Sec. 705. Treaty rights of federally recognized Indian tribes.*

TITLE VIII—REAUTHORIZATION OF HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST RECOVERY ACT

- Sec. 801. Reauthorization of Herger-Feinstein Quincy Library Group Forest Recovery Act.*

TITLE IX—YERINGTON LAND CONVEYANCE AND SUSTAINABLE DEVELOPMENT ACT

- Sec. 901. Short title.*
- Sec. 902. Findings.*
- Sec. 903. Definitions.*
- Sec. 904. Conveyances of land to City of Yerington, Nevada.*
- Sec. 905. Release of the United States.*

TITLE X—PRESERVING ACCESS TO CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT

- Sec. 1001. Short title.*
- Sec. 1002. Reinstatement of Interim Management Strategy.*
- Sec. 1003. Additional restrictions on access to Cape Hatteras National Seashore Recreational Area for species protection.*
- Sec. 1004. Inapplicability of final rule and consent degree.*

TITLE XI—GRAZING IMPROVEMENT ACT OF 2012

- Sec. 1101. Short title.*
- Sec. 1102. Terms of grazing permits and leases.*
- Sec. 1103. Renewal, transfer, and reissuance of grazing permits and leases.*

TITLE XII—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

- Sec. 1201. Short title.*
- Sec. 1202. Findings; purpose.*
- Sec. 1203. Definition of public target range.*
- Sec. 1204. Amendments to Pittman-Robertson Wildlife Restoration Act.*
- Sec. 1205. Limits on liability.*
- Sec. 1206. Sense of Congress regarding cooperation.*

TITLE XIII—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT OF 2012

- Sec. 1301. Short title.*

- Sec. 1302. Chesapeake Bay Crosscut Budget.*
- Sec. 1303. Adaptive Management Plan.*
- Sec. 1304. Independent Evaluator for the Chesapeake Bay Program.*
- Sec. 1305. Definitions.*

TITLE XIV—NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

- Sec. 1401. Short title.*
- Sec. 1402. Prohibition on impeding certain activities of U.S. Customs and Border Protection related to border security.*
- Sec. 1403. Sunset.*

TITLE I—LOWER MERCED RIVER

SEC. 101. LOWER MERCED RIVER.

(a) WILD AND SCENIC RIVERS ACT.—Section 3(a)(62)(B)(i) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(62)) is amended—

(1) by striking “the normal maximum” the first place that it appears and all that follows through “April, 1990.” and inserting the following: “the boundary of FERC Project No. 2179 as it existed on July 18, 2011, consisting of a point approximately 2,480 feet downstream of the confluence with the North Fork of the Merced River, consisting of approximately 7.4 miles.”; and

(2) by striking “the normal maximum operating pool water surface level of Lake McClure” the second time that it occurs and inserting “the boundary of FERC Project No. 2179 as it existed on July 18, 2011, consisting of a point approximately 2,480 feet downstream of the confluence with the North Fork of the Merced River”.

(b) EXCHEQUER PROJECT.—Section 3 of Public Law 102-432 is amended by striking “Act:” and all that follows through the period and inserting “Act.”.

TITLE II—BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Bonneville Unit Clean Hydropower Facilitation Act”.

SEC. 202. DIAMOND FORK SYSTEM DEFINED.

For the purposes of this title, the term “Diamond Fork System” means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

SEC. 203. COST ALLOCATIONS.

Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development upstream of the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102-575), and shall be subject to the same terms and conditions.

SEC. 204. NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.

Nothing in this title shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

SEC. 205. PROHIBITION ON TAX-EXEMPT FINANCING.

No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

SEC. 206. REPORTING REQUIREMENT.

If, 24 months after the date of the enactment of this title, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

SEC. 207. PAYGO.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this title, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 208. LIMITATION ON THE USE OF FUNDS.

The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98-381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this title.

TITLE III—SOUTHEAST ALASKA NATIVE LAND ENTITLEMENT FINALIZATION AND JOBS PROTECTION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act".

SEC. 302. DEFINITIONS.

In this title:

(1) **CONSERVATION SYSTEM UNIT.**—The term "conservation system unit" has the meaning given the term in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102).

(2) **SEALASKA.**—The term "Sealaska" means the Sealaska Corporation, a Regional Native Corporation created under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 303. FINDINGS; PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1)(A) in 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to recognize and settle the aboriginal claims of Alaska Natives to land historically used by Alaska Natives for traditional, cultural, and spiritual purposes; and

(B) that Act declared that the land settlement "should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives";

(2) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) authorized the distribution of approximately \$1,000,000,000 and 44,000,000 acres of land to Alaska Natives; and

(B) provided for the establishment of Native Corporations to receive and manage the funds and that land to meet the cultural, social, and economic needs of Native shareholders;

(3) under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), each Regional Corporation, other than Sealaska (the Regional Corporation for southeast Alaska), was authorized to receive a share of land based on the proportion that the number of Alaska Native shareholders residing in the region of the Regional Corporation bore to the total number of Alaska Native shareholders, or the relative size of the area to which the Regional Corporation had an aboriginal land claim bore to the

size of the area to which all Regional Corporations had aboriginal land claims;

(4)(A) Sealaska, the Regional Corporation for southeast Alaska, 1 of the Regional Corporations with the largest number of Alaska Native shareholders, with more than 21 percent of all original Alaska Native shareholders, received less than 1 percent of the lands set aside for Alaska Natives, and received no land under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611);

(B) the Tlingit and Haida Indian Tribes of Alaska was 1 of the entities representing the Alaska Natives of southeast Alaska before the date of enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(C) Sealaska did not receive land in proportion to the number of Alaska Native shareholders, or in proportion to the size of the area to which Sealaska had an aboriginal land claim, in part because of a United States Court of Claims cash settlement to the Tlingit and Haida Indian Tribes of Alaska in 1968 for land previously taken to create the Tongass National Forest and Glacier Bay National Monument;

(5) the 1968 Court of Claims cash settlement of \$7,500,000 did not—

(A) adequately compensate the Alaska Natives of southeast Alaska for the significant quantity of land and resources lost as a result of the creation of the Tongass National Forest and Glacier Bay National Monument or other losses of land and resources; or

(B) justify the significant disparate treatment of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in 1971;

(6)(A) while each other Regional Corporation received a significant quantity of land under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), Sealaska only received land under section 14(h) of that Act (43 U.S.C. 1613(h));

(B) section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) authorized the Secretary to withdraw and convey 2,000,000-acres of "unreserved and unappropriated" public lands in Alaska from which Alaska Native selections could be made for historic sites, cemetery sites, Urban Corporation land, Native group land, and Native Allotments;

(C) under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), after selections are made under paragraphs (1) through (7) of that section, the land remaining in the 2,000,000-acre land pool is allocated based on the proportion that the original Alaska Native shareholder population of a Regional Corporation bore to the original Alaska Native shareholder population of all Regional Corporations;

(D) the only Native land entitlement of Sealaska derives from a proportion of leftover land remaining from the 2,000,000-acre land pool, estimated as of the date of enactment of this Act at approximately 1,700,000 acres;

(E) because at the time of enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) all public land in the Tongass National Forest had been reserved for purposes of creating the national forest, the Secretary was not able to withdraw any public land in the Tongass National Forest for selection by and conveyance to Sealaska;

(F) at the time of enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) other public lands in southeast Alaska not located in the Tongass National Forest were not suitable for selection by and conveyance to Sealaska because such lands were located in Glacier Bay National Monument, were included in a withdrawal effected pursuant to section 17(d)(2) of that Act (43 U.S.C. 1616(d)(2)) and slated to become part of the Wrangell-St. Elias National Park, or essentially consisted of mountain tops;

(G) Sealaska in 1975 requested that Congress amend the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to permit the Regional Corporation to select lands inside of the withdrawal areas established for southeast Alaska Native villages under section 16 of that Act (43 U.S.C. 1615); and

(H) in 1976, Congress amended section 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1615) to allow Sealaska to select lands under section 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)) from land located inside, rather than outside, the withdrawal areas established for southeast Alaska Native villages;

(7) the 10 Alaska Native village withdrawal areas in southeast Alaska surround the Alaska Native communities of Yakutat, Hoonah, Angoon, Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan, and Sarman;

(8)(A) the existing conveyance requirements of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for southeast Alaska limit the land eligible for conveyance to Sealaska to the original withdrawal areas surrounding 10 Alaska Native villages in southeast Alaska, which precludes Sealaska from selecting land located—

(i) in any withdrawal area established for the Urban Corporations for Sitka and Juneau, Alaska; or

(ii) outside the 10 Alaska Native village withdrawal areas; and

(B) unlike other Regional Corporations, Sealaska is not authorized to request land located outside the withdrawal areas described in subparagraph (A) if the withdrawal areas are insufficient to complete the land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(9)(A) the deadline for applications for selection of cemetery sites and historic places on land outside withdrawal areas established under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) was July 1, 1976;

(B)(i) as of that date, the Bureau of Land Management notified Sealaska that the total entitlement of Sealaska would be approximately 200,000 acres; and

(ii) Sealaska made entitlement allocation decisions for cultural sites and economic development sites based on that original estimate; and

(C) as a result of the Alaska Land Transfer Acceleration Act (Public Law 108-452; 118 Stat. 3575) and subsequent related determinations and actions of the Bureau of Land Management, it became clear within the last decade that Sealaska will receive significantly more than 200,000 acres pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(10) in light of the revised Bureau of Land Management estimate of the total number of acres that Sealaska will receive pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and in consultation with Members of Alaska's congressional delegation, Sealaska and its shareholders believe that it is appropriate to allocate more of the entitlement of Sealaska to—

(A) the acquisition of places of sacred, cultural, traditional, and historical significance;

(B) the acquisition of sites with traditional and recreational use value and sites suitable for renewable energy development; and

(C) the acquisition of lands that are not within the watersheds of Native and non-Native communities and are suitable economically and environmentally for natural resource development;

(11)(A) pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(1)), Sealaska was not authorized to select under section 14(h)(1) of that Act (43 U.S.C. 1613(h)(1)) any site within Glacier Bay National Park, despite the abundance of cultural sites within that Park;

(B) Sealaska seeks cooperative agreements to ensure that cultural sites within Glacier Bay National Park are subject to cooperative management by Sealaska, Village and Urban Corporations, and federally recognized tribes with ties to the cultural sites and history of the Park; and

(C) Congress recognizes that there is an existing Memorandum of Understanding (MOU) between the Park Service and the Hoonah Indian Association, and does not intend to circumvent the MOU; rather the intent is to ensure that this and similar mechanisms for cooperative management in Glacier Bay are required by law;

(12)(A) the cemetery sites and historic places conveyed to Sealaska pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) are subject to a restrictive covenant not required by the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that hinders the ability of Sealaska to use the sites for cultural, educational, or research purposes for Alaska Natives and others;

(B) historic sites managed by the Forest Service are not subject to the limitations referred to in subparagraph (A); and

(C) Alaska Natives of southeast Alaska should be permitted to use cemetery sites and historic places in a manner that is—

(i) consistent with the sacred, cultural, traditional, or historic nature of the site; and

(ii) not inconsistent with the management plans for adjacent public land;

(13) 44 percent (820,000 acres) of the 10 Alaska Native village withdrawal areas established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) described in paragraphs (7) and (8) are composed of salt water and not available for selection;

(14) of land subject to the selection rights of Sealaska, 110,000 acres are encumbered by gubernatorial consent requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(15) in each withdrawal area, there exist factors that limit the ability of Sealaska to select sufficient land, and, in particular, economically viable land, to fulfill the land entitlement of Sealaska, including factors such as—

(A) with respect to the Yakutat withdrawal area—

(i) 46 percent of the area is salt water;

(ii) 10 sections (6,400 acres) around the Situk Lake were restricted from selection, with no consideration provided for the restriction; and

(iii)(I) 70,000 acres are subject to a gubernatorial consent requirement before selection; and

(II) Sealaska received no consideration with respect to the consent restriction;

(B) with respect to the Hoonah withdrawal area, 51 percent of the area is salt water;

(C) with respect to the Angoon withdrawal area—

(i) 120,000 acres of the area is salt water;

(ii) Sealaska received no consideration regarding the prohibition on selecting land from the 80,000 acres located within the Admiralty Island National Monument; and

(iii)(I) the Village Corporation for Angoon was allowed to select land located outside the withdrawal area on Prince of Wales Island, subject to the condition that the Village Corporation shall not select land located on Admiralty Island; but

(II) no alternative land adjacent to the out-of-withdrawal land of the Village Corporation was made available for selection by Sealaska;

(D) with respect to the Kake withdrawal area—

(i) 64 percent of the area is salt water; and

(ii) extensive timber harvesting by the Forest Service occurred in the area before 1971 that significantly reduced the value of land available for selection by, and conveyance to, Sealaska;

(E) with respect to the Kasaan withdrawal area—

(i) 54 percent of the area is salt water; and

(ii) the Forest Service previously harvested in the area;

(F) with respect to the Klawock withdrawal area—

(i) the area consists of only 5 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Klawock withdrawal area to the Village of Craig, which reduces the selection area by 92,160 acres; and

(ii) the Klawock and Craig withdrawal areas are 35 percent salt water;

(G) with respect to the Craig withdrawal area, the withdrawal area consists of only 6 townships, as compared to the usual withdrawal area of 9 townships, because of the proximity of the Craig withdrawal area to the Village of Klawock, which reduces the selection area by 69,120 acres;

(H) with respect to the Hydaburg withdrawal area—

(i) 36 percent of the area is salt water; and

(ii) Sealaska received no consideration under the Haida Land Exchange Act of 1986 (Public Law No. 99-664; 100 Stat. 4303) for relinquishing selection rights to land within the withdrawal area that the Haida Corporation exchanged to the Forest Service;

(I) with respect to the Klukwan withdrawal area—

(i) 27 percent of the area is salt water; and

(ii) the withdrawal area is only 70,000 acres, as compared to the usual withdrawal area of 207,360 acres, which reduces the selection area by 137,360 acres; and

(J) with respect to the Sazman withdrawal area—

(i) 29 percent of the area is salt water;

(ii) Sealaska received no consideration for the 50,576 acres within the withdrawal area adjacent to the first-class city of Ketchikan that were excluded from selection;

(iii) Sealaska received no consideration with respect to the 1977 amendment to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) requiring gubernatorial consent for selection of 58,000 acres in that area; and

(iv) 23,888 acres are located within the Annette Island Indian Reservation for the Metlakatla Indian Tribe and are not available for selection;

(16) the selection limitations and guidelines applicable to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)—

(A) are inequitable and inconsistent with the purposes of that Act because there is insufficient land remaining in the withdrawal areas to meet the traditional, cultural, and socioeconomic needs of the shareholders of Sealaska; and

(B) make it difficult for Sealaska to select—

(i) places of sacred, cultural, traditional, and historical significance;

(ii) sites with traditional and recreation use value and sites suitable for renewable energy development; and

(iii) lands that meet the real economic needs of the shareholders of Sealaska;

(17) unless Sealaska is allowed to select land outside designated withdrawal areas in southeast Alaska, Sealaska will not be able to—

(A) complete the land entitlement selections of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) in a manner that meets the cultural, social, and economic needs of Native shareholders;

(B) avoid land selections in watersheds that are the exclusive drinking water supply for regional communities, support world class salmon streams, have been identified as important habitat, or would otherwise be managed by the For-

est Service as roadless and old growth forest reserves;

(C) secure ownership of places of sacred, cultural, traditional, and historical importance to the Alaska Natives of southeast Alaska; and

(D) continue to support forestry jobs and economic opportunities for Alaska Natives and other residents of rural southeast Alaska;

(18)(A) the rate of unemployment in southeast Alaska exceeds the statewide rate of unemployment on a non-seasonally adjusted basis;

(B) in January 2011, the Alaska Department of Labor and Workforce Development reported the unemployment rate for the Prince of Wales—Outer Ketchikan census area at approximately 16.2 percent;

(C) in October 2007, the Alaska Department of Labor and Workforce Development projected population losses between 1996 and 2030 for the Prince of Wales—Outer Ketchikan census area at 56.6 percent;

(D) official unemployment rates severely underreport the actual level of regional unemployment, particularly in Native villages; and

(E) additional job losses will exacerbate out-migration from Native and non-Native communities in southeast Alaska;

(19) Sealaska has played, and is expected to continue to play, a significant role in the health of the southeast Alaska economy;

(20) despite the small land base of Sealaska as compared to other Regional Corporations (less than 1 percent of the total quantity of land allocated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), Sealaska has—

(A) provided considerable benefits to Alaska Native shareholders;

(B) supported hundreds of jobs for Alaska Native shareholders and non-shareholders in southeast Alaska for more than 30 years; and

(C) been a significant economic force in southeast Alaska;

(21) pursuant to the revenue sharing provisions of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), Sealaska has distributed more than \$300,000,000 during the period beginning on January 1, 1971, and ending on December 31, 2005, to Native Corporations throughout the State of Alaska from the development of natural resources, which accounts for 42 percent of the total revenues shared under that section during that period;

(22) resource development operations maintained by Sealaska—

(A) support hundreds of jobs in the southeast Alaska region;

(B) make timber available to local and domestic sawmills and other wood products businesses such as guitar manufacturers;

(C) support firewood programs for local communities;

(D) support maintenance of roads utilized by local communities for subsistence and recreation uses;

(E) support development of new biomass energy opportunities in southeast Alaska, reducing dependence on high-cost diesel fuel for the generation of energy;

(F) provide start-up capital for innovative business models in southeast Alaska that create new opportunities for non-timber economic development in the region, including support for renewable biomass initiatives, Alaska Native artisans, and rural mariculture farming; and

(G) support Native education and cultural and language preservation activities;

(23) if the resource development operations of Sealaska cease on land appropriate for those operations, there will be a significant negative impact on—

(A) southeast Alaska Native shareholders;

(B) the cultural preservation activities of Sealaska;

(C) the economy of southeast Alaska; and
(D) the Alaska Native community that benefits from the revenue-sharing requirements under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(24) it is critical that the remaining land entitlement conveyances to Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) are fulfilled to continue to meet the economic, social, and cultural needs of the Alaska Native shareholders of southeast Alaska and the Alaska Native community throughout Alaska;

(25) in order to realize cultural preservation goals while also diversifying economic opportunities, Sealaska should be authorized to select and receive conveyance of—

(A) sacred, cultural, traditional, and historic sites and other places of traditional cultural significance, including traditional and customary trade and migration routes, to facilitate the perpetuation and preservation of Alaska Native culture and history;

(B) other sites with traditional and recreation use value and sites suitable for renewable energy development to facilitate appropriate tourism and outdoor recreation enterprises and renewable energy development for rural southeast Alaska communities; and

(C) lands that are suitable economically and environmentally for natural resource development;

(26) on completion of the conveyances of land of Sealaska to fulfill the full land entitlement of Sealaska under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the encumbrances on 327,000 acres of Federal land created by the withdrawal of land for selection by Native Corporations in southeast Alaska should be removed, which will facilitate thorough and complete planning and efficient management relating to national forest land in southeast Alaska by the Forest Service;

(27) although the Tribal Forest Protection Act (25 U.S.C. 3101 note; Public Law 108–278) defines the term “Indian tribe” to include Indian tribes under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), a term which includes “any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act . . .”, the Tribal Forest Protection Act does not define the term “Indian forest land or rangeland” to include lands owned by Alaska Native Corporations, including Sealaska, which are the primary Indian forest land owners in Alaska, and therefore, the Tribal Forest Protection Act should be amended in a manner that will—

(A) permit Native Corporations, including Sealaska, as Indian forest land owners in Alaska, to work with the Secretary of Agriculture under the Tribal Forest Protection Act to address forest fire and insect infestation issues, including the spread of the spruce bark beetle in southeast and southcentral Alaska, which threaten the health of the Native forestlands; and

(B) ensure that Native Corporations, including Sealaska, can participate in programs administered by the Secretary of Agriculture under the Tribal Forest Protection Act without including Native Corporations under the definition in that Act of “Indian forest land or rangeland” or otherwise amending that Act in a manner that validates, invalidates, or otherwise affects any claim regarding the existence of Indian country in the State of Alaska; and

(28) the National Historic Preservation Act (16 U.S.C. 470 et seq.) defines the term “Indian tribe” to include any “Native village, Regional Corporation or Village Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act” but does not define

the term “Tribal lands” to include lands owned by Alaska Native Corporations, thereby excluding from the National Historic Preservation Act cemetery sites and historical places transferred to Native Corporations, including Sealaska, pursuant to the Alaska Native Claims Settlement Act, and therefore, the National Historic Preservation Act should be amended in a manner that will—

(A) permit Native Corporations, including Sealaska, as owners of Indian cemetery sites and historical places in Alaska, to work with the Secretary of the Interior under the National Historic Preservation Act to secure grants and other support to manage their own historic sites and programs pursuant to that Act; and

(B) ensure that Native Corporations, including Sealaska, can participate in programs administered by the Secretary of the Interior under the National Historic Preservation Act without including Native Corporations under the definition in that Act of “Tribal lands” or otherwise amending that Act in a manner that validates, invalidates, or otherwise affects any claim regarding the existence of Indian country in the State of Alaska.

(b) **PURPOSE.**—The purpose of this title is to address the inequitable treatment of Sealaska by allowing Sealaska to select the remaining land entitlement of Sealaska under section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613) from designated Federal land in southeast Alaska located outside the 10 southeast Alaska Native village withdrawal areas in a manner that meets the cultural, social, and economic needs of Native shareholders, including the need to maintain jobs supported by Sealaska in rural southeast Alaska communities.

SEC. 304. SELECTIONS IN SOUTHEAST ALASKA.

(a) **SELECTION BY SEALASKA.**—

(1) **IN GENERAL.**—Notwithstanding section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast Alaska from each category described in subsections (b) and (c).

(2) **TREATMENT OF LAND CONVEYED.**—Land conveyed pursuant to this title are to be treated as land conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) subject to, but not limited to—

(A) reservation of public easements across land pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(B) valid existing rights pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); and

(C) the land bank protections of section 907(d) of the Alaska National Interest and Lands Conservation Act (43 U.S.C. 1636(d)).

(b) **WITHDRAWAL OF LAND.**—The following public land is withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85–508), and shall be available for selection by and conveyance to Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)):

(1) Land identified on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”.

(2) Sites with traditional, recreational, and renewable energy use value, as identified on the map entitled “Sites with Traditional, Recreational, and Renewable Energy Use Value”, dated February 1, 2011, and labeled “Attachment D”, subject to the condition that not more

than 5,000 acres shall be selected for those purposes.

(3) Sites identified on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”, which includes an identification of—

(A) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled “Yakutat to Dry Bay Trade and Migration Route” on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”;

(B) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled “Bay of Pillars to Port Camden Trade and Migration Route” on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”; and

(C) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled “Portage Bay to Duncan Canal Trade and Migration Route” on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”.

(c) **SITES WITH SACRED, CULTURAL, TRADITIONAL, OR HISTORIC SIGNIFICANCE.**—Subject to the criteria and procedures applicable to land selected pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) and set forth in the regulations promulgated at section 2653.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), except as otherwise provided in this title—

(1) Sealaska shall have a right to identify up to 3,600 acres of sites with sacred, cultural, traditional, or historic significance, including archaeological sites, cultural landscapes, and natural features having cultural significance; and

(2) on identification of the land by Sealaska under paragraph (1), the identified land shall be—

(A) withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85–508); and

(B) available for selection by and conveyance to Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) subject to the conditions that—

(i) no sites with sacred, cultural, traditional, or historic significance may be selected from within a unit of the National Park System; and

(ii) beginning on the date that is 15 years after the date of enactment of this Act, Sealaska shall be limited to identifying not more than 360 acres of sites with sacred, cultural, traditional, or historic significance under this subsection.

(d) **FOREST DEVELOPMENT ROADS.**—Sealaska shall receive from the United States, subject to all necessary State and Federal permits, non-exclusive easements to Sealaska to allow—

(1) access on the forest development road and use of the log transfer site identified in paragraphs (3)(b), (3)(c) and (3)(d) of the patent numbered 50–85–0112 and dated January 4, 1985;

(2) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50–92–0203 and dated February 24, 1992;

(3) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50-94-0046 and dated December 17, 1993;

(4) access on the forest development roads and use of the log transfer facilities identified on the maps dated February 1, 2011, and labeled "Attachment A (Maps 1 through 8)";

(5) a reservation of a right to construct a new road to connect to existing forest development roads as generally identified on the maps identified in paragraph (4); and

(6) access to and reservation of a right to construct a new log transfer facility and log storage area at the location identified on the maps identified in paragraph (4).

SEC. 305. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary shall work with Sealaska to develop a mutually agreeable schedule to complete the conveyance of land to Sealaska under this title.

(2) FINAL PRIORITIES.—Consistent with the provisions of section 403 of the Alaska Land Transfer Acceleration Act (43 U.S.C. 1611 note; Public Law 108-452), not later than 18 months after the date of enactment of this Act, Sealaska shall submit to the Secretary the final, irrevocable priorities for selection of land withdrawn under section 304(b)(1).

(3) SUBSTANTIAL COMPLETION REQUIRED.—Not later than two years after the date of selection by Sealaska of land withdrawn under section 304(b)(1), the Secretary shall substantially complete the conveyance of the land to Sealaska under this title.

(4) EFFECT.—Nothing in this title shall interfere with or cause any delay in the duty of the Secretary to convey land to the State of Alaska under section 6 of the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508).

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8))—

(1) the right of Sealaska to receive any land under that Act from within a withdrawal area established under subsections (a) and (d) of section 16 of that Act shall be terminated;

(2) the withdrawal areas set aside for selection by Native Corporations in southeast Alaska under subsections (a) and (d) of section 16 of that Act shall be rescinded; and

(3) land located within a withdrawal area that is not conveyed to Sealaska or to a southeast Alaska Village Corporation or Urban Corporation shall be returned to the unencumbered management of the Forest Service as part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this title any conveyance of land pursuant to paragraphs (1) or (2) of section 304(b) located within any conservation system unit.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—In addition to the reservation of public easements under section 304(a)(2)(A), the conveyance to Sealaska of land withdrawn pursuant to paragraphs (1) and (3) of section 304(b) that are located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the maps dated February 1, 2011, and labeled "Attachment A (Maps 1 through 8)";

(B) a reservation for easements for public access on the temporary roads designated by the

Forest Service as of the date of the enactment of this Act for the public access trails depicted on the maps described in subparagraph (A); and

(C) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access, without liability to Sealaska, subject to—

(i) the right of Sealaska to regulate access to ensure public safety, to protect cultural or scientific resources, and to provide environmental protection; and

(ii) the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use.

(2) SACRED, CULTURAL, TRADITIONAL AND HISTORIC SITES.—The conveyance to Sealaska of land withdrawn pursuant to section 304(c) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the conveyances where no reasonable alternative access around the land is available without liability to Sealaska; and

(B) the right of Sealaska to regulate access across the conveyances to ensure public safety, to protect cultural or scientific resources, to provide environmental protection, or to prohibit activities incompatible with the use and enjoyment of the land by Sealaska, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of any such condition.

(3) TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to Sealaska of land withdrawn pursuant to section 304(b)(3) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to a requirement that Sealaska provide public access across such linear conveyances if an adjacent landowner or the public has a legal right to use the adjacent private or public land.

(4) SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—The conveyance to Sealaska of land withdrawn pursuant to section 304(b)(2) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the land without liability to Sealaska; and

(B) the condition that public access across the land would not be unreasonably restricted or impaired.

(5) EFFECT.—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest, other than an interest retained by the United States, of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska with respect to the management or development of the applicable land.

(e) CONDITIONS ON SACRED, CULTURAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to Sealaska of land withdrawn pursuant to sections 304(b)(3) and 304(c)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall allow use of the land as described in subsection (f); and

(3) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g)

and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

(f) USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—Any land conveyed to Sealaska from land withdrawn pursuant to sections 304(b)(3) and 304(c) may be used for—

(1) preservation of cultural knowledge and traditions associated with the site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of the site to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities—

(A) are consistent with the sacred, cultural, traditional, or historic nature of the site; and

(B) are not inconsistent with the management plans for adjacent public land.

(g) TERMINATION OF RESTRICTIVE COVENANTS.—

(1) IN GENERAL.—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the Federal regulations contained in sections 2653.5(a) and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)), terminates as a matter of law on the date of enactment of this Act.

(2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this title.

(h) CONDITIONS ON SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—Each conveyance of land to Sealaska from land withdrawn pursuant to section 304(b)(2) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development.

(i) ESCROW FUNDS FOR WITHDRAWN LAND.—On the withdrawal by this title of land identified for selection by Sealaska, the escrow requirements of section 2 of Public Law 94-204 (43 U.S.C. 1613 note), shall thereafter apply to the withdrawn land.

(j) GUIDING AND OUTFITTING SPECIAL USE PERMITS OR AUTHORIZATIONS.—

(1) IN GENERAL.—Consistent with the provisions of section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), except as modified herein, on land conveyed to Sealaska from land withdrawn pursuant to sections 304(b)(1) and 304(b)(2), an existing holder of a guiding or outfitting special use permit or authorization issued by the Forest Service shall be entitled to its rights and privileges on the land for the remaining term of the permit, as of the date of conveyance to Sealaska, and for 1 subsequent 10-year renewal of the permit, subject to the condition that the rights shall be considered a valid existing right reserved pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), and shall be managed accordingly.

(2) **NOTICE OF COMMERCIAL ACTIVITIES.**—Sealaska, with respect to the holder of a guiding or outfitting special use permit or authorization under this subsection, and a permit holder referenced in this subsection, with respect to Sealaska, shall have an obligation to inform the other party of their respective commercial activities before engaging in the activities on land, which has been conveyed to Sealaska under this title, subject to the permit or authorization.

(3) **NEGOTIATION OF NEW TERMS.**—Nothing in this subsection precludes Sealaska and a permit holder under this subsection from negotiating new mutually agreeable permit terms that supersede the requirements of—

(A) this subsection;

(B) section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); or

(C) any deed covenant.

(4) **LIABILITY.**—Sealaska shall bear no liability regarding use and occupancy pursuant to special use permits or authorizations on land selected or conveyed pursuant to this title.

SEC. 306. MISCELLANEOUS.

(a) **STATUS OF CONVEYED LAND.**—Each conveyance of Federal land to Sealaska pursuant to this title, and each Federal action carried out to achieve the purpose of this title, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) **ENVIRONMENTAL MITIGATION AND INCENTIVES.**—Notwithstanding subsection (e) and (h) of section 305, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this title shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) **NO MATERIAL EFFECT ON FOREST PLAN.**—

(1) **IN GENERAL.**—Except as required by paragraph (2), implementation of this title, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) **BOUNDARY ADJUSTMENTS.**—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this title through a technical amendment to that Plan.

(d) **TECHNICAL CORRECTIONS.**—

(1) **TRIBAL FOREST PROTECTION.**—Section 2 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a) is amended by adding at the end a new subsection (h):

“(h)(1) Land owned by an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is forest land or formerly had a forest cover or vegetative cover that is capable of restoration shall be eligible for agreements and contracts authorized under this Act and administered by the Secretary.

“(2) Nothing in this subsection validates, invalidates, or otherwise affects any claim regarding the existence of Indian country (as defined in section 1151 of title 18, United States Code) in the State of Alaska.”.

(2) **NATIONAL HISTORIC PRESERVATION.**—Section 101(d) of the National Historic Preservation Act (16 U.S.C. 470a(d)), is amended by adding at the end a new paragraph (7):

“(7)(A) Notwithstanding any other provision of law, an Alaska Native tribe, band, nation or

other organized group or community, including a Native village, Regional Corporation, or Village Corporation, shall be eligible to participate in all programs administered by the Secretary under this Act on behalf of Indian tribes, including, but not limited to, securing grants and other support to manage their own historic preservation sites and programs on lands held by the Alaska Native tribe, band, nation or other organized group or community, including a Native village, Regional Corporation, or Village Corporation.

“(B) Nothing in this paragraph validates, invalidates, or otherwise affects any claim regarding the existence of Indian country (as defined in section 1151 of title 18, United States Code) in the State of Alaska.”.

(e) **EFFECT ON ENTITLEMENT.**—Nothing in this title shall have any effect upon the entitlement due to any Native Corporation, other than Sealaska, under—

(1) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

(2) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 307. MAPS.

(a) **AVAILABILITY.**—Each map referred to in this title shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) **CORRECTIONS.**—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this title.

(c) **TREATMENT.**—No map referred to in this title shall be considered to be an attempt by the Federal Government to convey any State or private land.

TITLE IV—SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act”.

SEC. 402. FINDINGS.

Congress finds that—

(1) the San Antonio Missions National Historical Park is important to understanding the history and development of the City of San Antonio, Bexar County, the State of Texas, and the United States;

(2) understanding the connection between the San Antonio River and the San Antonio Missions is critical to understanding mission life in colonial Texas; and

(3) the San Antonio Missions National Historical Park enjoys the strong support of the City of San Antonio, Bexar County, and their citizens and businesses.

SEC. 403. BOUNDARY EXPANSION.

Section 201(a) of Public Law 95-629 (16 U.S.C. 410ee(a)) is amended—

(1) by striking “In order” and inserting “(1) In order”;

(2) by striking “The park shall also” and inserting “(2) The park shall also”;

(3) by striking “After advising the” and inserting “(5) After advising the”;

(4) by inserting after paragraph (2) (as so designated by paragraph (2) above) the following:

“(3) The boundary of the park is further modified to include approximately 151 acres, as depicted on the map titled ‘San Antonio Missions National Historical Park Proposed Boundary Addition 2009’, numbered 472/468,027, and dated November 2009. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.

“(4) The Secretary may not acquire by condemnation any land or interest in land within

the boundaries of the park. The Secretary is authorized to acquire land and interests in land that are within the boundaries of the park pursuant to paragraph (3) by donation only. No private property or non-Federal public property shall be included within the boundaries of the park without the written consent of the owner of such property. Nothing in this Act, the establishment of park, or the management plan of the park shall be construed create buffer zones outside of the park. That an activity or use can be seen or heard from within the park shall not preclude the conduct of that activity or use outside the park.”.

TITLE V—WACO MAMMOTH NATIONAL MONUMENT ESTABLISHMENT ACT OF 2012

SEC. 501. SHORT TITLE.

This title may be cited as the “Waco Mammoth National Monument Establishment Act of 2012”.

SEC. 502. FINDINGS.

Congress finds that—

(1) the Waco Mammoth Site area is located near the confluence of the Brazos River and the Bosque River in central Texas, near the city of Waco;

(2) after the discovery of bones emerging from eroding creek banks leading to the uncovering of portions of 5 mammoths, Baylor University began investigating the site in 1978;

(3) several additional mammoth remains have been uncovered making the site the largest known concentration of mammoths dying from the same event;

(4) the mammoth discoveries have received international attention; and

(5) Baylor University and the city of Waco, Texas, have been working together—

(A) to protect the site; and

(B) to develop further research and educational opportunities at the site.

SEC. 503. DEFINITIONS.

In this title:

(1) **CITY.**—The term “City” means the city of Waco, Texas.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Monument prepared under section 505(c)(1).

(3) **MAP.**—The term “map” means the map entitled “Proposed Boundary Waco-Mammoth National Monument”, numbered T21/80,000, and dated April 2009.

(4) **MONUMENT.**—The term “Monument” means the Waco Mammoth National Monument established by section 504(a).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Texas.

(7) **UNIVERSITY.**—The term “University” means Baylor University in the State.

SEC. 504. WACO MAMMOTH NATIONAL MONUMENT, TEXAS.

(a) **ESTABLISHMENT.**—There is established in the State, as a unit of the National Park System, the Waco Mammoth National Monument, as generally depicted on the map.

(b) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 505. ADMINISTRATION OF MONUMENT.

(a) **IN GENERAL.**—The Secretary shall administer the Monument in accordance with—

(1) this title; and

(2) any cooperative agreements entered into under subsection (b)(1).

(b) **AUTHORITIES OF SECRETARY.**—

(1) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative management agreements with the University and the City, in accordance with section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(l)).

(2) **ACQUISITION OF LAND.**—The Secretary may acquire by donation only from the City any

land or interest in land owned by the City within the proposed boundary of the Monument.

(c) **GENERAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the University and the City, shall complete a general management plan for the Monument.

(2) **INCLUSIONS.**—The management plan shall include, at a minimum—

(A) measures for the preservation of the resources of the Monument;

(B) requirements for the type and extent of development and use of the Monument;

(C) identification of the capacity of the Monument for accommodating visitors; and

(D) opportunities for involvement by the University, City, State, and other local and national entities in—

(i) developing educational programs for the Monument; and

(ii) developing and supporting the Monument.

(d) **PROHIBITION OF USE OF FEDERAL FUNDS.**—No Federal funds may be used to pay the costs of—

(1) carrying out a cooperative agreement under subsection (b)(1);

(2) acquiring land for inclusion in the Monument under subsection (b)(2);

(3) developing a visitor center for the Monument;

(4) operating or maintaining the Monument;

(5) constructing exhibits for the Monument; or

(6) developing the general management plan under subsection (c).

(e) **USE OF NON-FEDERAL FUNDS.**—Non-Federal funds may be used to pay any costs that may be incurred by the Secretary or the National Park Service in carrying out this section.

(f) **EFFECT ON ELIGIBILITY FOR FINANCIAL ASSISTANCE.**—Nothing in this title affects the eligibility of the Monument for Federal grants or other forms of financial assistance that the Monument would have been eligible to apply for had National Park System status not been conferred to the Monument under this title.

(g) **TERMINATION OF NATIONAL PARK SYSTEM STATUS.**—

(1) **IN GENERAL.**—Designation of the Monument as a unit of the National Park System shall terminate if the Secretary determines that Federal funds are required to operate and maintain the Monument.

(2) **REVERSION.**—If the designation of the Monument as a unit of the National Park System is terminated under paragraph (1), any land acquired by the Secretary from the City under subsection (b)(2) shall revert to the City.

(h) **PRIVATE PROPERTY PROTECTION.**—No private property may be made part of the Monument without the written consent of the owner of that private property.

SEC. 506. NO BUFFER ZONES.

Nothing in this title, the establishment of national monument, or the management plan shall be construed create buffer zones outside of the national monument. That an activity or use can be seen or heard from within the Monument shall not preclude the conduct of that activity or use outside the Monument.

TITLE VI—NORTH CASCADES NATIONAL PARK ACCESS

SEC. 601. FINDINGS.

Congress finds as follows:

(1) In 1988, 93 percent of the North Cascades National Park Complex was designated the Stephen Mather Wilderness.

(2) A road corridor was deliberately excluded from the wilderness designation to provide for the continued use and maintenance of the upper Stehekin Valley Road.

(3) The upper Stehekin Valley Road provides access to Stephen Mather Wilderness trailheads and North Cascades National Park from the Lake Chelan National Recreation Area.

(4) Record flooding in 1995 and again in 2003 caused severe damage to the upper Stehekin Valley Road and led to the closure of a 9.9-mile section of the road between Car Wash Falls and Cottonwood Camp.

(5) The National Park Service currently does not have the flexibility to rebuild the upper Stehekin Valley Road away from the Stehekin River due to the current location of the non-wilderness road corridor provided by Congress in 1988.

(6) It is a high priority that the people of the United States, including families, the disabled, and the elderly, have reasonable access to the National Parks system and their public lands.

(7) The 1995 Lake Chelan National Recreation Area General Management Plan calls for retaining vehicle access to Cottonwood Camp.

(8) Tourism associated with the North Cascades National Park Complex is an important part of the economy for rural communities in the area.

(9) Additional management flexibility would allow the National Park Service to consider retention of the upper Stehekin Valley Road in a manner that provides for no net loss of wilderness.

SEC. 602. AUTHORIZATION FOR BOUNDARY ADJUSTMENTS.

The Washington Park Wilderness Act of 1988 (Public Law 100-668) is amended by inserting after section 206 the following:

“SEC. 207. BOUNDARY ADJUSTMENTS FOR ROAD.

“(a) **IN GENERAL.**—The Secretary may adjust the boundaries of the North Cascades National Park and the Stephen Mather Wilderness in order to provide a 100-foot-wide corridor along which the Stehekin Valley Road may be rebuilt—

“(1) outside of the floodplain between milepost 12.9 and milepost 22.8;

“(2) within the boundaries of the North Cascades National Park; and

“(3) outside of the boundaries of the Stephen Mather Wilderness.

“(b) **NO NET LOSS OF LANDS.**—The boundary adjustments made under this section shall be such that equal acreage amounts are exchanged between the Stephen Mather Wilderness and the North Cascades National Park, resulting in no net loss of acreage to either the Stephen Mather Wilderness or the North Cascades National Park.”.

TITLE VII—ENDANGERED SALMON AND FISHERIES PREDATION PREVENTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Endangered Salmon and Fisheries Predation Prevention Act”.

SEC. 702. FINDINGS.

The Congress finds the following:

(1) There are 13 groups of salmon and steelhead that are listed as threatened species or endangered species under the Endangered Species Act of 1973 that migrate through the lower Columbia River.

(2) The people of the Northwest United States are united in their desire to restore healthy salmon and steelhead runs, as they are integral to the region’s culture and economy.

(3) The Columbia River treaty tribes retain important rights with respect to salmon and steelhead.

(4) Federal, State, and tribal governments have spent billions of dollars to assist the recovery of Columbia River salmon and steelhead populations.

(5) One of the factors impacting salmonid populations is increased predation by marine mammals, including California sea lions.

(6) The population of California sea lions has increased 6-fold over the last 3 decades, and is currently greater than 250,000 animals.

(7) In recent years, more than 1,000 California sea lions have been foraging in the lower 145 miles of the Columbia River up to Bonneville Dam during the peak spring salmonid run before returning to the California coast to mate.

(8) The percentage of the spring salmonid run that has been eaten or killed by California sea lions at Bonneville Dam has increased 7-fold since 2002.

(9) In recent years, California sea lions have with greater frequency congregated near Bonneville Dam and have entered the fish ladders.

(10) These California sea lions have not been responsive to extensive hazing methods employed near Bonneville Dam to discourage this behavior.

(11) The process established under the 1994 amendment to the Marine Mammal Protection Act of 1972 to address aggressive sea lion behavior is protracted and will not work in a timely enough manner to protect threatened and endangered salmonids in the near term.

(12) In the interest of protecting Columbia River threatened and endangered salmonids, a temporary expedited procedure is urgently needed to allow removal of the minimum number of California sea lions as is necessary to protect the passage of threatened and endangered salmonids in the Columbia River and its tributaries.

(13) On December 21, 2010, the independent Pinniped-Fishery Interaction Task Force recommended lethally removing more of the California sea lions in 2011.

(14) On August 18, 2011, the States of Washington, Oregon, and Idaho applied to the National Marine Fisheries Service, under section 120(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389(b)(1)(A)), for the lethal removal of sea lions that the States determined are having a “significant negative impact” on the recovery of Columbia River and Snake River salmon and steelhead.

(15) On September 12, 2011, the National Marine Fisheries Service announced it was accepting the States’ application for lethal removal of sea lions and that it would reconvene the Pinniped-Fishery Interaction Task Force to consider the States’ application. This title will ensure the necessary authority for permits under the Marine Mammal Protection Act of 1972 to be issued in a timely fashion.

(16) During a June 14, 2011, hearing, the Committee on Natural Resources of the House of Representatives received testimony from State and tribal witnesses expressing concern that significant pinniped predation of important Northwest fish resources other than salmonids is severely impacting fish stocks determined by both Federal and State fishery management agencies to be at low levels of abundance, and that this cannot be addressed by section 120 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389), which as in effect before the enactment of this Act restricted control of predatory pinnipeds’ impact only with respect to endangered salmonids.

SEC. 703. TAKING OF SEA LIONS ON THE COLUMBIA RIVER AND ITS TRIBUTARIES TO PROTECT ENDANGERED AND THREATENED SPECIES OF SALMON AND OTHER NONLISTED FISH SPECIES.

Section 120 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389) is amended by striking subsection (f) and inserting the following:

“(f) **TEMPORARY MARINE MAMMAL REMOVAL AUTHORITY ON THE WATERS OF THE COLUMBIA RIVER OR ITS TRIBUTARIES.**—

“(1) **REMOVAL AUTHORITY.**—Notwithstanding any other provision of this Act, the Secretary may issue a permit to an eligible entity authorizing the intentional lethal taking on the waters of the Columbia River and its tributaries of sea lions that are part of a healthy population that

is not listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), to protect endangered and threatened species of salmon and other nonlisted fish species.

“(2) PERMIT PROCESS.—

“(A) IN GENERAL.—An eligible entity may apply to the Secretary for a permit under this subsection.

“(B) DEADLINE FOR CONSIDERATION OF APPLICATION.—The Secretary shall approve or deny an application for a permit under this subsection by not later than 30 days after receiving the application.

“(C) DURATION OF PERMIT.—A permit under this subsection shall be effective for no more than one year after the date it is issued, but may be renewed by the Secretary.

“(3) LIMITATIONS.—

“(A) LIMITATION ON PERMIT AUTHORITY.—Subject to subparagraph (B), a permit issued under this subsection shall not authorize the lethal taking of more than 10 sea lions during the duration of the permit.

“(B) LIMITATION ON ANNUAL TAKINGS.—The cumulative number of sea lions authorized to be taken each year under all permits in effect under this subsection shall not exceed one percent of the annual potential biological removal level.

“(4) DELEGATION OF PERMIT AUTHORITY.—Any eligible entity may delegate to any other eligible entity the authority to administer its permit authority under this subsection.

“(5) NEPA.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to this subsection and the issuance of any permit under this subsection during the 5-year period beginning on the date of the enactment of this subsection.

“(6) SUSPENSION OF PERMITTING AUTHORITY.—If, 5 years after enactment, the Secretary, after consulting with State and tribal fishery managers, determines that lethal removal authority is no longer necessary to protect salmonid and other fish species from sea lion predation, may suspend the issuance of permits under this subsection.

“(7) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ‘eligible entity’ means each of the State of Washington, the State of Oregon, the State of Idaho, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Columbia River Inter-Tribal Fish Commission.”

SEC. 704. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) preventing predation by sea lions, recovery of listed salmonid stocks, and preventing future listings of fish stocks in the Columbia River is a vital priority;

(2) permit holders exercising lethal removal authority pursuant to the amendment made by this title should be trained in wildlife management; and

(3) the Federal Government should continue to fund lethal and nonlethal removal measures for preventing such predation.

SEC. 705. TREATY RIGHTS OF FEDERALLY RECOGNIZED INDIAN TRIBES.

Nothing in this title or the amendment made by this title shall be construed to affect or modify any treaty or other right of any federally recognized Indian tribe.

TITLE VIII—REAUTHORIZATION OF HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST RECOVERY ACT

SEC. 801. REAUTHORIZATION OF HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST RECOVERY ACT.

(a) **EXTENSION.—**Subsection (g) of the Herger-Feinstein Quincy Library Group Forest Recovery Act (title IV of the Department of the Interior and Related Agencies Appropriations Act, 1999, as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) is amended to read as follows:

“(g) TERM OF PILOT PROJECT.—
“(1) IN GENERAL.—The Secretary shall conduct the pilot project until the earlier of the following:

“(A) September 30, 2022.

“(B) The date on which the Secretary completes amendment or revision of the land and resource management plans for the National Forest System lands included in the pilot project area.

“(2) FOREST PLAN AMENDMENTS.—When the Regional Forester for Region 5 initiates the process to amend or revise the land and resource management plans for the pilot project area, the process shall include preparation of at least one alternative that incorporates the pilot project and area designations under subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal.”

(b) EXPANSION OF PILOT PROJECT AREA.—Subsection (b) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended by adding at the end the following new paragraph:

“(3) EXPANSION OF PILOT PROJECT AREA.—The Secretary may expand the pilot project area to include all National Forest System lands within California or Nevada that lie within the Sierra Nevada and Cascade Province, Lake Tahoe Basin Management Unit, Humboldt-Toiyabe National Forest, and Inyo National Forest. These lands may be managed using the same strategy, guidelines and resource management activities outlined in this section or developed to meet local forest and community needs and conditions.”

(c) ROADLESS AREA PROTECTION.—Subsection (c)(4) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended by adding at the end the following new sentence: “However, those areas designated as ‘Deferred’ on the map, but located in Tehama County, south and west of Lassen Peak, are deemed to be designated as ‘Available for Group Selection’ and shall be managed accordingly under subsection (d).”

(d) GROUP SELECTION REQUIREMENT.—Subparagraph (A) of subsection (d)(2) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended to read as follows:

“(A) GROUP SELECTION.—After September 30, 2012, group selection on an average acreage of .57 percent of the pilot project area land shall occur each year of the pilot project.”

TITLE IX—YERINGTON LAND CONVEYANCE AND SUSTAINABLE DEVELOPMENT ACT

SEC. 901. SHORT TITLE.

This title may be cited as the “Yerington Land Conveyance and Sustainable Development Act”.

SEC. 902. FINDINGS.

Congress finds that—

(1) the city of Yerington, Nevada, which has an unemployment rate of 16 percent, has the highest unemployment rate in the State of Nevada;

(2) for over 4 years, the city of Yerington and Lyon County, Nevada, have been working with private business partners to develop a sustainable development plan that would enable all parties to benefit from the use of private land adjacent to the city of Yerington for potential commercial and industrial development, mining activities, recreation opportunities, and the expansion of community and cultural events;

(3) the sustainable development plan referred to in paragraph (2) requires the conveyance of certain Federal land administered by the Bureau of Land Management to the City for consideration in an amount equal to the fair market value of the Federal land;

(4) the Federal land to be conveyed to the City under the sustainable development plan has very few environmental, historical, wildlife, or cultural resources of value to the public, but is appropriate for responsible development;

(5) the Federal land that would be conveyed to the City under the sustainable development plan—
(A) is adjacent to the boundaries of the City; and
(B) would be used—
(i) to enhance recreational, cultural, commercial, and industrial development opportunities in the City;

(ii) for future economic development, regional use, and as an open space buffer to the City; and
(iii) to allow the City to provide critical infrastructure services;

(6) commercial and industrial development of the Federal land would enable the community to benefit from the transportation, power, and water infrastructure that would be put in place with the concurrent development of commercial and industrial operations;

(7) the conveyance of the Federal land would—
(A) help the City and County to grow; and
(B) provide additional tax revenue to the City and County;

(8) industrial and commercial development of the Federal land would create thousands of long-term, high-paying jobs for the City and County; and
(9) the Lyon County Commission and the City unanimously approved resolutions in support of the conveyance of the Federal land because the conveyance would facilitate a sustainable model for long-term economic and industrial development.

SEC. 903. DEFINITIONS.
In this title:

(1) **CITY.—**The term “City” means the city of Yerington, Nevada.

(2) **FEDERAL LAND.—**The term “Federal land” means the land located in Lyon County and Mineral County, Nevada, that is identified on the map as “City of Yerington Sustainable Development Conveyance Lands”.

(3) **MAP.—**The term “map” means the map entitled “Yerington Land Conveyance and Sustainable Development Act” and dated May 31, 2012.

(4) **SECRETARY.—**The term “Secretary” means the Secretary of the Interior.

SEC. 904. CONVEYANCES OF LAND TO CITY OF YERINGTON, NEVADA.

(a) **IN GENERAL.—**Not later than 90 days after the date of enactment of this title, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City, subject to the City’s agreement and in exchange for consideration in an amount equal to the fair market value of the Federal land, all right, title, and interest of the United States in and to the Federal land identified on the map.

(b) **APPRAISAL TO DETERMINE OF FAIR MARKET VALUE.—**The Secretary shall determine the fair market value of the Federal land to be conveyed—

(1) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) based on an appraisal that is conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **APPLICABLE LAW.**—Beginning on the date on which the Federal land is conveyed to the City, the development of and conduct of activities on the Federal land shall be subject to all applicable Federal laws (including regulations).

(e) **ADMINISTRATIVE COSTS.**—The City shall be responsible for all survey, appraisal, and other administrative costs associated with the conveyance of the Federal land to the City under this title.

SEC. 905. RELEASE OF THE UNITED STATES.

Upon making the conveyance under section 904, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) on the Federal Land in existence on or before the date of the conveyance.

TITLE X—PRESERVING ACCESS TO CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “Preserving Access to Cape Hatteras National Seashore Recreational Area Act”.

SEC. 1002. REINSTATEMENT OF INTERIM MANAGEMENT STRATEGY.

(a) **MANAGEMENT.**—After the date of the enactment of this title, Cape Hatteras National Seashore Recreational Area shall be managed in accordance with the Interim Protected Species Management Strategy/Environmental Assessment issued by the National Park Service on June 13, 2007, for the Cape Hatteras National Seashore Recreational Area, North Carolina, unless the Secretary of the Interior (hereafter in this title referred to as the “Secretary”) issues a new final rule that meets the requirements set forth in section 1003.

(b) **RESTRICTIONS.**—The Secretary shall not impose any additional restrictions on pedestrian or motorized vehicular access to any portion of Cape Hatteras National Seashore Recreational Area for species protection beyond those in the Interim Management Strategy, other than as specifically authorized pursuant to section 1003 of this title.

SEC. 1003. ADDITIONAL RESTRICTIONS ON ACCESS TO CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA FOR SPECIES PROTECTION.

(a) **IN GENERAL.**—If, based on peer-reviewed science and after public comment, the Secretary determines that additional restrictions on access to a portion of the Cape Hatteras National Seashore Recreational Area are necessary to protect species listed as endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary may only restrict, by limitation, closure, buffer, or otherwise, pedestrian and motorized vehicular access for recreational activities for the shortest possible time and on the smallest possible portions of the Cape Hatteras National Seashore Recreational Area.

(b) **LIMITATION ON RESTRICTIONS.**—Restrictions imposed under this section for protection of species listed as endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be greater than the restrictions in effect for that species at any other National Seashore.

(c) **CORRIDORS AROUND CLOSURES.**—To the maximum extent possible, the Secretary shall designate pedestrian and vehicular corridors of minimal distance on the beach or interdunal area around closures implemented under this section to allow access to areas not closed.

SEC. 1004. INAPPLICABILITY OF FINAL RULE AND CONSENT DECREE.

(a) **FINAL RULE.**—The final rule titled “Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore—Off-Road Vehicle Management” (77 Fed. Reg. 3123–3144) shall have no force or effect after the date of the enactment of this title.

(b) **CONSENT DECREE.**—The April 30, 2008, consent decree filed in the United States District Court for the Eastern District of North Carolina regarding off-road vehicle use at Cape Hatteras National Seashore in North Carolina shall not apply after the date of the enactment of this title.

TITLE XI—GRAZING IMPROVEMENT ACT OF 2012

SEC. 1101. SHORT TITLE.

This title may be cited as the “Grazing Improvement Act of 2012”.

SEC. 1102. TERMS OF GRAZING PERMITS AND LEASES.

Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) in subsection (b)—
(A) by striking “or” at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:
“(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

SEC. 1103. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **CURRENT GRAZING MANAGEMENT.**—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) **SECRETARY CONCERNED.**—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) **RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.**—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 5801);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

“(c) **TERMS; CONDITIONS.**—The terms and conditions (except the termination date) contained

in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) **CANCELLATION; SUSPENSION; MODIFICATION.**—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) **RENEWAL TRANSFER REISSUANCE AFTER PROCESSING.**—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at their sole discretion, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) **PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.**—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) **NEPA EXEMPTIONS.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

TITLE XII—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the “Target Practice and Marksmanship Training Support Act”.

SEC. 1202. FINDINGS; PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this title, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this title, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) **PURPOSE.**—The purpose of this title is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 1203. DEFINITION OF PUBLIC TARGET RANGE.

In this title, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 1204. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) **DEFINITIONS.**—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”

(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) **NON-FEDERAL SHARE.**—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) **REGULATIONS.**—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) **EXCEPTION.**—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”

(c) **FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.**—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **ALLOCATION OF ADDITIONAL AMOUNTS.**—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year,

for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) **COST SHARING.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) **PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.**—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) **EXCEPTION.**—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”

SEC. 1205. LIMITS ON LIABILITY.

(a) **DISCRETIONARY FUNCTION.**—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) **CIVIL ACTION OR CLAIMS.**—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

SEC. 1206. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

TITLE XIII—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT OF 2012

SEC. 1301. SHORT TITLE.

This title may be cited as the “Chesapeake Bay Accountability and Recovery Act of 2012”.

SEC. 1302. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) **CROSSCUT BUDGET.**—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;

(G) descriptions of risks and uncertainties of project implementation;

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost-sharing; and

(L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) **MINIMUM FUNDING LEVELS.**—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to \$100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to \$50,000.

(c) **DEADLINE.**—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President’s annual budget to Congress.

(d) **REPORT.**—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) **EFFECTIVE DATE.**—This section shall apply beginning with the first fiscal year after the date of enactment of this title for which the President submits a budget to Congress.

SEC. 1303. ADAPTIVE MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this title, the Administrator, in consultation with other Federal and State agencies, shall develop an adaptive management plan for restoration activities in the Chesapeake Bay watershed that includes—

(1) definition of specific and measurable objectives to improve water quality, habitat, and fisheries;

(2) a process for stakeholder participation;

(3) monitoring, modeling, experimentation, and other research and evaluation practices;

(4) a process for modification of restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(5) a process for prioritizing restoration activities and programs to which adaptive management shall be applied.

(b) **IMPLEMENTATION.**—The Administrator shall implement the adaptive management plan developed under subsection (a).

(c) **UPDATES.**—The Administrator shall update the adaptive management plan developed under subsection (a) every 2 years.

(d) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the adaptive management plan required under this section for such fiscal year.

(2) **CONTENTS.**—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including programmatic and project level changes implemented through the process of adaptive management.

(3) **EFFECTIVE DATE.**—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this title.

(e) **INCLUSION OF PLAN IN ANNUAL ACTION PLAN AND ANNUAL PROGRESS REPORT.**—The Administrator shall ensure that the Annual Action Plan and Annual Progress Report required by section 205 of Executive Order 13508 includes the adaptive management plan outlined in subsection (a).

SEC. 1304. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE BAY PROGRAM.

(a) **IN GENERAL.**—There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on restoration activities and the use of adaptive management in restoration activities, including on such related topics as are suggested by the Chesapeake Executive Council.

(b) **APPOINTMENT.**—

(1) **IN GENERAL.**—The Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council.

(2) **NOMINATIONS.**—The Chesapeake Executive Council may submit to the Administrator 4 nominees for appointment to any vacancy in the office of the Independent Evaluator.

(c) **REPORTS.**—The Independent Evaluator shall submit a report to the Congress every 2 years in the findings and recommendations of reviews under this section.

(d) **CHESAPEAKE EXECUTIVE COUNCIL.**—In this section, the term “Chesapeake Executive Council” has the meaning given that term by section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567; 15 U.S.C. 1511d).

SEC. 1305. DEFINITIONS.

In this title, the following definitions apply:

(1) **ADAPTIVE MANAGEMENT.**—The term “adaptive management” means a type of natural resource management in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **CHESAPEAKE BAY STATE.**—The term “Chesapeake Bay State” or “State” means the

States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) **CHESAPEAKE BAY WATERSHED.**—The term “Chesapeake Bay watershed” means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) **CHIEF EXECUTIVE.**—The term “chief executive” means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(7) **RESTORATION ACTIVITIES.**—The term “restoration activities” means any Federal or State programs or projects that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

- (A) Physical restoration.
- (B) Planning.
- (C) Feasibility studies.
- (D) Scientific research.
- (E) Monitoring.
- (F) Education.
- (G) Infrastructure Development.

TITLE XIV—NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

SEC. 1401. SHORT TITLE.

This title may be cited as the “National Security and Federal Lands Protection Act”.

SEC. 1402. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION RELATED TO BORDER SECURITY.

(a) **PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.**—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367)) over the international land borders of the United States.

(b) **AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.**—

(1) **AUTHORIZATION.**—U.S. Customs and Border Protection shall have immediate access to land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land that assist in securing the international land borders of the United States:

- (A) Construction and maintenance of roads.
- (B) Construction and maintenance of fences.
- (C) Use vehicles to patrol.
- (D) Installation, maintenance, and operation of surveillance equipment and sensors.
- (E) Use of aircraft.
- (F) Deployment of temporary tactical infrastructure, including forward operating bases.

(c) **CLARIFICATION RELATING TO WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104-208) of the

laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (b).

(2) **DESCRIPTION OF LAWS WAIVED.**—The laws referred to in paragraph (1) are the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), Public Law 86-523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.), the Act of August 21, 1935 (16 U.S.C. 461 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Farmland Protection Policy Act (7 U.S.C. 4201 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), the Otay Mountain Wilderness Act of 1999 (Public Law 106-145, 113 Stat. 1711), sections 102(29) and 103 of California Desert Protection Act of 1994 (16 U.S.C. 410aaa et seq.), the National Park Service Organic Act (16 U.S.C. 1 et seq.), Public Law 91-383 (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95-625, 92 Stat. 3467), the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101-628), section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Act of June 8, 1940 (16 U.S.C. 668 et seq.), (25 U.S.C. 3001 et seq.), Public Law 95-341 (42 U.S.C. 1996), Public Law 103-141 (42 U.S.C. 2000bb et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.), the Mineral Leasing Act (30 U.S.C. 181, et seq.), the Materials Act of 1947 (30 U.S.C. 601 et seq.), and the General Mining Act of 1872 (30 U.S.C. 22 note).

(d) **PROTECTION OF LEGAL USES.**—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, or mining, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

SEC. 1403. SUNSET.

This title shall have no force or effect after the end of the 5-year period beginning on the date of enactment of this Act.

The CHAIR. No amendment to the amendment in the nature of a substitute shall be in order except those printed in House Report 112-539. Each such amendment may be offered only

in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1540

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS
OF WASHINGTON

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-539.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 52, line 13, strike "151" and insert "137".

Page 52, line 15, strike "2009".

Page 52, strike line 16 and insert "numbered 472/113,006A, and dated June 2012.".

Page 52, strike line 25, and insert "(3) by donation or exchange only (and in the case of an exchange, no payment may be made by the Secretary to any landowner). No private property or non-".

Page 53, line 4, insert "to" after "construed".

Page 60, beginning on line 22, strike "100-foot-wide corridor" and insert "corridor of not more than 100 feet in width".

Page 61, after line 2, insert the following (and redesignate the subsequent paragraphs accordingly):

"(2) within one mile of the route, on the date of the enactment of this section, of the Stehekin Valley Road;".

Page 61, strike lines 7 through 13 and insert the following:

"(b) NO NET LOSS OF LANDS.—

"(1) IN GENERAL.—The boundary adjustments made under this section shall be such that equal amounts of federally owned acreage are exchanged between the Stephen Mather Wilderness and the North Cascades National Park, resulting in no net loss of acreage to either the Stephen Mather Wilderness or the North Cascades National Park.

"(2) STEHEKIN VALLEY ROAD LANDS.—The newly designated wilderness shall include the lands along the route of the Stehekin Valley Road that are replaced by the reconstruction.

"(3) EQUALIZATION OF LAND.—If the lands described in paragraph (2) contain fewer acres than the corridor described in subsection (a), the Secretary may designate additional Federal lands in the North Cascades National Park as wilderness, but such designation may not exceed the amount needed to equalize the exchange and these additional lands must be selected from lands that qualify as wilderness under section 2(c) of the Wilderness Act (16 U.S.C. 1131(c)).

"(c) NO SALE OR ACQUISITION AUTHORIZED.—Nothing in this title authorizes the sale or acquisition of any land or interest in land.

"(d) NO PRIORITY REQUIRED.—Nothing in this title shall be construed as requiring the Secretary to give this project precedence over the construction or repair of other similarly damaged roads in units of the National Park System.".

Page 69, line 17, strike "2022" and insert "2019".

Page 71, after line 13, insert the following:

(e) FUNDING.—Subsection (f) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

Page 87, strike lines 22 and 23 and insert "to 90 percent of the funds apportioned to it under section 669c(c) of this title to acquire land for, expand, or construct a public target range.".

The CHAIR. Pursuant to House Resolution 688, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

This amendment makes some technical, clarifying, and conforming changes to the underlying bill. It amends title IV to delete a portion of the land that the National Park Service does not want to acquire for the San Antonio missions and which would expose it to liability for cleanup costs.

It conforms the text of title VI to match what the House passed in the 111th Congress in H.R. 2806.

And it conforms title VIII with the leadership protocols regarding length and amount of authorizations.

And, finally, it clarifies what funds States may use to increase access to target ranges under title XII.

With that, I urge adoption and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise to speak on the manager's amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. GRIJALVA. On the manager's amendment, we have no problem with the technical changes to the legislation. The content remains the same and the opposition remains the same.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-539.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 47, after line 16, insert the following new subsection:

(k) CONDITION ON SEALASKA EXPORT OF UNPROCESSED TIMBER.—The conveyance to Sealaska of Federal land under this title shall be subject to an additional covenant

that Sealaska comply with the export restrictions on unprocessed timber contained in the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.) regarding any timber removed from the conveyed land notwithstanding the geographical limitation on the applicability of such Act only to timber originating from lands west of the 100th meridian in the contiguous 48 States.

The CHAIR. Pursuant to House Resolution 688, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, my amendment is simple. What it says is that should this legislation pass and the 100,000 acres of forest pass over to the Sealaska Native corporation, a for-profit corporation, that we would ban the export of unprocessed logs from those lands. This would be consistent with the law that applies to the lower 48 west of the Mississippi River.

In 1990, I partnered with Senator Bob Packwood from Oregon to make permanent what had then been an appropriations rider ban since the era of Wayne Morris, and the rationale for that was that we should not be a tree farm for other nations. We want to be an industrial Nation. We want to get value added. We want to export finished products overseas.

We've seen in the last couple of years a flood of private-lands exports from Oregon and Washington, which is timber actually being wasted. Until very recently, the Chinese were paying above-market prices for raw logs, Douglas fir logs, which they were using, prime timber, one time in construction forms, and then discarding, an incredible waste of a resource and also an economic loss to the Pacific Northwest.

Despite the fact that Washington State exported \$1 billion worth of non-Federal raw logs last year, which is twice the amount that they exported just 2 years before, the number of logging jobs did not increase despite this export, and the number of sawmill jobs dropped by a third in Washington State. We're exporting a limited natural resource to which we could add value through what we have, the most productive mills in the world in the United States of America. And instead, those logs are going overseas, and we're actually losing jobs.

Yes, it is profitable for the private landowners, and we don't have restrictions on the export of private logs. But this is public forest lands today which would be converted to private forest lands, and we believe that the potential benefits should be maximized should this happen and that these logs should be manufactured before being exported. If they were exported, I would say in fact there would be a substantial raw-log market in my State because my mills are importing timber from

around the world, actually, and from other States in the U.S. to keep their mills running.

In Oregon, non-Federal raw-log exports, again private-land exports, have doubled over the last 3 years to \$2.3 billion in value while my sawmills and logging industry reached new lows. This harvesting for export of raw logs is not benefiting the local economies or the United States of America. And in Alaska, raw-log exports from Alaska to China have increased 16-fold over the last decade. Yet the economic benefits of running those logs or potentially running those logs through sawmills was not realized, benefiting rural communities.

I have many depressed rural areas that I represent. We're fighting over how we can get some more logs off Federal lands, logs which can't be exported. These logs could not only benefit Alaskans who could use the manufacturing jobs, and perhaps would see some new investment in sawmill capacity should this amount of timber come onto the market, but also potentially other west coast States, including Oregon and Washington, where our sawmills are struggling to find adequate supply.

So I believe this would be a beneficial, commonsense amendment. It would bring Federal logs, Federal trees, Federal forests, and would make the use of those logs, should they be harvested, consistent with the rest of the Federal lands in the western United States.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I strongly oppose this amendment. I know this amendment may have good intentions, but it is misguided. It will hurt the employment in the Native villages of Alaska. We have studies that show that the employment would not increase if we cannot export some of our logs.

By the way, this amendment was in the Natural Resources Committee, and it was defeated 30-13.

Last night, the Alaska Forest Association wrote in strong opposition to the amendment. And, very frankly, it is not right for the government to tell somebody on private land where they can sell their product. The only person who should be able to do this is the owner of a product. We don't tell where the Californians can sell their rice. We don't tell Weyerhaeuser where they should sell their timber. And so we shouldn't be telling a private landowner where to sell their timber.

In fact, if we had the Tongass National Forest, what little land we have

left of less than a million and a half acres that is federally owned as far as harvesting capability, if the Forest Service would do their job, we'd have some timber to harvest, but they're not doing it. But what timber they do harvest on Federal land, they allow 50 percent of old-growth timber sales and 100 percent of new growth, 100 percent to be sold. So this is a little bit, I say, not sincere in the sense that this is not going to create jobs, and the Federal Government is already allowing timber to be sold wherever they wish to.

I would suggest respectfully that the amendment is not placed correctly. I would like to keep the timber in the United States, but if the market's not there, or if the bid is not as high as overseas people who bid on it, then you have to let the private person, in fact, sell his timber.

I would suggest respectfully that the thing that concerns me the most in this whole argument is some of the arguments against this legislation. This is about a Native group. It's a corporation, but it's a Native group of villages put together that have a high unemployment. We're getting all kinds of bull dip all across the Internet now saying that this, in fact, is going to give away. It's talk about roads being given away. This is timber area that has already been cut, and they do not want to cut the old timber area.

□ 1550

They're trying to have a good industry built by silviculture, and this is what's so important here. But for some reason, like I say, they're winning the "bull dip" awards of the whole year on this legislation.

Now, I understand what the gentleman is trying to do, but it's not right to have a private entity be told by the Federal Government where they can sell their product. We don't tell rice growers or tell anybody else where to sell their product. They sell it to the best market, and this is about the best market.

This would be wrong because they will have timber in a few years. I'd say maybe 50 years they'll have the best timber stand in the whole State of Alaska because this area has already been cut. They'll take them thin, and they'll be able to sell this timber at a high price, probably to the United States by then because we'll all be long gone.

The CHAIR. The gentleman from Oregon has 30 seconds remaining.

Mr. DEFAZIO. I yield myself such time as I may consume.

I certainly respect the gentleman from Alaska, and I know that it's his intention to benefit the people of Alaska. I've been involved in this issue now for almost—well, for 22 years on the issue of exporting raw logs. In fact, I did try and restrict the export of private logs back there in 1990 and

couldn't get that, but at least we got the Federal and at least we've kept the State, and we do get value added. And for every 1,000 board feet of timber harvested, we get more jobs than just a logging job, a trucking job, and a loading it on the ship job. We get the jobs in the mills. I would argue that the same would flow to Alaska should this amendment pass.

With that, I yield back the balance of my time and urge my colleagues to support the amendment.

The CHAIR. The gentleman from Washington has 2 minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, I rise in opposition, obviously, to this amendment because this amendment would single out one particular group of Native Alaskans for restrictions that currently only apply to timber harvested from certain Federal lands in the lower 48.

Now, the irony here, as was pointed out by the gentleman from Alaska, is that the Forest Service in the Tongass allows for 100 percent export of red cedar harvested in the Tongass and 50 percent of old growth harvested in the Tongass. So I think it is, in all honesty, Mr. Chairman, a bit hypocritical to impose the domestic limitations on Natives while the Forest Service is doing just exactly the opposite.

Now, I'll also add that this amendment does not affect other landowners on the Tongass; it only affects the Natives of Sealaska. Now, I don't think that's really what we should be doing here on the floor of the House is singling out one group for a penalty, and that's precisely what this amendment does.

So I urge rejection of this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-539.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 83, after line 21, insert the following new section:

SEC. 1104. GRAZING FEE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to conduct a pilot program in fiscal years 2013 through 2016 to collect an administrative fee to offset the increased cost of administering the livestock grazing program

on public lands managed by the Bureau of Land Management.

(b) FEE AMOUNT AND COLLECTION.—

(1) AMOUNT.—The fee authorized by this section shall be in the amount of \$1 per Animal Unit Month, and shall be billed, collected, and subject to the penalties using the same process as the annual grazing fee under section 4130.8-1 of title 43, Code of Federal Regulations.

(2) DEPOSIT OF PENALTIES.—Penalties assessed under this subsection shall be deposited in the general fund of the Treasury.

(3) APPLICABILITY.—Nothing in this section affects the calculation, collection, distribution, or use of the grazing fee under 43 U.S.C. 315 et seq., section 205(b) of Public Law 94-579 (43 U.S.C. 1751(b)), section 6(a) of Public Law 95-514 (43 U.S.C. 1905), Executive Order 12548, or any administrative regulation.

The CHAIR. Pursuant to House Resolution 688, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, we're about to talk about grazing fees. For people in many parts of the country, they may not know what that is. That is that, on Federal lands across the country, cattlemen can bring their cattle onto Federal lands—that is, the public lands of the United States—and graze. And what are they charged? Well, they're charged \$1.35. That's exactly what they were charged in 1986.

Now, right next to this Federal land, in many States, there is State land. That State land in Colorado is very valuable; but they ensure, the Governor of Colorado, that the cattlemen there in that State pay \$10 to graze, not 1.35. In Montana, cattlemen have to pay \$7.90. In Utah, they have to pay \$7.30. But on the public lands in each of those States—that is, the Federal lands—it's 1.35, just hasn't increased. And who pays the price? Well, the Federal taxpayer pays the price because the cattlemen get to basically have this incredible subsidy.

So, just to use the analogy, when I started working, I got paid \$1.35 when I was a kid. I'm sure there are many people who would still like to just pay \$1.35 for a kid to work in the supermarket, but they can't do it because time moves on—unless you're a cattleman, where they have locked that minimum price into a hermetically sealed, cryogenically frozen price, \$1.35. That's great, except for the Federal taxpayer who cannot collect all of the money they need.

Or should we just say, for the sake of discussion, that you happen to have a rent-controlled apartment in New York City. The rent was set back in 1986 or 1976, and now the markets have raised that price up to perhaps \$4,000. The Republicans would say, well, rent control, that's good; we like keeping the price that way because it benefits a certain class of people. And I understand the Republican philosophy of freezing in prices that way—keeping the minimum

wage as low as possible, keeping the rent control price for an apartment as low as possible. I understand the government intervention role of the Federal Government not allowing the free market to determine the price of something. But here what happens is that it balloons the Federal deficit because people aren't able to collect what we absolutely know to be the price to graze for a cow per day. We know what the price is because, in the adjoining land in Colorado or Utah or in Montana or in Washington State, we know what the State is charging on State public lands.

So this is just an attempt to give the Department of the Interior the ability to raise by \$1—not all the way up to \$10, not all the way up to \$7, but just \$1 from \$1.35 up to \$2.35—just as a little experiment just to see what happens out there in the market when people actually have to pay something that even remotely approximates what the price to graze would be.

At this point, Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 4 minutes to the gentleman from Idaho (Mr. LABRADOR), the author of the title of this bill.

Mr. LABRADOR. Mr. Chairman, I rise in strong opposition to this amendment, and let's talk about some facts and some figures and some numbers.

The good gentleman from Massachusetts continues to say that we need to treat this land the same as private land. The thing that's really fascinating to me is that we have in Colorado and Utah and Idaho many people who would like to actually do their grazing on State lands or private lands, but the difference is that in Massachusetts only 1.6 percent of the land is actually Federal land. In fact, if you look at the acreage, 81,000 acres in Massachusetts are Federal lands. That's why they can actually rely on many other things for their grazing and many other things that they do.

In Idaho, 68 percent of the land is Federal land. In fact, we're talking about 32.5 million acres in Idaho that are actually having to be managed by the Federal Government and that we have to deal with on a daily basis in the State of Idaho.

I think most grazers, most producers would actually like to be doing it on State lands where they actually will be paying more, but they actually receive more benefit for being on the State-owned lands than the State-managed lands. My question to the gentleman is: Why doesn't he allow Idaho and other States in the West to do what we want to do, which what we want to do is we actually want to manage our own

lands. We have been asking that for a long time.

But it's interesting to me that the States that only have 1.4 percent of Federal lands continue to tell the States that have 68 percent of Federal lands that they cannot manage their own land. If we were allowed to manage our own lands, we would actually be able to charge a little bit more, but we would do away with all the NEPA requirements and all the other requirements that we have to deal with right now when we're on Federal lands.

So I think it's a little bit hypocritical for somebody to come here to the House floor and object to something that they don't even have to deal with in their own State.

□ 1600

Mr. MARKEY. Would the Chair please inform us as to how much time is remaining?

The CHAIR. The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Washington has 2½ minutes remaining.

Mr. MARKEY. I will, at this point, continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I would advise my friend from Massachusetts that I am the last speaker on this amendment, so if he's prepared to close, I'll close.

Mr. MARKEY. I yield myself the remainder of my time.

So this argument that's being made by the Republicans is nonsensical. What you're saying is, that in your home State, on State land, you charge 10 bucks or 7 bucks to the cattlemen to graze. But on Federal land it's only a buck 35 in your State. And your answer to raising the price for cattlemen is that we should be having a debate over whether or not the State of Colorado or Montana controls all of the Federal land in your State. Then you'll begin to debate whether or not cattlemen should get away with only a buck 35?

You know, you're giving new definition to the term "free range beef." You're allowing for the cattlemen in these States to get away with murder, and you're not even debating the issue of how they get away with this.

That's all we want from you. Tell us why you think they deserve a buck 35. You don't even want to reach that issue. You want to go off on the secondary issue of how much land in each State is controlled by the Federal Government, which is not what we are debating. We're debating how cattlemen get away with this bargain basement price that then comes to every other State to make up the difference in the Federal deficit because you're unwilling to collect it.

Meanwhile, you say to Grandma, higher rates for Medicare. You say to kids in school, higher payback for the loans that you take out. But for the

cattlemen in your home State, somehow or other you don't understand that this is a debate that goes to the heart of why it is the people are very unhappy with the way the Federal Government operates.

I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would remind Members to address their remarks to the Chair.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, this is a very interesting debate. But let's just put some facts as to what this amendment would do. It would amount to a nearly 75 percent increase on the fees for public land grazers. Now, let me emphasize the word "public land," because we hear this all the time, and the idea is that public land is owned by all Americans, even people that live in States where there's not any Federal lands.

But I would just, Mr. Chairman, advise my colleagues that people that live on public lands own the public lands too. If the first argument is correct, then the second argument is also correct.

What is interesting about this grazing fee debate is, if this grazing fee is raised, it could potentially put livestock producers out of business. Now, maybe that is what the goal is of my good friend from Massachusetts, because that is certainly the stated goal of some environmental extremist groups.

What is also interesting and, as was pointed out by my colleague from Idaho, when you operate on Federal lands you are subjected to endless litigation and review stemming from NEPA and outside attacks by environmental groups.

But probably more important, and this is the distinguishing part on this whole debate: some people claim that these ranchers are subsidized. But the fact is, when the West was settled, we were never given an opportunity to buy these lands for State purposes, and they remained in Federal control. And so as a result, everybody has a say in public lands.

What my colleague from Idaho is simply saying is, if we had control of our public lands, whether it's State land or private or county, we would probably manage it better. But we don't have that opportunity because we were never given the opportunity. And so, as a result, we have to fight off these huge increases that come from people that probably have a different notion, different idea of what it's like.

So I think this is an ill-advised amendment, and I urge its rejection.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF UTAH

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-539.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 1401, 1402, and 1403, and insert the following:

SEC. 1401. WAIVER OF FEDERAL LAWS WITH RESPECT TO BORDER SECURITY ACTIONS ON DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE LANDS.

(a) **SHORT TITLE.**—This section may be cited as the "National Security and Federal Lands Protection Act".

(b) **PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.**—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on Federal land located within 100 miles of an international land border, that is under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States.

(c) **AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.**—U.S. Customs and Border Protection shall have access to Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land that assist in securing the international land borders of the United States:

- (1) Construction and maintenance of roads.
- (2) Construction and maintenance of fences.
- (3) Use of vehicles to patrol.
- (4) Installation, maintenance, and operation of surveillance equipment and sensors.
- (5) Use of aircraft.
- (6) Deployment of temporary tactical infrastructure, including forward operating bases.

(d) **CLARIFICATION RELATING TO WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104-208) of the laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (c).

(2) **DESCRIPTION OF LAWS WAIVED.**—The laws referred to in paragraph (1) are limited to the Wilderness Act (16 U.S.C. 1131 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), Public Law 86-523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the "Antiquities Act of 1906"; 16 U.S.C. 431 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), the National Park Service Organic Act (16 U.S.C. 1 et seq.), the General Authorities Act of 1970 (Public Law 91-383) (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95-625, 92 Stat. 3467), and the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101-628).

(e) **PROTECTION OF LEGAL USES.**—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or public-use recreational and backcountry airstrips on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture;

(2) any additional authority to restrict legal access to such land; or

(3) any additional authority or access to private or State land.

(f) **TRIBAL SOVEREIGNTY.**—Nothing in this section supersedes, replaces, negates, or diminishes treaties or other agreements between the United States and Indian tribes.

(g) **SUNSET.**—This section shall have no force or effect after the end of the 5-year period beginning on the date of enactment of this Act.

The CHAIR. Pursuant to House Resolution 688, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, there are basically four elements that are involved in the amendment that I am proposing. The first one is to narrow the list of laws that can be waived by the Border Patrol on these areas to maintain operational control of the land. Presently, it lists 36 bills that could be waived.

Now I want you to know that that number was not irrational. It was not picked out of the air. Thirty-six bills have precedence of what this House has already done.

When the government was trying to finish the fence in California, there were litigations and environmental laws that were prohibiting them from doing that, so the Department of Homeland Security recommended the 36 laws that they thought did or could impede the building of that particular wall along our border. Congress agreed with them and, for the purpose of concluding that wall, we allowed them to waive those 36 rules, regulations, or laws.

Those are the same 36 in this bill. It's nothing additional to it. Well, I take that back. Democrats add one bill in committee that was not part of the original list, and that was fine as well.

What we are now trying to do is admit that about 20 of those really are not going to be a problem, but 16 still could be. So it limits it from 36 to 16, as those that can be waived for the purpose of allowing Border Patrol and Homeland Security to do the job for which they are paid to do.

The second thing, it specifically prohibits any additional access to private property. It eliminates the possibility of Border Patrol reducing public access to any Federal lands, and that includes for purposes of hunting or fishing or off-road vehicles.

It adds a provision to ensure that we are to protect tribal sovereignty, that nothing in this bill may supersede, replace, negate, or diminish treaty obligations or agreements with Indian tribes. Existing practices and negotiation cooperation between the Border Patrol and the tribes will continue.

It also clarifies what is the purpose of operation control, which is to prevent all unlawful entry into the United States, including entry by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States.

There are three reasons why this amendment, indeed, the underlying bill is important. Number 1, a sovereign country controls its own borders. We are not doing that here. We need to.

Number 2, we will never solve our overall immigration issue until we can guarantee that we can, in some way, lower the anger and the rage and the anxiety that is out there. If indeed we can look at our fellow citizens and, with a straight face, say we have control of the border, all of a sudden the ability of solving other problems, some of which are easy and some of which are complex, the ability to do that increases.

And third, and most importantly, the violence against women—the women who are raped along these trails, whose garments are left on these trees as a trophy to the coyote who raped these women, these women who have absolutely no other source to go, they have no one to complain to, they have no one to ask for protection. This must stop.

The Border Patrol can't stop this practice. Right now, what we're doing is simply putting up signs saying areas are off limits to Americans, but that does not stop this practice. And unless we can give the Border Patrol access to this territory so they can stop this practice, we're not doing anything about it. We are not solving this particular issue.

I'll add one more time. We have talked about the "drone zone" in here,

which is something, once again, it's cute and inaccurate. This amendment has nothing to do with the "drone zone." It does not authorize, nor does it stop drones. It doesn't authorize black helicopters or stop them, or red-headed stepchildren, or illegal Druids coming to this country as well.

But what it does do is allow our professional Border Patrol to have the same rights of access to Federal land that they have on private property and State land. And it says that we will control our border, we will solve our immigration problem, and we will stop the rape trees. We will stop this heinous practice from going forward, and we will do it positively. That's the purpose of this amendment to this title of the bill.

I reserve the balance of my time.

□ 1610

Mr. MARKEY. I rise in opposition to the amendment.

The Acting CHAIR (Mr. YODER). The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This amendment is just further evidence that the problem this drone zone bill claims to be solving does not exist and that the underlying bill is a dangerous overreach.

When this legislation was first introduced, we were told that it was necessary to establish this 100-mile drone zone around the entire United States—east coast, west coast, Hawaii, and Alaska. That version of the drone zone looked like a giant red belt surrounding the entire country. Then supporters of the bill decided that they'd gone too far. The bill was altered to say the drone zone would only cover a 100-mile stretch along our northern and southern borders and along the eastern border of Alaska. Even with that change, we were still assured that a blanket waiver of the full list of 36 bedrock environmental laws was absolutely necessary for our border security.

Now we have a further change.

This amendment will reduce the list of laws weighed by the drone zone from 36 environmental laws down to 16 environmental laws. This is the ever-shrinking bill. It gets smaller and smaller as people realize that environmental laws are not the problem when it comes to border security and that the zone created by this bill would harm the environment and individual freedoms for millions of Americans.

The Bishop amendment proves that the underlying bill has always been an extreme and extremely harmful solution to a problem that does not exist. Perhaps if we give supporters enough time, they can shrink this idea down to waiving parking enforcement in a small area around Tucson. This amendment reduces the damage this bill would do, but it does not begin to prevent that damage. Waiving 36 laws was

an unnecessary overreach, and waiving 16 laws would be as well.

Limiting the scope of this terrible bill is a small step in the right direction, so there is no reason to oppose this amendment.

I reserve the balance of my time.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MARKEY. Would the Chair please inform the Members as to the time remaining on both sides.

The Acting CHAIR. The gentleman from Massachusetts has 3 minutes. The gentleman from Utah has 30 seconds.

Mr. MARKEY. I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. I thank you, Mr. MARKEY.

I rise in opposition to the bill, especially to the border provisions of the bill, and I rise in support of the Grijalva amendment that is going to be coming.

I represent the entire California-Mexico border. I know how harmful this bill can be. As I read the exemptions from laws, I can see—I don't know—undocumented child labor filling in wetlands.

I mean, come on.

Our natural beauty depends on these protections. These laws protect us, and the Department of Homeland Security, as I understand it, is not in support of these provisions. They testified in July of 2011:

The U.S. Customs and Border Protection Agency enjoys a close working relationship with the Department of the Interior and with the Department of Agriculture that allows us to fulfill our border enforcement responsibilities while respecting and enhancing the environment.

This excessive exemption from a century's worth of environmental protection laws would affect public lands and national parks all across the country.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I yield the gentleman an additional 30 seconds.

Mr. FILNER. This would put in danger important parks and monuments, not only in my area, but those such as the Statue of Liberty National Monument, Cape Cod in Massachusetts, Point Reyes in California, Cape Hatteras National Seashore in North Carolina, and scores of others. We must protect these important national parks, recreation areas, and wilderness lands for future generations.

Mr. Chairman, I also invited the gentleman, Mr. DENHAM, whose bill this is, to join me at the border to see what we would be protecting. I don't think he ever answered my letter.

Mr. MARKEY. I am the final speaker on our side if the gentleman from Utah is ready to conclude debate.

Mr. BISHOP of Utah. I am prepared to close when you are ready to close.

Mr. MARKEY. I yield back the balance of my time.

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. BISHOP of Utah. The 36 laws that were originally placed were there when Homeland Security asked for those and when Congress agreed to it. It is the precedent. I am lowering it to 16 out of benefit to you.

I have been on the border. I have been on the border, and I have seen the rape trees. This must stop. I have also been on the border to see there are 48 different organizations that have endorsed the underlying bill, including the National Association of Former Border Patrol Officers, the National Border Patrol Council, the local Border Patrol Council in Arizona, and the National Association of Police Organizations. Those who work this realize the importance of this, and that's why they are supporting it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-539.

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title XIV.

The Acting CHAIR. Pursuant to House Resolution 688, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Out of all the titles cobbled together under this one piece of legislation, title XIV is the most alarming, so I have introduced this amendment to strike it all from the bill.

Not only is it the text of one of the most controversial bills introduced in this Congress, its intent is to expand the scope and the authority of one government agency to achieve a loosely defined objective, an agency that has not even asked for this expanded authority. Title XIV of this legislation would supersize Customs and Border Protection so they could seize control of Federal lands within 100 miles of the northern and southern borders. It would be at their discretion and without any recourse by the public to be able to counter that.

If this bill were to become law, families who use our parks, forests, and wildlife areas in all of these States could be subject to increased surveillance without any notification. We already know what happens to the economic welfare of families and what has happened to the economies of the States of Alabama and Arizona when

States pass hostile anti-immigrant laws. This takes the same concept and spreads it across our northern and southern borders.

Right now, Customs and Border Protection isn't suffering from a lack of authority. If anything, it is suffering from a lack of focus. The ability to access Federal lands isn't causing Border Patrol problems. In the most recent GAO report, radios that don't work and the lack of infrastructure and personnel are what they have cited as being barriers.

Yesterday, during the debate over the rule for the bill, the sponsor of the legislation that has become title XIV claimed that we can't deal with the issue of immigration reform before securing our land borders. He went on to say that people are angry about the situation at the border and that, before this anger is addressed, we can't do anything about our broken immigration system, so we are going to pay some lip service to border security to advance what is essentially an anti-environment and anti-immigrant agenda.

That should make many of us angry because it adds to the division in our Nation and to the sense of millions of families in the border region and across this country who feel they are political pawns in a system—in a game—that is never ending. Millions of people live along these 100 miles, and they deserve the same protection from environmental pollution or government overreach that the rest of us in the country enjoy.

The original bill granted DHS a waiver of 36 laws. The recently introduced amendment would allow that list to be 16. The fact that we were able to concede half of the original list proves that the bill is, from the outset, an unnecessary overreach. The 16 laws left in the legislation are not minor statutes. They include the National Historic Preservation Act, the Endangered Species Act, the Antiquities Act, the Wilderness Act, and the Administrative Procedure Act.

The solution to a broken system along the border is comprehensive immigration reform. If you took that 100-mile zone along the southern border and made it into a State, it would lead the Nation in poverty, unemployment, educational attainment, the lowest wages, the most uninsured, and the lowest economic growth. Yet this legislation and title XIV, once again, take this region, and instead of providing support and comprehensive attention to it, we further marginalize and isolate it.

□ 1620

All the laws that are being waived and eliminated are all landmark pieces of legislation that guide and manage our Federal lands, resources that belong to every single American taxpayer. Throwing away decades of law

that help protect and preserve our Federal lands makes no sense. The supporters of this legislation will say it is necessary to address the horrors and violence that occur on the border. That's not true. It's back-door amnesty for extremist anti-environmental groups, industries, and developers who lust after our public resources for private profit at taxpayers' expense.

That is why I've introduced my amendment to strike the title from the bill. I encourage its support and reserve my time.

Mr. BISHOP of Utah. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Chairman, I hope I will not take the 5 minutes of this time.

With all due respect for my good friend from Arizona, for whom I have a great deal of admiration, I would emphasize again that the title of this section is National Security and Federal Lands Protection. It does not extend to any other property except those that belong to the Federal Government on our borders. It has a 5-year limitation on it. There is a sunset provision so it can be reviewed. But more importantly, the elements that are in this particular title are there for a reason, there is precedent for them. One hundred miles is what the legal definition of border land actually is. The 36 laws—I'm ready to go back to those. The 36 laws were the laws that were presented by the Department of Homeland Security as those potential laws that could cause them damage, and this Congress agreed to that precedent. Congress established that they could be waived for that specific purpose.

I want to once again tell you what Secretary Napolitano said about this particular issue of border security when she first came into office: The removal of cross-border violators from public lands is a value to the environment.

You want to protect the environment, get the drug cartels and the human traffickers off of that particular area. It is the removal of those violators from public lands that is a value to the environment, as well as to the mission of the land managers, which is once again the 48 groups that talk about and support this. They come from conservation groups, they come from agriculture groups, but more importantly, they come from the Border Patrol agents themselves. Those are the ones who have come forth and testified that they need special ability of having access to this land if we're going to control the border, which is what a sovereign country does.

Mr. Chairman, this is the word of what their responsibilities are. This is what we have told the Border Patrol they have to do: Prevent all unlawful

entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States. That's in this title. That's their job. That's what the Border Patrol has requested to do.

All we need to do is give them the tools they need to be able to accomplish that, tools on Federal land that will mirror the tools they have on private and State lands. Let them do their job. They need access to this area to patrol it and to apprehend the bad guys. Give them that opportunity.

With that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, if I may inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining.

Mr. GRIJALVA. Mr. Chairman, I yield the remaining time to the gentleman from North Carolina, the ranking member of DHS appropriations, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong support of the Grijalva amendment, which would restore proper environmental oversight and protections to construction performed by the Border Patrol.

Even with the Bishop amendment just adopted, the bill waives 16 different environmental laws—for example, the National Environmental Policy Act and wildlife refuge laws—to give DHS operational control over these lands.

Mr. Chairman, that would mean that on our northwest border, the Border Patrol would have largely unfettered access, and environmental protections would be waived, within 10 miles of Seattle. In Arizona, this would encompass all of Tucson. In New York, land in Buffalo and Syracuse could come under control. These are sweeping and unnecessary provisions, and the Department of Homeland Security has said it does not want them.

Having worked on this issue for years as chairman and ranking member of the Homeland Security Appropriations Subcommittee, I urge my colleagues to adopt the amendment.

Mr. BISHOP of Utah. Mr. Chairman, can I just inquire if there is any time left from either side?

The Acting CHAIR. The gentleman from Utah has 2¼ minutes remaining. The time of the gentleman from Arizona has expired.

Mr. BISHOP of Utah. Let me just say once again, I appreciate the arguments that are given.

When I have been on the border and have been able to talk to the people who work on the border about what they need to protect the border, once again they're telling us that they need the access. The ability to waive these law, these rules, these regulations is

what we have done in the past. Congress already did it once before. There is precedent. This is not something that is new, but this is what is definitely needed. This is the right thing to do.

I urge you to reject this particular amendment.

And in all fairness, Mr. Chair, I would like to yield 30 seconds to the gentleman from Arizona so he has a chance to close on his particular amendment.

Mr. GRIJALVA. Thank you, Mr. Chairman. I appreciate your courtesy.

I would at this point say that I appreciate the time, and I'll wait to call for a vote. Thank you very much.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-539.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 104, after line 8, insert the following new subsection:

(e) LIMITATION ON APPLICATION WITH RESPECT TO HAWAII.—Subsections (a) and (b) shall not apply with respect to activities by U.S. Customs and Border Protection on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture in Hawaii.

The Acting CHAIR. Pursuant to House Resolution 688, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

Ms. HANABUSA. Mr. Chair, first I would like to begin by saying that we've had my amendment before the committee and the representations that were made with it were that it did not cover Hawaii. I'm here to basically reaffirm that on the floor of the House.

This all started because when I was home, I was the speaker at the 50th anniversary of the USS Arizona Memorial. As I sat there, I began to understand that, in fact, the National Park Service has jurisdiction over the Arizona and all of its facilities in Pearl Harbor. So it caused me to go back and check exactly how many lands are under the jurisdiction of the National Park Service and Fish and Wildlife, which would fall within this law.

There are 357,772 acres in the National Park Service and 298,980 acres

under the Fish and Wildlife Service. As you all know, with 100 miles from any border, it would cover the whole State of Hawaii. But, Mr. Chair, I believe with the representation from the gentleman from Utah, I would be willing to withdraw my amendment if I'm again assured that this is not intended to cover Hawaii.

Mr. BISHOP of Utah. Will the gentlemanly yield?

Ms. HANABUSA. I yield to the gentleman from Utah.

Mr. BISHOP of Utah. Yes, Hawaii was taken out in committee. It is not put in with the amendment that was just passed.

Ms. HANABUSA. With that, Mr. Chair, I respectfully ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Chair understands that amendment No. 7 will not be offered.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-539 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. DEFAZIO of Oregon.

Amendment No. 3 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. GRIJALVA of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 12, as follows:

[Roll No. 383]

AYES—184

Ackerman	Bonamici	Chandler
Andrews	Boswell	Chu
Baldwin	Brady (PA)	Cioccine
Barber	Braley (IA)	Clarke (MI)
Barrow	Brown (FL)	Clarke (NY)
Bartlett	Butterfield	Clay
Bass (CA)	Capps	Cleaver
Becerra	Capuano	Clyburn
Berkley	Cardoza	Cohen
Berman	Carnahan	Connolly (VA)
Bishop (GA)	Carney	Conyers
Bishop (NY)	Carson (IN)	Cooper
Blumenauer	Castor (FL)	Costa

Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.

NOES—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cansco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble

Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Pitts

Altmire
Davis (KY)
Dingell
Hayworth
Huizenga (MI)

Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner

NOT VOTING—12

Hurt
Jackson (IL)
Lewis (CA)
Miller (FL)
Ryan (OH)

□ 1655

Messrs. SMITH of Texas, BARTON of Texas, and TIPTON changed their vote from “aye” to “no.”

Messrs. PETRI, McDERMOTT, COSTA, and BARTLETT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mrs. EMERSON was allowed to speak out of order.)

WOMEN'S CONGRESSIONAL SOFTBALL

Mrs. EMERSON. Mr. Chairman, my softball co-captain, my colleague from Florida, DEBBIE WASSERMAN SCHULTZ, and I would like to remind all of you, all of our colleagues, that tomorrow night, once again the bicameral, bipartisan softball team plans to beat the Washington news media in a softball game; and we want to make sure that all of you know the details so you can join us in the very oppressive heat that we will be playing in.

I yield to my co-captain.

Ms. WASSERMAN SCHULTZ. I thank the gentlelady for yielding. We are really excited. This is the fourth annual congressional women's softball game. We are the defending champions. We beat the Bad News Babes last year. We have expanded our team. We have the gentlelady from Alabama who's a ringer this year, Mrs. ROBY. You should come out and see her play; she's got some skills.

So even though the press corps has been talking some good trash, and they're even apparently practicing on

the beach while at the G-20, we have jelled as a team, come together in a bipartisan, bicameral way. And between our superior fielding, hitting, and strategic approach to the game, we look forward to continuing as the champions of the Annual Congressional Women's Softball Game. It's 7 p.m. tomorrow night, Watkins Recreation Center. Come on out, encourage your staff. This year it is a \$10 entry fee, but all for a good cause, to raise money for the Young Survival Coalition, which is an organization that raises awareness and supports young survivors of breast cancer.

And I would just conclude by thanking all Members and staff, as a breast cancer survivor myself, and a young one at that, it is so personally and deeply meaningful to me that the congressional family is always so supportive of the women Members. Thank you to my congressional sisters. You guys are awesome.

Mrs. EMERSON. And I want to just thank MARTHA ROBY for helping our average age go way, way, way down.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 268, not voting 8, as follows:

[Roll No. 384]

AYES—156

Ackerman	Cleaver	Fudge
Andrews	Clyburn	Garamendi
Baca	Cohen	Gonzalez
Baldwin	Connolly (VA)	Green, Al
Bass (CA)	Conyers	Green, Gene
Bass (NH)	Cooper	Grijalva
Becerra	Courtney	Gutierrez
Berman	Crowley	Hahn
Bishop (NY)	Cummings	Hanabusa
Blumenauer	Davis (CA)	Hastings (FL)
Bonamici	Davis (IL)	Heinrich
Brady (PA)	DeGette	Higgins
Brown (FL)	DeLauro	Himes
Butterfield	Deutch	Hinchey
Capps	Dicks	Hinojosa
Capuano	Doggett	Hirono
Carnahan	Doyle	Holt
Carney	Edwards	Honda
Carson (IN)	Ellison	Hoyer
Castor (FL)	Engel	Israel
Chu	Eshoo	Jackson Lee
Ciциlline	Farr	(TX)
Clarke (MI)	Fattah	Johnson (GA)
Clarke (NY)	Filner	Johnson, E. B.
Clay	Frank (MA)	Keating

Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)

Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—268

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Berkley
Biggert
Bilbray
Billirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham

Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones

Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts

Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)

Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman

Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—8

Altmire
Dingell
Huizenga (MI)

Jackson (IL)
Lewis (CA)
Miller (FL)

Sánchez, Linda
T.
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1702

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GRIJALVA
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Arizona (Mr. GRI-
JALVA) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 177, noes 247,
not voting 8, as follows:

[Roll No. 385]

AYES—177

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu

Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks

Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins

Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern

McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes

Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Billirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham

Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Hultgren
Hunter
Hurt

Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson

Palazzo	Rokita	Stivers
Paulsen	Rooney	Stutzman
Pearce	Ros-Lehtinen	Sullivan
Pence	Roskam	Terry
Peterson	Ross (AR)	Thompson (PA)
Petri	Ross (FL)	Thornberry
Pitts	Royce	Tiberi
Platts	Runyan	Tipton
Poe (TX)	Ryan (WI)	Turner (NY)
Pompeo	Scalise	Turner (OH)
Posey	Schilling	Upton
Price (GA)	Schmidt	Walberg
Quayle	Schock	Walden
Reed	Schweikert	Walsh (IL)
Rehberg	Scott (SC)	Webster
Reichert	Scott, Austin	West
Renacci	Sensenbrenner	Westmoreland
Ribble	Sessions	Whitfield
Rigell	Shinkus	Wilson (SC)
Rivera	Shuster	Wittman
Roby	Simpson	Wolf
Roe (TN)	Smith (NE)	Womack
Rogers (AL)	Smith (NJ)	Woodall
Rogers (KY)	Smith (TX)	Yoder
Rogers (MI)	Southerland	Young (AK)
Rohrabacher	Stearns	Young (IN)

NOT VOTING—8

Altmire	Jackson (IL)	Sánchez, Linda
Dingell	Lewis (CA)	T.
Huizenga (MI)	Miller (FL)	Young (FL)

□ 1707

Mr. BISHOP of Georgia changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WOODALL). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, and, pursuant to House Resolution 688, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1710

MOTION TO RECOMMIT

Mr. PERLMUTTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PERLMUTTER. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Perlmutter moves to recommit the bill, H.R. 2578, to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

TITLE XV—REDUCING THE RISK OF WILDFIRE; PROTECTING TRIBAL SOVEREIGNTY; MAKE IT IN AMERICA

SEC. 1501. REDUCING THE RISK OF WILDFIRE.

The Secretaries of Agriculture and Interior are authorized to enter into contracts or agreements with a State to permit the State to treat insect-infected trees and remove hazardous fuels on Federal land located in the State, in order to reduce the risk of wildfire. Priority shall be given to the protection of homes, schools, and healthcare, nursing, and assisted living facilities.

SEC. 1502. PROTECTING TRIBAL SOVEREIGNTY.

Nothing in this Act shall override Tribal sovereignty, including with respect to Native American burial or other sacred sites.

SEC. 1503. MAKE IT IN AMERICA.

The Secretary of the Interior shall ensure that all items offered for sale in any gift shop or visitor center located within a unit of the National Park System are produced in the United States.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. Mr. Speaker, I rise in support of this motion to recommit. It is the final amendment to the bill. It will not kill the bill and, if adopted, the House will vote on final passage in this series of votes.

The amendment has three parts. They are short and direct. The first involves wildfires and the ability and the authority of the Secretary of the Interior and the Secretary of Agriculture to enter into contracts with the States to clear hazardous fuel to prevent wildfires, as well as treat insect-infested trees. And we'll get into that.

The second part is very clear. Just says, nothing in this act shall override tribal sovereignty, including with respect to Native American burial or other sacred sites. It speaks for itself.

Finally, it's about making sure that in the parks and in the gift shops, that the goods that are sold there are made in America.

So let's just begin with the wildfire piece. As Smokey the Bear says, “Only you can prevent forest fires.”

Right now, across the West and throughout America we have wildfires dotting our country: 500,000 acres across our country are on fire right now, in Alaska, Arizona, California, Nebraska, Nevada, New Mexico, North Carolina, Wyoming, and in my home State of Colorado.

Right now we're battling a very big wildfire just north of where I live

called the High Park fire—60,000 acres are currently burning. We have about 50 percent contained through the efforts of 1,800 firefighters, some of the best Federal firefighters we have, as well as State and local firefighters who are doing a tremendous job in a situation where we have very dry conditions, record temperatures, and a very erratic fire.

Now, what we can do and what is missing from this bill is any public policy concerning what to do with insect-infested forests. And we've had a terrible infestation of what they called the pine beetle. And it makes tremendous fuel.

And so what this bill does is it gives the authority to the Agriculture Department and the Interior Department to work with the States to clear these insect-ravaged forests. We need to have that done to prevent forest fires in the future. It's as simple as that. It ought to be very easy for everyone to support that.

Secondly, again, this amendment says specifically, the act shall not override tribal sovereignty. We've reached treaties with the various tribes. Those things control, not this particular bill, and we state that specifically.

Finally, we address something that I think irks many of us in this Chamber. When we have a visitors center in our national parks which is selling goods made in other countries, it just seems wrong. We want to make things in America. Manufacturing in America is key to this country's economic growth and prosperity. We have a saying, “If we make it in America, we'll make it in America.”

So three very simple, very direct amendments to this bill which make the bill much better, address public policy that is not addressed in the bill, especially the wildfire mitigation piece, something that you would have expected to be right in the heart of this thing after Texas was ravaged by so many wildfires last year, and we knew dry conditions existed across the West.

So I urge my colleagues, Democrats and Republicans, to support this commonsense amendment to mitigate and prevent forest fires, to make sure that tribal sovereignty is respected, and that we make things in America so that we make it here in America.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I've had an opportunity several times to come down here to debate the motions to recommit, and I've prefaced virtually every time I've come down here with, history repeats itself.

Mr. Speaker, history is repeating itself one more time. Why do I say that? Because probably the biggest issue that Americans are concerned about is jobs. This is another effort that deals with American jobs by dealing with regulation that slows down economic activity.

So what does the other side do? They try to put up another impediment to a bill that is straightforward, had transparency in committee, had a full debate in committee, and put together to debate on the floor. It's the same arguments that we have that, frankly, are meaningless.

Now, to the essence of what the gentleman's amendment does. All of this is essentially redundant. It's in law right now.

Is this just a political move on the minority's part? Is that what it is?

If the issue is really trying to deal with firefighting in the West, I would remind this body, Mr. Speaker, that 2 weeks ago, we passed legislation to allow the Forest Service to buy tankers to fight forest fires. We've already done that.

All I can say, Mr. Speaker, is that history repeats itself. Let's vote down this motion to recommit and let's vote for the jobs bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PERLMUTTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to suspend the rules and pass H.R. 2938.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 10, as follows:

[Roll No. 386]

AYES—188

Ackerman	Butterfield	Cooper
Andrews	Capps	Costa
Baca	Capuano	Costello
Baldwin	Cardoza	Courtney
Barber	Carnahan	Critz
Barrow	Carney	Crowley
Bass (CA)	Carson (IN)	Cuellar
Becerra	Castor (FL)	Davis (CA)
Berkley	Chandler	Davis (IL)
Berman	Chu	DeFazio
Bishop (GA)	Cicilline	DeGette
Bishop (NY)	Clarke (MI)	DeLauro
Blumenauer	Clarke (NY)	Deutch
Bonamici	Clay	Dicks
Boren	Cleaver	Doggett
Boswell	Clyburn	Donnelly (IN)
Brady (PA)	Cohen	Doyle
Braley (IA)	Connolly (VA)	Duncan (TN)
Brown (FL)	Conyers	Edwards

Ellison	Lewis (GA)
Engel	Lipinski
Eshoo	Loeb
Farr	Loeb
Fattah	Lofgren, Zoe
Filner	Lowe
Frank (MA)	Lujan
Fudge	Lynch
Garamendi	Maloney
Gonzalez	Markey
Green, Al	Matheson
Green, Gene	Matsui
Grijalva	McCarthy (NY)
Gutierrez	McCollum
Hahn	McDermott
Hanabusa	McGovern
Hastings (FL)	McIntyre
Heinrich	McNerney
Higgins	Meeks
Himes	Michaud
Hinchey	Miller (NC)
Hinojosa	Miller, George
Hirono	Moore
Hochul	Moran
Holden	Murphy (CT)
Holt	Nadler
Honda	Napolitano
Hoyer	Neal
Israel	Oliver
Jackson Lee	Owens
(TX)	Pallone
Johnson (GA)	Pascarella
Johnson, E. B.	Pastor (AZ)
Jones	Pelosi
Kaptur	Perlmutter
Keating	Peters
Kildee	Peterson
Kind	Pingree (ME)
Kissell	Polis
Kucinich	Price (NC)
Langevin	Quigley
Larsen (WA)	Rahall
Larson (CT)	Rangel
Lee (CA)	Reyes
Levin	Richardson
	Richmond

NOES—234

Adams	Crenshaw	Hartzler
Aderholt	Culberson	Hastings (WA)
Akin	Davis (KY)	Hayworth
Alexander	Denham	Heck
Amash	Dent	Hensarling
Amodei	DesJarlais	Herger
Austria	Diaz-Balart	Herrera Beutler
Bachmann	Dold	Huelskamp
Bachus	Dreier	Hultgren
Barletta	Duffy	Hunter
Bartlett	Duncan (SC)	Hurt
Barton (TX)	Ellmers	Jenkins
Bass (NH)	Emerson	Johnson (IL)
Benish	Farenthold	Johnson (OH)
Berg	Fincher	Johnson, Sam
Biggert	Fitzpatrick	Jordan
Bilbray	Flake	Kelly
Bilirakis	Fleischmann	King (IA)
Bishop (UT)	Fleming	King (NY)
Black	Flores	Kingston
Blackburn	Forbes	Kinzing (IL)
Bonner	Fortenberry	Kline
Bono Mack	Fox	Labrador
Boustany	Franks (AZ)	Lamborn
Brady (TX)	Frelinghuysen	Lance
Brooks	Gallely	Landry
Broun (GA)	Gardner	Lankford
Buchanan	Garrett	Latham
Bucshon	Gerlach	LaTourette
Buerkle	Gibbs	Latta
Burgess	Gibson	LoBiondo
Burton (IN)	Gingrey (GA)	Long
Calvert	Gohmert	Lucas
Camp	Goodlatte	Luetkemeyer
Campbell	Gosar	Lummis
Canseco	Gowdy	Lungren, Daniel
Cantor	Granger	E.
Capito	Graves (GA)	Mack
Carter	Graves (MO)	Manzullo
Cassidy	Griffin (AR)	Marchant
Chabot	Griffith (VA)	Marino
Chaffetz	Grimm	McCarthy (CA)
Coble	Guinta	McCaul
Coffman (CO)	Guthrie	McClintock
Cole	Hall	McCotter
Conaway	Hanna	McHenry
Cravaack	Harper	McKeon
Crawford	Harris	McKinley

McMorris	Renacci	Smith (NJ)
Rodgers	Ribble	Smith (TX)
Meehan	Rigell	Southerland
Mica	Rivera	Stearns
Miller (MI)	Roby	Stivers
Miller, Gary	Roe (TN)	Stutzman
Mulvaney	Rogers (AL)	Sullivan
Murphy (PA)	Rogers (KY)	Terry
Myrick	Rogers (MI)	Thompson (PA)
Neugebauer	Rohrabacher	Thornberry
Noem	Rokita	Tiberi
Nugent	Rooney	Tipton
Nunes	Ros-Lehtinen	Turner (NY)
Nunnelee	Roskam	Turner (OH)
Olson	Ross (FL)	Upton
Palazzo	Royce	Walberg
Paul	Runyan	Walden
Paulsen	Ryan (WI)	Walsh (IL)
Pearce	Scalise	Webster
Pence	Schilling	West
Petri	Schmidt	Westmoreland
Pitts	Schock	Whitfield
Platts	Schweikert	Wilson (SC)
Poe (TX)	Scott (SC)	Wittman
Pompeo	Scott, Austin	Wolf
Posey	Sensenbrenner	Womack
Price (GA)	Sessions	Woodall
Quayle	Shimkus	Yoder
Reed	Shuster	Young (AK)
Rehberg	Simpson	Young (IN)
Reichert	Smith (NE)	

NOT VOTING—10

Altmire	Issa	Sánchez, Linda
Cummings	Jackson (IL)	T.
Dingell	Lewis (CA)	Young (FL)
Huizenga (MI)	Miller (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1735

Messrs. ROYCE, COFFMAN of Colorado, and TIPTON changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting 12, as follows:

[Roll No. 387]

YEAS—232

Adams	Boswell	Costa
Aderholt	Boustany	Cravaack
Akin	Brady (TX)	Crawford
Alexander	Brooks	Crenshaw
Amodei	Broun (GA)	Culberson
Austria	Buchanan	Davis (KY)
Bachmann	Bucshon	Denham
Bachus	Buerkle	Dent
Barber	Burgess	DesJarlais
Barletta	Burton (IN)	Diaz-Balart
Barrow	Calvert	Donnelly (IN)
Barton (TX)	Camp	Dreier
Benish	Campbell	Duffy
Berg	Canseco	Duncan (SC)
Bilbray	Cantor	Duncan (TN)
Bilirakis	Capito	Ellmers
Bishop (GA)	Cardoza	Emerson
Bishop (UT)	Cassidy	Farenthold
Black	Chaffetz	Fincher
Blackburn	Coble	Flake
Bonner	Coffman (CO)	Fleischmann
Bono Mack	Cole	Fleming
Boren	Conaway	Flores

Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Hultgren
Hunter
Hurt
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette

Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)

NAYS—188

Ackerman
Amash
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui

McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napollitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Pingree (ME)

Altmire
Cummings
Dingell
HuiZenga (MI)
Issa

NOT VOTING—12

Jackson (IL)
Lewis (CA)
Miller (FL)
Sánchez, Linda
T.

□ 1742

So the bill was passed.
The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall
No. 387, had I been present, I would have
voted “nay.”

GILA BEND INDIAN RESERVATION LANDS REPLACEMENT CLARI- FICATION ACT

The SPEAKER pro tempore. The un-
finished business is the vote on the mo-
tion to suspend the rules and pass the
bill (H.R. 2938) to prohibit certain gam-
ing activities on certain Indian lands in
Arizona, as amended on which the
yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The
question is on the motion offered by
the gentleman from Alaska (Mr.
YOUNG) that the House suspend the
rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 343, nays 78,
answered “present” 2, not voting 9, as
follows:

[Roll No. 388]

YEAS—343

Ackerman
Adams
Aderholt
Akin
Alexander
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett

Barton (TX)
Bass (NH)
Becerra
Benishak
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner

Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter

Schock
Schwartz
Young (FL)

Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (IL)
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hahn
Hall

Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hinojosa
Holden
Huelskamp
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latham
Latta
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver

Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Towns
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Watt

Webster
West
Westmoreland
Whitfield
Wilson (FL)

Wilson (SC)
Wittman
Wolf
Womack
Woodall

Woolsey
Yoder
Young (AK)
Young (IN)

NAYS—78

Amash
Barber
Bass (CA)
Bishop (NY)
Blumenauer
Bonamici
Braley (IA)
Castor (FL)
Cicilline
Costello
Critz
Davis (CA)
DeFazio
DeGette
Deutch
Doggett
Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Filner
Frank (MA)
Grijalva
Higgins
Hochul

Holt
Honda
Hoyer
Johnson (GA)
Johnson, E. B.
Keating
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lummis
Lynch
Markey
Matsui
McCarthy (NY)
McClintock
McDermott
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Owens

Paul
Pingree (ME)
Polis
Price (NC)
Ryan (OH)
Sarbanes
Schakowsky
Scott (VA)
Serrano
Sewell
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Waters
Waxman
Welch
Yarmuth

ANSWERED "PRESENT"—2

Chu LaTourette

NOT VOTING—9

Altmire Jackson (IL) Sánchez, Linda
Dingell Lewis (CA) T.
Hirono Miller (FL) Young (FL)
Huizenga (MI)

□ 1749

Messrs. LEVIN and WELCH changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 388, had I been present, I would have voted "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4480, DOMESTIC ENERGY AND JOBS ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-540) on the resolution (H. Res. 691) providing for consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. WALZ of Minnesota. Mr. Speaker, I have a previous noticed motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Walz of Minnesota moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to resolve all issues and file a conference report not later than June 22, 2012.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Tennessee (Mr. DUNCAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Tennessee for being here. I know his commitment to building infrastructure in this Nation is unquestioned. He's been a good friend and a gentleman on the committee.

I think what we're here for today, Mr. Speaker, is the American people deserve better from us. We have a need in this country that is obvious to everyone. The infrastructure in this country is crumbling: 70,000 deficient bridges; nearly half our highways in disrepair. And being a Member from Minnesota, that hot August day almost 5 years ago when the I-35W bridge fell into the Mississippi River is a stark testament of what we can do.

The Transportation Committee, by command of the Constitution, if you will, has always been there to build the post roads. This Nation has built canals, locks, dams, and ports. We've built railroads that connected the continent and spurred the industrial revolution. We've built an interstate highway system that made the American economy the envy of the world. We have possessed vision, we've possessed willpower, and we've done it in a manner that incorporated bipartisan support and, at the end of the day, compromise.

The last bill that passed, SAFETEA-LU, passed by a vote in this House in 2005 of 412-8; in the Senate, 91-4. The previous bill, 2007, 297-86, and 88-5 in the Senate. In 1991, 372-47; the Senate, 79-8. In 1987, over the last 25 years, 350-73. We have the will. We simply need to exercise the political willpower to move this piece of legislation.

So this motion to instruct is very simple. A hundred days ago, the Senate passed their version. It received a vote of 74-22. It is a bipartisan bill.

Now, I will be the first to tell you the prerogative of the House to lead is sa-

cred to us here. We need to have a say in this. We need to make sure that the people's House has their voice in things. The problem we have is we've been sitting in conference committee for 45 days with a deadlock and no end in sight.

So this motion to instruct, yes, it's a nonbinding sense of the House, but I would argue it's far more than that. This is a sense of the American public. They sent us here to do some basic work. They did not send us here to agree with each other on everything, but they did have that understanding that the glue that binds the Nation together is compromise. And there are a very few things that historically have been bipartisan. The transportation bill has been one of those.

So what this MTI asks is: rectify the differences and compromise to the point that we can get something on the floor and finish the work by June 22, this Friday. Then give us the opportunity to exercise the American will by having their Representatives discuss what needs to be there. If we can't come to a compromise, bring us the Senate bill and let's have the up-or-down vote. If it passes, we can move forward. If it doesn't, then we start and go on from there. But I have to tell you, we can't afford to kick this can down the road—and I would say the proverbial "crumbling road."

The Chamber of Commerce has made the case:

Failure to keep up with infrastructure needs in the U.S. cost this economy \$2 trillion between 2008 and 2009.

Every year we do nothing, we spend over \$100 billion on idling tax. We waste 1.9 billion gallons of fuel yearly. That's 5 percent of our fuel needs. That's money going to foreign countries who hate us. They'll hate us for free. We can be more efficient. We cannot waste Americans' hard-earned dollars staring at the bumper in front of them. We can do it safely, and we can move our products to market faster; and we have that power.

I said it this morning. I'll continue to say it. Up above the Speaker's chair up there is the quote from Daniel Webster. How about we do something worthy to be remembered for. How about we come together and pass a bill that the people say, They did the peoples' work. They compromised.

It's not about getting what each of us wants. It's about getting what the American public needs.

I reserve the balance of my time.

Mr. DUNCAN of Tennessee. I yield myself such time as I may consume.

First of all, Mr. Speaker, I appreciate the kind words from the gentleman from Minnesota. He is correct in that I am very much committed to trying to produce and pass a good transportation bill in this Congress. When the gentleman's party was in control of the House and the Senate and the White

House a couple of years ago, they couldn't, for various reasons, pass the bill. And I certainly hope we can in this Congress.

For the past 3½ years, about half the time when I've come to the floor I've had some Members on both sides come up to me and say, When are we going to pass a highway bill? And this is my 24th year in this body and I have been involved actively with all of those bills that the gentleman from Minnesota mentioned, all of which passed by overwhelming margins. And as he said, the last highway bill that was passed in 2005 passed with only 8 votes in opposition.

I agree and I think all of the people on our side of the aisle agree in principle with Mr. WALZ's motion to instruct. We should focus our efforts on completing the conference report and delivering a bill to the President's desk before the surface transportation programs expire at the end of this month. Unfortunately, up until this moment, the Senate has not shown a sufficient willingness to address the House's top four priorities: streamlining project delivery; program consolidation; State funding flexibility; and equitable funding formulas not based on past earmarks.

When the average transportation project, Mr. Speaker, takes 15 years to complete, I cannot help but think there's something wrong with the current system. And as the gentleman from Minnesota mentioned, when the will is there, these projects can be completed in record time, such as the I-35 bridge in Minnesota after it collapsed.

Bureaucratic red tape is the main culprit, and much more must be done in the reauthorization bill to accelerate the process by which projects are approved. Every other developed nation is doing similar types of projects in a third or half the time that we are, and it is ridiculous that we are wasting so much money dragging these projects out for so many years. We can accomplish the goal of accelerating the process without harming the environment, but the Senate so far has shown more interest in catering to radical environmentalists than building infrastructure projects.

Program consolidation is another important reform that the House is pushing for in this bill. The Senate insists on including two new programs at the cost of \$3 billion a year that would allow the administration to play politics with the funding that should go directly to the States. At a time when the highway trust fund is going broke, we should focus our limited transportation dollars on consolidating programs and eliminating wasteful programs, not creating new ones. Funding flexibility for the States is critical to allowing the States to fund the most economically significant highway and bridge projects.

□ 1800

The Federal Government should not mandate that States spend their limited Federal aid funding on flower plantings and transportation museums and other questionable projects, while State budgets are squeezed to the breaking point. States need to be given flexibility. Some States need to spend more on bridge replacement. Some States need to spend more on crumbling highways. Some States have done more already on highway beautification and other enhancement-type projects and don't need to spend so much in that area as possibly some other States. States need to be given flexibility.

Most States have a backlog of crumbling bridges and highways needing to be rehabilitated. Why not allow them to focus their limited resources on the greatest needs in their State? The needs vary from State to State.

Finally, Mr. Speaker, the funding formula for how Federal highway funding is distributed to States is based in part at least on the number of earmarks the States received in the last reauthorization bill. Funding formulas should be based on the most equitable factors that are part of a State's transportation system, not which Member of Congress fared the best in the last go around.

I hope these reasonable issues can be resolved before the end of the week.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my friend allowing me to speak on this.

There is no one I have more respect for than my good friend from Tennessee. I had a great time working with him on a variety of things when I was on the Transportation and Infrastructure Committee. But with all due respect, I think the issue here is what we're going to do to renew and rebuild America.

For the first time in history, our Republican friends gave us a partisan transportation reauthorization. Never before have we seen anything like this offered up. There wasn't even a hearing before the full committee before it was advanced. It went right to work session. There was no effort to involve people on the other side of the aisle. We were given a piece of legislation that attacked transit, that scaled down funding, that was against the most popular programs, the ones that have the greatest local involvement, the enhancements. It was an environmental catastrophe. It was so bad that my Republican colleagues couldn't even bring their bill to the floor. They withdrew it. And so we had the ninth extension.

We have been given a bill in the other body that, as my good friend from Min-

nesota pointed out, received 74 votes. It will give us two complete construction cycles. It does, in fact, accelerate environmental processes. There is a compromise, a bipartisan compromise, on the previous contentious area of enhancements. It is a reasonable way for us to go forward.

Mr. Speaker, in contrast to this, we have a Republican budget that will not even fund the current obligations. It will cut out entirely the ability to move forward with any new Federal partnership for infrastructure.

I think the motion to instruct is a modest step forward. I respectfully suggest that what we ought to do is not just approve the motion to instruct; we ought to approve the Senate bill and get on with business.

Mr. WALZ of Minnesota. I thank the gentleman for his leadership on transportation issues, and with that, I reserve the balance of my time.

Mr. DUNCAN of Tennessee. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), a leading member of our committee.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the motion to instruct.

Passing a transportation bill is about jobs. It's about keeping America competitive in the world. So I, for one, am urging a "yes" vote on this motion to instruct. I believe it is critical to America that we pass a transportation bill.

I would like to correct a few facts that my good friend from Oregon just put forward. The gentleman to my recollection has been on the Ways and Means Committee for the past couple of years, 4 years I believe it has been, so I don't know how privy he was to what we did in the House Transportation Committee to try to be inclusive to our Democratic colleagues, to work with them. We worked with them as openly, if not more openly, than Chairman Oberstar when he chaired the committee. We did have a full committee hearing on it. In fact, we had 18 hours of debate. And as I recall, when Chairman Oberstar chaired the committee, we had zero hours of debate in the full committee because a bill from the Democratic-controlled House didn't even make it to the full committee. So we worked hard and we talked with our colleagues. Unfortunately, being bipartisan is not just one party saying that they can't work with another party. It takes two of us to tango. We did in the last bill. I wasn't happy with much of Chairman Oberstar's bill, but to move a bill forward, we said okay, we're with you, we'll move the bill. Our Democratic colleagues chose to make it a partisan fight by not getting together with us.

But I applaud my friend from Minnesota with this motion to instruct. We need to move forward. What we

have been negotiating in the Senate, really five provisions on our streamlining that are extremely important—eliminating duplication, where you have a State that's environmental review process is as strong or stronger than the Federal review process, that should take the place. It should substitute for the Federal review process. The number one example of that is California. California is far stricter on environmental reviews than the EPA is. So why don't we allow California to move forward rather than having to go through a NEPA review at the Federal level?

Hard deadlines; concurrent rather than consecutive reviews with hard deadlines. We've been talking with the Senate for the past couple of months about this, but they insist upon having safety valves. What does safety valves mean? That means that an agency can go to the Secretary of Transportation and ask for a waiver and say they need more time. That's not going to help to streamline this process because we know what will happen: it'll continue to prolong these review processes.

Funding thresholds for a NEPA review. If a project receives de minimis amounts of Federal funding, it should not be subject to a Federal NEPA review but should go through the same regulations as a State project. And we've already moved on this. We sent a counteroffer to the Senate moving on our position. So in good faith, that's what we've been doing in the House.

The SPEAKER pro tempore (Mr. CULBERSON). The time of the gentleman has expired.

Mr. DUNCAN of Tennessee. I yield the gentleman 1 additional minute.

Mr. SHUSTER. Categorical exclusions in rights of way. If you're going to replace a bridge in the same footprint, we shouldn't have to go through these endless, long environmental reviews. We should be able to build that quickly and efficiently. In fact, my colleague from Oregon, who is the ranking member on the Highway Subcommittee, has suggested that there is some common ground there. In fact, I quote him, he said, and it had to do with putting streetcars back on the streets:

We're going to have fewer cars on the road, why should we spend a lot of time and money studying it?

And I agree with him.

And finally, when there's a disaster, to eliminate or to reduce significantly these reviews they have to go through, just as in the case of I-35, as was mentioned earlier, to be able to build that bridge in a much more efficient, faster time to get it up and running.

I support the gentleman's motion to instruct, and I stand ready as a Republican on the conference committee to put a bill forward that we can pass here, and I would urge all of my colleagues in the House to support this motion to instruct.

Mr. WALZ of Minnesota. I thank the gentleman from Pennsylvania. He's a good friend and colleague and an honest broker on things.

I agree with the gentleman on the categorically excluded bridges; 96 percent are now. So we can decide now, do we want to bog down on that last 4 percent, or do we want to get a bill forward? I think there's agreement here. I think we're in a clear-cut case of if the perfect gets in the way of the good, the American public pays for that. But I appreciate his support on this and his desire to get a bill done. And I think it's been obvious that he wants this transportation bill done, so I thank the gentleman.

With that, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

□ 1810

Mr. DEFAZIO. I thank the gentleman for yielding time.

Since the founding of our Nation, there has been bipartisan agreement on the need for the Federal Government to play a strong role in interconnecting the States of our country. It was George Washington who said:

The only binding cement, and no otherwise to be effected but by opening such communications as will make it easier and cheaper for them to bring the product of their labor to our markets.

And that's relevant today, I'll address that in a moment.

The second quote which is relevant to the dispute today is:

We are either united people under one head for Federal purposes, or we are 13 independent sovereign entities eternally counteracting each other.

This is the need—and the gentleman knows this photo well. There are more than 70,000 bridges that are structurally deficient in this country, load limited; there are another 70,000 or so that are functionally obsolete or need substantial repair—150,000 bridges. Forty percent of the pavement on the National Highway System doesn't just need an overlay; it needs to be dug up; it needs underlayment and restructuring. And a \$70 billion backlog on our transit systems.

We are actually killing people because we aren't investing in our infrastructure, let alone losing the opportunities for millions of jobs and economic competitiveness and more fuel efficiency.

People died right here in Washington, D.C., on the Metro because they're running cars that don't work anymore in the middle of trains, surrounded by cars that are supposed to work and help the ones that don't work.

People died here because this bridge collapsed.

We need to make these investments. With the Made In America requirements in the transportation portions of our government—which are the strongest and we hope to make even stronger

in this bill, working with the Republican side of the aisle here—we could put millions to work, not just construction workers who certainly need the jobs, but also small businesses that supply, fabrication firms, manufacturing firms, steel manufacturers, and others across the board would be put to work rebuilding our infrastructure.

What's the problem?

Here's the problem: The second thing that George Washington talked about, saying that we're either united or we're going to be internally counteracting one another. There are, unfortunately, a substantial number of Republicans in their conference who have blocked movement on a bill because they don't believe, unlike George Washington, that the Federal Government has a role to play in coordinating a national transportation system. They want to devolve to the States. They want to go back to the good old days before Dwight David Eisenhower brought us into the modern era with the National Highway System. Here's the good old days. That's the brand-spanking-new Kansas turnpike—oops, it ends in Amos Schweizer's field. That's the Oklahoma State line.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALZ of Minnesota. I yield 1 minute to the gentleman.

Mr. DEFAZIO. That's the Oklahoma State line.

Oklahoma had promised to build their section, but they couldn't because they had a funding dispute. And they didn't—until the Eisenhower bill passed and we had Federal aid to help Oklahoma build their section.

Now, we should go back to those good old days?

But there are some 85-odd members of the Republican Conference who are opposing a well-funded, longer term bill because this is their belief: These were better days for the United States of America.

Well, I'll tell you what. We could do a bill, and we could do a bill that does accommodate some of the concerns on the Republican side of the aisle with a serious conference over the next few days, with a will just to get it done, put America back to work, and rebuild our infrastructure. And you're going to have to have, unfortunately, because of your devolutionists, some Democratic votes to pass it.

Let's go back to the days of Denny Hastert: A majority of the majority need to vote for a bill, but it doesn't have to be passed only with Republican votes. We're not going to ever get a bill done if it's done on a partisan basis.

Mr. DUNCAN of Tennessee. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Florida (Mr. SOUTHERLAND), a very active member of our committee.

Mr. SOUTHERLAND. I'd like to thank the gentleman from Tennessee for yielding time.

As a new Member of this body, it was quite an honor to be appointed a conferee to go to conference. Those who are a part of this body recognize that, that it's usually something that obviously senior Members are appointed to. It was a great honor and it still is, even though we have yet to have a product that we can vote upon.

You can imagine my disappointment when, after attending five working group meetings, I did not have a single individual to look at on the other side of the table representing the other body. You see, when the American people sent us here, I believe they sent us here to change the way we do business. And I'm pleased that we were sent to be involved in those five meetings.

I keep hearing oftentimes in the media, Mr. Speaker, that it is the Republican side that isn't perhaps interested in a bill. But I would say, if that were true, then why did I attend five working group meetings only to have no counterpart on the other side of the table?

We recognize not just words; we recognize actions.

I think the American people are so tired of words. I think that they would be terribly disappointed if they knew that their elected Members did not even attend meetings. And if they did not attend these working group meetings, then how could they be serious and expecting us to believe that they're interested in a bill? I think that we trample on their trust when we don't do the people's work. It's terribly, terribly disappointing.

I want the reforms. I believe they're important. I believe that if we can build a bridge like I-35 through Minnesota, if we can rebuild it in 437 days, I think it makes sense to include streamlining provisions in this bill that say that every project around the country is just as important as I-35, and so, therefore, we need to build all bridges back to their original state without having to go through long, laborious, expensive environmental impact studies if we're rebuilding that bridge back or repaving that road back on the original footprint. I think that makes sense.

I think the American people want us to do their work. They want us to create a bill of value and a bill that is paid for. I think that what we have voted upon and the reforms that we have asked to be considered, not only have they not been answered or even addressed, but we haven't even had the opportunity to even look at one of our counterparts on the other side of the aisle and speak to them at conference. It's terribly disappointing.

With that, I rise in support of this motion to instruct because I believe that we need to have Members come and we need to debate and we need to do the people's business.

Mr. WALZ of Minnesota. I thank the gentleman for his support.

At this time, I'd like to yield 2 minutes to a senior member of the Transportation Committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank my friend from Minnesota for yielding.

I rise in support of the motion to instruct conferees.

Let me start by just making clear that this issue of categorical exclusion is one that's important for us to all recognize. The 35W bridge, the rebuild was subject to a categorical exclusion, so it was not held up.

Again, I will repeat what my friend from Minnesota said: 96 percent of the projects that go forward with highway bill funding are subject to a categorical exclusion. We really have to ask ourselves if we are going to continue to allow unemployment in the construction industry at 35 percent for 4 percent of the projects that are constructed under the highway bill.

This motion would direct conferees to adopt a final conference report no later than this Friday, June 22. In fact, June 22 represents the 100th day since the Senate passed MAP-21 with an overwhelming bipartisan majority of 74-22. It's fully paid for, and it will save or create an estimated 3 million jobs. In fact, in my State alone, at least 115,000 jobs will be saved or created if we can get either a successful conference report or the passage of MAP-21.

It's been 126 days since the House Rules Committee began considering H.R. 7 for floor consideration, which faltered soon thereafter when my Republican colleagues could not gain consensus within their own caucus and the bill died. It's now been 62 days since the House passed a shell bill to allow conference negotiations to begin.

Finally, and most importantly, we are a mere 6 legislative days away from the expiration of our highway programs when the current 90-day extension expires on June 30.

During this entire time, one fact has been a constant: that the men and women of our construction industry continue to suffer with one of the highest rates of unemployment for any industry. We continue the lack of certainty that a multiyear highway bill would provide. It would provide States the ability to plan and initiate projects, to put people back to work and begin the much-needed improvements to our roadways, bridges, and transit systems desperately needed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALZ of Minnesota. I yield the gentleman an additional 1 minute.

□ 1820

Mr. BISHOP of New York. I applaud my Senate colleagues who put aside partisan politics to advance a bipartisan bill. To their credit, the Senate put forward that which they could

agree on and set aside to a later date that on which they could not agree. It was a sensible and successful strategy.

With Senate Democrats, Senate Republicans, House Democrats and the White House all supporting MAP-21, it is clear that if we can just get the House Republicans on board we can get a bill, and that's what we need to do. We can get a bill, because a temporary extension—yet another—is not a strategy that works. A temporary extension is not the answer. We will soon exhaust the trust fund, States and municipalities will not have the certainty they need to plan, thus construction companies will not be able to hire, and we will lose yet another construction season.

A temporary extension is not the answer. Passing a conference report by June 30, or passing MAP-21, is the answer.

Mr. DUNCAN of Tennessee. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Oklahoma (Mr. LANKFORD), who has been one of our lead negotiators on trying to come up with a transportation bill in our conference.

Mr. LANKFORD. I thank my colleague from Tennessee.

It is interesting for me to be able to hear the indignation and saying we've got to get this bill done. It's important that it gets resolved, and I would have to say I completely agree with my colleagues on the other side of the aisle.

This is a very important bill. Every person who gets in a vehicle, gets in a bus, gets in a truck, or has any piece or item in their home that's delivered by truck, train, whatever it may be, is affected by this. So it's very important.

But just a quick history lesson. When I arrived here in January of last year, we were on extension No. 6 because the previous highway bill expired in 2009. And when Democrats had the House and the Senate, and the Presidency, and they loaded their bill up with earmarks to get it passed, they did not get a bill passed.

So it's interesting to hear the conversation about, well, if Republicans in the House could get this resolved, then we'd get this settled, when, in reality, there are a lot of technical details that better be right than even when Democrats had the House, the Senate, and the Presidency for 2 years could not get this bill done, even with all the earmarks.

This is a different day. We're trying to work together between the House and the Senate. One body doesn't pass a bill and the other body just says, I'll tell you what, you passed it; we'll just go ahead and do that. If so, I would love for the Senate to take up many of the bills that we passed in the House and just have the Senate go ahead and pass those. But this has to be a bicameral agreement.

We're not going to do this with earmarks. That's a big difference. In the

past, these bills had thousands upon thousands of earmarks, and we have determined no more, we're not going to do it that way. We have to live within the budget, and we have to be able to help a few things work a lot better than they have in the past.

Major highways right now take about 15 years in construction. We think that's way too long. The first 7 years of that is just in permitting and process and this repetitive process that we have with the Federal Government with this linear permitting. We just want to be able to stack those permits up, allow people to be able to take the first step on it, still have all the same environmental reviews, but do it in a way that's faster and is more streamlined. It saves time. It saves money. It actually builds those roads a lot faster than waiting all of this time.

I can tell you, many people in Oklahoma stare at the engineering work on both sides of the road and hear about new construction that's happening, but they hear about it and hear about it and hear about it and hear about it before the dirt ever gets turned. We want to try to get these road projects started and completed.

We want to allow road money to actually be used for roads. Now, I know that's a crazy idea, but we'd like highway money to be used for highways. We'd like to stay within budget, and we'd like the States to be able to have the flexibility to spend their money, remembering it's their money, not Washington, D.C.'s money.

That 18.4 cents that came out of that State is going back into that State in gas tax. We want the individuals that actually paid that gas tax to be able to help resolve how that's going to best be used.

If they have bridges that are coming down, let's fix bridges.

Mr. WALZ of Minnesota. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from Minnesota and the manager, and my friends on the other side of the aisle.

This is an important, crucial motion to instruct. Crucial is the word. And I thank the gentleman for recognizing that while we are here, others are languishing, bridges are languishing, highways are languishing, ports, and even our mass transit concerns are languishing because we have not moved forward. One, two, three, four, five—I think we're up to five extensions the last 5 to 7 years, if my counting is correct.

But most importantly, let me congratulate Members from both sides of the aisle that have come forward to support the gentleman's motion to instruct, which evidences how crucial this motion is and how we need to move beyond the many, many con-

ference calls that I know that those conferees who are in are getting from so many interest groups, and indicate that we need to move forward and bring a report forward that will not stop us from continuing to negotiate on some of the many sidebar issues.

But as we languish, we're losing jobs. As we languish, Americans are unemployed. As we languish, bridges continue to crumble.

I remember our good friend, Chairman Oberstar, who taught us a few years ago that if you pass a transportation and infrastructure bill, you put America back to work. Tragically, as he was speaking some years ago, tragically one of his own bridges in that area had a very devastating impact in the fracturing of that bridge.

We don't want to see that anymore. We want to be able to see people going to work. And so I simply would ask that this motion to instruct be followed. Bring to the floor in a conference report not later than June 22, 2012, the ability to pass this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALZ of Minnesota. I yield the gentleman an additional 30 seconds.

Ms. JACKSON LEE of Texas. Bring to the floor this conference report, put to work people in Texas, fix bridges and put to work people in Minnesota, Virginia, New York, across the Nation, south, north, east and west, and begin to solve separate difficult problems, if I might say, on the side.

I want to see our workers working, many of our friends in the IBEW and building trades and many other supporting unions for the machinists and others, working. I believe this is a bipartisan message. Let's do it now.

Mr. DUNCAN of Tennessee. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Minnesota (Mr. CRAVAACK), a very important member of our conference.

Mr. CRAVAACK. I thank the gentleman for yielding.

Mr. Speaker, I couldn't agree more with my colleague from Minnesota, and I rise in support of his motion to instruct. We will continue to stand ready to negotiate with the Senate.

As a conferee, I have partaken in some of these meetings myself and have negotiated in good faith with Senate staff. Unfortunately, no Senators.

The highway trust fund is bankrupt, and the Federal highway program is in need of serious reform. Congressman WALZ is quite correct in that we cannot continue to kick this can down the road. And I will say the conferee House positions are fair and practical.

Allowing States the flexibility in order to address their specific transportation needs just makes sense. We have a \$15.7 trillion debt; 46 percent of our debt is foreign owned, 30 percent owned by one country, China. We do not have

the luxury, as the Senate bill requires, to spend money on things like wildflowers and, at the same time, the trust fund is bankrupt.

And as Mr. WALZ and Mr. DEFazio point out, bridges are in disrepair and roads are crumbling. We need to get our priorities in order.

The House bill consolidates and eliminates programs, as opposed to creating \$3 billion a year and increasing new programs like the Senate bill. This is not extreme; it's fiscally responsible.

The 293 bipartisan House Members voted to approve the Keystone pipeline, a fair and practical approach to helping lower gas prices at the pump and creating tens of thousands of jobs without hurting the environment.

Finally, the House positions of streamlining and significantly reducing the time it takes, without harming the environment, to build a major road project in this country is a practicable position; 15 years to permit, design, and build is not.

The Senate steadfastly refuses to cut any bureaucratic red tape that is associated with building a highway or bridge. We need to stop good-paying construction jobs from being endlessly tied up.

If the Senate is serious, as we are, to get this done early next week, I hope that they engage in good faith in a bicameral fashion.

I thank my colleague from Minnesota again for bringing this up. This is a very important position, I support his motion to instruct, and I urge my colleagues to do so as well.

□ 1830

Mr. WALZ of Minnesota. I thank the gentleman for his support.

At this time, I would like to yield 2 minutes to the gentleman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the House Republicans are doing nothing short of sabotaging our economy and jeopardizing millions of jobs by refusing to pass a long-term, well-funded transportation bill like the bipartisan Senate bill. There were 74 Senators, including 22 Republicans, who voted in favor of S. 1813, MAP-21. At one point, Speaker of the House JOHN BOEHNER expressed his support for the bipartisan Senate bill. It is time for us to pass that legislation.

The unemployment rate in the construction industry remains nearly triple the national average. Construction workers, engineers, architects, managers, contractors, and developers tell me that another short-term extension will not bring enough certainty to the industry. In Illinois, my State, the failure to pass a long-term transportation extension at the peak of the construction season has kept many unemployed and put thousands of other jobs at risk. Our States, our localities, our businessowners, and our workers deserve better.

MAP-21 is the single largest jobs bill passed by either body in this 112th Congress. In my home State of Illinois alone, MAP-21 will save or create 70,000 jobs. Nationwide, the bill will save or create nearly 2 million jobs and spur 1 million additional jobs through the leveraging of transit funds.

I am a strong supporter of MAP-21, and we should send it to the President's desk this week. I can't support and our workers can't support another short-term extension that will leave thousands of Illinois jobs hanging in the balance. We need to move forward with legislation that does more than kick the can down the road.

Mr. DUNCAN of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana, Dr. BUCSHON, who has been a lead negotiator on our conference committee for the Republican side.

Mr. BUCSHON. I would like to thank Mr. WALZ for bringing this to the floor. I believe that we all can agree we must pass a long-term highway bill.

In my home State of Indiana, Interstate 69 is being constructed through my district, connecting my district to our State's capital. When I return home every weekend, I see how important Federal dollars are to the construction industry and how necessary infrastructure is to the economic development of our cities and towns.

As a member of the conference committee for the highway bill, I have personally been involved in this process. My House colleagues and I have attended several negotiation sessions and have discussed this legislation at length with the Senate staff. I wish our friends in the Senate were as involved in the process, because we could have resolved many of these issues weeks ago.

I think my friends on the other side of the aisle here in the House seem to forget that we don't just rubberstamp Senate bills and that they don't rubberstamp ours. If that were the case, they'd take up the 30 House-passed job-creating bills that we've sent over to them in the last year.

Nobody is more committed to this legislation than Members of the House on the Republican side. We want to streamline the project delivery process, eliminate duplicative programs, give more power back to the States, and stretch our limited dollars further. These are proposals that every Member of this body should support. We need a long-term reauthorization that will provide certainty to our Nation's job creators.

I support this motion, and I look forward to the completion of this conference.

Mr. WALZ of Minnesota. I thank the gentleman for his support and for his work on this.

At this time, I would like to yield 3 minutes to my friend and colleague from California (Mr. GARAMENDI).

Mr. GARAMENDI. I want to thank the gentleman from Minnesota for yielding time for me to discuss this.

During this approximately 1 hour of debate, it pays to listen to what has actually been said. What has been said by my Republican colleagues is: It's our way or no highway. We're going to have our way or no highway.

What is their way? What is it that the Republicans are demanding? Get past the nice rhetoric, and look at the detail underlying the words: eliminate duplication. What does that mean? Well, it basically means eliminating the environmental laws. Oh, we don't need them. The States can take care of it.

I think not.

They want to focus on highways. Well, we all do; but what does that mean? It means that they want to eliminate the public transportation portion of this legislation. Okay. So no buses, no trains, no light rail funding. Get into the details about what is actually being demanded by our Republican colleagues, and you begin to say, Well, wait a minute. I think we can understand why there has not been progress here.

We need to really move forward. Some 60,000 construction workers have lost their jobs in the last 5 months. As our Republican colleagues have laid out their demands, which they have essentially said are nonnegotiable—their way or no highway—they're holding this country hostage. They're holding the construction industry hostage so that they can have their way. Understand what their way means: no public transportation programs. Oh, we'll repair bridges and we'll do highways—and that's good—but there's more to it than this: no bike paths, no safety for men and women who are walking along our highways.

That's their way. That's not what America's way needs to be.

We need to pass a bill. Two million people want to go to work. Yes, they agree with Mr. WALZ' proposal, which is to get this thing done. What they're really saying is: Get it done our way or there will be no highway. The Senate has passed a bill, and 74 Democrats and Republicans agreed to it. Let's get it done.

If you can get it your way in the next 3 days, fine. Otherwise, give us the Senate bill, and let's put men and women to work here in this country. We cannot afford any more layoffs in the construction industry. We can no longer afford to wait. A 2-year bill is essential.

Mr. DUNCAN of Tennessee. Mr. Speaker, I have no additional speakers on our side, so I will close by saying just a couple of things.

The last highway bill that passed with only eight dissenting votes, which has been mentioned here a couple of times tonight, was passed when the Re-

publicans were in control of the Congress. I think that shows very clearly that the overwhelming majority of Republicans in the Congress supports highway bills and that we want to do one this year.

One of the main sticking points for us, one of the problems, is that in my almost quarter century in this body we've been talking about giving lip service to environmental streamlining all through those years, but we really never have accomplished anything. You've heard it said several times tonight that the Federal Highway Administration says the average highway project—and these are not transcontinental roads—takes 15 years to build when all of these other developed nations are doing these projects in a third or in half the time that we are. We have got to do more with less during this time of budgetary constraints. We want to do these things because these are jobs that can't be outsourced to foreign countries. They are jobs that will be done here. They're important to this economy.

The Republicans believe that there is an important and legitimate role for the Federal Government in transportation projects. People in California use the airports in Texas and vice versa. People in New York sometimes drink the water in Florida and vice versa. People in Ohio sometimes drive on the highways in Tennessee and vice versa. All people benefit from lower prices when our ports operate efficiently.

All of the things that we deal with on the Transportation and Infrastructure Committee Republicans believe in, and they want to see a good, legitimate—but not dictatorial—Federal role in those projects. We believe that the role of the States is very important, and we believe that the role of the local governments and the local people should be paramount because they know the needs of their States and of their localities better than almost anyone.

We are supportive of the gentleman from Minnesota, and we are supportive of his motion to instruct because our goal is the same as his in that we want to produce a good, conservative, reasonable transportation bill for this Nation, and we want to do it sooner rather than later.

□ 1840

We would like to do it within the next few days. Before we can do that—the other body does not control this process. They have to take into consideration what the House wants as well. That's what we're talking about.

With that, I support the motion to instruct by the gentleman from Minnesota, and I yield back the balance of my time.

Mr. WALZ of Minnesota. Mr. Speaker, again, I would like to thank the gentleman from Tennessee, a leader on

this. He has the institutional experience and knowledge and is always gracious. I would have to say you're going to find a lot of agreement from me on this. I certainly think that is the case.

The American public deserves better. I think they deserve a debate like they're seeing tonight. They see a sense of respect that goes back and forth. Frustrations get high in this House, but I keep thinking back to the immeasurable sacrifices that went into self-governances. It would be a lot easier—I had a gentleman one time tell me that there's too many Members of Congress; we should cut the numbers in half. I said, Why think so small? Get rid of all of us and just name a king, and then you don't have to worry about this messy democracy.

That's not what Americans do. We understand that there's 435 good opinions here, differences, strong opinions for the right things about this country, but we disagree on how some of those things should get done. At the end of the day, those differences are a strength if we can get the glue that holds us together as a Nation in a compromise. I will be the first to say that I certainly don't want to see this House capitulate its responsibility, but I also understand that at times there are certain realities of what can move and what cannot. I think deadlines like this motion to instruct puts in makes that deadline solid and it asks what can we give.

Many of the provisions my colleagues were talking about, whether it is Keystone pipeline—I am personally supportive of that. If it's in here, I think that's a good thing. But I understand that a lot of my colleagues don't, and there's no way the Senate does that. The American people have elected us. They've elected a Senate that doesn't agree with that. So at the end of the day, I have to make a choice and all of us do. Is it worth holding up a highway bill over a piece of legislation that I personally like but don't believe that it outpaces the point of getting these roads built?

I think the public wants to see us do that. I certainly am willing to compromise, as my friend from Tennessee has always proven to me, to try and get it right. And I think the public wants us to stand by our principles of trying to get it there. But at the end of the day, something has to be done, something has to move forward. The country depends on a workable infrastructure.

I can't tell you, in watching this happen, of seeing how important moving those products is when the I-35W bridge was in the river, not just in terms of the loss of life, the tragedy that happened there, but the disruptions that happened also, that sprung out and rippled into the economy. I think all of us understand that tragic incident, that we don't want to see it

replicated, and we also know that smart investments prevent it from happening.

Mr. Speaker, I am appreciative of the Members who came and spoke passionately tonight. I'm appreciative of the folks who understand that this deliberative body has to come to some type of resolution. I would urge my colleagues to support this motion to instruct, simply asking us to do the work we were sent here to do, get it done on time, and get America working and moving again.

With that, Mr. Speaker, I yield back the balance of my time.

Mrs. LOWEY. Mr. Speaker, earlier today, the Appropriations Committee voted to report the Transportation, Housing and Urban Development bill to the full House. This bill makes an insufficient investment in our national transportation system in part because the Committee had to insert placeholder language for several important transportation provisions, notably the Federal highway system and transit programs, due to the lack of an agreement on long-term funding.

The House Republicans' inability to work in a bipartisan manner to reach a compromise on surface transportation reauthorization conference committee negotiations is preventing us from fully investing in our Nation's transportation systems to put people back to work and grow our economy.

For every \$1 billion of infrastructure investment, we create at least 30,000 jobs and generate more than \$6 billion worth of economic activity that reverberates throughout our economy, improving our national competitiveness and spurring job creation for years to come.

With the national construction unemployment around 14 percent and upwards of 40 percent in my area in recent years, workers need and want to get back on the job.

Despite being a priority for the Department of Transportation, the Tappan Zee Bridge Replacement project in my district is stalled because the current Federal financing pipeline is too small.

I join Mr. WALZ in urging the conferees to file a conference report so that we can get on with our work to make the vital investments in our national infrastructure system.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak in support of Congressman WALZ's Motion to Instruct Conferees on H.R. 4348, the surface transportation reauthorization bill. This motion would instruct conferees to resolve all issues and file a conference report no later than Friday, June 22nd. June 22nd is exactly 100 days since the Senate passed its bipartisan surface transportation bill by an overwhelming vote of 74–22. As a conferee to the transportation bill, I support this motion as we simply cannot afford to further delay this critical legislation.

This conference process has been bogged down by House GOP conferees, who are obstructing the process and standing in the way of the jobs that would be created by passage of this bill. We are in the height of the summer construction season, and without a transportation bill, we are wasting an opportunity to spur our manufacturing sector and get those in the construction industry back to work.

Mr. Speaker, if House Republican conferees are going to stand in the way of a conference report, I ask that you call up S. 1813, the Senate-passed MAP–21. We do not need another piecemeal extension. We need a comprehensive reauthorization.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMPROMISE FOR THE GOOD OF ALL

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, tonight we saw what's possible. When we come together and know that the good of the American public, their will, if it is worked in this House as it has for 236 years, as we began to deliberate and try and move forward on what helps the American public, bringing in our differences, debating, and at times passionately debating what we feel, but at the end of the day understanding the ultimate goal is what strengthens and moves this country forward; and I think tonight, in seeing an agreement on a bipartisan motion to instruct, just asking us to do the public's work, get a transportation bill done, put people back to work, build our highways, bridges, and infrastructure necessary to move people safely back and forth, but also to move goods to compete in the 21st century, it's not that big a lift. We can do it in a safe, efficient, and modern manner, and we can pay for it in a responsible way. The American public are willing to invest in America. They're simply asking us to do it smartly and do it in a way that compromises for the good of all.

I'm incredibly proud, as always, of this deliberative body. We have the ability to move it forward.

OBSTRUCTION AND DELAY

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, our most pressing legislative items were nowhere to be seen on the House floor today. We had an opportunity to make headway on critical legislation, but Republicans have not provided action or

solutions, only obstruction and delay. Student loan interest rates will double on July 1 if Congress does nothing.

After losing an estimated 28,000 construction jobs last month, Congress still hasn't passed a highway bill. The Republican leadership in the House refuses to bring the bipartisan Senate transportation bill to the floor for a vote, even though it would support 1 million construction jobs right away, including more than 8,000 in the State of Rhode Island.

Our middle class families, our small businesses, and our students and manufacturers deserve greater certainty so they can better plan their lives and companies, grow jobs and strengthen our economy. Yet another day has passed without action to avoid sequestration or address expiring tax provisions or prevent rising costs for higher education. Instead, Republicans plan to waste more time this week with partisan anti-environment messaging bills with little or no hope of passage in the Senate and veto threats that have already been issued by the administration.

We cannot let this become another wasted week. Our constituents deserve more. This Congress has to take action now, not delay until it's too late.

MAKE IT IN AMERICA

The SPEAKER pro tempore (Mr. BUCSHON). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for this opportunity.

We have been engaged for this last hour in a discussion about what to do with one of the most important parts of America's public agenda, which is the transportation systems of this Nation.

We've heard a lot of back-and-forth. We actually heard that there was some agreement that we ought to get on with it. Indeed, we ought to get on with it. We ought to get a transportation bill before the American public, and we ought to get it to the President. Unfortunately, there is a gridlock and a deadlock. Behind all of the gentle rhetoric on the floor this evening, there are some profound differences in how we move forward with the transportation bill. We'll discuss some of those as we journey through this 1 hour or some portion of this 1 hour.

I think I would like to start maybe more than 200 years ago. There is a lot of discussion that we often hear here on the floor and in the rhetoric across the Nation that the Founding Fathers would do it this way or that way, and if we only listened to the Founding Fathers most of our problems would be

resolved. Usually, those discussions really speak to not doing something. It turns out that the Founding Fathers really did have a great deal of wisdom.

□ 1850

I came across a book written by Mr. Thom Hartmann called "Rebooting the American Dream." And in it, in his very first chapter, he goes back to the Founding Fathers, and he talks about what George Washington and George Washington's Secretary of Treasury actually did. On the day he was inaugurated, Mr. Washington said that he did not want to wear a suit made in England. He wanted to wear something made in America. Well, Make It in America is one of the principal things that my colleagues and I on the Democratic side have been talking about for some time.

So when I came across this book, I said, Wow, this is interesting. George Washington instructed his Secretary of Treasury, Alexander Hamilton, to develop a manufacturing program for the United States; and Alexander Hamilton did that. He didn't do it in 2,000 or 3,000 pages, as we might do it today. He did it in just a short, maybe 20 or 30 pages. And he developed an 11-point plan for America's manufacturers. It turns out that many of those 11 points are what we have been proposing on the Democratic side here for our Make It in America agenda.

But tonight I want to pick up one of those 11 points. And it happens to be the 11th of the 11 points that Alexander Hamilton presented to George Washington in 1790, and it was on American manufacturers. So point No. 11: "Facilitating of the transportation of commodities." The language is rather ancient English, but it still speaks to the following:

Improvements favoring this object intimately concern all the domestic interests of a community; but they may without impropriety be mentioned as having an important relation to manufacturers. There is perhaps scarcely anything, which has been better calculated to assist the manufacturers of Great Britain, than the meliorations of the public roads of that kingdom, and the great progress which has been of late made in opening canals. Of the former, the United States stands much in need.

He goes on to talk about the necessity for transportation here and copying what had gone on in Great Britain, that is, the development of public roads.

Then he says:

The following remarks are sufficiently judicious and pertinent to deserve a literal quotation: Good roads, canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country more nearly upon a level with those in the neighborhood of a town. They are upon that account, the greatest of all improvements.

So here we are in Mr. Hartmann's book, "Rebooting the American Dream," talking about what the Founding Fathers wanted to do in 1790.

I would also point out that by 1792 nearly all of those 11 points had become law and laid the foundation for the great American industrial revolution.

So back to "infrastructure," the word we use today. We use infrastructure when we talk about our highways, our canals, our roads, and our transportation systems. There were, in fact, some public transportation systems at that time.

Now, speaking specifically of roads and jobs, we often talk about jobs here. We need to understand that today, if we were to pass the Senate version of the public transportation bill, we would put 2 million unemployed construction workers back to work this year. This year, 2 million would go back to work if we were to take up the Senate bill. Unfortunately, we have been in a gridlock, and there has been no effort to compromise.

My colleagues on the Republican side are demanding fundamental changes in the transportation systems and the way in which we apportion that money. Those changes have not been acceptable to the Senate; and, indeed, those changes were not acceptable to even their own caucus. The Republican Caucus was unable to reach agreement—they have more than enough votes to pass a bill out of this House—but they could not reach agreement among themselves, let alone with the Senate. And yet they are demanding that the Senate take up what they could not agree to.

On our side, we have simply said, let's go with the Senate bill. After all, 74 Senators—both Democrats and Republicans—voted for it, leaving some 26 that chose not to support it.

So 2 million Americans are waiting for action by the House of Representatives and the Senate; 2 million Americans want to go to work. And yet we have this deadlock. We just found some support amongst ourselves to tell the conferees, Get it done by the end of this week or take up the Senate bill.

Listening carefully to what we heard on the floor not more than an hour ago, compromise is not going to be found. Keystone pipeline. No public transportation funding. Eliminate the environmental protections that have been in place for more than 40 years. Streamline, meaning "eliminate" programs. So compromise is not there.

What has happened over the last several months? Well, while our Republican colleagues have been trying to get their own act together, here is what's happened to employment in the construction industry: way back in January, some 5,570,000 Americans were working in the highway construction and public transportation and construction sector. In May, that number had fallen to 5,510,000. Some 60,000 Americans lost their jobs while the Republicans were trying to figure out how

they could come to an agreement with themselves on a transportation bill. They couldn't. So 60,000 Americans, 60,000 families lost their ability to earn a living as the majority in this House failed to even agree amongst themselves on what to do.

The Senate moved forward with a bill. It's been there nearly 2 months, before this House, available. A conference committee was formed, and gridlock continues. So now there are 60,000 families without an income as a result of the gridlock and the inability of our colleagues to come to an agreement.

It's time for us to move on. It's time for us to put a 2-year bill in place, as the Senate has proposed, one that would put 2 million Americans back to work immediately. States could move forward. States would know that over the next 2 years, there would be funding from the Federal Government. Right now, the word from my friends on the other side of the aisle is, Well, we're going to go with the 60-day extension. States cannot work with that. They don't know what would be available at the end of the 60 days. They don't know what's available today because we're up against a deadline.

It's time for us to move with the Senate bill. It's time for us to end this continuing decline. This is May. If we were to take the June figures—which are now, unfortunately, coming forward—more and more construction workers have lost their jobs. They are in my district.

Contractors in my district are saying, There is no further contract available to us. We won't be able to put our people to work. We don't have a contract. The States can't offer new contracts. So it won't be just 60,000. At the end of June, it will probably be 70,000 or 75,000, or perhaps more, that have lost their jobs as this gridlock continues here in the House of Representatives. We can do better.

□ 1900

How important is this to the economy? It's very important to the economy and not just the construction workers, not just their families, the 2 million that could go to work if we accepted the Senate bill. And it's a good bill. It provides adequate funding for transportation, for repairing the bridges that we heard so much discussion of, for paving the roads that we heard so much discussion of just less than an hour ago, of providing the money for the public transportation sector so that the buses, the trains, the planes can continue to operate. It's a good bill, but not perfect, not as large as many would want. It doesn't have the Keystone pipeline in it. It doesn't eviscerate the environmental protections that are necessary as we build these projects.

So what would happen if we were to accept the Senate bill? End the grid-

lock, put 2 million American workers back to work, end the decline. For every dollar we invest in infrastructure—that's the highway bill and the transportation bill—\$1.57 is pumped into the American economy. That comes from Mark Zandi, chief economist for Moody Analytics. Spend a dollar on transportation and you increase the GDP; you increase the economic activity of this Nation by \$1.57.

So there's more than just transportation at stake here. What is at stake here, as we see, is the continuing decline of the transportation and construction sector as a result of the gridlock that's been with us nearly this entire year. What is at stake is the growth of the American economy. It's the grocery store that will have a customer coming in and not spending an unemployment check but, rather, spending a check that's given to them by the contractor. And that money circulates in the economy so that the hair dresser, the barber, maybe even the gun shop owner will see their business increase 57 percent. For every dollar spent, \$1.57 is generated in the economy, putting other people to work beyond the construction industry.

Now, there's more to it than that. One of the provisions that we would like to see in the bill, which actually is in the Senate bill, is a tightening of the waivers that have been so injurious to the American economy, the waivers that have been overused in the last two decades, waivers that push aside the Buy America provisions that we presently have in the law, push those aside and say, We don't care whether that money is spent on American-made equipment. We don't care whether that money is spent on jobs in America. Just pushing aside the Buy America provisions.

The Senate bill has a very important provision that will create even more jobs in America because it tightens up the waiver provisions and says to the Department of Transportation, no, you cannot just willy-nilly provide a waiver. You must adhere to the law that says Buy America: a 60 percent minimum American content in the steel in the bridge that's going to be repaired, in the asphalt and concrete that's going to be laid over the roads. Minimum of 60 percent content on the buses and the trains that are going to be paid for with your tax dollars.

What that means is: Make It in America. That provision that is in the Senate bill will enhance American manufacturing by limiting the waivers that have been so numerous over the last two decades as to hollow out the American manufacturing sector. Manufacturing matters. This is the American middle class. The construction industry and the manufacturing industry is the heart and the soul and the foundation of America's middle class. And so in the Senate bill it tightens up the

waiver provisions and says that Americans will have the jobs, not some foreign employee of a company that has gained the contract.

I want to give you a specific example. In California, the largest public works project ever is the reconstruction and the rebuilding of the San Francisco-Oakland Bay Bridge, a new bridge, billions of dollars. The steel in that bridge was made in China. Six thousand jobs in China, no jobs in America. It's said to be 10 percent cheaper. It turned out that at the outset, the Chinese steel manufacturers could not produce the steel. But they got the contract and what they did was to figure out how to produce the steel. They built a new steel mill. Six thousand jobs. In America, no. In China, yes.

It turned out that the steel was not 10 percent cheaper. It was shoddy. The welds were not adequate. They had to go back. Delays occurred. It turned out to be even more expensive. Had that occurred in America, that new steel mill would have been built in America, and it would be there for the next contract, the next bridge to be built in America, or around the world. But, oh, no, we're going to save 10 percent. We lost American jobs.

If the Senate bill were to come to this floor and become law, the waiver that was allowed and given to the State of California, a waiver that allowed the Chinese steel company to have the contract, would not have been allowed. Six thousand jobs would have been in America, and we would once again make it in America and Americans would make it. But, oh, no, it didn't happen. Manufacturing matters.

I would like to see another provision in the bill, but I won't demand this and my Democratic colleagues who support this are not going to demand it because we want to get on with providing those 2 million jobs for American workers in the construction industry. But let me take a moment to explain what it is.

This is a bill that I introduced at the beginning of last year. It's H.R. 613. And what it says is that our tax money, the money that is being spent by every American when they buy a gallon of gasoline or a gallon of diesel, that that money goes into the highway trust fund. And H.R. 613 says it must be spent on American-made equipment. Highways. This is the steel that's in the bridges. This is the rebar that's in the roads. This is the concrete, the asphalt—American made.

If you want to build a high-speed rail, as we do in California, then that high-speed rail is going to be financed with your tax dollars, and it will be an American-made high-speed rail train. You want a train? You want to improve your transit system? It will be American made. Is it possible? Does this work? Let me give you have an example.

In the American Recovery Act, sometimes known as the stimulus bill, there

is a provision for Amtrak trains. Upgrade the Amtrak system. I think it was a little over \$12 billion. Some wise staffer wrote next to that \$12 billion a sentence that said: This money must be spent on American-made equipment.

One hundred percent American-made equipment. Oh, you can't do that. Well, it turns out that you can do that. A German company, one of the largest industrial companies in the world, looked at it and said, \$12 billion? We can build it in America. And they did. They built a manufacturing plant in Sacramento, California; and they are producing 100 percent American-made locomotives because the law said that it must be done.

H.R. 613 says precisely that. If you want the tax money, then it must be American-made equipment. Use our tax dollars to create American-made jobs, not steel made in China, not trains made in Germany, not locomotives from Japan. It's our tax money. It will be spent on American-made equipment.

That's what this does. And we have the proof that it can be done. It's being done today in Sacramento, California, by Siemens, a German company that built a manufacturing plant to take advantage of money that was available if the product was made in America.

□ 1910

Another sad example, the Bay Area Rapid Transit system, BART, needs to replace its 40-year-old trains, \$3.2 billion. The minimum in the law today is 60 percent. The bids went out. Two bidders were in the finals. One, a French company, Alstom; another, a Canadian company, Bombardier. Bombardier's bid was 2-3 percent lower than Alstom's. However, there was a significant difference. Bombardier said we will build 66 percent American content. Alstom, the French company, said we can do better. A little bit higher price, but we can do better. We will build 95 percent American content. The difference: \$1 billion in American jobs. Sixty-six percent/95 percent; a 2 percent, 3 percent difference in price.

The BART board of directors refused to go back to a second bidding process that would have taken 60 or 90 days. Alstom said we'll cut our price. We want these jobs in America. It turns out most would be in New York, not California. We want these jobs in America. Go back to another round of bidding, and we'll get out a sharp pencil and we'll come down. The BART board of directors let that opportunity for a billion dollars in jobs go by.

Many of us believe that Alstom would have matched or even outperformed the Bombardier bid. Or maybe Bombardier would come back and say, okay, we'll go to 95 percent. We don't know. We'll never know. But what we do know is that a billion dollars of American jobs were lost.

So now, as we continue to debate and dally and let time go by, as American

jobs, as American workers in the construction industry see the continued decline month by month in the number of men and women that are employed, as layoffs continue—between January and May, more than 60,000 construction workers in the United States have lost their jobs while we continue to fight over issues here.

But the fundamental issue is the issue of jobs. You can talk about the Keystone pipeline, and there are jobs there. And maybe some day that pipeline will be built.

You can talk about the environmental processes that have protected the environment of this Nation for the last 40 years, and maybe there ought to be some adjustments there.

You can talk about giving States the power which basically means there is no money set aside for public transportation. We can talk about those things. But as we wrestle back and forth on what one or another of us think is so critically important, every day another construction worker has lost their job. Another family has lost their opportunity to make the payment on their home. Another community has seen the economy in their area diminish.

We have a reasonably good bill available to us and we could vote on it tomorrow. That's the Senate bill. It protects American jobs. It protects the public transportation system. It is fully funded, not with some hypothetical money that may come in some day, but rather real dollars. It says that our tax dollars must be spent on American-made equipment, on American jobs. It's a good bill.

We had a motion to instruct here on the floor just a few moments ago. And as you listened to the debate, you'd think there was agreement. And there is agreement—we've got to get this job done. We have to put Americans back to work. Two million Americans await our decision. Are we going to continue to fight for some perceived issue that is important to a small group of people? Or are we going to look at the larger picture here, the picture of American workers, of American jobs.

I suppose tomorrow we'll take up that motion to instruct and we'll see if by the end of this week we're willing to compromise. Are we willing to put Americans back to work, 2 million Americans? Or are we going to hold fast to perhaps a funding scheme that has been proposed and can't even be agreed to by the members of the Republican caucus, or an elimination of certain categories of funding like public transportation which couldn't even be agreed to by the Republican caucus, let alone the Democrats.

It's time to look at the bigger picture. It's time to look at that construction worker in our community, the ones we represent and say I want you to go back to work. We'll fight this out another day. But the most funda-

mental, the most important issue confronting this American economy and each and every individual in America is, where are the jobs? Where is my job? How can I support my family?

It's time to put the bickering aside. It's time to accept the fact that Americans want to go to work, and 2 million Americans are out there looking for their opportunity. And their opportunity rests with us. It rests with the House of Representatives. The Senate has done its work. It's put a 2 year, fully funded transportation bill that meets the needs of this Nation for the next 2 years. They passed it out. This House has not passed a transportation bill.

We put a stopgap thing out so we can go to conference, but it wasn't a transportation bill. It didn't do the job. Maybe Wednesday, Thursday, or maybe some time Friday there can be an agreement between the two houses. But if there is not an agreement, then as I heard not more than an hour ago from my Republican colleagues, in agreeing to the motion to instruct, that if there is no agreement, then take up the Senate bill. That was in fact the motion. Take up the Senate bill if there is no agreement. Put 2 million Americans back to work. Repair our highways. Repair our bridges. Buy American. Enhance the buy American provisions.

We've got work to do. Americans have work to do. Americans want to work, and it's time for this House to work. And with that, Mr. Speaker, I yield back the balance of my time.

OBAMACARE'S BROKEN PROMISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Tennessee (Mrs. BLACK) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACK. Mr. Speaker, I rise today with many of my freshman colleagues to talk about the impact of a very important bill, the Patient Protection and Affordable Care Act, commonly called ObamaCare, on our economy, our caregivers, and most importantly, the American people seeking care. Any day now the Supreme Court is expected to announce its decision on ObamaCare. And while I hope that the Supreme Court rules on the side of the Constitution and the American people, no matter what happens, the fact remains, this law is bad policy. It's bad for health care, it's bad for the economy, and it's bad for the future of our country.

The rhetoric of the bold promises used to pass ObamaCare into law simply cannot be reconciled with reality. The more the law is implemented, the more the American people don't want it. The President's promises on quality of care, lower insurance premiums, no

increase in taxes, and no effect on the deficit, in just 3 years have been broken time and time again.

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Broken promise number one: President Obama said in March of 2010:

If you like your doctor, you're going to be able to keep your doctor. If you like your plan, keep your plan.

The reality is, President Obama's very own administration now estimates that the new regulations contained in ObamaCare will force up to 80 percent of small businesses to give up their current plans by 2013. The Congressional Budget Office also estimates that between 3 million and 5 million people will be dropped from their employer-based coverage by the time the law is fully implemented.

When I visit businesses in my district, I always ask: Have you done the math? Will you keep your insurance or will you pay the fine? Time and time again I get the same answer: We'd like to keep insuring our employees, but it doesn't make good business sense to do so.

Yesterday, in fact, I participated in a field hearing in Murfreesboro, Tennessee, on the effects of government regulation on the economy. We heard from several business owners and State leaders. A gentleman by the name of H. Grady Payne of Conner Industries, which has a plant in Fayetteville, discussed the impact of ObamaCare on his business. He said his company has about 450 employees, and he struggles each year to encourage them to participate in health insurance. The company has had to create different employee groups in order to create an employee base which would have 75 percent participation as required by most insurance companies.

Now, Payne said that the non-discrimination provisions of the health care reform would prohibit this, forcing the company into several expensive options. It could switch from full insurance to self-insurance; it could expand coverage to all employees and have the employee cost set according to an affordability formula; or it could stop offering health insurance altogether and instead pay a penalty of \$2,000 for each employee. Payne said any of the three options would cost the company more than \$1 million compared to current costs.

I'll talk about other broken promises, but I would like to yield 5 minutes to my good friend, the gentleman from Indiana (Mr. YOUNG), representing the Ninth District of beautiful Bloomington.

Mr. YOUNG of Indiana. I thank the gentlelady, my hardworking colleague from Tennessee, who is also a health care professional and quite conversant on these issues. You speak with some authority. So thank you very much.

I come from the State of Indiana with internationally renowned medical

device manufacturers, manufacturers like Cook Group in Bloomington, or smaller entrepreneurial companies like MedVenture in Jeffersonville. Indiana, in fact, is a global leader in the medical device industry. Scores of successful medical device businesses are headquartered in the Hoosier State, and they provide nearly 20,000 hard-working Hoosiers with good-paying jobs. Now, these jobs, by the way, provide wages that are over 40 percent higher than the State average. These are exactly the sort of businesses we need to expand and grow right here in America if we want to create a healthy economy.

I bring this up because the President's health care law—what most Americans now know as ObamaCare—would shrink the number of American jobs in the medical device industry. This is because the law contains a 2.3 percent industry-specific excise tax that will cripple the sale of these medical devices. It would cripple the entire sector and hurt American jobs.

Now, back in October, a bipartisan group of us from Indiana held a field hearing in Indianapolis to discuss this very issue with industry leaders. The response from businesses was unanimous: this device tax would be, across the board, harmful to these manufacturers throughout the industry. Many admitted that they would have to move jobs to Europe. Now, when is the last time that we heard it was cheaper to move American jobs to Europe?

For the sake of keeping these high-paying, advanced manufacturing jobs here in the United States, this tax must be repealed. In fact, the medical device excise tax is so harmful to the American economy that the House voted just 2 weeks ago to repeal this narrow part of ObamaCare. It's one in a long string of votes that we've cast in this House to repeal or replace a portion of this law.

Now, there's a better way to address increasing health care costs than by imposing additional taxes on the American people. I say, let's start over. If the Supreme Court doesn't do our work for us, let's repeal the Affordable Care Act. Then, let's get to work and pass bipartisan legislation that would actually bring down the cost of health care—what this whole exercise was supposed to be about in the beginning. Our constituents deserve no less. They expect us to engage in this effort. I'm certainly committed to it, and I know my colleagues here on the Republican side in the House are committed to it as well.

Mrs. BLACK. Thank you, Mr. YOUNG. I appreciate his comments about starting over. Certainly, we do feel that that is the direction that we need to go. As a matter of fact, we've had over two dozen votes on repealing and replacing this very onerous bill that has affected our businesses, as has just been said.

Now I'd like to yield 5 minutes to our class president, as a matter of fact, AUSTIN SCOTT, who represents the Sixth Congressional District in Georgia, and he represents Warner Robins.

I yield to my colleague from Georgia.

Mr. AUSTIN SCOTT of Georgia. My father, as you, is a health care professional, an orthopedic surgeon who came out of med school when I was just a child. I spent a lot of time in a physician's office and in a not-for-profit hospital watching my dad take care of patients and helping them. And certainly that doctor-patient relationship is something that has been stripped away in this bill.

But I want to talk about the numbers, not just the relationships right now, because I think it's important to reflect on what happened 833 days ago when then-Speaker NANCY PELOSI told the American public that Congress must pass the bill so they could find out what was in it.

Now, I have no doubt that the President, in his endorsement of the bill, surely he read it and knew exactly what was in it. And the Speaker of the House of Representatives, it would have been irresponsible for her to endorse a bill without knowing what was in it. They had to understand it would negatively affect our economy.

The gentleman who was just in the well talking about Americans wanting to going to work, he's absolutely right. The Republicans in this House have passed a tremendous number of jobs bills that would help put Americans back to work, help reduce the cost of petroleum in this country; and yet they sit over in the Senate idle, along with a bill that would actually repeal this national health care law that has kept us in a recession.

Now, they forged ahead with this legislation instead of working on the economic issues that so many Americans needed them to work on and, quite honestly, despite the protest of the American public. They simply thumbed their nose at the American citizens. That's why, when it came time to go to the polls, 87 new freshman Republicans came to Washington. Districts where the President had gotten almost 60 percent of the vote, those people, who Americans who understood that their rights had been stripped from them, absolutely rejected the President's health care bill.

Now, 822 days since the Democratic-controlled House passed the President's health care bill. I would remind you it was just a few days before that when, in order to get the votes to pass it, he met with pro-life Democrats and assured them that in no way, shape or form would abortions be funded in the bill. That was his commitment to pro-life Democrats to get them to vote for the bill. Obviously, we now know that that wasn't necessarily true. We all know where the mandate has come out

that he has told people that he really doesn't care if it violates their faith or their religious principles, they're going to do what he says, not what their faith tells them to do—certainly a direct violation of people's constitutional rights.

Now, it's 820 days since the President signed it into law. There's been no recovery, and there could have been. There's no ifs, ands, or buts about it: more Americans would be at work today right now if that bill had not been passed. And the sooner it is undone, the sooner Americans will be able to get back to work.

Eighty-nine days since the Supreme Court began hearing oral arguments about the constitutionality of the law, 89 days. Now, Mr. Speaker, the American people began feeling the negative impact of this bill, quite honestly, as soon as it was passed on day one. Unfortunately, they will continue to feel the impact of this legislation until Congress fully repeals and replaces it.

Some more numbers for you. In the past year, the average cost of health care per active worker rose to \$11,176. The increase was \$800, almost \$1,000 a month per worker. The employee share of premium contributions increased by 63 percent, and there was a 62 percent increase for dependent coverage. Yes, all of this, all of this because of the increasing cost and the mandates in the health care bill.

Eighty-one percent of companies said the health care law had increased administrative burdens on their human resources department; and they are not, in many cases, hiring people because of the unknown cost of the legislation. One in six firms said the cost of complying with the law is one of their top challenges in maintaining affordable coverage.

Mr. Speaker, while it's my firm hope that the Supreme Court will find this law unconstitutional—which I believe it is—we must continue the effort to repeal and replace this bill.

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We can't wait for the November election, Mr. Speaker. The American people need this bill repealed right now.

Mrs. BLACK. Thank you so much, Representative SCOTT, for coming here today and talking about the negative impact on our economy. Certainly, we know that that is true.

I want to talk about broken promise number 2, and how this is a negative impact on our seniors.

Broken promise number 2 is proponents of ObamaCare claimed that it would protect Medicare. That couldn't be further from the truth. The health care law cuts more than \$500 billion from Medicare, and it threatens the choice seniors currently have in deciding which kind of health care best fits their individual needs. And thanks to ObamaCare, Medicare Advantage en-

rollment will be cut in half by 2017. The only thing this law does for Medicare is ensures bankruptcy in 8 years.

Now, instead of structurally reforming Medicare and building on what is working with Medicare Advantage, ObamaCare further weakens Medicare's fiscal state and punts the difficult health care decisions to unelected bureaucrats. This is clearly not the way to preserve care for our current or future retirees. Real, sustainable reforms must be made for those under 55 in order to keep our promises to current seniors.

This law hurts seniors today, and it stands in the way of protecting this program for our future children and grandchildren.

Now I'd like to yield 5 minutes to a friend of mine from Las Vegas, Nevada, Representative JOE HECK, representing Nevada's Third District, who is a physician and a health care provider.

Mr. HECK. I thank my colleague from Tennessee and my fellow health care practitioner for heading up this most important discussion this evening.

Mr. Speaker, I come to the floor today to talk about something that a majority of Americans actually already know. The health care overhaul that was forced through Congress on a party line vote in the dead of night with special interest provisions like the "Cornhusker kickback" and the "Louisiana purchase" is a bad piece of legislation that should be repealed. In fact, a recent New York Times poll showed that 68 percent of respondents want to see the law partially or fully repealed.

It's no surprise that the American people are frustrated and want to scrap this law and start over. The law has failed to deliver on all of its major promises. We were told that the law would reduce costs, reduce the deficit, create jobs, and allow people who liked their insurance plan to stay on it. Well, we now know that it has fallen far short of these goals as we continue to read stories and studies outlining just how harmful this law will be for patients and for the economy.

We know that this law will not reduce the deficit. In March, the non-partisan Congressional Budget Office released a report in which they projected the costs of the health care overhaul out to the year 2022. They found that the bill will cost \$1.7 trillion between now and then. That is twice as much as the bill was originally intended to cost. And this, of course, would be added to a national debt of over \$15 trillion.

We know this law will hurt access to care for patients, especially our seniors. In addition to gimmick accounting that essentially cuts \$500 billion from Medicare and disproportionately affecting Medicare Advantage beneficiaries, the health care overhaul es-

tablished the Independent Payment Advisory Board. This board of unelected Washington bureaucrats, this Medicare IRS, will be handpicked by the administration to cut funding for Medicare.

Make no mistake about it. The bill is very clear about the aim of this board, and I quote:

It is the purpose of this section to, in accordance with the following provisions of this section, reduce the per capita rate of growth in Medicare spending.

The board will be unaccountable to the American people. It will be unaccountable to the Congress, and it will even be unaccountable to the President, and will stand between seniors and the services they receive from Medicare.

As a doctor, I fear that when forced to reduce the Medicare costs, the actions of this board will have serious implications for access to care for seniors. That is not what my constituents and the people of Nevada want in a health care system.

We know that this law is going to increase health care costs for patients. As was mentioned, we just voted to repeal the medical device tax contained in the health care overhaul, one of many such taxes contained therein, that would have imposed a 2.3 percent tax on medical device manufacturers and was projected to increase taxes by \$28.5 million over the next 10 years. This tax would result in higher costs for medical device manufacturers and would be passed on to patients in the form of more expensive medical bills. Increased costs for doctor and hospital visits will widen the access to care gap, even as individuals and families are struggling to keep pace with the current skyrocketing health care costs. In my home State of Nevada, this increased tax on device manufacturers would put over 1,000 jobs at risk.

We know that this law will cause people to be dropped from coverage plans that they like. I have heard from concerned small businesses in my own district like Imagine Communications, a marketing firm in Henderson, Nevada, that employs 11 people. When they started out, they paid 100 percent of their employees' insurance premiums because they saw it as a way to attract and retain quality employees. But due to skyrocketing costs, they have been forced to cut back to only providing 50 percent of premiums, and they hope they can continue to do just that. But the way things are going, they aren't sure how much longer they will be able to be sustainable. They are looking at having to drop employees from coverage because of the increased cost of providing insurance.

As we stand here today, we await a landmark ruling from the highest court in the country on whether key components of the law are even constitutional. The individual mandate,

the provision that forces every American to buy insurance or pay a fine, a tax, is the wrong approach to take on health care reform. Instead of penalizing nonaction, we should be incentivizing people to take responsible action in making their own personal health care decisions.

I stand with the nearly 70 percent of Americans who want to see this law repealed and replaced with commonsense, patient-centered reforms that truly increase access to primary care and help people avoid costly procedures and trips to the emergency departments.

Instead of injecting more government into our health care system, our focus should be on patients, especially our seniors who rely on access to quality health care.

Our system is working for most Americans. Almost 85 percent have health insurance, and it can work for all Americans through commonsense reforms like moving coverage towards an individual-based model, increasing competition by allowing the purchase of insurance across State lines, incentivizing the purchase of insurance through tax credits, reforming medical malpractice laws, and letting people, not government, decide what services they need and want.

Second chances don't come along very often, Mr. Speaker, but we have before us a great opportunity to get health care reform right.

As a practicing emergency medicine physician, I have worked on the front lines of health care, caring for all, regardless of chief complaint, time of day, or ability to pay. I have seen firsthand what works and what doesn't work in our health care system. That's why I've introduced two pieces of legislation aimed at repealing the onerous provisions that hurt individuals and businesses, repairing the elements of the law that have merit, and replacing the broken pieces of the law with reasonable reforms and strengthening Medicare. I look forward to advancing these pieces of legislation in the wake of the Court's decision.

We have the best health care system in the world, and we should look for ways to include as many Americans as possible in it. But we also have a duty to uphold the Constitution and pass laws that will achieve their stated goal. The Affordable Care Act missed the mark in both respects, and I look forward to joining my colleagues in delivering a health care solution that will benefit the American people.

Again, I thank my colleague from Tennessee for organizing this Special Order.

Mrs. BLACK. Thank you, Dr. HECK.

And Dr. HECK talked, as we all know, about the major costs that are involved in this ObamaCare, and I want to talk about broken promise number 3. It will not add, and I quote, "one dime to our

deficit." That was a laughable assertion then, and now, 3 years later, it is clear that it could not be further from the truth. The law will add trillions to our deficit in the years to come.

Former Congressional Budget Office Director Douglas Holtz-Eakin estimates that the law will increase the national debt by at least \$500 billion in the first 10 years, and over \$1.5 trillion in the second decade, not to mention the \$115 billion needed to implement the law. That is more than \$2 trillion in new debt that will be passed on to our children and our grandchildren.

Now I would like to yield 5 minutes to my good friend, MIKE KELLY, who represents Pennsylvania Three, and he hails from Erie, Pennsylvania.

Mr. KELLY. I thank my colleague from Tennessee.

I really appreciate the opportunity to talk tonight. And I think what I've found unusual in my 18 months here is that when I look at a lot of the legislation that comes forward, a lot of it is proposed by people who've never actually done what they're mandating people to do.

For most of my life, I was a small business person, still am. And when I get back home and I walk in the district and I talk to the people that are doing the same things that I've done all my life—I'm talking about small business people—they keep talking about the same thing. And the one thing that resonates with me all the time is the uncertainty of what this government does to them, the uncertainty of what this law, in particular, does to them.

□ 1940

When I talk about uncertainty in business, you cannot begin to project what your future costs are going to be on legislation for which the rules and regs still haven't been put in place. So we ask people to take this blind-faith leap—to go ahead, to go along with it.

The truth of the matter is you can't. You can't when it's your own skin in the game. You can't when it's your business that's at risk. You can't hire people when you don't know ultimately what the cost of those people is going to be.

Now, people say, Why is that a big problem? It's because it drives the cost of whatever it is that you do. Your personnel costs have an effect on whether it's the service you provide or the goods that you provide.

So the confusion that goes along with this bill is what puts job creators, small business people, in a quandary. They just don't know what to do because the law doesn't specifically tell them what it's going to cost. Again, because I've done it all my life and it has always been my skin in the game and it has always been my blood on the floor at the end of the day by making a bad decision, if it were about jobs, if

it were about creating jobs, then this legislation surely didn't get the job done:

Between January of 2009 and April of 2010, private sector job creation improved by about 67,000 jobs a month. President Obama signed the PPACA into law at the end of March 2010. Since May of 2010, private sector job growth has improved at a rate of only 4,600 jobs per month.

Once people get a look at this law, it puts them on the sidelines. Once again, a law passed by this House and by the Senate and signed by the President puts the people who really do create jobs in a quandary. They look at us and they say, Please do something about this. Please get the government's boot off our throats. I can't continue to plan for the future with a law that doesn't project the total costs.

Look, we can talk about this on and on and on, but the American people know better than anybody else the effect that this has had on them. The job creators know better than anybody else what effect this has had on them. People in business who were never at the table know better than anybody else. Now I've gotten to the point where I understand, if you're not at the table, you're on the menu. I've got to tell you that job creators were put on the menu. They are getting eaten alive by a piece of legislation that drives their costs of operation up and that mandates them to do something under penalty of law or to pay a fine that they don't want to pay.

The funny thing about it is, a guy like me, I wasn't given the opportunity. I wasn't given a waiver. Do you know what, KELLY? It may not work for you, so we're going to give you a waiver. But who did get waivers? There were some people who got waivers out there. But who were the people who got the waivers? Why did they get the waivers? We wonder why the American people don't trust this government and this administration. Why would you trust people who pick and choose winners and losers and who say, You will follow the law. You get a waiver? Really? Why? It's because we can do it.

That's not the America I know. That's not the America that my father fought for. That's just something that's inherently wrong with the way business is being done in this town.

So we can talk about this, and we can talk about all the good things and the bad things and the pieces we ought to keep and the pieces we ought to reject, and we can talk about the fact that we don't know what it's going to ultimately cost us. I'll tell you one thing: if you're starting a business now—and people start businesses all over the world—at one time, we were No. 4, the country that people wanted to start a business in. Now we've fallen way down. We trail now Macedonia, Georgia, Rwanda, Belarus, Saudi Arabia, and Armenia.

It's more attractive to start a business in those countries than in the United States of America. And we wonder why? We wonder why so many millions of Americans are out of work? We wonder why job creators, small business people, won't hire people? We tell them, You're going to follow the letter of the law, or you're going to be fined. Then we wonder why they leave our shores and go to other countries?

If we're still wondering, we're either poorly informed or in denial. We have made it too hard for job creators to stay here. We have made it too hard for businesspeople to make decisions to hire people. We have made it too expensive for them, and we leave them no alternative but to stay on the sidelines. So when the President asks, Why are these people on the sidelines? Why aren't they investing? I will say, Please find the nearest mirror. Look in there. It is this administration and these laws that have put a choke hold on our economy.

Too many Americans have been waiting too long now for answers from a government that just doesn't have the right answers, but that tells them the way it's going to be without ever bringing them to the table in order to ask them, What is the effect on you, Mr. Businessman? How badly does this hurt you? At the end of the day, it's not about how bad it hurts the businesspeople. There is very little consideration given to us.

I thank the gentlelady from Tennessee for taking the time to bring this up in order for us to talk about it. We need to continue to talk about it, and we need to fix something that is very badly broken.

Mrs. BLACK. I thank my friend from Pennsylvania, who is a job creator.

We are talking about how this bill is affecting our job creators and our economy, which leads right into my broken promise number 4.

It was said that it will not raise any of your taxes. The President's health care law broke this promise with 20 different tax hikes, placing a tremendous burden on American families and small businesses—the engines of job growth. Americans are already facing a barrage of Washington-created headwinds from the avalanche of new regulations to the impending fiscal cliff on January 1. On top of that, job creators also must work against the velocity of the massive \$5 billion ObamaCare tax increase that will be coming at them over the next decade.

This year, the ObamaCare tax burden comes in at around \$15 billion, as you can see here on the chart, which represents about \$190 for each family of four, but we see it increase 20-fold by the year 2040 when the tax burden will be \$320 billion and when the amount for a family of four will be \$3,290.

With the cost of living—with gas and food and all of these other crushing

burdens on our people—they just cannot afford another increase in taxes. Every dollar businesses are holding back in anticipation of this tax hike or new regulation is a dollar not spent on hiring Americans who are out of work.

With that, I would like to yield 5 minutes of my time to ROB WOODALL, my good colleague from Lawrenceville, Georgia.

Mr. WOODALL. Thank you very much. I thank my friend from Tennessee for yielding.

I just have to say, for folks who haven't been following your short 15 months here closely, they don't usually put freshmen on the Ways and Means Committee. They just don't. I mean, this is not a meritocracy. This is an organization that's often run by tenures, a little like a labor union shop. You put in your time. You play by the rules. You eventually get promoted. Yet, when this freshman class came in and when you looked at the kind of challenges that were facing the Nation, they looked at folks like you, Mrs. BLACK, who have invested a career in health care—not in talking about health care, but in implementing health care—they said, Where can we make folks the most valuable?

I hear that time and time again back home. Folks say, ROB, why is it all the bureaucrats are making all the decisions in Washington, D.C.?

What I get to say to them is, You know, that might have been the way it was, but today we have folks like Dr. BUCSHON, like Dr. HECK, and we have folks like DIANE BLACK, who are in the places where they can bring their real-life experiences to bear.

I listened to my colleague, MIKE KELLY, talk about how folks just discount job creators as they're passing legislation like this. You wonder why it is we're in the worst recession in my lifetime. We have folks who you could consult. We have folks that you could speak with. We have folks whose advice you could seek and employ. Yet Washington knows best.

I actually saw your tax chart from my office, so I came down here. I thought that was going to be something about improving outcomes. I thought that was going to be something about how more folks have health insurance today than yesterday. What I see is that it is a chart of tax burdens—tax burdens. We knew that was going to come. We knew that was going to come because the promise was within that that we were going to provide more care to folks, that we were going to do more things for folks; and, more importantly, health care premiums for the average American family were going to come down by \$2,500 per family. That was the promise the President gave us.

I see you've brought out another chart. I would ask my colleague, what are we seeing here?

Mrs. BLACK. Yes, that's exactly what you're seeing here. It is the rhetoric versus the reality on premium costs.

We can see that the promise was that we'll bring down the premiums by \$2,500 for the typical family. We see here is the line of the rhetoric and here is the reality, and we can see that it did not bring it down. As a matter of fact, they're going to continue to go up. It's estimated, by the time we reach 2015, the premiums will actually have increased by almost \$2,400. A broken promise.

□ 1950

Mr. WOODALL. My concern is when folks see that chart back home, they are not aghast. Because candidly, that's what they expected. They expected good rhetoric out of Washington, D.C., and they expected abysmal results. Candidly, I don't know why they wouldn't. It doesn't matter whether it's a Republican administration or a Democratic administration, Washington, D.C., is famous in its one-size-fits-all solutions for overpromising and underdelivering.

But you always have hope. You always have hope that this time it's going to be different. Say what you want to about hope and change. I remember when the President was rolling out this provision. I thought, Golly, if we would just pass this bill 10 pages at a time, there probably would be some meritorious parts of it, there would probably be some provisions that the American people would want. I might not want them, and leave me alone in the world that I live in, but other folks would want them, it would pass by 218 votes. If we would only look at it one small part at a time.

But there were some ugly things in the bill, ugly things that I hope the Supreme Court solves and releases to us next week and shares with us. There were things that folks wanted to hide in all of these other provisions in the health care bill. One of the things that I pride myself on in this Congress, what we've seen out of the Ways and Means Committee, is we haven't seen any 2,000-page bills in the 15 months that you and I have been in Congress. We haven't seen any 1,500-page bills when my freshman colleague from Alabama has been here in Congress. We've seen limited bills with limited ideas that the American people can digest and understand.

I know that we can deliver that, with the help of colleagues like the gentlelady from Tennessee, with the Doctors Caucus here in this House, the largest Doctors Caucus that we have ever had in this House. I know that we can implement solutions that make sense 10 pages at a time in consultation with the American people, not an end-run around the American people.

I just keep staring at this chart behind you—promises that insurance

costs would go down, and the reality that a command-and-control government structure has driven those costs up.

I was a staffer here before I ran for Congress, and I was here when this bill was being passed. I remember the phone calls coming in, when folks started to say, What's the rush? I'm a Democrat. I'm an independent. I'm someone who wants the government involved in health care, but what's the rush? I'm concerned that there is something hidden in there that you folks in Congress want to push it all through before we've had a chance to see what's in it.

Chart after chart that you brought down here tonight brings back those memories, that that's exactly right. There were things hidden in there. Folks did not know what was in it. But we now have a chance to do it better. With your leadership on the Ways and Means Committee, I'm certain that we will.

I thank the gentlelady for the time.

Mrs. BLACK. I thank my colleague from Georgia for all those kind comments.

Once again, looking at this chart, we see the broken promises over and over and over again. And not only the cost to our job creators, which certainly is affecting our economy, but also those to the typical families who are already struggling to get health care. Now we have increased that cost to them by almost \$2,400 in just a few short years.

Now it is my honor to yield to a gentlelady from Alabama, MARTHA ROBY, who represents Montgomery.

Mrs. ROBY. I thank the gentlelady from Tennessee for your leadership tonight on this most important and timely subject. And to the gentleman from Georgia, I appreciate all of your remarks because I do believe that we have shown through our campaign promises that we were going to put forth legislation that's not just commonsensical, but that all Americans have the ability to digest and understand in a way that gives them the ability to provide feedback to us as Members of Congress as to what makes sense and what they are for and what they're not for.

The 3-day rule that we implemented certainly has provided us with an opportunity to give our constituents time to learn. So we're not finding ourselves in the same situation as they were in the previous Congress with this massive health care law. I'm proud to say that one of our first votes in Congress was to repeal this law in its entirety.

Most of us can agree that this law has very little to do with commonsense health care reform, but that it translates into substantial costs, well over \$500 billion that has to be paid by hard-working, tax-paying Americans.

I would think that if this room was filled with colleagues from this side of

the aisle and the other, that what we could all nod and agree upon is that we need health care in this country, that it's more accessible and more affordable. We just have different ways of getting there. And over the course of this Congress, all of my colleagues here, we've cast over 27 votes to repeal or defund this current law.

Soon—and maybe sooner than later—the Supreme Court is going to hand down this landmark decision regarding the constitutionality of this very law that we're discussing here tonight. Of course, just like all of your districts, it will affect my home district in Alabama. And regardless of the Supreme Court's decision, I believe that many of the problems that we have with health care in this country will continue to be present, and they have a significant impact on small business in this country. Despite rhetoric, we have a responsibility in this majority to maintain our focus on jobs and the economy because that is what Americans are concerned about.

Today, I asked in anticipation of being here with you tonight, my constituents from the Second District of Alabama, to share with me on Facebook their concerns surrounding ObamaCare. So I just want to quote a few of my constituents:

ObamaCare violates the Constitution and the rights of the American people.

ObamaCare is not the answer.

A board of laymen should not decide what treatment I can get. That is between me and my doctor, not some committee with no medical experience.

One of their largest fears is IPAB, the Independent Payment Advisory Board, labeled by critics the “death panel.”

Under current law, this 15-member board will be empowered to find cost savings in Medicare by rationing health care services to senior citizens. You know what? Like the President's czars, this board will be handpicked by the President and will not be accountable to the American people or any person that they elected to the Congress to represent them.

One Montgomery, Alabama, physician, who provides care to Medicare recipients claims that the cuts in payments to doctors will be devastating to his ability just to stay in business. We've heard testimony about how difficult it will be to then recruit family practitioners and internal medicine doctors into the community. IPAB's recommendations to reduce health care costs will unfairly and disproportionately fall on physicians just like him, since the law prohibits any reductions in payments to hospitals and hospices until 2020.

So many doctors in Alabama are already faced with the painful decision of staying in business or not seeing Medicare patients, all because of ObamaCare. Not because of the deci-

sions that this Republican majority in this House have made. Not only will IPAB have a devastating effect on businesses, it will have a disastrous effect and negative consequences on a patient's access to care.

Another concern of my constituents is the employer mandated health insurance provision. The Obama administration is encouraging employers to retain and expand health care coverage to their employees by 2014. My question is this: How can a business owner retain insurance coverage if it forces him into bankruptcy? This is what all of us here, when we travel throughout our districts during district work week, this is the number one concern of uncertainty provided by this law.

I recently heard from another constituent who owns independent grocery stores throughout Alabama who employs over 500 workers. This means 500 families are making a living from this business. And when he's required by law to provide all of his employees with health insurance, his grocery stores will go bankrupt, causing significant layoffs to his employees. When a kumquat producer from a southern State is threatened to go out of business, this is evidence that we have left no stone unturned when it comes to the loss of jobs.

On a national perspective, the employer mandated health insurance provision could cause the elimination of 1.6 million jobs, with 66 percent of those coming from small businesses alone. Who wins in this situation? No one. Every thriving business that is able to sustain the heavy financial burden of this law is not hiring and growing their workforce due to the uncertainty.

□ 2000

As we continue during this 112th Congress, we must remain committed to reforming health care without the threat of new taxes and regulations that burden small businesses and the American people. Congress must be aggressive but responsible and make these reforms as we stay focused on making America strong and prosperous for future generations.

I look forward to working with all of you here tonight. And to the gentlelady from Tennessee, thank you for your leadership. It could not have come at a more important time. We need to continue this discussion.

Again, I cannot emphasize enough that the uncertainty surrounding this law is stifling job creation. And as we are accused day after day of not presenting jobs bills, this is it. This is the number one jobs bill. When we repeal this law, we will lift the heavy hand of government. And we believe—and I know—that the private sector will, with that certainty, once again begin hiring those people who desperately need these jobs all over this country.

Mrs. BLACK. I thank the gentlelady from Alabama for coming to the floor and giving us some very real situations and quotes from people right back in your district. I was writing down here that you had folks who were providers of health care, people who were job creators. I'm talking about the patients, talking about whether this is really what our government was set up to do, and bringing these very real situations here so that we can let the American people know how this bill is affecting every segment of our society. I thank you so much for coming, especially with those remarks of the people from your district because these are the people who are living this and are every day having to deal with what is being placed as a burden upon them. So thank you so much for sharing that. That's the purpose of this Special Order tonight.

I would now like to yield 5 minutes to my good friend and colleague from Cincinnati, Ohio, STEVE CHABOT.

Mr. CHABOT. I thank the gentlelady from Tennessee for yielding. I also want to thank her for organizing this Special Order this evening on such an important issue.

None of us knows for sure what the United States Supreme Court is going to do in the next few days, the next week, maybe 10 days. None of us even knows for sure when it's going to happen, but I think we all anticipate that it will be soon. I think none of us would disagree with the fact that whatever they do, it's going to have significant and real implications to an awful lot of people all across this country.

I think it's important to remember how we got into this position—this mess, quite frankly—that we're in right now relative to health care and what happened. The Democrats were in complete control. President Obama had been elected, and they controlled the House and the Senate. And rather than act in a bipartisan manner on something as important as this, which is what they should have done—they should have gotten input from both sides and done what was in the best interest of the people when you are dealing with something as important as health care—they basically rammed through a bill. Unfortunately, few had even read the bill, as we heard over and over again. And in fact, Speaker PELOSI, who was Speaker at the time, even made a statement that it was important that they pass the bill so they could find out what was in it. What an incredible statement to make.

And unfortunately, deals were made to get people to vote for this legislation. The ones that came out that seemed to be the most egregious were maybe on the other side of the Capitol building, in the other body, some of the things that we heard about there. But this is really not the way that legislation is supposed to happen, especially

something as important to people's lives as their health care is.

And I think they thought that—in fact, statements were made that—the people would like it; they'd fall in love with it once it was passed. Well, that clearly hasn't happened. There was a poll out, a New York Times and CBS News poll that just came out recently that indicates that two-thirds of the American people hope—they'd like to see the Supreme Court either strike down this health care legislation, or ObamaCare or whatever terminology one prefers to use, but they'd like to see it struck down either altogether or at least in part.

Unfortunately, when they focused so much attention on this health care bill, or ObamaCare, they should have been focused on an even bigger issue, and that is how the economy is so weak and so many people are unemployed. They were back at that time, and they still are now. Instead of devoting attention where it should have been, on the economy and on getting Americans back to work, they passed this so-called economic stimulus package, spent over \$800 billion. And it did grow one thing, and that's government. But unfortunately, it did not grow jobs in the private sector.

After passing that monstrosity, they moved to health care and then passed this piece of legislation. It took them basically a year to get it passed. And what has happened is it didn't, as you indicated—and I think you did an excellent job in pointing out what was said and what actually happened. They said it's not going to raise taxes. Well, it's raised 20 different taxes. They said it was going to drive down health care costs. It's increasing health care costs. They said it was going to create jobs. It's reduced jobs. In fact, it's been a wet blanket over the whole economy.

I've talked to a lot of small business people in my district back in Cincinnati and in the greater Cincinnati area, and I have heard over and over again that small businesses are afraid to hire people. They're afraid of the new regulations, the new taxes. So people aren't getting hired and the jobs aren't being created. And this isn't the only reason, but this is one of the biggest reasons that you hear our small business folks say why they are not hiring folks.

In the small business community, about 70 percent of the jobs created in our economy over the last few decades have been in the small business sector, and those are the folks that are going to be particularly hard-hit by this ObamaCare if the Supreme Court upholds it.

Now, of course, as our colleague from Alabama mentioned previously, in the House, we passed legislation earlier in this Congress to repeal this bill. But the other body wouldn't take it up. And even if they had, I think most of

us speculate that the President would have vetoed it, and we wouldn't have had two-thirds to override the repeal. So we hope the Supreme Court acts. But even if they don't, we hope that this body and the body on the other side of the building will act to repeal it.

Now, relative to one particular thing, the employer mandate, it's been estimated that that has resulted in the loss—or will result in the loss of 1.6 million jobs if that ultimately is imposed on businesses, that they have to move to this ObamaCare. And I think we all know that a lot of businesses are just going to drop coverage altogether. People that have insurance now will not have insurance if or when this goes through.

We also know there is going to be more red tape. There are going to be more regulations. There are going to be higher taxes. And it's been estimated the higher taxes alone are going to be over \$500 billion—\$569 billion, to be exact.

And what is all of this for? It's a law that puts government ahead of people. It's a law that consolidates power into the hands of 15 unelected, unaccountable bureaucrats that are going to decide how much of our seniors' Medicare is going to be cut. And that estimate is about \$500 billion of cuts also in Medicare. So it's just an awful piece of legislation which we certainly hope the Supreme Court strikes down in the very near future.

There were alternatives to ObamaCare, things that Republicans have been pushing for a long time. For example, allowing insurance companies to sell insurance across State lines. That means more competition. That drives the cost down so people have more access to health care coverage. Also, association health plans. That means that small businesses can join together in order to negotiate with the insurance companies. They have more power to get lower rates for their workers and their employees. Medical malpractice reform. We have far too many doctors ordering tests, very expensive tests just to prevent themselves from getting sued. At least half of these lawsuits are probably frivolous. We need medical malpractice reform. And then, finally, health savings accounts, which more and more people are finding more and more attractive, saving them money and giving them more control over their health care dollars.

Those are a few of the commonsense reforms that have been proposed over the years but, unfortunately, have been blocked. And they put all of their money and all of their eggs in the basket of this ObamaCare, and I really think the thing is likely to be struck down in the very near future.

□ 2010

The decisions ought to be made by the people back home around their

kitchen tables—people—mothers and husbands and fathers talking about what is the most important thing to their family with health care. That's where the decisions ought to be made, not in backroom deals up here on Capitol Hill.

So yes, we need health care reform. We didn't need this big government cop out, really; this monstrosity, this takeover. I know that some of my colleagues on the other side of the aisle cringe when we say takeover of health care, but that, in essence, is what it is—not a complete takeover, but a heck of a big takeover by Big Government. And that's the last thing we need.

So this is bad public policy. It's bad for the American people. It needs to go.

I just want to thank you again for organizing this Special Order this evening and look forward to doing future ones talking with the American people.

Mrs. BLACK. Thank you. I thank you for coming here tonight to talk about this program and how it has put a wet blanket on our economy. Not only that, you did talk about some real solutions that really could help to deliver health care and make it more accessible, increase the quality of the care, and at the same time lower the cost. So I sure do appreciate that.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. FARENTHOLD). The gentlewoman from Tennessee has just under 7 minutes remaining.

Mrs. BLACK. I'm going to go quickly to my last points here.

In the coming weeks, the Supreme Court is expected to release their decision regarding the constitutionality of ObamaCare. And I stand firmly with those 26 States and the National Federation of Independent Businesses who have laid out convincing evidence that this bill seriously violates our Constitution and our founding principles. For the last 3 years, no one has known how or when the court would rule on ObamaCare so the House has worked tirelessly to repeal and defund the law. Because every day this law stands is a day that jobs are being lost, Americans' health care insurance premiums are going up, job creators and consumers are bearing the brunt of ObamaCare's tax hikes. And in just 3 short years, ObamaCare has already resulted in fewer jobs, higher health care costs, and more debt.

My first act here in Congress was repealing this law in its entirety. Subsequently, I have voted more than two dozen times to either defund or repeal ObamaCare since being elected to Congress. Unfortunately, these amendments and others like them have been blocked by the Democrat-controlled Senate. But due to the steady stream of broken promises, the growing and

unrelenting public outcry, and Republican lawmakers' unwavering determination, we have been successful in getting several of the most egregious portions of ObamaCare repealed or defunded and signed into law. In fact, one of those successes was my legislation that closed the loophole in the health care law and saved taxpayers \$13 billion. My bill was signed into the law by the President last November.

Six other ObamaCare provisions have been repealed or have had funding rescinded and signed into law. One of those that many of us will remember is the onerous 1099 tax provision that would have drastically affected especially our small businesses.

Now Republicans are not going to stop here. We will continue to pursue opportunities to get these and other defunding and repeal bills to President Obama's desk. Before coming to Congress, I worked in health care as a registered nurse for more than 40 years, and I have seen firsthand the problems and the obstacles that patients and the health care providers face. But ObamaCare is only serving to exacerbate the current problems and creates entirely new problems. Repealing ObamaCare is a very important first step that must be accomplished, but that simply is not enough.

For the past two sessions of Congress, the House Budget Committee has produced full repeals of ObamaCare and has also set in place a constructive framework to replace the government takeover of health care. House Republicans have built on principles that empower patients with policies that have proven records of success.

Now the House Republican budget passed last year heeds the warnings of economists around the world. The simple truth is that ObamaCare is one of the single most destructive things to happen to our economy. We cannot try to micromanage 17 percent of our economy through a maze of mandates, taxes, and price control. Our project uses models that foster competition, innovation, and choice as driving principles behind improving our health care system.

A critical part of implementing real, patient-centered reform is Medicare reform. The premium support structure would be a constructive approach to defending and saving Medicare for current and future retirees. Premium support would reflect the structure of the overwhelming successful Medicare part D program. Now Medicare's prescription drug program is succeeding beyond all expectations. It's delivering needed prescription drugs to the Medicare beneficiaries at a lower cost than expected due to the strong competition—yes, competition—among health care plans that work to keep costs down and negotiate with pharmaceutical companies for savings.

This market-based program is seen by policymakers as a model for how to

restructure health care entitlement programs. The CBO estimates show that part D is costing far less than the initial projections. Total costs for part D are now estimated to be 43 percent lower than the initial projections for the initial 2004–2013 forecast period, according to CBO Medicare part D baselines for 2004–2013.

In March of 2012, the CBO reduced its Medicare part D spending projection from 2013–2022 by \$107 billion. This was due to “an increase in the number of high-volume drugs with generic substitutes available and changes in drug utilization.” At the same time, CBO increased its projected spending for the rest of Medicare.

Now let's take a look at the average beneficiary part D premiums in 2012 that are far below the original projections. As a matter of fact, you can see here on the chart that the average monthly beneficiary premium for part D coverage is about \$30 in 2012, virtually unchanged from 2011 and far below the \$56 forecast that was originally projected. According to the CMS administrator, Don Berwick, these consistently low premiums, “are going to make medications more affordable to the Medicare beneficiaries,” and CMS officials reported in 2011 over 99 percent of part D enrollees had access to the plan with a premium that is the same or lower than their 2010 premium. And you can see that very clearly here on this chart of what the projections were and what the actual amount is coming in. The same amount of the premium in 2011 and 2012. Just remarkable.

Now research shows that increased access to medication achieved through part D is actually lowering beneficiaries' health care costs. A new study in JAMA found that the implementation of the Medicare prescription drug program was followed by a \$1,200 per year decrease in nondrug medical spending among those who previously had limited drug coverage, which has been reported to generate over \$12 billion per year in savings to part D from less use of hospital and skilled nursing facilities.

As a matter of fact, what this has shown is that because patients are receiving their medication and can afford them, they are not going to the hospital as much, therefore saving costs. Beneficiaries are also highly satisfied with part D. Recently released surveys showed that Medicare part D enrollees are overwhelmingly satisfied with part D coverage. Eighty-eight percent of the part D enrollees are satisfied with their coverage, and 95 percent say this coverage works well. Additionally, vulnerable beneficiaries who are dually eligible for both Medicaid and Medicare exhibit the highest satisfaction.

Now should the high court fail to overturn the law, or sever parts of this disastrous piece of legislation, the

House Republicans will continue to fight to defund and repeal ObamaCare. While the country continues to suffer from failed policies and broken promises of the Obama administration, my Republican colleagues and I will not only continue to undo the damage, but we will also rebuild a health care system that puts patients and their doctors in the driver's seat rather than the unelected bureaucrats here in Washington, D.C.

Mr. Speaker, I yield back the remainder of my time.

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

January 31, 2012:

H.R. 3800. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

February 1, 2012:

H.R. 3237. An Act to amend the SOAR Act by clarifying the scope of coverage of the Act.

February 10, 2012:

H.R. 3801. An Act to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

February 14, 2012:

H.R. 588. An Act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

H.R. 658. An Act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

February 22, 2012:

H.R. 3630. An Act to provide incentives for the creation of jobs, and for other purposes.

February 27, 2012:

H.R. 1162. An Act to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

March 8, 2012:

H.R. 347. An Act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

March 13, 2012:

H.R. 4105. An Act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

March 30, 2012:

H.R. 4281. An Act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

April 2, 2012:

H.R. 473. An Act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma

to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 886. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

April 5, 2012:

H.R. 3606. An Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

May 15, 2012:

H.R. 298. An Act to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building".

H.R. 1423. An Act to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the "Specialist Micheal E. Phillips Post Office".

H.R. 2079. An Act to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the "John J. Cook Post Office".

H.R. 2213. An Act to designate the facility of the United States Postal Service located at 801 West Eastport Street in Inks, Mississippi, as the "Sergeant Jason W. Vaughn Post Office".

H.R. 2244. An Act to designate the facility of the United States Postal Service located at 67 Castle Street in Geneva, New York, as the "Corporal Steven Blaine Riccione Post Office".

H.R. 2660. An Act to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office".

H.R. 2668. An Act to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station".

H.R. 2767. An Act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the "William T. Trent Post Office Building".

H.R. 3004. An Act to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building".

H.R. 3246. An Act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building".

H.R. 3247. An Act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building".

H.R. 3248. An Act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building".

May 25, 2012:

H.R. 4045. An Act to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on, or after that date, from the changes to the program guidance that took effect on that date.

H.R. 4967. An Act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

May 30, 2012:

H.R. 2072. An Act to reauthorize the Export-Import Bank of the United States, and for other purposes.

May 31, 2012:

H.R. 5740. An Act to extend the National Flood Insurance Program, and for other purposes.

June 5, 2012:

H.R. 2415. An Act to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building".

H.R. 3220. An Act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office".

H.R. 3413. An Act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office".

H.R. 4119. An Act to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

H.R. 4849. An Act to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

June 8, 2012:

H.R. 2947. An Act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 3992. An Act to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

H.R. 4097. An Act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

March 14, 2012:

S. 1134. An Act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

S. 1710. An Act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

April 4, 2012:

S. 2038. An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

May 15, 2012:

S. 1302. An Act to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy.

June 13, 2012:

S. 3261. An Act to allow the Chief of the Forest Service to award certain contracts for large air tankers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of Florida (at the request of Mr. CANTOR) for June 18 and the balance of the week on account of a death in the family.

ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 20, 2012, at 10 a.m. for morning-hour debate.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

RON BARBER, Arizona Eighth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6476. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule — Guidelines for the Transfer of Excess Computers or Other Technical Equipment Pursuant to Section 14220 of the 2008 Farm Bill (RIN: 0599-AA13) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6477. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Naphthaleneacetic acid; Pesticide Tolerances [EPA-HQ-OPP-2004-0144; FRL-9346-9] (RIN: 2070-ZA16) received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — a-(p-Nonylphenol)-w-hydroxypoly(oxyethylene) Sulfate and Phosphate Esters; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0526; FRL-9340-2] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — a-[p-(1,1,3,3-Tetramethylbutyl)phenyl]-w-hydroxypoly(oxyethylene) Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0525; FRL-9340-1] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ametoctradin; Pesticide Tolerances [EPA-HQ-OPP-2010-0261; FRL-9339-7] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6481. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's 2012 Report to Congress on Sustainable Ranges; to the Committee on Armed Services.

6482. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the twenty-second annual report on the Profitability of Credit Card Operations of Depository Institutions; to the Committee on Financial Services.

6483. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6484. A letter from the Senior Counsel for Regulatory Affairs, Financial Stability Oversight Council, transmitting the Council's final rule — Implementation of the Freedom of Information Act (RIN: 4030-AA02) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6485. A letter from the Senior Counsel for Regulatory Affairs, Financial Stability Oversight Council, transmitting the Council's final rule — Authority To Require Supervision and Regulation of Certain Nonbank Financial Companies (RIN: 4030-AA00) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6486. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Loan Guarantees for Projects That Employ Innovative Technologies (RIN: 1901-AB32) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6487. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nonattainment New Source Review Rules [EPA-R03-OAR-2011-0925; FRL-9669-3] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6488. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Designation of Areas for Air Quality Planning Purposes; California; Western Mojave Desert Ozone Nonattainment Area; Reclassification to Severe [EPA-R09-OAR-2012-0249; FRL-9669-7] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6489. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Classification of Areas That Were Initially Classified Under Subpart 1; Revision of the Anti-Backsliding Provisions to Address 1-Hour Contingency Measure Requirements; Deletion of Obsolete 1-Hour Ozone Standard Provision [EPA-HQ-OAR-2007-0956; FRL-9668-4] (RIN: 2060-AO96) received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6490. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 54 [EPA-HQ-SFUND-2011-0644, 0645 and 0654; FRL-9668-1] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6491. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky; Regional Haze State Implementation Plan; Correction [EPA-R04-OAR-2009-0783; FRL-9669-2] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6492. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ohio; Determination of Clean Data for the 2006 24-Hour Fine Particulate Standard for the Steubenville-Weirton Area [EPA-R03-OAR-2011-0556; FRL-9669-5] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6493. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards [EPA-HQ-OAR-2008-0476; FRL-9668-2] (RIN: 2060-AP37) received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6494. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Model Safety Evaluation for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-432, Revision 1, "Change in Technical Specifications End States (WCAP-16294)" Using the Consolidated Line Item Improvement Process [Project No.: 753; NRC-2012-0019] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6495. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Low-Level Radioactive Waste Management and Volume Reduction [NRC-2011-0183] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6496. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-21, pursuant to the reporting requirements of Section

36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6497. A letter from the Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

6498. A letter from the Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

6499. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Memorandum of Justification; to the Committee on Foreign Affairs.

6500. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

6501. A letter from the Chair, Federal Election Commission, transmitting five legislative recommendations from the Commission; to the Committee on House Administration.

6502. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-126-FOR; OSM-2008-0012] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6503. A letter from the Assistant Attorney General, Department of Justice, transmitting information on Defense of Marriage Act litigation; to the Committee on the Judiciary.

6504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choptank River and Cambridge Channel, Cambridge, MD [Docket No.: USCG-2011-1164] (RIN: 1625-AA87) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Anacostia River, Washington, DC [Docket No.: USCG-2011-0591] (RIN: 1625-AA09) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Safety and Security Zones; Recurring Events in Captain of the Port Long Island Sound Zone [Docket No.: USCG-2008-0384] (RIN: 1625-AA00; 1625-AA08; 1625-AA87) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Seagoing Barges [Docket No.: USCG-2011-0363] (RIN: 1625-AB71) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6508. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Damage Tolerance and Fatigue Evaluation for Composite Rotorcraft Structures, and Damage Tolerance and Fatigue Evaluation for Metallic Structures; Correction [Docket No.: FAA-2009-0660; Amdt. Nos. 27-47A, 29-54A; and Docket No. FAA-2009-0413; Amdt. No. 29-55A] (RIN: 2120-AJ52, 2120-AJ51) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6509. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Transportation and Warehousing (RIN: 3245-AG08) received May 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6510. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Disaster Assistance Loan Program; Maximum Term for Disaster Loans to Small Businesses With Credit Available Elsewhere (RIN: 3245-AG42) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6511. A letter from the Secretary, Department of Health and Human Services, transmitting the ninth annual report on the Temporary Assistance for Needy Families (TANF) program; to the Committee on Ways and Means.

6512. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department requests be enacted during the second session of the 112th Congress; jointly to the Committees on Armed Services and Foreign Affairs.

6513. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina, pursuant to 50 U.S.C. 4306(a)(3); jointly to the Committees on Armed Services and Energy and Commerce.

6514. A letter from the Assistant Attorney General, Department of Justice, transmitting second quarterly report of FY 2012 on the Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 691. Resolution providing for consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve (Rept. 112-540). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KUCINICH (for himself, Ms. SLAUGHTER, Ms. WOOLSEY, Ms. CHU, Mr. YARMUTH, Mr. HONDA, Mr. MORAN, Mr. GRIJALVA, Ms. ROYBAL-

ALLARD, Mr. BLUMENAUER, Mr. CONYERS, Mr. HINCHAY, Mr. ELLISON, and Ms. EDWARDS):

H.R. 5959. A bill to place a moratorium on permitting for mountaintop removal coal mining until health studies are conducted by the Department of Health and Human Services, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. GRIJALVA, and Mr. LUJÁN):

H.R. 5960. A bill to amend the Healthy Forests Restoration Act of 2003 to improve the response to insect infestations and related diseases and to change the funding source for the Healthy Forests Reserve Program, to codify the stewardship end result contracting and good neighbor authorities, and to amend the emergency watershed protection program to improve post fire rehabilitation, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself, Mr. AKIN, Mr. ROSS of Florida, Mr. HARRIS, Mr. SMITH of Nebraska, Mr. JOHNSON of Ohio, Mr. HOLDEN, Mr. GRIFFITH of Virginia, Mr. GOODLATTE, Mr. THOMPSON of Pennsylvania, Mr. TERRY, and Mrs. NOEM):

H.R. 5961. A bill to provide reasonable limits, control, and oversight over the Environmental Protection Agency's use of aerial surveillance of America's farmers; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr.

HANNA, Mr. FARR, and Mr. DEFAZIO): H.R. 5962. A bill to amend the Organic Foods Production Act of 1990 to require recordkeeping and authorize investigations and enforcement actions for violations of such Act, and for other purposes; to the Committee on Agriculture.

By Mr. COLE:

H.R. 5963. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the deduction for expenses of elementary and secondary school teachers and to allow such deduction with respect to home school expenses; to the Committee on Ways and Means.

By Mr. CUELLAR (for himself and Mr. MCCAUL):

H.R. 5964. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 5965. A bill to require the Chief of the Forest Service to make the Forest Service First and Second Generation Modular Airborne Firefighting System (MAFFS) units available to units of the Air National Guard and Air Force Reserve that have the aircraft capability and pilot and crew member training adequate for utilizing such firefighting

systems to help alleviate the shortage of air tankers to fight wildfires; to the Committee on Agriculture.

By Mr. KING of New York (for himself and Mr. MEEKS):

H.R. 5966. A bill to establish a United States Boxing Commission to administer the Professional Boxing Safety Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. WELCH):

H.R. 5967. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity and energy efficiency standard for certain electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POSEY (for himself and Mr. BUCHANAN):

H.R. 5968. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to authorize the Commissioner of U.S. Customs and Border Protection to enter into reimbursable fee agreements for the provision of additional services at Customs ports of entry, and for other purposes; to the Committee on Ways and Means.

By Mr. WALBERG (for himself, Mr. TERRY, Mr. GOODLATTE, Mr. ROKITA, Mr. GOWDY, and Mrs. SCHMIDT):

H.R. 5969. A bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. WALBERG (for himself, Mr. TERRY, Mr. GOODLATTE, Mr. ROKITA, Mr. GOWDY, and Mrs. SCHMIDT):

H.R. 5970. A bill to prohibit the Secretary of Labor from finalizing a proposed rule relating to the application of the Fair Labor Standards Act of 1938 to domestic service employees; to the Committee on Education and the Workforce.

By Mr. WALSH of Illinois:

H.R. 5971. A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes; to the Committee on House Administration.

By Ms. ZOE LOFGREN of California (for herself, Mr. CONYERS, Mr. PETERS, and Mr. DIAZ-BALART):

H. Res. 690. A resolution recognizing the Proclamation of the Refugee Congress; to the Committee on Foreign Affairs.

By Mr. LAMBORN:

H. Res. 692. A resolution recognizing the 30th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

By Ms. MOORE (for herself, Ms. BASS of California, Mr. CONYERS, Ms. RICHARDSON, Mr. CLARKE of Michigan, Mr. GRIJALVA, Ms. LEE of California, Mr. RANGEL, Mr. STARK, Ms. WILSON of Florida, Ms. NORTON, and Ms. WOOLSEY):

H. Res. 693. A resolution expressing support for designation of June as "National Family Reunification Month"; to the Committee on Ways and Means.

234. The SPEAKER presented a memorial of the House of Representatives of the State of Arizona, relative to House Memorial 2002 urging the Congress to pass House Joint Resolution 106; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KUCINICH:

H.R. 5959.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause III of the Constitution.

By Mr. MARKEY:

H.R. 5960.

Congress has the power to enact this legislation pursuant to the following:

This bill addresses management of federal land. Accordingly, we turn to the following constitutional authority: Article IV, Section 3, Clause 2.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Currently, the federal government possesses approximately 1.8 billion acres of land. The land at issue in this bill is but a small part of those holdings. The U.S. Constitution specifically addresses the relationship of the federal government to lands. Article IV, Sec. 3, Clause 2—the Property Clause—gives Congress plenary power and full authority over federal property. The U.S. Supreme Court has described Congress's power to legislate under this Clause as "without limitation." Because of this express Constitutional authority, Congress has the right, if not the duty, to properly manage its public lands, including establishing forestation policies, and tree harvesting and tree salvaging. This bill falls squarely within the express Constitutional power set forth in the Property Clause.

By Mrs. CAPITO:

H.R. 5961.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (Interstate Commerce Clause)

Article I, Section 8, Clause 18 (Necessary and proper clause)

By Mrs. CAPPS:

H.R. 5962.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. COLE:

H.R. 5963.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. CUELLAR:

H.R. 5964.

Congress has the power to enact this legislation pursuant to the following:

THE U.S. CONSTITUTION ARTICLE I, SECTION 8: POWERS OF CONGRESS CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. GALLEGLY:

H.R. 5965.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article IV, Section 3, Clause 2 of the United States Constitution, it is the power of Congress to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. KING of New York:

H.R. 5966.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MARKEY:

H.R. 5967.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mr. POSEY:

H.R. 5968.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department of Officer thereof.

By Mr. WALBERG:

H.R. 5969.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. WALBERG:

H.R. 5970.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. WALSH of Illinois:

H.R. 5971.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1: The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed by each state by the legislature thereof; but the Congress may at any time by Law make or such Regulations, except as to the Places of choosing Senators.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

MEMORIALS

Under clause 4 of rule XXII.

H.R. 329: Ms. HIRONO.
 H.R. 458: Mr. BACA and Mr. CICILLINE.
 H.R. 640: Mr. COURTNEY.
 H.R. 687: Mr. RUSH, Ms. HIRONO, Mr. ALT-MIRE, and Mr. ROONEY.
 H.R. 692: Mrs. ADAMS.
 H.R. 733: Mr. CARNEY.
 H.R. 831: Mr. YOUNG of Florida, Mr. RUSH, and Mr. BISHOP of New York.
 H.R. 890: Ms. NORTON.
 H.R. 891: Mr. MILLER of North Carolina.
 H.R. 904: Mr. MEEHAN and Mr. DEFAZIO.
 H.R. 905: Mr. MARCHANT.
 H.R. 930: Mr. JONES.
 H.R. 931: Mr. ROKITA.
 H.R. 987: Mr. CLARKE of Michigan.
 H.R. 1063: Mr. PETERS.
 H.R. 1084: Mr. SCHIFF.
 H.R. 1116: Mr. LUJÁN and Ms. BROWN of Florida.
 H.R. 1167: Mr. MICA.
 H.R. 1172: Mr. BISHOP of Georgia.
 H.R. 1236: Mr. KING of New York and Mr. ANDREWS.
 H.R. 1277: Mr. PLATTS.
 H.R. 1283: Mr. ROONEY.
 H.R. 1285: Mr. GRIFFITH of Virginia.
 H.R. 1307: Mr. KLINE.
 H.R. 1394: Mr. CAPUANO and Mr. HIGGINS.
 H.R. 1523: Mr. STARK.
 H.R. 1533: Mr. DONNELLY of Indiana.
 H.R. 1537: Mr. CARNEY.
 H.R. 1546: Mr. GARDNER, Mr. SCOTT of South Carolina, and Mr. BISHOP of Georgia.
 H.R. 1588: Mr. RIGELL.
 H.R. 1614: Mr. TIBERI and Mr. AMODEI.
 H.R. 1620: Mr. HEINRICH.
 H.R. 1639: Mr. HECK and Mr. CUELLAR.
 H.R. 1648: Ms. EDWARDS, Mr. FALEOMAVAEGA, Mr. HEINRICH, and Mr. PERLMUTTER.
 H.R. 1700: Mr. AMODEI and Mr. WOMACK.
 H.R. 1718: Ms. HIRONO.
 H.R. 1755: Mrs. MYRICK.
 H.R. 1842: Mr. CUMMINGS, Ms. MCCOLLUM, and Mr. CARNAHAN.
 H.R. 1860: Mr. AMODEI.
 H.R. 1919: Mr. COURTNEY.
 H.R. 1946: Mr. MICHAUD.
 H.R. 1983: Ms. LEE of California.
 H.R. 2030: Mr. ELLISON.
 H.R. 2032: Mr. THOMPSON of Pennsylvania and Mr. WOMACK.
 H.R. 2077: Mr. GOODLATTE.
 H.R. 2104: Mr. WOMACK and Mrs. MCCARTHY of New York.
 H.R. 2123: Mr. WOLF.
 H.R. 2139: Mr. CHABOT, Mr. BARROW, Mr. LEWIS of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 2194: Mr. MURPHY of Connecticut.
 H.R. 2267: Mr. HASTINGS of Washington.
 H.R. 2492: Mr. ENGEL and Mr. WALZ of Minnesota.
 H.R. 2497: Mrs. HARTZLER, Mr. WESTMORELAND, Mr. WOODALL, Mr. GRAVES of Missouri, Mr. MICA, and Mrs. BLACK.
 H.R. 2637: Mr. STARK.
 H.R. 2655: Mr. CONYERS and Ms. JACKSON LEE of Texas.
 H.R. 2705: Mrs. DAVIS of California.
 H.R. 2746: Ms. BONAMICI, Ms. DELAULO, Mr. NADLER, Mr. LEWIS of Georgia, and Mr. DEUTCH.
 H.R. 2918: Mr. CALVERT.
 H.R. 2962: Mr. LATHAM and Mr. KLINE.
 H.R. 2967: Mr. CLEAVER and Ms. CASTOR of Florida.
 H.R. 3158: Mr. BOSWELL, Mr. MCINTYRE, and Mr. KISSELL.
 H.R. 3187: Mr. COURTNEY, Mr. MILLER of North Carolina, Mr. SHERMAN, and Mr. KILDEE.
 H.R. 3192: Ms. NORTON.

H.R. 3252: Mr. ISRAEL and Mr. REED.
 H.R. 3264: Mr. QUAYLE.
 H.R. 3357: Ms. CASTOR of Florida.
 H.R. 3423: Mr. JONES, Ms. ROS-LEHTINEN, and Mr. CLARKE of Michigan.
 H.R. 3435: Mr. MICHAUD.
 H.R. 3496: Mr. SCHIFF and Ms. ZOE LOFGREN of California.
 H.R. 3555: Mr. FILNER.
 H.R. 3563: Mr. CASSIDY.
 H.R. 3634: Mr. LOBIONDO.
 H.R. 3643: Mr. SCOTT of South Carolina and Mr. GOSAR.
 H.R. 3661: Mr. GUTHRIE, Mr. SMITH of Washington, Ms. MCCOLLUM, Ms. JACKSON LEE of Texas, and Mr. COURTNEY.
 H.R. 3767: Mr. JOHNSON of Georgia and Mr. BARTLETT.
 H.R. 3798: Ms. SLAUGHTER, Ms. WILSON of Florida, and Mr. RUPPERSBERGER.
 H.R. 3831: Mr. ANDREWS and Mr. YOUNG of Alaska.
 H.R. 3984: Mr. LEWIS of Georgia.
 H.R. 3987: Mr. COBLE.
 H.R. 4055: Mr. FARR.
 H.R. 4057: Mr. RUSH.
 H.R. 4066: Mr. GOODLATTE and Mr. KEATING.
 H.R. 4077: Mr. PASTOR of Arizona.
 H.R. 4091: Mr. CLARKE of Michigan, Mr. MICHAUD, and Ms. PINGREE of Maine.
 H.R. 4122: Mr. KILDEE.
 H.R. 4160: Mr. MCHENRY.
 H.R. 4165: Mr. MILLER of North Carolina and Mr. GALLEGLY.
 H.R. 4169: Mr. PASTOR of Arizona and Ms. HIRONO.
 H.R. 4195: Ms. MOORE.
 H.R. 4202: Ms. NORTON and Mr. CONYERS.
 H.R. 4215: Mr. KISSELL and Mr. TERRY.
 H.R. 4235: Mr. LUETKEMEYER.
 H.R. 4264: Mr. BISHOP of Georgia, Mrs. CAPITO, Mr. JONES, Mr. RENACCI, Mr. SCHWEIKERT, Mr. STIVERS, Mr. DUFFY, Mr. ROYCE, Mr. DOLD, and Mr. MANZULLO.
 H.R. 4277: Ms. CHU.
 H.R. 4287: Mr. WOMACK, Ms. MCCOLLUM, Mr. SMITH of Washington, and Mrs. CAPPS.
 H.R. 4296: Mr. BACA, Ms. MATSUI, Mr. FARR, and Mrs. NAPOLITANO.
 H.R. 4353: Mr. DANIEL E. LUNGREN of California.
 H.R. 4367: Mr. AUSTIN SCOTT of Georgia, Mr. HIMES, and Mr. PAUL.
 H.R. 4373: Mr. VAN HOLLEN.
 H.R. 4405: Ms. DELAULO and Ms. SCHWARTZ.
 H.R. 4609: Mr. BISHOP of New York and Mr. PERLMUTTER.
 H.R. 4643: Mr. CANSECO.
 H.R. 4972: Mr. HINCHEY and Mrs. NAPOLITANO.
 H.R. 5186: Mr. STARK.
 H.R. 5331: Mr. TOWNS.
 H.R. 5542: Mr. HIGGINS and Mr. PERLMUTTER.
 H.R. 5647: Ms. WASSERMAN SCHULTZ, Mr. DINGELL, Mr. CICILLINE, Mr. MILLER of North Carolina, and Mr. CLAY.
 H.R. 5691: Mr. KUCINICH.
 H.R. 5707: Mr. CONNOLLY of Virginia and Ms. HIRONO.
 H.R. 5710: Mr. LATTA.
 H.R. 5741: Mr. MEEKS.
 H.R. 5746: Mr. DAVIS of Illinois, Mr. VAN HOLLEN, and Mr. BOUSTANY.
 H.R. 5796: Mr. BISHOP of Georgia.
 H.R. 5846: Mr. KLINE.
 H.R. 5850: Ms. HAHN.
 H.R. 5864: Mr. OWENS, Mr. RYAN of Ohio, and Mr. HIGGINS.
 H.R. 5865: Mr. MANZULLO, Mr. DINGELL, Mr. SCHILLING, Mr. DOYLE, Mr. LANCE, Mr. LYNCH, Mr. HULTGREN, Mr. GENE GREEN of Texas, Mr. GUTHRIE, and Mr. DUNCAN of Tennessee.

H.R. 5873: Mr. YOUNG of Alaska, Mr. BOREN, Mr. ADERHOLT, Mr. ROGERS of Alabama, Mr. LABRADOR, and Mrs. McMORRIS RODGERS.
 H.R. 5907: Mr. THOMPSON of California, Mr. DANIEL E. LUNGREN of California, and Mr. DENHAM.
 H.R. 5911: Mr. KLINE and Mr. SMITH of Nebraska.
 H.R. 5912: Mr. KLINE and Mr. LANKFORD.
 H.R. 5914: Mr. CULBERSON and Mr. PERLMUTTER.
 H.R. 5942: Mr. BURGESS.
 H.R. 5943: Mr. HOLDEN and Mr. LARSON of Connecticut.
 H.R. 5948: Mr. FLORES.
 H.R. 5949: Mr. REYES.
 H.R. 5953: Mr. ROONEY, Mr. JONES, Mr. MARCHANT, Mrs. ADAMS, Mr. GOWDY, and Mrs. BLACK.
 H.R. 5957: Mr. PALAZZO, Mr. MCKINLEY, Mr. AKIN, and Mrs. MYRICK.
 H.R. 5958: Mr. REED.
 H.J. Res. 81: Mrs. LUMMIS.
 H.J. Res. 88: Mr. CAPUANO.
 H.J. Res. 90: Mr. CAPUANO.
 H.J. Res. 110: Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. DAVIS of Kentucky, Mr. BROUN of Georgia, Mr. NEUGEBAUER, Mr. GINGREY of Georgia, Mrs. McMORRIS RODGERS, Mr. BACHUS, Mr. GOSAR, Mr. LATTA, Mrs. MILLER of Michigan, Mr. FINCHER, and Mr. KLINE.
 H. Con. Res. 63: Mr. CICILLINE.
 H. Con. Res. 87: Mr. COHEN.
 H. Con. Res. 114: Mr. ADERHOLT.
 H. Con. Res. 119: Ms. ROYBAL-ALLARD.
 H. Con. Res. 122: Mr. LANCE.
 H. Con. Res. 127: Mr. ROYCE, Mr. PALLONE, Mrs. BLACK, and Mr. MACK.
 H. Con. Res. 129: Mr. ROGERS of Michigan, Mr. WALBERG, Mr. HUIZENG of Michigan, Mrs. NAPOLITANO, Mr. BISHOP of Georgia, Mr. WILSON of South Carolina, Mr. BOSWELL, Mr. GOSAR, Mr. BARTLETT, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, and Ms. BORDALLO.
 H. Res. 20: Ms. BONAMICI.
 H. Res. 111: Mr. WATT and Mr. RYAN of Wisconsin.
 H. Res. 298: Mr. PALAZZO, Mr. MARCHANT, Mr. CLAY, and Mrs. HARTZLER.
 H. Res. 387: Mr. BILIRAKIS.
 H. Res. 613: Mrs. EMERSON, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Mr. DOYLE, and Mr. BOSWELL.
 H. Res. 618: Ms. MOORE, Mr. ROE of Tennessee, Ms. BASS of California, Ms. LINDA T. SANCHEZ of California, Mr. ROGERS of Michigan, and Mr. FRANK of Massachusetts.
 H. Res. 630: Mr. ROSS of Florida, Mr. MICA, Mr. PALAZZO, Mr. CANSECO, Mr. BROUN of Georgia, Mr. TURNER of New York, Mr. LANCE, Mr. FARENTHOLD, Mr. LONG, and Mr. COFFMAN of Colorado.
 H. Res. 632: Mr. WHITFIELD.
 H. Res. 663: Mr. YODER and Mr. KING of New York.
 H. Res. 676: Mrs. MALONEY and Mr. SIREs.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 4480, Strategic Energy Production Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

June 19, 2012

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

H.R. 1380: Mr. WILSON of South Carolina.
H.R. 3238: Mr. BERG and Mr. ROGERS of
Kentucky.

Under clause 7 of rule XII, sponsors
were deleted from public bills and reso-
lutions as follows:

SENATE—Tuesday, June 19, 2012

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and dependable Creator, who harmonized the world with seasons and climates, sowing and reaping, color and fragrance, we praise You for sustaining us on this pilgrimage called life. Today, illumine the path of our lawmakers so that they will relinquish any motives that are contrary to Your will. Lord, strengthen them to do their part to serve You and country with faithfulness and integrity. Let Your peace radiate on wings of faith, hope, and love in their hearts this day and always.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 19, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion. The legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be 2 hours equally divided and controlled, with the majority controlling the first half and the Republicans controlling the final half.

ORDER OF PROCEDURE

The hour that is under the control of the majority has been given and I ask unanimous consent now that Senator KERRY be recognized for the hour we have allotted to us.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. That will be a full hour to Senator KERRY and a full hour to the Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for our weekly caucus meetings.

Last night, we reached an agreement to complete action on the farm bill. As a result, there will be several rollover votes beginning at 2:15 p.m. today.

Everyone who has amendments here should understand, if you know the result of your amendment—it is pretty easy to figure out most of them because Senators STABENOW and ROBERTS will tell almost everyone how the vote is going to wind up—we should be able to dispose of a lot of these by voice vote. I hope so. Otherwise, people can look to some very long nights the next night or two.

We will also begin debate today on the joint resolution of disapproval regarding the EPA's mercury and air toxics standards. That will also occur during today's session.

THE DREAM ACT

Mr. President, Republicans in Congress are fond of complaining that this country's immigration system is broken. We have heard it for months and months, going into years. But they are less interested in working with Democrats to fix this problem they say is broken. We have tried. They are totally

opposed to our doing anything. We have tried, but we just get a handful of Republican votes.

No one I know disagrees that our immigration system needs repair. It certainly does. But every time we as Democrats offer to work together on comprehensive immigration reform, Republicans find an excuse to fight sensible change.

And every time Democrats propose bipartisan legislation to provide a pathway to citizenship for children brought here illegally through no fault of their own, Republicans have found an excuse to oppose our practical reforms.

There is no better illustration of Republicans' hypocrisy than their phony outrage this past weekend.

On Friday, President Obama announced the administration would suspend deportation of young people—upstanding young people—brought here by their parents as children, provided these young people attend college or serve in the military.

More than 800,000 young people who have done well in school and stayed out of trouble will benefit from this policy and become productive members of society. That is what we should all be very happy about.

In this Congress, and the last Congress, Republicans expressed broad support for the principles of President Obama's directive.

Senator MARK RUBIO, the junior Senator from Florida, has even talked up a similar idea to the press for months, although he never actually produced a proposal. This was just talk. There was not a single word ever in writing.

Yet Republicans' glowing expressions of support for the President's decision were not forthcoming. Instead, Republicans have cried about the way the directive was issued. They prefer a long-term solution. Well, of course we all do. They do not like the timing; they should have been consulted; and an issue this important should have been left to Congress. Being left to Congress—we have tried to do that for years, and we cannot because they will not let us. They stopped us procedurally.

Their complaints are varied, but they have one thing in common: None of them actually takes issue with the substance of President Obama's directive. And with the polling results today announced in the national press, clearly, it is overwhelmingly supported by Independents, overwhelmingly supported by Democrats, and, frankly, Republicans are not that much opposed to it either. But the only Republicans who

are opposed to it by a large margin are the Republicans in Congress.

Leading Republican voices on immigration have yet to actually disagree with the decision. They just do not like the way the President made the decision—I guess because he will get credit for bringing out of the shadows 800,000 trustworthy young men and women who know no other home but the United States. America is their home. It is the only home they have known.

I talked about a girl here yesterday from Nevada, Astrid. She came here to America as a tiny girl. She does not know anywhere else. This is her home. She is an American. She pledges allegiance to her flag.

So I remind my colleagues in both Houses of Congress, the next move is yours. This reprieve for DREAMers should not be seen as a free pass for Congress. We have lots of other issues we have to deal with dealing with immigration. Instead, we should see it as a chance for Democrats and Republicans to work together on a lasting answer to the serious shortfalls of our broken immigration system. And as we work, we will have the benefit of knowing the specter of deportation no longer hangs over the heads of hundreds of thousands of young people.

Now is hardly the time to walk away from the DREAM Act, which would have created a pathway to citizenship for young people brought to the country through no fault of their own. And it is certainly no time to abandon calls for comprehensive immigration reform that is tough, that is fair, and is practical. But that is exactly what Republicans are doing. They are taking their marbles and saying: Well, OK, we will quit and go home. Quite frankly, a number of them have not been here anyway to go home. They have not helped us anyway.

Since last Friday, leading Republican voices on immigration reform have all but ceded the debate until after the election. Republicans who once favored a permanent solution for America's broken immigration system are now abandoning efforts to find common ground.

And the same Republicans who complained they were not involved enough in the President's decision are now giving up any involvement in the broader immigration conversation. It makes you wonder whether they were committed to passing the DREAM Act or tackling immigration reform at all, because Senate Republicans have twice had their chance to vote for the DREAM Act. Both times they filibustered the measure to a legislative death. So perhaps it should come as no surprise that my Republican colleagues are more interested in complaining about a system that is broken than in working with Democrats to fix it.

Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the following 2 hours will be equally divided and controlled by the two leaders or their designees, with the majority controlling the first hour, and the Republicans controlling the second hour.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from Massachusetts for generously yielding to me.

WIND PTC

Mr. President, I am on the Senate floor today to continue urging this body to extend the production tax credit for wind. I intend to return to the floor every morning until the PTC has been extended, and I am going to talk about the economic and jobs effect on the nonextension in each State, and I am going to press my colleagues for an immediate extension.

Today I want to focus on a wind giant in our country—Texas. Texas leads the Nation in wind energy production. The Lone Star State has more turbines than all but five countries.

As you can see, this chart I have in the Chamber outlines all the installed wind projects in Texas. You can see that across the State—from the south to the west, from El Paso to Galveston, from the Panhandle to southern Texas—the wind industry has created thousands of jobs and it has helped boost the manufacturing and construction sectors with good-paying American jobs.

For example, Sweetwater, a town of 11,000 people, has become the new Spindletop: You drive past it on the interstate and there is a forest of giant wind turbines. Among the cotton fields of this west Texas rural community, Sweetwater is home to one of the largest wind farms in Texas. And the wind industry, using Sweetwater's open spaces, constant winds, and transmission capacity, has helped revitalize this rural community—and really all of Nolan County.

Even oil-rich Houston has become something of a wind power capital in Texas—thanks to developers such as EDP Renewables Pattern Energy, and Iberdrola Renewables, as well as BP and Shell.

They say everything is bigger in Texas—and that certainly applies when it comes to their vast energy resources. Texas has it all, from traditional sources, like oil and gas, to renewable energy, like hydro and wind.

Texas' success in harnessing wind energy is no accident. Thanks to smart State policies, including a renewable portfolio standard, which passed in 1999, and was later amended in 2005, as

well as strong Federal support from the wind PTC, the Texas wind industry has grown dramatically.

Texas has an all-of-the-above energy strategy. The Senator from Massachusetts supports that kind of strategy. I support that kind of a strategy. Texas embodies this. They have shown great promise when it comes to renewable resources—growing and coexisting with traditional energy sources.

So if you look at what is happening in Texas, Texas' wind energy industry supports almost 7,000 jobs. With more energy from wind than any other State in our country, wind powers over 2.7 million Texas homes, and almost 7 percent of Texas' overall electric power comes from wind. It was the first State to reach 10,000 megawatts of wind installations, and that wind power has helped avoid greenhouse gas emissions in the equivalence of 3,725,500 passenger cars.

As well, the supply chain of the manufacturing opportunities in Texas stands out. It is home to wind turbine manufacturers such as DeWind and Alstom, five major tower manufacturers, blade manufacturer Molded Fiber Glass, and many component suppliers.

This is an example of why we have to act, why we have to extend the PTC. Without certainty, wind energy companies are not able to grow, and they, frankly, will shed jobs and whole projects.

In the Senate, we have a bipartisan coalition. Senators GRASSLEY, BOOZMAN, SCOTT BROWN, HOEVEN, MORAN, and THUNE have engaged with many of us on this side to extend the wind PTC.

Let me end by quoting Karl Rove, who is known as a proud Texan and former senior adviser to President George W. Bush. He explains the wind PTC as follows:

It is a market mechanism, you don't get paid unless you produce the power, and we're not picking winners and losers, we're simply saying for some period of time we will provide this incentive.

Let's extend the PTC now. The solution is simple. We have to act. It will help American jobs. It will help the American economy. It will help our energy security efforts.

So, Mr. President, I thank the Senator from Massachusetts again, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would ask I be notified when I have consumed about 25 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

GLOBAL CLIMATE CHANGE

Mr. KERRY. Mr. President, 20 years ago this month, a Republican President of the United States helped bring together all of the world's largest economies in Rio, in Brazil, to confront the issue of global climate change. The President was unequivocal about the

mission. George Herbert Walker Bush said simply:

The United States fully intends to be the world's preeminent leader in protecting the global environment. We have been that for many years. We will remain so. We believe that environment and development . . . can and should go hand in hand. A growing economy creates the resources necessary for environmental protection, and environmental protection makes growth sustainable over the long term.

When he was asked about his own target for subsequent meetings of the global stakeholders, President Bush could not have been more clear. He said the United States "will be there with specific plans, prepared to share, but more important, that others who have signed these documents ought to have specific plans. So I think this is a leadership role. We are challenging them to come forward. We will be there. I think the Third World and others are entitled to know that the commitments made are going to be commitments kept."

That was the President of the United States speaking on behalf of our Nation and indeed the aspirations of the world 20 years ago. How dramatic and sad it is that 20 years later, shockingly we find ourselves in a strange and dangerous place on this issue, a place this former President probably would not even recognize.

Thomas Paine actually described today's situation very well. As America fought for its independence, he said: "It is an affront to treat falsehood with complaisance." Yet when it comes to the challenge of climate change, the falsehood of today's naysayers is only matched by the complacency indifference of our political system.

It is well past time that we actually heed Thomas Paine's admonition and reaffirm the commitment first made by President George Herbert Walker Bush. As a matter of conscience and common sense, we should fight today's insidious conspiracy of silence on climate change, a silence that empowers misinformation and mythology to grow where science and truth should prevail.

It is a conspiracy that has not just installed but demonized any constructive effort to put America in a position to lead the world on this issue, as President Bush promised we would, and as Americans have a right to expect we will.

The danger we face could not be more real. In the United States, a calculated campaign of disinformation has steadily beaten back the consensus momentum for action on climate change and replaced it with timidity by proponents in the face of millions of dollars of phony, contrived talking points, illogical and wholly unscientific propositions, and a general scorn for the truth wrapped in false threats about job loss and tax increases.

Yet today the naysayers escape all accountability to the truth. The media hardly murmurs when a candidate for

President of the United States, in 2012, can walk away from previously held positions and blithely announce that the evidence is not yet there about the impact of greenhouse gasses on climate.

The truth is scientists have known since the 1800s that carbon dioxide and other greenhouse gasses trap heat in our atmosphere. With the right amount of those gasses, the Earth is a hospitable place for us to live. It is, indeed, the greenhouse effect that makes life possible on Earth. But if too much is added, which is what we are doing now at a record pace, temperatures inevitably rise to record-breaking levels. It is not rocket science.

Every major national science academy in the world has reported that global warming is real. It is nothing less than shocking when people in a position of authority can just stand up and say, without documentation, without accepted scientific research, without peer-reviewed analysis, just stand up and say: Oh, there is not enough evidence, and they say it because it suits their political purposes to serve some interest that does not want to change the status quo.

Facts that beg for an unprecedented public response are met with unsubstantiated, even totally contradicted denial. Those who deny the facts have never, ever met their *de minimus* responsibility to provide some scientific answer to what, if not human behavior, is causing the increase in greenhouse gas particulates and how, if not by curbing greenhouse gases, we will address this crisis.

In fact, when one measures the effect of taking action versus not taking action, the naysayers' case is even more confounding. Just think about it. If the proponents of action were somehow incorrect, contrary to all that science declares, but, nevertheless, if they were incorrect and we proceeded to reduce carbon and other gases released in the atmosphere, what is the worst that would happen?

Well, under that scenario the worst would be more jobs as we move to the new energy economy, the opening of a whole new \$6 trillion energy market with a more sustainable policy, a healthier population because of cleaner air and reduced pollution, reduced expenditures on health care because of environmentally induced disease, an improved outlook for the oceans and the ecosystems that are affected by pollution falling to the Earth and into the sea, and surely greater security for the United States because of less dependence on foreign sources of energy and a stronger economy. That is the worst that would occur if the proponents were wrong.

But what if the naysayers are, in fact, wrong, as all the science says they are? What if because of their ignorance we fail to take the action we

should? What is the worst then? The worst then is sheer, utter disaster for the planet and for all who inhabit it. So whose "worst" would most thinking people rather endure?

The level of dissembling—of outright falsifying of information, of greedy appeal to fear tactics that has stalled meaningful action now for 20 years—is hard to wrap one's mind around. It is so far removed from legitimate analysis that it confounds for its devilishly simple appeal to the lowest common denominator of disinformation. In the face of a massive and growing body of scientific evidence that says catastrophic climate change is knocking at our door, the naysayers just happily tell us: Climate change does not exist.

In the face of melting glaciers and ice caps in the Arctic, Greenland, and Antarctica, they say we need to "warm up to the truth." And in the face of animals disappearing at alarming rates, species being destroyed, they would have us adopt an ostrich policy and just bury our heads in the sand and pretend it can go away.

Just last week, a group of State senators in North Carolina passed a bill that bans planning for rising sea levels when creating rules for housing developments and infrastructure in coastal communities. Jeffress Williams is the lead author of the U.S. National Climate Assessment Report. Ask him what he thinks about his legislation, and he will tell you it is "not based on sound science." That is an understatement. But somehow the State senators who voted for this bill know better.

Al Gore spoke of the "assault on reason." Well, exhibit A is staring us in the face: coalitions of politicians and special interests that peddle science fiction over scientific fact, a paid-for, multimillion-dollar effort that twists and turns the evidence until it is gnarled beyond recognition, and tidal waves of cash that back a status quo of recklessness and inaction over responsibility and change.

In short, we are living through a story of disgraceful denial, backpedaling, and delay that has brought us perilously close to a climate change catastrophe.

Nothing underscores this Orwellian twist of logic more than the facts surrounding the now well negatively branded cap and trade program. Cap and trade was a Republican-inspired idea during the debate over ozone and the Montreal Protocol in the 1980s. It was actually inspired by conservatives looking for the least command and control, the least government-regulated way to meet pollution standards. It was implemented and it worked, and it is still working. But, lo and behold, when the strategists for the political right decided to make it a target because Democrats were leading the charge to address climate change, suddenly this free market mechanism was

transformed into “cap and tax” and “job killing tax.” And guess who. Coal. Coal, the leading carbon polluter was leading the funding for those efforts. What is worse, we have all stood by and let it happen. We have treated falsehood with complacency and allowed a conspiracy of silence on climate change to infiltrate our politics. Believe me, we have had our chances to act in these last years. But every time we get close to achieving something big for our country, small-minded appeals to the politics of the moment block the way.

The conspiracy of silence that now characterizes Washington’s handling of the climate issue is, in fact, dangerous. Climate change is one of two or three of the most serious threats that our country now faces, if not, in some people’s minds, the most serious. The silence that has enveloped the once robust debate is staggering for its irresponsibility. The cost of inaction gets more and more expensive the longer we wait, and the longer we wait, the less likely we are to avoid the worst and to leave future generations with a sustainable planet.

In many cases what we are talking about is vast sums of money funneled into gas-guzzling industries and coal-fired powerplants. We are talking about pollution—pollution on a wide scale, the kind of dirty, thick suffocating smog that poisons our rivers, advances chronic disease like asthma, lung cancer, and creates billions in hospital costs and lost economic opportunity. It is the same pollution that Rachel Carson warned us about in “Silent Spring” when she said:

Why should we tolerate a diet of weak poisons, a home in insipid surroundings, a circle of acquaintances who are not quite our enemies, the noise of motors with just enough relief to prevent insanity? Who would want to live in a world which is just not quite fatal?

Well, today we do live in a world where there is an absurdity in the air, and it has complacency written all over it. Fish are dying in water polluted with pesticides. Roadless forests are being threatened by indiscriminate drilling. Industrial chemicals are sweeping into all of us. Young children are born with a burden of chemicals unprecedented in their amount. The burning of fossil fuels has overloaded our ecosystems with nitrogen and ravaged our plant life.

Just go out and look at the forests and look at the change in the topography of our country. Bottom line: We have substituted fantasy for reason, sheer whimsy for proven epidemiology, and it is wreaking havoc on our environment. You do not have to take my word for it. I am confident a lot of our colleagues will not. But you can see it across the planet with your eyes. Ice caps are melting; seas are rising; deserts are expanding; storms are more

frequent, more violent, more destructive; pollution, famine, natural disasters, killing millions of people every year.

These are changes that many experts thought were still years down the line, but climate change is now radically altering our planet at a rate much faster than the scientists or even the pessimists expected.

All you need to do is look out your window. We just had the warmest March on record for the contiguous United States. The naysayers will tell us that one hot year does not prove global warming. But just look at this chart which charts the acceleration of warming in the United States after 1970. This is not an anomaly. It is a giant step in the wrong direction, and 2010 was the hottest year on record. The last decade was the hottest decade since we have started recording the weather. April, May, and June of this year are already continuing the trend.

For the first time in memory, the Augusta National azaleas bloomed and wilted before the first golfers teed off at this year’s Masters. At the Boston Marathon, temperatures hit 89 degrees in April, more than 30 degrees higher than the average. People talk about official jackets and gloves and coffee? Who are you kidding? They are talking about hats and sunscreen and Gatorade and medical tents that were filled with heat-exhausted runners starting at mile 10 of the 26-mile course from Hopkinton into Boston.

I have been working to connect the dots on this issue for a long time. In 1988, 24 years ago, on an already hot June day, Al Gore and I took part in the first hearings on climate change in the Senate with Jim Hansen, who testified then that the threat was real, that climate change was already happening in our country—24 years ago.

Four years later, we joined a delegation of Senators to attend the first Earth Summit in Rio, where we worked with 171 other nations to put into place a voluntary framework on climate change and greenhouse gas reductions. Back in 1992, we all came together for a simple reason: We accepted the science.

President George H.W. Bush personally traveled to the climate change talks in Rio to help plant the seeds of this new beginning. We knew the road ahead would be long, but we also knew this was a watershed moment; that it created the grassroots momentum that made people sit up and start to listen and understand the damage we were doing to the environment. Sit up and listen they did. The principles that came out of Rio transformed into a mandatory requirement under the Kyoto Protocol. Each of the developed nations accepted its own target goal. The European Union reduction would be 8 percent and Japan’s would be 6 percent and so on. We were thinking

big back then, and our goal was to reach a total decrease in global emissions of 5.2 percent below the 1990 levels and reach it by 2010.

Well, 2010 has come and gone and so, too, have the targets. We all know the story: Global political leadership was distracted or absent. International negotiations in Buenos Aires and The Hague turned tense. The less-developed nations saw the targets and timetables for greenhouse gas reductions as a Western market conspiracy. Then there were trumped up, industry-funded so-called studies that challenged the scientific assertions for climate change scenarios.

Looking back, it is not hard to understand why the final agreement got sidetracked in the Senate. After all, the developing countries were excluded from the treaty’s reduction targets, even though it had already become clear by then that China and India were significant enough as industrial powers that to exempt them entirely would be a mistake. Nations left out were deemed capable of undoing all the reductions that would have been achieved by the developed nations.

It is no wonder people were reluctant, no wonder American companies were understandably reluctant to put themselves at a competitive disadvantage. Many in Congress had not yet digested the science of climate change, even though we knew climate scientists were already studying the phenomenon of greenhouse gases.

The question is not whether the Kyoto treaty had flaws; the question is whether we got the fundamentals right. I believe the evidence is overwhelming, beyond any reasonable doubt, that we did. As I remind my colleagues, the view from 2012 is a whole lot different from 1992. Countries such as China, South Africa, Brazil, and South Korea have now made far-reaching choices to reshape their economies and move forward in a new and very different global area. Take China. China is already outspending the United States three to one on public clean energy projects. In the last year alone, China accounted for almost one-fifth of the renewable energy investments, with the United States and Germany trailing behind. Steven Chu, the Secretary of Energy, said it best:

For centuries, America has led the world in innovation. Today, that leadership is at risk.

Our indifference to climate change is putting America’s economy and leadership, with respect to economics and the future of energy policy, at risk. So the United States is now the laggard. We are missing out on achieving sustained economic growth by securing enduring competitive advantage through innovation. The facts speak for themselves. Today’s energy economy is a \$6 trillion market, with 4 billion users worldwide, growing to 9 billion in the next 40

years. By comparison, the market that made people so wealthy in 1990s in America and created 23 million new jobs and lifted everybody was a \$1 trillion market with only 1 billion users. This is \$6 trillion with 4 billion users today.

The fact is it is projected to grow to a \$2.3 trillion market in the year 2020. America needs to get into this. We need to get our skin in the game or we are going to miss the market of the future—if not miss the future itself. We would be delusional to believe China, given the evidence, or any of our other competitors are going to sit on the sidelines and let this market opportunity fall through the cracks. They are not doing it now and they will not do it in the future. Only the United States is sitting there with an indifference toward these alternatives and the renewable possibilities.

I realize some will argue we cannot afford to address climate change in these tough economic times. Frankly, nothing could be further from the truth. Nothing could be more self-defeating. We will recover from this slowdown. When we do, we need to emerge as the world leader in the new energy economy. That will be a crucial part of restoring America as a nation in a way that honors the hard work and innovation and measures prosperity in those terms.

Anyone who worries whether this is the right moment to tackle climate change should understand we can't afford not to do this now at the risk of our economic future. It is now that the most critical trends and facts actually all point in the wrong direction. The CO₂ emissions that caused climate change grew at a rate four times faster in the first decade of this new century than in the 1990s.

Several years ago, the U.N.'s Intergovernmental Panel on Climate Change issued a series of projections for global initiatives. Based on the likely projections of energy and land-use patterns, today our emissions have actually moved beyond—this chart shows the emissions are going up from the 1960s all the way through to 2010. Today, we have moved beyond the worst-case scenarios that were predicted by all the modeling that was done by the IPCC. Meanwhile, our oceans and forests, which act as the natural repositories of CO₂, are losing their ability to absorb more carbon dioxide. This means the effects of climate change are being felt even more powerfully than expected, faster than was expected.

The plain fact is there isn't a nation on the planet that has escaped the steady onslaught of climate change. When the desert is creeping into east Africa and ever more scarce resources push farmers and herders into deadly conflict, that is a matter of shared security for all of us. When the people of

the Maldives are forced to abandon a place they have called home for hundreds of years, it is a stain on our collective conscience and a moral challenge to each of us. When our own grandchildren risk growing up in a world we can't recognize and don't want to, in the long shadow of a global failure to cooperate, then, clearly, urgently, profoundly, we need to do better.

Frankly, those who look for any excuse to continue challenging the science have a fundamental responsibility they have never fulfilled: Prove us wrong or stand down. Show with some science how this theory, in fact, is not being borne out. Prove that the pollution we put into the atmosphere is not having the harmful effects we know it is and that the science says it is. Tell us where the gases go and what they do if they don't do what the scientists are telling us they do. Pony up one single cogent, legitimate, scholarly analysis. Prove that the ocean isn't actually rising. Prove that the icecaps aren't melting or that deserts aren't expanding. Prove, above all, that human beings don't have anything to do with it.

I will tell you here right now, they cannot do it. They have not done it and they can't do it. There are over 6,000 peer-reviewed articles, all of which document clearly, irrefutably the ways in which mankind is contributing to this problem. Sure, we know the naysayers have their bought studies that don't stand up to scientific review and a few scientists who trade in doubt and misdirection about things such as Sun spots and clouds. But there is not a single credible scientist who can argue and withstand the peer review that climate change isn't happening.

In fact, even the naysayers are starting to come around, in their judgment. Just this year, a well-known climate skeptic, Dr. Richard Mueller, released a series of reports that were funded in part by the Koch brothers. Dr. Mueller thought his results were going to show something different than all the other climate studies, and what he found was not what the Koch brothers sent him looking for. Here is what Dr. Mueller, in his own words, said:

You should not be a skeptic, at least not any longer.

Bottom line: His studies found exactly what all the other credible climate studies have been telling us for decades—that global warming is real.

If we just step out and look around for a moment, we can see the effects everywhere: floods, droughts, pathogens, disease, species and habitat loss, sea level rise, storm surges that threaten our cities and coastlines. No continent is escaping unscathed: increasing ground instability in permafrost regions, increasing avalanches in mountainous zones, warmer and drier conditions in the Sahelian region of Africa

leading to a shorter growing season, and coral bleaching events in the Great Barrier Reef. All these are attributed to this change in climate.

I wish to take a moment to bear down on the science, the cold, hard, stubborn facts that ought to guide us in addressing this challenge. It is detailed, to some degree, but it is the very detail that detractors can never address or refute. It is important to see the detail in its cumulative force. Unlike the naysayers, I am going to give point by point to some of the falsehoods and lay out a summary of the critical evidence that ought to lead America and the world to action.

Here is what the science is telling us: Atmospheric carbon dioxide levels have increased by nearly 40 percent in the industrial era, from 280 parts per million to over 393 parts per million in the atmosphere. Before long, we are likely to see a global average of concentration at 400 parts per million and more. Within the last few months, monitoring stations in the Arctic region, for the first time, reported average concentrations of CO₂ at 400 parts per million. Because of the remote nature of those monitors, they generally reflect long-term trends as opposed to marginal fluctuations in direct emissions near population centers.

As atmospheric scientist Pieter Tans, with the National Oceanic and Atmospheric Administration points out:

The northern sites in our monitoring network tell us what is coming soon to the globe as a whole. . . . We will likely see global average CO₂ concentrations reach 400 ppm about 2016 [4 years from now].

Why is this important? This is important because scientists have told us that anything above 450 parts per million—a warming of 2 degrees Celsius—could lead to severe, widespread, and irreversible harm to human life on this planet. When concentrations of other greenhouse gases, such as methane and black carbon, are factored into the equation, the analysis suggests that stabilizing concentrations around 400 parts per million of equivalent carbon dioxide would give us about an 80-percent chance of avoiding a 2-degree Fahrenheit increase above the present average global temperatures.

Considering what a 2-degree Fahrenheit increase would mean, scientists obviously are urging us not to take the risk. James Hansen, Director of the NASA Goddard Institute for Space Studies, has done the math. His analysis shows that we need to be shooting for a stabilization level of 350 parts per million in order to increase our chances of avoiding the 2-degree Fahrenheit increase. We have already exceeded that. So we are going to have to find a way to actually go backward in order to be able to prevent what scientists are telling us could create huge damage.

Even if we slam on the brakes now, science tells us we could be headed for

a global temperature increase of 2 to 4 degrees by the century's end and greater warming after that. Let me share what some of the "postcards from the edge," if you will, look like when you examine what is happening to our air, our health, and our environment. Warming temperatures, first of all. The first 10 years of this century were the warmest decade on record. And 2010 was tied with 2005 as the hottest year ever recorded. NOAA has reported that 2011 was the second warmest summer on record, just .1 degrees Fahrenheit below the 1936 record, and the U.S. Climate Extreme Index—a measure of the area of the country experiencing extreme conditions—was nearly four times the average.

Last year many Northeastern States experienced their wettest summers, especially those States caught in Hurricane Irene's destructive path. Meanwhile, persistent heat and below-average precipitation across the Southern United States created recordbreaking droughts in Louisiana, New Mexico, Oklahoma, and Texas, and these were of greater intensity than the 1930s famous Dust Bowl. Texas endured the country's hottest summer ever recorded for any State, at an average temperature of 86.8 degrees.

What is shocking is that the evidence of the rate of this transformation is happening faster and to a greater degree than the scientists predicted. So one would think reasonable people would say: Wait a minute, they predicted this, but we are getting this way up here, and everyone would sort of stop and take stock of what is happening.

According to the new climate report from NOAA, the lower 48 States elbowed their way into the record books this spring with "the warmest March, third warmest April, second warmest May . . . the first time that all three months during the spring season ranked among the 10 warmest since records began in 1895." In fact, the average temperature this spring was so far off the charts that the lower 48 States beat out the old 1910 record by a full 2 degrees Fahrenheit.

Inland, worsening conditions are going to create persistent drought in the Southwest and significantly increase western wildlife burn area. That is critical. We have already seen the damage done to millions of acres of forest because of the pine bark beetles, which actually live longer because it doesn't get cold and therefore they do not die in the normal cycle. But in recent years, due to warmer winters, pine beetle populations have exploded, devastating these once majestic forests.

It is also having an impact on our health. As average temperatures rise, we can expect to see more extreme heat waves during our summers, and, as we know from history, that impacts people with heart problems and asth-

ma, the elderly, the very young, and the homeless. In the United States, Chicago is projected to have 25 percent more frequent heat wave days by the end of the century. In Los Angeles, we could see as much as a four- to eight-fold increase.

Climate change may also heighten the risk of infectious diseases, particularly diseases found in warm areas and spread by mosquitoes and other insects, such as malaria, dengue fever, and yellow fever. In some places, climate change is already altering the pattern of disease. In the Kenyan Highlands, for example, it is now one of the major drivers of malaria epidemics.

It is not just the health costs that are sounding the alarm. As many have seen with their own eyes, the Arctic is among one of the most startling places to witness the adverse effects of global climate change. Great sheets of ice have been breaking off of glaciers—sheets of ice the size of the State of Rhode Island. Marine mammals are now struggling to survive. Where there used to be only frozen landscapes, there is now open water.

Every new report that is public suggests the situation is getting grimmer in the Arctic. Last year the multi-country Arctic Monitoring and Assessment Program released a new assessment of the impact of climate change in the Arctic. It found that the period from 2005 to 2010 was the warmest ever recorded. According to AMAP researchers, the changes in ice melt over the past 10 years "are dramatic and represent an obvious departure from the long-term patterns."

Their conclusion is startling. They expect the Arctic Ocean to be nearly ice-free within this century, likely in the next 30 to 40 years.

Think about that for a second. Within our children's lifetimes, one of Earth's polar icecaps will be completely gone. Average annual temperatures in the Arctic have increased at approximately twice the rate of average global temperatures. Within a generation, maybe two, kids will grow up learning geography on maps and globes that show simply an empty blue expanse on top of the world, no longer the white one to which we have grown accustomed.

In terms of impact, all of us who have been following this issue understand that the melting of the Arctic is at least partly mitigated by the fact that the ice is already floating, so the displacement in the ocean as it melts is not that significant. But what if there is an ice melt from the glaciers, as we are now seeing not only in the Arctic but we are seeing in Greenland and in Antarctica and across North America, South America, and Africa—when you realize that all over the globe, glaciers and icecaps are losing volume—that means other day-to-day, practical problems for our communities.

This is a photograph of the glaciers that exist out in the western part of our country, or used to. That was 1909, and this is 2004—almost gone. Here is another vision of National Glacier Park, where it has almost disappeared. It is obvious for all to see the degree to which the glaciers are disappearing.

Many people may not also realize that a lot of communities in the United States rely on annual glacial melt for municipal water supplies and for hydropower. So as this disappears, the energy sourcing and water sourcing for the United States disappears with it. Just ask Washington State, where glacial melt water provides 1.8 trillion liters of water every summer, or talk to the folks in Alaska, where glacier melt plays a key role in the circulation of the Gulf of Alaska, which is important to maintaining the valuable fisheries—the halibut and salmon—that reside in this body of water. All these impacts are interconnected.

Again, the skeptics say: Hey, there are a couple of glaciers that are actually expanding. Yes, there are some glaciers that are responding to unusual and unique local conditions and increasing in snow and ice accumulation, but the overwhelming evidence, when we look at the vast majority, shows that most of America's glaciers are shrinking. Over the last four decades of the 20th century, North American glaciers have lost 108 cubic miles of ice. That is enough ice, translated into water, to inundate California, Arizona, Nevada, Utah, and Colorado with 1 foot of water if it happened all at the same time.

In 1850 there were approximately 150 glaciers in what is now Glacier National Park. Today, due to warmer temperatures, there are only 25 named glaciers remaining, and some models predict that the park's glaciers could disappear in just a few decades. But trust your own eyes, if you prefer. The photographs here depict glacial melt over various time periods in Glacier National Park, Montana, and Holgate Glacier and Icy Bay, Alaska. As you'll see, the effects are just staggering.

We all remember Wordsworth's lines about "the Lake that was shining clear among the hoary mountains." Well, these mountains are no longer hoary, and soon, lakes will reflect not snow-covered peaks, but naked ridges and sun-splashed steeples.

To make matters worse, temperatures are likely to increase exponentially in the next coming years. Because the environment is a closed system, the more conditions change, the faster they change because each change has an impact on some other interconnected component of the environment.

As the ice and permafrost melt, methane plumes from under the surface that have been trapped for hundreds of thousands of years are now

emerging. During a survey last summer in the east Siberian Arctic seas, a team of scientists encountered a high density of methane plumes, some more than 1 kilometer across. They were emitting methane into the atmosphere at concentrations up to 100 times higher than normal. There are people who have stood by these methane plumes, lit a match, and they light on fire. The fact is, over a period of 100 years, methane has a warming potential roughly 25 times greater than CO₂.

So we may become the victims not just of the climate change itself but of a vicious kind of feedback and feedback cycles in the climate system. Cycles associated with less cloud cover, changes in aerosols, peatlands, soils, and Arctic ice cover all can lead to accelerated climate change. One study estimated that thawing permafrost may turn the Arctic from a carbon sink—that is to say a place that gathers and stores carbon—into a carbon source by the mid-2020s, releasing 100 billion tons of carbon by the end of the century. What does that mean? One hundred billion tons of carbon is about equal to the amount of CO₂ that would be released worldwide from 10 years of burning fossil fuels. So that is the future we are looking at if we don't respond.

Here is another postcard from the edge, Mr. President. North Carolina doesn't think they need to worry about the sea level rise, but take a look at the evidence. Our best studies predict a higher sea level rise than previously projected. With the melting of the west Antarctic ice sheet alone, global sea levels could rise by as much as 3.26 meters in the coming years, and the Pacific and Atlantic coasts could be in for a 25-percent increase above the average level by the century's end. In all, the melting of the Greenland ice sheet has the potential to raise global sea levels by about 7 meters, and the ice sheets of Antarctica have the potential to contribute to 60 meters of sea level rise.

Now, when people say, "Well, global—it may not melt," there are Senators who have traveled to Greenland, who have stood on the ice sheet and looked down into it, into a hole 100-feet deep, and seen a massive, torrential river running underneath the ice out to the sea as the ice is melting.

Some scientists are even worried about the effects of that river under the ice. Could it act as a slide, where actually whole chunks of ice break off and slide down on this watery base on which the ice is sitting?

Think about what this all means. As the New York Times reported in March, some 3.7 million Americans living within a few feet of high tide are at risk from the rising sea. So all of you state senators out there, listen up: the effects of climate change will spare no one—from Tampa to Asheville, from Sausalito to Staten Island, all coastal communities are vulnerable.

NOAA's Benjamin Strauss, coauthor of a smart new study on topographic vulnerability, said the following:

Sea level rise is like an invisible tsunami, building force while we do almost nothing. . . . We have a closing window of time to prevent the worst by preparing for higher seas.

I think that is exactly right, and that is why city officials in Boston are currently actively planning for how to manage 100-year floods that are now arriving every 20 years. We don't have 100-year floods anymore, we have them every so often—every 5 years or 20 years. In the face of a global sea level rise of 3 to 6 feet by the end of the century, there will be massive amounts of flooding. So we ought to pass legislation at the State level to plan, not to ban the planning. It is easy politics to ban it, but it is not smart politics, and it certainly isn't courageous leadership. Just ask those living in Tuvalu and the low-lying nation of Kiribati. Think they could use some advance planning to deal with the "king" tides that may soon drown out life on their shores? You bet. But instead of learning from them, we've succumbed to the siren call of short-term interests.

One resident of Tuvalu poignantly asked: "What will happen to us in ten years' time?" I wish I could delay her fears. I wish I could tell her that the climate change would only be limited to occasional sea level rise, and that—naturally, surely—the king tides would recede.

But the truth is much more harrowing. We also have raging floods and water scarcity—a dichotomy—in various parts of the world. From Veracruz to Songkhla Province in Thailand, floods are devastating crops and stealing away opportunities for millions. In my travels, I have seen children orphaned by raging flood waters, families deprived of basic necessities, such as food, clean drinking water, and medicine. I have also seen the ways in which climate change has interacted with conflicts, food insecurity, and water scarcity. People are fighting and killing each other over water scarcity in various parts of the world. In Darfur and in South Sudan, there are tensions over arable lands. Think of drought in Syria and its impact on farmers in southern Dara'a. Think of water scarcity in Yemen—and the list goes on. These are the invisible tsunamis Benjamin Strauss spoke of, and they develop slowly and quietly and determinately, and they devastate communities just as surely as they should kindle our sense of urgency about the cost of inaction.

In addition, although I am not going to go into the details now, there is major decimation of animal life and plant life and species life as a consequence of this interconnectedness. In addition, forests are under siege from drought and experiencing more fires and more die-off as a consequence of

insect infestation because it doesn't get cold enough anymore to maintain the previous cycles of those insects dying off.

So the fact is that unmitigated climate change is creating enormous economic dislocations already, and it is only going to get worse if we don't act. Professor Frank Akerman, a prominent economist at Tufts University, found that inaction in the face of climate change could cost the American economy more than 3.6 percent of GDP—or \$3.8 trillion—annually by the end of the century. And he is not alone. Harvard economist Joseph Aldy estimates that if temperatures push past the 2 degrees mark, up to 2 to 4 percent of world GDP would be lost.

The ACTING PRESIDENT pro tempore. The Senator has used 45 minutes.

Mr. KERRY. I thank the Chair.

So developing countries are going to face similar costs. According to a major international initiative on "The Economics of Ecosystems and Biodiversity", developing countries will spend an estimated \$70 to \$100 billion a year from 2010 to 2050 just to adapt to a two degrees Celsius change in global temperatures, with the majority spent on protecting infrastructure and coastal zones, managing the water supply, and protecting against the effects of floods.

The "grow now, clean later" approach is no longer viable—if it ever was. Before you know it, one quarter of the world's land surface will bear the marks of soil erosion, salinization, nutrient depletion and desertification. Imagine what this will do to agricultural productivity and water supplies.

Another way of looking at this is to consider not the cost, but the economic benefits of keeping our ecosystems intact.

Back in 2005 the World Bank estimated the total value of the world's natural assets to be \$44 trillion. The countries that manage their forests, agricultural lands, energy, minerals, and other natural assets are going to be the economic leaders in the 21st century, and they will be able to reap the benefits of the ecosystem services like coral reefs, which provide food, water purification, tourism and genetic diversity—services valued at \$172 billion annually. And they'll be able to invest more in the "intangible" drivers of growth like human skills, education, and innovation.

Mr. President, the message from all of this could not be more clear. Over 40 years ago, 20 million Americans—fully one-tenth of our country's population at the time—came together on one single day to demand environmental accountability.

It was called Earth Day. And they didn't stop there. They elected a Congress that passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Marine Mammal Protection Act,

Coastal Zone Management Act, the Endangered Species Act, and the Toxic Substances Control Act. They created EPA. America didn't have an EPA until the 1970s when people said: We don't want to live next to wells that give us cancer. We don't want to live next to rivers that actually light on fire. So we made a huge transformation.

We need Congress now to do what the science tells us we have to do, to do what our economists tell us we have to do, to do what common sense demands that we do: It's time for Congress to stand up and do its part on climate change.

I don't know how many have read David Orr's terrific book, "Down to the Wire: Confronting Climate Collapse," but it is important for everyone to understand his argument. Nowhere is the challenge of our moment more clearly expressed. He says:

The real fault line in American politics is not between liberals and conservatives . . . it is, rather, in how we orient ourselves to the generations to come who will bear the consequences, for better and for worse, of our actions.

As Orr reminds us, we are at a tipping point—and it is going to take leadership to respond to it. Unfortunately, we have been witnessing just the opposite. In a talking point memo to his fellow Republicans last summer, House majority leader ERIC CANTOR of Virginia took aim at environmental safeguards. Job killers, he called them, listing the "top 10 job-destroying regulations," seven of which dealt with reducing air pollution from industrial incinerators, boilers and aging coal-fired power plants.

Job killers? The facts just don't support that.

The Labor Department, however, keeps close tabs on extended mass layoffs, and in 2010 the Department found that of the 1,256,606 mass layoffs, employers attributed just 2,971 to government regulation. That is only about two-tenths of 1 percent of all layoffs.

In fact, decreasing carbon pollution actually presents a huge economic opportunity in terms of new jobs and innovation.

For every \$1 we spend, we get \$30 in benefits. The U.S. environmental technology industry in 2008 generated approximately \$300 billion in revenues and supported almost 1.7 billion in jobs. The air pollution sector alone produced \$18 billion in revenue.

If we're going to remake the world before 2050, and this is one area where I agree with my Republican friends, we're going to have to harness the power of the good old American market economy. And one way to do that is to put a price tag on carbon and other global warming pollutants.

With a price tag, we more accurately reflect the consequences of these pollutants, not just for the environment

but also for the quality of our lives and the health of our families. If we understand the consequences of our choices, especially in economic terms, we'll make better choices.

One way to do this is to levy a pollution fee that reflects the true environmental cost of coal and oil. But there's no chance the current Congress will enact any tax, especially one on smokestack industries.

Over the course of 2011, the Republican-controlled House held nearly 200 votes to weaken our environmental safeguards, including the bedrock legislation spawned by the very first Earth Day—the Clean Air Act, the Clean Water Act, the Endangered Species Act, even the agency created to enforce those laws, the Environmental Protection Agency.

If we don't use the market, the other option is, inevitably, direct regulation of carbon emissions by the EPA under the Clean Air Act. The conservative-dominated Supreme Court has already given the green light to the EPA to do this. But this invites even more bitterness and political partisanship.

Besides, pricing pollution has already shown itself to be effective. During the 1980s, instead of imposing regulations, we used a cap-and-trade system to reduce the sulfur dioxide emissions from power plants that caused plant- and soil-destroying acid rain. The system included cash incentives to over comply: polluters received allowances for every ton of sulfur oxide under the limits, and they could trade, sell or bank the allowances. The system worked so well that regulated plants reduced emissions 40 percent more than required.

There is every reason to believe some variation of that system would work just as well to curb carbon emissions. But anything related to or resembling "Cap And Trade" isn't the best rallying cry these days thanks to the concerted, cynical re-branding of the concept. But whatever rallying cry is used, the point is the time for action is now. We need a "Million Man-Million Woman-Million Child" March on Washington and the voting booths of America. We need people marching up the steps of the Capitol, pounding on the doors of Congress, demanding a solution to our climate crisis.

We also know we need deadlines to instill a sense of urgency. There is a deadline coming up this week in Rio where they are now having Rio Plus 20, the 20-year anniversary of that meeting I referred to at the beginning. Much has changed since the first Earth Day summit back in 1992—and much of it for the worse. True, we're seeing innovation and entrepreneurship flourish in countries that were once considered among the poorest. We should celebrate that. But I'll tell you: Twenty years after Rio and 15 years after Kyoto, we are still further behind than

ever. The science is screaming at us, and the planet is sending us an SOS.

We obviously failed to be held accountable or to implement the commitments we put in place 20 years ago. Earlier this month, the United Nations Environmental Program issued the official summit report, which noted "significant progress" in only 4 of 90 environmental goals over the past five years. We can—and we must—do better.

I spoke earlier of the need to take advantage of the green energy economy. Our best economists say to ward off catastrophic climate change, the green revolution has to happen three times faster than the industrial revolution did. I believe that is why America and the rest of the world are facing this moment of truth.

Will we step up and put in place the policies that galvanize our green entrepreneurs, that drive development of new clean technologies, reenergize the economy, and tackle climate change all at the same time? We are the country that invented solar and wind technology, but the Germans, the Japanese, and the Chinese are the ones who are developing it. It is a tragedy. Today, of the top thirty companies in the world in solar, wind and advanced batteries, only six are based in the United States. If we do this right, I truly believe that the next four or five Googles will emerge in the energy sector. The question is not whether the twenty-first century economy will be a green economy—it has to become one, and it will. The question is whether it happens in time to avert catastrophe, and whether America will continue to lead.

Accelerating the transition to a new energy paradigm is the most important single step the world can take in order to reduce the threat of climate change. And Rio is as good a place as any to make that happen. At the Summit, nations are expected to announce commitments to the Sustainable Energy for All initiative. Tackling the challenges of energy access, energy efficiency and renewable energy in an integrated way is absolutely essential. That's why a wide variety of stakeholders—from governments to businesses to civil society leaders—have indicated that they will be coming to Rio with national action plans in hand that can be monitored over time as part of a new mission of the United Nations and its partners.

I am convinced countries that take advantage of the opportunities are going to be the leaders of the 21st century. I have already seen that success in Massachusetts. Massachusetts was recently ranked first in the Nation in energy efficiency and clean energy leadership, edging out California for the first time ever.

I think my State is an example of the speed in which we can turn things around. Our unemployment level just

went down to the 6-percent level, and it is because we do have that diversity and we are moving in that direction.

Now, obviously, the government alone can't solve this. Government can help create a structure. Private sector is the key. But we need to put in place the policies that send a message to the marketplace that we are serious about doing this.

The bottom line is we need to face up to this challenge once and for all—not just as individuals or as separate interests but as a nation, with a national purpose. The Pew poll recently showed a 46-point gap between Republicans and Democrats on the need to protect the environment. And I'll give you one guess which party fell by 39 points in its support for protecting the environment since 1992. So I understand if there is a 46-point gap and we have had all this discounting and disinformation, this is going to be hard still.

But David Orr is right on the mark: Our challenge is fundamentally political. It is not about budgets. It is not about regulations. It is about leaders in the country who are unwilling to deal with the truth about climate change and who have cowed the silent majority into submission with their contrived and concerted attacks without facts.

I've spoken before about this country's crisis of governance and the dangers of being held hostage to one party's remarkably cynical and selfish drive for power that comes at the expense of all common sense. Today, we need a transformative moment in our politics. David Orr spoke to that in the book I already cited.

He said:

Our situation calls for the transformation of governance and politics in ways that are somewhat comparable to that in U.S. history between the years of 1776 and 1800. In that time Americans forged the case for independence, fought a revolutionary war, crafted a distinctive political philosophy, established an enduring Constitution, created a nation, organized the first modern democratic government, and invented political parties to make the machinery of governance and democracy work tolerably well.

Colleagues, we have made transformative changes before, and there are other kinds of examples. We once burned wood for our fuel. Then we transitioned to relying on oil and coal, and now other things. We can make the leap to a mix of renewable energy sources—hydro, wind, solar, and others—but we need to set our sights on that next transformation.

As the old saying goes from the Arab oil minister in the 1970s:

The Stone Age didn't end because we ran out of stones, and the oil age is not going to end because we run out of oil.

Truer words could not be spoken.

In the end, the question is not whether we are going to pay for climate change; we are already paying for it—in warmer temperatures, rising sea lev-

els, melting glaciers, floods, droughts, wildfires, decimation of animal and plant life, loss of crops, insurance on homes, increased storms. We are paying for it. The real question is whether we are going to walk a path that now addresses it in a responsible way and helps us break humanity's addiction to the easy way—to oil—and turn away from the other alternatives that face us that clean up our environment and create jobs. The question is whether we are going to suffer the consequences later on a massive, unpredictable scale in the form of environmental devastation, war, human misery, famine, poverty, and reduced economic growth for decades to come.

I close by saying that the fork in the road points in two directions. The task for us is to take the one less traveled. At the height of the American revolution Thomas Paine wrote about the "summertime soldiers and the sunshine patriots" who abandoned the cause. The science has shown us, and continues to show us, that we cannot afford to be summertime soldiers.

So in this time of challenge and opportunity, I hope and pray colleagues will take stock of this science, will take stock of the choices in front of us, will understand the economic opportunities staring us in the face. I hope we will confront the conspiracy of silence about climate change head on and allow complacency to yield to common sense and narrow interests to bend to the common good. Future generations are counting on us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

RECENT INTELLIGENCE LEAKS

Mr. McCAIN. Mr. President, over the last 2 weeks several Members of this body and I have raised serious concerns about a series of leaks that recently appeared in several publications concerning certain military and intelligence activities—activities the authors themselves cite as among the Nation's most highly classified and sensitive. These enormously troubling leaks have raised concerns amongst both Democrats and Republicans in Congress, including leaders of our Intelligence, Armed Services, Foreign Relations, and Homeland Security Committees.

According to Senator DIANNE FEINSTEIN, who chairs the Senate Select Committee on Intelligence:

These disclosures have seriously interfered with ongoing intelligence programs and have put at jeopardy our intelligence capability to act in the future. Each disclosure puts American lives at risk, makes it more difficult to recruit assets, strains the trust of our partners, and threatens imminent and irreparable damage to our national security in the face of urgent and rapidly adapting threats worldwide.

For these reasons and more, 26 other Members and I filed a resolution that conveys the sense of the Senate that

the Attorney General should appoint an outside special counsel to investigate these leaks.

I have been around for quite some time. I think there is no doubt that these leaks are almost unprecedented in that they are ongoing covert operations that are directly involved with the greatest threats to our Nation's security. I certainly understand that robust public debate about the Nation's offensive use of cyber-related and unmanned-strike capabilities is valuable and warranted, that debate and discussion is valuable and warranted. The use of these kinds of military capabilities is new, and how these secretive warfighting capabilities should be deployed by a modern democracy deserves careful and thoughtful discussion, and we will have discussions in the future about these new aspects of warfare and counterterrorism.

But the detail with which these articles lay out particular counterterrorism activities—and as one commentator recently described, the "triumphalist tone of the leaks—the Tarzan-like chest-beating of [the] various leakers," greatly exceeded what is necessary or appropriate for that discussion. Something else—something very different—is going on.

Considering how closely in time these items were published and how favorable of an impression they left upon the President's approach to national security, it is not unreasonable to ask whether these leaks were part of a broader effort to paint President Obama, in the midst of an election year, as a strong leader on national security issues. That is the strong impression that is given.

The most compelling evidence is the obvious participation of some of the administration's senior-most officials. Among the sources that New York Times journalist David Sanger cited in the passage of his recent book pertaining to U.S. cyber attacks on Iran are "administration officials" and "senior officials," "senior aides" to the President, "members of the President's national security team who were in the [White House Situation Room] during key discussions," an official "who requested anonymity to speak about what is still a classified program," "current . . . American officials . . . [who would not] allow their names to be used because the effort remains highly classified, and parts of it continue to this day," and several sources who would be "fired" for what they divulged—presumably because what they divulged was classified or otherwise very sensitive.

Some of the sources in recent publications specifically refused to be identified because what they were talking about related to classified or ongoing programs.

In his book, which describes the administration's use of drones in Yemen,

Newsweek journalist Daniel Klaidman writes:

[W]hen I quote President Obama or other key characters, I do so only if that quote was relayed to me by a source who personally heard it.

That certainly narrows down the number of people who could be guilty of these leaks.

On Sunday, a reviewer of both Mr. Sanger's and Mr. Klaidman's books for the Washington Post found—as I did—that “[both authors] were clearly given extraordinary access to key players in the administration to write their books . . . [i]n some cases, they appear to have talked to the same sources: [s]everal of their stories track nearly word for word.”

Perhaps most illuminating in all of the articles and books is how, taken together, they describe an overall perspective within the Obama White House that has viewed U.S. counterterrorism and other sensitive activities in extraordinarily political terms and taken on a related approach about how classified information should be handled. Both approaches would have predisposed the administration to the most recent, egregious national security leaks.

There are plenty of examples of how the administration apparently viewed these highly sensitive matters through a political prism. In his book, Mr. Klaidman observed that then-White House Chief-of-Staff Rahm Emanuel, “pushed the CIA to publicize” successes associated with a covert drone program because “the muscular attacks could have a huge political upside for Obama, insulating him from charges that he was weak on terror.” Mr. Klaidman noted, that “[as to the killing of a particular drone target,] [CIA] public affairs officers anonymously trumpeted their triumph, leaking colorful tidbits to trusted reporters on the intelligence beat, [with] [n]ewspapers describ[ing] the hit in cinematic detail.”

A recent article in The New York Times similarly noted:

David Axelrod, the president's closest political adviser, began showing up at the ‘Terror Tuesday’ meetings [by the way, during which drone targeting was discussed], his unspeaking presence a visible reminder of what everyone understood: a successful attack would overwhelm the president's other aspirations and achievements.

And, in his recent book, Mr. Sanger notes:

[O]ver the course of 2009, more and more people inside the Obama White House were being ‘read into’ the cyber program, even those not directly involved. As the reports from the latest iteration of the [cyber-]bug arrived, meetings were held to assess what kind of damage had been done, and the room got more and more crowded.

Let's look at another anecdote in Mr. Sanger's book that provides another powerful example of what I am talking about. In this excerpt, Mr. Sanger de-

picts a curious meeting that occurred in the fall of 2009 in Pittsburgh at the G-20 economic summit. He writes:

As often happens when the president travels, there was a dinner organized with a number of other reporters and several of Obama's political aides, including David Axelrod and Rahm Emanuel. The talk was mostly politics and the economic downturn. But just as coffee was being served, a senior official in the National Security Council tapped me on the shoulder. After dinner, he said, I should take the elevator to the floor of the hotel where the president had his suite. ‘We'll talk about Iran,’ he whispered.

Obama was not back at the hotel when we gathered that evening outside his suite. But most of the rest of the national security staff was present and armed with the intelligence that had been collected over many years about Iran's secret site. As they laid it out on a coffee table in the hotel suite, it was clear that this new site was relatively small: it had enough room, they estimated, for three thousand centrifuges . . .

Via satellite photos, the United States had mapped the construction of the building—useful if it ever had to hit it. It was clear from the details that the United States had interviewed scientists who had been inside the underground facility . . . We spent an hour reviewing the evidence. I probed them to reveal how the facility was discovered and received evasive answers . . . Then I went down to my hotel room and began writing the story.

It absolutely eludes me under what circumstances it would be appropriate for a senior national security official to provide a reporter the opportunity to review for an hour what appears to have been raw intelligence supporting the government's recent discovery of secret nuclear sites in Iran. Yet, this vignette is indicative of what appears throughout the book as a pervasive administration perspective that viewed even the Nation's most secretive military and intelligence activities in starkly political terms and was overly lax on how related intelligence should be handled. These stories provide a revealing context for the most recent leaks—leaks that everyone has conceded have compromised our national security.

I would like to believe that the Justice Department will get to the bottom of all this. But after watching senior White House advisor David Plouffe's appearance on Fox News on Sunday, I highly doubt that it will. I was particularly troubled by Mr. Plouffe's inability or refusal to answer whether the White House will cooperate fully with the investigation and whether President Obama would agree to be questioned by investigators as President Bush was during the Valerie Plame case. I was also discomforted by Mr. Plouffe's statement that the White House talked to Mr. Sanger for his book but did not leak classified information, which of course prejudices the outcome of the investigations.

As one commentator observed yesterday, Mr. Plouffe's answers:

were so rehearsed, clumsy and full of forced distractions and faux frustration that[,] if

[his] interview [on Fox News] had been conducted by law enforcement[,] Plouffe would have been told he was going for a ride downtown to the police station for further questioning.

As this commentator noted, from these sorts of appearances, it's apparent that “[t]he administration has something to hide. Plouffe could not have been more parsed, poorly prepared or unconvincing.”

Moreover, just this past Friday, The Washington Post reported that Federal authorities have interviewed more than 100 people in the two ongoing leak investigations and, specifically citing “officials familiar with the probes,” described these interviews as “the start of a process that could take months or even years.” According to anonymous “officials,” the Post also noted that “the pace of the investigations is partly driven by the large number of government officials who had access to the material that was disclosed and who now must be interviewed.” The fact that details about these leak investigations are themselves being leaked does not inspire me with confidence that we are on the right track.

Furthermore, according to the Post, citing “officials who spoke on the condition of anonymity because of the sensitivity of the matter,” the two pending investigations focus on the Associated Press article about a disrupted terrorist bomb plot by al-Qaeda's affiliate in Yemen and The New York Times' report about the Obama administration's role in authorizing cyberattacks against Iran. In other words, there appears to be no probe of the leaks relating to U.S. drone operations. Apparently, “officials” told the Post that such an investigation had not been requested.

Why not?

With the passage of time, the need for the Attorney General to appoint an outside special counsel to independently investigate and, where appropriate, hold accountable those found responsible for these egregious violations of our national security, becomes clearer and stronger. At the end of the day, can we really expect the administration to investigate itself impartially in the midst of an election on a matter as highly sensitive and damaging as this leaks case, especially when those responsible could themselves be members of the administration? Plus, we are not talking about an isolated instance of one leak. As my colleague, the chairperson of the Senate Intelligence Committee, Senator DIANNE FEINSTEIN rightly observed, we are talking about “an avalanche of leaks” on national security matters—the implications of which are severe.

To date, I have seen no evidence that suggests that the American people should rely on the direction that the White House has chosen to provide a full and timely investigation of these

leaks. For these reasons, I once again call on the appointment of an outside special counsel to do so today. Just as former Senator BIDEN and former Senator Obama called for a special counsel in the case of Valerie Plame, a case far less severe as far as the implications to our national security are concerned.

As I said at the beginning of my comments, I have been around this town for quite a while. I, like the rest of my colleagues, have never seen leaks of this nature at such a high level concerning ongoing covert operations. They deserve an investigation which will have credibility with the American people. So far that has not been forthcoming from this administration.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Oklahoma.

AGRICULTURE REFORM

Mr. COBURN. Mr. President, I assume we are in morning business. Because we are in morning business, I am going to use that time to talk about four amendments I have to the Agriculture bill. I want to make one acute observation to the American people on what is going on in Washington.

The four amendments I will have on the Agriculture bill are a symptom of the disease that is in front of our Nation. This year we are going to run about a \$1.3 trillion deficit. At the end of this fiscal year we will have 16.25 trillion dollars' worth of debt. I am 64 years of age. My children and grandchildren are going to pay back my portion of that debt. I am not going to be paying it back. The questions in front of our Nation are, No. 1, how did we get to this point, and, No. 2, what are we going to do about it.

What we are going to hear today as we begin voting on the amendments, what we are going to hear from the Senate, is why we cannot cut spending, why we cannot limit our appetites, why we cannot end subsidies to some of the richest co-ops in the world, why we cannot stop sending money to the Republican and Democratic Conventions out of the Treasury, why we cannot limit some of the conservation programs that go to millionaires—why we cannot do it. We are going to hear why we cannot.

This country cannot wait for us to continue hearing excuses about why we cannot trim our expenditures. The real problem is the Federal Government is going to take in \$2.6 trillion, and it is going to spend about \$3.8 trillion. That is the real problem. We ignore it politically by not making hard decisions, by not reforming the Tax Code for a progrowth, lower rates, broader base where everybody is participating in the Tax Code. People, through their well-connectedness, don't have to get out of special benefits to them, which is \$30 billion a year for the very wealthy in this country in the Tax Code. We refuse

to do those things. We have campaigns going on all across the country and nobody is talking about the No. 1 threat to this country, which is our debt and our deficits.

The reason there is no job creation is not because politicians don't want job creation. It is because they refuse to reform the very things that are keeping job creation from happening.

I am going to have four amendments. All of them actually save money for the American taxpayers, our kids, and our grandkids. They are all common sense. Most people outside of Washington will agree with them except the very people who are getting the benefits. They are the well-heeled, and they are the well-connected who continue to get things for themselves to the detriment of our future.

The question the American people have to start asking is when is Washington going to grow up? When are they going to start taking responsibility for their addictive behavior? Everybody who comes into my office who has lobbied me on these four amendments say: You can't take anything away from me. Do my colleagues realize what the answer is when anybody says: You can't take anything away from me? The answer is bankruptcy and a position, in terms of the economics of this country, that will be far worse than the Great Depression ever was and far worse than anything our country has ever experienced. But everybody says: What I am getting now I have to keep, regardless if someone is a multibillion-dollar conglomerate co-op and we are sending someone \$100 million every 10 years to advertise their product.

The second point I will make before I outline these four amendments is the one thing we refuse to look at that can guide us on how to make these decisions is article I, section 8 of the Constitution. What is the real role for the Federal Government? I will tell my colleagues as we look at these four amendments, we are going to have trouble squaring what our Founders said was our role with what we are doing now in these four areas and then saying we are not violating the Constitution by spending money we don't have—money we are going to have to borrow to be able to spend—and spend it in areas that help the well-heeled and the well-connected.

All of these amendments are very straightforward.

I wish to make one other point. We spend \$200 million a year through five separate programs of the government to promote agricultural products outside of this country—\$200 million a year. That is \$2 million every 10 years. Let's show how effective they have been by looking at this chart. Whether one thinks it is constitutional, what kind of a job have they done since 1997? I don't think that trend line looks very

good. So if we are going to spend \$200 million paying for the promotion of agricultural products outside of this country, maybe we ought to ask the question: Why are we on a declining slope, as far as percentage of the world's agricultural sales, at the same time when farm income in this country has never been higher? Why is it? Because the Federal Government is not very good at doing things the private sector is very good at.

We have five separate programs within the Department of Agriculture to do this, and the question the American people ought to be asking is: Why do we have five programs? If, in fact, it is a role for the Federal Government, which I highly doubt under the Constitution, why do we have five? So that is how well we are doing.

I will talk about the first program. The market access program is one of the five programs the Federal Government has within the Department of Agriculture to do this. The Obama administration actually agrees with this amendment. In their budget, they put a recommendation to trim this. Yet all we have heard from everybody out there who gets the soft ride on this is that we can't take any money away from this program. If we can't take \$40 million a year out of a program that is ineffective, history is here. We are going to be belly up, and the consequences of that will be devastating not just for our kids but for us, because it is going to come in the very near future.

All this amendment says is out of these five programs, let's cut this one 20 percent. The Obama administration recommended doing that. The GAO says there is nothing to say that this is effective use of tax dollars. One would think we are pulling toenails, to hear the people scream. I won't go into the details on this amendment because my time is limited. It means we are still going to spend \$160 million on this one program, which is one of five, to promote agricultural products when we are not being successful in spending that money anyway.

The question is, Why would we vote against it? Because there is a parochial interest somewhere that we are going to be beholden to that is greater than our interest and fidelity to the U.S. Constitution or our interest and fidelity to the future of this country. That is why people will vote against this amendment. It doesn't have anything to do with common sense. It doesn't have anything to do with the fact that we are going to run this significant deficit when we have a \$16 trillion debt. It has to do with how do I make sure I am not in trouble with the parochial interests rather than doing the right, best thing for our country.

The second amendment—and I have received a lot of criticism for it—is in conjunction with Senator DURBIN. For

those people with adjusted gross incomes of greater than three-quarters of a million dollars a year, all this amendment does is decrease the subsidy the middle-income, hard-working factory worker or service worker in this country pays with their taxes to subsidize a crop insurance program that guarantees a profit and yield. Instead of a 62-percent subsidy by the Federal Government when they are making more than three-quarters of a million dollars per year, we take it to 47 percent. What do we hear? Oh, we can't do that. If a person is making \$750,000 a year farming, that person's capital should be in pretty good shape and they should be able to afford to take on some more of the risks.

We are going to hear: Well, this will be too hard to implement. There isn't another agriculture program that doesn't have an income payment limitation of some type associated with it, except this one. When, out of every dollar spent on crop insurance, the average, hard-working American is paying 62 percent of it, it is not too much to ask those who are on the upper income stream in the agricultural community to participate a little bit more in helping pay for that subsidy by taking a reduced subsidy. So all we are doing is taking 15 percent of it.

Under this agriculture bill that is on the floor, there are three ways to ensure profit, and every one of them the American taxpayer who is not a farmer is paying for. There is no other business in this country where they are guaranteed that profit and revenue will be there through an insurance policy that is paid for by the rest of us.

The GAO report said we should actually limit it to \$40,000 and we will save \$5 billion over the next 10 years. This amendment will only save \$1 billion over the next 10 years. But the way we get rid of \$1 trillion deficits is to ask everybody to share a little bit. All this amendment is doing is asking the most well-off farmers—the ones we have been subsidizing for years; the ones who are taking hundreds of thousands of dollars every year from the American taxpayers—to pay 15 percent more on their crop insurance so the average individual in this country isn't taking off their table to subsidize somebody who is making three-quarters of a million dollars a year.

The third amendment is an amendment to end conservation payments to millionaires. Almost every other program we have in terms of our farm programs has some limitations on it, but the Department of Agriculture has an exception where they can exclude this limitation. All this amendment would do is say to somebody who has an adjusted gross income of \$1 million a year: Wouldn't that money be better spent somewhere else in the farm conservation area, No. 1; and No. 2, if it is in the best interests of the farm or pro-

duction of agricultural acreage, and somebody has that kind of income, isn't it in their best interests to do these things?

It is a very simple amendment that says: If you are making an adjusted gross income of \$1 million or more a year, then we are going to put some limitations on how much money we spend on your property and then go spend it on other properties where we might, in fact, have more effective resource conservation.

The final amendment I have to the bill has nothing to do with the agricultural bill but it has everything to do with the problems in this country. In February of this year, the U.S. Treasury wrote a check to the Democratic National Convention and the Republican National Convention for \$18.4 million each. When the Presidential checkoff system was created, the politicians in Washington wired it so that we thought we were giving money to a Presidential campaign when, in fact, they took a percentage of it for both parties. We don't have \$18.4 million to spend on a Republican convention or a Democratic convention. The nominees of both parties are known. So what we have done, besides spending \$100 million in security for both of those events—\$50 million apiece—is we sent \$18 million to the heads of both parties to spend any way they want to spend it. What is wrong with that? That \$18.4 million we borrowed from the Chinese. So we are borrowing money from the Chinese to fund a hallelujah party in both Tampa and Charlotte this year, each one of them getting \$18.4 million. It is time that kind of nonsense stop.

This amendment is going to require 60 votes. I don't know why they put it at 60 votes; maybe so a lot of people can vote for it but it still won't pass. But here is a test vote on whether the Senate gets the problems this country faces. If somebody votes against this amendment, what it says is they believe politics is above principle, that careerism trumps character, and that they can pull the wool over the eyes of the vast portion of American citizens. What could we do with \$18.4 million times two? Well, there are tons we could do. The first thing is we could quit paying interest to the Chinese for it. The second thing is who could we help in terms of their health care or their housing? How many HIV patients who are waiting on ADAP who can't get the treatment they need could we help with \$18.4 million?

The point is this amendment is probably going to get defeated, but I want my colleagues to look in that realm of the universe in America where all the politicians reacted with disdain over the GSA conferences spending \$880,000 in what was said to be a foolish way. If they made any comment about the excesses of governmental agencies on conferences and parties, how can they

not apply the same standard to their own political party?

My hope is that America will wake up. I am in the twilight years of my life. I have seen vast changes in our country, both good and bad, but we have maxed out the credit card in our country. We can't get another credit card without severe pain. We are trying to not do the right thing in the Congress of the United States. We are trying to kick the can down the road. We are trying to not make the hard decisions. And everyone who comes and lobbies says: Yes, I agree there is a problem, but please don't take anything away from me.

The answer is leadership that says we all have to sacrifice to get our country out of the depths of the problems we are facing today. This will be a great key vote on whether the Senators understand priorities and the depth of the problems we are in.

There is no way we should ever again send taxpayer funds to the Democratic Party or the Republican Party for a convention, and this amendment would eliminate that in the future.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I know we are in Republican time. I would like to use some of the Republican time to talk about an important issue in the farm bill, which is catfish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, thank you for acknowledging me. I will be brief. I know we have other colleagues on the way, so I will be brief and I will yield when they get here and they are squared away.

CATFISH INSPECTION

Mr. President, let me just talk for a few minutes about catfish and something that I think is very important; that is, that catfish be inspected. This may sound like a no-brainer, something that is simple. We certainly would inspect and anticipate that all catfish that are raised in the United States would be inspected and follow all the USDA and other requirements—and it is. That is one of the good things, that we know our food supply is safe and wholesome and it is ready for consumption by Americans.

However, that is not the case for catfish that is imported from Asia. By the way, I think people in my State and other catfish-producing States would dispute whether this is actually catfish in the first place. It is actually a variety of fish that is native to Asia, and it

is grown in places such as Vietnam. I am certainly for trade and for fair trade and not for protectionism. But we need to make sure fish that is coming in from overseas—we need to make sure it is properly labeled but also that it is properly inspected.

I think the way the bill is currently drafted is appropriate and proper. We should leave the language that Senator STABENOW and the Agriculture Committee have established. We should leave that language in the legislation as it currently is so the catfish will be inspected in the United States, and imported fish that is marketed as catfish will also be inspected by the same standards our domestic catfish are inspected under.

In 2011, the FDA examined about 3 percent of all seafood entries and performed laboratory analysis on less than 1 percent of these entries. We have to understand this Asian fish is raised in places that, quite honestly, run a higher risk of contamination based on the growing conditions, based on the overall sanctity of their environment compared to ours.

I think they present more health risks. I think it only makes sense once we know that one-third of these imports comes from southeastern Asia nations, places such as China and Vietnam where food safety standards are not as high as in the United States. Once we understand that, it makes sense that they would be afforded the same inspection regime that we would have here in the United States.

These foreign countries are currently flooding the U.S. market with potentially harmful products, and those products could be putting U.S. consumers at risk. There have been several news reports about some of the growing conditions over there and some of the possible harmful side effects to human health if humans consume those.

Here again, we have the safeguards in the farm bill to do the inspections as they should be done. The new inspection program would subject domestic catfish processors to daily USDA inspection, and imported catfish, much of which is raised in the unsanitary conditions I mentioned before—and it is also treated with antibiotics and other chemicals that are not deemed legal here in the United States, but that is the growing conditions they are in over there—it would require that they would receive more rigorous inspection than they are currently subject to.

Again, I do not see this as protectionist. I think this is truly to make sure that all of the food supply, whether it comes from overseas or is grown domestically, meets our U.S. standards, and our people, our American citizens, understand that when they purchase fish, they are going to get something that will not make them and their families sick when they consume it.

With that, I want to say that I appreciate all of my colleagues looking at this provision. I appreciate Senator STABENOW and her whole team and, in fact, all of the members of the Ag Committee who helped on this, and all of their staffs. They have been great on this issue. Catfish is a very small part of our agriculture picture in the United States, but it is an important part. People all over, especially all over the southern region of the United States, love to consume catfish. They need to understand when they buy catfish in the United States that it is going to be safe for them and for their families.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UTILITY MACT

Mr. LEE. Mr. President, I rise today to express my support for S.J. Res. 37, and to express my deep and profound disapproval of the Obama administration's handling of the utility MACT rule.

Let me first address what this debate is not about. This is not about a debate between one side that supports clean air and another side that does not. We all support and understand the importance of maintaining our pristine environment, maintaining the quality of human health in the ecosystem. My State, the great State of Utah, holds some of the greatest land resources in the country, some of the most beautiful landscapes. They are a source of pride for all Americans, and especially for all Utahns. They provide a significant economic benefit for my State in the form of tourism dollars.

I would not support any legislation ever that would damage our environmental brand in Utah or that would harm our environment. What this debate does expose is this administration's vigorous, unfettered attempts to severely limit the use of coal technology and a complete and utter disregard for the economic benefits of this industry, and the economic effects of this kind of overly aggressive regulation.

If implemented fully, the utility MACT rule would give utilities nationwide 3 short years to fully complete very costly upgrades to their plants. Many industry experts believe that these standards are nearly impossible to meet in that timeframe. Utilities will need closer to 5 or 6 years to make the necessary upgrades required by this regulatory scheme.

Those who are unable to comply will have no choice but to shut down unless or until they can meet those standards.

This inevitably, with absolute certainty, will result in sharp spikes to energy costs, increased power bills for all Americans, affecting the most vulnerable among us the most severely.

Higher energy costs will, in turn, have a direct impact on the family budget. The more we as Americans spend on higher energy costs, the less we have available for savings, for education, and for other priorities. Although the President campaigns around the country by trying to convince Americans that he knows how to create jobs, this rule alone has been estimated by some industry experts as likely to kill 180,000 to 215,000 jobs by 2015.

So one has to wonder why it is this administration is nonetheless imposing rules it knows cannot be met, and that if they must be met, will kill this many jobs and hurt this many Americans. Why are they ignoring the obvious economic consequences of shutting down an industry that produces about half of all of the electricity we use in the United States of America today?

It does not make any sense. We can have sensible regulations that keep our air and our water and other aspects of our environment clean. We need that. We want that as Americans. We can also have a balanced approach that considers the economic costs of new rules and restrictions on small businesses and on consumers. That is what we need.

Utility MACT is an example of a regulation that does neither. It accomplishes none of these interests. I strongly urge my colleagues to support S.J. Res. 37. I stand with a growing bipartisan group of Senators, private sector unions, business interests that believe we can do better as Americans than imposing those kinds of regulations on the American people, and who also believe it is vitally important that when we do put these kinds of regulations on the American people we first have the kind of robust debate and discussion Americans have come to expect from their political institutions.

Two separate provisions of the Constitution, article I, section 1, and article I, section 7, clearly place the legislative process, the power to make rules that carry the force of generally applicable binding Federal law, in the hands of Congress, not in an executive branch agency.

The American people know this. They understand it. They expect it. They rely on it. Because they know if we pass laws the people do not like, that the people cannot accept, that kill jobs, that hurt those most vulnerable among us, that we can be held politically accountable come election time, every 2 years in the case of Members of the House, every 6 years in the case of Members of this body.

When we circumvent that process, when we allow the lawmaking process

to be carried out entirely within an executive branch agency consisting of people who, while perfectly well intentioned and well educated, do not stand accountable to the people, we insulate the lawmakers from those governed by those same laws.

This is exactly why we need to exercise our authority under the Congressional Review Act by passing these resolutions of disapproval from time to time. But it is all the more reason why we need more lasting, significant reform, reform that can be had through the REINS Act proposal. This is a proposal that has already passed through the House favorably and needs to be passed in this body. It is a bill that would require for any new regulation promulgated that at the administrative level, any new regulation which qualifies as a major rule because it costs American consumers and small business interests, individuals, families, and all others in America more than \$100 million in a year, it would take effect if and only if it were first passed into law in the House and in the Senate and signed into law by the President.

This is how our lawmaking process is supposed to operate. This is a system that our Founding Fathers carefully put in place, assuring that those who make the laws and thereby have the capacity to affect the rights of individual Americans can and will be held accountable to the people for the very laws they pass.

I tried to get the REINS Act up for consideration in connection with the Ag bill. We were not successful in doing that. Apparently some in this body, some in control of this body, were unwilling to have a vote on the REINS Act proposal as an amendment to the Ag bill. Sooner or later we need to have a vote on the REINS Act. We need to have this debate and discussion, to assure that the laws that are passed in this country are passed by men and women chosen by the people, accountable to the people, that we may yet still have that guarantee in our country, a guarantee of government of the people, by the people, and for the people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled

when called to order by the Presiding Officer (Mr. WEBB).

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3240) to reauthorize agriculture programs through 2017, and for other purposes.

Pending:

Reid (for Stabenow/Roberts) amendment No. 2389, of a perfecting nature.

Reid amendment No. 2390 (to amendment No. 2389), to change the enactment date.

Reid motion to recommit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions, Reid amendment No. 2391, of a perfecting nature.

Reid amendment No. 2406 (to (the instructions) amendment No. 2391), to eliminate certain working lands conservation programs.

Reid amendment No. 2407 (to amendment No. 2406), to convert all mandatory spending to discretionary spending subject to annual appropriations.

The PRESIDING OFFICER. Under the previous order, the motion to recommit and amendment No. 2390 are withdrawn and a Stabenow-Roberts amendment No. 2389 is agreed to.

The Senator from Michigan.

AMENDMENT NO. 2440

Ms. STABENOW. Mr. President, I ask unanimous consent that we have 2 minutes of debate equally divided prior to the vote on the first Akaka amendment, No. 2440.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to speak in favor of amendment No. 2440 to the farm bill. This amendment would improve implementation of an existing program at USDA which provides loans to purchasers of highly fractionated Indian lands.

One unfortunate legacy of policies of the late 1800s is that many Indian lands are highly fractionated. This means that one parcel of land might have hundreds or even thousands of owners. Highly fractionated parcels make putting these Indian lands to viable use virtually impossible. This goes against any well-established Federal Indian policies encouraging the productive use of Indian lands.

As chair of the Committee on Indian Affairs, I have worked with the USDA and stakeholders to craft this amendment to improve agricultural land use for tribal governments and individual Indians. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kansas.

Mr. ROBERTS. This is a technical amendment. I rise in support of it, and I yield back the remainder of my time.

Mr. AKAKA. Mr. President, I call up my amendment and speak in favor of amendment No. 2396, a bipartisan amendment Senator THUNE and I are offering to the farm bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, if I might take a moment, I believe we want to first dispose of the Akaka amendment No. 2440. Our ranking member has indicated no opposition, so at this point I would ask that we proceed, unless there is a reason not to do so.

On behalf of Senator AKAKA, I call up amendment No. 2440 and ask that we proceed with a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2440.

The amendment is as follows:

(Purpose: To improve a provision relating to loans to purchasers of highly fractionated land)

Strike section 5102 and insert the following:

SEC. 5102. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

(a) IN GENERAL.—The first sentence of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) in subsection (a), in the first sentence, by striking “loans from” and all that follows through “(1929)” and inserting “direct loans in a manner consistent with direct loans pursuant to chapter 4 of subtitle A of the Consolidated Farm and Rural Development Act”;

(2) in subsection (b)(1)—

(A) by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))”; and

(B) by inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section” before the period at the end; and

(3) by adding at the end the following:

“(c) CONSULTATION REQUIRED.—In determining regulations and procedures to define eligible purchasers of highly fractionated land under this section, the Secretary of Agriculture shall consult with the Secretary of the Interior.”.

(b) RELATIONSHIP TO OTHER AMENDMENT.—Section 6002 is amended by striking subsection (bb).

Ms. STABENOW. Mr. President, I ask unanimous consent that we proceed with a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2440) was agreed to.

The Senator from Hawaii.

AMENDMENT NO. 2396

Mr. AKAKA. I rise today to speak in favor of amendment No. 2396, a bipartisan amendment Senator THUNE and I are offering to the farm bill. This amendment would make permanent the Office of Tribal Relations at the USDA.

This office was created to ensure that the USDA upholds Federal Indian policy and maintains its government-to-

government relationship with tribes. Permanently establishing this office will ensure that tribal governments can develop their programs in parity with their neighbors in rural America. It will ensure that the USDA consults with tribal governments and that tribes can participate in programs related to agricultural, infrastructure, and economic development opportunities.

I encourage all my colleagues to support this bipartisan amendment to the farm bill.

I thank the Chair, I yield back the remainder of my time, and I call up amendment No. 2396.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2396.

Mr. AKAKA. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish the Office of Tribal Relations in the Office of the Secretary of Agriculture)

On page 1009, after line 11, add the following:

SEC. 12207. OFFICE OF TRIBAL RELATIONS.

(a) IN GENERAL.—Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (7 U.S.C. 3125a note; Public Law 103-354) the following:

“SEC. 309. OFFICE OF TRIBAL RELATIONS.

“The Secretary shall establish in the Office of the Secretary an Office of Tribal Relations.”

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 12201(b)) is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the authority of the Secretary to establish in the Office of the Secretary the Office of Tribal Relations in accordance with section 309.”

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, this amendment makes permanent the current Office of Tribal Relations with the Department of Agriculture, and that is very important in terms of outreach for Native American farmers and ranchers.

We have no objection, and I yield back the remainder of my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2396) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2192

Ms. AYOTTE. Mr. President, I call up Ayotte amendment No. 2192.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from New Hampshire proposes an amendment numbered 2192.

(The amendment is printed in the RECORD of Thursday, June 7, 2012 under “Text of Amendments.”)

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, my amendment seeks to reform the value-added grant program. The USDA has awarded \$240 million in grants over the lifetime of this program, but the USDA has not been transparent and has failed to adequately account for the grants and how they are awarded.

The last assessment of this program was in 2006 and indicated that more than 40 percent of the grant recipients went out of business just 3 years after having completed their grant project. My amendment would allow the program to go forward, but it would reform this program to be more accountable to taxpayers.

The program has awarded 62 grants totaling \$12.1 million to ethanol facilities. It does eliminate grants to ethanol facilities. We should not be wasting further taxpayer dollars to give to ethanol producers when we have already given them so many taxpayer opportunities here.

At least 105 wine industry groups and wineries have received \$10.5 million.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. AYOTTE. Mr. President, I would just say this is a good amendment for taxpayers to reform this program and make it accountable.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, unfortunately, I would urge my colleagues to vote no on this amendment. It cuts in half funding for a program that helps food entrepreneurs—small businesses and farmers who want to create new kinds of products and to commercialize them and get them to the marketplace.

This is really what we are trying to do—to leverage more dollars in this bill to support not only the farmer on the farm but also to move into commercialization and to create new food products and jobs. In fact, we have created hundreds of jobs at wineries. We have done this all across the country—created jobs by helping small businesses and entrepreneurs to take a great idea and to move it to commercialization and add value to their product.

I would strongly urge a “no” vote, and I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has expired.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—38

Alexander	Enzi	Murkowski
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Brown (MA)	Hutchison	Rubio
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Manchin	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	

NAYS—61

Akaka	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeben	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2192) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, for the benefit of all Senators—if I could have the attention of the Senate—we have before us why we are here. This was very difficult, to get to the point we are now, where we have a very important bill. We do these every 5 years. Senators STABENOW and ROBERTS have worked very hard to get us to this point. I congratulate them both, but we have a long way to go.

First of all, everyone understand all the next votes will be 10-minute votes. That means at the end of 15 minutes we are going to cut off the vote. It doesn’t matter if a Democrat is missing or Republican is missing; it does not matter. If it is a close vote, we always are careful with that, we understand, but let’s understand when the time is up, we are going to turn in the vote.

Second, I have instructed all of the presiders, we are going to have 1-minute speeches—1 minute for Democrats, 1 minute for Republicans. When

the time is up, the time is going to end so everyone will be treated the same. We have 73 amendments we have to work through. We have a lot to do the rest of this week, but this is important. No. 1, we are going to keep the vote. I have an important meeting at 4 o'clock. I have instructed my staff, if I am not here I will not be counted. That is what we have to do. If you have important meetings, you might have to miss a vote or two.

Second, I repeat, we will have 2 minutes equally divided before each vote, and it will be 2 minutes.

AMENDMENT NO. 2429

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I call up amendment No. 2429.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for Mr. BAUCUS, for himself and Mr. TESTER, proposes an amendment numbered 2429.

Mr. TESTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the livestock forage disaster program)

On page 128, between lines 16 and 17, insert the following:

(iii) ANNUAL PAYMENT BASED ON DROUGHT CONDITIONS DETERMINED BY MEANS OTHER THAN THE U.S. DROUGHT MONITOR.—

(I) IN GENERAL.—An eligible livestock producer that owns grazing land or pastureland that is physically located in a county that has experienced on average, over the preceding calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

(II) NO DUPLICATE PAYMENT.—A producer may not receive a payment under both clause (ii) and this clause.

Mr. TESTER. Mr. President, I urge my colleagues to support the Baucus-Tester amendment No. 2429. The Baucus-Tester amendment fixes a problem in the livestock forage program to make sure that ranchers who suffer losses in their herds because of drought are able to get the help they need. If you are in grass-based agriculture, folks, for those ranchers the grass is the heartbeat of your operation. If you do not have it, you cannot survive. It was critical this last year when record droughts devastated the Southwest. Wild fires burned more than 2 million acres in Texas.

This program has moved into title I of the farm bill. This amendment fixes a problem we have seen in one of those programs. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Michigan.

Ms. STABENOW. Mr. President, can we proceed with a voice vote on this amendment?

Mr. ROBERTS. Mr. President, I know of no objection at this point. I yield the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2429.

The amendment was agreed to.

AMENDMENT NO. 2190, AS MODIFIED

Ms. STABENOW. Mr. President, it is my understanding we are ready with the amendment of Senator SNOWE. I ask she be the next amendment in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. SNOWE. I call up amendment No. 2190.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Maine (Ms. SNOWE), for herself and Mrs. GILLIBRAND, proposes an amendment numbered 2190.

Ms. SNOWE. I ask unanimous consent that amendment 2190 be modified with the changes I am sending to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows.

(Purpose: To require Federal milk marketing order reform)

At the end of part III of subtitle D of title I, insert the following:

PART IV—FEDERAL MILK MARKETING ORDER REFORM

SEC. 1481. FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENTS.—The Secretary shall provide an analysis on the effects of amending each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a “milk marketing order”), as required by this section.

(b) USE OF END-PRODUCT PRICE FORMULAS.—In carrying out subsection (a), the Secretary shall—

(1) consider replacing the use of end-product price formulas with other pricing alternatives; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the Secretary on the impact of the action considered under paragraph (1).

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in strong support of this amendment I have offered along with Senator GILLIBRAND of New York on a bipartisan basis. I thank the Chair and ranking member for working with us on the

modifications in support of this amendment.

The underlying bill establishes a margin insurance program that helps very large dairy producers but provides little assistance to small family-owned dairy producers who have exponentially fewer cows and do not produce the surplus amounts of milk. Without this amendment, these small dairy farmers face possible extinction due, in part, to the excessive price volatility. The prices in Europe influence the price our farmers right here at home receive from the government.

This amendment will help resolve this inequity by requiring the Department of Agriculture to provide an analysis on the effects of amending each Federal milk marketing order and deciding how best to update the system of Federal orders, which is now 12 years old. I hope we will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I support this amendment and yield the remainder of our time. It is my understanding we can proceed with a voice vote on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2190, as modified.

Those in favor, say aye.

(Chorus of ayes.)

All opposed, no.

(Chorus of nays.)

The PRESIDING OFFICER. The nays appear to have it.

All those in favor, say aye.

(Chorus of ayes.)

All those opposed, no.

(Chorus of nays.)

The PRESIDING OFFICER. The nays appear to have it.

Ms. STABENOW. I ask for a record rollcall.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—66

Akaka	Cochran	Kerry
Ayotte	Collins	Klobuchar
Baucus	Conrad	Landrieu
Begich	Coons	Lautenberg
Bingaman	Corker	Leahy
Blumenthal	Franken	Lee
Brown (MA)	Gillibrand	Levin
Brown (OH)	Graham	Lieberman
Cantwell	Grassley	Manchin
Cardin	Hagan	McCain
Carper	Harkin	McCaskill
Casey	Hatch	McConnell
Coburn	Inouye	Menendez

Merkley	Reid	Snowe
Mikulski	Roberts	Stabenow
Moran	Rockefeller	Tester
Murkowski	Rubio	Toomey
Murray	Sanders	Udall (NM)
Nelson (FL)	Schumer	Vitter
Portman	Sessions	Warner
Pryor	Shaheen	Webb
Reed	Shelby	Whitehouse

NAYS—33

Alexander	DeMint	Johnson (WI)
Barrasso	Durbin	Kohl
Bennet	Enzi	Kyl
Blunt	Feinstein	Lugar
Boozman	Heller	Nelson (NE)
Boxer	Hoeven	Paul
Burr	Hutchison	Risch
Chambliss	Inhofe	Thune
Coats	Isakson	Udall (CO)
Cornyn	Johanns	Wicker
Crapo	Johnson (SD)	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2190), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2364 WITHDRAWN

Mr. BINGAMAN. Mr. President, let me speak for a moment with regard to amendment No. 2364 that Senator HUTCHISON and I had intended to offer. We have been in consultation with the managers of the legislation. They have agreed to some changes in the report language that accommodate our concern.

Our concern is about water conservation and ensuring that water conservation, particularly in the arid West but in any part of the country where there are underground aquifers and wherever there is depletion of water supplies that is going to make farming and agricultural activities impossible in the future. The managers have agreed to some changes in the report language that accommodate our concerns. They have agreed to a colloquy that accommodates our concerns. Accordingly, we will not proceed with the amendment.

Before I withdraw the amendment, could I ask Senator HUTCHISON to make any comments she would like to make.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate the sponsors of the bill working with us. Just as an example, the Ogallala Aquifer has gone down 100 feet since irrigation has been allowed from this water source. It is a source for cities such as the city of San Antonio and other cities around New Mexico and Texas. That is just one example. It is happening all over our country. So conservation has to be a part of keeping our farms and ranches alive, and that is the purpose of the amendment.

We appreciate the managers working with us and hope we can go forward and highlight the importance of conservation to keep our water resources for our farmers and ranchers.

WATER CONSERVATION IN MULTI-STATE
AQUIFERS

Mr. BINGAMAN. Mr. President, I rise to discuss the Ogallala Aquifer—also

known the High Plains Aquifer—region, an area that is impacted on a daily basis by groundwater pumping for agriculture. In fact, that region leads the Nation in the amount of groundwater pumped for irrigation purposes, with some 17 billion gallons per day being withdrawn for irrigation. I have for many years been concerned about the rapid groundwater depletion occurring in the southern portion of that aquifer. There are parts of the Ogallala underlying New Mexico that have seen a decline in water levels of more than 150 feet since groundwater pumping for agriculture first started.

Mrs. HUTCHISON. Mr. President, I share the concern of the Senator from New Mexico. A large area in western Texas overlies the Ogallala Aquifer as well. We, too, have seen alarmingly high levels of groundwater depletion. Water is a precious resource in our part of the country, and the Ogallala is a major source of water for agriculture, our communities, and industrial development.

Mr. BINGAMAN. I understand that the bill before the Senate will make resources available to address the problem of the declining groundwater resources in the Ogallala. It would be helpful to my colleague from Texas and me if the chairwoman and ranking member of the Agriculture Committee could confirm our understanding on certain aspects of the bill. First, am I correct that substantial funds under the Environmental Quality Incentive Program, EQIP, will continue to be made available for practices that result in the conservation of groundwater, including the use of more efficient irrigation systems and conversion to less water-intensive crops or dryland farming, which may, within the discretion of the Secretary of Agriculture, include long-term grassland rotation?

Ms. STABENOW. Yes, the Senator is correct.

Mrs. HUTCHISON. I understand that the Regional Conservation Partnership Program is intended to address water quantity as well as water quality issues, so funding under the program could be directed to address situations where high historic levels of groundwater depletion have occurred due to agricultural use. Is that correct?

Mr. ROBERTS. Yes, that is correct.

Mr. BINGAMAN. With respect to the designation of critical conservation areas under section 2401 of the bill, I would encourage USDA to look to areas where they already have initiatives in place addressing the area. I understand that any funding under this program would be in addition to funding that would otherwise be available to the region under any other provision of the bill. Finally, it is my expectation and understanding that in determining whether an area would be designated as a critical conservation area

and in determining the level of funding to be directed to the area, the Secretary would carefully consider areas where continued agricultural activities are threatened by groundwater depletion.

Ms. STABENOW. The Senator is correct in his understanding.

Mr. ROBERTS. I agree.

Mrs. HUTCHISON. I thank the chairwoman and ranking member.

Mr. BINGAMAN. I thank them as well.

Mr. President, in light of the comments we have just made, we will not call up the amendment.

The managers can go to the next amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, if I may take a moment to thank Senator BINGAMAN and Senator HUTCHISON. Both New Mexico and Texas have strong and passionate advocates. They are lucky to have them, and we are looking forward to working with them to make sure the issues they have raised are addressed.

Also, just for those following along in order, I would just indicate that Senator COLLINS, in light of the passage of the Snowe amendment, will not be proceeding with her amendment, just for the information of the Senate.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2167

Mr. GRASSLEY. Mr. President, I call up my marketing loan amendment, amendment No. 2167.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2167.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide payment limitations for marketing loan gains and loan deficiency payments)

On page 140, strike line 1 and insert the following:

(b) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (d) and inserting the following:

“(d) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of marketing loan gains and loan deficiency payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle B of the Agriculture Reform, Food, and Jobs Act of 2012 (or a successor provision) for—

“(1) peanuts may not exceed \$75,000; and

“(2) 1 or more other covered commodities may not exceed \$75,000.”.

(c) CONFORMING AMENDMENTS.—

On page 143, line 9, strike “(c)” and insert “(d)”.

Mr. GRASSLEY. Mr. President, I tried to get this amendment adopted in the 2008 farm bill. It got 57 votes, but it was under a 60-vote rule, so obviously it did not get adopted.

This amendment would cap payments that one farmer can get on marketing loans and loan deficiency payments. We cannot have 70 percent of the farm payments going to 10 percent of the largest farmers.

I think this amendment will help add integrity to the program. We should have caps on title I commodity programs. This will add defensibility to this bill, along with the payment limit reforms we were able to put in in the committee before the bill was voted out.

Opponents will argue—I am sure you will hear this argument—that this would increase forfeitures of crop. But I believe they are overstating that issue, especially given current prices. And even if a farmer did forfeit crop—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Well, this is a commonsense amendment. I hope you will vote for it.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to this amendment. Limiting MLGs and LDPs is disruptive to orderly marketing because USDA lacks the ability in real time to track eligibility. Consequently, a producer may exceed his loan limit under this amendment and USDA have no idea he has exceeded his loan limit, so he is going to have to come back later on and obviously repay that in very difficult times.

Most farming operations secure financing for annual production costs as well as incur long-term debt for equipment and land. Introducing limits on marketing loan benefits makes this financing more difficult to obtain and more difficult to administer from a farmer's standpoint as well as a banking standpoint.

I urge opposition to the amendment. The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. STABENOW. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—75

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Boxer	Johnson (SD)	Risch
Brown (MA)	Kerry	Roberts
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Kohl	Rubio
Cardin	Kyl	Schumer
Carper	Lautenberg	Shaheen
Casey	Lee	Snowe
Coats	Levin	Stabenow
Coburn	Lieberman	Tester
Collins	Lugar	Thune
Coons	Manchin	Toomey
Corker	McCain	Udall (CO)
Crapo	McCaskill	Udall (NM)
DeMint	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wyden

NAYS—24

Blunt	Hagan	Moran
Boozman	Hoeven	Pryor
Burr	Hutchison	Sanders
Chambliss	Inhofe	Sessions
Cochran	Isakson	Shelby
Conrad	Johnson (WI)	Vitter
Cornyn	Landrieu	Warner
Graham	Leahy	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2167) was agreed to.

AMENDMENT NO. 2445

Mr. BROWN of Ohio. Mr. President, I call up my amendment No. 2445.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 2445.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen rural communities and foster the next generation of farmers and ranchers)

On page 574, between lines 11 and 12, insert the following:

“(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection \$12,500,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 606, between lines 4 and 5, insert the following:

“(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph \$3,750,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 782, between lines 14 and 15 and insert the following:

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to

provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, beginning in fiscal year 2014, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$50,000,000, to remain available until expended.

On page 832, line 6, strike “\$50,000,000 for fiscal year 2013” and insert “\$17,000,000 for each of fiscal years 2013 through 2017”.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided.

Mr. BROWN of Ohio. Mr. President, Congress has provided an average of \$400 million for farm bills in the rural development title. The bill we are considering includes no funding at all. My fiscally responsible amendment funds rural business development programs, a portion of the backlog of wastewater infrastructure projects, and will help bring a new generation of farmers into agriculture.

As a member of the Agriculture Committee, I know how important it is that this amendment maintain our committee's commitment to save at least \$23 billion in the farm bill. I yield the rest of my time to the chairwoman, Senator STABENOW.

Ms. STABENOW. Mr. President, let me add my strong support for the amendment. We have reformed this title on rural development. We have eliminated 16 different authorizations, tightened it up. The amendment stays within our parameters of \$23 billion in deficit reduction. In effect, this benefits every small town and community across America that counts on rural development. I would strongly support this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I oppose this amendment. I do so reluctantly with my colleague on the committee. But the committee bill contains no mandatory funding in the rural development title. This amendment would take savings achieved in the bill from 23.4—used to be 26.3—now we are down to 23.4. That would take it down to 23.2 and redirect \$150 million mandatory spending into a few rural development programs.

Nothing against them, but if we are going to achieve savings in this bill, we have to hold the line. I reluctantly oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Heller	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Manchin	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—44

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Hoeben	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McCaskill	Wicker
Enzi	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 2445) was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2174

Mr. SESSIONS. Mr. President, I call up amendment No. 2174.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2174.

The amendment is as follows:

(Purpose: To limit categorical eligibility for the supplemental nutrition assistance program to those who receive cash assistance)

On page 312, between lines 8 and 9, insert the following:

SEC. 4002. LIMITATION ON CATEGORICAL ELIGIBILITY.

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the second sentence of subsection (a), by striking “households in which each member receives benefits” and inserting “households in which each member receives cash assistance”; and

(2) in subsection (j), by striking “or who receives benefits under a State program” and inserting “or who receives cash assistance under a State program”.

Mr. SESSIONS. Mr. President, food stamp spending has quadrupled—gone

up four times—since 2001, increasing twice the rate that the other major poverty program, Medicaid, has increased. It is now the second largest Federal welfare program. An individual on food stamps, with all other government programs they may be eligible for, can receive as much as \$25,000 a year.

Under this bill food stamps will average \$80 billion a year for 10 years; whereas, the agriculture farm programs will average \$20 billion a year. It is by far the dominant factor in this entire piece of legislation.

Amendment No. 2174 deals with the problem through a system known as categorical eligibility. Forty-three States now provide benefits to individuals whose income exceeds the statutory limit—incomes and assets. Only 11 States did that in 2007.

I ask that we be able to fix this problem, and I urge my colleagues to vote for it.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly urge a “no” vote. We actually rejected this amendment last fall. I ask that we do it again.

It is true that food assistance has gone up as the economy has had a rough time. As unemployment goes up, food costs go up. Unemployment is coming down, and in this bill we reflect savings. As the economy is getting better, food help goes down. It is no different than crop insurance helping the farmer in a disaster. This helps families in a disaster.

Unfortunately, this amendment would completely change the structure of food help. It would dramatically affect children and families. For example, it would affect someone's ability to get to work because the value of their car would somehow be reflected in a way that would require them to possibly give up their car when they are trying to get to work in order to be able to put food on the table for their families. It makes no sense.

This bill has commonsense reforms to make sure every dollar goes where it should. I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—43

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Hoeben	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Wicker
DeMint	McCaskill	
Enzi	McConnell	

NAYS—56

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Heller	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NOT VOTING—1

Kirk

The amendment (No. 2174) was rejected.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2370

Ms. CANTWELL. I call up amendment No. 2370.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 2370.

Ms. CANTWELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the purchase of pulse crop products for school meals programs)

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the

Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) **EVALUATION.**—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) **REPORT.**—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

Ms. CANTWELL. Madam President, I rise in support of this amendment offered by my colleague, Senator MURRAY, and others, to include in the school lunch program a pilot program dealing with dry beans, peas, lentils, and chickpeas.

My amendment works to improve the nutritional value of school meals across America at a very economical price. With the level of obesity of children between 2 and 19, it is very important we have this program included.

I yield 30 seconds to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I thank Senator CANTWELL, and I rise to speak in support of this amendment. I cosponsored the legislation.

This would provide that pulse crops—peas, beans, and lentils—are used in school lunch programs. It does not add additional cost. They are a high source of protein, very cost effective, and it is a growing—no pun intended—crop in our country.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I am supportive of this amendment.

I have been notified a record vote is being requested, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—58

Akaka	Harkin	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Inouye	Reed
Bennet	Johanns	Reid
Bingaman	Johnson (SD)	Risch
Blumenthal	Kerry	Roberts
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Crapo	Manchin	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	
Hagan	Nelson (NE)	

NAYS—41

Alexander	DeMint	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Rubio
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Snowe
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	McCain	Wicker
Cornyn	McCaskill	

NOT VOTING—1

Kirk

The amendment (No. 2370) was agreed to.

AMENDMENT NO. 2243

Mr. NELSON of Nebraska. Madam President, I rise to call up my amendment No. 2243.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 2243.

Mr. NELSON of Nebraska. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that performance bonus payments are used by State agencies only to carry out the supplemental nutrition assistance program)

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

“(5) **USE OF PERFORMANCE BONUS PAYMENTS.**—A State agency may use a perform-

ance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

“(A) technology;

“(B) improvements in administration and distribution; and

“(C) actions to prevent fraud, waste, and abuse.”.

Mr. NELSON of Nebraska. Madam President, I rise to call up this amendment addressing Federal performance payments that States receive to make sure Americans in tough times who need Supplemental Nutrition Assistance Program benefits receive them and those who don't do not get them.

It is a commonsense, good government amendment that builds on a 2002 bipartisan agreement between the States, the previous Bush administration, and Congress. In my view, Congress shouldn't eliminate incentives to improve efficiency in SNAP, as some are proposing. Congress should, though, better target these Federal performance bonus funds so States can use them only—and let me emphasize “only”—to improve their SNAP.

My amendment ensures that the incentive payments go toward activities that improve efficiency, effectiveness, and the integrity of SNAP. These efforts have results. Since these incentives were put in place, the SNAP error rate—and overpayment and underpayment rates—has fallen nearly 43 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON of Nebraska. That is a good investment.

I urge the adoption of my amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. I yield back the remainder of our time.

Ms. STABENOW. Madam President, I believe a voice vote is OK.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2243) was agreed to.

AMENDMENT NO. 2172

Mr. SESSIONS. Madam President, I appreciate my good friend's amendment. I do not think it deals with the problem completely and appropriately. I have offered amendment No. 2172, which would end the bonus payments for increasing registration on the Food Stamp Program. States currently receive bonuses for increasing enrollment in the Food Stamp Program. This amendment would end that policy and would save a modest \$480 million—if you call that modest—out of \$800 billion being spent on this program over 10 years, according to the CBO.

One of the problems we have with the Food Stamp Program, if you just think about it, is that all the money comes from the Federal Government but all the administration comes from the

States. They have no incentive to manage the program in a way to reduce waste, fraud, and abuse. It really helps their economy if more money comes in from out of State. For the Federal Government to have a program that rewards States on top of their natural incentives would be wrong.

I urge support of my amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I ask for the yeas and nays and call up amendment No. 2172.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2172.

The amendment is as follows:

(Purpose: To end the State bonus payments for administering the supplemental nutrition assistance program)

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. REPEAL OF STATE BONUS PAYMENTS.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this amendment. We are talking about improvements in managing errors, reducing errors in the nutrition program. The amendment of the Senator would eliminate the error-reduction bonuses that go to State governments.

We have seen a 43-percent drop in payment errors as a result of the program Senator NELSON has now strengthened with his amendment. In his amendment, he would ensure that all of the additional funds that go to States are used only to carry out improvements in SNAP, to lower the error rates. Those savings to taxpayers dwarf the costs of this incentive to States to improve their processes. It is working well.

In addition, in this bill we eliminate any lottery winners or students living at home with their parents from receiving assistance. We crack down further on trafficking in retail establishments.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—41

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—58

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NOT VOTING—1

Kirk

The amendment (No. 2172) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2238

Mr. CASEY. I call up my amendment No. 2238.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 2238.

Mr. CASEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require more frequent dairy reporting)

On page 110, line 7, strike "no less" and insert "more".

On page 110, line 22, strike "no less" and insert "more".

On page 112, after line 21, add the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

(2) FEDERAL MILK MARKET ORDER REVIEW COMMISSION.—The Secretary may elect to use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1726), or

documents of the Commission, to conduct all or part of the study.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this subsection, including any recommendations.

Mr. CASEY. Madam President, I am calling up this amendment, which is very simple. It is about two things: First of all, it would increase the frequency of so-called dairy price reporting that goes on already. The Department of Agriculture does this reporting on a rather frequent basis. We are just going to suggest that we codify, or make law, what the USDA is already doing. So, first, it would increase the frequency of reporting from "no less than once a month" to "more than once a month." So it just puts into law what is already in practice.

Secondly, this amendment would require the USDA to study—only to study—the feasibility of having two classes of milk as opposed to four. This would help clarify whether folks who want to do that—it requires that study. But, particularly, in the first part of the amendment, we need to make sure our farmers have as much information about pricing to help the farmers themselves, dairy buyers, and dairy suppliers.

I urge a "yes" vote on this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Thank you, Madam President. A recorded vote has been requested, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—73

Akaka	Carper	Hagan
Alexander	Casey	Harkin
Ayotte	Chambliss	Heller
Baucus	Coats	Hutchison
Begich	Collins	Inouye
Bennet	Conrad	Isakson
Bingaman	Coons	Johanns
Blumenthal	Corker	Johnson (SD)
Blunt	Crapo	Kerry
Boozman	Durbin	Klobuchar
Brown (OH)	Franken	Kohl
Cantwell	Gillibrand	Landrieu
Cardin	Grassley	Lautenberg

Leahy	Nelson (FL)	Stabenow
Levin	Portman	Tester
Lieberman	Pryor	Toomey
Lugar	Reed	Udall (CO)
Manchin	Reid	Udall (NM)
McCaskill	Risch	Vitter
Menendez	Roberts	Warner
Merkley	Rockefeller	Webb
Mikulski	Sanders	Whitehouse
Murkowski	Schumer	Wyden
Murray	Shaheen	
Nelson (NE)	Snowe	

NAYS—26

Barrasso	Feinstein	McConnell
Boxer	Graham	Moran
Brown (MA)	Hatch	Paul
Burr	Hoeben	Rubio
Coburn	Inhofe	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
DeMint	Lee	Wicker
Enzi	McCain	

NOT VOTING—1

Kirk

The amendment (No. 2238) was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2181

Mr. PAUL. Mr. President, I call up amendment No. 2181.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2181.

The amendment is as follows:

(Purpose: To establish an average adjusted gross income limitation of \$250,000 for all payments and benefits under the Farm Bill)

Strike section 1605 and insert the following:

SEC. 1605. AVERAGE ADJUSTED GROSS INCOME LIMITATION.

Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATIONS.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any payment or other benefit under the Agriculture Reform, Food, and Jobs Act of 2012, or any amendment made by that Act, during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds \$250,000.”.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

The Senator from Kentucky.

Mr. PAUL. Mr. President, this amendment will limit all payments or all farm subsidies to persons with an adjusted gross income of less than \$250,000.

My friends across the aisle are commonly saying: Why don't those of means pay more or receive less? This amendment would do precisely that.

Nine percent of farmers earn more than \$250,000 worth of adjusted gross income. This would limit their payments. Currently, 9 percent of the farmers—who are the well-off farmers—are receiving nearly a third of the benefits.

A good question for the Senate might be: What do Scottie Pippen, Larry

Flynt, and David Rockefeller have in common? The answer would be: that besides being very rich, they have all gotten farm subsidies in the past. I think this should change and that the wealthy should not be receiving farm subsidies. This amendment would get rid of this.

I yield back the remainder of my time and encourage Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would urge a “no” vote on this amendment. The good news is, the people who were mentioned will no longer be able to get farm subsidies under this bill because of the reforms we have already put in place. We have already lowered the adjusted gross income. We have put a \$50,000-per-person cap on payments, which is less than half than what farmers currently receive.

Let me say, this would cap across the board, including conservation, and conservation of land and water is critically important to us as a country.

I yield now the remainder of my time to my ranking member.

Mr. ROBERTS. It is not only commodity programs, I say to my chairwoman. This would also affect all of our conservation programs, crop insurance, rural development programs, research, dairy, and livestock. I doubt if Larry Flynt has anything to do with any of those.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2181.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—15

Ayotte	Johnson (WI)	Murkowski
Burr	Kohl	Paul
DeMint	Kyl	Portman
Hatch	Lee	Rubio
Heller	McCain	Toomey

NAYS—84

Akaka	Brown (MA)	Conrad
Alexander	Brown (OH)	Coons
Barrasso	Cantwell	Corker
Baucus	Cardin	Cornyn
Begich	Carper	Crapo
Bennet	Casey	Durbin
Bingaman	Chambliss	Enzi
Blumenthal	Coats	Feinstein
Blunt	Coburn	Franken
Boozman	Cochran	Gillibrand
Boxer	Collins	Graham

Grassley	Lugar	Sanders
Hagan	Manchin	Schumer
Harkin	McCaskill	Sessions
Hoeben	McConnell	Shaheen
Hutchison	Menendez	Shelby
Inhofe	Merkley	Snowe
Inouye	Mikulski	Stabenow
Isakson	Moran	Tester
Johanns	Murray	Thune
Johnson (SD)	Nelson (NE)	Udall (CO)
Kerry	Nelson (FL)	Udall (NM)
Klobuchar	Pryor	Vitter
Landrieu	Reed	Warner
Lautenberg	Reid	Webb
Leahy	Risch	Whitehouse
Levin	Roberts	Wicker
Lieberman	Rockefeller	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2181) was rejected.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2426

Mr. COONS. Mr. President, I call up my amendment No. 2426.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. COONS] proposes an amendment numbered 2426.

The amendment is as follows:

(Purpose: To provide for studies on the feasibility of establishing a business disruption insurance policy for poultry producers and a catastrophic event insurance policy for poultry producers)

On page 970, between lines 5 and 6, insert the following:

SEC. 1019. POULTRY BUSINESS DISRUPTION INSURANCE POLICY.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by sections 11016, 11017, and 11018) is amended by adding at the end the following:

“(21) POULTRY BUSINESS DISRUPTION INSURANCE POLICY AND CATASTROPHIC DISEASE PROGRAM.—

“(A) DEFINITION OF POULTRY.—In this paragraph, the term ‘poultry’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out—

“(i) a study to determine the feasibility of insuring commercial poultry production against business disruptions caused by integrator bankruptcy; and

“(ii) a study to determine the feasibility of insuring poultry producers for a catastrophic event.

“(C) BUSINESS DISRUPTION STUDY.—The study described in subparagraph (B)(i) shall—

“(i) evaluate the market place for business disruption insurance that is available to poultry producers;

“(ii) assess the feasibility of a policy to allow producers to ensure against a portion of losses from loss under contract due to business disruption from integrator bankruptcy; and

“(iii) analyze the costs to the Federal government of a Federal business disruption insurance program for poultry producers.

“(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of—

“(i) the study carried out under subparagraph (B)(i); and

“(ii) the study carried out under subparagraph (B)(ii).”.

Mr. COONS. Mr. President, I thank the leaders who have worked so hard on this bipartisan farm bill, especially Chairwoman STABENOW and Ranking Member ROBERTS.

On this bipartisan farm bill, Senator CHAMBLISS and I are grateful to have our amendment heard. Poultry is a critical industry in Delaware, Georgia, and in many States. Between the recession and the volatile cost of chicken-feed, there will be a rising number of factors that can have a catastrophic impact on local economies that are well beyond the control of our farmers and integrators. The two studies we propose in this amendment would explore whether insurance programs might make sense as a tool for helping poultry farmers and integrators continue to thrive during uncertain economic times and would specifically study protection from catastrophic loss from disease outbreaks or bankruptcy of poultry integrators.

This amendment is at no additional cost to taxpayers. I urge my colleagues to join Senator CHAMBLISS and me in supporting it.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment No. 2426.

The amendment (No. 2426) was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2422

Mrs. FEINSTEIN. Mr. President, I call up my amendment 2422.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, and Mr. KYL, proposes an amendment numbered 2422.

The amendment is as follows:

(Purpose: To modify a provision relating to conservation innovation grants and payments)

Strike section 2207 and insert the following:

SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended—

(1) in subsection (b)(2), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(c) REPORTING.—Not later than December 31, 2013, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

“(1) funding awarded;

“(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”.

Mrs. FEINSTEIN. Mr. President, I present this amendment on behalf of Senator KYL, Senator BOXER, and myself. It is a very simple amendment. It maintains a provision from the 2008 farm bill that sets aside \$37.5 million for air quality improvement projects.

This program has been used to replace old diesel tractor engines with newer, cleaner ones. This improves efficiency for the farmer and air quality in the region. It has helped thousands of farmers comply with EPA, State, and local air quality regulations.

In California’s Central Valley, we have some of the poorest air quality in the country. It is an EPA extreme non-attainment zone, and the EPA and the State have set very strict standards for emissions.

This funding has achieved the equivalent of removing more than 408,000 cars from California highways in the last 5 years. I urge its passage.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to take a moment—the ranking member has yielded some time to me—to thank Senator FEINSTEIN. This is an excellent amendment. She has done a tremendous amount of work on it. I urge a “yes” vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2422) was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 2191

Mr. ALEXANDER. Mr. President, I call up my amendment No. 2191.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 2191.

The amendment is as follows:

(Purpose: To provide that any cooperative organization or other entity that receives a business and industry direct or guaranteed loan for a wind energy project is ineligible for any other Federal benefit, assistance, or incentive for the project)

On page 596, between lines 12 and 13, insert the following:

“(12) OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any cooperative organization or other entity that receives a loan or loan guarantee under this subsection for a wind energy project shall be ineligible for any other Federal benefit, assistance, or incentive for the project under any other provision of law.

Mr. ALEXANDER. Mr. President, if my colleagues think it is a good idea to give rich developers of wind turbines a double dip into the Federal Treasury at

a time when we are borrowing 40 cents of every \$1, then this provision in the farm bill is for you. If you think a single dip into the Treasury is justified, then this amendment is for you.

The farm bill gives new loans, new loan guarantees for wind turbines. That is on top of the 14 billion Federal tax dollars we are spending over 5 years for wind turbines—\$6 billion through the production tax credit and the other \$8 billion through the section 603 grants. This simply says: No double-dipping. Only one dip. If you do the tax credit, you can’t do the farm bill.

Vote yes if you don’t like double-dipping into the Federal Treasury.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose this amendment. I appreciate the interest and concern of the Senator from Tennessee. Let me just say that this amendment would cut off access for farmers and small businesses that are looking to develop wind energy projects that will create jobs. I have to say, as someone coming from Michigan, when I look at one of those big wind turbines, I see 8,000 parts, and every single one of them can be made in Michigan or across the country—we would prefer Michigan. But the reality is this is about jobs.

We are in the middle of a global clean energy race with countries such as China, and this is about giving our businesses a leg up to be able to win that race. Frankly, it is about getting us off of foreign oil. This is one way to do that and to create jobs.

Since 2005, wind energy companies have contributed more than \$60 billion to the economy, with over 400 facilities in 43 States. It is about jobs. It is about manufacturing.

I would urge a “no” vote.

Mr. ALEXANDER. How much time do we have?

The PRESIDING OFFICER. All time has expired.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—33

Alexander	Barrasso	Burr
Ayotte	Blunt	Chambliss

Coats	Hatch	Portman
Coburn	Isakson	Risch
Cochran	Johnson (WI)	Rubio
Corker	Kyl	Sessions
Cornyn	Lee	Shelby
Crapo	McCain	Snowe
DeMint	McConnell	Toomey
Enzi	Murkowski	Vitter
Graham	Paul	Wicker

NAYS—66

Akaka	Hagan	Mikulski
Baucus	Harkin	Moran
Begich	Heller	Murray
Bennet	Hoeven	Nelson (NE)
Bingaman	Hutchison	Nelson (FL)
Blumenthal	Inhofe	Pryor
Boozman	Inouye	Reed
Boxer	Johanns	Reid
Brown (MA)	Johnson (SD)	Roberts
Brown (OH)	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Thune
Coons	Lieberman	Udall (CO)
Durbin	Lugar	Udall (NM)
Feinstein	Manchin	Warner
Franken	McCaskey	Webb
Gillibrand	Menendez	Whitehouse
Grassley	Merkley	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2191) was rejected.

AMENDMENT NO. 2199

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I call up Senator MCCAIN's and my amendment No. 2199.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Mr. MCCAIN, proposes an amendment numbered 2199.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal a duplicative program relating to inspection and grading of catfish)

At the end, add the following:

SEC. 12207. REPEAL OF DUPLICATIVE PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section are repealed.

(b) APPLICATION.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation, and Energy Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

The PRESIDING OFFICER. The time of debate will be equally divided.

Mr. KERRY. Mr. President, Senator MCCAIN and I, along with a strong bipartisan group of our colleagues, are offering this amendment to repeal the 2008 farm bill's catfish language. Our amendment would repeal this language because it is unfair to importers, it is

costly to taxpayers, and it provides no food safety benefit. It is duplicative of the other programs, and it never received consideration or debate in the House or Senate and should never have passed in the first place. It doesn't make sense to have a catfish category for the regulation of fish, and then all other fish are in a completely separate category.

The GAO concluded in its recent report:

To enhance the effectiveness of the food safety system for catfish and avoid duplication of effort and cost, Congress should consider repealing provisions of the Farm Bill that assigned USDA responsibility for examining catfish and for creating a catfish inspection program.

Five years later, they are still debating what a catfish is. This is entirely duplicative, a waste of time, and hurts consumers and processors.

I hope colleagues will support us in this effort.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Arkansas.

Mr. PRYOR. Mr. President, let me give the other side of the story here. We have a lot of fish that gets imported from important trading partners such as Vietnam and other Asian countries. It is disputed whether they meet the definition of catfish. They certainly aren't an American variety of catfish; they are probably some other type of fish. But regardless of all of the science there, it is important that we inspect these fish as they come in because they are not grown in the same sanitary conditions we have in the United States. They use different herbicides and pesticides, and they have different pollutants. In fact, we have seen documented cases where they are raised in sewage water—water contaminated with sewage.

We need to make sure these fish are inspected when they come into the United States. That is what the underlying bill provides, and that is what I support.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Ms. STABENOW. Mr. President, it is my understanding that we can proceed with a voice vote on this amendment.

The amendment (No. 2199) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote, and I lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2309

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2309.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. CHAMBLISS, proposes an amendment numbered 2309.

The amendment is as follows:

(Purpose: To require a study into the feasibility of an insurance product that covers food safety recalls)

On page 968, between lines 4 and 5, insert the following:

SEC. 11017. STUDY OF FOOD SAFETY INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11016) is amended by adding at the end the following:

“(19) STUDY OF FOOD SAFETY INSURANCE.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

“(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

“(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

Mrs. FEINSTEIN. Mr. President, I offer this amendment on behalf of Senator CHAMBLISS and myself. This is a simple amendment. It simply authorizes a study into how we can better cover farmers affected by recalls they did not cause.

When a food safety recall occurs—such as spinach, tomatoes, cantaloupe—consumers stop purchasing the product regardless of what farm the food came from. When this happens, producers suffer major financial losses because of a recall they did not cause.

This amendment directs the USDA to conduct a study into the feasibility of a crop insurance product that would cover a producer's losses after these kinds of events.

The amendment has zero cost, it has bipartisan support, and it is endorsed by United Fresh.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, I urge an “aye” vote. I don't believe a rollcall vote is necessary.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. STABENOW. Mr. President, I strongly commend Senator FEINSTEIN and strongly support the amendment.

It is my understanding we do have those who have asked for a rollcall vote on this amendment.

I yield to my ranking member.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have a request on our side for a recorded vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—76

Akaka	Feinstein	Murkowski
Alexander	Franken	Murray
Ayotte	Gillibrand	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Risch
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Burr	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Chambliss	Lieberman	Vitter
Cochran	Lugar	Warner
Collins	Manchin	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wicker
Cornyn	Merkley	Wyden
Crapo	Mikulski	
Durbin	Moran	

NAYS—23

Barrasso	Heller	Paul
Coats	Hoeben	Roberts
Coburn	Inhofe	Rubio
Corker	Johnson (WI)	Sessions
DeMint	Kyl	Shelby
Enzi	Lee	Thune
Graham	McCain	Toomey
Hatch	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 2309) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2217

Mr. TOOMEY. Mr. President, I call up amendment No. 2217.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2217.

The amendment is as follows:

(Purpose: To eliminate the organic certification cost share assistance program)

Beginning on page 980, strike line 13, and all that follows through page 983, line 20.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, the bill we are debating today has a provision called the Organic Certification Cost Share and Agricultural Management Assistance Program. This creates \$115 million of mandatory spending over the next 5 years. It continues existing policy except at a much higher spending level. It is a 53-percent increase over the 2008 farm bill. Half of the funding goes to pay producers. Half of this funding goes to have taxpayers pay the cost of producers that want to certify that they grow an organic product. I have nothing against organic farming, but it is a \$31 billion industry. It has had a 50-percent growth rate just since 2008, and this applies only to large producers because small producers are not required to seek this certification. This is a great market. There is a great deal of interest in organic products, but I think these large producers can pay for their own certification.

The other half goes to duplicative conservation efforts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOOMEY. Thank you, Mr. President.

Mr. LEAHY. Mr. President, I strongly oppose the Toomey amendment, which would completely eliminate funding for the organic certification cost-share assistance, risk management education, and agricultural management assistance. These programs are highly effective and have helped farmers across the entire country, which is why they have widespread bipartisan support. They ensure that all producers have equal access to the organic certification process, support sustainable farm practices, and help disseminate information about the intricate crop insurance system to those who traditionally have not had access. The farm bill is about fairness, equity, job growth, and protecting farmers eliminating these vital programs runs counter to these fundamental goals.

The National Organic Certification Cost Share Program and the Agricultural Management Assistance program have proven to be highly cost-effective tools for farmers. With grants of up to \$750, they allow organic producers and handlers to defray a portion of their rising organic certification costs. These small grants help the many producers who already follow organic practices complete the costly certification process. In fiscal year 2011 alone, over 9,300 operations in 49 states received assistance through these 2 programs.

Demand from the marketplace has fueled the skyrocketing production of organic food. This food frequently yields higher prices for producers and gives consumers greater choice. Many small producers who often sell their goods directly to consumers—have trouble obtaining organic certification, which is the last hurdle that must be

overcome to access these valuable markets. The National Organic Certification Cost Share Program brings equity to the system and enables producers to properly label their goods. This ensures that consumers can find American organic products and rest assured that they have been produced according to organic standards.

The Agricultural Management Assistance, AMA, program also helps producers make the conservation improvements that they would like to make—such as water quality and erosion controls. This program is completely voluntary and helps farmers in states where participation in Federal Crop Insurance has remained low. Agricultural Management Assistance helps farmers develop sustainable practices that protect their farmland and ensure the health of our shared water systems. This is the type of program that pays long-term dividends and greatly reduces future mitigation costs for our Nation's farmers.

Last year Tropical Storm Irene devastated the landscape in Vermont, eroding soil and spreading contaminants into our water system. Fertile soil was wiped away leaving only bedrock behind. To the extent we can, we should try to lessen the toll of natural disasters like Irene by implementing the conservation practices that AMA supports. Eliminating programs like AMA kicks the can down the road, increasing the size and impact of problems that our children and grandchildren will be left to fix.

I urge all Senators to stand with our farmers and oppose this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I rise to oppose this amendment. One of the important principles in this bill is that we support the great diversity of American agriculture. This particular amendment would go after a very small part of this bill—a provision to support the fastest growing part of agriculture, which is organic farming.

We have reformed this bill, as we have every other part of the bill. We continue what has been in the farm bills of the past.

I might add this amendment would also reduce funding available for conservation and risk management assistance for States that have been underserved by crop insurance.

I urge a “no” vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2217.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—42

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Wicker

NAYS—57

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeben	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	McCaskey	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2217) was rejected.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2156

Mrs. GILLIBRAND. Mr. President, I call up my amendment No. 2156.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. REED, and Mr. WYDEN, proposes an amendment numbered 2156.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a reduction in the supplemental nutrition assistance program and increase funding for the fresh fruit and vegetable program, with an offset that limits crop insurance reimbursements to providers)

Beginning on page 312, strike line 9 and all that follows through the end of page 313.

On page 361, strike lines 1 through 8 and insert the following:

SEC. 4207. PURCHASE OF COMMODITIES BY COMMODITY CREDIT CORPORATION.

When the Secretary considers the purchasing of commodities by the Commodity Credit Corporation or under section 32 of the

Act of August 24, 1935 (7 U.S.C. 612c), in addition to other appropriate considerations, the Secretary may consider the needs of the States and the demands placed on emergency feeding organizations.

SEC. 4208. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) MANDATORY FUNDING.—In addition to any other amounts made available to carry out this section, on October 1, 2012, and on each October 1 thereafter through October 1, 2021, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$50,000,000, to remain available until expended.”.

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON DELIVERY EXPENSES AND REDUCED RATE OF RETURN.

(a) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(G) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Beginning with the 2014 reinsurance year, the amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed \$825,000,000 per year.”.

(b) REDUCED RATE OF RETURN.—Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent, as determined by the Corporation.”.

AMENDMENT NO. 2156, AS MODIFIED

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that my amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Beginning on page 312, strike line 9 and all that follows through the end of page 313.

On page 361, strike lines 1 through 8 and insert the following:

SEC. 4207. PURCHASE OF COMMODITIES BY COMMODITY CREDIT CORPORATION.

When the Secretary considers the purchasing of commodities by the Commodity Credit Corporation or under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), in addition to other appropriate considerations, the Secretary may consider the needs of the States and the demands placed on emergency feeding organizations starting in 2014.

SEC. 4208. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) MANDATORY FUNDING.—In addition to any other amounts made available to carry out this section, on October 1, 2014, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$50,000,000, to remain available until expended.”.

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON DELIVERY EXPENSES AND REDUCED RATE OF RETURN.

(a) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(G) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Beginning with the 2014 reinsurance year, the amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed \$825,000,000 per year.”.

(b) REDUCED RATE OF RETURN.—Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent, as determined by the Corporation.”.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from New York.

Mrs. GILLIBRAND. Let me be clear, Mr. President, about what this amendment does and does not do. This amendment does not extend or expand the Food Stamp Program. It provides the exact same benefits families are receiving today.

Half of the food stamp beneficiaries are children, 17 percent are seniors, and, unfortunately, now 1.5 million households are veteran households that are receiving food stamps.

This amendment does not take a penny from our farmers. These cuts are not about waste, fraud, and abuse. According to CBO, it is \$90 a month from these families' kitchen tables.

We all here in this Chamber take the ability to feed our children for granted. That is not the case for too many families in America. Put yourselves for just a moment in their shoes. Imagine being a parent who cannot feed your children the food they need to grow. It is beneath this body to cut food assistance for those who are struggling the most among us.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I must, regretfully, oppose this amendment. I deeply care about protecting nutrition assistance programs. I hope

that is not in doubt. But here is what is going on. In a handful of States, they have found a way to increase the SNAP benefits for people in their States by sending \$1 checks in heating assistance to everyone who gets food assistance. Now, it is important to consider what a family's heating bill is when determining how much help they need, which is why the two programs are linked. But sending out \$1 checks to everyone is not the intent of Congress. For the small number of States that are doing that, it is undermining the integrity of the program, in my judgment.

I appreciate we have turned down those amendments that would, in fact, change this structure and lower benefits. But this is about accountability and integrity within the program, and I must oppose the amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I strongly oppose this amendment. This amendment would shield over 82 percent of farm bill spending from deficit reduction and prevent the bill from addressing a serious breach in nutrition program integrity.

Let me be clear. Tightening the LIHEAP loophole does not affect SNAP eligibility for anyone using SNAP.

To add insult to this injury, this amendment then pillages money from crop insurance—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. Did we not have a minute apiece?

Ms. STABENOW. I would ask the Presiding Officer if there is any time remaining in the debate?

The PRESIDING OFFICER. All debate time has expired.

Mr. ROBERTS. Well, we will stop at "pillaging."

Ms. STABENOW. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—33

Akaka	Cardin	Lautenberg
Begich	Casey	Leahy
Blumenthal	Coons	Levin
Boxer	Feinstein	Lieberman
Brown (MA)	Gillibrand	Menendez
Brown (OH)	Heller	Merkley
Cantwell	Kerry	Mikulski

Murkowski
Murray
Reed
Reid

Rockefeller
Sanders
Schumer
Shaheen

Snowe
Udall (NM)
Whitehouse
Wyden

NAYS—66

Alexander
Ayotte
Barrasso
Baucus
Bennet
Bingaman
Blunt
Boozman
Burr
Carper
Chambliss
Coats
Coburn
Cranran
Collins
Conrad
Corker
Cormyn
Crapo
DeMint
Durbin
Enzi

Franken
Graham
Grassley
Hagan
Harkin
Hatch
Hoeven
Hutchinson
Inhofe
Inouye
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Klobuchar
Kohl
Kyl
Landrieu
Lee
Lugar
Manchin
McCain

McCaskill
McConnell
Moran
Nelson (NE)
Nelson (FL)
Paul
Portman
Pryor
Risch
Roberts
Rubio
Sessions
Shelby
Stabenow
Tester
Thune
Toomey
Udall (CO)
Vitter
Warner
Webb
Wicker

NOT VOTING—1

Kirk

The amendment (No. 2156), as modified, was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have done very well today. We have 2½ pages, and we almost have a page of our amendments finished. We are going to have 2 hours of debate of the time set forth for the resolution of disapproval. That will start at 7:50 tonight or thereabouts. One of the Senators agreed to take a voice vote, and that saved us 15 minutes. So we gave them 10 minutes off.

If everybody will look at these amendments, we have to finish this bill and flood insurance this week. We have to do that. I don't want to be crying wolf that we are going to have to be here Friday. We need to finish our work, and we can do that. People have been here, and we have finished some of our votes before the time even expired. That is difficult. The floor staff has a difficult time recapping the votes, but everybody did a good job.

I hope one of the things we can look at is that perhaps Senators BOXER and INHOFE could look at giving back an hour of their time for debate. I think virtually everybody knows how they will vote on this issue. The debate could be stunning and somebody could change, but I doubt it. If they will consider giving back an hour of their time out of the 4, it will help us.

I don't want to be here until 2 o'clock Friday morning. I don't want to do that. I hope we can work through this. We will have a limited amount of morning business tomorrow and we will start voting as soon as we can and we will move quickly like we have today. I ask everybody to look at the amendments and see if they are willing to take a voice vote. We are going to stop voting at about 7:50 p.m.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2263

Mr. DEMINT. Mr. President, I call up amendment No. 2263.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2263.

The amendment is as follows:

(Purpose: To maintain funding at current levels for programs providing access to broadband telecommunications services in rural areas)

On page 770, strike lines 7 through 11 and insert the following:

(7) in subsection (k)(1), by striking "2012" and inserting "2017"; and

The PRESIDING OFFICER. There will be 2 minutes of debate, equally divided, on the amendment.

Mr. DEMINT. Mr. President, the President's 2013 budget asks for about \$9 million for the Rural Utility Service to expand broadband services in rural areas. The average spending over the last 10 years for that service is about \$14 million. The current level of spending is at \$25 million. If anything, given our \$16 trillion in debt, one would think we would come in somewhat below that. But the farm bill doubles our current level from \$25 million to \$50 million.

My amendment keeps spending at the \$25 million level. That is the least we can do, given the President has asked for \$9 million. The average is \$14 million, and we are now at \$25 million. We at least need to keep it there.

I encourage my colleagues to have a brief moment of fiscal sanity and vote for my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose the amendment that would cut funding for critical programs for small businesses in rural communities across the country. In the 1930s and 1940s we made a commitment to rural electrification and extended what was a fairly new technology to communities across the country. We had a boom in innovation and economic growth.

Our country no longer has a divide between urban "haves" and rural "have-nots" as a result of that. Today, the Internet is the new dividing line. Too many communities still don't have access to high-speed broadband Internet for businesses in these locations. It is a real competitive disadvantage for them, especially in a global economy.

I urge that we support what we have done to invest in small businesses and the ability to connect. We don't need the new urban "haves" and rural "have-nots." This is about investing in rural communities.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Risch
Burr	Hoeben	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

NAYS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Nelson (NE)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskey	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2263) was rejected.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2366

Mrs. HAGAN. Mr. President, I call up Hagan amendment No. 2366.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. HAGAN] proposes an amendment numbered 2366.

Mrs. HAGAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Risk Management Agency and the Federal Crop Insurance Corporation to use plain language and a website to make crop insurance more accessible)

At the end of title XI, add the following:

SEC. 110. GREATER ACCESSIBILITY FOR CROP INSURANCE.

(a) FINDINGS.—Congress finds that—

(1) due to changes in commodity and other agricultural programs made by the Agriculture Reform, Food, and Jobs Act of 2012, it is more important than ever that agricultural producers be able to fully understand the terms of plans and policies of crop insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(2) proposed reductions by the Secretary in the number of State and local offices of the Farm Service Agency will reduce the services available to assist agricultural producers in understanding crop insurance.

(b) REQUIREMENT FOR USE OF PLAIN LANGUAGE.—

(1) IN GENERAL.—In issuing regulations and guidance relating to plans and policies of crop insurance, the Risk Management Agency and the Federal Crop Insurance Corporation shall, to the greatest extent practicable, use plain language, as required under Executive Orders 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and 12988 (28 U.S.C. 519 note; relating to civil justice reform).

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the efforts of the Secretary to accelerate compliance with the Executive Orders described in paragraph (1).

(c) WEBSITE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers (as defined in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)), shall improve the existing Internet website through which agricultural producers in any State may identify crop insurance options in that State.

(2) REQUIREMENTS.—The website described in paragraph (1) shall—

(A) provide answers in an easily accessible format to frequently asked questions; and

(B) include published materials of the Department of Agriculture that relate to plans and policies of crop insurance offered under that Act.

(d) ADMINISTRATION.—Nothing in this section authorizes the Risk Management Agency to sell a crop insurance policy or plan of insurance.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

Mrs. HAGAN. Mr. President, as everyone knows, Federal crop insurance policies are extremely technical and complex. My amendment seeks to give farmers additional access to clear, concise information about crop insurance policies and programs approved by the USDA.

This commonsense amendment seeks to accomplish this goal in two ways:

First, it will require the Secretary of Agriculture to report back to Congress on the status of the agency's effort to comply with the President's Executive order to require the use of plain language. My hope is that this simple measure will force USDA to move quickly to provide information necessary for our farmers in North Carolina and other parts of the country to make informed decisions about signing up for the crop insurance plans that meet their specific needs.

Second, my amendment requires the Risk Management Agency to improve its existing Web site so that agriculture producers in any State can access easily understandable information on crop insurance.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HAGAN. I urge my colleagues to support this commonsense amendment.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, on behalf of the ranking member and myself, I yield back the time.

It is my understanding that we may proceed with a voice vote on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2366) was agreed to.

AMENDMENT NO. 2262

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up my amendment No. 2262.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2262.

(Purpose: To express the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market)

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, this amendment is a sense of the Senate that reflects what all of us talk about not just with the farm bill but with the whole U.S. economy—the importance of a free market and letting our competitive system work.

This amendment says that nothing in the farm bill would interfere with the free market by setting prices or doing anything that I think all of the proponents of the bill say it will do—that it will protect the free market.

So it is a sense of the Senate, and I agree to a voice vote on this, but I encourage my colleagues to add their voice to the free market system and support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, on behalf of the ranking member and myself, I yield back all time, and we both agree to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2262) was agreed to.

AMENDMENT NO. 2187

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I call up my amendment No. 2187.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2187.

(Purpose: To extend eligibility for certain emergency loans to commercial fishermen)

On page 398, line 1, insert "(including a commercial fisherman)" after "farmer".

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. KERRY. Mr. President, this is an amendment on behalf of myself, Senator MURKOWSKI, Senator BROWN, and others.

In these very difficult economic times, we have also had a problem for the fishermen of the Northeast and in other parts of the country where the fishing stocks have been greatly reduced for a lot of different reasons, and a lot of fishermen are sitting there with their boats, where they are trying to get through the season in order to be able to fish in the future, with greatly restricted fishing capacity and availability. This is not unlike farmers who wind up with crops being affected by floods and other disasters, things that take place.

All we are seeking is the ability to do away with an inequity in the law that denies fishermen access to a loan under Federal emergency loan standards for when an emergency arises and they need to have some ability to stay over.

The Congressional Budget Office determined that this amendment has no score. There is no score.

We believe commercial fishermen deserve access to the same type of assistance commercial farmers and other people in this country get. We hope colleagues will do away with this anomaly that denies them the ability to simply apply, through normal standards, for a loan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, we yield back all time. I understand we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2187) was agreed to.

Mr. JOHANNIS. Mr. President, Senate amendment No. 2187 offered by Senator KERRY has now been voice voted onto the farm bill. It is unfortunate that this significant change of USDA policy occurred without a recorded vote.

While it may sound innocuous to add commercial fishermen to the list of those eligible for USDA emergency

farm loans, it is not without its negative implications.

Support for commercial fishermen has typically been the responsibility of the Department of Commerce. Thus, USDA has little to no experience serving commercial fishermen.

Additionally, funding for farm emergency loans is limited. Amendment No. 2187 would further dilute this limited pool of funding and divert it from its core mission—assisting our farmers and ranchers.

While this amendment may have been voice voted, I would have voted nay on this amendment had there been a recorded vote. I hope this is an issue that we can revisit and rectify in conference committee.

AMENDMENT NO. 2268

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up my amendment No. 2268.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2268.

(Purpose: To prohibit the Secretary from making loan guarantees)

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PROVISION OF LOAN GUARANTEES.

Notwithstanding any other provision of this Act, including any amendment made by this Act, no loan guarantee may be provided by the Secretary or any other Federal official or agency for any project or activity carried out by the Secretary.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, as we look at some of the loan guarantees—such as Solyndra—that have gone bad, this amendment would prohibit loan guarantees for the farm bill. There are many programs that guarantee loans that expose the American taxpayers to millions of dollars. This bill would prohibit those guarantees—not prohibit the programs themselves and the crop insurance and things farmers count on but just the liability we put on the American taxpayers. CBO has said loan guarantees do cost the taxpayers money. So I encourage my colleagues to support this amendment and save the American taxpayers from this additional liability.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose this amendment. The FDA loan guarantees are critical to our farmers, our rural small businesses, and community banks in small towns across the country. The loan guarantee programs help support commercial and farm credit lending when farmers and ranchers face tough times. It is also an important program to help beginning farmers and ranchers who

don't have a long history of credit but who are certainly qualified to receive loans to start their operations.

We know that the average age of an American farmer is 57 years and that one-quarter of our farmers are 65 years of age or older. If agriculture in America is going to survive, we need to have young people engaged in farming. This amendment would make it much harder. So I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 84, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—14

Ayotte	Graham	McCain
Burr	Inhofe	Paul
Coburn	Johnson (WI)	Rubio
Corker	Kyl	Toomey
DeMint	Lee	

NAYS—84

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Hatch	Portman
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inouye	Risch
Boozman	Isakson	Roberts
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Landrieu	Shelby
Casey	Lautenberg	Snowe
Chambliss	Leahy	Stabenow
Coats	Levin	Tester
Cochran	Lieberman	Thune
Collins	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskey	Vitter
Cornyn	McConnell	Warner
Crapo	Menendez	Webb
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feinstein	Moran	Wyden

NOT VOTING—2

Harkin Kirk

The amendment (No. 2268) was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2321

Ms. LANDRIEU. Mr. President, I call up my amendment No. 2321.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2321.

The amendment is as follows:

(Purpose: To move a section from the rural development title to the credit title)

On page 508, strike lines 13 and 14 and insert the following:

“SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this subtitle to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

“(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

“(1) an activity related to the maintenance of a previously converted wetland; or

“(2) an activity that had already commenced before November 28, 1990.

“(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this subtitle for a utility line.

“SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

Beginning on page 750, strike line 14 and all that follows through page 751, line 6.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Ms. LANDRIEU. Mr. President, I don't believe there is any opposition to this amendment, but I would like a minute to explain. Under current law, any rural development project is automatically excluded from even applying for a loan under current law. That was not the intention of the farm bill, but it was put in the farm bill, the last one. I would like to remove that language so small rural communities of 20,000 or less can apply to build a hospital, fire station, et cetera.

They do not have to be given the permit. They still need to get the wetland permit from the Corps of Engineers, but this removes an automatic prohibition. The agriculture department supports it. I do not believe there is any opposition, and I thank the Chair and ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, we agree to a voice vote.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. I yield the remainder of the time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment.

The amendment (No. 2321) was agreed to.

AMENDMENT NO. 2276

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I believe this will be the last vote of today, DeMint amendment 2276.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2276.

The amendment is as follows:

(Purpose: To prohibit mandatory or compulsory check off programs)

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON MANDATORY OR COMPULSORY CHECK OFF PROGRAMS.

No program to promote and provide research and information for a particular agricultural commodity without reference to specific producers or brands (commonly known as a “check-off program”) shall be mandatory or compulsory.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Mr. DEMINT. Mr. President, this amendment would give individual businesses and small farmers the freedom to refrain from joining 1 of the 19 check-off programs against their will. Right now, a lot of businesses are forced into programs they do not want to be a part of. As a lot of us know, a lot of the large corporate farmers, a lot of large businesses love to form these check-off programs to force the smaller companies to pay into them.

This just makes it strictly voluntary, so any company that wants to be a part of this, any farmer who wants to be a part of it, can. But it makes no sense to continue to force small businesses into these check-off programs against their will.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would urge my colleagues to oppose this amendment that would prohibit the zero cost check-off programs. These programs are funded by the private industry, not taxpayers. They are incredibly beneficial to farmers and businesses who want to help market their products. For example, the “Got Milk” campaign came from a check-off program used by the dairy industry. The “Incredible Edible Egg” is another one. No single egg farmer is going to have the resources to run a national television ad encouraging folks to eat more eggs.

Let's be clear. This is a program that commodity groups vote on and agree to. The “Got Milk” campaign happened because dairy farmers got together, voted, and decided they wanted to go ahead and do research and a promotion program. Let's not take the ability for the industry to come together, pool their own money, and market their product.

I would urge a “no” vote and ask for the yeas and nays.

Mr. DEMINT. How much time do we have?

The PRESIDING OFFICER. The Senator from South Carolina has 10 seconds.

Mr. DEMINT. I will remind everyone that while it is not taxpayer money, we are forcing businesses to do things they don't necessarily want to do. My amendment would allow any business to join the check-off program voluntarily. That is the American way.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—20

Ayotte	Graham	McConnell
Brown (MA)	Hatch	Murkowski
Burr	Heller	Paul
Coats	Johnson (WI)	Rubio
Coburn	Kyl	Sessions
Cornyn	Lee	Toomey
DeMint	McCain	

NAYS—79

Akaka	Gillibrand	Nelson (NE)
Alexander	Grassley	Nelson (FL)
Barrasso	Hagan	Portman
Baucus	Harkin	Pryor
Begich	Hoeben	Reed
Bennet	Hutchison	Reid
Bingaman	Inhofe	Risch
Blumenthal	Inouye	Roberts
Blunt	Isakson	Rockefeller
Boozman	Johanns	Sanders
Boxer	Johnson (SD)	Schumer
Brown (OH)	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Corker	McCaskill	Webb
Crapo	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Mikulski	Wyden
Feinstein	Moran	
Franken	Murray	

NOT VOTING—1

Kirk

The amendment (No. 2276) was rejected.

Mrs. FEINSTEIN. Mr. President, I rise to express my deep disappointment that the Senate will not be considering amendment No. 2252, the Egg Products Inspection Act Amendments of 2012.

Unanimous consent was required for this amendment to be voted on, but it is my understanding that there were objections to its consideration.

That is unfortunate because this was a bipartisan amendment cosponsored by Senators BLUMENTHAL, SCOTT BROWN, CANTWELL, COLLINS, KERRY, LIEBERMAN, MENENDEZ, MERKLEY, MURRAY, SANDERS, VITTER, and WYDEN.

The amendment was supported by the vast majority of the egg industry,

and it was supported by the vast majority of animal welfare organizations.

The major opposition to this amendment came from groups wholly unaffected by it.

Without Congressional action, the egg industry in California and the rest of this Nation is very much in jeopardy. Individual State standards threaten to cripple the industry.

That is why I introduced this amendment—to give the industry a chance to survive.

The amendment would have set a national standard for the treatment of egg-laying hens and would have established standards for egg labeling.

Let me briefly explain the specifics:

The size of new and existing hen cages would have had to be increased over the next 18 years.

The practice of depriving hens of food and water to increase egg production would have been outlawed.

Minimum air quality standards would have been put in place for hen houses, protecting workers and birds.

And clear requirements for egg labeling would have been created, so consumers know whether the eggs they buy come from hens that are caged, housed in enriched cages, cage-free or free range.

As I said earlier, this bill is strongly supported by the Nation's largest egg producer organization, the United Egg Producers. And it is supported by the largest animal welfare organization, the Humane Society of the United States.

After years of disagreement, the Humane Society and the egg producers decided to work together, and they were able to agree on a reasonable and practical compromise. The text of this amendment is the product of their negotiations.

The reason for the compromise is clear: The current laws governing the treatment of egg-laying hens and the labeling of eggs vary from State to State. This makes it difficult for producers to do business in multiple States.

In 2008, California voters passed Proposition 2 with 64 percent of the vote. This initiative requires egg producers to increase cage size so that the birds can stand up and extend their wings.

Similar initiatives passed in Michigan, Arizona, Washington, Ohio and Oregon. And there may be more if Federal legislation is not enacted.

The result of the varying State laws is that producers will not be able to ship eggs freely across State lines.

The amendment would have addressed this problem by setting a single national standard that is consistent with the existing State laws. And it would have given consumers peace of mind knowing that eggs were raised humanely. It should have been a win-win and an example of what can happen when groups decide to work together.

But instead, a group of unaffected parties decided to make this amendment a rallying cry, and they spread mis-information about what this amendment would really do and who it would really impact.

I understand that many of my colleagues have heard from these other industries. Even though this amendment will not come up, I still want to set the record straight.

The first misconception is that this amendment will set precedent beyond egg producers and impact other industries such as pork, beef, or poultry.

Let me be clear. This amendment applies only to egg producers and is the result of careful negotiations between the only industry that is impacted and animal welfare groups.

Regulations governing eggs date back 30 years and have had no effect on other industries to date. For instance, the FDA has on-farm enforcement authority for egg farms but not for meat or poultry farms. This amendment will not change that.

Furthermore, the meat industry has insisted on preemption of State laws and emphasized the importance of national standards for decades. This legislation applies the same principle to the egg industry.

Another argument I hear is that this bill will hurt small producers.

But small producers—farmers with 3,000 birds or fewer—are exempt from the requirements under this amendment.

Even moderate-sized operations, with more than 3,000 birds, have built-in protections—most notably the long phase-in period—up to 18 years.

Over such a long period, many producers would have replaced existing cages due to normal wear and tear. This amendment will just require producers to purchase slightly larger cages in the coming years.

Even the smallest companies can plan for an investment 18 years out.

This amendment will have positive effects for all producers by providing certainty about the rules with which they must comply.

All producers, regardless of size, face a disadvantage when there is a complicated web of different State regulations.

A third misconception is that this amendment is not based on sound science. Nothing could be farther from the truth.

The amendment is endorsed by the American Veterinary Medical Association, the Association of Avian Veterinarians, the American Association of Avian Pathologists, the Center for Food Safety, and the Center for Science in the Public Interest.

Multiple studies demonstrate that larger, enriched colony cages result in decreased mortality, decreased contamination, and increased egg production.

One survey from Feedstuffs magazine found that hen mortality in larger, enriched cages declined by 45 percent compared to conventional battery cages.

The survey also found that the number and quality of eggs per hen improved, from an average of 399 eggs to 421 in enriched cages.

The weight-per-case of eggs also increased, from 47.93 pounds to 49.4 pounds.

I ask my colleagues to look at the data before jumping to conclusions. This amendment is good for animals and good for the industry.

Finally, I want to set the record straight with regard to consumers and egg prices. A new study released last week by the consulting firm Agralytica found that this amendment would not have a substantial effect on consumers.

Between 2013 and 2030, egg prices are expected to increase only 1 percent as a result of this amendment.

A 1-percent increase translates to about a penny and a half per dozen eggs, or one-eighth of 1 cent per egg.

The Agralytica study attributes the low impact to the long phase-in period, giving producers ample time to adjust to the new requirements.

The bill has been endorsed by the Consumer Federation of America and the National Consumers League.

And it is important to understand that this amendment captures what is already occurring with consumer demand.

Polls indicate broad support for the provisions in this amendment. The survey found that:

Consumers support this bill by a 4-to-1 margin;

Consumers prefer a Federal standard over State standards by a 2-to-1 margin; and,

92 percent of consumers support the industry transitioning to enriched cages.

It is not often that we have the opportunity to enact legislation that helps industry, reflects consumer demand, and is supported by a broad coalition of advocates on both sides of an issue. If my colleagues have any doubts about the support for this bill, take a look at the list of supporters. As of today it is 13 pages long.

We wouldn't have gotten this far if it weren't for the strong support and leadership of the United Egg Producers. Without this amendment, the livelihood of the egg producers nationwide will be compromised by the confusing tapestry of State laws.

We had the opportunity to fix this problem before more damage is done—so the fact that we are not even going to consider the amendment makes it all the more disappointing.

The egg industry was prepared to make these investments, and animal welfare advocates and consumers will approve of the end result.

This was a reasonable and widely supported solution to a costly problem.

I hope to work with my colleagues on both sides of the issue to have this legislation considered at a later date. The future of the industry is dependent on it, and I am confident we will be able to get there.

Thank you Mr. President, I yield the floor.

AQUACULTURE

Mr. LIEBERMAN. Mr. President, I wish to engage my colleague, Senator STABENOW, in a colloquy.

I thank Senator STABENOW and the other members of the Senate Committee on Agriculture, Nutrition and Forestry for their collective efforts in passing S. 3240, the Agriculture Reform, Food and Jobs Act of 2012. This bill promises to save taxpayers money and concentrate funds in the areas in which they will have the greatest impact, making them work better for producers.

As the Senator knows, Long Island Sound, LIS, and its watershed contain some of the most important farm, forest, and water resources in the country. The estuary is home to a historically significant and now burgeoning aquaculture industry. The Sound provides natural habitats to more than 1,200 species of invertebrates, 170 species of fish, and hundreds of species of migratory birds. Commercial and recreational shellfishers harvest oysters, crabs, and lobsters from its waters. More than 23 million people live within 50 miles of the Sound. The estimated annual value to the local economy of LIS is \$8.91 billion. Federal, State, and local partners operate together throughout its six-State watershed using formal, shared priorities that provide a strong basis for applying conservation practices to improve soil and water quality, farm and producer productivity, and to restore wetlands and wildlife habitat. The Sound and its watershed are recognized by NRCS as a multistate partnership area. The watershed's major river, the Connecticut River, was just designated as the Nation's first Blueway.

Is it the Senator's intent to provide a framework where strong partnerships between producers and conservation organizations, like exist in the Long Island Sound watershed, can succeed by putting forth projects that work to achieve locally or regionally established goals and metrics?

Ms. STABENOW. I thank Senator LIEBERMAN for his leadership on environmental issues facing his State and the Long Island Sound. Yes, that is my intent through the Regional Conservation Partnership Program.

Mr. LIEBERMAN. I thank the Senator for her leadership and assistance and cooperation in ensuring that the intent of this important bill is allowed to be carried out in areas where greatest impact will result.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I ask unanimous consent that Bennet-Crapo amendment No. 2202, which has been cleared by both sides, be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

UNANIMOUS CONSENT AGREEMENT S.J. RES. 37

Mrs. BOXER. Mr. President, I ask unanimous consent that the time for debate this evening on the motion to proceed to S.J. Res. 37 be in order, even though the motion to proceed will not be made until Wednesday's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am going to make a unanimous consent request that Senator CARPER open this debate—and I give thanks to Senator INHOFE for allowing that—for 8 minutes, and then Senator INHOFE will use 15 minutes at his discretion. Then we will go to Senator SHAHEEN for up to 10 minutes. Then we go back to Senator INHOFE for another 15 minutes from his side, and then our side will be Senator LAUTENBERG for 10, Senator MERKLEY for 10, and Senator WHITEHOUSE for 10.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding that we would have our three speakers after that, but not necessarily restricted to 5 minutes. It will not be much more than that. But since our speakers will be speaking in these three sessions, I would like a little latitude, maybe 6 or 7 minutes on those three.

Mrs. BOXER. Why not give us an exact time. I think it is important. So we are saying instead of 15 minutes of time—I would just say some of my people—can the Senator from Oklahoma take the first segment for 15 minutes—because I know Senator SHAHEEN is going to be waiting to speak—and then we will give you 20 minutes after that?

Mr. INHOFE. For my three who come after Senator CARPER, 6 minutes apiece.

Mrs. BOXER. So 18 minutes.

Mr. INHOFE. Yes.

Mrs. BOXER. OK. Then we will go to Senator SHAHEEN for 10 and back to Senator INHOFE for 18 minutes.

Mr. INHOFE. Yes, that would be fine.

Mrs. BOXER. All right. Then the others will have 10 minutes apiece after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. My thanks to Senator BOXER and to Senator INHOFE.

Over the years, I have been privileged to hold a bunch of different jobs, including newspaper boy, pots-and-pan man in college, naval flight officer, and

Governor of my State, just to name a few. The most cherished and important job I have ever held is that of the role of father. I am blessed with three wonderful sons who make me proud and thankful every day.

Celebrating Father's Day this past weekend, I was reminded that a major motivator in my own life has been my love for our boys and my desire to make the world a better place for them. Today, 2 days later, I am reminded of just how important this clean air fight is for my children and for children across the country.

Unbeknownst to a lot of us, our children actually listen to what we say. More importantly, they watch just about everything we do. They notice the choices we make and the company we keep. They hear us talk about playing by the rules and treating others the way we would like to be treated. They watch carefully to see if we actually practice what we preach—if we play fair, and if we do try to follow the Golden Rule as we go about our lives. They hear us talk about chores, homework, and responsibility, but they watch to see if we actually pitch in and do our fair share.

It strikes me that much of the country's ongoing efforts to clean up the air pollution is about playing fair and doing our share. My home State of Delaware has done our homework and worked hard on that front and, as a result, we have made great strides in cleaning up our own air pollution. Unfortunately, a number of the upwind States to the west of us have not made the same commitment to clean air. In fact, 90 percent of Delaware's pollution comes from our neighboring States. This pollution endangers our hearts, lungs, and brains, and it costs us a great deal in medical bills and in the quality of our lives.

Some of this air pollution, such as poisonous mercury, settles into our streams and our fish, threatening the health of this generation and generations to come. That doesn't sound like the Golden Rule to me.

Even though the First State is doing its part to protect our air and public health, some of our neighbors are not. Yet those of us who live at the end of America's tailpipe end up suffering. It just is not fair.

Fortunately, Federal clean air protections established by the Clean Air Act have been created to right that wrong. These protections were forged by both Democrats and Republicans who believe that playing fair and doing our share when it comes to cleaning up America's air is profoundly important.

The Clean Air Act, signed by President Richard Nixon in 1970 and updated in 1990 by President George Herbert Walker Bush, was approved each time by Congress with overwhelming bipartisan support. In fact, many in this Congress on both sides of the aisle supported the passing of the Clean Air Act

Amendments of 1990. Those Members include my friends, Senator BOXER and Senator INHOFE, and me.

This landmark law to protect public health and the environment has proven time and again to be a success. In fact, I am told the Clean Air Act delivers about \$30 of health savings for every \$1 we invest in clean air—not a bad return on our investment. Moreover, the Clean Air Act has helped create hundreds of thousands of jobs in new technologies as America develops clean air solutions that our businesses can export around the globe.

The bipartisan vision embodied in our Nation's clean air laws has been translating into healthier, longer, and more productive lives for millions of Americans.

While much of the Clean Air Act has been in place improving health for years, some key aspects of the law have never been implemented. They include requirements to reduce deadly mercury and other toxic air emissions from some of our oldest and dirtiest coal-fired plants. These toxic air pollutants are known to cause cancer, neurological damage, and other health concerns.

One example of particular concern is mercury. Up to 10 percent of child-bearing women in this country have unsafe levels of mercury in their bodies. Today, all 50 States have mercury fish consumption advisories. In fact, there are more fish consumption advisories in the United States for mercury than for all other contaminants combined.

Uncontrolled coal-fired utilities are our largest source of mercury in this country. Fortunately, current control technology can dramatically reduce mercury emissions and mercury in our local environments.

This is why Senator ALEXANDER, several of our colleagues, and I have been trying for years to reduce emissions through legislation. It is also why 18 States have their own powerplant mercury standards. Yet, until recently, we lacked a Federal standard.

Last December, after years of delay, the EPA finally implemented—under court order—Clean Air Act protections to require dirty coal powerplants to clean up their mercury and air toxic emissions. The EPA did so through something called the mercury and air toxics standards rule.

By targeting our Nation's largest sources of mercury emissions, this regulation requires dirty coal plants to reduce their mercury emissions by 90 percent. This will reduce the mercury that contaminates our streams and oceans, pollutes our fish, and harms our children's health.

In implementing these long overdue regulations, the EPA has provided a reasonable and achievable schedule for our powerplants to reduce these harmful emissions. EPA's new standard

gives utilities until 2016 to comply. The EPA has also made it clear it is willing to give companies 2 additional years to address reliability concerns if needed. Delaware's powerplants have already met these standards. So do half of the powerplants throughout America. Most communities will see great benefits from these rules, and I am told that nationally we will see up to \$90 billion in public health benefits.

As someone who tried for years to work across the aisle to find a way to clean up our Nation's powerplants, I welcomed the EPA's decision to act to finally address these harmful emissions.

Regrettably, some of our colleagues do not share the appreciation that many of us feel for the EPA's efforts to protect public health and our environment. They want to prevent these efforts from moving forward, despite court orders requiring the EPA to do just that. I find it remarkable that some in Congress would seek to prevent the EPA from following through on a law passed overwhelmingly by Congress 22 years ago and signed by a Republican President.

The EPA is doing what Congress told them to do over two decades ago. If we let them do their job, their efforts will reduce harmful pollution and improve the health of generations of children to come.

As much as I hate to say it, given my friendship with the author of this proposal, a vote for this Congressional Review Act would delay any real hope we have of cleaning up our largest source of mercury. A vote for the Congressional Review Act signals uncertainty and a lack of commitment—a commitment to make good on the law we passed overwhelmingly 22 years ago to protect public health in this country.

We cannot afford to delay the mercury and air toxics rule. This is the time to modernize our energy fleet. This is the time to clean up our dirtiest, most inefficient plants. And this is the time to clean up our rivers, lakes, and streams so that all children can look forward to living healthier lives.

So today I rise in strong opposition to this last-ditch effort to prevent the EPA from doing its job—a job we should have done—and reducing these deadly emissions, and I hope my colleagues will join us. My decision to oppose this effort is not based solely on the fact that I am a dad—like a lot of our colleagues here—but knowing that the implementation of this rule will positively impact the lives and health of my sons weighs heavily on my mind. It should weigh heavily on the minds of all of us.

Our children really do hear us when we talk to them and to others. They are watching today to see if we really walk the walk. Whether we are Democrats, Independents, or Republicans, we are still mothers and fathers, aunts

and uncles, grandfathers and grandmothers. So let's continue to lead the way by following the Golden Rule this day. Let's treat our neighbors as we would like to be treated, and let's work together across America to keep the Clean Air Act resilient and strong and to make our air cleaner. Our children and their children are counting on us. Thank you, Mr. President.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would ask that the Senator from Nebraska Mr. JOHANNIS be recognized for 7 minutes.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I rise today to support S.J. Res. 37. The rule addresses emissions from powerplants. However, in my judgment, this rule goes too far, too fast, and tries to achieve too much in too little time, at too high a cost to our families.

Oftentimes, we hear concerns in my office about rules and regulations. Too often, those rules and regulations come from the EPA. And when EPA rules are the topic, sometimes I have to ask: Which EPA rule are you talking about? Because, let's face it, the list of EPA job-killing regulations is downright dizzying.

However, this resolution addresses only one, which hammers coal-fired electricity generation, especially large coal-fired plants.

In Nebraska's case, the rule would require the addition of expensive new equipment to control particulate matter and certain exhaust gases. Well, how expensive would these additions be? One of our States's largest utilities has estimated they would need to spend about \$900 million to \$1.3 billion over the next 3 years to get into compliance. So one might ask, where is that money going to come from? Well, in our State, every single penny of these capital expenditures comes directly from users—essentially every Nebraskan. You see, in our State, the State of Nebraska, we are 100 percent public power. That means no stockholders, no shareholder equity, no profits to draw down.

How quickly would they need to come up with that money? The compliance period is just 3 years. These are major projects, so 3 years is not an adequate timeline. Now, 3 years may sound like plenty of time to some, but the actual process that needs to occur, all in a specific sequence, makes a 3-year timeline especially challenging. Preliminary engineering comes first, then financing, then opening the projects for bidding, and bidding, and then determining whether compliance with bidding has occurred before you could even start the project. For public power, there are rules and procedures that control each one of these steps. In other words, there is no shortcut.

Normally, our utilities try to get these projects done in the periods known as the shoulder months. In Nebraska, these are the months of early spring and early fall—before the summer heat hits the Midwest and before the winds of winter knock at our door and take temperatures down. If the compliance schedule precludes the powerplant from using these shoulder months, then the project costs go up because of the need to buy power from outside of the system. So what does that mean? It means we are faced with compliance that is nearly impossible. And the compliance dates keep changing. The cross-State air pollution rule—another rule the EPA has finalized just in the last several months—was put on hold by a Federal court after many States affected by the rule challenged the EPA. And we may hear any day now as to whether the court will tell EPA to go back to the drawing board and rewrite the rule.

But the main point is that the stream of rules coming out of EPA is huge and compliance is nearly impossible. In Fremont, NE, a Nebraska city manager described it this way:

Smaller utilities in rural areas . . . will have difficulty in getting vendors and contractors to supply and install the equipment in this timeframe. Being Public Utilities we have to follow a public letting process and cannot just negotiate a design build contract with a contractor as an investor owned utility can.

So what happens to Fremont's 26,000 residents? Well, they will face rate increases of between 20 and 25 percent to cover the compliance costs of this rule, when combined with the requirements of two other rules. Increasing electricity bills by one-fourth is huge. It is a huge impact on Fremont families.

The city of Grand Island, NE, estimates that the Utility MACT rule will cost \$35 million and require 3 to 5 years of planning and financing and construction.

For Hastings, NE, the same sobering outlook—big expense, rushed timeframe, and a worried community trying to figure out how they pay for it. For Hastings alone, the costs of compliance with this rule and the cross-State rule are estimated to be \$95 million over 5 years. Now, Hastings has 25,000 residents. You do not need a degree in economics to know this is an enormous burden for the small businesses, small manufacturers, and households. They will carry the load.

So the vote for this resolution is a vote to tell EPA their approach is not achievable. It cannot work. It is a vote that means there is substantial opposition to the rule and the country does not support EPA.

It is also important to note what this vote is not. No. 1 and most significantly, this is not a vote against clean air. Everybody in my State wants clean air. Everybody wants to comply. They just want some clear, achievable

rules on a timeline that is reasonable. The Agency needs to go back to the drawing board.

No. 2, this resolution does not strip EPA of its power. If the resolution passes, EPA would not be barred from trying another rule—

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. JOHANNES. Let me just close by saying that I hope my colleagues will support us on this resolution.

Thank you, Mr. President.

Mr. INHOFE. Mr. President, I thank the Senator.

I now ask that the Senator from Georgia be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank my friend from Oklahoma, and I would ask the Chair to let me know when I have utilized 4 minutes, please.

The PRESIDING OFFICER. The Chair will do so, gladly.

Mr. CHAMBLISS. Mr. President, I rise to speak out against the EPA's mercury and air toxics standards—known as Utility MACT—and in support of the resolution disapproving this rule introduced by my colleague from Oklahoma, Senator INHOFE.

This set of standards—one of the most expensive of its kind ever issued by EPA—will cause a rise in electric bills for my constituents in Georgia and for Americans all across this country. As our economy continues to stagnate, we can hardly afford to increase the cost of electricity, which will be an economic burden for individuals and businesses and will hamper economic recovery.

Higher electric bills are especially unwarranted when the regulations that will cause the electricity cost increase are expected to provide negligible benefits for the American public. The poor and individuals on fixed incomes, such as the elderly, can hardly afford higher electricity bills. These are precisely the groups disproportionately affected by Utility MACT.

EPA estimates that compliance with this rule will cost \$9.6 billion annually in 2015, which is more conservative than many industry figures. One electric company in my home State estimates that by 2014 Utility MACT could cost them up to \$250 million annually to implement. This does not take into account the hundreds of millions of additional dollars the company expects to spend on complying with existing environmental statutes and regulations. Even going by EPA's own conservative \$9.6 billion cost estimate, studies have shown that the costs will lead to job loss, both directly at utilities and indirectly through industries and manufacturers affected.

I hear every day from businesses of every size in my home State that say the regulatory overreach of this administration threatens the very well-being

of their particular business. Utility MACT is yet another example of this overreach.

Instead of promulgating a limited rule to regulate mercury and air toxics—known as hazardous air pollutants—as the title “Mercury and Air Toxics Standards” implies, EPA has extended its reach by focusing a great deal of attention on particulate matter in these standards. Particulate matter emissions, not characterized as hazardous air pollutants, are already subject to other EPA regulations, so with Utility MACT, EPA is going beyond what Congress directed the Agency to do. The extra regulations tacked on to the mercury standard add significantly to the expected cost of this rule.

Furthermore, the standards for new facilities, as set forth by Utility MACT, might very well prove to be unattainable. Due to the methodology employed by EPA to gather the data used to set the standards, even certain manufacturers of the emissions control equipment say they cannot guarantee their technology will be able to achieve the standards in practice. How can we require utilities to reduce emissions to such a level that cannot even be guaranteed achievable with current technology? It makes no sense. That will spell the end of any new coal-fired plants in the United States, drastically reducing our ability to use one of our most abundant domestic energy resources, even in more environmentally friendly ways.

The cumulative impact of these EPA rules coming down the pipeline, one after another, causes further concern. Aptly called a “train wreck” by many, by forcing the retirement of one coal-fired plant after another, these rules will put at risk the reliability of our electric supply system.

Some state that a delay in implementation, enacted through legislation or otherwise, will be a sufficient remedy. However, a delay will not address the substantive concerns with this rule as written, including the significant issue of certain standards being unattainable.

I thank my colleague from Oklahoma for introducing this disapproval resolution and showing leadership on this issue. Over 200 companies and associations have joined the Senator from Oklahoma in calling for Utility MACT to be overturned.

I urge my colleagues to support this resolution disapproving the EPA's Utility MACT rule. By doing so, we take a step toward preventing higher electricity prices and grid unreliability while preserving clean air.

The point of supporting this Congressional Review Act resolution of disapproval is to force EPA to go back to the drawing board to craft a narrower rule that properly protects human

health in a manner that is not outweighed by its cost, that is actually attainable, and one that will not threaten the reliability of our electrical grid.

I yield the floor.

Mr. INHOFE. I thank the Senator. Mr. President, I ask now that the Senator from Wyoming be recognized for 6 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to express my support for legislation that will force a partial cease-fire in the Obama administration's war on coal.

If we move forward with Senator INHOFE's resolution of disapproval, we will end one of the most egregious rules promulgated by an administration that, in the words of President Obama, hopes to see the price of electricity necessarily skyrocket.

Coal is our Nation's most abundant energy resource. It provides approximately half our Nation with low-cost, reliable electricity. In my State of Wyoming, more than 6,800 people are employed directly by the coal industry. They make an average salary of more than \$77,000 each year, which is \$35,000 more than the average wage in the State. When we count those employed directly and indirectly, nearly 30,000 people in Wyoming depend on the coal mining industry for jobs.

Nationwide, the numbers are much larger. The coal industry employs 136,000 people directly, with an average salary of \$73,000 per year. For every coal mining job in the United States, we see 3.5 jobs created in another part of the economy. Simply put, the coal industry puts people to work. In an economy that is struggling to recover, the coal industry provides high-paying jobs for workers in Wyoming and in other States such as West Virginia, Pennsylvania, and Virginia.

Coal provides low-cost electricity across the country that can power our Nation's manufacturing base. It provides high-paying jobs across the country at a time when our Nation's unemployment rate is at an unacceptable 8.2 percent, and the most recent jobs report shows no signs that the economy is recovering. With the tremendous benefits coal can provide, it is so puzzling to me that the administration seeks to end our use of this important, affordable energy source.

Since being sworn into office, President Obama's rulemaking machine released rule after rule designed to make it more expensive to use coal. The administration's greenhouse gas standard would make it impossible to build a new coal-fired powerplant in the United States. The stream buffer zone rule would make it more difficult to mine coal. Those are just 2 of the 11 regulations the President is considering that would grievously wound the coal mining industry and hurt an already ailing economy. In total, the reg-

ulations could cost up to \$130 billion to retrofit existing coal-fired powerplants and could, by some estimates, lead to shutting down as much as 20 percent of the existing coal-fired powerplant fleet.

Today, we have a chance to stop one of those regulations. In February, the EPA finalized a standard that requires a strict reduction in air emissions from electric generating utilities. It is known as the Utility MACT rule. Similar to many of the rules coming from the EPA, the costs of this regulation are great and the benefits are limited. EPA estimates that the rule would create between \$500,000 and \$6 million in benefits related to mercury reductions, at a cost of nearly \$10 billion annually for implementation of the rule. The cost-benefit ratio, assuming the EPA's best-case scenario, is 1,600 to 1.

These costs will be passed on to consumers and will result in higher electricity prices. According to the Industrial Energy Consumers of America, a nonpartisan association of manufacturing companies with more than 650,000 employees, these increased costs will lessen competitiveness, threaten U.S. manufacturing jobs, and make our electric grid less reliable. It is everything not to like in a policy—all costs, no benefits.

National Economic Research Associates has studied the Utility MACT rule and found it would cause between 180,000 and 215,000 job losses by 2015. Further, it found that the Utility MACT rule would increase electricity rates by 6.5 percent on average and by as much as 19.1 percent in some areas of the country. An average household could see their electricity bills go up by at least \$400 per year—a cost that will disproportionately impact those with lower fixed incomes, such as many older Americans.

This resolution is the best opportunity to begin fighting back against President Obama's war on coal. By passing S.J. Res. 37, we can take a stand against this administration's goal of higher electricity costs. I plan to vote for Senator INHOFE's resolution and urge my colleagues to do the same. I yield the floor and reserve the remainder of the time.

Mr. INHOFE. Mr. President, it is my understanding that we have used this element of our time. The Senator from New Hampshire will be recognized for 10 minutes, after which time we will be recognized for 18 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I rise in strong opposition to the efforts to nullify the Environmental Protection Agency's mercury and air toxics standards or MATS. This far-reaching resolution would severely and permanently undermine EPA's authority to protect our Nation's air from harmful and dangerous pollutants.

In New Hampshire, we have long enjoyed bipartisan cooperation when it comes to crafting policies that ensure clean air, a strong economy, and healthy citizens. We do have coal-fired powerplants in New Hampshire, but they have scrubbers on them to clean up the air. When I was Governor, we passed the pollutant bill to address mercury, and it passed with bipartisan support.

Nobody appreciates our clean air more than a woman named Lia Houk, from Henniker, NH. She has lived with cystic fibrosis for the past 40 years. In order to breathe, she must use a nebulizer three times a day and has to exercise daily to clear her lungs. When pollution poisons the air, she suffers from chest tightness and lung hemorrhaging that can lead to hospitalization. Pollution also worsens the long-term effects of cystic fibrosis, such as lung scarring, and it causes her disease to progress more rapidly.

To protect Lia and millions like her, Congress passed the Clean Air Act, and it has long been one of our most successful public health and environmental laws. Yet despite the success of the Clean Air Act, we now face efforts to prohibit the Environmental Protection Agency from regulating toxic air pollutants.

At issue are the new mercury and air toxics standards, which will require powerplants to control the pollution that affects Lia and others who suffer from respiratory problems. For the first time, the standards set Federal limits on the amount of mercury, arsenic, chromium, nickel, and acid gases that powerplants can release into our air. These standards will eliminate emissions of these poisonous chemicals from the powerplants by 90 percent by 2015.

The new nationwide standards are based on widely available pollution control technologies that are already in place at powerplants across the country. They represent a realistic, achievable goal. Yet opponents of MATS argue the environmental regulations will hurt the economy. That is simply not true. These standards will benefit our health, our economy, and our environment.

By removing the largest source of many of these toxins, the new standards will prevent an estimated 17,000 premature deaths and 11,000 heart attacks each year. America's children will be spared 120,000 asthma incidents and 11,000 cases of acute bronchitis. That is particularly important for us in the Northeast. The Presiding Officer, who is from Rhode Island, knows what this is because we are in the tailpipe of the Nation in New England in the Northeast. We get all the pollution coming out of the Midwest from those dirty powerplants. In New Hampshire, we have one of the highest children's asthma rates in the country because of that pollution.

Far from being job killers, these regulations will mean new work for the innovative American companies that supply the equipment needed for plants to comply with the law. In fact, a study by the Economic Policy Institute found that enactment of these standards would create a net gain of 117,000 jobs.

Of course, clean air is also vital to the tourism and outdoor recreation economy, which, in my State, is the second largest industry.

All the beautiful sights of our State, from the White Mountains to the Great Bay, can only be enjoyed if our air is free of smog and clean to breathe.

So as we consider whether to keep the Clean Air Act in place, we don't have to choose between helping people such as Lia or helping our economy. We can and we must do both.

I urge my colleagues to reject the resolution that Senator INHOFE has offered and to continue to protect the health and welfare of our citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the next speaker will be Senator HOEVEN for 6 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak on the Utility MACT issue.

EPA's Utility MACT rule is a clear example of how overzealous regulations and a lack of a sensible energy policy are derailing investment and costing America jobs.

I support good, responsible policies to protect human health and safeguard our environment. These rules, however, need to bear the qualities of all good rules: They need to be simple, efficient, achievable, and affordable. In short, they need to make sense from both an environmental and economic perspective.

Unfortunately, as written, the Utility MACT rule—and others similar to it that the EPA is proposing—fails to find that proper balance. To the contrary, burdensome and complex new rules for the coal industry will not only discourage responsible energy growth but will prompt the complete shutdown of dozens of powerplants.

That will increase energy costs for consumers and businesses and, sadly, force thousands of hard-working Americans onto the unemployment rolls.

Utility MACT alone will require powerplants to install costly emission controls by 2015, with a pricetag for compliance of nearly \$10 billion annually.

Moreover, EPA has made it clear there will only be limited extensions to give utilities the time they need to make the changes. We now have an opportunity to vote either to retain or reject the Utility MACT rule under the Congressional Review Act.

In fact, it is exactly this kind of rule that the Congressional Review Act was

designed to address, by allowing Congress to review a new regulation and overrule it if that regulation is unfair or overreaching.

So we can send the EPA back to the drawing board and insist that the Agency come up with a plan that is simpler, more affordable and, most important, that is fairer by taking into account the livelihoods of hard-working Americans and their families. That is exactly what we need to do.

In my State of North Dakota, we have a lot of coal-fired electric generation. We supply power not only to our State but to the surrounding States as well—Minnesota, South Dakota, Montana, and well beyond. The reality is that we are producing more power, more electricity, and we are doing it with better environmental stewardship because, in our State, we have created the right legal tax and regulatory climate to stimulate that private investment, which is driving the new technology. In fact, we not only produce coal-fired electricity, we convert coal into synthetic natural gas. But we are successfully doing that because we are driving the investment that is spurring the new technology that is producing more energy. And as we produce more energy, that same technology is also enabling us to do it with better environmental stewardship.

That is the win that we all seek. That is the win we all seek. Because that is not only about providing more electricity, more power, more energy for this country at a lower cost so that consumers benefit, it is also about creating high-quality, high-paying jobs for our American workers and, at the same time, providing better environmental technology through this investment, providing better environmental stewardship through this investment in new technologies. That is exactly what is happening, because we are empowering the industry to produce more electricity to develop, to grow and, again, to develop the technology that produces more technology with the better stewardship.

That is the direction we need to go, and that is why I urge my colleagues to vote for this Congressional Review Act that would require EPA to go back and redraft this rule. It is in the interest of the American workers whose jobs depend on the coal industry, and, ultimately, it is in the best interest of Americans who not only need the energy but, again, as we are able to continue to develop the technology, we produce better and better environmental stewardship.

With that, Mr. President, I yield the floor.

Mr. INHOFE. I thank the Senator, and I now recognize the Senator from Alabama for 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague Senator INHOFE,

who has been such a leader on these issues and has contributed so much to the national discussion as we wrestle with the challenges of trying to have affordable energy for Americans to maintain our business competitiveness and improve the quality of our air and environment. And we can do those things. We have been doing those things, and we are going to continue to do those things. But this Senate Joint Resolution 37 dealing with Utility MACT provides us an opportunity to make a strong statement and reject the program the EPA has adopted that will damage this economy, will drive up the cost of energy for every American throughout this country, drive up the cost of energy for American businesses that are struggling now to hire workers and be competitive.

If we have an advantage on the world market today, every expert tells us it is because of a decline in natural gas prices, and we have competitive electricity prices from coal. So we have competitive electricity prices from our largest source—coal—and we have surprising, wonderful new finds in natural gas that are allowing our energy to be cheaper too. This helps us create jobs and growth.

Yet we have within the administration a number of people—and, I hate to say, all the way to the top—who seem to believe that cheap energy is not a goal, that cheap energy is not something that should be brought forth, I guess because that would make their alternative sources—solar and wind and other things—even less competitive than they are today. We will develop those programs. We can seek to advance those programs. But in truth, we should not be mandating these much higher costs on the American people, hammering our economy, which, in effect, is a tax increase on the American economy.

So this is a \$90 billion rule—the most expensive environmental rule in our Nation's history. And \$90 billion is the amount the EPA acknowledges this rule will cost. The Congressional Review Act that Senator INHOFE has triggered says we can have this vote, this review of any regulation over \$100 million, and \$90 billion is 900 times larger than \$100 million. It is the largest rule in American history. It changes the course of our economy. It is the kind of thing that Members who are elected to answer to the American people should be voting on, not having it done within basically a bureaucratic process, without having elected individuals engaged in it.

But the Congressional Review Act has a fundamental weakness. That weakness is that if the Congress votes to overturn an act, the President can veto it. We have this odd situation where the President appoints the bureaucrats. He appoints the head of the EPA. And all the people working

throughout the executive branch and for the President, directly or indirectly—directly, really—produce the regulations the President desires they produce. They do not produce regulations he does not desire they produce. So the result is that Congress has an awfully difficult time overturning it because the President can veto what we pass. We need something like the REINS Act that would actually replace this unconstitutional, nontraditional procedure of impacting our economy with monumental regulations and putting that back to the Congress so that Congress is required to vote on the regulation.

My time, I know, is running out, but I want to reiterate that the impact of the regulations, if not changed, will drive up the cost of energy for every single American and for all businesses in America. It will achieve only a modest improvement in mercury reductions over what President Bush proposed, and it is so extreme that it hammers coal processing and energy production in America, basically making coal no longer a realistic way to produce electricity in America. That is a huge event that impacts the economy. Fundamentally, this regulation would say that, yes, we have reduced mercury emissions by 50 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Yes, we would reduce the emissions of mercury since 1990 by 50 percent. Yes, President Bush proposed a very effective, sophisticated plan to further reduce those emissions by 75 percent—75 percent more. But there were problems with it. The courts found a problem with it. But instead of pursuing the matter in the fashion President Bush did, the new regulations call for this dramatic 90-percent reduction of mercury emissions, far more than we are able to do technologically and financially, I believe. That is why I salute Senator INHOFE for this resolution and I will support him.

I thank the Chair, and I yield the floor.

Mr. INHOFE. How much time do we have remaining, including the 40 seconds we didn't use?

The PRESIDING OFFICER. Five minutes on the Senator's side.

Mr. INHOFE. First, let me comment on something I am glad the Senator from Alabama brought up because it is very significant. The frailty in the CRA, for a lot of our fellow Members who are not familiar with the history of that, is that the President can veto it. I am a little hopeful in this case, if we are successful, because I wonder if the President wants to veto, a few

months before the election, a bill that is going to cost the American people over 200,000 jobs this year, along with all of the other costs they admit.

The EPA itself says it will cost \$10 billion, but it is going to be considerably more than that in nearly everyone else's view. So I hold that out as a hope, that even though he would love to veto it, if we are successful, I don't think he will do it because he wants to get reelected more than he wants to veto this.

I would also comment that I think it is worth bringing up that the other side had an opportunity to do something about real pollution—and we are talking about NO_x, SO_x, and mercury, not CO₂. Remember the Clear Skies Act that was such a successful operation? That was back during the Bush administration. That would have mandated the 75-percent reduction the Senator from Alabama talked about in SO_x, NO_x, and mercury. Those are real pollutants. But it was held hostage because it didn't include CO₂. At that time that was the crown jewel of their efforts.

So all I can say in this remaining time we have is that everything has been said, although it hasn't been said by everybody, and I am not going to repeat that and be redundant. But I think the points were made by all the Senators who spoke, looking at the economy of this and how devastating this would be in terms of jobs in America. But if you look at Utility MACT, it is not about public health, it is about killing coal. And everybody knows that. Everybody knows that. People from coal States are trying to act as if that is not the case, but it is the case. I think we are all very much aware of that.

According to EPA's own analysis, Utility MACT will cost \$10 billion, though others have it up higher than that. However, if \$10 billion a year to implement it is correct, then it will only yield \$6 million in projected benefits—health benefits. This is the EPA talking, not me. And that is at 1600-to-1 ratio. That is not a very good ratio to depend on.

I wish to address the myth that top EPA officials are perpetrating, and that is the idea coal is not being killed by the EPA regulations but by the cheaper price of natural gas. EPA Administrator Lisa Jackson said recently it is simply a coincidence that EPA's rules are coming out at the same time natural gas prices are low, so utilities are naturally moving toward natural gas. So her message was, don't blame the EPA. The truth is the EPA itself has admitted the agency deliberately and consciously made a decision to kill coal.

EPA Region 1 Administrator Curt Spalding was caught on tape saying:

Lisa Jackson has put forth a very powerful message to the country. Just two days ago,

the decision on greenhouse gas performance standard and saying basically gas plants are the performance standard which means if you want to build a coal plant you got a big problem.

He also went on to say the decision by the EPA to kill coal was "painful every step of the way" because you have got to remember if you go to West Virginia, you go to Pennsylvania—and he could have included other States in there too, such as Ohio, Illinois and Missouri—but he said "and all those places, you have coal communities who depend on coal." And they are going to put those people out. This is a very serious attack that is taking place right now, I think, when we saw the attack on fossil fuels, as presented by Region 6 Administrator Armendariz, when he said the truth is EPA's "general philosophy" is to "crucify" and "make examples" of oil companies and gas companies.

I only bring that up because many people think this is just about coal. No, it is very clear about fossil fuels. This has been a relentless war of this President on fossil fuels; that is, coal, gas, and oil, ever since he has been in office. It was the president of the Sierra Club who said a short while ago, yes, Utility MACT is about killing coal. Fine, we can kill coal, but that doesn't mean we want to change and start using natural gas because it is also a fossil fuel.

It may be that over in the House it took NANCY PELOSI 6 months to recognize natural gas is a fossil fuel, but it is. So this is just the beginning. This is the one where they are admittedly trying to kill coal because it is an easier target. In their belief, there are fewer States that are the big producers of coal, so go after them first.

I know my time has expired. I only want to say in closing that we will have another opportunity tomorrow. There are many other people wanting to be heard who don't want to kill coal and have this dramatic negative effect on our economy, our jobs, and our ability to produce the necessary energy to run this machine called America.

If we are dependent upon just under 50 percent for our entire generation ability on coal, imagine, if they are successful, what is going to happen to the price of the remaining available fuel? And of course they would be subject next. So I would urge our people to forget for a short period of time this President's obligation to certain small groups and oppose the Utility MACT.

We went through the same thing with greenhouse gases and we fought that battle before, I say to my good friend Senator BOXER from California. At that time, there were many legislative efforts to kill greenhouse gases, and yet every time there was a vote, the people who were answerable to the American people were the ones who voted it down. Now there might be, at most, 25 left in the Senate in favor of greenhouse gas emissions.

I urge Members to pass my CRA and let the President decide what he is going to do about vetoing this issue.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to take 3 minutes now, then yield up to 15 minutes to the Senator from New Jersey. I would then ask my friend, the Senator from Rhode Island—who is in the chair—to take up to 15 minutes, if he would like, and I will sit in the chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I just wish to say to my colleague Senator INHOFE before he leaves, that under this President we have seen more domestic energy production than we have seen probably in decades and decades—more domestic energy production and less reliance on imported oil than we have seen in decades and decades. So let's not attack President Obama for not working to ensure that we have the domestic capacity here at home to produce energy, because we are producing it from all sources.

The other point I wish to make is that my friends on the other side are ignoring the facts. The facts are that for every \$1 to \$3 that will be invested in clean utilities, we get back \$9 in benefits. The Presiding Officer has spoken on this quite often, and the fact is there are many benefits to doing this.

The other point I wish to make—which is very important—is that one-half of our coal-fired powerplants have already made these important technology upgrades. That is wonderful news. Why would we reward companies that haven't done what these others have done, that are continuing to spew forth the most dangerous chemicals? The list of them goes on and on. But we are talking about mercury, we are talking about arsenic, lead, and formaldehyde. I will get into that, but if we allow this congressional resolution to pass, why would we be rewarding the most recalcitrant utilities that are not cleaning up when the technology is clearly there?

There is a cost-benefit ratio. Our kids will breathe better. Later on tonight, I will spell out how many deaths will be avoided, how many asthma attacks will be avoided. We hear a little coughing in the Chamber today. That is the sound, unfortunately, we hear in classrooms all over this country. If we go into a classroom and we ask how many kids have asthma, one-third of the kids will raise their hand. If we say: How many of you know someone with asthma or have asthma yourself, half the kids will raise their hand.

So this isn't benign. What my colleague is doing is essentially pushing forward a resolution that would stop the Environmental Protection Agency

from doing its job that we asked them to do 20 long years ago when we passed the Clean Air Act amendments.

It is my privilege to yield up to 15 minutes to Senator LAUTENBERG, followed by the Presiding Officer, Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank Senator BOXER for her leadership in resisting these attempts to be able to permit companies to continue to pollute the air, a risk to our children, and marshaling the forces to say no to this.

I feel this may be a lesson I learned when I was in business school at Columbia: If we spend money here, we might save it there. But if we don't spend it, we are liable to lose something—a child, the child's ability to function. What kind of a proposition are we looking at? This isn't an accounting exercise. We are talking about the well-being of our children.

I will say, we may have disagreements between our sides, but I believe Republicans care as much about their kids on their side as we do on ours. But in this debate, they would say they have to take care of the power companies and permit them to emit poisonous ingredients into the air. So I think the sentence would be more completely said: Rather than take advantage of protecting our children, we would rather continue the profit buildup. It is preposterous when we think about it.

We have to continue the standards for powerplants that emit mercury pollution, which is brain poison for our children. We have to make sure we don't relinquish and permit this contagious material to continue to be put into the air.

Under the proposal of our friend from Oklahoma, Senator INHOFE, companies should be free to spew toxic air pollution out of their smokestacks, regardless of whether it goes into neighborhoods where our children play or in the path of their exercise and games.

This is a picture we would see. We have all seen it at different times in our lives. But we have learned something over the years. We have learned we can reduce this threat that comes out of these smokestacks.

We have a devil of a time in the State of New Jersey because it is from States to the west of us from which we get much of the pollution in our communities. Even if we had a State's option, fully, we couldn't do much about it if our neighbors to the west permit their companies to emit poisons into the air.

The standards Senator INHOFE wants to overturn—the Clean Air Act amendments—were approved by Republicans and Democrats over 20 years ago, in 1990. Most Americans would be disappointed to learn that powerplants have been free to put unlimited

amounts of mercury into the air that our children breathe. After years of delay and dirty air, the new standards will finally require powerplants to cut mercury pollution. Mercury is a highly toxic brain poison. Even in low doses, mercury can cause damage to fetuses and infants that permanently affect the child's development.

Every year, 630,000 babies are born with unsafe levels of mercury in their blood. Let's be clear about what this means. Mercury is poison, and children are being born with it coarsing through their veins. These children suffer from brain damage, learning disabilities, hearing loss. The mercury they are born with can damage their kidneys, liver, and nervous systems.

The powerplants that spew mercury also emit pollutants that trigger asthma attacks. Unfortunately, I have had the ability to see a child with an asthma attack. It happens to be my grandson. When he is gasping for air, if someone said: How much would you pay to relieve your grandson of the gasping or the trauma that comes with that kind of condition, there is no cost that would be too much. Anyone who has seen an asthmatic child wheeze and struggle to breathe knows we would do anything in our power to prevent asthma attacks.

EPA standards prevent 130,000 asthma attacks from occurring each year. Imagine that. We are protecting 130,000 asthma attacks from occurring to our kids every year. So why are Republicans proposing to erase limits on mercury pollution? We already know EPA's new standards will save and improve lives.

EPA estimates this rule would prevent 130,000 asthma attacks, 4,700 heart attacks, and up to 11,000 premature deaths. What kind of a calamity is worse than that? There isn't any. Heaven help those families who are tortured by learning that the problems they have for their children's school accomplishments could have been avoided and for every \$1 we spend to reduce pollution, we get \$3 to \$9 in health benefits. A child with pollution in her body is set back from day one and is going to carry that disability for her full life.

The polluters ignore the cost to American families. These companies think their right to pollute is more important than our kids' right to breathe. I can't believe they are willing to risk the health of a baby in their home or their grandchildren's home.

They say that cleaning up their act will cut into their profits, but we know clean air isn't just good for our health; it can be good for business. For proof, we look no further than in my State of New Jersey and our largest utility, Public Service Electric & Gas. They invested \$1.5 billion to upgrade their powerplants. PSE&G cut emissions of mercury and acid gases by 90 percent or more, and they created more than

1,600 new jobs in the process. That is the real picture. That is what happens. It is clear what this resolution, as proposed, would do. It would effectively kill any EPA action to reduce mercury now or in the future. It is unacceptable.

I say to those people who come from coal States: Clean up the air. Spend the money. You are going to spend it one way or another. Wouldn't you rather spend it on doing something that is positive for the environment rather than risking your child's health? I think there is no comparison.

We had an unfortunate incident in my family. I had a sister who was asthmatic. When she traveled, she always carried a respirator that she could plug into a cigarette lighter, and if she started to feel uncomfortable from beginning to wheeze, she could put this on and her breathing would clear up. She had been elected to the school board.

She was at a school board meeting and she felt an attack coming on. She got up to go to her car in the parking lot to get some relief from her inability to breathe. She collapsed in the parking lot and 3 days later she expired. She was 53 years old.

What is the price of a life? This was an adult. What about the life of a child, and we compare it to the costs? That is all we have heard about. The other side sounds like a bunch of accountants when they talk about how much will this cost. How much does it cost for a child who can't learn? How much does it cost to live life with a child whose body is impaired and they can't function? What is the cost?

The cost can't be explained in dollars. The cost is: What is right in our society? Do we have the obligation to try and protect the children who live in our country? I think so. Let the companies figure out ways to improve the quality of their air emissions. It is pretty simple. If they do, the problem can be solved. But to say no, no, this will cost too much—I think of a schoolyard full of little kids and I say I would like to ask them: What is it worth to see these little kids sing ring-around-the-rosie, and be happy compared to saying to the company, no, your job is to clean up your act. You have time to do it but you must do it. You cannot avoid it any longer.

It is clear what this resolution would do. It would effectively kill any EPA action to reduce mercury now or in the future. That is unacceptable. I say to my colleagues: Defeat this measure. Look at your children, look at your grandchildren, and say to yourself: What will I do to protect her; to protect him; to hear their voices nice and clear; to see them learning; to see them growing?

What is more important, to protect the powerplant that wants to emit more poisonous air and refuses to do

its share? They are going to do it one way or the other. Look at your children. Look at your grandchildren. I urge my colleagues to defeat this measure.

I yield the floor.

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, Senator WHITEHOUSE of Rhode Island is recognized for up to 15 minutes.

Mr. WHITEHOUSE. Madam President, it is one thing to say things and it is another to say things that are true. Let us review some of the things that have been said on the floor of the Senate today in the context of this discussion.

One of my colleagues said that this rule, which will for the first time require our powerplants to meet mercury emission standards that other industries have had to meet, and have successfully met for years, is now coming on, to use his words, "too far and too fast."

The Clean Air Act was passed 30 years ago and, specific to this, in the year 2000 EPA began the process that has culminated in this rule determining that it would be appropriate and necessary to have a rule on this kind of hazardous air pollution being emitted by powerplants. Here we are in 2012 and we are being told that it is too fast that utilities are obliged to comply with a program that was first announced as appropriate and necessary in the year 2000. It would seem to me that a dozen years' notice is enough, particularly where other industries have already met these standards.

On that note, the same colleague said that compliance with these standards is "nearly impossible." It is obviously not nearly impossible if other industries have already complied with the standard with which the electric utility industry is being asked to comply. More specifically, this rule sets the mark at a level where the highest performing 12 percent of emitters already are. They are already there. So it is not a question of compliance being nearly impossible. Compliance is actually already achieved by the good-behaving and responsible utilities that have put the technology to work to clean up their exhausts.

I have a letter that I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WHITEHOUSE. In this letter, 16 of my colleagues, led by myself and the distinguished Chair of the Environment and Public Works Committee, BARBARA BOXER, wrote to the President supporting this rule. We described, for one thing, a utility called Constellation, which has invested to add environmental controls and a new scrubber to its Brandon Shores facility in Maryland, cutting mercury emis-

sions by 90 percent. Also, in addition, it created 1,385 jobs at peak construction, not counting the many more jobs manufacturing those clean air technologies. So this is not "nearly impossible," this is being done regularly.

The other remark that was made by this colleague is that the country does not support EPA on this. To the contrary, actually, public health groups and officials across the country support this: the Academy of Pediatrics, the Association of Respiratory Care, the Heart Association, the Lung Association, the American Nurses Association, the Public Health Association, the March of Dimes—it is a considerable number of public health supporters.

If you want to go beyond the public health community, it is interesting to note that the faith community is very actively supporting our position, everything from the Evangelical Environmental Network to the Evangelical Lutheran Church in America, to the General Baptist Convention of Texas, to the National Council of Churches USA, to the Jewish Council on Public Affairs, to the U.S. Conference of Catholic Bishops, and the United Methodist Church. To say that America does not support the EPA I think is to take a very constricted view of America. Perhaps the occupants of the electric utility boardrooms in America would be more precise.

Some of the folks who support this, interestingly, are not just health groups, but they are the electric utilities themselves. Half of the fossil fuel electric generation in the country is controlled by electric utilities that support the EPA rule. Let me read some examples from this same letter.

The chairman, president and CEO of Wisconsin Energy said, "We really see very little impact on customer electric rates or our capital plan between now and 2015 as a result of all the new EPA regulations that have been proposed" Very little impact.

The Senior Vice President of Energy Policy at Seminole Electric Cooperative indicated, "If the EPA adopts a mercury rule as currently proposed, Seminole would already be meeting that standard." So much for it being almost impossible.

Duke Energy's CEO noted, "I think 3 years is doable," not too fast, doable as a compliance timeline. And the CEO of PSEG stated, "We are also well-positioned to meet the anticipated requirements under EPA's . . . regulation." "We believe these regulations are long overdue." Not coming too fast, "long overdue."

"Our experience shows that it is possible to clean the air, create jobs and power the economy, all at the same time."

Another one of my colleagues said that higher electric bills should be measured, on the one hand, against the

negligible benefits on the other hand. That was a theme that a number of colleagues adopted.

Another one said this was all costs, no benefits.

A third said this bill fails to find the proper balance between cost and benefit. And a fourth said this rule would be “hammering our economy, in effect a tax increase.”

What are the facts? The facts are that although the rule will cost \$9.6 billion to implement, because there is better health, because there are beneficial effects of not polluting our country with all of these dangerous chemicals, the benefits are between \$37 and \$90 billion; \$9 billion in costs, \$37 to \$90 billion every year in savings, in benefit to our economy. On the whole, this is a huge economic win for the country. The only place where it is a problem is, again, in the boardrooms of the electric utility companies that have not been good citizens, that have not put the scrubbers on, that are trailing the rest of the industry and do not want to be forced to catch up to where other industries, and half of their industry, now is.

If you want to move off, as Senator LAUTENBERG so movingly did, the accounting of this \$9 billion in cost versus \$37 billion to \$90 billion in benefits, there are the 11,000 lives that will be saved every year. You cannot put a price on a human life. This will save them.

The last point is that the distinguished ranking member of the Environment and Public Works Committee described a relentless war, and what he was referring to is an imagined war by the Obama administration against the coal industry. I think if there is a relentless war out here, and I am speaking now as a Senator from Rhode Island, it is a relentless war of these polluting coal plants against the northeastern States in particular, my State in particular, that carries the burden of all the fallout of that exhaust and that pollution that they do not bother to treat at the source so it lands in our State.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the resolution in support of the EPA mercury and air toxic standards for powerplants that was adopted by the U.S. Conference of Mayors.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WHITEHOUSE. I will not read the whole thing. Let's just read the concluding paragraph:

Now, therefore, be it resolved that the U.S. Conference of Mayors strongly supports the EPA's issued Mercury and Air Toxics Standards for Power Plants.

There were no Federal standards for mercury until now for our powerplants. You would think we should have done

this by now but—yes, we should have done it by now but at least we are here. At least we will achieve the benefits of \$1 in cost for \$3 to \$9 in savings and in benefits to Americans. We should be celebrating this sensible and yet significant public health achievement.

Instead, we are engaged in a debate that I think is confounded, on their side—their arguments are confounded by the actual facts.

The benefits are staggering, in addition to the 11,000 lives saved, 4,700 fewer heart attacks, 130,000 fewer cases of children suffering asthma attacks, 5,700 fewer emergency visits each year.

Let me close by mentioning one specific. Mercury is a neurotoxin. The reason that people use the phrase “mad as a hatter” is because hatters, making hats, used mercury and mercury poisoned them, made them mad, affected their brains. It is a neurotoxin.

That affects Rhode Island quite considerably. First of all, we are a State that is downwind. Every Rhode Islander has heard, as we drive into work on a bright summer weekday morning, the radio warning: Today is a bad air day in Rhode Island; children, people with breathing difficulties, seniors should stay indoors today in their air conditioning.

It is a beautiful day. People have a right to be out of doors on a beautiful day. They should be celebrating, playing, picnics, going to the beach. But, no, stay indoors because there is ozone pollution settling on us from the powerplants.

In addition, the mercury comes in and that creates a different set of harms in Rhode Island. One harm is that small children should not eat any freshwater fish in Rhode Island, according to our health department. Here is a wonderful Norman Rockwell picture, sort of an emblematic American scene, grandfather is taking his grandson fishing. The excitement as the fish comes up out of the pond—that image in Rhode Island is shattered by the fact that this small child would not be allowed to eat any freshwater fish that he caught with his grandfather because of this mercury pollution that has bombarded us by these out-of-State powerplants that did not clean up their act.

Furthermore, no one in Rhode Island should eat more than one serving of freshwater fish caught in our State each month, so if the grandfather caught two fish, he could eat one, for a month, but he should not eat the other because of the health effects of the mercury that has piled up in the bodies of the fish.

There are some bodies of water that seem to be more in the gunsights of these polluting dirty Midwestern powerplants than others for reasons that nobody can explain. But Quidnick Reservoir, Wincheck Pond, and Yawgoog Pond in Rhode Island—no one should

ever eat any of the fish caught in those three bodies of water because of the mercury poisoning. So when we talk about every dollar a utility will spend to clean up its pollution being offset by \$3 to \$9 in benefits, that figure doesn't take into account these intangible benefits. It doesn't take into account the intangible benefit of being able to enjoy the emblematic American pastime of taking your grandson or going with your grandfather to go fishing in a pond, to be able to catch something, bring it home, fry it up, and have it for supper. The utility polluters get to wreck that for free in this equation, but we should not forget it in this Chamber.

There are many aspects of the American way of life that should not yield to the bottom line of those polluters that are not willing to meet the same rules that so many of their colleagues already do and that so many industries already do.

EXHIBIT 1

U.S. SENATE,
WASHINGTON, DC,
December 16, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Respectfully, we urge the Administration to finalize the Utility Air Toxics Rule as scheduled on December 16, 2011, and to adhere to the compliance schedule set forth in Section 112 of the Clean Air Act. Our nation has waited far too long for a federal limit on mercury and other hazardous air pollution emitted by power plants.

The electric utility industry has been on notice for a decade that the EPA intended to limit its hazardous air pollution. In 2000, the EPA determined it was “appropriate and necessary” to set hazardous air pollution standards for power plants, based on the serious health effects of this pollution. Power plants are the biggest emitters of mercury, a neurotoxin that can stunt cognitive development in children and infants. Power plants are also significant emitters of toxic metals—for instance, they emit 62% of all such arsenic pollution in the air we breathe—and acid gases such as hydrochloric acid which can cause respiratory tract ailments and fluid buildup in the lungs. The rule is expected to save up to 17,000 lives per year by cutting this pollution.

Plants in 17 states have begun to control for mercury pollution. These projects protect public health, and demonstrate that updating our energy infrastructure triggers investment in new technologies and the creation of tens of thousands of jobs. Consider: Constellation invested \$885 million to add environmental controls and a new scrubber to its Brandon Shores facility in Maryland, cutting mercury emissions by 90 percent. This investment created 1,385 jobs at peak construction, and many more jobs manufacturing the clean air technologies; PSEG retrofitted two of its coal facilities and installed scrubbers, creating 1,600 construction-related jobs over two years, and 24 permanent jobs; and AEP retrofitted one of its coal facilities and created more than 1,000 construction-related jobs building a scrubber, and 40 permanent jobs in operations.

AEP CEO Michael Morris said this year that when a utility retrofits a plant to comply with the Clean Air Act, “jobs are created

in the process—no question about that.” Good environmental policy is good economic policy, as the jobs numbers—and the United States’ \$11 billion trade surplus in environmental technologies—demonstrate.

Most electric utilities in this country are ready for this rule. Indeed, operators of half of the fossil fuel electric generation in this country have gone on record on this point. For instance:

The Chair, President and CEO of Wisconsin Energy noted that, “We really see very little impact on customer electric rates or our capital plan between now and 2015 as a result of all the new EPA regulations that have been proposed. . . .”

The Senior Vice President of Energy Policy at Seminole Electric Cooperative, Inc., indicated that “If the EPA adopts a mercury rule as currently proposed, Seminole would already be meeting the standard.”

Duke Energy’s CEO noted that “I think three years is doable” as a compliance timeline for the Utility Air Toxics Rule.

The CEO of PSEG stated that, “We are also well-positioned to meet the anticipated requirements under EPA’s HAPs/MACT regulation, which is scheduled to be issued on December 16. We believe these regulations are long overdue. Our experience shows that it is possible to clean the air, create jobs and power the economy, all at the same time.”

Some utilities, however, are arguing that this rule will compromise their ability to provide reliable service. We do not believe the facts support this argument. Earlier this month, your Department of Energy released a report finding that even under the most conservative assumptions, utilities could comply with both the Transport Rule and the Utility Air Toxics Rule while providing adequate electric power in each region of the country.

Meanwhile, new generation capacity is being built. Over the next four years, utilities are constructing nearly 78 GW of new capacity, including about 38 GW of natural gas. Natural gas prices are dropping rapidly, driving both the construction of new gas-fired plants and the utilization of existing gas capacity. These gas plants are starting to out-compete inefficient coal units on price alone, separate and apart from any Clean Air Act rules.

If localized reliability issues emerge, or if a unit needs more time to comply with the Utility Air Toxics Rule, current law and long-standing practice provide off-ramps on a case-by-case basis. Upon request, EPA and the states may grant a unit a fourth year to comply. If the unit needs more time to install controls, or if it plans to retire but needs to stay online to ensure reliability, EPA may enter into legally binding agreements with the utility to provide that necessary time.

Given that so many utilities are well-positioned to comply with the Utility Air Toxics Rule, and the flexibility afforded particular units, there is no reason for an across-the-board delay of this important public health measure. We applaud the work that EPA has undertaken to limit dangerous air pollution from power plants, and urge the Administration’s approval of a final rule to be in place by December 16, 2011.

Sincerely,

SHELDON WHITEHOUSE.
PATRICK J. LEAHY.
JOSEPH I. LIEBERMAN.
PATTY MURRAY.
FRANK R. LAUTENBERG.
BENJAMIN L. CARDIN.
JEANNE SHAHEEN.

KIRSTEN E. GILLIBRAND.
BARBARA BOXER.
JOHN F. KERRY.
DANIEL K. AKAKA.
MARIA CANTWELL.
ROBERT MENENDEZ.
BERNARD SANDERS.
JEFF MERKLEY.
RICHARD BLUMENTHAL.

EXHIBIT 2

IN SUPPORT OF EPA MERCURY AND AIR TOXICS STANDARDS FOR POWER PLANTS

Whereas, mayors recognize that mercury pollution, the majority of it coming from coal-fired power plants, represents a particularly widespread threat to families nationwide; and

Whereas, in 1990, 3 industry sectors made up ¾ of the total mercury emissions in the nation including Medical Waste Incinerators, Municipal Waste Combustors (Waste-to-Energy); and Power Plants; and

Whereas, The first two sectors have already had to comply with mercury and air toxics rules and have reduced their mercury emission by 95%; and

Whereas, the technology to retrofit these facilities already exists and is being utilized in the other two industries; and

Whereas, because of local mercury contamination, all 50 states have fish consumption advisories in place to warn residents of the potential health effects of eating fish caught from area waters; and

Whereas, mercury poses a particular threat to vulnerable populations such as pregnant women and small children; and

Whereas, mercury is a potent neurotoxin that affects a developing child’s ability to talk, walk, read and write, and in addition to learning disabilities, in utero exposure can result in severe birth defects such as blindness, deafness and cerebral palsy; and

Whereas, EPA’s analysis projects that the annual cost to the regulated industry for the year 2016 (the first year in which EPA expects the standards to be fully implemented), would be \$9.6 billion and the aggregate benefits for that year would be between \$37-\$90 billion; and

Whereas, for every dollar spent to reduce this pollution, Americans get 3-9 dollars in health benefits; and

Whereas, the Environmental Protection Agency (EPA) projects that the new Clean Air Act protections from reduced mercury and air toxics will save citizens as much as \$90 billion annually when fully implemented through lower health care costs. Each year, this translates into as many as 11,000 lives saved, 4,700 heart attacks and 130,000 asthma attacks prevented, and 5,700 hospital visits avoided; and

Whereas, the benefits are widely distributed and are especially important to minority and low income populations who are disproportionately impacted by asthma and other debilitating health conditions; and

Whereas, clean, healthy air and water are fundamental American rights,

Now, therefore, be it Resolved that the U.S. Conference of Mayors strongly supports the EPA’s issued Mercury and Air Toxics Standards for Power Plants (MATs).

Mr. WHITEHOUSE. I yield the floor. I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mrs. BOXER. I wish to thank the Presiding Officer very much for taking the Chair again and for his beautiful statement. I thought the Senator definitely debated the issue and took apart the argument that my Republican friends made against a rule that is widely supported by the American people. The Senator cited some of the amazing organizations. I will do that again tomorrow in the debate.

Just for the sake of the folks who are still working here tonight, I don’t plan to go much more than 5 minutes. It has been a very long day for everyone who works here and I respect that.

It is not only these amazing groups that are with us that want us to defeat this very dangerous resolution—my colleague named some of them—the American Nurses are among those who understand what health care is about. They see people struggling to find a breath when they come in with these attacks. Also, religious organizations recognize we are only as good as the weakest among us. As Senator LAUTENBERG pointed out so eloquently, it is our kids who get the real impact of this many times as well as adults.

What I wish to do in closing out the debate tonight—and we will have another hour of debate tomorrow—is just run through a few charts that tell the tale. The first one is: What does this resolution do? Because I know people may be following us and saying: What exactly do Senator INHOFE and his colleagues want to do? They want to repeal the rule that is about to go into place and block the Environmental Protection Agency from implementing the first-ever national mercury and air toxics standards for powerplants. These powerplants are giving off these poisons, and these poisons are going into the air.

In the case of mercury, we wind up poisoning fish, which was such a great part of my colleague Senator WHITEHOUSE’s presentation. So poisons are being spewed into the air from these powerplants.

In 1990, by a vote of 89 to 10 and in the House 401 to 25, we passed the Clean Air Act. Those were the amendments. It was signed by George Herbert Walker Bush. More than 20 years later, we have a court order because we didn’t do what we were supposed to do. Now President Obama is doing the right thing to protect the people by moving forward with this first-ever national standard. We have to defeat this push to stop the Obama administration from doing what we wanted done since 1990 and what we wanted the then-EPA to do and it has taken this much time to get it done. Just as we are on the brink of getting this protective rule, which is so cost-efficient—for every \$1 to \$3, we save \$9—they want to turn it around.

What is at stake? There are 4,200 to 11,000 additional premature deaths. So when people say what we do doesn't matter, I say look at this. If this rule is repealed, more people will die prematurely. We will have 4,700 heart attacks, 130,000 cases of childhood asthma symptoms, 6,300 cases of acute bronchitis, 5,700 emergency room visits and hospital admissions, 540,000 days of missed work due to respiratory illness. Again, it is \$3 to \$9 in benefits for every \$1 invested in the powerplants, one-half of which have already done the right thing. Half the coal powerplants have done this already. So we are talking about ensuring that the rest of them do the same.

Many companies have addressed their mercury and air toxic emissions. We should thank the coal companies that have already cleaned up their act, not reward those that have delayed in installing the pollution-control equipment. Anyone on the other side who says there is no pollution-control equipment that is available and this can't be done and it is going to result in increased electric utility rates should listen to the facts. They should talk to the people who already installed these important mechanisms. They created jobs doing it, and as far as electricity prices, there was no impact.

I talked about the jobs that are provided. When we clean up these utilities, there will be 8,000 long-term jobs and 46,000 short-term jobs. It is actually a jobs bill when we clean up to current standards.

What poisonous emissions does the clean air rule address? I think this is basically where I am going to end it. I am going to mention these things, and they sound scary because they are. Mercury and lead, this is what we are asking them to clean up, and my colleagues say, no, keep on polluting. Mercury and lead damages the nervous system of children and harms the brains of infants. Arsenic sound scary? It is. It causes cancer and damages the nervous system, kidneys, and the liver. My Republican friends say: Oh, it is OK. Who cares? We should all care. How about selenium? It harms the reproductive system of wildlife. Other heavy metals such as cadmium and chromium cause cancer and harm vital organs. Benzene causes cancer and damages immune and reproductive systems. How about this one, formaldehyde. It sounds scary. It is scary. It is a carcinogen, and that means it causes cancer—no question about that. Acid gases sound scary? They are scary. They damage the heart, the lungs, and the nervous system. Imagine breathing in acid gases and what that does to our pulmonary system. Toxic soot pollution causes respiratory illness, including asthma attacks, chronic bronchitis, heart attacks, and premature death.

Tomorrow I will go into these in greater detail. It is just a rhetorical

question, but why would anyone in their right mind stand in the way of cleaning up these poisons. They say it costs too much. No, it doesn't because the companies that already did it say it is working. For every \$1 we invest, we save \$3 to \$9. So it doesn't cost too much. Is it just about doing business as usual? That is fine if all we are doing is something that is benign. This is not benign.

My colleague Senator INHOFE attacked the President and said our President is stymieing domestic energy production when we have the opposite truth. We have seen a tremendous increase in domestic energy production under this President, more than we have seen for decades. So don't blame this President and say he is trying to stymie domestic energy production. He has embraced an all-of-the-above strategy.

Mr. President, I ask unanimous consent to have printed in the RECORD a paper entitled "Develop and Secure America's Energy Supplies."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEVELOP AND SECURE AMERICA'S ENERGY SUPPLIES—EXPAND SAFE AND RESPONSIBLE DOMESTIC OIL AND NATURAL GAS DEVELOPMENT AND PRODUCTION

"All these actions can increase domestic oil production in the short and medium term. But let's be clear—it is not a long-term solution"—President Obama, March 11, 2010.

THE CHALLENGE

America's oil and natural gas supplies are critical components of our Nation's energy portfolio. Their development enhances our energy security and fuels our Nation's economy. Recognizing that America's oil supplies are limited, we must develop our domestic resources safely, responsibly, and efficiently, while taking steps that will ultimately lessen our reliance on oil and help us move towards a clean energy economy.

Over the last two years, domestic oil and natural gas production has increased. In 2010, American oil production reached its highest level since 2003, and total U.S. natural gas production reached its highest level in more than 30 years. Much of this increase has been the result of growing natural gas and oil production from shale formations as a result of recent technological advances. These resources, when developed with appropriate safeguards to protect public health, will play a critical role in domestic energy production in the coming decades.

America's public lands and Federal waters provide resources that are critical to the nation's energy security. To encourage robust exploration and development of the nation's resources, the Administration has offered millions of acres of public land and Federal waters for oil and gas leasing over the last two years. Oil production from the Outer Continental Shelf increased more than a third—from 446 million barrels in 2008 to more than 600 million barrels of estimated production in 2010. Responsible oil production from onshore public lands also increased over the past year—from 109 million barrels in 2009 to 114 million barrels in 2010. These increases are occurring at the same time that oil imports are decreasing; for the first

time in a decade, imports accounted for less than half of what we consumed.

Mrs. BOXER. It shows how U.S. crude oil production is way up under President Obama. It is way up. Over the last 2 years domestic oil and natural gas production has increased. In 2010, American oil production reached its highest level since 2003 and total U.S. natural gas production has reached its highest level in more than 30 years. How can my colleagues stand and say this President doesn't like the coal companies and is trying to push them out of business so we will have less energy production? Wrong. What he is trying to do and we are trying to do—those of us who are going to oppose the Inhofe resolution—is say we want to see coal continue, but we don't want it to spew forth—mercury, arsenic, selenium, other heavy metals, benzene, formaldehyde, acid gases, and toxic soot. It is pretty straightforward. Clean it up.

When I was a kid, my mother said: Clean your room. She said: You made a mess so clean it. I see some of the pages are smiling because their mothers say the same to them. What I found as I matured over the years is that we need to come back to some of those basics. Clean up your mess. They are making a mess. But it is not the benign mess that is in some of the bedrooms of our kids, with toys, papers, and clothes scattered around; it is dangerous toxins, and it has to be cleaned up.

Tomorrow is an important vote. I hope tonight people will think about this debate because a lot of the things we do here maybe don't have such a direct impact on people's lives. This has a direct impact. What we breathe and the fish we eat are all related to what is going to happen tomorrow. I hope we will vote no on the Inhofe resolution and allow the EPA to do its work which 75 percent of the American people support. They want clean air, they want clean water, and we want to make sure they get it without interference. Let's vote down the Inhofe resolution and move forward with clean air. I think we will all be proud tomorrow if we can defeat that resolution.

I note the absence of a quorum and yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERAN CARDIOVASCULAR DISEASE AWARENESS

Mrs. MURRAY. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I would like to take a moment to recognize the Department of Veterans Affairs and the American Heart Association for their work to raise awareness about the dangers of cardiovascular disease amongst our Nation's women veterans and service members.

VA's dedicated work on cardiovascular disease has successfully decreased the gaps between men and women veterans in heart disease prevention outcomes. However, as cardiovascular disease remains the No. 1 killer of women, I applaud VA and the American Heart Association's "Go Red for Women" campaign for partnering under the First Lady's Joining Forces Initiative to raise awareness and promote prevention amongst our Nation's female veterans. I am pleased to see VA focus its efforts on educating women veterans through an online fitness and nutrition program and an online support network to connect women with other women who share similar experiences.

Today, women serve in every branch of the military. Women represent 15 percent of our Nation's Active-Duty military, and they are the fastest growing population within the veteran community. The number of women veterans is expected to increase to 2 million in 2020 and with this projected increase it is critical that VA remain responsive to the unique needs of women.

Nearly one in two women, 44.4 percent, will die of heart disease and stroke. We must ensure that women receive equal access to VA health care benefits and services. This partnership between VA and the American Heart Association is a great step toward ensuring that women are educated on the dangers of cardiovascular disease and provided with the resources necessary to prevent it.

Mr. President, I applaud the collaboration between VA and the American Heart Association to raise awareness and increase prevention efforts on an issue that affects so many of our Nation's women veterans and civilian women throughout our country.

OBSERVING WORLD REFUGEE DAY

Mr. KERRY. Mr. President, Abraham Lincoln once spoke of our Nation as the last best hope on earth. On this World Refugee Day—the 11th of its kind and the 61st anniversary of the United Nations Convention Relating to the Status of Refugees—it is fitting that we give careful pause to remember that the responsibility attached to Lincoln's words does not end at our shores.

Across the world, refugees need our assistance and our support. They look to America's voice and leadership to champion their plight—from the dusty plains of northern Kenya to the mountainous confines of Burma, Nepal and Southwest Asia.

As we look around the world, there are, sadly, numerous refugee crises. In many cases, refugees exchange one set of dangerous conditions for overcrowded, unsanitary and even violent camps. Instability in Somalia is swelling the ranks of the world's largest refugee complex in Dadaab, Kenya, home to nearly 500,000 people. In the Sahel, more than 150,000 Malians have fled the conflict to neighboring countries, joining host communities that are already suffering from drought and hunger. To them, daily survival is a gamble.

We also know that refugees and displaced populations can be the spark for large-scale violence, and today we face that very threat from the millions displaced from homes across the Middle East. Unspeakable violence in Syria has uprooted an estimated 500,000 people inside the country and driven tens of thousands more to Jordan, Turkey, Lebanon and Iraq. Human security in Iraq continues to be a pressing concern, as our partners support hundreds of thousands of Iraqi refugees in neighboring countries and over one million internally displaced persons.

Of course, there are glimmers of hope. As Burma slowly and steadily opens its political system, we will look to the government to provide space for humanitarian action to assist those displaced by years of conflict. Have a thought for the Burmese refugee in limbo along the border with Thailand or the young ethnic Rohingya who is denied even the basic identity papers that connote official personhood. They, too, deserve our attention, compassion and support.

In South Asia, more than 5.7 million Afghan refugees have returned home in the past decade, one of the UN's most successful voluntary repatriation operations. We must celebrate this achievement, even as we renew efforts to find durable solutions for the nearly 3 million Afghan refugees scattered across the region. In Colombia, where conflict has displaced an estimated 4 million people, our partners are helping the government to provide reparations and land restitution to affected individuals and families. We also continue to support the UN Relief and Works Agency in its efforts to provide assistance to millions of Palestinian refugees in the Palestinian territories and throughout the region.

Above all, we must remember that these aren't just statistics. The plight of the world's refugee and displaced populations is a challenge to the humanity of every single one of us. Children who need proper nutrients and access to education, women who are at

great risk of falling victim to gender-based violence, individuals with psycho-social needs after witnessing devastation—these realities prick our conscience from half a world away.

Mr. President: Lincoln used to say that he "tried to pluck a thistle and plant a flower wherever the flower would grow . . ." Despite our trying times, we should remember all those who have planted the seeds of hope and opportunity where thistles would otherwise grow, from the State Department's Bureau of Population, Refugees and Migration and its partners in the UN to international, faith-based and non-governmental organizations in the field. Let us also recognize the efforts of the organizations that provide guidance and services to give refugees resettled in the United States the opportunity to rebuild their lives here—and thank the communities across the country, including in my State of Massachusetts, who welcome them to their adoptive homes. Their legacy is ours, too. And the next chapter is waiting to be written.

ADDITIONAL STATEMENTS

REMEMBERING JOSEPH A. LESNIEWSKI

• Mr. CASEY. Mr. President, I would like to take a few moments to commemorate a great Pennsylvanian who passed away on May 23, 2012. Those who worked alongside this high-spirited citizen of Erie, PA knew him as a hard worker, those who served alongside him in World War II knew him as a selfless soldier, while others who worked with him at the United States Post Office knew him as a devoted civil servant; still, many more around the world knew this great Pennsylvanian as World War II veteran Private Lesniewski, of the 101st Airborne Division, immortalized in the book and HBO series "Band of Brothers." Today I would like to commemorate and take stock of this remarkable life: Joseph A. Lesniewski, an influential and inspirational citizen of Pennsylvania.

Mr. Joseph A. Lesniewski passed away at a Veterans Affairs Medical Center at the age of 91; he was survived by his wife of 38 years, Phyllis Schindley Lesniewski; and his four daughters, two sons, two sisters, six grandchildren, and three great-grandchildren. From Mr. Lesniewski's work with General Electric, to his service in World War II, to his 37 years serving our country at the Erie Post Office, Mr. Lesniewski embodied the American spirit of dedication to country and unyielding resolve during several of our country's most trying times.

After graduating from Erie Technical High School in 1940 and faced with a battered world economy, Mr. Lesniewski joined the Civilian Conservation Corps, a New Deal Program

that helped weather the Great Depression and achieve the skills necessary for a position as a tool and die maker in General Electric's Erie, PA factory. Following the bombing of Pearl Harbor, Mr. Lesniewski enlisted in the United States Army in 1942, where he served in the storied 101st Airborne Division during the momentous Battle of Normandy, Operation Market Garden, and the Battle of the Bulge. Mr. Lesniewski and his comrades were later immortalized in historian Stephen E. Ambrose's book, *Band of Brothers*, which illustrated the common acts of heroism displayed in World War II by our soldiers. Ambrose wrote that Lesniewski took German-grenade shrapnel to his neck while alerting his fellow comrades to take cover after he discovered a machine gun nest and an entire company of SS soldiers just yards away. Lesniewski's selfless actions led to the capture of both the machine gun nest and the company of SS soldiers. In another incident, Private Lesniewski disregarded his own safety during a German artillery barrage and marked the spot where an unexploded German shell had burrowed itself into the ground. This action helped to ensure the safety of his fellow soldiers.

After helping to keep others alive on numerous occasions, and serving as a source of strength and inspiration to the soldiers around him, Mr. Lesniewski re-entered the civilian workforce in 1945 and served for 37 years at the United States Post Office in Erie, PA. A historian and close friend of Mr. Lesniewski once said:

Over the years I saw a thousand acts of random kindness come from him. He had a heart of gold. He never stopped giving, as he was proudly involved in numerous charitable causes in his community.

As a testament to his heroism, Senator JOHN KERRY invited Mr. Lesniewski to join him at the 2004 dedication of the World War II Memorial in Washington, DC.

As we commemorate the valiant life of Joseph Lesniewski, we should not forget that our country has survived seemingly insurmountable challenges in our history. We survived these dire times due to the dedication to country and unyielding resolve found uniquely in our citizenry, symbolized so clearly through the life of Joseph A. Lesniewski. Let us not forget the words of Abraham Lincoln at Gettysburg, "It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced." So then, with reflection on the life of Mr. Lesniewski, who so nobly advanced our country in both military and civilian roles, let us continue our dedication to the unfinished work before us: the work of building a better country and ensuring that the lives of our children can and will be better than that of our own.●

REMEMBERING PATRICIA RAE MCCOY ROHLEDER

● Mr. CRAPO. Mr. President, today I wish to honor the life of Patricia Rae McCoy Rohleder. An Idaho native, Pat has been an integral part of the Idaho agriculture community for many years.

Pat had a remarkable 40-year career as a newspaper reporter that included many years of covering agricultural issues through the Capital Press. The value she placed on agricultural production was evident in her activity in this field. She was involved in many related efforts, including the Julia Davis Ag Pavilion project, Idaho Food Producers legislative meetings, and work on the Ag Pavilion Committee. The long list of awards and honors she received for her work includes three Conservation Writer of the Year honors from the Idaho Association of Soil Conservation Districts; two media awards from the Idaho Grain Producers Association; an Idaho Farm Bureau award for outstanding reporting of agriculture; an honorary life membership received in 2009 from the Owyhee Cattlemen's Association; and a special award for dedication and service to Idaho's agricultural industry received at the 2010 A. Larry Branen Idaho Ag Summit.

In addition to her writing, Pat had many other talents and interests including sewing, needle arts, playing the piano, and genealogy, and I understand her favorite title was "Grandma." She was also an active member of the Church of Jesus Christ of Latter-day Saints.

Pat's action reflected her values. She always lived her life the way a person ought to and served as a great example to many. I extend my condolences to Pat's husband, Erwin Ralph Rohleder, her mother, Edna L. McCoy, and her many other family members and friends. Pat will be greatly missed.●

REMEMBERING PERRY SWISHER

● Mr. CRAPO. Mr. President, today I wish to honor the life and legacy of Joseph "Perry" Swisher. A third-generation Idahoan, Perry committed much of his life to service to our State and Idahoans.

Perry was born in Bruneau, IA, and educated at Pocatello High School, University of Idaho Southern Branch and Idaho State University. He had an extensive career as a journalist and in elected office. This included his work as the Pocatello News Bureau manager for the Salt Lake Tribune, editor and publisher of the Intermountain, and assistant managing editor for the Lewiston Morning Tribune. In the late 1960s through mid 1970s, Perry owned The Book Arcade in Pocatello. For 7 years, he served as director of special services at Idaho State University and was involved in helping low-income and mi-

nority students succeed in college. He also served as a member and president of the Idaho Public Utilities Commission, as Idaho State representative of Bannock County, Idaho State senator for Bannock County, and as a member of the Pocatello City Council. Perry received many awards and honors for his work and served on a number of boards and commissions.

His immense experience in many aspects of the communities he lived in and the State contributed to his deep understanding of Idaho and Idahoans. Perry was known for his ability to simplify complex issues and make them understandable. He was sharp and inquisitive and had a propensity for debate and thought-provoking discussions. Perry had a comprehensive knowledge and sense of Idaho history, which he was willing to share if asked. Although his political partisan affiliations were famously known to shift according to the cyclical vagaries of political thought, his own view of the world remained consistent. His view of current events, always stated in the context of Idaho history, was of enormous value to many, including to those in my office. He also had an innate kindness and fabulous sense of humor that made the lessons he delivered particularly enjoyable.

I extend my heartfelt condolences to Perry's wife of 64 years, Nicky Swisher, his children, grandchildren, great-grandchildren, and many other family members and friends. Perry was truly exceptional. His steadfast determination and efforts in support of and to better our state will always be remembered.●

TRIBUTE TO MICHAEL D. LEE

● Mr. LEE. Mr. President, today I wish to recognize the career of Police Chief Michael D. Lee, who is retiring after 34 years with the Kaysville Police Department.

Chief Lee was the eighth officer hired by Kaysville City in 1977. He started as the first school resource officer for Kaysville and rose through the ranks becoming a detective sergeant in 1988. He was subsequently promoted to lieutenant over the Patrol Services Division, and in 2007 he became the captain of the Investigative Services Division. In 2008, he was named chief of police for Kaysville City and has served the citizens honorably.

During his time at the Kaysville Police Department, Lee has helped to oversee the force's evolution into the 21st century. As new technologies have become available, Lee has pushed the department to continue to modernize, acquiring equipment ranging from advanced speed radar systems to laptops for patrol cars.

Passing the tradition of public service from one generation to another, Lee's son, Jason, has entered into his

own law enforcement career. He protects the public as a patrol sergeant for the Morgan County Sheriff's office.

I join Kaysville Mayor Steve Hiatt and the local community in congratulating Michael D. Lee for his many years of dedicated service. I want to personally thank him for protecting and serving so many Utahns and bringing honor to a name that we share. His career is a testament to the accomplishments of hardworking police officers everywhere, and I congratulate him on his many achievements and 34 years of excellence.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a withdrawal which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1272. An act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1556. An act to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes.

H.R. 3668. An act to prevent trafficking in counterfeit drugs.

H.R. 4027. An act to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes".

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks,

announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4310. An act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1272. An act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al. by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; to the Committee on Indian Affairs.

H.R. 1556. An act to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes; to the Committee on Indian Affairs.

H.R. 3668. An act to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

H.R. 4027. An act to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes"; to the Committee on Energy and Natural Resources.

H.R. 4310. An act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

MEASURES DISCHARGED

The following joint resolution was discharged pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 37. Joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6528. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the audit of the financial statements of the Federal Trade Commission (FTC) for fiscal year 2012; to the Committee on Commerce, Science, and Transportation.

EC-6529. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Award Fee for Service and End-Item Contracts" (RIN2700-AD70) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6530. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the Department of Transportation, Research and Innovative Technology Administration in the position of Administrator, received in the Office of the President of the Senate on June 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6531. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the Department of Transportation, Federal Aviation Administration in the position of Administrator, received in the Office of the President of the Senate on June 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6532. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Llano, Texas)" (MB Docket No. 11-168, RM-11642) received during adjournment of the Senate in the Office of the President of the Senate on May 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6533. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" (RIN0648-BB85 and RIN0648-BB27) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6534. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Snapper Grouper Management Measures" (RIN0648-BB10) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6535. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XC001) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6536. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2012" (RIN0648-BC07) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6537. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC-6538. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methyl bromide; Pesticide Tolerances" (FRL No. 9352-4) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6539. A communication from the Acting Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Appeal Procedures" (RIN0578-AA59) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6540. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose" (RIN0579-AC35) (Docket No. 00-108-8) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6541. A communication from the Executive Vice President and Chief Financial Officer of the Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-6542. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-6543. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees on Large Bank Holding Companies and Nonbank Financial Companies Supervised by the Federal Reserve Board To Cover the Expenses of the Financial Research Fund" (RIN1505-AC42) received in the Office of the President of the Senate on June 14, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6544. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Georgia State Implementation Plan" (FRL No. 9686-9) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6545. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Determination of Attainment of the 1997 Ozone Standard for the Western Massachusetts Nonattainment Area" (FRL No. 9688-4) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6546. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Determination of Failure to Attain the 1-Hour Ozone Standard" (FRL No. 9688-3) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6547. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plan; Utah; Maintenance Plan for the 1-Hour Ozone Standard for Salt Lake and Davis Counties" (FRL No. 9683-1) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6548. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Modifications; Chemical Data Reporting; 2012 Submission Period Extension" (FRL No. 9353-1) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6549. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Dusky Gopher Frog (Previously Mississippi Gopher Frog)" (RIN1018-AW89) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6550. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover" (RIN1018-AX10) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6551. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012-43) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Finance.

EC-6552. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-061); to the Committee on Foreign Relations.

EC-6553. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-041); to the Committee on Foreign Relations.

EC-6554. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-026); to the Committee on Foreign Relations.

EC-6555. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 2011"; to the Committee on Health, Education, Labor, and Pensions.

EC-6556. A communication from the Surgeon General, Department of Health and Human Services, transmitting the National Health Council's 2012 annual status report; to the Committee on Health, Education, Labor, and Pensions.

EC-6557. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Food" (Docket No. FDA-2007-F-0390) received in the Office of the President of the Senate on June 14, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6558. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Review of HIV Program Effectiveness"; to the Committee on Health, Education, Labor, and Pensions.

EC-6559. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6560. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6561. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6562. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Residency Requirements for Aliens Acquiring Firearms" (RIN1140-AA44) received in the Office of the President of the Senate on June 14, 2012; to the Committee on the Judiciary.

EC-6563. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Firearms Disabilities for Certain Nonimmigrant Aliens" (RIN1140-AA08) received in the Office of the President of the Senate on June 14, 2012; to the Committee on the Judiciary.

EC-6564. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Hart-Scott-Rodino Annual Report: Fiscal Year 2011"; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

* Edward M. Alford, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Nominee: Edward M. Alford.

Post: Banjul, The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: Angela Alford/Pablo Conga: 0. Sylvia Alford: 0. James C. Alford: 0.
4. Parents: William L. Alford, Sr.: 0. Eleanor G. Alford: 0.
5. Grandparents: Deceased.
6. Brothers and Spouses: Dr. William L. Alford, Jr.: 0. Byron P. Alford/Ginny Alford: 0.
7. Sisters and Spouses: Martha Morfit: 0.

* Peter William Bodde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Nepal.

Nominee: Peter William Bodde.

Post: Nepal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Son—Christopher Bodde, \$200, Fall 2008, Obama for America.
4. Parents: William Bodde, Jr., \$200, 9/22/08, Obama for America.
5. Grandparents: none.
6. Brothers and spouses: none.
7. Sisters and spouses: none.

* Piper Anne Wind Campbell, of the district of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Nominee: Piper Anne Wind Campbell.

Post: Ambassador to Mongolia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1,000, 8/13/2008, Obama for America.
2. Spouse: none.
3. Children and spouses: none.
4. Parents: Gay Campbell, none; David Campbell, \$1,000, 10/13/2010, DNC Services Corp; \$2,500, 5/14/2011, Kathy Hocol for Congress; \$1,000, 12/02/2009, Citizens for Alen Khazai; \$1,000, 11/02/2008, Obama for America.
5. Grandparents: Neil Campbell—deceased; Gertrude Campbell—deceased; Ed Wind—deceased; Amelta Wind—deceased.
6. Brothers and spouses: Todd Campbell, none; Alicia Campbell, none; Skip Campbell, none; Christina Campbell, none.

7. Sisters and spouses: April Cyr, none; Kris Cyr, none.

* Dorothea-Maria Rosen, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Nominee: Dorothea-Maria Rosen.

Post: Micronesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: Dory Schachner (daughter-in-law), \$20, 2010, DNC.
4. Parents: none.
5. Grandparents: none.
6. Brothers and spouses: none.
7. Sisters and spouses: none.

* Mark L. Asquino, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: Mark Asquino.

Post: Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$75, 6-30-11, DNC.
3. Children and Spouses: None.
7. Sisters and Spouses: None.

* Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: Michele J. Sison.

Post: U.S. Ambassador to the Democratic Socialist Republic of Sri Lanka and the Republic of Maldives.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: Michele J. Sison: 0.
2. Spouse: None.
3. Children and Spouses: Alexandra K. Knight: 0; Jessica K. Knight: 0.
4. Parents: Pastor B. Sison: 0; Veronica T. Sison: 0.
5. Grandparents: Deceased.
6. Brothers and Spouses: No brothers.
7. Sisters and Spouses: Victoria Sison Morimoto and Miles Morimoto: Miles Morimoto: \$100, 2008, "Organizing for America" Democratic Party website; Cynthia Sison Morrissey and Patrick Morrissey: Cynthia Sison Morrissey for National Demo-

cratic Party: 2008-\$150, 2009-\$50, 2010-\$50, 2011-\$50.

* Douglas M. Griffiths, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Douglas Griffiths.

Post: Mozambique.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

- Self—Douglas Griffiths: None.
2. Spouse—Alicia Griffiths: None.
3. Children and Spouses: Helen Griffiths: None, Claire Griffiths: None.
4. Parents: Richard R. Griffiths: \$50, 2/5/11, National Republican Congressional Committee; \$50, 2/5/11, Republican National Committee (RNC); \$50, 1/29/10, RNC; \$50, 3/8/09, RNC; \$50, 2008, RNC; \$50, 2007, RNC. Alma Griffiths: Joint account with spouse Richard Griffiths.

5. Grandparents: Helen Mackin—Deceased, James Mackin—Deceased, Louise Griffiths—Deceased, Richard Griffiths—Deceased.

6. Brothers and Spouses: Richard R. Griffiths, Jr.: None; Louise Tharrett (spouse): None; Gregory Griffiths: None; Sarah Griffiths (spouse): None.

7. Sisters and Spouses: None.

* Jay Nicholas Anania, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

Nominee: Jay Nicholas Anania.

Post: U.S. Ambassador to Suriname.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Lourdes Bernal Anania: None.
3. Children and Spouses: Nicholas E. Anania (19): None. Michael A. Anania (16): None.
4. Parents: Joan Marilyn Anania: None. Edward Patrick Anania: None.
5. Grandparents: All deceased more than twenty years. I have no knowledge of any political activity by any of them.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Jill Francesca Anania: None. Dale Alison Anania: \$50 (estimated), 2008, Obama for America.

* Susan Marsh Elliott, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Nominee: Susan Marsh Elliott.

Post: Tajikistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: 0
4. Parents: 0.
5. Grandparents: 0.
6. Brothers and Spouses: 0.
7. Sisters and Spouses: 0.

* Timothy M. Broas, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee Timothy M. Broas

Post U.S. Ambassador to the Kingdom of the Netherlands

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$1000, 1/4/08, NH Democratic Party; \$700, 2/14/08, Democratic Party of Virginia; \$2,300, 4/15/08, Becerra for Congress; \$2,300, 4/23/08, Joe Garcia for Congress; \$500, 6/18/08, Friends of Jay Rockefeller; \$250, 6/18/08, Musgrove for U.S. Senate; \$1,000, 6/18/08, Patrick Murphy for Congress; \$1,000, 6/25/08, Kissell for Congress; \$1,000, 6/26/08, Democratic Congressional Campaign Committee; \$1,300, 6/30/08, Patrick Murphy for Congress; \$5,000, 7/1/08, Campaign for Our Country; \$28,500, 7/25/08, Obama Victory Fund; \$28,500, 7/25/08, DNC via Obama Victory Fund; \$2,400, 3/2/09, Friends of Byron Dorgan; \$2,400, 3/31/09, Patrick Murphy for Congress; \$500, 9/17/09, Friends of Patrick Kennedy Inc; \$500, 10/27/09, Campaign for Our Country; \$15,200, 2/3/10, Democratic National Committee; \$1,000, 2/28/10, John Kerry for Senate; \$1,000, 6/22/10, John Kerry for Senate; \$500, 6/22/10, Friends of Schumer; \$15,200, 7/30/10, Democratic National Committee; \$2,400, 8/9/10, Bennet for Colorado; -\$25, 8/16/10, Democratic National Committee; \$1,000, 9/30/10, Alexi for Illinois; \$1,000, 9/30/10, Perriello for Congress; \$2,400, 10/25/10, Patrick Murphy for Congress; \$2,800, 12/22/10, John Kerry for Senate; \$35,800, 4/8/11, Obama Victory Fund; \$30,800, 4/8/11, Democratic National Committee, via The Obama Victory Fund; \$5,000, 4/8/11, Obama for America; \$2,500, 5/2/11, Kaine for Virginia; \$1,000, 5/14/11, Campaign for Our Country 2012; \$2,500, 5/12/11, Klobuchar for Minnesota; \$1,500, 5/25/11, Montanans for Tester; \$2,500, 6/17/11, Setti Warren for Senate; \$2,500, 11/30/11, Kaine for Virginia; \$1,000, 3/6/12, Friends of John Delaney; \$2,500, 3/27/12, Andrei for Arizona; \$1,000, 3/28/12, Elizabeth for MA Inc.; \$1,000, 3/29/12, Hoyer's Majority Fund; \$2,500, 3/28/12, Joseph Kennedy III for Congress; \$30,800, 3/31/12, Obama Victory Fund; \$30,800, 3/31/12, Democratic National Committee, via The Obama Victory Fund;

2. Spouse: None.

3. Children: Emily Broas \$2,300, 1/31/08, Obama for America; \$2,500, 10/12/11, Obama for America, via Obama Victory Fund 2012;

4. Parents: None.

5. Grandparents: None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Robert Emmett: \$28,500, 9/30/08, Obama Victory Fund; \$1,930, 9/30/08, Obama for America Via Obama Victory Fund; \$26,569, 9/30/08, Democratic National Committee via Obama Victory Fund; -\$28,500, 10/7/08, Democratic National Committee; Pauline Emmett: \$250, 4/10/08, Democratic Party of Virginia; \$28,500, 12/4/08, Obama Victory Fund.

*Richard L. Morningstar, of Massachusetts, to be Ambassador Extraordinary and

Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Nominee: Richard Louis Morningstar.

Post: Azerbaijan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1,000.00, 5/20/2008, Bobby Scott for Congress; \$5,000.00, 7/31/2008, Democratic Senatorial Campaign Committee; \$4,600.00, 7/31/2008, Obama Victory Fund; \$2,300.00, 8/28/2008, Friends of Hillary; \$500.00, 10/08/2008, Friends of Scott Harper; \$250.00, 10/24/2008, Paul Hodes for Congress; \$250.00, 10/24/2008, Wulsin for Congress; \$2,300.00, 11/04/2008, Barney Frank for Congress Committee; \$2,400.00, 3/24/2010, Barney Frank for Congress Committee.

2. Spouse: Faith P. Morningstar: \$33,100.00, 7/31/2008, Obama Victory Fund; \$2,400.00, 1/17/2010, Martha Coakley for Senate Committee; \$30,400.00, 4/6/2010, Democratic National Committee; \$2,300.00, 8/28/2008, Friends of Hillary; \$2,400.00, 10/13/2010, Barney Frank for Congress Committee; \$35,800.00, 4/7/2011, Obama Victory Fund 2012; \$1,000.00, 5/19/2011, Kaine for Virginia; \$1,000.00, 6/25/2011, The Niki Tsongas Committee; \$2,500.00, 9/30/2011, Elizabeth for MA INC.

3. Peter Morningstar (son): None. Jill Morningstar (daughter): \$250.00, 10/25/2008, Al Franken For Senate; \$600.00, 10/24/2008, Obama for America; \$250.00, 9/29/2010, Ed Potosnak for Congress. Timothy Morningstar (son): \$2,300.00, 1/12/2008, Hillary Clinton for President; \$2,300.00, 8/28/2008, Friends of Hillary Clinton. Emily Morningstar (daughter): None. Elizabeth Morningstar (daughter-in-law): \$2,300.00, 1/8/2008, Obama for America; \$2,300.00, 7/31/2008, Hillary Clinton for President; \$500.00, 4/14/2010, MA Democratic State Committee; \$250.00, 6/2/2011, MA Democratic State Committee. Bridget Morningstar (daughter-in-law): None. Alistair Fitzpayne (son-in-law): None.

4. Otto and Jane Morningstar (parents): Deceased.

5. Edward and Ida Nathanson (grandparents): Deceased. Monya and Louis Morningstar: Deceased.

6. David Morningstar (brother): Deceased.

7. Betty Morningstar (sister): \$10,000.00, 6/30/2009, Democratic National Committee; \$500.00, 2/24/2010, Democratic National Committee; \$500.00, 4/09/2010, Democratic National Committee; \$5,000.00, 10/18/2010, Gay and Lesbian Victory Fund Federal PAC; \$10,000.00, 10/21/2010, Massachusetts Democratic State Committee; \$3,000.00, 9/16/2011, Obama Victory Fund 2012. Jeanette Knieger: None.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with William M. Zarit and ending with Michael J. Richardson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2012

Foreign Service nominations beginning with Jeffrey B. Justice and ending with Enrique G. Ortiz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 18, 2012.

Foreign Service nominations beginning with Michael C. Aho and ending with Michael L. Yoder, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 26, 2012.

Foreign Service nominations beginning with Alboino Lungobardo Deulus and ending with Bradley Alan Freden, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 15, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 3310. A bill to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. 3311. A bill to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado:

S. 3312. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself and Mr. TESTER):

S. 3313. A bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS):

S. 3314. A bill to specifically authorize certain funds for an intelligence or intelligence-related activity and for other purposes; considered and passed.

By Mrs. HUTCHISON (for herself, Mr. LEVIN, Mr. CORNYN, Mr. CARDIN, Ms. LANDRIEU, Mr. BROWN of Ohio, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. BEGICH, Mr. DURBIN, Mr. WARNER, Mr. WEBB, Mr. NELSON of Florida, and Mr. AKAKA):

S.J. Res. 45. A joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. CARDIN, Ms. LANDRIEU, Mr. CORNYN, Mr. BROWN of Ohio, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. BEGICH, Mr. DURBIN, Mr. WARNER, Mr. WEBB, Mr. NELSON of Florida, Mr. LEAHY, Mr. CASEY, Mr. WICKER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. SCHUMER):

S. Res. 496. A resolution observing the historical significance of Juneteenth Independence Day; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 497. A resolution congratulating the Los Angeles Kings on winning the 2012 Stanley Cup Championship; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. INOUE, Mr. COONS, Mr. HOEVEN, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CORKER, Mr. BROWN of Massachusetts, Mr. COCHRAN, Mr. CARDIN, and Mr. SESSIONS):

S. Res. 498. A resolution designating June 20, 2012, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

By Mr. BURR (for himself and Ms. MIKULSKI):

S. Res. 499. A resolution recognizing the tenth anniversary of the National Institute of Biomedical Imaging and Bioengineering; considered and agreed to.

ADDITIONAL COSPONSORS

S. 227

At the request of Ms. COLLINS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error.

S. 2077

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

S. 2124

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2124, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2213

At the request of Mr. THUNE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 2258

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2258, a bill to amend the Internal Revenue Code of 1986 to make perma-

nent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3178

At the request of Mr. LEE, the name of the Senator from Idaho (Mr. RISCCH) was added as a cosponsor of S. 3178, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 3225

At the request of Mr. WYDEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3225, a bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes.

S. 3257

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3257, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction.

S. 3280

At the request of Mr. JOHANNIS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3286

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3286, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

S. 3290

At the request of Mr. VITTER, the names of the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3308

At the request of Mr. HELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S.J. RES. 41

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S.J. Res. 41, a joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

S. CON. RES. 46

At the request of Mr. WEBB, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

S. CON. RES. 47

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution expressing the sense of Congress on the sovereignty of the Republic of Cyprus over all of the territory of the island of Cyprus.

S. RES. 473

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

S. RES. 489

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

AMENDMENT NO. 2156

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 2156 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2195

At the request of Ms. AYOTTE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2195 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2199

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2199 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2204

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2204 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2214

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2214 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2306

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2306 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2364

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2364 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. MERKLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2382 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2426

At the request of Mr. COONS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2426 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2454

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 2454 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2457

At the request of Mr. WARNER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 2457 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 3310. A bill to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, last week heads of state, key policymakers, and foreign aid implementers met in Washington to examine "Frontiers in Development." It was my pleasure to provide the conference keynote address Monday in which I pressed for greater transparency in global financial transactions and investments. This includes both U.S. foreign assistance funding and payments that companies make to foreign governments for oil, natural gas and mineral developments. Fuller disclosure improves accountability to citizens of both our country and the recipient country and would set an important example for other countries to provide more clarity about their own foreign assistance programs. Transparency in energy and mineral payments is already required for U.S.-listed companies by law in the Cardin-Lugar provision of the Dodd-Frank Act, and thanks to American leadership, the European Union is preparing similar legislation. Now, it is timely to enact legislation requiring the U.S. to disclose where and for what purpose it provides foreign assistance dollars across the globe. Further, taxpayers and foreign aid recipients have a right to know the impacts of these funds.

That is why I am introducing The Foreign Aid Transparency and Accountability Act, which will require the President to disclose this information through a publicly accessible website in a timely manner.

The U.S. provides assistance through a host of federal agencies including the Departments of State, Defense and Agriculture, as well as agencies including the U.S. Agency for International Development, USAID, and the Millennium Challenge Corporation, MCC. While our Federal budget is available for public review, there is currently no single source required by law where one can review in what amount and for what purpose U.S. dollars flow to individual countries and programs. President Obama early in his administration promised to bring more transparency to our international development programs. But so far, the efforts by the State Department, USAID, the MCC and others to display this information through the Foreign Assistance Dashboard have been inadequate. There is a meager amount of data on the Dashboard, and it is often woefully out of date.

My legislation is the identical version to that introduced earlier in this Congress by Congressman TED POE of Texas, which now has more than 50 House co-sponsors. I compliment Representative POE on the bill and appreciate the bipartisan support he has already garnered for it in the House. I look forward to working to enact the legislation in this Congress, bringing greater transparency and accountability to taxpayer funding of foreign assistance programs in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Aid Transparency and Accountability Act of 2012”.

SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to evaluate the performance of United States foreign assistance programs and their contribution to policy, strategies, projects, program goals, and priorities undertaken by the Federal Government, to foster and promote innovative programs to improve the effectiveness of such programs, and to coordinate the monitoring and evaluation processes of Federal departments and agencies that administer such programs.

(b) ESTABLISHMENT OF GUIDELINES.—The President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, shall establish guidelines regarding the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied on a uniform basis to United States foreign assistance programs, country assistance plans, and international and multilateral assistance programs receiving financial assistance from the United States. Such guidelines shall be established according to best practices of monitoring and evaluation studies and analyses.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—Such guidelines shall provide direction to Federal departments and agencies that administer United States foreign assistance programs on how to develop the complete range of activities relating to the monitoring of resources, the evaluation of projects, the evaluation of program impacts, and analysis that is necessary for the identification of findings, generalizations that can be derived from those findings, and their applicability to proposed project and program design.

(2) OBJECTIVES.—Specifically, the guidelines shall provide direction on how to achieve the following objectives for monitoring and evaluation programs:

(A) Building measurable goals, performance metrics and monitoring and evaluation into program design at the outset, including the provision of sufficient program resources to conduct monitoring and evaluation.

(B) Disseminating guidelines for the development and implementation of monitoring

and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation and management of foreign assistance programs.

(C) Developing a clearinghouse capacity for the dissemination of knowledge and lessons learned to United States development professionals, implementing partners, the international aid community, and aid recipient governments, and as a repository of knowledge on lessons learned.

(D) Distributing evaluation reports internally and making this material available online to the public. Furthermore, providing a summary including a description of methods, key findings and recommendations to the public on-line in a fully searchable form within 90 days after the completion of the evaluation. Principled exceptions will be made in cases of classified or proprietary material.

(E) Establishing annual monitoring and evaluation agendas and objectives that are responsive to policy and programmatic priorities.

(F) Applying rigorous monitoring and evaluation methodologies, choosing from among a wide variety of qualitative and quantitative methods common in the field of social scientific inquiry.

(G) Partnering with the academic community, implementing partners, and national and international institutions that have expertise in monitoring and evaluation and analysis when such partnerships will provide needed expertise or will significantly improve the evaluation and analysis.

(H) Developing and implementing a training plan for aid personnel on the proper conduct of monitoring and evaluation programs.

(d) ROLE OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The President shall carry out this section in conjunction with the heads of Federal departments and agencies that administer United States foreign assistance programs.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report that contains a detailed description of the guidelines that have been developed on measurable goals, performance metrics, and monitoring and evaluation plans for United States foreign assistance programs established under this section.

(f) EVALUATION DEFINED.—In this section, the term “evaluation” means, with respect to a United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program and projects under the program as a basis for judgments, to improve effectiveness, and to inform decisions about current and future programming.

SEC. 3. INTERNET WEB SITE TO MAKE PUBLICLY AVAILABLE COMPREHENSIVE, TIMELY, COMPARABLE, AND ACCESSIBLE INFORMATION ON UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) ESTABLISHMENT; PUBLICATION AND UPDATES.—Not later than 2 years after the date of the enactment of this Act, the President shall establish and maintain an Internet Web site to make publicly available comprehensive, timely, comparable, and accessible information on United States foreign assistance programs. The head of each Federal department or agency that administers such programs shall on a regular basis publish and update on the Web site such information with respect to the programs of the department or agency.

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—Such information shall be published on a detailed program-by-program basis and country-by-country basis.

(2) TYPES OF INFORMATION.—To ensure transparency, accountability, and effectiveness of United States foreign assistance programs, the information shall include country assistance strategies, annual budget documents, congressional budget justifications, actual expenditures, and reports and evaluations for such programs and projects under such programs. Each type of information described in this paragraph shall be published on the Web site not later than 30 days after the date of issuance of the information and shall be continuously updated.

(3) REPORT IN LIEU OF INCLUSION.—If the head of a Federal department or agency makes a determination that the inclusion of a required item of information on the Web site would jeopardize the health or security of an implementing partner or program beneficiary or would be detrimental to the national interests of the United States, such item of information may be submitted to Congress in a written report in lieu of including it on the Web site, along with the reasons for not including it in the database required under subsection (c)(2).

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—The Web site shall contain such information relating to the current fiscal year and the immediately preceding 5 fiscal years.

(2) DATABASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Web site shall also contain a link to a searchable database available to the public containing such information relating to fiscal years prior to the current fiscal year and the immediately preceding 5 fiscal years.

(B) LIMITATION.—The database shall not contain such information relating to fiscal years prior to fiscal year 2006.

(d) FORM.—Such information shall be published on the Web site in unclassified form. Any information determined to be classified information may be submitted to Congress in classified form and an unclassified summary of such information shall be published on the Web site.

By Mrs. MURRAY (for herself and Mr. TESTER):

S. 3313. A bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President today, as Chairman of the Senate Committee on Veterans' Affairs, I introduce the Women Veterans and Other Health Care Improvement Act of 2012. I am incredibly proud of the women and men who have served or are serving our nation in uniform, and I strongly believe we must do all that we can to honor them.

That is why I introduced legislation, which was signed into law as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, which helped to transform the way that the Department of Veterans Affairs, VA, addresses the needs of women veterans. Among other things, this law required the VA to provide neonatal care, train mental health professionals to provide mental health services for sexual trauma, and develop a child care pilot program. VA has an obligation to provide

veterans with quality care and we have an obligation to make sure that VA does so. The legislation I am introducing today builds upon that effort to make additional improvements to VA's services for women veterans and veterans with families.

The nature of the current conflict and increasing use of improvised explosive devices leaves servicemembers, both male and female, at increased risk for blast injuries including spinal cord injury and trauma to the reproductive and urinary tracts. Army data shows that between 2003 and 2011 more than 600 women and men experienced these life-changing battle injuries while serving in Iraq or Afghanistan.

As they return from the battlefield, the VA system must be equipped to help injured veterans step back into their lives as parents, spouses, and citizens. These veterans have served honorably and have made the ultimate sacrifice for our great nation. They deserve the opportunity to pursue their goals and dreams, whether that includes pursuing higher education, finding gainful employment, purchasing their first house, or starting their own family. VA has many programs that help veterans pursue the educational, career, or homeownership dreams and goals that they deferred in service to this country, yet it falls short when it comes to helping severely wounded veterans who want to start a family. These veterans often need far more advanced services in order to conceive a child.

The Department of Defense and the Tricare program are already able to provide advanced fertility treatments, including assisted reproductive technology, to servicemembers with complex injuries. However, not all injured servicemembers are well situated to have a child at the time they are eligible for that coverage, and some are no longer eligible for Tricare by the time they are ready.

VA's fertility counseling and treatment options are limited and do not meet the complex needs of severely injured veterans. I have heard from severely injured veterans whose injuries have made it impossible for them to conceive children naturally. While the details of these stories vary, the common thread that runs through them all is that these veterans were unable to obtain the type of assistance they need. Some have spent tens of thousands of dollars in the private sector to get the advanced reproductive treatments they need to start a family. Others have watched their marriage dissolve because the stress of infertility, in combination with the stresses of readjusting to life after severe injury, drove their relationship to a breaking point. Any servicemember who sustains this type of serious injury deserves so much more. It is our responsibility to give VA the tools it needs to

serve them, and the Women Veterans and Other Health Care Improvement Act is a start at doing that.

This legislation also requires VA to build upon existing research framework to gain a better understanding of the long-term reproductive health care needs of veterans, from those who experience severe reproductive and urinary tract trauma to those who experience gender-specific infections in the battlefield. A recent Army Task Force Report found that women in the battlefield experience high rates of urinary tract infections and other women's health conditions. After a decade at war, many women servicemembers are still at increased risk for women's health difficulties due to deployment conditions and a lack of predeployment women's health information, compounded by privacy and safety concerns. Little is known about the impact that these issues and injuries have on the long-term health care needs of veterans. Additional research will provide critical information to help VA improve services for veterans.

VA has come a long way in addressing the unique health needs and challenges that women face. Yet for all of its recent progress, VA can and must do more to ensure that women veterans are receiving the care that they need and deserve. Work remains to make VA a friendly environment for women veterans and veterans with families. Many women veterans are single mothers, making it difficult for them to take full advantage of the services that VA offers. The Women Veterans and Other Health Care Improvement Act creates a pilot program that provides child care to veterans seeking readjustment counseling at VA's Vet Centers. It also helps VA ensure that women veterans can get the information that they need in order to access VA health care and benefits.

This is not a section by section review of all the provisions within this legislation. However, I have provided an appropriate overview of the major benefits of this legislation and how it would improve the lives of our veterans and their families. The promise that we make to our veterans is sacred and knows no gender. To honor our veterans, we must honor this promise for each and every one of them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Women Veterans and Other Health Care Improvements Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Facilitation of reproduction and infertility research.
- Sec. 3. Clarification that fertility counseling and treatment are medical services which the Secretary may furnish to veterans like other medical services.
- Sec. 4. Reproductive treatment and care delivery for spouses and surrogates of veterans.
- Sec. 5. Requirement to improve Department of Veterans Affairs women veterans call center.
- Sec. 6. Modification of pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.
- Sec. 7. Pilot programs on assistance for child care for certain veterans.

SEC. 2. FACILITATION OF REPRODUCTION AND INFERTILITY RESEARCH.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7330B. Facilitation of reproduction and infertility research

“(a) FACILITATION OF RESEARCH REQUIRED.—The Secretary shall facilitate research conducted collaboratively by the Secretary of Defense and the Director of the National Institutes of Health to improve the ability of the Department of Veterans Affairs to meet the long-term reproductive health care needs of veterans who have a service-connected genitourinary disability or a condition that was incurred or aggravated in line of duty in the active military, naval, or air service, such as spinal cord injury, that affects the veterans' ability to reproduce.

“(b) DISSEMINATION OF INFORMATION.—The Secretary shall ensure that information produced by the research facilitated under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330A the following new item:

“7330B. Facilitation of reproduction and infertility research.”.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research activities conducted by the Secretary under section 7330B of title 38, United States Code, as added by subsection (a).

SEC. 3. CLARIFICATION THAT FERTILITY COUNSELING AND TREATMENT ARE MEDICAL SERVICES WHICH THE SECRETARY MAY FURNISH TO VETERANS LIKE OTHER MEDICAL SERVICES.

Section 1701(6) of such title is amended by adding at the end the following new subparagraph:

“(H) Fertility counseling and treatment, including treatment using assisted reproductive technology.”.

SEC. 4. REPRODUCTIVE TREATMENT AND CARE DELIVERY FOR SPOUSES AND SURROGATES OF VETERANS.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1787. Reproductive treatment and care for spouses and surrogates of veterans

“(a) IN GENERAL.—The Secretary shall furnish fertility counseling and treatment, including through the use of assisted reproductive technology, to a spouse or surrogate of a severely wounded veteran who has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service and who is enrolled in the health care system established under section 1705(a) of this title if the spouse and the veteran apply jointly for such counseling and treatment through a process prescribed by the Secretary.

“(b) COORDINATION OF CARE FOR OTHER SPOUSES AND SURROGATES.—In the case of a spouse or surrogate of a veteran not described in subsection (a) who is seeking fertility counseling and treatment, the Secretary may coordinate fertility counseling and treatment for such spouse or surrogate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1786 the following new section:

“1787. Reproductive treatment and care for spouses and surrogates of veterans.”.

(c) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out section 1787 of title 38, United States Code, as added by paragraph (1).

SEC. 5. REQUIREMENT TO IMPROVE DEPARTMENT OF VETERANS AFFAIRS WOMEN VETERANS CALL CENTER.

The Secretary of Veterans Affairs shall enhance the capabilities of the Department of Veterans Affairs women veterans call center—

(1) to respond to requests by women veterans for assistance with accessing health care and benefits furnished under laws administered by the Secretary; and

(2) for referral of such veterans to community resources to obtain assistance with services not furnished by the Department.

SEC. 6. MODIFICATION OF PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) INCREASE IN NUMBER OF LOCATIONS.—Subsection (c) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 38 U.S.C. 1712A note) is amended by striking “three locations” and inserting “14 locations”.

(b) EXTENSION OF DURATION.—Subsection (d) of such section is amended by striking “2-year” and inserting “four-year”.

SEC. 7. PILOT PROGRAMS ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS.

(a) MODIFICATION OF DURATION OF PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 38 U.S.C. 1710 note) is amended to read as follows:

“(e) DURATION.—A child care center that is established as part of the pilot program may operate until the date that is two years after the date on which the pilot program is established in the third Veterans Integrated Service Network required by subsection (d).”.

(b) REQUIREMENT FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN

VETERANS RECEIVING READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to paragraph (2), assistance to qualified veterans described in paragraph (3) to obtain child care so that such veterans can receive readjustment counseling and related mental health services.

(2) LIMITATION ON PERIOD OF PAYMENTS.—Assistance may only be provided to a qualified veteran under the pilot program required by paragraph (1) for receipt of child care during the period that the qualified veteran receives readjustment counseling and related health care services at a Vet Center.

(3) QUALIFIED VETERANS.—For purposes of this subsection, a qualified veteran is a veteran who is—

(A) the primary caretaker of a child or children; and

(B)(i) receiving from the Department regular readjustment counseling and related mental health services; or

(ii) in need of readjustment counseling and related mental health services from the Department, and but for lack of child care services, would receive such counseling and services from the Department.

(4) LOCATIONS.—The Secretary shall carry out the pilot program under this subsection in no fewer than three Readjustment Counseling Service Regions selected by the Secretary for purposes of the pilot program.

(5) DURATION.—The pilot program under this subsection shall be carried out until the end of the two-year period beginning on the day on which the Secretary begins carrying out the pilot program at the last Readjustment Counseling Service Region selected under paragraph (4) at which the Secretary begins carrying out the pilot program.

(6) FORMS OF CHILD CARE ASSISTANCE.—

(A) IN GENERAL.—Child care assistance under this subsection may include the following:

(i) Stipends for the payment of child care offered by licensed child care centers (either directly or through a voucher program) which shall be, to the extent practicable, modeled after the Department of Veterans Affairs Child Care Subsidy Program established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67; 115 Stat. 552).

(ii) Payments to private child care agencies.

(iii) Collaboration with facilities or programs of other Federal departments or agencies.

(iv) Such other forms of assistance as the Secretary considers appropriate.

(B) AMOUNTS OF STIPENDS.—In the case that child care assistance under this subsection is provided as a stipend under subparagraph (A)(i), such stipend shall cover the full cost of such child care.

(7) REPORT.—Not later than 180 days after the completion of the pilot program required by paragraph (1), the Secretary shall submit to Congress a report on the pilot program. The report shall include the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out the pilot program required by paragraph (1)

\$1,000,000 for each of fiscal years 2014 and 2015.

(9) VET CENTER DEFINED.—In this section, the term “Vet Center” means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

By Mrs. HUTCHISON (for herself, Mr. LEVIN, Mr. CORNYN, Mr. CARDIN, Ms. LANDRIEU, Mr. BROWN of Ohio, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. BEGICH, Mr. DURBIN, Mr. WARNER, Mr. WEBB, Mr. NELSON of Florida, and Mr. AKAKA):

S.J. Res. 45. A joint resolution amending title 36, United States Code, to designate June 19 as “Juneteenth Independence Day”; to the Committee on the Judiciary.

Mrs. HUTCHISON. Mr. President, on June 19, 1865, Union soldiers led by Major General Gordon Granger reached Galveston, Texas to announce that the Civil War had ended and that slaves had been emancipated.

It was a bittersweet day; the news traveled slowly, reaching Galveston nearly 2½ years after President Lincoln’s Emancipation Proclamation. But it was a joyous occasion, a triumph of freedom that has been remembered since. In commemoration of that historic day, I am delighted to introduce a Joint Resolution designating June 19 as “Juneteenth Independence Day,” a National Day of Observance.

It is a day to reflect on history and to celebrate freedom. To remember, in the words of W. E. B. Du Bois, that “The cost of liberty is less than the price of repression.”

This resolution offers recognition of the role that Juneteenth Independence Day has played in African-American culture in Texas and throughout the Southwest. Enshrining Juneteenth in our national consciousness will confer the recognition it merits and serve as inspiration for all Americans. I am proud to be part of this bipartisan joint resolution to commemorate this day that reminds us that in America, we are all blessed to live in freedom.

United States law provides for the declaration of selected public observances by the President of the United States as designated by Congress or at the discretion of the President. I believe that marking Juneteenth Independence Day as a National Day of Observance will honor freedom and liberty, something that Americans of all races, creeds, and ethnic backgrounds can celebrate.

This legislation is an important reminder of that extraordinary day in 1865, a day that carried liberty across America. My fellow Texan Barbara Jordan once said, “A nation is formed by the willingness of each of us to share in the responsibility for upholding the common good.” There is no plainer common good than commemorating American freedom. I encourage all of

my colleagues to join in cosponsoring this resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 496—OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. CARDIN, Ms. LANDRIEU, Mr. CORNYN, Mr. BROWN of Ohio, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. BEGICH, Mr. DURBIN, Mr. WARNER, Mr. WEBB, Mr. NELSON of Florida, Mr. LEAHY, Mr. CASEY, Mr. WICKER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 496

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2½ years after President Abraham Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 145 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

Whereas the faith and strength of character demonstrated by former slaves remain an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

SENATE RESOLUTION 497—CONGRATULATING THE LOS ANGELES KINGS ON WINNING THE 2012 STANLEY CUP CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 497

Whereas, on June 11, 2012, the Los Angeles Kings were crowned National Hockey League champions after defeating the New Jersey Devils by a score of 6-1 in Game 6 of the 2012 Stanley Cup Finals;

Whereas this is the first Stanley Cup title that the Los Angeles Kings have won since the team entered the National Hockey League in 1967;

Whereas the Los Angeles Kings are the first 8th seeded playoff team to win the Stanley Cup;

Whereas the Los Angeles Kings never allowed an opposing team with a higher seed or home-ice advantage to intimidate them;

Whereas, en route to their first Stanley Cup appearance since 1993, the Los Angeles Kings quickly dispatched the defending Western Conference Champions, the Vancouver Canucks, dominated the upstart St. Louis Blues, and defeated the Phoenix Coyotes, who were the Pacific Division Champions;

Whereas Los Angeles Kings forward Dustin Brown is the first American team captain of a Stanley Cup champion since 1999;

Whereas Los Angeles Kings goalie Jonathan Quick performed admirably in each playoff game, totaling 125 saves and maintaining a .946 save percentage during the Stanley Cup Finals, and winning the Conn Smythe Trophy, which is awarded to the player considered most valuable to his team during the Stanley Cup Playoffs;

Whereas each of the 26 players on the Los Angeles Kings playoff roster should receive recognition, including Most Valuable Player of the Stanley Cup Playoffs Jonathan Quick, team captain Dustin Brown, Jonathan Bernier, Jeff Carter, Kyle Clifford, Drew Doughty, David Drewiske, Colin Fraser, Simon Gagne, Matt Greene, Dwight King, Anze Kopitar, Trevor Lewis, Andrei Loktionov, Alec Martinez, Willie Mitchell, Jordan Nolan, Scott Parse, Dustin Penner, Mike Richards, Brad Richardson, Rob Scuderi, Jarret Stoll, Slava Voynov, Kevin Westgarth, and Justin Williams; and

Whereas team owners Philip Anschutz and Edward Roski, General Manager Dean Lombardi, and head coach Darryl Sutter admirably assembled the team that comprised the 2012 Los Angeles Kings and led them through one dominant performance after another in the 2012 Stanley Cup Playoffs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Kings on winning the 2012 Stanley Cup Championship; and

(2) commends the Los Angeles Kings fans in California and across the Nation for showing the team support throughout its 45-year history.

SENATE RESOLUTION 498—DESIGNATING JUNE 20, 2012, AS "AMERICAN EAGLE DAY", AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. INOUE, Mr. COONS, Mr. HOEVEN, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CORKER, Mr. BROWN of Massachusetts, Mr. COCHRAN, Mr. CARDIN, and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 498

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers in the Congress of the Confederation;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
 - (2) the sovereignty of the United States;
- Whereas since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named "Eagle";

Whereas the "Eagle" played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the “Bald Eagle Protection Act of 1940”); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas if not for the vigilant conservation efforts of concerned Americans and the enactment of conservation laws (including regulations), the bald eagle would face extinction;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marked the 25th anniversary of the American Eagle Foundation;

Whereas facilities around the United States, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, rehabilitate injured eagles for release into the wild;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations; Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2012, as “American Eagle Day”; and

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to gen-

erate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 499—RECOGNIZING THE TENTH ANNIVERSARY OF THE NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

Mr. BURR (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 499

Whereas the National Institute of Biomedical Imaging and Bioengineering Establishment Act (Public Law 106-580; 114 Stat. 3088) was signed into law on December 29, 2000;

Whereas the National Institute of Biomedical Imaging and Bioengineering (referred to in this preamble as the “Institute”) awarded its first research grants in April 2002;

Whereas the purpose of the Institute, a component of the National Institutes of Health, is to conduct and support research, training, dissemination of health information, and other programs relating to biomedical imaging, biomedical engineering, and associated technologies and modalities with biomedical applications;

Whereas the Institute was established to—

(1) accelerate the development of new technologies with clinical and research applications;

(2) improve coordination and efficiency at the National Institutes of Health and throughout the Federal Government;

(3) lay the foundation for a new medical information age;

(4) promote economic development; and

(5) provide a structure for training current and future researchers based on the most recent innovative discoveries;

Whereas the Institute and the biomedical imaging and bioengineering research communities encourage the integration of the physical and life sciences to advance human health by improving quality of life and reducing the burden of disease through research and discoveries;

Whereas, since its establishment, the Institute has supported research to develop scientific advances in biotechnology, imaging, and biomedical engineering, and to advance the application of biomedical technology to improve detection, treatment, and prevention of disease by assembling diverse teams of scientists and engineers to pursue innovative medical therapies and technologies to better meet the health care needs of patients; and

Whereas the Institute has helped to support scientific breakthroughs in areas such as regenerative medicine, cancer treatments, and nanotechnology, which are helping health care providers to better target care and meet the individual health care needs of patients; Now, therefore, be it

Resolved, That the Senate—

(1) commends the National Institute of Biomedical Imaging and Bioengineering for

its leadership in research and its role in advancing technologies that improve patient health;

(2) recognizes the remarkable impact that biomedical research supported by the National Institute of Biomedical Imaging and Bioengineering has had on patients; and

(3) recognizes the importance of maintaining a strong commitment to pursuing the next generation of life-saving treatments and technologies for patients.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2459. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table.

SA 2460. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2459. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 4208. ENCOURAGING LOCALLY AND REGIONALLY PRODUCED FOOD.

(a) **COMMODITY PURCHASE STREAMLINING.**—The Secretary may allow a school food authority with low annual commodity entitlement values, as determined by the Secretary, to substitute for the allotment of the school food authority for commodities commonly referred to as “USDA Foods” if—

(1) the option is requested by the eligible school food authority;

(2) the Secretary determines that the option will reduce Federal and State administrative costs; and

(3) the option will provide the eligible school food authority with greater flexibility to purchase locally and regionally produced foods.

(b) **FARM-TO-SCHOOL DEMONSTRATION PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall establish not less than 10 farm-to-school demonstration programs under which school food authorities, agricultural producers producing for local and regional markets, and other farm-to-school stakeholders collaborate with the Agricultural Marketing Service to obtain food for school meals from local agricultural producers rather than through other agricultural and food programs of the Secretary.

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—A demonstration program under this subsection shall, to the maximum extent practicable—

(i) facilitate and increase the purchase of unprocessed and minimally processed locally and regionally produced agricultural commodities and products to be served in school meal programs;

(ii) test methods to improve procurement, transportation, and meal preparation processes;

(iii) assess whether administrative costs can be saved through increased school authority flexibility to source locally and regionally produced agricultural commodities and foods; and

(iv) undertake rigorous evaluation and share information about results, including cost savings, with the Department of Agriculture, school food authorities, agricultural producers producing for local and regional markets, and the general public.

(B) PLANS.—The Secretary shall require demonstration project participants to provide plans that detail compliance with this subsection.

(3) DURATION.—The Secretary shall determine the appropriate period of time for each demonstration program.

(4) COORDINATION.—The Secretary shall coordinate among relevant agencies of the Department of Agriculture and nongovernmental organizations with appropriate expertise to facilitate the provision of training and technical assistance necessary to the successful implementation of demonstration programs under this subsection.

(5) DIVERSITY AND BALANCE.—In establishing the demonstration programs under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

(A) geographical diversity;

(B) that at least ½ of the demonstration programs are completed in collaboration with school food authorities with relatively small annual commodity entitlements, as determined by the Secretary;

(C) at least ½ of demonstration programs are completed in rural or tribal communities; and

(D) equitable treatment of school food authorities with a high percentage of students participating in the free or reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SA 2460. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

In section 11001, after subsection (b) insert the following:

(c) SUPPLEMENTAL, WEATHER INDEX-BASED INSURANCE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

“(11) SUPPLEMENTAL, WEATHER INDEX-BASED INSURANCE.—

“(A) IN GENERAL.—The Corporation may consider and approve applications, consistent with procedures for products submitted under subsection (h), submitted by private companies to provide supplemental, weather index-based insurance products that are not reinsured under this subtitle to producers as an alternative to the coverage provided under this section to determine whether the products can provide enhanced coverage for producers than is otherwise available under this section.

“(B) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—

“(i) IN GENERAL.—Subject to subparagraph (F), if the Corporation determines that supplemental, weather index-based insurance products offered by private companies meet the conditions described in subparagraph (A), the Corporation may pay a portion of the premium for a producer to purchase a product that is not reinsured under this subtitle from a private company for an equivalent level of coverage under this section.

“(ii) ADMINISTRATION.—Any premium assistance under clause (i)—

“(I) shall be determined by the Corporation; and

“(II) may be based on, as determined by the Corporation—

“(aa) a percentage of premium;

“(bb) a percentage of expected loss determined pursuant to a reasonable actuarial methodology; or

“(cc) a fixed dollar amount per acre.

“(C) ELIGIBLE PROVIDERS.—Before providing premium assistance to producers to purchase supplemental, index-based coverage from a private company under this paragraph, the Corporation shall verify that the private company—

“(i) has adequate experience developing and managing similar index-based products for crop producers (including adequate resources, experience, and assets) or sufficient reinsurance, to meet the obligations of the private company under this paragraph;

“(ii) has adequate experience to sell and administer index-based or similar products;

“(iii) possesses a sufficient insurance credit rating from an appropriate credit rating bureau; and

“(iv) has approval from each State in which the company intends to make the supplemental insurance products of the company available.

“(D) OVERSIGHT.—The Corporation shall develop and publish procedures to administer a supplemental, index-based insurance option for producers under this paragraph that—

“(i) require each applicable private company to report sales, acreage and claim data, and any other data the Corporation determines to be appropriate, to allow the Corporation to evaluate product pricing and performance;

“(ii) allow each participating private company exclusive rights, ownership of intellectual property, and protection of confidential information with respect to the insurance offered under this paragraph; and

“(iii) contain such other requirements as the Corporation determines necessary to ensure that—

“(I) the interests of producers are protected; and

“(II) the program operates in an actuarially sound manner.

“(E) SELECTION LIMITATION.—A producer shall be allowed to select supplemental coverage annually and may not select both weather index-based coverage under this paragraph and any other supplemental coverage offered under other provisions of this section.

“(F) BASELINE SAVINGS.—

“(i) IN GENERAL.—The Corporation may not offer premium assistance for producers to purchase private company weather index-based supplemental coverage under this paragraph unless the Corporation determines that offering private company coverage will result in savings against baseline spending estimates for the supplemental coverage option provided by the Office of Management and Budget.

“(ii) ADMINISTRATIVE EXPENSES.—In addition to any other available funds, the Corporation shall use savings derived from offering supplemental coverage from private companies to cover administrative costs associated with evaluating and approving private company coverage under this subsection.”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public an addition to a previously announced hearing before the Subcommittee on National Parks. The hearing will be held on Wednesday, June 27, 2012, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 3078, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake.McCook@energy.senate.gov.

For further information, please contact Sara Tucker (202) 224-6224 or Jake McCook (202) 224-9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 19, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 19, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Forty Years and Counting: The Triumphs of Title IX” on June 19, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 19, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled

"Confronting the Looming Fiscal Crisis."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 19, 2012, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 19, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 19, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, "Review of Recent Environmental Protection Agency's Air Standards for Hydraulically Fractured Natural Gas Wells and Oil and Natural Gas Storage."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate, on June 19, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Reassessing Solitary Confinement: The Human Rights, Fiscal and Public Safety Consequences."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, I ask unanimous consent the following members of Senator BINGAMAN's office be granted the privilege of the floor for the pendency of S. 3240, the farm bill: Bijan Peters, Eugenia Woods, James Anderson, Aurora Trujillo, Carl Slater.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent our USDA detailee, Patricia Lawrence, be granted the privilege of the floor for the duration of debate and consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING CERTAIN FUNDS FOR AN INTELLIGENCE OR INTELLIGENCE-RELATED ACTIVITY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3314 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (S. 3314) to specifically authorize certain funds for an intelligence or intelligence-related activity, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, Vice Chairman CHAMBLISS and I are introducing a bill today to authorize funds included in the fiscal year 2012 Defense Appropriations Act that were not previously authorized.

Last year, the classified annex to the Department of Defense Appropriations Act, 2012, division A of the conference report on H.R. 2055, the Consolidated Appropriations Act, 2012, added three funding lines for two separate intelligence programs. While those programs are part of the National Intelligence Program, these additional funds were placed in a separate budgetary account, the Military Intelligence Program.

The additional funds for these items included in the defense appropriations conference annex were not included in the Intelligence Authorization Act for fiscal year 2012, Public Law 112-87, which authorized the National Intelligence Program budget. Neither were the additional funds for these items included in the National Defense Authorization Act for fiscal year 2012, Public Law 112-81, which authorized the Military Intelligence Program budget.

This created a situation in which funds for an intelligence program were appropriated but not authorized in statute. Section 504(a)(1) of the National Security Act states that funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds were specifically authorized by the Congress for such activities.

As a result, the additional funds appropriated for these items have not been specifically authorized as required by section 504 and, therefore, may not be obligated or expended for these intelligence activities.

Vice Chairman CHAMBLISS and I have no substantive objections to expending the appropriated funds for these specific programs. However, we hold strongly to the principle that intelligence funds must be authorized if they are to be spent—this is one of the major purposes of the annual intelligence authorization bills.

We have discussed this matter with the Director of National Intelligence

James Clapper and the Secretary of Defense Leon Panetta, and have agreed to seek passage of this legislation to permit them to spend these funds for the purposes identified in the 2012 Defense Appropriations Act.

The bill we are introducing today is very simple and quite short. It specifically authorizes the increased funding for these specific items to the extent that they are in excess to the amounts authorized in the Intelligence Authorization Act for fiscal year 2012.

For reasons of classification, I can't describe the nature of these intelligence programs on the floor. Any Member, however, is welcome to come to the Intelligence Committee office and receive a briefing on the programs and why the funding is important.

I believe this legislation is necessary as a technical correction to permit funds already appropriated to be obligated and expended. I appreciate the work and cooperation of my Vice Chairman Senator CHAMBLISS on this matter and hope this legislation will move quickly to enactment.

Mrs. BOXER. Mr. President, I further ask that the bill be read three times, and the Senate proceed to a voice vote on passage of the measure.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is there any further debate?

If not, the bill having been read the third time, the question is, shall the bill pass?

The bill (S. 3314) was passed, as follows:

S. 3314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FUNDS FOR INTELLIGENCE ACTIVITIES.

Funds appropriated for an intelligence or intelligence-related activity of the United States Government as described on the last three lines in the table entitled Military Intelligence Program, Fiscal Year 2012 Recommendation, Summary on the third page after page 69 of the funding tables in the classified annex to the Joint Explanatory Statement of the Committee of Conference to accompany the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), in excess of the amount specified for such activity in the tables in the classified annex prepared to accompany the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112-87; 125 Stat. 1876) shall be specifically authorized by Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

Mrs. BOXER. I further ask that the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 496, S. Res. 497, S. Res. 498, and S. Res. 499.

The PRESIDING OFFICER. Is there objection to proceeding to the measures en bloc?

Without objection, it is so ordered.

Mrs. BOXER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid on the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 496

(Observing the historical significance of Juneteenth Independence Day)

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2½ years after President Abraham Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 145 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

Whereas the faith and strength of character demonstrated by former slaves remain an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

Mr. LEVIN. Mr. President, this week people all across our Nation are engaging in the oldest known observance of the ending of slavery—"Juneteenth Independence Day." Although passage of the 13th Amendment, in January 1863, legally abolished slavery, many African Americans remained in servitude due to the delayed dissemination of this news across the country.

It was in June of 1865, that the Union soldiers landed in Galveston, TX, with the news that the war had ended and that slavery finally had come to an end in the United States. This was 2½ years after President Lincoln signed the Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War.

This week and specifically on June 19, when slaves in the Southwest finally learned of the end of slavery, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Today, I am very pleased that the Senate has unanimously adopted a resolution, S. Res. 496, recognizing the historical significance of Juneteenth Independence Day to the Nation. The resolution, which I sponsored along with Senators HUTCHISON, CARDIN, LANDRIEU, CORNYN, SHERROD BROWN, BOXER, STABENOW, HARKIN, BEGICH, DURBIN, WICKER, LEAHY, BILL NELSON, CASEY, WARNER, AKAKA, WEBB, and LAUTENBERG, expresses support for the observance of Juneteenth Independence Day, and recognizes the faith and strength of character demonstrated by former slaves, that remains an example for all people of the United States, regardless of background or race.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith, and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate Juneteenth Independence Day.

Lerone Bennett, Jr., writer, scholar, lecturer, and acclaimed executive editor for several decades at Ebony magazine, has reflected on the life and times

of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received his bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home State of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks whose dignified leadership sparked the Montgomery Bus Boycott and the start of the civil rights movement, are indelibly etched in the chronicle of the history of this Nation. Moreover, they are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a groundbreaking speaker on behalf of equality for women. Michigan has honored her with the dedication of the Sojourner Truth Memorial monument, which was unveiled in Battle Creek, MI, on September 25, 1999. In April 2009, Sojourner Truth became the first African American woman to be memorialized with a bust in the U.S. Capitol. The ceremony to unveil Truth's likeness was appropriately held in Emancipation Hall at the Capitol Visitor's Center. I was pleased to cosponsor the legislation to make this fitting tribute possible. Sojourner Truth lived in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted which authorized the President

of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. I was also pleased to be a part of the effort to direct the Architect of the Capitol to commission a statue of Rosa Parks, which will soon be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Her personal bravery and self-sacrifice are remembered with reverence and respect by us all. Over 55 years ago, in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. The boycott which Rosa Parks began was the start of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr. In addition, the overwhelming majority of my colleagues in the Senate joined me in sponsoring legislation authorizing the Congressional Gold Medal to be presented to Dr. King, posthumously, and Coretta Scott King in recognition of their contributions to the Nation. Companion legislation was led in the House by Representative JOHN LEWIS.

We have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle of civil rights and human rights.

I am also pleased to join Senator HUTCHISON and other members of the Senate in sponsoring another measure introduced today in recognition of Juneteenth Independence Day, which will require further action in the Senate. It is a Joint Resolution requesting the President to issue a proclamation each year designating Juneteenth Independence Day as a National Day of Observance, encouraging Americans of all races, creeds, and ethnic backgrounds to celebrate freedom and the end of slavery in the United States.

In closing, I would like to pay tribute to the Juneteenth directors and event coordinators throughout my State of Michigan. They have worked tirelessly in the planning of intergenerational activities in observance of Juneteenth, heading up a wide range of activities over several days in Detroit, Flint, Holland, Lansing, Saginaw, and other areas around the State.

S. RES. 497

(Congratulating the Los Angeles Kings on winning the 2012 Stanley Cup Championship)

Whereas, on June 11, 2012, the Los Angeles Kings were crowned National Hockey League champions after defeating the New Jersey Devils by a score of 6-1 in Game 6 of the 2012 Stanley Cup Finals;

Whereas this is the first Stanley Cup title that the Los Angeles Kings have won since the team entered the National Hockey League in 1967;

Whereas the Los Angeles Kings are the first 8th seeded playoff team to win the Stanley Cup;

Whereas the Los Angeles Kings never allowed an opposing team with a higher seed or home-ice advantage to intimidate them;

Whereas, en route to their first Stanley Cup appearance since 1993, the Los Angeles Kings quickly dispatched the defending Western Conference Champions, the Vancouver Canucks, dominated the upstart St. Louis Blues, and defeated the Phoenix Coyotes, who were the Pacific Division Champions;

Whereas Los Angeles Kings forward Dustin Brown is the first American team captain of a Stanley Cup champion since 1999;

Whereas Los Angeles Kings goalie Jonathan Quick performed admirably in each playoff game, totaling 125 saves and maintaining a .946 save percentage during the Stanley Cup Finals, and winning the Conn Smythe Trophy, which is awarded to the player considered most valuable to his team during the Stanley Cup Playoffs;

Whereas each of the 26 players on the Los Angeles Kings playoff roster should receive recognition, including Most Valuable Player of the Stanley Cup Playoffs Jonathan Quick, team captain Dustin Brown, Jonathan Bernier, Jeff Carter, Kyle Clifford, Drew Doughty, David Drewiske, Colin Fraser, Simon Gagne, Matt Greene, Dwight King, Anze Kopitar, Trevor Lewis, Andrei Loktionov, Alec Martinez, Willie Mitchell, Jordan Nolan, Scott Parse, Dustin Penner, Mike Richards, Brad Richardson, Rob Scuderi, Jarret Stoll, Slava Voynov, Kevin Westgarth, and Justin Williams; and

Whereas team owners Philip Anschutz and Edward Roski, General Manager Dean Lombardi, and head coach Darryl Sutter admirably assembled the team that comprised the 2012 Los Angeles Kings and led them through one dominant performance after another in the 2012 Stanley Cup Playoffs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Kings on winning the 2012 Stanley Cup Championship; and

(2) commends the Los Angeles Kings fans in California and across the Nation for showing the team support throughout its 45-year history.

Mrs. FEINSTEIN. Mr. President, I am in support of this resolution with Senator BOXER congratulating the Los Angeles Kings on their 2012 Stanley Cup Championship. I would like to take this opportunity to congratulate the players, staff, and fans for obtaining professional hockey's ultimate prize.

The Los Angeles Kings have won the Stanley Cup for the first time in the 45-year history of their franchise. Since 1967 the Kings have proudly represented the Los Angeles community with unwavering commitment. I urge

my colleagues to support this resolution.

Mrs. BOXER. Mr. President, I stand today to congratulate the 2011-2012 National Hockey League champions, the Los Angeles Kings. This past season the Kings demonstrated remarkable skill, teamwork, and determination in capturing the franchise's first Stanley Cup.

Thanks to an outstanding roster of seasoned veterans and promising young players, the Kings hoisted the Stanley Cup for the first time in the 45-year history of the franchise. On their historic run, the Kings became the first No. 8 seed to win the NHL championship. On their way to the finals, the Kings knocked off the first seed Vancouver Canucks, the No. 2 seed St. Louis Blues, and the No. 3 seed Phoenix Coyotes before capturing the Western Conference title. Despite their low seed, the Kings were dominant in each of their series, taking a 3-to-0 lead in each and never facing an elimination game.

The Kings continued their dominance in the finals against the New Jersey Devils by once again taking a three-games-to-none lead in the series. The Devils were able to stay alive in games 4 and 5 to force the series to go to six games. However, in game six the Kings once again showed their prowess winning by a score of 6 to 1 and cementing their first championship.

Throughout the season, the Kings were a model of hard work, dedication, and consistency. It is my pleasure to congratulate all members of the Kings organization who worked tirelessly to bring this hard fought victory to Los Angeles. As the Los Angeles Kings and their fans celebrate their first Stanley Cup victory, I commend them on a truly remarkable and memorable season and wish them more success in future seasons.

S. RES. 498

(Designating June 20, 2012, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States)

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers in the Congress of the Confederation;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;

(14) the Department of Energy;
(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and
(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the sovereignty of the United States;

Whereas since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named "Eagle";

Whereas the "Eagle" played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and
(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas if not for the vigilant conservation efforts of concerned Americans and the

enactment of conservation laws (including regulations), the bald eagle would face extinction;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marked the 25th anniversary of the American Eagle Foundation;

Whereas facilities around the United States, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, rehabilitate injured eagles for release into the wild;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2012, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and
(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

S. RES. 499

(Recognizing the tenth anniversary of the National Institute of Biomedical Imaging and Bioengineering)

Whereas the National Institute of Biomedical Imaging and Bioengineering Establishment Act (Public Law 106-580; 114 Stat. 3088) was signed into law on December 29, 2000;

Whereas the National Institute of Biomedical Imaging and Bioengineering (referred to in this preamble as the "Institute") awarded its first research grants in April 2002;

Whereas the purpose of the Institute, a component of the National Institutes of Health, is to conduct and support research, training, dissemination of health information, and other programs relating to biomedical imaging, biomedical engineering, and associated technologies and modalities with biomedical applications;

Whereas the Institute was established to—

(1) accelerate the development of new technologies with clinical and research applications;

(2) improve coordination and efficiency at the National Institutes of Health and throughout the Federal Government;

(3) lay the foundation for a new medical information age;

(4) promote economic development; and

(5) provide a structure for training current and future researchers based on the most recent innovative discoveries;

Whereas the Institute and the biomedical imaging and bioengineering research communities encourage the integration of the physical and life sciences to advance human health by improving quality of life and reducing the burden of disease through research and discoveries;

Whereas, since its establishment, the Institute has supported research to develop scientific advances in biotechnology, imaging, and biomedical engineering, and to advance the application of biomedical technology to improve detection, treatment, and prevention of disease by assembling diverse teams of scientists and engineers to pursue innovative medical therapies and technologies to better meet the health care needs of patients; and

Whereas the Institute has helped to support scientific breakthroughs in areas such as regenerative medicine, cancer treatments, and nanotechnology, which are helping health care providers to better target care and meet the individual health care needs of patients: Now, therefore, be it

Resolved, That the Senate—

(1) commends the National Institute of Biomedical Imaging and Bioengineering for its leadership in research and its role in advancing technologies that improve patient health;

(2) recognizes the remarkable impact that biomedical research supported by the National Institute of Biomedical Imaging and Bioengineering has had on patients; and

(3) recognizes the importance of maintaining a strong commitment to pursuing the next generation of life-saving treatments and technologies for patients.

ORDERS FOR WEDNESDAY, JUNE 20, 2012

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the leaders, the Republican leader be recognized to make a motion to proceed to S.J. Res. 37; further, that the time until 11:30 a.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes; and finally, that at 11:30 a.m., the Senate proceed to vote on the adoption of the motion to proceed; that if the motion to proceed is agreed to, all other provisions of the previous order with respect to S.J. Res. 37 remain in effect, and that if the motion to proceed is not agreed to, the Senate resume consideration of S. 3240 and the votes in relation to the amendments remaining in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. BOXER. Mr. President, there will be several rollcall votes beginning at approximately 11:30 a.m. tomorrow. The first vote will be on the motion to proceed to S.J. Res. 37, a resolution of disapproval regarding the EPA's mercury and air toxics standards. The additional votes will be on amendments to the farm bill in order to complete action on the bill.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:49 p.m., adjourned until Wednesday, June 20, 2012, at 9:30 a.m.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 19, 2012 withdrawing from further Senate consideration the following nomination:

BRETT H. MCGURK, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ, WHICH WAS SENT TO THE SENATE ON MARCH 27, 2012.

EXTENSIONS OF REMARKS

SUPPORTING THE DESIGNATION
OF JUNE 20, 2012 AS AMERICAN
EAGLE DAY

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of designating June 20, 2012 as American Eagle Day and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States. On June 20, 1782, the eagle was designated as the national emblem of the U.S. by the Founding Fathers at the Second Continental Congress.

The bald eagle is the central image of the Great Seal of the United States and is displayed in the official seal of many branches and departments of the Federal Government.

The bald eagle is an inspiring symbol of the spirit of freedom and the democracy of the United States. Since the founding of the Nation, the image, meaning and symbolism of the eagle have played a significant role in art, music, history, commerce, literature, architecture and culture of the United States. The bald eagle's habitat only exists in North America.

Over the years, several members of Congress have introduced and passed resolutions in support of the designation of American Eagle Day. My friend and colleague, Senator LAMAR ALEXANDER has introduced the same resolution for this year and I support his efforts.

I hope my colleagues will join in celebrating tomorrow, June 20, 2012 as American Eagle Day, which marks the recovery and restoration of the bald eagle.

CONGRATULATING KENT STATE
UNIVERSITY'S BASEBALL TEAM

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RYAN of Ohio. Mr. Speaker, I rise to recognize the tremendous accomplishment of Kent State University's advancement to the semifinals of the College World Series. I wish to extend my sincerest congratulations and offer them the best of luck as they continue their extraordinary journey in Omaha, Nebraska.

The 13th nationally ranked Golden Flashes punched their ticket to Omaha after winning an exciting series in the Eugene Super Regional against Oregon. In the bottom of the 9th inning with the series tied at one game apiece, Jimmy Rider became a hero by hitting the game winning RBI and sending KSU to the College World Series. Kent State is the first Ohio team since 1980 to participate in the

heralded 8-team double elimination bracket. They are also the first team since Eastern Michigan in 1976 to represent the Mid-American Conference in the College World Series.

Last evening, June 18th, the Golden Flashes advanced to the College World Series semifinals by defeating the University of Florida. Kent State opened up an early 5 run lead that they never gave up, defeating Florida 5 to 4. The Golden Flashes will go on to play the South Carolina Gamecocks, last year's champions, on June 20th.

It is an incredible honor for them to have made it this far and I am proud to offer my full support to Kent State as their Cinderella story continues in the College World Series.

IN RECOGNITION OF THE 60TH
ANNIVERSARY OF ROSARY HALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Rosary Hall, on the occasion of its 60 year anniversary of providing important services to individuals struggling with the destructive disease of addiction.

Founded by Sister Ignatia in 1952, Rosary Hall has remained at the forefront of effective and innovative behavioral therapy programs, developing shortly after the founding of the first Alcoholics Anonymous in nearby Akron. In affiliation with St. Vincent Charity Medical Center, Rosary Hall works with families, friends, and co-workers of patients in a supportive and compassionate environment. Since the Hall's founding it has helped to save over 50,000 people from the debilitating and deadly grips of addiction.

Rosary Hall's success is facilitated by a process which spans the entire road to recovery: from inpatient detoxification programs in a hospital setting, to outpatient rehabilitation and finally to community-centered support networks. Rosary Hall is staffed by a team of dedicated professionals who constantly seek to develop skills in order to ensure that each patient receives the personalized care and strategies which will leave them equipped to handle this difficult disease. Rosary Hall continues to be a pioneer in the field of addiction treatment research.

Mr. Speaker and colleagues, join me in honoring Rosary Hall as it enters its 60th year of saving lives, families, and providing people the freedom to live healthy and happy lives.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 307 I was absent due to a family matter. Had I been present, I would have voted "yes."

CONGRATULATING NANCY
BARBOUR ON THE OCCASION OF
HER RETIREMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to congratulate Nancy Barbour on the occasion of her retirement on June 30th after 21 years at Dykema, where she was a founding member of its government relations practice. During her tenure at Dykema, she advocated for many worthy causes, including support for the city of Detroit and the University of Michigan Medical System, where her efforts resulted in the addition of both a new veterans' hospital and a new children's hospital. The Detroit Free Press, Crain's Business Week, and Detroit News have recognized Mrs. Barbour's many endeavors.

Prior to her private sector advocacy, Mrs. Barbour dedicated nearly twenty years to working on Capitol Hill, spanning both chambers. She worked for Senator Phil Hart from Michigan, Congressman Bob Traxler from Michigan, Congressman Jim O'Hara from Michigan, Congressman Herb Harris from Virginia, and Congressman Bill Ford from Michigan, who was Chairman of the Committee on Education and Labor. Mrs. Barbour served for many years as Chairman Ford's Legislative Director. She worked on a host of issues during her congressional tenure, including a humanitarian initiative helping to relocate a number of Soviet Jews facing persecution in the USSR to the United States. Mrs. Barbour's mastery of congressional issues and the federal assisted her success in the private sector.

Having realized personal success in both the public and private sectors, Mrs. Barbour understands the importance of education, and tirelessly gives back to her community. For many years she has tutored adults in Fairfax County, Virginia, helping them earn a high school equivalency degree and further their own career opportunities and realize their personal potential. Despite her retirement, Mrs. Barbour will continue as a pillar of her community and continue to help those striving to help themselves.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I ask that my colleagues join me in thanking Nancy Barbour for her decades of service to Congress and her community, and to congratulate her on her retirement and wish her well in all of her future endeavors.

CELEBRATING THE LIFE OF GIL NOBLE, PRODUCER AND HOST OF WABC-TV'S "LIKE IT IS"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RANGEL. Mr. Speaker, I rise today in honor of my dear longtime friend and Harlem native, Gil Noble, who made his transition on Holy Thursday, April 5, 2012 at the age of eighty. Born to Jamaican immigrants Gilbert and Iris Noble in Harlem on February 22, 1932, Gil Noble was a pioneering anchorman and journalist who spent his career giving voice to Black Power and the African Diasporic experience. For over forty years he was perhaps the nation's most important black journalist, bringing the struggle for civil rights and equality into the homes of millions of Americans in black and white and in color.

Growing up influenced by jazz pianist Erroll Garner, a young Gil Noble took up the piano and decided as a teen to pursue a career in music. He formed the Gil Noble Trio, playing in New York clubs while attending City College. Later in life his love of jazz would later lead him to become a strong supporter of the Jazz Foundation of America and join its board of directors. After graduating, he went on to work for Union Carbide and modeled part time, where he met his wife, Jean, also a model at that time.

Gil Noble began his fifty years career in television and programming, when he got his first break in broadcast media in 1962, as a part-time announcer for Harlem's radio station WLIB. Gil began reporting and reading newscasts as well as servicing the Associated Press teletype machine and tracking interview tapes. In 1967, he joined WABC-TV as a reporter and served as anchor for the station's Saturday and Sunday night newscast in 1968. Gil's career surged when he was named host of WABC-TV's "Like It Is." During his numerous decades hosting his iconic television program, Like It Is, Gil acquainted the country with the story and the culture of Black America.

The show was truly groundbreaking. It engaged black leaders in sports, journalism, film, education, civil rights, politics and business, like Bill Cosby, Harry Belafonte, Lena Horne, Sarah Vaughan, Sammy Davis, Jr., Dizzy Gillespie, Oscar Peterson, Erroll Garner, Carmen McRae, Aretha Franklin, Dr. Billy Taylor, Nancy Wilson, Sidney Poitier, Imhotep Gary Byrd, (Dr. Ben) Yosef Ben-Jochannan, Muhammad Ali, Arthur Ashe, Reverend Jesse Louis Jackson and Minister Louis Farrakhan to name a few.

Gil told it like it is and interviewed national and international historic figures like President Nelson Mandela of South Africa and President Robert Mugabe of Zimbabwe. He interviewed

controversial and uncontroversial with profound discussions of the world's most important issues. I was greatly honored to appear on Like It Is, with Reverend Dr. Calvin A. Butts of the historic Abyssinian Baptist Church, where we gather to say farewell to our dear friend and legend.

The program also featured insightful documentaries that delved into the lives of Paul Robeson, Martin Luther King, Jr., W.E.B. DuBois, Malcolm X, Charlie Parker, Jack Johnson, Fannie Lou Hamer, Adam Clayton Powell, Jr., Stokely Carmichael (Kwame Ture), Justice Bruce Wright and countless other prominent figures of the African and Urban Diaspora. Perhaps most importantly, it provided an intelligent and progressive forum for black Americans that changed the way the nation viewed its black citizens. Gil's legacy will continue as a trailblazer for African Americans in journalism.

Mr. Speaker, you would be hard pressed to find anyone in Harlem who does not have memories of gathering with friends and family to watch Gil Noble eloquently discuss the issues of the day. The death of Gil, a son of Harlem, is especially saddening for the Village of Harlem, but also our Nation and the world. We will all miss this intellectually passionate man and the inspiration he gave to our Nation.

On Thursday, April 12, hundreds of Harlemites, New Yorkers and world visitors convened at Harlem's historic Abyssinian Baptist Church to pay final tribute, respect and honor to a man who was larger than height. May our spirit be filled with light and progress and may the light guide us through the fear and ignorance of our times in remembrance of my dear beloved Gil Noble.

TRIBUTE TO SETH ALEXANDER KLEINWORT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Seth Kleinwort of Madrid, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Seth's project involved funding and erecting 21 flags on Memorial Day Weekend along Highway 17 to pay tribute to our nation's heroes. Seth completed this project while going above and beyond the required merit badges, earning a staggering total of 50 badges. The work ethic Seth has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates

the rewards of hard work, dedication and perseverance. I am honored to represent Seth and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

HONORING THE 100TH ANNIVERSARY OF THE SCOTTISH RITE CATHEDRAL IN NEW MEXICO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Scottish Rite Masons of New Mexico on the occasion of the Centennial Celebration of the Scottish Rite Cathedral in Santa Fe, New Mexico. On this occasion they also celebrate New Mexico's 100th year as a State of the Union.

The celebration at the Scottish Rite Temple includes tours, outdoor activities, a parade, a private reception, a brunch, a public exemplification of a Scottish Rite Degree and a Period Dress Ball in the evening.

Though the exact time of the beginning of Freemasonry is unknown, many of the symbols and language come from the Middle Ages. It has become a worldwide fraternity which focuses on self-improvement and social betterment. Freemasons partake in philanthropy, service, funding of research, and spreading ideals in which they believe.

Currently, there are four million Masons worldwide. Notable Masons throughout time are George Washington, Benjamin Franklin, Paul Revere, John Hancock, John Paul Jones and Chief Justice John Marshall to name a few. Notable actions of the Masons include spreading the ideals of the Enlightenment, the formation of the democratic government and supporting the first public schools in both Europe and America.

Mr. Speaker and colleagues, please join me in honoring the Scottish Rite and all Freemasons on the joyous occasion of the Centennial Celebration of the Scottish Rite Cathedral in Santa Fe, New Mexico.

RON NEWTON, MANCHESTER VOLUNTEER FIREFIGHTER

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. PINGREE of Maine. Mr. Speaker, I would like to honor the incredible public service of one of my constituents, Ron Newton of Manchester, Maine.

Mr. Newton has been a member of the Manchester Volunteer Fire Department now for 50 years. In that time, he has served as deputy to three different chiefs, and has put thousands of hours into training, fire calls, and meetings.

In Maine, our small towns often depend on volunteers to staff our fire departments. With

their radios always close by, they routinely drop what they're doing to report to an emergency, whether they have to leave work or their families to do so. Just like full-time firefighters, they risk their lives for others, are passionate about their work, and are heroes.

Mr. Newton's five decades as a firefighter is an incredible statement of commitment to his community and its residents—he has something to teach us all about public service.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 308, I was absent due to a family matter. Had I been present, I would have voted "no."

IN RECOGNITION OF THE 2012 VIENNA-TYSONS REGIONAL CHAMBER OF COMMERCE BUSINESS AND SERVICE AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the honorees of the 2012 Vienna Tysons Regional Chamber of Commerce (VTRCC) Business and Service Awards. Each year, the VTRCC recognizes companies, nonprofits, and individuals in the Vienna-Tyson's area who demonstrate exceptional commitment to business and the community.

Since the 1940's, the VTRCC has provided a strategic link between local businesses and the region through participation in community activities, networking opportunities, marketing, support and education. This region has witnessed extraordinary growth, and the VTRCC has been a consistent, guiding voice for business. Fairfax County is considered by many to be one of the best communities in the country in which to live, work and raise a family. A significant factor in that distinction is the thriving partnership between the public and private sectors. Corporations, non-profit organizations, and educational institutions work hand-in-hand with their counterparts in local, State and Federal government agencies. A thriving business community is essential to maintaining a high quality of life for all residents, just as ensuring strong community institutions and educational opportunities are available for all residents is essential to fostering continued economic growth.

I join the Vienna-Tyson's Regional Chamber of Commerce in congratulating the following recipients of the 2012 Business and Service Awards:

Business of the Year (Large Company): Transurban.

Business of the Year (Small Company): Washington Landscapes.

Business Executive of the Year (Large Company): Kevin Reynolds—Cardinal Bank.

Business Executive of the Year (Small Company): Diana Carlin—Damon Galleries, Ltd.

Entrepreneur of the Year: Mark Rogoff—Title One Settlement Group, LLC.

Citizen of the Year: Delegate Mark Keam.

Nonprofit of the Year: Shepherd's Center of Oakton-Vienna.

Educator of the Year: David Reynolds—Vienna Elementary School.

Lifetime Service Award: Richard Irons—First Citizens Bank.

Mr. Speaker, I ask my colleagues to join me in congratulating the recipients of the 2012 Vienna-Tyson's Regional Chamber of Commerce Business and Service Awards and in thanking them for their many contributions not only to our businesses but also our community.

IN HONOR OF DR. LINDA HENKE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize Dr. Linda Henke, for her years of service to the people of the St. Louis area.

Dr. Henke is retiring as Superintendent of the Maplewood Richmond Heights School District, MRH, where she demonstrated a true passion for excellence during her years of service. When she first joined MRH, the district was one point away from losing its accreditation from the state of Missouri. After a decade under Dr. Henke's guidance, the school district now operates with Missouri's top Annual Performance Report Score; a true testament to Dr. Henke's hard work, dedication, and leadership.

Her personal approach towards the staff and the students has been a hallmark of her tenure. She made a point to know the staff and the students by name, and she attended nearly all sporting events, school plays, and concerts her students took part in. She actively sought to include her students in the development of successful school policies by regularly meeting with an advisory team of middle and high school students to openly discuss problems and possible solutions.

Dr. Henke not only cares about her students' academic success, but also about their health and well-being. I have had the pleasure of working with Dr. Henke as she has endeavored to provide locally produced, healthy food choices to her students in the cafeteria. She has worked hard to engage students in learning about our food system and teaching them that good eating habits are connected to excellence in education.

Her life has been defined by remarkable service to others. Dr. Henke has an exceptional ability to identify needs and works to fulfill them, as she has demonstrated many times while leading the MRH school district. A great example of this was when she saw that some students and families had lost their homes and had trouble finding regular meals. She addressed this by developing Joe's Place, where teenage boys can go to find affection, support, a home, and regular meals. In previous years, each of the boys who lived at Joe's Place not only graduated from MRH High School, but

also went on to attend college. In many cases, they were the first members of their families to accomplish this feat.

Without Dr. Henke's passion for her students and determination to provide them with every opportunity for success, MRH would not be the model school district it is today. Educators from across the country visit MRH schools to understand how she has transformed the district, and how they can replicate her successful programs in their own districts.

I congratulate Dr. Linda Henke on her retirement, and I thank her for her service to our community.

IN HONOR OF MR. STUART J. GREENBERG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Stuart J. Greenberg on the occasion of his retirement as executive director of Environmental Health Watch (EHW).

As an EHW founding board member, staff member for 28 years, and chief executive for 19 years, Stu became a pioneer in the field of healthy housing leaving a rich legacy and a number of accomplishments which have led to healthier children and families both in and around the Cleveland area and across the country. Stu was instrumental in establishing the first national conference on healthy homes and, with a small group of peer experts, literally coined the term "healthy home."

Stu's work with EHW was not limited to the inside of the home. As part of his work with EHW, Stu helped to develop Local Emergency Planning Committees, or LEPCs, which facilitate collaboration and information sharing among partners in emergency response. Stu helped to get provisions for LEPCs in the 1986 "Right-to-Know" amendments to the federal Comprehensive Environmental Response Compensation and Liability Act, better known as "Superfund." Stu's participation and leadership in Cuyahoga County's LEPC over the last 25 years has contributed to the safety of local communities in Northeast Ohio.

EHW, formerly the Council on Hazardous Materials, was not the first organization which Stu took from concept to reality. Stu was a co-founder and first executive director of Spectrum of Supportive Services, formerly Panta Rhei, Inc., a rehabilitation agency now affiliated with Recovery Resources, Inc., for people re-entering the community following long-term mental health-related hospitalizations.

Stu began his college education at Western Reserve University, where he graduated cum laude in 1966 with a Bachelor's degree in Psychology and Sociology. Then, in 1970, Stu graduated from the Case Institute of Technology, earning a Master of Science degree in Organizational Behavior.

Stu has served on many councils, committees, and boards and has received numerous awards and distinctions for his expertise, activism, and dedication to social justice, such as the 2005 Howard Metzenbaum Citizen Action Award by Ohio Citizen Action.

Mr. Speaker and colleagues, please join me in congratulating Stu Greenberg on his path-forging and inspiring career and service to the Greater Cleveland community.

100TH ANNIVERSARY OF THE GIRL SCOUTS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. GOODLATTE. Mr. Speaker, When Juliette "Daisy" Gordon Low gathered 18 girls together in Savannah, GA, on March 12, 1912, she aimed to offer a hand to the youngsters by helping them to develop physically, mentally, and spiritually. Since that first meeting of what would become known as the Girl Scouts, millions of girls and young women have grown in courage, confidence, and character and made countless contributions to the world.

The Girl Scout leadership program exists to help girls learn more about themselves, their values, and people. Those who have made extraordinary contributions as Girl Scouts receive the Gold Award for making a difference in their communities.

Through leadership in the scouting tradition, Girls Scouts are changing our country and the world. The organization continues to operate on a strong foundation of volunteers who dedicate themselves to offering their time and talents in the interest of guiding tomorrow's leaders. Thanks to them, over 10,000 girls from kindergarten through grade 12 across 36 counties in western Virginia are enjoying the Girl Scouts program. They are among over 3 million girls and volunteers who are active members along with 50 million women in the United States who are Girl Scouts alumnae.

As the Girl Scouts celebrate their centennial with a special event in Roanoke, VA, on June 30, I applaud the organization for its long history of leadership as the voice for its many devoted members, past and present. Let us all commend the special women whose experience in Girl Scouts is influencing our communities. We look forward to today's Girl Scouts becoming our next generation of leaders.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on June 18, 2012. If I were present, I would have voted on the following:

S. 684, To provide for the conveyance of certain parcels of land to the town of Alta, Utah—rollcall No. 379: "yea."

S. 404, To modify a land grant patent issued by the Secretary of the Interior—rollcall No. 380: "yea."

HONORING REV. JANE ADAMS SPAHR

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the leadership of the Rev. Jane Adams Spahr, whose work on behalf of justice for the LGBT community is an inspiration in Northern California and across the country.

Rev. Spahr began her ministry as a proud progressive and feminist, and as one of few willing to work publicly for the cause of equality for lesbian, gay, bisexual, and transgender people. In 1980, Rev. Spahr served as Minister of Pastoral Care for the Metropolitan Community Church in San Francisco's Castro District. And in 1982, Rev. Spahr founded what would become the Spectrum LGBT Center, Mann County's premiere LGBT service provider and advocacy organization.

In 1991, Rev. Spahr was called to serve as co-pastor of the Downtown United Presbyterian Church of Rochester, New York, making her the first openly gay person called to such a position of leadership within the Presbyterian tradition. Unfortunately, Rev. Spahr's pastorship was challenged and ultimately revoked by Church leadership. The Reverend was instead invited to serve the Presbyterian congregation in Tiburon, California, with a focus on working within the denomination to end discrimination and foster inclusiveness and social justice.

More recently, after the Supreme Court of California struck down the State's ban on same-sex marriage, Rev. Spahr became known for officiating at the marriages of several gay and lesbian couples. The Reverend was again challenged for refusing to comply with the anti-gay marriage policies of Church leadership and earlier this year Rev. Spahr received a formal censure for her actions. However, as in the past, the congregation has rallied behind her, and the local presbytery voted overwhelmingly to refuse the censure. Although Rev. Spahr's battle continues, I am proud to support her mission to see the dignity and humanity of every individual respected.

In 2007, I honored Rev. Spahr in the CONGRESSIONAL RECORD upon her retirement from Spectrum, emphasizing that her courageous passion for justice and inclusion for LGBT people has left a legacy that is paving the way to a better future. Clearly, she has advanced the cause of same-sex marriage and other rights during this time and will continue to be an inspiration and role model to all of us who care about human rights.

Mr. Speaker, I invite you to join me in thanking the Rev. Jane Adams Spahr for her many contributions to a stronger and more inclusive community, and to the ongoing fight for full LGBT equality. We wish her every success, and we look forward to the day—closer now than ever—when the last vestiges of anti-gay discrimination are erased from our laws and from our society.

CONGRATULATING MARTHA BROWN MIDDLE SCHOOL

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor to congratulate Martha Brown Middle School for being designated as a New York State and National "School to Watch." It is a pleasure to acknowledge Martha Brown's Principal David Dunn, the Fairport School Board, the administration, teachers, faculty and students upon receiving this award as one of only seven newly designated schools in New York State to be honored with this distinction.

The recognition as a national School to Watch means that Martha Brown excels in each of the seven Essential Elements of Standards—Focused Middle Level Schools and Programs. Those seven Essential Elements are: a philosophy and mission that reflect the intellectual and developmental needs and characteristics of young adolescents; an educational program that is comprehensive, challenging, purposeful, integrated, relevant, and standards-based; an organization and structure that support both academic excellence and personal development; classroom instruction appropriate to the needs and characteristics of young adolescents provided by skilled and knowledgeable teachers; strong educational leadership and administration that encourage, facilitate, and sustain involvement, participation, and leadership; a network of academic and personal support available for all students; and professional learning and staff development for all staff that are ongoing, planned, purposeful, and collaboratively developed.

It is especially meaningful for me to know that a school within New York State's 28th Congressional District and my hometown of Fairport has achieved this prestigious honor. It is a true testament to the hard work of the teachers, administrators, and students. The fact that Martha Brown Middle School has been selected from among many qualified middle schools speaks volumes about the school's character and dedication to academic excellence.

Mr. Speaker, I ask my colleagues to join me in congratulating Martha Brown Middle School of Fairport Central School District on this well-earned honor. As a "School to Watch," Martha Brown serves as a shining example for other middle schools throughout our entire nation.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 309, I was absent due to a family matter. Had I been present, I would have voted "yes."

RECOGNIZING THE RECIPIENTS OF
THE 2012 SHELTER HOUSE, INC.
VOLUNTEER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the remarkable efforts of Shelter House, Inc., and to congratulate the recipients of the 2012 Volunteer Awards. Shelter House is a community-based, non-profit organization that works to break the cycle of homelessness by offering support to those most in need in the Northern Virginia community. Shelter House provides crisis intervention, temporary housing, training, counseling, and programs to support self-sufficiency. Of course, none of this would be possible without the hard work of its dedicated volunteers.

Shelter House was founded in 1981 by several ecumenical groups, which came together to better serve low-income individuals and families. Shelter House operates three shelters: The Katherine K. Hanley and the Patrick Henry family shelters, which provide temporary housing for local families who become homeless, and Artemis House, Fairfax County's domestic violence shelter. Shelter House also has transitional housing programs, and it provides services for families that have found permanent housing. This assistance is vital to breaking the cycle of homelessness.

Volunteers and community partners are essential to the success of Shelter House, as they provide the tools necessary to combat homelessness. Their time, money, and effort compose the foundation of Shelter House's commendable work. This year, Shelter House has chosen several such individuals and partners to recognize for their outstanding commitment to ending homelessness in our community.

I join Shelter House in commending the following individuals and organizations being honored with 2012 Volunteer Awards:

Community Champion—Cooper Ginsberg Gray, PLLC;

Community Champion—Virginia Tire and Auto;

Community Partner—Reading Connection;
Community Partner—Southview Community Church;

Community Partner—Keller Williams, Fairfax Gateway Office;

Friend of Shelter House—Chantelle Tait;

Friend of Shelter House—Mike Katounis & Homeworks Painting;

Friend of Shelter House—Great Falls Womens Club;

Public Service Award—Captain Willie Bailey & Fairfax County Fire and Rescue Department;

Public Service Award—Kathi Sheffel & Homeless Liaison Office Tutors of Fairfax County Public Schools;

Public Service Award—Lorraine McLean & the Fairfax County Health Department;

Building Bridges Building Hope Award—Lord of Life Lutheran Church;

Building Bridges Building Hope Award—Diane Jenkins;

Building Bridges Building Hope Award—The Quilt Patch;

Youth Volunteer Award—Men On a Mission;
Youth Volunteer Award—Russ Soper; and
Youth Volunteer Award—Alec Powell.

The aforementioned individuals and organizations certainly deserve special recognition for their dedication to Shelter House. However, one also must acknowledge the importance of all Shelter House volunteers, who constantly strive to better our community through efforts to provide secure, structured environments, as well as indispensable support, for families in need. These volunteers and partners allow Shelter House to effectively battle homelessness by empowering families to achieve self sufficiency.

Mr. Speaker, I ask my colleagues to join me in expressing our sincere appreciation to Shelter House and its many volunteers and partners. Their selfless work benefits the entire Northern Virginia community and improves the lives of many of our neighbors.

COMMENDING HOWARD BERMAN
FOR HIS HELP PASSING H. RES.
683

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. CHU. Mr. Speaker, I rise today to commend HOWARD BERMAN for his help passing H. Res. 683, an expression of regret for the House passage of the Chinese Exclusion Act of 1882. Due to a clerical error, Mr. BERMAN was added as a cosponsor when he should be listed as an original cosponsor.

HOWARD was a key ally in the passage of this legislation. Because of his positive relationships with Members across the aisle, he successfully convinced key Republican lawmakers to support this effort. He was very influential in getting this bill through the House Judiciary Committee, and was with me every step of the way as we pushed to get a vote on the floor. This effort required a great deal of negotiation with the Republican leaders in the House. And who was by my side? HOWARD BERMAN! The community couldn't ask for a better or more dedicated champion to their cause.

Representative BERMAN has been a dedicated supporter since the introduction of the original resolution H. Res. 282, which he also cosponsored. Without HOWARD's support, we would not have made history when the House unanimously passed an expression of regret for the discriminatory Chinese Exclusion Act on June 18, 2012.

IN REMEMBRANCE OF THOMAS
GREGORY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Thomas "Tommy" Gregory, a man who devoted himself to the well-being of his family, friends, community and nation.

Born on October 1, 1949 in Lubbock, Texas, Mr. Gregory dedicated 35 years of his life to public service with the United States Department of Agriculture. He was Director and Head Statistician of the National Agricultural Statistics Service Mississippi Field Office for 18 years. He developed programs, systems and publications of great use to the agricultural community. One of his priorities was to enlist, encourage, and mentor new employees to secure the future effectiveness of the Agency.

Mr. Gregory was highly respected in the National Agricultural Statistics Service (NASS), and was known for making special efforts with colleges in his area to encourage minority students to apply for work there. He recently received recognition for being the first white man in Mississippi to join the Black Employees of NASS Organization.

Additionally, Mr. Gregory was an active and courageous supporter of reforming our nation's broken monetary system. This year the Board of Trustees of the American Monetary Institute bestowed the Courage of Conviction Award to him, in honor and lasting memory of his active support in promoting monetary reform for the benefit of all Americans. He is survived by his wife Lanet, his three children Kelsey, Britny, and Garrett, and four grandchildren.

Mr. Speaker and colleagues, please join me in honor and remembrance of Tommy Gregory, a man of unwavering faith and vision who had the courage to live by his convictions and make a difference. He will be remembered for his outstanding and enduring service for the greater good.

RECOGNIZING NATCA'S 25TH
ANNIVERSARY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. KING of New York. Mr. Speaker, I rise today in recognition of the 25th anniversary of the National Air Traffic Controllers Association (NATCA).

I would like to take this opportunity to thank NATCA's 20,000 controllers, engineers and other safety-related professionals for their tireless commitment to keeping America's skies safe. In particular, I would like to express my gratitude to New York's NATCA legislative representative and members. The New York Center has over 90% of its members in NATCA, which speaks to the strength and solidarity of the organization.

Every day, the men and women who work at control towers, control centers, TRACON facilities and flight service stations make it possible for 750,000 flyers to travel. Last year, these individuals staffed a staggering 134 million flight operations. Most importantly, they operate under a commitment to their motto, "Safety Above All."

NATCA's unparalleled dedication to its members and the flying public has made the National Airspace System the best air traffic system in the world. Once again, I thank NATCA and congratulate its membership on the group's 25th anniversary.

CONGRATULATIONS TO MS. CHARLOTTE LANDRETH-MELVILLE ON HER 90TH BIRTHDAY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. FITZPATRICK. Mr. Speaker, I would like to wish Ms. Charlotte Landreth-Melville, a resident of historic Bristol Borough in my home of Bucks County, Pennsylvania a Happy Birthday as she turns 90 on June 25th.

During her 90 years, Charlotte has seen sixteen U.S. presidents take the oath of office, has honorably served her country in World War II as a member of the Women Marines, has traveled the world, and has started her own small business. Charlotte has enjoyed quite a healthy, exciting life.

Over the course of her life, she has climbed to the peak of Mount Kilimanjaro, trekked through the Sahara Desert, lived on a houseboat in India and bicycled all across Europe. One way or another, she still managed to find time to remain active in her local community as a contributor to the Bristol Pilot Newspaper.

Mr. Speaker, I am honored to speak on Charlotte's behalf today, and I wish her the very best on this momentous occasion. Charlotte's free spirit and dedication to her country and community make her a perfect role model in today's society. I wish her many more years of good health, success and happiness.

HONORING THE OUTSTANDING CAREER OF RETIRING RED CROSS OFFICIAL ARMOND MASCELLI

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CRITZ. Mr. Speaker, I rise today to pay tribute to a son of southwestern Pennsylvania and a tremendous public servant.

In 1971, a young man named Armond Mascelli took the advice of his Scranton college professor and went to work for the American Red Cross. Four decades later, after a distinguished career of philanthropic work that has taken him to many different parts of the world, Armond is set to retire from the Red Cross as Vice President for Disaster Operations.

Over the last 41 years, Armond has served on and directed numerous disaster relief operations throughout the United States, Puerto Rico, Central America and the U.S. Virgin Islands. He has also served on Red Cross assignments in South Vietnam, Thailand, Japan, Canada, Mexico, Turkey and Guam.

Over his long career, there have been many significant disasters and Armond remembers them all, particularly the Johnstown, PA, flood of 1977.

Any school child from my district can tell you about the Great Johnstown Flood of 1889 caused by a dam failure which resulted in the release of 20 million tons of water into Johnstown. The flood killed more than 2,200 people and was the first major disaster relief effort

handled by the American Red Cross, led by Clara Barton.

But on July 20, 1977, a line of severe thunderstorms moved slowly over Johnstown, dropping a foot of rain on the city in only 12 hours. Small streams overflowed and several dams failed, causing history to repeat itself. Water tore through highways, homes, factories and stores.

The death toll would eventually reach 85 as a result of the flood. Property damage reached about \$300 million. Hundreds were left homeless. Our town was once again reminded of its tragic history, opening old wounds and inflicting new ones. But not all of the stories from this flood were sad.

The Red Cross and many other non-profit agencies, State and Federal Governments, and private individuals rushed to help with the relief efforts. Armond Mascelli was a young Red Cross disaster worker who had been assigned to the Johnstown relief operation for more than a month when he met a young and attractive Johnstown girl who was volunteering for the Red Cross in the operations. Armond and Kathy Lenzi were married 2 years later.

Armond was also assigned to the Three Mile Island nuclear disaster near Harrisburg, PA, in 1979, and was part of the task force at Indiantown Gap near Lebanon, PA, helping the more than 19,000 refugees brought there during the Cuban Boat Lift in 1980 and 1981.

Armond has been part of the Red Cross response to a number of major national and international disasters over the past four decades, including hurricanes Hugo, Andrew, Mitch and Katrina, the Loma Prieta and North Ridge earthquakes and the 1993 flooding in the Midwest. When the floods from Irene ravaged our State last year, Armond was in the Red Cross Disaster Operations Center coordinating the response.

When asked if it was ever difficult to stay in a field that witnesses so much devastation and sadness, he said the good work the Red Cross does was motivation to stay in the job.

"Disaster is unfair, heartbreaking," he said. "Working for the Red Cross is an opportunity to provide assistance to those in need. I've met a ton of real interesting people—good people—through my years with Red Cross.

"The people I work with really believe in the principles of the Red Cross, the mission," he said. "And our volunteers—they amaze me. It's neighbor helping neighbor. People in this country want to help when something happens, it's part of their makeup.

"Part of being with the Red Cross is to make it better. I'm passing this to someone else for them to make improvements," Mascelli said. "The Red Cross is always looking to the future, to change, to improve. We're an old organization, but we're still relevant. I attribute that to our mission, our volunteers and adapting to meet the changing needs of those we serve."

Mr. Speaker, I congratulate Armond on his upcoming retirement and salute his great service to our Nation and to the American Red Cross. He and his wife Kathy have my best wishes as they transition into a new phase of their life together.

RECOGNIZING THE 150TH ANNIVERSARY OF "TAPS"

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. REED. Mr. Speaker, I rise today to recognize the 150th anniversary of the writing of "Taps," a song I have worked tirelessly here in Congress to recognize as the National Song of Remembrance for those who have served our country.

Much like "The Star-Spangled Banner" and "The Stars and Stripes Forever," which were born from the winds of war, "Taps" shares a similar history. In July 1862, following the Seven Days battles, Union General Daniel Butterfield and bugler Oliver Willcox Norton created "Taps" at Berkley Plantation, Virginia, as a way to signal the end of daily military activities. Since that time, "Taps" has become known throughout the United States as part of the military honors accorded at funerals, memorial services, and wreath ceremonies held for members of the uniformed services and veterans who have faithfully served our nation during times of war and peace.

The designation of "Taps" as the National Song of Remembrance is timely because the 150th anniversary of the writing of "Taps" will be observed with events culminating this month, June 2012, with a rededication of the Taps Monument at Berkley Plantation, Virginia. I am proud that the House of Representatives passed this language as a tribute to honor those that have fallen in service of our country.

PERSONAL EXPLANATION

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. MCCOLLUM. Mr. Speaker, I was unable to vote on the following amendments to H.R. 5325 because I was attending an official event in my home state of Minnesota with President Obama.

On rollcall vote 306, I would have voted "no" on the Scalise Amendment.

On rollcall vote 307, I would have voted "no" on the King Amendment.

On rollcall vote 308, I would have voted "yes" on the Moran Amendment.

On rollcall vote 309, I would have voted "no" on the Hultgren Amendment.

On rollcall vote 310, I would have voted "no" on the Chaffetz Amendment.

On rollcall vote 311, I would have voted "no" on the McClintock Amendment.

On rollcall vote 312, I would have voted "yes" on the Kaptur Amendment.

On rollcall vote 313, I would have voted "yes" on the Tonko Amendment.

On rollcall vote 314, I would have voted "yes" on the Hahn Amendment.

RECOGNIZING THE ADRIAN CITY
BAND ON THEIR 175TH ANNIVER-
SARY

HON. TIM WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. WALBERG. Mr. Speaker, I rise today to recognize the Adrian City Band as they celebrate their 175th year of providing musical entertainment to the community of Adrian, Michigan.

The Adrian City Band is one of the oldest continuously organized city bands in the United States, tracing their roots back to 1838. Under the leadership of director Jim Rice, the band of nearly 80 members recently kicked off their weekly summer concert series, which will feature eight performances with historical themes.

In spite of the down economy and tight city finances, the band members and leadership have continued the tradition without pay, while the community has supported the band through financial donations.

Community bands are an American tradition, and for decades, the Adrian City Band has offered a fine example of this civic pastime. The Adrian City Band will continue to entertain and impress with a series of eight concerts this summer at the Trestle Park bandshell, and they deserve recognition for their dedication and sacrifice in bringing entertainment to Southeast Michigan.

PERSONAL EXPLANATION

HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mrs. HARTZLER. Mr. Speaker, on Monday, June 18, 2012, I was unable to vote due to a conflicting obligation in my district. Had I been present, I would have voted as follows: on rollcall No. 379, "yea"; on rollcall No. 380, "yea."

IN RECOGNITION OF THE VISITING
NURSE ASSOCIATION HEALTH
GROUP'S 100TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Visiting Nurse Association (VNA) Health Group as its employees gather to celebrate its 100th anniversary. VNA Health Group members continue to exemplify outstanding dedication to the promotion and restoration of the health status of community individuals. Their service is truly worthy of this body's recognition.

The Visiting Nurse Association Health Group was established in 1912 in Lincroft, New Jersey. Within its first decade, the organization completed a study of mentally handicapped children in public schools, launched

child welfare programs and established a mobile health clinic to assist constituents throughout Monmouth County, New Jersey. The organization adopted the name Monmouth County Organization for Social Services (MCOSS) in 1918 and maintained their focus on improving healthcare needs for women and children. The agency acquired the Visiting Nurses Association in Middlesex County in 1988 and expanded their services to include the constituents of Middlesex County; later that year, the New Jersey hospice care program was certified by Medicaid and served more than 1,500 patients and their families.

In December 1993, the organization adopted the name Visiting Nurse Association of Central New Jersey; the new name allowed for the establishment of a governing board and the ability to raise funds on behalf of the organization. VNA of Central New Jersey later joined with other organizations, including the Visiting Nurse and Hospice Services and Essex Valley Visiting Nurse Association, and partnered with Robert Wood Johnson University Hospital to continue expanding their service area. In 2011, VNA of Central New Jersey affiliates and partners unified under the title Visiting Nurse Association Health Group to better reflect the organization's growth. Today, the organization and its employees continue to personify compassionate, caring and patient-centered services to constituents throughout New Jersey.

VNA Health Group is New Jersey's largest non-profit community health provider of home health, hospice and community services. Today, the VNA remains a volunteer organization that assists over 100,000 individuals throughout New Jersey each year. VNA Health Group is accredited by the Community Health Accreditation Program, Inc. and continues to provide outstanding in-home services including certified home health aide services, pediatric care, rehabilitative therapy, palliative care, tele-health monitoring, geriatric care management, companion homemaker services, and nutritional counseling. As a result of their outstanding efforts, VNA Health Group is the proud recipient of the New York Times Tribute to Nurses Award and the New Jersey Hospice and Palliative Care Association Award, among others.

Mr. Speaker, once again, please join me in celebrating the Visiting Nurse Association Health Group's 100th Anniversary. The organization has provided exquisite services to constituents throughout Monmouth County and New Jersey.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TURNER of Ohio. Mr. Speaker, on June 18, 2012, I was unable to vote on rollcall vote 380. Had I been present I would have voted "yea" on passage of S. 404.

TRIBUTE TO FRANCES PRESTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. BERMAN. Mr. Speaker, I am joined by my colleagues Congressmen STEVE COHEN, JIM COOPER, MARSHA BLACKBURN, JERROLD NADLER, HOWARD COBLE, LAMAR SMITH, BARNEY FRANK, and JOHN CONYERS to honor the life and memory of one of the First Ladies of American music, Frances W. Preston, the former president and Chief Executive Officer of Broadcast Music Inc. (BMI).

Frances Preston was a trailblazer who opened up doors of opportunity for a new generation of female executives in the music and entertainment industries. No barriers stopped Frances in advocating for songwriters' rights, and on Capitol Hill, her tireless advocacy was critical in protecting the music industry. Her counsel was indispensable and we sought it often.

The business acumen of Frances Preston was exceeded only by her charisma and charm, and by the respect, affection and admiration her colleagues and peers had for her. She was lauded for her empathy and for the gracious manner in which she treated every person, from the hottest star to the humblest worker. She was an exceptional executive, leader, role model and friend.

With Frances at its head, BMI grew to represent over 300,000 American and foreign songwriters, composers and music publishers in licensing music, and collecting and distributing royalties from play on radio and in television, films, ads and other media. Its artists represent all types of music and its catalog contains 4.5 million works. During her 18 years as president, its revenue grew more than three times to more than \$625 million.

BMI has become an internationally respected leader and a unique success story as the entertainment industry has been transformed by digital technology and globalization. Sensitive to the changing world of music, Frances focused on domestic licensing, foreign performing rights, legislation for fair compensation for writers and publishers, and copyright protection.

Frances joined BMI in 1958 after working in music and broadcasting in Nashville. She opened BMI's regional office there, and led her company to preeminence in the South, signing writers and publishers with roots in both country and other types of music.

In 1964, the year the Nashville BMI building opened on Music Row, Frances became a vice president of BMI—reportedly, the first woman corporate executive in Tennessee.

She has often been called a trailblazer in the music business but Frances was also a trailblazer among women. She was the first woman Rotarian in the State of Tennessee. She was the first woman to work with the National Chamber of Commerce. She was one of the first four women—and the first businesswoman—to be invited to join the Friars Club in New York and the first woman to serve on their board of governors.

Frances was an industry pioneer and a compassionate humanitarian who touched the

lives of many people, and she will be sorely missed.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 310, I was absent due to a family matter. Had I been present, I would have voted "yes."

IN HONOR OF THE 90TH ANNIVERSARY OF ST. THOMAS AQUINAS ROMAN CATHOLIC CHURCH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. FITZPATRICK. Mr. Speaker I rise today to recognize and celebrate the 90th anniversary of St. Thomas Aquinas Roman Catholic Church in Bristol, Pennsylvania.

St. Thomas Aquinas Church was built in 1922 as a place for working men and women of Southeast Pennsylvania to gather to pray. Funded by the generosity of the local community and the Archdiocese of Philadelphia, Fr. Nolan founded this parish to unify the communities of Croydon, Bristol, and Bensalem.

St. Thomas Aquinas Church was named after the 13th century Sicilian theologian. A prominent member of the Dominican Order, St. Thomas Aquinas revolutionized philosophy, modern political theory, and ethical morality. Many consider his most notable work, *Summa Theologica*, to be one of the foundations of the Catholic faith and modern theology. His contributions to intellectual thought have allowed him to become the patron saint of academics and Catholic schools.

Although St. Thomas Aquinas Church has struggled through some setbacks in the past few years, the current pastor, Fr. Mike Davis, has made it his mission to unify the community. By recommitting his church to its original mission, Fr. Mike has rallied his parishioners to persevere through the recent closing of their elementary school, and unveil a major renovation effort to improve their facilities. Completed solely by the parishioners themselves, the new refurbishments not only update the facility's technology, but also display beautiful religious paintings and depictions from history.

As we look back on the past 90 years of commitment and service to the communities of Bristol and Croydon, I only hope that the future continues to bring more prosperity to St. Thomas Aquinas Church. I am proud to stand with Fr. Mike, his parishioners, and the members of my district in celebrating the 90th anniversary of St. Thomas Aquinas Roman Catholic Church.

HONORING MRS. LUCILE JOHNSON'S 100TH BIRTHDAY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I rise today to honor Mrs. Lucile Johnson on her remarkable 100th birthday, June 19, 2012. Lucile has lived in Atlanta for all 100 years of her wonderful life—she was blessed with 65 years of marriage to her late husband Earl Johnson, and she is the proud and loving mother of 6 children, grandmother of 15, great grandmother of 20, and last but certainly not least: great great grandmother of 1.

Lucile has been a driven and caring person her entire life and worked diligently at the Biltmore Hotel in Atlanta for many years to provide for her family. As a passionate member of her community, Lucile graciously chose to volunteer with her church missionary group in feeding the homeless of Atlanta for decades. Lucile is the matriarch of her ever-growing family and has helped to raise many of her grand children and great grandchildren. The comfort and advice she provides to her family is truly treasured and matchless.

Mr. Speaker, Lucile Johnson is an outstanding member of the community in my District and has served as an exceptional role model for her family and many others. I am delighted to join her family, friends and many admirers in wishing her a very happy 100th birthday and continued good health and happiness for years to come.

RECOGNITION OF THE D.C. DIVAS FOOTBALL TEAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the D.C. Divas Football team for their eleventh season and on returning to the Women's Football Association for the 2012 season. This year marks the 40th Anniversary of Title IX of the Education Amendments of 1972, which protects people from discrimination based on gender. Passage of Title IX has helped to make it possible for teams like the D.C. Divas to accomplish great success and serve as a role model for young girls.

The D.C. Divas were established in 2000, with the first season beginning in the spring of 2001. They have been a strong team with nine winning seasons and eight division titles. The D.C. Divas are currently celebrating as the 2012 Division Champions. The team won the NWFA Championship in 2006 after completing a perfect season.

Not only have they been strong on the field, but they are actively involved within the D.C. and Maryland communities. Members of the team have participated in Recess by the River since the program began, helping educate kids on active living to prevent child obesity with kids from Ward 8. The team has also supported the Maryland Network Against Do-

mestic Violence, the Northern Virginia Ronald McDonald House, and the Special Olympics of Northern Virginia. These are only some of the many organizations in which the D.C. Divas are actively involved.

I congratulate the D.C. Divas for their accomplishments on and off the field over the past twelve years. This is a great team that provides an athletic outlet for the people of Washington, D.C. and the surrounding areas. I wish them the best during the rest of their season and the many seasons to come.

TO RECOGNIZE THE 2012 LORDS AND LADIES FAIRFAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize a dedicated group of men and women in Northern Virginia. For the past 28 years, each member of the Fairfax County Board of Supervisors has selected two people from his or her district who have demonstrated an exceptional commitment to our community. Since the program's inception in 1984, nearly 500 individuals have been recognized as a Lord or Lady Fairfax by their representative on the Board of Supervisors. I was pleased to take part in this annual ritual and recognize many outstanding community volunteers during my 14 years on the Board.

Individuals recognized as Lords and Ladies of Fairfax have made significant contributions in their communities. This year, the Fairfax County Board of Supervisors recognized outstanding individuals who have made tremendous impacts through their support of our public schools, parks, youth sports leagues, arts community, public safety providers, and human service programs. It is nearly impossible to fully describe the diversity of accomplishments by the honorees. Their efforts contribute greatly to the quality of life for the residents of Fairfax County and should be commended.

The following individuals have been recognized as Lord and Lady Fairfax honorees for 2012. Each of these individuals was selected as a result of his or her outstanding volunteer service, heroism, or other special achievements. These individuals have earned our praise and appreciation.

At Large: Lady Kathy Albarado and Lord Delbert Sheads.

Braddock District: Lady Tessie Wilson and Lord Doug Brammer.

Dranesville District: Lady Jacqueline D. Taylor and Lord Robert H. Jackson.

Hunter Mill District: Lady Jenifer Joy Madden and Lord Frank de la Fe.

Lee District: Lady Martha Lloyd and Lord Don Hinman.

Mason District: Lady Sue Hotto and Lord Ben Hester.

Mt. Vernon District: Lady Diana York and Lord James C. Rees.

Providence District: Lady Vivian Morgan-Mendez and Lord Mark D. Meana.

Springfield District: Lady Breeana G. Bomhorst and Lord Robert Scott Brown.

Sully District: Lady Jennifer Campbell and Lord John R. Cleveland.

I also commend the following recipients of two additional awards; the James M. Scott Community Spirit Award and the Celebrate Fairfax! Festival Volunteer of the Year Award. The James M. Scott Community Spirit Award recognizes a sponsor, organization or individual who has exemplified strong advocacy and commitment to Celebrate Fairfax, Inc. and its efforts to develop community through events, and the Celebrate Fairfax! Festival Volunteer of the Year Award selects one volunteer out of 1500 to be recognized for extraordinary efforts to ensure that the festival, which will be held this weekend at the county government center, and affiliated CFI programs are successful.

IN CELEBRATION OF THE LIFE OF
OUR BELOVED FREEDOM FIGHTER
AND FREEDOM SISTER DR.
ANNIE B. MARTIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RANGEL. Mr. Speaker, today I rise to mourn the loss of our National Association for the Advancement of Colored People's life-long freedom fighter and freedom sister, Dr. Annie B. Martin. Dr. Martin served an unprecedented sixteen terms as President of the historic NAACP New York Branch, also known as the Harlem Branch; the first chartered Branch of NAACP's National Association, which celebrated its Centennial Anniversary in 2011. Under her leadership, the New York Branch became the largest NAACP branch in the Eastern region, with more than 6,000 members, and has received annual national awards for program activity.

Affectionately known to many of us as Chief or simply Annie B, Dr. Martin was a devoted and dedicated member of the NAACP National Board of Directors. With her soft, but outspoken voice she led by example and with dignity. Annie B was my very dear friend and ally, and on behalf of my wife Alma, my sister Hazel Dukes and our beloved Village of Harlem, our nation has lost another soldier and angel of the civil rights and labor movement that dedicated her entire life fighting and speaking out against injustices and inequality. Dr. Martin committed her 91 years plus life to making our world an equal playing field for all to inspire and attain, and I will deeply miss my beloved friend and freedom sister.

Annie B. Martin was a native of Eastover, South Carolina and was the seventh of eight children, which were born to Jacob and Queenie Martin. She was a graduate of Allen University in Columbia, South Carolina and earned a Master's Degree in both social work and guidance counseling from New York University. Dr. Martin was an important and dominant voice in the American labor movement, including service as executive board member of the New York City Central Labor Council, AFL-CIO, and first vice president of the Black Trade Unionists Leadership Committee of the New York City Central Labor Council. Dr. Mar-

tin served as New York assistant commissioner of labor under former Governors Nelson Aldrich Rockefeller, Charles Malcolm Wilson and Hugh Carey.

She also served as senior extension associate of Cornell University's School of Industrial and Labor Relations; secretary-treasurer of Local 8-138, Oil, Chemical & Atomic Workers Union; and adjunct professor at Columbia, Fordham and New York Universities.

As director of labor participation for the American Red Cross in Greater New York, at the age of 81, Dr. Martin was on duty seven days a week after the terrorist attack on America on September 11, 2001, serving as liaison between labor, the Red Cross and the NYFD and NYPD departments. This remarkable woman coordinated survival and job-placement issues for hundreds of members of organized labor and personally processed 290 claims for American Red Cross Emergency Family Gifts to families' beneficiaries who lost members at "Ground Zero." Dr. Martin, freedom's mother of labor, was always there to serve her community and our great country.

Dr. Annie B. Martin now takes her place in history alongside Dr. Martin Luther King, Jr., Medgar Evers, Dr. Benjamin L. Hooks, Percy Ellis Sutton and Freedom Sisters Harriet Tubman, Ida B. Wells-Barnett, Fannie Lou Hamer, Rosa Louise McCauley Parks, Ella Jo Baker, Dorothy Irene Height, Shirley Chisholm, Barbara Charline Jordan, Betty Shabazz, Coretta Scott King and the countless of extraordinary African American Women and Men who have given so much of their entire lives and life-work to preserving freedom and equality for all of us and our nation's children.

Mr. Speaker, as I stand before you today, I ask you to join me and my colleagues in remembering the life of our beloved Freedom Fighter, Dr. Annie B. Martin. Her compassion and dedication to her community serves as a model for all Americans, our nation and the world.

TRIBUTE TO BRANDON A. THEISEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Brandon Theisen of Granger, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Brandon's project involved a complete reinstallation of a retaining wall at Jester Park, which included removing an existing wall and constructing a new one. The work ethic Brandon has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his com-

mitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Brandon and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

SANFORD COMMUNITY ADULT EDUCATION

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. PINGREE of Maine. Mr. Speaker, I would like to congratulate this year's graduates of Sanford Community Adult Education programs in Sanford, Maine. These men and women have worked incredibly hard to earn their GEDs, high school diplomas, and work skills certificates, and I am thrilled to see their efforts come to fruition.

I commend these graduates for having the courage to recommit to their education after months or even years since last stepping in a classroom. Doing so, they have had to deal with a unique set of challenges, including balancing school work with careers and families.

With their education comes opportunity. I am excited about the new doors that will open for these graduates with their diplomas and certificates in hand. I wish them the best of luck as they pursue their goals, whether that is starting a business, getting a promotion, or simply setting a good example for their children.

I also want to thank the teachers and administrators of the program, and all the family members and friends who supported these students. This accomplishment is theirs as well.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 311, I was absent due to a family matter. Had I been present, I would have voted "yes."

TO RECOGNIZE JIM HINKLE FOR
SERVICE AS THE PRESIDENT OF
THE MANTUA CITIZEN'S ASSO-
CIATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Mr. Jim Hinkle and to congratulate him as he completes his tenure as

the President of the Mantua Citizens' Association, MCA.

Like other home owners associations, the MCA responds to the needs of its residents, circulates local news, and coordinates volunteer services and community projects. As a former president of the MCA myself, I know firsthand the time and effort Mr. Hinkle has devoted to helping improve our community and maintain its rich quality of life.

During his tenure, Mr. Hinkle has tackled local environmental, safety, and road maintenance challenges. The nearby fuel tanker farm continues to be a perennial concern, particularly given recent spills and accidents. Mr. Hinkle has demonstrated effective leadership, collaborating with local, state and federal authorities, including the Environmental Protection Agency and my office. Thanks to our coordinated efforts, improved safety measures are being implemented.

Whether it's projects large or small, Mr. Hinkle has demonstrated a passion for community service. After the severe winter storms of 2010, he proposed a community service project for a local Boy Scout troop. The Scouts identified deficiencies in the neighborhood roads and made a presentation to the Virginia Department of Transportation, VDOT, which organized the necessary repairs.

Mr. Speaker, I ask my colleagues to join me in commending Mr. Hinkle for his tremendous service to the Mantua community. Though his tenure as president has come to a close, I am confident we will continue to benefit from his contributions.

PERSONAL EXPLANATION

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. HIRONO. Mr. Speaker, on rollcall No.: 371, "no;" 372, "no;" 373, "no;" 374, "no;" 375, "no;" 376, "yes;" 377, "yes;" 378, "no." Had I been present, I would have voted as indicated.

HONORING JUNETEENTH INDEPENDENCE DAY CELEBRATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor Juneteenth Independence Day Celebration. Juneteenth, celebrated on the 19th of June, is a holiday that celebrates the emancipation of African Americans from slavery but has come to signify much more. It is celebrated in June, the month that the last African Americans were informed of their Emancipation.

During the Civil War, President Abraham Lincoln issued the Emancipation Proclamation on September 22, 1862, which came into effect on January 1, 1863. Critically, following the conclusion of the Civil War, U.S. Government officials traversed through the South to

enforce the Proclamation. It was not until June 19th, 1865, in Galveston, TX, that Union General Gordon Granger declared freedom for the last major vestige of slavery in the United States, marking one of the proudest days in all of African American history.

Mr. Speaker, Juneteenth Independence Day is a holiday that should not go without note. This date represents a crucial milestone in African American history and demonstrates the evolution of our Nation over the last century and a half. Today, Juneteenth commemorates African American freedom and emphasizes education and achievement. I encourage all of my constituents to take part in the day's festivities and also to reflect on the values of self-improvement, assessment, and future-planning which are consistent with the spirit of Juneteenth.

RECOGNIZING THE FIFTEENTH ANNUAL PLATTSBURGH RELAY FOR LIFE

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. OWENS. Mr. Speaker, I rise today to recognize the fifteenth annual Plattsburgh Relay for Life.

This event has not only strived for years to raise money and awareness in an effort to eradicate cancer, but it serves as a tribute to all those who have bravely fought this tragic disease.

This annual event honors the courageous efforts these individuals have demonstrated in their fight for life and remembers those that have lost the battle. Tonight we especially remember our dear friend, Marie Guay, who lost her brave fight with cancer last year. As the former Relay for Life Survivor Chair, Marie devoted countless hours ensuring that cancer survivors were honored and celebrated. So tonight we remember all of her efforts and together honor her memory.

With gratitude, we acknowledge the work of the entire Relay for Life committee and its participants. I commend each and every one of you for keeping the valiant struggle of these individuals in all our memories and working to ensure that more people survive cancer and are able to celebrate another birthday.

THE HUMAN COST OF THE WAR IN AFGHANISTAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. STARK. Mr. Speaker, I rise today with deep sadness and regret: we have reached 2,000 American troop deaths in the War in Afghanistan—a war we needlessly continue to fight. My sincerest condolences go out to the families, friends, and communities who have lost loved ones to a war I have ardently opposed for the past 11 years.

Americans are not alone in our loss. As of summer 2011, conservative estimates indicate

that anywhere between 30,000 and 45,000 Afghan civilians have lost their lives to this war. I will never understand why we continually squander lives and money to achieve tactical or strategic military goals. The cost is simply too great; the ends do not justify the means.

Seventy percent of Americans want a complete and early withdrawal of troops from Afghanistan, according to a recent Rasmussen poll. Yet we do not listen, so more lives are lost in this nonsensical war. I hope that someday soon we will finally bring home our troops and help restore peace to the nation of Afghanistan.

CONGRATULATING HUNTER WRIGHT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. DENHAM. Mr. Speaker, I rise today to congratulate Fresno resident Hunter Wright upon being named a recipient of Pacific Gas & Electric Company's (PG&E) 2012 Bright Minds Scholarship, a prestigious academic scholarship awarded to a small number of California high school students each year.

Miss Wright is one of 8,060 students from PG&E's Northern and Central California service area to apply for the \$30,000 Bright Minds Scholarship this year. The scholarship is renewable for up to four additional years. As one of eight winners, Miss Wright joins a highly select group of students participating in the utility company's largest scholarship program.

Miss Wright was informed of her scholarship award while sitting in her Advanced Placement English class, when Edison High School administrators and representatives from PG&E bearing a banner, balloons, cupcakes, and an oversize check surprised her. Her parents, Do-reen and Dave Wright, were also present for the announcement.

Miss Wright graduated from Edison High School on June 12, 2012. In addition to excelling in academics, she actively participated in cross-country, lacrosse, tennis, and regularly volunteered for various community causes. Miss Wright will attend the University of Miami this fall, where she plans to study English. She aspires to be an English professor.

In addition to her academic and career goals, Miss Wright hopes to continue traveling the world to do volunteer work.

Mr. Speaker, please join me in honoring Miss Hunter Wright of Fresno, California, for her impressive academic accomplishments. I congratulate her upon being named a recipient of PG&E's 2012 Bright Minds Scholarship and wish her the best of success in her future endeavors.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 312, I was absent due to a family matter. Had I been present, I would have voted "no."

RECOGNIZING THE 2012 HIDDEN POND ENVIROTHON TEAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 2012 Hidden Pond Envirothon Team and congratulate them on achieving Second Place in the Virginia State Envirothon Competition.

The Envirothon Competition promotes problem-solving among high school students in the areas of forestry, wildlife, soils, aquatics, and other current environmental issues. What is most unique about the competition is the opportunity to work in the field with access to actual natural resource professionals. The competition aims to foster stewardship, improve management concepts and communication skills, and promote critical thinking, decision making, and team building.

This year's members of the Hidden Pond Envirothon Team are Liam Berigan (Robinson HS), Matt Baker (W. T. Woodson HS), Murjan Hammad (home-schooled), Owan Mulvey-McFerron (W. T. Woodson HS), and Peter MacDonald (West Springfield HS), with Coach Neal MacDonald. The team won first place in the local Fairfax County Envirothon Competition as well as at the Area II Regional Competition. This allowed the team to move on to competition at the state level at James Madison University in Harrisonburg. While competing against the top 15 teams from across Virginia, the Hidden Pond Envirothon Team placed second for the second year in a row. This year's oral presentation focus was titled "Low Impact Development and Nonpoint Source Pollution," for which the team placed first. Hidden Pond also placed first in the wildlife category, second place in the aquatics category, and third place in the forestry category.

I would like to offer special thanks to Mike McCaffrey and Jim Pomeroy. Mr. McCaffrey has coordinated the Envirothon Program at the Hidden Pond Nature Center for many years. His efforts have enabled the team to compete at the state level as Hidden Pond is typically the only team not sponsored by a high school. Mr. Pomeroy has served as Hidden Pond's Site Manager, supporting the Envirothon Team with great enthusiasm. Through their commitment and encouragement to this program, many of the students have gone on to become local volunteers or work in careers focused on protecting the environment.

Mr. Speaker, I ask my colleagues join me in congratulating the 2012 Hidden Pond

Envirothon Team for their performance in the Virginia State Envirothon Competition.

CONGRATULATING THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION ON ITS 25TH ANNIVERSARY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate the National Air Traffic Controllers Association on the 25th anniversary of the Union's founding.

NATCA represents more than 20,000 air traffic controllers and other aviation safety professionals who run the safest, most efficient air traffic control system in the world. These men and women are dedicated aviation professionals who come to work every day knowing that they have to perform their jobs with 100 percent accuracy 100 percent of the time. The American people entrust their lives and the lives of their loved ones to NATCA members each and every time they step on an airplane. This is a responsibility that NATCA takes seriously. Since NATCA's founding in 1987, the United States National Airspace System has maintained its record as the safest airspace in the world.

Mr. Speaker, NATCA's 20,000 FAA aviation safety professionals are dedicated federal employees. Our nation's incredible aviation safety record is due in part to the fact that these men and women are federal employees whose number one priority is to ensure the safety of the flying public. I applaud NATCA on this remarkable achievement and congratulate them on their 25th anniversary.

CONGRATULATING THE DEER PARK HIGH SCHOOL SOFTBALL TEAM

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. OLSON. Mr. Speaker, I rise today to congratulate the Deer Park High School Softball Team for becoming the 2012 5A State Champions. Winning the state championship is a great accomplishment that takes an incredible amount of effort, dedication and teamwork from every player. This win is Deer Park High School's first state championship title since 1955. Our entire community is proud of the Deer Park Lady Deer's success and hard work to bring home the state trophy.

In addition to winning the state championship, the Deer Park Lady Deer had an impressive season record of 31-8, with a district record of 8-2. In the state semi-final game, the team set a state tournament record for the most runs scored in a single inning by scoring ten runs in the fifth inning of the game.

The talent that exists on this team is exceptional. Out of ten eligible spots, Deer Park players were selected for seven spots on the

state 5A all tournament team. Those players include Kristen Davenport, Jo Rivera, Caitlin Plocheck, Lexi Fryar, Alexis Garcia, Haley Harrison, and Alana Tinker. Kristen Davenport was named the championship's Most Valuable Player, MVP, and also the Houston Chronicle's Girl Athlete of the Week for June 3, 2012. Caitlin Plocheck was also nominated for the Houston Chronicle's Girl Athlete of the Week.

Congratulations to the Lady Deer Softball Team from Deer Park High School for winning the 2012 State Championship in Texas. We are all very proud of your outstanding achievement!

HONORING SGT JOSEPH ANGEL CAPOCCIAMA

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. STIVERS. Mr. Speaker, I rise today to honor Sergeant Joseph Angel Capoccia. Sergeant Capoccia passed away on Sunday, May 20, 2012, from complications of injuries sustained in service to his country in Iraq.

The son of Alan and Maria Capoccia, Joseph Angel Capoccia was born on May 29, 1987, and raised in Grove City, Ohio. He graduated from Grove City High School in 2005. A true patriot, Sergeant Capoccia joined the United States Army on May 23, 2006, just one week before his 19th birthday.

While proudly serving his country in Iraq, Sergeant Capoccia received the Army Commendation Medal, Army Achievement Medal, Valorous Unit Award, Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Iraq Campaign Medal with Campaign Star, Army Service Ribbon, and Overseas Service Ribbon. He retired from the Army on April 7, 2010.

It is because of the sacrifices of men like Joseph Capoccia that we continue to enjoy the freedoms that we do today. I am deeply thankful for all that Sergeant Capoccia endured to preserve our freedom and for his heroism. He is survived by his wife, Kayla, and his children, Joseph Angel Capoccia, Jr. and Cheyenne Faith Capoccia, for whom he set an inspiring example of service and patriotism.

On behalf of the citizens of Ohio's 15th Congressional District I would like to honor the service and memory of SGT Joseph Angel Capoccia.

A TRIBUTE TO DR. STEVEN LADENHEIM

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to recognize Dr. Steven Ladenheim. For the past 34 years, Dr. Ladenheim has served the city of Philadelphia with his extensive knowledge of otolaryngology.

A graduate of the Medical College of Pennsylvania, now known as Drexel University College of Medicine, he has won multiple awards in his field. He is an accomplished surgeon, a clinical assistant professor at the University of Pennsylvania, and an entrepreneur with a highly successful private practice. Dr. Ladenheim recently retired as medical director for Blue Cross, and spent 20 years in practice at Presbyterian Hospital, as well as Nazareth Hospital and Hahnemann Hospital.

Dr. Ladenheim succeeded through hard work and sacrifice. In order to become a doctor he served in the military during the Vietnam War to pay his way through medical school. Throughout his career, he has created programs of outreach to the underserved community of Philadelphia, donating medical services and medicine to families and children who are denied access to health care. Taking the Hippocratic Oath to heart, Dr. Ladenheim is renowned for treating patients regardless of ability to pay, and to help those in need without any thought to his own benefit.

In addition to all of his accomplishments in the field of medicine, he has maintained a strong family life with his wife and three daughters, as well as a notable presence within the community.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in recognizing Dr. Steven Ladenheim for his contributions to the city of Philadelphia and to the medical community.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,776,139,241,010.39. We've added \$5,149,262,192,097.31 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

Forty-eight years ago today, the Civil Rights Act was approved. This act provided for a brighter future for all Americans. We must not eclipse the hope included in this legislation with the grim future of debt repayment.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 313, I was absent due to a family matter. Had I been present, I would have voted "no."

TO COMMEND COLONEL JOHN J. STRYLCULA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I join with my colleague, Congressman JAMES MORAN (VA-8th), to recognize COL John J. Strycula for his service to our Nation and his extraordinary leadership as Commander, U.S. Army Garrison, Fort Belvoir.

On July 7, 2010, COL Strycula assumed command of Fort Belvoir, which is located in the shadow of the Nation's capital and one of the most diverse and complex installations in the United States. In addition to the monumental responsibilities of providing support, services, and a high level quality of life to service members, their families, and related support providers of more than 200,000 people, he was immediately immersed into the most complicated Base Realignment and Closure mission within the Department of Defense.

COL Strycula assumed personal stewardship of all aspects of realignment under BRAC 2005. To accomplish the many aspects of this mission, he oversaw the activities of 150 mission partners on more than \$4 billion in construction and infrastructure improvement projects needed to accommodate the increase of installation population from 30,000 to 48,000 military and civilian personnel. Belvoir North, Fort Belvoir Community Hospital, the Wounded Warrior Complex, the USO Family Support Center, expansion of housing units including state of the art handicapped-accessible housing, child care centers, roads, bridges, fire stations, office buildings, and parking structures are examples of projects completed under the careful watch of COL Strycula.

The "brick and mortar" component of BRAC 2005 tells only part of the story; as impressive as these accomplishments are, the manner in which COL Strycula led the men and women under his command and the mission partners demonstrate the depth of his professionalism and commitment. His open and engaging command climate encouraged initiative and innovation. He has been fully involved in addressing and resolving community issues, both in the neighboring community and in the military community. COL Strycula successfully formed consensus among the various stakeholders on contentious issues, and he established strong relationships of mutual respect with elected and executive leaders in the local, State, and Federal Governments.

The first and most important priority for COL Strycula consistently has been the care and wellbeing of our soldiers and their families. Through his outstanding leadership, vision, and total dedication to soldiers, families, and civilians, he has profoundly impacted and Unproved the quality of life for all at Fort Belvoir. Serving our country in uniform, at home or in harm's way on foreign soil, is the highest of callings, and it is our sacred obligation to ensure that our military and their families receive the support, protections, respect, and services that they have earned.

Prior to his assignment as Commander of Fort Belvoir, he served in numerous capacities including several tours of duty in Operation Desert Shield and Operation Desert Storm. COL Strycula stood up and trained the Army's first Military Intelligence Interrogation Battalion, which he then led in Operation Iraqi Freedom. COL Strycula is a highly decorated officer; his awards include the Bronze Star with two oak leaf clusters, the Meritorious Service Medal with three oak leaf clusters, the Joint Service Achievement Medal, the Army Achievement Medal, and the Parachutist and Air Assault Badges.

Mr. Speaker, we ask our colleagues to join us in commending COL John J. Strycula for his exceptional leadership of Fort Belvoir through the BRAC process, and in thanking him for his years of service to our country. COL Strycula's accomplishments and expertise have contributed immeasurably to our national defense and security, and he has rightfully earned the admiration, respect, and gratitude of all. We also extend our sincere appreciation to COL Strycula's wife, Wendy, and their 5 children for their support and sacrifices, which have enabled COL Strycula to serve with such distinction. COL Strycula will soon be deploying to Afghanistan, and our thoughts and prayers are with him and his family for his safe return home.

IN HONOR OF GEDLU METAFERIA

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize Mr. Gedlu Metaferia, for his decades of service to the people of the St. Louis, Missouri.

Mr. Metaferia started the African Mutual Assistance Association of Missouri, AMAAM, on April 10, 1983 and for nearly 30 years has helped over 30,000 African immigrants and refugees settle into the St. Louis metropolitan area. Today St. Louis is home to almost 6,400 African immigrants and refugees.

As Executive Director, Mr. Metaferia skillfully managed the day-to-day operations of his organization, and he successfully led it toward the fulfillment of its mission to provide culturally and linguistically appropriate social services to African refugees and immigrants. The work of this organization includes: assistance with applications and insurance forms, mediation, education about civic participation, interpretation during medical visits, transportation, and locating housing. Sadly, we are all aware of the plight of refugees and other displaced communities; therefore, I am eternally grateful for the adjustment assistance provided by Mr. Metaferia and his organization.

Mr. Metaferia's efforts have fostered a greater appreciation of diversity, and have advanced ethnic inclusion in the St. Louis community. Moreover, he remains active in the community as a poet, freelance writer, human rights activist, advocate for refugee and immigrant rights, and a member on several non-profit boards. Mr. Metaferia has led by example and demonstrates resilience as a pillar of strength, sound judgment, and compassion.

Mr. Metaferia has dedicated his life to serving and promoting the welfare of others, and he has exemplified extraordinary commitment and selfless dedication. I congratulate Mr. Gedlu Metaferia on his many accomplishments, and I thank him for his continued service to our community.

HONORING THE 25TH ANNIVERSARY OF THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor the 25th anniversary of the National Air Traffic Controllers Association. Since their establishment in 1987, NATCA's 20,000 air traffic controllers and aviation safety professionals have ensured that our nation has the safest, most efficient air traffic control system in the world. This is a record that makes both the Union and our country proud.

Aviation creates more than 10 million good-paying U.S. jobs and drives more than \$1 trillion in annual economic activity. The services that NATCA members provide enable American businesses to connect on a local, regional, national, and global level.

Aviation safety is not a partisan issue. As Members of Congress, we are all frequent users of the National Airspace System and are reassured to know that when we board a plane, NATCA's membership will safely guide us home.

Again, I want to commend the National Air Traffic Controllers Association and their leadership on a job well done.

RECOGNIZING THE 147TH ANNIVERSARY OF JUNETEENTH AND THE 19TH ANNUAL CELEBRATION OF THE JUNETEENTH FREEDOM AND HERITAGE FESTIVAL IN MEMPHIS, TENNESSEE

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. COHEN. Mr. Speaker, I rise today to recognize the 147th anniversary of Juneteenth and the 19th annual celebration of the Juneteenth Freedom and Heritage Festival in Memphis, Tennessee. This past weekend, we celebrated Juneteenth, which is the oldest known celebration of the ending of slavery. Juneteenth commemorates African-American freedom and emphasizes education and achievement.

On June 19, 1865, Major General Gordon Granger arrived in Galveston, Texas, and announced in the town square that all slaves were free. Although this came nearly 3 years after the issuance of the Emancipation Proclamation, the newly freed men and women rejoined in the streets with jubilant celebrations, and thus, the Juneteenth holiday was born.

The theme of this year's Memphis Juneteenth festival is "Saluting Black Educators."

Memphis has a long history of excellent black educators. During the Civil Rights Movement Memphis needed a powerful voice to stand up and push for equality in the Memphis City schools. After being denied admission to Memphis State University because of her race, Maxine A. Smith joined the local chapter of the National Association for the Advancement of Colored People and soon became an agent for change as she was instrumental in desegregating Memphis schools. In 2003, alongside President Clinton, Maxine Smith received the Freedom Award from the National Civil Rights Museum.

Memphis has had its fair share of outstanding black educators in recent years as well. In 2009, the White House honored Melissa Collins with the Presidential Award for Excellence in Mathematics and Science Teaching. Melissa Collins is a second grade teacher in Memphis, and during a time in this country where math and science teachers are scarce, Melissa Collins exhibits the teaching skills necessary to inspire our children to learn. In February of this year, Velma Lois Jones received the Drum Majors for Service Award from the White House. Velma Lois Jones was the first black classroom teacher ever elected as president of the Tennessee Education Association and she was also a board member of the National Education Association.

Mr. Speaker, it is in the spirit of these great individuals that I ask my colleagues to join me in observing our nation's 147th anniversary of Juneteenth and the celebrations in Memphis. This is a time to celebrate the end of slavery in America and to recognize the many contributions of African-American citizens.

A TRIBUTE IN HONOR OF THE LIFE OF RICHARD W. LYMAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the rich and accomplished life of Richard W. Lyman, Stanford University's seventh president, who died on May 27, 2012, at his home in Palo Alto at the age of 88.

The eloquent words of Stanford University President John Hennessy bear quoting: "Dick Lyman was a man of great strength, integrity, common sense and good humor. It was a privilege to know him, and I am deeply saddened by his death. His impact on Stanford was profound. He guided the university through some of the most turbulent years in its history, and under his leadership, Stanford not only survived, it flourished. He had an unswerving belief in academic freedom and universities, and he inspired that commitment in others. We are very fortunate—and certainly the better—for having known him and for having his courageous, committed leadership and service to Stanford."

Richard Lyman was born in 1923 in Pennsylvania and was raised in New Haven, Connecticut. His father was an attorney and his

mother a French teacher. His education at Swarthmore College was interrupted by three years of service in the Army Air Forces Weather Service, and after college he began graduate studies leading to a Ph.D. in history at Harvard. He spent two years as a Fulbright Fellow at the London School of Economics, and two summers writing for *The Economist*. He also taught history at Washington University in St. Louis from 1954 to 1958.

Richard Lyman came to Stanford in 1958, with the great love of his life, Jing, whom he married in 1947. He became a full professor in 1962, and rose through the ranks, becoming Stanford's president in 1970, a post he held until 1980. He served in some of the most turbulent years in our Nation's history, and in the opinion of many, he saved Stanford from collapse and greatly enhanced its prestige.

After leaving Stanford, he held many important posts, including President of the Rockefeller Foundation and Vice Chair of the National Council on the Humanities. He returned to Stanford in 1988 and developed a forum for interdisciplinary research on key international issues, and retired in 1991.

Mr. Speaker, I ask the entire House of Representatives to join me in honoring the life of one of the most distinguished and extraordinarily accomplished leaders of our country, and to extend our deepest condolences to his devoted wife Jing, and his four children Jennifer Lyman, Rev. Holly Antolini, Christopher Lyman, Timothy Lyman, and his four grandchildren.

Richard Lyman's leadership brought great distinction to our community and strengthened our Nation. I am blessed to have known him, and our country was blessed by his high sense of citizenship and patriotism.

COMMEMORATING JUNETEENTH

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. BUTTERFIELD. Mr. Speaker, Juneteenth, commemorated on June 19 each year, marks the date of the reading of the Emancipation Proclamation by U.S. Army Major Gordon Granger in Galveston, Texas to slaves unaware of the original issuance two years prior.

The date carries significance as the official end of one era in American history that led to the freedom-filled chapter of the next for the millions who were liberated by the Proclamation.

As our Nation evolves toward legally recognizing a more inclusive citizenry of all ethnicities and backgrounds, let us remain ever mindful of the courageous and brave individuals who fought tirelessly, but were not granted freedom and liberty under American law.

Mr. Speaker, we must not take our civil rights for granted, but rather use them to continuously propel our great country forward. History is not meant for mere storytelling, but instead serves as a blueprint from which we learn and expand upon the discoveries we encounter each day.

May we take away from the events of Juneteenth the spirit of resolve and unified commitment of liberty and justice for all.

HONORING THE 100TH ANNIVERSARY OF THE ALAMEDA COUNTY FAIR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the 100th anniversary of the Alameda County Fair. The annual 17-day Alameda County Fair, which takes place in Pleasanton, California, is the largest single event in Alameda County and draws close to one half million patrons each year.

In 1912, the first Alameda County Fair was held at a local racetrack in the Hamlet of Alisal, which is now Pleasanton. The owner of the track, Rodney MacKenzie, organized a group of local business leaders to form a non-profit organization and pledge their personal assets as collateral to fund the Annual Fair & Race Meet.

This new organization, The Alameda Fair Association, was formed on June 29, 1912 and consisted of fifteen businessmen, agriculturalists and livestock raisers from Pleasanton, Livermore, Dublin, Hayward, San Ramon and Irvington. The first fair opened in 1912 on Wednesday, October 23 and ran through Sunday, October 27.

In 1941 the non-profit Fair Association purchased the first 100 acres of what is now the 268-acre Fairgrounds. The 10-day Fair & Race Meet of 1941 was touted by the Oakland Tribune as "Northern California's Largest County Fair."

The Fair Association subsequently donated the property to the people of Alameda County to guarantee that the residents of this region would have a County Fair & Race Track. Alameda County still contracts with the nonprofit Fair Association to manage and improve the Fairgrounds. The Fair Association continues to provide a significant public benefit without receiving any tax support. The Association has an annual operating budget of roughly \$19 million.

On the 100th anniversary of the Alameda County Fair, the Fair Association will dedicate an Alameda County Historical Monument, on the Fairgrounds, that represents a slice of the rich history of Alameda County. The Historical Monument represents the many people, businesses and leaders that settled, developed and call Alameda County home.

I join the community in applauding the 100th anniversary of the Alameda County Fair. I also pay tribute to the Fair Association for creating and dedicating a Historical Monument on the Fairgrounds to honor the rich history of Alameda County.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 314 I was absent due to a family matter. Had I been present, I would have voted: "no."

TO RECOGNIZE THE RECIPIENTS OF THE 2012 FAIRFAX COUNTY CHAMBER OF COMMERCE OUTSTANDING CORPORATE CITIZENSHIP AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the recipients of the 2012 Fairfax County Chamber of Commerce Outstanding Corporate Citizenship Awards.

For more than 85 years, the Fairfax County Chamber of Commerce has provided a strategic link between local businesses and the region through participation in community activities, networking opportunities, marketing, support and education. Fairfax County has witnessed extraordinary growth, and the Chamber of Commerce has been a consistent, guiding voice for business. Fairfax County is considered by many to be one of the best communities in the country in which to live, work and raise a family. A significant factor in that distinction is the thriving partnership between the public and private sectors. Corporations, non-profit organizations, and educational institutions work hand-in-hand with their counterparts in local, state and federal government agencies. A thriving business community is essential to maintaining a high quality of life for all residents, just as ensuring strong community institutions and educational opportunities for all residents are essential to fostering continued economic growth.

The Fairfax County Chamber of Commerce annually recognizes individuals and businesses that have demonstrated exceptional leadership and have excelled in their efforts to better our community through social responsibility. More than 65 nominees were considered for the 2012 awards, and each is deserving of recognition and appreciation. It is my honor to enter into the CONGRESSIONAL RECORD the names of the following recipients of the 2012 Fairfax Chamber of Commerce Outstanding Corporate Citizenship Awards:

Emerging Influential of the Year: Amanda Andere, Executive Director, FACETS.

Non-Profit of the Year: Good Shepherd Housing and Family Service.

Executive of the Year: Michael Cardaci, CEO, Global Network Services, Inc.

Woman Owned Business of the Year: Halfaker and Associates LLC.

Outstanding Corporate Citizen of the Year—Large Business: Deloitte LLP.

Outstanding Corporate Citizen of the Year—Mid Size Company: Apple Federal Credit Union.

Outstanding Corporate Citizen of the Year—Small Company: Karin's Florist.

In addition to the Corporate Citizenship Awards, the Fairfax Chamber of Commerce also bestows awards in three unique categories; the Chairman's Awards which recognize extraordinary leadership by companies and individuals within the Fairfax Chamber, the James M. Rees Awards which recognize lifelong leadership and service to the Northern Virginia business community, and the NOVAForward Award which is presented to an individual for extraordinary efforts to move Virginia forward. This year's honorees are:

Chairman's Awards: Julie Simmons, Human Capital Strategic Consulting, Jorge Scientific Corporation, and Northrup Grumman.

James M. Rees Award: Sidney O. Dewberry, Chairman Emeritus, Dewberry, and John Touns, Former CEO, PRC.

NOVAForward Award: Terrence D. Jones, President and CEO, Wolf Trap Foundation for the Performing Arts.

Mr. Speaker, I ask my colleagues to join me in congratulating the recipients of the 2012 Fairfax County Chamber of Commerce Outstanding Corporate Citizenship Awards and in thanking them for their many contributions that have supported not only our high quality of life but also the robust business community we have in Fairfax County.

H.R. 5855, THE DHS APPROPRIATIONS ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 5855, the FY13 Homeland Security Appropriations bill. I regret that this bill, especially during the amendment process on the floor of the House, became a political football. I hope that when the final bill emerges from negotiations with the Senate and the White House, it will reflect the will and priorities of the American people.

Funding appropriated by H.R. 5855 is intended to support and address the vital needs of our men and women working to ensure the country's homeland security. The bill appropriates a total of \$46 billion for the Department in FY 2013—including \$39.1 billion in discretionary spending, \$1.4 billion in mandatory spending, and \$5.5 billion for emergency disaster relief. The measure significantly increases funding for FEMA state and local grants and for Homeland cyber-security activities.

Despite these benefits, I have concerns about how the bill disregards the mandates of the Budget Control Act, how it treats civilian employees at DHS and how the bill delves into unprecedented territory regarding the reproductive rights of women.

The spending caps set by the bi-partisan Budget Control Act ensured that prioritized programs could be funded adequately even as discretionary reductions were achieved. The harmful discretionary top-line set by the House Republican budget, and facilitated by this bill,

threatens funding for other equally vital programs, threatens American jobs, and threatens the services relied upon by our seniors and our veterans.

Further, I am concerned that the bill does not fund the .5 percent cost of living adjustment provided as part of the president's FY13 budget request. Federal employees have already sacrificed \$60 billion of salary over ten years as part of the two-year pay freeze. Starting in January 2013, new federal employees will contribute more to their pensions to offset the \$15 billion cost of Unemployment Insurance Extension legislation. And with this bill, federal employees are asked to give up what was already a small .5% partial COLA. This provision essentially extends for another year the 2-year pay freeze currently covering DHS employees.

Finally, I am disappointed by the passage and inclusion in the bill of an amendment offered by STEVE KING of Iowa, which I opposed and which prohibits the use of the funds in the bill from being used to implement the so called "Morton Memos." The memos, written by ICE Director Morton, provide a plan to deploy ICE resources in the most cost effective manner. Specifically, they provide guidance to ensure that limited enforcement resources are focused primarily on criminals or other individuals who pose a threat to national security or public safety. The King amendment will prohibit the department from exercising this common sense prosecutorial discretion. It would force the Department to treat young people who were brought to the United States as kids and who have graduated from American schools the same as individuals who knowingly broke immigration laws and who have committed crimes in the United States. That makes no sense.

Bringing a bill to the floor that cuts the resources available to the men and women responsible for protecting the homeland security of the Nation and then tying their hands with unnecessary and ill-informed amendments is counterproductive and undercuts the bill's intended purpose.

CONGRATULATING THE DAVE
THOMAS FOUNDATION FOR
ADOPTION ON ITS 20TH ANNI-
VERSARY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. STIVERS. Mr. Speaker, I rise to congratulate the Dave Thomas Foundation for Adoption on the occasion of its 20th anniversary.

This foundation, established in 1992 by Dave Thomas, has continuously strived to help every child in foster care find a loving, permanent family. It has dramatically increased the number of adoptions, including finding families for 3,000 children in the United States foster care system, and for that I commend them.

The Foundation shows its commitment to the foster care system by awarding grants to public and private adoption agencies all

across the country. As a founding member of National Adoption Day, it has helped brighten the lives of countless children.

Last year's awarded grants totaled more than \$8 million and focused on supporting adoption professionals who assist the longest-waiting children from foster care into adoptive families. This genuine program, Wendy's Wonderful Kids, has increased children's likelihood of being adopted by up to three times.

As an accredited charity of the Better Business Bureau Wise Giving Alliance, Standards for Excellence certified, the Foundation has received the highest possible rating on Charity Navigator, an exceptional honor.

For these reasons, I am proud to applaud the Dave Thomas Foundation for Adoption for representing Central Ohio through its extraordinary contributions to the United States foster care system.

RECOGNIZING THE SERVICE AND
SACRIFICE OF THE HMONG PI-
LOTS OF THE SECRET WAR IN
LAOS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. McCOLLUM. Mr. Speaker, during the Vietnam War another "secret war" was taking place in Laos with thousands of Hmong fighters assisting the U.S. The Hmong who risked their lives for the freedom of their country and in the aid of the U.S. suffered tremendously as they served with great courage.

This weekend in Maplewood, Minnesota, a little known group of Hmong pilot veterans of the secret war gathered and were recognized by the U.S. Air Force in appreciation of their heroism. Supported by the U.S., some 38 Hmong pilots were trained to fly counterinsurgency missions between 1967 and 1975. Seventeen of those pilots are alive today and were honored, along with posthumous awards for 21 deceased colleagues, by Air Force Chief of Staff, General Norton Schwartz.

I, too, would like to recognize and honor those brave Hmong pilots who are living examples of courage, along with the pilots who sacrificed their lives. The secret war was a difficult and painful time for the Hmong people. Today, decades later, Minnesota is the home to many who lived through those years of war and suffering. As Hmong Americans of all generations contribute to making Minnesota and the U.S. a stronger and more prosperous land, we must never forget the service, sacrifice, and courage of the Hmong warriors who fought on land and in the sky for freedom during the secret war.

Again, I join in the recognition and remembrance of 38 Hmong pilots who risked their lives for freedom.

RECOGNIZING ROCKWELL MUSEUM
OF WESTERN ART

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. REED. Mr. Speaker, I rise today to recognize the Rockwell Museum of Western Art as the 29th District of New York's most recently accredited museum. The Rockwell Museum was just awarded accreditation by the American Association of Museums, the highest national recognition a museum can receive for their commitment to public service and excellence in education.

The American Association of Museums states that there are over 17,500 museums in the United States and less than 800 are accredited. These numbers would place the Rockwell Museum of Western Art in a very elite category and I am proud to represent this museum.

The Rockwell Museum of Western Art inspires and educates people of all ages. Its vision inspires the staff to strive towards making the museum a resource for study, knowledge, and entertainment by local and national audiences. I encourage everyone to stop in and visit the Rockwell Museum next time you are in Corning, New York.

CONGRATULATING JAMES FARR

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Mr. James Farr of Rochester, New York for his three-year appointment to the Erie Canalway National Heritage Corridor Commission. The Commission was established by P.L. 106-554 to assist in the preservation, maintenance and interpretation of the historical, natural, cultural, scenic and recreational resources of the Erie Canalway in ways that reflect its national significance. I nominated Jim for the Corridor's Commission on August 25, 2011, and am delighted to have a dedicated member of the Rochester community represented on the Commission.

As an employee of the City of Rochester for over 34 years, Jim's passion for improving this great area of New York will serve as an integral asset to the Commission. He has represented the city as a committee member on both of the World Canal Conferences held in Rochester and has also assisted with and attended a number of the Canal Society of New York Conferences and events. Currently serving as Assistant Director for Recreation, Jim is responsible for the City's environmental and horticultural education programs and parks stewardship, as well as the oversight of the Rochester Public Market. Jim truly embodies the spirit of this region.

An example of Jim's creativity and dedication to the area is his close work with Parks and Trails New York to coordinate the annual "Cycle the Erie" bike tour, which showcases the Canalway's heritage. In addition, Jim is

currently a Board member of the Genesee WaterWays Center. He is the former President and a current Foundation member of Monroe County Cooperative Extension. Jim serves as a member of many other related boards and organizations, including the Monroe County Parks Advisory Committee, the Ontario Beach Park Program Committee, the Farmers Market Federation of New York, and the National Association of Produce Market Managers. He is also the secretary and one of the founding board members of the Tony Jordan Youth Sports Foundation, which provides supplemental funding to enhance the quality and integrity of youth sports in the City of Rochester.

The Erie Canalway Corridor is a symbol of American ingenuity and perseverance, and I am grateful for Jim Farr's continued commitment to promoting its national significance by serving on the Erie Canalway National Heritage Corridor Commission. I ask my colleagues to join with me in commending Jim Farr for his long record of public service.

HONORING EDDIE WONG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Eddie Wong, a man who has played a significant role in the ongoing restoration and development of the Angel Island Immigration Station in Marin County, CA. On June 30, 2012, Mr. Wong is retiring after four productive years as Executive Director of the Angel Island Immigration Station Foundation (AIISF).

Located off the coast of Tiburon, California, in Angel Island State Park, the Immigration Station is the site of the detention of 175,000 Chinese immigrants from 1910 to 1940. Because of the Chinese Exclusion Act, many of them were held for weeks, months or years in a prison-like barracks where life was difficult and humiliating.

The restoration of this Station and related educational projects recognize the struggle of these immigrants and our nation's challenge to honor our history of immigration. AIISF, with the hard work of its many supporters and partners, including the California State Parks and the National Park Service, has led these rehabilitation efforts. During Mr. Wong's tenure, the Immigration Station Museum opened, the Immigrant Heritage Wall was created, and the hospital at the site was stabilized.

The Angel Island Immigration Station now hosts more than 50,000 visitors, including 30,000 schoolchildren, every year. I have had the privilege of participating in this effort by securing federal funding, and I share Eddie Wong's belief that with the partnership we have, we can complete the remaining work on this important testament to our rich and complex history.

Mr. Wong came to the Executive Director position with a strong background in the cultural social issues at stake. He graduated from UCLA with a BA and MFA from School of Fine Arts Motion Picture and Television Program. Before joining AIISF, he co-founded Visual Communications, the nation's first Asian

American film production company, served as the Strategy and Investment Principal for Media and the Advisor on Social Justice for the Democracy Alliance, and was Executive Director of the National Asian American Telecommunications Association (now known as the Center for Asian American Media).

Understanding that the Angel Island Immigration Station site resonates personally with many immigrants, Mr. Wong says, "I think that my father, who was deported from Angel Island as a 15-year old and came back a year later determined to better his life, would be proud that a place of shame has now become a site of conscience."

Mr. Speaker, please join me in honoring Eddie Wong and in wishing him well in his retirement.

IN HONOR OF TEAMSTERS LOCAL UNION NO. 600

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize Teamsters Local Union No. 600, in celebration of their 100th anniversary and service to the members of the St. Louis Metropolitan Area.

Teamsters Local Union No. 600 is deserving of special public recognition for its many accomplishments. It has distinguished record of service to working men and women, as well as to their families. Its immeasurable contributions to the advancement of the union labor movement in the St. Louis Metropolitan Area have made our community a better place.

Teamsters Local Union No. 600 has worked to improve the working conditions, benefits, and wages for the men and women of the St. Louis Metropolitan Area. In addition, their influence was appreciated and felt by those who drove freight trucks, worked in warehouses, made milk deliveries, and worked at the Anheuser Busch beer distributorships.

But their work has not only been limited to St. Louis. As a Member the US House of Representatives' Transportation and Infrastructure Committee, the Teamsters Local Union No. 600 advice and counsel has been invaluable to me when working on local, regional, and national transportation issues.

Teamsters Local Union No. 600 has also lead the way in providing employers in the transportation industry with the best trained employees, making it possible for the goods and services that millions of Americans rely on to be delivered safely, on time and in good condition. This kind of commitment by the Teamsters makes our US economy work, grow, and prosper for all us.

Again, I congratulate Teamsters Local Union No. 600 on their 100th Anniversary, and wish them more success in the future.

IN RECOGNITION AND CELEBRATION OF ISRAEL SOTO PRINCIPAL OF JAMES WELDON JOHNSON LEADERSHIP ACADEMY PUBLIC SCHOOL 57

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RANGEL. Mr. Speaker, today I rise to recognize a dear friend and great force in the education of our children, Israel Soto, principal of James Weldon Johnson Leadership Academy Public School 57, who is retiring after a long career in public education service. Israel, a Puerto Rican immigrant, began his career in education in my congressional district as a school bilingual coordinator and as an assistant director of bilingual education in Washington Heights.

In 1999, Israel ascended to principal of James Weldon Johnson Leadership Academy Public School 57, a pre-K-8 school in East Harlem/El Barrio, which is also a part of my district. Mr. Soto's expertise in bilingual education and the fact that his second language was English, like many of the school's students, made him an ideal choice for principal. His talents extend to all facets of education, and under his leadership, James Weldon Johnson Leadership Academy has gone from a near-failing school to one that received a grade of "A" in its latest Progress Report and is ranked in the 93rd percentile of all New York City K-8 schools.

Principal Soto has deservedly received numerous awards during his tenure. In 2001, he was named "Principal of the Month" in his school district and in 2004 was recognized as the "Educator of the Week" by Univision 41 Nueva York. Israel has also been inducted into the "Cahn Fellows Program for Distinguished Principals" at Columbia University as well as being honored by Children 4 Children, the YMCA of New York, the New York Post, and El Diario La Prensa.

Principal Soto's work at James Weldon Johnson Leadership Academy serves as a model for current and future educators. He has built strong partnerships with teachers, parents, community organizations, and the private sector while keeping his focus internal, on his students. This outreach has significantly increased the academic resources available to his students and demonstrates the supreme importance of an active and charismatic principal and leader.

On Thursday, May 31, 2012 at the elegant Marina del Rey, the Soto Retirement Committee joined the East Harlem/El Barrio community of leaders, children, parents, families, friends, and education advocates to pay tribute to our Dream Maker Principal Israel Soto.

Mr. Speaker, I ask that you and my colleagues join me in honoring a great man and an impassioned educator who, first and foremost, believes in all of our extraordinary children.

OGUNQUIT PLAYHOUSE 80TH
ANNIVERSARY

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. PINGREE of Maine. Mr. Speaker, it gives me great pleasure to congratulate the Ogunquit Playhouse—America's Foremost Summer Theatre in Ogunquit, Maine—as they celebrate their 80th Anniversary Season.

Since 1933, the Ogunquit Playhouse has given generations of theatergoers the opportunity to enjoy the finest plays and brightest stars and professional actors, bringing Broadway to the Beach. Their acclaim has continued over the decades. Most recently, they were recently recognized with prestigious Moss Hart Awards for Best Professional Production and Outstanding Achievement as a Theater Company. In addition, the New England Theatre Conference has recognized the Ogunquit Playhouse with their Award for Outstanding Achievement in American Theatre, acknowledging the Playhouse as one of the most important cultural landmarks in New England.

I am proud of the Playhouse's commitment to developing and expanding theater activity in New England on the educational, community and professional levels. They have created an extensive school performance and outreach program as well as partnerships with dozens of social service agencies throughout the region to bring underserved children and families to the Playhouse to enjoy live theater.

They believe—and I believe—that the arts are essential to the quality of life for everyone. As Maine's creative economy grows and receives national attention, America's Foremost Summer Theatre serves as a shining example of success.

TRIBUTE TO ZACHARY DAVID
BENJAMIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Zachary Benjamin of Fort Dodge, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Zachary's project involved creating a rock and rain garden at Kennedy Park in Webster County. Zachary completed this project while going above and beyond the required merit badges. The work ethic Zachary has shown in his Eagle Project, and every other project leading up to his Eagle Scout

rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication, and perseverance. I am honored to represent Zachary and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

A TRIBUTE TO DAVID SHELBORNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Mr. David Shelborne.

Mr. Shelborne's passion for electronics led him to become a technician for the Savin Corporation in Manhattan. His many awards during his tenure there led to his recruitment to Alco Standards Corporation, a Fortune 500 company, in a Senior Specialist position. There he was responsible for managing the entire New York and New Jersey Regions of the company.

Mr. Shelborne has been a dedicated member of the African American Benevolent Society since 1990, has held many esteemed positions in the organization, and now serves as its president.

Mr. Shelborne currently works for the Department of Sanitation where he is currently assigned to the Supervised Sick Leave Unit—Medical Division, having been a dedicated member of the department since 1990.

Mr. Shelborne is a child of God and an active member of the St. John Baptist Church, in Arverne, NY. He currently resides in Far Rockaway, New York with his wife, Lisa. Together, they have five children.

Mr. Shelbourne is currently looking forward to being a volunteer for the United States Civil Air Patrol (Parent in Partnership) with his youngest son, Tahj.

Mr. Speaker, I would like to recognize David Shelborne for his loyalty and dedication to civic duty in his professional and private life.

IN RECOGNITION OF LESBIAN,
GAY, BISEXUAL, AND TRANS
GENDER PRIDE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RANGEL. Mr. Speaker, it is with great honor and pride that I rise today to recognize the significance of Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month. The purpose of this honorable month is to recognize the vast influence lesbian, gay, bisexual, and transgender men and women have had not only on our nation's history, but on local and international levels as well.

Today, we regard LGBT Pride Month as an opportunity to pay tribute to the 1969 Stonewall riots, a major tipping point for the Gay Liberation Movement in the U.S. Over 40 years ago a group of New Yorkers took a stand against a discriminatory police raid at The Stonewall Inn, a popular gay bar in Manhattan.

The spontaneous demonstrations that composed the Stonewall riots are commonly referred to as the first instance in American history when people of the LGBT community fought back against a government system of persecution which targeted sexual minorities. It united the gay community in New York in the fight against discrimination.

Six months after the riots, three newspapers dedicated to promoting LGBT rights were formed: Gay, Gay Power and Come Out! Additionally, two gay activist organizations were founded right here in New York—the Gay Liberation Front and the Gay Activists Alliance. Within a few years, gay rights organizations were founded in several cities across the nation and the world. June 28, 1970 marked the first Gay Pride marches in Los Angeles, Chicago, and New York, established to commemorate the anniversary of the riots.

In honor of Stonewall, many gay pride events and celebrations are now held annually during the month of June throughout the world, including New York City's Gay Pride Week. These celebrations include pride parades, picnics, concerts and parties; and attract millions of global participants. Memorials for those LGBT members who have lost their lives to hate crimes or HIV/AIDS are also held during this month.

While the fight for justice regardless of sexual orientation or gender identity continues to be a crucial one, we have indeed made significant strides. Let this month remind us of the society we all strive for, one in which lesbian, gay, bisexual, and transgender people enjoy the constitutional rights of equality, personal autonomy, and freedom of expression. No LGBT person should experience discrimination in housing, employment, or public spaces. We need to continue fighting until everyone has the equal opportunity to participate fully in civil society.

Mr. Speaker, I ask that you and my colleagues join me in commemorating the anniversary of the Stonewall riots, supporting the ongoing fight for gay liberation, and celebrating the legacy of LGBT community members whose place in our Nation's history cannot be overlooked. LGBT Americans have strengthened our country, helped create awareness and garner support for equality.

A TRIBUTE TO TREMAINE
ANTOINE PRICE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Tremaine Antoine Price, an artist, minister, and man of community. Tremaine Price is currently a Community Relations Coordinator at Success Academy

Charter Schools serving the Harlem community in several ways including Family Academic Events, tutoring for scholars, parent counseling, and fundraising initiatives.

Tremaine Price, born and raised in Brooklyn, was a burgeoning young artist, performing in plays, music groups, glee clubs, choirs, and praise groups. He received The Brooklyn Old Timers, the Brooklyn Links, the Congressional Black Caucus, and the Posse Foundation Merit Leadership scholarships to pave the way for his collegiate studies at Vanderbilt University. There he participated in and led several student organizations and honed his theatrical skills, highlighted by directing a student version of Ntozake Shange's play, "for colored girls who have considered suicide when the rainbow is enuf" and founding The Black Arts Series at Vanderbilt University.

Tremaine Price is a drama minister and playwright, his original play is titled "For Christian Girls" and it debuted in August 2011. He strives to incorporate performance art into worship, which not only means acting out skits, but also revealing the truths of our triumphs, fears, suffering, and joys through the Christian faith. He is a member of the Young Adult Ministry (Praise Team), the Berean Brotherhood, and the servant leader for the Spiritual Expressions Drama Ministry. He intends on pursuing higher education degrees in Theatre Education and hopes to one day grace the Broadway stage.

Mr. Speaker, I would like to recognize Tremaine Antoine Price for his leadership in the religious word and in his community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent yesterday for votes in the House Chamber. Had I been present, I would have voted "yea" on rollcall votes 379 and 380.

A TRIBUTE TO MATTHEW OKEBIYI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor and pay tribute to Mr. Matthew Okebiyi. Born in Lagos, Nigeria, Matthew Okebiyi spent most of his youth and formal schooling being shuttled between various parts of Africa, Europe, and the Middle East. It was during those formative years that he witnessed firsthand the effects of poverty, hunger, homelessness, and human rights violations. Those incidents would later have a profound impact upon his life.

Mr. Okebiyi immigrated to the United States in the early 1980s and settled in Brooklyn, New York, where he attended college on a full-time basis while working two jobs. He earned a Bachelor's degree in Communication Arts, pursued advanced studies and earned

two Master's degrees: one in Urban Planning and the other in Political Science. He completed his Mental Health training at Hunter College School of Social Work in New York City.

Mr. Okebiyi is the founder of the African American Planning Commission, a New York City-based not-for-profit organization and currently serves as the Executive Director. He also worked to build the Serenity House Family Residence, a 40 unit, \$5.5 million transitional homeless shelter for survivors of domestic violence. The mission of Serenity House is to offer survivors and their minor children, who have exceeded their maximum length of stay in an emergency shelter, a safe but temporary refuge from domestic violence.

Mr. Okebiyi, in addition to his accomplishments, has volunteered with Food Bank and Children's Literacy programs. He maintains a volunteer teaching schedule; tutoring several undergraduate and post-graduate students in his free time, one hundred percent of whom have gone on to receive their Bachelor's and/or Master's degrees.

Mr. Okebiyi has been the recipient of many awards for public service. Most recently was in 2011, when he was the recipient of the prestigious "Man of the Year" award presented by the Brooklyn Branch of Key Women of America, Inc. at its annual gala.

Mr. Speaker, I would like to recognize Matthew Okebiyi for his drive to succeed and dedication to social justice. His unceasing commitment to the welfare of others is an inspiration to us all.

HONORING ABCD AND ITS FOUNDER, BOB COARD

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. MARKEY. Mr. Speaker, on Thursday, June 21, 2012, ABCD will celebrate and honor its late founder, Bob Coard, by renaming its Boston headquarters in honor of this titan in the effort to enable upward mobility and a higher quality of life for all people, regardless of income or situation in life. I rise today to commemorate and congratulate this incredible community action program the nation's leading anti-poverty organization, and to salute my great friend, the late, Bob Coard. From Beacon Hill to Capitol Hill, Bob was a consistent, persistent and insistent force, working tirelessly to direct critical resources toward the fight to eradicate poverty.

Bob was an early, highly-effective general in the War on Poverty. He began his unmatched service even before President Johnson urged communities to organize around the vision of a creating a Great Society free of poverty and abundant in opportunity for all Americans regardless of race, creed or income. And Bob was still on the job when an extraordinary community organizer, President Obama, was sworn in as our 44th president. For all those years, "ABCD" didn't just stand for "Action for Boston Community Development." It also stood for "Anything Bob Coard Desired."

When Bob called, it was because he needed action for Boston's most vulnerable resi-

dents—more money for home heating assistance, help with Medicaid funding, support for Head Start.

And we knew Bob was right because Bob recognized that our great challenge here in the United States is to bestow the world's blessings on all of God's children—to ensure, as President Kennedy said in his Inaugural address, that "God's work on earth must truly be our own."

The son of a civil servant from Grenada, Bob Coard immigrated to this country to pursue the American Dream. Once here, he dedicated his own life to helping others pursue that same dream.

When Bob started work at ABCD in 1964, the organization was only two years old and it had a tiny staff. Today, it has 1,000 employees and carries out a wide array of programs focused on meeting the needs of the poor and disadvantaged in the City of Boston.

Recognizing that education provides the best way for young people to, in his words, "make it in this world," Bob started two high schools for at-risk youth at ABCD, in collaboration with the Boston Public Schools.

ABCD has been called the unsung hero of Boston. For 50 years ABCD has saved lives and made dreams come true, and while ABCD is at the heart of Boston's communities, it was the heart of Bob Coard that pushed ABCD to the national model it is today, and John Drew's amazing leadership that keeps that heart beating strong.

From providing heating assistance for those in need during New England's long, cold winters to delivering job training to those who need work, ABCD is the bridge from poverty to self-sufficiency. The opportunities ABCD provides for low-income Boston residents to get back on their feet, live with dignity and achieve their full potential are building blocks for the continued success of these communities.

Today, ABCD's assistance to people and communities has grown to all sectors of poverty relief.

ABCD organizes Head Start programs for over 2,400 low-income children and families every year.

ABCD supplies fuel assistance to more than 22,000 families a year.

ABCD provides services for thousands of at-risk youth through SummerWorks, career development and two alternative high schools, and health services and family planning for more than 30,000 people every year through its Health Services Department.

From the ABCD Foster Grandparents bringing love and security to disadvantaged children, to programs that offer assistance in asset development, tax assistance and financial education, ABCD offers stability, a sense of community and economic security to low-income families.

In President Franklin Delano Roosevelt's second inaugural address, he famously declared that "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

That was Bob Coard's definition of progress, that is John Drew's definition of progress, that is ABCD's mission everyday.

It is with great pride that I congratulate ABCD for its 50 years of vital service to the

community, and that I commemorate my friend Bob Coard as ABCD dedicates its Tremont Street headquarters in his honor this Thursday on Boston Common.

It is fitting that Bob Coard's building gazes out on the Common, a lush landscape where Americans from every walk of life enjoy the same open space, on equal footing. And just as the Common is part of the Emerald Necklace of parks and parkways that extend out to Franklin Park in Roxbury, Bob Coard and ABCD stitched together an array of programs that, taken together, provide a safety net for lifting Bay State residents out of poverty and into a new life of self-sufficiency.

Bob Coard and ABCD are American icons, and I congratulate Bob's wife Donna, John Drew and the entire ABCD team for the incredible work that makes such a difference in the lives of so many Massachusetts residents.

A TRIBUTE TO DR. HEROLD SIMON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Dr. Herold Simon.

Dr. Herold Simon is the Medical Director of the East New York Diagnostic and Treatment Center (ENYDTC). His responsibilities include policy-making, facility-wide planning, staff supervision and quality management; however, he sees his most important role as a clinician and an advocate for the medically underserved and the financially-challenged communities he serves.

In 2002, Dr. Simon was instrumental in the creation of a kidney clinic at Kings County Hospital Center, where, initially, he was the sole attendant, providing patient care and education to nephrologists in training. Dr. Simon holds an appointment as Assistant Professor of Medicine at SUNY/University of Brooklyn at Downstate. In addition to his post as Vice President for Downstate Enterprises, Inc. Dr. Simon has steadily maintained a private practice in the Flatbush community since 1996, providing care in Nephrology and Internal Medicine.

Dr. Simon had also served as a member of the ADAP Clinical Subcommittee of the Advisory Council for the AIDS Institute and advisor to the Collegiate Science and Technology Program for the Borough of Manhattan Community College. In spite of his busy schedule, Dr. Simon continues to lecture on the molecular basis of hypertension and kidney disease as well as the promises and dilemmas of preventive health care.

In 2008, Dr. Simon was able to pilot the current New York City Health and Hospital Corporation (HHC) Diabetes Guidelines and revealed that a treatment algorithm coupled with nurse care-management can rapidly improve diabetes care. As a result the HHC leadership mandated the use of the guidelines by all HHC facilities. Dr. Simon was a leading figure in the implementation of Managed Care and Rapid HIV Testing within HHC.

Following the January 12, 2010 earthquake in Haiti, he traveled there to provide medical

care to the General Hospital in Port-au-Prince. He continues to be very active in planning for the immediate and long-term medical needs of Haiti.

Mr. Speaker, I would like to recognize Dr. Simon for his extraordinary contributions to our Brooklyn community.

IN RECOGNITION AND CELEBRATION OF THE LIFE OF YOLANDA SANCHEZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RANGEL. Mr. Speaker, today I rise to mourn the loss of Yolanda Sanchez, a fierce advocate for Puerto Rican youth and women in my district. It is with a heavy heart that I stand here today to memorialize her.

Ms. Sanchez was a pioneer in El Barrio and I am honored to have partnered with her over the years to improve the lives of Puerto Rican youth and women. She dedicated herself for over 50 years to the community, a community she was born and raised in. Ms. Sanchez began her career as a community organizer and advocate in 1962, when she was asked to join the staff of Aspira; a non-profit organization focused on educational advancement and further development of Puerto Rican and Hispanic youth. Ms. Sanchez never stopped working for children, women and the Puerto Rican community; she never took a day off from her goals.

A graduate of City College and the Columbia University School of Social Work, Ms. Sanchez continually sought out and worked in positions that maximized her positive impact on the community. These positions ranged from Executive Director of the Puerto Rican Association for Community Affairs, to founding member and later president of the National Latina Caucus, to president of the East Harlem Council for Human Services, to Director of CUNY's office of Puerto Rican programs.

Ms. Sanchez was successful in playing a key role in the creation of three critical institutions for the underserved in El Barrio. The Taino Towers (section 8 housing), Boriken Health Center (primary care) and Casabe Houses (elderly housing) owe their existence partially to the tireless efforts of Ms. Sanchez.

This year Ms. Sanchez received the first Social Work Trailblazer Award from the Silberman School of Social Work in honor and recognition of her invaluable and tireless efforts made in the community. This award is an acknowledgment of a true heroine, feminist and champion of the downtrodden.

Mr. Speaker, I ask you and my colleagues to please join me in celebrating and remembering the life of a fierce advocate for children, women and the disadvantaged. In her life, she truly made our community and thus the world a better place than how she found it. She will be missed by her loved ones, she will be missed by the community, but her spirit will carry on through philanthropy and in the spirit of others just like her.

A TRIBUTE TO SWAMY NAIDU SUNKARA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Dr. Swamy Naidu Sunkara.

Dr. Swamy Naidu Sunkara served as a surgeon, and then trained as an anesthesiologist in Jamaica, and Trinidad and Tobago. He completed a post graduate diploma in anesthesiology from the University of West Indies. He served as a Social Worker at St. James Infirmary in Montego Bay, Jamaica from 1979 to 1981. He also served at the Prince Elizabeth Hospital for destitute children in Port of Spain, Trinidad from 1981 to 1987. He gave free anesthesia for surgeries to children with cleft palates and club-feet, and other congenital abnormalities. He has worked as a volunteer physician at Trinidad and Tobago Sports Medicine. Dr. Swamy Naidu Sunkara received letters of commendation in Jamaica, and Trinidad and Tobago.

Dr. Swamy Naidu Sunkara migrated to the United States in 1988. He successfully completed the Diploma in Tropical Medicine and Health, and a Master's in Public Health with double majors in International Health and Emergency Medicine. He served as a published Researcher, and volunteer in the Children's Cancer Study Group in New York Medical College, and Westchester Medical Center at Valhalla, New York. He worked as a volunteer Emergency Medical Technician in the Ossining Volunteer Ambulance Corps and the Pleasantville Volunteer Ambulance Corps. He received the Best Volunteer Award from Westchester County Executive and Best Volunteer Award from the University of Medicine and Dentistry of Newark, New Jersey in 1989.

He has also faithfully served as one of the Uncles for Foster Children of the Richard Allen Center on Life in New York City.

As a young student leader, he volunteered in various natural disasters including one in Divi Andhra Pradesh for several weeks directly under Mother Theresa. She always had kind words about him when she visited that area.

Mr. Speaker, I would like to recognize Dr. Swamy Naidu Sunkara for his extraordinary contributions to New York City's medical community.

PERSONAL EXPLANATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. DAVIS of Kentucky. Mr. Speaker, on Monday, June 18, 2012, I was not present for the evening vote series. Had I been present, I would have voted:

On rollcall No. 379—"yes"—S. 684, A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

On rollcall No. 380—"yes"—S. 404, A bill to modify a land grant patent issued by the Secretary of the Interior.

A TRIBUTE TO MR. MISBA ABDIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to recognize and honor Mr. Misba Abdin.

A second-generation Bangladeshi-American, Misba Abdin came to the United States in 1982. He was born in 1969 in Beani Bazar of the Sylhet District in Bangladesh. His family led the way for others who migrated to the United States of America very early from the Sylhet region. Currently a businessman by profession, he is the product of the New York City Public School system where he went from P.S. 214K to M.S./I.S. 171 and graduated from Frank K. Lane High School. He went on to study Business Management at Hunter College of the City University of New York. He is well read and can tell you the history of almost any book that has been on the best seller list over the last 20 years.

In 1984, Mr. Abdin, along with his three brothers and five cousins, and the support of the people of the neighborhood, started the first soccer tournament in Ozone Park, Queens, for Bangladeshi youth. The tournament became very popular as it was the first in the Bengali community and, was an example followed by Bangladeshi youth living in the other cities. In the early 1990s Mr. Abdin spearheaded the formation of the Bangladesh Football Federation, mainly with the view to provide the Bengali Community in New York with an opportunity to gather and celebrate through soccer games. Following the success of this organization, many Bangladeshi-American socio-cultural organizations were later formed by others. The Bangladesh Football Federation was renamed as Bangladesh Sports Council in 2001. And, in 2005, Mr. Abdin was appointed General Secretary of the Sports Council, a position he still holds today.

As a Pioneer Community Activist in the Bengali Community, Mr. Abdin's main focus is developing Bangladeshi youth and sports through his organizing skills and vibrant youth programs. As President and CEO of the Bangladeshi American Community Development and Youth Sports, BACDYS, his main objective is to focus exclusively on low income housing, education, youth programs and family entertainment. He is a Board member of the Highland Park Local Development Corp., the 75th Precinct Community Council and a member of the program committee of the North Brooklyn YMCA, to name a few.

Mr. Abdin is a product of a retail family. His father was a successful retail businessman and growing up he worked in his father's store after school and on weekends. After spending a couple of years in Bangladesh he returned to the United States to manage the family Key Food Supermarket, which to this day, he still manages.

Mr. Abdin is married to Farida Yeasmin, and they are blessed with two daughters and two sons. He attends the Al-Aman Mosque that was founded by his father, Abdul Sattar, on Forbell Street in Brooklyn.

Mr. Speaker, I urge my colleges to join me in recognizing the important achievements and dedication to community of Mr. Misba Abdin.

A TRIBUTE TO TOMMY MERRIWEATHER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Tommy Merriweather. Mr. Merriweather is a public servant that has dedicated his life to protecting the community.

Tommy enlisted in the U.S Army after high school where from 1982 to 1988 he served in the Infantry division. During his eight year military career he traveled the world and he earned many awards.

On July 5, 1989, he joined the New York City Police Department. He was a committed employee and enjoyed working for the NYPD for twenty years. In December 1992, Officer Merriweather was promoted to the rank of Detective.

Detective Merriweather was a dedicated and effective undercover detective, performing dangerous work on a daily basis. On numerous occasions, Detective Merriweather cancelled scheduled vacation days so that he could make undercover buys crucial to the progress of ongoing cases. Detective Merriweather's life and safety have been placed in jeopardy on numerous occasions by the unpredictability of the undercover work he did. On July 9, 2009, he completed 20 years with the NYPD and retired as a Detective 1st grade.

Tommy has worked with the Boy Scouts since 2009 and is the first African-American Scoutmaster of Boy Scout Troop 43 and of the Sagitokos District. He enjoys volunteering his time to work with the Scouts and helping them advance to become Eagle Scouts or be a part of the Order of Arrow. His troop enjoys outdoor camping. Tommy is always preparing for upcoming events and makes sure that everyone he talks to knows the good work being done by the Troop and Suffolk County Council of Boy Scouts.

Mr. Speaker I would like to recognize Tommy Merriweather for his extraordinary contributions to the Brooklyn community.

PERSONAL EXPLANATION

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. ROE of Tennessee. Mr. Speaker, I was not present for votes on June 18, 2012 because I was attending a funeral. Had I been present, I would have voted "yea" on rollcall votes No. 379 and No. 380.

A TRIBUTE TO LEO A. MORRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Leo A. Morris for his

track record in public service and his commitment to charity.

Leo Morris was born in Colon, Panama to Louise and Irving Morris and is now a resident of Brooklyn. He is the only son in his family and has four sisters. He migrated to the United States in 1959. Leo was educated at Eastern District High School, Staten Island Community College (AA, 1975), and Barnard College (BBA, 1978). He began his career in the housing sector with the United States Trust Company after completing his studies. He went on to serve the City of New York's Department of Housing Preservation and Development in various offices within the agency for 30 years. During his tenure, he was a Real Property Manager in the Tenant Interim Lease Program, a Community Coordinator/Unit Chief in the Division of Relocation, and Deputy Director for Field Operations in the Emergency Housing Services Bureau. Leo was recognized as a dedicated and loyal employee, retiring in 2010.

Leo is a dedicated volunteer and finds time to enjoy life. He is Vice Chair of Tashia's L.I.F.E., Inc., a charitable organization founded with the purpose of aiding, educating and assisting individuals citywide, who are experiencing difficulties while living with Lupus. Leo enjoys travelling, jazz, and trying out the diverse cuisines available all over Brooklyn. He is married to Leora Marie Morris, and is the proud father of three children, Michelle, Leah, and Natasha and a proud grandfather to Raphael, Damiere, Morgan, and Ryann.

Mr. Speaker, I would like to recognize Mr. Leo A. Morris for his successful career and continued work in community service.

A TRIBUTE TO DR. RAMANATHAN RAJU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ramanathan (Ram) Raju, MD, MBA, FACS, FACHE. He is the Chief Executive Officer for the Cook County Health & Hospital System (CCHHS) in Chicago, Illinois. CCHHS is the 3rd largest public health system in the country which oversees a comprehensive, integrated system with several parts; an acute care hospital with a Level 1 Trauma Center and a Community Hospital; a Regional Outpatient Center; a Correctional Healthcare Facility; an Outpatient Infectious Disease Center specializing in the treatment of HIV/AIDS; 16 community clinics and a public health department.

Prior to accepting the role of CEO of Cook County Health & Hospital System (CCHHS), Dr. Raju served as the New York City Health and Hospital Corporation's (HHC) Executive Vice President, Corporate Chief Operating Officer and Chief Medical Officer since 2006. During his tenure in health care spanning over 30 years, Dr. Raju served in various leadership positions in not for profit and public hospital systems in New York. He served as the Chief Operating Officer and Chief Medical officer at Coney Island Hospital and Senior Vice

President and Director of Medical Education at Lutheran Health System.

Dr. Raju began his professional career in India. He attended Madras Medical College to earn his medical diploma and subsequently did a residency in Surgery culminating in a Master of Surgery degree. He underwent further training in England and was elected as a Fellow of the Royal College of Surgeons. He served in various capacities in England and subsequently underwent surgical training in the United States. Dr. Raju also did a fellowship in Vascular Surgery. He is Board Certified in Surgery and is a fellow of the American College of Surgeons. He has held the position of Clinical Professor in multiple Medical Schools. He has been actively involved in teaching residents and medical students for many years, and won the Best Teacher award many times throughout his career. He is an avid researcher and has published many articles in peer review journals. Dr. Raju is also a physician executive, having obtained an MBA from the University of Tennessee and CPE from the American College of Physician Executives. He currently serves as an adjunct professor in Business Management at the University of Tennessee. He has held many positions in Healthcare Organizations, including Director of Surgery, Director of Trauma, Director of Surgical Research, and Director of Medical Education. He has also served on various local and state wide committees including the American Hospital Association Region 2 Governance Board and on the President's Forum: The Acute Post Acute Hospital Continuum, a Member of the National Quality Forum steering Committee "National Voluntary Consensus Standards for emergency Care—Phase II Hospital based Emergency and Research Committee. Dr. Raju's professional society memberships include the American College of Physician Executives and the American College of Surgeons. He was recently selected as one of the top 25 minority health care executives in the country by Modern Health care Magazine.

Dr. Raju married a fellow resident he met at Madras Medical College, urologist Samantha Raju. They have a son and a daughter. Dr. Raju lives in Chicago's South Loop.

Mr. Speaker, I urge my colleagues to join me in recognizing Dr. Raju for his successful career and his dedication to community health.

HONORING THE 125TH UNITED WAY ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. RANGEL. Mr. Speaker, I rise today in recognition of United Way as they proudly celebrate their 125th anniversary serving our communities both here at home and abroad.

In 1887, three visionaries saw the need to help their community and to address the welfare issues their city faced. Thus, the first United Way campaign was born, collecting over \$21,700 for local charitable organizations. Today, United Way exists in 1,800 communities and 41 countries, raising nearly \$5 billion every year to increase opportunities for a better life worldwide.

Forty million Americans are working in low-income jobs with little or no health benefits. In 2008, United Way began a 10-year initiative to cut these staggering statistics in half. United Way continues to look into the future, searching diligently for solutions that will benefit these families in the long-term.

United Way has impacted our community in New York's 15th congressional district in profound ways. For as long as I can remember, its New York City chapter has been dedicated to helping low-income families in terms of their health, education, and financial stability. From restoring child care and after-school funding, to helping over 3 million people make healthier choices by making fresh fruits and vegetables more affordable and available. United Way sees no issue as unimportant and continues to display altruism at the highest level.

In these tough economic times, when many people are facing daily struggles that push them to the brink of pure exhaustion, the work United Way does serves as a beacon of hope for those in need. We are truly blessed to have such an amazing and crucial organization within our community. I would like to personally praise the leadership of United Way Worldwide President & CEO Brian Gallagher, New York's United Way CEO Gordon Campbell, and every staffer and volunteer who diligently works behind the scenes. Their work does not go unnoticed. Mr. Speaker, again, I would like to congratulate United Way on their 125th anniversary and I wish them the best in their future endeavors.

A TRIBUTE TO MONICA THOMAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Monica Thomas, a model servant of the needs of the public, a person dedicated to the importance of family, and native New Yorker. She is Division Director of Homeless Services at Volunteers of America and currently enrolled at Bernard Baruch College to obtain her second Master's Degree in Public Administration.

Monica Thomas was called to action. After realizing the devastating impacts of drug addiction she sought a career in Addiction Counseling. In her first job she counseled homeless men, who also suffered from addiction problems and mental illness, and eventually rising to Assistant Program Director. She sought to learn more about the populations she served and received a "JFK Jr. Fellowship" scholarship to pursue undergraduate studies at Empire State College in 1996 where she focused in Social Administration and Addiction Studies and received New York State Certification in Alcohol and Substance Abuse Treatment.

In 1999, Monica Thomas attended Hunter College School of Social Work for a Master's in Social Work with a Specialty in Aging Health. She developed and implemented a substance abuse treatment model specifically for the elderly population and was promoted to Program Director of the Elder Care Unit at Odyssey House. Additionally, she was nominated and received the New York State CASAC of the Year Award, the highest award bestowed upon individuals who hold a New York State Alcohol and Substance Abuse Certification. Monica received her New York State Social Work Certification immediately completing her graduate studies in 2003.

Monica then worked in an executive management position overseeing residential services for an agency that focused on assisting pregnant women recover from addiction, and subsequently was appointed Vice President of Clinical Operations for a drug treatment organization in Fairfield, Connecticut. In her various roles, she designed and developed systems and policies that met the growing needs of the population while simultaneously engaging with the community to gain support for the programs under her leadership.

Mr. Speaker, I would like to recognize Ms. Monica Thomas for her efforts advocating for the well-being of our disenfranchised fellow citizens.

SENATE—Wednesday, June 20, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our sustainer, it is time to pray and, in the silence of this moment, examine our hearts. Lord, You know our thoughts and see where we fall short of Your glory. Restore us to Your purposes as You lead us in the path everlasting.

Search the hearts of our Senators. You know the struggles that confront them, the things they wrestle with, the things that irritate and gnaw at them and cause them to abandon trust in You.

O God, You know us better than we know ourselves. Search our hearts and give us Your peace.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk I wish to be reported.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 250, S. 1940, An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Harry Reid, Tim Johnson, Al Franken, Patrick J. Leahy, Christopher A. Coons, Tom Harkin, Barbara A. Mikulski, Kent Conrad, Robert Menendez, Jack Reed, Barbara Boxer, Ben Nelson, Michael F. Bennet, Max Baucus, Mark Begich, Richard Blumenthal, Kay R. Hagan.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following leader remarks today, the Republican leader will move to proceed to S.J. Res. 37. Following that motion; that is, the one Senator MCCONNELL will make, the time until 11:30 a.m. will be equally divided between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the next 15 minutes, and I have designated that Senator ROCKEFELLER will take that 15 minutes. At 11:30 a.m. the Senate will proceed to vote on the motion to proceed to S.J. Res. 37. If the motion to proceed is not agreed to, the Senate will then resume S. 3240, the farm bill, and the votes in relation to amendments that remain in order to the bill.

So Senators should expect a long day of voting, starting at 11:30 a.m.

Madam President, we did extremely well yesterday. We were able, as indicated last night, to even turn in votes earlier because everyone was here. There are lots of events going on in the Capitol today, but we are going to have to stick to our business at hand and make sure we get through this long list of amendments because we are going to have to finish this and the flood insurance legislation before we leave here this week. That is a large assignment. We have to do that.

UNANIMOUS-CONSENT AGREEMENT—S. 3240

Madam President, I ask unanimous consent that with respect to any amendments voted on during Tuesday's session, where motions to reconsider were not made, that the motions to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DISAPPROVAL OF EPA EMISSION STANDARDS RULE—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I now move to proceed to S.J. Res. 37.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 430, S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

U.S. SENATE,
Washington, DC, June 19, 2012.

DISCHARGE OF FURTHER CONSIDERATION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 37, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to emission standards for certain steam generating units.

John Boozman, David Vitter, John Cornyn, Jon Kyl, Pat Roberts, James M. Inhofe, Johnny Isakson, Tom Coburn, John McCain, Mike Lee, Patrick J. Toomey, Marco Rubio, John Thune,

John Barrasso, Thad Cochran, Jim DeMint, Roy Blunt, Richard Burr, Rand Paul, Jerry Moran, Rob Portman, Michael B. Enzi, Lisa Murkowski, Daniel Coats, Saxby Chambliss, Roger F. Wicker, Orrin Hatch, Kay Bailey Hutchison, Jeff Sessions, Mitch McConnell, Ron Johnson, Mike Johanns, James E. Risch, John Hoeven, Richard Shelby.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, it has become pretty clear over the past few months that President Obama now views his job as the deflector-in-chief. No longer content to lay all the Nation's problems at the feet of his predecessor, he has taken to creating controversies out of whole cloth. Whether it is a manufactured fight over student loan rates or the so-called war on women, the goal is as clear as you can imagine: get reporters to focus on these things, and maybe the rest of the country will as well; get them to focus on anything other than the President's own failure to turn the economy around, and maybe he can squeak by without folks noticing it. That is the plan at least and, frankly, it could not reflect a more misguided view of the American people. They know who has been in charge the past 3½ years, and the fact that the President has had a tough job to do does not mean he gets a pass on how he has handled it or on the solutions he has proposed.

Most Americans do not like either one of the President's two signature pieces of legislation—ObamaCare or the stimulus. They are not particularly thrilled about seeing America's credit rating downgraded for the first time ever. They are scared to death about a \$16 trillion debt, trillion-dollar deficits, and chronic joblessness. And many, including myself, are deeply concerned about this administration's thuggish attempts to shut its critics right out of the political process. These are the kinds of things Americans have been telling us for 3 years that they are worried about, and we are not about to be drawn into some rabbit hole so the President does not have to talk about them. We are going to stay focused on all of these things—not because of some political advantage but because the American people demand it. So the President can come up with the excuse de jour, but we are going to talk about jobs, we are going to talk about the deficits and debt, and we will talk about the Constitution.

When it comes to jobs, let's be clear. This administration has been engaged in a war on the private sector, and in many cases it has used Federal agencies and a heavyhanded regulatory process to wage it largely out of view. We got a vivid confirmation of this when an EPA official was caught comparing the EPA's enforcement approach to the Roman use of crucifixion. Brutalize a few offenders, he said, and the rest will be scared into submission.

Call me naive, but I think most Americans think the government should be working for them, not against them. I think most Americans think the Federal Government should be working to create the conditions for Americans to prosper, not looking for any opportunities to undercut free enterprise. Yet that is what we see—an administration that always seems to assume the worst of the private sector and whose policies are aimed at undermining it. And nowhere is it more clear than at EPA.

That is why I support Senator INHOFE's ongoing efforts, including a vote today, to push back on the EPA, which has become one of the lead culprits in this administration's war on American jobs. Senator INHOFE is focusing on just one regulation out of the many that are crushing businesses across the country—the so-called Utility MACT, which would cost American companies billions in upgrades, but for their competitors overseas, of course, it would cost them nothing. This regulation would expand the already massive powers given to the EPA by increasing redtape and costing the taxpayer over \$10 billion each year. In my State of Kentucky, it threatens the jobs of over 1,400 people working in aluminum smelter plants, as well as approximately 18,000 coal miners, not to mention those engaged in industries that support these jobs.

Kentucky Power, operator of the only coal-burning powerplant in my State, recently conceded defeat in this fight after the EPA demanded upgrades to its plants at a cost of nearly \$1 billion, raising the typical residential customer's monthly electric bill by a whopping 30 percent. At that price, it is no wonder the plant found the new regulations completely unworkable. The EPA may have won this battle, but the real losers are more than 170,000 homes and businesses spread out amongst 20 eastern Kentucky counties that depend on the Kentucky Power plant for their energy.

The proponents of the Utility MACT say it is needed to improve air quality. What they cannot tell you is what these benefits would be or the effect of leaving the plants in their current condition. Look, we all support clean air, but if we waved through every regulation that promised to improve air quality without regard for its actual impact, we would not be able to produce anything in this country.

What we do know is that a substantial amount of the electricity we produce in this country comes from coal, and this new regulation would devastate the jobs that depend on this cheap, abundant resource. This is just one battle in the administration's war on jobs, but it has a devastating consequence for real people and real families in my State and in many others. The administration's nonchalant atti-

tude about these people is appalling, but this is precisely the danger of having unelected bureaucrats in Washington playing with the livelihoods of Americans as if they are nothing more than just pieces on a chessboard.

The media may continue to chase whatever issue the President and his campaign decide to fabricate from day to day, but these are the facts behind this President's devastating economic policies, and that is why it is a story the President would rather the media ignore. Well, Republicans are not going to ignore it. We are going to keep talking about the President's policies. So I commend Senator INHOFE for keeping us focused on this particular policy that is devastating to so many Americans.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, in our first round, we are going to yield to the Senator from Alaska Ms. MURKOWSKI for 10 minutes and then to Senator MANCHIN for 5 minutes. In the second round, we are going to be having Senators BARRASSO, BOOZMAN, RISCH, BLUNT, KYL, and TOOMEY.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I think most Americans would agree it is important that we strike a proper balance between abundant and affordable energy and responsible standards of environmental performance. But too often in recent years, the energy-environmental balance has been lost. Restoring a sense of equilibrium is important for both the health of the American people and our Nation's economy. Although we see the need for this balance every day in Alaska, restoring it has become what I think is a national challenge. That is why I support Senator INHOFE's resolution to disapprove the mercury and air toxics standards or the MATS rule.

Congress has tasked the EPA with implementing laws to protect public health. That statutory obligation absolutely requires respect. But although the executive branch gets to make reasonable policy calls in performing that duty, its regulatory authority is strictly bounded by law.

Today's EPA too often seems to impose requirements that go beyond what is authorized or needed. This overreaching stifles the energy and natural resource production the Nation needs to restore prosperity and technological leadership, and the sad thing is the resulting rules do not credibly improve public health.

EPA is now proceeding with an unprecedented litany of new rules whose benefits are murky at best but whose costs are very real and detrimental to human welfare. The Nation can and must strike a better balance. Even in today's divided times, a broad consensus remains. Achieving affordable and abundant energy coupled with strong environmental standards is the right combination.

Most would also agree that energy and environment-related public policy decisions should be based on the facts and informed by rigorous scientific discourse. Applying this consensus shows that the devil is in the details. So let's look closely at the MATS rule. If this rule is allowed to stand, it will put electric reliability at unacceptable risk and raise electricity costs with very little, if any, appreciable benefit to human health.

The North American Electric Reliability Corporation or NERC, which is the independent federally certified "Electric Reliability Organization," recently reported that "environmental regulations are shown to be the number one risk to reliability over the next . . . 5 years." That is the statement from NERC.

The members of the relatively small and apolitical groups of engineers who keep the lights on and administer electricity markets tell me they are worried not only about the reliability of electric service but about its affordability. I would like to speak to the affordability side in just a minute.

Reasonable regulation, clearly appropriate; and EPA has the discretion, indeed the obligation, to adopt balanced rules. But, unfortunately, EPA's approach has been aimed more at its statutory obligations. Through MATS and through other rules, EPA wants to influence how investments in energy production are made. So it has imposed a series of very stringent obligations that perhaps are not even achievable.

For example, the Institute of Clean Air Companies, which is an association representing emissions control technology vendors—these are the guys who sell all of this stuff—has asked EPA to reconsider MATS and has said:

Our member companies cannot ensure that the new final source [mercury] standard can be achieved in practice.

These are those who would make a profit off of selling these. They are saying they do not think that it can be achieved.

Even though I believe the United Mine Workers of America, who say their comments "and like-minded [ones] to EPA on the proposed MATS rule were ignored," it does not have to be this way. EPA received thousands of pages of very detailed, very thoughtful proposals, for improving MATS.

About 150 electric generators filed their comments. Edison Electric Institute, as just one example, filed more

than 75 pages of very precise observations for improving MATS. They suggested many very specific changes. The States were active too. Twenty-seven States are seeking significant changes in the proposal. There were almost 20 petitions for reconsideration pending at EPA, and they are pending now. Thirty petitions have been filed for judicial review. Twenty-four States have asked the courts to force EPA to do better with MATS.

I always say we need to give credit where credit is due. On the treatment of condensable particulate matter—not many of us are focused on condensable particulate matter—EPA has made some good changes with regard to that, between the proposed and the final MATS rule. This dramatically reduced the need for construction of expensive pollution control devices known as "bag houses."

By itself, this one change to the proposed rule reduced the overall cost of compliance by billions of dollars, and it relieved somewhat the challenges of maintaining electric reliability while achieving compliance with the rule. Adopting a more reasonable approach in this one area did not sacrifice any appreciable benefit. So more must be done. Congress must tell the EPA to revisit other suggestions for similar improvements.

Why the need to keep forcing the improvements? The vast majority of the benefits to EPA claims from MATS are the result of its counting coincidental reductions of particulate matter below standards that EPA has determined are sufficient to protect public health. Emissions of mercury by American powerplants have declined over the past 20 years without the MATS rule. EPA itself estimates the annual benefits of mercury reduction attributable to the rule at only \$500,000 to \$6 million but annual costs at almost \$10 billion.

Finally, EPA's actions are driving up the cost of electricity too. PJM, which is the independent regional transmission organization that is responsible for coordinating the movement of wholesale electricity in all or part of 13 States, as well as in the Nation's Capital, reported 2-year capacity price increases of 390 percent, most of which it attributed to the cost of environmental compliance with a nearly 1,200-percent spike in northern Ohio.

PJM also plans for about \$2 billion in additional transmission investment to maintain reliability in the face of EPA's rules. Clearly, these are significant costs that will be passed on to our consumers. I think MATS is a major rule that needs a major reset by Congress. EPA could then devise a new rule that is truly aimed at protecting public health and carrying out the law rather than trying to push a particular fuel, coal, out of the market.

I thank the Senator from Oklahoma for his leadership on this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I thank the Senator from Alaska for her very kind remarks. I yield 5 minutes to the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Madam President, I come to the floor to join my colleagues from Alaska, from Oklahoma, and others to express my disapproval. I intend to vote in favor of the resolution of disapproval of the Environmental Protection Agency's mercury and air toxins standards rule, also known as Utility MACT.

Now, of course, sometimes the debate, when we talk about pollution, when we talk about the byproducts of coal-fired powerplants, is cast in apocalyptic-like terms that have no real bearing on reality or in terms of the science and in terms of the economic impact of the rule or the health benefits supposedly to be derived. I want to talk about that just briefly.

While this rule claims to be about public safety, it is a job-killing, ideologically driven attempt to cripple the coal industry in the United States, an industry that employs an awful lot of people, feeds a lot of families. This administration, unfortunately, is using the EPA to destroy a major source of reliable, affordable, base-load electricity that we sorely need. The President talks about being for an all-of-the-above energy policy. Yet his administration, through this regulation we seek to disapprove today, is going to effectively take one of those most abundant, low-cost sources of energy off the table for the American people.

Of course, Congress would never pass such a law in our own right, so the administration is using a ruling from an unelected group of bureaucrats who are not subject to political accountability. This is another example of executive overreach, and it is bad news for consumers and job creators alike.

Power companies have confirmed that Utility MACT standards for new power sources are so stringent that no new coal-fired powerplant will be built in the United States. No new coal-fired powerplant will be built in the United States, no matter how modern and how clean the technology will allow that powerplant to operate. So the consequences will be that Utility MACT will damage grid reliability. It will destroy jobs, and it will raise electricity prices—not a small matter when many of our seniors are on fixed incomes and are going to suffer as a result of this rule that does not do what its advocates tout it for.

The costs of Utility MACT will exceed the benefits by roughly 1,600 to 1. Some claim that does not matter, that benefits are benefits no matter what the cost, no matter how much, how many jobs it kills, no matter how much it raises the price of electricity

on seniors in my State who are living in very hot summers. If we have another year like we had last year—I hope we do not. We had 100-degree temperatures more than 70 days—and I think it was even more than that—it will threaten the capacity of the power grid to even produce the electricity so people can run their air conditioners. The detriment to our seniors in terms of public health and in terms of cost, being on a fixed income, is quite evident.

According to the EPA, more than 99 percent of the health benefits from Utility MACT will not even come from mercury reductions but, rather, from reductions in particulate matter that are already regulated to safe levels under the Clean Air Act. So either the EPA will be double-counting existing benefits or else it will be setting new levels for other byproducts that are not justified by public health concerns.

In short, the benefits of this regulation are dubious, but the costs are real. They are already harming the U.S. economy with existing powerplants being shut down and others being scrapped. The United States currently has more than 1,400 coal-fired electricity-generating units operating at more than 600 plants.

Together, these powerplants generate almost half of the electricity produced in our country. Again, we are not talking about taking wind energy off the table. We are not talking about other ways to generate electricity. But this is one of the cheapest, most abundant sources of energy in our country, and we are simply killing it.

So sponsors of Utility MACT repeatedly tout its health benefits. But those are overstated. However, they understate the impact this will have on jobs. It will kill jobs. People will lose their jobs in a tough economy. I urge my colleagues to pull back the curtain on the EPA and see Utility MACT for what it is, an economic disaster shrouded in false claims about public health.

Americans deserve smart regulation based on logic and sound science. Utility MACT is the exact opposite and deserves to be rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, in the shadow of one seemingly narrow Senate vote, that being the Inhofe resolution of disapproval of the EPA's rule on mercury and air toxins, I rise to talk about West Virginia, about our people, our way of life, our health, our State's economic opportunity, and about our future.

Coal has played an enormous part in our past and can play an enormous part in our future, but it will only happen if we face reality.

This is a critical and a very contentious time in the Mountain State. The dialogue on coal, its impacts, and the

Federal Government's role has reached a stunningly fevered pitch. Carefully orchestrated messages that strike fear into the hearts of West Virginians and feed uncertainty about coal's future are the subject of millions of dollars of paid television ads, billboards, breakroom bulletin boards, public meetings, letters, and lobbying campaigns.

A daily onslaught declares that coal is under siege from harmful outside sources, and that the future of the State is bleak unless we somehow turn back the clock, ignore the present, and block the future.

West Virginians understandably worry that a way of life and the dignity of a job is at stake. Change and uncertainty in the coal industry is unsettling and nothing new. But it is unsettling. My fear is that concerns are also being fueled by the narrow view of others with divergent views and motivations, one that denies the inevitability of change in the energy industry and unfairly—and I feel this strongly—leaves coal miners in the dust.

The reality is those who run the coal industry today would rather attack false enemies and deny real problems than solve problems that would help them and the people they employ and the States in which they work.

Instead of facing the challenges of making tough decisions, similar to men of a different era, they are abrogating their responsibilities to lead. Back in the 1970s, I remember a fellow from Consolidation Coal named Bobby Brown. He got together with the United Mine Workers on his own. We were having a lot of temporary restraining orders and strikes at that time. They sat down, and because Bobby Brown was not a timid man—he was the head of a company, but he was a forceful leader—they worked out something which gave us peace in the coalfields of West Virginia—which is something—for a long time. It was a courageous act by a courageous nontimid man.

Scare tactics are a cynical waste of time, money, and worst of all, coal miners' hopes. Coal miners buy into all the television they hear, are controlled by it, have large salaries. So in a sense they are stuck where they are, happily funded but without a place to look forward to. But sadly these days, coal operators have closed themselves off from any other opposing voices and almost none has the courage to speak out for change—any kind of change—even though it has been staring them in the face for decades. They have known about it. They have ignored it.

This reminds me of the auto industry, which also resisted change for decades. Coal operators should learn from both the mistakes and the recent success of the automobile industry. I passionately believe coal miners deserve better than they are getting from coal

operators, and West Virginians certainly deserve better also.

Let's start with the truth. Coal, today, faces real challenges, even threats, and we all know what they are.

First, our coal reserves are finite and many coal-fired powerplants are aging. The cheap, easy coal seams are diminishing rapidly and production is falling, especially in the Central Appalachian Basin in southern West Virginia. Production is shifting to lower cost areas such as Illinois and the Powder River Basin in the Wyoming area. The average age of our Nation's 1,100-plus coal-fired plants is 42.5 years, with hundreds of plants even older. These plants run less often, are less economic, and are obviously less efficient.

Second, natural gas use is on the rise. Power companies are switching to natural gas because of lower prices, cheaper construction costs, lower emissions, and vast, steady supplies. Even traditional coal companies such as CONSOL are increasingly investing in natural gas as opposed to coal.

Third, the shift to a lower carbon economy is not going away. It is a disservice—a terrible disservice—to coal miners and their families to pretend it is, to tell them everything can be as it was. It can't be. That is over. Coal companies deny that we need to do anything to address climate change, despite the established scientific consensus and mounting national desire—including in West Virginia—for a cleaner, healthier environment.

Despite the barrage of ads, the EPA alone is not going to make or break coal. Coal operators would love to think that is the case because it is a great target, and it is much easier to criticize than to do something. But there are many forces exerting pressure, and that agency is just one of them.

Two years ago, I offered a time-out on EPA carbon rules, a 2-year suspension that could have broken the logjam in Congress and given us the opportunity to address carbon issues aggressively and legislatively.

But instead of supporting this approach, coal operators went for broke—they saw a fatter opportunity—when they demanded a complete repeal of all EPA authority to address carbon emissions forever. They demanded all or nothing. They turned aside a compromise and, in the end, they got nothing.

Last year, they ran exactly the same play, demanding all or nothing on the cross-State air pollution rule, refusing to entertain any middle ground and denying even a hint of legitimacy for the views of the other side and they lost again—badly.

Here we are with another all-or-nothing resolution, which is absolutely destined to fail, and we are arguing as months, weeks, and years go by. This

foolish action wastes time and money that could have been invested in the future of coal. Instead, with each bad vote the coal operators get, they give away more of their leverage and lock in their failure.

This time, the issue is whether to block an EPA rule, as has been said—the mercury and air toxics standards—that require coal-fired powerplants to reduce mercury and other toxic air pollution.

I oppose this resolution because I care so much about West Virginians.

Without good health—demeaned in this debate so far—it is hard to hold down a job or live the American dream. Chronic illness is debilitating. I have made a career in the Senate of health care. It impacts families' income, their prosperity, and ultimately families' happiness. The annual health benefits of the rule are enormous. EPA has relied on thousands of studies—thousands—that establish the serious and long-term impact of these pollutants on premature death, heart attacks, hospitalizations, pregnant women, babies, and children. Do West Virginians care about these kinds of things? I think they do.

Moreover, it significantly reduces the largest remaining human-caused emission of mercury, which is a potent neurotoxin with fetal impact. Maybe some can shrug off the advice of the American Academy of Pediatrics and many other professional medical and scientific groups, but I do not.

The rule has been in the works through a public process for many years. Some businesses—including some utilities in West Virginia—have already invested in technology and are ready to comply.

Others have not prepared because they have chosen to focus on profit rather than upgrading or investing in these smaller, older, and less-efficient coal-fired plants that were paid for decades ago and that they will tell us would be retired anyway.

That is right. Every single plant slated for closure in West Virginia was already on the chopping block from their own corporate board's decision.

It is important to be truthful with miners. It is sort of a forgotten art, and that is a travesty. We have to be truthful with miners that coal plants will close because of decisions made by corporate boards long ago, not just because of EPA regulations but because the plants are no longer economical as utilities build low-emission natural gas plants.

Natural gas has its challenges too, with serious questions about water contamination and shortages and other environmental concerns. But while coal executives pine for the past, the natural gas folks look to the future, investing in technology to reduce their environmental footprint, and they are working with others on ways to sup-

port the safe development of gas. We are all going to be watching that very closely, are we not?

It is not too late for the coal industry to step up and lead—leadership—by embracing the realities of today and creating a sustainable future. It has not been too late for a long time. Discard the scare tactics. Stop denying science. Listen to what markets are saying about greenhouse gases and other environmental concerns. Listen to what West Virginians are saying about their water, air and health and the cost of caring for seniors and children who are most susceptible to pollution.

Stop and listen to West Virginians—miners and families included—who see the bitterness of the fight we are having now and which has been going on forever. The bitterness of the fight has taken on more importance than any potential solutions. The point is put up block after block, which loses time after time, but at least they have a fight and something to scream about, all with no progress.

Those same miners care deeply about their children's health. They care about them. They are family people. I know that. I went there in 1964 and lived among miners for 2 years, and I have now lived among them ever since, closely and intimately. They care about what people all over the country care about. They care about the streams and mountains of West Virginia. They know down deep we can't keep to the same path. They are not allowed to say so, but they know that.

Miners, their families, and their neighbors are why I went to West Virginia. They are why I made our State my home. I have been proud to stand shoulder to shoulder with coal miners, and we have done a lot of good together over the years.

For more than 36 years, I have worked to protect the health and safety of coal miners, everything from the historic Coal Act back in 1992 to my safety laws, pensions and black lung benefits—always with miners' best interests in mind.

Despite what critics contend, I am standing with coal miners by voting against this resolution.

I don't support this resolution of disapproval because it does nothing to look to the future of coal. It moves us backward, not forward. Unless this industry aggressively leans into the future, coal miners will be the big losers.

Beyond the frenzy over this one EPA rule, we need to focus squarely on the real task of finding a long-term future for something called clean coal. That is possible. We have demonstrated that. That is being done in various places in the country right now. This will address legitimate environmental and health concerns and, of course, global warming and all that counts.

Let me be clear. Yes, I am frustrated with much of the top levels of the coal

industry, at least in my State of West Virginia, but most of the corporate headquarters are elsewhere. However, I am not giving up hope for a strong clean coal future. I am not giving up. To get there, we will need a bold partner, innovation, and major public and private investments.

In the meantime, we should not forget that coal-fired powerplants would provide good jobs for thousands of West Virginians. It remains the underpinning for many of our small communities, and I will always be focused on their future.

Instead of finger-pointing, we should commit ourselves to a smart action plan that will help with job transition opportunities, sparking new manufacturing and exploring the next generation of technology—not just be dependent upon coal but a lot of things.

None of this is impossible. Solving big challenges is what we do in West Virginia. I would much rather embrace the future boldly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, before Senator ROCKEFELLER leaves, I wish to take 30 seconds to say something. I believe that when the next historians write the book about leadership, courage, and integrity in the Senate, this speech will be featured in that book. I am so proud of the Senator from West Virginia.

How much time remains between the two sides?

The ACTING PRESIDENT pro tempore. The majority controls 36 minutes, the Republicans control 39 minutes.

Mr. INHOFE. It is our understanding we have approximately 42 minutes apiece and that we will go back and forth.

Mrs. BOXER. The Chair just said there is 39 minutes for the Republicans and 36 for us.

Mr. INHOFE. I like that.

Madam President, I yield to the Senator from South Dakota for 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Oklahoma for his leadership on this issue, for yielding the time, and I appreciate everything he has done to bring S.J. Res. 37 to the floor of the Senate.

As the father of two daughters, I want a cleaner, safer, healthier environment for their generation and for future generations. Thanks to the commonsense policies that balance economic growth with a cleaner environment, our country has made significant progress toward improving the quality of our air and water. We have made progress under Republican Presidents and we have made progress under Democratic Presidents. We have also made progress during Democratic control and Republican control of the Senate.

But what the Obama administration is doing with this regulation, and with many of the other policies that pertain to energy, is pursuing an ideologically driven agenda in which the costs far outweigh the benefits. He promised his energy plan would necessarily make electricity costs skyrocket, and his policies are clearly delivering on that promise.

A prime example of that flawed agenda is Utility MACT, which is the most expensive regulation in EPA's history, with an estimated cost of \$10 billion. These are costs that will be passed on to families and small businesses across the country at a time when we are experiencing the worst economic recovery in over 60 years.

We all know the statistics. Unemployment has been at 8 percent now for 40 consecutive months. Real unemployment is above 14 percent. There are 23 million Americans who are not working today, and 5.4 million Americans have remained out of work for over a year. Despite these facts, President Obama continues to push regulations such as Utility MACT that are going to make energy more expensive and, at the same time, destroy good-paying jobs.

According to the National Economic Research Associates, Utility MACT will cost between 180,000 and 215,000 jobs by the year 2015. When including President Obama's other regulations on the electric power sector, the United States stands to lose approximately 1.65 million jobs by the year 2020. We simply cannot afford these politically driven regulations at a time when 23 million Americans remain unemployed or underemployed.

Low-income and middle-class families are the ones who will be hit the hardest by the administration's actions. Families who earn less than \$50,000 already spend 21 percent of their income on energy costs compared to 9 percent for those making more than \$50,000. Now, thanks to the EPA's regulatory actions, those costs are going to go up an average of 6½ percent and as much as 19 percent in some areas. Middle-class incomes have already fallen by over \$4,300 these past 3 years, and now President Obama wants to further burden them with higher energy costs.

These higher energy costs are not some far-off projection. In many cases, these costs are already being realized. As an example, PJM, which is a regional transmission organization which coordinates the movement of wholesale electricity in 13 States and the District of Columbia, in its May 2012 capacity auction reported 2-year capacity price increases of 390 percent. PJM is reporting a nearly tenfold increase in wholesale energy costs in northern Ohio. According to one of their spokespersons,

Capacity prices were higher than last year's because of retirements of existing coal-fired generation resulting largely from

environmental regulations which go into effect in 2015.

The result could cause electricity bills across the PJM region to increase by up to \$130 and potentially much higher in places such as northern Ohio.

In addition to electricity rates, EPA's agenda will drive up the cost of food, transportation, fuels, and manufactured goods, as those costs get passed on across all the sectors of the economy. The end result is more pain for the middle class, slower economic growth, and fewer jobs.

The President likes to talk a lot about fairness, so I will ask my colleagues: Is it fair that unaccountable EPA bureaucrats are going to drive up utility bills by up to 19 percent? Is it fair manufacturers are going to have to pay higher energy bills rather than hire new workers? Is it fair that small towns across the Midwest are already being devastated by coal plant closings on account of regulations from the Obama administration? Is it fair that thousands of workers are going to be laid off and lose not only their paychecks but their employer-provided health care coverage as well?

For most South Dakotans and millions of hard-working taxpayers across the country, I believe the answer is that the consequences of these regulations are inherently unfair. They penalize hard-working middle-class Americans.

In the case of Utility MACT, consumers are going to pay a heavy price for President Obama's political agenda to restrict access to the abundant and affordable sources of domestic energy we possess in this country.

Most Americans believe regulations should work for consumers and not against consumers. Unfortunately, EPA bureaucrats have drafted the Utility MACT regulation in an inefficient and unworkable manner. Utility MACT's new source standards are so strict they cannot possibly be met.

According to the Institute of Clean Air Companies, the proenvironmental trade association comprising nearly 100 suppliers of air pollution equipment, Utility MACT makes it "nearly impossible to construct new coal-fired units because financing of such units requires guarantees from equipment suppliers that all emission limits can be met."

There has to be a better approach. S.J. Res. 37, which would force a rewrite of Utility MACT, is the only solution to address the rule's problems. It is time to rewrite Utility MACT in a manner that better balances economic growth with environmental protection.

I hope today we will have a majority of our colleagues here in the Senate who will support S.J. Res. 37. Doing so will send a strong message to the Obama administration that the Senate will not stand by and watch his regulatory agenda further hurt small busi-

nesses and middle-class families, making it more expensive and more difficult for businesses in this country to create jobs. That is the end result of this regulation. It is the end result of many of the energy policies and regulations coming out of this administration. That has to stop. We have to get Americans back to work. We have to get our economy growing again.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California, and the Senator from Maryland especially for his courtesy.

I would agree the EPA has become a happy hunting ground for goofy regulations. But as the late William F. Buckley once said, even a stopped clock is right twice a day. And on this rule—this clean air rule and the earlier interstate rule—I believe EPA is right.

The effect of upholding this rule will be to finally require that most coal plants everywhere in America will have to install two kinds of pollution control equipment: scrubbers and SCRs. This will basically finish the job of capturing sulfur and nitrogen oxides, fine particles, and the 187 toxic pollutants that were specifically identified by Congress in the 1990 Clean Air Act amendments.

The Tennessee Valley Authority has already committed to install this equipment by 2018. But TVA alone can't clean up Tennessee's air, because dirty air blows in from other States. So let me say what upholding this rule will do for the people of Tennessee.

First, it will hasten the day when Memphis, Chattanooga, and Knoxville are not three of the top five worst asthma cities—which they are today—and Nashville is not competing to be in the top 10.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article which appeared in the Tennessean this week by Dr. William Lawson of Vanderbilt University, who treats patients with respiratory diseases in Nashville.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. In the article Dr. Lawson says:

Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development.

Secondly, upholding this rule means that visitors will soon not even think

of calling the Great Smoky Mountains the Great Smoggy Mountains because it is one of the most polluted national parks in America. We want those 9 million visitors to keep coming every year with their dollars and their jobs.

Instead of seeing 24 miles on a bad air day from Clingman's Dome, our highest peak, this rule should mean we will gradually move toward seeing 100 miles from Clingman's Dome as the air cleans up and we look through the natural blue haze.

Third, this rule should mean fewer health advisory warnings for our streams that say "don't eat the fish because of mercury contamination." Half of the manmade mercury in the United States comes from coal plants, and as much as 70 percent of the mercury pollution in our local environment, such as streams and rivers, can come from nearby coal plants.

Fourth, we have seen that had Nissan been unable to get an air quality permit in Nashville in 1980, it would have gone to Georgia. And if Senator CORKER had not, as mayor of Chattanooga, improved the air quality in that city in the mid 2000s, the Volkswagen site there would be a vacant lot today.

We know every Tennessee metropolitan area is struggling to stay within legal clean air standards and we don't want the Memphis megasite to stay a vacant lot because dirty air blowing in from Mississippi and Arkansas makes the Memphis air too dirty for new industry to locate there.

We know these rules will add a few dollars to our electric bills, but in our case, most of that is going to happen anyway because the Tennessee Valley Authority has already agreed to put this pollution control equipment on its coal-fired powerplants. We know we can reduce the effect of these expenses on monthly electric bills because States may give utilities a fourth year to comply with the rule, and the President may, under the law, give them a fifth and sixth year. And Senator PRYOR and I intend to ask the President to give that fifth and sixth year to reduce costs on electric bills.

We know long term this rule will secure a place in America's clean energy future for clean coal. For example, the largest public utility, TVA, the largest private utility, Southern Company, both plan to put pollution control equipment on their coal plants and to make at least one-third of their electricity from coal over the long term.

In 1990—22 years ago—Congress told the EPA to make this rule when it passed the Clean Air Act amendments. In 2008, the Court told the EPA to make this rule.

Over the years, I have learned that cleaner air not only means better health, but also means better jobs for Tennesseans, and I am proud to stand up on behalf of the people of Tennessee to uphold this clean air rule.

EXHIBIT 1

[From the Tennessean, June 18, 2012]

AIR RULE WILL LITERALLY SAVE US

(By William Lawson, M.D.)

Power plant pollution makes people sick and can cut lives short. That is why cleaning up coal-fired power plants is a long overdue, lifesaving necessity that thankfully Sen. Lamar Alexander has embraced to secure both a healthy and sound economic future for our state.

I treat patients with asthma, chronic obstructive pulmonary disease (COPD), idiopathic pulmonary fibrosis and other lung diseases in those whose lungs are especially vulnerable to the power-plant emissions. But they are not the only ones at risk. My children and yours also are highly susceptible to the long-term repercussions of having to breathe dirty air growing up, which science tells us can prevent lungs from maturing properly. We desperately need Sen. Alexander and Sen. Bob Corker to ensure they receive protection from these toxic pollutants now, not years from now.

Protecting them is the recently adopted Power Plant Mercury and Air Toxics Standards, as required under the Clean Air Act. Astonishingly, a campaign is under way to block these public-health protections. Until these standards take effect, coal-fired power plants have no national limits on the amount of mercury or acid gases they may pump out of their smokestacks and into the air we breathe. These standards will prevent 370 premature deaths every year just in Tennessee and will provide \$3 billion in annual health benefits by 2016.

TVA is already well on its way to meeting these air standards, but some in the Senate are working to make it easier for corporate polluters to block the rule from ever taking effect.

Allowing the new emissions standard to move forward will prevent 130,000 asthma attacks and 11,000 premature deaths nationally every year. This reduction in harmful plant emissions will also eliminate 540,000 missed work days on an annual basis, thereby reducing health-care costs and enhancing our overall quality of life.

Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development. The public health benefits are just too significant to ignore. Healthy air and good health have a crystal-clear relationship.

Every day, I see in my patients how avoiding even just one asthma attack, acute respiratory infection or even the briefest hospital stay would dramatically enhance their quality of life. A healthier future is ours to have if we stand behind our leaders who are committed to make that tomorrow a reality.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I yield to the Senator from Wyoming, Mr. BARRASSO, for 9 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, if the Chair would please give me a warning when 1 minute remains, I would appreciate that.

Today I rise in support of the Inhofe Utility MACT resolution. This resolu-

tion protects communities and jobs in the West, the Midwest, and Appalachia, and specifically jobs that depend on coal. These communities depend on coal to heat and cool their homes at an affordable price, to power the factories where they work, and to generate revenue that creates additional jobs.

We are talking about affordable domestic coal that also pays for the mortgages on the family home, the clothes and food for children, and the medical care for grandparents. If the Utility MACT rule is allowed to proceed, it would mandate that virtually no new coal-fired powerplants could be built anymore in the United States, and many still in existence would have to shut down. It is painful to think about all of the folks who will be out of work, their bills mounting, their families losing their homes, and their future looking bleak.

Amazingly, the EPA does not dispute these outcomes. It does not dispute what I am saying. They know exactly what they are doing. Their ideology is more important to them than the living and breathing people of our coal communities.

Just ask the EPA Region 1 Administrator Curtis Spaulding, who was visiting with a group of students in Connecticut. What he went on to talk about was the fact that basically gas plants are the performance standards, which means if you want to build a coal plant, you have a big problem. He said this was a huge decision, when he was talking about these regulations that have come out from Lisa Jackson, the head of the EPA.

He went on to tell this group of students that in West Virginia, Pennsylvania, and all those places, you have coal communities that depend on coal. And to say we think those communities should go away? That is what he said. He said we have to do what the law and policy suggested. He said it was painful—it was painful every step of the way—but they did it anyway.

President Obama's heavy-handed EPA admits these communities in West Virginia, Pennsylvania, and many other States in the West, Midwest, and Appalachia "will just go away."

These are chilling words. The EPA is supposed to be about protecting people, protecting their communities, protecting their environment, and protecting their health. With the Utility MACT rule, the EPA is doing the opposite. They are making communities go away. They are hurting communities—communities of families, children, seniors, gone as a result of these regulations. How could one justify these actions?

Well, we are told there are enormous health benefits. They claim enormous health benefits to the public by the issuance of this rule. First of all, how do you protect something if the community is gone? So obviously these

folks in West Virginia and Pennsylvania are not the beneficiaries of EPA protection.

Second, the medical benefits of the rule come from reductions in particulate matter in areas of the country that are currently well within healthy thresholds set by the EPA. I will tell you, the EPA is cooking the books.

No, this rule does very little to protect the public health. In fact, it creates a health crisis in this country because of the additional unemployment—the unemployment this rule is going to cause in the West, the Midwest, and in Appalachia.

To highlight the point, on Monday of this week a number of us in the Senate who are physicians, who are doctors, sent a letter to President Obama.

I ask unanimous consent to have a copy of this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 18, 2012.

Hon. BARACK OBAMA,
President, United States of America,
The White House.

DEAR PRESIDENT OBAMA: We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question “What are the health impacts of unemployment?” Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our “second opinion”: EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

One of the centerpieces of your administration's efforts to stop American coal development is the Utility MACT rule—a rule that has such severe standards it will cause as much as 20 percent of the existing coal-fired power plant fleet to retire. Combined with numerous other actions by the Environmental Protection Agency (EPA), Interior Department, and Army Corps of Engineers targeting surface coal mining operations, these rules constitute an aggressive regulatory assault on American coal producers, which will hit areas of the heartland—the Midwest, Appalachia, and the Intermountain West—the hardest. The end result will be

joblessness across regions of the country whose livelihoods depend on coal development. Joblessness will lead to severe health impacts for communities in these regions.

With regard to the health benefits that EPA claims for Utility MACT, EPA's own analysis shows us that over 99 percent of the benefits from the rule come from reducing fine particulate matter (PM_{2.5}), not air toxics. But EPA also states that “[over 90 percent] of the PM_{2.5}-related benefits associated with [Utility MACT] occur below the level of the [NAAQS].”

Not only are PM emissions distinct from mercury and other toxics, but they are also subject to other regulatory regimes. For example, Section 108 of the Clean Air Act directs the EPA to set PM emission levels that are “requisite to protect the public health”. Thus, EPA is either double-counting the PM benefits already being delivered by existing regulatory regimes, or setting standards beyond those required to protect public health.

EPA estimates that the cost of the rule will be around \$11 billion annually, but that it will yield no more than \$6 million in benefits from reducing mercury and other air toxics. So by the agency's own calculations, Utility MACT completely fails the cost/benefit test.

When looking at this analysis, the only conclusion is that Utility MACT, as well as the many other EPA rules that cost billions but yield few benefits are not about public health. They are about ending coal development and the good paying jobs it provides.

We are not the only members in the medical field that are concerned about the effects of a jobless economy on the health and well being of Americans. Dr. Harvey Brenner of Johns Hopkins University testified on June 15th, 2011 before the Senate Environment and Public Works Committee explaining that unemployment is a risk factor for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as wealthier families.

Economists have also studied this issue. A May 13th, 2012 Op-Ed in the New York Times by economists Dean Baker and Kevin Hassett entitled “The Human Disaster of Unemployment” found that children of unemployed parents make 9 percent less than children of employed parents. The same article cites research by economists Daniel Sullivan and Till von Wachter who found that unemployed men face a 25 percent increase in the risk of dying from cancer.

These are just a few examples of the numerous reports warning of a looming public health crisis due to unemployment. A more thorough evaluation of this problem can be found in a recently released report entitled, “Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment” which we are including here for your review.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into the doctor's office. We respectfully ask that your agencies adequately examine the negative health implications of unemployment into the cost/benefit analysis of the numerous regulations that are stifling job growth, before making health benefit claims to Congress and the public.

We ask that instead of exacerbating unemployment and harming public health that you work with us in our efforts to implement policies that achieve true health benefits

without destroying jobs, and indeed American coal development, in the process.

Sincerely,

JOHN BARRASSO.
RAND PAUL.
TOM COBURN.
JOHN BOOZMAN.

Mr. BARRASSO. In this letter, we expressed our concerns about the impending health crisis the unemployment caused by the EPA's policies is having on families, children, pregnant mothers, and on the elderly. The letter reads in part:

We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question “What are the health impacts of unemployment?” Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

And that is the key—“and economic growth”—not economic destruction.

The letter goes on:

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our “second opinion”: EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

Later on in the letter we talk about the latest research on the health impacts of unemployment. A doctor from Johns Hopkins who testified last year before the Senate Environment and Public Health Committee explained that unemployment is a risk factor—a risk factor—for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as other families.

Economists have also studied this issue. On May 13, 2012, in the New York Times, is “The Human Disaster Of Unemployment.” That is what this EPA regulation is going to do today, cause additional human disaster for people out of work.

We included for the President a copy of a report I have written called “Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment.” Studies show EPA rules cost Americans their jobs and their health. This report contains the

latest research from medical professionals from Johns Hopkins, from Yale, and others that show that unemployment causes serious health impacts.

Unemployment has been rampant in this country under this administration, and it has been due in many ways to the mountains of job-crushing redtape from the EPA and other agencies. The EPA's Utility MACT rule will only make things worse for hard-hit areas in the West, Midwest, and Appalachia.

According to the Bureau of Labor Statistics, since 2008 Montana has lost 3,200 manufacturing jobs, Missouri 41,000, Ohio 100,000, Michigan 67,000 jobs lost, Pennsylvania 80,000, and West Virginia 7,000. Each one of these people who lost their job will be subjected to greater risks of cancer, heart attack, stroke, depression. There is a higher incidence, as we know, of spousal abuse, substance abuse in these families. As demonstrated by the latest research, their children will suffer, too, as medical costs pile up, as electricity bills to heat and cool their homes skyrocket, and the cost of everyday living continues to go up. The Utility MACT will only expose thousands more to these risks.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into their doctor's office. Instead of exacerbating unemployment and harming public health, this administration and this EPA need to work with Republicans—work together in our efforts to implement policies that achieve true health benefits without destroying jobs and, indeed, American affordable energy in the process.

We need to keep American energy and make American energy as clean as we can, as fast as we can, while still keeping good-paying jobs and keeping energy prices affordable. This is a recipe for a healthier, economically stronger country.

I urge a "yes" vote for the Inhofe Utility MACT amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield myself 1 minute, and I ask unanimous consent to have printed in the RECORD the following—an editorial written by the very type of companies my friend Senator BARRASSO mentioned who have said they are just fine with the EPA's new air quality regulations. Do you know why? Half of the coal-fired utilities have already made these adjustments. They are clean. And if it is up to Senator BARRASSO, the other dirty plants will keep on spewing forth the most toxic and dangerous pollutants.

The other is a new poll taken in March of this year which shows that 78 percent of likely voters have asked us to get out of the way and let the EPA do its job in controlling industrial and

power-sector mercury and toxic air pollution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 8, 2010]

WE'RE OK WITH THE EPA'S NEW AIR-QUALITY REGULATIONS

Your editorial "The EPA Permittorium" (Nov. 22) mischaracterized the EPA's air-quality regulations. These are required under the Clean Air Act, which a bipartisan Congress and a Republican president amended in 1990, and many are in response to court orders requiring the EPA to fix regulations that courts ruled invalid.

The electric sector has known that these rules were coming. Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants. For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost efficiently control such emissions, including mercury and acid gases. The EPA is now under a court deadline to finalize that rule before the end of 2011 because of the previous delays.

To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old and inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

The time to make greater use of existing modern units and to further modernize our nation's generating fleet is now. Our companies are committed to ensuring the EPA develops and implements the regulations consistent with the act's requirements.

Peter Darbee, chairman, president and CEO, PG&E Corp.; Jack Fusco, president and CEO, Calpine Corp.; Lewis Hay, chairman and CEO, NextEra Energy, Inc.; Ralph Izzo, chairman, president and CEO, Public Service Enterprise Group Inc.; Thomas King, president, National Grid USA; John Rowe, chairman and CEO, Exelon Corp.; Mayo Shattuck, chairman, president and CEO, Constellation Energy Group; Larry Weis, general manager, Austin Energy.

[From the American Lung Association, Mar. 21, 2012]

NEW POLL SHOWS THE PUBLIC WANTS EPA TO DO MORE TO REDUCE AIR POLLUTION

VOTERS SUPPORT SETTING STRONGER CARBON POLLUTION STANDARDS TO PROTECT PUBLIC HEALTH

WASHINGTON, DC.—As big polluters and their allies in Congress continue attacks on the Clean Air Act, the American Lung Association released a new bipartisan survey examining public views of the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) efforts to update and enforce lifesaving clean air standards, including carbon and mercury emissions from power plants.

The bipartisan survey, conducted by Democratic Research polling firm Greenberg Quin-

lan Rosner Research and Republican firm Perception Insight, finds that nearly three-quarters of likely voters (73 percent) nationwide support the view that it is possible to protect public health through stronger air quality standards while achieving a healthy economy, over the notion that we must choose between public health or a strong economy. This overwhelming support includes 78 percent of independents, 60 percent of Republicans and 62 percent of conservatives, as well as significant support in Maine, Pennsylvania and Ohio.

The Obama Administration will soon release updated clean air standards for carbon pollution emitted by power plants, and a substantial majority of voters support the EPA implementing these standards, even after hearing opposing arguments that stricter standards will damage the economic recovery. Initially, 72 percent of voters nationwide support the new protections on carbon emissions from power plants, including overwhelming majorities of both Democrats and Independents and a majority of Republicans.

After listening to a balanced debate with message both for and against setting new carbon standards, support still remained robust with a near 2-to-1 margin (63 percent in favor and 33 percent opposed). Support remained especially robust in Maine and Pennsylvania (64 percent in each state). The majority of Ohio voters (52 percent) also favored new carbon standards, which is notable since the poll was conducted during a period of heavy media attention concerning statewide electricity rate increases and potential power plant shutdowns.

"This bipartisan poll affirms that clean air protections have broad support across the political spectrum," said Peter Iwanowicz, Assistant Vice President, National Policy and Advocacy with the American Lung Association. "Big polluters and their allies in Congress cannot ignore the facts; more air pollution means more childhood asthma attacks, more illness and more people dying prematurely. It's time polluters and their Congressional allies drop their attempts to weaken, block or delay clean air protections and listen to the public who overwhelmingly wants the EPA to do more to protect the air we breathe."

Voters also voiced strong support for stricter standards to control industrial and power sector mercury and toxic air pollution. When asked about setting stricter limits on the amount of mercury that power plants and other facilities emit, 78 percent of likely voters were in favor of the EPA updating these standards.

Strong support was also seen for stricter standards on industrial boilers. Initially, 69 percent of voters supported the EPA implementing stricter standards on boiler emissions. After hearing messaging from both sides of the issue, voters continued to support these standards by nearly a 20-point margin (56 percent favor, 37 percent oppose).

Key poll findings include: nearly three quarters (73 percent) of voters say that we do not have to choose between air quality and a strong economy—we can achieve both; a 2-to-1 majority (60 to 31 percent) believe that strengthening safeguards against pollution will create, rather than destroy, jobs by encouraging innovation; about two-thirds of voters (66 percent) favor EPA updating air pollution standards by setting stricter limits; 72 percent of voters support new standards for carbon pollution from power plants and support is strong (63 percent) after hearing arguments from both sides of the issue;

60 percent of voters support stricter standards for gasoline and limits on the amount of tailpipe emissions from cars and SUVs (particular strong given all the recent attention to high gasoline prices).

Despite more than a year's worth of continued attacks on clean air protections from big corporate polluters and their allies in Congress, voters across the political spectrum view the Clean Air Act very positively; with a 2-to-1 favorable to unfavorable ratio. At the same time, feelings toward Congress continue to drop, especially among Democrats and independents. Just 18 percent of voters nationally give Congress a favorable rating, while 56 percent rate Congress unfavorable. The unfavorable rating of Congress is up 9 percent since the American Lung Association's last survey released in June 2011.

"The survey clearly indicates that voters reject the notion that we have to choose between strong safeguards against air pollution and economic growth," said Andrew Bauman, Vice President at Greenberg Quinlan Rosner Research. "In fact, voters overwhelmingly believe that stronger safeguards against air pollution will create jobs in America."

"The poll does show there is broad support across partisan lines for new carbon regulations on power plants," said Marc DelSignore, President of Perception Insight. "However, there is a significant difference in the views regarding the impact regulations may have on the economy, with Republicans expressing higher concern for possible job loss and rising energy prices than Democrats or independents."

This resolution of disapproval goes against 78 percent of the American people. They are no fools. I heard a second opinion? I have got a third opinion, and my third opinion is that if you look at this poll, you understand that the American people get it. They know the technology exists, and they know these improvements can be made. They know there are jobs created when best-available control technology is put in, and they are opposed to this kind of resolution that would roll back the clock and continue our people breathing in toxins.

Mr. INHOFE. Will the Senator yield?

Mrs. BOXER. I won't yield because Senator CARDIN is waiting. I yield to Senator CARDIN 6 minutes, and then I will yield to the Senator on his time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, first I want to thank Senator BOXER for her extraordinary leadership on these issues.

I invite my friend from Wyoming to come to Glen Burnie, MD, and see the 12,000 megawatt Brandon Shores powerplant which it is not only operating, but it is in full compliance with Maryland's healthy air law that is very similar to the proposed regulations we are debating today. That powerplant didn't close. It made the investments so that we have a clean energy source and in the process created 2,000 jobs in modernizing that powerplant.

That is why we have many companies that support the regulation, because they know it is going to mean more

jobs—including Ceres and American Boiler Manufacturers Association, as well as companies such as WL Gore.

I want to thank Senator ROCKEFELLER for his extraordinary statement. I was on the floor listening to him speaking on behalf of the people of West Virginia. They are interested in a clean economy, good health, and jobs.

I want to thank Senator ALEXANDER for speaking up for the people of Tennessee, because he understands the importance of sensible air quality standards.

I want to speak on behalf of the people of Maryland, on behalf of the families I have the honor of representing in the Senate.

This is the week that summer camps start. Some parents are going to have to make a decision, when we have a day that is rated as a code orange or a code red because of air quality issues concerning ground-level ozone, as to whether they are going to send their child to camp that day if that child has a respiratory issue, an asthma issue, as to whether that child should be outdoors during that day when we have these air quality warnings. If the parent decides to keep the child at home, they have lost that day of camp and the cost of that day of camp. They have lost a day of work, because somebody is going to have to stay at home with the child. If they send the child to camp and they have an episode, they may be one of the over 12,000 children who will end up in emergency rooms as a result of dirty air that could be cleaned up by the passage and enactment of these regulations.

The chairman of the Environment and Public Works committee can tell us chapter and verse about the number of premature deaths and those with chronic bronchitis. These toxins that are going into our air cause cancers and neurological developmental and reproductive problems. It is particularly dangerous for children. And the source? Powerplants that have not put in the investment for clean air.

This is doable. It has been done in Maryland and in many powerplants around the Nation. In fact, my State—concerned about our children, concerned about our health—passed the Maryland Healthy Air Act, and the mercury standards in that legislation are very similar to what these regulations would require. Maryland has reduced its mercury and its SO_x and NO_x emissions from the 22-percent level, 90 percent mercury, 80 percent sulfur dioxide, and 70 percent NO_x. And it helped our economy, as I have already pointed out, in the Brandon Shores work that was done.

But here is the challenge we have in Maryland. Maryland's experience shows that an aggressive timeline is not only achievable but it is also desirable. Powerplants are capable of meeting aggressive timelines, and the bene-

fits are unparalleled. Air pollution control protects public health and saves billions of dollars associated with medical costs. The Environmental Protection Agency is required to do a study of cost benefit: How much cost for how much benefit? For every \$1 of compliance cost, we save \$3 to \$9 for our economy. That is a great investment. We like those types of investments.

The Maryland experience also shows that we need a national standard to effectively address air pollution. Maryland has done what is right, but our children are still at risk. Why? Because air pollution knows no State boundary. We are downwind. We have done what is right, but our children are still at risk. That is why we need these standards. We showed that you can do it in a cost-effective way, creating jobs for our community. You can have a clean environment, you can have a growing economy. In fact, you can't do it without it. And that is what these regulations are about.

As Senator ALEXANDER said, we have been waiting 20 years for these regulations. In 1990, Congress passed the Clean Air Act. In 2008, our courts said we can't delay it any longer.

It is our responsibility to protect the public health. It is our responsibility to do what is right. I urge my colleagues to reject this resolution that would deny us the opportunity of protecting our public health.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I heard the Senator from California talk about 78 percent of the people in this country want to reduce mercury. I am part of that 78 percent. The problem is this bill does not address that. By their own numbers, the EPA said the cost is around \$10 billion. Of that, less than \$6 million would be addressing mercury. The rest of that is in particulate matter, something already recognized under the Clean Air Act.

I yield to the junior Senator from West Virginia for 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today to speak in favor of the congressional resolution of disapproval that Senator INHOFE has filed under the Congressional Review Act to stop the EPA from implementing one of the most expensive rules in recent memory. I thank my colleague, Senator INHOFE, for introducing this important resolution to send a message to the EPA.

I would like to say a few words about the little State of West Virginia that does the heavy lifting that helps this entire Nation. We mine the coal, we make the steel, we have done just about everything we possibly can. We probably have more people serving in the military, percentage-wise, than

any other State. We have given our all for this great country, and we will continue to do the heavy lifting. But what we have to do is make sure the EPA, make sure this government is working with us, not against us. The Government's role is to be a partner, not an adversary but an ally. We are asking the government to work with businesses, not against them. Their actions will put thousands of hard-working Americans out of a job in the worst economy in generations.

Do not raise electricity rates on the consumers who can barely afford their monthly bills today as it is. It is mostly our seniors and people struggling with their families trying to make a living. The economic reality is that the environment and economy have to work hand in hand. It has to be in balance.

From the day I arrived at the Senate, I have been determined to stop the EPA's job-killing agenda, and this resolution of disapproval takes an important step to rein in this out-of-control agency. In the State of West Virginia, like most States, we do our rules and regulations through a legislative process. People have to vote. We do not give bureaucratic agencies the right to set policy. The people have given us that responsibility and right as elected leaders to set the policy. That is what we are asking. We have this agency stepping way beyond its boundaries, further than our Founding Fathers ever intended, that is putting an absolute burden on the backs of every American.

Along with a handful of other rules on the verge of being implemented or already in place, the Utility MACT rule would cost the economy over \$275 billion over the next 25 years, according to the Electric Power Research Institute. The Utility MACT could cost 1.3 million jobs over the next two decades, according to the National Economic Research Association.

On the issue of Utility MACT, I have heard from thousands of West Virginians in the past several weeks. In fact, just yesterday I had 45 of my constituents from Boone County, WV, get on a bus, 756 miles, drive all day to get here to be able to speak to some of us, and drive last night to go back home. That is how committed and dedicated most of them are. They had either worked in the mines or were working in some aspect of mining.

People think mining is just coal mining and coal mining only. It is not. The energy business is basically—if people work in a battery factory or a machine shop, if they work in any type of ancillary jobs, the ripple effect to their economy is unbelievable. If they work in a powerplant—these people were scared to death because all they hear every day is they are going to lose their jobs because the government is going to shut them down and work against them.

About three-fourths of the miners in that room had already been laid off. They are fighting for their jobs. They brought their families and children with them. They wanted to make sure we could put the faces of real people on what is happening.

Our coal miners are the salt of the Earth. They work so hard to provide energy for our country and provide for their families. They do not want a handout. All they want is a work permit. That is all they have asked for. Now is not the time to pull the rug out from under them and make them worry about how they will pay their bills and feed their family.

I believe this country needs to strike a balance, and I have said that before. Our lives are about balance. Every day people get up in the morning they look for a balance in their lives. They look for a balance in how they can run their business, how they can make a living. That is what we need to find in this body today. The EPA has truly gone too far.

We have heard so many different testimonies about that. That is why I will be casting my vote in favor of this resolution by Senator INHOFE to disapprove of the new rules, and I urge all my colleagues to do the same. I truly believe energy is an issue where we can bring thoughtful members of both parties together to work out solutions.

Let me point out an important example. In the time I served, I learned that many of my colleagues know of West Virginia only as a coal State. They have no idea what we do and how we do it. This past weekend I wanted to make sure they understood that not only do we do coal, we do wind, we do hydro, we do natural gas with the Marcellus shale—a tremendous find—we do biomass, we do everything we can, and we think every State should be held accountable and responsible to try to be energy independent and do it in the most environmentally friendly way.

This weekend I invited leaders of the Energy Committee, Senators WYDEN and MURKOWSKI, a Democrat and a Republican, to spend a weekend with me to tour our State to see how West Virginia's all-in policy for energy works. One of them will likely be the next chair of Energy and Natural Resources, but I assure you both of them will work as a team trying to find policy that works for this country. You will hear both of them say one size doesn't fit all. We need everything. We need a comprehensive energy plan for this country—which brings me to our recent visit to West Virginia.

They saw how we are using an "all-of-the-above" approach. In the eastern part of our State we stopped at Mount Storm. They saw a 265-megawatt wind farm. They saw a 1,600-megawatt coal-fired plant with the most modern technology that cleans the air up to 95 percent. They saw it all. When the wind is

not blowing, basically they saw there was no power generated—especially in the hot summer or the cold winter.

Basically what we are saying is we are doing everything we possibly can. We will continue. In short, we saw a little bit of everything that can be done if we work together. I think it should be a bipartisan effort to find a solution. We cannot keep fighting each other, and agencies cannot keep controlling what we are not legislating. If it has not been legislated, it should not be put into law until we are able to evaluate it.

I appreciate what is being done today, the bipartisan effort we are talking about. We have our differences, but we can come together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think when the Senator talks about balance, he ought to recognize that one-half of the coal-fired utilities have already made these adjustments, they have reported to us, with very little impact to electricity rates.

I yield 5 minutes to Senator SANDERS.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, let me begin by saying I suspect that I have the strongest lifetime proworker voting record in the Senate. I want to create jobs, not cut jobs. What Senator BOXER and Senator CARDIN and others are talking about is creating meaningful, good-paying jobs as we retrofit coal-burning plants so they do not poison the children of Vermont and other States around the country.

So to Senator INHOFE and others, I say respectfully: Stop poisoning our children. Let them grow up in a healthy way.

The Clean Air Act is set to cut mercury pollution by 90 percent using technology that is available right now. That would be good news since the Centers for Disease Control and Prevention say mercury can cause children to have "brain damage, mental retardation, blindness, seizures, and the inability to speak."

We get exposed to mercury simply by eating fish contaminated with it, and we have seen fish advisories in 48 out of the 50 States in this country. Wouldn't it be nice if the men and women and the kids who go fishing could actually eat the fish they catch rather than worry about being made sick by those fish?

Powerplants are responsible for one-third of the mercury deposits in the United States, but Senator INHOFE's resolution would let them keep right on polluting. His resolution would also eliminate protections against cancer-causing pollutants such as arsenic, as well as toxic soot that causes asthma attacks. Leading medical organizations, including the American Academy of Pediatrics, the American Lung

Association, the American Heart Association, and the American Nurses Association have said "Senator INHOFE's resolution would leave millions of Americans permanently at risk from toxic air pollution from powerplants that directly threaten pulmonary, cardiovascular and neurological health and development."

That is not BERNIE SANDERS saying that; it is the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association.

We are talking about preventing thousands and thousands of premature deaths. We are talking about preventing heart attacks. We are talking about what is a very serious problem in my State, and that is asthma. Maybe Senator INHOFE would like to join me in the State of Vermont—I go to a lot of schools and I very often ask the kids and ask the school nurses how many kids are suffering with asthma, and many hands go up. Thank you very much. We do not want to see more asthma in Vermont or in other States that are downwind.

We hear a lot from some of our Republican friends about jobs. The truth is if we are aggressive in cleaning up these coal-powered plants, we can create, and we have already seen created, many good, decent-paying jobs. In fact, if we invest—if the utility industries will invest in pollution controls, we can create almost 300,000 jobs a year for the next 5 years—meaningful, good-paying jobs making sure that our air is cleaner and that our people do not get sick.

Let's talk about job creation and cleaning up our environment. This is not just theory. I am the chairman of the Clean Jobs Subcommittee. We heard from Constellation Energy, which installed pollution controls at their 1280-megawatt coal plant in Maryland that cut mercury emissions by 90 percent. This \$885 million investment created at its peak 1,385 jobs on-site at the plant for boilermakers, steamfitters, pipefitters, operating engineers, ironworkers, electricians, carpenters, teamsters, laborers—just the kind of jobs we want to create. The American people know we have to rebuild our infrastructure. We can create jobs doing that. This is one of the areas where we can create decent-paying jobs and help keep our kids from getting sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SANDERS. I urge very strongly a "no" vote against the Inhofe resolution.

Mr. INHOFE. Madam President, I yield 5 minutes to Senator RISCH.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Madam President, I come to the floor this morning to urge an af-

firmative vote for Senator INHOFE's resolution. With all due respect to my friend from Vermont, this is not a job-creating bill. Virtually everyone who has looked at that has said this will kill jobs; this will move jobs overseas. Everyone who has looked at this has said it will increase the cost of energy for the American taxpayer.

It does two things: It kills jobs and it increases the cost of energy. Why would anyone vote for this? This is absolute foolishness. Today, Americans are concerned about jobs—they are really concerned about jobs. Everywhere I go, people ask me about jobs. They ask me about the economy.

Today, we, as Senators, have the opportunity to do something about that. The failure of this resolution and the implementation of the rule the EPA has put in front of us is going to kill jobs and is going to increase the cost of energy in America. It is going to do precisely what so many Senators come to the floor and whine about; that is, run jobs overseas.

If you are a job creator, if you are someone thinking of investing, if you are someone who wants to move the American economy forward, you look at every single aspect of it. When you see something like this—and it is not just this, it is this and a parade of never-ending rules and regulations that kill jobs and increase the costs for the job creators—these are things that clearly urge job creators to create jobs in a place other than America. That is just flat wrong.

That is not what I am here today to talk about primarily. What I am here today to talk about is the way we are going about it. The Founding Fathers did a good job when they set up our government. Indeed, out of the thousands of governments that have been created over the years, most of which have failed, only one has had the success our Founding Fathers had. They created a government out of fear of government. They didn't create a government that said: How can we do this? How can we do that? They were interested in keeping government away from them, keeping government away from their jobs, from their businesses, and from their investments. That is what they wanted to do, and it worked for about 200 years. For about 200 years the Federal Government left the American people and the job creators alone.

Today, over the last 3½ decades or so, the Federal Government has stuck its nose into every single aspect of our lives, and here we go again. What we have here is the Federal Government using its power and its regulatory process to get its nose into places where it should not be. This is the job of Congress. It is not the job of the bureaucracy to pass these kinds of laws. This isn't a rule or a regulation as the Founding Fathers anticipated these sorts of things. The Founding Fathers

set this up with three branches of government to fight with each other so they would leave the American people alone. They said the job of creating laws, the job of creating regulations, the job of creating rules was the job of the Congress.

Somewhere along the line, we have lost our way. Last year the Congress passed about 2,000 pages of legislation, and that included the spending bills. Last year the bureaucracy passed about 70,000 pages of rules and regulations that have the same force and effect as law.

The Congress has lost the ability to pass the laws that govern conduct in the United States. People will argue, yes, but Congress won't do it; Congress won't act. That is precisely the point. We were elected by the American people to act or not act as is appropriate. When we don't act, when we don't do something, it is just as important as when we do something. Indeed, I would argue many times more important. Well, what it has come to today is 2,000 pages versus 70,000 pages.

In Idaho we had the same problem for a lot of years. In Idaho it was the same way. The bureaucracy could pass a rule or regulation that had the force and effect of law.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. RISCH. We have changed that and gotten it to where the legislature has full control. This has to change. Congress has to take back its ability to handle the law as it is imposed and the burden that is imposed on the American people.

I yield the floor.

Mrs. BOXER. I yield 4 minutes to the Senator from Delaware, Senator CARPER.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. While our friend from Idaho is trying to leave the Senate floor, I want to say that the Congress did act. Harry Truman said the only thing that is new in the world is the history we never learned or forgot. The Congress did act with a Republican President, a guy named George Herbert Walker Bush. It was passed overwhelmingly in the House and in the Senate and supported, as I recall, by those of us here on the Senate floor today.

I will go over a little history here. In 1990, the Clean Air Act said: Look, there are problems with toxic air emissions. We are not sure where they are coming from, but let's spend a little bit of time and have the EPA figure it out. They spent 10 years trying to figure it out. In the last year of the Clinton administration, the conclusion was reached that a lot of the toxic air emissions such as mercury, arsenic, heavy metals, acid gases, come from utilities. A lot comes from utilities.

In 2001, the brand new Bush administration said: Well, let's go to work and

figure out what to do about it. Five years later in 2005, the Bush administration said: Here is a rule to deal not with the 70 toxic emissions but with one, mercury. Just one. Immediately lawsuits were filed, and in 2008 the Federal courts said: What about the other 70 toxins? They didn't do anything about the other 70 toxins. What they did with mercury was a cap-and-trade system which doesn't work for mercury. The courts remanded it to the EPA and said: Let's try that again.

Senator ALEXANDER has been heroic on these issues. And while I have worked literally for years to try to make sure the Congress provided some leadership—we do see toxic air emissions from sulfur dioxide and nitrous oxide as well—there is not an appetite with the utilities to actually support legislation.

We finally gave it a great try in 2010. My friend Senator INHOFE was part of the effort to get legislation enacted. Finally, I think the utilities said we would rather take our chances on an election and see what the election yields and see if we have to deal with the EPA. Well, we had an election and now the courts are saying: EPA, you have to rule. You have to provide leadership, and the EPA has done that. It is not as if they are jamming it down anybody's throat.

Senator ALEXANDER and I offered legislation that said by 2015 there has to be a 90-percent reduction in mercury. What the EPA has said is by 2015, there has to be a 90-percent reduction plus they need to address a bunch of other toxic emissions. The EPA said the States can give an automatic 1-year extension. If utilities have problems with getting this done by 2016, they can apply for another 2-year extension. This started in 1990. It is 2012. When we play out the string, it could be as late as 2018 to comply.

In the meantime, States including Delaware, Maryland, Pennsylvania, New Jersey, and a bunch of us on the east coast, are downwind of all the States that put up the pollution in the air. We have to breathe it.

Look, the technology exists to fix this problem. Fifty percent of the utilities have already applied the technology. It works. It is broadly deployed. Most utilities have the money to pay for this. If they don't, they have the ability to raise capital.

There are tens of thousands of workers who wish to do this work. The idea that we have to choose between a stronger economy and a cleaner environment is a false choice. It has always been a false choice, and it is a false choice here today.

I am a native of West Virginia. After my dad finished high school, he was a coal miner for a short time, so I have relatives back in West Virginia. I care a lot about the State and the people who live there. I want to make sure we

do whatever is fair to them. I want to thank JAY ROCKEFELLER for stepping up for West Virginia and being a hero here today.

I yield the floor.

Mr. INHOFE. Madam President, I wish to yield 5 minutes to the Senator from Missouri, Mr. BLUNT.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Madam President, I thank the Senator for this time. I rise in support of this resolution. We have only been able to use the Congressional Review Act successfully one time, and I think that means at some point we need to look at the Congressional Review Act because these regulations often don't meet the commonsense standard, and this is one of them. However, it appears to meet the standards that the President would want his regulators to meet.

In fact, in January of 2008, the President—while running for President—said that coal-fired plants would go bankrupt. He said later in the campaign that electricity rates would necessarily skyrocket under his plan to tax greenhouse gas emissions through what was then the cap-and-trade system. The House passed that system in 2009.

Missouri utilities all went together, including the rural electric cooperatives, the for-profit utilities, and the municipal utilities and paid for a study in our State, which is in the top six States of dependence on coal. That study indicated that the average utility bill would go up 82 percent in the first 10 years and double shortly after that. You don't have to be a genius to get your utility bill out and multiply it by two. If it is your utility bill at home, it may be a utility bill you cannot pay. If it is your utility bill at work, it may mean that your job is no longer there because the utility bill went up. That House-passed bill would have had that result in our State. There are five States that are more dependent on coal than we are for utilities.

The Senate then rejected the cap-and-trade bill, and thank goodness it did. But when it did, the President said there are other ways of "skinning the cat." He said there are other ways besides just an "all-of-the-above" energy policy. His administration has bypassed the Congress, bypassed the will of the American people, and they are clearly trying to do by regulation what I believe the Congress would now never do. Once the American people figured out that cap-and-trade and policies such as this would have this devastating impact on their utility bill—about 50 percent of all of the utilities from the middle of Pennsylvania to the western edge of Wyoming are coal-generated utilities. Once people figured that out and the impact it had on their ability to have a job and their ability

to do what they need to do at their house, they didn't want to do it.

With this rule the EPA has finalized a regulation that would require power companies to reduce emissions in a period that is unrealistically short. A 3-year timeframe means that many power-generated facilities don't reduce emissions, they close the plant. What this stands for is an assault on coal and coal-based utilities. The Administrator of the EPA, Lisa Jackson, said recently that the current challenges for the coal industry are "entirely economic." That is what she said, "entirely economic." I don't know how anyone who is paying attention to the EPA, to regulations, or to the price of coal, could say that the problems are entirely economic. They are not economic at all. We have more recoverable coal than anybody in the world. We now think we have more recoverable natural gas than anybody in the world.

By 2016, under the current EPA rules that are out there, plus this one, our utilities in our State would go up as much as 23 percent for the average Missourian, and more than that for some people in parts of our State. That is a 23-percent increase on your utility bill by 2016.

The estimates are that by 2020, we will lose 76,000 jobs because of that increase in utility rates. Where are those jobs going to go? They are not going to go to California or Massachusetts or somebody who has bills higher than ours today. They are going to go to places that care a lot less about what comes out of the smokestack than we do.

Last year in States where coal generated at least 60 percent of the electricity, consumers paid 30 percent less in energy prices than States that used less coal for their electricity. And in our State, as I said, 82 percent of our electricity comes from coal.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BLUNT. I urge my colleagues to vote for the issue before us that says we don't want to have this rule. We want to do the right thing, not the wrong thing.

I thank the Senator for this time.

I yield the floor.

Mr. LEAHY. Madam President, the Senate will vote today on whether to proceed to a congressional resolution of disapproval that I strongly oppose. This resolution would repeal the Environmental Protection Agency's mercury and air toxics standards rule and undo the great strides the Agency has taken to safeguard the public's health and welfare and our quality of life in this great land.

The EPA's mercury and air toxics standards represent a true breakthrough in environmental policy. This rule offers clear benefits to every American, and it is especially important to Vermonters, who

disproportionally suffer from the devastating effects of mercury and other toxic air pollutants. Although my home State has no major sources of mercury, Vermonters have been besieged by this insidious poison, which drifts across our borders from other States.

The EPA estimates that each year, toxic air pollutants cause up to 11,000 premature deaths, 4,700 heart attacks, and 130,000 cases of childhood asthma, among other illnesses. Mercury, a truly unwelcome addition to our daily lives, has had catastrophic effects on the health and well-being of all Americans, as well as a ruinous impact on our Nation's pristine natural environment. There is no known safe level of exposure to mercury; it is harmful to humans in even the smallest amounts. Tragically, mercury's most devastating effect is on those victims least able to protect themselves: unborn and newborn children. Mercury has been shown to cause developmental disabilities and brain damage, resulting in lowered IQ's and learning problems, such as attention deficit disorder. Sadly, these effects are permanent and irreversible. They lead to a lifetime of trips to the emergency room, costly medical interventions, personal and family heartbreak, and lost potential.

The American people want their air and water to be cleaner and healthier and most certainly free of toxic pollutants. Vermonters and Americans want this for all of us. Safe water and safe air to breathe should be a valued legacy of our lives in this blessed Nation. We also know that protecting the weakest and most vulnerable members of our society is among Congress's most solemn duties. This resolution of disapproval undermines that goal. Why should one more child struggle to breathe and gasp for air when such suffering is preventable? Why should one more parent die a premature death? Congress should not meddle in this vitally important issue literally, for many, an issue of life or death or chronic illness. If the EPA's mercury and air toxics standards are repealed, the simple reality is that it will be somebody's loved one who pays the price, and the price they pay may be irreversible.

During the Bush administration, I offered my own Congressional Review Act joint resolution of disapproval, known as the Leahy-Collins resolution, to contest an EPA mercury rule that was far too weak and failed to protect the American people. It is hard to believe that now, almost 7 years later, this issue is still unresolved and we are fighting to save an EPA rule that is fair, just, science-based, and reasonable. A sound environmental policy that protects our citizens from the hazards of mercury and air toxics is long overdue.

In addition to the numerous health benefits that removing these toxics

would mean for our citizens, both young and old, the EPA's mercury and air toxics standards would protect America's precious waterways, making them accessible to the sport fishermen of today and for countless generations to come. Today, large game fish from every body of water in Vermont, including our State's greatest lake, Lake Champlain, are so heavily contaminated with out-of-State mercury that people must be warned against eating them. In fact, all 50 States have issued fish consumption advisories, warning citizens to limit how often they eat certain types of fish because they are contaminated with mercury. Let me repeat that. Because of mercury contamination, every State of our great Nation today warns its citizens to limit how often they should consume certain kinds of fish. We can change that. We should change that. We must change that. Environmental standards can and have made tremendous differences in our lifetimes in virtually eliminating such toxics as the fumes from the burning of leaded gasoline, which only recently was ubiquitous on our streets and around our homes. We must do the same to begin ridding poisonous mercury from our air and water.

Without these standards, powerplants will continue to spew tons of mercury and other toxic air pollutants into the air. Without these standards, this preventable, slow-motion tragedy will continue to unfold despite the fact that the pollution control technology mandated by this rule is already widely available, affordable, and in use in many coal-fired powerplants throughout the Nation. Thirty-three percent of older powerplants have already installed lifesaving technology which allows them to comply with the EPA's emission limits, and a full 60 percent already comply with the EPA's mercury limit. This resolution of disapproval would be especially ill-advised because it would unjustly punish companies that have taken steps to do the right thing, while rewarding those that have shirked their responsibilities, endangered countless lives, and imperiled the environment.

As another great benefit to the American people, industry-wide adoption of innovative pollution control technology would stimulate investment in the economy, job creation and greater productivity. The updated standards will create thousands of long-term jobs for American workers. These workers will be hired to build, install, and, ultimately, operate the machinery that will reduce health-threatening emissions. The EPA estimates that implementing this rule will mean jobs for tens of thousands of hard-working Americans, including 46,000 construction jobs and 8,000 long-term utility jobs. When added onto the health benefits, these standards will

have an annual estimated benefit of \$37 to \$90 billion dollars. Green jobs are not just good for the environment in which we live, work, and breathe, they are good for the economy and good for America.

I hope that when Senators consider this resolution of disapproval, they remember that its passage would prevent the EPA from issuing any standards in the future that were substantially similar to the current mercury and air toxics standards. As a result, Americans would continue to be put at risk from the debilitating and sometimes deadly effects of air pollution pumped into America's air by energy companies and other sources. Regrettably, this threat to human health and the environment would continue indefinitely because the resolution of disapproval would strip the EPA of essential tools to address these hazards.

The value of these tools is as incalculable as the value of human life and the health of our families. Make no mistake about it: Investing in the new technology mandated by the EPA's mercury and air toxics standards will save countless lives and will improve the quality of the environment of our communities for years to come. We owe it to ourselves and we owe it to future generations of Americans to make this investment now.

Mr. LEVIN. Madam President, our country's economy and competitiveness in global markets depends on access to affordable energy resources, including electricity that powers our manufacturing plants and keeps businesses operating throughout the Nation. Additionally, affordable electricity is vital to the health, safety, productivity, and quality of life of American families, as well as keeping their budgets in check.

Generating this vital power, however, has come at a cost to our public health and to the environment. Coal- and oil-fired powerplants account for about half of the Nation's mercury emissions and more than half of the country's acid gases. Powerplants also contribute about one-quarter of our Nation's particle pollution. These emissions from powerplants can cause damage to brain development, premature death, asthma, heart attacks, and other health complications with the heart and lungs.

Under the authority of the Clean Air Act Amendments of 1990, on December 21, 2011, the Environmental Protection Agency, EPA, announced its final rule to establish technology-based emission limits for mercury and other hazardous air pollutants from coal- and oil-fired powerplants, which are estimated to number about 1,400 units nationwide. About half of the electric generating units affected by this rule have already installed equipment to meet these emission limits, and many have expended large sums to get there. The

other units that need to install pollution control equipment within the next 3 to 4 years could potentially have a competitive market advantage over the companies that have installed the technology if we simply override the EPA.

The emission reductions expected as a result of the rule are projected to improve our Nation's air quality, resulting in a reduction annually of approximately 11,000 premature deaths, 4,700 nonfatal heart attacks, 130,000 asthma attacks, 5,700 hospital and emergency room visits, 2,800 cases of chronic bronchitis, and 3.2 million restricted activity days. The EPA estimates the value of these health benefits is between \$37 billion and \$90 billion annually.

Additionally, the rule will also prevent mercury from contaminating vital water resources. All of the Great Lakes and all of Michigan's inland lakes have fish consumption health advisories due to mercury. This rule should help clean up these lakes and make fish from any lake safer to eat.

In contrast to the benefits that will be provided by this rule, the annual cost of installing and operating the pollution control equipment is estimated at about \$10 billion annually. These costs are expected to translate into higher electricity costs of about \$3 to \$4 per month, although those costs would vary regionally.

Senator INHOFE's joint resolution of disapproval would completely overturn this EPA rule that limits harmful pollutants from powerplants. Additionally, under the Congressional Review Act, which is the statute that provides the authority for Senator INHOFE to move this measure under expedited procedures, this disapproval resolution would also prevent the EPA from issuing any regulations that are "substantially the same" as the disapproved standards. Thus, this prohibition would effectively require Congress to pass a law creating a new authorization before EPA would be able to do anything about this pollution.

I support congressional oversight and, in fact, believe Congress should exercise more oversight. But this rule protects the health of Michigan residents by requiring commercially available technology to be installed at powerplants that currently do not have these controls in place. The rule will result in significant air quality improvements, protecting public health and our lakes from harmful pollution. Its payback is significant in health and in economics.

For these reasons, I will oppose this measure.

Mr. KERRY. Madam President, I talked about this phenomenon yesterday on the Senate floor, and today we have even more evidence of what I was talking about: a reckless assault on our environment given new life by the resolution before the Senate today. We

are being asked to sacrifice the health of men, women, and children, all for the sake of the coal industry, a move that makes people sicker, denying Americans their right to a healthy environment to live in and raise their children.

No one who cares about the health of our citizens, the health of our economy, and the health of our planet should support this resolution. They should be outraged that we are even having this kind of debate. The Congressional Review Act resolution before us would eliminate the Environmental Protection Agency's mercury and air toxics standards, or MATS, for powerplants. Let's be clear what that means. It means the EPA would be prevented from adopting meaningful replacement standards to protect Americans from mercury and some 80 other toxic air pollutants that cause cancer and other health hazards. Let me repeat. These pollutants are known to cause cancer and other health hazards.

The science is unequivocal and has been for years mercury is a known neurotoxin that can have a devastating effect on the brain and nervous system of a developing child, reducing IQ and impairing the ability to learn.

We know the effects of mercury, and we know its source. Coal and oil-based powerplants constitute the largest manmade source of mercury emissions in the United States—they are responsible for half of the mercury emissions in America. They also emit more than 75 percent of the acid gas emissions and 25 percent of toxic metals lead, arsenic, chromium, nickel. We are talking about some really toxic pollution that is known or suspected to cause cancer and cardiovascular disease, damage to the eyes, skin, and lungs. It can even kill.

Under EPA's MATS, utilities will be regulated for mercury and these other toxics for the first time in our Nation's history. These standards are more than a decade overdue, so it is way past time to end the free ride the polluters have been enjoying. Now, I understand my colleagues are peddling the message that the EPA is waging a "war on coal." But they are just trying to distract us from the facts, and the fact is the EPA is simply doing its job and following the law. It is no more complicated than that. There is no conspiracy and no secret agenda. Their job is to protect Americans, and that is exactly what they are doing.

The Clean Air Act requires the EPA to regulate emissions of mercury and other hazardous air pollutants. The EPA employs a process that requires the use of "maximum achievable control technology." In other words, the standards are feasible, they are based on what industry leaders are already doing. EPA estimates more than half of coal-fired units have equipment installed that can help meet the stand-

ards. Roughly 55 percent of our electricity is from nuclear, natural gas, and renewable energy sources, and they are not subject to the rule's provisions. And for those that need more time to comply, EPA allows them up to 4 years. It is beyond reasonable.

And this is hardly a "war on coal."

MATS will reduce mercury emissions from powerplants by more than 90 percent, acid gases by 88 percent, and reduce emissions of more than 80 air toxics. It will also significantly reduce particulate matter, or PM, emissions that can trigger asthma attacks and damage the lungs. In fact, the combined health benefits are staggering. Beginning in 2016, EPA estimates that the standard would prevent each year 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks, 5,700 hospital and ER visits, and 540,000 missed work and school days.

Let me bring these numbers a little closer to home. EPA estimates MATS would prevent 130 premature deaths each year and up to \$1.1 billion in health benefits in 2016.

In total, annual estimated benefits are \$37 to \$90 billion compared to compliance costs of \$9.6 billion. That is an amazing return on investment—for every dollar spent, we will realize \$3 to \$6 in health benefits.

As a member of the Senate, it is my responsibility to make sure that the children of Massachusetts begin life with a fair shot, and it is my duty to protect the most susceptible, including the 128,000 kids and 531,000 adults with asthma in my home State. To put this issue in focus, one of my constituents, the mother of an asthmatic girl, has said: "Any person who would say that EPA should be eliminated or its ability to regulate reduced should have to sit in the emergency room holding the hand of a child who can't breathe."

Some Senators argue that the EPA standard is a job killer. Not true. The fact is it will create 46,000 short-term construction jobs and 8,000 long-term jobs in the utility sector to help build, install, and then operate emissions control equipment.

Some Senators say the rule requires too much, too fast. Not true. Look, the rule has been more than a decade in the making. Any shrewd businessperson would see the writing on the wall and develop their business plan accordingly. And many utility companies already have acted accordingly.

Some Senators say it costs too much to comply and will shut down powerplants, that these rules combined with others will threaten the reliability of the energy grid and dramatically increasing energy costs for consumers. Not true. Numerous reports from EPA, DOE, and CRS state otherwise. According to CRS, "almost all of the capacity reductions (from the rule) will occur in areas that have substantial reserve margins. . . . The final rule includes

provisions aimed at providing additional time for compliance if it is needed to install pollution controls or add new capacity to ensure reliability in specific areas. As a result, it is unlikely that electric reliability will be harmed by the rule."

And in terms of the rule's actual impact on the economy, it is likely to be extremely limited. The retail price of electricity is on average estimated to increase about 3 percent, mainly due to the increase in demand for natural gas. This seems a small price to pay for the massive health and economic benefits I have already highlighted.

We should understand that if we pass this CRA today, we are not guaranteed a do-over. The CRA explicitly prevents EPA from developing a rule to regulate mercury and air toxics from powerplants that is "substantially the same" as the invalidated rule. Translation: It would be nearly impossible for EPA to develop another rule to regulate these pollutants. Industry would have you believe otherwise so that you can vote to pass the CRA with a clear conscience. It is a disingenuous effort, and I sincerely hope that my colleagues will see through it.

Mr. President, it is tragic that polluters want to deny a right as basic as clean, healthy air. And it is tragic that anyone, especially a member of the Senate, would refuse to protect even children and the unborn from poisons. I urge the Senate to turn back this political assault on our environment and support standards that will do so much good for so many Americans. Anything else would be turning our backs on the people we are here to serve.

Mr. LIEBERMAN. Madam President, I rise today in strong opposition to Senator INHOFE's resolution of disapproval concerning the Environmental Protection Agency's mercury and air toxics rule. If passed, this resolution would have a devastating impact on our decades-long effort to clean up the air Americans breathe, and it would betray the responsible utility managers who have already taken steps to reduce the mercury and air toxics entering our atmosphere.

As I approach the end of my Senate career, I have spent some time reflecting on my past votes and the legacy I hope to leave behind. The debate before us today brings me back to my very first years in the Senate and an effort that has continued throughout my entire time here.

In 1990, I was part of the group of members of the Senate EPW Committee and the administration of President George H.W. Bush who negotiated and passed the Clean Air Act Amendments. At the time, the need for this legislation was painfully clear—acid rain was eating paint off of cars, and thick, visible smog blanketed too many of our cities. Some wanted Congress to turn a blind eye, but we did not. We acted, and we acted together.

During those many weeks, we met daily to reach a bipartisan agreement that would put our country on the path to cleaner air. It was the leadership of majority leader George Mitchell and President Bush's representatives, including Boyden Gray, that led us to a grand bargain. Because all of the parties negotiated in good faith toward a common goal, the Clean Air Act Amendments were adopted in an October 1990 vote by an 89-to-10 margin. Think about that: 89 votes in favor of one of the most significant environmental law changes in our history. I regret that such a broad bipartisan agreement in support of our environment will not be repeated this week.

Now, in the final year of my Senate career, we are debating a resolution that seeks to undo one of the provisions that we worked so hard to pass as part of the Clean Air Act Amendments in my first term in office—a requirement that EPA issue standards to reduce emissions of air toxics from stationary sources. That was 22 years ago, but it was only February of this year that EPA finally published the rule that would implement these standards. Administrator Lisa Jackson and Assistant Administrator Gina McCarthy, who served so ably as Connecticut's commissioner of the Department of Environmental Protection, have brought us a rule that will finally put in place the mercury and air toxics restrictions we have been waiting for.

This resolution would roll back that rule, the first-ever national limits on powerplant emissions of air toxics, including mercury. Without this rule, powerplant operators can continue pumping dozens of tons of mercury and hundreds of thousands of tons of other toxic air pollutants into our air each year.

Many of my colleagues have spoken to the extensive health and environmental rationale behind the mercury and air toxics rule, so I will just highlight a few of the most startling statistics. One in twelve American women of childbearing age has mercury blood levels that would put their fetuses at risk for impaired development. These developmental impairments are a human tragedy, denying children their full intellectual and psychological potential.

With respect to the environment, just look at Connecticut. We are blessed by natural beauty—rolling hills, beautiful beaches, vast forests, and flowing streams and rivers. Unfortunately, every single body of water—every lake, stream, river, and pond—in the State of Connecticut has a mercury advisory in place. Where do we think this came from? It was not here before the advent of polluting powerplants spewing mercury into the air. We are blessed by plentiful fresh water, but that gift has been tainted by the mercury that has been spewed into the air

over generations. Even in Long Island Sound, one of America's greatest estuaries, we are faced with a restriction on which seafood we can eat. One of the best fish in the sound—the bluefish—is off limits to us because of mercury. Is this the legacy we want to leave our children?

Of course, this debate should not be about which fish we can or cannot eat, it should be about following through on a promise we made to the American people in 1990, by a margin of 89 to 10, that we would move forward on efforts to reduce air toxics being emitted by powerplants. If we pass this resolution, we would break that promise.

Some of my colleagues may claim that the mercury rule is an attack on coal. To them I would say: This is nothing of the sort. This rule would actually save money and save lives. It would save between \$37 billion and \$90 billion a year in health benefits while creating 54,000 jobs. It would prevent up to 11,000 premature deaths and 130,000 cases of childhood asthma attacks each year. This is a case of government protecting its citizens with a commonsense rule to require widely available pollution control systems be installed at our powerplants.

I want to close by once again urging my colleagues not to break our promise we made to the American people in 1990 that the U.S. Government would do everything in its power to ensure the American people had clean air to breathe and to reduce dangerous pollutants in order to give our children the chance to grow up healthy. I urge my colleagues to vote no on this resolution.

Mr. MENENDEZ. Madam President, I rise to ask the Senate to protect public health, not polluters, and to protect clean air over corporate profits.

Upholding the mercury and air toxics standard means keeping toxic mercury, arsenic, lead, and other pollutants out of our lakes and streams and out of children's lungs. It will prevent 11,000 premature deaths, 5,000 heart attacks, and 130,000 asthma attacks in this country each year after its implementation.

For over 20 years polluters have fought these rules and used their influence to create delay after delay in administration after administration. It is time these rules were finally implemented so we can preserve the health of the American people and our Nation's air quality.

New Jersey has many residents who are vulnerable to poor air quality. According to the American Lung Association, there are over 184,000 children and 587,000 adults with asthma in New Jersey. It is estimated that these new air toxics standards will prevent up to 320 premature deaths and create up to \$2.6 billion in health benefits in New Jersey in 2016 alone. These residents deserve

better than to have their health subordinated to the financial interests of corporate executives.

Reducing toxic emissions is well-served by New Jersey's power providers. The Public Service Enterprise Group, PSEG, New Jersey's oldest and largest electric utility, operates several of the powerplants that would be affected by the mercury and air toxic standards. Because these regulations have been in the works for over 20 years, PSEG and other power providers have already made investments in anticipation of their implementation. To assert that these standards are somehow a surprise or could not have been anticipated by electric utilities would be grossly inaccurate.

Mercury is perhaps the most dangerous pollutant targeted by this rule and coal-fired powerplants are responsible for half of the mercury emissions in the United States.

Mercury, a dangerous neurotoxin, has been associated with damage to the kidneys, liver, brain, and nervous system. It has also been shown to cause neurological and developmental problems in children. The American Academy of Pediatrics, in detailing the impact of mercury exposure on human health, noted,

mercury in all of its forms is toxic to the fetus and children, and efforts should be made to reduce exposure to the extent possible to pregnant women and children, as well as the general population.

Elevated levels of mercury exposure have also been shown to put adults at increased risk of heart attacks, increased blood pressure, and blocked arteries. Rather than cater to polluters, we must heed the warnings of doctors, nurses, and respiratory therapists—medical professionals that have dedicated their lives to preventing and treating illness caused by mercury.

Mercury emissions also act as a pervasive contaminant throughout our Nation's watersheds, where the pollutant accumulates in fish, other wildlife, and ultimately, in humans. In 2003, Jeff Holmstead, the EPA Assistant Administrator for Air and Radiation under George W. Bush, stated:

Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury.

In New Jersey, mercury has been a widespread and consistent contaminant in freshwater fish collected throughout the State, with unsafe concentrations of mercury being found in both urban and rural areas. The statistics send a clear message: if we don't act now, we risk mass contamination of our Nation's waters and food supply.

The mercury and air toxics standard will work to curb toxic emissions produced from coal powerplants, and to ensure that future emissions comply

with set national limits. These new standards are expected to reduce mercury emissions from coal and powerplants by 90 percent, acid gas pollution by 88 percent, and particulate matter emissions by 30 percent.

Senator INHOFE's proposal, if enacted, would not only void all of the health benefits produced by the air toxics standard, but also prevent the government from issuing similar standards in the future. In effect, this would severely curtail the government's ability to address the serious hazards posed by pollutant emissions. I believe this would be deeply irresponsible.

These national standards are long overdue. In 1990, Congress amended the Clean Air Act to require performance-based regulations of air pollutants, in an effort to reduce toxic emissions produced from industrial sources. That amendment was passed with broad bipartisan support, approved by 89 Senators, 401 House members, and signed by a Republican president. After two decades, national standards regulating powerplant emissions of mercury and other toxic pollutants are finally in place. How many more children will be poisoned by mercury in their bodies, if Congress continues to delay or eliminate safeguards ensuring health safety?

In 1990, Congress recognized the harm posed by these pollutants and took appropriate action. Now it is time for us to finally implement them and protect the health of all Americans.

Mr. HATCH, Madam President, I rise today as a signer of the discharge petition for S.J. Res. 37, the Congressional Review Act resolution of disapproval for the Environmental Protection Agency's Utility MACT rule. I support this measure with all my heart.

I urge my colleagues and my fellow citizens who are listening to this debate today to recognize that the EPA's Utility MACT rule is not just about curtailing mercury emissions from powerplants. At the heart of the Utility MACT rule is an effort to shut down our Nation's coal-mines and coal-fired powerplants. When President Obama was a United States Senator, he was the deciding vote on the Senate Environment and Public Works Committee to kill the Clear Skies bill which would have reduced mercury emissions in the United States by 70 percent.

Let's be clear about why the liberals on that committee voted against this mercury reduction measure. They did so because they wanted to hold that issue aside and use it to help pass a nationwide climate bill, the biggest antioal legislation ever considered by Congress. In other words, killing coal mining jobs and shutting down coal-fired powerplants took priority over real and significant reductions in mercury emissions and any health benefits that would have come with those reductions.

The EPA's Utility MACT rule was carefully written to ensure that most of its mercury reductions will come from the forced shutdown of coal mines and coal-fired powerplants. It is evident that the rule is not written to allow noncompliant powerplants to remain open.

The fact is that today's vote does not stop the EPA from regulating mercury from coal-fired powerplants. But it would strip out the obvious antioal agenda that is the heart and soul of the current Utility MACT rule. The costs of this rule outweigh the benefits by 1,600 to 1. If ever there were an EPA rule that needed to be sent back to the drawing board, this one is it.

Americans know what is at stake with today's resolution. If the EPA's rule is allowed to go forward, it jeopardizes our Nation's most affordable, abundant, and dependable domestic source of electricity. We hear a lot from the President and his allies about the scourge of inequality and the need for a more progressive economic system.

It is hard to take them seriously when you look at their support for this EPA regulation. Regulations such as these are incredibly regressive. This regulation will increase the cost of energy. That might not mean a great deal to the folks who are financing President Obama's reelection, but to low- and middle-income citizens, increased energy costs hit family budgets hard.

And it will undermine jobs. Anyone who claims to care about job creation, while at the same time supporting this regulation, has to answer a few questions. Americans are tired of lip service when it comes to job creation. They are tired of having a job creation agenda taking a back seat to the agenda of lifestyle liberals.

They want Congress and the President to be serious about creating jobs and keeping our Nation competitive in a global economy. This regulation not only threatens jobs at coal mines and powerplants.

Much more is at stake. We are talking about a threat to the millions of jobs that are created when we as a nation enjoy the abundant affordable energy that allows us, America, to compete against our aggressive international rivals.

Let me remind my colleagues on the other side of this issue about the success of my own State of Utah. For 2 years running, *Forbes* magazine has listed Utah as the best State for business and jobs. Utah is a grand success story, and national policymakers should look to it for answers. Why is Utah creating jobs, while many areas of the United States are losing them? Well, there are a number of factors, but a very big one is that we are a very competitive State. After comparing the cost of doing business in other States, more and more companies are

moving to Utah. A key factor in that decision is Utah's very low cost of energy. The State ranks fourth in the Nation for low cost industrial energy rates. I am aware of a number of instances where this has been a deciding factor when a major business decides to relocate to Utah. In almost every case, the States these companies are moving away from have high industrial energy rates. And, yes, about 70 percent of Utah's power comes from clean, efficient, coal-fired powerplants.

It is obvious that many of my colleagues on the other side of this issue just cannot grasp this truth; but the fact of the matter is that competitiveness is critical to economic growth and job creation. It should come as no surprise that President Obama's hundreds of anti-energy efforts have failed to grow jobs in this country.

I urge my colleagues to look to my State of Utah as a model for success. We need to get off the road toward the nanny State. How bad does the European model have to get before we wake up and recognize that we want nothing to do with that type of big government failure. America is great because we have relied on the fundamentals of a free people living in a free market. And underlying our vibrant and free economy is consistently affordable energy. Affordable energy is the lifeblood of a healthy economy and always has been. I urge my colleagues to protect these fundamentals and send this Utility MACT rule back to the EPA for a major rewrite.

Mr. UDALL of Colorado. Madam President, I rise today to urge my colleagues to oppose S.J. Res. 37, a resolution of disapproval of the Mercury and Air Toxics Standards, offered by Senator INHOFE. The Senator from Oklahoma is a powerful advocate for his point of view, but I respectfully disagree that we do not need to control the emission of mercury and other toxics into our air.

This vote is one in a continuous drumbeat of attacks on environmental rules we have seen of late. It is unfortunate that some of my colleagues are attacking clean air and water rules with such fervor, especially in the name of economic recovery. When it comes to putting America back on firm economic footing, we should be working towards a comprehensive budget solution that shows the American people and the world that Congress can still function in the face of major challenges rather than with attacks on the Environmental Protection Agency.

Yet so often we hear vague, catch-all criticisms that upcoming EPA rules—real or imagined—will create uncertainty in the regulated community, impeding economic recovery. The irony is that attacks that seek to delay or remand EPA rules only exacerbate and prolong regulatory uncertainty.

Also, recall that Congress directed EPA in the Clean Air Act more than 20 years ago to develop many of the rules the agency is currently working on. That is the case with the Mercury and Air Toxics Standards. Many other rules are coming about as a result of court orders. So, put simply, EPA is doing its job.

To be sure, Congress also has a job to do when it comes to oversight of administration rules. For instance, I have been and will continue to work with EPA to make sure EPA actions respect the realities of life in rural and arid communities. This is especially important when it comes to regulations impacting Colorado water users and our farmers and ranchers.

However, wholesale assault on an agency whose mission is to protect human health and the environment is neither a recipe for economic recovery nor a path to fostering healthier communities within which our families and neighbors live.

Let me turn specifically to the resolution of disapproval offered by Senator INHOFE.

Many of my colleagues have described on the Senate floor the various health benefits of the rule. I would like to associate myself with their remarks, because the health benefits of controlling mercury emissions are remarkable: as many as 11,000 fewer premature deaths each year; 130,000 fewer cases of childhood asthma each year; and 4,700 fewer heart attacks each year just to name a few.

But I want to add two other aspects to the debate. One, clean air and water are good for our economy.

In Colorado, for example, outdoor recreation and tourism make up the second largest sector of our economy. Coloradans enjoy skiing, hiking, hunting, angling, camping, boating and many other outdoor activities, and many Americans come to Colorado for these experiences. Our outdoor recreation economy contributes \$10 billion a year to the State's economy and supports over 100,000 Colorado jobs.

This isn't limited to Colorado. Nationally, the outdoor recreation economy is worth \$646 billion, supporting 6.1 million jobs.

Clean air and water are an integral part of the national outdoor recreation system. It can not function if our children are too sick to come outside to play or our waters are too polluted to fish.

Two, investing in our infrastructure through modern pollution controls is how we ensure long-term economic recovery.

ADA-Environmental Solutions is a company in Highlands Ranch, CO. ADA-Environmental Solutions is the leading producer of mercury control equipment for utilities across the country. Part of their mission is to "sustain the viability of coal" through the de-

velopment of technologies that "reduce emissions, increase efficiency and improve the competitive position" of their customers.

As the Mercury and Air Toxics Standards go into effect, many utilities will upgrade their facilities with modern pollution controls. It may surprise some of my constituents in Colorado to learn that some of these plants have been operating without pollution controls for 40 years or more.

Those upgrades will be installed by Americans and provided by companies like ADA-Environmental Solutions. Those upgrades represent an investment in American jobs and a modern utility infrastructure.

In summary, clean air and water do not come at the expense of our economy. Rather, a healthy environment and a healthy economy go hand-in-hand.

Putting safeguards in place on the largest source of mercury emissions in the United States is long overdue. That is why I will be opposing S.J. Res. 37 today, and I urge my colleagues to do the same.

Mr. DURBIN. Madam President, in 1970, smoke stacks towered above cities and towns spewing black clouds of toxic pollution into the air.

Sights like these outraged Americans—however, at that time there was no legal way to force these companies to stop polluting the environment.

In response to these atrocities, Congress did two things in 1970:

First, Congress created the Environmental Protection Agency to defend our natural resources and force polluters to clean up their factories and plants.

And second, Congress passed the Clean Air Act with overwhelming bipartisan support to help ensure that all Americans could breathe clean air, free from toxic chemicals.

In the 40 years since, Republicans and Democrats have worked together in Congress to protect the health of America's families from the country's biggest polluters.

But this week in the Senate, we will vote on a provision that threatens to destroy all that progress by rolling back a critical environmental and health regulation.

Senator INHOFE has introduced a resolution that would prevent the EPA from enforcing the first national standard to regulate the emission of mercury and air toxins from power plants.

Until now, there had been no Federal standards that required power plants to limit their emission of mercury, arsenic, chromium, and acid gases. And so their pollution went unchecked.

This led to power plants becoming the single largest source of mercury in the United States. Power plants are currently responsible for 50% of the mercury, 62% of the arsenic, and over 75% of the acid gases emitted in this country every year.

These are deadly chemicals. Mercury is a potent neurotoxin that can hinder brain development and the central nervous systems of children, even while in their mother's womb.

And the heavy metals and acids emitted by power plants can cause various cancers and respiratory, neurological, developmental, and reproductive problems.

So the idea that we should allow power plants to continue to pump hundreds of thousands of tons of dangerous pollution into the environment instead of adding any of the readily available pollution controls is completely outrageous.

The harmful, toxic chemical emissions from these plants must be stopped and that is what the EPA's new Mercury and Air Toxics Standards, or MATS as they are called, does.

When implemented, the new standards will reduce mercury and acid gas emissions from power plants by almost 90%.

These reductions will save billions of dollars in public health spending each year by avoiding thousands of cases of premature deaths, aggravated asthma, and heart attacks.

In fact, every dollar spent to reduce pollution emission under the MATS rule will result in \$3-\$9 of health benefits.

In my state of Illinois alone, the MATS rule will save \$4.7 billion and prevent an estimated 570 premature adult deaths in the next four years.

That might be why recent polling shows that 77% of Americans support the MATS rule and the reductions in air pollution that it will achieve.

However, Senator INHOFE wants to prevent these critical standards from being enforced—claiming that they are too strict and that companies have not had enough time to prepare.

But, Mr. President, this new rule didn't come out of nowhere.

Energy companies have known for more than 20 years, since the last major changes to the Clean Air Act in 1990, that new air pollution-control rules were coming and that the new rules would require them to reduce their toxic emissions.

That is why many power plants have already made the changes necessary to comply with the new rules by installing scrubbers and other air pollution-control technologies.

However, instead of investing in these available control technologies, some companies did little or nothing over the past decades to improve their old, inefficient plants.

And now these same companies state that it would be impossible for them to comply with the MAT standards without massive job losses and blackouts across the electricity grid. The facts suggest otherwise.

According to the Environmental Policy Institute, the EPA's new standards

are expected to create approximately 8,000 jobs in the utility industry and an additional 80,500 jobs from investments in pollution control equipment by 2015. And the majority of these jobs will be in the construction and labor industries.

Mike Morris is chief executive of American Electric Power, a utility with multiple coal-fired plants. He said, "We have to hire plumbers, electricians, [and] painters when you retrofit a plant. Jobs are created in the process—no question about that."

In fact, the MATS rule is expected to add a net 117,000 jobs to the economy overall. So to say that we can't create jobs without allowing dangerous levels of toxic chemicals into the air we breathe is simply wrong. And multiple Federal agencies and third parties—including the non-partisan Congressional Research Service, the Department of Energy, and the Bipartisan Policy Center—have stated that full implementation of the MAT Standards will not cause any reliability concerns for the power grid.

EPA is working closely with the Department of Energy, the Federal Energy Regulatory Commission, State utility regulators, and the North American Electric Reliability Corporation, to ensure there will be no issues with the electrical grid.

So it seems that we can have clean air and keep the lights on, while simultaneously creating thousands of new jobs.

We don't have to make the false choice between ensuring clean air and job creation—we can do both.

The bottom line is that acid gases and heavy metals are causing serious health problems, especially in our most vulnerable populations—children and pregnant mothers.

The EPA Mercury and Air Toxics Standards will require power plants to cut their emissions of these harmful chemicals by using readily available technology.

Many plants across the country have already proved that the standards can be met while creating jobs and keeping the lights on and businesses running.

So it's time for Republicans and Democrats to once again come together to protect the health of Americans families and ensure that everyone has access to clean air.

Therefore, I urge my colleagues to vote 'no' on the motion to proceed to Senator INHOFE's resolution.

Mrs. BOXER. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. The Republicans have 3 minutes 47 seconds, and the majority has 12 minutes 45 seconds.

Mrs. BOXER. I would take 6 minutes and retain the balance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, we are faced with a resolution today to essentially repeal something that has been 20 years in the making and is about to go into effect. It would stop the EPA, the Environmental Protection Agency, from implementing the first-ever national mercury and air toxics standards for powerplants.

A little bit later I will talk about what mercury does to people. Let me assure you, it is not good. I will also talk about the other toxics that are emitted from these dirty plants. They are not good either. When I mention them, just the names will scare us because they are names such as arsenic and formaldehyde—not good. They are going into our lungs. The mercury is getting into fish. People are getting sick. That is why this is such a dangerous moment if we were to pass this and stop the EPA from doing this.

We know that for every \$3 we invest—every \$1 to \$3—we are going to get back \$9 in health benefits. If we do the math and we follow the math, it is clear this is cost-effective and critically important.

Ask a parent who has a child who is rushed to the emergency room with asthma whether they want this done. Ask a coal-fired utility that has made these improvements already—half of them have—and they will tell us there has been hardly any impact on electricity prices, and they are happy with them.

If this resolution were to pass and the policy behind it were to pass, it means that instead of rewarding those coal-fired utilities that are doing the right thing, we are rewarding those that haven't done the right thing and continue to spew forth these toxins.

What is at stake? I ask rhetorically of people who may be listening to this: Whom do we trust more, Senators and politicians or physicians and nurses? I think we should trust these numbers from the professionals who have looked at this issue. If this resolution were to pass and EPA is blocked from implementing this new clean air standard, we will see up to 11,000 additional premature deaths, 4,700 heart attacks, 130,000 cases of childhood asthma, 6,300 cases of acute bronchitis among children, 5,700 emergency room visits, and 540,000 days of missed work. Again, the rule provides \$3 to \$9 in benefits for every \$1 that is invested.

We are going to hear other arguments from the opponents of the Environmental Protection Agency, but the people of America are smart. They were asked just 2 months ago if they want us to interfere with the Environmental Protection Agency as they clean up the air, clean up the mercury, clean up the toxic soot, and 78 percent said: Stay out of it, politicians, and let the Environmental Protection Agency do its job.

We should thank the coal companies that have already cleaned up their act

and not reward those that have delayed cleaning up their act.

Again, we will hear all kinds of horror stories. Ask the utilities that have made these improvements. We have a list of them somewhere.

We will also hear there will be lost jobs from this rule. We know there will be 46,000 short-term construction jobs as these plants become clean and 8,000 long-term jobs.

Now look at the utilities that oppose the Inhofe CRA. They include Austin Energy, Avista Corporation, Calpine Corporation, Constellation Energy, Exelon, National Grid, NextEra Energy, NYPA, Public Service Enterprise Group, and Seattle City Light. Some of these have coal-fired powerplants. They say: What are we doing? Let's keep moving toward clean energy.

I asked if we trust politicians or do we trust those who, I believe, are unquestionably character witnesses in this debate. Let's look at some of them that oppose what Senator INHOFE is trying to do today. The Catholic Health Association of the United States, Evangelical Environmental Network, Franciscan Action Network, General Baptist Convention, General Conference of American Rabbis, National Council of Churches, United Church of Christ Justice and Witness Ministries, United Methodist Church, U.S. Conference of Catholic Bishops. They oppose what my friends on the other side are leading us to today, a repeal of clean air rules.

Whom do we trust, the politicians or some of these groups that strongly oppose this resolution—the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the Nurses Association, the Public Health Association, the March of Dimes, the Physicians for Social Responsibility, and Trust for America's Health.

The ACTING PRESIDENT pro tempore. The Senator has consumed 6 minutes.

Mrs. BOXER. I ask unanimous consent for 2 additional minutes, and then I will yield and retain the balance.

Here is the chart I wished to show on utility prices. We have heard doom and gloom. Here are the facts. There was hardly any fluctuation in utility rates when half the coal-fired plants made these improvements.

Do not fall for scare tactics because we know upgrading a utility is something that has to be done. It is built into the long-term plans of these utilities.

What poisonous emissions does this clean air rule address? I talked about it before. In the balance of my time I will go through it again, but I am going to just name these toxins: mercury and lead, arsenic, selenium, cadmium, chromium, benzene, formaldehyde, acid gases, and toxic soot. All we need do is

listen to what I said and we know we don't want to breathe them in and we don't want to have fish that contain too much mercury because it damages the nervous system in children and harms the brains of infants. We know how dangerous it is for pregnant women and children to eat this type of fish.

Last night, we had Senator WHITEHOUSE here from Rhode Island, and he was eloquent on the point. He had a picture, which was actually a Norman Rockwell painting—it wasn't a real painting, it was a wonderful poster. He said: Here is a perfect American scene of a grandpa taking a grandson fishing. He said that today, in his State, they can't eat the fish. Maybe they can once a month eat one fish, and in some of their lakes, they can't even eat any.

This is wrong. This is pollution blowing from other places into the Northeast. Let's defeat this resolution. It is bad for the people of this country.

I yield the floor and retain the balance of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. The question was asked by the Senator from California: Whom do we trust most, elected Senators or unelected bureaucrats?

I yield 3 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. The question is, Is pollution getting better or worse? With all the hysteria, one would think: My goodness. Pollution is getting so much worse. All measurements of pollution show we are doing a good job and much better than we have ever done. Most of the emissions—the big emissions, sulfur dioxide and nitrous oxide—have been going down for decades. We are doing a good job with pollution.

This rule is about mercury. Powerplants emit this much of the mercury, as shown on this chart. Do my colleagues know that over half the mercury comes from natural sources? Forest fires emit more mercury than powerplants do. We already have eight regulations at the Federal level on mercury. We have a plethora of regulations at the State level.

The question is, Is mercury getting worse or is mercury lessening? For the last 5 years, the amount of mercury that is being emitted has been cut in half. If we measure mercury in the blood of women and children, it is getting less. If we say: What is a safe level of mercury in the blood, we are below that. If we look at populations who eat nothing but fish, the Seychelles Islands, they have found zero evidence that mercury is hurting any of them. When we look at mercury emissions, they are going down.

So the question is, Are we going to have a balance in our country? Does the other side care whether people

work? We can do everything possible to try to eliminate this last 1 percent, but the question is, At what cost? Many are estimating 50,000 people are going to lose their jobs. Do we care if people have a job? Yes. We want to be safe, but there has to be a balancing act.

The question we have to ask is: Is the environment cleaner or worse off? The environment is so much cleaner than it used to be. The rules in place are somewhat balanced and are keeping pollution under control. What we don't want to do is go so far over the top that we lose jobs. This new rule is estimated to lose 50,000 jobs.

I think the American people need to have a say in this. We don't need to give up that power to unelected bureaucrats we can't remove from office. Let's let our representatives get involved to have more of a balance in the regulations.

I suggest we vote in favor of this resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I understand our time has expired. I ask unanimous consent that Senator KYL have 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Madam President, S.J. Res. 37 is very important.

If passed, this resolution would overturn one of the most costly and unnecessary regulations ever adopted by the EPA. Unless we in Congress act, that regulation, Utility MACT, would establish the first ever "maximum achievable control technology"—or MACT—standards for "hazardous air pollutant"—or HAP—emissions from powerplants.

The Clean Air Act only allows the EPA to set MACT standards for HAP emissions if it can establish a hazard to public health that would make such regulatory action "appropriate and necessary."

In December 2000, just as a new administration was set to take office, the Clinton EPA, under great pressure from special interests, promulgated a Utility MACT rule based on public health concerns about mercury. The data simply do not support that regulation.

First of all, mercury does not pose health risks via inhalation, but rather only after entering water bodies and accumulating as methylmercury in the aquatic food chain. For humans, the primary route of mercury exposure is through eating fish. Accordingly, the EPA itself has acknowledged uncertainties about the extent of public health risks that can be attributed to electric utility mercury emissions, and it admits that "there is no quantification of how much of the methylmercury in fish consumed by the U.S. population is due to electricity emissions."

We now know too that the EPA's projections for major increases in mercury emissions from powerplants at the time were grossly inaccurate. The agency estimated that emissions would increase from 46 tons in 1990 to 60 tons in 2010. But, in fact, they actually declined to just 29 tons in 2011—more than 50 percent below the projections—and all without the MACT rule.

Moreover, the studies EPA relied upon about methylmercury exposure in children and women of childbearing age have also been found to have inflated health risks. More recent research undertaken by the CDC indicates that Americans are not being exposed to levels of mercury considered harmful to fetuses, children, or adults. Additionally, both the FDA and the Agency for Toxic Substances and Disease Registry have recommended regulatory levels for mercury that are significantly less stringent than the EPA's reference dose.

With respect to nonmercury hazardous air pollutants—or HAPs—the EPA does not set actual limits for those emissions. Instead, it uses limits for fine particulate matter emissions in the standard as a surrogate for a variety of HAPs under the rule. While EPA calls the benefits associated with reducing particulate matter “co-benefits” of establishing the Utility MACT regulation, it has also stated that such reductions are not the primary objective or justification for the rule. If that is the case, then why are more than 99 percent of the rule's claimed health benefits due to projected reductions in particulate matter? I am all for incidental health benefits—it is always nice to get more bang for the buck—but that's simply not what is going on here.

Double-counting the benefits from reducing particulate matter as a Utility MACT benefit is, at best, misleading. Indeed, if 99 percent of the quantified health benefits cited in the rule are not due to reductions in HAPs, can we really call the Utility MACT rule “appropriate and necessary?”

The EPA is trying to pull a fast one by regulating particulate matter—a non-HAP—under the guise of concern about mercury. The agency already regulates particulate matter emissions under the Clean Air Act, and it has been doing so for 15 years. If it believes there are benefits to further reducing particulate matter emissions, it already has the power to do so; adopting S.J. Res. 37 would not prevent such EPA action.

Once the coincidental co-benefits from reducing particulate matter—estimated to be \$33 billion to \$89 billion, or \$3 to \$9 in health benefits for every dollar of cost—are excluded from Utility MACT, the EPA's own cost benefit analysis demonstrates that the health benefits of the rule are far outweighed by its costs. The EPA estimates that

implementing the Utility MACT rule would cost \$9.6 billion in 2016, and that reductions in mercury emissions would provide just \$0.5 to 6 million in health benefits in the same year. This means that, even in the best case scenario, the cost of Utility MACT will exceed its estimated benefits by a factor of 1,600 to 1.

Sixteen hundred to one.

The cumulative costs and consequences of this and other EPA regulations are both real and substantial. Final and pending EPA regulations will reduce the diversity of America's energy portfolio, increase energy prices, eliminate jobs, and threaten electric reliability.

With regard to our energy portfolio, we are already seeing negative effects. Coal's share of electric power generation recently dropped to just 34 percent, the lowest level we have seen since the 1970s. As a result, utility companies have already announced plans to shut down more than 25,000 megawatts of electricity rather than upgrade plants with costly new emissions control technology. These changes in our energy portfolio are just the tip of the iceberg. The North American Electric Reliability Corporation—or NERC—estimates that EPA regulations will lead to an additional retirement of 36,000 to 59,000 megawatts of electricity generation. The Federal Energy Regulatory Commission's Office of Electric Reliability has stated that EPA regulations would likely shutter 81,000 megawatts.

These plant closure predictions from nonpartisan reliability organizations are 8 times higher than EPA's estimates of just 10,000 megawatts. The closures caused by EPA regulations will not just affect our energy mix—they will also affect grid reliability. NERC has said that EPA regulations pose the No. 1 threat to grid reliability.

But these reliability organizations are not the only ones concerned about the EPA's effect on coal and coal power generation. Earlier this month, Moody's changed its outlook on the coal industry to “negative,” largely blaming the EPA for the downgrade. As Moody's put it in a statement:

A regulatory environment that puts coal at a disadvantage along with low natural gas prices, have led many utilities to increase or accelerate their scheduled coal plant retirements.

It continued:

In addition, newly proposed carbon dioxide regulations would effectively prohibit new coal plants by requiring new projects to adopt technology that is not yet economically feasible.

I have witnessed the EPA's attempts to reshape the energy industry through regulation in my home State.

Arizona relies on coal-fired power for its base-load electricity. Coal mining and plant operations are an important employer and economic engine for Ari-

zonans and, specifically, for our Indian Tribes. As just one example, take the Navajo Generating Station—or NGS—a 2,250-megawatt facility located on the Navajo Nation's reservation.

The NGS was constructed as part of a negotiated settlement with environmental interests that, at the time, preferred a coal-fired powerplant to a hydropower dam project in the Grand Canyon. It provides more than 90 percent of the pumping power for the Central Arizona Project, Arizona's primary water delivery system. The plant and the coal mined to operate it play a vital role in the economies of the Navajo Nation and the Hopi Tribe, not to mention the State as a whole. A study prepared by Arizona State University's Seidman Institute concluded that the NGS and its associated mine will account for over \$20 billion in gross State product—GSP—almost \$680 million in adjusted State tax revenues, and more than 3,000 jobs.

Yet, the station's future viability is now directly threatened by Utility MACT and other pending EPA regulations. Right now, the EPA is undertaking an NGS-specific rulemaking to determine whether additional emissions control technologies should be installed at the station for purely aesthetic visibility reasons, rather than actual health concerns. That rulemaking could require the installation of emissions controls at a cost of more than \$1.1 billion.

That is just one power station—just one—\$1.1 billion. And we don't even know yet what the estimated cost of compliance with Utility MACT might be.

Steve Etsitty, executive director of the Navajo Nation EPA, said this about EPA's regulatory approach:

EPA's one size fits all' approach to rule-making fails to acknowledge or address the specific concerns and impacts to the Navajo Nation, as well as regional impacts. Making matters worse, EPA's uncoordinated approach to rulemakings impacting the same industries creates regulatory uncertainty, increases compliance costs, and puts at substantial risk the national and regional economies, critical jobs of Navajo people, and the very viability of the Navajo government.

I couldn't agree more.

The consequences of a shutdown of the Navajo Generating Station would be felt throughout the State, and even by the Federal Government. However, a shutdown would most acutely impact Indian tribes, whose economies and access to affordable water are highly dependent on the NGS.

Thus, the consequences of the EPA's regulatory war on coal go far beyond the coal industry itself. Real people in my State and across the country will pay the price.

That is why I urge my colleagues to support the resolution before us today. I am all for clean air. I don't know a single colleague who would take the

opposite view. And I can assure my friends on the other side of the aisle that we are firmly antimercury contamination as well. But that is not really the question here.

It is not a matter of clean air versus dirty air, or mercury contamination versus no mercury contamination. These are false choices. We can have clean air and a healthy economy. We can reduce mercury levels and reduce unemployment. But we have to be smart about how we regulate.

Utility MACT is simply a bad regulation. It is refuted by the very science used to justify its promulgation. Moreover, its economic effects would be negative and far-reaching, while its estimated benefits would be minimal and hardly worth the significant costs. And it would make domestic energy generation more difficult at a time of rising energy demand.

With growing unemployment, huge deficits, and anemic growth, this is also the wrong time to be whacking our economy with one of the most expensive and far-reaching regulations ever to come from the EPA.

We have to be smart about this, and Utility MACT is just not a smart regulation.

I urge my colleagues to support S.J. Res. 37 and help overturn this misguided, job-killing rule.

Again, I will simply say at this point that adopting this resolution is very important to prevent the implementation of a regulation which I think has very clearly been established. It does not meet the test that would be required for the promulgation of a public health regulation and fails any test of cost-benefit analysis.

Therefore, I urge my colleagues to think about the effect on the industry, on the people of America, on the economy at this time, and adopt the resolution offered by the Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand there is 1 minute remaining, so let me just clarify a couple things.

First of all, several have made comments about the Clean Air Act. I was supportive of the Clean Air Act. It has done a great job, and I think that should be clarified.

We have had three medical doctors testify as to the health implications on this.

I would only say this: If we are truly concerned about what is happening, keep in mind what the Senator from Alaska, Ms. MURKOWSKI, said. The maximum achievable control technology is not there. So if we vote against this amendment and they allow this rule to continue, we are effectively killing coal in America that has accounted for almost 50 percent of our industry.

I thank the Chair.

Ms. COLLINS. Madam President, on December 21, 2011, the Environmental Protection Agency, EPA, finalized the

mercury and air toxics standards, MATS, rule for powerplants. These standards, which will be fully in effect in 2016, will require coal-fired powerplants to install pollution controls for mercury and toxic air pollution. When fully implemented, the MATS for powerplants will reduce mercury emissions from powerplants by 90 percent, acid gases by 88 percent, and particulate emissions, including nonmercury toxic metals, by 41 percent. Senator INHOFE's S.J. Res. 37 would disapprove and nullify this rule and, more importantly, make it impossible for the EPA to implement substantially similar rules in the future.

The State of Maine, located at the end of our Nation's "air pollution tailpipe," is on the receiving end of pollution emissions from coal-fired powerplants operating in other States. The pollution reductions required under the rule will improve public health and improve the environment in our State. That is why I will vote to uphold the clean air rule that requires coal-fired powerplants to install pollution controls.

While legitimate concerns have been raised that additional compliance time and more cost-effective options are needed, I have significant concerns with overturning this rule and permanently barring the EPA from issuing any standards in the future that are substantially similar. I will push the EPA to work with utilities to develop reasonable implementation schedules.

Reductions in air pollutants from other States will reduce air pollution in Maine, which has one of the highest asthma rates in the Nation, affecting 1 in 10 adults and over 25,000 children. The EPA estimates that the MATS will prevent 130,000 cases of childhood asthma symptoms.

Every State in the country has issued mercury advisories for human fish consumption because of high levels of mercury in our Nation's streams, lakes, and rivers, and half of U.S. manmade mercury comes from coal-fired powerplants. Mercury is one of the most persistent and dangerous pollutants, particularly harmful to children and pregnant women, and it threatens our health and environment today. Under the new rule, 90 percent of this mercury would be removed. I am a longtime supporter of efforts to reduce mercury pollution and have sponsored legislation to establish a nationwide mercury monitoring system to accurately measure mercury levels.

The rule also includes standards for 186 other hazardous pollutants, including arsenic, acid gases, and toxic metals. Additionally, the equipment installed to control these pollutants will not only reduce these hazardous air pollutants but also capture fine particles, which are linked to cardiovascular and respiratory diseases.

I am a longtime supporter of Clean Air Act protections. This landmark

legislation, authored by Maine's own Senator Ed Muskie more than 40 years ago, has helped protect and improve our Nation's air quality and public health for decades.

I also support sensible regulatory reforms and have introduced legislation that calls for Federal agencies to analyze the cost and benefits of proposed regulations, including the impact on job creation and consumer prices. This will help cut the tangle of redtape that is holding businesses back from expanding and adding jobs. But when it comes to the air we breathe, I reject the false choice of pitting the environment against the economy because we understand that for much of the State of Maine, the environment is the economy.

The people of Maine have always been faithful stewards of our environment because we understand its tremendous value to our way of life. Maine's unique forests, landscapes, waters, and wildlife are an important part of our heritage and have helped shape the economic, environmental, and recreational character of our entire State. Protecting our Nation's air quality will positively benefit the natural beauty of Maine and will improve public health, protecting our children and enriching lives.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Am I correct that there is 4 minutes remaining on my side?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. BOXER. I yield 1 of those minutes to Senator PRYOR.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from California.

Right now, when we open the paper and when we turn on the evening news, we see these ads for clean coal. We need clean coal. We are akin to the Saudi Arabia of coal. They say we have 400 years' worth of coal supply in this country. We have the technology now to take 90 percent of the mercury out and a lot of the particulates and we should do it. This is our chance to do it.

This is a rule that has been 20 years in the making. This is not something people dreamed up over the last couple years. This has been 20 years in the making, and Congress has mandated we do this.

I would say this in my part of the closing: We should not have to make a false choice. We don't have to be antioil and prohealth. We can be both. We can do what is good for the health of the country and good for coal; that is, have clean coal, uphold this rule, and vote against the Inhofe resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, the Senator from Oklahoma said I asked: Whom do we trust more, politicians or bureaucrats? No; that is not what I said. I said: Whom do we trust more, politicians or groups such as the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the nurses, the March of Dimes, et cetera. I believe that when it comes to the trust of the public, these groups have one concern and that concern is the health of our people. That is why we have to defeat this resolution and allow the Environmental Protection Agency, after 20 years, to finally promulgate a rule that will go after the worst toxins that are coming out of coal-fired plants.

I will go through a few of these. Mercury is a heavy metal that can damage the nervous system in children and harm the brain of infants, causing slower mental development and lower intelligence. Why do we want to take a stand against the children and their brain development? Mercury can accumulate in the food chain. We know this. What happens is people—especially pregnant women and children—can't eat fish because of the high content of mercury.

Then there is lead. These are the things we are talking about getting out of the air. Lead can damage the nervous system of children and harm the brains of infants, causing slower mental development and lower intelligence.

There is no known safe level of lead in the blood of children. This is indisputable fact. It can harm the kidneys and cause high blood pressure, damage reproduction, cause muscle and joint pain, nerve disorders. Why would anyone—why would anyone stand on this floor and say it is OK to allow these toxins to be polluting our environment? Arsenic is a heavy metal that causes cancer, damages the nervous system, kidneys, and liver. Powerplants account for 62 percent of all the arsenic pollution we are fighting against. Why would anyone who cares about the people they represent vote for this resolution and stop the EPA from cleaning up our air?

Vote no. There is no reason to risk the health of the American people by voting for the utility CRA resolution. If the resolution passes and if that resolution were to become the policy of this country, thousands—hundreds of thousands of Americans every year would be harmed. This is not rhetoric, this is fact. Scientists have told us this. The health groups have told us this.

I urge a strong "no" vote.

I yield the floor.

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—46

Barrasso	Heller	Nelson (NE)
Blunt	Hoeven	Paul
Boozman	Hutchinson	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Landrieu	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	Manchin	Warner
Enzi	McCain	Webb
Graham	McConnell	Wicker
Grassley	Moran	
Hatch	Murkowski	

NAYS—53

Akaka	Durbin	Mikulski
Alexander	Feinstein	Murray
Ayotte	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Boxer	Kerry	Schumer
Brown (MA)	Klobuchar	Shaheen
Brown (OH)	Kohl	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	McCaskill	Whitehouse
Conrad	Menendez	Wyden
Coons	Merkley	

NOT VOTING—1

Kirk

The motion was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, if I could have the attention of the Senate, we did very well yesterday. We have a lot to do. We have to work on this. We have flood insurance. Both are important issues.

This is going to be a 10-minute vote. The order that has been entered is that all the remaining votes are 10 minutes. We had a 15-minute vote on the first one. I know there are a lot of things going on today, but we are going to have to work around them. That is the most important part of our job—voting. So let's work. Let's try to get out of here. We are going to try to finish this bill tonight.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3240) to reauthorize agricultural programs through 2017, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

AMENDMENT NO. 2345

Mr. MANCHIN. Madam President, I call up amendment No. 2345.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2345.

Mr. MANCHIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require national dietary guidelines for pregnant women and children from birth until the age of 2)

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

“(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.”

The ACTING PRESIDENT pro tempore. There will be 2 minutes of debate equally divided, 1 minute for each side.

Mr. MANCHIN. Madam President, I do not believe there is opposition to this amendment. I urge my colleagues to support this bipartisan, common-sense amendment that will address a very urgent need in this country: helping our children develop healthy eating habits at a very young age.

I wish to thank my cosponsor, Senator KELLY AYOTTE from New Hampshire, for working with me on this amendment. All this does is require the Department of Health and Human Services and the Department of Agriculture to develop, implement, and promote national dietary guidelines for pregnant women and for children up to 2. It is the only segment we have not done. If you are 2 years of age or older, we do it. We try to tell you how to stay healthy, what you should eat, what you should feed your child. This basically fills in the gap for women from when they become pregnant until 2 years of age.

I urge support of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I yield back all time. It is my understanding that we can proceed with a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2345) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 2382

Mr. MERKLEY. Madam President, I call up my amendment No. 2382.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2382.

The amendment is as follows:

(Purpose: To require the Federal Crop Insurance Corporation to provide crop insurance for organic crops under similar terms and conditions to crop insurance provided for other crops)

On page 970, between lines 5 and 6, insert the following:

SEC. 11019. CROP INSURANCE FOR ORGANIC CROPS.

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

“(D) ORGANIC CROPS.—

“(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.

“(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

“(I) the numbers and varieties of organic crops insured;

“(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;

“(III) the development of new insurance approaches relevant to organic producers; and

“(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.”.

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11018) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate equally divided on the amendment.

The Senator from Oregon.

Mr. MERKLEY. Madam President, this bill is about holding USDA accountable. Organic farmers, when they get crop insurance, pay a 5-percent premium upfront. The whole concept was that on the back end they would be compensated at the value of their organic crop should they need to utilize their insurance. However, to establish the price of the organic crop, USDA has to do a study. We instructed them to do this study 4 years ago, and they have been dragging their feet. They have done four crops out of the many dozens.

Our organic farmers are left in the most untenable position of paying the premiums upfront but not getting the fair organic prices on the back end. This amendment says to get the studies done, which you were told to do 4 years ago, so the equation is fair to our farmers.

I am pleased that Senator OLYMPIA SNOWE is a cosponsor.

I yield the floor and reserve the remainder of my time.

Ms. STABENOW. Madam President, just for the information of the Senate, Senator DEMINT's amendment was next, but we have not seen him on the floor yet. So we moved to this amendment. As soon as he arrives, we will return to the DeMint amendment.

It is my understanding that we can proceed to a voice vote in the meantime.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. STABENOW. I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is on agreeing to the amendment.

Mr. ROBERTS. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—63

Akaka	Collins	Kerry
Baucus	Conrad	Klobuchar
Begich	Coons	Kohl
Bennet	Corker	Landrieu
Bingaman	Durbin	Lautenberg
Blumenthal	Feinstein	Leahy
Boxer	Franken	Levin
Brown (MA)	Gillibrand	Lieberman
Brown (OH)	Grassley	Lugar
Cantwell	Hagan	Manchin
Cardin	Harkin	McCaskill
Carper	Hoeven	Menendez
Casey	Inouye	Merkley
Coats	Johnson (SD)	Mikulski

Moran	Reid	Tester
Murkowski	Rockefeller	Udall (CO)
Murray	Sanders	Udall (NM)
Nelson (NE)	Schumer	Warner
Nelson (FL)	Shaheen	Webb
Pryor	Snowe	Whitehouse
Reed	Stabenow	Wyden

NAYS—36

Alexander	Enzi	McConnell
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	McCain	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2382) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2273

Mr. DEMINT. Mr. President, I wish to bring up amendment No. 2273.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2273.

The amendment is as follows:

(Purpose: To eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunications services in rural areas)

Beginning on page 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

“(B) MAXIMUM.—The amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels; and

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education;

“(IV) private entities; and

“(V) philanthropic organizations.”;

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, the farm bill adds a new grant component to the existing rural utility service broadband loans and loan guarantee program. My amendment would eliminate the authority of the Secretary of the Department of Agriculture to increase the taxpayer share of these broadband grants beyond 50 percent.

Please keep in mind that these are not direct loans, these are grants that

require no payback. It is important that recipients have some skin in the game so that they make good decisions. My amendment allows the 50-percent threshold cost sharing but does not allow the Secretary to waive that and make that a 75-percent share by the taxpayer.

I encourage my colleagues to support this moment of fiscal sanity here.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to oppose this amendment. It has a similar impact to one yesterday we defeated by this Senator. It basically goes to the question of whether we are going to allow investment in rural communities—the hardest hit communities, the farthest apart communities—and whether they will have access to broadband. It really goes to small businesses, in small towns and villages, and whether they are going to have access to sell their products to consumers around the globe. We are in a global economy.

In the 1930s and 1940s, we did rural electrification to make sure the farmer at the end of the road was connected with electricity. This is the same kind of thing, but it is the Internet. It is broadband. We want to make sure everybody is connected, even those in the remote, rural areas.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—44

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hoeben	Rubio
Chambliss	Hutchison	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	

NAYS—55

Akaka	Boxer	Conrad
Baucus	Brown (OH)	Coons
Begich	Cantwell	Durbin
Bennet	Cardin	Feinstein
Bingaman	Carper	Franken
Blumenthal	Casey	Gillibrand

Hagan	Manchin	Sanders
Harkin	Menendez	Schumer
Inouye	Merkley	Shaheen
Johnson (SD)	Mikulski	Stabenow
Kerry	Moran	Tester
Klobuchar	Murkowski	Udall (CO)
Kohl	Murray	Udall (NM)
Landrieu	Nelson (NE)	Warner
Lautenberg	Nelson (FL)	Webb
Leahy	Pryor	Whitehouse
Levin	Reed	Wyden
Lieberman	Reid	
Lugar	Rockefeller	

NOT VOTING—1

Kirk

The amendment (No. 2273) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2289

Mr. COBURN. Mr. President, I call up my amendment No. 2289.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2289.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce funding for the market access program and to prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food)

On page 293, strike lines 16 through 19, and insert the following:

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “and” after “2005,”; and

(B) by inserting “, and \$160,000,000 for each of fiscal years 2013 through 2017” after “2012,”; and

(2) by adding at the end the following:

“(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

“(A) wine tastings;

“(B) animal spa products;

“(C) reality television shows; or

“(D) cat or dog food.”.

Mr. COBURN. This is an amendment that falls in line with the recommendation of the administration as well as every outside group that has ever looked at this program.

The Department of Agriculture has five access to marketing programs. This is just one of them. The administration recommended a 20-percent reduction. We have put forward an amendment to reduce it by 20 percent. We spend \$2 billion over the next 10 years on market access. American contribution of total world agricultural products is on the decline in spite of these programs, and the waste in these

programs—if we look at where the money is spent—is unbelievable.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose my colleague's amendment.

The reality for us is that American agricultural exports is one of the few places where we have a trade surplus right now, and we want to continue that. The current program the Senator is speaking about is all about exports. It is all about jobs. For every \$1 invested in this particular market access program, \$35 is generated back into economic activity. I think that is a pretty good investment.

We know it is a very important part of the future not only for our traditional production agricultural parts of the country but for smaller value-added food products which really is in exports, and this supports that.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I assume by the chairman's response that she supports the \$20 million that went into a reality TV show in India to purchase cotton other than “made in the United States.” That is where \$20 million of it went. That is what is wrong with this program.

I am not objecting to the fact that we ought to have market access programs. But when we are wasting \$20 million on something that has no connection whatsoever with American agricultural products, we ought to reduce or eliminate it.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Mr. President, let me say again—and I am not familiar with this. I know we are trying to redevelop an American denim industry. I had a chance to actually visit a denim factory in Texas. We are trying to support our cotton industry. I am not familiar with this, but I urge a “no” vote.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—30

Alexander	Grassley	Portman
Ayotte	Hatch	Risch
Burr	Inhofe	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Corker	Lee	Tester
Cornyn	McCain	Thune
Crapo	McCaskill	Toomey
DeMint	McConnell	Vitter
Graham	Paul	Wicker

NAYS—69

Akaka	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Moran
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Heller	Nelson (NE)
Blumenthal	Hoeven	Nelson (FL)
Blunt	Hutchison	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carpenter	Kohl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	Manchin	Whitehouse
Enzi	Menendez	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2289) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2293

Mr. COBURN. Mr. President, I call up the pending amendment No. 2293.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2293.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit subsidies for millionaires)

At the appropriate place, insert the following:

SEC. ____ . ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(2)(A)) is amended—

(1) by striking “LIMITS.—” and all that follows through “clause (ii),” and inserting “LIMITS.—Notwithstanding any other provision of law,”; and

(2) by striking clause (ii).

Mr. COBURN. Mr. President, reducing our national debt—which now exceeds \$15.8 trillion—is the most critical issue facing our nation. Our country simply cannot survive if we continue down this unsustainable course. Every area of the Federal budget should be examined to determine, which programs should be priorities.

Federal conservation programs are a good place to start. These programs pay farmers and ranchers to either im-

plement conservation measures on their farms, “working lands”, or to idle their land for conservation purposes, and “land retirement”.

Oftentimes, the financial assistance offered by these programs incentivizes what is already in the best financial interests of farmers. Natural, market-based incentives already exist to achieve the efficiency and conservation purposes of these programs without taxpayer dollars. Not only that, but these programs also pay farmers and companies that have adjusted gross incomes, AGI, of \$1 million or more.

Special rules allow the USDA to waive income limitations for certain programs, which it does on a regular basis. The result is millions paid to otherwise ineligible millionaires each year.

In fact, over the past 2 years, USDA waived the \$1 million AGI cap for the programs discussed below and paid a total of \$89,032,263 to individuals or entities with an AGI of \$1 million or more. Allowing federal conservation programs to make payments to those with an adjusted gross income, AGI, of \$1 million or more is simply not a priority for taxpayers.

This amendment would prevent USDA from paying millionaires by eliminating the ability to issue waivers that exempt program participants who have an AGI of \$1 million or more from adhering to the program’s payment limit rules.

In total, over a 2-year period, USDA waived program requirements and awarded over \$84 million to individuals and entities with an AGI of \$1 million or more.

In 2009, the USDA waived program requirements and paid two millionaires a total of \$10,234,520, which consisted mainly of a \$10 million payment to an investment company in California for restoring wetlands to protect the Riparian Brush Rabbit.

In 2010, the Wetland Reserve Program, WRP, program paid eight individuals with an AGI of \$1 million over \$74 million. These included almost \$22 million to a ranch in Florida. The company that owns the ranch describes itself as a “privately held, family-owned company with agricultural, commercial real estate, and asset management operations.” That company also states that it owns a number of commercial real estate properties in New Jersey and Florida. The company also claims holdings that include multi-tenant office buildings, parking lots, a for-profit educational institution, restaurants, and retail property.

In 2010, USDA also paid over \$31 million to another ranch in Florida. The payment was part of an \$89 million purchase by USDA of an easement that places deed restrictions on the use of the land along 26,000 acres of the Fisheating Creek Watershed, partially located on the ranch. USDA claimed

that the easement purchase would provide support for the crested caracara, Florida panther, and the red-cockaded woodpecker.

Recently, the owners of the ranch listed 2,600 acres for sale for \$18.2 million. The property is described as a working ranch with “tremendous recreation and hunting attributes.” The local newspaper has also reported that same ranch was slated for a new 12,000-unit planned community.

Other entities and individuals with an AGI of \$1 million or more that received WRP payments in 2010 include:

\$7.92 million to a company in Texas for “restoration and protection of critical and unique wetlands” on a property known as East Nest Lake and Osceola Plantation; \$5.8 million to a farm in North Carolina to promote a “habitat for migratory birds and wetland dependent wildlife;” \$5.4 million to a ranch in Florida for land with “high potential to significantly improve waterfowl and wading bird habitat” \$900,853 to an individual in Kansas to “protect and [for] restoring . . . valuable wetland resources . . . for migratory birds and other wildlife;” \$227,203 to a company in New Hampshire for “wetland restoration;” and \$80,000 to two individuals in Mississippi to “restore, protect and enhance wetlands.”

In 2010, USDA waived the \$1 million AGI requirement and paid a ranch holding company over \$2.7 million through Grassland Reserve Program, GRP, for “protection of critical and unique grasslands.”

Last year, USDA paid four millionaires a total of \$592,097 through the Environmental Quality Incentive Program, EQIP, \$299,847 of which was aimed at protecting the Sage Grouse by a ranch in California; \$50,000 went to a farm. That farm is owned by the W.C. Bradley Company, which is best known for producing Char-Broil outdoor grills and Zebco fishing supplies; remaining amounts of \$35,250 and \$210,000 went to two family trusts.

The Wildlife Habitat Incentive Program paid \$737,000 to three millionaire recipients, with the majority of the funds \$449,662 going to protect the Sage Grouse by a family trust in California. A farm in Georgia also received \$100,000 through WHIP for “promotion of at-risk species habitat conservation.” The remaining \$187,540 went to a company in New Jersey.

Farm and Ranch Land Protection Program, FRPP paid \$630,000 to a company in 2009 to protect Raspberry Farms in Hampton Falls, New Hampshire. Raspberry Farms formerly operated as a “popular pick-your-own berries and retail farm stand” in the 1980s and early 1990s.

The former farm was scheduled to be developed for housing, but instead, NRCS, in partnership with local entities, paid a total of \$1.6 million to ensure the land will never be developed.

In 2010 USDA paid four individuals and entities with an AGI of \$1 million or more a total of \$75,540.

Again, this is a very straightforward amendment. Last year the Department of Agriculture paid \$10 million to two different individuals, who had an adjusted gross income of over \$1 million, through a waiver granted by the Department of Agriculture. Both of these were ineligible, but we give the Department of Agriculture the right to waive that. This amendment would restrict that right for a waiver for people making more than \$1 million a year in terms of conservation payments.

There is nothing wrong with conservation programs, but most often these payments are paid in addition to what people are going to do anyway. So what the Department of Agriculture has done is given well over \$180 million to millionaires through our conservation payment on programs they would have otherwise done themselves.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would indicate that the conservation program is a very strong, effective program, but I am not objecting, nor is the ranking member, to moving forward with the vote. I believe the Member wishes to have a record rollcall, is that correct? So we would yield back time and ask for a record rollcall vote.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—63

Alexander	Enzi	McCaskill
Ayotte	Graham	McConnell
Barrasso	Grassley	Menendez
Bennet	Hatch	Merkley
Bingaman	Heller	Mikulski
Blunt	Hoehn	Moran
Boozman	Hutchison	Murkowski
Brown (MA)	Inhofe	Nelson (NE)
Brown (OH)	Isakson	Paul
Burr	Johanns	Portman
Chambliss	Johnson (WI)	Risch
Coats	Kerry	Roberts
Coburn	Kyl	Rockefeller
Cochran	Landrieu	Rubio
Collins	Lee	Sessions
Conrad	Levin	Shelby
Corker	Lieberman	Shelby
Cornyn	Lugar	Snowe
Crapo	Manchin	
DeMint	McCain	

Stabenow
Thune

Toomey
Vitter

Wicker
Wyden

NAYS—36

Akaka
Baucus
Begich
Blumenthal
Boxer
Cantwell
Cardin
Carper
Casey
Coons
Durbin
Feinstein

Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson (SD)
Klobuchar
Kohl
Lautenberg
Leahy
Murray
Nelson (FL)

Pryor
Reed
Reid
Sanders
Schumer
Shaheen
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse

NOT VOTING—1

Kirk

The amendment (No. 2293) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2453

Ms. STABENOW. I call up my amendment 2453 and ask unanimous consent to add Senator SNOWE as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2453.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance for certain losses)

On page 1006, between lines 21 and 22, insert the following:

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).”.

Ms. STABENOW. This amendment simply addresses what has happened with severe and devastating freezes across the country for those who have food crops and don't have access to crop insurance. This Farm Bill makes great strides in expanding crop insurance for fruit and vegetable growers in the United States. However, these new programs will not be available to producers who suffered substantial—and in some cases complete—losses this year. This amendment would simply allow those in the States that are affected to buy into a program we have, called the Non-Insured Disaster Program, that allows them to get some kind of help for the freezes.

This provides them the same coverage they will have in the years going

forward—this is the same kind of extension for 2012 losses that is available for livestock producers. 29 States in every part of the country have reported major crop losses for 2012 due to frost or freeze. I urge my colleagues to support this amendment so these farmers aren't losing their business because of bad weather.

I believe we can move forward with a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2453) was agreed to.

Mr. BEGICH. Mr. President, I move to reconsider the vote.

Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2454

Mr. KERRY. I call up amendment No. 2454, my amendment together with Senator LUGAR.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act unless the President issues a national interest waiver)

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

(a) IN GENERAL.—No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

(b) NATIONAL INTEREST WAIVER.—The President may waive subsection (a) if the President determines and certifies to the Committees on Agriculture, Nutrition, and Forestry and Foreign Relations of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives that the waiver is in the national interest of the United States.

Mr. KERRY. Mr. President, the Kerry-Lugar amendment is a side-by-side amendment, frankly, which will counter the amendment of the Senator from Arizona, Mr. KYL.

We all join in abhorring the conduct of the Government of North Korea. Nobody contests that. The question here is whether we want to have a complete prohibition on any humanitarian assistance, without the possibility of a Presidential waiver in the event that the President, as a matter of national policy, as a matter of our humanitarian policy, decides that something has changed in North Korea or there is behavior that has been altered by North Korea, as in Burma. If we don't have a Presidential waiver, the Kyl amendment permanently locks in—until there is other congressional action—a complete prohibition on any

humanitarian assistance to the people—not the government but the people, the children and families of North Korea.

Ronald Reagan said very clearly that “a hungry child knows no politics.” I believe we ought to uphold that principle and have the Presidential waiver in this particular case.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I oppose the Kerry amendment and hope it will be defeated and that my amendment will be adopted.

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid. Four times they said no, it wouldn't be done. Two weeks before the negotiations were to begin this spring, all of a sudden, \$240 million in food aid was put on the table, and only because the North Koreans launched their so-called satellite long-range missile were those negotiations canceled.

So a national security interest that can simply be provided by the President based on his views—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Does not solve the problem. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is much to counter that, but we do not have the time to do it. But I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—59

Akaka	Brown (OH)	Feinstein
Baucus	Cantwell	Franken
Begich	Cardin	Gillibrand
Bennet	Carper	Hagan
Bingaman	Casey	Harkin
Blumenthal	Collins	Inouye
Blunt	Conrad	Johnson (SD)
Boxer	Coons	Kerry
Brown (MA)	Durbin	Klobuchar

Kohl
Landrieu
Lautenberg
Leahy
Levin
Lugar
Manchin
McCaskill
Menendez
Merkley
Mikulski

Murkowski
Murray
Nelson (NE)
Nelson (FL)
Portman
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer

Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Ayotte
Barrasso
Boozman
Burr
Chambliss
Coats
Coburn
Cochran
Corker
Cornyn
Crapo
DeMint
Enzi

Graham
Grassley
Hatch
Heller
Hoeven
Hutchinson
Inhofe
Isakson
Johanns
Johnson (WI)
Kyl
Lee
Lieberman
McCain

McConnell
Moran
Paul
Risch
Roberts
Rubio
Sessions
Shelby
Thune
Toomey
Vitter
Wicker

NOT VOTING—1

Kirk

The amendment (No. 2454) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2354

Mr. KYL. Mr. President, I call up my amendment which is at the desk, No. 2354. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL.] proposes an amendment numbered 2354.

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act)

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

Mr. KYL. Mr. President, what I said before was, on four separate occasions over just a couple of months, the administration had assured Members of the Senate that it would not use food aid as an enticement to the North Koreans to come to the negotiating table.

Here are direct quotations from the State Department, comments such as “had no intention of rewarding them for their actions that their government has already agreed to take.” Reaffirmed, “There are no financial incentives for North Korea to meet the precepts or engage in talks.”

Deputy Secretary of State Bill Burns, “To be clear, the Administration will not provide any financial incentives to Pyongyang. . . .” et cetera, on the negotiations. And further that “any engagement with North Korea will not be used as a mechanism to fun-

nel financial or other rewards to Pyongyang.”

We also heard media reports and asked them about them. They said no:

These media reports are not accurate. U.S. policy toward North Korea has not changed. We have no intention of rewarding North Korea—

And so on. And a mere 3 weeks later, we do exactly the opposite. That is why a waiver for the President to say otherwise does not do any good and why I urge support—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL.—for my resolution which simply prevents the administration from providing food aid to North Korea.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is an important distinction here. If you are going to provide humanitarian assistance in some circumstance, and the administration made good on its promise to do that, it is hard to separate it from the events as they are going forward that you do not control. No matter who is President, the Senate should not tie the hands of any President with respect to this policy.

Ronald Reagan said it best when he said very clearly that “a hungry child knows no politics.” That was Ronald Reagan's policy. That is the policy of churches all across our country. The fact is that if the Kyl amendment were to pass, you will have tied the hands of any President on a sensitive national security issue where the President deserves that kind of flexibility.

Without a national interest waiver, you lock into place a prohibition in North Korea. What happens if suddenly you had a change, as in Burma? You would be locked in and unable to respond to it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. You would take away the option of the President. In the case of Burma or other places, the President has shown the flexibility. The President ought to have the flexibility here. I hope we will not have a total prohibition on humanitarian assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CARDIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

Alexander	Graham	Moran
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lieberman	Wicker
DeMint	McCain	
Enzi	McConnell	

NAYS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Blunt	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lugar	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	

NOT VOTING—1

Kirk

The amendment (No. 2354) was rejected.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2295

Mr. UDALL of Colorado. Mr. President, I call up my amendment No. 2295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL], for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS, proposes an amendment numbered 2295.

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the designation of treatment areas)

On page 866, line 21, strike “\$100,000,000” and insert “\$200,000,000”.

Mr. UDALL of Colorado. Mr. President, I have offered this amendment with my colleague Senator THUNE from South Dakota.

This is a commonsense amendment that would increase resources to land managers to address insect and disease epidemics spreading across our forests, while maintaining the farm bill's more than \$23 billion in mandatory savings, and that is important.

This bark beetle epidemic, which is in many States, has left dangerous dead and dying stands of trees that worsen the threat from forest fires. This is particularly evident to Colo-

radans because, today, we have an 86-square-mile fire, and more than 1,600 brave firefighters are challenging this blaze, which is already the most destructive fire in Colorado's history. We don't expect to fully defeat this fire or bring it to ground for several weeks.

The Forest Service has set a goal of doubling the number of acres treated to address beetle kill and prevent forest fires. This amendment would help them reach that goal. If we don't pass the amendment, they will not have the wherewithal and resources to do so.

I ask my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, I am not going to speak in opposition, but I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—77

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Pryor
Bennet	Hoeven	Reed
Bingaman	Inouye	Reid
Blumenthal	Isakson	Risch
Blunt	Johanns	Roberts
Boozman	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Sessions
Cardin	Kyl	Shaheen
Carper	Landrieu	Shelby
Casey	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Crapo	McCain	Warner
Durbin	McConnell	Webb
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	

NAYS—22

Ayotte	Grassley	Paul
Brown (MA)	Hatch	Portman
Burr	Hutchison	Rubio
Chambliss	Inhofe	Toomey
Coats	Johnson (WI)	Vitter
Corker	Lee	Wyden
Cornyn	McCaskill	
DeMint	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2295) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2313

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2313.

The amendment is as follows:

(Purpose: To repeal the forest legacy program)

Beginning on page 862, strike line 15 and all that follows through page 863, line 2, and insert the following:

SEC. 8103. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in paragraph (3), by inserting “and” after the semicolon;

(B) in paragraph (4), by striking “; and” and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)) is amended—

(A) in subparagraph (B), by inserting “and” after the semicolon;

(B) in subparagraph (C), by striking “; and” and inserting a period; and

(C) by striking subparagraph (D).

The PRESIDING OFFICER. There will now be 2 minutes of debate, with the Senator from Utah recognized for 1 minute.

Mr. LEE. Mr. President, I offer this amendment to repeal the Forest Legacy Program. This is a program designed to protect lands in the United States. It is important to remember that the Federal Government is already a massive landowner. It has abundant programs already in place to conserve that land, to protect it. The Federal Government owns about two-thirds of the land in my own State. It owns nearly 30 percent of the land mass within the territorial boundaries of the United States. We do a lot to conserve that land. But when we use this money—money estimated to amount to about \$200 million a year in authorization, about \$1 billion over a 5-year period—we are using that money to take land out of use. We are using that money to pay people not to use their land for anything. Whenever we look for areas in which we can save money, one area is to not pay people not to use their land.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the Lee amendment to repeal the Forest Legacy Program, and urge all Senators to do the same. For more than two decades, this program has led to the conservation of over 2.2 million acres of working forest lands in 49 states. The National Association of

Forest Owners estimates that U.S. forests support more than 2.9 million jobs and contribute \$115 billion towards the gross domestic product.

Better still, the Forest Legacy Program does not use taxpayer dollars for Federal funds, but instead relies on a very small percentage of oil drilling receipts. The benefits of this program far outweigh any cost to the taxpayer, a claim that cannot be made by many other Federal programs.

Repealing this program would be a tragic mistake, especially at a time when the Nation's forests are under attack from real estate development and urban sprawl, among other enemies. The U.S. is projected to lose up to 75 million acres of forest over the next half century. As forest areas are fragmented and disappear, so too do the benefits they provide. This program is essential to protect these benefits and ensure that we have a healthy environment and strong rural economies in the future. I strongly oppose this amendment and urge all Senators to do the same.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 2313.

Mr. LEE. Mr. President, I ask for the yeas and nays.

Mr. CARDIN. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 77, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—21

Barrasso	Hatch	McConnell
Blunt	Inhofe	Moran
Coats	Johanns	Murkowski
Coburn	Johnson (WI)	Paul
Cornyn	Kyl	Rubio
DeMint	Lee	Toomey
Enzi	McCain	Vitter

NAYS—77

Akaka	Casey	Heller
Alexander	Chambliss	Hoeben
Ayotte	Cochran	Hutchison
Baucus	Collins	Inouye
Begich	Conrad	Isakson
Bennet	Coons	Johnson (SD)
Bingaman	Corker	Kerry
Blumenthal	Crapo	Klobuchar
Boozman	Durbin	Kohl
Boxer	Feinstein	Landrieu
Brown (MA)	Franken	Lautenberg
Brown (OH)	Gillibrand	Leahy
Burr	Graham	Levin
Cantwell	Grassley	Lieberman
Cardin	Hagan	Lugar
Carper	Harkin	Manchin

McCaskill	Risch	Tester
Menendez	Roberts	Thune
Merkley	Rockefeller	Udall (CO)
Murray	Sanders	Udall (NM)
Nelson (NE)	Schumer	Warner
Nelson (FL)	Sessions	Webb
Portman	Shaheen	Whitehouse
Pryor	Shelby	Wicker
Reed	Snowe	Wyden
Reid	Stabenow	

NOT VOTING—2

Kirk	Mikulski
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The amendment (No. 2313) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, right now we have 34 amendments left plus final passage. That is 11 hours. I was hoping we could dispose of quite a few of these on voice, but that has not worked out very well. We have had a number of people who offered to have their votes by voice, but those were objected to.

We have to finish this bill. We have to do flood insurance this week. I know people have schedules. We have all kinds of things going on, but we have to show a little bit of understanding about the ordeal we have ahead of us.

I am confident we are not going to stay here until 2 o'clock this morning, but we are going to stay here a while because until we have a way of finishing this bill that is set in stone, we are going to have to proceed forward. This is an important piece of legislation but also flood insurance is an extremely important piece of legislation. If we do not complete that by the end of this month, there will be thousands and thousands of people who cannot close their loans every day—not a month, every day.

With the economy in the state it is in now, we need to close every loan, every home that is purchased, every commercial piece of property that is bought. We have to close those now. We cannot tell the American people we tried to get it done, but we could not because we were—whatever.

People have indicated they want to get out of here early tonight. There may be somebody who wants to get out of here earlier tonight than I, but I would be happy to debate that subject with them. But we need to show some cooperation. We have two of the finest Senators we could have managing this bill. Let's work together and get this done.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2457, AS MODIFIED

Mr. WARNER. Mr. President, I ask to call up amendment No. 2457 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mrs. SHAHEEN, Mr. KIRK, and Mr. BENNET, proposes an amendment numbered 2457.

(The text of the amendment is printed in the RECORD of Tuesday, June 19, 2012, under "Text of Amendments.")

Mr. WARNER. I further ask the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To improve access to broadband telecommunication services in rural areas)

Strike section 6104 and insert the following:

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking "loans and" and inserting "grants, loans, and";

(2) in subsection (b), by striking paragraph (3) and inserting the following:

"(3) RURAL AREA.—The term 'rural area' means any area described in section 3002 of the Consolidated Farm and Rural Development Act.;"

(3) in subsection (c)—

(A) in the subsection heading, by striking "LOANS AND" and inserting "GRANTS, LOANS, AND";

(B) in paragraph (1), by inserting "make grants and" after "Secretary shall";

(C) by striking paragraph (2) and inserting the following:

"(2) PRIORITY.—

"(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

"(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

"(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

"(I) certified by the affected community, city, county, or designee; or

"(II) demonstrated on—

"(aa) the broadband map of the affected State if the map contains address-level data; or

"(bb) the National Broadband Map if address-level data is unavailable; and

"(iii) provide equal consideration to all qualified applicants, including those that have not previously received grants, loans, or loan guarantees under paragraph (1).

"(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

"(i) with a population of less than 20,000 permanent residents;

"(ii) experiencing outmigration;

"(iii) with a high percentage of low-income residents; and

“(iv) that are isolated from other significant population centers.”; and

(D) by adding at the end the following:

“(3) GRANT AMOUNTS.—

“(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

“(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels;

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education;

“(IV) private entities; and

“(V) philanthropic organizations; and

“(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

“(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant).”;

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking “loan or” and inserting “grant, loan, or”;

(ii) by striking clause (i) and inserting the following:

“(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e).”;

(iii) in clause (ii), by striking “a loan application” and inserting “an application”;

and

(iv) in clause (iii)—

(I) by striking “the loan application” and inserting “the application”;

(II) by striking “proceeds from the loan made or guaranteed under this section are” and inserting “assistance under this section is”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “the proceeds of a loan made or guaranteed” and inserting “assistance”;

(bb) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”;

(II) in clause (i), by striking “is offered broadband service by not more than 1 incumbent service provider” and inserting “are unserved or have service levels below the

minimum acceptable level of broadband service established under subsection (e).”;

(III) in clause (ii), by striking “3” and inserting “2”;

(i) by striking subparagraph (B) and inserting the following:

“(B) ADJUSTMENTS.—

“(i) INCREASE.—The Secretary may increase the household percentage requirement under subparagraph (A)(i) if—

“(I) more than 25 percent of the costs of the project are funded by grants made under this section; or

“(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000.

“(ii) REDUCTION.—The Secretary may reduce the household percentage requirement under subparagraph (A)(i)—

“(I) to not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people; or

“(II) to not less than 18 percent, if the proposed service territory does not have a population in excess of 7,500 people.”;

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking “3” and inserting “2”;

(II) in clause (i), by inserting “the minimum acceptable level of broadband service established under subsection (e) in” after “service to”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “loan or” and inserting “grant, loan, or”;

(ii) in subparagraph (B), by adding at the end the following:

“(iii) INFORMATION.—Information submitted under this subparagraph shall be—

“(I) certified by the affected community, city, county, or designee; and

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable.”;

(D) in paragraph (4)—

(i) by striking “Subject to paragraph (1),” and inserting the following:

“(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),”;

(ii) by striking “loan or” and inserting “grant, loan, or”;

(iii) by adding at the end the following:

“(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).”;

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “loan or” and inserting “grant, loan, or”;

(ii) in subparagraph (C), by inserting “, and proportion relative to the service territory,” after “estimated number”;

(F) in paragraph (6), by striking “loan or” and inserting “grant, loan, or”;

(G) in paragraph (7), by striking “a loan application” and inserting “an application”;

and

(H) by adding at the end the following:

“(8) TRANSPARENCY AND REPORTING.—The Secretary—

“(A) shall require any entity receiving assistance under this section to submit quarterly, in a format specified by the Secretary, a report that describes—

“(i) the use by the entity of the assistance, including new equipment and capacity en-

hancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

“(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—

“(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

“(II) the speed of broadband service;

“(III) the price of broadband service;

“(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

“(V) any other metrics the Secretary determines to be appropriate

“(B) shall maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains, at a minimum—

“(i) a list of each entity that has applied for assistance under this section;

“(ii) a description of each application, including the status of each application;

“(iii) for each entity receiving assistance under this section—

“(I) the name of the entity;

“(II) the type of assistance being received;

“(III) the purpose for which the entity is receiving the assistance; and

“(IV) each quarterly report submitted under subparagraph (A); and

“(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

“(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

“(i) recover funds from loan defaults;

“(ii) (I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

“(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

“(iii) consolidate and minimize overlap among the programs;

“(D) with respect to an application for assistance under this section, shall—

“(i) promptly post on the website of the Rural Utility Service—

“(I) an announcement that identifies—

“(aa) each applicant;

“(bb) the amount and type of support requested by each applicant; and

“(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

“(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

“(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

“(E) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.”;

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

“(A) a 4-Mbps downstream transmission capacity; and

“(B) a 1-Mbps upstream transmission capacity.

“(2) ADJUSTMENTS.—

“(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

“(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.”;

(6) in subsection (f), by striking “make a loan or loan guarantee” and inserting “provide assistance”;

(7) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient would be serving an area that is unserved; and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

(8) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking “loan and loan guarantee”;

(B) in paragraph (1)—

(i) by inserting “grants and” after “number of”; and

(ii) by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “loan”; and

(ii) in subparagraph (B), by striking “loans and” and inserting “grants, loans, and”;

(D) in paragraph (3), by striking “loan”;

(E) in paragraph (5), by striking “and” at the end;

(F) in paragraph (6), by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”; and

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

“(k) BROADBAND BUILDOUT DATA.—

“(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

“(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the ‘Administration’); and

“(B) not later than 30 days after the earlier of—

“(i) the date of completion of any project milestone established by the Secretary; or

“(ii) the date of completion of the project.

“(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

“(3) CORRECTIONS.—

“(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

“(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

“(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correct by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.”;

(11) subsection (l) (as redesignated by paragraph (9))—

(A) in paragraph (1)—

(i) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(ii) by striking “2012” and inserting “2017”; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) set aside at least 1 percent to be used for—

“(I) conducting oversight under this section; and

“(II) implementing accountability measures and related activities authorized under this section.”; and

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking “loan or” and inserting “grant, loan, or”; and

(B) by striking “2012” and inserting “2017”.

The PRESIDING OFFICER. There will be 2 minutes of debate. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this is a broad, bipartisan amendment—Warner-Crapo-Kirk-Shaheen-Bennet-Webb. It basically does three things in the broadband area. It accelerates access to those areas that are underserved. As a matter of fact, we have a 2009 USDA IG report which showed that less than 3 percent of loans provided by RUS went toward unserved communities. This will move forward in that area.

Second, it creates greater access and transparency and accountability standards for RUS and applicants. These are items that were brought forward from the GAO and the IG of the USDA and CRS. It also allows greater levels of accountability in ensuring that those States that collect data by address—that that information is related to RUS, so we don’t have counties where certain parts are served and other parts are left unserved, never able to get access. It has the broad support of the U.S. Conference of Catholic Bishops, National Taxpayers Union, the League of Rural Voters.

I ask bipartisan support of this amendment.

Mr. LEAHY, Mr. President, I have long believed that Congress must work to enact policies that promote the deployment of broadband in rural America. There is no doubt that rural areas lag behind the rest of the country when it comes to access to affordable, quality, high-speed Internet. As the Internet rapidly evolves beyond what the slow speeds offered by dial up service can handle, broadband service is no longer a luxury, it is a necessity. Today, I voted against an amendment that, while well intentioned, may have the unintended consequence of making it harder for the Rural Utilities Service to incentivize broadband expansion and competition in rural areas like Vermont.

I support the provisions in the underlying farm bill that seek to provide additional forms of assistance to broadband projects in rural areas, and I had hoped that the Senate would not significantly alter these provisions. It is important to ensure that the Rural Utilities Service has the flexibility it needs to provide assistance to rural areas—both those that have no service at all and those that have inadequate service.

Senator WARNER’s amendment does contain elements that I support, including provisions that will help to improve transparency and accountability within the Rural Utilities Service Program. Unfortunately, it may go too far in refocusing the scope of the program at the expense of rural communities in Vermont.

I look forward to continuing my work in the Senate to expand

broadband service and competition in rural America.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. STABENOW. I am not yielding time in opposition. I commend Senator WARNER and everyone on this amendment for their tremendous amount of work. It makes a tremendous amount of sense. It is real reform. I believe we have an understanding to proceed with a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2457, as modified.

The amendment (No. 2457), as modified, was agreed to.

Mr. BEGICH. Mr. President, I would like to have the RECORD reflect if there had been a rollcall vote, I would have voted no on this item.

Mr. NELSON of Nebraska. I wish to be recorded also as I would have voted no.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2314

Mr. LEE. Mr. President, I call up my amendment No. 2314 at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2314.

The amendment is as follows:

(Purpose: To repeal the conservation stewardship program and the conservation reserve program)

Strike subtitles A and B of title II and insert the following:

SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is repealed.

SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided. The Senator from Utah is recognized for 1 minute.

Mr. LEE. Mr. President, I propose amendment No. 2314 to repeal the Conservation Reserve Program and the Conservation Stewardship Program. Here we have another instance of the Federal Government paying people not to use their land. In this circumstance, they are being paid not to grow crops on their land, not to use agricultural land.

We have an almost \$16 trillion debt. CBO says this amendment would save over \$15 billion in mandatory spending over 10 years. Not doing something is something that should be free. Only the Federal Government would try to defend the practice of spending billions and billions of dollars—

The PRESIDING OFFICER. The Senator will suspend for a moment. Senators will please take their conversations out of the well.

The Senator from Utah.

Mr. LEE. Only the Federal Government would try to defend the barbaric, outmoded practice of paying people billions of dollars not to use their land. That is what these programs do. We need to get rid of them. That is why I propose this amendment. I invite my colleagues to join me in supporting it.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I strongly oppose this amendment. We have over 643 conservation and environmental groups from every State in the Union supporting our conservation reforms in this bill. This is about protecting land and water and air habitat, wetlands. Ducks Unlimited is a huge supporter of what we have been doing.

The Conservation Reserve Program, which has been in place for 25 years, was shown last year, with the drought, to have had a tremendous effect. We saw some of the worst droughts on record since the Dust Bowl in the last number of months, but we did not have a Dust Bowl and that is because the CRP prevented erosion and the soil stayed where it should stay. This is about our country, protecting our land, resources for our children and grandchildren.

I strongly urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. All those in favor, signify by saying aye.

(Chorus of ayes.)

The PRESIDING OFFICER. No?

(Chorus of nays.)

The PRESIDING OFFICER. The noes appear to have it.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—15

Ayotte	Hatch	Murkowski
Coats	Johnson (WI)	Paul
Coburn	Kyl	Rubio
Corker	Lee	Toomey
DeMint	McCain	Vitter

NAYS—84

Akaka	Blunt	Carper
Alexander	Boozman	Casey
Barrasso	Boxer	Chambliss
Baucus	Brown (MA)	Cochran
Begich	Brown (OH)	Collins
Bennet	Burr	Conrad
Bingaman	Cantwell	Coons
Blumenthal	Cardin	Cornyn

Crapo	Kohl	Reid
Durbin	Landrieu	Risch
Enzi	Lautenberg	Roberts
Feinstein	Leahy	Rockefeller
Franken	Levin	Sanders
Gillibrand	Lieberman	Schumer
Graham	Lugar	Sessions
Grassley	Manchin	Shaheen
Hagan	McCaskill	Shelby
Harkin	McConnell	Snowe
Heller	Menendez	Stabenow
Hoeven	Merkley	Tester
Hutchison	Mikulski	Thune
Inhofe	Moran	Udall (CO)
Inouye	Murray	Udall (NM)
Isakson	Nelson (NE)	Warner
Johanns	Nelson (FL)	Webb
Johnson (SD)	Portman	Whitehouse
Kerry	Pryor	Wicker
Klobuchar	Reed	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2314) was rejected.

Ms. STABENOW. Mr. President, I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2427

Ms. STABENOW. Mr. President, before moving to Senator WYDEN's amendment, we want to go back to an agreed-upon amendment, which is Schumer amendment No. 2427, to increase research, education, and promotion of maple products.

I call up amendment No. 2427, and I ask unanimous consent that we move forward with a voice vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for Mr. SCHUMER, proposes an amendment numbered 2427.

The amendment is as follows:

(Purpose: To support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes)

On page 1009, after line 11, add the following:

SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATIONS.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) **DEFINITION OF MAPLE SUGARING.**—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) **REGULATIONS.**—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2012 through 2015.

Ms. STABENOW. I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2427) was agreed to.

Ms. STABENOW. Mr. President, I appreciate Senator WYDEN allowing us to go out of order. I will now turn it over to Senator WYDEN for his amendment.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2388

Mr. WYDEN. I call up my farm-to-school amendment No. 2388.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2388.

Mr. WYDEN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a provision relating to purchases of locally produced foods)

On page 360, after line 24, add the following:

SEC. 4207. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(3) in paragraph (1) (as so redesignated)—

(A) in subparagraph (B)—

(i) by striking “paragraph (1) of the policy described in that paragraph and paragraph (3)” and inserting “subparagraph (A) of the policy described in that subparagraph and subparagraph (C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(D) not later than 1 year after the date of enactment of this subparagraph, in accordance with paragraphs (2) and (3), conduct not fewer than 5 demonstration projects through school food authorities receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to facilitate the purchase of unprocessed and minimally processed locally grown and locally raised agricultural products.”; and

(4) by adding at the end the following:

“(2) **SELECTION.**—In conducting demonstration projects under paragraph (1)(D), the Secretary shall ensure that at least 1 project is located in a State in each of—

“(A) the Pacific Northwest Region;

“(B) the Northeast Region;

“(C) the Western Region;

“(D) the Midwest Region; and

“(E) the Southern Region.

“(3) **PRIORITY.**—In selecting States for participation in the demonstration projects under paragraph (2), the Secretary shall prioritize applications based on—

“(A) the quantity and variety of growers of local fruits and vegetables in the State;

“(B) the demonstrated commitment of the State to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to-school programs in the State; and

“(C) whether the State contains a sufficient quantity of school districts of varying population sizes and geographical locations.”.

Mr. WYDEN. Mr. President, the American Academy of Pediatrics, the country's pediatricians, is recommending to the Senate that this amendment be passed to encourage healthier foods for our kids. The Congressional Budget Office has stated that this amendment has no cost.

This amendment would, for the first time, test out farm-to-school programs through a competitive pilot program with at least five farm-to-school demonstration projects so it would be possible to fill in the information void about what works and what doesn't. The Agriculture Department's own Economic Research Service reports that “data and analysis of farm-to-school programs are scarce.”

Under this amendment, the schools win, the farmers win, and the taxpayers win. I hope we can accept it with a voice vote.

Ms. STABENOW. Mr. President, I yield back all time, and we do have an agreement on a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2388.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2355

Mr. BOOZMAN. I call up amendment No. 2355, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 2355.

The amendment was as follows:

(Purpose: To support the dissemination of objective and scholarly agricultural and food law research and information)

On page 860, between lines 15 and 16, insert the following:

SEC. 7602. OBJECTIVE AND SCHOLARLY AGRICULTURAL AND FOOD LAW RESEARCH AND INFORMATION.

(a) **FINDINGS.**—Congress finds that—

(1) the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws (including regulations);

(2) objective, scholarly, and authoritative agricultural and food law research and information helps the farm, ranch, and forestry community contribute to the strength of the United States through improved conservation, environmental protection, job creation, economic development, renewable energy production, outdoor recreational opportunities, and increased local and regional supplies of food, fiber, and fuel; and

(3) the vast agricultural community of the United States, including farmers, ranchers, foresters, attorneys, policymakers, and extension personnel, need access to agricultural and food law research and information provided by an objective, scholarly, and neutral source.

(b) **PARTNERSHIPS.**—The Secretary, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research and information by entering into partnerships with institutions of higher education that have expertise in agricultural and food law research and information.

(c) **RESTRICTION.**—For each fiscal year, the Secretary shall use not more than \$1,000,000 of the amounts made available to the National Agricultural Library to carry out this section.

Mr. BOOZMAN. Mr. President, the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws.

The vast agricultural community of the United States—including farmers, ranchers, foresters, attorneys, policymakers and extension personnel—needs access to agricultural and food law research and information provided by an objective, scholarly, and neutral source. This amendment encourages the Secretary of Agriculture, acting through the National Agricultural Library, to get the information out by entering into partnerships with institutions of higher education that have expertise in this area.

The amendment does not authorize a new program or increase the authorization for the National Agricultural Library. Again, CBO says it has no cost.

I urge a voice vote in the affirmative.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support this amendment, as does my ranking member. I wish to congratulate Senator BOOZMAN on great work on this amendment. I believe we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2355.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2442

Mr. WYDEN. I call up amendment No. 2442.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2442.

Mr. WYDEN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a pilot loan program to support healthy foods for the hungry)

At the end of section 3201 of the Consolidated Farm and Rural Development Act (as added by section 5001), add the following:

“(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY FOODS FOR THE HUNGRY.—

“(1) DEFINITION OF GLEANER.—In this subsection, the term ‘gleaner’ means an entity that—

“(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

“(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

“(2) PROGRAM.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, within the operating loan program established under this chapter, a pilot program under which the Secretary makes loans available to eligible entities to assist the entities in providing food to the hungry.

“(3) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive loans under this subsection.

“(4) LOAN AMOUNT.—

“(A) IN GENERAL.—Each loan issued under the program shall be in an amount of not less than \$500 and not more than \$5,000.

“(B) REDISTRIBUTION.—If the eligible recipients in a State do not use the full allocation of loans that are available to eligible recipients in the State under this subsection, the Secretary may use any unused amounts to make loans available to eligible entities in other States in accordance with this subsection.

“(5) LOAN PROCESSING.—

“(A) IN GENERAL.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

“(B) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

“(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

“(7) PROGRAM INTEGRITY.—The Secretary shall take such actions as are necessary to ensure the integrity of the program established under this subsection.

“(8) MAXIMUM AMOUNT.—Of funds that are made available to carry out this chapter, the

Secretary shall use to carry out this subsection a total amount of not more than \$500,000.

“(9) REPORT.—Not later than 180 days after the maximum amount of funds are used to carry out this subsection under paragraph (8), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program and the feasibility of expanding the program.

Mr. WYDEN. Mr. President, again, I hope we can handle this amendment on a voice vote. This is an amendment that would help the gleaners all across the country, who, of course, are the volunteers across America who help get surplus food that would otherwise be wasted out to the hungry at senior centers and at various kinds of food kitchens and other critical hunger programs. Thirty-four million tons of food waste is generated each year. That could feed a lot of people.

The gleaners are trying to make sure this perfectly good food goes on the plates of struggling Americans as opposed to millions of pounds of it going into landfills and incinerators.

This amendment, again, costs no money. It simply makes—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN.—it possible to collect and preserve edible food. I hope we accept it on a voice vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I encourage my colleagues to join with me to oppose the amendment.

The amendment would provide government loans for brick-and-mortar projects, including food refrigeration capacity. We are talking about refrigerators—big refrigerators. At a time when we are working to streamline current programs and reduce the size of government, I am concerned we would be expanding the size to serve a new pool of applicants competing for very limited resources at the Department of Agriculture. In this regard, the gleaners would be taken to the cleaners.

I encourage my colleagues to oppose the amendment.

Mr. WYDEN. Mr. President, has all time expired?

The PRESIDING OFFICER. Time in opposition remains.

Mr. WYDEN. I will only state this costs no additional money. Senator STABENOW supports it, and I yield to her.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would just simply say that I strongly support the amendment.

The PRESIDING OFFICER. All time has expired.

Is there further debate in opposition? If there is no further debate, the question is on agreeing to the amendment.

All those in favor say aye.

(Chorus of ayes.)

All those opposed, no.

(Chorus of nays.)

The nays appear to have it.

Mr. WYDEN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. ROBERTS. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. All those in favor of the amendment will stand and be counted.

Now would all those opposed stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the amendment No. 2442 was agreed to.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I send a modification to the desk to my amendment No. 2360.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WHITEHOUSE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I am sorry, Mr. President. We were in discussions. At this moment if we might just pause, we will just object for a moment. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. We are now told that this has been reviewed, and so we have no objection to proceeding to it.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2360, AS MODIFIED

Mr. BOOZMAN. Mr. President, I call up amendment No. 2360, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment No. 2360, as modified.

The amendment is as follows:

(Purpose: To provide for emergency food assistance, and for other purposes)

At the appropriate place in title IV, insert the following:

SEC. 4. QUALITY CONTROL BONUSES.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”; and

(B) in the first sentence of paragraph (5), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment

amount under paragraph (1) or payment error rate”;

(2) by striking subsection (d); and

(3) in subsection (i)(1), by striking “subsection (d)(1)” and inserting “subsection (c)(2)”.

On page 337, line 8, strike “\$28,000,000” and insert “\$71,000,000”.

On page 337, line 10, strike “\$24,000,000” and insert “\$67,000,000”.

On page 337, line 12, strike “\$20,000,000” and insert “\$63,000,000”.

On page 337, line 14, strike “\$18,000,000” and insert “\$61,000,000”.

On page 337, line 16, strike “\$10,000,000” and insert “\$53,000,000”.

Mr. BOOZMAN. My amendment redirects funding currently going to the States for the administration of SNAP. It puts that money in TEFAP, which provides funding to the Secretary of Agriculture to make commodity purchases given to food banks.

I am sure my colleagues are aware of the difficult situation in our food banks right now. They are under immense pressure in these very difficult economic times.

The importance of TEFAP is it provides food banks with commodities. This amendment takes money currently used to encourage the States to do something that they ought to be doing anyway and reinvests in a program that actually provides food to Americans who need it the most.

I urge a “yes” vote and yield back my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to reluctantly oppose the amendment of my colleague. I appreciate what he is trying to do. I couldn't agree more about the needs of food banks. That is why in this legislation we increase food bank funding by \$174 million.

The problem is the way the Senator wants to do this, which is by reducing the funding available to stop food stamp fraud efforts. It would reduce the SNAP error rates efforts. Right now, what has been done to tackle waste, fraud, and abuse has actually reduced error rates dramatically—by 43 percent. We want to keep that going.

So I certainly support what he is trying to do but not by taking money away from waste, fraud, and abuse efforts within the food assistance program. So I have to ask for a “no” vote.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BOOZMAN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—35

Ayotte	Grassley	Pryor
Barrasso	Hoeven	Risch
Blunt	Hutchison	Roberts
Boozman	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Kyl	Thune
Cochran	Lugar	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Webb
Enzi	Nelson (FL)	Wicker
Graham	Portman	

NAYS—63

Akaka	Feinstein	McCaskill
Alexander	Franken	Menendez
Baucus	Gillibrand	Merkley
Begich	Hagan	Mikulski
Bennet	Harkin	Murkowski
Bingaman	Hatch	Murray
Blumenthal	Heller	Nelson (NE)
Boxer	Inouye	Reed
Brown (MA)	Johnson (SD)	Reid
Brown (OH)	Johnson (WI)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Lieberman	Warner
DeMint	Manchin	Whitehouse
Durbin	McCain	Wyden

ANSWERED “PRESENT”—1

Paul

NOT VOTING—1

Kirk

The amendment (No. 2360) was rejected.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2204

Mr. LEAHY. Mr. President, I call up my amendment No. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2204.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To support the State Rural Development Partnership)

On page 652, between lines 12 and 13, insert the following:

“SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural respon-

sibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

“(2) PARTNERSHIP.—The term ‘Partnership’ means the State Rural Development Partnership continued by subsection (b).

“(3) STATE RURAL DEVELOPMENT COUNCIL.—The term ‘State rural development council’ means a State rural development council that meets the requirements of subsection (c).

“(b) PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

“(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

“(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

“(A) to lead and coordinate the strategic operation and policies of the Partnership; and

“(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

“(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

“(A) to cooperate with States to implement the Partnership;

“(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

“(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

“(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

“(c) STATE RURAL DEVELOPMENT COUNCILS.—

“(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

“(2) COMPOSITION.—A State rural development council shall—

“(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

“(B) have a nonpartisan and nondiscriminatory membership that—

“(i) is broad and representative of the economic, social, and political diversity of the State; and

“(ii) shall be responsible for the governance and operations of the State rural development council.

“(3) DUTIES.—A State rural development council shall—

“(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

“(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

“(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

“(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

“(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

“(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

“(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

“(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

“(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

“(1) DETAIL OF EMPLOYEES.—

“(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

“(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

“(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

“(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

“(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

“(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

“(A) to support 1 or more specific program or project activities; or

“(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

“(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) FEDERAL AGENCIES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

“(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

“(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

“(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.”

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Vermont.

Mr. LEAHY. This amendment will reestablish authorization for National Rural Development Partnerships—renamed State Rural Development Partnerships—in the 2012 farm bill. Reauthorization of these effective and efficient councils will allow them to continue their important work of strengthening rural communities in Vermont and across the country.

This reauthorization would recognize the State councils' on-the-ground leadership in rural communities, and allow them to continue their vital work. I would note that this amendment does not cost a single farm bill dollar; it would merely maintain the States' statutory authority to establish these State-run rural development councils.

I urge all Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I commend Senator LEAHY, who, as a former chairman of the Agriculture Committee, is a tremendous champion not only for Vermont but for the entire country on these issues.

I yield back the time. I believe we have agreement for a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2204) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2226

Mr. TOOMEY. Mr. President, I call up amendment No. 2226, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2226.

The amendment is as follows:

(Purpose: To eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance)

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, this is an amendment that repeals the Biorefinery Assistance Program. This is a program that primarily provides loan guarantees to cellulosic ethanol plants.

The fact is the taxpayers are already subsidizing ethanol plants in many ways. The Federal Government already provides a tax credit of \$1 a gallon to ethanol. The Federal Government creates a mandate that forces consumers to buy this product whether they want to or not, thereby creating a market for ethanol.

We provide grants for ethanol. Do taxpayers also have to risk their money by guaranteeing loans to subsidize this activity? I do not think that is a good idea. This is the same idea that got us into trouble in so many ways. A similar loan program was the source of hundreds of millions of dollars of losses to Solyndra. And just this year, this very program cost \$40 million with the bankruptcy of Range Fuels.

I urge my colleagues to vote for a modest reform here. Repeal this one narrow program, the Biorefinery Assistance Program. I urge a “yes” vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. In fact, we are not talking about ethanol. We are talking about, first of all, advanced biofuels using food waste or animal waste or biomass materials. We are talking about biobased manufacturing, which is an exciting new opportunity in making things and growing things together in our country, whether it is corn or wheat byproducts, whether it is soybeans. In fact, if you drive a Ford vehicle today, a new vehicle, a new Chevy Volt, you sit on seats with soy-based foam that is biodegradable, more lightweight, and you get

better fuel economy, grown by American soybean growers.

So this is the opportunity for new growth in jobs that is in this bill. It is a part I am very excited about for the future for every part of this country. It involves more than 3,000 innovative companies right now engaging in new cutting-edge manufacturing to use agricultural products—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW.—to get us off of foreign oil.

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Those in favor say aye.

(Chorus of ayes.)

Those opposed say nay.

(Chorus of nays.)

The nays appear to have it.

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander	DeMint	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Begich	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Corker	Lee	Toomey
Cornyn	McCain	Vitter

NAYS—63

Akaka	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johanns	Reid
Brown (MA)	Johnson (SD)	Risch
Brown (OH)	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCaskey	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2226) was rejected.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Nebraska.

AMENDMENT NO. 2242

Mr. NELSON of Nebraska. Madam President, I rise to call up my amendment No. 2242.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. JOHANNIS, Mr. JOHNSON of South Dakota, and Mr. MORAN, proposes an amendment numbered 2242.

The amendment is as follows:

(Purpose: To amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act)

At the end of subtitle C of title XII, add the following:

SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking “1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010” and inserting “1990, 2000, or 2010 decennial census, and any area deemed to be a ‘rural area’ for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020”; and

(2) by striking “25,000” and inserting “35,000”.

Mr. NELSON of Nebraska. Madam President, this amendment would ensure that rural communities in all our States will remain eligible for housing assistance from the Department of Agriculture.

My amendment simply extends the grandfathering clause these communities have operated under since 1990 and ensures that these communities remain eligible through 2020. This is a bipartisan amendment that is supported by my colleagues, Senators JOHANNIS, MORAN, chairman of the Banking Committee, Senator JOHNSON, and my good friend and neighbor Senator TESTER.

I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. I rise to take 10 seconds to support the amendment of my colleague from Nebraska. It keeps in place a program that has been in place since 1990. It is a good amendment.

Ms. STABENOW. Madam President, I commend both Senators from Nebraska. I thank Senator NELSON for this amendment. I support it.

I believe we have an agreement for a voice vote on this amendment, so I yield back all time.

The PRESIDING OFFICER. Hearing no further debate, the question is on agreeing to the amendment.

The amendment (No. 2242) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2433

Mr. TOOMEY. Madam President, I call up amendment No. 2433.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY], for himself, Mrs. SHAHEEN, and Mr. LUGAR, proposes an amendment numbered 2433.

The amendment is as follows:

(Purpose: To reform the sugar program)

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.”.

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking “2012” and inserting “2017”; and

(B) in subparagraph (B), by inserting “at reasonable prices” after “stocks”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(B) in paragraph (2)(B), by inserting “at reasonable prices” after “market”; and

(2) in subsection (g)—

(A) by striking “ALLOTMENTS.” and all that follows through “Subject to subparagraph (B), the” and inserting “ALLOTMENTS.—The”; and

(B) by striking subparagraph (B).

(c) **SUSPENSION OR MODIFICATION OF PROVISIONS.**—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following:

“(c) **SUSPENSION OR MODIFICATION OF PROVISIONS.**—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—

“(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

“(2) the relative competitiveness of domestically produced and imported foods containing sugar.”.

(d) **ADMINISTRATION OF TARIFF RATE QUOTAS.**—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

“**SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.**

“(a) **ESTABLISHMENT.**—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

“(b) **ADJUSTMENT.**—

“(1) **IN GENERAL.**—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

“(2) **ENDING STOCKS.**—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

“(3) **MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.**—

“(A) **IN GENERAL.**—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

“(i) unreasonably high prices; or

“(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

“(B) **ANNOUNCEMENT.**—The Secretary shall publicly announce any establishment of a target under this paragraph.

“(4) **CONSIDERATIONS.**—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

“(c) **TEMPORARY TRANSFER OF QUOTAS.**—

“(1) **IN GENERAL.**—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

“(2) **TRANSFERS VOLUNTARY.**—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

“(3) **TRANSFERS TEMPORARY.**—

“(A) **IN GENERAL.**—Any transfer under this subsection shall be valid only for the dura-

tion of the quota year during which the transfer is made.

“(B) **FOLLOWING QUOTA YEAR.**—No transfer under this subsection shall affect the share of the quota allocated to the transferor or transferee for the following quota year.”.

(e) **EFFECTIVE PERIOD.**—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

On page 897, strike lines 8 through 15, and insert the following:

SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) **IN GENERAL.**—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bbb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I will claim the first minute and yield the first 30 seconds to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleague from Pennsylvania in supporting his amendment. This is the last opportunity for a bipartisan amendment to reform sugar subsidies that are costing consumers \$3.5 million a year and losing 20,000 jobs a year in this country.

This amendment maintains the current sugar program but rolls back the additional subsidies that were provided for sugar in the 2008 farm bill.

Mr. TOOMEY. I thank the Senator from New Hampshire. Let me point out that this amendment is such a modest reform. It lowers the price support on raw sugar, for instance, from 18.75 cents per pound all the way down to 18 cents per pound.

This is an amendment that will save consumers money, save taxpayers money and, most importantly, it will save jobs. As the Department of Commerce pointed out, for every job saved by the sugar program, three jobs are lost. It is a modest amendment that simply restores us to the policy prior to 2008.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this argument. If we want to jeopardize 142,000 American jobs, this is the vote to do it. We will see these jobs shipped overseas.

The bottom line is that this program operates at zero cost to the taxpayers.

The Congressional Budget Office says it will continue operating at zero cost for the next 10 years. This is about American jobs in American communities all across this country. We are talking about 142,000 jobs. If we are importing cheap sugar at a point where we undermine American jobs, what have we gained? We want to export our products, not our jobs. That is what this amendment would do.

I urge strongly a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—46

Alexander	Durbin	McConnell
Ayotte	Feinstein	Menendez
Blumenthal	Graham	Merkley
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Reed
Brown (OH)	Hutchison	Sessions
Carper	Inhofe	Shaheen
Casey	Johnson (WI)	Snowe
Coats	Kohl	Toomey
Coburn	Kyl	Warner
Collins	Lautenberg	Webb
Coons	Lee	Whitehouse
Corker	Lugar	Wyden
Cornyn	McCain	
DeMint	McCaskill	

NAYS—53

Akaka	Harkin	Nelson (FL)
Barrasso	Hoeven	Pryor
Baucus	Inouye	Reid
Begich	Isakson	Risch
Bennet	Johanns	Roberts
Bingaman	Johnson (SD)	Rockefeller
Boxer	Kerry	Rubio
Burr	Klobuchar	Sanders
Cantwell	Landrieu	Schumer
Cardin	Leahy	Shelby
Chambliss	Levin	Stabenow
Cochran	Lieberman	Tester
Conrad	Manchin	Thune
Crapo	Mikulski	Udall (CO)
Enzi	Moran	Udall (NM)
Franken	Murkowski	Vitter
Gillibrand	Murray	
Hagan	Nelson (NE)	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2433) was rejected.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Minnesota.

AMENDMENT NO. 2299

Ms. KLOBUCHAR. I call up my amendment No. 2299.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR] proposes amendment numbered 2299.

Ms. KLOBUCHAR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture and Secretary of Transportation to conduct a study on rural transportation issues)

On page 782, between lines 14 and 15, insert the following:

SEC. 6203. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

SEC. 6204. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

“(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.”.

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to

support this bipartisan amendment. Senator HOEVEN of North Dakota is a cosponsor, and this helps address the transportation needs of rural America.

This amendment simply calls for a study on rural transportation and takes a close look at the issue of captive shippers. Farmers, energy producers, and manufacturers who depend on freight rail service find themselves trapped today in a back-to-the-future world, struggling with a problem that has resurfaced from a century ago. Many of these end users—these captive customers—have only one railroad to serve them. Three decades ago there were 63 class I railroads and today only 7 remain. This amendment simply looks at the effect this situation has on transportation in rural areas. It is supported by nearly 40 national and regional agricultural and energy organizations.

I urge my colleagues to support this amendment, and I ask for a voice vote.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support Senator KLOBUCHAR's amendment and appreciate her great work.

I yield back the remaining time, and it is my understanding we can proceed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2299) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO RECOMMIT

Mr. LEE. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to recommit the bill, S. 3240, to the Committee on Agriculture, Nutrition and Forestry with instructions to report the same back to the Senate with a reduction in spending to 2008 levels so that overall spending shall not exceed \$714,247,000,000.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. LEE. Mr. President, I introduce this motion to recommit to move us back to 2008 levels. We cannot continue to kick this can down the road in perpetuity. Our spending levels threaten to impair our ability to fund everything from defense to entitlements and everything that falls in between. This is a good start, and this is something that would cut the 10-year cost of this bill by \$254 billion. We need to do it. We need to send it back to the committee, where the committee will have discretion on exactly how to accomplish that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I strongly oppose this motion to recommit. I want to read the cost estimate of the bill prepared by the Congressional Budget Office. This bill spends \$23.6 billion less than we project would be spent if those programs were continued as under current law. This bill is \$23 billion in deficit reduction, according to the nonpartisan, independent Congressional Budget Office.

Frankly, we believe, in agriculture, on a bipartisan basis, that we have done our job. We have scoured every page, reduced the deficit by \$23 billion-plus, and eliminated 100 different programs and authorizations within our jurisdiction. Frankly, I think we are offering, within what we can do, reform and deficit reduction of which we should all feel very proud.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Utah.

Mr. LEE. Madam President, in my approximately 20 seconds remaining, let me say that if we want to continue the same budgeting process that has put us nearly \$16 trillion in debt, then we should proceed to vote against this. If, on the other hand, we want to turn this around and maintain our ability to fund essential government programs, we need to pass this.

I urge my colleagues to support the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Madam President, let me take just 1 second to say that this bill turns us in a different direction—\$23 billion-plus in deficit reduction. It may be the only bipartisan deficit reduction proposal we will pass in the Senate before the election.

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—29

Ayotte	Graham	Paul
Barrasso	Hatch	Risch
Blunt	Inhofe	Roberts
Burr	Johnson (WI)	Rubio
Coburn	Kyl	Sessions
Corker	Lee	Shelby
Cornyn	McCain	Toomey
Crapo	McConnell	Vitter
DeMint	Moran	Wicker
Enzi	Murkowski	

NAYS—70

Akaka	Baucus	Bennet
Alexander	Begich	Bingaman

Blumenthal	Heller	Nelson (NE)
Boozman	Hoeven	Nelson (FL)
Boxer	Hutchison	Portman
Brown (MA)	Inouye	Pryor
Brown (OH)	Isakson	Reed
Cantwell	Johanns	Reid
Cardin	Johnson (SD)	Rockefeller
Carper	Kerry	Sanders
Casey	Klobuchar	Schumer
Chambliss	Kohl	Shaheen
Coats	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Thune
Coons	Lieberman	Udall (CO)
Durbin	Lugar	Udall (NM)
Feinstein	Manchin	Warner
Franken	McCaskill	Webb
Gillibrand	Menendez	Whitehouse
Grassley	Merkley	Wyden
Hagan	Mikulski	
Harkin	Murray	

NOT VOTING—

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENTS NOS. 2195, 2246, 2403, 2443, 2363, AS MODIFIED

Mrs. STABENOW. Madam President, we have been hard at work to pull together some amendments we need to do in a vote. I ask unanimous consent the following amendments that are in order under the unanimous consent agreement be agreed to: Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, and Vitter No. 2363, as modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2195

(Purpose: To require a GAO report on crop insurance fraud)

At the appropriate place, insert the following:

SEC. _____. GAO CROP INSURANCE FRAUD REPORT.

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

“(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.”.

AMENDMENT NO. 2246

(Purpose: To assist military veterans in agricultural occupations)

On page 999, strike line 13 and insert the following:

“actions with employees of the Department.

“(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

“(1) the conduct of regional research on the profitability of small farms;

“(2) the development of educational materials;

“(3) the conduct of workshops, courses, and certified vocational training;

“(4) the conduct of mentoring activities; or

“(5) the provision of internship opportunities.”.

AMENDMENT NO. 2403

(Purpose: To increase the minimum level of nonemergency food assistance)

On page 291, lines 20 and 21, strike “15 percent” and insert “20”.

AMENDMENT NO. 2443

(Purpose: To improve farm safety at the local level)

In section 7408, strike “(2) in subsection (h)—” and insert the following:

(2) by redesignating subsection (h) as subsection (i);

(3) by inserting after subsection (g) the following:

“(h) STATE GRANTS.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) an agency of a State or political subdivision of a State;

“(B) a national, State, or regional organization of agricultural producers; and

“(C) any other entity determined appropriate by the Secretary.

“(2) GRANTS.—The Secretary shall use such sums as are necessary of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.”; and

(4) in subsection (i) (as redesignated by paragraph (2))—

AMENDMENT NO. 2363, AS MODIFIED

(Purpose: To ensure that extras in film and television who bring personal, common domesticated household pets do not face unnecessary regulations and to prohibit attendance at an animal fighting venture)

At the end of title XII, add the following:

SEC. 12207. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding “an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner,” after “stores.”.

SEC. 12208. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “SPONSORING OR EXHIBITING AN ANIMAL IN” and inserting “SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND”;

(B) in paragraph (1)—

(i) in the heading, by striking “IN GENERAL” and inserting “SPONSORING OR EXHIBITING”;

(ii) by striking “paragraph (2)” and inserting “paragraph (3)”;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

“(A) knowingly attend an animal fighting venture; or

“(B) knowingly cause a minor to attend an animal fighting venture.”; and

(2) in subsection (g), by adding at the end the following new paragraph:

“(5) the term ‘minor’ means a person under the age of 18 years old.”.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”;

(2) in subsection (a), as designated by paragraph (1) of this section, by striking “subsection (a),” and inserting “subsection (a)(1).”; and

(3) by adding at the end the following new subsections:

“(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

“(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.”.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2287

Mr. CARPER. I call up amendment No. 2287 and ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself and Mr. BOOZMAN, proposes an amendment numbered 2287.

The amendment is as follows:

(Purpose: To modify a provision relating to high-priority research and extension initiatives)

On page 805, strike lines 18 through 22 and insert the following:

(43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

“(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.”.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. CARPER. Madam President, roughly two-thirds of the cost of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has, as we know, risen dramatically, raising with it the cost of chicken and other meats in our supermarkets. These rising costs have placed a strain on the poultry industry, among others, and on consumers too. That is why I joined with Senator BOOZMAN in offering an amendment to this bill that makes improving the efficiency, digestibility, and nutritional

value of feed for poultry and livestock—including corn, soybean meal, grains and grain byproducts—a top research priority at the U.S. Department of Agriculture.

By improving the food used to raise our chickens and livestock we can provide the poultry and livestock industry with a greater variety of feed choices for use in their operations. But this research will not only benefit our country's food producers, it also benefits our Nation's families by continuing to provide consumers with affordable high-quality food.

Senator BOOZMAN and I urge its adoption.

Ms. STABENOW. I commend Senator CARPER. I have to say he has mentioned to me many times there are 300 chickens for every person in Delaware. I think I have that in my memory now. I commend him for his work.

We are yielding back time, and we have agreed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2287) was agreed to.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. JOHNSON of Wisconsin. Madam President, I have a motion at the desk. The legislative clerk read as follows:

Mr. Johnson the Senator from Wisconsin, moves to recommit the bill S. 3240 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. This is a pretty straightforward motion. It re-commits the bill in the Senate back to the committee to have that committee report back to the full Senate two separate bills. It recognizes the reality that what we have in front of us is not really a farm bill but a food stamp bill.

The history is that in 1964 we made food stamps permanent. In 1973 we combined the food stamp portion with the farm bill to ease passage of both votes—to make it easier to spend money. That has worked pretty well because when the food stamp bill was first passed, it cost \$375 million—million—per year. Really, 500,000 people were eligible. Since that point in time it is now going to cost \$772 billion over 10 years. It is now 78 percent the size of this entire package.

Again, I think it is more than appropriate to split these bills in two so both bills, the food stamp bill and the farm bill, would get more scrutiny and there would be more debate.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSON of Wisconsin. I ask for the yeas and nays.

Ms. STABENOW. Madam President, I rise to oppose the motion to recommit. After all the hard work we have been doing, I am not sure we want to do it twice this year on a farm bill. But on a more serious note, let me just indicate, again, these are major reforms, \$23 billion-plus in deficit reduction. It addresses the diversity of agriculture—16 million jobs are connected to agriculture in every corner of our country. All of us have a stake in food security. We have the safest, most affordable food supply in the world thanks to a lot of hard-working folks all across this country.

We believe what we have put forward is something worthy of support. We appreciate all the hard work everyone is doing, the changes that are being made. But I urge we not recommit this bill.

Mr. JOHNSON of Wisconsin. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Cornub	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	
Enzi	Moran	

NAYS—59

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2254

Mr. SANDERS. Mr. President, I call up my amendment No. 2254.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2254.

Mr. SANDERS. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To improve the community wood energy program)

On page 914, line 14, strike "Section" and insert the following:

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOMASS CONSUMER COOPERATIVE.—The term ‘biomass consumer cooperative’ means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.”

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) grants of up to \$50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

“(i) the purchase of biomass heating systems;

“(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

“(iii) the delivery and storage of biomass of heating products.”

(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking “A State or local government that receives a grant under subsection (b)” and inserting the following:

“(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)”;

“(2) by adding at the end the following:

“(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and non-profit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.”

(d) AUTHORIZATION OF APPROPRIATIONS.—Section

Mr. SANDERS. Mr. President, this is a noncontroversial amendment which, according to the CBO, has zero costs. It is supported by the National Wildlife Federation, the American Forest Foundation, the Biomass Thermal Energy Council, and the Trust for Public Land.

This amendment would simply allow, under the Community Wood Energy

Program, a new category of small grants to be created which would provide seed capital for biomass cooperatives through grants of up to \$50,000. These cooperatives would have the opportunity to work with local wood pellet or wood chip manufacturers to supply bulk purchases that provide consumers with modest discounts.

This amendment can help our Nation move forward to more locally produced renewable biomass heating. Again, according to the CBO, it has zero costs, and I would ask for the support of my colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I support the amendment by the Senator from Vermont and yield back time. It is my understanding that we will proceed to a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2254) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2363, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent that the adoption of Vitter amendment No. 2363, as modified, be vitiated; and further, that the Vitter amendment, as modified, be subject to a 60-affirmative-vote threshold.

I turn now to Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I expect this amendment to pass, but I know some Members expected a vote, and I certainly wanted to provide them that vote with a 60-vote threshold.

I urge support of this bipartisan amendment. It does two things. First of all, it clears up a situation in the context of the film industry where there are certain unintended regulations of extras and actors bringing their pets on the set. All of a sudden that is being captured by regulation which is intended for zoo animals and circus animals, and things such as that. There is no opposition to this part of the amendment at all.

Secondly, because of the modification, which adds a provision supported by myself and Senators BLUMENTHAL, KIRK, and others, that would make it illegal under Federal law to attend an animal fight. It is already outlawed to help organize an animal fight under Federal law. It is also illegal to attend one under State law in 49 States. This will make Federal law similar to State law and will help Federal authorities work with local government in sting operations, and that is what they normally do.

I ask support for this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been in contact with Senator MCCONNELL. We are making good progress here. The goal is to get down to 10 votes. Once we get down to 10 votes, we will stop for the night. We should be able to do that in the next hour or hour and half, give or take a few minutes. I think the goal is reachable.

We will come in tomorrow. We have some important votes tomorrow. Don't forget that we have flood insurance. I hope we can move up the vote on cloture on flood insurance tomorrow. If not, we are going to have to vote on it on Friday. We have done that in the past. We should be able to do that. The goal is 10 votes left by the time we leave here this evening.

The PRESIDING OFFICER. Is there further debate on the Vitter amendment?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Mr. President, if I might, I am not sure if we have anyone in opposition. I rise in strong support of this amendment. We know that there are Members who wanted the opportunity to vote and record a "no" vote. I hope that since we passed this by a voice vote a bit ago, we will have an overwhelming affirmative vote for this amendment. I urge a "yes" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—88

Akaka	Corker	Kohl
Ayotte	Cornyn	Kyl
Barrasso	Crapo	Landrieu
Baucus	Durbin	Lautenberg
Begich	Enzi	Leahy
Bennet	Feinstein	Levin
Blumenthal	Franken	Lieberman
Blunt	Gillibrand	Lugar
Boozman	Grassley	Manchin
Boxer	Hagan	McCain
Brown (MA)	Harkin	McCaskill
Brown (OH)	Hatch	McConnell
Cantwell	Heller	Menendez
Cardin	Hoeven	Merkley
Carper	Hutchison	Mikulski
Casey	Inouye	Moran
Chambliss	Isakson	Murkowski
Coats	Johanns	Murray
Cochran	Johnson (WI)	Nelson (NE)
Collins	Johnson (SD)	Nelson (FL)
Conrad	Kerry	Portman
Coons	Klobuchar	Pryor

Reed	Shelby	Vitter
Reid	Snowe	Warner
Risch	Stabenow	Webb
Roberts	Tester	Whitehouse
Rockefeller	Thune	Wicker
Sanders	Toomey	Wyden
Schumer	Udall (CO)	
Shaheen	Udall (NM)	

NAYS—11

Alexander	DeMint	Paul
Bingaman	Graham	Rubio
Burr	Inhofe	Sessions
Coburn	Lee	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is agreed to.

The Senator from Georgia.

AMENDMENT NO. 2438

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2438.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2438.

The amendment is as follows:

(Purpose: To establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program)

At the end of subtitle G of title II, add the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)."

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking "(2) If," and inserting the following:

"(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

"(A) IN GENERAL.—If,";

(B) in the second sentence, by striking "In carrying" and inserting the following:

"(B) MINIMIZATION OF DOCUMENTATION.—In carrying"; and

(C) by adding at the end the following:

"(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan."

(b) WETLAND CONSERVATION PROGRAM INELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

“(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”

Mr. CHAMBLISS. Mr. President, this amendment would require those who receive crop insurance protection from the Federal Government to now follow conservation compliance laws. Conservation compliance was enacted as part of the 1985 farm bill and has contributed almost singlehandedly to almost three decades of progress in limiting erosion, cleaning up waterways, and protecting wetlands. For those of us who love to fish and hunt, that has been of critical importance. No other program has done more for protecting our farmland and topsoil than conservation compliance.

In 1996 Congress exempted crop insurance from the conservation requirement. Back then, the reason for doing so was to increase participation in the Crop Insurance Program. And that is exactly what we have seen. We have seen premium subsidies increase by 500 percent.

The farm bill we are debating now will incentivize farmers to move from title I programs to crop insurance, and as a result soil and wetland conservation will not be a policy priority. And it should be. This shift will likely adversely impact soil and conservation without this amendment.

If crop insurance is going to be the preferred safety net for farmers, then we also need to make sure the program does not incentivize farmers to eliminate the gains we have made in the last 25 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. I urge adoption of the amendment.

Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to speak in opposition to the amendment of my friend and colleague.

The battle cry for conservation compliance requirements to be attached to crop insurance seems, strangely, to assume that conservation compliance is somehow eliminated in commodity programs in this new bill. This is not true. Conservation compliance is attached to the new farm revenue program in title I of the bill. Conservation compliance is also attached to the marketing loan program.

To duplicate the same requirements in crop insurance is wasteful of government resources, taxpayer dollars, and will cause a lot more paperwork. When your farmers find out you are wasting taxpayer dollars and are in charge of a duplicative effort and making them fill out more paperwork, you will have to hide in your office for 4 weeks. Do not hide in your office for 4 weeks. Vote no.

Mr. GRASSLEY. Amen.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CHAMBLISS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—52

Bennet	Harkin	Murkowski
Bingaman	Hatch	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Rubio
Burr	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Tester
Collins	Leahy	Udall (NM)
Coons	Levin	Warner
Durbin	Lieberman	Webb
Feinstein	Manchin	Whitehouse
Franken	Menendez	Wyden
Graham	Merkley	
Hagan	Mikulski	

NAYS—47

Akaka	DeMint	Murray
Alexander	Enzi	Nelson (NE)
Ayotte	Gillibrand	Nelson (FL)
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Begich	Hoeven	Risch
Blumenthal	Hutchison	Roberts
Blunt	Inhofe	Sessions
Cantwell	Johanns	Shelby
Coats	Johnson (WI)	Stabenow
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Conrad	McCain	Udall (CO)
Corker	McCaskill	Vitter
Cornyn	McConnell	Wicker
Crapo	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2438) was agreed to.

AMENDMENT NO. 2437

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I call up amendment No. 2437.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 2437.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of \$750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

“(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)).

“(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) APPLICATION.—

“(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the amount of premiums paid by participating producers;

“(IV) any potential liability for approved insurance providers;

“(V) any crops or growing regions that may be disproportionately impacted;

“(VI) program rating structures;

“(VII) creation of schemes or devices to evade the impact of the limitation; and

“(VIII) underwriting gains and losses.

“(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the availability of crop insurance services to producers; and

“(III) increase the costs to the Federal government to administer the Federal crop insurance program established under this subtitle.”

Mr. THUNE. Mr. President, in the years 1994 to 2003, the Congress appropriated over \$36 billion in ad hoc or emergency assistance for farmers and ranchers across this country above and

beyond the normal farm program payments. Let me say that again—\$36 billion in a 10-year period between 1994 and 2003 above and beyond normal farm program payments.

Since the emergence of the Crop Insurance Program, we have seen those disaster ad hoc emergency bills go away. The Crop Insurance Program is the centerpiece of this farm policy. That is what this entire farm bill is built around. That is what farmers and producers in this country said they wanted.

There is going to be an amendment offered by our colleagues Senators DURBIN and COBURN that would limit the availability of that to people who have making gross incomes under \$750,000. What I would say to that is that this amendment—the amendment I am offering—is not about those who are making more than \$750,000; it is about those who make less whose premiums would go up as a result of that change.

We need a good, strong Crop Insurance Program for the farmers in this country. That is what this farm bill is built upon. We should not take any chances with it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is a good farm bill. It eliminates direct payments and a lot of subsidies. But there is one aspect of Federal subsidy in this bill that goes untouched; it is the Federal subsidy from our Treasury to pay for the crop insurance premiums. Sixty-two percent, the GAO tells us, of crop insurance premiums are paid for by taxpayers, which means those who are using crop insurance are relying on the Treasury.

So Senator COBURN and I, a political odd couple I will admit, said, for at least those making over \$750,000 a year, we are going to trim the Federal subsidy by 15 percentage points. How many farmers would be affected by this nationwide—15,000 farmers out of 1.5 million.

The Thune amendment says: We cannot reduce this subsidy, even though it saves us \$1 billion. We cannot reduce this subsidy—in his language—if it adds any administrative expense. So if it costs \$1 to even figure out who the 15,000 farmers are, no way we are going to save \$1 billion.

Vote against the Thune amendment and then vote for Durbin-Coburn. Voting for both does not get the job done.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to respond to the comments of the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, how much time does he have remaining?

The PRESIDING OFFICER. No time is remaining.

Is there objection?

Mr. DUBIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Ms. STABENOW. Mr. President, I would support the yeas and nays and just strongly urge a "yes" vote on the Thune amendment.

Mr. ROBERTS. Mr. President, I will support the yeas and nays and stand with the chairwoman and Senator THUNE.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—44

Alexander	Heller	Nelson (NE)
Barrasso	Hoeven	Nelson (FL)
Begich	Hutchison	Reid
Blunt	Inhofe	Risch
Casey	Isakson	Roberts
Chambliss	Johanns	Sanders
Coats	Johnson (SD)	Schumer
Collins	Klobuchar	Shelby
Cornyn	Landrieu	Snowe
Crapo	Leahy	Stabenow
Enzi	Lugar	Tester
Feinstein	McCaskey	Thune
Gillibrand	McConnell	Vitter
Hagan	Moran	Wicker
Hatch	Murkowski	

NAYS—55

Akaka	DeMint	Mikulski
Ayotte	Durbin	Murray
Baucus	Franken	Paul
Bennet	Graham	Portman
Bingaman	Grassley	Pryor
Blumenthal	Harkin	Reed
Boozman	Inouye	Rockefeller
Boxer	Johnson (WI)	Rubio
Brown (MA)	Kerry	Sessions
Brown (OH)	Kohl	Shaheen
Burr	Kyl	Toomey
Cantwell	Lautenberg	Udall (CO)
Cardin	Lee	Udall (NM)
Carper	Levin	Warner
Coburn	Lieberman	Webb
Cochran	Manchin	Whitehouse
Conrad	McCain	Wyden
Coons	Menendez	
Corker	Merkley	

NOT VOTING—1

Kirk

The amendment (No. 2437) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2439

Mr. COBURN. I call up amendment No. 2439.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DURBIN, proposes an amendment numbered 2439.

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of \$750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

At the appropriate place, insert the following:

SEC. ____ . **LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

“(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)).

“(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) APPLICATION.—

“(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Government Accountability Office, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the level of coverage purchased by participating producers;

“(IV) the amount of premiums paid by participating producers and the Federal Government;

“(V) any potential liability for participating producers, approved insurance providers, and the Federal Government;

“(VI) different crops or growing regions;

“(VII) program rating structures;

“(VIII) creation of schemes or devices to evade the impact of the limitation; and

“(IX) administrative and operating expenses paid to approved insurance providers and underwriting gains and loss for the Federal government and approved insurance providers.

“(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) significantly increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the crop insurance coverage available to producers; and
 “(III) increase the total cost of the Federal crop insurance program.”.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is an amendment that both Senator DURBIN and I have offered. It is not nearly as severe as the GAO's recommendation for this program.

The very wealthiest of farmers, in terms of income in this country, are the people most likely to buy less crop insurance, not more. Yet we subsidize them at the same rate as we do the middle-income and lower income farmers.

This is straightforward. If you want to save \$1 billion, if you want to tackle the debt, here is a way that will allow us to save \$1 billion and not put anybody at risk. Highly capitalized farmers don't insure at the same rate as lower capitalized farmers.

This will be the only program, if this amendment doesn't pass, that doesn't have a payment limitation on it in terms of adjusted gross income. So there should be no question we should do this just in terms of fairness of all the sacrifices we are going to ask everybody else in this country to make in the coming years. This ought to be part of this farm program.

I yield back.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Kansas.

Mr. ROBERTS. Mr. President, on behalf of Chairwoman STABENOW, myself, Senator THUNE, and every farm organization and commodity group in America, I rise in opposition to this amendment. It will impact every single producer in the program, not those that exceed this arbitrary limit or “rich producers.” The rest will pay higher premiums when they are out of the program because that is what happens with an insurance pool.

I have no doubt, just as sure as I am standing here and the Senator from Oklahoma is sitting there and contemplating this, that under this amendment we will soon return to the days of low crop insurance participation, multibillion-dollar ad hoc disaster programs, just as in the 1990s—\$36 billion over 10 years, \$11 billion in 1 year. These are a disaster to plan, to legislate, and to implement.

If you are for these ad hoc disaster programs, you better hide for at least 6 weeks in your office. We just passed two where you are hiding for 2 and 4. Now you are going to have to hide in your office for 6 weeks. Don't hide in your office for 6 weeks. Vote no.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—66

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Ayotte	Graham	Murray
Begich	Grassley	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Heller	Reed
Boxer	Inouye	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Shelby
Casey	Lautenberg	Snowe
Coburn	Lee	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Cooms	Manchin	Warner
Corker	McCain	Webb
DeMint	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—33

Barrasso	Hagan	Moran
Baucus	Hoeven	Nelson (NE)
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Sanders
Cochran	Landrieu	Stabenow
Cornyn	Leahy	Tester
Crapo	Lugar	Thune
Enzi	McCaskill	Vitter
Gillibrand	McConnell	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2439) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have made a lot of progress on this legislation. We are down to 10 or 11 amendments. We are going to come in tomorrow and finish this bill. We are going to try to get permission—I understand we can—to have a cloture vote tomorrow.

We have to figure out where we are going on flood insurance. It is obvious, with all the problems we are having with flood insurance, we are not going to finish that tomorrow or the next day; but we have to work toward completing that as quickly as we can next week. Remember, the program expires at the end of the month—and the end of the month is coming very quickly. We have two voice votes, but this will

be the last recorded vote. We will come in tomorrow and work through these. We will have the staff work with the requests people have for time on the floor and other things that need to be done.

We don't know exactly what time we are coming in tomorrow or what time the votes will start, but as soon as we can. There will be votes all through the lunch hour. Everybody should understand that. We hope to be able to finish by 3 p.m. tomorrow afternoon.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2340.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, propose an amendment numbered 2340.

The amendment is as follows:

(Purpose: To move the sugar import quota adjustment date forward in the crop year)

On page 69, strike line 15 and insert the following:

(2) SUGAR IMPORT QUOTA ADJUSTMENT DATE.—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking “APRIL 1” each place it appears and inserting “FEBRUARY 1”; and

(B) by striking “April 1” each place it appears and inserting “February 1”.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

Mr. CHAMBLISS. Mr. President, the amendment I am offering has a very focused and modest reform objective—specifically, to accelerate by 60 days the date on which USDA may increase the import quota, if in the agency's judgment such action is needed to adequately supply the Nation's demand for sugar.

The current farm bill prohibits the USDA from adjusting the minimum sugar quota imports until April 1 of the crop year unless there is an emergency shortage of sugar that is caused by war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary.

Experience with the April 1 date has been very unsatisfactory to independent domestic sugar refiners and their refined sugar customers who have annually experienced shortfalls in the supply of sugar and endured the elevated prices that ensue from inadequacy of timely supply. The April 1 date leaves precious little time in the balance of the sugar crop year for USDA's complex bureaucratic process.

I ask support for this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask that we take this as a voice vote. We have an agreement to proceed to do that.

The PRESIDING OFFICER. If there is no further debate on the amendment,

the question is on agreeing to the amendment.

The amendment (No. 2340) was agreed to.

AMENDMENT NO. 2432

Mr. CHAMBLISS. Mr. President, I ask that my amendment No. 2432 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2432.

The amendment is as follows:

(Purpose: To repeal mandatory funding for the farmers market and local food promotion program)

In section 10003(7), strike subparagraph (A).

Mr. CHAMBLISS. Mr. President, this amendment simply strikes \$20 million annually in mandatory funds from the Farmers Market Promotion Program. The program will still retain its authorization for annual appropriations at \$20 million per year.

I understand the important role that farmers markets play in connecting consumers with the farmers who grow their food. However, this is a grant program that should be funded with discretionary appropriations. We can't give every program in the farm bill mandatory money at a time of fiscal crisis.

The number of farmers markets in the United States has grown exponentially over the last 5 years. The Agriculture Marketing Service reports that in mid-2011, there were 7,175 farmers markets in the United States. This was a 17-percent increase over 2010.

This amendment will save the government \$200 million over the next 10 years while still allowing the program to retain its integrity. I ask for consideration and for an affirmative vote.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. This relates to a very important growth area in agriculture regarding farmers markets. We now have farmers markets all across the country in every community, providing the chance for local growers to come together, for families to receive healthy food and have access to local food in their communities.

I know in Michigan for every \$10 families spend at a farmers market we have \$40 million in economic activity—just in Michigan alone, for \$10.

I strongly urge a “no” vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432) was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first want to say thank you to all of our colleagues for their wonderful work

today—and apologize. I think when I was speaking a moment ago I was not exactly clear, after numerous hours on the floor. It is true that if a family spends \$10 at a farmers market, it generates economic activity in Michigan of \$40 million—that is if every family in Michigan spent \$10. I don't know if that is any clearer, but I apologize. I think at the end of the day I was not clear.

Before going to a unanimous consent request, I thank the leader—both our leaders for their patience and diligence and for supporting our efforts. We have had a long day. People have worked very hard. We are near the end. We are going to have a farm bill. We are going to have major reform, \$23 billion in deficit reduction. We are doing it altogether through a process where we propose amendments and vote on amendments, and the Senate is operating in regular order. We appreciate everybody's hard work, hanging in there with us as we get this done, which we are on the path to do tomorrow.

AMENDMENT NO. 2202

I ask unanimous consent that the Bennet-Crapo amendment No. 2202 be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2202) was agreed to, as follows:

(Purpose: To improve agricultural land easements)

On page 205, line 4, insert “by eligible entities” after “purchase”.

On page 207, lines 10 and 11, strike “contiguous acres” and insert “areas”.

On page 208, line 24, insert “if terms of the easement are not enforced by the holder of the easement” before the semicolon at the end.

EASEMENT AND INSECT INFESTATION

Mr. BENNET. Mr. President, I rise today to speak in strong support of the farm bill we have on the floor, and to recognize chairwoman STABENOW and ranking member ROBERTS for constructing a bill that passed the Committee with strong, bipartisan support.

I would like to express my strong support for the bill's work on conservation including a reformed and stronger conservation title, and a provision known as “sodsaver” that was authored by Senator THUNE of South Dakota. I was a proud cosponsor of the provision when we marked up the bill in committee, and I am glad to see it in the package on the floor.

I would also thank the Chair for including the Bennet-Crapo amendment regarding conservation easements in the consent agreement, and I look forward to the amendment's expected passage later today.

Finally, I hope to continue to work with the chair and ranking member on two topics.

The first is easement policy. In my State of Colorado, easements are an

important tool for protecting environmentally vital and valuable grasslands. We did a lot of great work in committee to simplify this program and make it easier for the administration, partner entities, and landowners to use. One great thing S. 3240 does is provide a waiver for grasslands of significance, making it easier for the Secretary to enter into agreements to conserve these areas. The west is experiencing grassland loss, which impacts soil and water quality. Anything we can do to make it easier to protect this land is needed.

The second issue centers on treating insect infestations in our national forests. My State and others are experiencing epidemic levels of insect infestations causing unbelievable levels of tree mortality. I have been working with Senator BINGAMAN, Senator BAUCUS, Senator WYDEN, Senator MARK UDALL and others to make sure we have the right policies in place to react to the situation.

It is my understanding that the chairwoman would be willing to work with me on these important issues; is that correct?

Ms. STABENOW. I thank the Senator for his leadership as chairman of our conservation subcommittee. I have been glad to work with the Senator on this legislation and I am committed to continuing to work with him on easement and forestry issues.

CONSERVATION EASEMENT PROGRAM

Mrs. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senators from Michigan and Vermont, Senators STABENOW and LEAHY. I wish to address a problem that affects many farmers and agricultural producers in States, including New Hampshire, with significant forest cover. Agricultural producers face tremendous development pressures as the value of land increases. As chairwoman of the Agriculture Committee, I know Senator STABENOW has a great familiarity with this issue.

Ms. STABENOW. I thank my friend, the senior Senator from New Hampshire, for bringing attention to this important matter and for her incredible leadership on forestry issues. Since she was first sworn into the Senate, we have worked together on forest conservation efforts, which are so important for the Granite State and the Great Lakes State. As my friend knows, development and sprawl are certainly pressuring our productive agricultural lands. One critical component of the Agriculture Reform, Food, and Jobs Act of 2012, the Agricultural Conservation Easement Program, provides continued funding to allow farmers and ranchers to voluntarily purchase easements on their land to keep it in agricultural use.

Mrs. SHAHEEN. I agree that easement programs are an essential part of the effort to keep land available for agriculture. In New Hampshire, the

Farmland Protection Program has provided a crucial backstop against development pressures, but the program has not been as effective as it can be. I know Senator LEAHY helped to create the Farmland Protection Program when he was chairman of the Agriculture Committee and his State has used this program very effectively.

Mr. LEAHY. Like New Hampshire, Vermont is one of the most forested States in the country. Even farms with a significant amount of open space tend to have significant forested acreage and both are feeling tremendous development pressures. While many agricultural producers in my state would like to purchase easements to keep their lands working, a 2008 Natural Resource Conservation Service rule prohibited the agency from protecting tracts with more than two-thirds of their acres under forest cover. This rule has hampered conservation efforts in Vermont. Has it had a similar effect in Michigan?

Ms. STABENOW. It has. Like New Hampshire and Vermont, Michigan is heavily forested and this NRCS rule has impacted the ability of agricultural producers to purchase on their working lands. I would like to clarify that it is not the intent of Congress to limit eligibility for critical easement programs based on the forested acreage of otherwise eligible land.

Mrs. SHAHEEN. I thank my friend for making that critical clarification. Agricultural producers in New Hampshire and many other States work primarily on small farms. They may actively use only a small number of their acres at any given time, and the rest of their parcels tend to be forested. We need to ensure that Federal programs are tailored to fit local conditions and doing away with restrictions on forested land is an important part of making NRCS easement programs as effective as they can be.

Mr. LEAHY. I completely agree. We need to ensure that Federal programs are carried out in a manner that ensures we keep as much agricultural land in working production as we possibly can. In Vermont, our forests are an important part of that agricultural landscape, especially with our maple syrup producers who depend on these productive and working forestlands. According to USDA, the Northeast and many other heavily forested regions of the country have experienced long-term declines in cropland and forestland use as a result of urban pressures.

Ms. STABENOW. That is exactly right. Once rural land is developed it rarely reverts back to agricultural uses, which is why Federal programs are such a critical part of giving farmers alternatives to converting their land to nonagricultural uses. Our agricultural producers should be able to access these tools regardless of the per-

centage of their land they keep forested.

Mrs. SHAHEEN. I couldn't agree more. I thank the Senator from Michigan and the Senator from Vermont for engaging in this colloquy to address the importance of allowing agricultural producers who own heavily forested tracts to access NRCS easement programs. This issue is of critical importance to farmers in New Hampshire, Michigan, and many other States.

MULTI-YEAR PRICE DECLINES

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends and colleagues the Senator from Michigan and Chair of the Agriculture Committee, Senator STABENOW, and the Chairman of the Finance Committee, Senator BAUCUS from Montana.

The Senate has been working the past few weeks to get an agreement to move forward and complete our work on the Farm Bill. The Senate Agriculture Committee passed a strong bipartisan bill out of the committee under the strong leadership of Senator STABENOW.

The Farm Bill is a reform bill which cuts federal spending by \$23 billion. This is a rare example, this Congress, of Senators working across the aisle to pass a bill which helps to expand our markets abroad, keep food on the table for working families, and ensure our conservation dollars are funding projects to protect the land for years to come.

With all of the changes in the farm bill the largest changes have been made to the Commodity Title of the Farm Bill.

Congress has eliminated direct payments for a market-based safety net which will pay producers when they actually experience a loss, known as the Agricultural Risk Coverage program. As direct payments are eliminated in this farm bill, how does the bill protect producers against multi-year price declines?

Mr. BAUCUS. I agree with my good friend, the majority leader, that this farm bill is a reform bill. And I would like to answer your questions about how it addresses—or struggles to address—multi-year price declines.

I worked very closely with Chairwoman STABENOW, through the Senate Agriculture Committee markup this spring, along with my colleagues, Senators CONRAD and HOEVEN, to ensure the Agricultural Risk Coverage program worked for farmers in the Northern Great Plains—not just the Midwest.

I commend the Chairwoman for working with me through that markup, and supporting my amendment which improved the farm level coverage option and her commitment for continued work to improve the bill for grain farmers in my home State of Montana.

One of the lingering questions is what happens to the Agricultural Risk

Coverage program should we have a few years of consecutive price collapses in the market. I agree that the Agricultural Risk Program should follow market signals, and I commend this bill for doing just that. But when the market fails, there has to be a failsafe to prevent our farm policy from driving off a cliff—taking jobs and food security with it.

So although the bill is a step forward in creating a market-oriented safety net, it does not provide optimal protection for multi-year price declines. I filed an amendment which would have added price protection should we have multi-year price declines while ensuring it does not distort the marketplace.

This is a remaining concern I have with the Agricultural Risk Coverage program and I ask the majority leader and Chairwoman STABENOW for the continued commitment to ensure any agreement which comes out of a conference report with the House addresses this weakness in the Agricultural Risk Coverage program.

Mr. REID. I thank Senator BAUCUS. I look forward to working with the Senator to ensure any final measure on the farm bill will address the Senators' remaining concerns on multi-year price declines. It is vital to our farmers across the country that their safety net is not actually a rug that can be pulled out from underneath them.

Ms. STABENOW. I thank the majority leader and Senator BAUCUS for their continued work and advocacy for ensuring the farm bill works for parts of the country and all commodities.

Through the committee process, Senator BAUCUS has been true a leader to improve the Agricultural Risk Coverage program so it offers an adequate safety net to all farmers.

I think we have made great strides through the Senate Agriculture Committee markup in April but I understand that is the beginning of the process and not the end.

I believe the amendment Senator BAUCUS filed is thoughtful and would provide the Agricultural Risk Coverage program with an additional layer of protection from several years of steep price declines. I will continue to work with my colleague from Montana to ensure as the process moves forward Senator BAUCUS has my full support to address this issue in conference and include a market-based solution to multi-year price declines.

The farm bill supports over 16 million jobs nationwide. The farm bill is the truest jobs bill Congress has considered in the 112th Congress. As Senator BAUCUS said, we need to guarantee that our farmer's safety-net works for every farmer and rancher in America.

VOTE EXPLANATIONS

Ms. MCCASKILL. Mr. President, Senator NELSON of Nebraska's amendment No. 2242 to S. 3240 passed the Senate today by voice vote. I was not in the

Senate chamber at the time the voice vote on the amendment was taken. Had I been present or had the amendment been subject to a roll call vote, I would have voted "present."

Mr. TESTER. Mr. President, had there been a recorded vote on amendment No. 2457 I would have opposed it. This amendment creates new and unnecessary reporting requirements that will burden rural broadband companies and could slow down the growth of broadband expansion in states like Montana.

Ms. STABENOW. Mr. President, I believe we are waiting on another possibility of an agreement on amendments that may come tomorrow. But at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, if I ask unanimous consent to speak for 5 minutes to introduce a bill, not anything related to the farm bill, is that appropriate?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, first let me say thank you to the Senator from Michigan and the Senator from Kansas for conducting another very long session today on agriculture. They did an extraordinary job helping us move through this important bill. I thank them very much, and I know we are going to take that up tomorrow.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 3321 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments, which will not be more than about 10 minutes, Senator BROWN of Ohio follow me for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL FOR A SPECIAL COUNSEL

Mr. CHAMBLISS. Mr. President, 2 weeks ago, I stood in this Chamber and joined with Senator McCain calling for the appointment of a Special Counsel to investigate the recent series of leaks of classified information that are so damaging to our national security. Despite the bipartisan support for a Special Counsel, the Attorney General chose instead to appoint 2 United States Attorneys who will act under his supervision and conduct separate investigations of just two of these leaks.

I believe the American people, our Intelligence Community, and our allies deserve a better response from the Attorney General and from this Administration. These leaks have violated the public trust and potentially damaged vital liaison relationships we can ill af-

ford to lose in our fight against ongoing threats from terrorism and hostile nations.

As I understand it, one prosecutor will investigate the leak on the AQAP bomb plot; the other, the leak on STUXNET. That's a real problem. This means other leaks, including the "kill list" story, will not be investigated. Yesterday, the Washington Post published a story that attributed information about apparent joint U.S.-Israeli cyber efforts to a former high-ranking U.S. intelligence official. It would sure be helpful if a Special Counsel had jurisdiction to look at all of these cases.

The timing, substance, and sourcing of these stories have also raised questions about whether they came from the White House and whether there is a pattern of leaks. It's hard to imagine how two U.S. Attorneys who work for this administration will be able to investigate this aspect of the case without being perceived as biased by those who are unhappy with what they ultimately find. We need a Special Counsel who will be trusted, no matter what he finds.

I am not questioning in any way the qualifications of these U.S. Attorneys to do the jobs for which they were confirmed by this Senate. I know questions have been raised about the prior political activities of the U.S. Attorney for the District of Columbia and whether he might be too deferential to the White House. I have no specific reason to question the capabilities or integrity of either of these men. But the very serious nature of these leaks demands an investigation that is conducted in a manner totally above reproach and without any possible inference of bias.

Unfortunately, because these U.S. Attorneys must answer to the Attorney General, they cannot conduct independent investigations. With each key decision they make—whether to subpoena a journalist, what investigative techniques should be used, what charges can be brought—they will be subject to the Attorney General and his direction. That is hardly independent.

Last week, the Attorney General testified before the Senate Judiciary Committee that appointing a U.S. Attorney was the same thing that was done in the Valerie Plame case. I submit that was an entirely different scenario because in that case, Mr. Fitzgerald, who was a special counsel appointed, insisted on getting written confirmation that he would be truly independent from the then-acting Attorney General. He got that confirmation in writing from then-Acting Attorney General Comey.

Significantly, the Plame case involved a single leak of classified information, and was deemed serious enough to warrant an independent investigation. The former President also

ordered his staff to come forward with any information they had about the source of the leak.

In this case, there have been a series of incredibly damaging leaks in articles citing "senior Administration officials" and White House "aides." We have seen no clear instructions from this Administration for officials to come forward. This situation seems to create a greater appearance of a conflict of interest for the Attorney General than was presented in the Plame investigation and calls out for the appointment of Special Counsel.

The Attorney General also testified that he could always appoint these U.S. Attorneys as Special Counsel if they needed to investigate acts outside their jurisdictions. Others have made the argument that we have to wait to see if these U.S. Attorneys do their jobs well before appointing a Special Counsel. Neither argument makes sense to me. Why on earth would we wait?

All of these leaks should be investigated together—not separately—and they must be investigated now. The leaks are relatively recent and the trail is still somewhat fresh. But if we have to wait to see how these men measure up, or if the trail takes us to a district outside their specific jurisdiction, we run the risk of losing evidence or memories fading. Those aren't risks anyone should be willing to take.

This is not, and must not become, political. It's about finding these criminals who have jeopardized our national security and ensuring that they are brought to justice in an independent, objective, apolitical investigation.

Again, I call on the Attorney General to do now what should have been done 2 weeks ago. This series of leaks should not be treated as business as usual. As Congress considers legislative solutions to put a stop to these leaks, the administration needs to step up its response. Appointing a special counsel who can independently and comprehensively investigate all of these leaks and find who is responsible for any and all of them is the best way to restore the public trust in our government and our government officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

CHILD NUTRITION

Mr. BROWN of Ohio. Mr. President, for many Ohio children, schools have let out for the year, and summer vacation is just beginning. During the school year, in my State—a State of about 11 million people—840,000 Ohio children receive some nutrition assistance through free or reduced-price school lunches or breakfasts during the school year. It is a statistic that tells the story of families struggling to get by. In many of these children's cases

their parents have jobs but simply are not making enough money. It is a statistic that tells a story of how children are often helpless victims in a challenging economy. Many of these children come from the 18 percent of Ohio families—about 1 out of 6—who are food insecure. Essentially it means they are unsure where their next meal may actually come from. When the school year comes to a close, many of these children go hungry.

Where can these 840,000 students go? Where do they turn for nutritious meals when their school cafeterias are closed for the summer? The answer is the Summer Food Service Program run through the U.S. Department of Education and administered in my State by the Ohio Department of Education. For Ohio parents and guardians and school administrators, the Summer Food Service Program is available for them to find healthy meals for children during the summer. But too many Ohio families don't know about this critical program, and that is why it is so important to raise awareness and increase access to the program for all Ohio children regardless of where they live. Summer break shouldn't mean a break from good nutrition.

At the beginning of this talk, I mentioned that 840,000 Ohio children benefit from free and reduced school breakfast and lunch programs—840,000. But, unfortunately, last year in the summer only 66,000 Ohio children utilized the Summer Food Service Program. Only 66,000 when there are 800,000 eligible. I believe last year Ohio was slightly above the national average. So in State after State, of those students who were benefiting from the free and reduced-price breakfasts and lunches at the school, less than 10 percent of those children benefit in the summer.

In Ohio, only 66,000 children utilize this program. Obviously hundreds of thousands need to receive nutrition assistance during the school year. Ensuring that our children have access to healthy food during the summer is so important, especially as more families slip into poverty. The Summer Food Program is a vital program that helps stem the crippling cycle of food insecurity by providing school-aged children breakfast, lunch, or a snack during the summer.

In some sites children can receive these meals while participating in educational activities or organized games. The Presiding Officer was a superintendent of one of the great school districts in the country. We know particularly how low-income students during summer months slide back in their educational attainment. In the beginning of the school year, the teachers have to sort of reteach what was taught perhaps in April and May. We also know that in families with a little higher income, the children often have activities in the summer which include

exposure to books, magazines, vacations, and cultural events to help those children continue to advance in the summer.

Many of these students who are not getting proper nutrition in the summer also are not getting the educational challenges they need. That is why at these sites children—while they receive these meals—participate in educational activities or organized games. The good news is there are more sites this year for Ohio families to turn to. There are more than 1,700 sites across 77 counties.

Nonetheless, 11 counties out of the 88 in Ohio still lack feeding sites. It is not too late for program sites to be established. The official deadline was May 31. Interested sponsors and volunteers can still work with the Ohio Department of Education to establish new centers for children to get meals.

Understand the difficulty here. Somebody needs to step forward, such as a teacher, an administrator, someone in the school district, someone in a church, someone in a recreation center of some type has to step forward every May or June and set up one of these programs and take it down again in August or September. So it is unlike the school district which has this built into its process.

At existing sites, such as schools, summer camps, churches, community centers, and recreation centers, volunteers spend their time ensuring our children have the food they need to succeed.

The Federal Government will reimburse local groups small amounts of money for the breakfast, snack, or lunch for these children, but volunteers need to come forward.

Two years ago I co-hosted a first-of-its-kind hunger summit at the Mid-Ohio Foodbank in Columbus with leading antihunger advocates across Ohio. This past year the USDA Under Secretary Kevin Concannon came to Ohio to hold the second summit.

We continue to reach out to organizations such as the AmeriCorps and VISTA Summer Association Partnership that can help with volunteers through AmeriCorps and can set up the programs and provide meals to the children in need.

This summer will be an important few months to learn how far we have come and how far we have to go in serving our State's children. Outreach and public awareness are critical components to ensure that the end of the school year doesn't mean the end of children getting the nutrition they need for the summer.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, before going into wrap-up and the unanimous consent requests this evening, I wish to say one more time how appreciative I am of everybody's hard work and patience with us. We made tremendous progress on a very important bill that helps 16 million people in this country have a job and keeps the safest, most affordable food system in the world going. So thanks to everyone. Thanks to my ranking member who has been a terrific partner with me.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING KENTUCKY'S NATIONAL HISTORY DAY WINNERS

Mr. McCONNELL. Mr. President, I rise to pay tribute to a group of Kentucky's brightest students who, by winning a number of prestigious awards for studying history, have proven themselves to be the leaders of the future. I am referring to the Kentucky winners of the National History Day 2012 contest, which was recently held at nearby College Park, MD, June 10 to 14.

The contingent of students from Kentucky that made the trip was selected by the Kentucky Junior Historical Society, which held a statewide history contest in Frankfort, the State capital, last April. At that event, 68 Kentucky students qualified for the national finals.

In all, 62 Kentucky students from the 6th through 12th grades made the trip to our Nation's capital region, accompanied by about 40 family members and teachers. I was very pleased to have a chance to visit with them during their trip.

The group faced stiff competition. At National History Day 2012, there were 2,800 students competing, representing all 50 States and four international schools. Six Kentucky students stood out from their peers and garnered nationwide recognition for their history projects. Those students are:

Joanna Slusarewicz, of Winburn Middle School and Fayette County, winner of the Salute to Freedom Award and third place, individual documentary, junior division. Her entry was titled "Respectfully Submitted, Dorothea Dix."

Neha Kadambi and Jamie Smith, of Winburn Middle School and Fayette County, winners of the Leadership in History Award for group exhibit, junior

division. Their entry was titled "The Fight Without a War: India's Revolutionary Road to Independence."

Meenakshi Singhal and Daryn Smith, of Winburn Middle School and Fayette County, winners of Best of State: Junior Division. Their entry was titled "Charles Darwin: What Do You Mean Survival of the Fittest?"

Emma Roach-Barrette, of Menifee County High School and Menifee County, winner of Best of State: Senior Division and individual documentary, senior division finalist. Her entry was titled "Dead Men Do Tell Tales."

Every student from Kentucky who made this trip can be immensely proud of his or her accomplishments, and I hope they will continue to engage in the study of history for the remainder of their time in school and beyond. History plays such a large role in the events of today. We continue to be influenced by historic decisions made in this very Chamber.

I also appreciate these students' teachers for helping to foster their love of history, specifically, Theresa Buczek and Michelle Cason of Winburn Middle School and Debra Craver of Menifee County High School. And I want to thank the Kentucky Junior Historical Society and its parent body, the Kentucky Historical Society, for sponsoring this competition and making the trip possible for these students. Established in 1836, the Kentucky Historical Society is committed to helping Kentuckians understand, cherish, and share history.

I know my U.S. Senate colleagues join me in recognizing the accomplishments of Kentucky's winners of the National History Day 2012 contest and of every Kentucky student who competed. We wish them well in their future studies and are proud they represent the Bluegrass State.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to the minority leader dated May 29, 2012, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 29, 2012.

Hon. MITCH MCCONNELL,

Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL, I am requesting that I be consulted before the Senate enters into any unanimous consent agreements regarding calendar #714, the nomination of Heidi Shyu to be an Assistant Secretary of the Army for Acquisitions, Logistics, and Technology.

Ms. Heidi Shyu has been the Acting Assistant Secretary for the position to which she has been nominated for nearly one year. Her office directly oversees the Program Executive Office for soldier weapons. I remain concerned with the Army's plans for the improvement of its small arms weapons while our soldiers are at war. For example, I have

not seen the Army make sufficient progress on the directive of the then-Secretary of the Army Pete Geren to conduct a competition to replace its individual carbine rifle no later than the end of FY2009.

Thank you for protecting my rights on this nomination. I will keep you informed of my continued effort to work with the Army on the nomination of Ms. Shyu as we ensure that our soldiers have the very best modern small arms that American manufacturers can provide.

Sincerely,

TOM. A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO FRANCES WILLIAMS PRESTON

Mr. LEAHY. Mr. President, I would like to pay tribute to Frances Williams Preston, a trailblazing businesswoman, a dedicated humanitarian, a mother, a grandmother, a great-grandmother, and a friend. I was saddened when she passed away on June 13.

Frances began her career as a receptionist at a radio station in Nashville, TN. She quickly moved up within the music community, and in 1958 she was hired to open a regional office for Broadcast Music Inc., BMI, in Nashville, representing songwriters and composers. Glass ceilings had no chance at constraining Frances. In 1964, she became Vice President of BMI, reportedly making her the first woman corporate executive in Tennessee. In 1986, she became CEO and remained CEO of BMI until 2004.

Her work at BMI transformed not only the company, but also the hundreds of thousands of songwriters and composers BMI represents. She tripled the revenues at BMI and advocated for strong copyright protections to benefit artists. BMI under her tenure also helped the city of Nashville to blossom into the leading center for songwriters and the arts that it is today.

Frances's dedication to the songwriters and her industry, and her passion for ensuring they could make a living in their chosen profession, was unrivaled. Kris Kristofferson famously dubbed her the "songwriter's guardian angel."

I worked closely with Frances and the songwriting community to ensure that the rights of composers are protected, but I will remember her most for her humanitarian efforts. She was president of the T.J. Martell Foundation for Leukemia, Cancer and AIDS research, and her name precedes the research laboratories at the Vanderbilt-Ingram Cancer Center.

I could go on at length about the various music and humanitarian awards and honors Frances has received, from being inducted into the Country Music Hall of Fame in 1992 to twice receiving the Humanitarian Award from the International Achievement in Arts.

The current president of BMI probably best captured her essence by simply describing Frances as "a force of

nature." She will be missed by those who knew her, and remembered always by those whom she nurtured as songwriters and composers.

The music industry has lost a legend and I ask unanimous consent that the Wall Street Journal article "From Receptionist to Music-Royalty Guarantor" by Stephen Miller be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 14, 2012]

FROM RECEPTIONIST TO MUSIC-ROYALTY
GUARANTOR

(By Stephen Miller)

Frances Preston rose from radio-station receptionist to chief executive of Broadcast Music Inc., a performing-rights group that helps guarantee that songwriters and music publishers get paid when their songs are played on the radio or in places like restaurants.

Ms. Preston, who died Wednesday at the age of 83, founded BMI's Nashville, Tenn., office and signed up thousands of artists, many of whose careers she shepherded personally.

The deals she struck helped nurture country, rock 'n' roll and jazz, emerging genres that the American Society of Composers, Authors and Publishers, BMI's older rival, had neglected in favor of traditional pop music.

By the time Ms. Preston retired in 2004, BMI represented 300,000 music composers and copyright owners and disbursed more than a half-billion dollars to them annually.

"They never paid royalties to the songwriters for performances until Frances Preston came along," country star Eddy Arnold told The Wall Street Journal in 2004. "She put the hammer on!"

"A lot of them didn't realize that they could get paid for having their music played," Ms. Preston told Amusement Business magazine in 1991. She built a fanatical following among Nashville's performing elite.

Singer-songwriter Kris Kristofferson, whom Ms. Preston signed to a \$1 million songwriting deal in the 1970s, once called her "our guardian angel."

Raised in Nashville, Ms. Preston studied at George Peabody College for Teachers. But shortly before taking a classroom job, she went to work at WSM, the radio home of the Grand Ole Opry, where her duties included answering Hank Williams's mail. She moved on to running the station's promotions department and got to know the country stars of the era.

In 1958, she founded BMI's Nashville office—at first in her parents' garage. A few years later she opened a new office on fledgling Music Row. Thanks in part to BMI's presence, it soon became the home to recording studios and music publishers and the hub of the Nashville country scene.

Ms. Preston moved to BMI's home office in New York City, where she became chief executive in 1986. She oversaw the transition to the digital age as complex new media like the Internet and ringtones joined radio and television as major sources of revenue. She also lobbied Congress as copyright laws were changed.

"It's a constant fight to educate those people [that] music is not just out there in the air for you to pick out for free, because if the creator isn't compensated, there's not going to be that music," she told Billboard in 2004.

Ms. Preston was lionized in Nashville, where she was a glamorous personification of the business side of the music industry. When she was inducted into the Country Music Hall of Fame in 1992, it dubbed her "the most influential country-music executive of her generation."

Always one to keep things in sensible perspective, Ms. Preston was proud to be remembered as the author of a Nashville motto: "It all begins with a song."

RECOGNIZING HOUSE OF HEROES

Mr. BLUMENTHAL. Mr. President, today, I wish to recognize the important work of House of Heroes—a growing organization that honors veterans with dignity, gratitude, and an improved quality of life.

Over Memorial Day weekend, I had the great opportunity to witness the Connecticut chapter of House of Heroes' first projects as it fixed, renovated, and remodeled the homes of three of our country's most deserving veterans. Over \$30,000 of materials and time were donated by local organizations and generous individuals.

House of Heroes is on a mission to help the service men and women of our previous wars and their families—heroes who may not always receive the recognition they deserve. Frequently, our courageous veterans are unable to maintain their homes due to physical disability or financial limitations.

During their inaugural build, the founders and volunteers of Connecticut's House of Heroes chose to honor three Americans, who have continued to dedicate their lives to serving our country and preparing for our future even after their war service. Frederick Joseph Miller served as a Sergeant in the U.S. Army Air Corps during World War II—and in 1945, searched the legendary crash of Flight 19 in the Everglades. Upon leaving the service, he dedicated his talent and skills to Pratt & Whitney as an equipment and facilities engineer. On Memorial Day in 1991, Miller's wife passed away from cancer, and maintaining his Hamden house has been a challenge.

Private First Class Maura Rettman of Meriden served in Germany between 1977 and 1979 where she suffered a life-altering car accident. Now, she takes care of her grandson with the hope that he can have a bedroom of his own. Sergeant Rudolph Pistey of Stratford served in the Army National Guard during World War II. Now, at 93, he is well-known in his community, always ready to lend a hand or shoot a smile to his neighbors.

Since 2000, House of Heroes has spread influence and awareness from its founding chapter in Columbus, GA, across the country. In Connecticut, co-founders are Steve Cavanaugh of Biltmore Construction and Billy May, a U.S. Army Veteran, Black Hawk test pilot, and business development and strategy leader at Signature Brand

Factory. They seek to complete 10 projects in 2012 and to double this number each subsequent year. Both Mr. Cavanaugh and Lieutenant Colonel May bring experience, skill, and dedication to House of Heroes. Their hope is that general contractors and subcontractors across the state and country will donate several hours a week to helping our Nation's veterans.

Amidst the sound of repairs, there were tears in all our eyes when the veterans were serenaded by Nashville singer and songwriter, Tim Maggart. The song—both solemn and celebratory with spiritual music and grounded lyrics—conveyed eloquently the emotion of everyone gathered:

You were young, scared Willing to go anywhere/ When your country called, you stood tall

You came home, scarred/ Didn't think it would be so hard, You don't like to talk about what you saw/ Beyond what I can comprehend/ The sacrifice of the women and men who gave so much without applause/ I don't know you and you don't know me, but thanks to you, I wake up safe and free/ I hope you never feel forgotten, because

Chorus: You've got a home, in the house of heroes/ Your name will live on in the house of heroes/ I want to honor you/ it's been long overdue/ You're right where you belong in the house of heroes

In a world, where Life's not always fair/ And sometimes we have to fight for what we believe

There's a price, paid I can't help be amazed /By the brave who gave their all for you and me.

At each House of Heroes project, the spirit of volunteerism, patriotism, and human connection was unwavering. As the tremendous energy of the House of Heroes' Connecticut chapter spreads across the country, this theme song will be an anthem for a national movement that touches the lives of one veteran at a time.

The volunteers and donors of House of Heroes convey a tremendous spirit—America's boundless appreciation and spirit. Through this great work, and its anthem, we show our veterans—who fought for our security—that America will join together to pay back our debt of gratitude by helping our veterans feel secure and safe.

Appreciative but slightly uncomfortable receiving rather than giving, these men and women were shown by House of Heroes how much we treasure and owe them as a Nation. Donning House of Heroes t-shirts and bobbing along to the music, fellow veterans and citizens showed their thanks—a fitting spirit now and in the future.

RECOGNIZING THE HARTFORD FOUNDATION FOR PUBLIC GIVING

Mr. BLUMENTHAL. Mr. President, today, I wish to congratulate the Hartford Foundation for Public Giving, which was awarded the 2012 Bronze Award by the Council on Foundations this past Spring as part of their Wilmer

Shields Rich Awards Program. Every year, the Council on Foundations recognizes foundations around the country that have engaged in strategic communications strategies and innovative projects that inspire and inform other grantmakers.

Since 1925, the Hartford Foundation for Public Giving has been a thriving philanthropic institution where Connecticut nonprofit organizations can seek financial support and connect with givers throughout the State. This highly professional, industrious, and dynamic institution singularly impacts the Capitol Region of Connecticut, having granted \$532 million since its beginning to address community needs. It fosters partnerships, assists nonprofits in developing their long-term plans and funding strategies, and hosts informational forums for the sharing of fresh perspectives. The Foundation is unique in its broad and diverse support for the Greater Hartford area, showcasing families on their website, who invite others to join them, advising "We're not the Rockefellers. We're just a normal family . . . willing to take this step."

The Council on Foundations recognized the Hartford Foundation for Public Giving specifically for its 2010 Annual Report, Creating Brighter Futures, which focused on the Foundation's efforts towards effective childhood development and education through its Brighter Futures Initiative. The great success of the Brighter Future Initiative has strengthened existing early education programs as well as inspired the development of innovative strategies around the country. In the report's introductory letter, President and Chief Executive Officer Lindy Kelly eloquently shares the groundbreaking changes she has witnessed in our Hartford-area schools. She tells the story of Lavarey—then a second-grader at Rawson School at risk for illiteracy. Through the Hartford Haskins Literary Initiative, he learned to read with joy. Ms. Kelly writes of her memory of Lavarey on stage during their annual Celebration of Giving ceremony, waving confidently at the 400-member audience, who in turn, mirrored Lavarey's happiness, proud to be part of the journey of a young boy who will soon become a contributing member of their community.

The Hartford Foundation's 2010 Annual Report—a large, comprehensive document that expertly weaves stories, accomplishments, and statistics—reflects the rich tapestry of the Hartford Foundation for Public Giving. By seamlessly inviting families, all levels of government, schools, nonprofit organizations, professional advisors, volunteers, and donors to join their mission for change, they evoke and provoke humanitarianism and patriotism.

I invite my Senate colleagues to join me in congratulating the Hartford

Foundation for Public Giving for bringing hope and help to Connecticut's institutions, programs, and citizens that need it the most.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROBERT BELL

• Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Robert Bell on his outstanding record of service to Tennessee. Dr. Bell will be retiring as president of Tennessee Technological University at the end of this month and has served the university for 36 years.

He has served as president of Tennessee Tech since 2000, and before becoming the university's president, he served as both a professor and dean of the College of Business.

During his time at Tennessee Tech, Dr. Bell has fostered both an increase in student enrollment and university recognition, while ensuring that student education remained affordable.

His contributions to Tennessee extend beyond the university level. He has served as a member of the board of directors for the Tennessee Center for Performance Excellence since 1993 and chairs the Cookeville Industrial Development Board. He is also a proud member of the executive committee of the Middle Tennessee Boy Scouts of America, an organization dedicated to helping young men achieve their potential.

I want to add my appreciation for his years of service to Tennessee Tech and wish him well in his retirement.

I ask to have the following resolution printed in the RECORD.

The resolution follows.

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DR. ROBERT R. BELL TO THE TENNESSEE BOARD OF REGENTS

Whereas, Dr. Robert R. Bell has thirty-six years of service with the Tennessee Board of Regents system and Tennessee Tech University, serving as a professor in TTU's College of Business, then as dean, then as President of the University since 2000,

Whereas, as President of TTU, he oversaw 12 straight years of enrollment growth, with TTU's enrollment approaching 12,000,

Whereas, he chaired a TBR Vision of Teaching Excellence committee in 2004 to establish future teaching standards and led his University to develop and expand extended education, distance learning and virtual classrooms,

Whereas, he supported the Regents Online Degree Program and championed degree innovations at TTU to increase access to education and to respond to industry needs in order to improve the education and economic progress in the state,

Whereas, as President he set his sights on a program to prepare the state's teachers, from Pre-K to college levels, to teach science, technology, engineering and mathematics by establishing The Millard Oakley STEM Center and providing it a state-of-the-art home in the new 26,000-square-foot Ray Morris Hall in 2010,

Whereas, he recognized the need for a nursing school in rural Tennessee and garnered

support from the state legislature, U.S. Congress and private and corporate donors to fund the construction of a multi-million dollar Nursing and Health Services Building,

Whereas, he kept his promise as President to upgrade facilities to increase recruitment and retention and oversaw the construction and completion of two residence halls—New Hall South and New Hall North,

Whereas, under his guidance TTU established Learning Villages, which aim to bring students and faculty together around a common interest and bridge the gap between the living and learning segments of campus and to encourage college completion,

Whereas, the University's endowment has doubled during Bell's presidency to nearly \$60 million,

Whereas, under his leadership in a difficult economic environment, TTU has remained affordable. Students graduate with the lightest debt load in the region, according to U.S. News & World Report, and sixty percent of 2010 TTU graduates left school debt free,

Whereas, the Tennessee Board of Regents grants President Emeritus status to Dr. Robert R. Bell for his continued support of the system, now, therefore, be it

Resolved That the Tennessee Board of Regents expresses its sincere appreciation to Dr. Robert R. Bell for his outstanding contributions and leadership to the system and wishes him the very best in his retirement. •

REMEMBERING GOVERNOR NORBERT TIEMANN

• Mr. JOHANNIS. Mr. President, today I wish to pay tribute to a dedicated public servant and true leader in Nebraska politics, Gov. Norbert Tiemann, whose recent death saddened all who knew him. Gov. Norbert Tiemann, or "Nobby," as he was affectionately known, served as Governor of Nebraska from 1967 to 1971. It is a privilege to take this opportunity to remember the life of Governor Tiemann and his many contributions to our State and Nation.

Prior to being elected Governor, Tiemann served three terms as mayor of Wausa in northeast Nebraska. He would later serve as Federal Highway Administrator for the U.S. Department of Transportation under the Nixon and Ford administrations. Ever service-oriented, Tiemann's public service extended well beyond elected office. He bravely fought in World War II and was later stationed in Korea.

Tiemann had an incredible passion for governing and played an active role in the lawmaking process. His leadership as Governor left a lasting impact on our great State. Scholars consider him to be among the most influential Nebraska Governors for transforming the governorship in our State from its traditional caretaker role to one that led public policy discussions.

As we look back on Tiemann's legacy, we will remember a dedicated public servant who cared deeply about Nebraska. I could not be more grateful for his lifetime of service and, on behalf of all Nebraskans, offer my sincerest condolences to his family. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 2:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes.

H.R. 2938. An act to prohibit certain gaming activities on certain Indian lands in Arizona.

At 4:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2938. An act to prohibit certain gaming activities on certain Indian lands in Arizona; to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2012, she had presented to the President of the United States the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6565. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Office of the Assistant Secretary of the Army for Financial Management and Comptroller, account 2182010, during fiscal year 2008 and was assigned Army case number 10-02; to the Committee on Appropriations.

EC-6566. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps" (RIN3038-AD48) received during adjournment of the Senate in the Office of the President of the Senate on June 15, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6567. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Core Principles and Other Requirements for Designated Contract Markets" (RIN3038-AD09) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6568. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisition of Tents and Other Temporary Structures" ((RIN0750-AH73) (DFARS Case 2012-D015)) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Armed Services.

EC-6569. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-6570. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled "Wassenaar Arrangement 2011 Plenary Agreements Implementation: Commerce Control List, Definitions, New Participating State (Mexico) and Reports" (RIN0694-AF50) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6571. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste" (RIN3150-AG41) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Indian Affairs.

EC-6572. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012" (RIN3150-AJ03) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Environment and Public Works.

EC-6573. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Failure to Attain the One-Hour Ozone Standard by 2007, Determination of Current Attainment of the One-Hour Ozone Standard, Determinations of Attainment of the 1997 Eight-Hour Ozone Standards for the New York-Northern New Jersey-Long Island Nonattainment Area in Connecticut, New Jersey and New York" (FRL No. 9682-7) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC-6574. A communication from the Commissioners of the Medicaid and CHIP Payment Access Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Medicaid and CHIP"; to the Committee on Finance.

EC-6575. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC-12-039, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6576. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, an Information Transmittal pursuant to 308(a) of the Intelligence Authorization Act (OSS-2012-1018); to the Committee on Foreign Relations.

EC-6577. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a determination pursuant to Section 620H of the FAA, and Section 7021 of the Department of State, Foreign Operations, and Related Appropriations, 2012 (Div. I, P.L. 112-74) regarding U.S. assistance (OSS-2012-1017); to the Committee on Foreign Relations.

EC-6578. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC-12-047, of the proposed sale or export of defense articles and/or defense services to a Middle East

country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6579. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC-12-076, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-6580. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act for fiscal year 2011 (OSS-2012-1019); to the Committee on Foreign Relations.

EC-6581. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT-12-2930); to the Committee on Foreign Relations.

EC-6582. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT-12-2931); to the Committee on Foreign Relations.

EC-6583. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC-12-016); to the Committee on Foreign Relations.

EC-6584. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC-12-058); to the Committee on Foreign Relations.

EC-6585. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC-12-087); to the Committee on Foreign Relations.

EC-6586. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC-12-082); to the Committee on Foreign Relations.

EC-6587. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Standard for All-Terrain Vehicles" (16 CFR Part 1420) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6588. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standards for

Portable Bed Rails: Final Rule" (16 CFR Part 1224) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6589. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Testing and Labeling Pertaining to Product Certification" (16 CFR Part 1107) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6590. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Consumer Registration of Durable Infant or Toddler Products" (16 CFR Part 1130) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6591. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Sablefish Individual Fishing Quota Program" (RIN0648-AX91) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6592. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-AC013) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6593. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (12); Amdt. No. 3481" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6594. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (111); Amdt. No. 3480" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6595. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (20); Amdt. No. 3479" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6596. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Ap-

proach Procedures; Miscellaneous Amendments (60); Amdt. No. 3478" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6597. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (45); Amdt. No. 3477" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6598. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (210); Amdt. No. 3476" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6599. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (25); Amdt. No. 3471" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6600. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (186); Amdt. No. 3470" (RIN2120-AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6601. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision" (RIN2125-AF43) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6602. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision; Final Rule" (RIN2125-AF41) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6603. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: 6-acetylmorphine (6-AM) Testing" (RIN2105-AE14) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6604. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Operations In Class D Airspace" ((RIN2120-AK10) (Docket No. FAA-

2011-1396)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6605. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airways V-10, V-12, and V-508 in the Vicinity of Olathe, KS" ((RIN2120-AA66) (Docket No. FAA-2012-0055)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6606. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area R-2101; Anniston Army Depot, AL" ((RIN2120-AA66) (Docket No. FAA-2012-0510)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6607. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Baltimore, MD" ((RIN2120-AA66) (Docket No. FAA-2012-0014)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6608. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Cocoa Beach, FL" ((RIN2120-AA66) (Docket No. FAA-2012-0099)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6609. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Springhill, LA" ((RIN2120-AA66) (Docket No. FAA-2011-0847)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6610. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Baraboo, WI" ((RIN2120-AA66) (Docket No. FAA-2011-1403)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6611. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Maryville, MO" ((RIN2120-AA66) (Docket No. FAA-2011-0434)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6612. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Pender, NE" ((RIN2120-AA66) (Docket No. FAA-2011-1103)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6613. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Monahans, TX" ((RIN2120-AA66) (Docket No. FAA-2011-1400)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6614. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Branson West, MO" ((RIN2120-AA66) (Docket No. FAA-2011-0749)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6615. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Eldon, MO" ((RIN2120-AA66) (Docket No. FAA-2011-1104)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6616. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; New Philadelphia, OH" ((RIN2120-AA66) (Docket No. FAA-2011-0607)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6617. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Houston, MO" ((RIN2120-AA66) (Docket No. FAA-2011-0903)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6618. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Leesville, LA" ((RIN2120-AA66) (Docket No. FAA-2011-0608)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6619. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Red Cloud, NE" ((RIN2120-AA66) (Docket No. FAA-2011-0426)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6620. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Freer, TX" ((RIN2120-AA66) (Docket No. FAA-2011-0904)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Amendment of Class E Airspace; Rock Springs, WY" ((RIN2120-AA66) (Docket No. FAA-2012-0131)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0384)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1169)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0998)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0534)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 385. A resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 402. A resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 429. A resolution supporting the goals and ideals of World Malaria Day.

S. Res. 473. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Brigadier General Edward M. Reeder, Jr., to be Major General.

Army nomination of Lt. Gen. John F. Mulholland, Jr., to be Lieutenant General.

William B. Pollard, III, of New York, to be a Judge of the United States Court of Military Commission Review.

Scott L. Silliman, of North Carolina, to be a Judge of the United States Court of Military Commission Review.

Marine Corps nominations beginning with Colonel Edward D. Banta and ending with Colonel Eric M. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nomination of Capt. Janet R. Donovan, to be Rear Admiral (lower half).

Navy nomination of Capt. Barbara W. Sweredoski, to be Rear Admiral (lower half).

Navy nomination of Capt. Kirby D. Miller, to be Rear Admiral (lower half).

Navy nominations beginning with Captain Michael J. Dumont and ending with Captain Scott B. J. Jerabek, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Navy nomination of Rear Adm. (1h) Clinton F. Faison III, to be Rear Admiral.

Navy nomination of Rear Adm. (1h) Jonathan A. Yuen, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (1h) Katherine L. Gregory and ending with Rear Adm. (1h) Kevin R. Slates, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2012.

Navy nominations beginning with Rear Adm. (1h) Sandy L. Daniels and ending with Rear Adm. (1h) Christopher J. Paul, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2012.

Navy nomination of Rear Adm. (1h) Bruce A. Doll, to be Rear Admiral.

Navy nomination of Rear Adm. (1h) David G. Russell, to be Rear Admiral.

Navy nomination of Rear Adm. (1h) Elizabeth L. Train, to be Rear Admiral.

Navy nomination of Rear Adm. (1h) Richard D. Berkey, to be Rear Admiral.

Navy nomination of Capt. Douglas G. Morton, to be Rear Admiral (lower half).

Navy nomination of Capt. Terry J. Moulton, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. David R. Pimpo and ending with Capt. Donald L. Singleton, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2012.

Navy nomination of Capt. Paul A. Sohl, to be Rear Admiral (lower half).

Navy nomination of Capt. Bruce F. Lovelless, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Brian K. Antonio and ending with Capt. Luther B. Fuller III, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Marine Corps nomination of Maj. Gen. (Select) William M. Faulkner, to be Lieutenant General.

Air Force nomination of Lt. Gen. Michael R. Moeller, to be Lieutenant General.

Navy nomination of Rear Adm. Robin R. Braun, to be Vice Admiral.

Army nomination of Maj. Gen. William B. Garrett III, to be Lieutenant General.

Army nomination of Lt. Gen. Howard B. Bromberg, to be Lieutenant General.

Air Force nomination of Lt. Gen. Mark F. Ramsay, to be Lieutenant General.

Air Force nomination of Maj. Gen. Thomas W. Travis, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darren W. McDew, to be Lieutenant General.

Air Force nomination of Lt. Gen. Stanley T. Kresge, to be Lieutenant General.

Army nomination of Maj. Gen. James L. Huggins, Jr., to be Lieutenant General.

Army nomination of Col. Barry D. Keeling, to be Brigadier General.

Army nomination of Col. Joseph E. Rooney, to be Brigadier General.

Navy nomination of Rear Adm. Paul J. Bushong, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) James W. Crawford III, to be Rear Admiral.

Navy nomination of Rear Adm. Nanette M. DeRenzi, to be Vice Admiral.

Navy nomination of Rear Adm. Michael J. Connor, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Chance J. Henderson and ending with Jeffrey P. Tan, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Air Force nominations beginning with Jessica L. Weaver and ending with Jonelle J. Knapp, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nomination of Joseph F. Jarrard, to be Colonel.

Army nomination of Kevin J. Park, to be Major.

Army nomination of Charles R. Perry, to be Major.

Army nominations beginning with Anthony P. Digiacomo II and ending with Richard D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2012.

Army nomination of Youngmi Cho, to be Lieutenant Colonel.

Army nomination of Richard M. Zygadlo, to be Lieutenant Colonel.

Army nomination of David H. Rittgers, to be Major.

Army nominations beginning with Eric S. Slater and ending with Marcus P. Wong, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Gaston P. Bathalon and ending with Kevin C. Reilly, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jerry L. Bratu, Jr. and ending with Amos P. Parker, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brett W. Andersen and ending with Michael D. Whited, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Casey Rogers and ending with Sharon A. Schell, which nominations were received by the Sen-

ate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Dwayne C. Bechtol and ending with D005682, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Armando Aguilera, Jr. and ending with Dave St John, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Bruce J. Beecher and ending with D004871, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Renee D. Alford and ending with Pj Zamora, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jude M. Abadie and ending with D010155, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brian E. Abell and ending with D010333, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Marine Corps nominations beginning with Eduardo A. Abisellan and ending with William E. Zamagni, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Omar A. Adame and ending with Christina F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nominations beginning with Jennifer D. Gundayao and ending with Donald R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with David A. Adams and ending with John J. Zerr II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Mark D. Larabee and ending with Richard J. Watkins, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Gregory D. Burton and ending with Joseph M. Tuite, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael N. Abreu and ending with Scott D. Tingle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Trent R. Demoss and ending with Charles K. Nixon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Roger L. Acebo and ending with Jeffrey D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Thomas F. Bolich, Jr. and ending with Donald R. Xiques, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Raymond I. Bruttomesso and ending with Mark

R. Sands, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William A. Baas and ending with James E. Puckett II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Thomas J. Amis and ending with Sueann K. Schorr, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jefferson W. Adams and ending with Robert B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Robert W. Mulac and ending with William K. Salvin, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Colette E. Kokron and ending with Curtis L. Michel, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Tawnya J. Racoosin and ending with Todd D. White, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Elisabeth S. Stephens and ending with Sheryl L. Tannahill, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Donald W. Bosch and ending with Theresa M. Stice, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Darren E. Anding and ending with Steven K. Renly, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jeff A. Davis and ending with Brenda K. Malone, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Mark R. Asuncion and ending with Philip W. Yu, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Marc C. Eckardt and ending with Robert W. Witzleb, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William A. Dodge, Jr. and ending with Albert M. Musselwhite, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Allen L. Edmiston and ending with Jacqueline V. McElhannon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jason L. Ansley and ending with Louis T. Unrein, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with George A. Allmon and ending with Timothy G. Sparks, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with John P. Ayres and ending with Clay L. Wild, which

nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nomination of Glenn E. Gaborko, Jr., to be Captain.

Navy nomination of Roger L. Blank, to be Captain.

Navy nominations beginning with Michael C. Barber and ending with David G. Oravec, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Joseph A. Davis and ending with Scott D. Eberwine, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with David H. Duttlinger and ending with Darcy I. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Frank J. Brajevic and ending with David E. Woolston, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Lauren D. Bales and ending with David A. Serafini, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Christopher J. Corvo and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Maria L. Aguayo and ending with Andrew J. Schulman, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with David O. Bynum and ending with Melvin H. Underwood, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Douglas J. Cohen and ending with Kevin P. Whitmore, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Richard S. Barlament and ending with John S. Sibley, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Brian E. Beharry and ending with Darrel G. Vaughn, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Patrick J. Blair and ending with Aaron D. Werbel, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with James T. Albritton and ending with Robert L. Williams, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Veronica G. Armstrong and ending with Maria A. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Juliann M. Althoff and ending with John Wyland, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Casey S. Adams and ending with Karen G. Young,

which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nomination of Robert E. Bradshaw, to be Lieutenant Commander.

Navy nomination of Darren W. Murphy, to be Lieutenant Commander.

Navy nomination of Ling Ye, to be Lieutenant Commander.

Navy nomination of Gregory E. Ringler, to be Lieutenant Commander.

Navy nominations beginning with Craig S. Coleman and ending with Eduardo B. Rizo, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Paul D. Ginkel and ending with Gabriel S. Niles, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Michele M. Day and ending with Det R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Steve M. Curry and ending with William R. Urban, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Amy L. Bleidorn and ending with Micah A. Weltmer, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Michael J. Barriere and ending with Matthew T. Wilcox, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Brian M. Baller and ending with Michael J. Szczerbinski, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Heath D. Bohlen and ending with Matthew C. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Dereck C. Brown and ending with Sherry W. Wangwhite, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Marc A. Aragon and ending with Robert A. Yee, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Kevin J. Behm and ending with Evan P. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Erik E. Anderson and ending with Christopher G. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Rene V. Abadesco and ending with Mark W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with David J. Adams and ending with Kevin P. Zayac, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Brian P. Burrow and ending with Christopher A. Weech, which nominations were received by

the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Derrick E. Blackston and ending with Derek A. Vestal, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 3315. A bill to repeal or modify certain mandates of the Government Accountability Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TOOMEY (for himself and Mr. BURR):

S. 3316. A bill to require the Secretary of Labor to carry out a pilot program on providing veterans with access at One-Stop Centers to Internet websites to facilitate online job searches, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):

S. 3317. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. HARKIN, Mr. BEGICH, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. BLUMENTHAL, and Mrs. HAGAN):

S. 3318. A bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR:

S. 3319. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3320. A bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on

Federal lands; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. KERRY, Mr. LEAHY, Mr. COONS, Mr. HARKIN, Mr. BLUMENTHAL, Ms. MIKULSKI, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 3322. A bill to strengthen enforcement and clarify certain provisions of the Servicemembers Civil Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code, and to reconcile, restore, clarify, and conform similar provisions in other related civil rights statutes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. BURR):

S. 3324. A bill to authorize the Secretary of Veterans Affairs to award grants to non-profit organizations for the construction of facilities for temporary lodging in connection with the examination, treatment, or care of a veteran under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. AKAKA, Mr. BAUCUS, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CASEY, Ms. CANTWELL, Mr. COONS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mrs. HUTCHISON, Mr. INOUE, Mr. KERRY, Mr. KIRK, Ms. LANDRIEU, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. Res. 500. A resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls; considered and agreed to.

By Mr. CRAPO:

S. Res. 501. A resolution supporting National Men's Health Week; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. ALEXANDER, Mr. GRAHAM, Mr. LEVIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. BENNET, Mrs. MURRAY, Mr. AKAKA, Mr. MORAN, Mr. CARDIN, Ms. STABENOW, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. BOOZMAN, Mr. RUBIO, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. PRYOR):

S. Res. 502. A resolution celebrating the 150th anniversary of the signing of the First Morrill Act; considered and agreed to.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 811

At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 811, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 866

At the request of Mr. TESTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. HOEVEN) and the Senator

from Alabama (Mr. SHELBY) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Arkansas (Mr. BOOZMAN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mrs. HAGAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Kansas (Mr. MORAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Wisconsin (Mr. JOHNSON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2103

At the request of Mr. LEE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2134, a bill to amend title

10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3233

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3233, a bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3235

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3235, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3289

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3289, a bill to expand the Medicaid home and community-based services waiver to include young individuals who are in need of services that would otherwise be required to be provided through a psychiatric residential treatment facility, and to change references in Federal law to mental retardation to references to an intellectual disability.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3292

At the request of Mrs. MCCASKILL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3292, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 401

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who

represent the United States around the globe.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

S. RES. 446

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 446, a resolution expressing the sense of the Senate that the United Nations and other intergovernmental organizations should not be allowed to exercise control over the Internet.

S. RES. 473

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

S. RES. 482

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 482, a resolution celebrating the 100th anniversary of the United States Chamber of Commerce.

S. RES. 489

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 494

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing

weapons to the regime of President Bashar al-Assad of Syria.

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 494, *supra*.

S. RES. 496

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 2202 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2295 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2355

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 2355 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 2382 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. MERKLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of amendment No. 2382 proposed to S. 3240, *supra*.

AMENDMENT NO. 2395

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2395 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2417

At the request of Mr. UDALL of New Mexico, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2417 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2445

At the request of Mr. BROWN of Ohio, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2445 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2453

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2453 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2457

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2457 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2457 proposed to S. 3240, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):

S. 3317. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. Mr. President, our daughters' futures will be as bright as our sons'. That is the American promise. It is the American ideal—that one's opportunity to prosper—one's economic security—depends not on one's gender but instead on one's work ethic—one's character—one's God-given talents.

That men and women will be treated equally in America is a promise that was made by Susan B. Anthony, who dedicated her life to women's suffrage and who famously said, shortly before her passing, that "failure is impossible." History proved her right: 15 years later, women finally were given access to the ballot.

That men and women will be treated equally in America is a promise that was made a generation later, by thousands of women who—under the banner of Rosie the Riveter—took to the factories and carried our national economy through a period of world war.

That men and women will be treated equally in America is a promise that

was made by Ruth Bader Ginsburg, who, in 1960, was passed over for a Supreme Court clerkship because she was a woman. Undeterred, she went on to start the Women's Rights Project at the ACLU, a platform from which she argued several landmark cases. In 1993, she was selected to serve as a justice on the very court that, years before, turned her away.

That men and women will be treated equally in America is a promise that is made today—by women like Senator BARBARA MIKULSKI and Senator PATTY MURRAY and Congresswoman ROSA DELAURO—women who have settled not for a mere presence in the halls of Congress but who instead have become among its most influential leaders.

Generations of women have rejected inferiority. Because of these pioneers, the promise of gender equality in America has become more than just a promise. It has become our law. It is enshrined in the documents by which we are governed.

This week, we celebrate the 40th anniversary of Title 9, a statute that guarantees equal educational opportunities for boys and girls—for men and women. In just a couple of years, we will mark the 50th anniversary of the Civil Rights Act of 1964, a landmark legislative achievement that codified our national commitment to ending discrimination in the workplace.

So, yes, in America we have made a promise that one's gender will not be the deciding factor between having opportunities and being denied opportunities—between getting a job and being denied one—between getting a promotion and being denied one. We have made that promise. And we've come a long way toward fulfilling it.

But we are not there yet. Even though women have been working outside the home for generations, they continue to face barriers in the workplace: Even though about half of all workers are women, only 12 Fortune 500 companies have female CEOs. The Equal Employment Opportunity Commission reports that, in 2011, it received nearly 100,000 complaints of discrimination. Statistics show that women still receive unequal pay for equal work.

Although this week marks the 40th anniversary of Title 9, it also marks the one year anniversary of the Supreme Court's decision in *Wal-Mart v. Dukes*, a decision that has had an enormous impact on workplace rights across the country. On its face, that case was about civil procedure—it was about litigation rules and legal technicalities. But, in a larger sense, the *Dukes* case was about the current state of our equal employment laws.

In that case, a group of women tried to band together to enforce their rights to be free from discrimination—rights afforded them by Title 7 of the Civil Rights Act. The women alleged that

their employer's policies allowed bias—rather than performance and merit—to determine who would be promoted or given raises.

The evidence in the case indicated that women comprised 70 percent of the employer's hourly workforce but only 33 percent of its management team. The evidence indicated that women were paid less than men in each of the employer's 41 regions. It indicated that managers around the country relied on outdated stereotypes when making employment decisions. Both the trial court and the appellate court agreed that the women should be permitted to try their case as a group.

The trial court's and the appellate court's decisions were consistent with precedent. Governing rules said that a group of workers could band together if they first showed, among other things, that their cases shared a common issue of law or fact. This is known as the "commonality" requirement. The idea here is that if lots of workers raise a common issue, it's easier for the court to resolve that issue in one case than to resolve it over and over and over again in thousands of different cases.

In *Dukes*, the common, central issue was whether the employer's policy of giving managers unfettered discretion to make pay and promotion decisions resulted in a disparate impact on women. In other words, all of the workers alleged that the employer's policy allowed bias to determine conditions of employment. Because the workers had presented that common question, "Is the employer's policy discriminatory?"; the lower courts concluded that the group could proceed together.

But the Supreme Court concluded otherwise. Its rationale was unprecedented. In a 5 to 4 decision, the Court said that, to proceed as a group, the women had to show not only that they were united by a common issue, but also that they ultimately would prevail on that issue at trial. That is, to present their case, the women first had to prove their case. As Justice Ginsburg explained in her dissenting opinion, the Court's decision "disqualifies the class from the starting gate."

Since *Dukes* was decided, dozens of employment discrimination cases effectively have been stopped before they even started. This is a problem. When Congress passed the Civil Rights Act of 1964, the Committee responsible for the bill issued a report in which it said that "[t]he Committee agrees with the courts that Title 7 actions are by their very nature class complaints, and that any restriction on such actions would greatly undermine the effectiveness of Title 7."

But it doesn't take a Congressional Committee report to understand the effect of the *Dukes* decision. Betty Dukes, the lead plaintiff in the case, put it well when she testified before the Senate Judiciary Committee. She

said that, quote, "[o]ur civil rights are only as valuable as the means that exist to enforce them." It is one thing to pass a law saying that men and women should be treated equally. It is another thing to give that law some teeth—to say that we really mean it.

The *Dukes* decision makes it harder for women—for any group of workers, for that matter—to band together to enforce the Civil Rights Act. Unable to band together, many workers may not have access to legal representation. Unable to band together, many workers will choose not to challenge workplace discrimination at all, concluding that the personal costs of doing so—the potential for retaliatory actions—outweigh any possible benefits. Unable to band together, workers will be less able to use the courts to address employers' discriminatory policies on a company-wide basis.

So, today, on the one year anniversary of the Court's decision in *Dukes*, I rise to introduce the Equal Employment Opportunity Restoration Act. This bill will restore workers' ability to enforce effectively our Nation's antidiscrimination laws. Perhaps as importantly, this bill reaffirms the American promise of workplace equality.

The bill creates a new judicial procedure—called a "group action"—which mirrors the class action procedures that were available to workers before *Dukes* was decided. Instead of disqualifying workers' cases at the starting gate, this bill says that workers can proceed together if they create a reasonable inference that they were subjected to a discriminatory employment policy or practice. It will be—as it always has been—left to a trial to determine the merits of the workers' allegations and the viability of the employers' defenses.

I am proud to introduce this bill with Congresswoman DELAURO and with my Senate colleagues, including Senators LEAHY, MIKULSKI, MURRAY, and HARKIN.

I am grateful to the many wonderful organizations in Minnesota and Washington that have worked with me on this bill. They include the National Partnership on Women and Families, the ACLU, the Leadership Conference on Civil and Human Rights, the National Women's Law Center, the American Association of University Women, and the Lawyers' Committee for Civil Rights Under Law.

Our daughters' futures will be as bright as our sons'. For more than a century, we have followed a path toward gender equality. The trail has been blazed by generations of women—women whose names are found in the history books, yes, but also by those whose names are not—the working mother who rises before dawn and punches a clock every day so she can support her family—the young woman,

fresh out of college, who defies stereotypes and pursues an engineering career—the small business-owner who hires dozens of people in her community.

We should continue along the path toward equality in the workplace. We should not stop now. We should not turn back now. The bill that we introduce today says that we won't.

Mr. LEAHY. Today, I am pleased to join Senator FRANKEN to introduce the Equal Employment Opportunity Restoration Act of 2012. This important legislation will respond to the Supreme Court's decision in *Wal-Mart v. Dukes*, and restore women's ability to challenge discrimination in the workplace.

Today marks the 1-year anniversary of that case—where just five Justices disqualified the claims of 1.5 million women who had spent nearly a decade seeking justice for sex discrimination by their employer, Wal-Mart. By a 5–4 decision, the Supreme Court ruled that the women did not share enough in common to support bringing a class action. Perhaps more troubling, just five Justices said that Wal-Mart could not have had a discriminatory policy against all of them, because it left its payment decisions to the local branches of its stores. In reaching this conclusion, the Supreme Court provided a clear path for corporations to avoid company-wide sex discrimination suits, and made it harder to hold corporations accountable under our historic civil rights laws.

Betty Dukes has worked for Wal-Mart, where she started as a part-time cashier in Pittsburg, California, for almost 20 years. Throughout her years at Wal-Mart, Betty expressed an interest in advancement and in the management track. Unfortunately, she was continually overlooked for promotions, receiving only one in her lengthy career there. Betty Dukes then learned of the pay disparities between the male and female employees at a Pittsburg Wal-Mart store. She decided to take a stand, and filed a class action lawsuit against Wal-Mart in 2001. Betty Dukes and the other women were appalled to learn that the pay disparities did not stop at the Pittsburg store. In fact, there was widespread gender discrimination occurring at Wal-Mart stores across the country.

Last year, I chaired a hearing on how Supreme Court rulings affect Americans' access to their courts. Betty Dukes came and shared her story at that hearing. She made it clear that she did not plan on giving up. In these tough economic times, American consumers and employees rely on the law to protect them from fraud and discrimination. They rely on the courts to enforce laws intended to protect them. Unfortunately, these protections are being eroded by what appears to be the most business-friendly Supreme Court in the last 75 years.

The Supreme Court's recent decisions make some wonder whether it has now decided that some corporations are too big to be held accountable. Whether it is Lilly Ledbetter suing her employer for gender discrimination, or a group of consumers suing their phone company for deceptive practices, an activist majority of the Supreme Court is making it more and more difficult for Americans to have their day in court.

We cannot ignore the fact that gender discrimination in the workplace persists. Earlier this month, I urged the Senate to pass the Paycheck Fairness Act, a bill that would have set a clear path to address the systemic problems that result from pay disparities. Unfortunately, the Senate could not overcome a partisan filibuster, and was not able to even debate the measure.

I believe that the ability of Americans to band together to hold corporations accountable, especially when it comes to workplace discrimination, has been seriously undermined by the Supreme Court. All people should be evaluated on the basis of their contribution to the workplace, not irrelevant factors like sex, gender, race, ethnicity, or disability. These decisions have been praised on Wall Street, but will no doubt hurt hardworking Americans on Main Street. I thank Senator FRANKEN for introducing this important bill, and urge all Senators to come together and support this effort to restore hardworking Americans' access to their courts.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I bring to the attention of the body a bill called the Protecting Adoption and Promoting Responsible Fatherhood Act of 2012. I introduced this bill on behalf of myself and Senator INHOFE, with whom I have worked with so closely on many issues involving adoption and the protection of children who are outside of family care, both here in the United States and abroad. I thank Senator INHOFE, the senior Senator from Oklahoma, for being an original cosponsor of this legislation. I also thank Congresswoman LAURA RICHARDSON for introducing a companion piece of this legislation in the House today.

We just celebrated Father's Day this past weekend. I know my father and

my husband and men all over the country celebrated with their children and their families. We honor the extraordinary fathers in the world.

Parenthood is the ultimate gift. It is also an incredible responsibility. Many of us have benefited from really wonderful fathers who care for and support families and support children through their young years, their adult years, and even into their older years. When fathers are absent, when they abandon their responsibility to their children, they can make the mothers of their children and their children more vulnerable. Sometimes women will make a decision to place a child for adoption if they are unmarried, unwilling, unable—just at a vulnerable time in their life and not able to raise a child. Adoption can be a very positive option. There are some Members of our Congress who have adopted children and have adopted grandchildren, so we know the blessings of adoption.

This bill will help to facilitate and clear up some legal quagmires that occur until many States clear the way for women of any age to make a decision for adoption. There are many of us, across party lines, who have supported more domestic infant adoption, more domestic adoptions for children of all ages, and particularly adoption of special-needs children.

This bill really affects infant adoption. It sets up a voluntary registry that tracks what 38 States have already done. Any person, any male who has the intention of supporting and raising a child can register on this registry, and their will and wishes will be taken into consideration. But in the situation that often happens where this man is not interested in being the kind of responsible father he should be, then this registry helps to expedite, without a lot of legal quagmire but with protection to both the father and the mother, to expedite adoption.

It has gone through a vetting process with any number of outside organizations. I thank the American Bar Association. I want to particularly thank the Association of Adoption Attorneys, which helped to draft this important piece of legislation.

I wanted to come to the floor to introduce it. We will, of course, bring it up when the leadership allows us that opportunity. It may have to go through a committee process. We may be able to clear it with the support of both Republicans and Democrats, as is shown by the support of Senator INHOFE and myself. Hopefully we can get it done in a short period of time and provide a clear path to promote adoption in the United States.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for service-

members against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce the Military Family Home Protection Act, a bill to strengthen the legal protections our military personnel are guaranteed under the Servicemembers Civil Relief Act, SCRA.

Entering military service can sometimes make it difficult or impossible for our Soldiers, Sailors, Airmen, and Marines to meet their civilian legal and financial obligations. In laws dating back to the Civil War, Congress has given active-duty military personnel special protections against legal actions that might be taken against them while they are away from home because of military service. The purpose of these laws, according to a 1943 Supreme Court decision, is "to protect those who have been obliged to drop their own affairs to take up the burden of the nation." Congress re-wrote the World War II-era "Soldiers and Sailor Relief Act" in 2003, as full-time military, Reservists, and National Guard personnel were deploying in large numbers to Iraq and Afghanistan. This comprehensively updated statute was re-named the "Servicemembers Civil Relief Act."

Since the September 11 attacks, we have asked our military personnel—both our active-duty and reserve components—for unprecedented service and sacrifice. We have asked them to deploy multiple times to Iraq and Afghanistan, and we have asked their families to live without their loved ones for long periods of time. We have asked our National Guard and Reserve personnel—not just once, but sometimes two or three times—to leave their jobs, put their civilian lives on hold, and answer their country's call to service. The promise the SCRA makes to these Americans is that while they are engaged in the defense of our country, we will protect them and their families from adverse financial actions on the home front. One important way the SCRA protects these servicemembers is by lowering their mortgage interest rates while they are on active duty, and by prohibiting banks from foreclosing on their homes without first getting court approval.

Unfortunately, as I learned during a joint House-Senate forum I held in the Senate Commerce Committee hearing room in July 2011, not all banks have been following the law. In May 2011, for example, the Department of Justice settled lawsuits with the former Countrywide Home Loans, now a subsidiary of Bank of America, and Saxon Mortgage, a subsidiary of Morgan Stanley, for \$22 million. In these lawsuits, DOJ alleged that the companies violated the SCRA by foreclosing on more than 170 servicemembers without court orders. At the House-Senate forum,

which I organized with Representative ELIJAH CUMMINGS, the Ranking Member of the House Oversight and Government Reform Committee, we heard from two members of the military and other experts about how these SCRA violations can devastate military families. Mrs. Holly Petraeus, who is the Director of Servicemember Affairs at the Consumer Financial Protection Bureau, as well as the wife of General David Petraeus, told us that:

... [W]hile a foreclosure is devastating for any American family, it can be especially painful for military families. Both the family back home and the deployed servicemember, who feels helpless to take action to prevent the foreclosure, are put in a terrible situation. It is vital that servicemembers receive all the protections afforded to them by the SCRA.

At the time we held this forum, legislators in both houses were already hard at work on legislation to strengthen the SCRA and improve banks' compliance with the SCRA. In late 2010, Congress passed a new law, P.L. 111-275, that allowed deploying soldiers to terminate their cell phone contracts without penalties, and that gave the United States Attorney General new powers to enforce the SCRA against creditors. In June 2011, the Senate Veterans' Affairs Committee, on which I serve, approved a bill sponsored by Senator BEGICH, S. 941, which included a provision to extend the period of SCRA mortgage protections from nine months to twelve months after a servicemember leaves military duty. The Senate Veterans' Affairs Committee is also actively considering other proposals to improve the SCRA.

The legislation I am introducing today with Senator CARDIN was introduced in the House of Representatives as H.R. 5747 on May 15, 2012, by Ranking Member CUMMINGS, along with the Ranking Member of the House Armed Services Committee, Representative ADAM SMITH, and the Ranking Member of the House Veterans' Affairs Committee, Representative BOB FILNER. Two days later, it was adopted as an amendment to the National Defense Authorization Act by an overwhelming vote of 394-27.

Now that the House has expressed its bipartisan support for this legislation, I am introducing it in the Senate for consideration. The recent House vote shows that this is an issue that should rise above partisan politics. I hope that the House's recent action will give the Senate new momentum to look at what we can do to strengthen the SCRA and protect our military personnel and their families. A short summary of the bill is provided below.

The Military Family Home Protection Act expands the class of covered individuals under the SCRA's mortgage provisions to include: All servicemembers serving on the battlefield, regardless of when they bought their home. Servicemembers retiring

100 percent disabled due to service-connected injuries and surviving spouses of servicemembers who died in military service.

The act stays mortgage foreclosure proceedings against SCRA-covered persons for 1 year following their service; it also eliminates a current sunset provision that will reduce this protection to 90 days beginning January 1, 2013.

The Act doubles the civil penalty for SCRA mortgage violations to \$110,000 for the first offense and \$220,000 for subsequent violations.

The act protects servicemembers and their families against discrimination by banks and lenders on account of servicemembers' eligibility for SCRA protections. It also requires banks and lenders to take further steps to ensure SCRA compliance. These steps include: Designating an SCRA compliance officer. Requiring SCRA compliance officers to distribute information to servicemembers about their SCRA protections, and providing a toll-free telephone number and website to help servicemembers better understand their SCRA protections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 500—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL WOMEN AND GIRLS

Mrs. MURRAY (for herself, Ms. SNOWE, Mr. AKAKA, Mr. BAUCUS, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CASEY, Ms. CANTWELL, Mr. COONS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mrs. HUTCHISON, Mr. INOUE, Mr. KERRY, Mr. KIRK, Ms. LANDRIEU, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mrs. MCCASKILL, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 500

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as "title IX") (20 U.S.C. 1681 et seq.) was signed into law by the President of the United States;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas, on October 29, 2002, title IX was named the "Patsy Takemoto Mink Equal Op-

portunity in Education Act" in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and passing title IX;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including sports, and bars sexual and sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person's access to a particular educational field;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX has increased educational opportunities for women and girls, including their access to professional schools and non-traditional fields of study, and has improved their employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas, while title IX has been instrumental in fostering 40 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made;

Whereas, in the 2010-2011 school year, girls were provided 1,300,000 fewer opportunities to play high school sports than boys;

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the money spent to recruit new athletes, and 42 percent of the total athletic scholarship funds;

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children;

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy;

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination;

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields;

Whereas, in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master's or doctorate degrees in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law's full promise of equal educational opportunities for all women and girls has not yet been fulfilled: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports;

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

SENATE RESOLUTION 501—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. RES. 501

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;

Whereas men are less likely than women to visit their health centers or physicians for regular screening examinations of male-related problems for a variety of reasons;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;

Whereas June 11 through 17, 2012, is National Men's Health Week; and

Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 502—CELEBRATING THE 150TH ANNIVERSARY OF THE SIGNING OF THE FIRST MORRILL ACT

Mr. LEAHY (for himself, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. ALEXANDER, Mr. GRAHAM, Mr. LEVIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. BENNET, Mrs. MURRAY, Mr. AKAKA, Mr. MORAN, Mr. CARDIN, Ms. STABENOW, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. BOOZMAN, Mr. RUBIO, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 502

Whereas July 2, 2012, marks the sesquicentennial of the signing of the Act of July 2, 1862 (commonly known as the "First Morrill Act"; 7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit;

Whereas the genesis of the national focus on public higher education in the United States is attributed to the establishment of the land-grant institutions under the First Morrill Act;

Whereas United States Representative Justin Morrill of Strafford, Vermont, inspired by his own lack of a formal education, authored the legislation that would become the

First Morrill Act to provide an "opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those needing higher instruction for the world's business, for the industrial pursuits and professions of life";

Whereas the 37th Congress sought to energize the vital intellectual resources of the United States by enacting legislation to make higher education accessible to the public and thereby apply those intellectual resources to stimulate the national economy, which at the time was based in agriculture and the mechanical arts;

Whereas, in the midst of the Civil War and domestic strife, President Abraham Lincoln supported, encouraged, and signed into law the First Morrill Act, which encompassed ideals that united the North and the South;

Whereas the First Morrill Act opened the doors of colleges and universities to all people with the ability and will to learn, irrespective of heredity, occupation, or economic status;

Whereas the United States leads the world in the quality of its public universities and has provided extraordinary opportunities for higher education to the people of the United States, thus enriching each State and the country as a whole;

Whereas the land-grant institutions and other public research universities of the United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and 6 territories of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States educate more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as "STEM") annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than \$37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institute is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival on the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an enrolled copy of this resolution for appropriate display.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to the nomination of Heidi Shyu, of California, to be an Assistant Secretary of the Army, dated June 20, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 10 a.m., in room SD-115 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the United States Patent and Trademark Office; Implementation of the Leahy-Smith American Invents Act and International Harmonization Efforts."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 2:30 p.m., in room SD-115 of the Dirksen Senate Office Building, to conduct a hearing entitled "Holocaust-Era Claims in the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on June 20, 2012, at 9:30 a.m., to conduct a hearing entitled "Examining the IPO Process: Is It Working for Ordinary Investors?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the

Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 20, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Risks, Opportunities, and Oversight of Commercial Space."

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Ms. STABENOW. I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 500, S. Res. 501, and S. Res. 502.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 500

Celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls.

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as "title IX") (20 U.S.C. 1681 et seq.) was signed into law by the President of the United States;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas, on October 29, 2002, title IX was named the "Patsy Takemoto Mink Equal Opportunity in Education Act" in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and passing title IX;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including sports, and bars sexual and sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person's access to a particular educational field;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX has increased educational opportunities for women and girls, including their access to professional schools and non-traditional fields of study, and has improved their employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork,

leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas, while title IX has been instrumental in fostering 40 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made;

Whereas, in the 2010-2011 school year, girls were provided 1,300,000 fewer opportunities to play high school sports than boys;

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the money spent to recruit new athletes, and 42 percent of the total athletic scholarship funds;

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children;

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy;

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination;

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields;

Whereas, in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master's or doctorate degrees in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law's full promise of equal educational opportunities for all women and girls has not yet been fulfilled: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports;

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

S. RES. 501

Supporting National Men's Health Week

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;

Whereas men are less likely than women to visit their health centers or physicians for regular screening examinations of male-related problems for a variety of reasons;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;

Whereas June 11 through 17, 2012, is National Men's Health Week; and

Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

S. RES. 502

Celebrating the 150th anniversary of the signing of the First Morrill Act

Whereas July 2, 2012, marks the sesquicentennial of the signing of the Act of July 2, 1862 (commonly known as the "First Morrill Act"; 7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit;

Whereas the genesis of the national focus on public higher education in the United States is attributed to the establishment of the land-grant institutions under the First Morrill Act;

Whereas United States Representative Justin Morrill of Strafford, Vermont, inspired by his own lack of a formal education, authored the legislation that would become the First Morrill Act to provide an "opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those needing higher instruction for the world's business, for the industrial pursuits and professions of life";

Whereas the 37th Congress sought to energize the vital intellectual resources of the United States by enacting legislation to make higher education accessible to the public and thereby apply those intellectual resources to stimulate the national economy, which at the time was based in agriculture and the mechanical arts;

Whereas, in the midst of the Civil War and domestic strife, President Abraham Lincoln supported, encouraged, and signed into law the First Morrill Act, which encompassed ideals that united the North and the South;

Whereas the First Morrill Act opened the doors of colleges and universities to all people with the ability and will to learn, irrespective of heredity, occupation, or economic status;

Whereas the United States leads the world in the quality of its public universities and has provided extraordinary opportunities for higher education to the people of the United States, thus enriching each State and the country as a whole;

Whereas the land-grant institutions and other public research universities of the United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and 6 territories of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States educate more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source

of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as "STEM") annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than \$37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institute is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival on the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an enrolled copy of this resolution for appropriate display.

Mr. LEAHY. Mr. President, I commend the Senate for agreeing to this resolution celebrating the 150th anniversary of the signing of the First Morrill Act. The Morrill Act, named for its author, Justin Morrill of Strafford, VT, granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit. This landmark legislation brought national attention to public higher education in the United States and made higher education accessible to the public by granting Federal land to each State to be used toward funding public agriculture colleges. It is difficult to overstate the profound impact and ways in which the core democratic vision behind the Morrill Act has improved the lives of Americans. Land grant institutions have opened the doors to affordable and accessible higher education for millions of students. These public institutions are the lifeblood of many communities, serving as hubs of research and innovation, as drivers of economic growth, and as laboratories for critical thinking and public debate.

The University of Vermont is the State of Vermont's land-grant university. It is fitting that representatives from the University of Vermont's Proctor Maple Research Center will be in town next weekend for the Smithsonian's 2012 Folklife Festival. This year, the annual event celebrates the spirit of the Morrill Act and the cultural impact of land-grant institutions. Timothy Perkins, Timothy Wilmont, Emily Drew, George Cook, and Brian Stowe will host a booth at the Festival on the maple industry and how maple research at the University of Vermont has provided new and improved techniques for efficient sap collection and evaporation systems which yield higher quality maple syrup, as well as research to improve understanding of the physiology and continued health of sugar maple trees. Just one example is a revolutionary maple tap developed by students and professors at UVM and now being manufactured in Vermont which nearly doubles the yield from each tree.

Justin Morrill's vision for a modern higher education infrastructure was centered in creating an opportunity for farmers, mechanics, artisans and laborers who too often lacked access to higher education. While time does not allow a comprehensive look at the contributions of UVM to the State of Vermont, I will note that given the focus of land grant institutions on agriculture, it is very appropriate that the UVM College of Agriculture and Life Sciences, known as CALS, is quartered in the original Morrill Hall at the center of campus. In addition to work on maple, CALS provides a number of world-class research and outreach efforts that are educating a generation of leaders in sustainable agriculture and food systems. And the acorn often falls close to the tree—with UVM graduates applying their skills to start businesses and nonprofits in Vermont. CALS graduates are owners and herd managers at dairy farms across Vermont and others are operating a growing number of diversified farms and CSA's across the region. Two examples are Shelburne Farms, a wonderful center for sustainability education and Vermont Natural Coatings—a private company manufacturing environmentally friendly paints—both being run by UVM alumni. Nutrition research at the school is informing cutting edge farm-to-school programs.

Students and researchers at the UVM School of Natural resources have been at the lead for many years in understanding and addressing water quality problems in Lake Champlain. Preparing students with a great basic education in environmental science and policy, these young people are then deployed to the UVM research vessel the Melosira, to the Rubenstein Lake Research Lab, and to watershed groups to put their skills to the test. It is not unusual to see UVM undergraduates coming off the lake, cold and wet on a cold fall day and burdened with nets, buckets, and boots—and smiling from ear to ear.

Vermont is a small State and could never have built such a fine and world-renowned research University but for the Morrill Land Grant Act. UVM is now an engine that helps to drive our state, and to benefit the Nation.

ORDERS FOR THURSDAY, JUNE 21, 2012

Ms. STABENOW. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Thursday, June 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the two leaders, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees; further, that at 11 a.m., the Senate resume consideration of S. 3240, the farm bill, and the votes on the remaining amendments to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. STABENOW. There will be several rollcall votes beginning at approximately 11 a.m. tomorrow in order to complete action on the farm bill.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no other business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Thursday, June 21, 2012, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

POLLY ELLEN TROTTEBERG, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE ROY W. KIENITZ.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID MASUMOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE STEPHEN W. PORTER, TERM EXPIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF COMMERCE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

THOMAS J. BRENNAN, OF MISSOURI
CHERYL J. DUKELOW, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

YAMILEE M. BASTIEN, OF FLORIDA
ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA
JENNIFER GOTHARD, OF CALIFORNIA
STEPHEN GREEN, OF VIRGINIA
LOLA Z. GULOMOVA, OF THE DISTRICT OF COLUMBIA
JOHN HOWELL, OF VIRGINIA
ILONA SHTRUM, OF VIRGINIA
PAUL A. TAYLOR, OF COLORADO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

CHRISTOPHER BECKER, OF ILLINOIS
LINDA L. CARUSO, OF WISCONSIN
SARAH FOX, OF MARYLAND
JEFFREY W. HAMILTON, OF TEXAS
MATTHEW HILGENDORF, OF NEW HAMPSHIRE
KATJA S. KRAVETSKY, OF VIRGINIA
JESSE LAPIERRE, OF MASSACHUSETTS
RICARDO PELAEZ, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN GREEN, OF VIRGINIA
THOMAS HANSON, OF CALIFORNIA
MARTIN CLAESSENS, OF ILLINOIS
RICARDO PELAEZ, OF FLORIDA
THOMAS PEPE, OF VIRGINIA

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 20, 2012 withdrawing from further Senate consideration the following nomination:

PATRICIA M. WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2019, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 16, 2012.

HOUSE OF REPRESENTATIVES—Wednesday, June 20, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2012.

I hereby appoint the Honorable TOM MCCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

REPORT ON H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

Mr. LATHAM, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-541) on the bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 5973, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

Mr. LATHAM, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-542) on the bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recog-

nize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

EQUALITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. While there have been occasional steps backward in America's march towards equality for all citizens, progress and understanding have marched steadily onward. As a result, America is more diverse, and it is better for it; but we must continue to work hard to create a truly equal and just society.

Discriminating against an individual based on race, religion, or sexual identity is deplorable and unacceptable. Historically, the LGBT community has faced significant discrimination, but the country has come a long way in recent years in attitude. Most Americans are more accepting regardless of one's sexual orientation, but there remain too many areas where society still must translate the attitude of most Americans into rights and protections for all citizens.

LGBT students should be able to learn in a safe school environment, free of cruel bullying, psychological or physical abuse. The term "bullying" actually does not capture the behavior and the threat. Foster children should be adopted by loving families regardless of the parents' sexual orientations. Of course, most fundamentally, Americans should be afforded the right of marriage whether they are gay, lesbian, bisexual, or transsexual—the same as heterosexual couples.

I've been involved with these issues since I first chaired a hearing in the Oregon House of Representatives on antidiscrimination in 1973, right through today, in advocating the repeal of DOMA. I've been proud to work for equality throughout my career, but there remains much work to be done.

In the name of extending equal rights to all Americans, no matter who they love, at a minimum, we should take the following steps:

Most importantly, we should aggressively support marriage equality for

all. The Respect for Marriage Act will repeal the Defense of Marriage Act and will guarantee that the Federal Government will recognize any marriage that is legal in the State in which it is performed;

The lowest hanging fruit is workplace discrimination. It is long past time to enact the Employment Non-Discrimination Act, ENDA, which would make it illegal to discriminate in the workplace based on actual or perceived sexual orientation or gender identity;

Educational institutions must be safe places for young people to learn and grow without the threat of bullying or the risk of being denied the chance to participate in extracurricular activities based on their identities. We should pass the Safe Schools Improvement Act and the Tyler Clementi Higher Education Anti-Harassment Act of 2011;

We must stand up for real family values and support the Every Child Deserves a Family Act. All parents who wish to adopt a foster child deserve the chance to do so no matter their sexual identities;

Finally, I strongly support amending the Immigration and Nationality Act to grant same-sex partnerships the same rights and privileges as any other partnership.

One of the most important milestones in this struggle was the endorsement recently by President Obama and Vice President BIDEN of marriage equality for all Americans. With renewed momentum and with continued hard work, we will not only achieve marriage equality for our LGBT friends and families, but equality and fairness in all aspects of life.

Make no mistake, we are not striving just for tolerance; we are striving to make this country more equitable, just, and fair so that every man, woman, and child has the opportunity to pursue their dreams in a safe and accepting environment. Such freedom is the very cornerstone on which a livable community is established, where families are safe, healthy, and economically secure.

IN HONOR OF BRANDON ELIZARES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. REYES) for 5 minutes.

Mr. REYES. As a parent and a grandparent, I rise today with a heavy heart to take time to remember Brandon Elizares, a young man who left us 2½ weeks ago.

In our community, he will always be remembered for his smile, for his personality, and for his desire to serve as an inspiration to others. Brandon, like over 11 million people in this country, was gay, and like so many of his peers was being harassed and bullied until he took his own life on June 2 after being threatened with being buried alive and shot.

His last message echoed his infinite love for his family and his apologies for not being strong enough to continue taking the abuse that he had faced for over 2 years. His final words read, "My name is Brandon Joseph Elizares, and I couldn't make it. I love you guys with all of my heart."

High school should be an exciting time with an array of new experiences and challenges, but one thing it should not be is an environment in which young people worry about being bullied. Children in high school should be focused on their education, pure and simple. The sad reality, though, is that for many students their primary concerns don't lie in textbooks or in the upcoming exams but in the fear that they will not be accepted by their peers, that they will be physically abused, or, in the case of Brandon and in the cases of countless others like him, that they may consider taking their own lives to escape the terrible pain.

Brandon was a young man who exemplified our best in the El Paso community. He embodied what this Nation looks for in all its young people. He was a best friend, a loving son, an aspiring model and artist, an excellent student, and, to a teenage girl who had contemplated suicide herself due to bullying, Brandon was a superhero and an older brother.

Like so many El Pasoans, I feel a personal connection to Brandon, and his death reflects the unfortunate truth that many young people today in our community continue to suffer.

□ 1010

I stand here in the people's House to ask my colleagues to help me in ensuring that Brandon's death was not in vain. I ask my colleagues to join me in support of the Student Non-Discrimination Act, H.R. 998, and the Safe Schools Improvement Act, H.R. 1648, to protect LGBT students from discrimination and from bullying in the schools. I also ask that you stand with me in support of the "It Gets Better Campaign," a project whose goal is to prevent suicide among youth by having adults and allies convey the message that these teens' lives will ultimately improve.

In our country today, unfortunately, the facts are clear. Fifty-six percent of students have personally felt some sort of bullying at school. Between the fourth and eighth grade in particular, 90 percent of students report being the

victims of bullying. Nine out of ten LGBT youth reported being verbally harassed in school in the past year because of their sexual orientation. A victim of bullying is twice as likely to take his or her life compared to someone who has not been victimized.

Every day, thousands of children wake up fearing for their well-being as they go to school. If the Student Non-Discrimination Act and the Safe Schools Improvement Act were enacted today, we could provide students a sense of relief and some reassurance that their government is working to improve their lives by increasing awareness about their daily struggles. We owe that to Brandon and so many others who are suffering from bullying in our schools.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 12 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Richard Haynes, Salem Missionary Baptist Church, Lilburn, Georgia, offered the following prayer:

Our Father in heaven, we thank You for a brand-new day and for all of the opportunities and possibilities that comes with this day.

We thank You for another opportunity to be better. Thank You for another blessed opportunity to do better. We thank You for yet another chance to correct mistakes and make critical legislative adjustments for the betterment of this country and the world.

With a heart of gratitude for the many possibilities that this day brings, we declare with the Psalmist David that we will rejoice and be glad in it. May our rejoicings manifest themselves in good works that others may see, that You may be glorified.

In the name of Your darling Son, we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. WOODALL) come forward and lead the House in the Pledge of Allegiance.

Mr. WOODALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3314. An act to specifically authorize certain funds for an intelligence or intelligence-related activity and for other purposes.

WELCOMING REVEREND RICHARD HAYNES

The SPEAKER. Without objection, the gentleman from Georgia (Mr. WOODALL) is recognized for 1 minute.

There was no objection.

Mr. WOODALL. Mr. Speaker, the House is fortunate today to have Reverend Dr. Richard Benjamin Haynes as our guest chaplain. He's a life-long servant of the Lord, growing up as the son of a Baptist minister. He now pastors Salem Missionary Baptist Church in my home county of Gwinnett. He's an avid angler, a fisherman. But first and foremost, he's a fisher of men. In the 23-plus years that he's led Salem Missionary Baptist, his congregation has grown from 100 to over 4,500.

Beyond the pulpit, Reverend Haynes is active throughout our community. He is past chaplain for the Gwinnett County Sheriff's Department, past director of the Statewide Ministers Convention, and currently member of the Gwinnett County Board of Education Advisory Board, to name just a few.

I'm honored to have him in Washington, D.C., with me today. His wife, Beverly, is with us today, as is his daughter Sheena, and his two grandsons, Benjamin and VaShon.

Reverend, thank you for your prayer today and thank you for your ministry every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

JOB AVAILABILITY IS NOT IMPROVING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Bureau of Labor Statistics announced yesterday that the number of job openings is at its lowest point in 5 months. The number of available jobs dropped from 3.7 million in March to 3.4 million in April. This fact shows that the President's failed policies are destroying jobs across our Nation and undermining families.

Unemployment has been above 8 percent for 40 months, not including the millions who are underemployed or who have lost hope and are no longer looking for a job. And yet the President still believes our private sector is doing fine. In fact, sadly, now the President is offering work permits to illegal aliens to take jobs from hard-working Americans.

It is past the time for the President and his liberal colleagues in the other Chamber to pass the dozens of bipartisan job-creation bills which are stalled in the Senate graveyard.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

NATIONAL DAIRY MONTH

(Ms. HOCHUL asked and was given permission to address the House for 1 minute.)

Ms. HOCHUL. Did any of you wake up to a nice bowl of cereal or an instant breakfast drink, like I did? Did you give any thought to the effort that went into bringing that fresh, wholesome milk to your table? Well, I sure do.

Just this past week, I was visiting the Koener farm in Wyoming County, the largest dairy-producing county in New York State, which is the fourth largest producer in this great country. But I didn't go just to have their milk; I went to listen to their concerns. And I saw a mother, father, brother, sister getting up before any of us see the light of day to do their work, tremendously hard work; but there's a lot of pride in what they do.

So as we proudly salute the millions of families across this country, in particular the dairy-farming families during National Dairy Month, we need to do more for these stewards of our national food security. We can give out proclamations and pay lip service to the 51,000 families across this Nation who supply us with these products, or we can actually listen to them and do something to help.

First of all, they want a farm bill. They want certainty to know what the deal's going to be, not later, not later this year, but right now.

Secondly, they need labor. That's the number one issue I hear when I'm visiting the Nobles and the other family farmers, the Zubers, the Coyne. Let's give them what they need.

LIFE OF A CHAMPION—RICHARD SCHOENSTADT

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, I join with many others in the greater Chicago area in recognizing the life and recent passing of a tremendously respected, selfless, and inspirational leader in our community—Richard Schoenstadt.

Richard, no doubt, made a difference in this world with his tireless dedication to strengthening the U.S.-Israel relationship. His sweeping passion and energy for pro-Israel advocacy set a very high bar, which both elevated and advanced the commitment of so many good people to pro-Israel causes.

Richard believed in engagement and activism, and he lived his life knowing there was only one way to do things—the right way. He served his community as an outstanding example of leadership and earned a reputation as a brilliant and committed mentor to many, many people.

Like so many who were lucky to know him, I feel I was given a special gift in Richard's friendship. My thoughts and prayers go out to his family—his wife, Cindy, his daughters, Carly and Kate, and the entire extended Schoenstadt family.

May his memory continue to inspire us all to action, and may we in this Congress now and forever remain dedicated to advancing the principles that Richard Schoenstadt so proudly stood and fought for throughout his life.

□ 1210

STUDENT LOAN RATES

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, access to affordable higher education is one of the reasons that our country is so great. As someone who lives in the gateway to America, I have seen firsthand the transformational power of education. However, access to higher education is now being threatened.

In less than 2 weeks, the interest rate for student loans is scheduled to double from 3.4 to 6.8 percent. This will make it extremely burdensome for students and families with limited financial resources to attend college. Just in the past 10 years, college tuition has increased by 28 percent. Middle class families are struggling to send their sons and daughters to school.

For many Americans, a college education is essential to future success. Over a lifetime, it is estimated that a college graduate makes an average of \$2.27 million. In contrast, those with only a high school diploma are estimated to make \$1.3 million.

The clock is ticking and we must act now. Congress should not block access to affordable education. Let us work together to keep student loan interest rates low.

WEST VIRGINIA DAY

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Madam Speaker, the State of West Virginia is celebrating its 149th birthday today. Celebrations are being held as we speak throughout the State. I'm a proud seventh-generation West Virginian and honored to serve the State that I love.

Being a West Virginian comes with great honor, tradition, and pride. In concert with the restored State of Virginia, President Lincoln, on April 20, 1863, proclaimed that West Virginia would be admitted to the United States as a separate State. Sixty-one days later, on June 20, 1863, West Virginia became a member of the Union, the only State created during the War Between the States.

Every year, millions of people travel the country roads of our great State and view the beautiful scenic mountains, from the Shenandoah River to everything in between. Madam Speaker, I hope everyone enjoys this time-honored tradition of West Virginia Day and celebrates our wild and wonderful State.

Happy birthday, West Virginia.

30TH ANNIVERSARY OF MURDER OF VINCENT CHIN

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Madam Speaker, 30 years ago, Vincent Chin, a young Chinese American engineer, was celebrating his impending wedding in Detroit, Michigan, when two unemployed auto-workers started shouting at him, saying, "It is you Japanese who are taking away our jobs." They chased him down and bashed his head in with a baseball bat. Vincent's murderers were only punished with a \$3,000 fine and got off without even spending a day in jail. In the meanwhile, instead of going to his wedding, Vincent's family went to his funeral.

This injustice led to the emergence of a national Asian Pacific American identity and movement. This week, as chair of the Congressional Asian Pacific Caucus, I will be introducing a resolution on the significance of the 30th anniversary of Vincent's death. His story remains an important reminder of why we must always combat the dangers of xenophobia and scapegoating.

AMNESTY

(Mr. SAM JOHNSON of Texas asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, most of us just returned from a week talking with our constituents back home. In the Third District of Texas, folks only had one thing on their mind: the President's disgraceful decision to grant amnesty to 1 million illegal immigrants. Americans across the country are outraged. Amnesty rewards people for breaking our laws and encourages others to do the same. Entry into the United States is not a right; it's a privilege.

Since taking office, the President has time and again taken reprehensible steps that weaken our border security and undermine the rule of law in America. By sidestepping Congress, the President is now single-handedly rewriting our immigration policies, violating the trust between the Congress and the President to uphold the laws of this land—just did it again today.

Enough is enough. This administration needs to stop putting politics ahead of the rights and privileges granted to him in the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward the President.

HONORING DEVIN BECK

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to honor Devin Beck, a native of Tiverton, in my home State of Rhode Island.

Devin set a goal to raise \$2,000 for Executives Without Borders, a nonprofit organization that works to engage business professionals in solving humanitarian challenges across the world.

So on January 11 of this year, Devin left St. Augustine, Florida, with the goal of bicycling to San Diego, California, a destination more than 2,000 miles away. On February 25, 46 days later, Devin arrived in San Diego, completing a journey that spanned 232 hours, 17 minutes, and 44 seconds on his bike.

In the end, Devin exceeded his goals and raised \$6,000 for Executives Without Borders to benefit a program that is helping Haiti to build new recycling centers to recover from the devastating hurricane it suffered in 2010.

I congratulate this young man, Devin, as well as his parents, Donald and Kathleen, on his truly impressive accomplishments and wish him continued success.

NATURAL GAS

(Mr. THOMPSON of Pennsylvania asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, on June 4, America's Natural Gas Alliance issued a report contesting the EPA's recent study on greenhouse gas emissions and natural gas development. Specifically, the study found that methane emissions from shale operations are 86 percent lower than EPA estimated. Furthermore, methane doesn't remain in the atmosphere for long relative to other gasses.

Unfortunately, some energy alternatives receiving government subsidies have worse emissions than what we thought. The new book, "Green Illusions," by Ozzie Zehner, shows that building solar cells releases substantial quantities of emissions like sulfur hexafluoride, which lasts 267 times as long in the atmosphere, and have nearly doubled since 1998.

According to a May report from the International Energy Agency, U.S. carbon emissions are down more than any other country. In fact, since 2006, U.S. emissions have fallen 7.7 percent, with the increased use of shale gas as a key factor in the drop, according to the Agency's chief economist.

This leads to a conclusion that many might find paradoxical. If global warming is a problem we need to address, then we should welcome the increased production and use of natural gas as a prime energy source.

ACCESS TO EDUCATION

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, in these tough times, we should make every effort to increase access to higher education for all Americans. Making college more affordable doesn't just help students, it strengthens our economy.

Unfortunately, if Congress does not act soon, interest rates on student loans will double for over 7 million students in less than 2 weeks. July 1 is around the corner. It's time for a serious solution to help our Nation's children.

Instead of working towards a compromise, Republicans have put forward a plan to cut health services for women and children. Republicans just don't get it. Once again, they're too busy cutting taxes for millionaires and billionaires instead of working for our middle class. Republicans are showing their priorities are out of touch with hardworking Americans.

We need to act now on student loans. Let's help all of these students have access to education.

□ 1220

RECOGNIZING THE 25TH ANNIVERSARY OF THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Madam Speaker, I rise today to salute the hardworking individuals who strive every day to protect the safety of air passengers. These are the men and women of the National Air Traffic Controllers Association, NATCA, who yesterday celebrated their 25th year as the guardians of the U.S. national airspace system.

On June 19, 1987, the Federal Labor Relations Authority certified NATCA as the exclusive bargaining representative for the Federal Aviation Administration air traffic controllers. NATCA now represents more than 20,000 air traffic controllers, engineers, and other aviation safety professionals. They have the safest record in history, guiding 70,000 flights per day and protecting over 700 million passengers per year.

Madam Speaker, I would ask all of my colleagues in the House today to join NATCA in celebrating a quarter century of hard work, keeping America's airspace system the safest in the world.

GREAT LAKES WATER QUALITY AGREEMENT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, the Great Lakes are our most threatened national assets, yet they are the largest source of fresh water in the world, and account for \$7 billion in economic activity annually. In my western New York community, the resurgence of our Inner and Outer Harbors along Lake Erie is an important reminder of the relationship between the health of the Great Lakes and our region's economic future.

The State Department is finalizing a revision to the Great Lakes Water Quality Agreement with Canada. This important agreement expresses a joint commitment to protecting and restoring the Great Lakes ecosystem.

Madam Speaker, I recently joined my congressional colleagues in the Great Lakes region in asking the State Department for the status of this agreement and have offered to host a signing ceremony between the United States and Canada in Buffalo, New York. It is more important than ever before to affirm our commitment to protecting the health of the Great Lakes.

HONORING THE LIFE OF FIRST LIEUTENANT MATHEW FAZZARI

(Mrs. McMORRIS RODGERS asked and was given permission to address

the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Madam Speaker, it's with a heavy heart today that I rise to honor the life of First Lieutenant Mathew Fazzari. He is a 25-year-old American hero.

He's a native of Walla Walla, Washington, and he graduated from Gonzaga University, was commissioned in the United States Army, was a member of the prestigious 82nd Airborne, and he gave his life in serving and defending our country.

He lost his life on June 6, 2012, when his helicopter was shot down by enemy attack in Afghanistan. He lost his life in the name of American freedom, and he lost his life to protect all of ours.

He leaves behind a community who admires him, a country who pays homage to him, and a family who's been forever changed by him. He was a son, a brother, a husband and a father. He says goodbye to a family that got the call they hoped they would never get.

Madam Speaker, we mourn his loss. We celebrate his life. A life of patriotism, courage, and valor. A life and a legacy that will endure forever.

May God bless Lieutenant Mathew Fazzari, his parents, Greg and Susan; his siblings, Luke, Shawn, and Danielle; his wife, Tovah, and their two young sons, Dominic and Samuel. May God bless his family and all the brave men and women who have answered America's call to freedom.

AMERICANS ARE SAYING "PUT ME TO WORK"

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, I stand here today frustrated but determined. Frustrated because I've heard from so many people in St. Louis, Missouri, that I represent, small business owners, veterans, students, and others. They're all saying the same thing: "Put me to work."

They want to help rebuild our economy. They want to help create new American jobs.

They're not saying, "Kill me a sea lion." They're not saying, "Allow corporations to pollute my air and water." They're not saying, "Give more breaks for the well-off Americans and more burdens for seniors." They're saying, "Put me to work."

They are determined, and so am I. So I say to you, put Congress to work. Put us to work passing the student loan interest extension to protect students who are graduating into an unstable marketplace. Put us to work passing the Senate transportation bill that passed overwhelmingly with bipartisan support and would create thousands of jobs. Put us to work passing the STARTUP Act, to create new opportunities for American innovation.

Listen to our constituents. They want to go to work. They are cheering for our country to succeed and to work, and they expect and deserve their Congress to do the same.

THE PRIVATE SECTOR IS NOT DOING FINE

(Mrs. BLACK asked and was given permission to address the House for 1 minute.)

Mrs. BLACK. Madam Speaker, the President recently said that the private sector is doing just fine. But for millions of unemployed and underemployed Americans, and millions more struggling with higher food and energy prices, there is nothing fine about the state of the U.S. economy. That's why the House has passed more than a dozen bipartisan bills.

This week, the House will consider the Domestic Energy and Jobs Act. This package of domestic energy production bills, of which I am a cosponsor, will not only reduce energy costs for hardworking families and small businesses, but it will also get government out of the way so that American job creators can do what they do best, that is, grow the economy and put people back to work.

DOMESTIC ENERGY AND JOBS ACT

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, today, this House takes up the cynically named Domestic Energy and Jobs Act, which is the latest Republican installment in their mad dash to allow polluters to dump garbage and poison into our air and water.

If I had more time I would point out that this bill would gut the Clean Air Act, which was signed into law in the early 1970s by a Republican President before that party abandoned the value that we should be stewards of our environment. I would talk about my daughter, who suffers from asthma. That asthma, and the asthma of millions of other young people, will get worse if this bill becomes law.

I would point out that the idea that this is about jobs is baloney. And I would cite the Bureau of Labor Statistics studies in 2010 that said that one-third of 1 percent of jobs and layoffs were because of government regulation.

Instead, I have a question. What happened to personal responsibility? What happened to the idea that we clean up our own mess?

Madam Speaker, why are we asking the entire American public to pay the cost of polluting our air and water? That, I don't understand.

DOMESTIC ENERGY AND JOBS ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, summer is upon us. Traditionally, this is the season when Americans pack the family car to head out for a well-deserved vacation. Unfortunately, this year, many will not be able to do this because gas prices are too high due to the failed economic and energy policies of this administration and lack of action from the Senate.

House Republicans have crafted and passed many bipartisan bills to address this issue, but Senate intransigence has prevented them from moving forward to provide relief to the people we represent. Today, House Republicans will offer another solution, H.R. 4480, the Domestic Energy and Jobs Act. This legislation promotes job creation and addresses the high energy costs which are burdening so many families and small businesses across America.

Madam Speaker, the May jobs report and the high cost of energy demand immediate action. House Republicans are answering the calls from Americans with this act. I urge my colleagues to support this very important legislation.

CONGRESSIONAL OVERSIGHT OF THE UNITED STATES ATTORNEY GENERAL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, the Constitution is an enormously important document. The oversight of Congress is an enormously important responsibility. Lives lost in the course of various activities of our law enforcement are issues that we take with great concern.

As a member of the Judiciary Committee, it has been my responsibility over the years, from impeachments to Waco to issues beyond, to look deep into the facts, and I respect that. I'm appalled, however, when the chief law enforcement officer of the United States is called a liar. And I stand on this floor to reject any thought that a United States Attorney that takes an oath of office would lie.

We can find a resolution to the facts of Fast and Furious, started under the Bush administration, that have been reinvestigated and reinvestigated. But we do not have to malign Attorney General Holder for doing his job. And I would ask this Congress to ultimately reject any contempt charge against the chief law enforcement officer, and to denounce lying.

□ 1230

OPTION ACT

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, ObamaCare has not taken full effect yet, but it is already crippling our country and our economy: premiums are rising; businesses are shedding jobs; doctors and patients are constantly dealing with a third party making health care decisions—and that's the Federal Government.

Fortunately, the Supreme Court has some of these same concerns about ObamaCare; and, hopefully, they will strike down both the individual mandate and the entire law. However the Court rules, though, ObamaCare must go.

In the GOP Doctors Caucus, we know that the American health care system needs some serious surgery. We have brought forth many ideas to do just that. For example, my OPTION Act will revitalize American health care, not through government interference but by giving doctors and patients full control over their dollars and their decisions. When ObamaCare falls, my bill stands ready to provide the health care relief that Americans both want and need.

I hope my colleagues on both sides of the aisle will look to the OPTION Act as the example of what real reform looks like.

REJECT THE DOMESTIC ENERGY AND JOBS ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, I grew up in Los Angeles in the fifties, which was when the smog was so bad that we actually had to stay inside the classroom during recess; and when you tried to inhale deeply, the pain in your chest was so severe from the pollution and the smog.

Thanks to government intervention, we have made huge strides, not only in Los Angeles but throughout this country, in cleaning our air for the health of our children. We've made progress, but we need to make a lot more. Unfortunately, to continue to combat this problem, Congress should take bold steps to invest in clean-energy technology, including in new electric vehicles and in the infrastructure to charge them.

But with H.R. 4480, my Republican friends are denying not only Los Angeles but all cities in this country the tools they need to continue to improve our air and improve our health. This bill would rob the EPA of the ability to effectively enforce clean air laws, and it would deepen our dependency on dirty fossil fuels.

15TH ANNUAL CONGRESSIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Madam Speaker, tomorrow is the 15th Annual Congressional Renewable Energy and Energy Efficiency EXPO and Forum from 9:30 a.m. to 4:30 p.m. in the Cannon Caucus Room as well as in Room 340 Cannon. It features more than 50 exhibitors, including six from Maryland; and it features 30 speakers, including Members of Congress, the executive branch, and the private sector.

Come and learn the present status and near-term potential of how the cross-section of renewable energy—that is biofuels-biomass, geothermal, solar, water, wind—and energy efficiency technologies are creating jobs and meeting 11.7 percent of domestic U.S. energy production and 12.7 percent of net U.S. electrical generation.

I encourage Members, staff and visitors to attend tomorrow's 15th Annual Congressional Renewable Energy and Energy Efficiency EXPO and Forum.

DISCLOSE ACT

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Madam Speaker, Justice Brandeis said that sunlight is the best disinfectant. Sadly, in *Citizens United*, the Roberts' Court has turned its back on this wisdom, and it has given corporations the power to influence our government from the shadows.

To say that these are not dark days for our democracy is not an understatement. Millions upon millions of dollars are flowing into our political system through super PACs, but the identities of the donors who supply this money remain hidden.

Let's not fool ourselves. Let's not fool ourselves into thinking that the identities of these donors are a secret to the politicians whose campaigns are being helped by their money. To ignore the potential for unseemly influence here is truly naive. When one donor can decide the fate of a legislator's reelection, they clearly wield a great deal of power.

We should come together to pass the DISCLOSE Act, which allows the public to see who is making these megadonations, and together we can let sunlight back into our democracy.

CONGRESSIONAL ART COMPETITION

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Since 1982, the Congressional Art Competition has recognized the special power that the arts have had in our Nation's classrooms.

Today, I have the pleasure of recognizing my district's Art Competition winner, Sarah Fanucchi, who credits the arts for helping her overcome her learning challenges.

From an early age, Sarah struggled with reading and math, but she excelled with a sketchbook and a pencil in hand. Once her teachers at Bakersfield's South High tapped into that talent, Sarah's life changed. She became excited about school, and her grades improved. Sarah's mother, Carrie, said, "Art was and, I suspect, always will be her refuge. It was her place to begin to shine, her place in school to belong." Carrie and Sarah are more than mother and daughter; they are best friends.

As I welcome her and her family to Washington this week, I applaud Sarah's artistic feat. More importantly, her perseverance through her challenges is what I find most impressive about this young lady. The art and life she has created is something any parent or teacher can and should be proud of as she continues to add value to our Nation's fabric.

PROVIDING FOR CONSIDERATION OF H.R. 4480, DOMESTIC ENERGY AND JOBS ACT

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 691

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed two hours equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting

of the text of Rules Committee Print 112-24. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

□ 1240

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS). Pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I also ask that all Members may have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. This resolution provides for a structured rule for the consideration of H.R. 4480, the Strategic Energy Production Act of 2012, and it makes in order 27 individual amendments that are specified under the rule, two-thirds of which are Democrat amendments.

The rule provides for 2 hours of general debate equally divided and controlled by the chairman and ranking minority member of both the Committee on Energy and Commerce as well as the Committee on Natural Resources. So this structured rule is very fair, and it will provide for a balanced and open debate on the merits of the bill.

Madam Speaker, I'm actually pleased to stand before the House today in support of this rule as well as the underlying legislation, H.R. 4480. The lead sponsor of this legislation, the gen-

tleman from Colorado (Mr. GARDNER), is to be commended for his hard work and leadership in putting this piece of legislation together. I also commend the chairmen of both the Energy and Commerce Committee and the Natural Resources Committee for their support and hard work, as well, on this particular act and on other important pieces of legislation aimed at making our Nation more energy independent.

Madam Speaker, this bill is yet another reminder that this administration is not doing enough to develop our own domestic energy resources, which are plentiful in many parts of our public lands. In my home State of Utah, for example, there are vast amounts of oil and oil shale reserves that remain untapped, largely due to special interest group politics that keeps these lands locked up, even as we go abroad and increase our dependence on foreign sources as well as increasing our trade deficit.

Energy is an absolute prerequisite to our economic engine and creates jobs. If this administration ever hopes to get unemployment down during its tenure, then helping to develop more domestic energy is the key.

This bill, H.R. 4480, stands for a very commonsense proposition. The proposition is that, whenever the President of the United States authorizes a release of oil from the Strategic Petroleum Reserve, the Secretary of Energy will be required to develop a plan to increase the percentage of Federal land oil production by a commensurate percentage to that released from the reserve. The reserve is a reserve. It is reserved for emergencies. Unfortunately, this administration is using our reserve to accommodate common daily life.

It is important and the purpose of this legislation is:

Number one, to develop our resources;

Number two, to make sure that we can streamline the process so that we do not delay the development of our resources;

Number three, to keep the reserve for real emergencies;

Number four, organize a plan to make sure that will be in effect; and

Number five, recognize clearly that energy is needed for job creation. Without that energy, we will not create the jobs that are necessary for this country to move forward.

This bill would actually limit the total amount of Federal lands to be leased, which is only 10 percent of the total of all public lands. Ten percent is very reasonable. The bill also excludes national parks, obviously, and congressionally designated wilderness areas from consideration of this bill.

It's a good bill. It's a commonsense bill. When passed, it will be a key part of our effective and comprehensive national energy strategy.

I urge adoption of the rule, which is a fair rule, and the underlying bill, which is a commonsense bill, and I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the rule and the underlying bill, H.R. 4480, the so-called Domestic Energy and Jobs Act, what is really a death and destruction act, an act that will directly lead to the death of American citizens from various health-related causes—including cancer—and destruction. It is the destruction of not only our environment, but of our quality of life, including our quality of life in my home State of Colorado that is such an important part of driving our economy forward and creating jobs.

Here we are where several controversial, highly partisan bills have been packaged together. There are seven bills. While there is an attempt to dress this up as a jobs package, it's really a wish list for the oil industry that has no chance of becoming law. It's a huge giveaway to the oil industry at the expense of the health of American families, the health of our environment, and our enjoyment and recreational opportunities and economic opportunities on public lands.

Instead of allowing improvements to this drastic death and destruction bill, the House majority has blocked many amendments offered by Republicans and Democrats alike. Under this restrictive rule, commonsense amendments were blocked, including an amendment I offered that would have directed a study on the impacts of oil shale development on agricultural and municipal water usage. My colleague from California, Representative NAPOLITANO, offered a similar amendment in committee.

Those of us in the West, where farmers, ranchers, and community leaders consistently keep us abreast of water issues—and water is our most precious resource—know that we need some commonsense and objective data with regard to how energy production impacts resources, particularly our most precious resource: water.

What lies at the heart of this death and destruction bill today is simply a false premise. It's the false premise that somehow the United States is failing to make good on its natural energy resources.

The fact is, as a result of President Obama's all-of-the-above energy strategy, our Nation's dependence on foreign oil has fallen drastically, and crude oil production in the United States is at an 8-year high. President Obama has increased production of crude oil substantially over the Bush administration lows. The President's policies are demonstrating that we can have an approach to energy in the

United States that boosts oil and gas production and invests in the next generation of cleaner, job-creating, renewable energy technologies, such as wind, solar, and geothermal.

In contrast to the President's all-of-the-above approach, which will lead to reductions in gas prices and a sustainable energy future for our country, this death and destruction bill before us today is an oil-above-all approach. This death and destruction bill hands public lands that we all value over to the oil and gas industry and undermines the laws and rules that have made our air and water cleaner and safer over the past 40 years.

One of the scariest provisions in this package would gut important health-based standards provided for in the Clean Air Act established on a bipartisan basis in 1970. The Clean Air Act-based standards are especially important for protecting children, the elderly, and others who are susceptible to harmful air pollution.

Many nonpartisan public health and medical organizations have recognized that this bill would override clean air standards that have protected American people and families from harmful pollution in the past 40 years. That is why on this bill, which the majority purports deals with energy, we've heard from pediatricians, we've heard from doctors, we've heard from health care providers that this would lead to death, as well as the destruction of jobs, as well as the destruction of our environment and recreational opportunities.

Another controversial partisan provision in this bill would open up vast quantities of public lands to drilling. The bill sets an arbitrary requirement on the Department of the Interior to offer oil companies at least 25 percent of onshore areas that industry nominates each year. Let me say that again. The Department of the Interior wants to open up more lands to industry, even though oil and gas companies hold more than 25 million acres of public lands on shore where they're not producing oil and gas. In addition, these companies are sitting on 6,700 drilling permits that have been approved that they are not using. They need to explore lands where they already hold energy leases.

This is not a sensible energy policy. It's called an old-fashioned land grab and an old-fashioned water grab. They're coming after our land in the West, and they're coming after our water in the West. We're not going to take it sitting down.

Another extreme provision is that this bill would overturn the Federal Land Policy and Management Act to elevate energy production above other public land uses. My constituents in Colorado are tremendously concerned that somehow oil production would trump job-creating activities, includ-

ing hunting, fishing, recreation, grazing, conservation, mainstays of jobs and the economy in my district that would be overridden in the name of oil, which would destroy jobs and destroy the health of Colorado families and families across the United States.

Another provision in this bill turns the review of applications to drill into nothing more than a rubber stamp. The bill says that if the Secretary of the Interior doesn't make a decision within 60 days, it's automatically approved. It will be automatically approved with no process.

At the same time, many of the proponents of this bill are attempting to gut the budget of many of the agencies that need to review these applications, effectively ensuring that no application can properly be dealt with and evaluated within 60 days, and therefore they would all be automatically approved regardless of the impact on people's health or economic opportunities and jobs.

□ 1250

Now there are so many troubling provisions in this bill. Another one—and this one would likely violate our Constitution, which we began this session of Congress by reciting very publicly in this body—it would limit a citizen's right to participate in the discussion of leasing and drilling by making all dissenters pay a \$5,000 fee.

Now imagine you are a Coloradan, an Arizonan, a Pennsylvanian, a Texan who's concerned about drilling near your home or near your school or near your ranch. Now under this death and destruction bill, opening your mouth would cost you \$5,000. Free speech would no longer be free, if this bill passes.

Madam Speaker, public lands are just that, public. We all own a share of them. We all benefit from them. They're not the private playground of oil and gas companies. They're owned by all Americans. And all Americans should have a say in how they're used, not just Americans who cough up \$5,000.

Well, this bill would grant the oil and gas industry's wish list by opening up public lands and rolling back public health safeguards, hurting health and killing American families. But one thing this bill will not do is lower the price of gasoline. Economists agree: this bill has no impact on the price of gasoline.

There are actually now more drilling rigs in operation in the United States, thanks to President Obama's leadership today, than the rest of the world combined. In addition, the number of drilling rigs has doubled, doubled since 2009. President Obama's leadership has doubled the number of drilling rigs since 2009.

Now research going back more than three decades shows that there is very

little correlation between the volume of domestic oil and the price of gasoline at the pump.

Go ahead and tell the American people that we want oil and gas companies to drill anywhere they like with no regard for public health. Is that the message that we want to send? This bill, this death and destruction bill, would not only lead to the deaths of Americans but would destroy jobs, destroy economic opportunities, and destroy recreational opportunities. It's nothing short of a Federal land grab and a Federal water grab.

Representing my constituents in Colorado, I encourage my colleagues to say, "Heck, no," on both the bill as well as the rule.

I reserve the balance of my time.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from North Dakota (Mr. BERG), the gentleman whose home State has provided a program of death and destruction which has led to a 3 percent or less unemployment rate, through jobs in energy production.

Mr. BERG. I thank the gentleman for recognizing me today.

Madam Speaker, I rise in support of the underlying bill, the Domestic Energy and Jobs Act. In my home State of North Dakota, we're seeing unprecedented growth. As it was mentioned, at 3 percent, North Dakota has the lowest unemployment rate in the country. We have a nearly \$2 billion budget surplus. We have stabilized our finances, and we've created certainty. And I couldn't be more proud of our State.

A large part of our economic success is due to a comprehensive energy policy and a commonsense regulatory environment which, in North Dakota, is known as EmPower North Dakota. In North Dakota, we know that all energy production is good energy production. Rather than picking winners and losers in energy, this EmPower act creates a stable, business-friendly climate. It does this by encouraging all energy production.

North Dakota embraces all forms of energy production and natural resources capabilities across our State. And North Dakota is really proof that "all-of-the-above" really does work, and there's no reason why we should not be taking this proven approach to developing energy and domestic energy production and applying it nationwide. That's really the goal of this legislation that's being considered here in the House today.

I am proud to offer my strong support for this legislation, and I encourage all of my colleagues to do the same by supporting this rule.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentleman from Colorado for yielding the time.

Madam Speaker and colleagues, I rise to oppose the rule and the underlying bill for three primary reasons. First, the package is very poor public policy. Second, I offered a commonsense amendment, and the Republican majority blocked it from being debated, so it will not be heard today, unfortunately. And third, the House of Representatives shouldn't be wasting its time on a package that's not going anywhere. Instead, we should be focused on job creation, especially passage of the transportation bill, through which we could create thousands and thousands of jobs across the country.

But first, as we marked up part of this package in the Energy and Commerce Committee, it became apparent that this package is chock-full of detrimental policy decisions for America. It creates new bureaucracies when it comes to energy policy and undermines the Nation's energy security. It rolls back policies that support the continued growth of safe and responsible energy production in the United States. And it improperly removes protections that we enjoy under the Clean Air Act that protect the health of American families all across this great Nation.

Second, if my colleagues recall, following the BP Deepwater Horizon blowout in the Gulf of Mexico, a major flaw in the law came to light: that the Department of Interior's maximum penalty for companies violating offshore drilling laws is limited to \$40,000, and for major onshore drilling violations, it's only \$5,000. So these amounts are not enough of a deterrent for bad behavior. That's why I offered an amendment to give the Secretary of the Interior the authority to increase civil fines against oil companies that violate the law while drilling. But unfortunately, my Republican colleagues have once again blocked sensible policy in order to protect Big Oil.

The Deepwater Horizon disaster was a major economic blow to my home State of Florida. If our laws do not establish appropriate deterrents, then you put our jobs at risk. Our tourism industry, small businesses, restaurants, fishermen, and the military rely on clean water and clean beaches. And our laws should protect American families and businesses, and not just Big Oil.

Finally, I strongly disagree with the Republican majority's decision to block the transportation bill and the thousands and thousands of jobs that are dependent on it. The Republican inaction on a bill that passed the United States Senate in a bipartisan way with over 70 votes is being blocked here on the floor of the House, and people should be up in arms. At a time when we've got to make greater progress when it comes to putting people back to work, that's the best path forward. I think the Republican inaction is causing great economic harm across the

country, and that is what we should be debating today.

Mr. BISHOP of Utah. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana, Dr. BOUSTANY, a State that truly understands what it means to have an all-of-the-above policy for energy production, and what energy means to job creation.

Mr. BOUSTANY. I thank the gentleman for yielding time to me.

Madam Speaker, the sad fact today is that this country does not have a coherent energy strategy, pure and simple.

Now I can tell you, I come from Louisiana, where we know firsthand, probably more than any other State, that good energy policy can march hand-in-hand with good economic policy and good environmental policy. We've lived that life. We know that the energy sector, American energy production, creates good-paying jobs. Many of these jobs go to people from families that have never had anyone attend college, and through these jobs, they have been able to pay for college for the next generation. These are good-paying jobs, better paying than most.

The first step in energy policy is, number one, don't punish your current energy production. Don't punish American energy production. And that's what we've seen from this administration. Four straight years of proposing high taxes, new taxes on independent small energy companies, small oil and gas companies. New taxes at a time when we ought to be developing our energy production makes no sense at all. Secondly, what's our transition strategy? We clearly have an abundance of oil and gas, new reserves, new technology.

□ 1300

We have led the world in this. We ought to be developing it. And we can achieve energy security for this country and create good-paying American jobs.

This administration proposed a moratorium on drilling in the Gulf of Mexico. And now, yes, they lifted the moratorium, but they still continue to slow-walk the permits. This bill would go forward and help us to streamline that process so we can get American energy production back up online in the Gulf of Mexico and to develop our energy security needs. We have the reserves. We have the opportunity.

The American energy production sector from upstream, midstream, downstream is accountable for 6 million jobs in this country; and we can grow more jobs. We can grow more jobs beyond that—good-paying jobs—if we do this—and meet our energy security needs.

The bottom line is this: I would ask my colleagues on the other side of the aisle to take a look at that plaque up there near the ceiling just above the Speaker's chair. Read the first sen-

tence. It says: "Let us develop the resources of our land," a quote from Daniel Webster. We should heed that advice. We should develop the resources of our land.

Let's develop our American energy production in the Gulf of Mexico and Alaska. Let's develop it in the shale plays. Let's create jobs. Let's create a secure energy future for this country, and let's move this country forward.

Mr. POLIS. If we defeat the previous question, I'll offer an amendment to this rule that will allow the House to consider the Stop the Rate Hike Act of 2012, legislation that would keep the student loan interest rate low and reduce the deficit. If Congress fails to act, more than 7 million students across this country will see their student loan interest rate double come July 1, just around the corner. It's outrageous that at this time of slow and painful economic recovery the majority continues to refuse to work on this issue in a bipartisan way.

To discuss this proposal, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Thank you, Mr. POLIS, for yielding and for, again, bringing this issue back to the floor, which, as my chart indicates, we're now down to 10 days.

When this chart was first created, it was 110 days, and it coincided with the delivery of 130,000 petition signatures from college campuses all across America, pleading with Congress to listen to President Obama's challenge on January 25 right from that podium that we should block the increase from going through.

My legislation, which was introduced at midnight the same night, had 152 cosponsors to lock in the lower rate. For 3 months, nothing happened. A bill was rushed to the floor by the majority without any consultation with the other side. It took money out of a fund to pay for cervical cancer screening and diabetes screening, a hyperpartisan measure which the President indicated he would veto even before the vote was taken.

The good news is Mr. BOEHNER has already moved away from that proposal. He sent a letter with Senator McCONNELL to the Senate leadership offering new pay-fors and moving off the House bill. Again, that was rushed through with absolutely no consultation on any bipartisan basis.

There are 7 million college students who are waiting for an answer in the next 10 days to this issue. The rates will double from 3.4 percent to 6.8 percent. Senator REID has talked already about a proposal which is a pay-for that, again, there appears to be some willingness to move forward on. We should be focused on that issue right now, not this measure on the floor which is going nowhere. It's another bill which will never see the light of day in the Senate.

This issue, helping students pay for college at a time when student loan debt now exceeds \$1 trillion, is the issue that America is watching and waiting. And editorially, from Florida all the way to the west coast, newspapers are demanding bipartisan compromise, not the kind of measure which was rammed through this House a month and a half ago.

The building blocks are there, but we have to focus on that, not the measure that's before us here today. And the Tierney bill is a perfect opportunity for us to do something which, again, has a balanced approach and which will protect students from the doubling of their student loan interest rates.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to a Member who is really a great and wonderful Member of this body, the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman for yielding time.

Madam Speaker, our economy is struggling, the American people need jobs, and too many families are struggling under the burden of ever-rising energy prices. It's certainly long past time for the Federal Government to act; and, today, this House will act.

This Nation, Madam Speaker, has been blessed with so many vast energy resources that if we actually advantaged ourselves, we could actually meet all of our Nation's energy needs. We could create countless good-paying jobs right here at home. We could provide needed funding for our Federal Treasury, expand our economy, and make our Nation more secure.

But, unfortunately, we don't do that. Instead, in fact, we are nearly the only Nation I think on the face of the planet, really, that does not take advantage of its own natural energy resources. Instead, we, unfortunately, have made the choice to rely on foreign sources of energy to meet many of our needs—many from unstable or unfriendly nations to whom we export literally hundreds of billions of dollars of our national wealth each and every year and we bypass the opportunity to create needed jobs right here at home. This absolutely needs to change.

While President Obama talks about an all-of-the-above energy strategy, his actions tell a different story, really. While exploration of oil and other energy resources is up overall, it's been reduced on lands under Federal control under this administration. And this administration's EPA has made the coal industry public enemy number one, even though it's the cheapest and most abundant source of electric generation that we have here in our Nation.

Today, this House will act on a true all-of-the-above energy strategy. This legislation will streamline and remove government red tape as a hurdle to energy production. It will require our Na-

tion to put forward goals for production of all energy sources, including oil, natural gas, coal, renewables, of course, on Federal lands. And it will make the permitting process much easier, and it will open up new areas to exploration and development both onshore as well as offshore. This legislation will lower energy prices for hard-pressed consumers, it will create good-paying jobs here at home, and it will enhance our economic security and national security as well.

I certainly urge all of my colleagues to join me in supporting this critical legislation, and I support the rule as well.

Mr. POLIS. I yield 2 minutes to the gentlewoman from California (Mrs. CAPPs).

Mrs. CAPPs. I thank my colleague for yielding.

Madam Speaker, I rise to express my strong opposition to this rule and the underlying bill. We all know that high oil and gasoline prices take their toll on American consumers. Understandably, they want their elected officials to take action. But what the American people don't want is empty promises, and they don't want more political posturing designed to score cheap political points in an election year. And that's all this bill gives us.

H.R. 4480 blocks and delays EPA air-quality protections—protections that haven't even been proposed yet. It includes a radical proposal that damages the Clean Air Act goal that air should be clean enough to breathe safely. And it gives the Energy Department the job of developing a new drilling plan on Federal lands, even though this is not an area of expertise at all.

Madam Speaker, the idea behind this bill is just not thought out. It's not a solution to high oil and gasoline prices, nor will it create any immediate jobs. It is really nothing more than a transparent attempt to use this issue as an excuse for advancing an agenda in order to hurt our precious resources of lands and our own health.

And that's why I had sent to the Rules Committee a straightforward amendment that would have protected my State's coastline from new offshore drilling. My Republican colleague from California, Mr. BILBRAY, had a similar amendment on the same issue; but this Rules Committee is not allowing either amendment even to be debated, even to have its say on the House floor. A State where offshore drilling has been protected in State waters will now, because these amendments were not made in order, have to allow the Federal Government to work its will in contradiction to the State. And that's wrong. That's why Members from both sides should use their good sense and oppose this rule and oppose the underlying bill.

□ 1310

Mr. BISHOP of Utah. Madam Speaker, I am now pleased to yield 3 minutes

to the distinguished gentleman from Texas, Chairman HALL, who has probably heard many of these arguments before.

Mr. HALL. Madam Speaker, I rise in support of H.R. 4480, the Domestic Energy and Jobs Act, a proactive piece of legislation that encourages and expands production of our vast domestic resources to help put Americans back to work.

I strongly believe that, other than prayer, energy is the most important word in the dictionary for our young people. It's the foundation upon which our Nation has prospered and key to our quality of life and standard of living.

America is blessed with a wealth of natural resources and energy reserves, leading Citigroup to predict that we could soon become the world's largest oil producer. The recent shale gas revolution has driven production to new heights and prices to new lows. It has created hundreds of thousands of new jobs and stimulated a resurgence of domestic manufacturing in this country. In 2010, unconventional natural gas production alone supported approximately 1 million American jobs.

Simultaneously, shale oil production has led to rapid and dramatic economic growth and job creation in places not typically known for energy production, such as North Dakota. Workers are flocking to the State to pursue the abundant opportunities in the Bakken shale. While the Nation suffers unemployment rates in excess of 8 percent, unemployment in North Dakota is the lowest in this country at just 3 percent.

The only thing preventing us from reaping the benefits of being a world leader in energy production is bureaucratic red tape. Permitting delays, declining production on Federal land, restricted access, and stifling regulations all stand in the way. H.R. 4480 would free us from these barriers put forth by the administration and, instead, set us on the right track to unleash the full energy potential of this Nation.

This bill addresses numerous issues the Science, Space, and Technology Committee has examined, including, for example, costly Tier 3 regulations that would increase the price of fuel at a time when families can least afford to pay more for their commute. Not only would this standard place a burden on household budgets, but the EPA ignored the law by failing to complete a study on the detrimental effects of RFS prior to beginning work on these standards. Quite simply, again the EPA failed to do its homework, instead barreling forward with regulations without a sufficient foundation.

Regulations like this one are far too often based on shaky science, devoid of adequate peer review, and rely on secret data EPA refuses to share with the public. The EPA ignores the scientific

method in order to overstate the economic benefits of its rules in an attempt to justify their sizeable costs.

H.R. 4480 takes a timeout from EPA's activist regulatory agenda and seeks to put our country on track to pursue a genuine all-of-the-above energy strategy that would expand opportunities for production rather than stifle them.

I urge Members to support this rule as well as the underlying bill.

Mr. POLIS. Madam Speaker, this is a rare time when we are talking about energy, when we are hearing from the Academy of Pediatrics, the Heart Association, the American Lung Association, the Public Health Association, the National Association of City and County Health Officials, and a number of other signatories on this letter which says, very simply, that we should make sure that the EPA can determine whether our air is safe to breathe and not do it based on how much it costs to reduce air pollution.

JUNE 18, 2012.

DEAR REPRESENTATIVE: The undersigned public health and medical organizations write to express our strong opposition to H.R. 4480, which includes dangerous provisions that would block and delay important public health safeguards under the Clean Air Act. Gutting the Clean Air Act will not address rising gas prices, but it will needlessly weaken the Clean Air Act's life-saving protections and delay much-needed air pollution safeguards.

Title II of H.R. 4480 indefinitely delays three overdue air quality safeguards, including standards for tailpipe emissions and gasoline sulfur content (Tier 3), air emissions standards for petroleum refineries and ground level ozone standards. Most egregiously, H.R. 4480 also repeals the health premise of the Clean Air Act.

In 1970, an overwhelming bipartisan majority in Congress agreed that to adequately protect public health, the U.S. Environmental Protection Agency (EPA) must set air quality standards to protect health with an adequate margin of safety. These standards are based on the best available health science. This system has worked for more than 40 years to let people know if the air is safe to breathe, and motivate action to improve air quality when it is not safe. EPA must retain this authority to establish health-based ambient air quality standards.

The Clean Air Act fully considers cost and feasibility in determining how to meet air quality standards. States and EPA consider these factors during the implementation process as strategies are implemented to meet air quality standards. Just as a doctor does not diagnose a patient based on the cost of treatment, EPA should not determine whether the air is safe to breathe based on how much it costs to reduce air pollution.

The Clean Air Act is one of the nation's premier public health laws. Since its establishment in 1970, the aggregate emissions of criteria air pollutants decreased 71%, while Gross Domestic Product increased 210%. Given the enormous contribution of the Clean Air Act to public health, we urge you to reject all efforts to weaken and delay it. Please vote NO on H.R. 4480.

Sincerely,

American Academy of Pediatrics.
American Heart Association.
American Lung Association.

American Public Health Association.
American Thoracic Society.
Asthma and Allergy Foundation of America.

Health Care Without Harm.
National Association of City and County Health Officials.

National Environmental Health Association.

Trust for America's Health.

Madam Speaker, I'm proud to yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentleman very much.

This bill represents the latest Republican attempt to give away our public lands to the wealthiest oil companies in the world. This bill is the culmination of the Republican oil-above-all agenda. Instead of approving this legislative love letter to Big Oil, the majority should be sending a thank-you note to President Obama for his actions to increase domestic energy production and decrease our dependence on foreign oil.

The truth is that oil production from Federal lands on shore today is higher than it was under President Bush. And across the United States, oil production from all public and private lands is unbelievably now at an 18-year high. Obama is drilling, baby; he's drilling.

The Obama administration's all-of-the-above strategy has also been successful in creating jobs. Since 2008, 14,000 new jobs have been created in oil and gas extraction. Thank you, President Obama. And 50,000 new jobs have also been created in wind and solar, but Republicans don't want a real all-of-the-above energy strategy.

At the Rules Committee, I offered an amendment, along with Mr. WELCH, that would have established a national renewable energy standard. That amendment would have created wind and solar all across our country as a standard. That amendment was germane to this bill and had no budgetary impact, but the Republican majority refused to even allow us to debate an amendment so that Members could have a chance to vote on an actual all-of-the-above package that wasn't just oil and gas.

And President Obama is about as good a President as you can have on that issue; but wind and solar and biomass and geothermal and all of these technologies of the future, they refused to even allow the Democrats to have a vote on that on the House floor this afternoon. They are not all of the above; they are oil above all. They don't want wind and solar because the oil industry doesn't want it, and the coal industry doesn't want it because it's real competition from the future.

The renewable electricity standard that I would have offered would have created 300,000 new jobs and saved consumers billions of dollars on their electricity bills.

In 2007, 32 Republicans joined 188 Democrats in overwhelming support of

a similar renewable electricity standard. In 2009, the House again passed that policy on a bipartisan basis. It died in the Senate both times. Today, it dies here on the House floor because the Republicans don't want 32 Republicans to even have the right to vote for wind and solar and biomass and geothermal. They're afraid Republicans might vote for it, so there's a gag here, a gag order to the House floor saying no debate on the renewables because oil and coal don't want it debated. There will not be a vote on this.

The majority has voted more than 100 times in this Congress to help the oil industry, but they have not voted once in favor of clean energy in the year and a half that they have controlled the United States Congress.

Moreover, because they will not extend the production tax credit for wind, 40,000 jobs are going to be lost in the wind industry in the first 6 months of 2013. This is the Big Oil dream act. This is the dream act of the Republicans. This is something that should be opposed.

Mr. BISHOP of Utah. Ironically, I do agree with the gentleman from Massachusetts in one element of what he said, that this administration, President Obama, is drilling on permits that were granted by Bush and Clinton. The unfortunate side is that this administration is not permitting any new drilling permits for the future growth of this country.

With that, I'm pleased to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN) who has been working diligently for many years on this particular issue and has a clear understanding of it.

□ 1320

Mrs. BLACKBURN. I thank the gentleman from Utah for yielding the time.

I am so pleased, Madam Speaker, that we are pushing forward on some bills that are going to actually create the environment for jobs growth to take place. Of course we know that that is needed by the American people. We hear about it every single day.

We are at the longest streak that we have had since the Great Depression, the longest streak with unemployment being above 8 percent. If you look at underemployment, it's at 14.8 percent. Clearly, the American people are speaking out that they want action and they want to get back to work. The Domestic Energy and Jobs Act will do that, helping to create the environment for jobs growth to take place and helping to create the environment where we take actions to fuel this economy.

Our unemployment and underemployment numbers should be a wake-up call to the President, should be a wake-up call to the Senate. They can't continue to sit on their hands and

play the blame game while 13 million Americans remain out of work.

As I said, this legislation will help create the jobs that are needed in our Nation's energy sector. What we want to see is more American-made energy, more American exploration. We want to see American innovation and end our dependence on foreign oil. Those are worthy goals, and these are steps in the right direction.

We also hear a lot about the price at the pump. I have many friends who are the mom in the minivan and are getting children back and forth, to and from activities. And at \$3.50 a gallon as the new normal, if you will, gas having doubled, the price of gasoline as a transportation fuel having doubled since this President was sworn in, this is something that women talk to us about regularly. There are deep concerns about this.

The greatest potential for economic growth in this country can be found in this Nation's precious natural resources, in our energy resources. While the President is clearly preoccupied with telling Americans what we won't do on energy, what he will not take steps to do, the economy and jobs and what he isn't going to do there, House Republicans are laying out a pathway for what we can do.

By working hard, we can empower those innovators to harness our domestic energy capabilities using so many of those new technologies that are out there, new innovations that have been brought forward by so many of the petroleum engineers and the innovators in this country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BISHOP of Utah. I yield the gentlewoman 1 minute.

Mrs. BLACKBURN. I have to say this: with every new discovery of American energy and every new technology advancement, we are able to put more into the marketplace for our Nation's manufacturers, engineers, our leasing specialists, our rig operators, and much more.

I recently had the opportunity to be back in south Mississippi, where I grew up. I had the opportunity to talk with some of the men and women who are involved and working and innovating in the oil and gas industry every single day. What I heard from them was the degree of advancement and the number of opportunities that exist if the Federal Government will get out of the way and return our focus to creating the environment for energy exploration and jobs growth to take place in this great Nation.

Mr. POLIS. Madam Speaker, it's my honor to yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, the gentlelady was quite correct about worrying about the price of gasoline.

And as you sit around talking about that, you ought to be concerned about the 24 million gallons of gasoline that's exported from the United States every day. You might also want to consider that the price of natural gas has plummeted by more than 60 percent during the Obama administration, providing us with an extraordinary opportunity for growth.

But what I'd really like to talk about is, this bill is not a Strategic Energy Production Act. It does not deal with the renewable energy. In fact, the wind energy industry in the United States is about to come to a screeching halt. Seventy-five thousand jobs are presently in this industry. We are already beginning to see the downsizing—17,000 are now being laid off because the production tax credit is not being extended. If we were to extend the production tax credit, we could probably find another 37,000 people working next year.

If we added to this my piece of legislation, H.R. 487, which requires that our tax dollars—in this case, the production tax credit—be spent on American-made equipment, we could see, perhaps, even more manufacturing in the United States.

Bottom line: the Strategic Energy Production Act is an act for the oil and coal industry. It is not for America. We need to change that. We need to look at all of the above, not just oil and coal.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Speaker, I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act, a package of seven bills that, taken together, will create jobs and make America more energy independent.

There are a number of provisions, but among them the bill reforms and streamlines the energy permitting process by setting firm timelines for legal challenges and limiting the duration of injunctions. This provision is critical because it addresses all the red tape, the Washington red tape, and the constant wave of lawsuits by radical environmentalists that have prevented many American energy projects from ever getting off the ground. Some of them have been stalled for decades. Too often, activist Washington lawyers come between the American people and abundant affordable energy. With this bill, we are fighting back.

According to the U.S. Chamber of Commerce's Project No Project report, energy permitting reform could unleash investment to the tune of \$3.4 trillion in economic benefits and over 2.6 million jobs created.

All you've got to do is look at the State of North Dakota for the benefits of producing American energy. Oil and gas production is booming, the State

has a 3 percent unemployment rate—wouldn't we like to have that nationally? Good grief. And workers are sleeping in their cars, many of them, because the housing supply can't keep up with the demand.

In my home State of Arkansas, we've got our own success story. Production in the Fayetteville shale and the Brown Dense Formation has and will continue to create jobs and American energy, but we can't afford to let up. We have talked way too long about job creation and energy independence. We need less talk and more action.

I urge all my colleagues to support this important bill to create jobs and increase American energy independence.

Mr. POLIS. Madam Speaker, I would like to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman for yielding and for your tremendous leadership on this issue. Of course I rise in strong opposition to the rule and also the bill.

This so-called Domestic Jobs and Energy Act is yet another example of how the Tea Party-led House is wasting the American people's time by passing legislation that will never become law.

This unconscionable wish list for Big Oil contains dangerous provisions that would irresponsibly expand drilling on public lands, roll back policies to provide for safe and responsible energy production in the United States, and it will endanger our public health by blocking important public health safeguards under the Clean Air Act. Gutting the Clean Air Act will not lower gas prices, but it will hurt the health of millions of Americans.

Madam Speaker, we need a real jobs agenda, not another massive giveaway to Big Oil. We must pass the American Jobs Act, invest in our infrastructure, increase job training efforts, and strengthen our safety net. We should support the economy and create jobs by investing in the American people.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 20 seconds.

Ms. LEE of California. In conclusion, this Congress must ensure that our Nation's safety net is a bridge that is strong enough to deliver us all—even the most vulnerable—over these troubled waters. This giveaway to Big Oil will not do that. We need to protect the public health of the American people.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to another member of the Resources Committee here who understands this issue very well, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Madam Speaker, this act removes the obstacles that are blocking our efforts to achieve greater American energy production and job creation by providing more certainty and clarity to the public lands leasing and permitting process.

In particular, my part of this legislation will ensure that Federal oil and natural gas lease sales occur on a consistent basis and provide the necessary lease certainty so production is made easier.

□ 1330

Currently, there are roughly 1,631 outstanding projects on Federal lands, including lands in Colorado, which have been delayed over 3 years. Federal regulatory delays to these projects prevent the creation of over 60,000 jobs.

We have endured several years of over 8 percent unemployment. Over 12 percent of our veterans who have served in Iraq and Afghanistan are still out of work. The fact that we are not fully benefiting from the employment and financial potential of our energy resources is simply wrong.

The President often boasts about his energy record, but this administration regularly delays and blocks leases. In fact, BLM only approved 11 oil and gas leases in Colorado in 2011 where, in 2006, there were 363 approvals.

We in Colorado understand the importance of harnessing our own resources and the value it provides our economy. The oil and gas industry in Colorado directly employs 50,000 people and supports over 190,000 jobs in our State. This industry is responsible for roughly 6 percent of total employment in Colorado. We have an opportunity with this legislation to create jobs by developing our own resources right here at home.

Opponents of domestic energy exploration claim that the industry already has thousands of acres but are not producing the wells. These critics point to recent Department of the Interior reports that this report represents the reasons for nonproducing wells. More often than not, the factors that cause our production are delays instituted by the Interior Department itself by requiring redundant reviews of projects, one example being the newest Master Leasing Plans instituted by the Secretary.

Delays also occur because exploration companies do not have full information as to the capacity of production on the land until after the lease sale is finalized. Therefore, some leases prove to be noncommercial and go unused. Although industry has already paid the government thousands of dollars in fees for the opportunity to explore, many times they receive no economic benefit, and the risk is entirely on them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional minute.

Mr. COFFMAN of Colorado. Let me also be clear, because this fact is largely missed by the opponents of this legislation. Only lands that are already approved by BLM for exploration can

be nominated by industry. This bill is not a green light for immediate production on all Federal acres. Rather, it grants access to a very small percentage of the total of Federal lands.

As a Coloradoan, I respect the need to preserve our wilderness areas, but I also understand the need to responsibly capitalize on our vast resources in order to get people back to work.

As a Marine Corps combat veteran who has served multiple tours in the Middle East, I fully understand the need to reduce our reliance on foreign oil, and this legislation will help do that.

For these reasons, I ask my colleagues to vote "yes" on certainty, "yes" on jobs, and "yes" on the final passage of the Domestic Energy and Jobs Act.

Mr. POLIS. Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. And here we are. While we're debating this death and destruction, oil above all bill, the clock is ticking on student loan payments that will cost middle class families millions and millions of dollars.

I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding.

At the end of this month, the student Federal loan interest rate is set to double from 3.4 percent to 6.8 percent. It's an urgent deadline for more than 7 million American students and more than 177,000 students across the Commonwealth of Massachusetts. It's an urgent deadline for students that I met with at Middlesex College all the way through to Endicott College in my district and elsewhere. These students are working many jobs. They're still carrying thousands of dollars in student debt, and they're deeply concerned about the doubling of the rate that will occur on July 1.

Madam Speaker, this is urgent deadline for House Democrats. We've been on top of this issue for many, many months. Our colleague, Mr. COURTNEY of Connecticut, introduced legislation establishing a permanent fix back in January. Our colleagues, Mr. MILLER of California and Mr. HINOJOSA of Texas, sent a letter to Education and the Workforce Committee Chairman Mr. KLINE in February asking that the question be taken before the committee to prevent the student loan interest hike.

It's unfortunate, Madam Speaker, that the majority in the House of Representatives does not appear to understand or share this urgency. There are

10 days left in June, and we're only scheduled to be in session for 5 of them. As of right now, taking action to stop the doubling of the student loan interest rates is still not on the House's legislative agenda between now and the end of the month. In fact, addressing the issue was not part of the majority leader's summer legislative agenda, and it was reported that Speaker BOEHNER privately called the issue a phony issue.

So let's make no mistake about it. This is nothing phony for the millions of students who will be impacted and will see their rates double in July.

Madam Speaker, since the House majority doesn't appear willing to move forward on this issue, we have to take this action today to defeat the previous question so the rule can be amended to allow for consideration of my bill, the Stop the Rate Hike Act of 2012. That bill continues the current need-based Stafford loan rate at 3.4 percent for 1 year and offsets the cost by closing a tax subsidy for the oil industry, just one tax subsidy, one that they weren't originally intended to benefit from at any rate. I think that's a fair and reasonable plan for eliminating an unjustified giveaway to a hugely profitable industry so millions of our constituents do not see an increase in their student loans.

I urge my colleagues to defeat the previous question so the House can consider that bill and stop the student loan interest rate hike.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. POLIS. I would like to inquire of the other side if he has any remaining speakers.

Mr. BISHOP of Utah. No; I think I'm it.

Mr. POLIS. Very good. Then I'm prepared to close, and I will yield myself the balance of the time.

Now, this rule only provides for consideration of certain amendments. Why are the Republicans so concerned with letting the House work their will on such an important bill?

Now, a number of these measures have been brought forward by Representatives from Colorado. I want to be clear that these are policies that are not universally supported in Colorado and that many of us believe that the policies contained in this set of bills would destroy jobs as well as the quality of life and health of not only Colorado and the West, but the entire country.

In Colorado, we've created a balanced approach to energy policy that's worked. In some areas we lease, some areas we use for other purposes, some areas we protect. Many Colorado small business owners agree, our parks and public lands are critical not only to the economy and job growth, hiking, fishing, hunting, the outdoor industry, but also to our quality of life and our health.

This job-destroying Federal landgrab, Federal water grab bill would put tens of thousands of Coloradoans out of work and destroy the quality of life for our entire State. This bill puts the wish list of the oil and gas industry above all the other users of public lands, above the interest of hunters, above the interest of fishermen, above the interest of hikers, above the interest of tourism, above the interest of skiers, above the interest of conservationists. This bill is out of touch with the citizens of Colorado and will destroy jobs in Colorado and throughout the country.

Look, companies are able to drill. They've been drilling the last 40 years. President Obama's leadership has led to twice the number of drilling wells. Our energy production is at an 8-year peak from oil and gas, and we continue to increase our energy production on public lands, and there's a responsible way to do it.

But we need a balanced approach that doesn't throw out the safeguards and protections that protect the health of children and the health of families, to protect our jobs in the outdoor industry, that protect our jobs in the recreation industry and protect our quality of life across the Western United States, and laws that protect our water and laws that protect our air.

This bill, this series of omnibus death and destruction bills, simply fails that test. The American people deserve more than the death and destruction, oil above all omnibus package that's being offered here today. While millions of Americans are waiting in the unemployment lines, we need a bill that creates jobs rather than destroys jobs.

□ 1340

An increased concentration of toxic chemicals can harm the health of American citizens and Coloradans. Now there is great promise and opportunity in technology that will allow companies to drill with less of an impact on human health and the environment. That's why we have a regulatory framework. It is to ensure that there is incentive to make sure that American families are safe.

This package of job-destroying bills that has been brought before us today would harm our sensitive lands and constitute a Federal land grab and Federal water grab, all without lowering the price at the pump and destroying tens of thousands of jobs in the process.

This death-and-destruction bill is simply not what this country needs to move forward. I urge my colleagues to oppose the rule and to oppose the bill. I urge a "no" vote on the rule and to defeat the previous question.

I yield back the balance of my time. Mr. BISHOP of Utah. I yield myself the balance of my time.

In the 111th Congress, when the other side was in charge, H.R. 2454 was brought forth from the floor. It was called the American Clean Energy and Security Act. There were 224 amendments submitted, and one was made in order. In our bill today, 27 amendments are made in order, two-thirds of which are Democrat amendments. This is a very fair rule, and it will provide for an open and clear debate on the particular issue.

Let's face it, Madam Speaker. The United States has a lot of untapped areas on public lands that are involved not only in oil and oil shale but in natural gas and coal. We are an energy-rich country. We are an energy-producing country. It's about time we recognized that fact and developed the energy that we have for the betterment of our people and for job creation.

We need an all-of-the-above strategy that is not just a rhetorical exercise in an election year but an all-of-the-above strategy that, actually, really creates something without hidden delays disguised as procedural practices and processes.

This bill will create jobs. This bill will keep American dollars at home. This bill will provide economic growth instead of sending our money abroad. This is a good bill, and it is an incredibly fair rule. I urge its adoption.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 691 OFFERED BY
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

Sec. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4816) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Education and the Workforce and the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

Sec. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. With that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to instruct conferees offered by Mr. WALZ of Minnesota.

The vote was taken by electronic device, and there were—ayes 242, noes 183, not voting 7, as follows:

[Roll No. 389]

AYES—242

Adams	Denham	Herger
Aderholt	Dent	Herrera Beutler
Akin	DesJarlais	Huelskamp
Alexander	Diaz-Balart	Huizenga (MI)
Amash	Dold	Hultgren
Amodei	Dreier	Hunter
Austria	Duffy	Hurt
Bachmann	Duncan (SC)	Issa
Barletta	Duncan (TN)	Jenkins
Bartlett	Ellmers	Johnson (IL)
Barton (TX)	Emerson	Johnson (OH)
Bass (NH)	Farenthold	Johnson, Sam
Benishek	Fincher	Jones
Berg	Fitzpatrick	Jordan
Biggart	Flake	Kelly
Bilbray	Fleischmann	King (IA)
Bilirakis	Fleming	King (NY)
Bishop (UT)	Flores	Kingston
Black	Forbes	Kinzinger (IL)
Blackburn	Fortenberry	Kline
Bonner	Fox	Labrador
Bono Mack	Franks (AZ)	Lamborn
Boren	Frelinghuysen	Latta
Boustany	Galleghy	Landry
Brady (TX)	Gardner	Lankford
Brooks	Garrett	Latham
Broun (GA)	Gerlach	LaTourette
Buchanan	Gibbs	Latta
Bucshon	Gibson	LoBiondo
Buerkle	Gingrey (GA)	Long
Burgess	Gohmert	Lucas
Burton (IN)	Goodlatte	Luetkemeyer
Calvert	Gosar	Lummis
Camp	Gowdy	Lungren, Daniel
Campbell	Granger	E.
Canseco	Graves (GA)	Mack
Cantor	Graves (MO)	Manzullo
Capito	Green, Gene	Marchant
Carter	Griffin (AR)	Marino
Cassidy	Griffith (VA)	Matheson
Chabot	Grimm	McCarthy (CA)
Chaffetz	Guinta	McCaul
Chandler	Guthrie	McClintock
Coble	Hall	McCotter
Coffman (CO)	Hanna	McHenry
Cole	Harper	McIntyre
Conaway	Harris	McKeon
Cravaack	Hartzler	McKinley
Crawford	Hastings (WA)	McMorris
Crenshaw	Hayworth	Rodgers
Culberson	Heck	Meehan
Davis (KY)	Hensarling	Mica

Miller (MI)	Roe (TN)
Mulvaney	Rogers (AL)
Murphy (PA)	Rogers (KY)
Myrick	Rogers (MI)
Neugebauer	Rohrabacher
Noem	Rokita
Nugent	Rooney
Nunes	Ros-Lehtinen
Nunnelee	Roskam
Olson	Ross (FL)
Palazzo	Royce
Paul	Runyan
Paulsen	Ryan (WI)
Pearce	Scalise
Pence	Schilling
Petri	Schmidt
Pitts	Schock
Platts	Schweikert
Poe (TX)	Scott (SC)
Pompeo	Scott, Austin
Posey	Sensenbrenner
Price (GA)	Sessions
Quayle	Shinkus
Rehberg	Shuler
Reichert	Shuster
Renacci	Simpson
Ribble	Smith (NE)
Rigell	Smith (NJ)
Rivera	Smith (TX)
Roby	Southerland

NOES—183

Ackerman	Filner	Neal
Altmire	Frank (MA)	Oliver
Andrews	Fudge	Owens
Baca	Garamendi	Pallone
Baldwin	Gonzalez	Pascarell
Barber	Green, Al	Pastor (AZ)
Barrow	Grijalva	Pelosi
Bass (CA)	Gutierrez	Perlmutter
Becerra	Hahn	Peters
Berkley	Hanabusa	Peterson
Berman	Hastings (FL)	Pingree (ME)
Bishop (GA)	Heinrich	Polis
Bishop (NY)	Higgins	Price (NC)
Blumenauer	Himes	Quigley
Bonamici	Hinchee	Rahall
Boswell	Hinojosa	Rangel
Brady (PA)	Hirono	Reyes
Braley (IA)	Hochul	Richardson
Brown (FL)	Holden	Barton (TX)
Butterfield	Holt	Richmond
Capps	Honda	Ross (AR)
Capuano	Hoyer	Rothman (NJ)
Cardoza	Israel	Roybal-Allard
Carnahan	Jackson Lee	Ruppersberger
Carney	(TX)	Rush
Carson (IN)	Johnson (GA)	Ryan (OH)
Castor (FL)	Johnson, E. B.	Sanchez, Loretta
Chu	Johnson, E. B.	Sarbanes
Cicilline	Kaptur	Schakowsky
Clarke (MI)	Keating	Schiff
Clarke (NY)	Kildee	Schrader
Clay	Kind	Schwartz
Cleaver	Kissell	Scott (VA)
Clyburn	Kucinich	Scott, David
Cohen	Langevin	Serrano
Connolly (VA)	Larsen (WA)	Sewell
Conyers	Larson (CT)	Sherman
Cooper	Lee (CA)	Sires
Costa	Levin	Slaughter
Costello	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Speier
Critz	Loeb sack	Stark
Crowley	Lofgren, Zoe	Sutton
Cuellar	Lowe	Thompson (CA)
Cummings	Lujan	Thompson (MS)
Davis (CA)	Lynch	Tierney
Davis (IL)	Maloney	Tonko
DeFazio	Markey	Towns
DeGette	Matsui	Tsongas
DeLauro	McCarthy (NY)	Van Hollen
Deutch	McCollum	Velázquez
Dicks	McDermott	Visclosky
Dingell	McGovern	Walz (MN)
Doggett	McNerney	Wasserman
Donnelly (IN)	Meeks	Schultz
Doyle	Michaud	Waters
Edwards	Miller (NC)	Watt
Ellison	Miller, George	Waxman
Engel	Moore	Welch
Esch	Moran	Wilson (FL)
Farr	Murphy (CT)	Woolsey
Fattah	Nadler	Yarmuth
	Napolitano	

NOT VOTING—7

Bachus	Miller (FL)	Sánchez, Linda
Jackson (IL)	Miller, Gary	T.
Lewis (CA)	Reed	

□ 1408

Ms. WASSERMAN SCHULTZ, Ms. BROWN of Florida, Ms. SLAUGHTER, and Ms. VELÁZQUEZ changed their vote from “aye” to “no.”

Mr. MCINTYRE and Mrs. McMORRIS RODGERS changed their vote from “no” to “aye.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. YODER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 178, not voting 9, as follows:

[Roll No. 390]

YEAS—245

Adams	DesJarlais	Hultgren
Aderholt	Diaz-Balart	Hunter
Akin	Dold	Hurt
Alexander	Donnelly (IN)	Issa
Amash	Duffy	Jenkins
Amodei	Duncan (SC)	Johnson (IL)
Austria	Duncan (TN)	Johnson (OH)
Bachmann	Ellmers	Johnson, Sam
Barletta	Emerson	Jones
Bartlett	Farenthold	Jordan
Barton (TX)	Fincher	Kelly
Bass (NH)	Fitzpatrick	King (IA)
Benishek	Flake	King (NY)
Berg	Fleischmann	Kingston
Biggart	Fleming	Kinzinger (IL)
Bilbray	Flores	Kissell
Bilirakis	Forbes	Kline
Bishop (UT)	Fortenberry	Labrador
Black	Fox	Lamborn
Blackburn	Franks (AZ)	Lance
Bonner	Frelinghuysen	Landry
Bono Mack	Galleghy	Lankford
Boren	Gardner	Latham
Boustany	Garrett	LaTourette
Brady (TX)	Gerlach	Latta
Brooks	Gibbs	LoBiondo
Broun (GA)	Gibson	Long
Buchanan	Gingrey (GA)	Lucas
Bucshon	Gohmert	Luetkemeyer
Buerkle	Goodlatte	Lummis
Burgess	Gosar	Lungren, Daniel
Burton (IN)	Gowdy	E.
Calvert	Granger	Mack
Camp	Graves (GA)	Manzullo
Campbell	Graves (MO)	Marchant
Canseco	Griffin (AR)	Marino
Cantor	Griffith (VA)	Matheson
Capito	Grimm	McCarthy (CA)
Carter	Guinta	McCaul
Cassidy	Guthrie	McClintock
Chabot	Hall	McCotter
Chaffetz	Hanna	McHenry
Chandler	Harper	McIntyre
Coble	Harris	McKeon
Coffman (CO)	Hartzler	McKinley
Cole	Hastings (WA)	McMorris
Conaway	Hayworth	Rodgers
Cravaack	Heck	Meehan
Crawford	Hensarling	Mica
Crenshaw	Herger	Miller (MI)
Culberson	Herrera Beutler	Mulvaney
Davis (KY)	Hochul	Murphy (PA)
	Huelskamp	Myrick
	Huizenga (MI)	Neugebauer

Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Bachus
Becerra
Dreier
Jackson (IL)
Lewis (CA)
Miller (FL)
Miller, Gary
Reed
Sánchez, Linda
T.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (during the vote). There are 2 minutes remaining.

□ 1415

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. **BECERRA**. Mr. Speaker, on June 20, 2012, I was unavoidably detained and missed rollcall vote 390. If present, I would have voted “yea” on rollcall vote 390.

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The **SPEAKER** pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Minnesota (Mr. **WALZ**) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The **SPEAKER** pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 34, answered “present” 1, not voting 11, as follows:

[Roll No. 391]

YEAS—386

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishiek
Berg
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany

Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers

Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo

Farenthold
Farr
Fattah
Filner
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin

Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond

Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stark
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tipton
Tonko
Townes
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—34

Amash	Foxx	Posey
Bishop (UT)	Garrett	Quayle
Brady (TX)	Gingrey (GA)	Rooney
Broun (GA)	Gohmert	Sessions
Camp	Granger	Stearns
Campbell	Huizenga (MI)	Thompson (PA)
Canseco	Long	Thornberry
Carter	McClintock	Webster
Conaway	Neugebauer	Westmoreland
Culberson	Pearce	Young (AK)
Fincher	Poe (TX)	
Flores	Pompeo	

ANSWERED "PRESENT"—1

Ribble

NOT VOTING—11

Bachus	Lewis (CA)	Sánchez, Linda
Bass (CA)	Miller (FL)	T.
Dreier	Miller, Gary	Schock
Jackson (IL)	Reed	Walsh (IL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1422

Mr. GINGREY of Georgia changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. HOYER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4348.

The form of the motion is as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement to the amendment of the Senate.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mrs. BLACK. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mrs. BLACK moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to reject section 31108 of the Senate amendment (relating to distracted driving grants), other than the matter proposed to be inserted as section 411(g) of title 23, United States Code (relating to a distracted driving study).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3187) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Safety and Innovation Act".

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.

(a) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO DRUGS

Sec. 101. Short title; finding.

Sec. 102. Definitions.

Sec. 103. Authority to assess and use drug fees.

Sec. 104. Reauthorization; reporting requirements.

Sec. 105. Sunset dates.

Sec. 106. Effective date.

Sec. 107. Savings clause.

TITLE II—FEES RELATING TO DEVICES

Sec. 201. Short title; findings.

Sec. 202. Definitions.

Sec. 203. Authority to assess and use device fees.

Sec. 204. Reauthorization; reporting requirements.

Sec. 205. Savings clause.

Sec. 206. Effective date.

Sec. 207. Sunset clause.

Sec. 208. Streamlined hiring authority to support activities related to the process for the review of device applications.

TITLE III—FEES RELATING TO GENERIC DRUGS

Sec. 301. Short title.

Sec. 302. Authority to assess and use human generic drug fees.

Sec. 303. Reauthorization; reporting requirements.

Sec. 304. Sunset dates.

Sec. 305. Effective date.

Sec. 306. Amendment with respect to misbranding.

Sec. 307. Streamlined hiring authority to support activities related to human generic drugs.

Sec. 308. Additional reporting requirements.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

Sec. 401. Short title; finding.

Sec. 402. Fees relating to biosimilar biological products.

Sec. 403. Reauthorization; reporting requirements.

Sec. 404. Sunset dates.

Sec. 405. Effective date.

Sec. 406. Savings clause.

Sec. 407. Conforming amendment.

Sec. 408. Additional reporting requirements.

TITLE V—PEDIATRIC DRUGS AND DEVICES

Sec. 501. Permanence.

Sec. 502. Written requests.

Sec. 503. Communication with Pediatric Review Committee.

Sec. 504. Access to data.

Sec. 505. Ensuring the completion of pediatric studies.

Sec. 506. Pediatric study plans.

Sec. 507. Reauthorizations.

Sec. 508. Report.

Sec. 509. Technical amendments.

Sec. 510. Pediatric rare diseases.

Sec. 511. Staff of Office of Pediatric Therapeutics.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

Sec. 601. Investigational device exemptions.

Sec. 602. Clarification of least burdensome standard.

Sec. 603. Agency documentation and review of significant decisions.

Sec. 604. Device modifications requiring premarket notification prior to marketing.

Sec. 605. Program to improve the device recall system.

Sec. 606. Clinical holds on investigational device exemptions.

Sec. 607. Modification of de novo application process.

Sec. 608. Reclassification procedures.

Sec. 609. Harmonization of device premarket review, inspection, and labeling symbols.

Sec. 610. Participation in international fora.

Sec. 611. Reauthorization of third-party review.

Sec. 612. Reauthorization of third-party inspection.

Sec. 613. Humanitarian device exemptions.

Sec. 614. Unique device identifier.

Sec. 615. Sentinel.

Sec. 616. Postmarket surveillance.

Sec. 617. Custom devices.

Sec. 618. Health information technology.

Sec. 619. Good guidance practices relating to devices.

Sec. 620. Pediatric device consortia.

TITLE VII—DRUG SUPPLY CHAIN

Sec. 701. Registration of domestic drug establishments.

Sec. 702. Registration of foreign establishments.

Sec. 703. Identification of drug excipient information with product listing.

Sec. 704. Electronic system for registration and listing.

Sec. 705. Risk-based inspection frequency.

Sec. 706. Records for inspection.

Sec. 707. Prohibition against delaying, denying, limiting, or refusing inspection.

Sec. 708. Destruction of adulterated, misbranded, or counterfeit drugs offered for import.

Sec. 709. Administrative detention.

Sec. 710. Exchange of information.

Sec. 711. Enhancing the safety and quality of the drug supply.

Sec. 712. Recognition of foreign government inspections.

Sec. 713. Standards for admission of imported drugs.

- Sec. 714. Registration of commercial importers.
 Sec. 715. Notification.
 Sec. 716. Protection against intentional adulteration.
 Sec. 717. Penalties for counterfeiting drugs.
 Sec. 718. Extraterritorial jurisdiction.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

- Sec. 801. Extension of exclusivity period for drugs.
 Sec. 802. Priority review.
 Sec. 803. Fast track product.
 Sec. 804. Clinical trials.
 Sec. 805. Reassessment of qualified infectious disease product incentives in 5 years.
 Sec. 806. Guidance on pathogen-focused antibacterial drug development.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

- Sec. 901. Enhancement of accelerated patient access to new medical treatments.
 Sec. 902. Breakthrough therapies.
 Sec. 903. Consultation with external experts on rare diseases, targeted therapies, and genetic targeting of treatments.
 Sec. 904. Accessibility of information on prescription drug container labels by visually impaired and blind consumers.
 Sec. 905. Risk-benefit framework.
 Sec. 906. Grants and Contracts for the Development of Orphan Drugs.
 Sec. 907. Reporting of inclusion of demographic subgroups in clinical trials and data analysis in applications for drugs, biologics, and devices.
 Sec. 908. Rare pediatric disease priority review voucher incentive program.

TITLE X—DRUG SHORTAGES

- Sec. 1001. Discontinuance or interruption in the production of life-saving drugs.
 Sec. 1002. Annual reporting on drug shortages.
 Sec. 1003. Coordination; task force and strategic plan.
 Sec. 1004. Drug shortage list.
 Sec. 1005. Quotas applicable to drugs in shortage.
 Sec. 1006. Attorney General report on drug shortages.
 Sec. 1007. Hospital repackaging of drugs in shortage.
 Sec. 1008. Study on drug shortages.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

- Sec. 1101. Reauthorization of provision relating to exclusivity of certain drugs containing single enantiomers.
 Sec. 1102. Reauthorization of the critical path public-private partnerships.

Subtitle B—Medical Gas Product Regulation

- Sec. 1111. Regulation of medical gases.
 Sec. 1112. Changes to regulations.
 Sec. 1113. Rules of construction.

Subtitle C—Miscellaneous Provisions

- Sec. 1121. Guidance document regarding product promotion using the Internet.
 Sec. 1122. Combating prescription drug abuse.
 Sec. 1123. Optimizing global clinical trials.
 Sec. 1124. Advancing regulatory science to promote public health innovation.
 Sec. 1125. Information technology.
 Sec. 1126. Nanotechnology.
 Sec. 1127. Online pharmacy report to Congress.
 Sec. 1128. Report on small businesses.
 Sec. 1129. Protections for the commissioned corps of the public health service act.
 Sec. 1130. Compliance date for rule relating to sunscreen drug products for over-the-counter human use.

- Sec. 1131. Strategic integrated management plan.

- Sec. 1132. Assessment and modification of REMS.

- Sec. 1133. Extension of period for first applicant to obtain tentative approval without forfeiting 180-day-exclusivity period.

- Sec. 1134. Deadline for determination on certain petitions.

- Sec. 1135. Final agency action relating to petitions and civil actions.

- Sec. 1136. Electronic submission of applications.

- Sec. 1137. Patient participation in medical product discussions.

- Sec. 1138. Ensuring adequate information regarding pharmaceuticals for all populations, particularly underrepresented subpopulations, including racial subgroups.

- Sec. 1139. Scheduling of hydrocodone.

- Sec. 1140. Study on Drug Labeling by Electronic Means.

- Sec. 1141. Recommendations on interoperability standards.

- Sec. 1142. Conflicts of interest.

- Sec. 1143. Notification of FDA intent to regulate laboratory-developed tests.

Subtitle D—Synthetic Drugs

- Sec. 1151. Short title.

- Sec. 1152. Addition of synthetic drugs to schedule I of the Controlled Substances Act.

- Sec. 1153. Temporary scheduling to avoid imminent hazards to public safety expansion.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—FEES RELATING TO DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Prescription Drug User Fee Amendments of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 735(7) (21 U.S.C. 379g) is amended by striking “expenses incurred in connection with” and inserting “expenses in connection with”.

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

Section 736 (21 U.S.C. 379h) is amended—

(1) in subsection (a)—
 (A) in the matter preceding paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(B) in paragraph (1)(A)—
 (i) in clause (i), by striking “(c)(5)” and inserting “(c)(4)”;

(ii) in clause (ii), by striking “(c)(5)” and inserting “(c)(4)”;

(C) in the matter following clause (ii) in paragraph (2)(A)—

(i) by striking “(c)(5)” and inserting “(c)(4)”;

(ii) by striking “payable on or before October 1 of each year” and inserting “due on the later

of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section”;

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking “subsection (c)(5)” and inserting “subsection (c)(4)”;

(II) by striking “payable on or before October 1 of each year.” and inserting “due on the later of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.”; and

(ii) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—A prescription drug product shall not be assessed a fee under subparagraph (A) if such product is—

“(i) identified on the list compiled under section 505(j)(7) with a potency described in terms of per 100 mL;

“(ii) the same product as another product that—

“(I) was approved under an application filed under section 505(b) or 505(j); and

“(II) is not in the list of discontinued products compiled under section 505(j)(7);

“(iii) the same product as another product that was approved under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997); or

“(iv) the same product as another product that was approved under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”;

(ii) in subparagraph (A), by striking “\$392,783,000; and” and inserting “\$693,099,000;”;

(iii) by striking subparagraph (B) and inserting the following:

“(B) the dollar amount equal to the inflation adjustment for fiscal year 2013 (as determined under paragraph (3)(A)); and

“(C) the dollar amount equal to the workload adjustment for fiscal year 2013 (as determined under paragraph (3)(B)).”;

(B) by striking paragraphs (3) and (4) and inserting the following:

“(3) FISCAL YEAR 2013 INFLATION AND WORKLOAD ADJUSTMENTS.—For purposes of paragraph (1), the dollar amount of the inflation and workload adjustments for fiscal year 2013 shall be determined as follows:

“(A) INFLATION ADJUSTMENT.—The inflation adjustment for fiscal year 2013 shall be the sum of—

“(i) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(B); and

“(ii) \$652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(C).

“(B) WORKLOAD ADJUSTMENT.—Subject to subparagraph (C), the workload adjustment for fiscal 2013 shall be—

“(i) \$652,709,000 plus the amount of the inflation adjustment calculated under subparagraph (A); multiplied by

“(ii) the amount (if any) by which a percentage workload adjustment for fiscal year 2013, as

determined using the methodology described in subsection (c)(2)(A), would exceed the percentage workload adjustment (as so determined) for fiscal year 2012, if both such adjustment percentages were calculated using the 5-year base period consisting of fiscal years 2003 through 2007.

“(C) **LIMITATION.**—Under no circumstances shall the adjustment under subparagraph (B) result in fee revenues for fiscal year 2013 that are less than the sum of the amount under paragraph (1)(A) and the amount under paragraph (1)(B).”;

(3) by striking subsection (c) and inserting the following:

“(c) **ADJUSTMENTS.**—

“(1) **INFLATION ADJUSTMENT.**—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year by the amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years, and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this paragraph.

“(2) **WORKLOAD ADJUSTMENT.**—For fiscal year 2014 and subsequent fiscal years, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications. With respect to such adjustment:

“(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph), efficacy supplements, and manufacturing supplements submitted to the Secretary, and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

“(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the sum of the amount under subsection (b)(1)(A) and the amount under subsection (b)(1)(B), as adjusted for inflation under paragraph (1).

“(C) The Secretary shall contract with an independent accounting or consulting firm to

periodically review the adequacy of the adjustment and publish the results of those reviews. The first review shall be conducted and published by the end of fiscal year 2013 (to examine the performance of the adjustment since fiscal year 2009), and the second review shall be conducted and published by the end of fiscal year 2015 (to examine the continued performance of the adjustment). The reports shall evaluate whether the adjustment reasonably represents actual changes in workload volume and complexity and present options to discontinue, retain, or modify any elements of the adjustment. The reports shall be published for public comment. After review of the reports and receipt of public comments, the Secretary shall, if warranted, adopt appropriate changes to the methodology. If the Secretary adopts changes to the methodology based on the first report, the changes shall be effective for the first fiscal year for which fees are set after the Secretary adopts such changes and each subsequent fiscal year.

“(3) **FINAL YEAR ADJUSTMENT.**—For fiscal year 2017, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1) and (2), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of human drug applications for the first 3 months of fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such process in excess of 3 months of such operating reserves, the adjustment under this paragraph shall not be made.

“(4) **ANNUAL FEE SETTING.**—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, application, product, and establishment fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

“(5) **LIMIT.**—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications.”; and

(4) in subsection (g)—

(A) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”;

(ii) in subparagraph (A)(ii), by striking “shall only be collected and available” and inserting “shall be available”;

(iii) by adding at the end the following new subparagraph:

“(C) **PROVISION FOR EARLY PAYMENTS.**—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”;

(C) in paragraph (3), by striking “fiscal years 2008 through 2012” and inserting “fiscal years 2013 through 2017”; and

(D) in paragraph (4)—

(i) by striking “fiscal years 2008 through 2010” and inserting “fiscal years 2013 through 2015”;

(ii) by striking “fiscal year 2011” and inserting “fiscal year 2016”;

(iii) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2013 through 2016”; and

(iv) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

SEC. 104. **REAUTHORIZATION; REPORTING REQUIREMENTS.**

Section 736B (21 U.S.C. 379h–2) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **PERFORMANCE REPORT.**—

“(1) **IN GENERAL.**—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

“(A) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, including the status of the independent assessment described in such letters; and

“(B) the progress of the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in achieving the goals, and future plans for meeting the goals, including, for each review division—

“(i) the number of original standard new drug applications and biologics license applications filed per fiscal year for each review division;

“(ii) the number of original priority new drug applications and biologics license applications filed per fiscal year for each review division;

“(iii) the number of standard efficacy supplements filed per fiscal year for each review division;

“(iv) the number of priority efficacy supplements filed per fiscal year for each review division;

“(v) the number of applications filed for review under accelerated approval per fiscal year for each review division;

“(vi) the number of applications filed for review as fast track products per fiscal year for each review division;

“(vii) the number of applications filed for orphan-designated products per fiscal year for each review division; and

“(viii) the number of breakthrough designations for a fiscal year for each review division.

“(2) **INCLUSION.**—The report under this subsection for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.”.

(2) in subsection (b), by striking “2008” and inserting “2013”; and

(3) in subsection (d), by striking “2012” each place it appears and inserting “2017”.

SEC. 105. **SUNSET DATES.**

(a) **AUTHORIZATION.**—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2017.

(b) **REPORTING REQUIREMENTS.**—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) shall cease to be effective January 31, 2018.

(c) **PREVIOUS SUNSET PROVISION.**—

(1) **IN GENERAL.**—Section 106 of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is repealed.

(2) **CONFORMING AMENDMENT.**—The Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is amended in the table of contents in section 2, by striking the item relating to section 106.

(d) **TECHNICAL CLARIFICATIONS.**—

(1) Effective September 30, 2007—

(A) section 509 of the Prescription Drug User Fee Amendments Act of 2002 (Title V of Public Law 107–188) is repealed; and

(B) the Public Health Security and Biodefense Preparedness and Response Act of 2002 (Public Law 107-188) is amended in the table of contents in section 1(b), by striking the item relating to section 509.

(2) Effective September 30, 2002—

(A) section 107 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115) is repealed; and

(B) the table of contents in section 1(c) of such Act is amended by striking the item related to section 107.

(3) Effective September 30, 1997, section 105 of the Prescription Drug User Fee Act of 1992 (Public Law 102-571) is repealed.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 107. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2012.

TITLE II—FEES RELATING TO DEVICES

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Medical Device User Fee Amendments of 2012”.

(b) FINDINGS.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (9), by striking “incurred” after “expenses”;

(2) in paragraph (10), by striking “October 2001” and inserting “October 2011”; and

(3) in paragraph (13), by striking “is required to register” and all that follows through the end of paragraph (13) and inserting the following: “is registered (or is required to register) with the Secretary under section 510 because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device.”

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2008” and inserting “fiscal year 2013”;

(2) in paragraph (2)(A)—

(A) in the matter preceding clause (i)—

(i) by striking “subsections (d) and (e)” and inserting “subsections (d), (e), and (f)”;

(ii) by striking “October 1, 2002” and inserting “October 1, 2012”; and

(iii) by striking “subsection (c)(1)” and inserting “subsection (c)”;

(B) in clause (viii), by striking “1.84” and inserting “2”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by inserting “and subsection (f)” after “subparagraph (B)”;

(B) in subparagraph (C), by striking “initial registration” and all that follows through “section 510.” and inserting “later of—

“(i) the initial or annual registration (as applicable) of the establishment under section 510; or

“(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.”

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

“(b) FEE AMOUNTS.—

“(1) IN GENERAL.—Subject to subsections (c), (d), (e), (f), and (i), for each of fiscal years 2013 through 2017, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the total revenue amounts specified in paragraph (3).

“(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
Premarket Application	\$248,000	\$252,960	\$258,019	\$263,180	\$268,443
Establishment Registration	\$2,575	\$3,200	\$3,750	\$3,872	\$3,872

“(3) TOTAL REVENUE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

“(A) \$97,722,301 for fiscal year 2013.

“(B) \$112,580,497 for fiscal year 2014.

“(C) \$125,767,107 for fiscal year 2015.

“(D) \$129,339,949 for fiscal year 2016.

“(E) \$130,184,348 for fiscal year 2017.”

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) (21 U.S.C. 379j(c)) is amended—

(1) in the subsection heading, by inserting “; ADJUSTMENTS” after “SETTING”;

(2) by striking paragraphs (1) and (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting before paragraph (4), as so redesignated, the following:

“(1) IN GENERAL.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2012, establish fees under subsection (a), based on amounts specified under subsection (b) and the adjustments provided under this subsection, and publish such fees, and the rationale for any adjustments to such fees, in the Federal Register.

“(2) INFLATION ADJUSTMENTS.—

“(A) ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—For fiscal year 2014 and each subsequent fiscal year, the Secretary shall adjust the total revenue amount specified in subsection (b)(3) for such fiscal year by multiplying such amount by the applicable inflation adjustment under subparagraph (B) for such year.

“(B) APPLICABLE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—The applicable inflation adjustment for a fiscal year is—

“(i) for fiscal year 2014, the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(ii) for fiscal year 2015 and each subsequent fiscal year, the product of—

“(I) the base inflation adjustment under subparagraph (C) for such fiscal year; and

“(II) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2014.

“(C) BASE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—

“(i) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment for a fiscal year is the sum of one plus—

“(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by 0.60; and

“(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by 0.40.

“(ii) LIMITATIONS.—For purposes of subparagraph (B), if the base inflation adjustment for a fiscal year under clause (i)—

“(I) is less than 1, such adjustment shall be considered to be equal to 1; or

“(II) is greater than 1.04, such adjustment shall be considered to be equal to 1.04.

“(D) ADJUSTMENT TO BASE FEE AMOUNTS.—For each of fiscal years 2014 through 2017, the base

fee amounts specified in subsection (b)(2) shall be adjusted as needed, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A).

“(3) VOLUME-BASED ADJUSTMENTS TO ESTABLISHMENT REGISTRATION BASE FEES.—For each of fiscal years 2014 through 2017, after the base fee amounts specified in subsection (b)(2) are adjusted under paragraph (2)(D), the base establishment registration fee amounts specified in such subsection shall be further adjusted, as the Secretary estimates is necessary in order for total fee collections for such fiscal year to generate the total revenue amounts, as adjusted under paragraph (2).”

(d) FEE WAIVER OR REDUCTION.—Section 738 (21 U.S.C. 379j) is amended by—

(1) redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(2) by inserting after subsection (e) the following new subsection:

“(f) FEE WAIVER OR REDUCTION.—

“(1) IN GENERAL.—The Secretary may, at the Secretary’s sole discretion, grant a waiver or reduction of fees under subsection (a)(2) or (a)(3) if the Secretary finds that such waiver or reduction is in the interest of public health.

“(2) LIMITATION.—The sum of all fee waivers or reductions granted by the Secretary in any fiscal year under paragraph (1) shall not exceed 2 percent of the total fee revenue amounts established for such year under subsection (c).

“(3) DURATION.—The authority provided by this subsection terminates October 1, 2017.”

(e) **CONDITIONS.**—Section 738(h)(1)(A) (21 U.S.C. 379j(h)(1)(A)), as redesignated by subsection (d)(1), is amended by striking “\$205,720,000” and inserting “\$280,587,000”.

(f) **CREDITING AND AVAILABILITY OF FEES.**—Section 738(i) (21 U.S.C. 379j(i)), as redesignated by subsection (d)(1), is amended—

(1) in paragraph (1), by striking “Fees authorized” and inserting “Subject to paragraph (2)(C), fees authorized”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “shall be retained” and inserting “subject to subparagraph (C), shall be collected and available”; and

(ii) in clause (ii)—

(I) by striking “collected and” after “shall only be”; and

(II) by striking “fiscal year 2002” and inserting “fiscal year 2009”; and

(B) by adding at the end, the following:

“(C) **PROVISION FOR EARLY PAYMENTS.**—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.”;

(3) by amending paragraph (3) to read as follows:

“(3) **AUTHORIZATIONS OF APPROPRIATIONS.**—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount specified under subsection (b)(3) for the fiscal year, as adjusted under subsection (c) and, for fiscal year 2017 only, as further adjusted under paragraph (4).”; and

(4) in paragraph (4)—

(A) by striking “fiscal years 2008, 2009, and 2010” and inserting “fiscal years 2013, 2014, and 2015”;

(B) by striking “fiscal year 2011” and inserting “fiscal year 2016”;

(C) by striking “June 30, 2011” and inserting “June 30, 2016”;

(D) by striking “the amount of fees specified in aggregate in” and inserting “the cumulative amount appropriated pursuant to”;

(E) by striking “aggregate amount in” before “excess shall be credited”; and

(F) by striking “fiscal year 2012” and inserting “fiscal year 2017”.

(g) **CONFORMING AMENDMENT.**—Section 515(c)(4)(A) (21 U.S.C. 360e(c)(4)(A)) is amended by striking “738(g)” and inserting “738(h)”.

SEC. 204. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) **REAUTHORIZATION.**—Section 738A(b) (21 U.S.C. 379j–1(b)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (5), by striking “2012” and inserting “2017”.

(b) **PERFORMANCE REPORTS.**—Section 738A(a) (21 U.S.C. 379j–1(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **PERFORMANCE REPORT.**—

“(A) **IN GENERAL.**—Beginning with fiscal year 2013, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives annual reports concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Medical Device User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

“(B) **PUBLICATION.**—With regard to information to be reported by the Food and Drug Ad-

ministration to industry on a quarterly and annual basis pursuant to the letters described in section 201(b) of the Medical Device User Fee Amendments Act of 2012, the Secretary shall make such information publicly available on the Internet Web site of the Food and Drug Administration not later than 60 days after the end of each quarter or 120 days after the end of each fiscal year, respectively, to which such information applies. This information shall include the status of the independent assessment identified in the letters described in such section 201(b).

“(C) **UPDATES.**—The Secretary shall include in each report under subparagraph (A) information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications and reports, supplements, and premarket notifications in the cohort.”; and

(2) in paragraph (2), by striking “2008 through 2012” and inserting “2013 through 2017”.

SEC. 205. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (in effect as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 206. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 207. SUNSET CLAUSE.

(a) **IN GENERAL.**—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i; 379j) shall cease to be effective October 1, 2017. Section 738A (21 U.S.C. 379j–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2018.

(b) **PREVIOUS SUNSET PROVISION.**—

(1) **IN GENERAL.**—Section 217 of the Food and Drug Administration Amendments Act of 2007 (Title II of Public Law 110–85) is repealed.

(2) **CONFORMING AMENDMENT.**—The Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is amended in the table of contents in section 2, by striking the item relating to section 217.

(c) **TECHNICAL CLARIFICATION.**—Effective September 30, 2007—

(1) section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250) is repealed; and

(2) the table of contents in section 1(b) of such Act is amended by striking the item related to section 107.

SEC. 208. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by inserting after section 713 the following new section:

“SEC. 714. STREAMLINED HIRING AUTHORITY.

“(a) **IN GENERAL.**—In addition to any other personnel authorities under other provisions of law, the Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service,

appoint employees to positions in the Food and Drug Administration to perform, administer, or support activities described in subsection (b), if the Secretary determines that such appointments are needed to achieve the objectives specified in subsection (c).

“(b) **ACTIVITIES DESCRIBED.**—The activities described in this subsection are activities under this Act related to the process for the review of device applications (as defined in section 737(8)).

“(c) **OBJECTIVES SPECIFIED.**—The objectives specified in this subsection are with respect to the activities under subsection (b), the goals referred to in section 738A(a)(1).

“(d) **INTERNAL CONTROLS.**—The Secretary shall institute appropriate internal controls for appointments under this section.

“(e) **SUNSET.**—The authority to appoint employees under this section shall terminate on the date that is 3 years after the date of enactment of this section.”.

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 301. SHORT TITLE.

(a) **SHORT TITLE.**—This title may be cited as the “Generic Drug User Fee Amendments of 2012”.

(b) **FINDING.**—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 302. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 7—FEES RELATING TO GENERIC DRUGS

“SEC. 744A. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘abbreviated new drug application’—

“(A) means an application submitted under section 505(j), an abbreviated application submitted under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or an abbreviated new drug application submitted pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984; and

“(B) does not include an application for a positron emission tomography drug.

“(2) The term ‘active pharmaceutical ingredient’ means—

“(A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended—

“(i) to be used as a component of a drug; and

“(ii) to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or

“(B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become a substance or mixture described in subparagraph (A).

“(3) The term ‘adjustment factor’ means a factor applicable to a fiscal year that is the Consumer Price Index for all urban consumers (all

items; United States city average) for October of the preceding fiscal year divided by such Index for October 2011.

“(4) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(5)(A) The term ‘facility’—

“(i) means a business or other entity—

“(I) under one management, either direct or indirect; and

“(II) at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form; and

“(ii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing.

“(B) For purposes of subparagraph (A), separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are—

“(i) closely related to the same business enterprise;

“(ii) under the supervision of the same local management; and

“(iii) capable of being inspected by the Food and Drug Administration during a single inspection.

“(C) If a business or other entity would meet the definition of a facility under this paragraph but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

“(6) The term ‘finished dosage form’ means—

“(A) a drug product in the form in which it will be administered to a patient, such as a tablet, capsule, solution, or topical application;

“(B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or

“(C) any combination of an active pharmaceutical ingredient with another component of a drug product for purposes of production of a drug product described in subparagraph (A) or (B).

“(7) The term ‘generic drug submission’ means an abbreviated new drug application, an amendment to an abbreviated new drug application, or a prior approval supplement to an abbreviated new drug application.

“(8) The term ‘human generic drug activities’ means the following activities of the Secretary associated with generic drugs and inspection of facilities associated with generic drugs:

“(A) The activities necessary for the review of generic drug submissions, including review of drug master files referenced in such submissions.

“(B) The issuance of—

“(i) approval letters which approve abbreviated new drug applications or supplements to such applications; or

“(ii) complete response letters which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The issuance of letters related to Type II active pharmaceutical drug master files which—

“(i) set forth in detail the specific deficiencies in such submissions, and where appropriate, the actions necessary to resolve those deficiencies; or

“(ii) document that no deficiencies need to be addressed.

“(D) Inspections related to generic drugs.

“(E) Monitoring of research conducted in connection with the review of generic drug submissions and drug master files.

“(F) Postmarket safety activities with respect to drugs approved under abbreviated new drug applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies) insofar as those activities relate to abbreviated new drug applications.

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(G) Regulatory science activities related to generic drugs.

“(9) The term ‘positron emission tomography drug’ has the meaning given to the term ‘compounded positron emission tomography drug’ in section 201(ii), except that paragraph (1)(B) of such section shall not apply.

“(10) The term ‘prior approval supplement’ means a request to the Secretary to approve a change in the drug substance, drug product, production process, quality controls, equipment, or facilities covered by an approved abbreviated new drug application when that change has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the drug product as these factors may relate to the safety or effectiveness of the drug product.

“(11) The term ‘resources allocated for human generic drug activities’ means the expenses for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers and employees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under subsection (a) and accounting for resources allocated for the review of abbreviated new drug applications and supplements and inspection related to generic drugs.

“(12) The term ‘Type II active pharmaceutical ingredient drug master file’ means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

“SEC. 744B. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) ONE-TIME BACKLOG FEE FOR ABBREVIATED NEW DRUG APPLICATIONS PENDING ON OCTOBER 1, 2012.—

“(A) IN GENERAL.—Each person that owns an abbreviated new drug application that is pending on October 1, 2012, and that has not received a tentative approval prior to that date, shall be subject to a fee for each such application, as calculated under subparagraph (B).

“(B) METHOD OF FEE AMOUNT CALCULATION.—The amount of each one-time backlog fee shall

be calculated by dividing \$50,000,000 by the total number of abbreviated new drug applications pending on October 1, 2012, that have not received a tentative approval as of that date.

“(C) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fee required by subparagraph (A).

“(D) FEE DUE DATE.—The fee required by subparagraph (A) shall be due no later than 30 calendar days after the date of the publication of the notice specified in subparagraph (C).

“(2) DRUG MASTER FILE FEE.—

“(A) IN GENERAL.—Each person that owns a Type II active pharmaceutical ingredient drug master file that is referenced on or after October 1, 2012, in a generic drug submission by any initial letter of authorization shall be subject to a drug master file fee.

“(B) ONE-TIME PAYMENT.—If a person has paid a drug master file fee for a Type II active pharmaceutical ingredient drug master file, the person shall not be required to pay a subsequent drug master file fee when that Type II active pharmaceutical ingredient drug master file is subsequently referenced in generic drug submissions.

“(C) NOTICE.—

“(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the drug master file fee for fiscal year 2013.

“(ii) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the drug master file fee established by this paragraph for such fiscal year.

“(D) AVAILABILITY FOR REFERENCE.—

“(i) IN GENERAL.—Subject to subsection (g)(2)(C), for a generic drug submission to reference a Type II active pharmaceutical ingredient drug master file, the drug master file must be deemed available for reference by the Secretary.

“(ii) CONDITIONS.—A drug master file shall be deemed available for reference by the Secretary if—

“(I) the person that owns a Type II active pharmaceutical ingredient drug master file has paid the fee required under subparagraph (A) within 20 calendar days after the applicable due date under subparagraph (E); and

“(II) the drug master file has not failed an initial completeness assessment by the Secretary, in accordance with criteria to be published by the Secretary.

“(iii) LIST.—The Secretary shall make publicly available on the Internet Web site of the Food and Drug Administration a list of the drug master file numbers that correspond to drug master files that have successfully undergone an initial completeness assessment, in accordance with criteria to be published by the Secretary, and are available for reference.

“(E) FEE DUE DATE.—

“(i) IN GENERAL.—Subject to clause (ii), a drug master file fee shall be due no later than the date on which the first generic drug submission is submitted that references the associated Type II active pharmaceutical ingredient drug master file.

“(ii) LIMITATION.—No fee shall be due under subparagraph (A) for a fiscal year until the later of—

“(I) 30 calendar days after publication of the notice provided for in clause (i) or (ii) of subparagraph (C), as applicable; or

“(II) 30 calendar days after the date of enactment of an appropriations Act providing for the collection and obligation of fees under this section.

“(3) ABBREVIATED NEW DRUG APPLICATION AND PRIOR APPROVAL SUPPLEMENT FILING FEE.—

“(A) *IN GENERAL.*—Each applicant that submits, on or after October 1, 2012, an abbreviated new drug application or a prior approval supplement to an abbreviated new drug application shall be subject to a fee for each such submission in the amount established under subsection (d).

“(B) *NOTICE.*—

“(i) *FISCAL YEAR 2013.*—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

“(ii) *FISCAL YEARS 2014 THROUGH 2017.*—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(C) *FEE DUE DATE.*—

“(i) *IN GENERAL.*—Except as provided in clause (ii), the fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the abbreviated new drug application or prior approval supplement for which such fee applies.

“(ii) *SPECIAL RULE FOR 2013.*—For fiscal year 2013, such fees shall be due on the later of—

“(I) the date on which the fee is due under clause (i);

“(II) 30 calendar days after publication of the notice referred to in subparagraph (B)(i); or

“(III) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of submission of the application or prior approval supplement for which the fees under subparagraphs (A) and (F) apply, 30 calendar days after the date that such an appropriations Act is enacted.

“(D) *REFUND OF FEE IF ABBREVIATED NEW DRUG APPLICATION IS NOT CONSIDERED TO HAVE BEEN RECEIVED.*—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any abbreviated new drug application or prior approval supplement to an abbreviated new drug application that the Secretary considers not to have been received within the meaning of section 505(j)(5)(A) for a cause other than failure to pay fees.

“(E) *FEE FOR AN APPLICATION THE SECRETARY CONSIDERS NOT TO HAVE BEEN RECEIVED, OR THAT HAS BEEN WITHDRAWN.*—An abbreviated new drug application or prior approval supplement that was submitted on or after October 1, 2012, and that the Secretary considers not to have been received, or that has been withdrawn, shall, upon resubmission of the application or a subsequent new submission following the applicant's withdrawal of the application, be subject to a full fee under subparagraph (A).

“(F) *ADDITIONAL FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.*—An applicant that submits a generic drug submission on or after October 1, 2012, shall pay a fee, in the amount determined under subsection (d)(3), in addition to the fee required under subparagraph (A), if—

“(i) such submission contains information concerning the manufacture of an active pharmaceutical ingredient at a facility by means other than reference by a letter of authorization to a Type II active pharmaceutical drug master file; and

“(ii) a fee in the amount equal to the drug master file fee established in paragraph (2) has not been previously paid with respect to such information.

“(4) *GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.*—

“(A) *IN GENERAL.*—Facilities identified, or intended to be identified, in at least one generic drug submission that is pending or approved to

produce a finished dosage form of a human generic drug or an active pharmaceutical ingredient contained in a human generic drug shall be subject to fees as follows:

“(i) *GENERIC DRUG FACILITY.*—Each person that owns a facility which is identified or intended to be identified in at least one generic drug submission that is pending or approved to produce one or more finished dosage forms of a human generic drug shall be assessed an annual fee for each such facility.

“(ii) *ACTIVE PHARMACEUTICAL INGREDIENT FACILITY.*—Each person that owns a facility which produces, or which is pending review to produce, one or more active pharmaceutical ingredients identified, or intended to be identified, in at least one generic drug submission that is pending or approved or in a Type II active pharmaceutical ingredient drug master file referenced in such a generic drug submission, shall be assessed an annual fee for each such facility.

“(iii) *FACILITIES PRODUCING BOTH ACTIVE PHARMACEUTICAL INGREDIENTS AND FINISHED DOSAGE FORMS.*—Each person that owns a facility identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce both one or more finished dosage forms subject to clause (i) and one or more active pharmaceutical ingredients subject to clause (ii) shall be subject to fees under both such clauses for that facility.

“(B) *AMOUNT.*—The amount of fees established under subparagraph (A) shall be established under subsection (d).

“(C) *NOTICE.*—

“(i) *FISCAL YEAR 2013.*—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(1)(B).

“(ii) *FISCAL YEARS 2014 THROUGH 2017.*—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

“(D) *FEE DUE DATE.*—

“(i) *FISCAL YEAR 2013.*—For fiscal year 2013, the fees under subparagraph (A) shall be due on the later of—

“(I) not later than 45 days after the publication of the notice under subparagraph (B); or

“(II) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of the publication of such notice, 30 days after the date that such an appropriations Act is enacted.

“(ii) *FISCAL YEARS 2014 THROUGH 2017.*—For each of fiscal years 2014 through 2017, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

“(5) *DATE OF SUBMISSION.*—For purposes of this Act, a generic drug submission or Type II pharmaceutical master file is deemed to be ‘submitted’ to the Food and Drug Administration—

“(A) if it is submitted via a Food and Drug Administration electronic gateway, on the day when transmission to that electronic gateway is completed, except that a submission or master file that arrives on a weekend, Federal holiday, or day when the Food and Drug Administration office that will review that submission is not otherwise open for business shall be deemed to be submitted on the next day when that office is open for business; or

“(B) if it is submitted in physical media form, on the day it arrives at the appropriate designated document room of the Food and Drug Administration.

“(b) *FEE REVENUE AMOUNTS.*—

“(1) *IN GENERAL.*—

“(A) *FISCAL YEAR 2013.*—For fiscal year 2013, fees under subsection (a) shall be established to generate a total estimated revenue amount under such subsection of \$299,000,000. Of that amount—

“(i) \$50,000,000 shall be generated by the one-time backlog fee for generic drug applications pending on October 1, 2012, established in subsection (a)(1); and

“(ii) \$249,000,000 shall be generated by the fees under paragraphs (2) through (4) of subsection (a).

“(B) *FISCAL YEARS 2014 THROUGH 2017.*—For each of the fiscal years 2014 through 2017, fees under paragraphs (2) through (4) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to \$299,000,000, as adjusted pursuant to subsection (c).

“(2) *TYPES OF FEES.*—In establishing fees under paragraph (1) to generate the revenue amounts specified in paragraph (1)(A)(ii) for fiscal year 2013 and paragraph (1)(B) for each of fiscal years 2014 through 2017, such fees shall be derived from the fees under paragraphs (2) through (4) of subsection (a) as follows:

“(A) Six percent shall be derived from fees under subsection (a)(2) (relating to drug master files).

“(B) Twenty-four percent shall be derived from fees under subsection (a)(3) (relating to abbreviated new drug applications and supplements). The amount of a fee for a prior approval supplement shall be half the amount of the fee for an abbreviated new drug application.

“(C) Fifty-six percent shall be derived from fees under subsection (a)(4)(A)(i) (relating to generic drug facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

“(D) Fourteen percent shall be derived from fees under subsection (a)(4)(A)(ii) (relating to active pharmaceutical ingredient facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than \$15,000 and not more than \$30,000 higher than the amount of the fee for a facility located in the United States, including its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States and its territories and possessions and those located outside of the United States and its territories and possessions.

“(c) *ADJUSTMENTS.*—

“(1) *INFLATION ADJUSTMENT.*—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by an amount equal to the sum of—

“(A) one;

“(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years multiplied by the proportion of personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years; and

“(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this subsection.

“(2) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for human generic drug activities for the first 3 months of fiscal year 2018. Such fees may only be used in fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such activities in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

“(d) ANNUAL FEE SETTING.—

“(1) FISCAL YEAR 2013.—For fiscal year 2013—
“(A) the Secretary shall establish, by October 31, 2012, the one-time generic drug backlog fee for generic drug applications pending on October 1, 2012, the drug master file fee, the abbreviated new drug application fee, and the prior approval supplement fee under subsection (a), based on the revenue amounts established under subsection (b); and

“(B) the Secretary shall establish, not later than 45 days after the date to comply with the requirement for identification of facilities in subsection (f)(2), the generic drug facility fee and active pharmaceutical ingredient facility fee under subsection (a) based on the revenue amounts established under subsection (b).

“(2) FISCAL YEARS 2014 THROUGH 2017.—Not more than 60 days before the first day of each of fiscal years 2014 through 2017, the Secretary shall establish the drug master file fee, the abbreviated new drug application fee, the prior approval supplement fee, the generic drug facility fee, and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b) and the adjustments provided under subsection (c).

“(3) FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—In establishing the fees under paragraphs (1) and (2), the amount of the fee under subsection (a)(3)(F) shall be determined by multiplying—

“(A) the sum of—

“(i) the total number of such active pharmaceutical ingredients in such submission; and

“(ii) for each such ingredient that is manufactured at more than one such facility, the total number of such additional facilities; and

“(B) the amount equal to the drug master file fee established in subsection (a)(2) for such submission.

“(e) LIMIT.—The total amount of fees charged, as adjusted under subsection (c), for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for human generic drug activities.

“(f) IDENTIFICATION OF FACILITIES.—

“(1) PUBLICATION OF NOTICE; DEADLINE FOR COMPLIANCE.—Not later than October 1, 2012,

the Secretary shall publish in the Federal Register a notice requiring each person that owns a facility described in subsection (a)(4)(A), or a site or organization required to be identified by paragraph (4), to submit to the Secretary information on the identity of each such facility, site, or organization. The notice required by this paragraph shall specify the type of information to be submitted and the means and format for submission of such information.

“(2) REQUIRED SUBMISSION OF FACILITY IDENTIFICATION.—Each person that owns a facility described in subsection (a)(4)(A) or a site or organization required to be identified by paragraph (4) shall submit to the Secretary the information required under this subsection each year. Such information shall—

“(A) for fiscal year 2013, be submitted not later than 60 days after the publication of the notice under paragraph (1); and

“(B) for each subsequent fiscal year, be submitted, updated, or reconfirmed on or before June 1 of the previous year.

“(3) CONTENTS OF NOTICE.—At a minimum, the submission required by paragraph (2) shall include for each such facility—

“(A) identification of a facility identified or intended to be identified in an approved or pending generic drug submission;

“(B) whether the facility manufactures active pharmaceutical ingredients or finished dosage forms, or both;

“(C) whether or not the facility is located within the United States and its territories and possessions;

“(D) whether the facility manufactures positron emission tomography drugs solely, or in addition to other drugs; and

“(E) whether the facility manufactures drugs that are not generic drugs.

“(4) CERTAIN SITES AND ORGANIZATIONS.—

“(A) IN GENERAL.—Any person that owns or operates a site or organization described in subparagraph (B) shall submit to the Secretary information concerning the ownership, name, and address of the site or organization.

“(B) SITES AND ORGANIZATIONS.—A site or organization is described in this subparagraph if it is identified in a generic drug submission and is—

“(i) a site in which a bioanalytical study is conducted;

“(ii) a clinical research organization;

“(iii) a contract analytical testing site; or

“(iv) a contract repackager site.

“(C) NOTICE.—The Secretary may, by notice published in the Federal Register, specify the means and format for submission of the information under subparagraph (A) and may specify, as necessary for purposes of this section, any additional information to be submitted.

“(D) INSPECTION AUTHORITY.—The Secretary's inspection authority under section 704(a)(1) shall extend to all such sites and organizations.

“(g) EFFECT OF FAILURE TO PAY FEES.—

“(1) GENERIC DRUG BACKLOG FEE.—Failure to pay the fee under subsection (a)(1) shall result in the Secretary placing the person that owns the abbreviated new drug application subject to that fee on a publicly available arrears list, such that no new abbreviated new drug applications or supplement submitted on or after October 1, 2012, from that person, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(2) DRUG MASTER FILE FEE.—

“(A) Failure to pay the fee under subsection (a)(2) within 20 calendar days after the applicable due date under subparagraph (E) of such subsection (as described in subsection (a)(2)(D)(ii)(I)) shall result in the Type II active pharmaceutical ingredient drug master file not being deemed available for reference.

“(B)(i) Any generic drug submission submitted on or after October 1, 2012, that references, by a letter of authorization, a Type II active pharmaceutical ingredient drug master file that has not been deemed available for reference shall not be received within the meaning of section 505(j)(5)(A) unless the condition specified in clause (ii) is met.

“(ii) The condition specified in this clause is that the fee established under subsection (a)(2) has been paid within 20 calendar days of the Secretary providing the notification to the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the drug master file fee as specified in subparagraph (C).

“(C)(i) If an abbreviated new drug application or supplement to an abbreviated new drug application references a Type II active pharmaceutical ingredient drug master file for which a fee under subsection (a)(2)(A) has not been paid by the applicable date under subsection (a)(2)(E), the Secretary shall notify the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the applicable fee.

“(ii) If such fee is not paid within 20 calendar days of the Secretary providing the notification, the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of 505(j)(5)(A).

“(3) ABBREVIATED NEW DRUG APPLICATION FEE AND PRIOR APPROVAL SUPPLEMENT FEE.—Failure to pay a fee under subparagraph (A) or (F) of subsection (a)(3) within 20 calendar days of the applicable due date under subparagraph (C) of such subsection shall result in the abbreviated new drug application or the prior approval supplement to an abbreviated new drug application not being received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

“(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

“(A) IN GENERAL.—Failure to pay the fee under subsection (a)(4) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

“(i) The Secretary shall place the facility on a publicly available arrears list, such that no new abbreviated new drug application or supplement submitted on or after October 1, 2012, from the person that is responsible for paying such fee, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A).

“(ii) Any new generic drug submission submitted on or after October 1, 2012, that references such a facility shall not be received, within the meaning of section 505(j)(5)(A) if the outstanding facility fee is not paid within 20 calendar days of the Secretary providing the notification to the sponsor of the failure of the owner of the facility to pay the facility fee under subsection (a)(4)(C).

“(iii) All drugs or active pharmaceutical ingredients manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(aa).

“(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(4) is paid or the facility is removed from all generic drug submissions that refer to the facility.

“(C) NONRECEIVAL FOR NONPAYMENT.—

“(i) NOTICE.—If an abbreviated new drug application or supplement to an abbreviated new drug application submitted on or after October 1, 2012, references a facility for which a facility fee has not been paid by the applicable date under subsection (a)(4)(C), the Secretary shall

notify the sponsor of the generic drug submission of the failure of the owner of the facility to pay the facility fee.

“(ii) **NONRECEIVAL.**—If the facility fee is not paid within 20 calendar days of the Secretary providing the notification under clause (i), the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of section 505(j)(5)(A).

“(h) **LIMITATIONS.**—

“(1) **IN GENERAL.**—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2012, unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor (as defined in section 744A) applicable to the fiscal year involved.

“(2) **AUTHORITY.**—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(i) **CREDITING AND AVAILABILITY OF FEES.**—

“(1) **IN GENERAL.**—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for human generic drug activities.

“(2) **COLLECTIONS AND APPROPRIATION ACTS.**—

“(A) **IN GENERAL.**—The fees authorized by this section—

“(i) subject to subparagraphs (C) and (D), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

“(ii) shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of human generic drug activities (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$97,000,000 multiplied by the adjustment factor defined in section 744A(3) applicable to the fiscal year involved.

“(B) **COMPLIANCE.**—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for human generic activities are not more than 10 percent below the level specified in such subparagraph.

“(C) **FEE COLLECTION DURING FIRST PROGRAM YEAR.**—Until the date of enactment of an Act making appropriations through September 30, 2013 for the salaries and expenses account of the

Food and Drug Administration, fees authorized by this section for fiscal year 2013, may be collected and shall be credited to such account and remain available until expended.

“(D) **PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.**—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted under subsection (c), if applicable, or as otherwise affected under paragraph (2) of this subsection.

“(j) **COLLECTION OF UNPAID FEES.**—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(k) **CONSTRUCTION.**—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in human generic drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“(l) **POSITRON EMISSION TOMOGRAPHY DRUGS.**—

“(1) **EXEMPTION FROM FEES.**—Submission of an application for a positron emission tomography drug or active pharmaceutical ingredient for a positron emission tomography drug shall not require the payment of any fee under this section. Facilities that solely produce positron emission tomography drugs shall not be required to pay a facility fee as established in subsection (a)(4).

“(2) **IDENTIFICATION REQUIREMENT.**—Facilities that produce positron emission tomography drugs or active pharmaceutical ingredients of such drugs are required to be identified pursuant to subsection (f).

“(m) **DISPUTES CONCERNING FEES.**—To qualify for the return of a fee claimed to have been paid in error under this section, a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

“(n) **SUBSTANTIALLY COMPLETE APPLICATIONS.**—An abbreviated new drug application that is not considered to be received within the meaning of section 505(j)(5)(A) because of failure to pay an applicable fee under this provision within the time period specified in subsection (g) shall be deemed not to have been ‘substantially complete’ on the date of its submission within the meaning of section 505(j)(5)(B)(iv)(II)(cc). An abbreviated new drug application that is not substantially complete on the date of its submission solely because of failure to pay an applicable fee under the preceding sentence shall be deemed substantially complete and received within the meaning of section 505(j)(5)(A) as of the date such applicable fee is received.”

SEC. 303. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 7 of subchapter C of chapter VII, as added by section 302 of this Act, is amended by inserting after section 744B the following:

“SEC. 744C. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) **PERFORMANCE REPORT.**—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall

prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

“(b) **FISCAL REPORT.**—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) **PUBLIC AVAILABILITY.**—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) **REAUTHORIZATION.**—

“(1) **CONSULTATION.**—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for human generic drug activities for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the generic drug industry.

“(2) **PRIOR PUBLIC INPUT.**—Prior to beginning negotiations with the generic drug industry on the reauthorization of this part, the Secretary shall—

“(A) publish a notice in the Federal Register requesting public input on the reauthorization;

“(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

“(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

“(D) publish the comments on the Food and Drug Administration’s Internet Web site.

“(3) **PERIODIC CONSULTATION.**—Not less frequently than once every month during negotiations with the generic drug industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

“(4) **PUBLIC REVIEW OF RECOMMENDATIONS.**—After negotiations with the generic drug industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

“(6) MINUTES OF NEGOTIATION MEETINGS.—

“(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the generic drug industry.

“(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.”.

SEC. 304. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744A and 744B of the Federal Food, Drug, and Cosmetic Act, as added by section 302 of this Act, shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act, as added by section 303 of this Act, shall cease to be effective January 31, 2018.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this title, whichever is later, except that fees under section 302 shall be assessed for all human generic drug submissions and Type II active pharmaceutical drug master files received on or after October 1, 2012, regardless of the date of enactment of this title.

SEC. 306. AMENDMENT WITH RESPECT TO MISBRANDING.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

“(aa) If it is a drug, or an active pharmaceutical ingredient, and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744A(a)(4) or for which identifying information required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, propagated, compounded, or processed in such a facility.”.

SEC. 307. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO HUMAN GENERIC DRUGS.

Section 714, as added by section 208 of this Act, is amended—

(1) by amending subsection (b) to read as follows:

“(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

“(1) activities under this Act related to the process for the review of device applications (as defined in section 737(8)); and

“(2) activities under this Act related to human generic drug activities (as defined in section 744A).”; and

(2) by amending subsection (c) to read as follows:

“(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are—

“(1) with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1); and

“(2) with respect to the activities under subsection (b)(2), the goals referred to in section 744C(a).”.

SEC. 308. ADDITIONAL REPORTING REQUIREMENTS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.), as amended by section 208, is further amended by adding at the end the following:

“SEC. 715. REPORTING REQUIREMENTS.

“(a) GENERIC DRUGS.—Beginning with fiscal year 2013 and ending after fiscal year 2017, not later than 120 days after the end of each fiscal year for which fees are collected under part 7 of subchapter C, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year—

“(1) the number of such applications that met the goals identified for purposes of part 7 of subchapter C, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record;

“(2) the average total time to decision by the Secretary for applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year, including the number of calendar days spent during the review by the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter;

“(3) the total number of applications under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications that were pending with the Secretary for more than 10 months on the date of enactment of the Food and Drug Administration Safety and Innovation Act; and

“(4) the number of applications described in paragraph (3) on which the Food and Drug Administration took final regulatory action in the previous fiscal year.”.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Biosimilar User Fee Act of 2012”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 402. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after part 7, as added by title III of this Act, the following:

“PART 8—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

“SEC. 744G. DEFINITIONS.

“For purposes of this part:

“(1) The term ‘adjustment factor’ applicable to a fiscal year that is the Consumer Price Index for all urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items) of the preceding fiscal year divided by such Index for September 2011.

“(2) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(3) The term ‘biosimilar biological product’ means a product for which a biosimilar biological product application has been approved.

“(4)(A) Subject to subparagraph (B), the term ‘biosimilar biological product application’ means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.

“(B) Such term does not include—

“(i) a supplement to such an application;

“(ii) an application filed under section 351(k) of the Public Health Service Act that cites as the reference product a bovine blood product for topical application licensed before September 1, 1992, or a large volume parenteral drug product approved before such date;

“(iii) an application filed under section 351(k) of the Public Health Service Act with respect to—

“(I) whole blood or a blood component for transfusion;

“(II) an allergenic extract product;

“(III) an in vitro diagnostic biological product; or

“(IV) a biological product for further manufacturing use only; or

“(iv) an application for licensure under section 351(k) of the Public Health Service Act that is submitted by a State or Federal Government entity for a product that is not distributed commercially.

“(5) The term ‘biosimilar biological product development meeting’ means any meeting, other than a biosimilar initial advisory meeting, regarding the content of a development program, including a proposed design for, or data from, a study intended to support a biosimilar biological product application.

“(6) The term ‘biosimilar biological product development program’ means the program under this part for expediting the process for the review of submissions in connection with biosimilar biological product development.

“(7)(A) The term ‘biosimilar biological product establishment’ means a foreign or domestic place of business—

“(i) that is at one general physical location consisting of one or more buildings, all of which are within 5 miles of each other; and

“(ii) at which one or more biosimilar biological products are manufactured in final dosage form.

“(B) For purposes of subparagraph (A)(ii), the term ‘manufactured’ does not include packaging.

“(8) The term ‘biosimilar initial advisory meeting’—

“(A) means a meeting, if requested, that is limited to—

“(i) a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product; and

“(ii) if so, general advice on the expected content of the development program; and

“(B) does not include any meeting that involves substantive review of summary data or full study reports.

“(9) The term ‘costs of resources allocated for the process for the review of biosimilar biological product applications’ means the expenses in connection with the process for the review of biosimilar biological product applications for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers employees and committees and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under section 744H and accounting for resources allocated for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(10) The term ‘final dosage form’ means, with respect to a biosimilar biological product, a finished dosage form which is approved for administration to a patient without substantial further manufacturing (such as lyophilized products before reconstitution).

“(11) The term ‘financial hold’—

“(A) means an order issued by the Secretary to prohibit the sponsor of a clinical investigation from continuing the investigation if the Secretary determines that the investigation is intended to support a biosimilar biological product application and the sponsor has failed to pay any fee for the product required under subparagraph (A), (B), or (D) of section 744H(a)(1); and

“(B) does not mean that any of the bases for a ‘clinical hold’ under section 505(i)(3) have been determined by the Secretary to exist concerning the investigation.

“(12) The term ‘person’ includes an affiliate of such person.

“(13) The term ‘process for the review of biosimilar biological product applications’ means the following activities of the Secretary with respect to the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements:

“(A) The activities necessary for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(B) Actions related to submissions in connection with biosimilar biological product development, the issuance of action letters which approve biosimilar biological product applications or which set forth in detail the specific deficiencies in such applications, and where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The inspection of biosimilar biological product establishments and other facilities undertaken as part of the Secretary’s review of pending biosimilar biological product applications and supplements.

“(D) Activities necessary for the release of lots of biosimilar biological products under section 351(k) of the Public Health Service Act.

“(E) Monitoring of research conducted in connection with the review of biosimilar biological product applications.

“(F) Postmarket safety activities with respect to biologics approved under biosimilar biological product applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on biosimilar biological products, including adverse-event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

“(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

“(14) The term ‘supplement’ means a request to the Secretary to approve a change in a bio-

similar biological product application which has been approved, including a supplement requesting that the Secretary determine that the biosimilar biological product meets the standards for interchangeability described in section 351(k)(4) of the Public Health Service Act.

“SEC. 744H. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.

“(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—Each person that submits to the Secretary a meeting request described under clause (ii) or a clinical protocol for an investigational new drug protocol described under clause (iii) shall pay for the product named in the meeting request or the investigational new drug application the initial biosimilar biological product development fee established under subsection (b)(1)(A).

“(ii) MEETING REQUEST.—The meeting request described in this clause is a request for a biosimilar biological product development meeting for a product.

“(iii) CLINICAL PROTOCOL FOR IND.—A clinical protocol for an investigational new drug protocol described in this clause is a clinical protocol consistent with the provisions of section 505(i), including any regulations promulgated under section 505(i), (referred to in this section as ‘investigational new drug application’) describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for a product.

“(iv) DUE DATE.—The initial biosimilar biological product development fee shall be due by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(II) The date of submission of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application.

“(v) TRANSITION RULE.—Each person that has submitted an investigational new drug application prior to the date of enactment of the Biosimilars User Fee Act of 2012 shall pay the initial biosimilar biological product development fee by the earlier of the following:

“(I) Not later than 60 days after the date of the enactment of the Biosimilars User Fee Act of 2012, if the Secretary determines that the investigational new drug application describes an investigation that is intended to support a biosimilar biological product application.

“(II) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

“(i) IN GENERAL.—A person that pays an initial biosimilar biological product development fee for a product shall pay for such product, beginning in the fiscal year following the fiscal year in which the initial biosimilar biological product development fee was paid, an annual fee established under subsection (b)(1)(B) for biosimilar biological product development (referred to in this section as ‘annual biosimilar biological product development fee’).

“(ii) DUE DATE.—The annual biosimilar biological product development program fee for each fiscal year will be due on the later of—

“(I) the first business day on or after October 1 of each such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the

collection and obligation of fees for such year under this section.

“(iii) EXCEPTION.—The annual biosimilar development program fee for each fiscal year will be due on the date specified in clause (ii), unless the person has—

“(I) submitted a marketing application for the biological product that was accepted for filing; or

“(II) discontinued participation in the biosimilar biological product development program for the product under subparagraph (C).

“(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product effective October 1 of a fiscal year by, not later than August 1 of the preceding fiscal year—

“(i) if no investigational new drug application concerning the product has been submitted, submitting to the Secretary a written declaration that the person has no present intention of further developing the product as a biosimilar biological product; or

“(ii) if an investigational new drug application concerning the product has been submitted, withdrawing the investigational new drug application in accordance with part 312 of title 21, Code of Federal Regulations (or any successor regulations).

“(D) REACTIVATION FEE.—

“(i) IN GENERAL.—A person that has discontinued participation in the biosimilar biological product development program for a product under subparagraph (C) shall pay a fee (referred to in this section as ‘reactivation fee’) by the earlier of the following:

“(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued).

“(II) Upon the date of submission (after the date on which such participation was discontinued) of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

“(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B).

“(E) EFFECT OF FAILURE TO PAY BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT MEETINGS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), the Secretary shall not provide a biosimilar biological product development meeting relating to the product for which fees are owed.

“(ii) NO RECEIPT OF INVESTIGATIONAL NEW DRUG APPLICATIONS.—Except in extraordinary circumstances, the Secretary shall not consider an investigational new drug application to have been received under section 505(i)(2) if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D).

“(iii) FINANCIAL HOLD.—Notwithstanding section 505(i)(2), except in extraordinary circumstances, the Secretary shall prohibit the sponsor of a clinical investigation from continuing the investigation if—

“(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

“(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee for the product as required under subparagraph (D).

“(iv) NO ACCEPTANCE OF BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS OR SUPPLEMENTS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), any biosimilar biological product application or supplement submitted by that person shall be considered incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

“(F) LIMITS REGARDING BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

“(i) NO REFUNDS.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) or (B), or any reactivation fee paid under subparagraph (D).

“(ii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any initial or annual biosimilar biological product development fee due or payable under subparagraph (A) or (B), or any reactivation fee due or payable under subparagraph (D).

“(2) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION AND SUPPLEMENT FEE.—

“(A) IN GENERAL.—Each person that submits, on or after October 1, 2012, a biosimilar biological product application or a supplement shall be subject to the following fees:

“(i) A fee for a biosimilar biological product application that is equal to—

“(I) the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for the product that is the subject of the application.

“(ii) A fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are not required, that is equal to—

“(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

“(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(iii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application.

“(B) REDUCTION IN FEES.—Notwithstanding section 404 of the Biosimilars User Fee Act of 2012, any person who pays a fee under subparagraph (A), (B), or (D) of paragraph (1) for a product before October 1, 2017, but submits a biosimilar biological product application for that product after such date, shall be entitled to the reduction of any biosimilar biological product application fees that may be assessed at the time when such biosimilar biological product application is submitted, by the cumulative amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

“(C) PAYMENT DUE DATE.—Any fee required by subparagraph (A) shall be due upon submission of the application or supplement for which such fee applies.

“(D) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a biosimilar biological

product application or supplement was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver), the submission of a biosimilar biological product application or a supplement for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(E) REFUND OF APPLICATION FEE IF APPLICATION REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under this paragraph for any application or supplement which is refused for filing or withdrawn without a waiver before filing.

“(F) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A biosimilar biological product application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived under subsection (c).

“(3) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—

“(A) IN GENERAL.—Except as provided in subparagraph (E), each person that is named as the applicant in a biosimilar biological product application shall be assessed an annual fee established under subsection (b)(1)(E) for each biosimilar biological product establishment that is listed in the approved biosimilar biological product application as an establishment that manufactures the biosimilar biological product named in such application.

“(B) ASSESSMENT IN FISCAL YEARS.—The establishment fee shall be assessed in each fiscal year for which the biosimilar biological product named in the application is assessed a fee under paragraph (4) unless the biosimilar biological product establishment listed in the application does not engage in the manufacture of the biosimilar biological product during such fiscal year.

“(C) DUE DATE.—The establishment fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of such fiscal year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.

“(D) APPLICATION TO ESTABLISHMENT.—

“(i) Each biosimilar biological product establishment shall be assessed only one fee per biosimilar biological product establishment, notwithstanding the number of biosimilar biological products manufactured at the establishment, subject to clause (ii).

“(ii) In the event an establishment is listed in a biosimilar biological product application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose biosimilar biological products are manufactured by the establishment during the fiscal year and assessed biosimilar biological product fees under paragraph (4).

“(E) EXCEPTION FOR NEW PRODUCTS.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a biosimilar biological product at an establishment listed in its biosimilar biological product application—

“(i) that did not manufacture the biosimilar biological product in the previous fiscal year; and

“(ii) for which the full biosimilar biological product establishment fee has been assessed in the fiscal year at a time before manufacture of the biosimilar biological product was begun, the applicant shall not be assessed a share of the biosimilar biological product establishment

fee for the fiscal year in which the manufacture of the product began.

“(4) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—

“(A) IN GENERAL.—Each person who is named as the applicant in a biosimilar biological product application shall pay for each such biosimilar biological product the annual fee established under subsection (b)(1)(F).

“(B) DUE DATE.—The biosimilar biological product fee for a fiscal year shall be due on the later of—

“(i) the first business day on or after October 1 of each such year; or

“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

“(C) ONE FEE PER PRODUCT PER YEAR.—The biosimilar biological product fee shall be paid only once for each product for each fiscal year.

“(b) FEE SETTING AND AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, the fees under subsection (a). Except as provided in subsection (c), such fees shall be in the following amounts:

“(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The initial biosimilar biological product development fee under subsection (a)(1)(A) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The annual biosimilar biological product development fee under subsection (a)(1)(B) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(C) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to 20 percent of the amount of the fee established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(D) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—The biosimilar biological product application fee under subsection (a)(2) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

“(E) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—The biosimilar biological product establishment fee under subsection (a)(3) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug establishment for that fiscal year.

“(F) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—The biosimilar biological product fee under subsection (a)(4) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug product for that fiscal year.

“(2) LIMIT.—The total amount of fees charged for a fiscal year under this section may not exceed the total amount for such fiscal year of the costs of resources allocated for the process for the review of biosimilar biological product applications.

“(c) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—

“(1) WAIVER OF APPLICATION FEE.—The Secretary shall grant to a person who is named in a biosimilar biological product application a waiver from the application fee assessed to that person under subsection (a)(2)(A) for the first biosimilar biological product application that a small business or its affiliate submits to the Secretary for review. After a small business or its

affiliate is granted such a waiver, the small business or its affiliate shall pay—

“(A) application fees for all subsequent biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business; and

“(B) all supplement fees for all supplements to biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business.

“(2) CONSIDERATIONS.—In determining whether to grant a waiver of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.

“(3) SMALL BUSINESS DEFINED.—In this subsection, the term ‘small business’ means an entity that has fewer than 500 employees, including employees of affiliates, and does not have a drug product that has been approved under a human drug application (as defined in section 735) or a biosimilar biological product application (as defined in section 744G(4)) and introduced or delivered for introduction into interstate commerce.

“(d) EFFECT OF FAILURE TO PAY FEES.—A biosimilar biological product application or supplement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

“(e) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Subject to paragraph (2), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of biosimilar biological product applications.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year.

“(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved.

“(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013, for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013 may be collected and shall be credited to such account and remain available until expended.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total amount of fees assessed for such fiscal year under this section.

“(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) WRITTEN REQUESTS FOR WAIVERS AND REFUNDS.—To qualify for consideration for a waiver under subsection (c), or for a refund of any fee collected in accordance with subsection (a)(2)(A), a person shall submit to the Secretary a written request for such waiver or refund not later than 180 days after such fee is due.

“(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in the process of the review of biosimilar biological product applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.”.

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402, is further amended by inserting after section 744H the following:

“SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 401(b) of the Biosimilar User Fee Act of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort.

“(b) FISCAL REPORT.—Not later than 120 days after the end of fiscal year 2013 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

“(d) STUDY.—

“(1) IN GENERAL.—The Secretary shall contract with an independent accounting or consulting firm to study the workload volume and full costs associated with the process for the review of biosimilar biological product applications.

“(2) INTERIM RESULTS.—Not later than June 1, 2015, the Secretary shall publish, for public comment, interim results of the study described under paragraph (1).

“(3) FINAL RESULTS.—Not later than September 30, 2016, the Secretary shall publish, for

public comment, the final results of the study described under paragraph (1).

“(e) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for the process for the review of biosimilar biological product applications for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the regulated industry.

“(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.”.

SEC. 404. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act, as added by section 402 of this Act, shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 744I of the Federal Food, Drug, and Cosmetic Act, as added by section 403 of this Act, shall cease to be effective January 31, 2018.

SEC. 405. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this title shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this title.

(b) EXCEPTION.—Fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as added by this title, shall be assessed for all biosimilar biological product applications received on or after October 1, 2012, regardless of the date of the enactment of this title.

SEC. 406. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2007, but before October 1, 2012, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 407. CONFORMING AMENDMENT.

Section 735(1)(B) (21 U.S.C. 379g(1)(B)) is amended by striking “or (k)”.

SEC. 408. ADDITIONAL REPORTING REQUIREMENTS.

Section 715, as added by section 308 of this Act, is amended by adding at the end the following:

“(b) BIOSIMILAR BIOLOGICAL PRODUCTS.—

“(1) IN GENERAL.—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year for which fees are collected under part 8 of subchapter C, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning—

“(A) the number of applications for approval filed under section 351(k) of the Public Health Service Act; and

“(B) the percentage of applications described in subparagraph (A) that were approved by the Secretary.

“(2) ADDITIONAL INFORMATION.—As part of the performance report described in paragraph (1), the Secretary shall include an explanation of how the Food and Drug Administration is managing the biological product review program to ensure that the user fees collected under part 2 are not used to review an application under section 351(k) of the Public Health Service Act.”

TITLE V—PEDIATRIC DRUGS AND DEVICES**SEC. 501. PERMANENCE.**

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A (21 U.S.C. 355a) is amended by striking subsection (q) (relating to a sunset).

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

SEC. 502. WRITTEN REQUESTS.

(a) IN GENERAL.—

(1) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (h) of section 505A (21 U.S.C. 355a) is amended to read as follows:

“(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Exclusivity under this section shall only be granted for the completion of a study or studies that are the subject of a written request and for which reports are submitted and accepted in accordance with subsection (d)(3). Written requests under this section may consist of a study or studies required under section 505B.”

(2) PUBLIC HEALTH SERVICE ACT.—Section 351(m)(1) of the Public Health Service Act (42 U.S.C. 262(m)(1)) is amended by striking “(f), (i), (j), (k), (l), (p), and (q)” and inserting “(f), (h), (i), (j), (k), (l), (n), and (p)”.

(b) NEONATES.—Subparagraph (A) of section 505A(d)(1) is amended by adding at the end the following: “If a request under this subparagraph does not request studies in neonates, such request shall include a statement describing the rationale for not requesting studies in neonates.”

SEC. 503. COMMUNICATION WITH PEDIATRIC REVIEW COMMITTEE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) shall issue internal standard operating procedures that provide for the review by the internal review committee established under section 505C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355d) of any significant modifications to initial pediatric study plans, agreed initial pediatric study plans, and written requests under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c). Such internal standard operating procedures shall be made publicly available on the Internet Web site of the Food and Drug Administration.

SEC. 504. ACCESS TO DATA.

Not later than 3 years after the date of enactment of this Act, the Secretary shall make available to the public, including through posting on the Internet Web site of the Food and Drug Administration, the medical, statistical, and clinical pharmacology reviews of, and corresponding written requests issued to an applicant, sponsor, or holder for, pediatric studies submitted between January 4, 2002, and September 27, 2007, under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) for which 6 months of market exclusivity was granted and that resulted in a labeling change. The Secretary shall make public the information described in the preceding sentence in a manner consistent with how the Secretary releases information under section 505A(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(k)).

SEC. 505. ENSURING THE COMPLETION OF PEDIATRIC STUDIES.

(a) EXTENSION OF DEADLINE FOR DEFERRED STUDIES.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

“(B) DEFERRAL EXTENSION.—

“(i) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may grant an extension of a deferral approved under subparagraph (A) for submission of some or all assessments required under paragraph (1) if—

“(I) the Secretary determines that the conditions described in subclause (II) or (III) of subparagraph (A)(i) continue to be met; and

“(II) the applicant submits a new timeline under subparagraph (A)(ii)(IV) and any significant updates to the information required under subparagraph (A)(ii).

“(ii) TIMING AND INFORMATION.—If the deferral extension under this subparagraph is requested by the applicant, the applicant shall submit the deferral extension request containing the information described in this subparagraph not less than 90 days prior to the date that the deferral would expire. The Secretary shall respond to such request not later than 45 days after the receipt of such letter. If the Secretary grants such an extension, the specified date shall be the extended date. The sponsor of the required assessment under paragraph (1) shall not be issued a letter described in subsection (d) unless the specified or extended date of submission for such required studies has passed or if the request for an extension is pending. For a deferral that has expired prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act or that will expire prior to 270 days after the date of enactment of such Act, a deferral extension shall be requested by an applicant not later than 180 days after the date of enactment of such Act. The Secretary shall respond to any such request as soon as practicable, but not later than 1 year after the date of enactment of such Act. Nothing in this clause shall prevent the Secretary from updating the status of a study or studies publicly if components of such study or studies are late or delayed.”; and

(C) in subparagraph (C), as so redesignated—

(i) in clause (i), by adding at the end the following:

“(III) Projected completion date for pediatric studies.

“(IV) The reason or reasons why a deferral or deferral extension continues to be necessary.”; and

(ii) by amending clause (ii) to read as follows:

“(ii) PUBLIC AVAILABILITY.—Not later than 90 days after the submission to the Secretary of the information submitted through the annual review under clause (i), the Secretary shall make available to the public in an easily accessible manner, including through the Internet Web site of the Food and Drug Administration—

“(I) such information;

“(II) the name of the applicant for the product subject to the assessment;

“(III) the date on which the product was approved; and

“(IV) the date of each deferral or deferral extension under this paragraph for the product.”; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS,”;

(B) in paragraph (1), by inserting “, deferral extension,” after “deferral”; and

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS,”;

and

(ii) by inserting “, deferral extensions,” after “deferrals”.

(b) TRACKING OF EXTENSIONS; ANNUAL INFORMATION.—Section 505B(f)(6)(D) (21 U.S.C. 355c(f)(6)(D)) is amended to read as follows:

“(D) aggregated on an annual basis—

“(i) the total number of deferrals and deferral extensions requested and granted under this section and, if granted, the reasons for each such deferral or deferral extension;

“(ii) the timeline for completion of the assessments; and

“(iii) the number of assessments completed and pending.”;

(c) ACTION ON FAILURE TO COMPLETE STUDIES.—

(1) ISSUANCE OF LETTER.—Subsection (d) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit a required assessment described in subsection (a)(2), fails to meet the applicable requirements in subsection (a)(3), or fails to submit a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b), the following shall apply:

“(1) Beginning 270 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall issue a non-compliance letter to such person informing them of such failure to submit or meet the requirements of the applicable subsection. Such letter shall require the person to respond in writing within 45 calendar days of issuance of such letter. Such response may include the person's request for a deferral extension if applicable. Such letter and the person's written response to such letter shall be made publicly available on the Internet Web site of the Food and Drug Administration 60 calendar days after issuance, with redactions for any trade secrets and confidential commercial information. If the Secretary determines that the letter was issued in error, the requirements of this paragraph shall not apply.

“(2) The drug or biological product that is the subject of an assessment described in subsection (a)(2), applicable requirements in subsection (a)(3), or request for approval of a pediatric formulation, may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303), but such failure shall not be the basis for a proceeding—

“(A) to withdraw approval for a drug under section 505(e); or

“(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.”

(2) **TRACKING OF LETTERS ISSUED.**—Subparagraph (D) of section 505B(f)(6) (21 U.S.C. 355c(f)(6)), as amended by subsection (b), is further amended—

(A) in clause (ii), by striking “; and” and inserting a semicolon;

(B) in clause (iii), by adding “and” at the end; and

(C) by adding at the end the following:

“(iv) the number of postmarket non-compliance letters issued pursuant to subsection (d), and the recipients of such letters.”.

SEC. 506. PEDIATRIC STUDY PLANS.

(a) **IN GENERAL.**—Subsection (e) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“(e) **PEDIATRIC STUDY PLANS.**—

“(1) **IN GENERAL.**—An applicant subject to subsection (a) shall submit to the Secretary an initial pediatric study plan prior to the submission of the assessments described under subsection (a)(2).

“(2) **TIMING; CONTENT; MEETING.**—

“(A) **TIMING.**—An applicant shall submit the initial pediatric plan under paragraph (1)—

“(i) before the date on which the applicant submits the assessments under subsection (a)(2); and

“(ii) not later than—

“(I) 60 calendar days after the date of the end-of-Phase 2 meeting (as such term is used in section 312.47 of title 21, Code of Federal Regulations, or successor regulations); or

“(II) such other time as may be agreed upon between the Secretary and the applicant.

Nothing in this section shall preclude the Secretary from accepting the submission of an initial pediatric plan earlier than the date otherwise applicable under this subparagraph.

“(B) **CONTENT OF INITIAL PLAN.**—The initial pediatric study plan shall include—

“(i) an outline of the pediatric study or studies that the applicant plans to conduct (including, to the extent practicable study objectives and design, age groups, relevant endpoints, and statistical approach);

“(ii) any request for a deferral, partial waiver, or waiver under this section, if applicable, along with any supporting information; and

“(iii) other information specified in the regulations promulgated under paragraph (7).

“(C) **MEETING.**—The Secretary—

“(i) shall meet with the applicant to discuss the initial pediatric study plan as soon as practicable, but not later than 90 calendar days after the receipt of such plan under subparagraph (A);

“(ii) may determine that a written response to the initial pediatric study plan is sufficient to communicate comments on the initial pediatric study plan, and that no meeting is necessary; and

“(iii) if the Secretary determines that no meeting is necessary, shall so notify the applicant and provide written comments of the Secretary as soon as practicable, but not later than 90 calendar days after the receipt of the initial pediatric study plan.

“(3) **AGREED INITIAL PEDIATRIC STUDY PLAN.**—Not later than 90 calendar days following the meeting under paragraph (2)(C)(i) or the receipt of a written response from the Secretary under paragraph (2)(C)(iii), the applicant shall document agreement on the initial pediatric study plan in a submission to the Secretary marked ‘Agreed Initial Pediatric Study Plan’, and the Secretary shall confirm such agreement to the applicant in writing not later than 30 calendar days of receipt of such agreed initial pediatric study plan.

“(4) **DEFERRAL AND WAIVER.**—If the agreed initial pediatric study plan contains a request from the applicant for a deferral, partial waiver, or waiver under this section, the written con-

firmation under paragraph (3) shall include a recommendation from the Secretary as to whether such request meets the standards under paragraphs (3) or (4) of subsection (a).

“(5) **AMENDMENTS TO THE PLAN.**—At the initiative of the Secretary or the applicant, the agreed initial pediatric study plan may be amended at any time. The requirements of paragraph (2)(C) shall apply to any such proposed amendment in the same manner and to the same extent as such requirements apply to an initial pediatric study plan under paragraph (1). The requirements of paragraphs (3) and (4) shall apply to any agreement resulting from such proposed amendment in the same manner and to the same extent as such requirements apply to an agreed initial pediatric study plan.

“(6) **INTERNAL COMMITTEE.**—The Secretary shall consult the internal committee under section 505C on the review of the initial pediatric study plan, agreed initial pediatric plan, and any significant amendments to such plans.

“(7) **REQUIRED RULEMAKING.**—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall promulgate proposed regulations and issue guidance to implement the provisions of this subsection.”.

(b) **CONFORMING AMENDMENTS.**—Section 505B (21 U.S.C. 355c) is amended—

(1) by amending subclause (II) of subsection (a)(3)(A)(ii) to read as follows:

“(II) a pediatric study plan as described in subsection (e);”;

(2) in subsection (f)—

(A) in the subsection heading, by striking “PEDIATRIC PLANS,” and inserting “PEDIATRIC STUDY PLANS,”;

(B) in paragraph (1), by striking “all pediatric plans” and inserting “initial pediatric study plans, agreed initial pediatric study plans,”; and

(C) in paragraph (4)—

(i) in the paragraph heading, by striking “PEDIATRIC PLANS,” and inserting “PEDIATRIC STUDY PLANS,”; and

(ii) by striking “pediatric plans” and inserting “initial pediatric study plans, agreed initial pediatric study plans.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the amendments made by this section shall take effect 180 calendar days after the date of enactment of this Act, irrespective of whether the Secretary has promulgated final regulations to carry out such amendments.

(2) **RULE OF CONSTRUCTION.**—Paragraph (1) shall not be construed to affect the deadline for promulgation of proposed regulations under section 505B(e)(7) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

SEC. 507. REAUTHORIZATIONS.

(a) **PEDIATRIC ADVISORY COMMITTEE.**—Section 14(d) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by striking “during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007” and inserting “to carry out the advisory committee’s responsibilities under sections 505A, 505B, and 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c, and 360j(m))”.

(b) **PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.**—Section 15(a)(3) of the Best Pharmaceuticals for Children Act (Public Law 107–109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85), is amended by striking “during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007” and inserting “for the duration of the operation of the Oncologic Drugs Advisory Committee”.

(c) **HUMANITARIAN DEVICE EXEMPTION EXTENSION.**—Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking “2012” and inserting “2017”.

(d) **PROGRAM FOR PEDIATRIC STUDY OF DRUGS IN PHSA.**—Section 409I(e)(1) of the Public Health Service Act (42 U.S.C. 284m(e)(1)) is amended by striking “to carry out this section” and all that follows through the end of paragraph (1) and inserting “to carry out this section, \$25,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 508. REPORT.

(a) **IN GENERAL.**—Not later than four years after the date of enactment of this Act and every five years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, including through posting on the Internet Web site of the Food and Drug Administration, a report on the implementation of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c).

(b) **CONTENTS.**—Each report under subsection (a) shall include—

(1) an assessment of the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act in improving information about pediatric uses for approved drugs and biological products, including the number and type of labeling changes made since the date of enactment of this Act and the importance of such uses in the improvement of the health of children;

(2) the number of required studies under such section 505B that have not met the initial deadline provided under such section 505B, including—

(A) the number of deferrals and deferral extensions granted and the reasons such extensions were granted;

(B) the number of waivers and partial waivers granted; and

(C) the number of letters issued under subsection (d) of such section 505B;

(3) an assessment of the timeliness and effectiveness of pediatric study planning since the date of enactment of this Act, including the number of initial pediatric study plans not submitted in accordance with the requirements of subsection (e) of such section 505B and any resulting rulemaking;

(4) the number of written requests issued, accepted, and declined under such section 505A since the date of enactment of this Act, and a listing of any important gaps in pediatric information as a result of such declined requests;

(5) a description and current status of referrals made under subsection (n) of such section 505A;

(6) an assessment of the effectiveness of studying biological products in pediatric populations under such sections 505A and 505B and section 409I of the Public Health Service Act (42 U.S.C. 284m);

(7)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonatal population (including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe); and

(B) the results of such efforts;

(8)(A) the number and importance of drugs and biological products for children with cancer that are being tested as a result of the programs under such sections 505A and 505B and under section 409I of the Public Health Service Act; and

(B) any recommendations for modifications to such programs that would lead to new and better therapies for children with cancer, including a detailed rationale for each recommendation;

(9) any recommendations for modification to such programs that would improve pediatric drug research and increase pediatric labeling of drugs and biological products;

(10) an assessment of the successes of and limitations to studying drugs for rare diseases under such sections 505A and 505B; and

(11) an assessment of the Secretary's efforts to address the suggestions and options described in any prior report issued by the Comptroller General, Institute of Medicine, or the Secretary, and any subsequent reports, including recommendations therein, regarding the topics addressed in the reports under this section, including with respect to—

(A) improving public access to information from pediatric studies conducted under such sections 505A and 505B; and

(B) improving the timeliness of pediatric studies and pediatric study planning under such sections 505A and 505B.

(C) **STAKEHOLDER COMMENT.**—At least 180 days prior to the submission of each report under subsection (a), the Secretary shall consult with representatives of patient groups (including pediatric patient groups), consumer groups, regulated industry, academia, and other interested parties to obtain any recommendations or information relevant to the report including suggestions for modifications that would improve pediatric drug research and pediatric labeling of drugs and biological products.

SEC. 509. TECHNICAL AMENDMENTS.

(a) **PEDIATRIC STUDIES OF DRUGS IN FFDCA.**—Section 505A (21 U.S.C. 355a) is amended—

(1) in subsection (k)(2), by striking “subsection (f)(3)(F)” and inserting “subsection (f)(6)(F)”;

(2) in subsection (l)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “YEAR ONE” and inserting “FIRST 18-MONTH PERIOD”; and

(ii) by striking “one-year” and inserting “18-month”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “YEARS” and inserting “PERIODS”; and

(ii) by striking “one-year period” and inserting “18-month period”;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) **PRESERVATION OF AUTHORITY.**—Nothing in this subsection shall prohibit the Office of Pediatric Therapeutics from providing for the review of adverse event reports by the Pediatric Advisory Committee prior to the 18-month period referred to in paragraph (1), if such review is necessary to ensure safe use of a drug in a pediatric population.”;

(3) in subsection (n)—

(A) in the subsection heading, by striking “COMPLETED” and inserting “SUBMITTED”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “have not been completed” and inserting “have not been submitted by the date specified in the written request issued or if the applicant or holder does not agree to the request”;

(ii) in subparagraph (A)—

(i) in the first sentence, by inserting “, or for which a period of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act has not ended” after “expired”; and

(II) by striking “Prior to” and all that follows through the period at the end; and

(iii) in subparagraph (B), by striking “no listed patents or has 1 or more listed patents that

have expired,” and inserting “no unexpired listed patents and for which no unexpired periods of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act apply.”; and

(4) in subsection (o)(2), by amending subparagraph (B) to read as follows:

“(B) a statement of any appropriate pediatric contraindications, warnings, precautions, or other information that the Secretary considers necessary to assure safe use.”.

(b) **RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PROJECTS IN FFDCA.**—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter before subparagraph (A), by inserting “for a drug” after “(or supplement to an application)”;

(B) in paragraph (4)(C)—

(i) in the first sentence, by inserting “partial” before “waiver is granted”; and

(ii) in the second sentence, by striking “either a full or” and inserting “such a”;

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “After providing notice” and all that follows through “studies), the” and inserting “The”;

(3) in subsection (g)—

(A) in paragraph (1)(A), by inserting “that receives a priority review or 330 days after the date of the submission of an application or supplement that receives a standard review” after “after the date of the submission of the application or supplement”; and

(B) in paragraph (2), by striking “the label of such product” and inserting “the labeling of such product”;

(4) in subsection (h)(1)—

(A) by inserting “an application (or supplement to an application) that contains” after “date of submission of”; and

(B) by inserting “if the application (or supplement) receives a priority review, or not later than 330 days after the date of submission of an application (or supplement to an application) that contains a pediatric assessment under this section, if the application (or supplement) receives a standard review,” after “under this section,”; and

(5) in subsection (i)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “YEAR ONE” and inserting “FIRST 18-MONTH PERIOD”; and

(ii) by striking “one-year” and inserting “18-month”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “YEARS” and inserting “PERIODS”; and

(ii) by striking “one-year period” and inserting “18-month period”;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) **PRESERVATION OF AUTHORITY.**—Nothing in this subsection shall prohibit the Office of Pediatric Therapeutics from providing for the review of adverse event reports by the Pediatric Advisory Committee prior to the 18-month period referred to in paragraph (1), if such review is necessary to ensure safe use of a drug in a pediatric population.”.

(c) **INTERNAL COMMITTEE FOR REVIEW OF PEDIATRIC PLANS, ASSESSMENTS, DEFERRALS, DEFERRAL EXTENSIONS, AND WAIVERS.**—Section 505C (21 U.S.C. 355d) is amended—

(1) in the section heading, by inserting “DEFERRAL EXTENSIONS,” after “DEFERRALS,”; and

(2) by inserting “neonatology,” after “pediatric ethics,”.

(d) **PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.**—Section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “or section 351(m) of this Act,” after “Cosmetic Act,”;

(B) in subparagraph (A)(i), by inserting “or section 351(k) of this Act” after “Cosmetic Act”; and

(C) by amending subparagraph (B) to read as follows:

“(B) there remains no patent listed pursuant to section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act, and every three-year and five-year period referred to in subsection (c)(3)(E)(ii), (c)(3)(E)(iii), (c)(3)(E)(iv), (j)(5)(F)(ii), (j)(5)(F)(iii), or (j)(5)(F)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act, or applicable twelve-year period referred to in section 351(k)(7) of this Act, and any seven-year period referred to in section 527 of the Federal Food, Drug, and Cosmetic Act has ended for at least one form of the drug; and”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “FOR DRUGS LACKING EXCLUSIVITY”;

(B) by striking “under section 505 of the Federal Food, Drug, and Cosmetic Act”; and

(C) by striking “505A of such Act” and inserting “505A of the Federal Food, Drug, and Cosmetic Act or section 351(m) of this Act”.

(e) **PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC ADVISORY COMMITTEE.**—Section 15(a) of the Best Pharmaceuticals for Children Act (Public Law 107–109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85), is amended in paragraph (1)(D), by striking “section 505B(f)” and inserting “section 505C”.

(f) **FOUNDATION OF NATIONAL INSTITUTES OF HEALTH.**—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking “for which the Secretary issues a certification in the affirmative under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act”.

(g) **APPLICATION; TRANSITION RULE.**—

(1) **APPLICATION.**—Notwithstanding any provision of section 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) stating that a provision applies beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007 or the date of the enactment of the Pediatric Research Equity Act of 2007, any amendment made by this Act to such a provision applies beginning on the date of the enactment of this Act.

(2) **TRANSITIONAL RULE FOR ADVERSE EVENT REPORTING.**—With respect to a drug for which a labeling change described under section 505A(l)(1) or 505B(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(l)(1); 355c(i)(1)) is approved or made, respectively, during the one-year period that ends on the day before the date of enactment of this Act, the Secretary shall apply section 505A(l) and section 505B(i), as applicable, to such drug, as such sections were in effect on such day.

SEC. 510. PEDIATRIC RARE DISEASES.

(a) **PUBLIC MEETING.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall hold at least one public meeting to discuss ways to encourage and accelerate the development of new therapies for pediatric rare diseases.

(b) **REPORT.**—Not later than 180 days after the date of the public meeting under subsection (a), the Secretary shall issue a report that includes a strategic plan for encouraging and accelerating the development of new therapies for treating pediatric rare diseases.

SEC. 511. STAFF OF OFFICE OF PEDIATRIC THERAPEUTICS.

Section 6 of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a) is amended—

(1) in subsection (c)—
 (A) in paragraph (1), by striking “and” at the end;

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting after paragraph (1) the following:

“(2) subject to subsection (d), one or more additional individuals with necessary expertise in a pediatric subpopulation that is, as determined through consideration of the reports and recommendations issued by the Institute of Medicine and the Comptroller General of the United States, less likely to be studied as a part of a written request issued under section 505A of the Federal Food, Drug, and Cosmetic Act or an assessment under section 505B of such Act;

“(3) one or more additional individuals with expertise in pediatric epidemiology; and”; and
 (2) by adding at the end the following:

“(d) NEONATOLOGY EXPERTISE.—For the 5-year period beginning on the date of enactment of this subsection, at least one of the individuals described in subsection (c)(2) shall have expertise in neonatology.”.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

SEC. 601. INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended—
 (1) in paragraph (2)(B)(ii), by inserting “safety or effectiveness” before “data obtained”; and
 (2) in paragraph (4), by adding at the end the following:

“(C) Consistent with paragraph (1), the Secretary shall not disapprove an application under this subsection because the Secretary determines that—

“(i) the investigation may not support a substantial equivalence or de novo classification determination or approval of the device;

“(ii) the investigation may not meet a requirement, including a data requirement, relating to the approval or clearance of a device; or

“(iii) an additional or different investigation may be necessary to support clearance or approval of the device.”.

SEC. 602. CLARIFICATION OF LEAST BURDEN-SOME STANDARD.

(a) PREMARKET APPROVAL.—Section 513(a)(3)(D) (21 U.S.C. 360c(a)(3)(D)) is amended—

(1) by redesignating clause (iii) as clause (v); and

(2) by inserting after clause (ii) the following: “(iii) For purposes of clause (ii), the term ‘necessary’ means the minimum required information that would support a determination by the Secretary that an application provides reasonable assurance of the effectiveness of the device.”.

“(iv) Nothing in this subparagraph shall alter the criteria for evaluating an application for premarket approval of a device.”.

(b) PREMARKET NOTIFICATION UNDER SECTION 510(k).—Section 513(i)(1)(D) (21 U.S.C. 360c(i)(1)(D)) is amended—

(1) by striking “(D) Whenever” and inserting “(D)(i) Whenever”; and

(2) by adding at the end the following:

“(ii) For purposes of clause (i), the term ‘necessary’ means the minimum required information that would support a determination of substantial equivalence between a new device and a predicate device.”.

“(iii) Nothing in this subparagraph shall alter the standard for determining substantial equivalence between a new device and a predicate device.”.

SEC. 603. AGENCY DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS.

Chapter V is amended by inserting after section 517 (21 U.S.C. 360g) the following:

“SEC. 517A. AGENCY DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS REGARDING DEVICES.

“(a) DOCUMENTATION OF RATIONALE FOR SIGNIFICANT DECISIONS.—

“(1) IN GENERAL.—The Secretary shall provide a substantive summary of the scientific and regulatory rationale for any significant decision of the Center for Devices and Radiological Health regarding submission or review of a report under section 510(k), an application under section 515, or an application for an exemption under section 520(g), including documentation of significant controversies or differences of opinion and the resolution of such controversies or differences of opinion.”.

“(2) PROVISION OF DOCUMENTATION.—Upon request, the Secretary shall furnish such substantive summary to the person who is seeking to submit, or who has submitted, such report or application.”.

“(b) REVIEW OF SIGNIFICANT DECISIONS.—

“(1) REQUEST FOR SUPERVISORY REVIEW OF SIGNIFICANT DECISION.—Any person may request a supervisory review of the significant decision described in subsection (a)(1). Such review may be conducted at the next supervisory level or higher above the individual who made the significant decision.”.

“(2) SUBMISSION OF REQUEST.—A person requesting a supervisory review under paragraph (1) shall submit such request to the Secretary not later than 30 days after such decision and shall indicate in the request whether such person seeks an in-person meeting or a teleconference review.”.

“(3) TIMEFRAME.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall schedule an in-person or teleconference review, if so requested, not later than 30 days after such request is made. The Secretary shall issue a decision to the person requesting a review under this subsection not later than 45 days after the request is made under paragraph (1), or, in the case of a person who requests an in-person meeting or teleconference, 30 days after such meeting or teleconference.”.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in cases that are referred to experts outside of the Food and Drug Administration.”.

SEC. 604. DEVICE MODIFICATIONS REQUIRING PREMARKET NOTIFICATION PRIOR TO MARKETING.

Section 510(n) (21 U.S.C. 360(n)) is amended by—

(1) striking “(n) The Secretary” and inserting “(n)(1) The Secretary”; and

(2) by adding at the end the following:

“(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report regarding when a premarket notification under subsection (k) should be submitted for a modification or change to a legally marketed device. The report shall include the Secretary’s interpretation of the following terms: ‘could significantly affect the safety or effectiveness of the device’, ‘a significant change or modification in design, material, chemical composition, energy source, or manufacturing process’, and ‘major change or modification in the intended use of the device’. The report also shall discuss possible processes for industry to use to determine whether a new submission under subsection (k) is required and shall analyze how to leverage existing quality system requirements to reduce premarket burden, facilitate continual device improvement, and provide reasonable assurance of safety and effectiveness of modified devices. In developing such report, the Secretary shall consider the input of interested stakeholders.”.

“(B) The Secretary shall withdraw the Food and Drug Administration draft guidance entitled ‘Guidance for Industry and FDA Staff—510(k) Device Modifications: Deciding When to Submit a 510(k) for a Change to an Existing Device’, dated July 27, 2011, and shall not use this draft guidance as part of, or for the basis of, any premarket review or any compliance or enforcement decisions or actions. The Secretary shall not issue—

“(i) any draft guidance or proposed regulation that addresses when to submit a premarket notification submission for changes and modifications made to a manufacturer’s previously cleared device before the receipt by the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate of the report required in subparagraph (A); and

“(ii) any final guidance or regulation on that topic for one year after date of receipt of such report by the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

“(C) The Food and Drug Administration guidance entitled ‘Deciding When to Submit a 510(k) for a Change to an Existing Device’, dated January 10, 1997, shall be in effect until the subsequent issuance of guidance or promulgation, if appropriate, of a regulation described in subparagraph (B), and the Secretary shall interpret such guidance in a manner that is consistent with the manner in which the Secretary has interpreted such guidance since 1997.”.

SEC. 605. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

Chapter V is amended by inserting after section 518 (21 U.S.C. 360h) the following:

“SEC. 518A. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

“(a) IN GENERAL.—The Secretary shall—

“(1) establish a program to routinely and systematically assess information relating to device recalls and use such information to proactively identify strategies for mitigating health risks presented by defective or unsafe devices;

“(2) clarify procedures for conducting device recall audit checks to improve the ability of investigators to perform those checks in a consistent manner;

“(3) develop detailed criteria for assessing whether a person performing a device recall has performed an effective correction or action plan for the recall; and

“(4) document the basis for each termination by the Food and Drug Administration of a device recall.”.

“(b) ASSESSMENT CONTENT.—The program established under subsection (a)(1) shall, at a minimum, identify—

“(1) trends in the number and types of device recalls;

“(2) devices that are most frequently the subject of a recall; and

“(3) underlying causes of device recalls.”.

“(c) TERMINATION OF RECALLS.—The Secretary shall document the basis for the termination by the Food and Drug Administration of a device recall.”.

“(d) DEFINITION.—In this section, the term ‘recall’ means—

“(1) the removal from the market of a device pursuant to an order of the Secretary under subsection (b) or (e) of section 518; or

“(2) the correction or removal from the market of a device at the initiative of the manufacturer or importer of the device that is required to be reported to the Secretary under section 519(g).”.

SEC. 606. CLINICAL HOLDS ON INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

“(8)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this

paragraph as a 'clinical hold') if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

"(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is a determination that—

"(i) the device involved represents an unreasonable risk to the safety of the persons who are the subjects of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the device, the design of the clinical investigation, the condition for which the device is to be investigated, and the health status of the subjects involved; or

"(ii) the clinical hold should be issued for such other reasons as the Secretary may by regulation establish.

"(C) Any written request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold."

SEC. 607. MODIFICATION OF DE NOVO APPLICATION PROCESS.

(a) IN GENERAL.—Section 513(f)(2) (21 U.S.C. 360c(f)(2)) is amended—

(1) by inserting "(i)" after "(2)(A)";

(2) in subparagraph (A)(i), as so designated by paragraph (1), by striking "under the criteria set forth" and all that follows through the end of subparagraph (A) and inserting a period;

(3) by adding at the end of subparagraph (A) the following:

"(ii) In lieu of submitting a report under section 510(k) and submitting a request for classification under clause (i) for a device, if a person determines there is no legally marketed device upon which to base a determination of substantial equivalence (as defined in subsection (i)), a person may submit a request under this clause for the Secretary to classify the device.

"(iii) Upon receipt of a request under clause (i) or (ii), the Secretary shall classify the device subject to the request under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1) within 120 days.

"(iv) Notwithstanding clause (iii), the Secretary may decline to undertake a classification request submitted under clause (ii) if the Secretary identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence under paragraph (1), or when the Secretary determines that the device submitted is not of low-moderate risk or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

"(v) The person submitting the request for classification under this subparagraph may recommend to the Secretary a classification for the device and shall, if recommending classification in class II, include in the request an initial draft proposal for applicable special controls, as described in subsection (a)(1)(B), that are necessary, in conjunction with general controls, to provide reasonable assurance of safety and effectiveness and a description of how the special controls provide such assurance. Any such request shall describe the device and provide detailed information and reasons for the recommended classification." and

(4) in subparagraph (B), by striking "Not later than 60 days after the date of the submission of the request under subparagraph (A), the Secretary" and inserting "The Secretary".

(b) CONFORMING AMENDMENTS.—Section 513(f) (21 U.S.C. 360c(f)) is amended in paragraph (1)—

(1) in subparagraph (A), by striking ", or" at the end and inserting a semicolon;

(2) in subparagraph (B), by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (B) the following:

"(C) the device is classified pursuant to a request submitted under paragraph (2)."

SEC. 608. RECLASSIFICATION PROCEDURES.

(a) CLASSIFICATION CHANGES.—

(1) IN GENERAL.—Section 513(e)(1) (21 U.S.C. 360c(e)(1)) is amended to read as follows:

"(e)(1)(A)(i) Based on new information respecting a device, the Secretary may, upon the initiative of the Secretary or upon petition of an interested person, change the classification of such device, and revoke, on account of the change in classification, any regulation or requirement in effect under section 514 or 515 with respect to such device, by administrative order published in the Federal Register following publication of a proposed reclassification order in the Federal Register, a meeting of a device classification panel described in subsection (b), and consideration of comments to a public docket, notwithstanding subchapter II of chapter 5 of title 5, United States Code. The proposed reclassification order published in the Federal Register shall set forth the proposed reclassification, and a substantive summary of the valid scientific evidence concerning the proposed reclassification, including—

"(I) the public health benefit of the use of the device, and the nature and, if known, incidence of the risk of the device;

"(II) in the case of a reclassification from class II to class III, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are not sufficient to provide a reasonable assurance of safety and effectiveness for such device; and

"(III) in the case of reclassification from class III to class II, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are sufficient to provide a reasonable assurance of safety and effectiveness for such device.

"(ii) An order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

"(B) Authority to issue such administrative order shall not be delegated below the Director of the Center for Devices and Radiological Health, acting in consultation with the Commissioner."

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 513(e)(2) (21 U.S.C. 360c(e)(2)) is amended by striking "regulation promulgated" and inserting "an order issued".

(B) Section 514(a)(1) (21 U.S.C. 360d(a)(1)) is amended by striking "under a regulation under section 513(e) but such regulation" and inserting "under an administrative order under section 513(e) (or a regulation promulgated under such section prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act) but such order (or regulation)".

(C) Section 517(a)(1) (21 U.S.C. 360g(a)(1)) is amended by striking "or changing the classification of a device to class I" and inserting ", an administrative order changing the classification of a device to class I,".

(3) DEVICES RECLASSIFIED PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—The amendments made by this subsection shall have no effect on a regulation promulgated with respect to the classification of a device under section 513(e) of the Federal Food, Drug, and Cosmetic Act prior to the date of enactment of this Act.

(B) APPLICABILITY OF OTHER PROVISIONS.—In the case of a device reclassified under section 513(e) of the Federal Food, Drug, and Cosmetic Act by regulation prior to the date of enactment of this Act, section 517(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g(a)(1)) shall apply to such regulation promulgated under section 513(e) of such Act with respect to such device in the same manner such section 517(a)(1) applies to an administrative order issued with respect to a device reclassified after the date of enactment of this Act.

(b) DEVICES MARKETING BEFORE MAY 28, 1976.—

(1) PREMARKET APPROVAL.—Section 515 (21 U.S.C. 360e) is amended—

(A) in subsection (a), by striking "regulation promulgated under subsection (b)" and inserting "an order issued under subsection (b) (or a regulation promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the heading, by striking "Regulation" and inserting "Order"; and

(II) in the matter following subparagraph (B)—

(aa) by striking "by regulation, promulgated in accordance with this subsection" and inserting "by administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code"; and

(bb) by adding at the end the following: "Authority to issue such administrative order shall not be delegated below the Director of the Center for Devices and Radiological Health, acting in consultation with the Commissioner.";

(ii) in paragraph (2)—

(I) by striking subparagraph (B); and

(II) in subparagraph (A)—

(aa) by striking "(2)(A) A proceeding for the promulgation of a regulation under paragraph (1) respecting a device shall be initiated by the publication in the Federal Register of a notice of proposed rulemaking. Such notice shall contain—" and inserting "(2) A proposed order required under paragraph (1) shall contain—";

(bb) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(cc) in subparagraph (A), as so redesignated, by striking "regulation" and inserting "order"; and

(dd) in subparagraph (C), as so redesignated, by striking "regulation" and inserting "order";

(iii) in paragraph (3)—

(I) by striking "proposed regulation" each place such term appears and inserting "proposed order";

(II) by striking "paragraph (2) and after" and inserting "paragraph (2).";

(III) by inserting "and a meeting of a device classification panel described in section 513(b)," after "such proposed regulation and findings,";

(IV) by striking "(A) promulgate such regulation" and inserting "(A) issue an administrative order under paragraph (1)";

(V) by striking "paragraph (2)(A)(ii)" and inserting "paragraph (2)(B)"; and

(VI) by striking "promulgation of the regulation" and inserting "issuance of the administrative order"; and

(iv) by striking paragraph (4); and

(C) in subsection (i)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking "December 1, 1995" and inserting "the date that is 2 years after the date

of enactment of the Food and Drug Administration Safety and Innovation Act"; and

(bb) by striking "publish a regulation in the Federal Register" and inserting "issue an administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code,";

(II) in subparagraph (B), by striking "final regulation has been promulgated under section 515(b)" and inserting "administrative order has been issued under subsection (b) (or no regulation has been promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)";

(III) in the matter following subparagraph (B), by striking "regulation requires" and inserting "administrative order issued under this paragraph requires"; and

(IV) by striking the third and fourth sentences; and

(ii) in paragraph (3)—

(I) by striking "regulation requiring" each place such term appears and inserting "order requiring"; and

(II) by striking "promulgation of a section 515(b) regulation" and inserting "issuance of an administrative order under subsection (b)".

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 501(f) (21 U.S.C. 351(f)) is amended—

(A) in subparagraph (1)(A)—

(i) in subclause (i), by striking "a regulation promulgated" and inserting "an order issued"; and

(ii) in subclause (ii), by striking "promulgation of such regulation" and inserting "issuance of such order";

(B) in subparagraph (2)(B)—

(i) by striking "a regulation promulgated" and inserting "an order issued"; and

(ii) by striking "promulgation of such regulation" and inserting "issuance of such order"; and

(C) by adding at the end the following:

"(3) In the case of a device with respect to which a regulation was promulgated under section 515(b) prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act, a reference in this subsection to an order issued under section 515(b) shall be deemed to include such regulation."

(3) **APPROVAL BY REGULATION PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.**—The amendments made by this subsection shall have no effect on a regulation that was promulgated prior to the date of enactment of this Act requiring that a device have an approval under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) of an application for premarket approval.

(c) **REPORTING.**—The Secretary of Health and Human Services shall annually post on the Internet Web site of the Food and Drug Administration—

(1) the number and type of class I and class II devices reclassified as class II or class III in the previous calendar year under section 513(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)(1));

(2) the number and type of class II and class III devices reclassified as class I or class II in the previous calendar year under such section 513(e)(1); and

(3) the number and type of devices reclassified in the previous calendar year under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

SEC. 609. HARMONIZATION OF DEVICE PRE-MARKET REVIEW, INSPECTION, AND LABELING SYMBOLS.

Paragraph (4) of section 803(c) (21 U.S.C. 383(c)) is amended to read as follows:

"(4) With respect to devices, the Secretary may, when appropriate, enter into arrangements with nations regarding methods and approaches to harmonizing regulatory requirements for activities, including inspections and common international labeling symbols."

SEC. 610. PARTICIPATION IN INTERNATIONAL FORA.

Paragraph (3) of section 803(c) (21 U.S.C. 383(c)) is amended—

(1) by striking "(3)" and inserting "(3)(A)"; and

(2) by adding at the end the following:

"(B) In carrying out subparagraph (A), the Secretary may participate in appropriate fora, including the International Medical Device Regulators Forum, and may—

"(i) provide guidance to such fora on strategies, policies, directions, membership, and other activities of a forum as appropriate;

"(ii) to the extent appropriate, solicit, review, and consider comments from industry, academia, health care professionals, and patient groups regarding the activities of such fora; and

"(iii) to the extent appropriate, inform the public of the Secretary's activities within such fora, and share with the public any documentation relating to a forum's strategies, policies, and other activities of such fora."

SEC. 611. REAUTHORIZATION OF THIRD-PARTY REVIEW.

(a) **PERIODIC REACCREDITATION.**—Section 523(b)(2) (21 U.S.C. 360m(b)(2)) is amended by adding at the end of the following:

"(E) **PERIODIC REACCREDITATION.**—

"(i) **PERIOD.**—Subject to suspension or withdrawal under subparagraph (B), any accreditation under this section shall be valid for a period of 3 years after its issuance.

"(ii) **RESPONSE TO REACCREDITATION REQUEST.**—Upon the submission of a request by an accredited person for reaccreditation under this section, the Secretary shall approve or deny such request not later than 60 days after receipt of the request.

"(iii) **CRITERIA.**—Not later than 120 days after the date of the enactment of this subparagraph, the Secretary shall establish and publish in the Federal Register criteria to reaccredit or deny reaccreditation to persons under this section. The reaccreditation of persons under this section shall specify the particular activities under subsection (a), and the devices, for which such persons are reaccredited."

(b) **DURATION OF AUTHORITY.**—Section 523(c) (21 U.S.C. 360m(c)) is amended by striking "October 1, 2012" and inserting "October 1, 2017".

SEC. 612. REAUTHORIZATION OF THIRD-PARTY INSPECTION.

Section 704(g)(11) (21 U.S.C. 374(g)(11)) is amended by striking "October 1, 2012" and inserting "October 1, 2017".

SEC. 613. HUMANITARIAN DEVICE EXEMPTIONS.

(a) **IN GENERAL.**—Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

"(i) The device with respect to which the exemption is granted—

"(I) is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or

"(II) is intended for the treatment or diagnosis of a disease or condition that does not

occur in pediatric patients or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe."; and

(ii) by striking clause (ii) and inserting the following:

"(ii) During any calendar year, the number of such devices distributed during that year under each exemption granted under this subsection does not exceed the annual distribution number for such device. In this paragraph, the term 'annual distribution number' means the number of such devices reasonably needed to treat, diagnose, or cure a population of 4,000 individuals in the United States. The Secretary shall determine the annual distribution number when the Secretary grants such exemption."; and

(B) by amending subparagraph (C) to read as follows:

"(C) A person may petition the Secretary to modify the annual distribution number determined by the Secretary under subparagraph (A)(ii) with respect to a device if additional information arises, and the Secretary may modify such annual distribution number.";

(2) in paragraph (7), by striking "regarding a device" and inserting "regarding a device described in paragraph (6)(A)(i)(I)"; and

(3) in paragraph (8), by striking "of all devices described in paragraph (6)" and inserting "of all devices described in paragraph (6)(A)(i)(I)".

(b) **APPLICABILITY TO EXISTING DEVICES.**—A sponsor of a device for which an exemption was approved under paragraph (2) of section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) before the date of enactment of this Act may seek a determination under subclause (I) or (II) of section 520(m)(6)(A)(i) (as amended by subsection (a)). If the Secretary of Health and Human Services determines that such subclause (I) or (II) applies with respect to a device, clauses (ii), (iii), and (iv) of subparagraph (A) and subparagraphs (B), (C), (D), and (E) of paragraph (6) of such section 520(m) shall apply to such device, and the Secretary shall determine the annual distribution number for purposes of clause (ii) of such subparagraph (A) when making the determination under this subsection.

SEC. 614. UNIQUE DEVICE IDENTIFIER.

Section 519(f) (21 U.S.C. 360i(f)) is amended—

(1) by striking "The Secretary shall promulgate" and inserting "Not later than December 31, 2012, the Secretary shall issue proposed"; and

(2) by adding at the end the following: "The Secretary shall finalize the proposed regulations not later than 6 months after the close of the comment period and shall implement the final regulations with respect to devices that are implantable, life-saving, and life sustaining not later than 2 years after the regulations are finalized, taking into account patient access to medical devices and therapies."

SEC. 615. SENTINEL.

Section 519 (21 U.S.C. 360i) is amended by adding at the end the following:

"(h) **INCLUSION OF DEVICES IN THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.**—

"(I) **IN GENERAL.**—

"(A) **APPLICATION TO DEVICES.**—The Secretary shall amend the procedures established and maintained under clauses (i), (ii), (iii), and (v) of section 505(k)(3)(C) in order to expand the postmarket risk identification and analysis system established under such section to include and apply to devices.

"(B) **EXCEPTION.**—Subclause (II) of clause (i) of section 505(k)(3)(C) shall not apply to devices.

"(C) **CLARIFICATION.**—With respect to devices, the private sector health-related electronic data provided under section 505(k)(3)(C)(i)(III)(bb)

may include medical device utilization data, health insurance claims data, and procedure and device registries.

“(2) **DATA.**—In expanding the system as described in paragraph (1)(A), the Secretary shall use relevant data with respect to devices cleared under section 510(k) or approved under section 515, including claims data, patient survey data, and any other data deemed appropriate by the Secretary.

“(3) **STAKEHOLDER INPUT.**—To help ensure effective implementation of the system as described in paragraph (1) with respect to devices, the Secretary shall engage outside stakeholders in development of the system, and gather information from outside stakeholders regarding the content of an effective sentinel program, through a public hearing, advisory committee meeting, maintenance of a public docket, or other similar public measures.

“(4) **VOLUNTARY SURVEYS.**—Chapter 35 of title 44, United States Code, shall not apply to the collection of voluntary information from health care providers, such as voluntary surveys or questionnaires, initiated by the Secretary for purposes of postmarket risk identification, mitigation, and analysis for devices.”

SEC. 616. POSTMARKET SURVEILLANCE.

Section 522 (21 U.S.C. 360l) is amended—

(1) in subsection (a)(1)(A), in the matter preceding clause (i), by inserting “, at the time of approval or clearance of a device or at any time thereafter,” after “by order”; and

(2) in subsection (b)(1), by inserting “The manufacturer shall commence surveillance under this section not later than 15 months after the day on which the Secretary issues an order under this section.” after the second sentence.

SEC. 617. CUSTOM DEVICES.

Section 520(b) (21 U.S.C. 360j(b)) is amended to read as follows:

“(b) **CUSTOM DEVICES.**—

“(1) **IN GENERAL.**—The requirements of sections 514 and 515 shall not apply to a device that—

“(A) is created or modified in order to comply with the order of an individual physician or dentist (or any other specially qualified person designated under regulations promulgated by the Secretary after an opportunity for an oral hearing);

“(B) in order to comply with an order described in subparagraph (A), necessarily deviates from an otherwise applicable performance standard under section 514 or requirement under section 515;

“(C) is not generally available in the United States in finished form through labeling or advertising by the manufacturer, importer, or distributor for commercial distribution;

“(D) is designed to treat a unique pathology or physiological condition that no other device is domestically available to treat;

“(E)(i) is intended to meet the special needs of such physician or dentist (or other specially qualified person so designated) in the course of the professional practice of such physician or dentist (or other specially qualified person so designated); or

“(ii) is intended for use by an individual patient named in such order of such physician or dentist (or other specially qualified person so designated);

“(F) is assembled from components or manufactured and finished on a case-by-case basis to accommodate the unique needs of individuals described in clause (i) or (ii) of subparagraph (E); and

“(G) may have common, standardized design characteristics, chemical and material compositions, and manufacturing processes as commercially distributed devices.

“(2) **LIMITATIONS.**—Paragraph (1) shall apply to a device only if—

“(A) such device is for the purpose of treating a sufficiently rare condition, such that conducting clinical investigations on such device would be impractical;

“(B) production of such device under paragraph (1) is limited to no more than 5 units per year of a particular device type, provided that such replication otherwise complies with this section; and

“(C) the manufacturer of such device notifies the Secretary on an annual basis, in a manner prescribed by the Secretary, of the manufacture of such device.

“(3) **GUIDANCE.**—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final guidance on replication of multiple devices described in paragraph (2)(B).”

SEC. 618. HEALTH INFORMATION TECHNOLOGY.

(a) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, and in consultation with the National Coordinator for Health Information Technology and the Chairman of the Federal Communications Commission, shall post on the Internet Web sites of the Food and Drug Administration, the Federal Communications Commission, and the Office of the National Coordinator for Health Information Technology, a report that contains a proposed strategy and recommendations on an appropriate, risk-based regulatory framework pertaining to health information technology, including mobile medical applications, that promotes innovation, protects patient safety, and avoids regulatory duplication.

(b) **WORKING GROUP.**—

(1) **IN GENERAL.**—In carrying out subsection (a), the Secretary may convene a working group of external stakeholders and experts to provide appropriate input on the strategy and recommendations required for the report under subsection (a).

(2) **REPRESENTATIVES.**—If the Secretary convenes the working group under paragraph (1), the Secretary, in consultation with the Commissioner of Food and Drugs, the National Coordinator for Health Information Technology, and the Chairman of the Federal Communications Commission, shall determine the number of representatives participating in the working group, and shall, to the extent practicable, ensure that the working group is geographically diverse and includes representatives of patients, consumers, health care providers, startup companies, health plans or other third-party payers, venture capital investors, information technology vendors, health information technology vendors, small businesses, purchasers, employers, and other stakeholders with relevant expertise, as determined by the Secretary.

SEC. 619. GOOD GUIDANCE PRACTICES RELATING TO DEVICES.

Subparagraph (C) of section 701(h)(1) (21 U.S.C. 371(h)(1)) is amended—

(1) by striking “(C) For guidance documents” and inserting “(C)(i) For guidance documents”; and

(2) by adding at the end the following:

“(ii) With respect to devices, if a notice to industry guidance letter, a notice to industry advisory letter, or any similar notice sets forth initial interpretations of a regulation or policy or sets forth changes in interpretation or policy, such notice shall be treated as a guidance document for purposes of this subparagraph.”

SEC. 620. PEDIATRIC DEVICE CONSORTIA.

(a) **IN GENERAL.**—Section 305(e) of Pediatric Medical Device Safety and Improvement Act (Public Law 110–85; 42 U.S.C. 282 note) is amended by striking “\$6,000,000 for each of fiscal years 2008 through 2012” and inserting

“\$5,250,000 for each of fiscal years 2013 through 2017”.

(b) **FINAL RULE RELATING TO TRACKING OF PEDIATRIC USES OF DEVICES.**—The Secretary of Health and Human Services shall issue—

(1) a proposed rule implementing section 515A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(a)(2)) not later than December 31, 2012; and

(2) a final rule implementing such section not later than December 31, 2013.

TITLE VII—DRUG SUPPLY CHAIN

SEC. 701. REGISTRATION OF DOMESTIC DRUG ESTABLISHMENTS.

Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “On or before” and all that follows through the period at the end and inserting the following: “During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall register with the Secretary the name of such person, places of business of such person, all such establishments, the unique facility identifier of each such establishment, and a point of contact e-mail address; and

(B) by adding at the end the following:

“(3) The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1). The requirement to include a unique facility identifier in a registration under paragraph (1) shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.”; and

(2) in subsection (c), by striking “with the Secretary his name, place of business, and such establishment” and inserting “with the Secretary—

“(1) with respect to drugs, the information described under subsection (b)(1); and

“(2) with respect to devices, the information described under subsection (b)(2).”

SEC. 702. REGISTRATION OF FOREIGN ESTABLISHMENTS.

(a) **ENFORCEMENT OF REGISTRATION OF FOREIGN ESTABLISHMENTS.**—Section 502(o) (21 U.S.C. 352(o)) is amended by striking “in any State”.

(b) **REGISTRATION OF FOREIGN DRUG ESTABLISHMENTS.**—Section 510(i) (U.S.C. 360(i)) is amended—

(1) in paragraph (1)—

(A) by amending the matter preceding subparagraph (A) to read as follows: “Every person who owns or operates any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—”;

(B) by amending subparagraph (A) to read as follows:

“(A) upon first engaging in any such activity, immediately submit a registration to the Secretary that includes—

“(i) with respect to drugs, the name and place of business of such person, all such establishments, the unique facility identifier of each such establishment, a point of contact e-mail address, the name of the United States agent of each such establishment, the name of each importer of such drug in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug to the United States for purposes of importation; and

“(ii) with respect to devices, the name and place of business of the establishment, the name of the United States agent for the establishment,

the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation; and”;

(C) by amending subparagraph (B) to read as follows:

“(B) each establishment subject to the requirements of subparagraph (A) shall thereafter register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.”; and

(2) by adding at the end the following:

“(4) The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1) with respect to drugs. The requirement to include a unique facility identifier in a registration under paragraph (1) with respect to drugs shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.”.

SEC. 703. IDENTIFICATION OF DRUG EXCIPIENT INFORMATION WITH PRODUCT LISTING.

Section 510(j) (21 U.S.C. 360(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) in the case of a drug contained in the applicable list, the name and place of business of each manufacturer of an excipient of the listed drug with which the person listing the drug conducts business, including all establishments used in the production of such excipient, the unique facility identifier of each such establishment, and a point of contact e-mail address for each such excipient manufacturer.”; and

(2) by adding at the end the following:

“(4) The Secretary shall require persons subject to this subsection to use, for purposes of this subsection, the unique facility identifier systems specified under subsections (b)(3) and (i)(4) with respect to drugs. Such requirement shall not apply until the date that the identifier system under subsection (b)(3) or (i)(4), as applicable, is specified by the Secretary.”.

SEC. 704. ELECTRONIC SYSTEM FOR REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended—

(1) by striking “(p) Registrations and listings” and inserting the following:

“(p) **ELECTRONIC REGISTRATION AND LISTING.**—

“(1) **IN GENERAL.**—Registrations and listings”;

and

(2) by adding at the end the following:

“(2) **ELECTRONIC DATABASE.**—Not later than 2 years after the Secretary specifies a unique facility identifier system under subsections (b) and (i), the Secretary shall maintain an electronic database, which shall not be subject to inspection under subsection (f), populated with the information submitted as described under paragraph (1) that—

“(A) enables personnel of the Food and Drug Administration to search the database by any field of information submitted in a registration described under paragraph (1), or combination of such fields; and

“(B) uses the unique facility identifier system to link with other relevant databases within the Food and Drug Administration, including the database for submission of information under section 801(r).

“(3) **RISK-BASED INFORMATION AND COORDINATION.**—The Secretary shall ensure the accuracy and coordination of relevant Food and Drug Administration databases in order to identify and inform risk-based inspections under section 510(h).”.

SEC. 705. RISK-BASED INSPECTION FREQUENCY.

Section 510(h) (21 U.S.C. 360(h)) is amended to read as follows:

“(h) **INSPECTIONS.**—

“(1) **IN GENERAL.**—Every establishment that is required to be registered with the Secretary under this section shall be subject to inspection pursuant to section 704.

“(2) **BIENNIAL INSPECTIONS FOR DEVICES.**—Every establishment described in paragraph (1), in any State, that is engaged in the manufacture, propagation, compounding, or processing of a device or devices classified in class II or III shall be so inspected by one or more officers or employees duly designated by the Secretary, or by persons accredited to conduct inspections under section 704(g), at least once in the 2-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive 2-year period thereafter.

“(3) **RISK-BASED SCHEDULE FOR DRUGS.**—The Secretary, acting through one or more officers or employees duly designated by the Secretary, shall inspect establishments described in paragraph (1) that are engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs (referred to in this subsection as ‘drug establishments’) in accordance with a risk-based schedule established by the Secretary.

“(4) **RISK FACTORS.**—In establishing the risk-based schedule under paragraph (3), the Secretary shall inspect establishments according to the known safety risks of such establishments, which shall be based on the following factors:

“(A) The compliance history of the establishment.

“(B) The record, history, and nature of recalls linked to the establishment.

“(C) The inherent risk of the drug manufactured, prepared, propagated, compounded, or processed at the establishment.

“(D) The inspection frequency and history of the establishment, including whether the establishment has been inspected pursuant to section 704 within the last 4 years.

“(E) Whether the establishment has been inspected by a foreign government or an agency of a foreign government recognized under section 809.

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(5) **EFFECT OF STATUS.**—In determining the risk associated with an establishment for purposes of establishing a risk-based schedule under paragraph (3), the Secretary shall not consider whether the drugs manufactured, prepared, propagated, compounded, or processed by such establishment are drugs described in section 503(b).

“(6) **ANNUAL REPORT ON INSPECTIONS OF ESTABLISHMENTS.**—Beginning in 2014, not later than February 1 of each year, the Secretary shall make available on the Internet Web site of the Food and Drug Administration a report regarding—

“(A)(i) the number of domestic and foreign establishments registered pursuant to this section in the previous fiscal year; and

“(ii) the number of such domestic establishments and the number of such foreign establishments that the Secretary inspected in the previous fiscal year;

“(B) with respect to establishments that manufacture, prepare, propagate, compound, or process an active ingredient of a drug, a finished drug product, or an excipient of a drug, the number of each such type of establishment; and

“(C) the percentage of the budget of the Food and Drug Administration used to fund the inspections described under subparagraph (A).”.

SEC. 706. RECORDS FOR INSPECTION.

Section 704(a) (21 U.S.C. 374(a)) is amended by adding at the end the following:

“(4)(A) Any records or other information that the Secretary may inspect under this section from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug shall, upon the request of the Secretary, be provided to the Secretary by such person, in advance of or in lieu of an inspection, within a reasonable timeframe, within reasonable limits, and in a reasonable manner, and in either electronic or physical form, at the expense of such person. The Secretary’s request shall include a sufficient description of the records requested.

“(B) Upon receipt of the records requested under subparagraph (A), the Secretary shall provide to the person confirmation of receipt.

“(C) Nothing in this paragraph supplants the authority of the Secretary to conduct inspections otherwise permitted under this Act in order to ensure compliance with this Act.”.

SEC. 707. PROHIBITION AGAINST DELAYING, DENYING, LIMITING, OR REFUSING INSPECTION.

(a) **IN GENERAL.**—Section 501 (21 U.S.C. 351) is amended by adding at the end the following:

“(j) If it is a drug and it has been manufactured, processed, packed, or held in any factory, warehouse, or establishment and the owner, operator, or agent of such factory, warehouse, or establishment delays, denies, or limits an inspection, or refuses to permit entry or inspection.”.

(b) **GUIDANCE.**—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services shall issue guidance that defines the circumstances that would constitute delaying, denying, or limiting inspection, or refusing to permit entry or inspection, for purposes of section 501(j) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

SEC. 708. DESTRUCTION OF ADULTERATED, MISBRANDED, OR COUNTERFEIT DRUGS OFFERED FOR IMPORT.

(a) **IN GENERAL.**—The sixth sentence of section 801(a) (21 U.S.C. 381(a)) is amended by inserting before the period at the end the following: “, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug refused admission under this section, if such drug is valued at an amount that is \$2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1)) and was not brought into compliance as described under subsection (b).”.

(b) **NOTICE.**—Subsection (a) of section 801 (21 U.S.C. 381), as amended by subsection (a), is further amended by inserting after the sixth sentence the following: “The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug under the sixth sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c). Such process may be combined with the notice and opportunity to appear before the Secretary and introduce testimony, as described in the first sentence of this

subsection, as long as appropriate notice is provided to the owner or consignee.”.

(c) **APPLICABILITY.**—The amendment made by subsection (a) shall apply beginning on the effective date of the regulations promulgated pursuant to the amendment made by subsection (b).

(d) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall adopt final regulations implementing the amendments made this section.

(2) **PROCEDURE.**—In promulgating a regulation implementing the amendments made by this section, the Secretary of Health and Human Services shall—

(A) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

(B) provide a period of not less than 60 days for comments on the proposed regulation; and

(C) publish the final regulation not less than 30 days before the effective date of the regulation.

(3) **RESTRICTIONS.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by this section only as described in paragraph (2).

SEC. 709. ADMINISTRATIVE DETENTION.

(a) **IN GENERAL.**—Section 304(g) (21 U.S.C. 335a(g)) is amended—

(1) in paragraph (1), by inserting “, drug,” after “device”, each place it appears;

(2) in paragraph (2)(A), by inserting “, drug,” after “(B), a device”; and

(3) in paragraph (2)(B), by inserting “or drug” after “device” each place it appears.

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations in accordance with section 304(i) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2) of this subsection, to implement administrative detention authority with respect to drugs, as authorized by the amendments made by subsection (a). Before promulgating such regulations, the Secretary shall consult with stakeholders, including manufacturers of drugs.

(2) **IN GENERAL.**—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

“(i) **PROCEDURES FOR PROMULGATING REGULATIONS.**—

“(1) **IN GENERAL.**—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the regulation’s effective date.

“(2) **RESTRICTIONS.**—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (1).”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall not take effect until the Secretary has issued a final regulation under subsection (b).

SEC. 710. EXCHANGE OF INFORMATION.

Section 708 (21 U.S.C. 379) is amended—

(1) by striking “CONFIDENTIAL INFORMATION” and all that follows through “The Secretary may provide” and inserting the following:

“SEC. 708. CONFIDENTIAL INFORMATION.

“(a) **CONTRACTORS.**—The Secretary may provide”; and

(2) by adding at the end the following:

“(b) **ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION OBTAINED FROM FOREIGN GOVERNMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall not be required to disclose under section 552 of title 5,

United States Code (commonly referred to as the ‘Freedom of Information Act’), or any other provision of law, any information relating to drugs obtained from a foreign government agency, if—

“(A) the information concerns the inspection of a facility, is part of an investigation, alerts the United States to the potential need for an investigation, or concerns a drug that has a reasonable probability of causing serious adverse health consequences or death to humans or animals;

“(B) the information is provided or made available to the United States Government voluntarily on the condition that it not be released to the public; and

“(C) the information is covered by, and subject to, a written agreement between the Secretary and the foreign government.

“(2) **TIME LIMITATIONS.**—The written agreement described in paragraph (1)(C) shall specify the time period for which paragraph (1) shall apply to the voluntarily disclosed information. Paragraph (1) shall not apply with respect to such information after the date specified in such agreement, but all other applicable legal protections, including the provisions of section 552 of title 5, United States Code, and section 319L(e)(1) of the Public Health Service Act, as applicable, shall continue to apply to such information. If no date is specified in the written agreement, paragraph (1) shall not apply with respect to such information for a period of more than 36 months.

“(3) **DISCLOSURES NOT AFFECTED.**—Nothing in this section authorizes any official to withhold, or to authorize the withholding of, information from Congress or information required to be disclosed pursuant to an order of a court of the United States.

“(4) **RELATION TO OTHER LAW.**—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

“(c) **AUTHORITY TO ENTER INTO MEMORANDA OF UNDERSTANDING FOR PURPOSES OF INFORMATION EXCHANGE.**—The Secretary may enter into written agreements to provide information referenced in section 301(j) to foreign governments subject to the following criteria:

“(1) **CERTIFICATION.**—The Secretary may enter into a written agreement to provide information under this subsection to a foreign government only if the Secretary has certified such government as having the authority and demonstrated ability to protect trade secret information from disclosure. Responsibility for this certification shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs.

“(2) **WRITTEN AGREEMENT.**—The written agreement to provide information to the foreign government under this subsection shall include a commitment by the foreign government to protect information exchanged under this subsection from disclosure unless and until the sponsor gives written permission for disclosure or the Secretary makes a declaration of a public health emergency pursuant to section 319 of the Public Health Service Act that is relevant to the information.

“(3) **INFORMATION EXCHANGE.**—The Secretary may provide to a foreign government that has been certified under paragraph (1) and that has executed a written agreement under paragraph (2) information referenced in section 301(j) in only the following circumstances:

“(A) Information concerning the inspection of a facility may be provided to a foreign government if—

“(i) the Secretary reasonably believes, or the written agreement described in paragraph (2) establishes, that the government has authority to otherwise obtain such information; and

“(ii) the written agreement executed under paragraph (2) limits the recipient’s use of the information to the recipient’s civil regulatory purposes.

“(B) Information not described in subparagraph (A) may be provided as part of an investigation, or to alert the foreign government to the potential need for an investigation, if the Secretary has reasonable grounds to believe that a drug has a reasonable probability of causing serious adverse health consequences or death to humans or animals.

“(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection affects the ability of the Secretary to enter into any written agreement authorized by other provisions of law to share confidential information.”.

SEC. 711. ENHANCING THE SAFETY AND QUALITY OF THE DRUG SUPPLY.

Section 501 (21 U.S.C. 351) is amended by adding at the end the following flush text:

“For purposes of paragraph (a)(2)(B), the term ‘current good manufacturing practice’ includes the implementation of oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products.”.

SEC. 712. RECOGNITION OF FOREIGN GOVERNMENT INSPECTIONS.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 809. RECOGNITION OF FOREIGN GOVERNMENT INSPECTIONS.

“(a) **INSPECTION.**—The Secretary—

“(1) may enter into arrangements and agreements with a foreign government or an agency of a foreign government to recognize the inspection of foreign establishments registered under section 510(i) in order to facilitate risk-based inspections in accordance with the schedule established in section 510(h)(3);

“(2) may enter into arrangements and agreements with a foreign government or an agency of a foreign government under this section only with a foreign government or an agency of a foreign government that the Secretary has determined as having the capability of conducting inspections that meet the applicable requirements of this Act; and

“(3) shall perform such reviews and audits of drug safety programs, systems, and standards of a foreign government or agency for the foreign government as the Secretary deems necessary to determine that the foreign government or agency of the foreign government is capable of conducting inspections that meet the applicable requirements of this Act.

“(b) **RESULTS OF INSPECTION.**—The results of inspections performed by a foreign government or an agency of a foreign government under this section may be used as—

“(1) evidence of compliance with section 501(a)(2)(B) or section 801(r); and

“(2) for any other purposes as determined appropriate by the Secretary.”.

SEC. 713. STANDARDS FOR ADMISSION OF IMPORTED DRUGS.

Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (i), by striking “drug or”; and

(2) by adding at the end the following:

“(r)(1) The Secretary may require, pursuant to the regulations promulgated under paragraph (4)(A), as a condition of granting admission to a drug imported or offered for import into the United States, that the importer electronically submit information demonstrating that the drug complies with applicable requirements of this Act.

“(2) The information described under paragraph (1) may include—

“(A) information demonstrating the regulatory status of the drug, such as the new drug

application, abbreviated new drug application, or investigational new drug or drug master file number;

“(B) facility information, such as proof of registration and the unique facility identifier;

“(C) indication of compliance with current good manufacturing practice, testing results, certifications relating to satisfactory inspections, and compliance with the country of export regulations; and

“(D) any other information deemed necessary and appropriate by the Secretary to assess compliance of the article being offered for import.

“(3) Information requirements referred to in paragraph (2)(C) may, at the discretion of the Secretary, be satisfied—

“(A) through representation by a foreign government, if an inspection is conducted by a foreign government using standards and practices as determined appropriate by the Secretary;

“(B) through representation by a foreign government or an agency of a foreign government recognized under section 809; or

“(C) other appropriate documentation or evidence as described by the Secretary.

“(4)(A) Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this subsection. Such requirements shall be appropriate for the type of import, such as whether the drug is for import into the United States for use in preclinical research or in a clinical investigation under an investigational new drug exemption under 505(i).

“(B) In promulgating the regulations under subparagraph (A), the Secretary—

“(i) may, as appropriate, take into account differences among importers and types of imports, and, based on the level of risk posed by the imported drug, provide for expedited clearance for those importers that volunteer to participate in partnership programs for highly compliant companies and pass a review of internal controls, including sourcing of foreign manufacturing inputs, and plant inspections; and

“(ii) shall—

“(I) issue a notice of proposed rulemaking that includes the proposed regulation;

“(II) provide a period of not less than 60 days for comments on the proposed regulation; and

“(III) publish the final regulation not less than 30 days before the effective date of the regulation.

“(C) Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this subsection only as described in subparagraph (B).”

SEC. 714. REGISTRATION OF COMMERCIAL IMPORTERS.

(a) PROHIBITIONS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(aaa) The failure to register in accordance with section 801(s).”

(b) REGISTRATION.—Section 801 (21 U.S.C. 381), as amended by section 713 of this Act, is further amended by adding at the end the following:

“(s) REGISTRATION OF COMMERCIAL IMPORTERS.—

“(1) REGISTRATION.—The Secretary shall require a commercial importer of drugs—

“(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

“(B) subject to paragraph (4), to submit, at the time of registration, a unique identifier for the principal place of business for which the importer is required to register under this subsection.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protec-

tion, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported drugs are in compliance with the requirements of this Act and the Public Health Service Act.

“(B) PROCEDURE.—In promulgating a regulation under subparagraph (A), the Secretary shall—

“(i) issue a notice of proposed rulemaking that includes the proposed regulation;

“(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

“(iii) publish the final regulation not less than 30 days before the regulation's effective date.

“(C) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this subsection, the Secretary shall only promulgate regulations as described in subparagraph (B).

“(3) DISCONTINUANCE OF REGISTRATION.—The Secretary shall discontinue the registration of any commercial importer of drugs that fails to comply with the regulations promulgated under this subsection.

“(4) UNIQUE FACILITY IDENTIFIER.—The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1). The requirement to include a unique facility identifier in a registration under paragraph (1) shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.

“(5) EXEMPTIONS.—The Secretary, by notice in the Federal Register, may establish exemptions from the requirements of this subsection.”

(c) MISBRANDING.—Section 502(o) (21 U.S.C. 352) is amended by inserting “if it is a drug and was imported or offered for import by a commercial importer of drugs not duly registered under section 801(s),” after “not duly registered under section 510.”

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) PROCEDURES FOR PROMULGATING REGULATIONS.—

(A) IN GENERAL.—In promulgating a regulation under paragraph (1), the Secretary shall—

(i) issue a notice of proposed rulemaking that includes the proposed regulation;

(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

(iii) publish the final regulation not less than 30 days before the regulation's effective date.

(B) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), the Secretary shall promulgate regulations only as described in subparagraph (A).

(3) EFFECTIVE DATE.—In establishing the effective date of the regulations under paragraph (1), the Secretary of Health and Human Services shall, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, as determined appropriate by the Secretary of Health and Human Services, provide a reasonable period of time for an importer of a drug to comply with good importer practices, taking into account differences among importers and types of imports, including based on the level of risk posed by the imported product.

SEC. 715. NOTIFICATION.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 714 of this Act, is

further amended by adding at the end the following:

“(bbb) The failure to notify the Secretary in violation of section 568.”

(b) NOTIFICATION.—Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

“SEC. 568. NOTIFICATION.

“(a) NOTIFICATION TO SECRETARY.—With respect to a drug, the Secretary may require notification to the Secretary by a regulated person if the regulated person knows—

“(1) that the use of such drug in the United States may result in serious injury or death;

“(2) of a significant loss or known theft of such drug intended for use in the United States; or

“(3) that—

“(A) such drug has been or is being counterfeited; and

“(B)(i) the counterfeit product is in commerce in the United States or could be reasonably expected to be introduced into commerce in the United States; or

“(ii) such drug has been or is being imported into the United States or may reasonably be expected to be offered for import into the United States.

“(b) MANNER OF NOTIFICATION.—Notification under this section shall be made in such manner and by such means as the Secretary may specify by regulation or guidance.

“(c) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting any other authority of the Secretary to require notifications related to a drug under any other provision of this Act or the Public Health Service Act.

“(d) DEFINITION.—In this section, the term ‘regulated person’ means—

“(1) a person who is required to register under section 510 or 801(s);

“(2) a wholesale distributor of a drug product; or

“(3) any other person that distributes drugs except a person that distributes drugs exclusively for retail sale.”

SEC. 716. PROTECTION AGAINST INTENTIONAL ADULTERATION.

Section 303(b) (21 U.S.C. 333(b)) is amended by adding at the end the following:

“(7) Notwithstanding subsection (a)(2), any person that knowingly and intentionally adulterates a drug such that the drug is adulterated under subsection (a)(1), (b), (c), or (d) of section 501 and has a reasonable probability of causing serious adverse health consequences or death to humans or animals shall be imprisoned for not more than 20 years or fined not more than \$1,000,000, or both.”

SEC. 717. PENALTIES FOR COUNTERFEITING DRUGS.

(a) COUNTERFEIT DRUG PENALTY ENHANCEMENT.—

(1) OFFENSE.—Section 2320(a) of title 18, United States Code, is amended—

(A) by striking “or” at the end of paragraph (2);

(B) by inserting “or” at the end of paragraph (3);

(C) by inserting after paragraph (3) the following:

“(4) traffics in a counterfeit drug;”; and

(D) by striking “through (3)” and inserting “through (4)”.

(2) PENALTIES.—Section 2320(b)(3) of title 18, United States Code, is amended—

(A) in the heading, by inserting “AND COUNTERFEIT DRUGS” after “SERVICES”; and

(B) by inserting “or counterfeit drug” after “service”.

(3) DEFINITION.—Section 2320(f) of title 18, United States Code, is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) the term ‘counterfeit drug’ means a drug, as defined by section 201 of the Federal Food, Drug, and Cosmetic Act, that uses a counterfeit mark on or in connection with the drug.”.

(4) **PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.**—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

(b) **SENTENCING COMMISSION DIRECTIVE.**—

(1) **DIRECTIVE TO SENTENCING COMMISSION.**—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by subsection (a), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(2) **REQUIREMENTS.**—In carrying out this subsection, the Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(B) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(C) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(E) make any necessary conforming changes to the sentencing guidelines; and

(F) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 718. EXTRATERRITORIAL JURISDICTION.

Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

“SEC. 311. EXTRATERRITORIAL JURISDICTION.

“There is extraterritorial jurisdiction over any violation of this Act relating to any article regulated under this Act if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.”.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

SEC. 801. EXTENSION OF EXCLUSIVITY PERIOD FOR DRUGS.

(a) **IN GENERAL.**—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505D the following:

“SEC. 505E. EXTENSION OF EXCLUSIVITY PERIOD FOR NEW QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“(a) **EXTENSION.**—If the Secretary approves an application pursuant to section 505 for a drug that has been designated as a qualified infectious disease product under subsection (d), the 4- and 5-year periods described in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of section 505, the 3-year periods described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) of section 505, or the 7-year period described in section 527, as applicable, shall be extended by 5 years.

“(b) **RELATION TO PEDIATRIC EXCLUSIVITY.**—Any extension under subsection (a) of a period shall be in addition to any extension of the period under section 505A with respect to the drug.

“(c) **LIMITATIONS.**—Subsection (a) does not apply to the approval of—

“(1) a supplement to an application under section 505(b) for any qualified infectious disease product for which an extension described in subsection (a) is in effect or has expired;

“(2) a subsequent application filed with respect to a product approved under section 505 for a change that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

“(3) a product that does not meet the definition of a qualified infectious disease product under subsection (g) based upon its approved uses.

“(d) **DESIGNATION.**—

“(1) **IN GENERAL.**—The manufacturer or sponsor of a drug may request the Secretary to designate a drug as a qualified infectious disease product at any time before the submission of an application under section 505(b) for such drug. The Secretary shall, not later than 60 days after the submission of such a request, determine whether the drug is a qualified infectious disease product.

“(2) **LIMITATION.**—Except as provided in paragraph (3), a designation under this subsection shall not be withdrawn for any reason, including modifications to the list of qualifying pathogens under subsection (f)(2)(C).

“(3) **REVOCATION OF DESIGNATION.**—The Secretary may revoke a designation of a drug as a qualified infectious disease product if the Secretary finds that the request for such designation contained an untrue statement of material fact.

“(e) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this section, including developing the list of qualifying pathogens described in subsection (f).

“(2) **PROCEDURE.**—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(3) **RESTRICTIONS.**—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2), except that the Secretary may issue interim guidance for sponsors seeking designation under subsection (d) prior to the promulgation of such regulations.

“(4) **DESIGNATION PRIOR TO REGULATIONS.**—The Secretary shall designate drugs as qualified infectious disease products under subsection (d) prior to the promulgation of regulations under this subsection, if such drugs meet the definition of a qualified infectious disease product described in subsection (g).

“(f) **QUALIFYING PATHOGEN.**—

“(1) **DEFINITION.**—In this section, the term ‘qualifying pathogen’ means a pathogen identified and listed by the Secretary under paragraph (2) that has the potential to pose a serious threat to public health, such as—

“(A) resistant gram positive pathogens, including methicillin-resistant *Staphylococcus aureus*, vancomycin-resistant *Staphylococcus aureus*, and vancomycin-resistant enterococcus;

“(B) multi-drug resistant gram negative bacteria, including *Acinetobacter*, *Klebsiella*, *Pseudomonas*, and *E. coli* species;

“(C) multi-drug resistant tuberculosis; and

“(D) *Clostridium difficile*.

“(2) **LIST OF QUALIFYING PATHOGENS.**—

“(A) **IN GENERAL.**—The Secretary shall establish and maintain a list of qualifying pathogens, and shall make public the methodology for developing such list.

“(B) **CONSIDERATIONS.**—In establishing and maintaining the list of pathogens described under this section, the Secretary shall—

“(i) consider—

“(I) the impact on the public health due to drug-resistant organisms in humans;

“(II) the rate of growth of drug-resistant organisms in humans;

“(III) the increase in resistance rates in humans; and

“(IV) the morbidity and mortality in humans; and

“(ii) consult with experts in infectious diseases and antibiotic resistance, including the Centers for Disease Control and Prevention, the Food and Drug Administration, medical professionals, and the clinical research community.

“(C) **REVIEW.**—Every 5 years, or more often as needed, the Secretary shall review, provide modifications to, and publish the list of qualifying pathogens under subparagraph (A) and shall by regulation revise the list as necessary, in accordance with subsection (e).

“(g) **QUALIFIED INFECTIOUS DISEASE PRODUCT.**—The term ‘qualified infectious disease product’ means an antibacterial or antifungal drug for human use intended to treat serious or life-threatening infections, including those caused by—

“(1) an antibacterial or antifungal resistant pathogen, including novel or emerging infectious pathogens; or

“(2) qualifying pathogens listed by the Secretary under subsection (f).”.

(b) **APPLICATION.**—Section 505E of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to a drug that is first approved under section 505(c) of such Act (21 U.S.C. 355(c)) on or after the date of the enactment of this Act.

SEC. 802. PRIORITY REVIEW.

(a) **AMENDMENT.**—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 524 the following:

“SEC. 524A. PRIORITY REVIEW FOR QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“If the Secretary designates a drug under section 505E(d) as a qualified infectious disease product, then the Secretary shall give priority review to any application submitted for approval for such drug under section 505(b).”.

(b) **APPLICATION.**—Section 524A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to an application that is submitted under section 505(b) of such Act (21 U.S.C. 355(b)) on or after the date of the enactment of this Act.

SEC. 803. FAST TRACK PRODUCT.

Section 506(a)(1) (21 U.S.C. 356(a)(1)), as amended by section 901(b) of this Act, is amended by inserting “, or if the Secretary designates the drug as a qualified infectious disease product under section 505E(d)” before the period at the end of the first sentence.

SEC. 804. CLINICAL TRIALS.

(a) **REVIEW AND REVISION OF GUIDANCE DOCUMENTS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall review and, as appropriate, revise not fewer than 3 guidance documents per year, which shall include—

(A) reviewing the guidance documents of the Food and Drug Administration for the conduct

of clinical trials with respect to antibacterial and antifungal drugs; and

(B) as appropriate, revising such guidance documents to reflect developments in scientific and medical information and technology and to ensure clarity regarding the procedures and requirements for approval of antibacterial and antifungal drugs under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(2) **ISSUES FOR REVIEW.**—At a minimum, the review under paragraph (1) shall address the appropriate animal models of infection, in vitro techniques, valid microbiological surrogate markers, the use of noninferiority versus superiority trials, trial enrollment, data requirements, and appropriate delta values for noninferiority trials.

(3) **RULE OF CONSTRUCTION.**—Except to the extent to which the Secretary makes revisions under paragraph (1)(B), nothing in this section shall be construed to repeal or otherwise effect the guidance documents of the Food and Drug Administration.

(b) **RECOMMENDATIONS FOR INVESTIGATIONS.**—

(1) **REQUEST.**—The sponsor of a drug intended to be designated as a qualified infectious disease product may request that the Secretary provide written recommendations for nonclinical and clinical investigations which the Secretary believes may be necessary to be conducted with the drug before such drug may be approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

(2) **RECOMMENDATIONS.**—If the Secretary has reason to believe that a drug for which a request is made under this subsection is a qualified infectious disease product, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request, would be necessary for approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) of such drug for the use described in paragraph (1).

(c) **QUALIFIED INFECTIOUS DISEASE PRODUCT.**—For purposes of this section, the term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act.

SEC. 805. REASSESSMENT OF QUALIFIED INFECTIOUS DISEASE PRODUCT INCENTIVES IN 5 YEARS.

(a) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services shall, in consultation with the Food and Drug Administration, the Centers for Disease Control and Prevention, and other appropriate agencies, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the following:

(1)(A) The number of initial designations of drugs as qualified infectious disease products under section 505E of the Federal Food, Drug, and Cosmetic Act.

(B) The number of qualified infectious disease products approved under such section 505E.

(C) Whether such products address the need for antibacterial and antifungal drugs to treat serious and life-threatening infections.

(D) A list of qualified infectious disease products with information on the types of exclusivity granted for each product, consistent with the information published under section 505(j)(7)(A)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)(A)(iii)).

(E) The progress made regarding the review and revision of the clinical trial guidance documents required under section 804 and the impact such review and revision has had on the review and approval of qualified infectious disease products.

(F) The Federal contribution, if any, to funding of the clinical trials for each qualified infectious disease product for each phase.

(2) **Recommendations**—

(A) based on the information under paragraph (1) and any other relevant data, on any changes that should be made to the list of pathogens that are defined as qualifying pathogens under section 505E(f)(2) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act; and

(B) on whether any additional program (such as the development of public-private collaborations to advance antibacterial drug innovation) or changes to the incentives under this subtitle may be needed to promote the development of antibacterial drugs.

(3) **An examination of**—

(A) the adoption of programs to measure the use of antibacterial drugs in health care settings; and

(B) the implementation and effectiveness of antimicrobial stewardship protocols across all health care settings.

(4) Any recommendations for ways to encourage further development and establishment of stewardship programs.

(5) A description of the regulatory challenges and impediments to clinical development, approval, and licensure of qualified infectious disease products, and the steps the Secretary has taken and will take to address such challenges and ensure regulatory certainty and predictability with respect to qualified infectious disease products.

(b) **DEFINITION.**—For purposes of this section, the term “qualified infectious disease product” has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act.

SEC. 806. GUIDANCE ON PATHOGEN-FOCUSED ANTIBACTERIAL DRUG DEVELOPMENT.

(a) **DRAFT GUIDANCE.**—Not later than June 30, 2013, in order to facilitate the development of antibacterial drugs for serious or life-threatening bacterial infections, particularly in areas of unmet need, the Secretary of Health and Human Services shall publish draft guidance that—

(1) specifies how preclinical and clinical data can be utilized to inform an efficient and streamlined pathogen-focused antibacterial drug development program that meets the approval standards of the Food and Drug Administration; and

(2) provides advice on approaches for the development of antibacterial drugs that target a more limited spectrum of pathogens.

(b) **FINAL GUIDANCE.**—Not later than December 31, 2014, after notice and opportunity for public comment on the draft guidance under subsection (a), the Secretary of Health and Human Services shall publish final guidance consistent with this section.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

SEC. 901. ENHANCEMENT OF ACCELERATED PATIENT ACCESS TO NEW MEDICAL TREATMENTS.

(a) **FINDINGS; SENSE OF CONGRESS.**—

(1) **FINDINGS.**—Congress finds as follows:

(A) The Food and Drug Administration (referred to in this section as the “FDA”) serves a critical role in helping to assure that new medicines are safe and effective. Regulatory innovation is 1 element of the Nation’s strategy to address serious and life-threatening diseases or

conditions by promoting investment in and development of innovative treatments for unmet medical needs.

(B) During the 2 decades following the establishment of the accelerated approval mechanism, advances in medical sciences, including genomics, molecular biology, and bioinformatics, have provided an unprecedented understanding of the underlying biological mechanism and pathogenesis of disease. A new generation of modern, targeted medicines is under development to treat serious and life-threatening diseases, some applying drug development strategies based on biomarkers or pharmacogenomics, predictive toxicology, clinical trial enrichment techniques, and novel clinical trial designs, such as adaptive clinical trials.

(C) As a result of these remarkable scientific and medical advances, the FDA should be encouraged to implement more broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases or conditions, including those for rare diseases or conditions, using a broad range of surrogate or clinical endpoints and modern scientific tools earlier in the drug development cycle when appropriate. This may result in fewer, smaller, or shorter clinical trials for the intended patient population or targeted subpopulation without compromising or altering the high standards of the FDA for the approval of drugs.

(D) Patients benefit from expedited access to safe and effective innovative therapies to treat unmet medical needs for serious or life-threatening diseases or conditions.

(E) For these reasons, the statutory authority in effect on the day before the date of enactment of this Act governing expedited approval of drugs for serious or life-threatening diseases or conditions should be amended in order to enhance the authority of the FDA to consider appropriate scientific data, methods, and tools, and to expedite development and access to novel treatments for patients with a broad range of serious or life-threatening diseases or conditions.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the Food and Drug Administration should apply the accelerated approval and fast track provisions set forth in section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356), as amended by this section, to help expedite the development and availability to patients of treatments for serious or life-threatening diseases or conditions while maintaining safety and effectiveness standards for such treatments.

(b) **EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.**—Section 506 (21 U.S.C. 356) is amended to read as follows:

“SEC. 506. EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.

“(a) DESIGNATION OF DRUG AS FAST TRACK PRODUCT.—

“(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended, whether alone or in combination with one or more other drugs, for the treatment of a serious or life-threatening disease or condition, and it demonstrates the potential to address unmet medical needs for such a disease or condition. (In this section, such a drug is referred to as a ‘fast track product’.)

“(2) REQUEST FOR DESIGNATION.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) **DESIGNATION.**—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

“(b) **ACCELERATED APPROVAL OF A DRUG FOR A SERIOUS OR LIFE-THREATENING DISEASE OR CONDITION, INCLUDING A FAST TRACK PRODUCT.**—

“(1) **IN GENERAL.**—

“(A) **ACCELERATED APPROVAL.**—The Secretary may approve an application for approval of a product for a serious or life-threatening disease or condition, including a fast track product, under section 505(c) or section 351(a) of the Public Health Service Act upon a determination that the product has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit, or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability or lack of alternative treatments. The approval described in the preceding sentence is referred to in this section as ‘accelerated approval’.

“(B) **EVIDENCE.**—The evidence to support that an endpoint is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, therapeutic, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

“(2) **LIMITATION.**—Approval of a product under this subsection may be subject to 1 or both of the following requirements:

“(A) That the sponsor conduct appropriate postapproval studies to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit.

“(B) That the sponsor submit copies of all promotional materials related to the product during the preapproval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

“(3) **EXPEDITED WITHDRAWAL OF APPROVAL.**—The Secretary may withdraw approval of a product approved under accelerated approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing) if—

“(A) the sponsor fails to conduct any required postapproval study of the drug with due diligence;

“(B) a study required to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit of the product fails to verify and describe such effect or benefit;

“(C) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

“(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

“(c) **REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.**—

“(1) **IN GENERAL.**—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete

application. The Secretary shall commence such review only if the applicant—

“(A) provides a schedule for submission of information necessary to make the application complete; and

“(B) pays any fee that may be required under section 736.

“(2) **EXCEPTION.**—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

“(d) **AWARENESS EFFORTS.**—The Secretary shall—

“(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to accelerated approval and fast track products; and

“(2) establish a program to encourage the development of surrogate and clinical endpoints, including biomarkers, and other scientific methods and tools that can assist the Secretary in determining whether the evidence submitted in an application is reasonably likely to predict clinical benefit for serious or life-threatening conditions for which significant unmet medical needs exist.

“(e) **CONSTRUCTION.**—

“(1) **PURPOSE.**—The amendments made by the Food and Drug Administration Safety and Innovation Act to this section are intended to encourage the Secretary to utilize innovative and flexible approaches to the assessment of products under accelerated approval for treatments for patients with serious or life-threatening diseases or conditions and unmet medical needs.

“(2) **CONSTRUCTION.**—Nothing in this section shall be construed to alter the standards of evidence under subsection (c) or (d) of section 505 (including the substantial evidence standard in section 505(d)) of this Act or under section 351(a) of the Public Health Service Act. Such sections and standards of evidence apply to the review and approval of products under this section, including whether a product is safe and effective. Nothing in this section alters the ability of the Secretary to rely on evidence that does not come from adequate and well-controlled investigations for the purpose of determining whether an endpoint is reasonably likely to predict clinical benefit as described in subsection (b)(1)(B).”

(c) **GUIDANCE; AMENDED REGULATIONS.**—

(1) **DRAFT GUIDANCE.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance to implement the amendments made by this section. In developing such guidance, the Secretary shall specifically consider issues arising under the accelerated approval and fast track processes under section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), for drugs designated for a rare disease or condition under section 526 of such Act (21 U.S.C. 360bb) and shall also consider any unique issues associated with very rare diseases.

(2) **FINAL GUIDANCE.**—Not later than 1 year after the issuance of draft guidance under paragraph (1), and after an opportunity for public comment, the Secretary shall—

(A) issue final guidance; and

(B) amend the regulations governing accelerated approval in parts 314 and 601 of title 21, Code of Federal Regulations, as necessary to conform such regulations with the amendment made by subsection (b).

(3) **CONSIDERATION.**—In developing the guidance under paragraphs (1) and (2)(A) and the amendments under paragraph (2)(B), the Secretary shall consider how to incorporate novel approaches to the review of surrogate endpoints based on pathophysiologic and pharmacologic evidence in such guidance, especially in instances where the low prevalence of a disease renders the existence or collection of other types of data unlikely or impractical.

(4) **CONFORMING CHANGES.**—The Secretary shall issue, as necessary, conforming amendments to the applicable regulations under title 21, Code of Federal Regulations, governing accelerated approval.

(5) **NO EFFECT OF INACTION ON REQUESTS.**—The issuance (or nonissuance) of guidance or conforming regulations implementing the amendment made by subsection (b) shall not preclude the review of, or action on, a request for designation or an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b).

(d) **INDEPENDENT REVIEW.**—The Secretary may, in conjunction with other planned reviews, contract with an independent entity with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs to evaluate the Food and Drug Administration’s application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), and the impact of such processes on the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions. Any such evaluation shall include consultation with regulated industries, patient advocacy and disease research foundations, and relevant academic medical centers.

SEC. 902. **BREAKTHROUGH THERAPIES.**

(a) **IN GENERAL.**—Section 506 (21 U.S.C. 356), as amended by section 901 of this Act, is further amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by redesignating subsection (d) as subsection (f);

(3) by inserting before subsection (b), as so redesignated, the following:

“(a) **DESIGNATION OF A DRUG AS A BREAKTHROUGH THERAPY.**—

“(1) **IN GENERAL.**—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug is intended, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such as substantial treatment effects observed early in clinical development. (In this section, such a drug is referred to as a ‘breakthrough therapy’.)

“(2) **REQUEST FOR DESIGNATION.**—The sponsor of a drug may request the Secretary to designate the drug as a breakthrough therapy. A request for the designation may be made concurrently with, or at any time after, the submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

“(3) **DESIGNATION.**—

“(A) **IN GENERAL.**—Not later than 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a

breakthrough therapy and shall take such actions as are appropriate to expedite the development and review of the application for approval of such drug.

“(B) ACTIONS.—The actions to expedite the development and review of an application under subparagraph (A) may include, as appropriate—

“(i) holding meetings with the sponsor and the review team throughout the development of the drug;

“(ii) providing timely advice to, and interactive communication with, the sponsor regarding the development of the drug to ensure that the development program to gather the nonclinical and clinical data necessary for approval is as efficient as practicable;

“(iii) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

“(iv) assigning a cross-disciplinary project lead for the Food and Drug Administration review team to facilitate an efficient review of the development program and to serve as a scientific liaison between the review team and the sponsor; and

“(v) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment.”; and

(4) in subsection (f)(1), as so redesignated, by striking “applicable to accelerated approval” and inserting “applicable to breakthrough therapies, accelerated approval, and”.

(b) GUIDANCE; AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(B) AMENDED REGULATIONS.—

(i) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by this section to section 506(a) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(ii) PROCEDURE.—In amending regulations under clause (i), the Secretary shall—

(I) issue a notice of proposed rulemaking that includes the proposed regulation;

(II) provide a period of not less than 60 days for comments on the proposed regulation; and

(III) publish the final regulation not less than 30 days before the effective date of the regulation.

(iii) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing the amendments made by this section only as described in clause (ii).

(2) REQUIREMENTS.—Guidance issued under this section shall—

(A) specify the process and criteria by which the Secretary makes a designation under section 506(a)(3) of the Federal Food, Drug, and Cosmetic Act; and

(B) specify the actions the Secretary shall take to expedite the development and review of a breakthrough therapy pursuant to such designation under such section 506(a)(3), including updating good review management practices to reflect breakthrough therapies.

(c) CONFORMING AMENDMENTS.—Section 506B(e) (21 U.S.C. 356b) is amended by striking

“section 506(b)(2)(A)” each place such term appears and inserting “section 506(c)(2)(A)”.

SEC. 903. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 715 of this Act, is further amended by adding at the end the following:

“SEC. 569. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

“(a) IN GENERAL.—For the purpose of promoting the efficiency of and informing the review by the Food and Drug Administration of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, the following shall apply:

“(1) CONSULTATION WITH STAKEHOLDERS.—Consistent with sections X.C and IX.E.4 of the PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017, as referenced in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012, the Secretary shall ensure that opportunities exist, at a time the Secretary determines appropriate, for consultations with stakeholders on the topics described in subsection (b).

“(2) CONSULTATION WITH EXTERNAL EXPERTS.—

“(A) IN GENERAL.—The Secretary shall develop and maintain a list of external experts who, because of their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address a specific regulatory question, consult such external experts on issues related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, including the topics described in subsection (b), when such consultation is necessary because the Secretary lacks the specific scientific, medical, or technical expertise necessary for the performance of the Secretary’s regulatory responsibilities and the necessary expertise can be provided by the external experts.

“(B) EXTERNAL EXPERTS.—For purposes of subparagraph (A), external experts are individuals who possess scientific or medical training that the Secretary lacks with respect to one or more rare diseases.

“(b) TOPICS FOR CONSULTATION.—Topics for consultation pursuant to this section may include—

“(1) rare diseases;

“(2) the severity of rare diseases;

“(3) the unmet medical need associated with rare diseases;

“(4) the willingness and ability of individuals with a rare disease to participate in clinical trials;

“(5) an assessment of the benefits and risks of therapies to treat rare diseases;

“(6) the general design of clinical trials for rare disease populations and subpopulations; and

“(7) the demographics and the clinical description of patient populations.

“(c) CLASSIFICATION AS SPECIAL GOVERNMENT EMPLOYEES.—The external experts who are consulted under this section may be considered special government employees, as defined under section 202 of title 18, United States Code.

“(d) PROTECTION OF CONFIDENTIAL INFORMATION AND TRADE SECRETS.—

“(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the protections offered by laws, regulations, and policies governing disclosure of confidential commercial or trade secret information, and any other infor-

mation exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such provisions would be applied to consultation with individuals and organizations prior to the date of enactment of this section.

“(2) CONSENT REQUIRED FOR DISCLOSURE.—The Secretary shall not disclose confidential commercial or trade secret information to an expert consulted under this section without the written consent of the sponsor unless the expert is a special government employee (as defined under section 202 of title 18, United States Code) or the disclosure is otherwise authorized by law.

“(e) OTHER CONSULTATION.—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

“(f) NO RIGHT OR OBLIGATION.—

“(1) NO RIGHT TO CONSULTATION.—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder.

“(2) NO ALTERING OF GOALS.—Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

“(3) NO CHANGE TO NUMBER OF REVIEW CYCLES.—Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.

“(g) NO DELAY IN PRODUCT REVIEW.—

“(1) IN GENERAL.—Prior to a consultation with an external expert, as described in this section, relating to an investigational new drug application under section 505(i), a new drug application under section 505(b), or a biologics license application under section 351 of the Public Health Service Act, the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research (or appropriate Division Director), as appropriate, shall determine that—

“(A) such consultation will—

“(i) facilitate the Secretary’s ability to complete the Secretary’s review; and

“(ii) address outstanding deficiencies in the application; or

“(B) the sponsor authorized such consultation.

“(2) LIMITATION.—The requirements of this subsection shall apply only in instances where the consultation is undertaken solely under the authority of this section. The requirements of this subsection shall not apply to any consultation initiated under any other authority.”.

SEC. 904. ACCESSIBILITY OF INFORMATION ON PRESCRIPTION DRUG CONTAINER LABELS BY VISUALLY IMPAIRED AND BLIND CONSUMERS.

(a) ESTABLISHMENT OF WORKING GROUP.—

(1) IN GENERAL.—The Architectural and Transportation Barriers Compliance Board (referred to in this section as the “Access Board”) shall convene a stakeholder working group (referred to in this section as the “working group”) to develop best practices on access to information on prescription drug container labels for individuals who are blind or visually impaired.

(2) MEMBERS.—The working group shall be comprised of representatives of national organizations representing blind and visually impaired individuals, national organizations representing the elderly, and industry groups representing stakeholders, including retail, mail-order, and independent community pharmacies, who would be impacted by such best practices. Representation within the working group shall be divided equally between consumer and industry advocates.

(3) BEST PRACTICES.—

(A) IN GENERAL.—The working group shall develop, not later than 1 year after the date of the

enactment of this Act, best practices for pharmacies to ensure that blind and visually impaired individuals have safe, consistent, reliable, and independent access to the information on prescription drug container labels.

(B) **PUBLIC AVAILABILITY.**—The best practices developed under subparagraph (A) may be made publicly available, including through the Internet Web sites of the working group participant organizations, and through other means, in a manner that provides access to interested individuals, including individuals with disabilities.

(C) **LIMITATIONS.**—The best practices developed under subparagraph (A) shall not be construed as accessibility guidelines or standards of the Access Board, and shall not confer any rights or impose any obligations on working group participants or other persons. Nothing in this section shall be construed to limit or condition any right, obligation, or remedy available under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal or State law requiring effective communication, barrier removal, or nondiscrimination on the basis of disability.

(4) **CONSIDERATIONS.**—In developing and issuing the best practices under paragraph (3)(A), the working group shall consider—

- (A) the use of—
 - (i) Braille;
 - (ii) auditory means, such as—
- (I) “talking bottles” that provide audible container label information;
- (II) digital voice recorders attached to the prescription drug container; and
- (III) radio frequency identification tags;
- (iii) enhanced visual means, such as—
- (I) large font labels or large font “duplicate” labels that are affixed or matched to a prescription drug container;
- (II) high-contrast printing; and
- (III) sans-serif font; and
- (iv) other relevant alternatives as determined by the working group;

(B) whether there are technical, financial, manpower, or other factors unique to pharmacies with 20 or fewer retail locations which may pose significant challenges to the adoption of the best practices; and

(C) such other factors as the working group determines to be appropriate.

(5) **INFORMATION CAMPAIGN.**—Upon completion of development of the best practices under subsection (a)(3), the National Council on Disability, in consultation with the working group, shall conduct an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about such best practices.

(6) **FACA WAIVER.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(b) **GAO STUDY.**—

(1) **IN GENERAL.**—Beginning 18 months after the completion of the development of best practices under subsection (a)(3)(A), the Comptroller General of the United States shall conduct a review of the extent to which pharmacies are utilizing such best practices, and the extent to which barriers to accessible information on prescription drug container labels for blind and visually impaired individuals continue.

(2) **REPORT.**—Not later than September 30, 2016, the Comptroller General of the United States shall submit to Congress a report on the review conducted under paragraph (1). Such report shall include recommendations about how best to reduce the barriers experienced by blind and visually impaired individuals to independently accessing information on prescription drug container labels.

(c) **DEFINITIONS.**—In this section—

(1) the term “pharmacy” includes a pharmacy that receives prescriptions and dispenses pre-

scription drugs through an Internet Web site or by mail;

(2) the term “prescription drug” means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)); and

(3) the term “prescription drug container label” means the label with the directions for use that is affixed to the prescription drug container by the pharmacist and dispensed to the consumer.

SEC. 905. RISK-BENEFIT FRAMEWORK.

Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: “The Secretary shall implement a structured risk-benefit assessment framework in the new drug approval process to facilitate the balanced consideration of benefits and risks, a consistent and systematic approach to the discussion and regulatory decisionmaking, and the communication of the benefits and risks of new drugs. Nothing in the preceding sentence shall alter the criteria for evaluating an application for premarket approval of a drug.”

SEC. 906. GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.

(a) **QUALIFIED TESTING DEFINITION.**—Section 5(b)(1)(A)(ii) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A)(ii)) is amended by striking “after the date such drug is designated under section 526 of such Act and”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—For grants and contracts under subsection (a), there is authorized to be appropriated \$30,000,000 for each of fiscal years 2013 through 2017.”

SEC. 907. REPORTING OF INCLUSION OF DEMOGRAPHIC SUBGROUPS IN CLINICAL TRIALS AND DATA ANALYSIS IN APPLICATIONS FOR DRUGS, BIOLOGICS, AND DEVICES.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall publish on the Internet Web site of the Food and Drug Administration a report, consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors’ confidential commercial information as of the date of enactment of this Act, addressing the extent to which clinical trial participation and the inclusion of safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity, is included in applications submitted to the Food and Drug Administration, and shall provide such publication to Congress.

(2) **CONTENTS OF REPORT.**—The report described in paragraph (1) shall contain the following:

(A) A description of existing tools to ensure that data to support demographic analyses are submitted in applications for drugs, biological products, and devices, and that these analyses are conducted by applicants consistent with applicable Food and Drug Administration requirements and Guidance for Industry. The report shall address how the Food and Drug Administration makes available information about differences in safety and effectiveness of medical products according to demographic subgroups, such as sex, age, racial, and ethnic subgroups, to health care providers, researchers, and patients.

(B) An analysis of the extent to which demographic data subset analyses on sex, age, race, and ethnicity is presented in applications for new drug applications for new molecular entities under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in biologics license applications under section 351 of

the Public Health Service Act (42 U.S.C. 262), and in premarket approval applications under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) for products approved or licensed by the Food and Drug Administration, consistent with applicable requirements and Guidance for Industry, and consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors’ confidential commercial information as of the date of enactment of this Act.

(C) An analysis of the extent to which demographic subgroups, including sex, age, racial, and ethnic subgroups, are represented in clinical studies to support applications for approved or licensed new molecular entities, biological products, and devices.

(D) An analysis of the extent to which a summary of product safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity is readily available to the public in a timely manner by means of the product labeling or the Food and Drug Administration’s Internet Web site.

(b) **ACTION PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the publication of the report described in subsection (a), the Secretary, acting through the Commissioner, shall publish an action plan on the Internet Web site of the Food and Drug Administration, and provide such publication to Congress.

(2) **CONTENT OF ACTION PLAN.**—The plan described in paragraph (1) shall include—

(A) recommendations, as appropriate, to improve the completeness and quality of analyses of data on demographic subgroups in summaries of product safety and effectiveness data and in labeling;

(B) recommendations, as appropriate, on the inclusion of such data, or the lack of availability of such data in labeling;

(C) recommendations, as appropriate, to otherwise improve the public availability of such data to patients, health care providers, and researchers; and

(D) a determination with respect to each recommendation identified in subparagraphs (A) through (C) that distinguishes between product types referenced in subsection (a)(2)(B) insofar as the applicability of each such recommendation to each type of product.

(c) **DEFINITIONS.**—In this section:

(1) The term “Commissioner” means the Commissioner of Food and Drugs.

(2) The term “device” has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) The term “drug” has the meaning given such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

(4) The term “biological product” has the meaning given such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(5) The term “Secretary” means the Secretary of Health and Human Services.

SEC. 908. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER INCENTIVE PROGRAM.

Subchapter B of chapter V (21 U.S.C. 360aa et seq.) is amended by adding at the end the following:

“SEC. 529. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **PRIORITY REVIEW.**—The term ‘priority review’, with respect to a human drug application as defined in section 735(1), means review and action by the Secretary on such application not later than 6 months after receipt by the Secretary of such application, as described in the Manual of Policies and Procedures of the Food and Drug Administration and goals identified in

the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

“(2) **PRIORITY REVIEW VOUCHER.**—The term ‘priority review voucher’ means a voucher issued by the Secretary to the sponsor of a rare pediatric disease product application that entitles the holder of such voucher to priority review of a single human drug application submitted under section 505(b)(1) or section 351(a) of the Public Health Service Act after the date of approval of the rare pediatric disease product application.

“(3) **RARE PEDIATRIC DISEASE.**—The term ‘rare pediatric disease’ means a disease that meets each of the following criteria:

“(A) The disease primarily affects individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.

“(B) The disease is a rare disease or condition, within the meaning of section 526.

“(4) **RARE PEDIATRIC DISEASE PRODUCT APPLICATION.**—The term ‘rare pediatric disease product application’ means a human drug application, as defined in section 735(1), that—

“(A) is for a drug or biological product—

“(i) that is for the prevention or treatment of a rare pediatric disease; and

“(ii) that contains no active ingredient (including any ester or salt of the active ingredient) that has been previously approved in any other application under section 505(b)(1), 505(b)(2), or 505(j) of this Act or section 351(a) or 351(k) of the Public Health Service Act;

“(B) is submitted under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act;

“(C) the Secretary deems eligible for priority review;

“(D) that relies on clinical data derived from studies examining a pediatric population and dosages of the drug intended for that population;

“(E) that does not seek approval for an adult indication in the original rare pediatric disease product application; and

“(F) is approved after the date of the enactment of the Prescription Drug User Fee Amendments of 2012.

“(b) **PRIORITY REVIEW VOUCHER.**—

“(1) **IN GENERAL.**—The Secretary shall award a priority review voucher to the sponsor of a rare pediatric disease product application upon approval by the Secretary of such rare pediatric disease product application.

“(2) **TRANSFERABILITY.**—

“(A) **IN GENERAL.**—The sponsor of a rare pediatric disease product application that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher. There is no limit on the number of times a priority review voucher may be transferred before such voucher is used.

“(B) **NOTIFICATION OF TRANSFER.**—Each person to whom a voucher is transferred shall notify the Secretary of such change in ownership of the voucher not later than 30 days after such transfer.

“(3) **LIMITATION.**—A sponsor of a rare pediatric disease product application may not receive a priority review voucher under this section if the rare pediatric disease product application was submitted to the Secretary prior to the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012.

“(4) **NOTIFICATION.**—

“(A) **IN GENERAL.**—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the ap-

plication. Such notification shall be a legally binding commitment to pay for the user fee to be assessed in accordance with this section.

“(B) **TRANSFER AFTER NOTICE.**—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

“(5) **TERMINATION OF AUTHORITY.**—The Secretary may not award any priority review vouchers under paragraph (1) after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section.

“(c) **PRIORITY REVIEW USER FEE.**—

“(1) **IN GENERAL.**—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

“(2) **FEE AMOUNT.**—The amount of the priority review user fee shall be determined each fiscal year by the Secretary, based on the difference between—

“(A) the average cost incurred by the Food and Drug Administration in the review of a human drug application subject to priority review in the previous fiscal year; and

“(B) the average cost incurred by the Food and Drug Administration in the review of a human drug application that is not subject to priority review in the previous fiscal year.

“(3) **ANNUAL FEE SETTING.**—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2012, the amount of the priority review user fee for that fiscal year.

“(4) **PAYMENT.**—

“(A) **IN GENERAL.**—The priority review user fee required by this subsection shall be due upon the notification by a sponsor of the intent of such sponsor to use the voucher, as specified in subsection (b)(4)(A). All other user fees associated with the human drug application shall be due as required by the Secretary or under applicable law.

“(B) **COMPLETE APPLICATION.**—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable user fees are not paid in accordance with the Secretary's procedures for paying such fees.

“(C) **NO WAIVERS, EXEMPTIONS, REDUCTIONS, OR REFUNDS.**—The Secretary may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section.

“(5) **OFFSETTING COLLECTIONS.**—Fees collected pursuant to this subsection for any fiscal year—

“(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

“(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

“(d) **DESIGNATION PROCESS.**—

“(1) **IN GENERAL.**—Upon the request of the manufacturer or the sponsor of a new drug, the Secretary may designate—

“(A) the new drug as a drug for a rare pediatric disease; and

“(B) the application for the new drug as a rare pediatric disease product application.

“(2) **REQUEST FOR DESIGNATION.**—The request for a designation under paragraph (1) shall be made at the same time a request for designation of orphan disease status under section 526 or

fast-track designation under section 506 is made. Requesting designation under this subsection is not a prerequisite to receiving a priority review voucher under this section.

“(3) **DETERMINATION BY SECRETARY.**—Not later than 60 days after a request is submitted under paragraph (1), the Secretary shall determine whether—

“(A) the disease or condition that is the subject of such request is a rare pediatric disease; and

“(B) the application for the new drug is a rare pediatric disease product application.

“(e) **MARKETING OF RARE PEDIATRIC DISEASE PRODUCTS.**—

“(1) **REVOCATION.**—The Secretary may revoke any priority review voucher awarded under subsection (b) if the rare pediatric disease product for which such voucher was awarded is not marketed in the United States within the 365-day period beginning on the date of the approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act.

“(2) **POSTAPPROVAL PRODUCTION REPORT.**—The sponsor of an approved rare pediatric disease product shall submit a report to the Secretary not later than 5 years after the approval of the applicable rare pediatric disease product application. Such report shall provide the following information, with respect to each of the first 4 years after approval of such product:

“(A) The estimated population in the United States suffering from the rare pediatric disease.

“(B) The estimated demand in the United States for such rare pediatric disease product.

“(C) The actual amount of such rare pediatric disease product distributed in the United States.

“(f) **NOTICE AND REPORT.**—

“(1) **NOTICE OF ISSUANCE OF VOUCHER AND APPROVAL OF PRODUCTS UNDER VOUCHER.**—The Secretary shall publish a notice in the Federal Register and on the Internet Web site of the Food and Drug Administration not later than 30 days after the occurrence of each of the following:

“(A) The Secretary issues a priority review voucher under this section.

“(B) The Secretary approves a drug pursuant to an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for which the sponsor of the application used a priority review voucher under this section.

“(2) **NOTIFICATION.**—If, after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, a sponsor of an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for a drug uses a priority review voucher under this section for such application, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a document—

“(A) notifying such Committees of the use of such voucher; and

“(B) identifying the drug for which such priority review voucher is used.

“(g) **ELIGIBILITY FOR OTHER PROGRAMS.**—Nothing in this section precludes a sponsor who seeks a priority review voucher under this section from participating in any other incentive program, including under this Act.

“(h) **RELATION TO OTHER PROVISIONS.**—The provisions of this section shall supplement, not supplant, any other provisions of this Act or the Public Health Service Act that encourage the development of drugs for tropical diseases and rare pediatric diseases.

“(i) **GAO STUDY AND REPORT.**—

“(1) **STUDY.**—

“(A) **IN GENERAL.**—Beginning on the date that the Secretary awards the third rare pediatric

disease priority voucher under this section, the Comptroller General of the United States shall conduct a study of the effectiveness of awarding rare pediatric disease priority vouchers under this section in the development of human drug products that treat or prevent such diseases.

“(B) CONTENTS OF STUDY.—In conducting the study under subparagraph (A), the Comptroller General shall examine the following:

“(i) The indications for which each rare disease product for which a priority review voucher was awarded was approved under section 505 or section 351 of the Public Health Service Act.

“(ii) Whether, and to what extent, an unmet need related to the treatment or prevention of a rare pediatric disease was met through the approval of such a rare disease product.

“(iii) The value of the priority review voucher if transferred.

“(iv) Identification of each drug for which a priority review voucher was used.

“(v) The length of the period of time between the date on which a priority review voucher was awarded and the date on which it was used.

“(2) REPORT.—Not later than 1 year after the date under paragraph (1)(A), the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report containing the results of the study under paragraph (1).”.

TITLE X—DRUG SHORTAGES

SEC. 1001. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

(a) IN GENERAL.—Section 506C (21 U.S.C. 356c) is amended to read as follows:

“SEC. 506C. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

“(a) IN GENERAL.—A manufacturer of a drug—

“(1) that is—

“(A) life-supporting;

“(B) life-sustaining; or

“(C) intended for use in the prevention or treatment of a debilitating disease or condition, including any such drug used in emergency medical care or during surgery; and

“(2) that is not a radio pharmaceutical drug product or any other product as designated by the Secretary,

shall notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the drug or an interruption of the manufacture of the drug that is likely to lead to a meaningful disruption in the supply of that drug in the United States, and the reasons for such discontinuance or interruption.

“(b) TIMING.—A notice required under subsection (a) shall be submitted to the Secretary—

“(1) at least 6 months prior to the date of the discontinuance or interruption; or

“(2) if compliance with paragraph (1) is not possible, as soon as practicable.

“(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute, through such means as the Secretary deems appropriate, information on the discontinuation or interruption of the manufacture of the drugs described in subsection (a) to appropriate organizations, including physician, health provider, and patient organizations, as described in section 506E.

“(d) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

“(e) COORDINATION WITH ATTORNEY GENERAL.—Not later than 30 days after the receipt of a notification described in subsection (a), the Secretary shall—

“(1) determine whether the notification pertains to a controlled substance subject to a production quota under section 306 of the Controlled Substances Act; and

“(2) if necessary, as determined by the Secretary—

“(A) notify the Attorney General that the Secretary has received such a notification;

“(B) request that the Attorney General increase the aggregate and individual production quotas under section 306 of the Controlled Substances Act applicable to such controlled substance and any ingredient therein to a level the Secretary deems necessary to address a shortage of a controlled substance based on the best available market data; and

“(C) if the Attorney General determines that the level requested is not necessary to address a shortage of a controlled substance, the Attorney General shall provide to the Secretary a written response detailing the basis for the Attorney General's determination.

The Secretary shall make the written response provided under subparagraph (C) available to the public on the Internet Web site of the Food and Drug Administration.

“(f) FAILURE TO MEET REQUIREMENTS.—If a person fails to submit information required under subsection (a) in accordance with subsection (b)—

“(1) the Secretary shall issue a letter to such person informing such person of such failure;

“(2) not later than 30 calendar days after the issuance of a letter under paragraph (1), the person who receives such letter shall submit to the Secretary a written response to such letter setting forth the basis for noncompliance and providing information required under subsection (a); and

“(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the Internet Web site of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (d), except that, if the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the person had a reasonable basis for not notifying as required under subsection (a), the requirements of this paragraph shall not apply.

“(g) EXPEDITED INSPECTIONS AND REVIEWS.—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a drug shortage of a drug described in subsection (a), the Secretary may—

“(1) expedite the review of a supplement to a new drug application submitted under section 505(b), an abbreviated new drug application submitted under section 505(j), or a supplement to such an application submitted under section 505(j) that could help mitigate or prevent such shortage; or

“(2) expedite an inspection or reinspection of an establishment that could help mitigate or prevent such drug shortage.

“(h) DEFINITIONS.—For purposes of this section—

“(1) the term ‘drug’—

“(A) means a drug (as defined in section 201(g)) that is intended for human use and that is subject to section 503(b)(1); and

“(B) does not include biological products (as defined in section 351 of the Public Health Service Act), unless otherwise provided by the Secretary in the regulations promulgated under subsection (i);

“(2) the term ‘drug shortage’ or ‘shortage’, with respect to a drug, means a period of time when the demand or projected demand for the drug within the United States exceeds the supply of the drug; and

“(3) the term ‘meaningful disruption’—

“(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a drug by a manufacturer that is more than negligible and affects the ability of the manufacturer to fill orders or meet expected demand for its product; and

“(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

“(i) REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt a final regulation implementing this section.

“(2) CONTENTS.—Such regulation shall define, for purposes of this section, the terms ‘life-supporting’, ‘life-sustaining’, and ‘intended for use in the prevention or treatment of a debilitating disease or condition’.

“(3) INCLUSION OF BIOLOGICAL PRODUCTS.—

“(A) IN GENERAL.—The Secretary may by regulation apply this section to biological products (as defined in section 351 of the Public Health Service Act), including plasma products derived from human plasma protein and their recombinant analogs, if the Secretary determines such inclusion would benefit the public health. Such regulation shall take into account any supply reporting programs and shall aim to reduce duplicative notification.

“(B) RULE FOR VACCINES.—If the Secretary applies this section to vaccines pursuant to subparagraph (A), the Secretary shall—

“(i) consider whether the notification requirement under subsection (a) may be satisfied by submitting a notification to the Centers for Disease Control and Prevention under the vaccine shortage notification program of such Centers; and

“(ii) explain the determination made by the Secretary under clause (i) in the regulation.

“(4) PROCEDURE.—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the proposed regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the regulation's effective date.

“(5) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (4).”.

(b) EFFECT OF NOTIFICATION.—The submission of a notification to the Secretary of Health and Human Services (referred to in this title as the “Secretary”) for purposes of complying with the requirement in section 506C(a) of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a)) shall not be construed—

(1) as an admission that any product that is the subject of such notification violates any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(2) as evidence of an intention to promote or market the product for an indication or use for which the product has not been approved by the Secretary.

SEC. 1002. ANNUAL REPORTING ON DRUG SHORTAGES.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506C, as amended by section 1001 of this Act, the following:

“SEC. 506C–I. ANNUAL REPORTING ON DRUG SHORTAGES.

“(a) ANNUAL REPORTS TO CONGRESS.—Not later than the end of calendar year 2013, and not later than the end of each calendar year thereafter, the Secretary shall submit to the

Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on drug shortages that—

“(1) specifies the number of manufacturers that submitted a notification to the Secretary under section 506C(a) during such calendar year;

“(2) describes the communication between the field investigators of the Food and Drug Administration and the staff of the Center for Drug Evaluation and Research’s Office of Compliance and Drug Shortage Program, including the Food and Drug Administration’s procedures for enabling and ensuring such communication;

“(3)(A) lists the major actions taken by the Secretary to prevent or mitigate the drug shortages described in paragraph (7);

“(B) in the list under subparagraph (A), includes—

“(i) the number of applications and supplements for which the Secretary expedited review under section 506C(g)(1) during such calendar year; and

“(ii) the number of establishment inspections or reinspections that the Secretary expedited under section 506C(g)(2) during such calendar year;

“(4) describes the coordination between the Food and Drug Administration and the Drug Enforcement Administration on efforts to prevent or alleviate drug shortages;

“(5) identifies the number of and describes the instances in which the Food and Drug Administration exercised regulatory flexibility and discretion to prevent or alleviate a drug shortage;

“(6) lists the names of manufacturers that were issued letters under section 506C(f); and

“(7) specifies the number of drug shortages occurring during such calendar year, as identified by the Secretary.

“(b) **TREND ANALYSIS.**—The Secretary is authorized to retain a third party to conduct a study, if the Secretary believes such a study would help clarify the causes, trends, or solutions related to drug shortages.

“(c) **DEFINITION.**—In this section, the term ‘drug shortage’ or ‘shortage’ has the meaning given such term in section 506C.”.

SEC. 1003. COORDINATION; TASK FORCE AND STRATEGIC PLAN.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506C–1, as added by section 1002 of this Act, the following:

“SEC. 506D. COORDINATION; TASK FORCE AND STRATEGIC PLAN.

“(a) **TASK FORCE AND STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—

“(A) **TASK FORCE.**—As soon as practicable after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall establish a task force to develop and implement a strategic plan for enhancing the Secretary’s response to preventing and mitigating drug shortages.

“(B) **STRATEGIC PLAN.**—The strategic plan described in subparagraph (A) shall include—

“(i) plans for enhanced interagency and intra-agency coordination, communication, and decisionmaking;

“(ii) plans for ensuring that drug shortages are considered when the Secretary initiates a regulatory action that could precipitate a drug shortage or exacerbate an existing drug shortage;

“(iii) plans for effective communication with outside stakeholders, including who the Secretary should alert about potential or actual drug shortages, how the communication should occur, and what types of information should be shared;

“(iv) plans for considering the impact of drug shortages on research and clinical trials; and

“(v) an examination of whether to establish a ‘qualified manufacturing partner program’, as described in subparagraph (C).

“(C) **DESCRIPTION OF PROGRAM.**—In conducting the examination of a ‘qualified manufacturing partner program’ under subparagraph (B)(v), the Secretary—

“(i) shall take into account that—

“(1) a ‘qualified manufacturer’, for purposes of such program, would need to have the capability and capacity to supply products determined or anticipated to be in shortage; and

“(II) in examining the capability and capacity to supply products in shortage, the ‘qualified manufacturer’ could have a site that manufactures a drug listed under section 506E or have the capacity to produce drugs in response to a shortage within a rapid timeframe; and

“(ii) shall examine whether incentives are necessary to encourage the participation of ‘qualified manufacturers’ in such a program.

“(D) **CONSULTATION.**—In carrying out this paragraph, the task force shall ensure consultation with the appropriate offices within the Food and Drug Administration, including the Office of the Commissioner, the Center for Drug Evaluation and Research, the Office of Regulatory Affairs, and employees within the Department of Health and Human Services with expertise regarding drug shortages. The Secretary shall engage external stakeholders and experts as appropriate.

“(2) **TIMING.**—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the task force shall—

“(A) publish the strategic plan described in paragraph (1); and

“(B) submit such plan to Congress.

“(b) **COMMUNICATION.**—The Secretary shall ensure that, prior to any enforcement action or issuance of a warning letter that the Secretary determines could reasonably be anticipated to lead to a meaningful disruption in the supply in the United States of a drug described under section 506C(a), there is communication with the appropriate office of the Food and Drug Administration with expertise regarding drug shortages regarding whether the action or letter could cause, or exacerbate, a shortage of the drug.

“(c) **ACTION.**—If the Secretary determines, after the communication described in subsection (b), that an enforcement action or a warning letter could reasonably cause or exacerbate a shortage of a drug described under section 506C(a), then the Secretary shall evaluate the risks associated with the impact of such shortage upon patients and those risks associated with the violation involved before taking such action or issuing such letter, unless there is imminent risk of serious adverse health consequences or death to humans.

“(d) **REPORTING BY OTHER ENTITIES.**—The Secretary shall identify or establish a mechanism by which health care providers and other third-party organizations may report to the Secretary evidence of a drug shortage.

“(e) **REVIEW AND CONSTRUCTION.**—No determination, finding, action, or omission of the Secretary under this section shall—

“(1) be subject to judicial review; or

“(2) be construed to establish a defense to an enforcement action by the Secretary.

“(f) **SUNSET.**—Subsections (a), (b), (c), and (e) shall cease to be effective on the date that is 5 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act.”.

SEC. 1004. DRUG SHORTAGE LIST.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506D, as added by section 1003 of this Act, the following:

“SEC. 506E. DRUG SHORTAGE LIST.

“(a) **ESTABLISHMENT.**—The Secretary shall maintain an up-to-date list of drugs that are determined by the Secretary to be in shortage in the United States.

“(b) **CONTENTS.**—For each drug on such list, the Secretary shall include the following information:

“(1) The name of the drug in shortage, including the National Drug Code number for such drug.

“(2) The name of each manufacturer of such drug.

“(3) The reason for the shortage, as determined by the Secretary, selecting from the following categories:

“(A) Requirements related to complying with good manufacturing practices.

“(B) Regulatory delay.

“(C) Shortage of an active ingredient.

“(D) Shortage of an inactive ingredient component.

“(E) Discontinuation of the manufacture of the drug.

“(F) Delay in shipping of the drug.

“(G) Demand increase for the drug.

“(4) The estimated duration of the shortage as determined by the Secretary.

“(c) **PUBLIC AVAILABILITY.**—

“(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the Secretary shall make the information in such list publicly available.

“(2) **TRADE SECRETS AND CONFIDENTIAL INFORMATION.**—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

“(3) **PUBLIC HEALTH EXCEPTION.**—The Secretary may choose not to make information collected under this section publicly available under paragraph (1) or section 506C(c) if the Secretary determines that disclosure of such information would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of drug products to patients).”.

SEC. 1005. QUOTAS APPLICABLE TO DRUGS IN SHORTAGE.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended by adding at the end the following:

“(h)(1) Not later than 30 days after the receipt of a request described in paragraph (2), the Attorney General shall—

“(A) complete review of such request; and

“(B)(i) as necessary to address a shortage of a controlled substance, increase the aggregate and individual production quotas under this section applicable to such controlled substance and any ingredient therein to the level requested; or

“(ii) if the Attorney General determines that the level requested is not necessary to address a shortage of a controlled substance, the Attorney General shall provide a written response detailing the basis for the Attorney General’s determination.

The Secretary shall make the written response provided under subparagraph (B)(ii) available to the public on the Internet Web site of the Food and Drug Administration.

“(2) A request is described in this paragraph if—

“(A) the request pertains to a controlled substance on the list of drugs in shortage maintained under section 506E of the Federal Food, Drug, and Cosmetic Act;

“(B) the request is submitted by the manufacturer of the controlled substance; and

“(C) the controlled substance is in schedule II.”.

SEC. 1006. ATTORNEY GENERAL REPORT ON DRUG SHORTAGES.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on the Judiciary of the Senate a report on drug shortages that—

(1) identifies the number of requests received under section 306(h) of the Controlled Substances Act (as added by section 1005 of this Act), the average review time for such requests, the number of requests granted and denied under such section, and, for each of the requests denied under such section, the basis for such denial;

(2) describes the coordination between the Drug Enforcement Administration and Food and Drug Administration on efforts to prevent or alleviate drug shortages; and

(3) identifies drugs containing a controlled substance subject to section 306 of the Controlled Substances Act when such a drug is determined by the Secretary to be in shortage.

SEC. 1007. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506E, as added by section 1004 of this Act, the following:

“SEC. 506F. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

“(a) **DEFINITIONS.**—In this section:

“(1) **DRUG.**—The term ‘drug’ excludes any controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

“(2) **HEALTH SYSTEM.**—The term ‘health system’ means a collection of hospitals that are owned and operated by the same entity and that share access to databases with drug order information for their patients.

“(3) **REPACKAGE.**—For the purposes of this section only, the term ‘repackage’, with respect to a drug, means to divide the volume of a drug into smaller amounts in order to—

“(A) extend the supply of a drug in response to the placement of the drug on a drug shortage list under section 506E; and

“(B) facilitate access to the drug by hospitals within the same health system.

“(b) **EXCLUSION FROM REGISTRATION.**—Notwithstanding any other provision of this Act, a hospital shall not be considered an establishment for which registration is required under section 510 solely because it repackages a drug and transfers it to another hospital within the same health system in accordance with the conditions in subsection (c)—

“(1) during any period in which the drug is listed on the drug shortage list under section 506E; or

“(2) during the 60-day period following any period described in paragraph (1).

“(c) **CONDITIONS.**—Subsection (b) shall only apply to a hospital, with respect to the repackaging of a drug for transfer to another hospital within the same health system, if the following conditions are met:

“(1) **DRUG FOR INTRASYSTEM USE ONLY.**—In no case may a drug that has been repackaged in accordance with this section be sold or otherwise distributed by the health system or a hospital within the system to an entity or individual that is not a hospital within such health system.

“(2) **COMPLIANCE WITH STATE RULES.**—Repackaging of a drug under this section shall be done in compliance with applicable State requirements of each State in which the drug is repackaged and received.

“(d) **TERMINATION.**—This section shall not apply on or after the date on which the Secretary issues final guidance that clarifies the policy of the Food and Drug Administration regarding hospital pharmacies repackaging and safely transferring repackaged drugs to other hospitals within the same health system during a drug shortage.”

SEC. 1008. STUDY ON DRUG SHORTAGES.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study to examine the cause of drug shortages and formulate recommendations on how to prevent or alleviate such shortages.

(b) **CONSIDERATION.**—In conducting the study under this section, the Comptroller General shall consider the following questions:

(1) What are the dominant characteristics of drugs that have gone into a drug shortage over the preceding 3 years?

(2) Are there systemic high-risk factors (such as drug pricing structure, including Federal reimbursements, or the number of manufacturers producing a drug product) that have led to the concentration of drug shortages in certain drug products that have made such products vulnerable to drug shortages?

(3) Is there a reason why drug shortages have occurred primarily in the sterile injectable market and in certain therapeutic areas?

(4)(A) How have regulations, guidance documents, regulatory practices, policies, and other actions of Federal departments and agencies (including the effectiveness of interagency and intra-agency coordination, communication, strategic planning, and decisionmaking), including those used to enforce statutory requirements, affected drug shortages?

(B) Do any such regulations, guidances, policies, or practices cause, exacerbate, prevent, or mitigate drug shortages?

(C) How can regulations, guidances, policies, or practices be modified, streamlined, expanded, or discontinued in order to reduce or prevent such drug shortages?

(D) What effect would the changes described in subparagraph (C) have on the public health?

(5) How does hoarding affect drug shortages?

(6) How would incentives alleviate or prevent drug shortages?

(7) To what extent are health care providers, including hospitals and physicians responding to drug shortages, able to adjust care effectively to compensate for such shortages, and what impediments exist that hinder provider ability to adjust to such shortages?

(8)(A) Have drug shortages led market participants to stockpile affected drugs or sell such drugs at inflated prices?

(B) What has been the impact of any such activities described in subparagraph (A) on Federal revenue, and are there any economic factors that have exacerbated or created a market for such activities?

(C) Is there a need for any additional reporting or enforcement actions to address such activities?

(9)(A) How have the activities under section 506D of the Federal Food, Drug, and Cosmetic Act (as added by section 1003 of this Act) improved the efforts of the Food and Drug Administration to mitigate and prevent drug shortages?

(B) Is there a need to continue the task force and strategic plan under such section 506D, or are there any other recommendations to increase communication and coordination inside the Food and Drug Administration, between the Food and Drug Administration and other agencies, and between the Food and Drug Administration and stakeholders?

(c) **CONSULTATION WITH STAKEHOLDERS.**—In conducting the study under this section, the Comptroller General shall consult with relevant stakeholders, including physicians, pharmacists, hospitals, patients, drug manufacturers, and other health providers.

(d) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the results of the study under this section.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

SEC. 1101. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

(a) **IN GENERAL.**—Section 505(u)(4) (21 U.S.C. 355(u)(4)) is amended by striking “2012” and inserting “2017”.

(b) **AMENDMENT.**—Section 505(u)(1)(A)(ii)(II) (21 U.S.C. 355(u)(1)(A)(ii)(II)) is amended by inserting “clinical” after “any”.

SEC. 1102. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Subsection (f) of section 566 (21 U.S.C. 360bbb-5) is amended to read as follows:

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there is authorized to be appropriated \$6,000,000 for each of fiscal years 2013 through 2017.”

Subtitle B—Medical Gas Product Regulation

SEC. 1111. REGULATION OF MEDICAL GASES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter G—Medical Gases

“SEC. 575. DEFINITIONS.

“In this subchapter:

“(1) The term ‘designated medical gas’ means any of the following:

“(A) Oxygen that meets the standards set forth in an official compendium.

“(B) Nitrogen that meets the standards set forth in an official compendium.

“(C) Nitrous oxide that meets the standards set forth in an official compendium.

“(D) Carbon dioxide that meets the standards set forth in an official compendium.

“(E) Helium that meets the standards set forth in an official compendium.

“(F) Carbon monoxide that meets the standards set forth in an official compendium.

“(G) Medical air that meets the standards set forth in an official compendium.

“(H) Any other medical gas deemed appropriate by the Secretary, after taking into account any investigational new drug application or investigational new animal drug application for the same medical gas submitted in accordance with regulations applicable to such applications in title 21 of the Code of Federal Regulations, unless any period of exclusivity under section 505(c)(3)(E)(ii) or section 505(j)(5)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas has not expired.

“(2) The term ‘medical gas’ means a drug that—

“(A) is manufactured or stored in a liquefied, nonliquefied, or cryogenic state; and

“(B) is administered as a gas.

“SEC. 576. REGULATION OF MEDICAL GASES.

“(a) **CERTIFICATION OF DESIGNATED MEDICAL GASES.**—

“(1) **SUBMISSION.**—Beginning 180 days after the date of enactment of this section, any person may file with the Secretary a request for certification of a medical gas as a designated medical gas. Any such request shall contain the following information:

“(A) A description of the medical gas.

“(B) The name and address of the sponsor.

“(C) The name and address of the facility or facilities where the medical gas is or will be manufactured.

“(D) Any other information deemed appropriate by the Secretary to determine whether the medical gas is a designated medical gas.

“(2) **GRANT OF CERTIFICATION.**—The certification requested under paragraph (1) is deemed to be granted unless, within 60 days of the filing of such request, the Secretary finds that—

“(A) the medical gas subject to the certification is not a designated medical gas;

“(B) the request does not contain the information required under paragraph (1) or otherwise lacks sufficient information to permit the Secretary to determine that the medical gas is a designated medical gas; or

“(C) denying the request is necessary to protect the public health.

“(3) EFFECT OF CERTIFICATION.—

“(A) IN GENERAL.—

“(i) APPROVED USES.—A designated medical gas for which a certification is granted under paragraph (2) is deemed, alone or in combination, as medically appropriate, with another designated medical gas or gases for which a certification or certifications have been granted, to have in effect an approved application under section 505 or 512, subject to all applicable post-approval requirements, for the following indications for use:

“(I) In the case of oxygen, the treatment or prevention of hypoxemia or hypoxia.

“(II) In the case of nitrogen, use in hypoxic challenge testing.

“(III) In the case of nitrous oxide, analgesia.

“(IV) In the case of carbon dioxide, use in extracorporeal membrane oxygenation therapy or respiratory stimulation.

“(V) In the case of helium, the treatment of upper airway obstruction or increased airway resistance.

“(VI) In the case of medical air, to reduce the risk of hyperoxia.

“(VII) In the case of carbon monoxide, use in lung diffusion testing.

“(VIII) Any other indication for use for a designated medical gas or combination of designated medical gases deemed appropriate by the Secretary, unless any period of exclusivity under clause (iii) or (iv) of section 505(c)(3)(E), clause (iii) or (iv) of section 505(j)(5)(F), or section 527, or the extension of any such period under section 505A, applicable to such indication for use for such gas or combination of gases has not expired.

“(ii) LABELING.—The requirements of sections 503(b)(4) and 502(f) are deemed to have been met for a designated medical gas if the labeling on final use container for such medical gas bears—

“(I) the information required by section 503(b)(4);

“(II) a warning statement concerning the use of the medical gas as determined by the Secretary by regulation; and

“(III) appropriate directions and warnings concerning storage and handling.

“(B) INAPPLICABILITY OF EXCLUSIVITY PROVISIONS.—

“(i) NO EXCLUSIVITY FOR A CERTIFIED MEDICAL GAS.—No designated medical gas deemed under subparagraph (A)(i) to have in effect an approved application is eligible for any period of exclusivity under section 505(c), 505(j), or 527, or the extension of any such period under section 505A, on the basis of such deemed approval.

“(ii) EFFECT ON CERTIFICATION.—No period of exclusivity under section 505(c), 505(j), or section 527, or the extension of any such period under section 505A, with respect to an application for a drug product shall prohibit, limit, or otherwise affect the submission, grant, or effect of a certification under this section, except as provided in subsection (a)(3)(A)(i)(VIII) and section 575(1)(H).

“(4) WITHDRAWAL, SUSPENSION, OR REVOCATION OF APPROVAL.—

“(A) WITHDRAWAL, SUSPENSION OF APPROVAL.—Nothing in this subchapter limits the Secretary's authority to withdraw or suspend approval of a drug product, including a designated medical gas deemed under this section to have in effect an approved application under section 505 or section 512 of this Act.

“(B) REVOCATION OF CERTIFICATION.—The Secretary may revoke the grant of a certification

under paragraph (2) if the Secretary determines that the request for certification contains any material omission or falsification.

“(b) PRESCRIPTION REQUIREMENT.—

“(1) IN GENERAL.—A designated medical gas shall be subject to the requirements of section 503(b)(1) unless the Secretary exercises the authority provided in section 503(b)(3) to remove such medical gas from the requirements of section 503(b)(1), the gas is approved for use without a prescription pursuant to an application under section 505 or 512, or the use in question is authorized pursuant to another provision of this Act relating to use of medical products in emergencies.

“(2) OXYGEN.—

“(A) NO PRESCRIPTION REQUIRED FOR CERTAIN USES.—Notwithstanding paragraph (1), oxygen may be provided without a prescription for the following uses:

“(i) For use in the event of depressurization or other environmental oxygen deficiency.

“(ii) For oxygen deficiency or for use in emergency resuscitation, when administered by properly trained personnel.

“(B) LABELING.—For oxygen provided pursuant to subparagraph (A), the requirements of section 503(b)(4) shall be deemed to have been met if its labeling bears a warning that the oxygen can be used for emergency use only and for all other medical applications a prescription is required.

“SEC. 577. INAPPLICABILITY OF DRUG FEES TO DESIGNATED MEDICAL GASES.

“A designated medical gas, alone or in combination with another designated gas or gases (as medically appropriate) deemed under section 576 to have in effect an approved application shall not be assessed fees under section 736(a) on the basis of such deemed approval.”

SEC. 1112. CHANGES TO REGULATIONS.

(a) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, after obtaining input from medical gas manufacturers and any other interested members of the public, shall—

(1) determine whether any changes to the Federal drug regulations are necessary for medical gases; and

(2) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding any such changes.

(b) REGULATIONS.—If the Secretary determines under subsection (a) that changes to the Federal drug regulations are necessary for medical gases, the Secretary shall issue final regulations revising the Federal drug regulations with respect to medical gases not later than 48 months after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term “Federal drug regulations” means regulations in title 21 of the Code of Federal Regulations pertaining to drugs.

(2) The term “medical gas” has the meaning given to such term in section 575 of the Federal Food, Drug, and Cosmetic Act, as added by section 1111 of this Act.

(3) The term “Secretary” means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.

SEC. 1113. RULES OF CONSTRUCTION.

Nothing in this subtitle and the amendments made by this subtitle applies with respect to—

(1) a drug that is approved prior to May 1, 2012, pursuant to an application submitted under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360b);

(2) any gas listed in subparagraphs (A) through (G) of section 575(1) of the Federal Food, Drug, and Cosmetic Act, as added by section 1111 of this Act, or any combination of any such gases, for an indication that—

(A) is not included in, or is different from, those specified in subclauses (I) through (VII) of section 576(a)(3)(A)(i) of such Act; and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512; or

(3) any designated medical gas added pursuant to subparagraph (H) of section 575(1) of such Act for an indication that—

(A) is not included in, or is different from, those originally added pursuant to subparagraph (H) of section 575(1) and section 576(a)(3)(A)(i)(VIII); and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512 of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. GUIDANCE DOCUMENT REGARDING PRODUCT PROMOTION USING THE INTERNET.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that describes Food and Drug Administration policy regarding the promotion, using the Internet (including social media), of medical products that are regulated by such Administration.

SEC. 1122. COMBATING PRESCRIPTION DRUG ABUSE.

(a) IN GENERAL.—To combat the significant rise in prescription drug abuse and the consequences of such abuse, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), in coordination with other Federal agencies, as appropriate, shall review current Federal initiatives and identify gaps and opportunities with respect to—

(1) ensuring the safe use of prescription drugs with the potential for abuse; and

(2) the treatment of prescription drug dependence.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall post on the Department of Health and Human Service's Internet Web site a report on the findings of the review under subsection (a). Such report shall include findings and recommendations on—

(1) how best to leverage and build upon existing Federal and federally funded data sources, such as prescription drug monitoring program data and the sentinel initiative of the Food and Drug Administration under section 505(k)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(k)(3)), as it relates to collection of information relevant to adverse events, patient safety, and patient outcomes, to create a centralized data clearinghouse and early warning tool;

(2) how best to develop and disseminate widely best practices models and suggested standard requirements to States for achieving greater interoperability and effectiveness of prescription drug monitoring programs, especially with respect to provider participation, producing standardized data on adverse events, patient safety, and patient outcomes; and

(3) how best to develop provider, pharmacist, and patient education tools and a strategy to widely disseminate such tools and assess the efficacy of such tools.

(c) GUIDANCE ON ABUSE-DETERRENT PRODUCTS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall promulgate guidance on the development of abuse-deterrent drug products.

SEC. 1123. OPTIMIZING GLOBAL CLINICAL TRIALS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 903 of this Act, is further amended by adding at the end the following:

“SEC. 569A. OPTIMIZING GLOBAL CLINICAL TRIALS.

“(a) IN GENERAL.—The Secretary shall—

“(1) work with other regulatory authorities of similar standing, medical research companies, and international organizations to foster and encourage uniform, scientifically driven clinical trial standards with respect to medical products around the world; and

“(2) enhance the commitment to provide consistent parallel scientific advice to manufacturers seeking simultaneous global development of new medical products in order to—

“(A) enhance medical product development;

“(B) facilitate the use of foreign data; and

“(C) minimize the need to conduct duplicative clinical studies, preclinical studies, or nonclinical studies.

“(b) **MEDICAL PRODUCT.**—In this section, the term ‘medical product’ means a drug, as defined in subsection (g) of section 201, a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

“(c) **SAVINGS CLAUSE.**—Nothing in this section shall alter the criteria for evaluating the safety or effectiveness of a medical product under this Act.

“SEC. 569B. USE OF CLINICAL INVESTIGATION DATA FROM OUTSIDE THE UNITED STATES.

“(a) **IN GENERAL.**—In determining whether to approve, license, or clear a drug or device pursuant to an application submitted under this chapter, the Secretary shall accept data from clinical investigations conducted outside of the United States, including the European Union, if the applicant demonstrates that such data are adequate under applicable standards to support approval, licensure, or clearance of the drug or device in the United States.

“(b) **NOTICE TO SPONSOR.**—If the Secretary finds under subsection (a) that the data from clinical investigations conducted outside the United States, including in the European Union, are inadequate for the purpose of making a determination on approval, clearance, or licensure of a drug or device pursuant to an application submitted under this chapter, the Secretary shall provide written notice to the sponsor of the application of such finding and include the rationale for such finding.”.

SEC. 1124. ADVANCING REGULATORY SCIENCE TO PROMOTE PUBLIC HEALTH INNOVATION.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall develop a strategy and implementation plan for advancing regulatory science for medical products in order to promote the public health and advance innovation in regulatory decisionmaking.

(b) **REQUIREMENTS.**—The strategy and implementation plan developed under subsection (a) shall be consistent with the user fee performance goals in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement commitment letter transmitted by the Secretary to Congress on April 20, 2012, and shall—

(1) identify a clear vision of the fundamental role of efficient, consistent, and predictable, science-based decisions throughout regulatory decisionmaking of the Food and Drug Administration with respect to medical products;

(2) identify the regulatory science priorities of the Food and Drug Administration directly related to fulfilling the mission of the agency with respect to decisionmaking concerning medical products and allocation of resources toward such regulatory science priorities;

(3) identify regulatory and scientific gaps that impede the timely development and review of,

and regulatory certainty with respect to, the approval, licensure, or clearance of medical products, including with respect to companion products and new technologies, and facilitating the timely introduction and adoption of new technologies and methodologies in a safe and effective manner;

(4) identify clear, measurable metrics by which progress on the priorities identified under paragraph (2) and gaps identified under paragraph (3) will be measured by the Food and Drug Administration, including metrics specific to the integration and adoption of advances in regulatory science described in paragraph (5) and improving medical product decisionmaking, in a predictable and science-based manner; and

(5) set forth how the Food and Drug Administration will ensure that advances in regulatory science for medical products are adopted, as appropriate, on an ongoing basis and in a manner integrated across centers, divisions, and branches of the Food and Drug Administration, including by senior managers and reviewers, including through the—

(A) development, updating, and consistent application of guidance documents that support medical product decisionmaking; and

(B) adoption of the tools, methods, and processes under section 566 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5).

(c) **PERFORMANCE REPORTS.**—The annual performance reports submitted to Congress under sections 736B(a) (as amended by section 104 of this Act), 738A(a) (as amended by section 204 of this Act), 744C(a) (as added by section 303 of this Act), and 744I(a) (as added by section 403 of this Act) of the Federal Food, Drug, and Cosmetic Act for each of fiscal years 2014 and 2016, shall include a report from the Secretary on the progress made with respect to—

(1) advancing the regulatory science priorities identified under paragraph (2) of subsection (b) and resolving the gaps identified under paragraph (3) of such subsection, including reporting on specific metrics identified under paragraph (4) of such subsection;

(2) the integration and adoption of advances in regulatory science as set forth in paragraph (5) of such subsection; and

(3) the progress made in advancing the regulatory science goals outlined in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement transmitted by the Secretary to Congress on April 20, 2012.

(d) **MEDICAL PRODUCT.**—In this section, the term “medical product” means a drug, as defined in subsection (g) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

SEC. 1125. INFORMATION TECHNOLOGY.

(a) **HHS REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) report to Congress on—

(A) the milestones and a completion date for developing and implementing a comprehensive information technology strategic plan to align the information technology systems modernization projects with the strategic goals of the Food and Drug Administration, including results-oriented goals, strategies, milestones, performance measures;

(B) efforts to finalize and approve a comprehensive inventory of the information technology systems of the Food and Drug Administration that includes information describing each system, such as costs, system function or

purpose, and status information, and incorporate use of the system portfolio into the information investment management process of the Food and Drug Administration;

(C) the ways in which the Food and Drug Administration uses the plan described in subparagraph (A) to guide and coordinate the modernization projects and activities of the Food and Drug Administration, including the interdependencies among projects and activities; and

(D) the extent to which the Food and Drug Administration has fulfilled or is implementing recommendations of the Government Accountability Office with respect to the Food and Drug Administration and information technology; and

(2) develop—

(A) a documented enterprise architecture program management plan that includes the tasks, activities, and timeframes associated with developing and using the architecture and addresses how the enterprise architecture program management will be performed in coordination with other management disciplines, such as organizational strategic planning, capital planning and investment control, and performance management; and

(B) a skills inventory, needs assessment, gap analysis, and initiatives to address skills gaps as part of a strategic approach to information technology human capital planning.

(b) **GAO REPORT.**—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic plan described in subsection (a)(1)(A) and related actions carried out by the Food and Drug Administration. Such report shall assess the progress the Food and Drug Administration has made on—

(1) the development and implementation of a comprehensive information technology strategic plan, including the results-oriented goals, strategies, milestones, and performance measures identified in subsection (a)(1)(A);

(2) the effectiveness of the comprehensive information technology strategic plan described in subsection (a)(1)(A), including the results-oriented goals and performance measures; and

(3) the extent to which the Food and Drug Administration has fulfilled recommendations of the Government Accountability Office with respect to such agency and information technology.

SEC. 1126. NANOTECHNOLOGY.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall intensify and expand activities related to enhancing scientific knowledge regarding nanomaterials included or intended for inclusion in products regulated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or other statutes administered by the Food and Drug Administration, to address issues relevant to the regulation of those products, including the potential toxicology of such nanomaterials, the potential benefit of new therapies derived from nanotechnology, the effects of such nanomaterials on biological systems, and the interaction of such nanomaterials with biological systems.

(b) **ACTIVITIES.**—In conducting activities related to nanotechnology, the Secretary may—

(1) assess scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to the Food and Drug Administration;

(2) in cooperation with other Federal agencies, develop and organize information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

(3) promote Food and Drug Administration programs and participate in collaborative efforts, to further the understanding of the

science of novel properties of nanomaterials that might contribute to toxicity;

(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanomaterials with biological systems;

(6) build scientific expertise on nanomaterials within the Food and Drug Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

(7) ensure ongoing training, as well as dissemination of new information within the centers of the Food and Drug Administration, and more broadly across the Food and Drug Administration, to ensure timely, informed consideration of the most current science pertaining to nanomaterials;

(8) encourage the Food and Drug Administration to participate in international and national consensus standards activities pertaining to nanomaterials; and

(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

SEC. 1127. ONLINE PHARMACY REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any problems posed by pharmacy Internet Web sites that violate Federal or State law, including—

(1) the methods by which Internet Web sites are used to sell prescription drugs in violation of Federal or State law or established industry standards;

(2) the harmful health effects that patients experience when they consume prescription drugs purchased through such pharmacy Internet Web sites;

(3) efforts by the Federal Government and State and local governments to investigate and prosecute the owners or operators of pharmacy Internet Web sites, to address the threats such Web sites pose, and to protect patients;

(4) the level of success that Federal, State, and local governments have experienced in investigating and prosecuting such cases;

(5) whether the law, as in effect on the date of the report, provides sufficient authorities to Federal, State, and local governments to investigate and prosecute the owners and operators of pharmacy Internet Web sites that violate Federal or State law or established industry standards;

(6) additional authorities that could assist Federal, State, and local governments in investigating and prosecuting the owners and operators of pharmacy Internet Web sites that violate Federal or State law or established industry standards;

(7) laws, policies, and activities that would educate consumers about how to distinguish pharmacy Internet Web sites that comply with Federal and State laws and established industry standards from those pharmacy Internet Web sites that do not comply with such laws and standards; and

(8) activities that private sector actors are taking to address the prevalence of illegitimate pharmacy Internet Web sites, and any policies to encourage further activities.

SEC. 1128. REPORT ON SMALL BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and

Drugs shall submit a report to Congress that includes—

(1) a listing of and staffing levels of all small business offices at the Food and Drug Administration, including the small business liaison program;

(2) the status of partnership efforts between the Food and Drug Administration and the Small Business Administration;

(3) a summary of outreach efforts to small businesses and small business associations, including availability of toll-free telephone help lines;

(4) with respect to the program under the Orphan Drug Act (Public Law 97-414), the number of applications made by small businesses and number of applications approved for research grants and the number of companies receiving protocol assistance for the development of drugs for rare diseases and disorders;

(5) the number of small businesses submitting applications and receiving approval for unsolicited grant applications from the Food and Drug Administration;

(6) the number of small businesses submitting applications and receiving approval for solicited grant applications from the Food and Drug Administration; and

(7) barriers small businesses encounter in the drug and medical device approval process.

SEC. 1129. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

“(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.”.

(b) CONFORMING AMENDMENT.—Section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) is amended by adding at the end the following: “For purposes of paragraph (18) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Health and Human Services.”.

SEC. 1130. COMPLIANCE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

In accordance with the final rule issued by the Commissioner of Food and Drug entitled “Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates” (77 Fed. Reg. 27591 (May 11, 2012)), a product subject to the final rule issued by the Commissioner entitled “Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use” (76 Fed. Reg. 35620 (June 17, 2011)), shall comply with such rule not later than—

(1) December 17, 2013, for products subject to such rule with annual sales of less than \$25,000 and

(2) December 17, 2012, for all other products subject to such rule.

SEC. 1131. STRATEGIC INTEGRATED MANAGEMENT PLAN.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a strategic integrated management plan for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health. Such strategic management plan shall—

(1) identify strategic institutional goals, priorities, and mechanisms to improve efficiency, for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health;

(2) describe the actions the Secretary will take to recruit, retain, train, and continue to develop

the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health to fulfill the public health mission of the Food and Drug Administration; and

(3) identify results-oriented, outcome-based measures that the Secretary will use to measure the progress of achieving the strategic goals, priorities, and mechanisms identified under paragraph (1) and the effectiveness of the actions identified under paragraph (2), including metrics to ensure that managers and reviewers of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are familiar with and appropriately and consistently apply the requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including new requirements under parts 2, 3, 7, and 8 of subchapter C of title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

SEC. 1132. ASSESSMENT AND MODIFICATION OF REMS.

(a) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—Section 505-1(g) (21 U.S.C. 355-1(g)) is amended—

(1) in paragraph (1), by striking “, and propose a modification to,”;

(2) in paragraph (2)—

(A) in the matter before subparagraph (A)—

(i) by striking “, subject to paragraph (5),”; and

(ii) by striking “, and may propose a modification to,”;

(B) in subparagraph (C), by striking “new safety or effectiveness information indicates that” and all that follows and inserting the following: “an assessment is needed to evaluate whether the approved strategy should be modified to—

“(i) ensure the benefits of the drug outweigh the risks of the drug; or

“(ii) minimize the burden on the health care delivery system of complying with the strategy.”; and

(C) by striking subparagraph (D);

(3) in paragraph (3), by striking “for a drug shall include—” and all that follows and inserting the following “for a drug shall include, with respect to each goal included in the strategy, an assessment of the extent to which the approved strategy, including each element of the strategy, is meeting the goal or whether 1 or more such goals or such elements should be modified.”; and

(4) by amending paragraph (4) to read as follows:

“(4) MODIFICATION.—

“(A) ON INITIATIVE OF RESPONSIBLE PERSON.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the responsible person may, at any time, submit to the Secretary a proposal to modify the approved strategy. Such proposal may propose the addition, modification, or removal of any goal or element of the approved strategy and shall include an adequate rationale to support such proposed addition, modification, or removal of any goal or element of the strategy.

“(B) ON INITIATIVE OF SECRETARY.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the Secretary may, at any time, require a responsible person to submit a proposed modification to the strategy within 120 days or within such reasonable time as the Secretary specifies, if the Secretary, in consultation with the offices described in subsection (c)(2), determines that 1 or more goals or elements should be added, modified, or removed from the approved strategy to—

“(i) ensure the benefits of the drug outweigh the risks of the drug; or

“(ii) minimize the burden on the health care delivery system of complying with the strategy.”.

(b) **REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS AND MODIFICATIONS OF APPROVED STRATEGIES.**—Section 505–1(h) (21 U.S.C. 355–1(h)) is amended—

(1) in the subsection heading by inserting “AND MODIFICATIONS” after “REVIEW OF ASSESSMENTS”;

(2) in paragraph (1)—

(A) by inserting “and proposed modification to” after “under subsection (a) and each assessment of”; and

(B) by inserting “, and, if necessary, promptly initiate discussions with the responsible person about such proposed strategy, assessment, or modification” after “subsection (g)”;

(3) by striking paragraph (2);

(4) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(5) in paragraph (2), as redesignated by paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—

“(i) **TIMEFRAME.**—Unless the dispute resolution process described under paragraph (3) or (4) applies, and, except as provided in clause (ii) or clause (iii) below, the Secretary, in consultation with the offices described in subsection (c)(2), shall review and act on the proposed risk evaluation and mitigation strategy for a drug or any proposed modification to any required strategy within 180 days of receipt of the proposed strategy or modification.

“(ii) **MINOR MODIFICATIONS.**—The Secretary shall review and act on a proposed minor modification, as defined by the Secretary in guidance, within 60 days of receipt of such modification.

“(iii) **REMS MODIFICATION DUE TO SAFETY LABEL CHANGES.**—Not later than 60 days after the Secretary receives a proposed modification to an approved risk evaluation and mitigation strategy to conform the strategy to approved safety label changes, including safety labeling changes initiated by the sponsor in accordance with FDA regulatory requirements, or to a safety label change that the Secretary has directed the holder of the application to make pursuant to section 505(o)(4), the Secretary shall review and act on such proposed modification to the approved strategy.

“(iv) **GUIDANCE.**—The Secretary shall establish, through guidance, that responsible persons may implement certain modifications to an approved risk evaluation and mitigation strategy following notification to the Secretary.”; and

(B) by amending subparagraph (C) to read as follows:

“(C) **PUBLIC AVAILABILITY.**—Upon acting on a proposed risk evaluation and mitigation strategy or proposed modification to a risk evaluation and mitigation strategy under subparagraph (A), the Secretary shall make publicly available an action letter describing the actions taken by the Secretary under such subparagraph (A).”;

(6) in paragraph (4), as redesignated by paragraph (4)—

(A) in subparagraph (A)(i)—

(i) by striking “Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (2) have begun, the” and inserting “The”; and

(ii) by inserting “, after the sponsor is required to make a submission under subsection (a)(2) or (g),” before “request in writing”; and

(B) in subparagraph (1)—

(i) by striking clauses (i) and (ii); and

(ii) by striking “if the Secretary—” and inserting “if the Secretary has complied with the timing requirements of scheduling review by the

Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.”;

(7) in paragraph (5), as redesignated by paragraph (4)—

(A) in subparagraph (A), by striking “any of subparagraphs (B) through (D)” and inserting “subparagraph (B) or (C)”;

(B) in subparagraph (C), by striking “paragraph (4) or (5)” and inserting “paragraph (3) or (4)”;

(8) in paragraph (8), as redesignated by paragraph (4), by striking “paragraphs (7) and (8)” and inserting “paragraphs (6) and (7).”.

(c) **GUIDANCE.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that, for purposes of section 505–1(h)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(h)(2)(A)), describes the types of modifications to approved risk evaluation and mitigation strategies that shall be considered to be minor modifications of such strategies.

SEC. 1133. EXTENSION OF PERIOD FOR FIRST APPLICANT TO OBTAIN TENTATIVE APPROVAL WITHOUT FORFEITING 180-DAY-EXCLUSIVITY PERIOD.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—If a first applicant files an application during the 30-month period ending on the date of enactment of this Act and such application initially contains a certification described in paragraph (2)(A)(vii)(IV) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), or if a first applicant files an application and the application is amended during such period to first contain such a certification, the phrase “30 months” in paragraph (5)(D)(i)(IV) of such section shall, with respect to such application, be read as meaning—

(A) during the period beginning on the date of enactment of this Act, and ending on September 30, 2015, “40 months”; and

(B) during the period beginning on October 1, 2015, and ending on September 30, 2016, “36 months”.

(2) **CONFORMING AMENDMENT.**—In the case of an application to which an extended period under paragraph (1) applies, the reference to the 30-month period under section 505(q)(1)(G) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(q)(1)(G)) shall be read to be the applicable period under paragraph (1).

(b) **PERIOD FOR OBTAINING TENTATIVE APPROVAL OF CERTAIN APPLICATIONS.**—If an application is filed on or before the date of enactment of this Act and such application is amended during the period beginning on the day after the date of enactment of this Act and ending on September 30, 2017, to first contain a certification described in paragraph (2)(A)(vii)(IV) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), the date of the filing of such amendment (rather than the date of the filing of such application) shall be treated as the beginning of the 30-month period described in paragraph (5)(D)(i)(IV) of such section 505(j).

(c) **DEFINITIONS.**—For the purposes of this section, the terms “application” and “first applicant” mean application and first applicant, as such terms are used in section 505(j)(5)(D)(i)(IV) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(IV)).

SEC. 1134. DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.

(a) **IN GENERAL.**—Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

“(u) **DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.**—The Secretary shall issue a final, substantive determination on a petition submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations

(or any successor regulations), no later than 270 days after the date the petition is submitted.”.

(b) **APPLICATION.**—The amendment made by subsection (a) shall apply to any petition that is submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations (or any successor regulations), on or after the date of enactment of this Act.

SEC. 1135. FINAL AGENCY ACTION RELATING TO PETITIONS AND CIVIL ACTIONS.

Section 505(q) (21 U.S.C. 355(q)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “subsection (b)(2) or (j)” and inserting “subsection (b)(2) or (j) of this section or section 351(k) of the Public Health Service Act”; and

(B) in subparagraph (F), by striking “180 days” and inserting “150 days”;

(2) in paragraph (2)(A)—

(A) in the subparagraph heading, by striking “180” and inserting “150”; and

(B) in clause (i), by striking “180-day” and inserting “150-day”;

(3) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking “This subsection does not apply to—” and inserting the following:

“(A) This subsection does not apply to—”;

and

(C) by adding at the end the following:

“(B) Paragraph (2) does not apply to a petition addressing issues concerning an application submitted pursuant to section 351(k) of the Public Health Service Act.”; and

(4) in paragraph (5), by striking “subsection (b)(2) or (j)” inserting “subsection (b)(2) or (j) of the Act or 351(k) of the Public Health Service Act”.

SEC. 1136. ELECTRONIC SUBMISSION OF APPLICATIONS.

Subchapter D of chapter VII (21 U.S.C. 379k et seq.) is amended by inserting after section 745 the following:

“SEC. 745A. ELECTRONIC FORMAT FOR SUBMISSIONS.

“(a) **DRUGS AND BIOLOGICS.**—

“(1) **IN GENERAL.**—Beginning no earlier than 24 months after the issuance of a final guidance issued after public notice and opportunity for comment, submissions under subsection (b), (i), or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act shall be submitted in such electronic format as specified by the Secretary in such guidance.

“(2) **GUIDANCE CONTENTS.**—In the guidance under paragraph (1), the Secretary may—

“(A) provide a timetable for establishment by the Secretary of further standards for electronic submission as required by such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.

“(3) **EXCEPTION.**—This subsection shall not apply to submissions described in section 561.

“(b) **DEVICES.**—

“(1) **IN GENERAL.**—Beginning after the issuance of final guidance implementing this paragraph, presubmissions and submissions for devices under section 510(k), 513(f)(2)(A), 515(c), 515(d), 515(f), 520(g), 520(m), or 564 of this Act or section 351 of the Public Health Service Act, and any supplements to such presubmissions or submissions, shall include an electronic copy of such presubmissions or submissions.

“(2) **GUIDANCE CONTENTS.**—In the guidance under paragraph (1), the Secretary may—

“(A) provide standards for the electronic copy required under such paragraph; and

“(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.”.

SEC. 1137. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSIONS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 1123 of this Act, is further amended by adding at the end the following:

“SEC. 569C. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSION.

“(a) *IN GENERAL.*—The Secretary shall develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions, including by—

“(1) fostering participation of a patient representative who may serve as a special government employee in appropriate agency meetings with medical product sponsors and investigators; and

“(2) exploring means to provide for identification of patient representatives who do not have any, or have minimal, financial interests in the medical products industry.

“(b) *PROTECTION OF PROPRIETARY INFORMATION.*—Nothing in this section shall be construed to alter the protections offered by laws, regulations, or policies governing disclosure of confidential commercial or trade secret information and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such laws, regulations, or policies would apply to consultation with individuals and organizations prior to the date of enactment of this section.

“(c) *OTHER CONSULTATION.*—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

“(d) *NO RIGHT OR OBLIGATION.*—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder. Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012. Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.

“(e) *FINANCIAL INTEREST.*—In this section, the term ‘financial interest’ means a financial interest under section 208(a) of title 18, United States Code.”.

SEC. 1138. ENSURING ADEQUATE INFORMATION REGARDING PHARMACEUTICALS FOR ALL POPULATIONS, PARTICULARLY UNDERREPRESENTED SUBPOPULATIONS, INCLUDING RACIAL SUBGROUPS.

(a) *COMMUNICATION PLAN.*—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, shall review and modify, as necessary, the Food and Drug Administration’s communication plan to inform and educate health care providers and patients on the benefits and risks of medical products, with particular focus on underrepresented subpopulations, including racial subgroups.

(b) *CONTENT.*—The communication plan described under subsection (a)—

(1) shall take into account—

(A) the goals and principles set forth in the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities issued by the Department of Health and Human Services;

(B) the nature of the medical product; and

(C) health and disease information available from other agencies within such Department, as well as any new means of communicating health and safety benefits and risks related to medical products;

(2) taking into account the nature of the medical product, shall address the best strategy for

communicating safety alerts, labeled indications for the medical products, changes to the label or labeling of medical products (including black-box warnings, health advisories, health and safety benefits and risks), particular actions to be taken by health care professionals and patients, any information identifying particular subpopulations, and any other relevant information as determined appropriate to enhance communication, including varied means of electronic communication; and

(3) shall include a process for implementation of any improvements or other modifications determined to be necessary.

(c) ISSUANCE AND POSTING OF COMMUNICATION PLAN.

(1) *COMMUNICATION PLAN.*—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue the communication plan described under this section.

(2) *POSTING OF COMMUNICATION PLAN ON THE OFFICE OF MINORITY HEALTH WEB SITE.*—The Secretary, acting through the Commissioner of Food and Drugs, shall publicly post the communication plan on the Internet Web site of the Office of Minority Health of the Food and Drug Administration, and provide links to any other appropriate Internet Web site, and seek public comment on the communication plan.

SEC. 1139. SCHEDULING OF HYDROCODONE.

(a) *IN GENERAL.*—Not later than 60 days after the date of enactment of this Act, if practicable, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall hold a public meeting to solicit advice and recommendations to assist in conducting a scientific and medical evaluation in connection with a scheduling recommendation to the Drug Enforcement Administration regarding drug products containing hydrocodone, combined with other analgesics or as an antitussive.

(b) *STAKEHOLDER INPUT.*—In conducting the evaluation under subsection (a), the Secretary shall solicit input from a variety of stakeholders including patients, health care providers, harm prevention experts, the National Institute on Drug Abuse, the Centers for Disease Control and Prevention, and the Drug Enforcement Administration regarding the health benefits and risks, including the potential for abuse and the impact of up-scheduling of these products.

(c) *TRANSCRIPT.*—The transcript of any public meeting conducted pursuant to this section shall be published on the Internet Web site of the Food and Drug Administration.

SEC. 1140. STUDY ON DRUG LABELING BY ELECTRONIC MEANS.

(a) *STUDY.*—The Comptroller General of the United States shall conduct a study on the benefits and efficiencies of electronic patient labeling of prescription drugs, as a complete or partial substitute for patient labeling in paper form. The study shall address the implementation costs to the different levels of the distribution system, logistical barriers to utilizing a system of electronic patient labeling, and any anticipated public health impact of movement to electronic labeling.

(b) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a).

SEC. 1141. RECOMMENDATIONS ON INTEROPERABILITY STANDARDS.

(a) *IN GENERAL.*—The Secretary of Health and Human Services may facilitate, and, as appropriate, may consult with the Attorney General to facilitate, the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription drug information across State lines by States receiving grant funds under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Depart-

ments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 399O of the Public Health Service Act (42 U.S.C. 280g-3).

(b) *REQUIREMENTS.*—The Secretary of Health and Human Services shall consider the following in facilitating the development of recommendations on interoperability of prescription drug monitoring programs under subsection (a)—

(1) open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub, hub-to-hub, and direct State-to-State communication;

(3) the support of transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that protected health information and personally identifiable information are not compromised at any point during such transmission;

(4) access control methodologies to share protected information solely in accordance with State laws and regulations; and

(5) consider model interoperability standards developed by the Alliance of States with Prescription Monitoring Programs.

(c) REPORT.

(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on enhancing the interoperability of State prescription drug monitoring programs with other technologies and databases used for detecting and reducing fraud, diversion, and abuse of prescription drugs.

(2) *CONTENTS.*—The report required under paragraph (1) shall include—

(A) an assessment of legal, technical, fiscal, privacy, or security challenges that have an impact on interoperability;

(B) a discussion of how State prescription drug monitoring programs could increase the production and distribution of unsolicited reports to prescribers and dispensers of prescription drugs, law enforcement officials, and health professional licensing agencies, including the enhancement of such reporting through interoperability with other States and relevant technology and databases;

(C) any recommendations for addressing challenges that impact interoperability of State prescription drug monitoring programs in order to reduce fraud, diversion, and abuse of prescription drugs; and

(D) an assessment of the extent to which providers use prescription drug management programs in delivering care and preventing prescription drug abuse.

SEC. 1142. CONFLICTS OF INTEREST.

(a) *IN GENERAL.*—Section 712 (21 U.S.C. 379d-1) is amended—

(1) by striking subsections (b) and (c) and inserting the following subsections:

“(b) *RECRUITMENT FOR ADVISORY COMMITTEES.*—

“(1) *IN GENERAL.*—The Secretary shall—

“(A) develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups;

“(B) seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities;

“(C) at least every 180 days, request referrals for potential members of advisory committees from a variety of stakeholders, including—

“(i) product developers, patient groups, and disease advocacy organizations; and

“(ii) relevant—

“(I) professional societies;

“(II) medical societies;

“(III) academic organizations; and

“(IV) governmental organizations; and

“(D) in carrying out subparagraphs (A) and (B), take into account the levels of activity (including the numbers of annual meetings) and the numbers of vacancies of the advisory committees.

“(2) RECRUITMENT ACTIVITIES.—The recruitment activities under paragraph (1) may include—

“(A) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

“(B) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

“(C) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person whom the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

“(3) EXPERTISE.—In carrying out this subsection, the Secretary shall seek to ensure that the Secretary has access to the most current expert advice.

“(c) DISCLOSURE OF DETERMINATIONS AND CERTIFICATIONS.—Notwithstanding section 107(a)(2) of the Ethics in Government Act of 1978, the following shall apply:

“(1) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but (except as provided in paragraph (2)) not later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 or section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet Web site of the Food and Drug Administration—

“(A) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination or certification applies; and

“(B) the reasons of the Secretary for such determination or certification, including, as appropriate, the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.

“(2) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 or 552a of title 5, United States Code) on the Internet Web site of the Food and Drug Administration, the information described in subparagraphs (A) and (B) of paragraph (1) as soon as practicable after the Secretary makes such determination or certification, but in no case later than the date of such meeting.”;

(2) in subsection (d), by striking “subsection (c)(3)” and inserting “subsection (c)”;

(3) by amending subsection (e) to read as follows:

“(e) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, a report that describes—

“(A) with respect to the fiscal year that ended on September 30 of the previous year, the number of persons nominated for participation at meetings for each advisory committee, the number of persons so nominated, and willing to serve, the number of vacancies on each advisory committee, and the number of persons contacted for service as members on each advisory committee meeting for each advisory committee who did not participate because of the potential for such participation to constitute a disqualifying financial interest under section 208 of title 18, United States Code;

“(B) with respect to such year, the number of persons contacted for services as members for each advisory committee meeting for each advisory committee who did not participate because of reasons other than the potential for such participation to constitute a disqualifying financial interest under section 208 of title 18, United States Code;

“(C) with respect to such year, the number of members attending meetings for each advisory committee; and

“(D) with respect to such year, the aggregate number of disclosures required under subsection (d) and the percentage of individuals to whom such disclosures did not apply who served on such committee.

“(2) PUBLIC AVAILABILITY.—Not later than 30 days after submitting any report under paragraph (1) to the committees specified in such paragraph, the Secretary shall make each such report available to the public.”;

(4) in subsection (f), by striking “shall review guidance” and all that follows through the end of the subsection and inserting the following: “shall—

“(1) review guidance of the Food and Drug Administration with respect to advisory committees regarding disclosure of conflicts of interest and the application of section 208 of title 18, United States Code; and

“(2) update such guidance as necessary to ensure that the Food and Drug Administration receives appropriate access to needed scientific expertise, with due consideration of the requirements of such section 208.”; and

(5) by adding at the end the following:

“(g) GUIDANCE ON REPORTED DISCLOSED FINANCIAL INTEREST OR INVOLVEMENT.—The Secretary shall issue guidance that describes how the Secretary reviews the financial interests and involvement of advisory committee members that are disclosed under subsection (c) but that the Secretary determines not to meet the definition of a disqualifying interest under section 208 of title 18, United States Code for the purposes of participating in a particular matter.”.

(b) APPLICABILITY.—The amendments made by subsection (a) apply beginning on October 1, 2012.

SEC. 1143. NOTIFICATION OF FDA INTENT TO REGULATE LABORATORY-DEVELOPED TESTS.

(a) IN GENERAL.—The Food and Drug Administration may not issue any draft or final guidance on the regulation of laboratory-developed tests under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) without, at least 60 days prior to such issuance—

(1) notifying the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate of the Administration's intent to take such action; and

(2) including in such notification the anticipated details of such action.

(b) SUNSET.—Subsection (a) shall cease to have force or effect on the date that is 5 years after the date of enactment of this Act.

Subtitle D—Synthetic Drugs

SEC. 1151. SHORT TITLE.

This subtitle may be cited as the “Synthetic Drug Abuse Prevention Act of 2012”.

SEC. 1152. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE 1 OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

“(2) In paragraph (1):

“(A) The term ‘cannabimimetic agents’ means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

“(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

“(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

“(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

“(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

“(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

“(B) Such term includes—

“(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

“(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

“(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

“(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

“(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

“(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

“(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

“(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

“(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

“(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

“(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

“(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

“(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).”.

(b) *OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:*

“(18) 4-methylmethcathinone (Mephedrone).

“(19) 3,4-methylenedioxypropylvalerone (MDPV).

“(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

“(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

“(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

“(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

“(24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

“(25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

“(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

“(27) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).

“(28) 2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine (2C-P).”.

SEC. 1153. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking “one year” and inserting “2 years”; and

(2) by striking “six months” and inserting “1 year”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank Mr. WAXMAN, Chairman HARKIN, Senator ENZI, and Members on both sides of the aisle in both the House and the Senate who played a role in this process. S. 3187 is a reflection of the hard work put in by both Members and staff, and of everyone's willingness to put partisanship aside to look at the issues together. Because of that outstanding dedication, we have a bill today that will make a real difference in the lives of so many patients and provide much-needed support for innovators across our great country.

At the outset of this Congress, I set a goal of enacting this bill by the end of June—and here we are, well before the clock expires for this month—in order to provide certainty for American patients and innovators. I never lost confidence that we could deliver the bipartisan reforms we needed, and I am so

proud that we will accomplish that goal.

Mr. Speaker, this is a jobs bill, and it's a medical innovation bill. And as we put this package together, our goal was to improve the predictability, consistency, transparency, and efficiency of FDA regulation. These reforms will help get new treatments to patients more quickly. They will help us not only keep jobs in Michigan and all across the country, but also to create new ones. In order to get it right, we turned to patients, innovators, and job creators who provided firsthand experience of how the current system is broken. And we included many of their suggestions in the bill.

This bill includes significant accountability and reform measures designed to hold the FDA responsible for its performance. The measure includes independent assessments of FDA's drug and device review process. It also includes requiring quarterly reporting from the device center so we don't have to wait a year to find out FDA's progress. The bill is about patients, and that's why so many patient advocates have spoken out in support of these reforms. Whether it is steps that we took to support treatments for rare diseases or mitigate drug shortages or speed up the approval of devices that will improve a patient's quality of life, these are steps that will make a real and significant difference.

□ 1430

They're going to keep the U.S. at the forefront of medical innovation where we belong.

This bill is just the first step. This bill provides the resources and the game plans so that FDA can improve its performance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield myself an additional minute.

It is now up to the FDA to execute that game plan. And I give my commitment today that our committee will continue to monitor and hold the FDA accountable for its performance. So, together, the Members of the House and the Senate have produced a bill that is a win for American patients, innovation, and job creation.

Before I conclude, I would like to recognize Warren Burke and Megan Renfrew from the Legislative Counsel's Office for their tireless work. The role of Legislative Counsel often goes unnoticed. I also want to appreciate our staff, starting with our staff director, Gary Andres, for pushing this legislation over the finish line; Clay Alspach, on the majority staff; Rachel Sher, on the minority staff; and in particular, Ryan Long, the chief counsel for the Health Subcommittee.

This bill, when it becomes law, patients will benefit from faster, newer, and better treatments, and American

workers will keep us on the cutting edge of medical innovation.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

Today, the House considers a bill that represents a significant bipartisan and bicameral achievement.

On May 30 of this year, the House passed its user fee legislation by a dramatic vote of 387-5. That bill was a strong one, but through our collaborative process with the Senate, we have made it even better.

It has been a pleasure to work not only with Mr. UPTON, Mr. PITTS, Mr. PALLONE, and Mr. DINGELL, among many involved House colleagues, but also with our Senate colleagues, Senators HARKIN and ENZI.

When we began this process, there were divergent views on the various issues contained in this bill. But we worked together and found ways to bridge our differences in a fashion that protects patients and fosters innovation.

This legislation contains many provisions that are critical to the functioning of major parts of the FDA. We reauthorize the FDA's drug and medical device user fee programs which will provide resources to enable the efficient review of applications and give patients rapid access to new therapies. We're also reauthorizing two pediatric programs which foster the development and safe use of prescription drugs in children.

This year, we're establishing two new programs to help the FDA speed up their review of new generics and biosimilars. These provisions illustrate our bipartisan commitment to ensuring a vibrant generic marketplace. All of us will see the benefits when more low-cost generics are on the market.

One of the most important improvements to the House-passed bill is in the area of antibiotics. We accepted the Senate language that directs incentives for the development of antibiotics toward serious and life-threatening infections.

This bill also includes provisions to modernize FDA's authorities with respect to the drug supply chain. Today, 80 percent of active ingredients and bulk chemicals used in U.S. drugs come from abroad and 40 percent of finished drugs are manufactured abroad. FDA has been trying to keep pace with this increasingly globalized drug supply change using an outdated statute. This legislation will give the FDA critical new tools to police this dramatically different marketplace.

We have also worked to address the area of drug shortages, which is a complex and multifaceted problem, but this legislation takes some sensible first steps.

I want to thank my colleagues on both sides of the aisle and their staffs for the hard work they've put into

making this a strong bipartisan bill. I particularly want to thank Mr. PALLONE and Mr. DINGELL's staff members, Tiffany Guarascio and Kim Trzeciak, as well as Mr. UPTON and Mr. PITT's staff, Ryan Long and Clay Alspach.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself an additional 30 seconds.

Warren Burke and Megan Renfrew have done tremendous work on this bill. I'd like to express my appreciation for their efforts. I want to thank my own staff: Karen Nelson, Rachel Sher, Eric Flamm, and Arun Patel.

The American public will benefit from the provisions of this bill. The FDA will have the resources to remain the gold standard for the future. This is an important bill, a good one. I urge its support.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished chairman.

Mr. Speaker, I rise in strong support of this bill. When the American public asks, "Why can't Congress just work together?" we should hold this bill up as Exhibit A that it is possible.

As the ranking member just pointed out, this is a bipartisan, bicameral preconference agreement for a very complicated bill. We reauthorize the Food and Drug Administration user fee program for 5 years. We also reauthorize the medical device user fee program for 5 years, and, I believe for the first time, do one for generic and biosimilars. This is a complicated, complex piece of legislation, but it has been worked out in a bipartisan agreement.

I have had some concerns about the extent and the cost of the user fees. I will continue to monitor that, Mr. Speaker. But this is a good piece of legislation. The chairman and ranking member and the subcommittee chairman and ranking member and all the others who have worked on this should be commended. This is an excellent bill, and I hope that the Congress will unanimously support it and the Senate will agree when we send it to the other body.

Mr. WAXMAN. Mr. Speaker, at this time, I'd like to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Health Subcommittee, the subcommittee that was responsible for this legislation in its first instance.

I ask unanimous consent that Mr. PALLONE be permitted to manage the rest of the time on our side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PALLONE. Thank you, Chairman WAXMAN.

I want to say I'm very proud to support the bill before us, which would reauthorize and revitalize a number of different programs at the FDA.

This bill really represents a great compromise between the House and the Senate and strikes the right balance by including strong provisions that will be good for both innovation and patient safety.

When we passed the House version of this bill, I spoke highly of a great cordial process, and I'm happy to be able to echo those sentiments again here today. This process should be a model for congressional bipartisan cooperation in the future. Not only did we all work so well together, staffs were able to rectify the differences among the two Chambers' versions of the bill in a matter of 2 weeks. That's commendable. It's a clear indication that Congress is certainly capable of greatness if we just allow ourselves to set politics aside and simply legislate.

I want to thank Chairman UPTON and Ranking Member WAXMAN for your leadership. And to all the staff who worked around the clock—and of course particularly Tiffany Guarascio, who is my staff person—they were all dedicated to achieving a comprehensive and consensus product, and they've done just that.

The bill before us today provides the FDA with more than \$6 billion over 5 years to pay for the timely and efficient reviews of medical products. Together, these agreements will ensure that Americans have access to safe and effective new medicines and medical devices. It will reduce the drug costs for consumers by speeding the approval of lower cost generic drugs with the establishment of a new user fee program for generic drugs and for lower cost versions of biotech drugs as well.

It also includes promising provisions that address the safety of the supply chain, help to foster the development and safe use of prescription drugs for children, increase efforts to address drug shortages, change conflict of interest rules so that the FDA has access to the best expertise on their advisory panels, and other provisions which are important to the public health of our Nation.

This bill is good for the FDA; it's good for industry; it's good for patients alike. I'm confident we will pass this critical bill overwhelmingly today and that the Senate will act early next week so we can send it to the President for his signature as soon as possible.

I urge all Members to support this bill, and I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I stand to strongly support this legislation.

This bipartisan agreement represents over 18 months of work from the Energy and Commerce Health Subcommittee, and I'm especially proud and appreciative of the hard work of Ryan Long and Clay Alspach for their diligent and tireless efforts in helping to make this bill possible.

The FDA Safety and Innovation Act is critical to saving lives, improving regulatory operations, and sustaining a vital and dynamic American industry.

□ 1440

American companies are the leading developers of new medical devices and drugs to save and sustain life. To ensure that products are both safe and effective, we've tasked the Food and Drug Administration with reviewing products before they make their way into the market, and this is a critical responsibility.

The device and drug industries are dynamic and innovative. Companies spend hundreds of millions of dollars and years of research and work to develop products. The review stage is a critical time for any company. Inconsistent reviews mean that the true cost of developing new products is hidden, making it difficult to properly prepare.

When our Health Subcommittee began considering this legislation last year, we heard from a number of individuals about the increasing difficulty of working through the review process. American patients were waiting almost 4 years longer for new devices that had already been approved in Europe. And despite the slower U.S. review process, the safety outcomes were comparable.

The FDA Safety and Innovation Act contains important reforms to the Medical Device User Fee Act and will hold the FDA accountable and keep reviews on schedule. There are many reforms in this bill.

Finally, we include language to help patients and doctors and hospitals deal with drug shortages. Mr. Speaker, I'm proud of the work we've done. I'm proud that we have such a bipartisan effort.

I'd like to especially thank Ranking Member FRANK PALLONE and his staff for patiently working with us, for Mr. DINGELL, Mr. WAXMAN. We've accomplished much with this legislation, and it will help save lives, create jobs—two goals that we can all agree on. Thanks to our chairman, Mr. UPTON.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to our chairman emeritus, the gentleman from Michigan (Mr. DINGELL), who worked so hard on this bill, particularly with regard to the safety provisions.

Mr. DINGELL. Mr. Speaker, this is a good bill. I urge my colleagues to support it. I rise in strong support of it, and I urge my colleagues to join.

This legislation enjoys broad bipartisan support on both sides of the Capitol and from industry and patient

groups. We should also be proud of the work we have done to get it here today.

I would observe that it has been done because the Members worked together in the finest traditions of this body. And I'm also proud of the work that my colleagues on the committee and the staff have done on this matter. I was pleased to work with them to include strong upstream drug supply chain provisions, something that's been a long priority of mine.

I'm also pleased that, for the first time, commercial importers will be required to register, so we'll know who's bringing what in and whether it's safe or not. There will also be parity between inspections of domestic and foreign drug facilities, something which is a major problem because foreign facilities and foreign manufacturers now import much into this country, much of which is unsafe and improperly inspected.

FDA will be able to maintain a practice in which they will detain and destroy counterfeit drugs and those which are unsafe or intentionally or otherwise adulterated, and they will be able to impose increased penalties on those who adulterate these drugs and pharmaceuticals.

These provisions, which mirror safety provisions in my drug safety bill, will equip FDA with the authorities it needs to better oversee our increasingly globalized drug supply chain and will give American families comfort that the pharmaceuticals that they are taking are safe, and help to deter and to respond to any future heparin-like incidents which killed some 80 Americans and hurt thousands more.

While I am disappointed we were unable to come forward with a consensus on a national track-and-trace standard, it's my hope that we will continue to work on this in coming days. And I want to commend my colleagues, Mr. MATHESON and Mr. BILBRAY, for the fine work they have done on this matter.

I've also been working on this issue for many years, and we've come closer than ever before to finding a consensus. Given additional time, I think we could have resolved this issue; but because of time pressures, we were not able to.

I also want to thank my friends, Mr. UPTON, Mr. HARKIN, Ranking Members WAXMAN and ENZI, and their staff for the hard work they did to send this critical bill to the President before July 4. I also want to thank Kimberly Trzeciak of my staff for her diligence on the supply chain provisions and other matters.

I urge my colleagues to support this bill. It will be something of which we will be proud. It will confer much safety on the American people in areas of very substantial danger; and it will see to it that, to a modest degree at least, the industry-supported provisions, including those which involved the col-

lection of fees, will begin to work for the benefit of the American people.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), the distinguished vice chair of the Health Subcommittee.

Mr. BURGESS. I thank the chairman for yielding and the Speaker for the recognition.

Today, we are considering the Food and Drug Administration's Safety Innovation Act, and I urge my colleagues to support it. This bill reauthorizes Food and Drug Administration's user fee programs. The bill will allow industry to continue to partner in providing our physicians the tools they need to prevent and alleviate human suffering.

The legislation retains significant reforms that were made in our House bill and enhances other provisions, such as those on drug shortages. The bill will ensure that the Food and Drug Administration has the scientific and medical expertise they need when reviewing products utilizing emerging science, or for those populations with very rare diseases.

This bill will spur innovation for antibiotics, will help those with rare diseases, and be particularly helpful to the community of physicians that takes care of our pediatric cancer patients.

The Food and Drug Administration is now required to notify Congress before issuing guidance regarding the regulation of laboratory-developed tests. I still believe we should strengthen and improve CLIA's oversight of laboratory-developed tests, instead of even contemplating any type of duplicative regulation.

The bill avoids provisions added by the other Chamber that I thought crossed the line into the practice of medicine by Congress and actually threatened patient treatment. It will address numerous other issues to enhance the work of the FDA, while correcting missteps of the Agency in such areas as public input, good guidance practices, and the manufacture of custom devices.

The process to this vote from the very beginning was respectful and resulted from hundreds of hours of negotiations. Chairman UPTON, thank you, and Chairman PITTS, Ranking Members WAXMAN and PALLONE. I specifically want to thank Ryan Long and Clay Alspach on the staff of the majority who sacrificed much to get this product to the floor today.

This vote is really about patients who will be served by the passage of this bill, and I urge its expeditious passage.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE), who worked very hard on the drug shortage provisions of the legislation.

Ms. DEGETTE. Mr. Speaker, I'm delighted to support this bipartisan legis-

lation which addresses critical problems affecting the safety of drugs and medical devices in this country. There are several highlights I'd like to talk about, like Dr. GINGREY's incentives for antibiotic development, or the supply chain legislation that Mr. DINGELL has worked on tirelessly for years.

But there's one issue that I've been working on on a bipartisan basis throughout this Congress that I want to discuss briefly. Drug shortages have rattled our hospitals, our doctors, and our families. Figures recently released by the University of Utah show there were 56 more newly reported drug shortages in the U.S. last year than in 2010 when there were 211.

So, again, let me say 211 drugs in shortage. How can this be happening, and what can we do about it?

Representative TOM ROONEY from Florida and I introduced the bipartisan Preserving Access to Life-Saving Medications Act, which eventually had 85 cosponsors. The bill creates an early warning system between the FDA, drug companies, and providers so a community can respond to a drug shortage quickly and efficiently. It won't solve the root problems of the drug shortage crisis, but it will help providers and doctors and hospitals identify those crises and help with the patient.

This February, for example, under a voluntary program, the FDA stepped in to allow for temporary emergency importation of the cancer drug, Doxil, which was in shortage. And at the same time, the FDA prioritized the review of a new manufacturer of the same drug when the cancer drug went into shortage.

So what our bill will do is make this program mandatory. What we think it will do is it will help patients across the spectrum get the drugs they need. It will help the hospitals and the providers identify potential shortages, and it will help the manufacturers better make sure that they get the drugs to the patients that need them.

I'm thrilled that this is contained, and I want to thank the chairman.

□ 1450

Mr. UPTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. My colleagues, this reauthorization of the FDA's user fees will provide stability for the FDA's new product review as companies submit new and innovative drugs, medical devices, and biologics for approval.

I am especially proud that my bill, the Faster Access to Specialized Treatments, H.R. 4132, FAST, was included in the FDA Reform Act. FAST modernizes the FDA's accelerated approval pathway to reflect scientific developments that have occurred over the past 20 years. This will allow for new drugs for people suffering from rare diseases.

There are 30 million Americans suffering from one of over 7,000 rare diseases, but only 250 currently have any treatment. FAST will save lives.

I am pleased also that the bill includes the EXPERRT Act, H.R. 4156. This will help the FDA consult with medical experts when evaluating drugs designed for rare diseases, such as cystic fibrosis. As the cofounder of the Cystic Fibrosis Caucus, I am glad we are finally providing this tool to the FDA.

I obviously support the passage of this bill.

Mr. Speaker, the Food and Drug Administration Safety and Innovation Act (S. 3187) is based on user fee negotiations between FDA and the prescription drug, generic drug, biologic, and medical device industry. This reauthorization of the FDA user fees will provide stability with FDA's new product review as companies submit new and innovative devices and drugs for approval.

This bill is the result of hard work and negotiations between industry and FDA, and the hard work between Republicans and Democrats, and between the House and the Senate. This bill is a true bipartisan, bicameral bill that will serve the American people well.

In codifying the User Fee Agreement, this committee has included additional provisions designed to address some of the defects of the regulatory structure and overreach by the FDA. Under my Chairmanship of the Oversight and Investigation Subcommittee, we held a hearing into FDA's regulatory efforts in the medical device space. During our hearing, many of the witnesses talked about the reluctance of FDA to approve devices and how FDA continually moved the goalposts for approval. I am glad that Title VI of this bill includes a significant number of reform provisions designed to bring certainty to the medical device field.

In addition to reforming approaches to medical devices through Title VI, the FDA's approach to rare diseases must also be modernized.

I want to take this opportunity to thank Dr. Emil Kakkis, Julia Jenkins, Harry Sporidis, Tim Perrin, Steve Stranne, everyone at the EveryLife Foundation for Rare Diseases, Pat Furlong, Nick Manetto, everyone at the Parent Project Muscular Dystrophy, and the other 150 rare disease groups that supported FAST and ULTRA. In 2011, I met with Dr. Kakkis who introduced me to two parents who had children with rare diseases and limited options as most rare diseases do not have treatments. One parent talked about his frustration at not having any treatments, except for a drug trial happening in Europe, not the United States. We talked about how we need FDA to properly address the issue of drug approval for the rare disease community, which led to examining the Accelerated Approval pathway and trying to modernize it. We developed the Unlocking Lifesaving Treatments for Rare Diseases Act (ULTRA, H.R. 3737), which I introduced with my friend and colleague, Rep. ED TOWNS, to nudge the FDA into using Accelerated Approval for rare diseases.

However, after further review of the law, FDA's history of Accelerated Ap-

proval and the feedback we received from stakeholders, we realized that amending the law was not sufficient. Instead, we worked with all the stakeholders to rewrite the entirety of the Accelerated Approval statute. In March, Representative TOWNS and I introduced the Faster Access to Specialized Treatments Act (FAST, H.R. 4132). FAST updates and modernizes Section 506 of the Food, Drug & Cosmetic Act, and updates the Accelerated Approval statute to reflect two decades worth of medical sciences that has occurred since Accelerated Approval was first created. FAST will help FDA implement broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases by using modern scientific tools.

The use of surrogate endpoints may result in fewer, smaller or shorter clinical trials without compromising FDA's existing high standards for safety or efficacy. Surrogate and clinical endpoints only need to be reasonable predictors of clinical benefit to support accelerated approval. They do not need to be validated or proven first. The changes made to current law permitting the Secretary to require validation of surrogates following accelerated approval is not intended to change FDA's long history of granting accelerated approval based on unvalidated, but predictive, surrogate endpoints.

Additionally, FAST includes explicit language for FDA to think about the challenges of rare diseases when developing their guidance and gives the rare disease community an opportunity to publically comment on FDA's draft guidance. FAST ensures that the voices of the 30 million Americans with a rare disease will be heard by FDA. There are about 7,000 rare diseases and only about 250 have any treatment. FAST will save lives, and give a voice to the voiceless; and I am glad it is in the final bill.

Lastly, the committee included the Expanding and Promoting Expertise in Review of Rare Treatments, (EXPERRT Act, H.R. 4156), a bill my fellow Co-Chairs of the Cystic Fibrosis Caucus and I introduced. EXPERRT will have the FDA consult with experts in rare diseases. This will ensure that FDA has access to the knowledge needed when dealing with drug approvals for diseases where FDA may lack subject matter expertise. As one of the Co-Founders of the Cystic Fibrosis Caucus, I am glad that we are giving this tool to the FDA. I also want to thank Stephanie Krenrich and the Cystic Fibrosis Foundation for all their hard work in developing EXPERRT.

I would like to submit these letters from the EveryLife Foundation for Rare Diseases and the Parent Project Muscular Dystrophy into the RECORD.

S. 3187 is a good bill that will help new drugs and new medicines get into the market and be available to patients. I support passage of the FDA Safety and Innovation Act.

PARENT PROJECT
MUSCULAR DYSTROPHY,
Hackensack, NJ, June 20, 2012.

Hon. CLIFF STEARNS,
U.S. Congress, Washington, DC.

Rayburn House Office Building,

DEAR REPRESENTATIVE STEARNS: On behalf of all patients and families living with

Duchenne muscular dystrophy—the most common form of muscular dystrophy and the most common lethal genetic condition diagnosed in childhood—Parent Project Muscular Dystrophy (PPMD) would like to express its deep gratitude for your efforts to include provisions of deep interest to the rare disease community in S. 3187, the Food and Drug Administration Safety and Innovation Act. The final user fee reconciliation package between the House of Representatives and Senate includes a number of measures that will accelerate the Food and Drug Administration (FDA) process of reviewing potential therapies for serious life-threatening conditions like Duchenne, will ensure that the patient voice has a seat at the table when key decisions are made, and will incentivize industry to develop treatments for pediatric rare diseases.

As you know, Duchenne muscular dystrophy exemplifies the challenges faced by many patients and families afflicted by rare diseases. It is a fatal condition with most patients not living past their late 20s, and the only approved therapies are steroids, which cause significant complications long-term. With nearly 20 potential therapies in various stages of clinical trials, our community is hopeful that better times are ahead, and we recognize that a more efficient FDA attuned to the needs of the rare disease patient population is critical to our success. Again, we are most appreciative of your efforts to ensure that the above mentioned provisions were included in the final legislation. On behalf of Duchenne and the broader rare disease community, thank you for your leadership and support.

Sincerely,

PAT FURLONG,
Founding President and CEO.

EVERYLIFE FOUNDATION
FOR RARE DISEASES,
Novato, CA, June 19, 2012.

Hon. CLIFF STEARNS,
House of Representatives, Rayburn House Office
Building, Washington, DC.

Hon. EDOLPHUS TOWNS,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR REPRESENTATIVES STEARNS AND TOWNS: On behalf of the EveryLife Foundation for Rare Diseases and our 180 patient organization partners, thank you for championing the FAST Act which is included in The Food and Drug Administration Safety and Innovation Act, S. 3187. This essential legislation will improve access to the Accelerated Approval pathway for rare diseases and spur the development of lifesaving treatments.

Currently, there are fewer than 400 approved treatments for 7,000 rare diseases affecting more than 30 million Americans. Without a treatment, diagnosis of a rare disease can be a death sentence for these patients, many of whom are young children. The science exists for many of these diseases to be treated, and the inclusion of this legislation will provide a more predictable development and regulatory pathway to unlock the investment potential for rare disease treatments.

The language from the FAST Act will fix a "catch-22" that prevents very rare diseases from accessing the Accelerated Approval pathway. We applaud you both for your tremendous leadership in ensuring that this essential provision be included in the FDA user fee legislation. This provision provides FDA the ability to utilize all the tools available to them to help bring new drugs to market

to treat rare and ultra-rare diseases while maintaining the FDA's strong safety and efficacy standards. Access to the Accelerated Approval pathway will significantly decrease the time and cost to develop a treatment and has been extremely successful in getting treatments approved for cancer and AIDS patients. Additionally, this provision has an added benefit of promoting private investment in new biotechnology companies and job growth in the United States.

We thank you for your strong commitment to accelerating the delivery of safe and effective therapies to patients in need. We also would like to thank the more than 200 patient organizations including Parent Project Muscular Dystrophy, and the thousands of patient advocates who worked to support this legislation. Passage of this legislation is testament of perseverance of the rare disease community and the commitment of the Congress to promote the development of life-saving treatments.

Sincerely,

EMIL KAKKIS,
President.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise today in strong support of the FDA Safety and Innovation Act. This bipartisan effort will improve the health and safety of the American people; and at the same time, it will support good jobs and innovation in the health care industry. I am especially pleased that this bill includes two provisions which I authored:

The first is modeled on my SAFE Devices Act, which will improve the post-market surveillance of medical devices and the implementation of the unique device identifier program. This essential provision will allow us to identify potential device problems early, thereby protecting patients and identifying issues when they are easier and less costly to address;

The second provision I authored comes from my bipartisan HEART for Women Act, which the House has passed two times. It requires the FDA to report on the availability of new drug and device safety and efficacy data by sex, age, and racial and ethnic subgroups. Drugs and devices can have dissimilar effects among various populations, and this provision will help reduce substantial disparities in health care, especially for women and minorities.

So I thank the chairmen and ranking members for their leadership on the FDA Safety and Innovation Act and for their support of these two provisions. I urge my colleagues to support this bipartisan bill.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from North Carolina, the vice chair of the Energy and Commerce Committee, Mrs. MYRICK.

Mrs. MYRICK. Thank you, Mr. Chairman.

The bill before us contains critical improvements to the current law.

Among them is the creation of a priority review voucher program for companies that develop treatments for rare pediatric diseases. I am pleased with this and other advances.

Yet the long-term success or failure of crucial drug and device approvals doesn't just depend on approving new funds and guidelines for the FDA. It also depends on instilling a culture at the FDA that seeks out practical solutions to the diseases that our constituents face. The FDA must recognize that patients, especially those with fatal illnesses, deserve to have potential treatments made available.

Whenever possible, the FDA should use all the tools it has available to appropriately warn doctors and patients of risks associated with a treatment without removing patient access. Patients facing fatal diagnoses, whether it's metastatic cancer, ALS or others, should be given the benefit of the doubt unless treatments are very risky. This should be a guiding principle of the FDA and not simply a consideration.

I urge the support of the bill.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me.

I rise in strong support of S. 3187, the Food and Drug Administration Safety and Innovation Act of 2012.

This is one of these rare occasions these days when Congress is working in a bipartisan manner to get good things done. This bipartisan, bicameral agreement is something of which we can all be proud; and it is a prime example, again, of the good legislative work that can be done by this body when compromises are accepted.

In particular, I would like to thank the chairmen and ranking members of the full Energy and Commerce Committee and of the Health Subcommittee for their hard work to finalize this bill in such a timely manner. I would also like to thank them for including the reauthorization of the Critical Path Public-Private Partnerships in this legislation, something for which I pushed for a long time so that needed improvements in regulatory science can continue.

I believe this bill will help meet the needs of the FDA industry and, most importantly, of the patients. I look forward to its passage.

Mr. UPTON. I yield 1 minute to the distinguished gentleman from Pennsylvania, Dr. MURPHY.

Mr. MURPHY of Pennsylvania. Mr. Speaker, what good are life-saving drugs if you can't afford them?

That's why real reform of the Nation's health care system begins with promoting quality and affordability. I am excited this legislation is moving forward because the FDA will finally have a system for bringing more life-saving generic drugs to market.

Today's bill authorizes the first generic drug user-fee program in order to expedite the approval of generics, which are only a fraction of the cost of brand-name drugs. Generic medications can save a patient \$1,000 a year on medication alone, but it may well yield billions in savings across our Nation when affordable generic drugs are used to treat acute and chronic illness. Right now, consumers are spending millions, if not billions, more in out-of-pocket costs because the FDA doesn't have the resources to tackle 2,800 generic applications awaiting review.

There will be fewer strokes, heart attacks, and cases of cardiovascular disease when this bill moves forward into law, and we will be assured the medicines our families take are of the highest quality. Under this bill, regulators will no longer be able to look past China's history of tainted drugs, like the 2007 heparin scare that killed 200 people.

I would like to thank Congressmen DINGELL and WAXMAN and Chairman UPTON for moving forward with this bipartisan bill. I urge its adoption.

Mr. PALLONE. Mr. Speaker, I inquire of how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from New Jersey has 6½ minutes remaining, and the gentleman from Michigan has 9 minutes remaining.

Mr. PALLONE. I now yield 1½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank you, Mr. PALLONE, for yielding the time, and I thank you so very much for your leadership on the Health Subcommittee. You do extraordinary work on our committee.

Mr. Speaker, I rise today in support of S. 3187, the amended version of the Food and Drug Administration Safety and Innovation Act. I strongly support this bill, and I am particularly pleased that the intent of H.R. 3059, the Creating Hope Act, sponsored by my good friend from Texas (Mr. MCCAUL) and myself, was included in the final bill.

I am thrilled to highlight section 908, the Rare Pediatric Disease Priority Review Voucher Incentive program. The program will incentivize pharmaceutical companies to develop new drugs for children with rare pediatric diseases, such as childhood cancers and sickle cell disease, by expanding the cost-neutral priority review voucher program. Expanding the voucher program will allow pharmaceutical companies to expedite the FDA review of more profitable drugs in return for developing treatments for rare pediatric diseases. I think that is a good trade-off.

I would like to thank Mr. MCCAUL, Mr. WAXMAN, Mrs. MYRICK, and all of those who have worked on this bill with us. I want to thank our Senate

colleagues, Messrs. CASEY and BROWN, for working diligently with me and our colleagues to see to its inclusion. Finally, I want to recognize Nancy Goodman, with Kids Versus Cancer, who continues to be a tireless advocate for this issue.

Mr. UPTON. Mr. Speaker, I yield 1 minute to a member of the committee, the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I stand in support of this bill.

I want to thank Chairman UPTON and the leadership on both sides of the aisle for getting together and doing what's right for the American people.

In this time that we talk about economic strife, we've got to remember that the FDA can be a friend or an enemy of not only our health but also of our jobs and our economic opportunities. In California alone, Mr. Speaker, we have over 267,000 people working in the pharmaceutical industry.

□ 1500

We have over 42,000 just working in San Diego County.

This bill will not only help to protect jobs, but this bill is a bipartisan bill to save lives. What better message can we send to the American people than Washington is listening to the fact that they want bipartisan support and bipartisan efforts and bipartisan successes on things that matter?

This bill is something that matters. We're talking about preserving the economic opportunities of our fellow citizens, and we're talking about saving the lives of our family members and our neighbors.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I would like to thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and their staffs for their work in bringing the FDA Safety and Innovation Act to the floor today.

Passing this bill will allow the FDA to continue its critical mission of bringing safe and effective drugs and medical devices to the patients who need them. Reviewing drug and device applications has become increasingly challenging. Medical breakthroughs of today often target rare diseases or genetic subsets of those diseases. FDA reviewers must now assess a growing pipeline of very specialized treatments.

I'm pleased that this bill includes language I helped author to improve collaboration between FDA and external experts in rare diseases like cystic fibrosis and sickle cell disease.

The bill before us today also includes an important provision I helped author to ensure that the millions of Americans who are blind or visually impaired have safe and independent access to the information on prescription drug la-

bels. No one should have to sacrifice their privacy or independence to access the vital information on these bottles, and I'm glad we're taking steps to address that here today.

Finally, this bill helps increase the availability of pediatric medical devices and ensures that medications are tested and labeled appropriately for children. I was proud to work on these provisions with my colleagues, Congresswoman ESHOO and Congressman ROGERS.

I would have liked to have seen additional measures included in this bill to ensure the safety of medical devices based on defective models that have already been approved by the FDA, that unfortunately continue to be sold and jeopardize patients' health all across this country. I am going to continue to work on this critical issue. I believe it's a problem that we must solve. Once the FDA approves a device and then it turns out that there's a defect, there should be no excuse for allowing new companies to build their devices based upon the old approved defective model that the FDA had approved. Tens of thousands of Americans are put in jeopardy, and I would like to work to solve that problem.

Nonetheless, this is an excellent piece of legislation, and I hope that the House gives it its overwhelming approval.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY, a member of the committee.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

The FDA Safety and Innovation Act of 2012 may not be a great bill, but it is a darn good bill. And as a physician and a member of the Energy and Commerce Committee, I strongly support it.

As my colleagues have said on both sides, this is a bicameral, bipartisan piece of legislation, and yes, we can get our work done. I want to particularly thank Chairman UPTON, Ranking Member WAXMAN, Health Subcommittee Chairman PITTS, Ranking Member PALLONE, and all of the Members that have worked so hard on this really vast, huge bill that covers a lot of things, not the least of which, of course, is to provide 65 percent of the funding for the FDA so they can, indeed, hire the best and brightest scientists so they get their work done in a timely manner, get new drugs to the market, medical devices, and bottom line, keep the health care system in this country the best in the world for our constituents and our patients.

Mr. Speaker, I want to mention one particular aspect of the bill that I was very much involved in, and that's this issue of antibiotic shortage. The bill as it stood alone was called the GAIN Act, and I had a tremendous amount of help on both sides of the aisle. On the

Democratic side, there was Congresswoman ESHOO, Congresswoman DEGETTE, and Congressman GREEN. On my side of the aisle, there was MIKE ROGERS of Michigan, Mr. SHIMKUS, and Mr. WHITFIELD. What we do with that portion of the bill is to provide an opportunity for the manufacturers of antibiotics to have an additional 5 years of exclusivity so they can bring these innovative fifth- and sixth-generation antibiotics to the market and still have an opportunity to recoup the investment and the expense of doing so.

I want to just say to my colleagues on both sides of the aisle, it's a proud day, I think, for all of us, for Chairman Emeritus DINGELL, the former chairman on our side of the aisle, Mr. BARTON, and everybody involved in this bill. I thank all of you. Let's all unanimously support this bill.

Mr. PALLONE. Mr. Speaker, I have no additional speakers, so I will reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a member of the committee.

Mr. LANCE. Thank you, Mr. Chairman.

Mr. Speaker, such legislation will ensure that patients get improved access to innovative, lifesaving therapies and medical devices while protecting and creating U.S. jobs. The bill is critically important to New Jersey, where we have a high concentration of medical device, pharmaceutical, and life science employees.

I'm pleased that the conference report contains provisions important to streamline and modernize FDA regulations while promoting patient safety. Just as important, today's measure is fiscally responsible, reducing the deficit by \$311 billion over the next 10 years according to the CBO.

I thank Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, Ranking Member PALLONE, and members of the Energy and Commerce Committee for working together in a bipartisan capacity on a final bill that protects patients and brings much needed certainty to the medical and biopharmaceutical industries. This is the way Congress should work.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, I appreciate the gentleman for yielding.

I rise today in support of the legislation to reauthorize the Prescription Drug and Medical Device User Fee Act and authorize new user fee programs for generic drugs and biosimilars. The legislation also includes important reforms to grant patients improved access to new therapies and promotes innovation and job creation.

Jobs and the economy are top issues for most Americans, and this bill focuses on that. As a manufacturer, I've

heard many stories from many device manufacturers across the country about problems they face with the FDA and how those struggles are making it harder for them to manufacture in America.

This bill includes important changes, including one that I championed, to reform the FDA's guidance process that will inject certainty into the process and create more American jobs.

This bill is an example of working in a bipartisan way to achieve a quality product that creates jobs. I thank the chairman and the ranking member for their work. And, Mr. Speaker, I urge my colleagues to support this bill.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The gentleman from New Jersey has 3 minutes remaining, and the gentleman from Michigan has 4 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I don't oppose the bill, but I do have concerns about one element of this bill, and that is the provision that affects whistleblowers in the Public Health Service.

The law that would apply to these employees is that of the military, the Defense Department, which, frankly, is weaker than that which applies to protecting whistleblowers who are in the civil service, civilian whistleblowers.

I do think protection of whistleblowers needs to be a priority. In this case, I would hope that we could work in subsequent legislation to protect the rights of whistleblowers who are essential to our being able to do our job, as well as those people in the executive branch. I just wanted to make note of that point.

□ 1510

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), a member of the committee.

Mr. BASS of New Hampshire. I thank the distinguished chairman of the committee for recognizing me for 1 minute.

Mr. Speaker, I rise in strong support of the Food and Drug Administration Safety and Innovation Act.

The user fee process at the FDA is a vital element in maintaining operations at the FDA to bring valuable drugs and devices through the approval pathway and to market. I am optimistic that, with the enhanced financial incentives and resources available to the FDA included in the user fee agreements, we will see shorter approval times and more products available to patients.

Throughout this process, there has been a commitment to addressing the unique issues associated with the rare disease community and bringing it to the forefront of this debate. And I am proud to have had my bill, the Humanitarian Device Reform Act, included as

a provision in this device regulatory section. This language will make it easier for medical device manufacturers to create devices specifically for the treatment of individuals, both children and adults, who are afflicted with very rare diseases.

With this increased focus on providing incentives to manufacturers to invest in the development of these devices and drugs, it can be an attainable goal for an individual and family affected by rare diseases to not only improve the quality of life but possibly even find a cure.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I want to applaud, first of all, the chairman, the subcommittee chairman, and the ranking members for their leadership in bringing this bipartisan package to the floor.

Mr. Speaker, nearly every week, I get a chance to tour a medical device company in my district. And almost every week, I hear a similar story from these companies that talk about how the FDA has become so burdensome and bureaucratic and inefficient that they move the goalpost in the process of the device approval process. As a result, some of these companies are closing their doors. Some of these companies are investing overseas and moving jobs, as opposed to keeping them in their home State of Minnesota or here in the United States.

Unfortunately, it seems that Washington tends to thrive on these types of bureaucracies and inefficiencies. And I think the package that is before us today is designed to help correct that. The FDA review process needs to be rigorous, but it also needs to be relevant. You have heard that message time and time again: We have to find ways to streamline and modernize the FDA so that the United States can remain the leader in global medical innovation.

This package absolutely moves us closer to meeting all of those goals. These reforms will make the device approval process much more transparent, much more consistent, and much more predictable. And specifically, I'm happy that my provisions to streamline the third-party review process were included as well.

I want to thank the chairman and Members for their bipartisan support, and I urge the support of my colleagues.

Mr. UPTON. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining, and the gentleman from New Jersey has 2½ minutes remaining.

Mr. UPTON. Mr. Speaker, I have no further requests for time. So if the gentleman wants to close, then I will close.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2½ minutes.

Mr. PALLONE. Thank you, Mr. Speaker. I won't use all the time.

I just want to stress, again, that the process of getting this bill passed and moved both here and in the Senate has been just a great model, if you will, for what we can do when we want to get together and work together on a bipartisan, bicameral basis. So I can't say enough about everyone who was involved on both sides of the aisle and staff for making this happen today.

I also want to reiterate some of the things that some of my colleagues have said about how important this is. Because it's on a suspension, some people may say, Well, how important is it? It is extremely important. And some of those sentiments have been echoed by those who talk about the drug and medical device industry, which is really so important to this country.

We pride ourselves on innovation. As some of you know, many of these companies are in my district. And we pride ourselves on the fact that Thomas Edison had his lab at Menlo Park, in my district, and that we are an innovative area in New Jersey, and New Jersey as a whole. But innovation can't continue to happen in this industry unless we continue to have an FDA process that runs smoothly and effectively.

The fact of the matter is that this legislation is designed to make sure that that continues to happen, that the money is available so we can have an efficient process that continues to make the United States the innovator in the area of pharmaceuticals and medical devices.

I'm very proud to have been part of this today. I urge everyone to support the bill. I thank my colleagues.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2 minutes.

Mr. UPTON. Thank you, Mr. Speaker.

Mr. Speaker, I just want to say that with all of the positive comments here, this bill was not a piece of cake. There was a lot of hard work on both sides of the aisle, particularly by the staff on both sides of the aisle. Again, I want to cite Clay and Ryan on our staff.

But let's face it: All of us particularly involved on the health side of the issues, as we meet with different folks afflicted with different diseases, we want to find a cure. And it would be great to find that cure here in America because we have outstanding pharmaceutical industries that have the talent and the staff to work with the different departments, whether it be the NIH, the CDC, certainly the FDA.

So we really did set out last summer to embark on a good listening session to find out what it is that we needed to do not only to find the cures and the

prescriptions but the right process for them to be approved so that those companies that are willing to make that investment would stay here in America and not go overseas. Because we really do want it made in America. We have the best folks here. And that's what this bill does.

The hard work in so many of the hearings that JOE PITTS led with Mr. PALLONE, the work, the amendments, the subcommittee, the full committee, that whole process to get it done before it really expired later on this year is so important not only to the workers but, more importantly, to the patients.

So dealing with the drug shortages and working with Mr. MCCAUL and the different rare diseases, all of those different elements, we were able to weave into what I think is a mighty fine, strong bill. And to then, of course, work with our counterparts in the Senate, whom we often bash here, but they actually stayed with us, and we were able to work in a very strong bipartisan way to get our two bills refined and done in order to bring up on the House floor this afternoon.

I want to compliment everyone—and certainly Mr. WAXMAN, who is back on the floor—our leadership, the team that we had on both sides of the aisle and, again, our hardworking staff that really worked so hard to get this done, which impacts millions of lives.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I support the passage of the Food and Drug Administration Reform Act, which reauthorizes vital programs that will ensure the FDA continues to study and approve life-saving drugs and medical devices and work to prevent drug shortages of much needed medications.

I am concerned, however, that the Congress is not doing more to fight prescription drug abuse. Members of the House were not permitted to offer amendments to address prescription drug addiction when this measure came before us last month, even though the FDA has a vital role in regulating the addictive qualities of drugs that are manufactured and ensuring sufficient education and awareness for health care providers and the general public.

This conference report is a bittersweet pill to swallow. While it includes a provision that will ban the sale of dangerous synthetic drugs, which I support and the House of Representatives passed late last year, the FDA's programs could have been strengthened significantly to address substance abuse and its impact on our Nation's economic and security needs.

If one reads any newspaper in southern West Virginia, you will undoubtedly find downright scary stories of families, children and seniors devastated by prescription drug abuse, and the crime that it engenders. As many of my colleagues know, fighting back against this unending wave of abuse will take the action of all—local, State and Federal Governments. I have introduced legislation, as have a number

of my colleagues who serve in the Prescription Drug Abuse Caucus, which would arm our law enforcement, physicians, and local communities in this fight—making it harder for pills to get into the wrong hands and be misused, and ensuring that all prescriptions are properly monitored.

Though this bill mentions the need to combat abuse of prescription drugs, it is not nearly strong enough, nor should we consider it sufficient, in addressing what has become a crisis in too many Appalachian communities. Our families and communities need more than recommendations—they need action, and they simply cannot wait any longer for help.

I urge House leadership to work with members of this body who are committed to fighting back against this plague and saving our communities to consider legislation that will stop this scourge.

Mr. DENT. Mr. Speaker, I rise in support of the Food and Drug Administration Safety and Innovation Act and particularly the provisions related to synthetic drugs.

I introduced H.R. 1254, the Synthetic Drug Control Act, after the issue of synthetic or designer drugs was first brought to my attention by a constituent whose son had been abusing legal substitutes for marijuana.

H.R. 1254 passed the House by a strong, bipartisan vote of 317 to 98 this past December.

After months of hard work, I am glad to see that similar language has been included in the House Amendment to the Senate-passed FDA reform bill. I would like to thank Chairmen UPTON and SMITH for their diligent efforts in advancing this legislation.

This legislation will finally add a long list of dangerous drugs to Schedule I of the Controlled Substances Act.

It covers synthetic cannabinoids, which affect the brain in a manner similar to marijuana but can actually be even more harmful, as well as many of the chemicals used in so-called "bath salts," which have properties similar to cocaine, methamphetamine, LSD, and other hard street drugs.

It will also double the amount of time that DEA may temporarily ban a new substance while working to prove that the drug in question should be banned permanently.

As we speak, the proliferators of these deadly chemicals are working on new formulas to circumvent Federal law.

This additional time will enhance DEA's ability to combat new and emerging substances.

This legislation is especially timely given the recent reports of inhuman and psychotic acts committed by individuals high on bath salts.

Last month, we all heard the horrifying story of a Miami man who stripped naked, assaulted another individual, and chewed his face off before being shot dead by the police.

Last year, a man in my district was arrested after injecting himself with bath salts and firing a gun out of his window in a university neighborhood. He later attributed his actions to a drug-induced state of paranoia.

Poison control centers nationwide have reported exponential increases in calls related to synthetic drugs, and far too many deaths have resulted both from overdoses and the Psychotic behavior that the drugs induce.

For the inclusion of this important public safety language and for the many ways this

legislation will spur economic growth and medical innovation, I urge all of my colleagues to vote in favor of the underlying bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of S. 3187, as amended, the Food and Drug Administration Safety and Innovation Act.

I am proud to represent many of the hard working employees at the Food and Drug Administration (FDA), and this legislation provides them with the resources to fulfill FDA's mission to protect and advance public health and safety. This bipartisan legislation enables FDA to review drugs and medical devices in a timely fashion, reduces costs by authorizing a new user fee program for generic drugs, and takes important steps to prevent and mitigate critical drug shortages.

As the co-chairman of the Childhood Cancer Caucus, I am pleased that this legislation contains several provisions that will facilitate the development of safe and effective childhood cancer treatments. The legislation makes permanent two key complementary pediatric drug programs—the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA). Both of these programs foster the development of prescription drugs for children and the safe use of drugs by children. Finally, I am pleased that this legislation incorporates the Creating Hope Act, which I introduced with Representatives MCCAUL, BUTTERFIELD, and MYRICK. Under this incentive program, a pharmaceutical company that develops a drug specifically to treat a rare pediatric disease will be rewarded with a priority review voucher for another drug. I'm hopeful that this program will kick start private sector investment in new and innovative treatments for children and families affected by cancer.

I strongly urge my colleagues to support S. 3187 to provide FDA the resources it requires to guarantee the safety of American's prescription drugs and medical devices.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, S. 3187, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1520

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. MCKINLEY. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MCKINLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on the provisions contained in title V of the House bill (relating to coal combustion residuals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Speaker, I yield myself 7 minutes.

Concrete is a fundamental element of roads, bridges, and infrastructure projects, and an important element of concrete is coal ash. This is now the fourth time the House has affirmed and reaffirmed its support for the beneficial use of recycling coal ash.

Currently, the conference committee on H.R. 4348 is deep in productive negotiations, and strong bipartisan compromises have occurred relative to the coal ash provision. My intent today is to urge the conferees to continue these bipartisan negotiations and retain this important, cost-saving provision in the final bill.

We're not here to rehash the same ideologically motivated arguments that we have heard from the extremists. Simply put, we are here to help put people back to work, to give American businesses certainty, and to protect the health and environment of our families and friends.

For those who say coal ash is irrelevant to roads and bridges, they couldn't be further from the truth. Concrete suppliers have been incorporating coal ash into concrete mixtures since the construction of the Hoover Dam over 80 years ago. Without coal ash, the cost of construction projects would increase by \$100 billion, according to the American Road and Transportation Builders Association, thereby reducing the amount of moneys available for roads and bridges and infrastructure in America.

Keep in mind, less construction results in fewer jobs. By retaining this bipartisan section of the highway bill, Congress will be also protecting the 316,000 jobs that are at stake in the recycling of fly ash—jobs involving concrete block, brick, drywall, ceramic tile, bowling balls, and even in the cosmetics industry. For those who have been asking where the jobs bills are, this is a jobs bill.

Among the supporters of this language are the Chamber of Commerce, the National Association of Manufacturers, the International Brotherhood of Electrical Workers, the United Mine Workers, the United Transportation Union, the American Road and Transportation Builders Association, the International Brotherhood of Boiler-makers, and the AFL-CIO's building and construction trades.

Consider these quotes, Mr. Speaker:

"Removing coal ash from the supply chain could increase the price of concrete by an average of 10 percent," according to the National Association of Homebuilders.

According to the National Association of Manufacturers:

"Coal ash contributes \$6-\$11 billion annually to the U.S. economy through revenues from sales for beneficial use, avoided cost of disposal, and savings from use as sustainable building materials."

Mr. Speaker, currently 60 million tons of coal ash is recycled annually. According to EPA's own data, coal ash replaces between 15 and 30 percent of the Portland cement used in concrete. The EPA has noted that the use of coal ash in concrete has resulted in saving as much as 25 million tons of greenhouse gas emissions annually and as much as 54 million barrels of oil. The EPA has indicated the annual financial benefits of using coal ash as a substitute for Portland cement contributes nearly \$5 billion in energy savings, \$41 billion in water savings, \$240 million in emission reductions, and nearly \$18 billion in nongreenhouse gas-related air pollution. The EPA itself states that coal ash leads to "better road performance."

Two studies, one in 1993 and another in 2000, both under the Clinton administration's EPA, found that coal ash did not warrant the regulations being pushed by the Obama administration. In 2005, the EPA, the Federal Highway Administration, and the Department of Energy collaborated with the private sector to craft guidance on the appropriate uses and benefits of coal ash in highway construction.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Reauthorizing the surface transportation programs is important for communities across the country. It will help revitalize our transportation infrastructure and will create jobs. The Transportation Conference Committee must work together to finalize a conference report as soon as possible to get people back to work.

The Senate worked in a bipartisan manner to develop a strong bill that will create jobs and help the economy. They focused on the core issues, ignoring the temptation to attach side issues to this important legislation. Unfortunately, the transportation bill is now being jeopardized by extraneous and antienvironmental provisions being pushed by Republicans in the House.

Instead of working to come to agreement on important transportation policy provisions, House Republicans are holding the bill hostage for a legislative earmark for the Keystone XL tar sands pipeline, provisions that steamroll environmental review of projects, and the McKinley coal ash bill that eliminates existing authority to protect human health and the environment from the risks posed by unsafe disposal of coal ash.

This motion to instruct is the latest effort to push these positions. It would instruct the transportation conferees to insist on the McKinley coal ash bill in the transportation bill.

But the McKinley coal ash proposal is extraneous. If we do nothing on the transportation bill to address coal ash disposal, then coal ash will continue to be available for use in concrete for transportation projects just as it is today. Current Federal regulations do not restrict the use of coal ash in concrete. And counter to what you may hear today, EPA has not proposed to regulate such beneficial reuses.

Although some may suggest that recycling of coal ash will decrease because of stigma, experience has shown that when waste materials are regulated, as EPA has proposed to do for coal ash, the rates of recycling and reuse increase. This has happened with other regulated wastes, and it has happened with coal ash in Wisconsin, which has a robust regulatory scheme. There's a very simple reason for this: Disposal in unsafe pits is inexpensive but environmentally dangerous. When reasonable environmental safeguards are put in place, the cost of disposal will increase. That makes alternatives like using coal ash in concrete more attractive.

The coal ash legislation that this motion seeks to include will not ensure the safe disposal of coal ash. It will not prevent coal ash impoundments from catastrophically failing. It will not protect against significant environmental and economic damage. And it will not prevent contamination of public drinking water systems.

The McKinley coal ash bill will not stop another spill like we saw in Kingston, air pollution like we have seen in Gambrills, Maryland, or water pollution like we have seen nationwide.

□ 1530

What this coal ash proposal will do is stop the transportation conference from succeeding. This motion to instruct attempts to lock the House conferees into a position that the Senate will only reject, and it will doom the transportation conference committee to failure.

We can retreat to intractable positions on extraneous issues, making a transportation bill difficult, if not impossible, to pass, particularly in the time frame that we have set out for us; or, we can work together in the time we have to produce a transportation bill that will be signed by the President and will keep our economy on the mend.

A vote for this motion is a vote against completing the transportation conference. I urge all Members to say "yes" to transportation and vote "no" on this position motion.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes to my colleague from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, it is great to be down here.

This is why this provision of this bill is really pertinent to the highway bill. Here it is: Flex concrete, fly ash, lighter, more durable.

I have two documents I brought to the floor. The second one reads in the acknowledgments:

This document was prepared by the U.S. EPA in cooperation with the following agencies and associations: Department of Energy, Federal Highway Administration, American Coal Ash Association, and the Utility Solid Waste Activities Group.

What is interesting about these two books, one published in June 2003, the other one published in 2005, is they go through all of the great uses of fly ash in construction, and I would like to read just a few of those.

Here's one: "Fly ash improves workability for pavement of concrete."

Remember, a DOT book, EPA approved, DOE approved.

The next one has: "Fly ash concrete is used in severe exposure applications such as the decks and piers of Tampa Bay's Sunshine Skyway Bridge."

Nice photo here, beautiful bridge. So this is not new. This is reaffirming what the construction industry has been doing for decades. And actually in this other pamphlet, I'll talk about even greater use.

Here's another one: "Fly ash concrete finishing."

Again, this is a Federal Highway Administration book, Department of Energy book, sponsored by the U.S. EPA, all saying good things about fly ash in road construction.

"Full-depth reclamation of a bituminous road."

Another one: "Flowable fill used in a utility trench application," all dealing with fly ash.

"Fly Ash in Structural Fills and Embankments"; a nice photo of them using that in the construction sector.

Also, "Soil Stabilization to Improve Soil Strength," all using fly ash applications.

We have a highway bill, and that's why this provision is very, very important; because if the EPA has its way and they label fly ash as toxic, guess what, no more flex concrete, no more building of buildings that have fly ash applications.

This is one of my favorite ones: "Use of Ash in Construction Through the Ages. In ancient times, the Romans added volcanic ash to concrete to strengthen structures such as the Roman Pantheon and the Coliseum—both of which still stand today.

"The first major use of coal fly ash in concrete in the United States occurred in 1942 to repair a tunnel spillway at the Hoover Dam.

"One of the most impressive concrete structures in the country, the Hungry Horse Dam near Glacier National Park in Montana, was constructed from 1948

to 1952, with concrete containing"—you guessed it—"fly ash."

We're in Washington, DC.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCKINLEY. I yield the gentleman an additional 30 seconds.

Mr. SHIMKUS. One of the great things we see here, "In Washington, DC, both the metropolitan area subway system (Metro) and the new Ronald Reagan Building and International Trade Center were built with"—you guessed it—fly ash and concrete.

"Other significant structures utilizing coal fly ash in concrete include the 'Big Dig' in Boston and the decks and piers of Tampa Bay's Sunshine Skyway Bridge."

That's why this is applicable to the highway bill. I commend my colleague.

Mr. WAXMAN. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Illinois (Mr. RUSH), the ranking member of the Energy Subcommittee.

Mr. RUSH. Mr. Speaker, I want to thank the ranking member on the Energy and Commerce Committee and let him know how much I appreciate not only his leadership on other issues, but particularly his leadership on this issue here.

Mr. Speaker, I stand here astounded, amazed, and bemused at the remarks of the past speaker. You know, he wants the American people to be convinced that fly ash is as healthy to them as it can be and that they should, in fact, maybe go out and go to their local drugstore and ask for a bottle of fly ash so they can sprinkle it over their dinner meal as they would maybe a salad dressing. I don't think that the American people would be pleased with that.

Mr. Speaker, I stand in strong opposition to this motion to instruct. At a time when we are facing historic levels of joblessness in communities around the country, in the African American communities and other minority communities, Republicans are playing chicken with the transportation bill, which is intended to provide American jobs and repair our aging infrastructure. It is not to further the contamination of the water supplies, the air supplies in our most vulnerable communities, so why don't we stop the charade. Why don't we stop the asthmatic assault on the most vulnerable segments, the most vulnerable communities in our Nation.

This motion to instruct contains a deadly and dangerous provision that would only allow more poison, more disease, and more death from one of our Nation's biggest waste products—the deadly, cancerous coal ash that's under discussion today.

Coal ash, I want to remind you, is a waste leftover after thousands of tons of coal are burned at coal-fired power plants, and it is laden from top to bot-

tom with toxins such as mercury, arsenic, cadmium, chromium, and lead. These are pollutants that cause cancer, that cause organ disease, breathing problems, neurological damage, developmental problems, and even the final problem, which is death.

Mr. Speaker, title V of H.R. 4348 gives companies an unprecedented ability to pollute under the Resource Conservation and Recovery Act, even though the EPA, the Environmental Protection Agency, found some coal ash ponds pose a 1-in-50 risk of cancer related to residents drinking arsenic-contaminated water, a risk that is 2,000 times the EPA's regulatory goal.

Dangerous coal ash disposal affects thousands of U.S. communities, but research informs us that income and race remain strong predictors of the amount of pollution that Americans face. The majority of coal ash is disposed in grossly inadequate dumpsites, which are primarily located in low-income communities, disproportionately impacting those who are least equipped to respond to water contamination and the onslaught of toxic dust in the air.

□ 1540

Mr. Speaker, low-income citizens are more likely to rely on groundwater supplies and less likely to have access to medical insurance and health care.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. RUSH. Mr. Speaker, title V of H.R. 4348 fails to protect communities and their drinking water from toxic coal ash or from another messy spill like the disaster that occurred in Kingston, Tennessee, in 2008.

Mr. Speaker, let me conclude by saying that my State alone produces 4.4 million tons of coal ash annually, and at least 19 coal ash dumpsites have contaminated local water supplies. Additionally, each and every day a steam-fired steamship, the SS *Badger*, dumps 4 tons of coal ash into Lake Michigan, my beloved city of Chicago's primary water supply system.

I urge all of my colleagues to vote against the motion to instruct.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the gentleman from West Virginia's motion to instruct conferees to resolve the coal ash provision in the highway bill.

There are more co-generation plants in my congressional district than any congressional district in the country. For more than 100 years, coal refuse piles created eyesores throughout northeastern Pennsylvania. These culm banks are now baseball fields and shopping centers.

Coal ash is not hazardous. EPA determined that fact in regulatory determinations in 1993 and in 2000. The fact that EPA continues to leave a hazardous waste designation for coal ash on the table—even though these three decades of science and facts point the other way—is directly contributing to the loss of current and future recycling.

This designation would harm companies in the still emerging coal combustion byproduct markets that make everyday products like concrete, shingles, and wall board. It will also hinder State departments of transportation that use CCB in job-creating highway and infrastructure projects and overwhelm State budgets and employee resources by more than doubling the volume of waste subject to hazardous waste controls, and translate into increased energy rates for millions of American consumers.

As a member of the Transportation and Infrastructure Committee, I see no better way to create jobs than to pass the highway bill. During the last highway bill, Pennsylvania received over \$10 billion, which created over 400,000 jobs. The coal ash provision in the highway bill only strengthens job creation. Simply put, highway spending strengthens the fabric of our Nation's infrastructure while creating jobs for millions of Americans.

I urge passage of the gentleman's motion to instruct.

Mr. WAXMAN. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the very distinguished gentleman, the ranking member on Energy and Commerce.

Mr. Speaker, I rise in opposition to this motion to instruct conferees to include the Coal Residuals and Reuse Management Act into any final conference agreement on the surface transportation authorization bill.

The bill my colleague seeks to include in the surface transportation bill is bad policy. It has nothing to do with transportation, and it would place communities living downstream from coal ash ponds in real danger.

When properly recycled, coal ash and other residuals from burning coal do have economic value—that's not the issue here, but managed improperly, they can be extremely hazardous. Coal ash shouldn't be dumped in unregulated ponds to contaminate water and spill into nearby streams and rivers.

In 2008, as Mr. RUSH pointed to, the Kingston fossil plant in Tennessee failed to properly maintain its coal ash impoundment pond. The pond collapsed, and it dumped 1.1 billion gallons of coal ash slurry into the Clinch River and inundated several houses with up to six feet of ash and mud. And then when they independently tested the Clinch River after the Tennessee Valley Authority impoundment col-

lapse, it showed high levels of arsenic, copper, barium, cadmium, chromium, lead, mercury, nickel, and thallium all related to that spill. The spill contaminated the water, it killed the fish, and it destroyed property. The cleanup pricetag is still being assessed, but it's estimated to cost between \$700 million and \$1 billion. The motion my colleague from West Virginia is proposing would prevent EPA from setting standards for this type of coal ash dump, allowing these problems to continue unchecked.

We need to preserve the Environmental Protection Agency's authority to advance regulations that discourage improper disposal of coal ash and to encourage recycling. Every year, coal-fired power plants and industrial boilers in the United States generate about 67 million tons of coal ash and slag and about 19 million tons of coal sludge.

While fly ash, bottom ash, flue gas desulfurization mineral, and boiler slag all have a number of beneficial reuses in concrete, road, wallboard, and roofing, they also contain heavy metals—including lead, arsenic, cadmium, and mercury, as well as radioactive elements. These hazardous components dictate that we must be careful in the handling use, reuse, and disposal of the material.

Contrary to much of the publicity surrounding the coal ash issue, EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulatory regimes to encourage recycling and reduce improper coal ash disposal. EPA wants to ensure that coal ash reuse is preserved while guaranteeing that any disposal is done safely and effectively.

EPA's proposed rules received extensive public involvement, including thousands of public comments and eight public hearings around the country. The Coal Residuals and Reuse Management Act is designed to deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that were received after the rule's proposal. It would also give a free pass to power companies to pollute at taxpayer expense.

Coal ash is a national, interstate issue and should be subject to Federal regulation.

As Congress stated when passing the Resource Conservation and Recovery Act:

The problems of waste disposal have become a matter national in scope and in concern and necessitate Federal action. Disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment.

That was true in 1976, and 30 years later it's still true. In the years since, we have found that proper regulation of waste disposal encourages rather than discourages recycling. Imple-

menting environmental and safety controls makes recycling far more attractive and far more likely to occur. Thirty years of data on solid and hazardous waste disposal and recycling have borne this out. Let's not revisit the Wild West past of hazardous waste disposal.

We need to stand up for the same principles Congress stated in the Resource Conservation and Recovery Act over 30 years ago. That's why I strongly urge my colleagues to oppose the McKinley motion. Prevent more Kingston ash impoundment disasters; they will be replicated, and it will be our fault. We need to allow EPA to regulate responsibly and to allow the beneficial use of coal ash.

Mr. MCKINLEY. Mr. Speaker, I might suggest, with all due respect, I think that those who are opposing this amendment, Mr. Speaker, I would encourage them to read the bill.

Mr. Speaker, I yield 2 minutes to my friend and colleague from wild, wonderful West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I want to thank my colleague from West Virginia (Mr. MCKINLEY) for his solid work on this issue.

I want to say to my colleague from California, who said that this issue is going to hold the transportation conference bill hostage, it's absolutely not a fair statement. I'm on the transportation conference committee. We're working day and night, in a bicameral, bipartisan way, to reach a compromise on a jobs bill, and this coal ash provision is very important.

□ 1550

Many Americans are unfamiliar with this, but 40 percent is used as raw material to build our highways and our bridges.

I was just visiting the Sutton Dam in Braxton County in West Virginia. My colleague talks about the Hoover Dam. We celebrated its 50-year birthday of its construction. It's built with coal ash, and it's just as effective today as it was 50 years ago. It is an essential and safe material to be used in our infrastructure.

According to the American Road and Transportation Builders Association, if we don't use coal ash in bridge and road construction, the cost would increase over \$100 billion over 20 years. We simply can't afford this.

Let's be smart about this. We can find the way, and we've known the way, as the Sutton Dam and the Hoover Dam have shown us. I think we can find a way to safely reduce the costs of construction in our roads and bridges by using coal ash.

We have unemployment of over 8 percent for 30 consecutive months. We need a transportation bill. We need a smart transportation bill that's going to put America back to work and rebuild our infrastructure.

Mr. MCKINLEY's legislation, and this motion, takes the right approach by giving the States the authority to deal with this. I hope my fellow conferees will work to ensure that this important provision remains in the bill, that we pass the gentleman's motion to instruct. This will not be an obstruction to us passing the transportation bill, and I look forward to passing that bill on the floor in a bipartisan way.

Mr. WAXMAN. Mr. Speaker, I'm pleased at this time to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Today marks the summer solstice, the longest day of the year. Instead of spending the daylight hours passing a clean transportation bill that will help shore up real jobs for Americans, the Congress will be spending the day repealing public health protections and giving away nearly all of our public lands to oil and gas companies in the culmination of the Republican majority's Oil Above All agenda. It is really a "Midsummer's Nightmare" for the American people.

But before we get to voting on the Republican oil package, we get to debate whether another Republican bill, whose sole premise is to prevent EPA from following the scientific evidence, should be included in the Transportation bill.

This bill says that no matter what EPA learns about the sludge that comes out of coal-fired power plants, no matter how high the concentrations of poisonous arsenic, mercury or chromium, no matter what EPA learns about how these materials find their way into our drinking water, EPA is forbidden to classify or regulate it as hazardous waste. EPA is forbidden to require that this toxic material be disposed of carefully.

This bill turns a blind eye to evidence of known hazards and takes us back to the Dark Ages, to a time before science was valued and before advanced knowledge transformed society. It takes us back to an era when mercury and arsenic, major components of coal ash, were used to cure toothaches and clear up your complexion. It takes us back to an era where children were sent deep into the bowels of the Earth to rip coal from the mines and die early deaths.

Apparently, House Republicans not only wish to embrace the principal energy source of the 19th century; they also wish to return us to the 19th-century principles about public health and the environment regarding arsenic and mercury and their danger to the citizens of our country.

Now, there are good uses for coal ash, beneficial uses. It can be used to construct highways and shingles. That's good. It can be mixed into concrete and grout. That's good.

But what we don't want is for the industry to be able to use it to construct a golf course, like what they did in Battlefield, Virginia, because it can directly contaminate the groundwater. It can pollute and cause injury and cancers in the neighbors of that golf course.

We also don't want it to be disposed of in pits that aren't sealed to handle this special waste, like what happened in Tennessee when a TVA disposal pit collapsed, engulfing an entire small town in toxic sludge. We should have regulations to protect against that ever happening in our country again.

This is exactly what this bill, the Republican bill, will do. It will blast us back into the past and allow coal ash to be disposed of without proper construction or monitoring.

At the end of this month, transit and highway funding will expire, hundreds of thousands of jobs are at stake, and our transportation infrastructure will be in peril. Even Senate Republicans have recognized the dangers inherent in allowing this to occur and have joined with Senate Democrats to craft a bipartisan bill so we can put people back to work using coal ash in the highways of our country.

But in spite of this, the House Republicans are insisting that unrelated and unnecessary toxic provisions dangerous to the health and well-being of Americans be attached to this bill in order to protect Big Oil and Big Coal.

Instead of allowing the coal industry and Republicans to transport our country's environmental and public health standards back to the era of Charles Dickens, we should be holding them to higher expectations for the 21st century, for the public health and well-being of our people.

I urge a "no" vote on this preposterous Republican initiative.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes to my colleague from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise today in strong support of this motion to instruct the Surface Transportation bill conferees. The EPA's proposed rule to classify coal ash as a hazardous material is yet another example of this administration's continual attack on coal and the affordable domestic energy it generates.

The production and use of coal ash has grown into a multi-billion dollar industry supporting thousands of jobs in my home State of Ohio. Coal ash is used in more than 75 percent of the concrete primarily because of its cost effectiveness. Eliminating it would force concrete producers to use expensive alternatives, driving up the cost of building roads and bridges in America by more than \$5 billion a year. That means construction costs won't go as far at a time when our infrastructure is in dire need of repair.

In addition, classifying coal ash as a hazardous material will prove ex-

tremely costly for coal-fired power plants. Some energy companies may analyze the costs and find it simply too expensive to continue operating. Others may attempt to pass the new costs on to consumers in the form of higher utility costs. Either way, the outcome would be devastating for a State like Ohio that derives 80 percent of its electric power from coal. With our economy still struggling, that is the last thing Ohio businesses, construction companies, and families need right now.

Despite decades of research and studies concluding there is no reason to consider coal ash hazardous, many of which the EPA itself carried out, the Agency now appears willing to jeopardize thousands of jobs with this inaccurate ruling. It is critical that efforts are taken to prevent the implementation of this regulation. Instead, allow each State to set up their own coal ash recycling programs following existing EPA health and environmental regulations. This approach will protect jobs and our economy in my home State and across America.

I applaud Representative MCKINLEY for his continued leadership on this issue, and I urge the conferees to keep the bipartisan House language in the final version of the Surface Transportation bill.

□ 1600

Mr. WAXMAN. Mr. Speaker, I now have the pleasure to yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, today the House will vote on yet another environmental ruinous bill. This motion would instruct surface transportation conferees to retain the language of H.R. 2273, which prohibits the EPA from regulating coal ash.

Coal ash is the toxic combination of mercury, boron, aluminum, thallium, sodium, and arsenic that is produced by burning coal. Shockingly, people living near unlined coal ash ponds have a risk of cancer that is 2,000 times greater than EPA's acceptable level.

This motion would disallow the EPA from doing its job. Allowing the EPA to enforce safeguards against coal ash pollution would help to avoid disasters like the 2008 spill in Tennessee, where a dam holding more than 1 billion gallons of toxic coal ash failed. That spill destroyed 300 acres and dozens of homes, devastated wildlife, poisoned two rivers—and apparently taught us nothing.

I urge my colleagues to oppose this latest attempt to bar the EPA from saving lives and preserving the environment.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes of my remaining time to the gentleman from Pennsylvania, Congressman DOYLE.

Mr. DOYLE. Mr. Speaker, I rise in support of the gentleman's motion to instruct.

Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its by-product—coal ash. It's an unavoidable part of our power generation in southwestern Pennsylvania.

Though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I've been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act. However, this motion to instruct does not fully encompass my position on the issue.

Although this motion to instruct calls on conferees to insist upon the House language on coal ash, that is not the whole story. In fact, I support the coal ash language that the bipartisan group of Senators is working on. I've seen much of the work they've been doing, and I can tell you that I believe it to be an improvement on what we're doing here in the House. The question is: Will the conferees agree to a bill at all and will it include coal ash?

My vote in favor of this motion is meant to urge my colleagues to finish the process so that we can resolve the coal ash issue in a way that's good for the environment, our constituents, and the purposes of recycling these materials.

I want to make it clear that I do not believe that any coal ash or Keystone provisions should be used to hold up the transportation bill conference. Above all else, it is essential that this Congress does its job and completes the highway bill conference before the current program expires on June 30. I continue to support the Federal regulation of coal ash as a nonhazardous waste, and I encourage my colleagues to work quickly towards a bipartisan, bicameral resolution on this issue.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, another summer building season is well under way without a long-term transportation bill; and we are, quite frankly, down to the wire on the current funding authorization, which expires next Sunday. Yet here we are debating the addition of even more non-transportation-related measures.

Congressman MCKINLEY's motion to instruct on coal ash is another example of delay. The transportation conferees ought to be urgently completing their work on a long-term authorization, not being saddled with extraneous requirements which pose a threat to public health. With thousands of jobs on hold until Congress acts, this delay is unconscionable.

Our State Departments of Transportation gave us early warning that if

Congress did not act on a long-term transportation bill by March 31 the summer building season would be compromised. The Senate recognized this concern, and it sent to the House bipartisan legislation known as MAP-21, which is a bill that passed the Senate with the strong bipartisan support of 74 Senators. Then, as we saw the March 31 deadline come and go, House leadership refused to take up the bipartisan Senate bill, knowing full well that carrying an extension through the summer building season would cost jobs. And it has.

Nowhere is our Nation's fragile recovery more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent. According to RIDOT, millions of dollars in projects have already been delayed, including a \$6.4 million project to carry I-95 over Ten Rod Road in Exeter; a \$1.5 million project to provide traffic improvements on I-295 ramps along the borders of Cranston and Johnston; a \$3.5 million project to resurface State Street to Broad Street and Main Street to route 1A in Westerly, Rhode Island. These projects not only improve the infrastructure upon which our businesses and residents rely, but they mean real jobs, desperately needed jobs, for Rhode Islanders.

MAP-21 will help rebuild America's economy so it is on a stronger, more sustainable foundation. It will provide the financing for critical highway and transit projects and support almost 2 million jobs, 9,000 of them in my home State of Rhode Island.

The 90-day extension, Mr. Speaker, is almost up. It was reluctantly passed back in March with the promise of a long-term measure to follow, a bill which has yet to materialize. We must let the conferees finish their work, and we must let the EPA continue to do its job of protecting the public from the risks of coal ash, which include cancer, neurological disorders, birth defects, and asthma.

I urge my colleagues to vote against this industry-driven motion and to vote for moving forward on the path to rebuilding our roads, our communities, and our economy by bringing the American people a long-term transportation bill.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. OLSON).

Mr. OLSON. I rise in support of my good friend Mr. MCKINLEY in his efforts to include the Coal Residuals Reuse and Management Act in the final transportation authorization bill.

EPA's goal of issuing new Federal rules to regulate coal combustion residuals would have far-reaching and negative impacts on our economy. These EPA rules would severely hamper American energy production, thereby risking our Nation's ability to meet

the electricity generation we need to grow our economy and to get our country back on track working again.

President Obama wants to eliminate coal as a source of energy for America. This should come as no surprise to those who listened to President Obama's comments when he was a candidate for office. He spoke from his heart in San Francisco in 2008.

Here is a summary of what he said:

Let me sort of describe my overall policy. What I've said is that we would put a cap-and-trade system in place that is as aggressive, if not more aggressive, than anybody else's out there.

He later said:

So, if somebody wants to build a coal-powered plant, they can. It's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted.

We need common sense at the EPA, and we need a President who understands that an all-of-the-above strategy includes American coal. That is why I am supporting Mr. MCKINLEY's Coal Residuals Reuse and Management Act in the final transportation authorization bill, and I urge my colleagues to vote for Mr. MCKINLEY's motion to instruct conferees.

Mr. MARKEY. I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield the next 2 minutes of my time to my colleague from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman from West Virginia for yielding, my good friend, and I commend him for his dogged determination on this issue and for his patience and persistence. I certainly rise in support of this motion to instruct.

This gentleman from West Virginia was, after all, the Democratic floor manager of the House bill which got us into conference with the Senate. It accepted the amendment offered by Mr. MCKINLEY, which passed by a voice vote on April 18.

□ 1610

This amendment, known as the "coal ash provision," is an important provision; and I, like many others, do not want to see it derail the entire transportation bill in its entirety. But I think if this body were to follow the instructions of the House, both in this motion and in the previous motion adopted by Mr. WALZ of Minnesota, which instructed conferees to report back by June 22, then I believe we would have a transportation bill that this Nation would benefit from and our American workers would benefit.

Since 1980, the EPA has struggled to figure out whether coal ash should be regulated under the Resource Conservation and Recovery Act and, if so, in what fashion. As of this date, 32 years later, no EPA regulation is in place.

The Agency had its shot, and now it's time to move on. The provision by the House is aimed at the States bolstering their programs governing the regulation of coal ash and includes enforcement actions if they fail to do so.

Given the nexus between the use of coal ash and the manufacturing of cement and that product's use in our transportation system, it is an appropriate matter to be considered within the scope of the conference of the transportation bill.

Contrary to some remarks we've heard on the floor today, these motions to instruct do not delay the work of conferees. Being a conferee myself, I know that the conference continues to meet with proposals going back and forth.

We're currently playing ping-pong on a lot of these proposals, but that's good. It means that we're talking, and it means the process is going forward. I'm very optimistic and hopeful that we can reach agreement sooner rather than later so that America's economy can continue to recover and American workers can go back to work with certainty.

Mr. MARKEY. Mr. Speaker, I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Massachusetts has 5½ minutes remaining, and the gentleman from West Virginia has 9 minutes remaining.

Mr. MARKEY. Mr. Speaker, I then continue to reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support Mr. MCKINLEY's motion to instruct conferees to the highway transportation bill to stop the EPA from regulating coal ash as a hazardous material.

Since the formation of the EPA, the EPA has looked periodically at coal ash. Most recently, they did it in 1993 and 2000 under the Clinton administration and came to the conclusion that coal ash does not warrant being regulated as a hazardous waste.

The only difference between today and then is that this administration is determined to put the coal business out of business, yet America gets about 48 percent of its electricity from coal. We cannot expect to meet the demands of this Nation's electricity needs over the next 20 years without coal.

If the EPA is successful in treating coal ash as a hazardous waste, which is quite radical, we know that independent analyses have shown that the costs associated with road and bridge building in America will increase by more than \$100 billion over a 20-year period. And in America today, to stimulate our economy, to get our goods to market, we need to improve the infrastructure of this country.

At this time in our Nation's history, with the economic problems that we have, to try to increase the cost for construction to meet the vital needs of this country is really unconscionable, particularly when there's been no causal relationship found between coal ash and health problems.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of the remaining time to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from West Virginia for yielding.

Mr. Speaker, I rise today in support of the McKinley motion to instruct conferees, asking that the bipartisan-supported coal combustion residuals program language from H.R. 4348 be retained in the final transportation reauthorization bill.

Coal ash is of critical importance, as it is contained in the composition of the concrete used in our roads, bridges, and other infrastructure. The use of coal ash in transportation has allowed our country to maintain lower costs for infrastructure building.

Studies have shown that coal ash costs 20 to 50 percent less than other products on the market today. During a time when our roads are deficient and we need solutions that are cost efficient, coal ash serves as a reliable resource. We need to invest in materials that will allow us the highest return on investment and stretch our highway dollars for needed improvements.

In addition to the cost savings that this will provide, including this language is also critical to support our environment and nearly 300,000 jobs that rely on coal ash use across the Nation.

In western Pennsylvania, I've witnessed the importance of coal ash to many communities in my district and surrounding areas. We have seen a transformation from orange skies and orange streams to an area whose beauty has been restored thanks to the safe use of coal ash for landfill, transportation use, and other purposes.

For these reasons, I strongly urge my colleagues to include in the final conference report the McKinley language so critical to our Nation's economic and infrastructure needs.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

The way I understand the argument on the other side is that, if the EPA regulates coal ash and calls it hazardous, that stigma will lead construction companies to avoid it as a building material.

If I could address the gentleman from West Virginia, Mr. MCKINLEY. Is that an accurate statement, that you're fearful of the designation and the stigma of that designation as hazardous?

I yield to the gentleman from West Virginia.

Mr. MCKINLEY. You say is there going to be a stigma?

Mr. WAXMAN. Is your fear that, if the EPA regulates coal ash and it's called hazardous, that that designation will be a stigma and will lead to the nonuse of coal ash by construction companies as a building material?

Mr. MCKINLEY. Mr. WAXMAN, I believe there is a stigma associated with that pending decision, yes.

Mr. WAXMAN. That is your fear?

Mr. MCKINLEY. There is a stigma associated with the misinformation that's been disseminated. That's correct.

Mr. WAXMAN. My colleagues, the thing that is so confusing to me is that coal ash is often used as a substitute for Portland cement in concrete to lower the costs; it reduces the waste, reduces the greenhouse gas emissions, and we don't need to pass legislation to have that happen.

But I want to point out that Portland cement is designated as hazardous. It's a hazardous chemical under the OSHA Hazard Communications rule. It's a hazardous substance under the Superfund amendments. It's a hazardous substance under Federal Hazardous Substances Act, and it's a hazardous material under the Canadian Hazardous Products Act. But Portland cement continues to be used extensively in concrete and transportation projects.

The EPA is not seeking to call coal ash "hazardous." They want to call it a "special waste." But even if they called it hazardous, why would it not be used the way Portland cement is now used, even though that substance is designated as hazardous in all these other statutes?

Mr. MCKINLEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from West Virginia.

Mr. MCKINLEY. What we're trying to do is allow more time for the conference committee to work rather than to debate the pros and cons of the environmental aspects of it. We want the committee to continue to work, to reach a compromise. And I've been told there's been great progress being made on that, but don't stop at this 11th hour. They're close to making it happen. We want to stand beside them and make sure they finish their work on these negotiations.

□ 1620

Mr. WAXMAN. Reclaiming my time, I yield myself 1 additional minute.

The reason I ask for more time is, as I understand the McKinley bill, which was adopted by the House, it would prohibit EPA from regulating coal ash because it would be designated possibly as hazardous. And the argument has been that that would be a problem when it is to be used as a substance for concrete and building materials. But I don't believe that to be the case.

Now I think that the committee, with the Senate and the House, ought

to complete its business. But I don't think your amendment is needed under any circumstances. That is why I urge Members to vote against this instruction because it is trying to interject in that highway bill something that's really not part of the highway bill and something that, on its own, should not be adopted in the form of the McKinley bill.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 5½ minutes remaining. The gentleman from California has 1½ minutes.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of my time to my fellow engineering colleague from the State of Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman for yielding.

I wasn't planning on speaking on this bill. But I was listening in my office to the debate between the proponents and opponents of the bill and felt moved to come over and try to answer some of the questions that the opponents have asked of the bill.

EPA is supposed to be a fair referee. They're supposed to say: If it's a strike, it's a strike; if it's a ball, it's a ball; if he's out, he's out; if he's safe, he's safe. But the Obama EPA is not a fair referee. It's not a fair umpire. The Obama EPA has a preconceived—what I consider to be a radical environmental agenda, and they appear heck-bent to impose it on the American people, whether there is a scientific rationale or not.

As Mr. OLSON of Texas just pointed out, the President, as a candidate, said that he basically wanted to try to make it impossible to build any more coal-fired power plants in America. When he became President, he appointed a regional administrator down in Texas, Dr. Armendariz, who said that he wanted to try to put hydraulic fracturing out of business and brought a case against Range Resources in Texas that was thrown out on its face because of the lack of evidence that there was any environmental damage caused by hydraulic fracturing, in this specific case in Parker County.

You had the civil servant at the EPA early in the Obama administration, when they were considering their endangerment finding, which they had to impose in order to say they could regulate greenhouse gases, they had a career civil servant who sent a detailed, I think 50- or 60-page analysis of the proposed endangerment finding and basically said it was hogwash. And he got back emails from within the White House and the higher rankings at political subdivisions of the EPA that said, Don't tell us the facts. We've already made up our minds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCKINLEY. I yield the gentleman an additional 1 minute.

Mr. BARTON of Texas. This same Dr. Armendariz made a comment not too many years ago that he wanted to crucify industry. He has since resigned because of those comments.

Those of us who support the McKinley motion to instruct do so because we don't think the current EPA is fair. Sometimes we have to tell the EPA what to do because they seem to be incapable of applying basic scientific methods, scientific principles. They want to impose a radical environmental agenda, apparently. And some of us don't think that's right, and we don't think it's good for the American people and the American economy.

So I strongly support what my good friend from West Virginia is doing because it at least makes it possible for a source that, for years and years and decades, has been used without any problem at all to continue to be used. And I think that's a good thing. So I rise in support. I thank the gentleman for the time, and I hope the House will adopt his motion to instruct conferees.

Mr. WAXMAN. Mr. Speaker, my colleagues, the gentleman from Texas told us that he was so moved to come here to correct the record. But he told us three things that are absolutely inaccurate:

The President has never said he doesn't want to build new power plants in this country. It is not true. The gentleman from Texas who worked for the EPA never said that this administration, or that he personally, was against hydraulic fracturing. It's just not true. And the analysis of the endangerment finding by the Bush administration was signed off on not by just a career civil servant, but by the head of the EPA, appointed by President Bush.

So when you get these wrong statements in your head, you can dream up a reason to be paranoid about EPA. EPA wants to protect the public health and safety in regulating coal ash, but in doing so, they will not prevent coal ash from being used for other building purposes.

I urge that we defeat this motion to instruct, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Speaker, it's fairly obvious that a lot of the folks that have been speaking on the other side of this issue have not read the bill and don't understand what's included in the provision. But perhaps reading the bill, reading the amendment would have given them greater insight as to the role of the EPA. Because by virtue of this amendment, we are giving them great insight, great involvement in the proper disposal of the amount of fly ash that's not recycled.

So, Mr. Speaker, it really just comes down to an issue being very clear. Our opponents are just opposed to the coal industry. They're opposed to the men

and women working in our coal industry. They're opposed to the 700-plus coal-fired electric utilities. They're opposed to keeping utility costs low. There is a war on coal, Mr. Speaker. And it's time that we stand up for the coal workers, the men and women working in the coalfields all across the United States, and for the men and women and the consumers that use electricity at low cost.

Now let's go to what the Departments of Interior and Transportation have said: The Department of Interior said that they concur that if fly ash is designated as hazardous waste, as is being considered, fully or in a hybrid classification, it would no longer be used in concrete. It also said, "Fly ash costs approximately 20 to 50 percent less than the cost of cement." The Department of Transportation: "Fly ash is a valuable byproduct used in highway construction. It is a vital component of concrete and a number of other infrastructure uses."

Mr. Speaker, I ask all of my colleagues to join me today in supporting this motion to instruct conferees to continue discussing this bipartisan negotiation on this part of the highway bill and to ask their Senators to do the same. Let's maximize the use of all the money that we have available to build more roads, rebuild more bridges, do more infrastructure, but most importantly, put America back to work.

So I encourage my colleagues to vote for this motion to instruct, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, more than three and a half years ago an impoundment holding disposed ash waste broke open, creating a massive spill in Kingston, Tennessee. The spill covered entire neighborhoods and the Clinch River with over one billion gallons of coal fly ash—displacing residents and resulting in \$1.2 billion in clean up costs.

The accident underscored the need for strong rules to ensure structural stability and the safety of coal ash impoundments. Yet, as of today, no national rules have been put into place to prevent another Kingston spill.

Two years ago the Environmental Protection Agency proposed the first-ever regulations to ensure the safe disposal and management of coal ash from power plants under the nation's primary law for regulating solid waste, the Resource Conservation and Recovery Act (RCRA).

EPA presented two regulatory options: regulating coal ash as hazardous waste under Subtitle C or regulating coal ash as a non-hazardous waste under Subtitle D. But the EPA's proposal has stalled creating uncertainty for businesses and families.

As I said when the House of Representatives considered this issue last October, I have concerns that designating fly ash as a hazardous material will have major impacts on the recycling and reuse of fly ash to manufacture wallboard, roofing materials and bricks, and especially concrete.

In 2008 alone, the concrete industry used 15.8 million tons of fly ash in the manufacturing of ready mixed concrete making it the

most widely used supplemental cementing material. When combined with cement, fly ash improves the durability, strength, constructability, and economy of concrete.

It also has huge environmental benefits. Using coal ash—an industrial byproduct—in concrete results in longer lasting structures and reduction in the amount of waste materials sent to landfills, raw materials extracted, energy required for production, and air emissions, including carbon dioxide.

A “hazardous” designation of fly ash could put these benefits in jeopardy. It could make fly ash storage and transportation more expensive, and create a legal environment that would deter cement manufacturers from recycling fly ash in cement production.

The result would not only be devastating for the cement manufacturing industry and American jobs, it could also divert millions of tons of coal fly ash from beneficial uses to surface impoundments like the one that broke open in Kingston, Tennessee—an outcome nobody wants.

I don't think H.R. 2273 is a perfect bill. And, to be clear, I support strong regulations for the disposal and storage of coal ash. But, these regulations can and should be completed without jeopardizing the recycling and reuse of fly ash.

I am supporting Rep. MCKINLEY's motion to instruct because it would move the conversation forward on how to find a reasonable and responsible balance between protecting communities and our environment, while also incentivizing the recycling and reuse of coal ash—goals we can all support.

It is my understanding that my colleagues on the conference are making progress in finding that balance. Meaningful conversations that began more than six months ago between key stakeholders are beginning to bear some fruit on this issue.

We shouldn't ignore this issue—it's too important. We shouldn't wait for an undefined period of time before strong rules are put in place. We shouldn't discourage recycling and reuse of coal ash by unnecessarily labeling it as “hazardous waste.”

Let's pass this motion and get back to work on a long-term bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCKINLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on my motion to instruct conferees on H.R. 4348.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

□ 1630

DOMESTIC ENERGY AND JOBS ACT

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 4480.

The SPEAKER pro tempore (Mr. GARDNER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 691 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4480.

The Chair appoints the gentleman from Arkansas (Mr. WOMACK) to preside over the Committee of the Whole.

□ 1631

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from Washington (Mr. HASTINGS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I yield myself such time as I may consume.

Mr. Chairman, the price of gas and the unemployment rate both remain way too high, and American families are struggling as a result. That's why I support H.R. 4480, the Domestic Energy and Jobs Act, and I urge my colleagues to do the same. This bill is truly a win-win for steps that it takes to expand supplies of domestic affordable energy that will create many jobs in the process.

It's no secret that I don't see eye-to-eye with President Obama on energy policy, but perhaps the most inexecutable energy policy move the administration has made was the June 2011 decision to withdraw 30 million barrels of oil from the Strategic Petroleum Reserve with no plan to replace it. It is hard to understand why the President would take oil from the Nation's emergency stockpile while at the same time keeping off limits the far greater amounts beneath federally controlled lands and offshore areas. It's like a couple pawning their wedding rings for cash while ignoring a major gold discovery in their own backyard.

The amount of untapped oil in areas kept out of reach by this administration is estimated to exceed the entire Strategic Petroleum Reserve dozens of times over. And these estimates are not mere speculation. Indeed, the recent increases in oil production on State and privately owned lands demonstrate the tremendous energy development on Federal lands. But that potential will only be realized if the administration's roadblocks are removed.

Title I of this bill does that. It requires that the next time the President withdraws oil from the Strategic Petroleum Reserve, he must also commit to more oil leasing on Federal lands in offshore areas. The result will be greater supplies of domestic oil and lower prices, not to mention thousands of new energy industry jobs.

Gaining access to untapped oil reserves is part of the equation; but before that oil can reach consumers at the pump, it has to be refined into gasoline and diesel fuel. Title II of this bill will help American refiners so they can keep fueling our economy and fueling the country, because what refiners really need is a little common sense, a little regulatory certainty. It would be an understatement to say that this administration's regulators have not been friendly to domestic oil production, and the truth is they have been no better to the refiners who produce the fuels that we use. In fact, EPA is moving ahead with a number of new regs affecting refineries and other facilities—regs that are likely to drive up the price at the pump and jeopardize refining sector jobs.

Title II requires that we learn about the consequences before imposing additional red tape. It sets up an interagency committee that will analyze the cumulative effects of several upcoming EPA regs on fuel prices as well as jobs. It also defers the finalization of three measures until after the analysis is completed.

The good news is that a future of chronically high gas prices is not inevitable. These policies that I have discussed and numerous other provisions in the legislation will in fact move us toward more secure, more affordable American energy and the jobs that go

with it. The Nation can increase domestic energy supplies, lower future prices at the pump, and create many more jobs. This legislation takes the steps to usher in this brighter future. I urge my colleagues to join with me in supporting it, and I reserve the balance of my time.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 8, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Wash-
ington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 4480, the Strategic Energy Production Act of 2012, as ordered reported by the Committee on Energy and Commerce for provisions of the bill that fall within the jurisdiction of this Committee.

Knowing of your interest in expending this legislation and in maintaining the continued consultation between our Committees on these matters, I agree to discharge H.R. 4480 from further consideration by the Committee on Agriculture. I do so with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming our mutual understanding with respect to H.R. 4480, and would ask that a copy of our exchange of letters on this matter be inserted into the Congressional Record during consideration on the House floor.

Thank you for your courtesy and I look forward to continued cooperation between our respective committees.

Sincerely,

FRANK D. LUCAS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 8, 2012.

Hon. FRANK D. LUCAS,
Chairman, Committee on Agriculture, Long-
worth House Office Building, Washington,
DC.

DEAR CHAIRMAN LUCAS: Thank you for your letter regarding H.R. 4480, the "Strategic Energy Production Act of 2012." As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Agriculture.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Agriculture with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 19, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
U.S. House of Representatives, 2125 Ray-
burn House Office Building, Washington,
DC.

DEAR CHAIRMAN UPTON: I am writing to you concerning the bill H.R. 4480, the Stra-

tegic Energy Production Act of 2012, as amended. This legislation includes a provision that deals with military readiness and training activities, which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4480, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 4480. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this provision.

Please place this letter and your committee's response into the Congressional Record during consideration of the Measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. "BUCK" MCKEON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 20, 2012.

Hon. HOWARD P. "BUCK" MCKEON,
Chairman, Committee on Armed Services, Ray-
burn House Office Building, Washington,
DC.

DEAR CHAIRMAN MCKEON: Thank you for your letter regarding H.R. 4480, the "Strategic Energy Production Act of 2012." As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Armed Services.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Armed Services with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes.

Throughout this Congress, House Republicans have made an all-out assault on our Nation's most basic public health and environmental protections. And they have blocked any effort to address climate change, move towards clean energy, or promote energy efficiency.

On Monday, Congressman MARKEY and I released a report that documents this all-out assault. It confirms that this is the most anti-environment House in the history of Congress. Over the last 18 months, the House has voted 247 times to undermine protection of the environment. That's almost one out of every five votes taken in the House.

The oil and gas industry has benefited more than any other sector from these anti-environment votes. Since the beginning of 2011, the House has

voted 109 times for policies that would advance the interests of the oil and gas industry at the expense of the environment, public health, and the taxpayer. The result is a grave and growing peril to our environment, to public health, and to our economy. The massive wildfires, floods, droughts, and heat waves that have been afflicting our country are a harbinger of what is to come.

Americans know this. As the Washington Post reported this morning, the vast majority of Americans believe our environment is deteriorating, and they know that unchecked pollution from oil refineries and other industrial sources is making the problem worse. Yet what are we doing today? Today's bill is one more massive giveaway, and it is one more assault on the environment.

This bill contains two proposals reported by the Energy and Commerce Committee. One would block standards for oil companies to clean up their pollution. The other seeks to bypass existing leasing programs in order to pry open every possible acre of Federal land for oil drilling.

This legislation has been promoted as a solution to high gasoline prices. But this bill is a Trojan horse. This bill would not lower prices by one penny. This bill doesn't protect consumers. It hurts them. The bill will keep dirty gasoline on the market, allow oil refineries to spew toxic emissions, and forestall action to address climate change.

Tucked inside this legislation is the Latta amendment. The language of this amendment cuts the heart out of the Clean Air Act, radically changing the way air quality standards are set. Rather than basing smog standards on what is healthy for our children to breathe, this bill would require standards to be based on what industry says it will cost to reduce pollution. This radical proposal will undermine decades of progress on cleaning up the air. The bill will also cost jobs. The regulations blocked by this bill would create tens of thousands of jobs installing pollution controls and modernizing oil refineries.

□ 1640

In addition, this bill would make it harder for the President to tap the Strategic Petroleum Reserve during emergencies by layering on new bureaucratic requirements to force drilling across a vast expanse of public land.

This bill may be good for the oil companies, it may be good for the special interests, but it is a disaster for the American people. The Republican energy policy isn't an all-of-the-above policy; it's oil above all.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support the Domestic Energy and Jobs Act for a number of reasons. First of all, it would encourage more production of energy in the United States. Two, it would lower energy costs. Three, it would create additional jobs for the American people. And, four, just as important, it would keep America more competitive in the global marketplace.

We live in a global economy, and our ability to have cheap, affordable, and abundant energy is absolutely necessary if we are going to compete with countries around the world. So that's what this legislation is designed to do.

All of us have a responsibility to the environment, but we genuinely believe after hearing after hearing after hearing after hearing, people who create jobs come in and talk about the additional costs they're incurring because of this overly aggressive EPA, headed up by Administrator Lisa Jackson.

I would also say that one portion of this bill is a very commonsense approach. While it would not immediately lower gasoline prices, it does ask the President to establish an interagency task force to examine the impact on jobs, prices, and competitiveness of three regulations that the EPA has initiated. They haven't finalized it, they haven't decided they are going to finalize it, but they have started the first steps. And so we ask this Agency to look at what is the impact on fuel prices with these regulations if they are adopted and to report back to Congress and to not finalize any of these rules until at least 6 months after they report back to Congress. It seems to me a commonsense approach. We have a responsibility to the American people to have some idea about the impact of these regulations on the economy.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH), and I would like to ask unanimous consent that he be permitted to control the rest of the time for our side of the aisle on the general debate.

The CHAIR. The gentleman from Illinois will control the time.

Mr. RUSH. Mr. Chairman, since the beginning of the 112th Congress, we have held over 30 Energy and Power Subcommittee and joint subcommittee hearings. We have held over a dozen subcommittee and full committee markups, and including H.R. 4480, which we will vote on today, we have had 10 bills that originated from the Energy and Power Subcommittee that have been voted on by the full House.

Yet, Mr. Chairman, from all of that time and all that effort, the Energy and Power Subcommittee has produced exactly one substantive bill. Let me repeat: only one substantive, significant bill, the Pipeline Safety Reauthorization Act, the only one that has actually become law.

Mr. Chairman, instead of focusing our efforts on trying to create the clean energy jobs of the 21st century, the majority party has spent the past 18 months lobbying partisan attacks against the EPA and the Clean Air Act in order to appease Big Oil and some of the more extreme constituencies that the Republican Party represents.

Mr. Chairman, most Americans would like to see us utilizing our time working in a bipartisan manner to address critical issues, such as access to jobs, clean air, and clean water, less dependence on foreign oil, enhanced energy-efficiency measures, and an increased reliance on the cleaner and renewable energy sources of the future.

Instead, here we are again debating yet another bill that would continue the concerted effort by the majority party to weaken the authority of the EPA and to delegitimize the Agency's regulations as job killers.

Mr. Chairman, with just a little over 20 days remaining before the August recess, we should be focusing our limited time on legislation that will create jobs and move America forward toward a smarter energy future that is less vulnerable to the whims of the world oil market. However, nothing in this bill accomplishes that.

The most offensive provision of this bill, the Gasoline Regulations Act, would fundamentally change a cornerstone of public health law, the Clean Air Act, and I ask my colleagues: Why, to what end?

This bill will not create any jobs but, rather, would block EPA rules to make the fuel we put into our cars cleaner. This bill would also block rules that would cut toxic air pollution from refineries.

This bill blocks the EPA from requiring new refineries from cutting carbon pollution that causes climate change, and it even blocks the agency from revising the national air quality standard for ozone to reflect the best-available science and medical evidence about how much ozone is safe to breathe without serious health effects.

Mr. Chairman, one truth remains, and that truth is that H.R. 4480 isn't really about jobs, isn't really about lowering gasoline prices. It is about an excuse to push a profoundly anti-environmental agenda and provide oil companies with more items from their election year wish list.

Oppose this bill because it would strike at the heart of the Clean Air Act and would not provide any tangible benefits to the American people. I urge all of my colleagues to oppose it as well.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), and I would ask that at the conclusion of his 2 minutes that the balance of my time be controlled by the gentleman from Colorado (Mr. GARDNER).

The CHAIR. The gentleman from Colorado will control the time.

The Chair recognizes the gentleman from Kansas.

Mr. POMPEO. Mr. Chairman, H.R. 4480, the Domestic Energy and Jobs Act, the legislation we'll vote on before too long, has three very simple missions. The first is to lower and create affordable energy for folks all across America. The second is to create the jobs that go with it. And, finally, it's to begin to put American energy policy back on a commonsense, simple standard that allows affordable energy to be produced here in America by Americans for Americans.

You know, we've seen in these discussions, these debates, that there are two opposing views on how to do this. The first is the view of the folks on the other side who think if we just had one more rule, one more set of regulations, another subsidy, another handout from the taxpayers, we here in Washington, DC could find that next great affordable energy source. We've seen how that's worked. We've got gasoline at \$3.50 a gallon. We've got utilities all across the country asking for rate increases.

There's another view. There's another way to go about it. It's to let the market respond to price signals. It's to get the Federal Government out of the way, to reduce regulations across the board while making sure that we've still got safe drinking water and clean air. Both of these objectives can be accomplished.

This legislation simply streamlines and simplifies the leasing and permitting processes on Federal lands to make sure that consumers have access to affordable American energy. We have tremendous opportunities right here in America. Right in Kansas' Fourth Congressional District, in Harper and Kingman and Stafford and Edwards and Barber and Pratt, all over south central Kansas, an enormous new opportunity, creating real, affordable energy produced by Americans with American jobs.

□ 1650

We also, through this legislation, say if we're going to tap this important American resource, the SPR, the Strategic Petroleum Reserve, we're going to make sure and replenish it—again, with American affordable energy.

This is one of the most consumer-friendly, ratepayer-friendly, taxpayer pieces of energy legislation to reach the House floor in a long time, and I would urge all my colleagues to support this legislation.

Mr. RUSH. Mr. Chairman, I yield 4 minutes to my friend, the gentlewoman from my home State of Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding, and I appreciate his leadership on the Energy Subcommittee.

As a member of the full Energy and Commerce Committee, frankly, I'm ashamed that this House is actually considering legislation that puts public health decisions in the hands of the oil industry.

Title II of H.R. 4480 eliminates a core principle of the Clean Air Act with respect to smog. For over 40 years, the Environmental Protection Agency has set health-based air quality standards using scientific and medical evidence to identify the maximum safe levels of air pollution for human beings to breathe. Title II would do away with that precedent by requiring that the cost to industry be the primary consideration in determining healthy emission standards. Yes, if this legislation passes, health-based decisions will play second fiddle to dollar considerations for the first time.

Over the years, our air has become cleaner and safer because industry has had to comply with more stringent standards. Lead is no longer poisoning our children from the pump. There are fewer kids with asthma due to gas pollutants. And oil companies, rather than suffering, are now making record profits. We don't have to pass the hat for the oil companies. The five largest made \$137 billion in profit last year and \$33.5 billion in the first quarter of 2012. Our health decisions should be made by health experts, not our worst polluters.

H.R. 4480 continues the policy of the 112th Congress: if the oil industry asks, the oil industry gets, no matter the impact on American families.

Title II sets up a new interagency bureaucracy to conduct an impossible study of the alleged economic impact of several EPA rules to reduce pollution from refineries and fuels—which haven't even been proposed—using data that doesn't exist. In the meantime, this title blocks the EPA from finalizing several air quality protections that the oil industry would prefer go away.

Title II does nothing to protect the consumer from price spikes at the pump or to reduce our country's dependence on oil. Instead, it is a giveaway to the oil industry under the false pretense of lowering gasoline prices.

The oil industry doesn't want to reduce the amount of toxic air pollution spewing from its refineries. The oil industry doesn't want to produce cleaner burning gasoline. The oil industry would rather not construct new refineries that are more efficient and less damaging to the world's climate. Oil industry executives would prefer to pocket all their billions in annual profits rather than invest any of it in modern, less polluting technology.

I offered an amendment yesterday that would have simply said that the unnecessary and impossible study required under title II would be paid for by the one industry that most stands

to gain from its implementation, Big Oil. My amendment was not made in order.

The American people deserve better than this. They deserve clean air and clean water. They deserve more than a few months of a transportation bill. They deserve a jobs package that will put millions to work, including teachers and construction workers and firefighters and police officers. They deserve affordable student loan rates. Instead, the Republicans of this House have elected to carve out additional privileges for Big Oil.

Mr. GARDNER. I yield 1 minute to the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Chairman, as a member of the House Energy Action Committee and a Representative from an energy State, I come to the floor today to support an all-of-the-above energy bill and an all-of-the-above jobs bill.

I know firsthand the tremendous economic growth and job creation that comes from unlocking American-made energy. My State of Kansas is undergoing an energy boom. Farmers are making money, tractor dealerships are selling new tractors, and families are paying off loans. Even church contributions have benefited.

Sadly, this American success story has been attacked by the current administration's repeated rejection of policies that would increase domestic energy production and create thousands of high-paying American jobs.

This important legislation strengthens our energy security, it removes the bureaucratic red tape hindering American energy production, and it creates American jobs.

Simply, we cannot afford to delay action that would create thousands of jobs. I urge passage of this legislation.

Mr. RUSH. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a fine member of the subcommittee and a distinguished member of the full committee.

Mr. DOYLE. Mr. Chairman, I rise in opposition to this bill before us.

Today we're debating a bill that Republicans tell us will embrace an all-of-the-above energy strategy. The way this bill purports to do this is by opening large swaths of land to oil and gas drilling, halting regulations, and gutting the Clean Air Act. It's clear that this is not a true effort to develop an all-of-the-above strategy, but instead is a narrow-minded approach to oil and gas development at any cost.

Republicans continue to criticize President Obama and congressional Democrats for opposing efforts to increase U.S. domestic oil production, but the facts disprove this notion. The President hasn't agreed with every proposal to expand oil and gas drilling in the United States and its territorial

waters, but he has taken action to open up substantial new public lands and coastal waters to oil and gas development.

Today, roughly 75 percent of U.S. oil reserves on public lands and under our coastal waters have been leased out to oil drillers. In fact, domestic oil production is at an 8-year high, and the production of natural gas plant liquids—liquefied petroleum gases that are used for fuel—is currently at an all-time high of more than 2 million barrels per day. All told, the U.S. Energy Information Agency estimates that U.S. petroleum production in 2012 will average more than 8 million barrels per day.

The number of oil rigs in the United States has quadrupled under President Obama. At the same time, petroleum consumption in the United States has dropped by more than 2 million barrels per day since its all-time peak in 2006. Now, since domestic oil production is up and petroleum consumption is down, U.S. oil imports are at a 17-year low. In fact, the United States is importing 10 percent less oil than it was 8 years ago.

Now, one might reasonably conclude that since the United States is producing more oil and consuming less, oil and gas prices would be going down, but that's not happening. Oil and gas prices are going up. Well, how can that be? Oil prices—and consequently gas prices—are rising because, while oil consumption may be lower in the United States, global demand for oil is, in fact, rising.

Rest assured, this bill does nothing to address the real problem of high gas prices, and it does nothing to develop a real all-of-the-above energy strategy for the United States. This bill is going nowhere in the Senate, and it's a true disappointment as this Congress' effort to address high gas prices and an expanded energy portfolio.

I urge my colleagues to reject this bill.

Mr. GARDNER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Colorado for his leadership and for bringing this legislation to put a good energy policy in place in this country, which we do not have today under President Obama.

If you look at components of the bill, it talks about the Strategic Petroleum Reserve. The President has used the Strategic Petroleum Reserve as his bailout fund, basically, for his failed policies.

□ 1700

He's raided it. Last year he raided 30 million barrels from SPR and still, to this day, hasn't replaced that oil. But on top of that, the President took those dollars, billions of dollars, and spent them on unrelated government

spending. So that's what the President's been doing with SPR—using it as his personal piggy bank and bailout fund for his failed policies.

The President and others like to talk about an all-of-the-above strategy. They love to talk about energy production never being higher. One thing they fail to mention is that energy production on Federal lands, where the Federal Government actually has control, is down. In fact, President Obama's own administration, the Energy Information Agency, confirmed again recently that production this year on Federal lands is down 30 percent just in the Gulf of Mexico from last year. So they talk about production being higher. It's higher on private lands where they have no control.

And by the way, through EPA and Department of the Interior and other Federal agencies they're trying to regulate and shut that down right now, too. So while they're bragging about it, they're trying to shut it down.

Just today, in New Orleans they had a lease sale; first lease sale we've had in more than 2 years. And in fact, it shows that there's tremendous interest in exploring for American energy. The only problem is there is no more plan in place.

Normally, you always have a 5-year plan in this country. By law, the President's supposed to have a 5-year plan. After today, there's nothing on the books for any more future lease sales. And, in fact, the proposal that the President has been sitting on shuts off 85 percent of the areas that were getting ready to be opened up for exploration. And what does that lead to? It leads to a greater dependency on Middle Eastern oil, on these foreign countries that don't like us.

The President has shipped tens of thousands of energy jobs out of this country. We've tracked rigs that have left the states and gone to places like Egypt and Ghana and Brazil. Those jobs ought to be here. We ought to be creating those jobs here and seeking energy independence, and this bill is a great start. I urge its support.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

This bill, sadly, is a missed opportunity. It would have been an opportunity to deal with an all-of-the-above and a jobs bill, but it simply is not.

We're in a situation where domestic oil production is strong. And what we are looking at, currently they're talking about giving out, encouraging more land to be locked up for the future, rather than using the 25 million acres currently authorized for drilling that are not being used by oil companies today. They would allow people to sit on land, paying only \$1.50, \$2 an acre for up to 10 years.

Now, I think it's wise for us to be able to move forward to encourage energy production. There would be an opportunity here to deal more aggressively with incenting sustainable energy, clean energy, energy that will be with us for decades to come, rather than depleting existing resources and tying up leases in the future.

This is an excuse to undermine existing environmental protections. Why, in heaven's name, would we seek to undermine tailpipe emission regulations that are already supported by the auto industry? It makes no sense at all.

It is not wise to have language that orders the EPA to consider the cost of a clean energy rule, rather than the impact on public health, turning on its head longstanding priorities.

I suppose you could diagnose lung cancer, but say, well, it's pretty expensive, so let's not say that it's lung cancer. Let's call it a cough.

Mr. Chairman, it's important for EPA to make the decisions to protect public health rather than company profits, which are exploding in time.

This is a missed opportunity. I suggest its rejection.

Mr. GARDNER. Mr. Chairman, I would like to inquire as to how much time my side has remaining.

The CHAIR. The gentleman from Colorado has 19½ minutes remaining. The gentleman from Illinois has 12 minutes remaining.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Chairman, I thank the gentleman from Colorado for yielding time.

High energy prices are having a negative impact on our economy and on our family budgets. But don't take my word for it. This is what my constituents have told me firsthand.

There's David from Castroville, Texas, who wrote:

As a self-employed carpenter, gas prices for a large truck cut into my profits. It is madness that the USA is not oil and gas independent. Energy independence is essential for our economy to grow and protect our freedom.

Another constituent, Ray, stated:

I'm a retired engineer and planned to travel with my wife this summer but had to curtail these plans because of the high cost of gasoline. This has cut deeply into my retirement pay and I'm spending more time at home because of gasoline prices.

Mr. Chairman, this isn't rhetoric from Washington insiders, but input from working-class Americans who are struggling to make ends meet. I urge my colleagues to support the Domestic Energy and Jobs Act in order to increase energy production, eliminate red tape, and create jobs.

Mr. RUSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentleman for his courtesy.

Facts are really kind of difficult if you have to deal with them. The gentleman just spoke about a sad case of an individual that wasn't able to go on a trip because of the high price of gasoline. He may want to tell that individual that the oil industry, on average, over the last several months, has exported over 24 million gallons of gasoline a day, 24 million gallons of gasoline a day, exported from the United States. Maybe that has something to do with the high prices.

But a few other facts. As of March of 2011, onshore, the Department of the Interior offered, between 2009 and 2011, 6 million acres of land for leasing. The oil industry only took 4 million acres. As of that time, March 2011, 38 million acres of land were under lease. 25 million acres of land were inactive. A full 65 percent of the available leased land already in the hands of the oil industry was inactive, not explored, not being produced. 65 percent unused, inactive.

Offshore, 37 million acres were under lease. 2.4 million acres were active. 70 percent not being used.

So why are we here opening more land? There's a reason for it. There is a reason why the oil industry wants to do this. If they are able to acquire a lease, they put it on their books as an asset, thereby giving the appearance that they have a lot of assets available to them, when, in fact, they have no intention to, in the near term, probably the next decade or so, actually explore and produce. It is a financial game. It is not a game of producing oil.

Now, if we really wanted to do something, we would immediately put in place a production tax credit for the wind turbine industry, which is languishing now because we are refusing, Republicans, in this case, refusing to put forth a renewal of the production tax so that the wind industry can actually continue to produce energy for our Nation.

So what does it mean?

There are some 70,000 jobs in the wind industry today. Some 17,000 more would immediately go into place if the production tax credit were in this bill and became law.

What does it mean?

If we were to enact my bill, H.R. 487, those wind turbines would be manufactured in the United States, and thousands more jobs.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield another 30 seconds to the gentleman.

Mr. GARAMENDI. The bottom line of this: this is simply a play by the oil industry to gather more assets on their balance sheet, at the expense of the environment and, just as important, at the expense of a real, all of the above energy policy.

It's a sad day that we're here debating an energy bill that really doesn't do anything at all to help us meet the

energy needs of this Nation. There's nothing in this about renewables. It's unfortunate.

□ 1710

Mr. GARDNER. I yield 1½ minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 4480, the Domestic Energy and Jobs Act.

This bill comes at a critical time as consumers, farmers, and small businesses are facing high fuel prices and as the President is restricting Federal leases from oil production while at the same time considering releasing oil from the United States' Strategic Petroleum Reserve.

I represent an area of the State of Ohio that has the largest number of agriculture producers, manufacturing jobs, and small businesses. When you look at these numbers, we'd have a very high, disproportionate hit for my constituents because of high oil prices.

As this bill requires, all regulations should be subject to a thorough analysis of cost, benefits, and potential hurdles to implementation. The Gasoline Regulations Act of 2012, which is part of this bill, will delay regulations that could significantly increase fuel prices on consumers, farmers, and small businesses while these regulations are under review. It will also provide some much-needed regulatory relief to refiners, who are struggling to stay in business due to the high cost of fuel.

Reducing the costs of refining fuel is a great first step, but the key to reducing fuel prices is to bring more supply into the market. The only time that oil should be released from the Strategic Petroleum Reserve is to counter a severe supply interruption. I support legislation that will allow the increased access to responsible domestic oil production, and for these reasons, I support the bill.

Mr. RUSH. Mr. Chairman, I reserve the balance of my time.

Mr. GARDNER. I would like to yield 2 minutes to the majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. I want to thank freshman CORY GARDNER for bringing this legislation to the floor.

Mr. Chairman, I want to for one moment imagine. I want to imagine a country, an America that doesn't have 40 months of 8 percent unemployment. I want to imagine an America with 3 percent unemployment. Could you imagine a country that had a trade deficit that was shrunk? Could you imagine a government that, instead of saying it wants to raise taxes, actually cut them? Imagine that, in a housing crisis, you're not sitting with foreclosures, but you actually need more houses to be built and that people are

flying into the country because the jobs are there and it is the place to be. I want to imagine, when you go down to even work at McDonald's, you're making \$15 an hour.

A lot of people in this country turn on the news and think that's far-fetched. They think that's impossible to dream or to even imagine. But do you know what? That's taking place in parts of this country. That's exactly what's happening in North Dakota. And why is it happening in North Dakota? It's because they created a State energy policy that is unshackled.

There is a team here, Mr. Chairman, that is called the HEAT Team, the House Energy Action Team. We went across the country and saw all walks of life—from California, to driving an electric car in Colorado, to going into the fields of North Dakota, which is where I went. Do you know what? I drove past the windmills. I looked at new technology which is able to extract in a much more pinpointed method and environmentally friendly way so that we can get those resources. What has it done? It has transformed the State with regard to job creation. More importantly, it has transformed our Nation because, yes, we are importing less today than in 1994, but that's only on private lands, not on public lands.

The CHAIR. The time of the gentleman has expired.

Mr. GARDNER. I yield the gentleman an additional 30 seconds.

Mr. MCCARTHY of California. So today, on this floor, we are debating something that can change America. No longer will you sit back at home and think, one day, I could only imagine unemployment low, revenues high, and everybody who wants a job can have one.

This bill today is about jobs. It's about jobs that not only create a new America but that change our foreign policy. It creates a new America in which we invest today, and it makes us energy independent.

Mr. Chairman, I ask all to vote "aye," and I thank the gentleman for bringing it to the floor.

Mr. RUSH. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GARDNER. I would like to yield 1 minute to the majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

I rise in support of this legislation before us, which will boost domestic energy production, spur job creation, and grow the economy.

The Domestic Energy and Jobs Act opens up more of our domestic energy resources, brings greater certainty to leasing on public lands, and does take steps to cut red tape that is increasing the cost of fuel and blocking energy development. Increasing energy production on our Nation's public lands and in its waters can create millions of

jobs, boost the economy, lower energy costs, and make America more secure.

It wasn't too long ago that an energy-secure America seemed like an unreachable goal. Today, energy security is on the horizon because of innovations that have helped increase our domestic energy supply and that have created thousands of good-paying jobs along the way. I saw these innovative technologies firsthand a few weeks ago when I was out on a deep-sea rig off the coast of Louisiana. With this legislation, we give our Nation's energy producers the certainty they need to invest in the innovations that are essential to American-made energy and American-made jobs.

The oil and gas industry is the lifeblood of so many communities across our Nation, but this President's policies have stifled the development of many of our Nation's energy resources. Red tape and restrictions coming from the Obama administration are keeping America's abundant energy resources under lock and key, away from our job-creating private sector.

As a result of some of these policies, small businesses are feeling the squeeze of high energy costs; families planning their summer vacations are facing historically high gas prices; and new jobs are being sidelined. People are wondering, when will things get better? They're looking for leadership out of Washington. Frankly, this administration has not delivered.

Since the President took office, production on public lands has decreased. While I welcome the administration's announcement that it is moving forward with a long delayed lease sale in the central Gulf of Mexico, it is simply unacceptable that this is the first lease sale the administration has held in the central gulf since 2010. Our Nation's energy producers have been ready and waiting to put their capital on the line to develop our Nation's resources.

Delaying decisions critical to energy development creates uncertainty and slows job creation. In fact, the Obama administration has canceled more lease sales than it has actually held, so I think the big question is, why aren't we doing more? Why aren't we developing more of our Nation's Outer Continental Shelf, such as that off the coast of Virginia, where there is broad bipartisan consensus in my State supporting such development?

After years of watching the President fail to embrace a pro-growth energy policy, the American people do deserve more. The future of our country depends on a true, all-of-the-above energy strategy that promotes domestic energy production, job creation, and economic growth.

By adding certainty to the regulatory process, we can promote domestic energy development in an environmentally sensitive way. We can promote economic growth and get Americans back to work. These seven bills,

as part of the HEAT Team package, will help bring down high energy costs, which are hurting families and crippling small businesses, so that we can then spur the creation of thousands of jobs.

I want to salute and thank the House Energy Action Team: the bill's chief sponsor, Congressman CORY GARDNER; Congressman ED WHITFIELD; Congressmen SCOTT TIPTON and MIKE COFFMAN; and Congressmen DOUG LAMBORN and BILL JOHNSON for putting forward these measures that will harness our domestic energy resources.

Finally, I would like to thank our whip, KEVIN MCCARTHY, for his leadership and for bringing all of us together, as well as thank Chairman FRED UPTON and Chairman DOC HASTINGS for their leadership on these measures that are essential to our Nation's competitiveness and job creation.

□ 1720

Mr. RUSH. Mr. Chairman, I yield 4 minutes to one of the most remarkable leaders that this Congress has ever seen, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend, and I would have come up here just for that introduction. I thank him so much.

I am pleased to follow my friend, the distinguished majority leader, Mr. CANTOR. I'm going to have some remarks. But before I get to those remarks, I want to give you some statistics that I know you'll find very interesting. I want you to take them to heart.

The Energy Information Administration reports that oil production from Federal lands and waters was higher the first 3 years of the Obama administration than the last 3 years of President Bush's administration.

In addition, oil imports are at the lowest they have been since 1997. In 2011, U.S. crude oil production reached its highest level in 8 years, increasing by an estimated 110,000 barrels per day over 2010 levels to 5.59 million barrels per day. We now produce more than 50 percent of the crude oil we use domestically.

The U.S., by the way, has 1,971 rigs in operation. The rest of the world has 1,471.

The U.S. natural gas production is record breaking. In 2011, 28.5 million cubic feet. In 1973, which was the previous record, it was 24 million cubic feet. But hear this: In 2005, during the Bush administration, it was 5 million less.

Net imports as a share of total consumption has declined from 2005, where it was 60 percent in the Bush administration, to 2011, where it is 47 percent.

The administration has announced that the 2012-2017 5-year leasing plan will open up more than 75 percent of our potential offshore oil and gas resources. The U.S. production for Federal lands on shore is similar to and

has surpassed the Bush administration. In 2005, it was 649 million barrels; in 2010, it was 739 million barrels, otherwise known as almost 100 million more barrels.

Ladies and gentlemen, we understand that we need to produce and use energy in America. Mr. Chairman, we should be working, however, together to find real solutions to meet our pressing challenges. We ought to pass a long-term highway bill to create thousands of construction jobs. We ought to address the looming deadline when student loan interest rates are set to go up on July 1. We ought to get to work on taxes so we can keep low rates in place for middle class families. And we ought to get serious about comprehensive deficit reduction before we find ourselves on the edge of a fiscal cliff this year.

Instead, Mr. Chairman, once again, we have a solution looking for a problem. Our Republican friends have called up two bills on the floor this week that make this very clear.

While gas prices have thankfully retreated, the first bill would enact an extreme drill-only energy strategy that won't lower gasoline prices. That bill is notable for what it doesn't do: invest in diverse energy sources that create jobs, reduce our oil dependence, and enhance energy security; nor does it make our Nation a global leader in energy technology.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield the gentleman an additional 1 minute.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

The second bill, which we considered yesterday, would impose a radical policy on our border areas that would undermine security coordination and bring polluting industries to some of our most pristine parks and historic sites, even though our border enforcement officials have said such legislation is unnecessary. That's what we worked on yesterday. Not jobs, not student loans, not transportation, but a piece of legislation that they said wasn't necessary.

These are not what Congress ought to be focusing on this week or next week. Let's turn our attention to our most pressing issues—student loans, construction jobs, keeping middle class taxes low, and reducing deficits—instead of wasting the American people's time on partisan bills that won't solve any of our real problems.

Mr. Chairman, I'm hopeful that either in the next 24 hours or in the next 9 days we will, in fact, pass a jobs bill that will create jobs, and everybody knows that that's the highway bill.

The CHAIR. The time of the gentleman has again expired.

Mr. RUSH. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland.

Mr. HOYER. The Senate has passed a highway bill in a bipartisan fashion with half of the Republicans in the United States Senate voting for it, and with a very conservative Republican ranking member, JIM INHOFE, and a very liberal chairwoman, BARBARA BOXER, who came together and had the ability to compromise and come to agreement.

I tell my friends on the Republican side, that's what the American people want us to do. If we do that, it will raise the confidence of our people, of our business community, of our country. That will be the best thing we can do for our country, to come together in a bipartisan fashion, as the United States Senate did, and act.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentleman from Colorado.

Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act.

Oil accounts for 37 percent of U.S. energy demand, with 71 percent directed to fuels that are used in transportation. Our energy policy is vitally important to our national and economic security. It's especially as important to the mother who drives her children to school as it is the business owner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans hurt.

Last year, the price of gasoline increased 81 cents per gallon. That is why I do support an all-of-the-above approach to energy. This includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear.

The President in his last State of the Union stated the same belief, but this administration has done nothing to back up that statement. The executive branch is using the Strategic Petroleum Reserve for political purposes by imposing overburdensome regulations on refineries and placing obstacles to increasing permitting and leasing on Federal lands for gas and oil production.

During this administration, we have seen a drastic decrease of oil production on federally owned lands at a time with high gas prices. From 2010 to 2011, there has been a 14 percent decrease. The Domestic Energy and Jobs Act will enable job creators in the energy industry and increase domestic energy production here at home.

The legislation that is before us today will turn the tide on this administration's actions, or lack thereof, and allow our Nation to move forward on our Nation's energy production, thereby increasing jobs and bringing us closer to energy independence.

I urge all of my colleagues to vote in favor of this bill.

Mr. RUSH. Mr. Chairman, may I inquire as to how much time is remaining on this side?

The CHAIR. The gentleman from Illinois has 3 minutes remaining, and the gentleman from Colorado has 1½ minutes remaining.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. RUSH. I appreciate the time.

Mr. Chairman, I rise in opposition to H.R. 4480. This is a bill that is totally a giveaway to Big Oil.

The fact is, if we want to be energy independent, we can't drill our way to energy independence. We can get there by having alternative green energies that will create jobs and make us independent. We can have wind and solar, and we can have higher fuel standards for automobiles. That's the best thing we can do is reduce the demand for oil by having higher fuel standards, which we don't have in this bill. Regarding the price of oil and making ourselves energy independent, it's not going to happen.

My colleagues on the other side—at least some of them—have for quite a while, about 2 or 3 months ago, blamed the rising prices of gasoline on President Obama. Gasoline has come down considerably since that time. Has one person had the veracity, the bipartisanship to say, Mr. President, thank you for bringing the price of oil down? No, they haven't, because the President didn't bring the price of oil down, just like he didn't take the price of oil up. It's political rhetoric to say he caused the prices to go up, and it would be wrong to say he brought them down.

□ 1730

There are world markets, demand in China, demand in India, demand even in Bangkok; and those demands have put the price of oil up. The situation in Iran with Israel has created concerns about the future of oil shipments through the Strait of Hormuz. Because of that, prices went up. That situation has been rectified.

This bill is only a giveaway to Big Oil. It threatens people's First Amendment rights because it says they have to put up a \$5,000 bond simply to protest. It threatens jobs. In many industries—the outdoors industry—it threatens public health and people's opportunity to be free from air pollution. It threatens hunting, fishing, and recreation and grazing because it violates the multiple-use doctrines established in the Federal Land Policy and Management Act.

This is not a good bill for America. And to be energy independent, we need to find green energy and green jobs.

Mr. GARDNER. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chair, I rise today in strong support for the Domestic Energy and Jobs Act of 2012 because I personally know the importance of

the oil and gas industry to the future of America.

I am fortunate to call West Texas home. Growing up in the Permian Basin has given me a better perspective on what it means to produce the raw resources that our Nation needs to power its industry. It is a perspective that has come from working on a drilling rig in Fort Stockton, Texas, drilling miles and miles below the surface of the Earth.

It's this pursuit of oil and gas miles below our feet that is reinvigorating pockets of the American economy from Texas to Pennsylvania to North Dakota. The work is hard, but the rewards can be great. Not just for the producers, but also for the roughnecks, the thousands of small and large firms that support the drilling activity, and the communities that host them.

Our Nation relies and prospers, Mr. Chairman, on affordable, abundant energy like oil and gas. This bill will ensure that not only do we have affordable energy, but that Americans are put back to work producing it.

The oil and gas industry on private lands is thriving in spite of this administration's attempt to slowly suffocate it. Today's legislation would reverse the glacial pace of permitting and the pointless regulations designed solely to slow down production on Federal lands.

Mr. Chairman, this bill will do the things that the President's stimulus act has failed to do. It will drive investment into American businesses and will put Americans back to work, just like the oil and gas industry has been doing in District 11 for over 80 years.

Mr. RUSH. Mr. Chairman, I intend to close, so I will reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, at this time, I would like to yield 1½ minutes to another gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act of 2012.

Every developed economy in the world looks to their own resources as assets to fuel their economic growth. Yet many folks in Washington view our domestic energy resources as a liability. Unelected and unaccountable Federal bureaucrats continue to dream up ways to lock up, restrict, tax, or otherwise regulate these assets away from benefiting the American people.

This is an issue of critical importance for our economic security, our national security, our energy security, and most importantly for the opportunities that we hope to leave for future generations.

We desperately need the stability that comes from unlocking access and tapping into our American energy resources. The Domestic Energy and Jobs Act does just that by allowing us to pursue an all-of-the-above energy plan that removes unwarranted government

roadblocks to domestic energy production and supply.

This bill will also help reduce our Federal deficits and our trade deficits. In the case of the former, it helps to reduce our Federal deficit in multiple ways: one, by growing the American economy and American jobs; two, by increasing royalties and lease payments to the Federal Treasury; and, three, by reducing the cost of our energy for the American economy. In the case of the latter, increased production of American energy will result in lower oil imports from foreign sources and reduced payments for those imports, thereby keeping more American money at home to rebuild our economy.

I urge my colleagues to support the Domestic Energy and Jobs Act, which would create jobs, grow our economy, reduce our dependence on unstable Middle Eastern oil, improve our national security, and restore the American Dream for future generations.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to the gentleman from Louisiana (Mr. LANDRY), my freshman colleague.

Mr. LANDRY. Mr. Chairman, here are some facts: an estimated 13 million Americans are out of work. The State of Colorado's unemployment rate is 8.1 percent, which correlates with the national unemployment rate. Today, the State of Colorado's estimated reserves are 1 billion barrels of oil.

In 1995, the State of North Dakota's estimated reserves were 151 million barrels. Today, those reserves have been increased to 4.2 billion barrels of oil; yet today, the State of North Dakota's unemployment rate is 3 percent. What do those facts tell us? Those facts tell us that drilling equals jobs, Mr. Chairman. And it's very simple. In North Dakota, they are drilling on private lands. They are driving unemployment rates down.

Please, if the President wants a jobs plan, it is here. And I urge all Members to vote for this bill.

Mr. GARDNER. Mr. Chairman, at this time I would like to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support for H.R. 4480, a bill that promises to open up more public land to energy development and to streamline burdensome rules and heavy-handed regulations that now thwart new domestic energy development in the United States.

The President and the Democratic-led Senate continue to obstruct the utilization of America's enormous natural resources. What are they? These resources are a God-given asset that has elevated the well-being and prosperity of our people ever since the time of our Nation's founding. Now, when we need the wealth of those resources more than ever, we suffer the obstructionism of our own government.

The President has prevented the construction of the Keystone XL pipeline. The President has shut down oil and gas production offshore. And most recently, this administration—and perhaps most heinously—this administration has moved forward with plans to add onerous rules and regulations on a new and emerging technology. The efforts of this administration are mind-boggling because there is no evidence that this technology has done any harm to our people, and there is ample evidence that this technology would produce significant economic growth, thus jobs. And I am referring to, of course, fracking, which has clearly been targeted by the President and by his environmental gestapo friends.

While we are talking today and while we are trying to determine whether or not we are going to be using more resources, gasoline prices are changing the lifestyle of the American people. We're talking about people who are paying \$3.50 a gallon and, in my State, \$4 a gallon. Why are we allowing our people—13 million people who are currently out of work and suffering under these conditions—why are we adding such costs for them to bear?

The CHAIR. The time of the gentleman has expired.

Mr. GARDNER. I yield the gentleman an additional 30 seconds.

Mr. ROHRBACHER. What we need, Mr. Chair, is we need to make sure that we move forward, as this bill will do, to ensure that we are fulfilling our commitment to the American people to do everything we can to make sure that they will live in prosperity and freedom and hope for a better life for their children.

This has always been tied to the utilization of natural resources, and this bill will ensure that our people will benefit from those gifts that God gave us underneath our ground and public lands.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to another freshman, Mr. GOSAR from Arizona.

Mr. GOSAR. Mr. Chair, outside these walls people across our country are suffering. Electric bills and gasoline prices are increasing as we enter the heat of the summer.

□ 1740

Over 13 million Americans are still without work. Our constituents are counting on us to take action.

The Republican-led House has been leading the way with solutions to our country's energy problems. The bill before us today, the Domestic Energy and Jobs Act, is just another part of that agenda. It will remove government roadblocks and bureaucratic red tape that hinder onshore oil, natural gas, and renewable energy production and facilitate job creation. This act truly embraces an all-of-the-above approach that our country so desperately needs.

A country is only as strong as its people. Henry Ford II once said:

What's right about America is although we have a mess of problems, we have great capacity—intellect and resources—to do something about them.

Let's use that capacity to address our country's energy crisis and put people back to work. I urge my colleagues to vote in favor of the Domestic Energy and Jobs Act.

Mr. RUSH. I continue to reserve the balance of my time.

Mr. GARDNER. I am prepared to close. I have no further requests for time.

Mr. RUSH. I yield myself such time as I may consume.

There is widespread opposition to the Republican oil-above-all bill. The Obama administration opposes the Republican bill. Its Statement of Administration Policy says:

The administration strongly opposes H.R. 4480, which would undermine the Nation's energy security, roll back policies that support the continued growth of safe and responsible energy production in the United States, discourage environmental analysis and civic engagement in Federal decision-making, and impede progress on important Clean Air Act rules to protect the health of American families.

If the President were presented with H.R. 4480, his senior advisers would recommend that he veto the bill. Numerous public health organizations oppose this bill, including the American Academy of Pediatrics and various others.

Mr. Chair, this bill is nonsensical and is another bill in a long list of Big Oil giveaways pushed by the most anti-environmental House in the history of our Nation.

I yield back the balance of my time.

Mr. GARDNER. I would just inquire how much time I have remaining.

The CHAIR. The gentleman from California has 4 minutes remaining.

Mr. GARDNER. I thank the Chair and I yield myself the balance of my time.

Sixty four thousand eight hundred five jobs, \$4.3 billion in wages, \$14.9 billion in annual economic impact. That is the number of jobs, the amount of wages, and the economic impact that we would have seen today if not for the backlog of BLM projects over the past 3 years.

Sixty-five thousand jobs. There are 22 proposed projects in the Western United States that would create nearly 121,000 jobs.

Over the past few years, we have seen gas prices increase dramatically: \$3.50, \$3.60, \$3.70. Since we've heard debate on the House floor tonight, they're going down. Even a flood can be lowered by a foot the next day, but it's still a flood. Our constituents who are paying \$60, \$70 to fill up with a tank of gas to drive their families to school, trying to put food on the table, to get to work, cannot afford high energy prices year after year.

This bill presents us with an opportunity to create jobs to build on American energy independence, to make sure that we are doing the one thing that we set out to do, and that is improve the economic chances of this country, our competitiveness, and the lives of our constituents. But they can't do it with gas prices exceeding \$3, \$4. What's next? Because here we are again.

The policies presented in this bill will allow us to cut through red tape and to increase exploration on our great lands in the Western United States across this country in an environmentally responsible fashion. It will allow us to make sure that when we access the Strategic Petroleum Reserve because of a supply problem that we're also addressing a long-term supply fix instead of just quick-fix politics.

We have an opportunity to make sure that when it comes to the regulations that are driving up the price of gasoline—and they have a real impact; we have both heard before our committee testimony from EPA administrators who say, yes, it will increase the price of gasoline—we stop and take a look before we leap to make sure that we are analyzing to understand the impact they will have on our constituents, who continue to suffer.

The best way to improve our economy is to make sure that we are unleashing every sector of our economy. And yes, that means renewable energy. This bill includes renewable energy. It takes a 4-year look at renewable energy on public lands, to take advantage of our opportunity with solar on Federal lands, with wind on Federal lands. But we will not sit idly by while our constituents pay thousands of dollars a more each year to put fuel in the tank, competing with the food on their table.

And so, Mr. Chair, this bill presents us all with a great chance to increase our energy supply, create American jobs, and make sure that we understand the full ramifications of regulations and drawdowns of the Strategic Petroleum Reserve before we act. And I think it's important that we send one strong message to our constituents that we've heard you. We've heard you loud and clear. And we are going to do everything we can to improve our economy, bring down the cost of energy, create jobs. That's when this Congress will do our job. This Congress will do our job when we pass this legislation, and I urge passage of H.R. 4480.

I yield back the balance of my time. Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, the legislation that we are debating and considering today is a clear all-of-the-above plan to increase American energy production, to lower gasoline prices, and to reduce our dependence on unstable foreign energy.

But more than anything else, Mr. Chairman, this is a bill about creating jobs. The Domestic Energy and Jobs Act creates good-paying permanent jobs that will put people back to work and help grow our economy.

The only thing that the Obama administration has been more hostile to than American job creation, Mr. Chairman, is American energy production. Frankly, that shouldn't surprise anyone because the two do go hand-in-hand.

President Obama likes to talk about an all-of-the-above energy plan. But in reality, it's a nothing-from-America energy plan. This administration has consistently said "no" to new American energy production while happily forcing hardworking American taxpayers to spend over \$1 million a minute on foreign energy.

President Obama doesn't want to drill for oil in Utah; perhaps he'd rather get it from Venezuela. President Obama doesn't want to drill for natural gas in New Mexico; perhaps he'd rather get it from Yemen.

□ 1750

President Obama doesn't want to develop our oil shale in Colorado; perhaps he'd rather get oil from OPEC.

President Obama doesn't want to import oil from our friends in Canada by approving the Keystone pipeline; perhaps he'd rather import oil from countries that aren't our friends in the Middle East.

Finally, President Obama doesn't want to drill off America's coasts, but he doesn't seem to mind Fidel Castro drilling 60 miles from America. And he doesn't seem to mind giving Brazil billions of dollars to help them drill off their coasts and then promise to be their "best customer."

The American people need to understand that this administration has taken this country in exactly the wrong direction when it comes to developing our vast energy resources. While President Obama has been digging the United States into massive fiscal deficits, he has also gotten America into an energy deficit on Federal lands from which it could take years to recover.

Energy production on Federal lands is one of our best opportunities for job creation and energy security. But time and again, that production has been blocked or delayed by this administration. Under this administration, from 2010–2011, oil production on Federal lands fell by 14 percent. And natural gas production on these same lands fell by 11 percent. Mr. Chairman, this is in stark contrast to the oil and natural gas production on State and private lands because that production has boomed.

American energy equals American jobs. It's a simple formula for job creation and economic growth, but clearly

it's one that this administration doesn't seem to understand. Maybe that's because they just don't know how desperate Americans are for jobs. Just a few weeks ago, with unemployment above 8 percent and 23 million Americans looking for work, our President told the American people that the private sector is doing "just fine." Well, if you don't know what the problem is, how can you possibly know how to fix it?

Mr. Chairman, in summary, this is the same President that has issued the lowest number of onshore energy leases since 1984. This is the same President who talks about an all-of-the-above energy plan, but actively blocks ability to produce more oil and natural gas and coal, and specifically doing so on public lands. For President Obama, "all of the above" is just a politically convenient slogan. But for House Republicans, it's a real job-creating energy policy.

So I urge my colleagues to vote for the Domestic Energy and Jobs Act to put Americans back to work and make us less dependent on foreign sources.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, the short title of this bill, the Domestic Energy and Jobs Act, spells out the word D-E-J-A. But what we're seeing here is not just *deja vu*, the feeling that we've seen all these Big Oil giveaways before. No, this bill is a *deja* preview, a look ahead into what the Romney administration would do if elected and had a GOP House and Senate to fully implement the oil companies' legislative agenda and block all efforts to help clean energy.

There's been a lot of discussion of the DREAM Act recently, but the bill we have before us today is really the Big Oil dream act. This package represents everything Big Oil could ever possibly dream up to drill on our public lands and roll back public health protections.

As the world gathers in Rio de Janeiro right now to try to head off catastrophic global warming from the burning of fossil fuels, here we are in the House of Representatives looking for ways to give more benefits to fossil fuel industries.

And as America's wind and solar companies look to hire more American workers, here we are in the GOP-controlled House, where the Republican leadership refused to make my amendment in order to establish national goals for wind and solar, clean energy and energy efficiency. They won't even allow that debate to take place on the floor of the House of Representatives during what they say is the big energy debate for America. Can you imagine, it's 2012, we are having a big energy debate, big, big debate on the energy future of our country, and the words "wind" and "solar" are not going to be

permitted by the Republicans to be out here on the House floor and being debated. And by the way, did I throw in biomass? Did I throw in geothermal? Did I throw in energy efficiency? They won't allow the words to be spoken. There's a gag order here, a big gag order by the Republicans. No debating that.

And then they have the temerity to call it an all-of-the-above bill. Oh, a comprehensive energy plan without wind, without solar, without geothermal, without biomass, without plug-in hybrids or energy efficiency debated out here because they have a gag order. They prohibit any debating of those issues on the House floor. And yet here they are, saying it's an all-of-the-above energy bill.

Great. Great. So fair. Fair and square. A real debate. Let all the Members decide what our energy future looks like.

But before the end of this year, the Republicans are allowing all of the tax breaks for the wind industry to expire. And what are they doing? They are actually going to continue the \$4 billion a year that ExxonMobil and Chevron get. That's fair, huh? A gag order on even mentioning wind and solar out here as part of an amendment, a debate, \$4 billion for the oil industry. And by the way, let's take a look at what's going on in oil production in the United States.

Oh, by the way, did you hear the news? It's now at an 18-year high. Obama, drill, baby, drill. Obama, what a great job. An 18-year high under Barack Obama, way better than George Bush. Way better. You have to go back to almost a time when a kid who's graduating from high school has no memory of. It's 18 years ago the last time there was this much oil drilling in the United States—Federal, State, private lands.

But if you listen to the Republicans, they're saying there's not enough breaks for ExxonMobil. No, no, no, we have to give them more. This poor, beleaguered company, and all of the other oil companies of the same size, they have been beleaguered as they are now at an 18-year peak in oil production in the United States. And you know who's beating them up—wind and solar, geothermal, biomass, plug-in hybrids. Very scary things to the Republican. So scary that because they control the Speakership, because they control the Rules Committee, we're not allowed to debate wind and solar. They're prohibiting it today. An absolute, all-out prohibition this week on the discussion of wind and solar. Huh?

When I asked to have an amendment be put in place that we could debate whether or not we had a national renewable electricity standard for the whole country, setting goals for what our country should have for wind and solar by the year 2020, you know what

they said: No, we're gagging you. You can't have that debate out on the House floor. You can't even raise the words "wind" and "solar."

Yet they're going to keep coming out here saying we're for all of the above. All of the above that Exxon and Shell and BP want. Right on their list. And do you know where wind and solar are on the BP and ExxonMobil list? Oh, they just forgot to put it on their list. And that's what we get to debate out here, and it's going to be called an all-of-the-above energy future.

Well, let me tell you something—the American people deserve a lot better. They really do have a real sense that America has to be the leader in these new energy technologies. And President Obama has done his best or else we would not be at an 18-year high.

By the way, there are more oil rigs drilling in the United States for oil today—are you ready for this—than all of the other countries in the world combined. Barack Obama, drill, baby, drill. You are really doing the job. More oil rigs right here in the United States right now drilling than all the rest of the world combined.

But you're going to listen to these Republicans talk as though somehow or other, although ExxonMobil and BP and Shell are reporting the largest profits of any corporation in the history of the world, that they are being discriminated against.

□ 1800

What do ExxonMobil and BP expect? They expect there to be a gag applied out here on the floor so we cannot debate wind and solar, we cannot debate biomass and geothermal, we cannot debate energy efficiency. And yet we're supposed to sit over here in silence and listen to them say that they have an all-of-the-above energy strategy when we all know their entire strategy is oil above all—as a matter in fact, to exclude all else, exclude it, can't even debate it. They actually passed a rule here last night prohibiting us from debating wind and solar, from debating the future, from unleashing this technological revolution.

And why is that the case? I'll tell you why it's the case. Because in the last 5 years there have been 45,000 new megawatts of wind installed here in the United States. In this year, there will be 4,000 new megawatts of solar installed in the United States. Do you know who hates that? ExxonMobil hates that. Shell, BP, they hate it. Peabody Coal, Arch Coal, they hate it. They see this new clean energy future unfolding.

Out here on the floor of the House, as we debate the big energy bill here of 2012, I'm prohibited, as the senior Democrat, from bringing out an amendment that talks about wind and solar, that talks about geothermal and biomass, that talks about energy effi-

ciency. I'm not allowed to bring it out here. So this is not an auspicious day for the United States Congress.

If there were any kernel of truth about Obama and his incredible work here, lifting us to an 18-year high in total oil production in the United States—by the way, since Bush left, since he left, we have dropped from being 57 percent dependent upon imported oil down to 45 percent dependent upon imported oil. Did Bush do that? No. Did Bush's father do that? No. Barack Obama did that, ladies and gentlemen. And what Barack Obama is saying, in addition to the dramatic decline in the amount of oil that we import from the Middle East, I would also like to add wind and solar and geothermal and biomass and energy efficiency. And they're saying, oh, no, it's already going too fast. This dependence thing is already happening much too fast for us.

And, by the way, this revolution in wind and solar and geothermal, people might start driving cars that are all electric and dependent upon wind and solar to give them the electricity so they don't even have to go into a gas station.

Do you know what they're really afraid of? They're afraid that what is going to happen to them is what happened to the typewriter, that in 20 years we went from everyone using a typewriter to everyone using a computer. People have to look into a history book to now find what a typewriter looks like. It only took 20 years. They can see this wind and solar revolution happening so fast that they're afraid that in 2030 a kid won't even know how to fill up a car with gasoline because they'll be plugging in the car at home with solar and wind-generated electricity. That's what they're most afraid of.

That's what this debate is really all about and that's why there's a gag on the Democrats, why we're not allowed to talk about wind and solar and geothermal and biomass and energy efficiency. Oh, I'm sorry, we're allowed to talk about it, we're just not allowed to have an amendment out here on the floor. We're just not allowed to put everyone on record as to where they stand on those issues. We're just not allowed to do that. You cannot have an amendment out here on the floor.

So this is the full extent of our ability to help those industries, those competitive industries, those Microsofts and Googles and eBays and Hulus and YouTube of the energy industry get out there and reinvent the way in which we generate electricity here in our country. That's what this debate is really all about.

At this point, Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 3 minutes to the gentleman from Colo-

rado (Mr. LAMBORN), author of one of the provisions in this.

Mr. LAMBORN. Mr. Chairman, I rise in support of the Domestic Energy and Jobs Act. This energy package will unlock some of the vast resources this country has been blessed with, create stable jobs to put Americans back to work, and ensure America's energy security for the future.

While President Obama believes that the private sector is doing fine with an unemployment rate of over 8 percent and 23 million Americans looking for work, more Americans on food stamps than ever before, the U.S. Bureau of Labor Statistics tells us far too many Americans are not doing fine. And while private sector oil and gas are booming, our Federal lands are left behind.

Rather than encouraging and implementing policies that will create jobs for Americans, the Democrats and the Obama administration unfortunately support antienergy, job-destroying policies and have refused to act on or have reversed policies that would have created jobs for Americans and allowed for the development of American-made energy.

The Strategic Energy Production Act of 2012 takes the steps necessary to increase production of American-made energy and creates stable jobs for Americans. The plan, lease, permit provisions from the Natural Resources Committee in this legislation requires the administration to create a definitive, all-of-the-above, 4-year production plan to ensure American production of conventional—and, yes, renewable—energy to meet our energy needs.

While the administration has been unwilling to make land available for energy production, this legislation requires that they annually lease land for onshore development to ensure that the energy production process moves forward. It also streamlines the permitting process to ensure the expeditious and timely permitting of approvals. The legislation also ensures that understaffed and underfunded BLM field offices receive the funding they need to keep up with their workloads.

In addition to these reforms, this legislation opens one of our most promising areas for energy production: the National Petroleum Reserve-Alaska, which would expand American energy production and support current energy jobs for Alaska.

Finally, this legislation brings oil and natural gas leasing into the 21st century by allowing the BLM the authority to conduct Internet lease sales.

This legislation will take huge strides in securing our Nation's energy future. It will lessen our dependence on foreign sources of oil and create good-paying jobs for Americans across the country.

Mr. Chairman, I urge my colleagues to support the Domestic Energy and Jobs Act.

Mr. MARKEY. I yield 4 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I rise in opposition to H.R. 4480, which I heard my good friend and colleague from Massachusetts, Representative MARKEY, refer to as the "Déjà Preview Act" or the "Big Oil Drain Act."

Any student of history will tell you that the Congress was not designed to be efficient—while there were some good reasons for that—but deliberately celebrating that particular design of Congress with yet another partisan, short-sighted piece of legislation that moves United States energy policy backward is truly disappointing.

H.R. 4480 leaves our energy policy stuck somewhere in the 1950s. While other nations are making serious investments to diversify their energy supplies, support new clean energy businesses, and become less dependent on traditional fossil fuels, we are marching in place.

H.R. 4480, with its gag order on renewables and energy efficiency, is another missed opportunity and a waste of time. H.R. 4480 is nothing more than a wish list for Big Oil companies at a time when these companies are making record profits on the backs of America's taxpayers and her middle class.

Our energy crisis isn't that we need to drill for more oil. In fact, we're actually quite good at it as we saw in Representative MARKEY's presentation. This bill will only make us more dependent on a limited resource that is priced on the global market and enjoys a century-old taxpayer giveaway while making record profits on the backs of our middle class.

The answer to our energy crisis is to diversify our supply, support new clean energy businesses, become less dependent on fossil fuels—to focus on the demand side of the energy equation as much as we do our supply side.

While we consider this bill, policies that would provide modest assistance to companies that are working on solar, wind, fuel cells, combined heat and power, geothermal and energy efficiency, to name a few, are languishing in committee.

□ 1810

These are the technologies that will take us into the future, a bold future. True, they are not yet ready to provide all the energy we need, but that is all the more reason for us to help them move forward aggressively.

Jobs in the industries I've mentioned, good-paying jobs, are at risk due to our failure to renew the production tax credit, the 1603 program, and the research and development tax credit. We are stifling job growth and innovation with this act.

Eventually, traditional fossil fuels will run out. Already, the human health and environmental costs of ex-

tracting and using these fuels have risen tremendously. We choose to ignore this at our peril, or at least at the peril of the next generation and generations to come.

Over the past 40 years, the Clean Air Act has shown we can have both clean air and a vibrant economy. Since 1960, air pollution has decreased by more than 70 percent, while the economy has grown by more than 200 percent.

But this bill is likely to eliminate jobs, while making the air we breathe more toxic. But that doesn't seem to matter to the majority in the House. It does so by eliminating standards for cleaner vehicles and cleaner fuels, likely costing nearly 25,000 jobs a year for 3 years. Yet more backward motion.

The public lands policy put forward today and in yesterday's legislation is an insult to the previous generations whose foresight and concern for future generations granted us a rich inheritance of natural resources in our wildlife refuges, wilderness areas, and national parks.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Colorado (Mr. TIPTON), an author of one of the provisions of the bill.

Mr. TIPTON. Thank you, Chairman HASTINGS, for yielding me time.

America has always had a competitive advantage as a Nation. It's been the entrepreneurship, the hard work, the innovation of the American people. But we've also always had a different advantage as well—affordable energy in this country. We see that now imperiled.

In 1979, Jimmy Carter challenged this Nation to move to energy self-sufficiency. Decade after decade it has not been addressed. This piece of legislation is to move America fully into the 21st century, to be able to secure for us and for our children this land of liberty, opportunity, and growth. It comes with American energy.

The ranking member from Massachusetts, I have good news for you. When you read the actual legislation that is put forward, it states in my portion of the bill, the Planning for American Energy Act of 2012, page 16, line 16, calling on the Secretary of the Interior to develop a plan for American energy.

What does it say?

Creating the best estimate, based upon commercial and scientific data of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands.

The very thing you asked for is in the bill. We have an opportunity to be able to create an American energy future in this Nation, to be able to secure for our children that birthright that many of us grew up believing was an American birthright—the right to be able to live that American Dream—to be able to put Americans back to work.

The Planning for American Energy Act of 2012, my portion of this bill, speaks to that commonsense, all-of-the-above proposal that we all seek: wind, solar, geothermal, hydroelectric, using the minerals, the resources, the natural gas, the oil that we find on American soil.

When we see what is happening right now in the Middle East, when we see at the gas pump our prices doubled from just 3 short years ago, when we talk to senior citizens on fixed incomes who are finding out when they turn on that light switch that their bill has increased, is it time, is it appropriate for us to seek an American energy solution? The time has come. The day has arrived.

The Acting CHAIR (Mr. STUTZMAN). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. TIPTON. Rather than encouraging energy development off of our shores, as the President has done with his \$2 billion loan guarantee to Brazil to develop their energy sources, if we're going to make those kind of investments, if we're going to look to that type of future, would it not be better for us to develop American energy on American soil to put Americans back to work and create American energy certainty? That day has come. The time is now.

This is a good piece of legislation for American security and American jobs.

Mr. MARKEY. I yield myself 1 minute.

I thank the gentleman from Colorado.

Yes, what the Republicans are saying is, in their bill, that they want a study for 4 years of wind and solar. A study?

Well, maybe they should study the fact that it's very sunny in Florida. It's very windy out in the Midwest and, as a matter of fact, so sunny and so windy that there have been 45,000 megawatts of wind installed over the last 6 years in the United States, that there's going to be 4,000 new megawatts of solar installed in the United States just this year.

So maybe the Republicans should study the studies that are already out there, and maybe they could actually look over and ask the coal industry what they're thinking as they've dropped from 51 percent of all electrical generation down to 36 percent of all electrical generation in the last 5 years.

Maybe they're looking at the wind industry. Maybe they're looking at the solar industry. Maybe you could call them. But you don't have to wait 4 years, because all you want to do is study it. What we want to do is give the incentive for the wind and solar industry to continue their revolution.

I yield 5 minutes, if I may, Mr. Chairman, to the gentleman from New Jersey (Mr. HOLT), the ranking member of the subcommittee.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts, and I thank him for laying out so clearly all the shortcomings of this legislation, this oil-above-all legislation. It really is nothing but a big giveaway to Big Oil.

The only jobs it will create will be in the boardrooms and the executive offices of the Big Oil companies because, since 2005, even as ExxonMobil, Chevron, BP, and Shell have made more than \$650 billion in profits—need I repeat that? \$650 billion in profits—they eliminated more than 11,000 jobs, U.S. jobs, American jobs. And this is even while wind and solar were creating 50,000 jobs.

Yes, there's a mismatch here. The bill before us presented by the Republicans says we'll study to see how much solar and wind energy might come from these lands in the future instead of saying let's get these energy sources of the 21st century rolling in these lands. It's not a plan of what we might get. The Markey amendment would have set standards for what we would get.

Now, the Republicans have a long record of protecting tax breaks for Big Oil while cutting clean energy initiatives. That's what we see here.

But what I wanted to talk about is the damage that would be done under this legislation. Health officials today here in Washington are warning people to avoid the heat and stay indoors. I don't think they had in mind that we stay indoors to pass legislation that chokes off public health protections, that modifies the Clean Air Act to make it ineffective, and yet that's what this bill does.

□ 1820

By rejecting clean energy and pushing only for more fossil fuels to blanket the world with heat-trapping pollution, the Republican majority is essentially turning off the world's air conditioner and turning on the heater.

There is a reason that the term "fossil fuels" applies—actually, two reasons. One is that these are derived from ancient plants that have decayed deep in the Earth and have produced petroleum. But there is another reason. "Fossil" means "archaic." "Fossil" means "out of date." "Fossil" does not mean "21st century."

Yet that's where this legislation is taking us—in the wrong direction and in the wrong direction with regard to environmental protection.

In the wake of the Deepwater Horizon disaster, we shouldn't be playing games with safety and the environment. The spill exposed a woefully inadequate environmental review process that was done prior to the oil and gas leasing. The environmental review done prior to the BP spill was so sloppy that response plans talked about protecting walrus. Obviously, they were

just, in an unthinking way, using old Alaska pages.

Tourism is the lifeblood of so many of our coastal communities. As the economy is struggling to recover, we can't risk the kind of environmental damage that derails economic progress in these areas. We should understand the risks of drilling, and we should strengthen the protections, not weaken them. Furthermore, there will be damage done to the whole leasing process.

For my colleagues on the other side of the aisle who are so worried that putting some real standards—some expecting of good performance from oil companies—would somehow interfere with their production, let me point out some good news. Today, the Interior Department announced the results of an oil and gas lease sale in the Gulf of Mexico.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MARKEY. Would the Chair tell me how much time is remaining.

The Acting CHAIR. The gentleman from Massachusetts has 8½ minutes.

Mr. MARKEY. I yield an additional minute to the gentleman from New Jersey.

Mr. HOLT. I thank my friend.

According to the Interior Department, today's leases that were bid on today, which have some lease standards apply that require increasing rental rates and shorter lease terms—the very things that the folks on the other side of the aisle here say would be killers, would stop the drilling—were record-setting lease sales, bringing in \$11.7 billion even with these new conditions for offshore drilling; and they're saying what works here offshore won't work on the lands that we are talking about in this legislation.

Now, I'll tell you what's a killer in this. A killer is the relaxing of the public health and environmental standards in the legislation. That's literally a killer.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), whose State has tremendous resources.

Mr. YOUNG of Alaska. I support this legislation. It's long overdue. Title VI of this legislation is a good step forward in Pet 4 in Alaska, so it is with great amazement that I listened to the two previous speakers.

Wind power, you can take and cover every acre of the United States, including the parks and refuges, and put solar panels on them, but you'll only produce 20 percent of the consumption of energy we use today. Now, think about that—no parks, no refuges—all solar panels, and we're going to take care of the problem. By the way, it has to be transported to a battery, taken and made by rare earths from China.

That's what this is all about. It's nonsense.

The idea that wind is going to solve the problem and that solar is going to solve the problem, that's nonsense because, in reality, fossil fuel, to this day, is the only fuel that can move an object, ladies and gentlemen. It moves your car; it moves your truck; it moves your plane; it moves your train; and it moves your ship that brings all the product to and from the United States.

You're not going to do it with a beanie on your hat. You're not going to do it with solar panels that have to cover every acre of the United States of America. It's because we're collecting the power of the Sun down here at the bottom of the pyramid. We're not collecting from the source. If you want to go far, if you want to be really reaching into the future, collect it up there and beam it down to a point where we can create electricity.

This is a good bill because, ladies and gentlemen, Mr. TIPTON said it right. In his bill, we do have action on wind and solar, although it will not work, and we know it won't work. We need fossil fuels now until we have the time to produce another source of energy that does not need electrical batteries to run a car. We're going to plug a car in? Nonsense. It won't happen, because you need to produce energy from some other source to create the electricity. You're against nuclear power. You're against hydropower. By the way, you'd like to take and grow our way into new power by using corn—a food—for energy. That's absolutely nonsense.

Shame on you to say this is not a good bill. This is a good bill. It's not a nonsense bill.

Today, the NPRA remains in various stages of exploration, and experiences no shortage of interest from producers. However, there have been a series of bureaucratic delays that have impeded production from this vast area. This bill seeks to remedy that situation and give the American people the energy resources they need.

The Trans Alaska Pipeline System is running at one-third capacity. Soon, without the addition of increased oil supplies, that pipeline will no longer be economical to operate. Carrying 11% of our Nation's supply, TAPS is critical infrastructure for this nation that must be protected. This winter TAPS was shut down for a period of days and fuel prices on the West coast shot up immediately in a drastic manner. Luckily, NPRA is only tens of miles from existing pipeline infrastructure that leads into TAPS.

A few weeks ago, clearly acknowledging that increased supplies will bring down energy prices, President Obama released 30 million barrels of oil from the Strategic Petroleum Reserve. The National Petroleum Reserve—Alaska has 2.7 billion barrels and already has infrastructure in place to bring the oil to market!

Title VI of H.R. 4480 is a good first step towards harnessing the potential that these federal lands in Alaska have to provide domestic energy supplies.

Mr. MARKEY. Again, I ask how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Washington has 17½ minutes. The gentleman from Massachusetts has 7½ minutes.

Mr. MARKEY. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from South Carolina, a member of the Natural Resources Committee, Mr. DUNCAN.

Mr. DUNCAN of South Carolina. I thank the chairman.

There can be no national security without energy security. Let that sink in. There can be no national security without energy security.

House Republicans support a truly all-of-the-above energy policy, not one put forth by the Obama administration and House Democrats, which basically is an all-of-the-above, except for X, Y, and Z, policy, which blows through Americans' hard-earned tax dollars by chasing phantom solutions to our energy needs with companies like Solyndra. "All of the above" means opening up Federal lands for energy production and exploration, and it puts Americans to work.

Americans simply need to look to one western State to see a microcosm of what America could be with an energy-driven economy. That State is North Dakota. When you get off the plane in North Dakota, they give you a job whether you need one or not. They're approaching a zero percent unemployment rate—zero. It is an energy-driven economy. It is the microcosm of what this Nation could be if we would pursue an energy-driven economy.

Energy from Federal lands could be a reality. Energy from the Outer Continental Shelf could be a reality if we would embrace opening up American resources for production, which is like the folks in North Dakota have done on State and private lands. This is good policy for America. Energy policy works.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to another member of the Natural Resources Committee, the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act. This important legislation begins to put in place a true all-of-the-above energy plan, a type of plan that has been missing since this President came into office in 2009.

This legislation will expand oil, gas, and renewable energy development on Federal lands to help increase the supply of energy and lower energy prices for consumers. It will also give relief to drivers who are paying high prices at the pump every month due to very costly EPA regulations that are scheduled to go into place.

□ 1830

This legislation also contains a bill that I introduced, the BLM Live Internet Auctions Act. This section of the bill is supported by my friends on the opposite side of the aisle here and even the administration. The BLM Live Internet Auctions Act will bring the BLM Lease Auction program into the 21st century by allowing BLM to conduct online leases just like the private sector has been doing for over 10 years.

We hear a lot about an all-of-the-above energy policy. The President even talked about an all-of-the-above energy policy in the State of the Union. I'm convinced that what the President means by an all-of-the-above energy policy is anything all and above the ground, because it seems like he doesn't want us going after our own natural resources.

If we had an energy policy that said, Look, we're going to draw a line in the sand, and over the next 10 years we're going to become energy independent and secure in America, we're going to go after the trillions of barrels of oil that we already own, we're going to harvest the vast volumes of natural gas and oil that we own, we're going to continue to mine and harvest coal and use it environmentally soundly, we're even going to expand our nuclear footprint because it's the safest and most reliable form of energy on the planet, and, yeah, we'll even look at wind and solar and find out where those renewable energy sources fit into an overall scheme, but we're not going to sit on the sidelines any longer and be beholden to foreign countries for our energy, if we had that kind of vision backed with regulatory reform that said to the regulatory agencies like the EPA and the Department of the Interior, Starting today, you become partners in progress with America's industries and businesses—if you've got a national security or public health or public safety reason for saying "no," then say "no." But don't let "no" be the final answer.

I think the American people have an expectation that their elected officials and the bureaucracies that are sent here to manage the American system are partners in progress, not barriers to progress.

I urge my colleagues to support H.R. 4480, the Domestic Energy and Jobs Act. I certainly do, and I urge them to, as well.

Mr. MARKEY. I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I would like to thank you, Mr. MARKEY, and Mr. HASTINGS, as well, for the time.

Mr. Chairman, my friends on the other side of the aisle keep on using this mantra, "all of the above, all of the above." I think they should really name it "oil above all." Oil above all would be a better name because it's

very clear that this bill is really just a wish list and a checkoff for the big oil industry. It weakens public health protections, it forces arbitrary giveaways on public land, and it puts energy drilling ahead of all uses of Federal land. This is not a long-term strategy solution. It is an oil-above-all strategy.

The oil, gas, and coal industry are already getting billions in corporate welfare while they're making record profits. How much of the American taxpayers' money do they need? They will receive at least \$110 billion in subsidies over the next 10 years. These subsidies have been won by decades of lobbying. In 2011, the oil, gas, and coal industry spent \$167 million lobbying. But in comparison to the return on their investment, \$167 million is small because they got subsidies of \$110 billion. It is lucrative for them to do so.

They don't even need our help, Mr. Chairman. In 2011, just last year, the Big Five oil companies made \$137 billion in profits. That's good by any measure. Why in the world would an industry that makes \$137 billion in profits need the help of the American people with these tax breaks that the Republican majority won't even agree to get rid of?

This bill is simply checking off from Big Oil's wish list.

It weakens public health protections.

It forces arbitrary giveaways of public land. It puts energy drilling ahead of all other uses of federal land.

This is not a long-term energy solution.

The oil, gas, and coal industries are already getting billions in corporate welfare.

They will receive at least \$110 billion in subsidies over the next 10 years.

These subsidies have been won by decades of lobbying.

In 2011, the oil, gas, and coal industries spent \$167 million lobbying the federal government.

They don't need our help.

In 2011, the Big Five oil companies made \$137 billion in profits.

But the renewable energy industry does need investment.

Renewable energy is an emerging industry that can create thousands of new jobs.

Yet we are subsidizing the fossil fuel industry at 6 times the rate we are supporting renewable energy.

I offered a simple amendment to this bill.

It was a sense of Congress that fossil fuel subsidies should be reduced to help control the budget deficit.

Unfortunately, it seems the Republicans are too beholden to Big Oil to even allow a vote on my amendment.

I hope my colleagues on the other side—especially fiscal conservatives—agree that \$110 billion in fossil fuel subsidies to profitable companies makes no sense.

We need a true "All of the above bill" that invests in clean, renewable energy—not this "Oil above all" bill.

I urge my colleagues to oppose this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2

minutes to the gentleman from Georgia, Dr. GINGREY, a member of the Energy and Commerce Committee.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman for yielding.

The previous speaker, the gentleman from Minnesota, it sounds like his policy on his side of the aisle is: No oil, no matter what.

This is a very good bill. If it becomes law, H.R. 4480, the Domestic Energy and Jobs Act, will put people back to work. It will be a great giant step toward creating energy independence for this country. And, yes, indeed, my colleagues, it will bring down the price of gasoline at the pump, which has actually doubled in 3½ years under President Obama's watch.

As a member of the Energy and Commerce Committee, let me focus on one specific title of this legislation: The Strategic Energy Production Act. The Strategic Petroleum Reserve that we have in this country is about 700 million barrels of oil. Mr. Chairman, that reserve is there for a situation of a domestic crisis, not a political crisis. We use 20 million barrels of oil a day in this country. If you assume that 60 percent of it was domestically produced and we had to import 8 million barrels of oil a day, then think about how many days it would last if we truly had a crisis and OPEC cut us off completely from what we import. That reserve would last about 90 days. That is a 3-month period of time. Yet, President Obama wants to take that reserve and use it for political purposes.

This title of the bill, Mr. Chairman, just simply says that every ounce of oil that he takes out of the strategic reserve, we would increase that same amount on Federal lands.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentleman.

Mr. GINGREY of Georgia. I thank the gentleman.

Here is an important point, my colleagues. What this President has done has simply cut the production on Federal lands by 11 percent on his watch.

Let's pass this bill so that we do create jobs, we put people back to work, we become independent in this country, and not dependent on nations that hate us.

Mr. MARKEY. Mr. Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, I rise today in support of H.R. 4480.

The average American family buys 1,100 gallons of gasoline per year. If the price of gas fell just \$1 from the current national average of \$3.49, families would save \$1,100 a year.

For far too long, this administration has prioritized politics over the needs of the American people, and today in this body we have an opportunity to work together and do what's right for the future of this country. The Domestic Energy and Jobs Act will help ease the pain at the pump, create jobs, and push this country towards energy independence.

This commonsense legislation would put several costly and potential burdensome EPA regulations on hold while an analysis of the potential costs and consequences of these rules is done. To me, it is unthinkable that we wouldn't ask agencies to consider the impact of a regulation on jobs and the economy, particularly at a time of such economic uncertainty.

To boost our energy production, the Domestic Energy and Jobs Act will require the Secretary of the Interior to act on oil and natural gas lease applications and will cut red tape on opening up new reserves in Alaska. This legislation would also restrict the Strategic Petroleum Reserve from being tapped unless the administration develops a plan to explore for additional sources of oil.

Let me put this in perspective. As a young Army officer in Korea in 1973 and 1974, there was an oil embargo. OPEC cut off oil production and sending it to the U.S. We only got heat 3 hours a day. We had to keep the heat for our tanks and our aircraft to protect this Nation. So it is one of strategic importance, and energy is a very important source of that.

□ 1840

To obtain energy independence is not only a key component to our domestic recovery, but it's also an issue of national security, as I just mentioned. Becoming energy independent is far too important for the future of this country to continue to put politics above people.

I encourage my colleagues to join in supporting the Domestic Energy and Jobs Act.

Mr. MARKEY. May I ask again, Mr. Chairman, that we review where the majority and minority are in terms of time remaining in debate?

The Acting CHAIR. The gentleman from Massachusetts has 5½ minutes. The gentleman from Washington has 8½ minutes.

Mr. MARKEY. I will yield myself 1 minute at this time.

I would just like to review, once again, the Republican "all-of-the-above" plan: One, light, sweet crude oil. Two, sour, high sulfur oil. Three, heavy oil. Four, tar sands oil. Five, oil shale. And oh, just to mix it up, a little natural gas. What they forgot was, of course, wind, solar, geothermal, and biomass. And they won't even allow us to have an amendment out here on the floor in order to have a debate over it.

But that "oil above all" agenda you have, it is very comprehensive, and I give you credit for figuring out every single way that we can help all the oil companies in the United States at the expense of all the renewable energy industries.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I would like to thank the chairman for yielding.

I rise in support of the Domestic Energy and Jobs Act. You know, America's been blessed with an abundance of natural resources under our feet and off our shores. We have the largest coal reserves in the world. New technologies are making it possible to unlock vast new reserves of oil and natural gas. We need to do everything possible to safely and responsibly develop those natural resources because doing so will create good, high-paying jobs, and it will improve national security by reducing our dependence on energy from unstable regions of the world.

Higher gas prices are a cruel tax. They're a cruel tax on hardworking men and women who are trying to find a way to get back and forth to work. Higher gas prices are a cruel tax on seniors living on a fixed income.

And unfortunately, this administration is full of people that are pushing a radical environmental agenda that's hostile to energy development. They believe the solution is to force the price of traditional energy supplies to skyrocket so that alternative green energy becomes artificially competitive.

Alternative energy should be a part of the mix. But the reality is that fossil fuels will be the main source of our energy for at least the next two generations, and it's fantasy to suggest otherwise.

Now we do support an all-of-the-above strategy, but that all-of-the-above strategy also includes an all-of-the-below strategy. We support developing those resources that are below our feet and off our shores. That's why I am proud to support the Domestic Energy and Jobs Act.

Mr. MARKEY. At this time I yield myself 2 minutes.

You know, I hate giving all the bad news to the Republicans. But I'll give you some more bad news. You hate to hear it, but I will give it to you anyway.

In 2011, in terms of new electrical generation in the United States, 33 percent came from natural gas, 29 percent from wind, 20 percent from coal, and 8 percent from solar. Got that again? Wind and solar were about 37 percent of all new electrical generating capacity in the United States in the year 2011. But you guys want to study it. You want to have more information about this technology.

And by the way, in that study, you should also throw a few other things—a single device from which you can talk to your family, send emails, and watch videos. That's a concept some people have. You might want to study that as well. Oh, no, we already have that.

Sending a man to the Moon and returning him safely to the Earth. Oh, I guess that's something else we already did. How about studying the possibility of mapping the entire human genome so we can have an idea of what material humanity is made out of, to kind of break a breakthrough. Oh, I think we've already done that. And there may be many other things that we can throw into that solar and wind study that we also don't need to have studied that you can also throw in there as part of your technological and scientific phobia that refuses to have you admit that things are already happening.

And by the way, something else you are refusing to admit that happened—during Bush's term as President, the production of oil went down, down, down, down from 2001-2008. Do you know what happened once Obama took over? Up, up, up, up. So much oil drilling, in fact, that all the rigs in the world combined are not matching what Obama has done in terms of total oil rigs out there. And we are now at an 18-year high in oil.

Maybe you should study this. Maybe this is hard for you to understand. I've heard all the Members out here saying that there is a jihad against oil being waged by the Obama administration. It just doesn't match any of the evidence.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I will advise my very good friend from Massachusetts that I am prepared to close if he is prepared to close.

Mr. MARKEY. I will yield myself the balance of my time.

Let me just say that I know it's not anything that has been observed by the Republicans. But the price of gasoline has dropped for the last 11 weeks in a row, ever since the President threatened to use the Strategic Petroleum Reserve, because it was never about supply and demand. It was always about fear and greed. It was what Wall Street was doing and manipulating the price of oil and the commodities futures of the marketplace. It was about the fear that people had about a war in Iran breaking out.

But what's the response from the Republicans? Well, they have a brilliant amendment inside of their bill. What they say here is that if, God forbid, the Ayatollah ever attacked the United States, a Middle Eastern war ever broke out, and the President deployed the Strategic Petroleum Reserve, 10 million barrels worth of the Strategic Petroleum Reserve, you know what

their bill says? That we, the Federal Government—if the Republican bill passes today—would then have to sell to ExxonMobil and the other Big Oil companies 200 million acres of Federal lands for ExxonMobil and the other Big Oil companies to drill on.

Understand that? That the Ayatollah attacks us, there's a war in the Middle East, and who do we have to pay the ransom to? To the Big Oil companies of the United States, if we deploy the Strategic Petroleum Reserve.

Now how nonsensical is that? That is an absolutely crazy idea, that the oil companies become the beneficiaries of a Middle Eastern conflict. They get the public lands of the United States, 200 million acres that we have to sell them simultaneously. It's almost a trigger that occurs inside of their legislation. That's how meshuggah this all is.

This is an absolutely crazy set of concepts, where we can't have an amendment on wind and solar, geothermal, biomass, plug-in hybrids, all new technologies and efficiency that back out the need for all this oil to ever come in in the first place. And as a penalty, the country will use this Strategic Petroleum Reserve as a weapon of our national security against OPEC, that if the President uses it, we have to sell 200 million acres of American land to the oil companies so that they can even drill for bargain basement prices here in the country.

This bill is absolutely the wrong recipe for our country as we head into the 21st century. I urge a "no" vote.

I yield back the balance of my time.

□ 1850

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 7 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, it is hard to know where to start as I close the debate on this portion of the bill because there's been so much information out there and so much information that, frankly, I won't say it's untrue, but it's not exactly accurate.

Let me start with the idea that the price of gasoline has dropped with this administration. In January of 2009, the average price of gasoline in this country was \$1.82 a gallon. Now what is magic about January 2009? Well, that was the month that the President was inaugurated and the price of gasoline was \$1.82 a gallon. Today, the average price of gasoline is \$3.48. Now if your math is such that the price of gasoline drops when it starts at \$1.82 and ends at \$3.48, you've got fuzzy math. But that's what we keep hearing.

Furthermore, we have heard I don't know how many Members on the other side speak, but I dare say every one of them said that this is a giveaway to oil and gas. If they didn't say it, they im-

plied it, trying to get that message across.

Now, I wondered when I heard the debate here about there's no reference to renewables if they read the bill. I am now convinced they did not read the bill, Mr. Chairman. And let me tell you why. Because when we talk about renewables, we're talking about Federal lands and we say that the Secretary—and I'm reading from page 15, title III, section 44, paragraph 3. It says:

The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands.

Now that's the directive.

So on page 16 we make reference to renewable energy. And they said, Oh, it's just a study. What do you mean it's just a study? Well, if you read, Mr. Chairman, we are asking for a study for the estimates of what? On subsection A, it's oil and natural gas. What? We're asking for a study of oil and natural gas on Federal lands. Then, you go to C. It talks about the critical minerals. Then it goes on to renewables.

In other words, the point I'm making, Mr. Chairman—and this is very important—if this is a giveaway to oil and gas companies and not helping renewables, then why is it the precise same language for the type of production of energy on Federal lands? You can't have it both ways.

So I think, Mr. Chairman, that this is a very good bill because we're focusing on where the greatest resources we have in this country are on Federal lands. That's where the greatest potential resources are. This bill is aimed at those resources. That's why this bill is so important.

Let's set production goals on all energy development. And that means all-of-the-above. That means above ground. That means underground, as my friend from Mississippi said. That's what we are attempting to do. But to suggest that this is a giveaway when precisely the same language applies to all energy production, frankly, is inaccurate.

So with that, Mr. Chairman, I urge my colleagues to support this piece of legislation.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. I rise today in opposition to H.R. 4480, the Domestic Energy and Jobs Act.

While I support pieces of H.R. 4480, unfortunately I am not able to vote for the bill because I believe it will actually create more regulatory confusion and impediments for our domestic producers. Title I, for example, requires the Secretary of Energy to develop a plan to increase domestic oil and gas leasing from onshore and offshore federal lands that are under the jurisdiction of the Departments of Agriculture, Energy, Interior, and Defense within 180 days of a release of petroleum from the Strategic Petroleum Reserve. A new government bureaucracy at the Department of Energy would develop this plan, which duplicates

the oil and gas leasing programs at the Departments of Interior and Agriculture. During a House Energy and Commerce Hearing on the bill, the Secretary of Energy expressed many concerns about their ability to effectively do this.

I am also concerned with Title III of the bill, which would overturn the multiple-use principle established in the Federal Land Policy and Management Act of 1976. This would undermine the basic principal which has guided the management of public lands for 35 years.

I also have concerns with Section 206 of the bill, which would require the Environmental Protection Agency to consider industry costs when determining what level of air pollution is "safe." By doing this we would be rolling back one of the core aspects of the Clean Air Act—a requirement that was passed on a bipartisan basis over 40 years ago, signed into law by a Republican President and unanimously upheld by the Supreme Court in 2001. I plan to offer an amendment that would strike section 206 and I hope that my colleagues will support it.

As a strong supporter of policies that encourage and support domestic energy production, my hope is that in the future, the House takes up legislation that deals with this important issue without including controversial policy riders that prevent bipartisan support in the House and movement in the Senate.

Mr. SENSENBRENNER. Mr. Chair, I rise today in support of H.R. 4480, the Domestic Energy and Jobs Act. This important legislation brings together multiple domestic energy bills that seek to help jumpstart our economy, spur job creation, and reduce energy costs on families and small businesses.

Given our slow economic recovery and high unemployment, we ought to do everything within our powers to ease the burdens facing Americans. Instead, this Administration continues to push policies that stifle job creation and increase uncertainty. The failed policies of the last three and a half years have only made a bad situation worse. Why would we continue to go down a path that makes it harder and harder for American companies to compete in a competitive global market? Energy costs are a major factor for companies when they are considering building a new facility or moving operations overseas. Let's make that decision easy for them and work to keep energy costs low so a U.S. presence is more attractive.

Today, we have an opportunity to pass legislation that will help stimulate the economy, lower the costs on small businesses and put a few extra dollars in the pockets of hard working Americans. For too long, we have ignored the abundant resources here at home, leaving us at the mercy of OPEC and other unstable countries throughout the world. I found it amusing that earlier this year when gas prices rose to record levels, some of my colleagues on the other side of the aisle, these are the same individuals who are vehemently opposed to opening up production of oil and gas here in the U.S., were encouraging OPEC to increase oil production output. Why would we encourage OPEC to increase production, while doing everything in our power to severely limit production here at home?

Additionally, I am pleased that this legislation makes an attempt to reduce the abuse of the Strategic Petroleum Reserve to score

short term political points by tying the release of oil to opening up federal lands for oil and gas production. Also, this legislation takes important steps to streamline the permitting process for all energy sources, increase transparency and accountability on EPA regulations, and provide for greater lease certainty.

It is important for everyone to understand that currently only three percent of federal land is leased for oil and gas development. Given the instability in the Middle East, we must make it a priority to explore and develop our own natural resources. This doesn't mean that this has to come at the expense of our environment. The U.S. Chamber of Commerce has identified 351 energy projects that have been stalled by "not in my backyard" suits, regulatory red tape, and endless challenges from environmentalists. What many may not realize is that almost half of these projects were for renewable energy projects. So this is not just an obstacle the oil and gas industry is facing. I am confident that we can find a way to ensure the protection of our environment while developing energy resources here at home, and this legislation is a step forward to make that possible.

It is time we put Americans back to work, and this legislation will go a long way to encourage economic growth, decrease our nation's dependence on foreign sources of oil, and reduce the costs on hard working Americans. I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Mr. Chair, there are now 34 days left in this legislative session. We could—and should—be focusing our attention on serious legislation that will create jobs and make a real difference in the lives of our constituents. Like a long term transportation bill. Or preventing a doubling of student loan interest rates. Or the President's American Jobs Act.

Instead, under the pretense of lowering gas prices, we are dealing with this ill-considered collection of seven proposals that together would gut the Clean Air Act, trump responsible public lands management, and needlessly encumber the President's ability to safeguard our energy security.

In a radical departure from over forty years of successful, science-based clean air regulation, this legislation would for the first time require the EPA to consider industry costs when determining what level of ozone is "safe" for Americans to breathe—which is like a doctor changing a patient's diagnosis based on the cost of the treatment. Costs clearly matter, and they are routinely incorporated into the scoping of compliance plans. But they should never be allowed to interfere with the initial, scientific determination as to what is safe for Americans and what is not. This kind of error is further extended to the public lands provisions of this bill, which elevate energy production over hunting, fishing, recreation, conservation and other management uses while imposing arbitrary deadlines for the approval of onshore drilling applications regardless of safety concerns. Finally, the President's ability to tap the Strategic Petroleum Reserve to respond to disruptions in our Nation's energy supply would for the first time be conditioned on a poorly defined new drilling plan that is completely unrelated to the purpose of the SPR.

Mr. Chair, this is not serious legislation. It is hastily thrown together legislative filler which everyone in this chamber understands is dead on arrival in the Senate. Given the magnitude of the challenges we face, we simply do not have this kind of time to waste.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-24. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Energy and Jobs Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS

Sec. 101. Short title.

Sec. 102. Plan for increasing domestic oil and gas exploration, development, and production from Federal lands in response to Strategic Petroleum Reserve drawdown.

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

Sec. 201. Short title.

Sec. 202. Transportation Fuels Regulatory Committee.

Sec. 203. Analyses.

Sec. 204. Reports; public comment.

Sec. 205. No final action on certain rules.

Sec. 206. Consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

Sec. 301. Short title.

Sec. 302. Onshore domestic energy production strategic plan.

Sec. 303. Definitions.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

Sec. 401. Short title.

Sec. 402. Minimum acreage requirement for onshore lease sales.

Sec. 403. Leasing certainty.

Sec. 404. Leasing consistency.

Sec. 405. Reduce redundant policies.

TITLE V—STREAMLINED ENERGY PERMITTING

Sec. 501. Short title.

Subtitle A—Application for Permits to Drill Process Reform

Sec. 511. Permit to drill application timeline.

Sec. 512. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Protest Documentation Reform

Sec. 521. Administrative protest documentation reform.

Subtitle C—Permit Streamlining

Sec. 531. Improve Federal energy permit coordination.

Sec. 532. Administration of current law.

Sec. 533. Policies regarding buying, building, and working for America.

Subtitle D—Judicial Review

Sec. 541. Definitions.

Sec. 542. Exclusive venue for certain civil actions relating to covered energy projects.

Sec. 543. Timely filing.

Sec. 544. Expedition in hearing and determining the action.

Sec. 545. Standard of review.

Sec. 546. Limitation on injunction and prospective relief.

Sec. 547. Limitation on attorneys' fees.

Sec. 548. Legal standing.

TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

Sec. 601. Short title.

Sec. 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.

Sec. 603. National Petroleum Reserve in Alaska: lease sales.

Sec. 604. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.

Sec. 605. Departmental Accountability for Development.

Sec. 606. Updated resource assessment.

TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

Sec. 701. Short title.

Sec. 702. Internet-based onshore oil and gas lease sales.

TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS

SEC. 101. SHORT TITLE.

This title may be cited as the "Strategic Energy Production Act of 2012".

SEC. 102. PLAN FOR INCREASING DOMESTIC OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION FROM FEDERAL LANDS IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWN.

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

"(k) **PLAN.**—

"(1) **CONTENTS.**—

"(A) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary executes, in accordance with the provisions of this section, the first sale after the date of enactment of this subsection of petroleum products in the Reserve the Secretary shall develop a plan to increase the percentage of Federal lands (including submerged lands of the Outer Continental Shelf) under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense leased for oil and gas exploration, development, and production. The percentage of the total amount of the Federal lands described in the preceding sentence by which the plan developed under this paragraph will increase leasing for oil and gas exploration, development, and production shall be the same as the percentage of petroleum in the Strategic Petroleum Reserve that was drawn down.

"(B) **REQUIREMENTS.**—The plan developed under this paragraph shall—

"(i) be consistent with a national energy policy to meet the present and future energy needs of the Nation consistent with economic goals; and

"(ii) promote the interests of consumers through the provision of an adequate and reliable supply of domestic transportation fuels at the lowest reasonable cost.

"(C) **ENERGY INFORMATION.**—The Secretary shall base the determination of the present and future energy needs of the Nation, for purposes of subparagraph (B)(i), on information from the Energy Information Administration.

"(2) **LIMITATION.**—The plan developed under paragraph (1) shall not provide for oil and gas exploration, development, and production leasing of a total of more than 10 percent of the Federal lands described in paragraph (1)(A).

"(3) **CONSULTATION.**—The Secretary shall develop the plan required by paragraph (1) in consultation with the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense. Additionally, in developing the plan, the Secretary shall consult with the American Association of Petroleum Geologists and other State, environmentalist, and oil and gas industry stakeholders to determine the most geologically promising lands for production of oil and natural gas liquids.

"(4) **COMPLIANCE WITH REQUIREMENTS.**—Each Federal agency described in paragraph (1)(A) shall comply with any requirements established by the Secretary pursuant to the plan, except that no action shall be taken pursuant to the plan if in the view of the Secretary of Defense such action will adversely affect national security or military activities, including preparedness and training.

"(5) **EXCLUSIONS.**—The lands referred to in paragraph (1)(A) shall not include lands managed under the National Park System or the National Wilderness Preservation System.

"(6) **SAVINGS CLAUSE.**—Nothing in this subsection shall be construed to limit or affect the application of existing restrictions on offshore drilling or requirements for land management under Federal, State, or local law."

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

SEC. 201. SHORT TITLE.

This title may be cited as the "Gasoline Regulations Act of 2012".

SEC. 202. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) **ESTABLISHMENT.**—The President shall establish a committee to be known as the Transportation Fuels Regulatory Committee (in this title referred to as the "Committee") to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 203 and 204.

(b) **MEMBERS.**—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) **CONSULTATION BY CHAIR.**—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) **TERMINATION.**—The Committee shall terminate 60 days after submitting its final report pursuant to section 204(c).

SEC. 203. ANALYSES.

(a) **SCOPE.**—The Committee shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules, in combination with covered actions.

(b) **CONTENTS.**—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with regard to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health; and

(G) local and industry-specific labor markets, as well as key uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) **METHODS.**—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A-4.

(d) **DATA.**—In conducting analyses under this section, the Committee is not required to create data or to use data that is not readily accessible.

(e) **COVERED RULES.**—In this section, the term "covered rule" means the following rules (and includes any successor or substantially similar rules):

(1) "Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards", as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule proposed after March 15, 2012, for implementation of the Renewable Fuel Program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(4) “National Ambient Air Quality Standards for Ozone”, published at 73 Federal Register 16436 (March 27, 2008); “Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards”, as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060 AP98; and any subsequent rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(f) COVERED ACTIONS.—In this section, the term “covered action” means any action, to the extent such action affects facilities involved in the production, transportation, or distribution of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” published at 74 Federal Register 66496 (December 15, 2009).

SEC. 204. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 203.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after such submission.

(c) FINAL REPORT.—Not later than 60 days after the close of the public comment period under subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 203, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 205. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 204(c):

(1) “Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards”, as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in such subsection.

SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 301. SHORT TITLE.

This title may be cited as the “Planning for American Energy Act of 2012”.

SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

“(a) IN GENERAL.—

“(1) The Secretary of the Interior (hereafter in this section referred to as ‘Secretary’), in consultation with the Secretary of Agriculture with regard to lands administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy. This Strategy shall direct Federal land energy development and department resource allocation in order to promote the energy security of the United States.

“(2) In developing this Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on the projected energy demands of the United States for the next 30-year period, and how energy derived from Federal onshore lands can put the United States on a trajectory to meet that demand during the next 4-year period. The Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.

“(3) The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands. Such objective shall be—

“(A) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on lands held by the Bureau of Land Management and the Forest Service;

“(B) the best estimate, based upon commercial and scientific data, of the expected increase in domestic coal production from Federal lands;

“(C) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

“(D) the best estimate, based upon commercial and scientific data, of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands administered by the Bureau of Land Management and the Forest Service;

“(E) the best estimate, based upon commercial and scientific data, of the expected increase in unconventional energy production, such as oil shale; and

“(F) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil, natural gas, coal, and other renewable sources from tribal lands for any federally recognized Indian tribe that elects to participate in facilitating energy production on its lands.

“(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.

“(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.

“(b) TRIBAL OBJECTIVES.—It is the sense of Congress that federally recognized Indian tribes may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving its own strategic energy objectives designated under this subsection.

“(c) EXECUTION OF THE STRATEGY.—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.

“(d) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing each strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

“(e) REPORTING.—The Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of meeting the production goals set forth in the strategy. The Secretary shall identify in the report projections for production and capacity installations and any problems with leasing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.

“(f) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 12 months after the date of enactment of this section, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement. This programmatic environmental impact statement will be deemed sufficient to comply with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.

“(g) CONGRESSIONAL REVIEW.—At least 60 days prior to publishing a proposed strategy under this section, the Secretary shall submit it to the President and the Congress, together with any comments received from States, federally recognized Indian tribes, and local governments. Such submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.”

(b) FIRST QUADRENNIAL STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the first Quadrennial Federal Onshore Energy Production Strategy under the amendment made by subsection (a).

SEC. 303. DEFINITIONS.

For purposes of this title, the term “strategic and critical energy minerals” means those that are necessary for the Nation’s energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and

renewable energy production and those that are necessary to support domestic manufacturing, including but not limited to, materials used in energy generation, production, and transportation.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

SEC. 401. SHORT TITLE.

This title may be cited as the “Providing Leasing Certainty for American Energy Act of 2012”.

SEC. 402. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

In conducting lease sales as required by section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)), each year the Secretary of the Interior shall perform the following:

(1) The Secretary shall offer for sale no less than 25 percent of the annual nominated acreage not previously made available for lease. Acreage offered for lease pursuant to this paragraph shall not be subject to protest and shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15492), except that it shall not be subject to the test of extraordinary circumstances.

(2) In administering this section, the Secretary shall only consider leasing of Federal lands that are available for leasing at the time the lease sale occurs.

SEC. 403. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended by inserting “(1)” before “All lands”, and by adding at the end the following:

“(2)(A) The Secretary shall not withdraw any covered energy project issued under this Act without finding a violation of the terms of the lease by the lessee.

“(B) The Secretary shall not infringe upon lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.

“(C) No later than 18 months after an area is designated as open under the current land use plan the Secretary shall make available nominated areas for lease under the criteria in section 2.

“(D) Notwithstanding any other law, the Secretary shall issue all leases sold no later than 60 days after the last payment is made.

“(E) The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

“(F) Not later than 60 days after a lease sale held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.

“(G) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary deems such stipulations as emergency actions to conserve the resources of the United States.”.

SEC. 404. LEASING CONSISTENCY.

Federal land managers must follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.

SEC. 405. REDUCE REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

TITLE V—STREAMLINED ENERGY PERMITTING

SEC. 501. SHORT TITLE.

This title may be cited as the “Streamlining Permitting of American Energy Act of 2012”.

Subtitle A—Application for Permits to Drill Process Reform

SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows:

“(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

“(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days after receiving an application for the permit. The Secretary may extend such period for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

“(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

“(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

“(ii) an opportunity to remedy any deficiencies.

“(C) APPLICATION DEEMED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application is deemed approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 or Endangered Species Act of 1973 are incomplete.

“(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

“(i) provide to the applicant a description of the reasons for the denial of the permit;

“(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

“(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

“(E) FEE.—

“(i) IN GENERAL.—Notwithstanding any other law, the Secretary shall collect a single \$6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A). This fee shall not apply to any resubmitted application.

“(ii) TREATMENT OF PERMIT PROCESSING FEE.—Of all fees collected under this paragraph, 50 percent shall be transferred to the field office where they are collected and used to process protests, leases, and permits under this Act subject to appropriation.”.

SEC. 512. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation, by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development, and, at the discretion of the Secretary, by the U.S. Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management lands.

Subtitle B—Administrative Protest Documentation Reform

SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is further amended by adding at the end the following:

“(4) PROTEST FEE.—

“(A) IN GENERAL.—The Secretary shall collect a \$5,000 documentation fee to accompany each protest for a lease, right of way, or application for permit to drill.

“(B) TREATMENT OF FEES.—Of all fees collected under this paragraph, 50 percent shall remain in the field office where they are collected and used to process protests subject to appropriation.”.

Subtitle C—Permit Streamlining

SEC. 531. IMPROVE FEDERAL ENERGY PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a Federal Permit Streamlining Project (referred to in this section as the “Project”) in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of the Army Corps of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State with energy projects on Federal lands to be a signatory to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the employee's home agency; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal lands.

(d) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (a) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with

the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) **FUNDING.**—Funding for the additional personnel shall come from the Department of the Interior reforms identified in sections 511, 512, and 521.

(f) **SAVINGS PROVISION.**—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(g) **DEFINITION.**—For purposes of this section the term “energy projects” includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

SEC. 532. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005.

SEC. 533. POLICIES REGARDING BUYING, BUILDING, AND WORKING FOR AMERICA.

(a) **CONGRESSIONAL INTENT.**—It is the intent of Congress that—

(1) this title will support a healthy and growing United States domestic energy sector that, in turn, helps to reinvigorate American manufacturing, transportation, and service sectors by employing the vast talents of United States workers to assist in the development of energy from domestic sources; and

(2) Congress will monitor the deployment of personnel and material onshore under this title to encourage the development of American technology and manufacturing to enable United States workers to benefit from this title through good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American energy resources.

(b) **REQUIREMENT.**—The Secretary of the Interior shall, when possible and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.

Subtitle D—Judicial Review

SEC. 541. DEFINITIONS.

In this title—

(1) the term “covered civil action” means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal lands of the United States; and

(2) the term “covered energy project” means the leasing of Federal lands of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease, except that the term does not include any disputes between the parties to a lease regarding the obligations under such lease, including regarding any alleged breach of the lease.

SEC. 542. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

SEC. 543. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action must be filed no later than the end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 545. STANDARD OF REVIEW.

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation. In addition, courts shall limit the duration of preliminary injunctions to halt covered energy projects to no more than 60 days, unless the court finds clear reasons to extend the injunction. In such cases of extensions, such extensions shall only be in 30-day increments and shall require action by the court to renew the injunction.

SEC. 547. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code, (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

SEC. 548. LEGAL STANDING.

Challengers filing appeals with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as challengers before a United States district court.

TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

SEC. 601. SHORT TITLE.

This title may be cited as the “National Petroleum Reserve Alaska Access Act”.

SEC. 602. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in Alaska remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

SEC. 603. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.

Section 107(a) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(a)) is amended to read as follows:

“(a) **IN GENERAL.**—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the reserve in accordance with this Act. Such program shall include at least one lease sale annually in those areas of the reserve most likely to produce commercial quantities of oil and natural gas each year in the period 2011 through 2021.”.

SEC. 604. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary to—

(1) develop and bring into production any areas within the National Petroleum Reserve in Alaska that are subject to oil and gas leases; and

(2) transport oil and gas from and through the National Petroleum Reserve in Alaska to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) **TIMELINE.**—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

(1) Permits for such construction for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved within 60 days after the date of enactment of this Act.

(2) Permits for such construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved within 6 months after the submission to the Secretary of a request for a permit to drill.

(c) **PLAN.**—To ensure timely future development of the Reserve, within 270 days after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leaseable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary of the Interior shall issue regulations within 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve in Alaska.

(b) **DEADLINES.**—At a minimum, the regulations shall—

(1) require the Department to respond within 5 business days acknowledging receipt of any permit application for such development; and

(2) establish a timeline for the processing of each such application, that—

(A) specifies deadlines for decisions and actions on permit applications; and

(B) provide that the period for issuing each permit after submission of such an application shall not exceed 60 days without the concurrence of the applicant.

(c) **ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.**—If the Department fails to comply with any deadline under subsection (b) with respect to a permit application, the Secretary shall notify the applicant every 5 days with specific information regarding the reasons for the permit delay, the name of the specific Department office or offices responsible for issuing the permit and for monitoring the permit delay, and an estimate of the time that the permit will be issued.

SEC. 606. UPDATED RESOURCE ASSESSMENT.

(a) **IN GENERAL.**—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) **COOPERATION AND CONSULTATION.**—The resource assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) **TIMING.**—The resource assessment required by subsection (a) shall be completed within 24 months after the date of the enactment of this Act.

(d) *FUNDING.*—The United States Geological Survey may, in carrying out the duties under this section, cooperatively use resources and funds provided by the State of Alaska.

TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

SEC. 701. SHORT TITLE.

This title may be cited as the “BLM Live Internet Auctions Act”.

SEC. 702. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) *AUTHORIZATION.*—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting “, except as provided in subparagraph (C)” after “by oral bidding”; and

(2) by adding at the end the following:

“(C) In order to diversify and expand the Nation’s onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.”.

(b) *REPORT.*—Not later than 90 days after the tenth Internet-based lease sale conducted under the amendment made by subsection (a), the Secretary of the Interior shall analyze the first 10 such lease sales and report to Congress the findings of the analysis. The report shall include—

(1) estimates on increases or decreases in such lease sales, compared to sales conducted by oral bidding, in—

- (A) the number of bidders;
- (B) the average amount of bid;
- (C) the highest amount bid; and
- (D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of such sales, compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to better maximize bidder participation, ensure the highest return to the Federal taxpayers, minimize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-540. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-540.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 1, insert “OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION” after “DOMESTIC”.

Page 5, after line 19, insert the following (and redesignate the subsequent quoted paragraphs accordingly):

“(4) *CONCURRENCE.*—The plan required by paragraph (1) shall not take effect without the concurrence of each of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense with respect to elements of the plan within the jurisdiction, respectively, of the Department of Agriculture, the Department of the Interior, and the Department of Defense.

Page 31, strike lines 1 through 3 and insert the following:

(g) *DEFINITION.*—For purposes of this section the term “energy projects” means oil, natural gas and renewable energy projects.

At the end of section 605 (page 39, after line 4) add the following:

(d) *ADDITIONAL INFRASTRUCTURE.*—Within 180 days after the date of enactment of this Act, the Secretary of the Interior shall approve, after consultation with the State of Alaska and public comment, right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

At the end of title VI (page 39, after line 22), insert the following:

SEC. . COLVILLE RIVER DESIGNATION.

The designation by the Environmental Protection Agency of the Colville River Delta as an Aquatic Resource of National Importance shall have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Natural Petroleum Reserve-Alaska, or NPR-A, was specifically designated as a petroleum reserve back in 1923. It’s a place that we can develop our resources for energy and national security. Title VI of this bill will ensure that production can occur on NPR-A by requiring at least one annual lease sale, streamline the permitting process to ensure lease sales lead to energy production, and ensure a right-of-away plan to allow for the transportation of the product out of NPR-A.

In addition to making technical corrections, this amendment aims to accomplish two vital goals that are imperative for facilitating development at NPR-A. First, it would require, at the request of the State of Alaska, up to two additional rights-of-way planned in and out of NPR-A. This would prepare for future development by providing approved rights-of-way in and out of this area.

Secondly, it would repeal the designation of the Colville River as an Aquatic Resource of National Importance. This designation was blatantly used by the anti-energy EPA as nothing more than a tool to stop energy development on this area.

While the President touts his energy record and speaks of his support for

leasing and energy development in the NPR-A, he fails to mention that due to red tape from his administration, Alaskans have waited for years and years for approval to build a simple bridge across the Colville River to begin production in NPR-A. What you do not hear is that the EPA has paid no attention to the Colville River until after ConocoPhillips filed its application for a bridge. It was shortly after that application that EPA declared it was an Aquatic Resource of National Importance. And it was that action that stopped the development and production for nearly a decade before approval of this simple bridge and pipeline.

What the Obama administration says and what the administration does to promote energy development in Alaska are entirely two different things.

So those two things that I mention in this amendment would give Alaskans the assurance they need to create jobs and encourage development of the NPR-A.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, when manager’s amendments making technical changes to legislation are presented, such amendments are accepted and we move on to amendments making substantive changes to the bill. In this instance, however, among the technical changes made by this manager’s amendment is a controversial provision flatly overturning an EPA ruling in Alaska. This change should not be made at all, but it certainly should not be made as part of a manager’s amendment.

As part of the review process for beginning energy production in the National Petroleum Reserve in Alaska, the EPA designated the Colville River, the largest Arctic river in Alaska, as an Aquatic Resource of National Importance. To be clear, this designation did not stop the proposed project. ConocoPhillips has already received approval to build a gravel road, including a bridge over the Colville to access their oil field. The National Importance designation simply required a heightened level of review before the project moved forward. For Congress to overturn this EPA finding through a provision buried in what is supposed to be a technical manager’s amendment is not appropriate.

Mr. Chairman, I doubt a single Member of this House has an informed opinion regarding whether the Colville River is an Aquatic Resource of National Importance. But I will tell you who does have an informed position on that question, and that is the scientists in Alaska working for the Environmental Protection Agency.

□ 1900

This provision is an ill-informed sneak attack on an agency decision, and for the purposes of this debate, it has no place in a manager's amendment. It should be a stand-alone amendment that we're debating. Because of the inappropriateness of it being inside of the manager's amendment, I would have to oppose this provision.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend that I have no more requests for time, and I am prepared to close if the gentleman is prepared to close.

Mr. MARKEY. I yield myself the balance of my time just to say that I don't have a problem in debating this issue, but I just think it should be done in an appropriate way. It is an important issue. It overturns an EPA decision of some significance and I urge a "no" vote.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just briefly, there are technical amendments in here which I acknowledge and the gentleman did acknowledge, and there are two substantive changes, and I acknowledge both of those.

Now, I just want to repeat, he talked about the issue that the Colville River was an aquatic resource of national importance. He's basing that as the reason why we should not adopt this amendment.

I want to point out again, and I made this observation in my remarks, the Colville River was not designated this until after—and I want to say this again very slowly; sometimes you don't hear things in this echo chamber—after Conoco wanted to develop the NPR-A. When they developed the NPR-A, they had to have access across the Colville River. But the EPA said all of a sudden: Wait a second, this might be a good time to make that change. That's pure politics, Mr. Chairman.

And I will say this. I was up in Alaska last year, and I stood right at the spot where they want to build a bridge across the Colville River. The Colville River there is not very large, and to suggest it falls into that category and we should not adopt this amendment flies right in the face of common sense.

So with that, I urge my colleagues to adopt this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MARKEY. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-540.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I (page 6, after line 6) insert the following:

SEC. ____ LIMITATION ON HYDRAULIC FRAC- TURING.

No lease or other authorization may be issued under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, for the conduct of any activity related to hydraulic fracturing within 1,000 feet of a primary or secondary school.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would better protect the health of children by providing for a 1,000-foot buffer between schools and oil or gas drilling using the technique commonly known as fracking.

Hydraulic fracturing is a national issue, and natural gas is an important part of our national energy policy. According to the Interstate Oil and Gas Compact Commission, currently oil or gas production occurs in 33 States. Fracking occurs on more than 90 percent of oil and natural gas wells in the U.S.

Advances in unconventional oil and natural gas extraction have led to an increase in fracking near where people live, work, and play in my district, across Colorado, and across the United States. That means increased exposure to toxic chemicals for kids in school and the air that researchers have found near wells, as well as noise and the nuisance of heavy truck traffic.

A recent report by the Colorado School of Public Health indicated that residents living less than half of a mile from wells were at a greater risk of acute and chronic health problems than those who live more than half of a mile from drilling sites; including exposure to air pollutants like benzene, a known carcinogen, at a level five times higher than the Federal hazard standard.

Given this risk and the need for more information, we should obviously err on the side of caution, particularly when it comes to children. We need additional studies to better understand the health impacts; but, given what we know, frankly, it's time to act.

Now, we've already set some basic standards when we know pollutants may put children at risk. As an example, in my district in Colorado, commercial diesel vehicles are prohibited from idling for more than 5 minutes within 1,000 feet of a school. In New York, fracking operations may be placed 100 feet from a home and 150 feet from a public building.

A review of active and prospective wells in four northern Colorado counties found 26 schools that have drilling wells operational emitting toxic gases within 1,000 feet of schools.

In Erie, Colorado, I met with homeowners and parents who are increasingly concerned about the impacts of fracking on their health and their children's health. We should be listening to their voices and not just the demands of energy companies. We need to find a reasonable compromise to address the concerns of families in Erie and across America.

I would like to yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I rise in strong support of the gentleman's amendment, which would prohibit hydraulic fracturing on public lands from taking place within 1,000 feet of our schools. This major industrial activity has significant public health risks and has no business being near our kids.

Hydraulically fractured wells emit huge quantities of smog-forming chemicals, volatile organic compounds, hazardous air pollutants like benzene, as well as methane. These pollutants cause serious health problems.

This past March, the Colorado School of Public Health released a report based on 3 years of monitoring that found higher cancer, respiratory, and neurological health risks among people living closest to drilling sites. The analysis found volatile organic chemicals to be five times the level at which the emissions are considered potentially harmful to public health, according to EPA's hazard index.

The Medical Society of New York has recently urged caution with expanded drilling because of concerns about health impacts. And data collected by the National Oceanic and Atmospheric Administration has shown increased ground level ozone and other pollution as a result of fracking.

But the risks go beyond just air quality. In April 2010, there was a major blowout in Pennsylvania at a hydraulic fracturing well site. Gas and tainted brine spewed 75 feet in the air for 16 hours. These kinds of blowouts happen far too often.

Even the best regulated activities have accidents; but fracking, as we all know, is far from the best regulated activities. We need to keep it away from our kids. It shouldn't be done near our schools, and I urge support for the gentleman's amendment.

Mr. POLIS. Mr. Chairman, I yield myself the remainder of my time.

I would ask my colleagues to ask themselves, would they want their kids to be 300 feet, 500 feet, every day from a fracking site? Three hundred feet is the size of one football field. Fracking is scientifically documented as producing air pollution. We know the level of air pollution that is promoted, and it is measured.

Advances in technology make reasonable accommodations possible. Directional drilling means we can actually locate wells miles from schools and still extract the oil and natural gas resources we need and make sure that our children remain healthy.

I'm hopeful that my colleagues on both sides of the aisle support this commonsense amendment that will protect public health, ensure the safe development of natural gas and promote domestic energy production.

I urge a "yes" vote on this amendment, I urge my colleagues to join me in keeping our children safe, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would really restrict the ability to produce energy on Federal lands, and I think, quite frankly, it is purely a political amendment.

Rather than allow existing environmental protections and reviews to ensure that we have safe drilling operations, this amendment seeks to use an arbitrary standard that, frankly, is more of a scare tactic than good science; and it would actually harm school districts, principally those in the Intermountain West, that take advantage of their large landholder status to lease their lands for energy development.

□ 1910

In addition, it would infringe upon the ability of Native American tribes to manage their lands and their resources. It's bad policy, particularly for the consequences of tribal lands that are trying to develop their energy resources. This would restrict their ability to do that.

Now, we've heard the other side talk about why we need to do this, and the implication is that we need to do this to protect drinking water at our children's schools that may become contaminated from hydraulic fracturing. Now, Mr. Chairman, I want to say this very emphatically. This information of contamination is based on absolutely no science or factual evidence. As a matter of fact, to put an exclamation point on that, earlier this week, the

gentleman who is offering this amendment, his governor, Governor Hickenlooper of Colorado—who, I might add, is a Democrat—was quoted as saying—and I'll say the whole quote here, and I'll say it as slowly as I can so everybody can understand what Governor Hickenlooper said:

There have been tens of thousands of wells in Colorado, and we can't find anywhere in Colorado a single example of the process of fracking that has polluted groundwater.

Now, I didn't say this. I am quoting the governor of the gentleman who offered the amendment, his State.

Mr. Chairman, I just have to say, I believe this is a politically motivated amendment, and it, frankly, does not even deserve debate on that. So I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

The Acting CHAIR. The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-540.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I (page 6, after line 11) add the following:

SEC. ____ . PROTECTIVE APPROACH TO OIL AND GAS LEASING, EXPLORATION, AND DEVELOPMENT ON THE OUTER CONTINENTAL SHELF.

The Secretary of the Interior—

(1) shall not conduct or authorize any leasing, exploration, or development of oil and gas resources of the Outer Continental Shelf under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, unless—

(A) sound science shows that such activities can proceed with minimal risk to the health of the marine environment and coastal environment.

(B) the Secretary has a thorough understanding of the marine environment and coastal environment impacted by the activity and an environmental baseline, the risks of exploration or development, and the potential consequences of accidents and other emergencies; and

(C) the Secretary determines, on the basis of sound science, that risks are minimal, rigorous safety measures are in place and will be enforced, and there is a demonstrated ability to mount an effective response to accidents in real-world conditions;

(2) shall not make available for oil and gas leasing under such a plan any area of the outer Continental Shelf that, by itself or in a network, has distinguishing ecological characteristics, is important for maintaining habitat heterogeneity or the viability of a species, or contributes disproportionately to the health of an ecosystem, including its biodiversity, function, structure, or resilience; and

(3) in determining whether an area is described in paragraph (2), should give particular consideration to—

(A) areas of high productivity or diversity;

(B) areas that are important for feeding, migration, or the lifecycle of species; and

(C) areas of biogenic habitat, structure forming habitat, or habitat for endangered or threatened species.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, 2 years ago, the largest accidental marine oil spill in the history of the petroleum industry ravaged the gulf coast. We passed legislation, we convened commissions, and we swore that we would learn. Have we? I fear the answer is no, and I'm not the only one.

In April of this year, the Presidential panel that investigated the explosion gave the Obama administration a B, the oil industry a C-plus, and Congress a D for refusing to act on any of the recommendations of the commission.

The bill that stands before us today seeks to increase domestic oil and gas production and reduce regulation of the energy industry. I've said it before and I'll say it again, sometimes this place feels like Groundhog Day, and I am Bill Murray. So, in the spirit of déjà vu, I am offering an amendment today that mirrors legislation I introduced in the 111th Congress as a response to the BP oil catastrophe.

The amendment would reconfigure the existing presumption that extraction comes first and conservation comes second. The measure would change our Nation's Outer Continental Shelf policy and mandate precaution from a derivative that may imply that protection of the environment is secondary to expeditious development; declares that protection and maintenance—and where appropriate, restoration—of ocean ecosystems and coastal environment is of primary importance; makes clear that OCS leasing, exploration, and development will be authorized in limited areas of the ocean only when science shows that those initiatives can proceed with minimal risk to the health of ocean ecosystems; protects Important Ecological Areas, or IEAs, by requiring the Secretary to consider geographical, geological, and ecological characteristics of the OCS areas. And finally, it amends the Outer Continental Shelf Lands Act to require specific precautions for areas with particular physical or environmental characterizations from OCS leasing.

In the Commission's review, one of the chairmen stated:

Across the board, we are disappointed with Congress' lack of action. Two years have passed since the explosion on the Deepwater Horizon killed 11 workers, and Congress has yet to enact

one piece of legislation to make drilling safer.

Let us do one thing to make our public safe, to keep them healthy, and to spur economic development through conservation and the creation of green jobs.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, developing our Nation's Outer Continental Shelf is all about achieving a balance. The Federal agencies involved have to balance the needs of the coastal community and the environment while also providing for safe energy production. This is how you preserve the multiple-use aspect that we have for Federal land management, and I endorse that concept.

Fortunately for the gentleman, the author of this amendment, the purpose of his amendment is already the law of the land. No leasing occurs in the Outer Continental Shelf without extensive environmental assessment. Now, I'll give you an example.

The Bureau of Ocean Energy Management conducts an environmental impact statement, or an EIS, before leasing any area, then another EIS for the specific lease sale area, and then another environmental assessment must be conducted before a company can even begin development. So, with that process that you have to go through, I can only conclude that this amendment is offered not about protecting the environment, but it's really about stopping offshore energy production. Of course, if we do that, obviously what does that do to American energy jobs?

Like I said earlier, fortunately, all these protections exist if indeed we're going to have energy production. So I don't think we need this amendment, and I would urge my colleagues to reject it.

With that, I reserve the balance of my time.

Mr. QUIGLEY. Having respectfully heard the argument, I would stand on the statements we have made and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, we had a discussion on this very issue in the Energy and Commerce Committee, and we made very clear that the language dealing with the Strategic Petroleum Reserve did not affect existing land management policies or management policies, or those policies in place to protect our resources.

So, again, we actually adopted an amendment by Chairman DINGELL, the

gentleman from Michigan, the chairman emeritus, to make sure that we restated that this does not change or affect our Federal land management policies and those intended to protect our Federal resources. So we made that clear in the Energy and Commerce provisions in this bill as well.

Mr. HASTINGS of Washington. With that, then, Mr. Chairman, the arguments have been made. I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-540.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 6, redesignate subsection (d) as subsection (e).

Page 8, after line 5, insert the following:

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, under this legislation, Congress creates a Transportation Fuels Regulatory Committee with the Secretary of Energy chairing the committee.

□ 1920

My amendment is simple. It will require the Secretary and the committee, during their deliberation, to consult and receive input from the National Energy Technology Laboratory.

If we're going to analyze and report on the impacts of the rules and actions of the EPA on our Nation's fossil fuels, then we should make sure that the committee established under this legislation consults with our Nation's fossil energy laboratory. NETL is our only governmental research, design, and developmental laboratory dedicated to domestic energy sources. It's only fitting we make that they are included in this process.

NETL works with academia on over 275 projects across this country, as well as private entities, having provided over 450 projects in 2011, nearly 400 private sector projects, and over 100 not-for-profit laboratories. NETL's work in 2011 alone provided over 2,000 projects, 89,000 jobs, and over \$18 billion in total funding in every State in every congressional district.

NETL's research and development into our transportation fuel sector began back in 1918 in Bartlesville, Oklahoma, with petroleum research. In fact, synthetic gas research began at NETL in 1946.

To note some other successes, NETL worked in conjunction with academia and private industry to develop horizontal drilling in our Nation's natural gas fields.

Now, some say that Secretary Chu, being the chairman of this committee, will consult with his own fossil energy team. Maybe that's true, Mr. Chairman, but this is the same Secretary of Energy who has worked with President Obama to slash our fossil energy research budget by 40 percent over each of the last 2 years. This is the same Secretary of Energy who should be promoting coal, oil and gas, but, instead, makes derogatory comments, such as "coal is my worst nightmare."

What we can do here today is ensure that the Transportation Fuels Committee and the Secretary consult with our government's fossil energy experts. If you support having input from government, private sector, and academia experts, then support of this amendment would be appreciated.

Mr. Chairman, I also wish to thank Chairman UPTON for his support of this.

I yield back the balance of my time. Mr. WAXMAN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment highlights, Mr. Chairman, the absurdity of title II of the Republican bill. The bill will create a new government bureaucracy to conduct an unrealistic and burdensome study of several clean air rules, none of which have even been proposed. This is a fundamentally flawed approach. The scope and timing of the new government committee's analysis simply are not feasible.

The bill requires a new interagency committee to estimate a host of cumulative impacts of multiple unrelated potential rules. The committee is supposed to estimate impacts on gasoline prices, capital investments, projected maintenance and operation of new equipment, refinery capacity, employment at the national, State and regional levels, other cumulative costs and benefits, and even the overall global economic competitiveness of the United States.

Since none of the rules that are supposed to be analyzed have even been proposed, this complex analysis required by the bill would be full of guesswork and assumptions. It's unclear how this new government bureaucracy could estimate the level of pollution control that may be required, predict compliance options, or assess the specified effects.

Given all of the uncertainties and guesswork inherent in such an analysis, it's unclear how the committee could produce an economic analysis of the rules with any measure of credibility.

EPA Assistant Administrator Gina McCarthy testified:

It is unclear how the new committee would analyze rules that have not yet been proposed, or how the public could comment on that analysis in an informed way.

She also noted that such analysis would be redundant and a waste of government resources, given the extensive analysis EPA already completes as part of the rulemaking process and the interagency review conducted by OMB.

The bill provides an unrealistic deadline, as well, for completing this report, doesn't create an additional job in the private sector. All it will do is devote taxpayers' money to create another government committee in order to provide it with the hopeless task of conducting a host of complex analyses that probably could not be completed with any credibility, even if the necessary data did exist and the committee had years to work.

So the whole thing is a pointless waste of taxpayers' money required by the bill.

Now, Mr. MCKINLEY's amendment adds some additional consultation to that already absurd requirement. The Department of Energy is already represented on this new government committee the Republicans want to establish. In fact, the Secretary of Energy chairs the committee.

Mr. MCKINLEY's amendment adds a requirement that the committee consult with part of the Department of Energy. This adds another layer of unnecessary, superfluous consultation on an already unwieldy process.

I urge my colleagues to vote "no" on the amendment and "no" on the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-540.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, strike "and".

Page 9, line 10, strike the period and insert "; and".

Page 9, after line 10, insert the following:

(F) any other matters affecting the growth, stability, and sustainability of the Nation's oil and gas industries, particularly relative to that of other nations.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman

from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. By the way, I'm just a little happy right now. I just got a text that my grandson won his baseball game tonight, 15-14. It's a tournament he's playing in. So be nice over there now.

Mr. Chairman, once again I would like to reference the Transportation Fuels Regulatory Committee created by H.R. 4480. My amendment will look at the analysis that the committee will develop.

One of the problems our oil and gas industry faces is the vast, ideologically motivated regulations they must endure. However, other nations do not seem to impose such overburdensome policies and regulations upon them. Instead, countries in the Middle East and Asia promote their oil and gas industries and work to make it easier for these countries to get their gas products to market.

This amendment would require the committee to conduct an analysis of other nations' regulations, policies and enforcements, or lack thereof, of their oil and gas industries. Saudi Arabia, China, and India do not overwhelm their oil and gas industries with excessive regulations. They help them to thrive.

This committee needs to look at what these other nations are doing to grow, stabilize and sustain their oil and gas industries, and ultimately compare it to what we're doing here in the United States. We ought to help our industry, and this amendment helps to show how we can improve and stop hindering development of our natural resources.

Ultimately, I offered this amendment because we are supposed to be a Nation leading by example over the rest of the world. With this economy and millions of people unemployed or underemployed we really ought to be saying to our regulators, just because you can doesn't mean you should. Just because you can doesn't mean you should.

Mr. Chairman, again, I wish to thank Chairman UPTON for his support of this amendment and the opportunity to offer it here.

I yield back the balance of my time.

□ 1930

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. In the previous amendment, we discussed title II, the Gasoline Regulations Act, which creates a new government committee to do the impossible: conduct an analysis of EPA air quality rules that have not yet even been proposed, using data that does not exist.

The interagency committee cannot possibly provide a credible assessment of the potential impact of these potential rules on energy prices. It would simply require too much guesswork. Moreover, the Energy Information Administration told our committee staff that it does not have the capability to conduct much of the analysis required by this title. The agency would have to devote significant new staff and contractor time to complete the analysis.

The CBO estimates that the Gasoline Regulations Act would cost \$3 million to implement. That's \$3 million to produce a report that will not be reliable, credible, or valuable to anyone. Mr. MCKINLEY's amendment would make this report even less credible by significantly expanding its scope. His amendment would require that this new interagency committee examine "any other matters affecting the growth, stability, and sustainability of the Nation's oil and gas industries, particularly relative to that of other nations." This language suggests that the new committee will have to take into account events and regulations in other countries as well as our own. Now, that's certainly going to send the price tag well above \$3 million.

For example, will the new interagency committee have to examine Nigerian labor law? What about oil company business practices in the Amazon or the concerns of indigenous communities in Canada's tar sands? Will the committee have to take into account the health of Hugo Chavez and the potential impact on Venezuelan oil prices? Political upheaval in the Middle East has a profound impact on the oil market. Will the new committee have to delve into that?

If the interagency committee were serious about examining "any other matters" affecting the stability and sustainability, then it would have to look at a whole Pandora's box of issues here in the United States.

For example, shouldn't the committee have to examine what Congress is doing to give coal a competitive advantage over natural gas by weakening air pollution laws and blocking action on climate change?

The CEO of Chesapeake Energy has been in the news lately for some questionable business decisions that have helped put the country's second-largest natural gas company on the brink of bankruptcy. Certainly, the new interagency committee would have to examine that issue as part of this inquiry into matters relevant to the sustainability of the oil and gas industry.

All of this is to say that Mr. MCKINLEY's amendment is extremely broad and that it would make a deeply flawed report even less reliable and credible, if that's even possible. I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-540.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 9, at the end of title II, add the following new section:

SEC. 207. PROTECTION AGAINST ASTHMA AND OTHER HEALTH EFFECTS OF AIR POLLUTION.

Notwithstanding any other provision of this title, the Administrator of the Environmental Protection Agency shall not delay finalization of any of the rules described in section 205(a) to establish standards for clean air and to reduce air pollution, if the pollution that would be controlled by the finalized rule is contributing to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, title II of this bill blocks the EPA from finalizing several important air quality rules until after a new government bureaucracy produces a new analysis of these and other EPA actions. But it's a fool's errand because a new government bureaucracy is required to conduct an impossible analysis of rules that haven't even been proposed using data that doesn't exist.

The bill would block the EPA from issuing new tier 3 standards for motor vehicles and fuels to reduce harmful tailpipe emissions that cause smog and deadly particle pollution. Smog and soot pollution can trigger asthma attacks, heart attacks, and even premature death.

The bill would block the EPA from issuing long overdue rules to require refineries to use modern technology to reduce their emissions of toxic air pollutants. The pollutants cause cancer, birth defects, neurological damage, and other serious health problems.

The bill would also block the EPA from issuing rules necessary for States and localities to implement the 2008 ozone standard. This would leave the outdated 1997 ozone standard in place. Even the Bush administration thought this standard was too weak. In addition, the bill would block the EPA from updating the ozone standard to reflect the best available science on the health effects of breathing dirty air.

During the legislative hearing on this bill, Chairman WHITFIELD stated, "It is not the intent of this legislation to roll back any existing health protections."

That claim is laughable for a bill that radically changes the Clean Air Act by barring the EPA from setting air quality goals based on what the science tells us is safe to breathe. But if Republicans want to claim that this bill is not an attack on the Clean Air Act and public health, there should be no objection to my amendment.

My amendment simply states that, notwithstanding the bill's provisions and notwithstanding all that's in this bill, the EPA administrator cannot delay implementing any of the rules targeted by the bill if the air pollution that would be controlled by those rules causes serious harm to human health, including asthma attacks and other respiratory disease, heart attacks, cancer, birth defects, brain damage, or premature death.

This is a simple choice between oil industry profits and Americans' health. The top five oil companies earned \$137 billion in profits last year. They can afford to clean up their pollution.

Instead, this bill would make Americans pick up the tab for the oil companies, and it would make Americans pay that tab with their health and even their lives. The air quality protections blocked by this bill are especially important for the most vulnerable among us—our babies, kids, old people.

Oil refineries are among the largest emitters of toxic air pollution, and they are often located near where people live, but this bill would indefinitely delay the EPA's ability to require oil refineries to clean up pollution such as benzene, which causes cancer and contributes to birth defects and developmental harm in babies.

Republicans argue these rules would only be delayed for a while, but many of these rules have already been delayed for far too long. The Republicans' claim assumes that the interagency committee can actually complete the impossible study required by this bill. Even if that were possible, there would still be no deadlines for these new rules as the bill eliminates existing deadlines and sets no new ones.

Americans rely on the Environmental Protection Agency to hold polluters responsible for cleaning up their pollution. It's just common sense. If you stop the EPA from doing its job, public health will suffer.

So it's time to come clean. If you want to pass a bill to stop the EPA from doing its job and allow polluters to pollute with impunity, be honest with the American people. Tell them you think that we have done enough to reduce air pollution and that you want to stop any further efforts to clean up air pollution, but don't pretend that this get-out-of-jail-free card for oil industry polluters won't hurt the health

of Americans, especially our children and the elderly.

If, on the other hand, you don't want to block efforts to clean up air pollution that is contributing to asthma attacks, heart attacks, lung disease, cancer, birth defects, neurological damage, and premature death, then support my amendment. My amendment will make it perfectly clear that the EPA can continue to clean up air pollution that causes serious health effects.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

□ 1940

Mr. GARDNER. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, we heard a lot of powerful words there: ban, bar, block. The fact is that this bill does not ban, bar, or block these regulations. In fact, nothing prevents and nothing bars, bans, or blocks the EPA from developing rules on their current schedule. And nothing bars, bans, or blocks the EPA from protecting the public health and the environment as the law requires them to do so. In fact, it's quite commonly known that the EPA is unlikely to even finalize these rules prior to the completion of the study.

We've already got tremendous protections in current law, stringent regulations, some of which were just issued in the past few months. But I think we ought to take a look to understand what impact regulations are going to have on the cost of people's energy.

Our colleague mentioned picking up the tab. I'll tell you who else is picking up the tab: people in poverty are picking up the tab of increasing energy costs, which is making it more and more difficult for them to make ends meet. They are picking up the tab of rising gas prices, costing \$50, \$60, \$70 a tank to fill up with gas to drive to work. That's who is picking up the tab, our constituents who are trying to lift themselves up and out of poverty and are having difficulty trying to make ends meet because of rising energy prices, because this Congress refuses to enact legislation that says, Hey, let's look before we leap and understand the impact these regulations are going to have on the price of gasoline.

Again, the purpose of the bill is to require a study. Nothing in this bill relieves the administrator of the EPA from the responsibility to issue rules required by the Clean Air Act or any other legal obligation. Nothing in this bill changes the EPA's obligation to protect the public health. Nothing in this bill prevents the EPA from developing and proposing new regulations, taking public comments, or from preparing a final rule, a process that typically requires at least a year. In fact, it

would be highly unlikely, as I said before, that they could even both propose and finalize this rule before the study was finished.

Our colleague also mentioned that we don't know enough information about proposed regulations to study them. EPA's own action development process—the internal ways that the EPA works, their own internal action development process—requires that the analysis of a regulation start early in the rule development. So they're already talking about what impact these have, including the President's own executive orders that require agencies to perform analysis and consider the cumulative effects of regulations. So this is an unnecessary amendment.

Our colleague mentioned some of the most toxic emitters of air pollution. There's a lot of people around the country that believe the most toxic emitter of air pollution is Congress. In this case, some of those arguments have been used in the bill on this amendment.

I would just urge my colleagues to vote "no" on this amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. GARDNER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. There is a regulation for Tier 3 standards for automobiles that will reduce sulfur and other emissions that are very harmful. EPA's analysis says that will contribute a penny per gallon for gasoline. That is the kind of rule that would be stopped under the existing bill, and there is an enormous health impact.

When you talk about people in poverty, they can afford a penny a gallon on gasoline and the oil companies can afford to absorb a penny a gallon, especially with all of the health and lives that can be enhanced by removing some of these very dangerous chemicals.

Mr. GARDNER. Reclaiming my time, again, I'm not in a position to tell constituents who may find it tough to make ends meet that it's okay if we increase your price of gasoline by a penny here and a penny there, a couple of pennies, maybe even a nickel.

Mr. WAXMAN. But you claim that it's going to increase it by many dollars, and I think you're incorrect.

Mr. GARDNER. Reclaiming my time, we know that a penny increase in a gallon of gasoline, the Federal Trade Commission has said, can be a significant burden, meaning as much as \$4 million to individuals and businesses around the country for every single penny in the increase of the price of gasoline.

Again, this does not prevent the EPA from developing rules on the current schedule. It says, Look before you leap. That's why I object to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARDNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY
OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-540.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 14, after line 9, insert the following:

SEC. 207. CORPORATIONS ARE NOT PEOPLE.

Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding at the end the following:

"(aa) PUBLIC HEALTH.—The term 'public health'—

"(A) refers to the health of members of the species *homo sapiens*; and

"(B) does not refer to the health of corporations or any other non-living entities."

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, throughout the 112th Congress, the Republican leadership has invested a staggering amount of time and effort into gutting our Nation's clean water and air protections. As of this month, this House has voted 247 times in support of anti-environmental bills, amendments, and riders, including 77 votes devoted to dismantling the Clean Air Act alone.

As we debate yet another bill that seeks to gut the public health and welfare protections provided by that act and as we witness Democratic attempts to protect public health get defeated time and again on party-line votes, one is tempted to cynically dismiss H.R. 4480 as the Republican leadership's latest offering to their good friends in Big Oil. However, this bill contains an interesting provision that gave me pause, frankly, since it seems to hint that disagreements over protecting public health, when setting national ambient air quality standards, may actually stem from fundamental philosophical differences between the two parties.

One provision in particular begs for clarification since it's not every day that Republicans starkly disagree with Justice Antonin Scalia in regard to

statutory interpretation as they do in section 206 of this bill. As written, that section would amend section 109(b) of the Clean Air Act to require the administrator of the EPA to take feasibility and costs into consideration when prescribing air quality standards that are requisite to protect public health.

Now, I'm aware that the author of this provision believes that this language merely clarifies supposed ambiguity in the act, going so far as to assert during the May 17 markup:

The only reason costs are not being considered in setting standards there today is because the Supreme Court said the language was ambiguous.

Mr. Chairman, I must respectfully disagree with that interpretation since Justice Scalia's statutory interpretation of section 109(b) was anything but ambiguous.

To quote Justice Scalia's unanimous opinion in *Whitman v. American Trucking Associations, Inc.*, in regard to potentially considering cost when setting ambient air quality standards to protect public health, he said:

The cost factor is both so indirectly related to public health and so full of potential for canceling the conclusions drawn from direct health effects, that it would have been expressly mentioned in sections 108 and 109 had Congress meant it to be considered.

Even more to the point, the very first sentence of Justice Scalia's opinion says:

Section 109(b) does not permit the administrator to consider implementation costs in setting national ambient air quality standards.

This would seem to put aside any ambiguity.

That brings us to my simple amendment. Since Justice Scalia's opinion was crystal clear that the costs cannot be considered when setting those standards to protect public health, I couldn't figure out why my Republican colleagues were so committed to forcing the administrator to take those very factors into account. But then it dawned on me that since the Clean Air Act actually never defines the term "public health," perhaps there is some confusion concerning who or what comprises the public. After all, if one believes that corporations are people, then the term "public health" would obviously have a different meaning to that individual compared to my own or Justice Scalia's.

Thus, my simple amendment would clarify the term "public health" in the Clean Air Act only as it pertains to the health of people and not corporations or other nonliving entities, and it's a simple fix to clear any confusion and restate congressional intent. By adopting this amendment, Mr. Chairman, Congress can reaffirm the principle that corporations are not people and ensure the lack of definition for the term "public health" in the Clean Air Act does not cause any confusion, particularly for certain individuals who

may be under the misguided impression that corporations are, indeed, people.

□ 1950

I urge my colleagues to support this simple amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Again, I believe this amendment is unnecessary, talking about ambiguities and the silence in the law when it comes to the Clean Air Act in the determination of cost. Here the issue of cost was silent, and we are simply saying we ought to have the issue of cost brought into this.

When the term "public health" appeared in the first Federal Clean Air legislation in 1955, its ordinary meaning was "the health of the community." In the American Trucking decision, as you pointed out, the Supreme Court affirmed that the definition of public health is "the health of the public" and does not refer to the health of nonliving entities.

The Clean Air Act requires that ambient air quality standards be established to protect the public health with an adequate margin of safety. Nothing—nothing—in H.R. 4480 changes the definition of "public health." Again, let me say that: Nothing in H.R. 4480 changes the definition of "public health" in the Clean Air Act or any obligations. It doesn't change any obligations to set such human health-based standards.

So I would urge a "no" vote on this amendment, and with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-540.

Mr. GENE GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, lines 1 through 9, strike section 206 (relating to consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of my amendment.

I would like to vote for this bill, but it goes way too far.

Mr. Chairman, I represent five large refineries and 20-plus chemical plants, so I'm very sensitive to what regulatory compliance can mean to a company's economic success. But for over 40 years, the Clean Air Act has required the Environmental Protection Agency to set the level of each ambient air quality standard based on what is necessary to protect public health. They do this because EPA's job is health, not economic impacts.

Again, for over 40 years, Republicans and Democrats have agreed to this principle, which was passed on a bipartisan basis in the 1970s and signed into law by a Republican President and unanimously upheld by the U.S. Supreme Court in 2001.

This amendment would strike section 206 of the bill, which would require the EPA to consider industry costs when determining what level of air pollution is "safe." But economic and compliance costs are already considered several times throughout the regulatory process, which is why section 206 is not necessary.

The EPA conducts a regulatory impact analysis for a range of emission standards when they propose the standard. Then they do a second regulatory impact analysis when they choose the final standard before it is sent to the Office of Management and Budget for review.

The regulatory process works. Last September, the Office of Management and Budget did not allow EPA to move forward with a revised ozone NAAQS standard because they felt that the costs of compliance would be too high for the regulated industries at this point in our economic recovery. To use a Texas saying, let's not throw out the baby with the bathwater.

Section 206 is a policy rider that undermines 40 years of bipartisan agreement, and I encourage my colleagues to support my amendment that would strike it.

I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, I have great respect for my colleague from Texas. We've worked on a couple of pieces of legislation together over the year and a half that I have been on the

committee. I have the honor of serving with him on the Energy and Commerce Committee. But I also must rise again to oppose the amendment from our colleague from Texas.

Once again, under this bill, nothing in the gasoline regulations act stops the EPA from developing rules on their current schedule. Nothing in this prevents the EPA from protecting the public health and the environment, as the law requires them to do.

But as we talked in the previous amendment, consideration of the cost and the feasibility of these major rules is elsewhere throughout the law. And it is warranted because, in this case, a failure to consider those costs could hurt jobs and the economy. We need to know.

In fact, costs are required in other parts of the Clean Air Act. And EPA must consider costs in the context of setting New Source Performance Standards, automobile emission standards, aircraft emission standards, fuel additives, and reformulated gasoline standards. And it's also a matter that you have to consider costs when setting future drinking water standards in the Safe Drinking Water Act.

And if you hearken back to last year when President Obama decided that he was going to withdraw his last ozone rule, one of the comments that he made when he was withdrawing that ozone rule, which we argued would have greatly imperiled our economy—here's a quote from President Obama:

I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover.

So when the President was talking about the Clean Air Act, he recognized ozone; he recognized the importance of taking a look at our economic uncertainty and the economic uncertainty of his last ozone rule.

So I appreciate our colleague's amendment, but I certainly have to oppose it at this time. I urge the rest of my colleagues to oppose it as well.

With that, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleague from Colorado because the system does work. Even the President used economics. But that's the President's job, not the EPA.

I would like to yield 2 minutes to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

The Clean Air Act was adopted in 1970, signed by President Nixon. Changes were made in 1990, signed by President George H.W. Bush. The heart of the Clean Air Act has been that EPA relies on the best science possible to determine what level of pollution is harmful for people to breathe. They decide what is safe. And based on the

science, EPA sets a quality standard. This is the standard to protect public health. Then they take into consideration, at the State and local level, the costs of how to achieve that. They may give more time; they may do it in different ways.

But section 206 of the bill would end this commonsense approach, the main part of the Clean Air Act, because it would make cost a factor in what is supposed to be a scientific decision about how much pollution is safe for a child to breathe. In setting a public health standard, it would give as much weight to a polluter's accountant as to a scientist. This is like going to your doctor, asking for a diagnosis, and he wants to tell you what your diagnosis is based on the cost of treatment. You want to know what's most important for your health. That's what's required of the EPA.

You will hear over and over again Republicans saying, We've done well in reducing pollution. And we have because of a Clean Air Act that's based on setting a standard to protect health and then allowing costs to determine how to achieve that standard, but not setting the goal based on costs that could be wildly out of sync with the reality of what it would take and how much to spend to achieve that health-based standard.

This is a very, very radical provision in the bill. I want to commend my colleague Mr. GREEN for seeking to strike it. It would be consistent with the law as we have always known it, not to go back and change it as this bill would do.

Mr. GARDNER. Mr. Chairman, again, to repeat, to reiterate, to restate this point: Nothing in this bill—nothing in this bill—changes the EPA's obligation to protect the public health with an adequate safety margin. Nothing changes the obligation to protect the public health.

And with that, Mr. Chairman, I yield back the balance of my time.

□ 2000

Mr. GENE GREEN of Texas. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. GENE GREEN of Texas. I appreciate my colleague and your work on the committee, but that's why we need to remove 206. That provision actually takes away health and safety as EPA's primary responsibility. That's what it was created for in 1970. We already have a system that will work to deal with the economic problems. We go to OMB. But even more so, we can go to the States. Because once EPA and OMB approves that rule, then they go to the States to work out the compliance. And in our district, where I have a huge industrial capacity, we actually work with our State agency and EPA to make sure we can economically do that within a timeframe.

That's why this amendment should be acceptable, Mr. Chairman, and I would encourage Members to vote for this amendment when it comes up for a vote tomorrow.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GENE GREEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. TERRY

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-540.

Mr. TERRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 14, after line 9, insert the following new section:

SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting “a problem with distribution or delivery equipment necessary for the transportation or delivery of fuel or fuel additives,” after “equipment failure,”;

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: “(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)”;

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

“(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be deemed to be waived for the period of time requested.”

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting “biofuels,” after “oxygenated fuel,”;

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by redesignating clause (ii) as clause (iii);

(II) in clause (i), by striking “and” after the semicolon; and

(III) by inserting after clause (i) the following:

“(i) the renewable fuel standard; and”; and

(IV) in subparagraph (G), by inserting “or Tier III” after “Tier II”; and

(2) in subsection (b)(1), by striking “2008” and inserting “2014”.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Thank you, Mr. Chairman.

My amendment is a rather simple one and I hope all of my colleagues can support it.

Many of us remember the devastation brought on by Hurricanes Katrina and Rita. But even more folks outside of the gulf region remember the meteoric rise in gas prices and the threat of having no gas at all. When supplies are interrupted, it's critical to restore fuel for consumers as soon as possible. We continue to operate in an environment in which the fuel required in one market may not satisfy the requirement set by the EPA in another market, i.e., the fuel in Chicago may be different from the fuel in St. Louis, especially in the summertime.

If supplies of fuel are disrupted, whether from a national emergency or from a simple equipment failure, the consumers can be affected in a very significant and adverse way. When gas stations run out of gas, our constituents suffer. When suppliers run short of fuel and the market drives up prices, the constituents suffer. Not every supply disruption is covered in the existing statute. But every supply disruption can hurt our consumers. That is what this amendment is doing: Ensuring that the Administrator has the authority to serve the best interests of our constituents—our consumers—when fuel prices are affected.

Further, asking these consumers to wait a prolonged period of time before issuing a ruling that could restore supplies to their market is unacceptable. Time is of the essence when we are trying to avert these fuel shortages and price spikes. It's important that the decisions regarding the economic welfare of our constituents are made in a timely manner.

The underlying bill that we have here before us is about doing what we can to keep the prices as low as we can. This amendment would broaden the times where EPA can grant a waiver to an area to use whatever fuel they have on hand when there is a disruption. Right now, the authority only exists for natural disasters and other larger emergencies. Not all disruptions are covered. This amendment expands upon the waiver to include any disruption. Because we have refineries closing in the Northeast and we have a limited ability to move product due to Jones Act requirements, we need to ensure that any region is never in a position of doing without fuel.

The second part of my amendment calls for the EPA and DOE to conduct the Fuel Harmonization Study that EPACT 05 directed them to complete by June, 2008. And here we are in 2012 and we don't have the study. It simply tells them to get on it. We want the Harmonization Study completed.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR (Mr. CRAWFORD). The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment would change the law—the Clean Air Act—that authorizes EPA to waive pollution control requirements for motor vehicle fuels where there's an extremely unusual fuel supply circumstance. Well, we want that ability to waive that law. And EPA is already allowed to do that.

But the Terry amendment provides that if EPA doesn't act in 3 days, it's automatically granted. And that's not enough time for EPA to act. Often, a request for a waiver is incomplete. We don't know exactly why they're asking for the waiver. They haven't come up with all the information. It may not specify the area that could be covered. It may not be clear on exactly which fuel parameters are waived.

So under this amendment the EPA would have to choose between two bad options. They could reject the waiver and then perhaps approve a revised version a few days later when EPA gets the necessary information. Well, that doesn't make any sense. Fuel suppliers are going to be confused. They may be concerned that EPA won't address a situation where they need some rule. Or, EPA can allow an ambiguous and confusing waiver request to become effective. Again, this would just leave fuel suppliers confused and uncertain about what they have to do. Since the waiver would become effective automatically, how would fuel suppliers even find out it had gone into effect? It's also unclear what constitutes a waiver of request.

I think there's a lot of confusion in this proposal. I don't know why existing law should be changed. If there's been a problem, we haven't heard any testimony on this. We haven't had any hearings on this in our committee.

Requiring laws and regulations to be waived hastily, based on incomplete information, and for potentially long periods of time, is simply bad policy. Regulations are adopted through a public process which allows all parties to participate and all relevant information to be considered. But without limits, waivers could effectively rewrite regulations without public input. That's why the Clean Air Act waiver provisions, which were adopted in 2005, are narrowly crafted.

So I have a lot of misgivings about this policy. I don't know why we need

it. We haven't had any testimony on it. It can lead to some very bad results.

I reserve the balance of my time.

Mr. TERRY. I appreciate the gentleman's remarks, but it's really not as draconian a measure as it may appear from his comments. When a waiver is requested, it's usually by a government entity for a region, usually with Governors, and there still has to be a disruption. If there's a disruption to the point where a government entity has to request a waiver from the oxygen requirements for the summer fuel for that particular region, that disruption is going to be well known and well documented. It won't take them more than 3 days to do it, unless they're intentionally dragging their feet.

Three days is sufficient. And if they refuse to act on that within that certain period of time, I think it's completely appropriate that they're able to keep the blend with the supply that they would have.

So this is really a simple request, a simple amendment to make sure that price spikes don't occur, that time is of the necessity.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, a waiver request does not have to come from a public entity. It can come from elsewhere as well.

I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

□ 2010

Mr. MARKEY. I thank the gentleman. This is just another example that Congress knows best. It is a Republican solution to everything. Let's not let the agency professionals do their jobs on a case-by-case basis. Let's have a one-size-fits-all, 3-day shot clock that we put on a request that could have significant impacts environmentally in areas.

And by the way, if the agency is not ready, they might just reject it on day two because there's not enough information, rather than having an orderly process that makes it possible for the agency to be able to determine in a conversation with perhaps a government entity, but perhaps not, all of the details of what the implications are, what the ramifications of this request would be.

But it's not different than the shot clock that you want to put on the Department of the Interior in 60 days having to approval drilling in sensitive offshore or onshore lands in our country. All of these things are basically part of a Republican agenda to ensure that the hands of the government are actually tied in protecting the health and environment of our country.

What the gentleman from Nebraska is doing, which is part and parcel of a systematic approach to undermine the ability of those agencies that are tasked with the job of protecting the

health, of protecting the environment, of protecting the safety of individual citizens, is to have handcuffs put on them so they cannot discharge their responsibility.

I urge in the strongest possible terms a "no" vote on the Terry amendment.

Mr. TERRY. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from Nebraska is recognized for 1 minute.

Mr. TERRY. I would just state that I think the rhetoric far exceeds the facts here. This is a simple amendment just to say when there's a disruption, instead of waiting around, when we know there's a problem, let's take care of the problem, allow the available fuel to be used so there aren't price spikes that hurt people.

And so I ask that my colleagues support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-540.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 9, at the end of title II, add the following new section:

SEC. 207. IMPACT ON GASOLINE PRICES AND JOBS IN THE UNITED STATES.

(a) DETERMINATION OF IMPACT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Energy Information Administration shall make a determination as to whether implementation of this title is projected to lower gasoline prices or create jobs in the United States within 10 years.

(b) SUNSET IF IMPLEMENTATION NOT PROJECTED TO LOWER GASOLINE PRICES OR CREATE JOBS.—Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration, pursuant to subsection (a), determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, while gas prices have subsided over the past few months, Americans are still very concerned about the issue of jobs and high unemployment. In my district and in the African American community in general, joblessness is far higher than the national average with some communities experiencing unemployment rates of up to 60 percent. Yet even with these staggering figures, we are here today debating a bill that will do absolutely nothing to address this critical

issue that the American people are facing. Nada, zip, zero will it do.

Mr. Chairman, the House will only be in session a little over 20 more days before we recess in August; and after that, this House will barely be in session until after the November elections. During this limited time, we should be focusing our attention on legislation that will create jobs and move America forward towards a smarter energy future that is less vulnerable to the whims of the world's oil market.

However, there is nothing in this bill, H.R. 4480, that will do anything to address the issues most important to the American people. Neither jobs nor gas prices are dealt with in this bill.

Mr. Chairman, my amendment, the amendment that I'm offering today, gets right to the heart of the matter and simply states that:

Not later than 90 days after the date of enactment of this Act, the administrator of the Energy Information Administration shall make a determination as to whether implementation of this Act is projected to lower gasoline prices or create jobs within the United States within 10 years.

That's what my amendment says—clearly, simply, concisely.

However, if the administrator of the EIA determines that implementation of this act is not projected to lower prices or create jobs in 10 years, then the most egregious provisions of this bill, sections 205 and 206, which attack existing Clean Air Act protections, will sunset and cease to be in effect.

Mr. Chairman, provisions in this bill, such as title II, the Gasoline Regulations Act, use the backdrop of high unemployment and fluctuating gas prices as a ruse to once again attack the EPA and the Clean Air Act, without doing a single thing to actually reduce the cost that Americans are paying at the pump or to deliver more jobs to the American people.

Mr. Chairman, Congress should not remove long-standing Clean Air Act requirements for EPA to set ambient air quality standards at the level necessary to protect human health.

Nor should the majority attempt to block and delay several EPA air quality and public health provisions under the guise of falsely claiming that these attacks on EPA will actually create jobs or reduce gas prices. Time and time again over the past year and a half, this Congress, under the majority party's leadership, has voted to roll back provisions of the Clean Air Act.

Mr. Chairman, I urge all of my colleagues to vote for the Rush amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, I want to tell a little bit of a story. I

grew up and live in a very small town in the eastern plains of Colorado. There are about 3,000 people who live in this small town. And when I was growing up, there was a mother and her daughter who lived across the street from where I was growing up in a little home. They had an older car. And in this small town, the grocery stores, gosh, can't be more than four blocks away. But when they went to the grocery store, they walked.

As the years went by and the mother got older, they still walked to the grocery store. In the winter, a lot of times they walked. And in the summer, they walked. I remember asking them one time, they have a car, how come they're not driving? It's just four blocks away. And as she got older and it was more difficult to walk, her response was because we can't afford the gas. That's four blocks of driving. It can't use much gasoline. But the fact is, the price of gas mattered to that family. It made the difference of getting groceries, putting food on the table.

We talk about people's ability to afford health care. If you're left with the option of getting to work or buying health care insurance, what are you going to do? What choice are you going to make?

By making sure that we have abundant, affordable energy, we are making sure that families can make ends meet easier, that they can make those choices to go see the doctor when they need to, because high prices of energy certainly impact the ability of families to lift themselves out of poverty to make sure that they're improving their own lives.

□ 2020

Your amendment would stop the look that we're asking to take at what regulations do when it comes to the price of gasoline, when it comes to the price of energy. Nothing in this bill prevents the EPA from developing rules on their current schedule, but it does say we need to understand the impact that they are going to have on the price of gasoline, because I bet those neighbors of mine are very interested in what government is doing to increase the cost of them getting to the grocery store or not, and maybe they could drive when it's cold outside.

Mr. RUSH. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Illinois.

Mr. RUSH. I am so glad you used the story and told the story of your neighbor, because your neighbor is not unlike my neighbors. They're suffering from unemployment; they're suffering from high gas prices. But what confuses me and what's gotten me astounded is the fact that in this bill, your neighbor, her problems, my neighbor's problems, the problems of all the Members of this body, all of our neigh-

bors' problems, our problems aren't addressed.

All I'm asking for is that if the EIA—a fairly knowledgeable agency, an agency that is respected—if they determine after looking at the provisions of this bill and say that this bill will not create one job, this bill doesn't address rising gasoline prices—

Mr. GARDNER. Mr. Chairman, if I could reclaim my time so that I can have the ability to close on my amendment, and I appreciate my colleague's debate on this.

But again, this issue is not about stopping or blocking the EPA from doing it, because they're fully able to develop rules on their current schedule. Nothing prevents them from protecting the public health and the environment as the law requires them to do—nothing. So your amendment, though, when you talk about rules affecting gas prices should be delayed until the report is completed because those rules could increase gas prices; that's all we're trying to do. Allowing a single member of this committee, which your amendment would do, to circumvent the analysis would defeat the purpose of the act.

Gas prices impact, as we know, all parts of our economy, and we need to have multiple experts. But the EIA, of which your amendment deals with, doesn't have the expertise in national competitiveness. They don't have the expertise in job impacts or agriculture or health benefits analysis.

Again, I think we have just got to be at the point where we let the American people know what's happening to the price of gasoline because of these regulations.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-540.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, after line 17, insert the following: "(6) The Strategy under this subsection should seek to ensure that the percentage of onshore Federal oil and gas leases under which production is not occurring is reduced during the next 4-year period.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the bill before us tonight would elevate energy production above all other uses of public lands in, really, contradiction of the principles of multiple use under the Federal Land Management and Policy Act. This would be to the detriment of grazing, hunting, fishing, and other recreation activities. Yet the plan envisioned by the majority's bill does not even require that the Interior Department consider the tens of millions of acres of public lands that oil companies are just sitting on and not using.

Right now, oil companies have roughly 25 million acres of public land onshore on which they are not producing oil. Even worse, oil companies are not even beginning drilling activities on the vast majority of these nonproducing areas. In fact, last month the Interior Department released a new report which found that oil companies have nearly 21 million acres onshore under lease on which they have not even begun conducting exploration activities.

Well over half of the public lands that oil companies have under lease onshore are idle. They are warehousing these leases. They are sitting on these leases. My amendment would require that the Secretary reduce the number of nonproducing leases as part of the plan for energy development on public lands that would be established under the underlying bill.

Before we risk disrupting additional public lands, let's begin by getting the oil and gas industry to use the leases they have. It's simple: No seconds while your plate is still full. It's the height of cynicism that the industry would be squatting on these leases at the same time it is asking us to give them more land that belongs to the Americans.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, we've heard this argument and this debate and this issue before. This is nothing but a recycled version of the old use-it-or-lose-it argument that we've heard so many times, but this time it's disguised as an effort to reduce nonproducing leases.

This amendment is based on a completely unsubstantiated premise, which is that oil companies are sitting on oil and gas leases, therefore rendering them inactive—at least that's how the

claim goes—if they are not diligently drilling for and producing oil.

This is important, Mr. Chairman. Use it or lose it is already the law of the land. Why? Because every lease on Federal land currently includes development language requiring moving forward by the energy companies, and if a company does not produce within those lease terms, then the lease reverts back to the government.

Now, keep in mind, picture this: A company is paying money for a lease and there are certain conditions in this lease for them to produce in a time period. If they don't produce in that time period, it reverts back to the government. Is that not use it or lose it? That's the law of the land as it is a part of the lease sales.

So, just because a lease sale is not actively producing, that doesn't mean that there's not work on that lease sale. Leases can be held for up to 7 or 10 years because studies or permitting or even lawsuits slow that process down.

In addition, it isn't possible to drill every lease at the same time. Think of leases like homebuilding. A homebuilder doesn't start building every home at the same time. You have roofers, you have framers, you have plumbers, you have drywalls, you have electricians all working at different times on different parts of the house. Oil and natural gas is the same way. You have geologists, drillers, production, permitting, and environmental studies. All those things happen in different steps.

So the argument that use it or lose it—which is already in place—is something that we should even be debating here is nonsensical. It ignores the realities of oil and gas, the years of exploring, the drilling and permitting that it takes to bring something to the floor.

Not only has a use-it-or-lose-it argument failed many times when it's been brought to the floor of this House, but in the House Natural Resources Committee on legislation dealing with this, it lost on a bipartisan vote. Frankly, Mr. Chairman, I suspect if there's a vote called on this, it, too, will lose on a bipartisan vote. So to encourage that, I would urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, may I ask the time remaining on this amendment?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. I would be pleased to yield 2½ minutes to the coauthor of this amendment, the ranking member, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman.

I have a suggestion to succinctly tell the whole story about the tens of millions of acres that oil companies are al-

lowing to sit idle. Fox should create a new TV show for the oil companies holding all these idle wells, and it could be called "American Idle," with Exxon and Chevron and BP and all those companies as the contestants. Every week, the oil companies can come and sing their sad tune about needing more taxpayer-owned land to drill even as their lease blocks are left lonely for years at a time and they don't drill at all.

□ 2030

ExxonMobil and BP could sing songs like "Not Taking Care of Business" or "Sitting on a Block in the Bay," where the refrain sung by the oil company executives would, of course, be "wastin' time."

And Simon Cowell could come back to the show he created so we can all watch as he mocks these companies for their subpar drilling performance. And of course, in typical fashion for the oil industry, they'll still demand to be advanced to the next round of leasing, even though they're doing nothing.

And by the way, in this bill, the Republicans actually have a provision that if the President, because Iran attacked us, deployed 10 percent of the Strategic Petroleum Reserve, that we, the American people, would then have to lease 200 million acres, an area the size of Texas to the oil companies to drill because the President deployed the Strategic Petroleum Reserve, even though the oil companies already have an area the size of Kentucky in public lands that they are not drilling on.

So this whole American Idle thing really plays perfectly into the Republican plan because right now the oil companies pay \$1.50 per year per acre not to drill while at the same time bleating that they are being discriminated against, even as the President now has us at the highest rate of oil production in the United States in 18 years, which is a very hard thing for the Republicans to finally come here to the floor and admit.

Vote for the Holt amendment. That is the solution to this problem. Then we'll get America and the oil companies back to work and away from their idle ways, which is hurting the national security of this country.

Mr. HASTINGS of Washington. Could I inquire how much time remains on both sides?

The Acting CHAIR. The gentleman from Washington has 2 minutes. The gentleman from New Jersey has 30 seconds.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, let me just repeat. Right now, the oil companies have 25 million acres of public land onshore on which they are not producing. They have 21 million acres of public land onshore under lease on which they are not even conducting exploration activities.

I rest my case.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, once again, to repeat, the nature of the lease sales that companies enter into is "use it or lose it" because if they don't, within the time period of that lease, utilize that for production, they give it back. That's "use it or lose it." That's the law right now.

But let me respond here in the short time I have about comments that have been made earlier about increased American production. That's true, Mr. Chairman, and I'm glad for that. But the implication of that statement being made by my friends on the other side of the aisle is that it's because of the policies of this administration.

Mr. Chairman, nothing could be further from the truth. It takes a while to get land or offshore up to speed and in production, sometimes many years. But the reason production is increasing in some areas and has been increasing—it's now going down on Federal lands—is because of actions of prior administrations. That is never said. It's because of prior administrations' actions, because the last 2 years of this administration, oil and natural gas, the production on Federal lands, has gone down.

And finally, the main reason why oil production has increased in this country is because it's happening principally in North Dakota and in west Texas, and it's on private land and/or State land. The Federal Government and this administration had absolutely nothing to do with the increase of that production. As a matter of fact, I think there were probably some efforts to try to slow that down.

But, at any rate, I had to make that point, Mr. Chairman. This amendment, again, has been around a few times. I suspect that if a vote is called on it that it will fail on a bipartisan basis again. I urge rejection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-540.

Mr. CONNOLLY of Virginia. Mr. Chairman, on behalf of myself and Mr. LEWIS, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, line 17, strike the closing quotation marks and the following period, and after line 17 insert the following:

"(C) RIGHT TO PETITION PRESERVED.—This paragraph shall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States."

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I rise to offer this amendment on behalf of my colleague, Congressman JOHN LEWIS.

Before I begin, I'd like to invite my colleagues on the other side of the aisle to refer to their pocket Constitutions, specifically page 21. There they'll find the First Amendment, which reads, and I quote:

Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of people peaceably to assemble and to petition the government for a redress of grievances.

I may be mistaken, Mr. Chairman, but when we read the Constitution, read it aloud here on the floor at the start of this Congress, a bipartisan exercise in which I was privileged to participate, I don't recall there being an asterisk at the end of the First Amendment saying, except, of course, if your petition stands in the way of Big Oil. Yet, the language in this bill creates a brand new, \$5,000 protest fee for any American citizen to challenge the granting of a drilling lease, right of way or permit.

I don't know about my colleagues, but that seems like we're abridging the freedom of speech and the right to petition the government for redress of a grievance. Once again, the Republicans in the House are happy to rush by the rights of the public to benefit their big friends in Big Oil. This is a capricious tax, at best, on the peaceable right to protest an act of the government that someone believes might harm the environment.

Not surprisingly, the bill does not apply a similar protest fee on someone who might want to protest the denial of a drilling lease or permit. One wonders why? Could it be that would be a tax on industry?

Mr. Chairman, the Bureau of Land Management objected to this fee in its testimony to the committee on this legislation, citing it as an inappropriate economic barrier to the public to seek judicial review or redress of an agency decision.

I agree with that statement, but I don't think it goes far enough. It

doesn't fully capture the full ramifications of it. It would trample on the First Amendment rights of the public. So much for the other side's commitment to being strict constructionists when it comes to the Constitution.

Mr. Chairman, I urge my colleagues to support this amendment and reject this assault on the Constitution and the First Amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I just want to clarify something. Absolutely nothing in this legislation, or this entire legislation, takes away the right of people to protest or petition for the redress of grievances. That is something that is held sacred, I think by all Americans, certainly all Members of this House.

During the oil and natural gas leasing exploration and development process, there are over a dozen opportunities for citizens to protest, to appeal, to comment, or to even completely halt energy development on public land.

Since the 1990s, however, the use of protests on Federal lands has increased by 700 percent through a considered effort by special interest groups to halt oil and natural gas development on our Federal lands. This explosion of protests has crippled the Bureau of Land Management, or BLM, offices while they are working to handle the wave of new protests.

A formal protest of leasing is a legitimate step in the oil and natural gas leasing process. However, and this is something that I think most people recognize, the abuse of protest to halt that development is something I think needs to be addressed.

□ 2040

So the \$5,000 protest documentation fee in this legislation goes directly then towards helping the BLM process the onslaught of protests that are currently being paid by taxpayer dollars. It does not take away anyone's right to protest, nor does it interfere with the other nearly 15 ways someone can participate in government's decision regarding Federal energy leasing or development.

This provision, as a matter of fact, will ensure that taxpayers' dollars that are going through the normal process are spent protecting the environment and in the planning and the leasing, not tied up in processing paperwork related to endless protests filed by special interests with an agenda, which one has to conclude, of stopping oil and natural gas leasing.

I do want to mention, too, Mr. Chairman, that this amendment was also offered in legislation in the Natural Resources Committee, and it, too, was defeated on a bipartisan basis. I suspect that if this is brought to the floor it will probably be beaten on a bipartisan basis again, so I urge the rejection of this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I would inquire as to how much time remains on this side.

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I would yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, this provision reminds me of something that French author Anatole France once said. He said that the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread.

So, yes, under the bill's petroleum protest poll tax, the rich as well as the poor are charged \$5,000 as a fee to protest an oil company drilling plant that could undermine the environment or the safety or the view of a particular individual, but the law is clearly targeted against the poor.

So if you are one of the super-rich like, say, Mitt Romney, having to pay a \$5,000 fee to protest is nothing. It's less than half of what you offer up when you make a friendly little bet with a friend. If you're the Koch brothers and you want to stop the Cape Wind project from blocking your view out on the ocean, that's a small price to pay to be able to undermine a project that you're not happy with. For everyone else, this is basic economic discrimination. This \$5,000 fee isn't just a toll-booth on the highway of justice. It is a brick wall.

Just by contrast, the United States Supreme Court—the highest court in the land—charges \$300 to appeal a case. For an American citizen who is earning minimum wage, it would take 4 months of working full time and forgoing food and shelter in order to pay this protest fee which the Republicans want to put on the books. So, ordinary people, they're going to have to pay up now if they want to protest, and the environmental justice that has been denied poor people in our country over the last several generations just continues under this. This is what it's all about—environmental justice.

What you're doing is you're imposing a poll tax—an environmental poll tax, a polluter's poll tax, a petroleum poll tax—on ordinary families. It is just wrong, unnecessary, but oh so obvious in what the agenda is. It's not to block the Koch brothers from trying to block Cape Wind but, rather, just ordinary

citizens from having their days in court so they can make their protests in a way that doesn't bankrupt the families.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, I want to point out this poster behind me. I know one can't read all of the details here, but this is the process by which somebody goes through a lease process to try to develop some activity on Federal lands. This is the process that one goes through, which, of course, is pretty long.

Now, I mentioned in my opening remarks that there are 15 different ways there can be a protest made or a voice heard, or whatever, in that whole lease process. At the back of me on this chart, it is denoted by the red dots. You can see all the way along, starting way over to my right, where right at the start there are places you can have input and that continues throughout, all the way to virtually the end.

When you have a process like this—and I will say it—in many cases, some of these red dots are used for frivolous purposes. Well, if they're used for frivolous purposes, there has to be a way, it would seem, to mitigate that in some way so that the government can do its job and do its work under the law as to those who are trying to lease public lands. That's simply what the fee does because the fee goes to the agency that processes this.

That means you can ensure, from my point of view at least, that you'll have a process that's fair and open. Nothing is taken away. There are no red dots taken away whatsoever. We're just simply saying there has to be a means by which we finance this process. I think this is a way to do it, so I would urge the rejection of this amendment. As I mentioned, it has been rejected several times before. It was rejected in committee, and I hope it will be rejected on the House floor.

With that, I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Chair, the bill that the House is considering contains a very troubling provision. It would place a \$5,000 fee on anyone who wants to protest a lease of federal lands.

The language in this legislation is very clear: it refers to this as a "protest fee" and it costs \$5,000. Clearly, a \$5,000 fee places a higher burden on citizens who might seek to delay or prevent oil and gas development.

Mr. Chair, my colleagues are well aware that the first amendment says that Congress shall make no law abridging the freedom to petition the government for a redress of grievances.

This fee violates that most basic freedom and it violates the spirit of the first amendment. My amendment, Number 13, offered by

Mr. CONNOLLY of Virginia as my designee, would fix that.

I am not a lawyer Mr. Chair, but I have experience in non-violent protest. I have experience in petitioning the government over a grievance. And I believe this provision is unconstitutional.

I have seen firsthand the power of the first amendment—The power of protest. My experience has taught me that this is our sacred right as Americans. It is a protection from oppression. It is a protection from tyranny and injustice. On more than one occasion, my friends and I put our lives in its care for what we believe. We must protect that right.

In the past three years there have been members of this body who have protested the policies of the administration. While I disagree with them on many issues, I deeply respect their right to peacefully and non-violently protest. Some of them may be new to protest but I know that every member of the Tea-Party Caucus will support my amendment.

Mr. Chair, the ability to protest was the foundation of our country. Protest has shaped and reshaped our society. Again and again. If the courts review this policy, we should make clear that this provision should not stand. I urge my colleagues to vote yes on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. AMODEI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112-540.

Mr. AMODEI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE —MISCELLANEOUS PROVISIONS
SEC. . . . LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE MINING LAW PROGRAM OR THE SOLID MINERALS LEASING PROGRAM.

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed immediately before the enactment of this Act under the Solid Minerals Program of the Department of the Interior, including—

(1) any such function under—

(A) the laws popularly known as the Mining Law of 1872 (30 U.S.C. 22 note);

(B) the Act of July 31, 1947 (chapter 406; 30 U.S.C. 601 et seq.), popularly known as the Materials Act of 1947;

(C) the Minerals Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.); and

(2) any such function relating to management of mineral development on Federal lands and acquired lands under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the Mining Law Program.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nevada (Mr. AMODEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. AMODEI. Mr. Chairman, the Domestic Energy and Jobs Act, in addition to developing our abundant oil and natural gas reserves, is also important for the purposes of recognizing another part of the energy sector, which are our mineral resources. An often-forgotten component of America's economic engine and comparative advantage over other nations is our mineral and, yes, coal production. Minerals and mine materials are the raw ingredients needed by every sector of our economy.

This amendment is simple. It would prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management and merging it with the Office of Surface Mining Reclamation and Enforcement, the OSM. This amendment is necessary because, currently, the administration continues to proceed with plans to combine these two entities despite the fact that it has met with heavy bipartisan resistance and also resistance from stakeholders, including, yes, even environmental groups.

Last year, Secretary Salazar announced his intent to combine the OSM and a portion of BLM's Solid Minerals program through a secretarial order. It appears to be in vogue these days—executive orders, secretarial orders. The problem missing here is: resort to Congress. Previous administrations have looked at this and have concluded in the record that congressional action is needed to do this. So here we are, trying to forestall yet another secretarial or executive order that flies in the face of congressional authority.

In March of this year, the Department of the Interior indicated a desire to continue to evaluate this. This will result in unnecessary costs to taxpayers as it is duplicative and flies in the face of previous administrations.

More importantly, OSM should not have the responsibility for leasing Federal coal. Under the Surface Mining Control and Reclamation Act, which was passed by this House, States are responsible for the permitting and the regulation of coal mining and abandoned-mine land cleanup. Additionally, the Surface Mining Control and Reclamation Act expressly prohibits the commingling of employees of any Federal agency that promotes the development or use of coal—responsibilities of the Solid Minerals division of the BLM. It is a clear conflict of interest.

Finally, the OSM does not have offices in all Federal Western States, and hard-rock mining does not fall under their jurisdiction, nor does it have any experience in the broad range of mineral commodities regulated by the BLM.

I ask for the Chamber's support of this amendment that would stop the Department of the Interior from merging the operations of the BLM and OSM.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. AMODEI. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think you have a very good amendment, and I support that amendment. I thank the gentleman for bringing it to the floor.

Mr. AMODEI. Mr. Chairman, I reserve the balance of my time.

□ 2050

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, we know that the Republican majority thinks current law governing hard rock mining in this country is about as close to perfect as they can get, and we know that international mining giants like Barrick Gold and Rio Tinto agree with our Republican colleagues. The status quo is really ideal from their perspective. That is because the status quo allows these multinational companies to mine billions of dollars worth of gold, silver, and other minerals on Federal lands without paying a dime in royalties. What's not to like if you're a multinational offshore company coming into our country?

The law allowing this disgraceful windfall was signed by Ulysses S. Grant in 1872, and there it sits immune from change, immune from improvement or update for 140 years. What we did not realize was just how far this majority will go to make sure even the smallest corner of the current setup is never, ever changed.

The administration has announced plans to consider whether merging some of the functions of the Office of Surface Mining and the Bureau of Land Management might lead to efficiencies and save the American taxpayers some money. The jury is still out on that idea, but we must ensure that we can continue to exercise proper oversight of mining activities on public lands and ensure that American taxpayers and States can continue to receive a proper return on these minerals.

A February report to Secretary Salazar recommended that the two agencies stay largely independent of each other. The merger plans have yet to be developed or announced and would likely be

limited to money-saving ideas like combining human resource divisions, employee training programs, and fleet management operations. This streamlining could reportedly save as much as \$5 million annually of taxpayers' money, something that the GSA, perhaps, could take as a lesson as to how they should operate.

At the very least, the administration deserves the time to fully develop and present a plan that can be debated on its merits. But this amendment says "no." This amendment would specifically prohibit the administration from even considering whether aspects of this idea have merit and would save the taxpayers money, which is the goal of the plan that the Department of the Interior is considering.

Not only do our Republican colleagues reject any and all efforts to bring the Federal mining law into the 21st century—I would even take the 20th century, for that matter—but they bristle at the very idea of thinking about ways to better organize the agencies overseeing mining on Federal lands.

We should let the administration do its job. We should also get serious about ending royalty-free mining on public lands. This amendment really misses the point entirely. We need to be more efficient. We have to save the taxpayers money, and we also have to make sure that these multinationals pay more to mine the minerals of the American people.

With that, I reserve the balance of my time.

Mr. AMODEI. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Nevada has 2 minutes remaining.

Mr. AMODEI. I yield 1½ minutes to my colleague from the Buckeye State.

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in support of the Amodei amendment that would ensure that the Secretary of the Interior does not combine the two agencies with competing missions into the same agency.

Late last year, the Secretary of the Interior tried to merge the Office of Surface Mining into the Bureau of Land Management. After spending months of time and valuable taxpayer dollars to look at the issue and holding multiple public meetings, the Secretary of the Interior realized two things: First, he realized that he didn't have the power to merge the two agencies; and secondly, he realized it was simply a bad idea. Now there are reports that the Secretary is looking at taking portions of Bureau of Land Management and moving them under the purview of the Office of Surface Mining.

The two facts that I just mentioned still hold true today. The Secretary doesn't have the power without it first

being authorized by Congress, and the two agencies have competing missions. It simply doesn't make sense to combine the two agencies.

During a markup at Natural Resources earlier this year, I offered an amendment similar to this that stopped the Secretary of the Interior from combining the two agencies, and it passed on a voice vote. I would hope that this amendment passes in a similar fashion.

I am all for streamlining overlapping government functions and cutting wasteful government spending. However, in this case there are no overlapping functions or wasteful spending. For that reason, I urge all of my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Nevada has 30 seconds remaining.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

Mr. AMODEI. Mr. Chairman, I would just say that the goal of the amendment is to keep from picking up the newspaper in the morning and reading about a secretarial or executive order that has combined two agencies that the record is replete with evidence that the executive branch and the Secretary does not have the authority to.

So when we talk about oversight and the proper thing to do in these instances and when we talk about debate it on its merits, as my colleague from the Bay State has indicated, I would love to do that. That requires that Congress act, not the Secretary of the Interior and not the President of the United States.

Thank you, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. AMODEI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. AMODEI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-540.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE—MISCELLANEOUS PROVISIONS

SEC. 1. REQUIREMENT TO OFFER FOR SALE ONLY IN THE UNITED STATES.

The Secretary of the Interior shall require that all oil and gas produced under a lease issued under this Act, the amendments made

by this Act, or any plan, strategy, or program under this Act shall be offered for sale only in the United States.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is quite simple. It prohibits the export of oil and natural gas produced from leases on the public lands of the United States that are going to be authorized under this bill.

America's number one export last year was American fuel—number one. No other product did we export more of last year than the fuel that is produced here in the United States. More than \$100 billion in American-made fuels was sent overseas to China, to Morocco, to Singapore, and other countries.

This infuriates Americans pulling up to the pump and paying more than \$3.50 a gallon to fill up. Not only do oil companies want to continue exporting American fuel, but they're now talking about lifting restrictions on exporting America's crude oil as domestic production continues to increase.

Just this week, the President of the American Petroleum Institute announced that exporting America's crude oil should be a serious consideration. Let me say that again: Big Oil is now stating publicly, in no uncertain terms, that they want to be able to export crude oil produced in the United States.

Earlier, the majority whip said that this bill will make us energy independent. Well, without the Markey amendment, there is no way that an oil company just won't export the fuel and the natural gas, and now the head of the American Petroleum Institute says Big Oil also wants to start exporting America's crude oil, as well.

As American men and women are on the ground in the Middle East fighting and dying to protect oil supply lines coming from the Middle East into the United States, Big Oil wants to export oil produced here in America to China, to other countries around the world. That is truly frightening, and it's wrong, ladies and gentlemen. It is wrong in terms of our relationship with the young men and women who fight for us, who defend us around the world.

□ 2100

Big Oil is beholden to shareholder interests only. They do not care about American national security, and they certainly don't like Americans to enjoy low energy prices, which is what's happening right now with natural gas. They want a bigger cut. They want to create a global natural gas market and

a global price, just like they have for oil. That's the plan.

And the companies are lining up at the Department of Energy right now to get permits to export American natural gas. There are 15 applications seeking to export 28 percent of our current natural gas, American natural gas, natural gas here in the United States all around the world.

And why do they want to do that? Well, they want to do that—even though the Energy Department says it could lead to a 54 percent increase in the price of natural gas for Americans—they want to do it for a very simple reason. The price of natural gas in Japan right now is seven times higher than the price of natural gas here in America. American companies want to sell the natural gas to the Japanese rather than to Americans because they can make seven times as much money. In Europe, it's four times as high. They want to sell the natural gas of America overseas rather than keep the prices low for people to keep their homes heated, to keep our industries growing. The petrochemical industry, the fertilizer industry, the plastics industry, all those industries are dependent upon these fuels.

No, that's good for the oil industry. It's very bad for the American manufacturing sector because low-priced natural gas is what's fueling the increase in manufacturing all across this country.

So I just totally reject the premise of the majority in allowing for the sale of our oil and gas out of our land across the country.

At this point, I am going to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I'm afraid from at least my reading of the amendment that this displays a lack of understanding regarding existing Federal laws and the realities of the oil and natural gas markets because oil produced on Federal lands is already subject to the Export Administration Act. In order to export crude oil, a producer would have to apply for authorization from the President. That's the law right now. Currently, no crude oil produced in the United States is exported, with the exception of a small quantity that goes to a Canadian refinery.

So I just think that what this is, more than anything else, is an effort to make production on Federal lands more challenging and, thus, less valuable. And as a matter of fact, that would hurt the economy and American jobs.

But there is another aspect to it. And again, it's the way the amendment is

reading. What about products that are made from oil? We know there is a vast array of products that are made from oil and natural gas, for that matter.

I think of a product that's made in my State. One of the biggest manufacturers in my home State of Washington is Boeing. There was a big fanfare. And in fact, I think a couple of weeks ago, they had their latest product on display down at Reagan National. It's called the 787 Dreamliner, which, of course, is made of composites, composites made of natural resources, i.e., oil and natural gases and others.

Now the way this amendment is written, because there are no restrictions, that means that Boeing probably could not export 787s. And frankly, their biggest market is the international market.

But let's not just confine it to Boeing. What about other byproducts that we manufacture? One comes to mind because my wife and I were using it to do some home repairs this weekend, WD-40, a petroleum-based product. I understand that that company exports a lot of that product overseas. The way this amendment is written, one could assume that that too would be restricted. What would that, then, do to the job market and our economy if we restrict what is a result of oil and natural gas being exported overseas?

I just want to repeat: There are restrictions for crude oil on Federal lands. That's existing law. This amendment adds nothing to it. But what I am concerned about, I guess, would be the unintended consequences. Let's not get ourselves into a situation where we have to pass a bill before we know what's in it. We've painfully gone through that in this country.

So I don't think this amendment is a good amendment, and I urge my colleagues to reject it.

I am prepared to close, so I will reserve the balance of my time.

Mr. MARKEY. I will, then, yield myself the remainder of the time.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. MARKEY. In summary, Price Waterhouse estimates that U.S. manufacturing companies could employ 1 million more workers if they continued to have low-priced natural gas. Exporting natural gas, exporting crude oil is only going to hurt our domestic economy, except for one industry: the oil industry.

American oil production right now is at its highest level since Bill Clinton. Natural gas production is at its all-time high ever. And what the American petroleum industry is now saying is that we want to start exporting this crude oil, start exporting this natural gas around the planet.

Keep American oil and natural gas here in America. Do not export it to other countries. It should be for Ameri-

cans, and it should be for American companies. Vote "aye" on the Markey amendment.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

First, I will urge people to reject the Markey amendment.

Now I made an observation. And maybe somebody is saying, Boy, you are really stretching it if you are going to byproducts. And I referenced the way the amendment was written. And the amendment is written where it says very specifically, "all oil and gas."

Well, let's see. If a product is made from oil and gas, wouldn't that qualify? So I think this is a very, very serious concern. And once again, it is the unintentional consequences of this amendment. So I urge rejection of the Markey amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. LANDRY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112-540.

Mr. LANDRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE—MISCELLANEOUS PROVISIONS

SEC. ____ 1. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109-432; (43 U.S.C. 1331 note)) is amended by striking "2055" and inserting "2022, and shall not exceed \$750,000,000 for each of fiscal years 2023 through 2055".

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, this amendment is very simple. It seeks to improve the environment by ensuring that those States that allow offshore drilling are allowed to keep more of the revenue generated off of their shores.

In 2007, Congress passed a historic Gulf of Mexico Energy Security Act, or

GOMESA. This historic legislation for the first time allows States to share in the royalties generated from offshore drilling. However, GOMESA only provided 37.5 percent of the revenue to the States and then capped the States at no more than a collective \$500 million per year. Conversely, the Mineral Leasing Act required the Federal Government to give 50 percent of the energy revenue generated on Federal lands to States in which it is generated.

□ 2110

In Louisiana, we wholly support offshore drilling. We are proud to supply 80 percent of our Nation's offshore energy. But why should we not share in the funding generated by this drilling?

My amendment simply moves offshore royalty sharing more in line with the benefit experienced from onshore States by moving the GOMESA cap from \$500 million to \$750 million per year. My amendment does not impact onshore-producing States. If your State is receiving revenue from onshore energy production now, my amendment does nothing to change that. All the amendment does is move Louisiana, Texas, Mississippi, and Alabama a little closer to what those onshore States currently enjoy.

This amendment is nearly identical to the amendment that both myself and the gentleman from Louisiana (Mr. RICHMOND) offered during consideration of H.R. 3408, the PIONEERS Act, of which that amendment passed by bipartisan support of 266-159.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LANDRY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think the gentleman has a good amendment. As he pointed out, it already has passed on a bipartisan basis on the floor, and I think it's worthy to be passed in this instance. I support the amendment.

Mr. LANDRY. I reserve the balance of my time.

Mr. MARKEY. I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, every day will be Mardi Gras down in Louisiana if the gentleman's amendment is adopted. We—that is all the rest of us in the country—are already going to be sending \$150 billion to these four States over the next 60 years. I don't blame the gentleman for coming back to try to get another bite at the apple, or, in this case, another bite at the king cake.

But I would say to the gentleman from Louisiana that his State already won the baby in the king cake when the GOMESA giveaway was enacted back in 2006, and you're already entitled to \$150 billion worth of revenue

coming out of the Federal Government and heading your way. And so I just think it's time for your region to give a little back to the other 46 States in the Union that didn't benefit from that 2006 giveaway to you. We're not begrudging that. What's done is done and you get the \$150 billion. But I just think it's time for us to start thinking about starting to reduce the Federal deficit and starting to spend some of this money that comes in from the revenues from the drilling, and that it helps out the whole country. And so I would just make that case to everyone else.

By the way, if you come from one of those four States, vote for the gentleman from Louisiana's amendment. It's a good amendment for you if you come from one of those four States. But if you come from one of the other 46 States, you've got rocks in your head if you're voting for that amendment because it's just another \$6 billion going from your pockets into the pockets of those four States down there. And it just makes no sense at all after the \$150 billion we gave them just 6 years ago.

I reserve the balance of my time.

Mr. LANDRY. I would only remind the gentleman from Massachusetts that this is, if you are an environmentalist and you want to help protect the environment like I know the gentleman from Massachusetts so desperately wants to do—I have served with him in committee and enjoyed his passion for taking care of the environment—this is an environmental amendment.

The citizens of Louisiana have passed a constitutional amendment that dedicates all of the proceeds from offshore royalty to go to wetlands restoration, coastal restoration, and hurricane protection. This is buying us an insurance policy that the other 46 States, who I know have been so generous to help us when hurricanes ravage our coast, this helps to protect us. And I know that the gentleman from Massachusetts would love to protect the environment in Louisiana.

I yield back the balance of my time.

Mr. MARKEY. I yield myself such time as I may consume.

Again, I'd be willing to have a conversation with the gentleman from Louisiana about what the proper way is of dealing with the funding for the preservation of the wetlands and the other environmentally sensitive areas down in the Gulf of Mexico, but this isn't the way to do it. This is just another permanent entitlement that we're building into the law here unattached to the hearings and the evidence that we need in order to make sure that whatever expenditures are made by the Federal Government are actually going for the intended purpose. And that's not what this discussion is here tonight with a 5-minute amendment that we're debating.

Six billion dollars should come under closer scrutiny than the debate we're having at quarter past 9 at night on the House floor where the only people who are watching the debate really need to get a life, because that's about the level of public scrutiny this is getting right now. I just think the \$6 billion that the gentleman is seeking to request from the public has to be dispensed in a way that actually has a better process.

Again, I oppose the gentleman's amendment. I understand its intention. But for the other 46 States, I just don't think it's a good idea at this time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112-540.

Mr. RIGELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE —MISCELLANEOUS PROVISIONS
SEC. .01. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) upon enactment of this Act, revise the proposed Outer Continental Shelf oil and gas leasing program for the 2012-2017 period to include in such program Lease Sale 220 off the coast of Virginia; and

(2) include the Outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012-2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the Outer Continental Shelf oil and gas leasing program and the domestic energy resources produced therefrom are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section in order to ensure achievement of the following common goals:

(A) Preserving the ability of the Armed Forces of the United States to maintain an optimum state of readiness through their continued use of the Outer Continental Shelf.

(B) Allowing effective exploration, development, and production of our Nation's oil, gas, and renewable energy resources.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. Mr. Chairman, this is a job-creating amendment. It reflects the wisdom and truly the will of the good folks of the Commonwealth of Virginia, and specifically within the great district that I have the privilege of serving and representing, the Second Congressional District of Virginia.

The House of Delegates of the Commonwealth of Virginia have made it clear that they really believe we need to move forward with coastal Virginia energy. The same is true of the Virginia Senate. And just today, we received a letter of strong support from Governor McDonnell, of which I'm very grateful for his support of this amendment. It has tremendous opportunity to put folks to work.

In this very Chamber, Mr. Chairman, I recall vividly our President, President Obama, saying that he was an all-of-the-above President, and I truly think I was one of the first to leap to my feet in full support. We have really failed the American people over the last many decades in moving this country toward energy independence. So I leapt to my feet. I was clapping. Yet I'm unable to reconcile what he's saying with the painful reality—and Virginia, too.

There's a full moratorium on the responsible exploration and harvesting of Virginia's coastal Virginia energy. In my view, Mr. Chairman, this is a full moratorium on job creation, and that means there's a full moratorium on the tax revenues that we need for healthier schools and better roads. So this amendment is directed right at that to break through and create action where, at present, there's a full moratorium.

The way the amendment works is very simple. It requires the Secretary of the Interior to include Virginia in the 5-year oil and leasing plan. My

amendment requires the Secretary of the Interior to conduct Lease Sale 220 within 1 year of enactment.

Again, the word that comes to my mind is "action"—"definitive action." This is what the American people want. This is what the good folks of Virginia's Second Congressional District want. It helps, in part, to move us away from the dependence on countries for our oil, many of which their values are diametrically opposed to ours, and we can do this in an environmentally responsible way.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RIGELL. I will yield to the chairman.

Mr. HASTINGS of Washington. I think the gentleman has a very good lease. And I've been talking about where Virginia has been shortchanged, from my point of view. I think this amendment goes a long way to advance that debate, and, actually, what we all want is the action.

I support the gentleman's amendment.

Mr. RIGELL. I thank the chairman for his support. I urge my colleagues to join us in supporting this bill. These are life-changing jobs. There's tremendous potential, and we can do this in a very environmentally responsible way.

I reserve the balance of my time.

□ 2120

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This amendment would order the Secretary of the Interior to conduct oil and gas leasing offshore in Virginia. In the wake of the Deepwater Horizon disaster, which was a lesson to all of us about the risks inherent in deepwater drilling, the Obama administration wisely canceled the proposed lease sale.

The overwhelming majority of the Virginia lease sale area infringes on critical training areas for the United States Navy. The Department of Defense itself has concluded that over 78 percent of the lease sale area would occur in areas where military operations would be impeded by drilling structures and related activities.

This area is already home to a number of critical military actions, including live ordnance tests, aircraft carrier qualifications, sensitive undersea and surface operations, and shipboard qualification tests. The military's continued activities in this area would torpedo drilling in most of this land.

Of the remaining 22 percent of the lease area, the majority of the unrestricted waters available for leasing would occur in the main shipping channel for Norfolk and the Chesapeake Bay, as well as the main channel used by submarines. So in the end, drilling

could only even conceivably occur in about 10 percent of the area that the majority is talking about off the Virginia coast. When this Congress still has not passed a single legislative reform to improve the safety of offshore drilling, this just doesn't seem like it's worth of risk.

While some States may support offshore drilling, New Jersey and Maryland both oppose it, along with many other States along the Eastern Seaboard. These States' economies depend on the tourism that comes to see pristine, oil-free beaches and fishing that happens in their waters. And we are talking about their waters. As we saw during the BP disaster, drilling off the coast of Virginia could affect Maryland, New Jersey, and many other States up and down the East Coast because of oil spills which do not respect State boundaries.

This Congress has yet to enact a single safety reform following the Deepwater Horizon disaster. The independent, blue ribbon BP Spill Commission recently gave Congress a grade of "D" on its legislative response to the worst environmental disaster offshore in American history, and only refrained from handing out an "F" because, and these are the words of the BP Spill Commission, it did not want "to insult the whole institution."

The gentleman's amendment would place the entire East Coast at risk of a spill in order to open up an area where drilling may only be able to occur in about 10 percent of the area. That doesn't make any sense for our coastal States and their economies. The risks that we run are much higher than the very small benefits that can be derived.

I urge rejection of this amendment, and I yield back the balance of my time.

Mr. RIGELL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARDNER) having assumed the chair, Mr. CRAWFORD, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4480) to provide for the development of a plan to increase

oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. CANTOR) for today on account of attending the funeral of his father-in-law Royl Eron "Roy" Bevil with his wife, Linda Bachus.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 21, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6515. A letter from the Acting Under Secretary, Department of Defense, transmitting Report to Congress on Corrosion Policy and Oversight Budget Materials for FY 2013; to the Committee on Armed Services.

6516. A letter from the Acting Under Secretary, Department of Defense, transmitting a review of the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS) program; to the Committee on Armed Services.

6517. A letter from the Acting Under Secretary, Department of Defense, transmitting

a letter on the approved retirement of Lieutenant General Ronald L. Burgess, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6518. A letter from the Assistant Secretary, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress for 2012; to the Committee on Armed Services.

6519. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contracting with the Canadian Commercial Corporation (DFARS Case 2011-D049) (RIN: 0750-AH42) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6520. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on the Defense Production Act (DPA) Title III fund for Fiscal Year 2011; to the Committee on Financial Services.

6521. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF [ET Docket No.: 10-235] received May 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6522. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-27, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6523. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-06, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6524. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6525. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6526. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Implementation of the Defense Trade Cooperation Treaty between the United States and the United Kingdom (RIN: 1400-AC95) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6527. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2011 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6528. A letter from the Secretary, Department of Agriculture, transmitting the De-

partment's semiannual report from the office of the Inspector General for the period ending March 31, 2012; to the Committee on Oversight and Government Reform.

6529. A letter from the Deputy Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6530. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's annual report for Fiscal Year 2011 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6531. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting six reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6532. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period of October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6533. A letter from the Clerk of Court, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit, *Soppet, et al v. Enhanced Recovery Company, LLC*, No. 11-3819; to the Committee on the Judiciary.

6534. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for in 2013, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

6535. A letter from the Assistant Attorney General, Department of Justice, transmitting Activities of the Review Panel on Prison Rape in Calendar year 2011; to the Committee on the Judiciary.

6536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [Docket No.: USCG-2011-1132] (RIN: 1625-AA09) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Matlacha Bridge Construction, Matlacha Pass, Matlacha, FL [Docket No.: USCG-2011-1115] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Emerald Coast Super Goat Grand Prix; Saint Andrew Bay; Panama City, FL [Docket No.: USCG-2012-0085] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6539. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Safety Zone; 2012 Mavericks Invitational, Half Moon Bay, CA [Docket No.: USCG-2011-1146] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0566; Directorate Identifier 2010-NM-271-AD; Amendment 39-16975; AD 2012-05-03] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Turbofan Engines [Docket No.: FAA-2007-27023; Directorate Identifier 98-ANE-47-AD; Amendment 39-16971; AD 2012-04-15] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Airplanes [Docket No.: FAA-2011-1318; Directorate Identifier 2010-NM-274-AD; Amendment 39-17009; AD 2012-07-01] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model [Docket No.: FAA-2011-1226; Directorate Identifier 2011-NM-006-AD; Amendment 39-17001; AD 2012-06-20] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turbofan Engines [Docket No.: FAA-2010-0821; Directorate Identifier 2010-NE-30-AD; Amendment 39-17004; AD 2012-06-23] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Gliders [Docket No.: FAA-2012-0017; Directorate Identifier 2011-CE-039-AD; Amendment 39-16994; AD 2012-06-13] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes [Docket No.: FAA-2012-0018; Directorate Identifier 2011-CE-042-AD; Amendment 39-16997; AD 2012-06-16] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0294; Directorate Identifier 2011-NM-047-AD; Amendment 39-16992; AD 2012-06-11] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0295; Directorate Identifier 2011-NM-057-AD; Amendment 39-16993; AD 2012-06-12] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DASSAULT AVIATION Airplanes [Docket No.: FAA-2011-1164; Directorate Identifier 2011-NM-084-AD; Amendment 39-17002; AD 2012-06-21] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0297; Directorate Identifier 2011-NM-093-AD; Amendment 39-17003; AD 2012-06-22] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1088; Directorate Identifier 2011-NM-099-AD; Amendment 39-16985; AD 2012-06-04] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Goodrich Evacuation Systems Approved Under Technical Standard Order (TSO) TSO-C69b and Installed on Airbus Airplanes [Docket No.: FAA-2011-0223; Directorate Identifier 2010-NM-161-AD; Amendment 39-17006; AD 2012-06-25] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6553. A letter from the Commissioner, Social Security Administration, transmitting the Administration's sixteenth 2012 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

6554. A letter from the General Counsel, Office of Compliance, transmitting the Office's biennial report entitled "Safety and Health in the Congressional Workplace — Report on the 111th Congress Biennial Occupational Safety and Health Inspections"; jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. LATHAM: Committee on Appropriations. H.R. 5972. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-541). Referred to the Committee of the Whole House on the state of the Union.

Mr. KINGSTON: Committee on Appropriations. H.R. 5973. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-542). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. Activities and Summary Report of the Committee on the Budget Third Quarter 112th Congress (Rept. 112-543). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 4264. A bill to help ensure the Fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes (Rept. 112-544). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, and Mr. VAN HOLLEN):

H.R. 5974. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation, and for other purposes; to the Committee on Ways and Means.

By Ms. BONAMICI:

H.R. 5975. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of the Small Business Liaison Pilot Program; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Ms. RICHARDSON, Ms. BASS of California, Ms. HAHN, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mr. HINCHAY, Mr. FILNER, Mr. CARNAHAN, Mr. CONYERS, Ms. FUDGE, Mr. CLARKE of Michigan, Mr. HASTINGS of Florida, Mr. RUSH, Mr. CLAY, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Mr. CICILLINE, Mr. KUCINICH, Ms. JACKSON LEE of Texas, Ms. PINGREE of Maine, Mr. RANGEL, Mr. MCDERMOTT, Mr. ELLISON, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. TOWNS, Mr. CLEAVER, Ms. SEWELL, Ms. CLARKE of New York, Ms. SLAUGHTER, Ms. EDWARDS, Mr. DOYLE, Mr. BACA, Ms. WILSON of Florida, Ms. MCCOLLUM, Mr. BUTTERFIELD, Mr. MICHAUD, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, and Ms. MATSUI):

H.R. 5976. A bill making supplemental appropriations for fiscal year 2012 for the TIGER Discretionary Grant program, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself and Mr. UPTON):

H.R. 5977. A bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that

Act, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DeLAURO (for herself, Ms. CHU, Mr. COHEN, Mr. CONYERS, Ms. DEGETTE, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. HINCHAY, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. LEE of California, Mrs. LOWEY, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. NADLER, Ms. NORTON, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Ms. WATERS, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. ESHOO, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. DEUTCH, Mr. LARSEN of Washington, Mr. SERRANO, and Ms. JACKSON LEE of Texas):

H.R. 5978. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

By Mr. CASSIDY:

H.R. 5979. A bill to amend title XIX of the Social Security Act to reform payment to States under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. PETERSON:

H.R. 5980. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. PETRI (for himself and Mr. ANDREWS):

H.R. 5981. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to provide for a guarantee by the Pension Benefit Guaranty Corporation for qualified preretirement survivor annuities under insolvent or terminated multiemployer pension plans; to the Committee on Education and the Workforce.

By Mr. SHULER:

H.R. 5982. A bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent; to the Committee on Ways and Means.

By Mr. STIVERS:

H.R. 5983. A bill to designate the facility of the United States Postal Service located at 2539 Dartmoor Road in Grove City, Ohio, as the "Master Sergeant Shawn T. Hannon and Veterans Memorial Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. STIVERS:

H.R. 5984. A bill to designate the facility of the United States Postal Service located at 25 South Oak Street in London, Ohio, as the "Lance Corporal Joshua B. McDaniels and Veterans Memorial Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. STIVERS:

H.R. 5985. A bill to designate the facility of the United States Postal Service located at 3700 Riverside Drive in Columbus, Ohio, as the "Master Sergeant Jeffery J. Rieck and

Veterans Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Ms. FUDGE, Ms. MOORE, Ms. NORTON, Ms. LEE of California, Ms. WILSON of Florida, Ms. MCCOLLUM, Ms. RICHARDSON, Mr. TOWNS, Mr. CARNAHAN, Ms. WOOLSEY, Mr. McDERMOTT, and Mr. MCGOVERN):

H. Res. 694. A resolution recognizing the 40th anniversary of title IX, the Federal law that prohibits sex discrimination in education, including high school and college sports and other activities; to the Committee on Education and the Workforce.

By Mr. QUAYLE (for himself and Mr. GOWDY):

H. Res. 695. A resolution expressing the sense of the House of Representatives on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself and Mr. McKEON):

H. Res. 696. A resolution recognizing the 70th anniversary of the Guadalcanal campaign during World War II; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LATHAM:

H.R. 5972.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. KINGSTON:

H.R. 5973.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause

1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. LEVIN:

H.R. 5974.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Ms. BONAMICI:

H.R. 5975.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. WATERS:

H.R. 5976.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1 of the U.S. Constitution and

Article 1, Section 9, clause 7 of the U.S. Constitution.

By Mr. SMITH of Texas:

H.R. 5977.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. DELAURO:

H.R. 5978.

Congress has the power to enact this legislation pursuant to the following:

Fourteenth Amendment, Section 5

By Mr. CASSIDY:

H.R. 5979.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 [the Spending Clause] of the United States Constitution states that "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States."

By Mr. PETERSON:

H.R. 5980.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (Necessary and Proper Clause)

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PETRI:

H.R. 5981.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Mr. SHULER:

H.R. 5982.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1.

By Mr. STIVERS:

H.R. 5983.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. STIVERS:

H.R. 5984.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. STIVERS:

H.R. 5985.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. MORAN.
H.R. 459: Mr. HUNTER and Mr. MCHENRY.
H.R. 687: Mr. TONKO.
H.R. 831: Ms. WILSON of Florida and Mr. ELLISON.
H.R. 904: Mr. GIBSON.
H.R. 930: Mr. HIMES.
H.R. 1044: Ms. SPEER.
H.R. 1054: Ms. ESHOO.
H.R. 1093: Mr. KIND.
H.R. 1192: Ms. BONAMICI.
H.R. 1307: Mr. ROKITA.
H.R. 1322: Ms. PINGREE of Maine.
H.R. 1370: Ms. HERRERA BEUTLER, Mr. KELLY, Mr. NUGENT, and Mr. HASTINGS of Washington.
H.R. 1375: Mr. NEAL, Mr. CLAY, Mr. CARNEY, and Mr. CICILLINE.
H.R. 1381: Ms. BALDWIN.
H.R. 1386: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.
H.R. 1426: Mr. BISHOP of Georgia.
H.R. 1653: Mr. RUNYAN.
H.R. 1681: Ms. EDWARDS and Mr. KUCINICH.
H.R. 1733: Mr. KILDEE.
H.R. 1802: Mr. CLAY.
H.R. 1842: Mr. VAN HOLLEN, Ms. RICHARDSON, Mr. MILLER of North Carolina, and Mr. FALEOMAVAEGA.
H.R. 1867: Mr. TIERNEY, Mr. NADLER, and Mr. CONYERS.
H.R. 1878: Mr. KILDEE.
H.R. 1912: Mr. TOWNS and Mr. CLAY.
H.R. 2141: Mr. FARR.
H.R. 2464: Mr. WELCH.
H.R. 2493: Ms. BASS of California.
H.R. 2794: Ms. ZOE LOFGREN of California, Mr. SIREs, Ms. LEE of California, Mr. KUCINICH, and Ms. NORTON.
H.R. 2885: Mr. HARRIS.
H.R. 2978: Mr. COLE.
H.R. 3044: Mr. HUIZENGA of Michigan and Mr. MANZULLO.
H.R. 3059: Mr. COOPER.
H.R. 3125: Mr. BILBRAY and Mr. MCNERNEY.
H.R. 3187: Ms. HERRERA BEUTLER, Mr. BUTTERFIELD, Mr. HARRIS, and Mr. SULLIVAN.
H.R. 3192: Mr. RICHMOND and Mr. MCNERNEY.
H.R. 3307: Mr. MILLER of North Carolina.

H.R. 3338: Mr. HOLT.
 H.R. 3352: Mr. OLVER and Mr. HINCHEY.
 H.R. 3359: Mr. KEATING, Ms. ROYBAL-ALLARD, and Mr. KILDEE.
 H.R. 3432: Mr. HONDA.
 H.R. 3481: Mr. WALSH of Illinois.
 H.R. 3506: Mr. KING of Iowa.
 H.R. 3619: Mr. FRANK of Massachusetts and Mr. BUTTERFIELD.
 H.R. 3767: Mr. COHEN and Mr. BRALEY of Iowa.
 H.R. 3790: Mr. RYAN of Ohio.
 H.R. 3798: Mr. TONKO.
 H.R. 3816: Mr. HARRIS, Ms. JENKINS, and Mr. HULTGREN.
 H.R. 3993: Mr. POLIS.
 H.R. 4021: Mr. HONDA, Ms. BORDALLO, Ms. LEE of California, and Mr. SABLAN.
 H.R. 4066: Mr. BUCHANAN.
 H.R. 4070: Mr. OWENS.
 H.R. 4112: Mr. DANIEL E. LUNGREN of California.
 H.R. 4134: Mr. WATT.
 H.R. 4160: Mr. BRADY of Texas and Mr. SCALISE.
 H.R. 4164: Mr. CRITZ and Mr. SMITH of New Jersey.
 H.R. 4202: Ms. ZOE LOFGREN of California and Ms. HOCHUL.
 H.R. 4227: Mr. CRITZ, Mr. HINCHEY, and Ms. CHU.
 H.R. 4269: Mr. GRIFFIN of Arkansas and Mr. HURT.
 H.R. 4271: Mr. LOEBSACK.

H.R. 4296: Mr. WEBSTER.
 H.R. 4342: Mr. HULTGREN.
 H.R. 4362: Mr. PIERLUISI.
 H.R. 4367: Mr. YODER, Mr. CAPUANO, Mr. CARNEY, Mr. LATHAM, Mr. DUFFY, Mr. NUGENT, and Mr. GALLEGLY.
 H.R. 4378: Mr. POLIS, Mr. LANGEVIN, Ms. SLAUGHTER, Mr. HASTINGS of Washington, Mr. LEWIS of Georgia, and Mr. DEUTCH.
 H.R. 4406: Mr. KILDEE.
 H.R. 4816: Mr. HASTINGS of Florida.
 H.R. 4965: Mr. CASSIDY, Mr. HUELSKAMP, and Mr. GRIFFIN of Arkansas.
 H.R. 4972: Mr. CROWLEY.
 H.R. 5381: Mr. LANKFORD and Mr. CAMPBELL.
 H.R. 5542: Mr. HOLT and Mr. BISHOP of Georgia.
 H.R. 5646: Mr. LAMBORN.
 H.R. 5707: Mr. TONKO.
 H.R. 5872: Mr. MCCLINTOCK, Mr. WALBERG, and Mr. WESTMORELAND.
 H.R. 5894: Mr. ROSS of Florida and Mr. WESTMORELAND.
 H.R. 5910: Mr. WALSH of Illinois and Mr. BACHUS.
 H.R. 5912: Mr. ROKITA.
 H.R. 5925: Mr. ROONEY, Mr. ROSS of Florida, and Mr. NUGENT.
 H.R. 5943: Mr. TONKO.
 H.R. 5953: Mr. CRAVAACK, Mr. WESTMORELAND, Mr. SCALISE, Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. SCHWEIKERT, Mr. STUTZMAN, Mr. ROE of Ten-

nessee, Mr. FRANKS of Arizona, Mr. FLEMING, Mr. DUNCAN of South Carolina, Mrs. ELLMERS, Mr. HARRIS, Mr. CAMPBELL, Mr. GRIFFIN of Arkansas, and Mr. GINGREY of Georgia.

H.R. 5957: Mrs. BLACK, Mr. GINGREY of Georgia, Mr. CRAVAACK, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. CHABOT, Mr. GARRETT, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. HUELSKAMP, Mr. FLEMING, Mr. DUNCAN of South Carolina, Mr. BROOKS, Mr. BILBRAY, Mr. MARCHANT, and Mr. MULVANEY.

H.R. 5961: Mr. REHBERG.

H.J. Res. 72: Mr. SMITH of Washington.

H. Con. Res. 63: Mr. ELLISON.

H. Con. Res. 110: Mr. BENISHEK.

H. Con. Res. 114: Mr. BENISHEK.

H. Con. Res. 129: Mr. BENISHEK, Mr. UPTON, Mr. TONKO, Mr. DINGELL, and Mr. AMODEI.

H. Res. 25: Ms. HOCHUL.

H. Res. 134: Mr. WILSON of South Carolina.

H. Res. 298: Mr. KILDEE.

H. Res. 351: Mr. JOHNSON of Georgia.

H. Res. 397: Mr. SHULER, Mr. BISHOP of Georgia, Mr. COSTA, and Mr. PETERSON.

H. Res. 613: Mr. COLE.

H. Res. 618: Mr. BOSWELL.

H. Res. 623: Mr. ALTMIRE, Mr. GARDNER, Mr. CANSECO, Mr. ROSS of Florida, Mr. STEARNS, and Mr. RIVERA.

H. Res. 662: Mr. COLE.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. CICILLINE. Mr. Speaker, on the Legislative Day of June 8, 2012, upon request of a leave of absence after 11:00 a.m., a series of votes were held. Had I been present for these roll call votes, I would have cast the following votes: On agreeing to the Broun (GA) amendment (Roll No. 372)—I vote “No”; On agreeing to the Scalise amendment (Roll No. 373)—I vote “No”; On agreeing to the Moran amendment (Roll No. 374)—I vote “Yes”; On agreeing to the Flake amendment (Roll No. 375)—I vote “No”; On motion to recommit with instructions (Roll No. 376)—I vote “Yes”; On passage (Roll No. 377)—I vote “No”; and On motion that the House instruct conferees (Roll No. 378)—I vote “No.”

HONORING DARTMOUTH MIDDLE SCHOOL UPON ITS RECOGNITION AS A SCHOOL TO WATCH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Dartmouth Middle School upon its recognition as a “School to Watch” by the National Forum to Accelerate Middle Grades Reform in 2012.

Located in San Jose, California, Dartmouth Middle School is a public middle school in the Union School District that teaches grades six through eight. It was recently named as one of the top performing middle grade schools in the country and will be recognized by the National Forum to Accelerate Middle Grades Reform at their annual conference in Arlington, Virginia from June 21–23.

In 2012, only 103 schools around the country were named “Schools to Watch” by the National Forum to Accelerate Middle Grades Reform. The Forum is an alliance of more than 60 educators, researchers, and officers of national associations and foundations committed to improving schools for young adolescents across the country. Forum members choose schools that are academically excellent, developmentally responsive, and socially equitable.

Dartmouth Middle School meets and exceeds the criteria for a high-performing middle grade school. It involves students in service activities, celebrates diversity, and actively engages its students in their own learning. It has a Homework Club four days a week where students may drop in to get help from teachers with homework questions. At a time when

schools are cutting back on afterschool activities, Dartmouth still allows students to put on a school play, participate in various sports, and perform in different levels of band.

It is indeed an honor and a privilege to have such a dedicated and nurturing institution in my district that appreciates its students, the community, sports, and the arts. I wish Dartmouth Middle School continued success for many years to come.

A TRIBUTE TO KENNETH FARRELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor and pay tribute to Kenneth Farrell.

Kenneth Farrell was born the only child of James and Ruby Farrell on the island of Trinidad. At the age of five, the Farrell family migrated to Brooklyn, New York. He lives in Brooklyn with his wife, Yvonne. Together they raised three delightful daughters, the couple's A-Team: Arroya, Ashley and Alexandria.

Mr. Farrell completed a Bachelor of Arts Degree at Baruch College, followed by a Juris Doctorate at the James E. Beasley School of Law at Temple University. While in law school, Ken wanted an opportunity to work with the community. As a proud graduate of the New York City public school system, Mr. Farrell was drawn to the school board and was elected to three terms as a Board Member of the NYC Board of Education, serving District 32. Upon graduation, he continued to serve the community by joining the staff of Congressman Major Owens as a special assistant.

Mr. Farrell found another opportunity to serve his community on a larger scale after working with Congressman Owens. He would do so in my office as my legislative assistant in the 10th Congressional District. He worked with hospital administrators, planning boards and managed special projects. His dedication to the community put Mr. Farrell in touch with real people and issues in the community, and allowed him to see first-hand the true state of Brooklyn communities.

Mr. Farrell, in his quest to reach the community on a different level, began a career in mortgage banking. As a federal and state licensed mortgage loan originator, he provides his clients with pure honesty and guides them in making the right choices for them, not the most profitable choices for himself. Finally, he offers his clients a reason to have faith that they can make their home ownership dreams a reality. Kenneth is very passionate about his work and works hard for his clients.

Mr. Farrell continues to serve as a community advocate, by serving as a board member on the board of the Black Veterans for Social Justice.

Mr. Speaker, I would like to recognize Mr. Farrell for his leadership in the community as well as the excellent work he performed in my office. I am honored to have had the chance to work with him as we work to make our communities a better place to live.

RECOGNIZING GORDON HIRABAYASHI, RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Gordon Hirabayashi for posthumously receiving the Presidential Medal of Freedom for his stand against Japanese American internment following the attack on Pearl Harbor. This award is our nation's highest civilian honor and is presented to individuals who have made outstanding contributions to the United States.

Mr. Hirabayashi was a Seattle native and a student at the University of Washington when Pearl Harbor was bombed. Shortly afterwards, Japanese-Americans were ordered to board buses for internment camps. In an act of bravery and civil disobedience, Mr. Hirabayashi, a second-generation Japanese American, refused to board the bus.

Mr. Hirabayashi, with the assistance of the American Civil Liberties Union, filed a lawsuit against the military executive order stating that Japanese Americans were a threat. Unfortunately, Mr. Hirabayashi lost the suit and was sentenced to 90 days in prison for curfew violation.

In 1987, Mr. Hirabayashi's conviction was overturned after it was determined that there was no military reason for the internment of Japanese Americans. After more than four decades, the effort he put into protecting the rights of citizens during times of war has finally been realized.

Mr. Hirabayashi passed away on January 2, 2012, at the age of 93 in Edmonton, Alberta where he served as a sociology professor from 1959 until his retirement in 1983. His family will receive the Presidential Medal of Freedom in his honor.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Gordon Hirabayashi for his tireless commitment to justice.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING BRANDON ELIZARES

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. REYES. Mr. Speaker, I rise today with a heavy heart as I take time to remember Brandon Elizares, a young man who left us two and a half weeks ago. He will always be remembered for his smile, his personality, and his desire to serve as an inspiration to others.

Brandon, like 11.7 million people in this country, was gay, and like so many of his peers, was harassed and bullied until he took his life on June 2nd after being threatened with being buried alive and shot. His last message-echoed his infinite love for his family and his apologies for not being strong enough to continue taking the abuse he had faced for over two years. His final words read, "My name is Brandon Joseph Elizares and I couldn't make it. I love you guys with all of my heart."

High school is an exciting time with an array of new experiences and challenges, but one thing it should not be is an environment where young people must worry about being bullied. Children in high school should be focused on their education. The sad reality is that for many students their primary concerns don't lie in textbooks or exams, but in fear that they will not be accepted by their peers, that they will be physically abused, and, in the case of Brandon and countless others like him, that they may consider taking their own life to escape the pain.

Brandon was a young man who exemplified the best in the El Paso community. He embodied what this nation looks for in all of its young people. He was a best friend, a loving son, an aspiring model and artist, an excellent student, and, to a teenage girl who had contemplated suicide due to encounters with bullying, Brandon was a superhero and an older brother.

Like so many El Pasoans, I feel a personal connection to Brandon, and his death reflects the unfortunate truth that many young people in our community continue to suffer. I stand before you today asking you to help me in ensuring that Brandon's death was not in vain. Please join me in support of the Student Non-Discrimination Act (H.R. 998) and the Safe Schools Improvement Act (H.R. 1648) to protect LGBT students from discrimination and bullying in schools. I also ask you to stand with me in support of the "It Gets Better" campaign, a project whose goal is to prevent suicide among youth by having adults and allies convey the message that these teens' lives will improve.

In our country today the facts are clear:

56 percent of students have personally felt some sort of bullying at school. Between 4th and 8th grade in particular, 90 percent of students report being the victim of bullying.

9 out of 10 LGBT youth reported being verbally harassed at school in the past year because of their sexual orientation.

1 in 4 teachers see nothing wrong with bullying and will only intervene 4 percent of the time.

A victim of bullying is twice as likely to take his or her own life compared to someone who is not a victim.

41 percent of principals say they have programs designed to create a safe environment for LGBT students, but only 1/3 of principals say that LGBT students would feel safe at their school.

Every day thousands of children wake up fearing for their well being as they go to school; if the Student Non-Discrimination Act and the Safe Schools Improvement Act were enacted today, we could provide students a sense of relief and some reassurance that their government is working to improve their lives by increasing awareness about their daily struggles.

This issue, as all of you know, is not limited to one district or state, but has been felt throughout our country from California to New York. As a proud grandfather, I could not imagine what it would be like to have any of my grandchildren be bullied at school. There is no place in our society for bullying or discrimination, whether it's in our schools, communities or in our military. I want to provide hope to our youth and remind them they are not alone and that there are many venues they can turn to for help. I want to send a simple and powerful message: it gets better. If you are a student or a teacher there are resources available and I encourage you to visit www.stopbullying.gov or www.itgetsbetter.org for more information.

To the family of Brandon Elizares, no words can lessen your pain or bring your son back, but I stand with you today in honoring this kind young man. The display of love and affection from those who were close to him, those he helped, and those who have gone through experiences similar to his are a testament to the person he was and to the way you raised him. Brandon's genuine spirit and love will live on in all of those he touched. Today, the House of Representatives and our nation honors Brandon Elizares.

PERSONAL EXPLANATION

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I was ill with food poisoning and missed rollcall vote No. 379 and rollcall vote No. 380 on Monday, June 18, 2012, as well as rollcall vote No. 381 and rollcall vote No. 382 on Tuesday, June 19, 2012.

If I had been present, I would have voted "aye" for each of the following: rollcall vote No. 379 (S. 684), rollcall vote No. 380 (S. 404), rollcall vote No. 381 (On Ordering the Previous Question), and rollcall vote No. 382 (H. Res. 688.)

A TRIBUTE TO ARTHUR
MOLINELLI JR.**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise to pay tribute today to Mr. Arthur Molinelli Jr.

Mr. Molinelli Jr. is the owner and operator of The Modern Meat Market located on 771 New Lots Avenue. The Modern Meat Market was founded by his father after their family moved from Manhattan to Brooklyn in 1914. The market opened at 383 Milford Street on the corner of New Lots Avenue and has been in his family since 1944. Mr. Molinelli emphasizes that education and leadership, community service and entrepreneurship are deeply rooted values in his family.

Mr. Molinelli was in the Army Reserve and also served as a New York City Police Department Detective from 1974 to 1982. He and his wife, Louise, recently celebrated their 40th wedding anniversary. Arthur's brother, Steven, was the Principal of Public School 302. His brother's wife, Rose, is currently the Assistant Principal of Public School 218. Arthur was born and raised in East New York in 1945. He went to St. Rita Catholic School located at Sheppard and Liberty Avenue. Arthur also attended and graduated from Franklin K Lane High School where he was a member of the Varsity Baseball Team. His son Justin started his career as a public school educator at Intermediate School 292 located at Wyona and Pitkin Avenue.

Arthur's entrepreneurship experience spans from the time The Modern Meat Market was opened by his father to when he had officially joined the family business as the owner and operator. The Modern Meat Market services numerous Day Cares and Private Schools in East New York. Presently, he is still the owner and operator of the family business.

Lastly Arthur Molinelli Jr. and The Modern Meat Market are very active in the community. Mr. Molinelli demonstrates his commitment to community service through The Modern Meat Market yearly Turkey Giveaway, in which they distribute over 500 turkeys to the community. Arthur is a member of The New Lots Avenue Merchant Association which is responsible for the Plaza Triangle located at New Lots Avenue train station. In addition to these services The Modern Meat Market donates food and attends the Annual Precinct Community Picnic.

Arthur Molinelli Jr. is truly an outstanding businessman who sets an example for other business and community leaders through his entrepreneurship, education and leadership, and dedication to community service.

Mr. Speaker I urge my college to join me in recognizing the talents, achievements, and community spirit of Arthur Molinelli Jr.

RECOGNIZING WILLIAM FOEGE,
RECIPIENT OF THE PRESIDENTIAL
MEDAL OF FREEDOM**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor William Foege for receiving the Presidential Medal of Freedom for developing a strategy for immunizing people against, and eventually eradicating, small pox. This award is our nation's highest civilian honor and is presented to individuals who have made outstanding contributions to the United States.

Mr. Foege, a graduate of Pacific Lutheran University and the University of Washington School of Medicine, was instrumental in developing the plan to eradicate smallpox. While serving as a missionary in Nigeria where we gave vaccines to the locals, Mr. Foege experienced a critical vaccine shortage. In order to be most effective, he started actively seeking out infected people, using photos and rewards to draw people in and immunizing anyone who had come in contact with those suffering from smallpox.

The immunization strategy Mr. Foege developed became known as "surveillance and containment." It is widely credited for the eradication of smallpox, which is often deadly especially in developing countries. For example, while using this technique in India during the 1970s, Mr. Foege and his colleagues found 11,000 cases of smallpox and within a week delivered immunizations to those infected people.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring William Foege for his dedication to effectively delivering immunizations to the world's most at risk populations and for being instrumental in the eradication of smallpox.

TRIBUTE TO CAROLINE WHITSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable educator, civic leader and a dear friend. Dr. Caroline Whitson is retiring on June 30, 2012, after serving as the 17th President of Columbia College for 11 years. Her leadership of this great institution will be sorely missed.

Dr. Whitson is a native of Arkansas, who grew up in Atlanta, Georgia, and returned to her home state to earn a B.A., M.A. and Ph.D. in English from the University of Arkansas. She also earned a diploma in international relations from the London School of Economics.

She began her career as an English professor, and climbed the ranks of academia to become a vice president for advancement, and a provost and vice president for academic affairs.

Since coming to Columbia College, Dr. Whitson has embraced the college's original mission, a dedication to the education of women. She expanded the college's Women Leadership Institute and helped found the Alliance for Women, which is a partnership between Columbia College and the Governor's Commission on Women, to prevent the latter's closure in 2004. Dr. Whitson has also instituted on campus the 4C leadership model that develops in young women Courage, Commitment, Confidence, and Competence. All of these efforts combine to support and grow women leaders in South Carolina.

Her leadership of the college has also resulted in annual fundraising that has doubled during her tenure. The endowment has grown by 40 percent, and she has established the McNair Scholars program and the Reeves Endowed Chair in Leadership Studies.

A college cannot grow without providing the necessary facilities. So under Dr. Whitson's watch, the college has added a new student union, residential cottages, and an athletic complex. She has also led the renovations of the freshman center, the Goodall Art Gallery, Edens Library and the Cottingham Theatre. She has also made environmentally friendly updates to the campus, adding solar panels to reduce the carbon footprint, and revitalizing the landscape.

Dr. Whitson has also expanded academic opportunities on campus by signing agreements for research and for faculty and student exchanges with both the State University of Mongolia and the Hiroshima Jogakuin Women's University in Japan.

Under her guidance, Columbia College has received a number of recognitions for teaching and scholarly excellence from the Theodore Hesburgh Foundation, the Carnegie Foundation, the National Collegiate Honors Council, the Council for the Advancement and Support of Education, the Foundations of Excellence for the first College year, the NAIA Champions of Character, the National Communication Association, and the National Association for the Education of Young Children.

Dr. Whitson has also lent her leadership skills to the community. She chaired the S.C. Independent Colleges and Universities President's Council and the Richland County Transportation Commission. She has also served as a member of the S.C. Tuition Grants Commission, Mayor Bob Coble's City of Columbia Arts Task Force, the Greater Columbia Chamber of Commerce, and The Nurturing Center board.

Currently, Dr. Whitson chairs the S.C. ETV Endowment Board. She is a member of the Midlands Business Leaders, Eau Claire Development Corporation, and the United Way board. She is also a member of the regional technology council, EngenuitySC, and serves on the President's Circle of the National Council for Research on Women.

Her tremendous work has earned her the honor of a "Woman of Distinction" from the Girls Scouts of the Congaree Area, "Outstanding Advocate for Women in Business" from the Columbia Chamber of Commerce, and the Martha Kime Piper award from the South Carolina Women in Higher Education.

Dr. Whitson is married to Turner Whitson, and the couple has one daughter, Dr. Heather Whitson. They have a son-in-law, Dr. Ben Maynor, and two grandsons, Jacob and Christopher.

Mr. Speaker, I ask you and our colleagues to join me in thanking Dr. Caroline Whitson for her years of service to higher education and to her community. Her work has improved Columbia College and the greater Columbia Metropolitan area. While her public role will be greatly missed, I look forward to her continued good work on behalf of women's education and improving the status of women worldwide.

HONORING CHARLES M. JONES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. DUNCAN of Tennessee. Mr. Speaker: Our Nation recently lost one of its most patri-

otic Americans, Mr. Charles M. "Chuck" Jones, on May 16, 2012. Chuck had been a close friend of mine for many, many years and was one of the finest men I have ever known.

Chuck joined the Navy as a teenager toward the end of World War II and continued his service for 22 years on troop ships and submarines. He served during the Korean Conflict and the 1962 Naval blockade involving the Cuban Missile Crisis, but his service to our Country did not stop here.

Later in his career, Chuck served as the Veterans Service Officer for Knox County, Tennessee, from 1985 to 2012. He was involved in various military organizations over the years and helped spearhead the movement to bring to our area what is now known as the Ben Atchley State Veterans Home, which opened in 2007. In fact, a road near the Veterans Home was renamed in his honor and will be known from hereafter as Chuck Jones Drive.

Along with his exemplary military career and outstanding work in our community, Chuck Jones had a profound impact on my staff and me personally. My Knoxville Office Manager, Jenny Stansberry, worked closely with Chuck on Veterans issues, and I echo her sentiments.

After his passing, she said:

I feel very fortunate to have worked so closely with a man whom I admired tremendously. His accomplishments in serving our Country are only outdone by the character and integrity Chuck displayed every day of his life. I will miss our working relationship, but more than that I will miss our friendship.

Mr. Speaker, I urge my Colleagues and other readers of the RECORD to join me in celebrating the remarkable life of Chuck Jones. He was truly a great American and I feel this Country is certainly a better place because of his life.

A TRIBUTE TO PAUL B. MITCHELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Pastor Paul B. Mitchell, senior Pastor and visionary for Changing Lives Christian Center in the East New York section of Brooklyn, NY.

Pastor Mitchell was born in Kingston, Jamaica and is the sixth of seven sons to his parents Alfred and Myrtle Mitchell. Pastor Mitchell and his family migrated to United States in 1971. He can recall at the very young age of six, his parent's diligence and tireless work effort to provide for him and his brothers. Admiring their work ethic, determination and zeal to make a happy home for the family was the motivation needed to fuel and fulfill the calling on his own life.

Pastor Mitchell served as a successful banker for over fourteen years, working with well-known institutions like JP Morgan Chase, First Card and EAB were fundamental in preparing him to take on the leadership role that he now holds today. On January 1, 2003, Pastor Mitchell was called to serve a new role, as a Pastor.

In addition to his work with his congregation in the East New York section of Brooklyn, Pastor Mitchell is known all over the Tri-State area through radio and TV. Currently, he can be heard on WLIB 1190 AM every Sunday morning and can also be viewed on BCAT Television, Manhattan TV, and on Trinity Broadcasting Network (T.B.N). Pastor Mitchell ends all of his sermons with this phrase, "if you work the word the word will work for you." Truly the "Change Your Life" Broadcast is changing lives through the taught word of God.

Pastor Mitchell ministers directly to the hurts, issues and challenges that people face in a very practical and relevant way. He believes that the human spirit, which houses the purpose for which we've all been created, must be nurtured naturally and spiritually. He believes that everyone is intrinsically designed with a gift that has the power to propel them into their destiny. The goal of the Changing Lives Christian Center is to meet each person at the point of their need and equip him or her for success, by teaching them how to live successful Christ centered lives. Pastor Mitchell is a man of integrity and uprightness. He's a giver of himself. Most importantly he is a man of God that seeks to honor and obey God in all his ways.

Pastor Mitchell is a loving and devoted husband and friend to his wife Yasmin of fifteen years. He is a gentle, loving and encouraging Pastor to his people. He is a dedicated and loving son to both his parents, Myrtle, 77, and Alfred, 88.

Mr. Speaker, I would like to recognize Pastor Paul B. Mitchell for his service as Pastor of the Changing Lives Christian Center in East New York, Brooklyn.

HONORING CAPTAIN FRANCIS GARY POWERS

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Captain Francis Gary Powers, a loyal, devoted citizen of the United States, who was posthumously awarded the Silver Star last week.

A native of Virginia's Ninth Congressional District, Captain Powers grew up in Pound, Virginia. According to the official award citation, from May 1, 1960 to February 10, 1962, Captain Powers served in connection with military operations against an armed enemy of the United States. While assigned to the Joint U.S. Air Force, Central Intelligence Agency (CIA), U-2 Reconnaissance Squadron, Detachment 10-10, Captain Powers was held captive in solitary confinement in the infamous Lubyanka Prison in Moscow after his U-2 aircraft had been shot down by a Soviet surface to air missile.

For almost 107 days, Captain Powers endured interrogations, harassment, and unmentionable hardships on a continuous basis by numerous top Soviet Secret Police interrogating teams. Although greatly weakened physically by the lack of food, denial of sleep

and the mental rigors of constant interrogation, Captain Powers steadfastly refused all attempts to give sensitive defense information or be exploited for propaganda purposes. Captain Powers resisted all Soviet efforts through cajolery, trickery, and threats of death to obtain the information they sought.

Captain Powers was subjected to a trial and was sentenced to an additional 542 days of captivity in Vladimir Prison before finally being released to the United States in 1962. As a result of his unconquerable spirit, exceptional loyalty, and continuous heroic actions, Russian intelligence gained no vital information from him.

For his sustained courage in an exceptionally hostile environment, Captain Powers was publicly recognized by the Director of the CIA and the Senate Armed Services Committee. By his gallantry and devotion to duty in the dedication of his service to his country, Captain Powers has reflected great credit upon himself and the United States Air Force.

It is with great admiration, respect, and appreciation that I stand before you to honor such a courageous American. I know I speak for so many when I say, we're proud of our native son, Captain Francis Gary Powers.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 383 on agreeing to the DeFazio Amendment to H.R. 2578. Had I been present, I would have voted "no."

RECOGNIZING CAMELOT ELEMENTARY FOR BEING NAMED A GREEN RIBBON SCHOOL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Camelot Elementary School, in Auburn, Washington, for being named a Green Ribbon School. This honor, awarded by the U.S. Department of Education, is given to schools participating in activities to promote and encourage a healthy and environmentally sustainable learning environment.

Students and staff at Camelot Elementary have taken a wide variety of steps toward reducing energy consumption. Since 2007, the school has reduced energy usage by 50 percent. They replaced light bulbs, removed personal appliances, and placed reminders on light switches and computers. Teachers and students use green checklists in every classroom to remind each other about ways to decrease energy consumption and waste.

To address the threatened salmon population in Washington State, students raised salmon in classrooms to release into local streams. Students also published a newspaper with information and resources about con-

servation. To decrease the use of plastic bottles, the school organized a fundraiser for reusable water bottles.

In addition to becoming good stewards of the Earth, staff, students, and parents are taking steps to improve health and nutrition. The school raised money from the community to build a community garden on the school grounds and the school follows the United States Department of Agriculture standards to make sure students have balanced meals. Nearly 60 percent of the student body walks or bikes to school. On the weekends, the school and the Parent-Teacher Association send backpacks filled with healthy foods home with disadvantaged students.

Mr. Speaker, it is with great pleasure that I congratulate the students, staff, and parents from Camelot Elementary. The steps they are taking to reduce energy consumption, improve nutrition, and protect our environment and resources will continue to benefit our community for many years to come. I hope many other schools follow Camelot Elementary's example.

A TRIBUTE TO LEROY SAWYER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Mr. Leroy Sawyer, a man who has spent much of his life working for the public good.

Mr. Leroy Sawyer was born to William and Georgina Sawyer. He graduated from Stuyvesant High School with a Science Major, a Math Minor Diploma, and lettering in baseball.

Mr. Sawyer rose quickly as a member of the New York City Police Department. Though not graduating from the Academy he was placed in "plainclothes" and promoted to Detective after his third year on the job. He was only twenty-four years old.

Mr. Sawyer embodies the term ambitious. He has owned three taverns in Brooklyn, and managed five taverns in Manhattan including the "Spotlight Bar" next to the Apollo Theater. He's owned four laundromats, liquor stores, an office supply store, and scores of houses in Brooklyn.

Mr. Sawyer is also very active in the community; he came out of retirement, and presently serves as my community liaison for the 10th Congressional District. He has been a member of the Board of Managers at the North Brooklyn YMCA for over twenty years, serving as chairman for ten of those. In addition, he is a Founding member of the Board of Directors of the Boys and Girls Club of Eufaula, Alabama and a lifetime member of the NAACP.

Mr. Sawyer is married to Rosa Beatrice and together they have two children, Lisa and William, and four grandchildren, Tyra, Tammara, Leasia and Karima.

Mr. Sawyer believes that we all have an opportunity to succeed in life. He believes we should not be afraid to follow our dreams. He certainly followed his own advice and is now

enjoying the sweet fruits of his labor. Mr. Sawyer and his wife currently split their time between homes in Brooklyn, New York and Eufaula, Alabama.

Mr. Speaker, I would like to recognize Leroy Sawyer for his unceasing ambition in life, as well as his commitment and leadership in his community.

HONORING STEVEN ANDREW
MULLINS

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Steven Andrew Mullins, a devoted businessman and member of the Salem and greater Roanoke Valley communities, who passed away Saturday, June 9th at the age of 62.

Born on November 8, 1949, Steven was an athlete, student, and great friend to those around him. Everyone seemed to know Steve or know of him. In 1968, he graduated from Andrew Lewis High School, and then went on to obtain a Business Degree from the University of Georgia in 1973.

His first attempt at running a small business came in 1973 in Salem, VA when he and his father, Harold, opened Steve's Famous Hot Dogs with only \$500 in initial capital. Doing what he loved most, serving his community, Steve's business exploded with success and spread throughout the region to 17 different locations.

Later, Steve helped open Famous Anthony's in 1986. These business ventures helped Steve discover his interest in real estate, and he eventually became known as one of the best commercial realtors in the Roanoke Valley.

Despite all of Steve's business success, his brother Brad found only one accolade in his brother's lock box. It was a printout of the motion Steve made to form Salem City Schools. At the time, the schools were part of Roanoke County schools, so—as a member of the Salem City School Board—Steve made the motion to form Salem's independent school district. Described by many as a man with a passion that is hard to understand, this is just another example of Steve wanting to do well for his community.

My thoughts and prayers go out to Steve's family and loved ones. His love for his family, neighbors, community, and contributions will always be remembered and cherished in Salem and throughout the Roanoke Valley.

IN SUPPORT OF WORLD REFUGEE
DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise in support of World Refugee Day. Across the globe approximately 43.7 million people

have been displaced after being forced to flee their homes due to the threat of persecution, violence and conflict. The majority of these people are forced to live in extreme poverty and endure unspeakable conditions.

This is a day where we can honor the courage and strength of those that have lost everything, through no fault of their own. Many have had to make the terrifying decision of risking their lives, and their family's lives by staying in a conflict stricken area, or leaving their home, families and possessions behind in an attempt to find safer conditions.

The United Nations High Commissioner for Refugees provides lifesaving assistance and protection to 33.7 million of those displaced, but even this is not enough. Women and children in camps experience high levels of rape and assault, and there is rarely enough food to go around. Health conditions in these camps are often extremely poor and disease runs rampant.

Mr. Speaker, the United States has taken in countless numbers of refugees in our history. They have become an essential part of the fabric of our society, but we can still do more. This is why I am a co-sponsor of H.R. 690, a resolution that recognizes America's positive impact on the international refugee community, but calls for important changes to be made to H.R. 2185, the Refugee Protection Act of 2011.

These changes would eliminate the 1-year filing deadline for asylum applications that puts at risk thousands of people each year, create a path to legal citizenship and ensure that victims of persecution are not inadvertently forced back to the countries they fled to begin with.

Mr. Speaker, this is a day to remember that we are the lucky ones. We live in the greatest country in the world where freedom of belief, speech, and press amongst others are God given rights, not privileges. As a member of the Congressional Human Rights Caucus I fully support the efforts of the UNHCR and H.R. 690 to try and make that a reality for all, regardless of nationality.

Today I rise to recognize all those living in poverty stricken refugee camps because it is safer than going home, and all those who dream of returning to the land of their fathers, but are unable to do so. I ask my colleagues to support H.R. 690, and I support the honorable efforts of World Refugee Day.

INTRODUCTION OF A BILL TO
AMEND TITLE IV OF THE EM-
PLOYEE RETIREMENT INCOME
SECURITY ACT OF 1974 TO PRO-
VIDE FOR A GUARANTEE BY THE
PENSION BENEFIT GUARANTY
CORPORATION FOR QUALIFIED
PRERETIREMENT SURVIVOR AN-
NUITIES UNDER INSOLVENT OR
TERMINATED MULTIEMPLOYER
PENSION PLANS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. PETRI. Mr. Speaker, today I am introducing a bill to rectify an inequity regarding

the benefits provided to surviving spouses through the Pension Benefit Guaranty Corporation (PBGC). I am pleased to be joined by Rep. ROB ANDREWS in this effort.

PBGC provides pre-retirement survivor coverage, which provides a benefit to the surviving spouse of a pension participant who dies before retirement. However, in the case of a multiemployer pension plan turned over to PBGC, this benefit is guaranteed only if the plan participant dies before the plan is turned over. For single-employer plans the benefit is guaranteed regardless of when the participant dies.

The PBGC web site acknowledges this discrepancy, stating “. . . For the most part, the PBGC guarantees the same type of benefits for multiemployer pension plans as for benefits in the single-employer program, with the exception that preretirement survivor annuities are forfeitable in multiemployer plans if the participant has not died as of the termination date.”

The debate over how to best provide income security for older Americans will continue for some time. However, in the meantime, it is unconscionable that a widow or widower would be denied the modest benefits provided under the PBGC multiemployer plan simply because his or her spouse did not die before the plan was turned over to the PBGC.

This discrepancy appears inadvertent and deserves to be corrected by Congress. I ask my colleagues for their support of this legislation so we can address this issue quickly.

INTRODUCTION OF A RESOLUTION
TO COMMEMORATE THE 40TH AN-
NIVERSARY OF TITLE IX

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. MALONEY. Mr. Speaker, on the 40th Anniversary of Title IX, I can clearly recall my youth when I and my female classmates didn't participate in sports simply because there weren't any sports for girls to play.

Many believe that Title IX applies only to athletics. While it's true that Title IX has literally changed the playing field for women in sports, this landmark legislation has also created opportunities for women in math, law, science, and other fields where women and girls have historically faced considerable barriers to access and involvement.

Prior to Title IX, sex discrimination was rampant. Many colleges limited the number of women by requiring higher grades and test scores than men, pregnant students were frequently expelled from high schools, and athletic programs for females were virtually nonexistent.

Today, women comprise over half of undergraduate students, roughly half of students in medical and law schools, and girl's participation in high school sports has increased tenfold.

To commemorate this landmark legislation, I am introducing a Resolution to Commemorate the 40th Anniversary of Title IX along with Reps. GWEN MOORE, MARCIA FUDGE, ELEANOR

HOLMES NORTON, BARBARA LEE, FREDERICA WILSON, BETTY MCCOLLUM, LAURA RICHARDSON, EDOLPHUS TOWNS, RUSS CARNAHAN, LYNN WOOLSEY, JIM MCDERMOTT and JIM MCGOVERN. The countless girls and women that have benefited from Title IX are a testament to the importance of gender fairness and the obstacles girls and women still face in overcoming the wage gap, sexual harassment and shattering ceilings in lines of work that still favor men.

It's my great hope that we will use this momentous occasion to affirm the equal treatment of men and women and boys and girls and endeavor to work towards a time when women and girls can achieve true equality in athletics, education, and employment.

HONORING UNITED WAY'S 125TH ANNIVERSARY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Pennsylvania's First District Chapter of United Way, in honor of the nonprofit's Annual Day of Action and 125th anniversary.

In 125 years, United Way has become the world's largest privately supported nonprofit dedicated to combating social welfare issues in cities across the country. The organization now boasts nearly 1,800 community-based United Way chapters in 41 countries, raising more than \$5 billion dollars annually. The nonprofit's efforts have translated into a nationwide campaign to create programs that foster healthy children, families and communities.

United Way and its partners are a leading community impact organization as they increase public awareness of social welfare issues affecting our nation. Dedicated to improving education, income stability and healthy lives, the organization has relentlessly challenged the system to create better opportunities for all. United Way's ability to make connections between individuals and government agencies, have made it easier to address the pressing needs of local communities.

Thousands of individuals across the country will participate in United Way's Annual Day of Action to advance the common good by creating strategies to improve education, income and health. More than 125 years later, United Way still honors its original mission that focuses on utilizing the resources of local communities to make a difference in people's lives.

I ask that you and my other distinguished colleagues join me in honoring the First District Chapter of United Way for their commitment to improving the lives of families and communities of millions of people in Philadelphia and beyond.

RECOGNIZING THE 100TH ANNIVERSARY OF THE GIRL SCOUTS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the 100th Anniversary of the Girl Scouts of the United States of America and the designation of 2012 as the Year of the Girl.

In 1912, Daisy Low began the Girl Scouts Movement with only 18 girls. Low's mission was to give girls the opportunity to develop skills in self-reliance and resourcefulness that will help them as professional women and citizens.

Over the years, more than 50 million girls and women have participated in the Girl Scouts, giving them the tools to lead with courage, confidence and character. Some of the most accomplished women in public service, business, science, education and the arts are alumnae of the Girl Scouts.

Today, Girl Scouts of the USA is developing more programs to help girls become more involved in Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship. Across the country, Girl Scouts dedicate over 70 million hours of service to their communities annually. Girls who achieve their Gold Award, the highest achievement a Girl Scout can earn, take extraordinary steps to solve a problem and make a lasting impact on their community.

Mr. Speaker, it is with great pleasure that I honor the great accomplishment of the Girl Scouts of the USA. I know today's Girl Scouts will be part of the next generation of women leaders in our country.

HONORING DIANE NUNN FOR SERVICE TO CALIFORNIA

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. BASS of California. Mr. Speaker, today I honor a remarkable constituent of California, Diane Nunn, for receiving the First Annual Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change. Ms. Nunn is characterized by her leadership, humility, and her deep driving compassion for the lives of families and children in California.

Ms. Nunn was recognized for this award because of her lifetime commitment to improving the lives of families and children in California as a teacher and through her work at the Administrative Office of the Courts.

Ms. Nunn joined the Administrative Office of the Courts in 1986 as an attorney in private practice with an emphasis on family and criminal law, including domestic violence prevention and intervention. Since 2000, Ms. Nunn has been the Division Director of the Center for Families, Children & the Courts, and the Administrative Office of the Courts. During her time in this office, Ms. Nunn also served as a

juvenile court referee for the Superior Court of Los Angeles and has published influential written material for her field.

Mr. Speaker, I am proud to have such a pioneering and inspirational community leader like Diane Nunn in my home state of California and I congratulate her on the receipt of this award.

RECOGNIZING STAFF SERGEANT MITCHELL CORBIN

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. OLSON. Mr. Speaker, I rise today to recognize Staff Sergeant Mitchell Corbin of the Texas Air National Guard for his immense bravery and heroism. After Houston, Texas resident Marie Decker's car crashed and flipped on its side on Beltway 8, Corbin saved her life by pulling her out of the vehicle moments before it caught on fire. Corbin put his own safety in jeopardy to help a stranger. He is a true hero.

When Decker's vehicle crashed, Corbin, who was traveling with a friend, pulled over to help. After multiple attempts to get Decker out of the car, Corbin used a fire extinguisher that a bystander brought to the scene to break the passenger window. He then pulled Decker to safety moments before the vehicle burst into flames.

Corbin joined the Texas Air National Guard in 2005 and is a technician for the 147th Reconnaissance Wing, located at Ellington Field Joint Reserve Base in Houston. Using his military skills, Corbin provided first aid to Decker and made sure she was safe until paramedics arrived. Decker suffered a concussion and a broken heel in the crash, but her life was saved because of Corbin.

Staff Sergeant Mitchell Corbin exhibited true military bravery on behalf of a stranger. His actions are a tremendous source of pride for our community and our nation. On behalf of the 22nd Congressional District of Texas, I thank him for his incredible valor.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,784,676,619,110.62. We've added \$5,157,799,570,197.54 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1782, the Great Seal of the United States was adopted. This seal represents the freedom that we as Americans so cherish. Let us not relinquish the freedom depicted by our seal by shackling ourselves to the national debt.

A TRIBUTE TO DR. LAWRENCE E. GARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Lawrence E. Gary, Ph.D., LICSW, on the occasion of his retirement as a full professor from Howard University School of Social Work.

Dr. Gary has enjoyed a long and distinguished career as a scholar, researcher, educator, author, administrator, and clinical counselor spanning more than half a century. He is recognized as one of the nation's preeminent scholars on the impact of mental health issues on African American males and African American families. Dr. Gary received his Bachelor of Science degree with high honors from Tuskegee University and earned his Master of Public Administration degree, Master of Social Work degree, and Ph.D. from the University of Michigan. Dr. Gary has received appointments at the School of Social Work at the University of Michigan and Howard University School of Social Work and was the Samuel S. Wurtzel Professor at Virginia Commonwealth University School of Social Work.

Dr. Gary has received funding for research totaling more than \$8 million, authored and published hundreds of scholarly articles and papers, and has presented lectures at more than 50 universities and colleges throughout the United States and in South Africa. He has provided consultation to scores of public and private entities in the areas of mental health and substance abuse.

Dr. Gary is a devout Christian and has been a devoted member of the Saint Paul African Methodist Church in Washington, DC where he has provided exemplary leadership as a servant leader on the Board of Trustees and the Steward Board for several decades. He is a devoted husband to Dr. Robenia Gary and father to three children: Lisa, Andre and Jason.

Dr. Gary received the 2002 Distinguished Alumni Service Award from the Alumni Association at the University of Michigan, the 2001 Distinguished Alumni Award from the School of Social Work at the University of Michigan, the 2001 Scholarly Contribution to Mankind Award from Alpha Phi Alpha Fraternity, inc., as well as awards and distinction from numerous organizations, and is listed in Who's Who in America and Who's Who in the World.

Mr. Speaker, I would like to recognize the outstanding contributions Dr. Lawrence E. Gary has made to the social work profession and to the well-being of citizens of the United States of America.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Dr. Lawrence E. Gary.

A TRIBUTE IN HONOR OF THE LIFE OF NANCY TAKAHASHI HATAMIYA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the tragically abbreviated life of an extraordinary woman, Nancy Takahashi Hatamiya, who passed on May 15, 2012, at the age of 52. She was a woman of integrity, a great professional, a passionate advocate for human rights, a true and loyal friend, an exceptional mother and a devoted wife. She will be missed by everyone who was privileged to know her, and I count myself among those so blessed.

Nancy Hatamiya was born in Rome, Italy, lived in Pakistan as a child, attended elementary and junior high school in Washington, D.C., and graduated from the Jakarta International School before attending Stanford University, where she studied architecture and urban design. She became a Coro Foundation Fellow and it was from Coro that she was assigned to my 1982 campaign for the San Mateo County Board of Supervisors as an aide. After winning the election, Nancy served as my capable Administrative Assistant for four years. She went on to serve as an advisor to President Clinton, Vice President Gore, Defense Secretary William Cohen, and Assemblyman John Vasconcellos. She was a senior advisor at Manatt, Phelps and Phillips, and with her husband Lon, formed the Hatamiya Group, an economic, strategic and communications firm. She proudly served as a member of the Board of Directors of the California Council for the Humanities for nine years and as the Board's Chair. Her accomplishments were many, and her career was a most distinguished one.

The center of Nancy's life was her family. She adored her sons, Jon and George, and reveled in all of their activities. She was their most ardent supporter and biggest booster. She had a team of her own. From bands to baseball, she was there for them. Just days after Nancy died, her son George played in a baseball game at Sacramento City College. He said:

'Something allows us to fight adversity. My Mom loved watching us play. We were her team. She was a role model for so many, especially to my older brother (Jon) and me. She talked about education, music, sports. She wanted the best for us.'

Just a week before she died, Nancy wrote the following words:

I am convinced that it is the white, healing light, healing thoughts, and prayers that are keeping me uplifted. I feel my role is to appreciate every moment in response to the universal support you are giving me. [...] Every visit literally helps save my life and there is nothing more precious than being alive!

Mr. Speaker, I ask the entire House of Representatives to join me in extending our deepest sympathy to Nancy Hatamiya's beloved husband Lon, her sons Jon and George, her sister Tina Takahashi, her brother Joseph Takahashi, and to all those who were part of

her large community of friends. Nancy's life is one of an accomplished, exceptional citizen. Her passion for public service, her abiding devotion to her community, her love of our country and her service to it, have inspired everyone who knew her. She deepened our patriotism, and made us better individuals because of her shining example of a life lived exceedingly well.

HONORING DR. WILLIAM S. KNOWLES, NOBEL PRIZE WINNING PHYSICIAN FROM CHESTERFIELD, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. AKIN. Mr. Speaker, I rise today in honor of the late Dr. William S. Knowles.

Dr. Knowles of Chesterfield, MO passed away on June 13 at the age of 95, but not before contributing something of significant value to the world. In the 1960's Dr. Knowles began working as a chemist at Monsanto Co. in St. Louis. After years of research he and his colleagues were able to formulate a process that produces L-Dopa, a molecule that effectively limits the tremors associated with Parkinson's disease. For his successful efforts, in 2001 he was awarded the Nobel Prize in chemistry for having helped open a completely new field of research.

Though he is no longer with us today, Dr. Knowles' legacy lives on. With his discovery, the nearly 500,000 Americans who are afflicted with Parkinson's disease are now able to better treat their symptoms. They and their loved ones are able to live richer, fuller lives than was previously thought possible.

Dr. William Knowles and his research represent the thoughtful innovation that Missouri has to offer the world. His ingenuity and dedication to his field, and the people he has helped, will long be remembered and recognized as an honorable service. It is without question that Dr. Knowles helped make this world a better place. I ask my colleagues to join me in recognition of his contributions.

SGT. WARREN WATTS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TIPTON. Mr. Speaker, I rise today to recognize Sgt. Warren Watts of Pueblo, Colorado. Sgt. Watts was a highly respected and distinguished 18-year veteran of the Pueblo County Sheriff's Department, who tragically passed away last Saturday at the age of 53, after falling ill during his routine morning jog.

One of Pueblo County's finest, Sgt. Watts spent much of his career in patrol and investigations. He was also the commander of the SWAT unit, and served for two years with the Federal Bureau of Investigation's Joint Terrorism Task Force. After years of outstanding service he was appointed to the position of Inspector of Internal Affairs.

Sgt. Watts was recognized for his professionalism and commitment to the people of Pueblo County when he received the Medal of Valor in 2004. Sgt. Warren Watts was a devoted husband to his wife of 32 years, Lori, and father to his daughters, Nicole and Britany.

Mr. Speaker, it is an honor to recognize Sgt. Warren Watts for his great service to the people of Pueblo County. His loss is mourned by many and he will be sadly missed.

TRIBUTE TO COLONEL ROBERT D. PETERSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the accomplishments of Colonel Robert D. Peterson, an outstanding West Virginian who served in our nation's military. Col. Peterson is responsible for overseeing the 300 navigable miles of the Ohio River basin. Col. Peterson employs over 800 staff members to maintain 35 reservoirs, and nine locks and dams. I want to personally congratulate Col. Peterson for his continued success.

Col. Robert D. Peterson is an outstanding soldier, friend, husband and father. He is a 1985 graduate from the prestigious academy of West Point, graduating with a Bachelors of Science and from the U.S. Army War College with a Masters Degree in Strategic Studies. Col. Peterson was awarded the Bronze Star, three Army Commendation Medals, two Army Achievement Medals, the Armed Forces Expeditionary Medal, Master Parachutist Badge, and the Bronze Order of the deFleury Medal.

The awards of Col. Peterson are just a fraction of what he has truly accomplished. Col. Peterson has successfully managed 35 flood projects that prevented over \$11.3 billion in damages while allowing over 30 million visitors to support these regions. In the Huntington District, he has made the most of 3,000 volunteers, doing over \$2 million worth of service. He has also been responsible for 94 tons of commercial traffic with 35,000 lockages valuing at 18.6 billion dollars. He has issued 800 permits for mining, highway construction, flood emergency and more. Of these permits he was responsible for placing the Boy Scout Jamboree within our beautiful state of West Virginia. He has worked and encouraged the support for projects overseas within Afghanistan and Iraq. Col. Peterson's efforts have allowed these regions to thrive.

Col. Peterson's work has greatly enhanced the state of West Virginia and the world around him. Congratulations to Col. Peterson on his numerous accomplishments.

IN RECOGNITION OF THE INTERNATIONAL SERVICES CENTER OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recognize the International Services Center of Cleveland, Ohio, which is observing World Refugee Day on June 20, 2012, with an evening of international food, music, friendship, and celebration of all refugees who call Northeast Ohio "home."

The International Services Center (ISC) was founded in 1916. The ISC settles refugees through the U.S. Committee for Refugees and Immigrants (USCRI), of which it is a partner agency. Thousands of refugees are brought to the United States every year because they cannot return to their home countries and do not enjoy basic rights in the countries where they sought refuge. Hundreds are resettled in Ohio.

The International Services Center helps these refugees integrate quickly into the Greater Cleveland community by providing them with the tools of self-reliance: housing, job placement, employment skills, clothing, medical attention, education, English-language classes, and community orientation. The ISC offers other services as well, including immigration consultation and representation, interpretation and translation, citizenship preparation, acculturation classes, anti-trafficking, and urban agriculture for entrepreneurship.

The International Services Center has helped resettle 106 refugees in the past year alone. Since the office opened in 1916, more than 13,000 refugees from many countries have embarked on a path to reach their full potential and enjoy safety, security, and a second chance in life.

World Refugee Day is dedicated to raising awareness of the situation of refugees domestically and throughout the world. Refugees are a testament to the United States' long, proud history as a sanctuary for those who seek lives free from violence and oppression. World Refugee Day is an opportunity for the entire Cleveland-area community to come together to celebrate the contributions of our friends and neighbors who are immigrants and refugees who bring great diversity to enrich the Northeast Ohio region.

Mr. Speaker and colleagues, please join me in celebrating World Refugee Day and acknowledging the important work of Cleveland's International Services Center.

PERSONAL EXPLANATION

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. ROBY. Mr. Speaker, on Wednesday, May 30, 2012 and part of the day on Thursday, May 31, 2012, I was absent from Washington D.C. due to the funeral of a close friend of the family that I was attending.

If I had been present, I would have voted as the following on May 30, 2012:

Rollcall 294 on motion to suspend the rules and pass, as amended H.R. 5651, the Prescription Drug User Fee Amendment, I would have voted Aye.

Rollcall 295 on motion to suspend the rules and pass, as amended H.R. 4201, the Servicemember Family Protection Act, I would have voted Aye.

Rollcall 296 on motion to suspend the rules and pass, as amended H.R. 915, the Jamie Zapata Border Enforcement Security Task Force Act, I would have voted Aye.

If I had been present, I would have voted as the following on May 31, 2012:

Rollcall 297 on ordering the previous question on H. Res. 667, I would have voted Aye.

Rollcall 298 on agreeing to H. Res. 667, I would have voted Aye.

Rollcall 299 on motion to suspend the rules and pass, as amended H.R. 3541 Prenatal Non-discrimination Act of 2012, I would have voted Aye.

Rollcall 300, on motion to recommit with instructions to H.R. 5743, I would have voted Nay.

Rollcall 301, on passage of H.R. 5743, I would have voted Aye.

RECOGNIZING THE 5TH MARINE REGIMENT

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize the 5th Marine Regiment and Regimental Combat Team 5. The 5th Marine Regiment was activated in 1917 during World War I as the United States made preparations for deployment to France, where the Regiment won the moniker the "Fighting Fifth." The Regiment has served in every major U.S. military engagement since World War I, most recently serving in Iraq and Afghanistan.

The 5th Marine Regiment, deployed to Afghanistan in 2011 as Regimental Combat Team 5, has spent the last seven months in southern Helmand province serving in support of Operation Enduring Freedom. Based out of Camp Dwyer, the Marines of Regimental Combat Team 5 are conducting operations and training Afghan forces in the Marjah, Garmsir, and Nawa districts.

As a nation, we are proud of their courageous service and selfless dedication to defending the ideas that framed our Constitution and continue to sustain our democratic republic. There is no greater debt than that owed by people of this country to those who place their lives on the line for our nation.

Our thoughts and prayers are with Regimental Combat Team 5 as they complete their deployment, and with their families as they eagerly await the safe return of the brave Marines and sailors.

CAPTAIN STANCIL GEORGE
"STAN" JONES

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Captain Stancil George "Stan" Jones who passed away on June 17, 2012. Captain Jones was a Los Angeles Fire Department (LAFD) Captain who spent more than 55½ years serving the citizens and the communities of Los Angeles. He was the longest serving firefighter in the history of the United States.

The last 37 years of his career were at fire stations serving the communities of San Pedro and Wilmington, where he served at Fire Stations 49, 53, 112 and 38. In his honor, there is a monument outside San Pedro's Fire Station 112, where Stan spent many years. The towering column engraved with his picture overlooks the newly named Stancil G. Jones Fire Plaza.

Stan Jones was the second of three children and was born on August 3, 1926 to Sadie and Stancil Jones in Los Angeles. He graduated from Mt. Carmel High School in Los Angeles in 1944. Shortly after graduation, he enlisted in the U.S. Navy. Stan trained as a radar technician and while stationed on Guam Island repaired and refurbished the electronics of many ships. Stan was awarded the World War II Victory Medal, American Area Campaign Medal and the Asiatic-Pacific Area Campaign Medal. Upon his honorable discharge, he returned home and enrolled at Northrop Aeronautical Institute.

He entered the LAFD on November 1, 1948, where he served for 55½ years, a tenure of service unprecedented to this day. He was promoted to Auto-Fireman, Engineer and Fire Captain, attaining 43 years of seniority as a Captain. Stan retired from the LAFD on May 14, 2004.

Stan responded to some of Los Angeles' most historical fires and disasters, including the 1961 Bel-Air Fire, the Sansinena tanker ship explosion and fire, the Mandeville Canyon Fire, and the Northridge earthquake disaster.

Stan was a caring man actively involved in the raising of his children. He provided support and guidance for all his children, right to the last remaining days of his life. He was also quite the runner, winning events in high school track, the Firemen's Olympics and the World Senior Olympics.

I extend my deepest condolences to Stan's wife, Mary; his sons, Dory, Stancil (George) III, William, Gregory, Jeffery, John and Westlie; five daughters, Janine, Mary, Elizabeth, Stacey, and Laura; two step children, Sheila and Rob; and his 40 grandchildren and 11 great-grandchildren.

He will be dearly missed by his family and friends.

TOBYHANNA ARMY DEPOT

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Tobyhanna Army Depot, which will celebrate its 100th anniversary on June 23, 2012.

In the summer of 1912, the Army arrived in Tobyhanna, PA and established a temporary artillery training camp under Major Charles P. Summerall, Commander of the 3rd Field Artillery at Fort Myer, Virginia. Based on the camp's success, Congress authorized the Army to purchase land to create a permanent camp in 1913. Since then, it has been a military testing facility, a prisoner-of-war camp, and, since 1953, an Army facility that repairs communications equipment for all branches of the military.

Today, Tobyhanna Army Depot is the largest full-service electronics maintenance facility within the U.S. Department of Defense. With a regional economic impact of an estimated \$4.4 billion, Tobyhanna is northeastern Pennsylvania's largest employer with more than 5,400 employees. In addition, Tobyhanna Army Depot employs an additional 300 personnel who permanently work at Forward Repair Activities and its presence alone creates 19,300 regional jobs.

Mr. Speaker, for the last 100 years, the Tobyhanna Army Depot has proudly served the citizens of Northeastern Pennsylvania and the United States. Therefore, I commend the Tobyhanna Army Depot and all those personnel who have faithfully served their community and the country.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Kristopher A. Eagle for achieving the rank of Eagle Scout.

For his Eagle Scout project, Kristopher constructed an enclosure to house a monitor lizard for the C.A.R.E Foundation. To fund his project, Kristopher held a car wash, bake sale, and a yard sale, investing a total of 360 hours into the project. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Kristopher has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

ON THE RETIREMENT OF PULASKI
TECHNICAL COLLEGE PRESIDENT,
DR. DAN F. BAKKE

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to offer my congratulations to Pulaski Technical College president, Dr. Dan F. Bakke, on the occasion of his retirement and to recognize his contribution to my home state of Arkansas.

In his twelve years at the helm of the college, Dan focused on improving the quality and accessibility of education at Pulaski Tech.

When he became president in 2000, Pulaski Tech's enrollment was only 4,300 students, and, today, as he leaves, the college has an enrollment of nearly 12,000 students.

Not only did he help triple the size of the college's enrollment, he oversaw its expansion from four locations in Pulaski County to seven locations in Pulaski and Saline Counties.

Through this expansion, Pulaski Tech was able to provide a quality education to thousands who otherwise might not have had the chance to attend college. This is a remarkable accomplishment and one that has had a positive impact on job opportunities across Arkansas.

Additionally, Pulaski Tech is home to the Business and Industry Center, which provides customized training for more than 200 companies in central Arkansas. At this center, students obtain training in cutting-edge industries to become qualified for job opportunities coming online each day.

Pulaski Tech continues to graduate well-prepared and well-educated adults equipped with the skills and knowledge necessary to succeed in today's job market.

Dan leaves behind a legacy of accomplishment, achievement, and success at Pulaski Technical College along with a record of having improved the lives of thousands of students.

I ask my colleagues to join me in congratulating Dan on his retirement and wishing him and his wife, Jane, well on their new journey.

RECOGNIZING KENNY RICHARDS, RECIPIENT OF THE NATIONAL ZAK HOLLIS YOUTH ACHIEVEMENT AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Kenny Richards, the 2012 recipient of the national annual Zak Hollis Youth Achievement Award presented by the National Tourette Syndrome Association. The award honors youth who display a great commitment to helping those with Tourette Syndrome (TS) and who have notable achievements in their daily lives.

Kenny, an eighth-grader from Hudtloff Middle School in Lakewood, WA, was recently

named the Washington and Oregon representative for the National Tourette Syndrome Association Youth Ambassador Training. Kenny, who lives with TS, visits schools and clubs to teach his peers about the neurological disorder. Kenny also serves as an ambassador for TS by meeting with teachers, school administrators, and Members of Congress, including myself, about policies that would best serve young people with TS.

In addition to serving as an ambassador for young people with Tourette Syndrome, Kenny also advocates for all special-needs children. He understands the challenges of growing up with a special need and wants to make sure that all children are accepted and given an opportunity to thrive.

Because he has the firsthand experience of growing up with a younger brother who is on the autism spectrum, Kenny and his mother started a monthly support group for children with TS and autism. About 25 participants attend monthly to have a safe space to discuss their experiences.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Kenny Richards for winning the Zak Hollis Youth Achievement Award. He is a strong advocate for young people with Tourette Syndrome and special-needs, and a role model for all who strive toward the acceptance of all children.

IN HONOR OF MARION SANDLER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. STARK. Mr. Speaker, I rise today to honor the memory of my dear friend, Marion Sandler. A great American, philanthropist, and Democrat; Mrs. Sandler passed away at her home on Friday, June 1, 2012 at the age of 81. She is survived by her devoted husband of 51 years, Herb Sandler, their two children and two grandchildren. Marion's life exemplified the American dream; working hard, breaking down barriers and climbing the corporate ladder to success, earning the distinction as the first and longest serving woman chief executive officer in the United States. Mrs. Sandler and her husband would use their accomplishments to advance philanthropic causes and promote democracy. The Sandlers have made a commitment to the Giving Pledge, a charity where the participants pledge to give away the majority of their wealth to philanthropy.

Marion was born on October 17, 1930 in Biddleford, Maine, to immigrant parents whom ran a hardware store. She graduated from Wellesley College; and pursued her business interest at the Harvard-Radcliffe business administration program before earning an MBA from New York University. In 1955, Marion landed a job with Dominick & Dominick as their first female executive. She would stay on Wall Street for several more years before meeting her husband, Herb Sandler, and heading west, to San Francisco in 1961. I first met the Sandlers in 1963. When they offered to buy my Beacon Savings and Loan in Antioch, CA. Together, Marion and Herb pur-

chased Golden West Savings and Loan. Starting with just two branches and twenty-six employees, the company eventually grew to 11,000 employees and 285 branches. I should have developed a partnership with them when I had the chance.

In the late 1980's the couple began seeking out philanthropic causes to support. Their search was methodical and they were adamant that whatever organization they supported was properly run and managed by people who would keep it that way. When they weren't satisfied with their options, they created their own non-profits. The Sandlers co-founded the American Asthma Foundation, the Center for American Progress, Center for Responsible Lending, ProPublica, and the Sandler Center for Basic Research in Parasitic Disease. They also generously contributed to organizations involved in medical research, the environmental protection, human rights, and civil liberties through the Sandler Foundation.

I invite my colleagues to join me in remembering Marion Sandler who has contributed so much to helping others through her philanthropy. Hers is a story of breaking down barriers and achieving success in a male dominated industry as well as living up to a high standard of excellence. Mrs. Sandler was a wonderful woman with enormous compassion for those in need. She will be missed.

TRIBUTE TO NICHOLAS
KATZENBACH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. HOLT. Mr. Speaker, I rise to draw the attention of this body to the passing of Nicholas Katzenbach in the past month and to recognize the life and career of one of the most noteworthy public servants of our time. Anyone who lived through the 1960's, the civil rights movement, and the Vietnam era in American politics will remember the name of Nicholas Katzenbach. However, because Nick was more interested in promoting liberty and justice than promoting himself and because he worked to help more famous people succeed—John Kennedy, Bobby Kennedy, Lyndon Johnson, Bill Clinton, among others—many people may not know as much as they should about this great American.

U.S. Attorney General, Under Secretary of State, author of and political strategist for the principal legislation on civil rights, international envoy, decorated war hero and prisoner of war, he was directly involved in many of the major developments and events of our government during the Kennedy and Johnson years. Coming out of a distinguished lineage and an upbringing of privilege and accomplishment—Phillips Exeter, Princeton University, Balliol College on a Rhodes Scholarship, Yale Law School and editor of the Yale Law Journal—he became a forceful activist for civil rights and equality of opportunity for all Americans and a determined advocate for an anti-imperialist posture with respect to other countries. Anyone who observed Nick's confrontation with Mississippi Governor Ross Barnett in

1962 to force the enrollment of the first African American James Meredith at Ole Miss or his confrontation with Alabama Governor George Wallace in 1963 to force the enrollment of Vivian Malone and James Hood at the University of Alabama will not forget his commanding stature, his coolness and courage, and above all his obvious commitment to equal justice under law. In those situations Nick Katzenbach embodied by himself our national dignity and the authority of our government even more than the Federal Marshalls or the National Guard flanking him.

Nick Katzenbach moved in the circles of the most powerful, where he became a master of our governmental mechanisms, yet he never forgot the purpose of power—to realize the hopes and aspirations of the people. He applied his impressive intellect to argue the law at the loftiest levels, yet never lowered his respect for the powerless whom the law is to protect. He recognized that the sharecropper or the Vietnamese rice farmer was as entitled to full respect as the banker or magnate. For years with unfailing determination he worked to extricate the United States from the Vietnam War, although unappreciated by the anti-war activists. He gave up his own vacations and holidays to work to defuse one after another domestic or international crisis or to bring prisoners home from foreign counties to the United States in time for Christmas.

Despite his many accomplishments, and despite the real progress he brought to many areas of our society, his sense of duty and devotion to our country's founding democratic ideals were so great that he carried a lifelong disappointment that he and all the powerful, talented people with whom he worked still fell short of providing liberty and justice for all. The lingering harmful effect of race in our system of justice, our schools, and our economy weighed on him to the end. He lamented the crass and inglorious behavior that we see in so many public officials. I am sure Nicholas Katzenbach believed that all public officials, of course, should be as dignified, capable, and dedicated as he. Mr. Speaker, we should wish it were so.

RUSSIA PNTR

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to discuss Russia's accession to the World Trade Organization (WTO) and the case for congressional approval of Permanent Normal Trade Relations (PNTR) with Russia who is set to join the WTO later this summer. As a result of their accession into the WTO Russia will be required to open up its market and comply with the rules and regulations of the WTO. However, the U.S. will not receive any of these benefits until Congress grants Russia Permanent Normal Trade Relations (PNTR). Any delay in granting Russia PNTR will cause U.S. employers, workers, farmers, and ranchers to lose ground to their competitors in other countries.

Establishing PNTR will provide a much-needed boost to the U.S. economy, doubling

exports to Russia in just five years and helping create jobs across every economic sector especially in manufacturing, services, and agriculture. With the world's 9th largest economy, a population of 142 million, and a large and growing middle class, Russia holds outstanding potential for U.S. companies and workers to export more goods and services. My home state of Texas is the top exporter to Russia among U.S. states, with its exports to Russia growing faster than its exports to the rest of the world. Specifically, Texas exported \$1.6 billion worth of goods to Russia in 2011, which directly supported an estimated 4,100 jobs.

With those key stats in mind, I'd like to draw attention to some success stories of Texas companies active in the Russian market. First, Atlas Copco Drilling Solutions, based in Garland, exported more than \$4 million worth of heavy drilling equipment to customers in the Russia energy sector in 2010. Secondly, ExxonMobil Corporation has partnered with Rosneft, Russia's largest oil company, to develop oil resources in the Arctic, the Black Sea and Siberia. ExxonMobil also leads the development of the Sakhalin-1 oil and gas field project in Russia's Far East, where the company has employed its proprietary drilling technology to safely drill to record depths and optimize the project's output. Lastly, Irving based Fluor Corporation has provided engineering, procurement, and construction management for ExxonMobil's Sakhalin-1 operations.

Until Congress passes PNTR with Russia, our foreign competitors—but not the United States—will be able to use WTO mechanisms to enforce Russia's commitments for their companies and workers. PNTR is the only way for Congress to ensure that U.S. companies and workers get equal protection and can lock-in the benefits of Russia's WTO accession agreement. The bottom line is simple: Russian PNTR will lead to more U.S. exports and more American jobs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 21, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine empowering and protecting servicemembers, veterans and their families in the consumer financial marketplace, focusing on a status update.

SD-538

Judiciary

To hold hearings to examine S. 1994, to prohibit deceptive practices in Federal elections.

SD-226

2:15 p.m.

Foreign Relations

Business meeting to consider S. 1039, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation.

S-116, Capitol

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 27

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD-342

Judiciary

To hold hearings to examine certain nominations.

SD-226

Veterans' Affairs

To hold hearings to examine health and benefits legislation.

SR-418

10:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Derek J. Mitchell, of Connecticut, to be Ambassador to the Union of Burma, Department of State.

SD-419

3 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1897, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 2158, to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, S. 2229, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, S. 2267, to reauthorize the Hudson Valley National Heritage Area, S. 2272, to designate a mountain in the State of Alaska as Mount Denali, S. 2273, to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station, S. 2286, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 2316, to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the "Thomas P. O'Neill, Jr. Salt Pond Visitor Center", S. 2324, to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System, S. 2372, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 3300, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and S. 3078, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

SD-366

JUNE 28

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine innovative non-federal programs for financing energy efficient building retrofits.

SD-366

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

HOUSE OF REPRESENTATIVES—Thursday, June 21, 2012

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

June 21, 2012.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

May all the Members have the vision of our Nation where respect and understanding are the marks of civility, and honor and integrity are the marks of one's character.

Give them the grace to see the best in those with whom they find disagreement, and the courage to move together with them toward solutions that best serve our great Nation.

Raise up, O God, women and men from every nation who will lead toward the paths of peace, and whose good judgment will heal the hurt between all peoples.

Bless us this day and every day, and may all that is done within these hallowed halls be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Connecticut (Ms. DELAURO) come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

REPEAL OBAMACARE IN ITS ENTIRETY

(Mr. GARRETT asked and was given permission to address the House for 1 minute.)

Mr. GARRETT. Mr. Speaker, soon we will know if the Supreme Court will defend the Constitution and strike down ObamaCare, or let it stand.

The Founders worried about the growth of government and the yielding of liberty. Ben Franklin warned us about the fragility of limited government when he proclaimed that the Constitutional Convention had produced "a Republic, if you can keep it."

Now it is 225 years later and a moment of truth. We will soon know if our Republic will reaffirm its commitment to the Constitution or succumb to the consolidation of unchecked power and the erosion of our cherished liberties.

Although I hope that ObamaCare will be struck down, the Founders ultimately left the defense of the Constitution to the people. And I know that if the Supreme Court will not rise to the defense of the Constitution, the people will.

To all the patriots throughout the country who have dedicated themselves to the repeal of this law, let me remind you of the words of Thomas Jefferson, who once said:

The ground of liberty is to be gained by inches.

So I pledge to stand alongside all of you in that fight, inch by inch, to defend the Constitution, and repeal the ObamaCare law in its entirety.

EQUAL EMPLOYMENT OPPORTUNITY RESTORATION ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. One year ago yesterday, the Supreme Court voted 5-4 in the case of Walmart v. Dukes to make it harder for workers to challenge discrimination in the workplace. Upending decades of judicial practice and

precedent, the Court erected new unwarranted and challenging barriers for groups of private employees to challenge unemployment discrimination.

As a result, 1.5 million female Walmart employees were denied remedy for discrimination that resulted in smaller paychecks, limited professional advancement, and increased financial pressures for families trying to make ends meet. In fact, all workers throughout the country will find it more difficult to challenge any discrimination in the workplace because of the Court's decision.

Yesterday, I introduced the Equal Employment Opportunity Restoration Act, a thoughtful, careful, and effective legislative response to this flawed Supreme Court decision. It restores the rights of groups of plaintiffs to pursue actions against employment discrimination.

We need to see discrimination in the workplace addressed. We have to protect employees' rights to bring suit together. I urge my colleagues to support this legislation. Help restore the legal rights of ordinary citizens over corporations.

FIX HEALTH CARE THE RIGHT WAY

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, next week the Supreme Court is expected to rule on the constitutionality of President Obama's health care law.

While we don't yet know the outcome, there are things that we do know. We know that no matter what happens, you'll still be able to see your doctor, the emergency room will still treat you if you're in an accident or have a problem, and the pharmacy down the street will fill your prescription.

We know that the American people don't want government bureaucrats making their health care decisions, but they do want us to address real problems like skyrocketing costs of care or the challenges that many people are having of finding a physician.

We all know this law must be repealed. In its place, we must adopt reforms that will lower the cost of care, increase access, and enhance the quality. This must be done in a transparent, bipartisan way.

No matter what the Court determines, our work here has just begun. As representatives of the American

people, we have a responsibility to fix health care in the right way.

BUSINESSES NEED STABILITY

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Mr. Speaker, I come from an energy State, a State that has done hydraulic fracking since the 1940s. It is a State that has beautiful lands, clean air, and clean water.

But energy requires a tremendous amount of capital, and so it needs consistency in its laws and its regulations. In this day and age, that's a problem apparently because Federal regulations continue to change.

It shouldn't be an issue. We're a Nation of laws, not a Nation of leaders. As a Nation of laws, we center around what is consistent and stable so business can invest. When that is destabilized, no one knows what to do, no one knows how to invest, and jobs don't grow.

Let me just give you a few examples. The recess appointments done by this President just a few months ago destabilized the NLRB and CFPB. The Boeing rule that was put down just 2 years ago now by the NLRB telling Boeing where they can and can't build. The immigration laws that are coming out right now begin to destabilize because no one knows when the law is going to be enforced and when it's not going to be enforced, and who gets a waiver and who doesn't. The Defense of Marriage Act that now is not going to be enforced anymore by this administration. The HHS decision that comes down and tells a religious group what they can practice as their doctrine and what they can't practice. And then yesterday, a requirement for executive privilege based on Fast and Furious.

The Missouri Senate has experienced this. *Hosanna Tabor v. EEOC* was a 9–0 Supreme Court ruling, kicking out the Obama administration trying to redefine what is a minister. It is time for stable regulations, stable rules, and the law to come around to Congress again.

EXECUTIVE PRIVILEGE AND FAST AND FURIOUS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the government continues to hide the evidence of the Fast and Furious gun running scheme.

The attorney general says he doesn't know who authorized this reckless and deadly operation, but he still conceals documents to show what occurred. The President claims he was not involved, but minutes before Congress began the process to hold the Attorney General

in contempt, the President—"the leader of the most transparent administration in history"—desperately asserted executive privilege to withhold the documents from Congress.

According to The Washington Times, when the President was a Senator, he said this about the previous administration:

There has been a tendency on the part of the administration to try to hide behind executive privilege every time there is something a little shaky taking place. I think the administration would best be served by coming clean on this. There doesn't seem to be any national security involved.

Mr. Speaker, that was then, and this is now. And this President conveniently does exactly what he criticized others for doing.

So the saga of the Republic continues, and that's just the way it is.

□ 0910

AMERICA'S HIGHWAY AND TRANSIT PROGRAMS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, unless we act now, the highway and transit programs will expire in a few days, endangering our roads, bridges, transit systems; and everyone who uses them will experience a decline in what they view as America.

So I would like to list the reasons we need to move quickly to pass a highway bill that is not simply an extension. One, we must raise America's standing in the world of infrastructure from 24th place to first. Three months ago, the Senate passed a responsible, bipartisan 2-year transportation bill that would save or create 2 million jobs. We have 2.2 million construction and manufacturing workers out of work; \$1,060 is how much we could save each family in transportation costs if we could come to an agreement. H.R. 7 was called by my friend Secretary LaHood "the most partisan transportation bill that (he had) ever seen, the worst transportation bill."

Mr. Speaker, I have more points. I will try to get them in later.

DOMESTIC ENERGY AND JOBS ACT

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4480.

The SPEAKER pro tempore (Mr. ROE of Tennessee). Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 691 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4480.

Will the gentleman from Texas (Mr. POE) kindly take the chair.

□ 0911

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mr. POE of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 20, 2012, a request for a recorded vote on amendment No. 17 printed in House Report 112–540 offered by the gentleman from Virginia (Mr. RIGELL) had been postponed.

AMENDMENT NO. 18 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112–540.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE —MISCELLANEOUS PROVISIONS

SEC. 1. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary of the Interior shall not offer new leases under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, to a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(b) DEFINITIONS.—In this section:

(1) COVERED LEASE.—The term “covered lease” means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term “lessee” includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) NEW LEASE.—The term “new lease” means a lease issued in a lease sale under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chair, much of this bill deals with new giveaways to Big Oil. The issue that I'm raising right now is to deal with a continuing longstanding giveaway.

The Big Five oil companies made a record profit of \$137 billion last year; and in the first quarter of this year, they continued to capitalize on the pain that Americans are feeling at the pump, raking in \$368 million in profits per day.

Oil companies are not paying any royalties to the American people on oil produced in the Gulf of Mexico from leases issued between 1996 and 2000. Zero. No royalties. They're pumping this oil for free without paying the taxpayers a single dime. Now they got this giveaway because of an incentive back in 1995 to companies to drill for oil when oil was selling for less than \$20 a barrel.

In recent years, the amount of free oil these companies have been pumping has gone through the roof as more of these faulty leases have gone into production. In fact, right now, more than 25 percent of all oil produced offshore on Federal lands is produced royalty-free, no payments to the taxpayers for the use of their land. These oil companies are getting a complete windfall on 25 percent of all the oil they produce offshore in the United States. They do not pay the American people one penny for this right, regardless of the fact that now oil is selling at about \$80 a barrel.

The number one entitlement program that should be on the chopping block for Congress shouldn't be Medicare. It shouldn't be Social Security. It shouldn't be health care for children. It should be the free drilling entitlement that oil companies are enjoying on public lands.

According to the Interior Department, American taxpayers stand to lose about \$9.5 billion over the next 10 years from this giveaway alone, this giveaway to Big Oil. The Government Accountability Office projects that all of this free drilling will cost us as much as \$53 billion over the life of these leases. My amendment would recover those revenues because they belong to the American people. These oil giants already receive \$4 billion a year in tax subsidies. They don't need an additional \$1 billion or more per year in free drilling.

The amendment would offer oil companies a choice: they can choose either to continue to produce royalty-free oil in the gulf but not be able to receive new leases, or they can agree to pay their fair share and be able to bid on new leases under this bill. And this amendment would not force companies to give up their leases. It would just simply impose a condition on future leases.

The Congressional Research Service has agreed repeatedly that this amendment would not be an abrogation of contracts or constitute a takings, as some of my colleagues have suggested it might. As CRS has stated:

As a general matter, the United States has broad discretion in setting the qualifications of those with whom it contracts.

These oil companies are the most profitable companies in the history of the world; yet they receive, as I said—and it's worth repeating—\$4 billion a year in taxpayer subsidies. They don't need to be drilling for free on public lands as well.

If my colleagues on the other side of the aisle are serious about paying down the deficit and realistically financing necessary investments in this Nation, then there is no excuse for not supporting this amendment to recover roughly \$1 billion a year that is rightfully owed to the American people.

It's time to end this taxpayer rip-off, this giveaway to Big Oil.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Well, I respect the relationship that I have with my friend and colleague from New Jersey. I appreciate the fact that Mr. HOLT is the ranking member of the Subcommittee on Energy and Mineral Resources. I appreciate the fact that he came to Denver recently for a field hearing that the subcommittee had on hydraulic fracturing.

So I do appreciate the work he does on the subcommittee, but I have to disagree with him on this amendment. And I would urge opposition to this amendment.

It's identical to one that failed on this House floor by a bipartisan vote

earlier this year in February. And I have to remind my friend and colleague that this issue has been repeatedly settled in the Nation's courts of law with the courts determining that rewriting the terms of these leases to include price thresholds, which the Clinton administration apparently forgot to include in the leases, would be a direct violation of contract law.

Specifically, the U.S. Supreme Court found that the Department of the Interior did not have the authority to rewrite these contracts that were issued during the Clinton administration under the 1995 law. And I will also remind the gentleman that the Department of the Interior has lost this issue in the district court, appellate court, and the Supreme Court.

□ 0920

If this amendment passed, the issue would most certainly be challenged once again in court, where the Department would use taxpayer dollars to lose again.

Ultimately, this amendment seeks to force U.S. companies to break a contract negotiated under then-current government law or else be denied the opportunity to do business in the United States. The amendment aims to back companies into a corner and attempts to force them to break a legally binding contract.

Again, this amendment has failed on the House floor before, and I would urge continued opposition and a “no” vote.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from New Jersey has 30 seconds remaining.

Mr. HOLT. I thank the Chair.

Mr. Chair, this amendment breaks no contracts. We are here because the Congress, well over a decade ago when prices were less than \$20 a barrel, decided this giveaway made sense. If it made sense then, it certainly does not make sense now.

Oil companies drill one-quarter of all offshore oil for free. If the other side is serious about addressing the deficit, this is revenue that should be received.

Please support this amendment.

I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I would urge opposition once again to this amendment, as we have done before in the House, and I would urge a “no” vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New Jersey will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112-540.

Mr. WITTMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE —ADVANCING OFFSHORE WIND PRODUCTION

SEC. 1. SHORT TITLE.

This title may be cited at the "Advancing Offshore Wind Production Act".

SEC. 2. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.

(a) DEFINITION OF AN OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term "offshore meteorological site testing and monitoring project" means a project carried out on or in the waters of the Outer Continental Shelf administered by the Department of the Interior to test or monitor weather (including wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

(A) less than 1 acre of surface or seafloor disruption at the location of each meteorological tower or other device; and

(B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by for the project (including hazards to navigation);

(2) is decommissioned not more than 5 years after the date of commencement of the project, including—

(A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and

(B) restoration of the project site to approximately the original condition of the site; and

(3) provides meteorological information obtained by the project to the Secretary of the Interior.

(b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—

(1) IN GENERAL.—The Secretary of the Interior shall by regulation require that any applicant seeking to conduct an offshore meteorological site testing and monitoring project on the outer Continental Shelf (as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)) must obtain a permit and right of way for the project in accordance with this subsection.

(2) PERMIT AND RIGHT OF WAY TIMELINE AND CONDITIONS.—

(A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right of way for an offshore meteorological site testing and monitoring project within 30 days after receiving an application.

(B) PUBLIC COMMENT AND CONSULTATION.—During the period referred to in subparagraph (A), the Secretary shall—

(i) provide an opportunity for submission of comments by the public; and

(ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by issuance of the permit and right of way.

(C) DENIAL OF PERMIT; OPPORTUNITY TO REMEDY DEFICIENCIES.—If the application is

denied, the Secretary shall provide the applicant—

(i) in writing, clear and comprehensive reasons why the application was not approved and detailed information concerning any deficiencies in the application; and

(ii) an opportunity to remedy such deficiencies.

(c) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to an offshore meteorological site testing and monitoring project.

(d) PROTECTION OF INFORMATION.—The information provided to the Secretary of the Interior pursuant to subsection (a)(3) shall be treated by the Secretary as proprietary information and protected against disclosure.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. I yield myself such time as I may consume.

Mr. Chairman, today, the House is taking an independent and important step forward to develop domestic sources of energy, create American jobs, and reduce our reliance on foreign sources of energy. And I'm a strong proponent of an all-of-the-above energy policy.

As a scientist by trade, I understand the need to achieve a balance to foster development of American energy while at the same time protecting the integrity of our environment. We can achieve efficiency and protection, and this bill helps us achieve both goals.

Offshore wind energy is an important component, furthering development of clean, renewable American energy sources. Unfortunately, the process is often unnecessarily slowed for years by bureaucratic hurdles in the permitting process and numerous other delays. The Cape Wind project in Massachusetts only recently received Federal permitting approval, a process 10 years in the making.

The U.S. built the Hoover Dam in 5 years during the height of the Great Depression. Within a decade of President Kennedy's call to put a man on the Moon, the U.S. had won the space race. Americans have proven that we can accomplish great engineering and technical feats in small periods of time. However, today it's frustrating that this administration cannot point to one wind turbine operating offshore in Federal waters. They can, however, point to layer after layer after layer of regulations, bureaucracy, and red tape.

While it is critical that energy development is safe and environmentally friendly, the process must become more efficient. This amendment facilitates the development of an all-of-the-above energy strategy by streamlining the process for the Bureau of Ocean Energy Management to develop offshore wind power.

My amendment will speed the production of wind energy, as it sets a 30-day time line for the Secretary of the Interior to act on permits for all weather testing and monitoring projects in the United States Outer Continental Shelf. This amendment will also streamline the environmental review process for these small wind testing towers.

This amendment also requires coordination with the Department of Defense and other affected agencies so the projects do not disrupt national security or other critical projects. This provision is especially important for the Commonwealth of Virginia, with its active defense community.

This amendment is identical to H.R. 2137, legislation I authored that passed out of the House Natural Resources Committee last July. This effort has been endorsed by the U.S. Chamber of Commerce and the National Ocean Industries Association.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, the amendment creates a brand-new, burdensome permitting scheme that would complicate the process for obtaining a permit to construct a meteorological tower offshore and undermine offshore wind development. Let me say that again. This will actually make it harder to build an offshore wind project, not easier.

This amendment is similar to H.R. 2173, which was reported out of the Natural Resources Committee last year. When moving this bill through committee, the Republican majority was unable to find a single wind industry witness to come to testify on this bill, and that is because the industry that the majority is trying to help with this bill doesn't think that the measure is helpful.

So the wind industry does not support this bill. I'll just make that clear, if you are interested in helping an industry to grow. The bill has not been endorsed by any offshore wind companies or trade groups and those kinds of companies that have popped up all over the country now. None of those companies are endorsing this bill.

I'm going to read a statement that is part of the legislative hearing record on this amendment. It is from Jim Lanard, the president of the Offshore Wind Development Coalition. Here's what he says on behalf of the coalition: Streamlining approvals of towers or buoys to test wind speeds offshore is an important goal. We believe that NEPA will allow this goal to be achieved.

So NEPA clearly is not the enemy here. But in case there is still doubt, he says: Disregarding the bill's NEPA exclusion, we believe—this is, again, Mr.

Lanard speaking for the Offshore Wind Development Coalition—we believe that current practices are adequate for the approval of these towers or buoys.

This bill represents a fundamental misunderstanding of what the offshore wind industry really needs. A company is simply not going to invest millions of dollars engineering and constructing a huge meteorological tower on the Outer Continental Shelf unless they have a guarantee that they'll be able to use that area to build a wind farm.

To be very clear, the industry wants a lease before they invest millions of dollars into a project. To get a lease, we should and we do require consideration of the impacts of development on the environment and the competing uses of these public waters. We should and we do require coordination with the other agencies using the Outer Continental Shelf, like the Navy, the FAA and FCC. This amendment would dismantle that process.

This amendment says sorry, wind industry. You may have sunk millions of dollars into your meteorological tower, but it's time to tear it down. We let you build it without fully considering the impacts. And no wind farm either.

Plain and simple, this bill certainly reduces the likelihood that we will see wind constructed off the shores of our country. The companies affected by this bill were not consulted before creating it.

I have a document here from the Navy commenting on this bill. Essentially, it says the 30-day limit on consultations in the amendment is problematic. The Federal Aviation Administration has expressed similar concerns. The Federal Communications Commission has expressed similar concerns. This bill will make it harder to construct offshore wind projects, and maybe—and I think this is what it's all about—that's the point after all.

I reserve the balance of my time.

□ 0930

Mr. WITTMAN. Mr. Chairman, I yield 1 minute to the chairman of the Subcommittee on Energy and Mineral Resources, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I would like to point out to my colleague, Representative MARKEY, that this administration has not yet seen the completion of a single wind tower off the shore of the United States in over 3 years. Not a single one. This is a sincere and genuine attempt to cut through some of the red tape that's causing this kind of delay. How in the world can you have less red tape being bad for the construction of wind towers? This is truly a good solution. I applaud this legislation.

Representative WITTMAN has offered a bill that embodies the same concept that passed the committee by a bipartisan vote earlier this year. This is a

good bill, a good amendment from that bill, and I would urge its adoption.

Mr. WITTMAN. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, the bottom line is that President Bush's Interior Department sat on offshore wind regulations for 4 years. Do you want to hear that again? President Bush's Interior Department sat on offshore wind regulations for 4 years. Did not promulgate them. President Obama got them done in his first 6 months. The Obama administration passionately believes in new wind. In fact, there's 35,000 new megawatts onshore, and they desperately want it offshore as well, and the process is working.

We agree that during the Bush years, the Cape wind process did not work, but there were no rules that were promulgated. Obama did it. The project is now approved for Cape wind, and it should move forward. There's nothing wrong with the process, and I urge a "no" vote on this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WITTMAN. Mr. Chairman, I would like to remind folks that this bill does accommodate concerns that may be raised by the Department of Defense and other Federal agencies to make sure that all those thoughts and ideas are put into place in considering this permitting process. But it streamlines it. That's a simple, thoughtful process that gets to the point much quicker. So instead of taking 3 years to permit a tower, now it goes to 30 days. It seems to me it's counterintuitive to say that longer is better. In this case, since there are no active mills, windmills offshore, wind turbines offshore, it seems to me that we ought to quicken the process. This clearly does, yet it allows for proper due diligence, proper consideration of all of the different concerns. And this amendment, indeed, facilitates the development of an all-of-the-above energy strategy by streamlining the process with the Bureau of Ocean Energy Management to develop offshore wind power and also to support good-paying American jobs. Let's not forget about that.

I urge my colleagues to accept this amendment and expedite offshore wind energy development, and with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. WESTMORELAND

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112-540.

Mr. WESTMORELAND. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE VIII—SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS

SEC. 801. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) The term ‘(SOC-SC-M)’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(C) The term ‘TDA’ means the total display area (ft²) of the refrigerated case, as defined in Air-Conditioning, Heating, and Refrigeration Institute Standard 1200.”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) Each SOC-SC-M manufactured on or after the date which is 6 months after the date of enactment of the Better Use of Refrigerator Regulations Act shall have a total daily energy consumption (in kilowatt hours per day) of not more than 0.6 x TDA + 1.0.”.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Georgia (Mr. WESTMORELAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, I rise today in support of my bipartisan amendment to H.R. 4480 with my colleague from Iowa (Mr. BRALEY).

Like this legislation, the amendment we offer today would ease expensive and burdensome energy regulations and help save American jobs.

By placing service-over-the-counter refrigerator units—which is a fancy way of saying refrigerated display cases like you see in grocery stores and delis—into their own product classification, we can remove a burdensome regulation that could put this entire industry out of business.

Currently, these deli display cases are in the same classification as commercial reach-in refrigerators, similar

to those you have in your home. This means that they must also meet the energy efficiency standards of those refrigerators. But that doesn't make any sense. These two types of refrigerators are designed for completely different purposes. Your refrigerator at home is only opened so many times. It has a light that comes on only when you open the door. These display cases are well lit. There's a lot of glass, which makes it harder to keep the energy efficiency at the same level as a reach-in refrigerator. And if you don't want to reach in and grab your popsicle and just come up with a stick, we need to put this in a totally different classification.

In my district, it's going to mean the cost of about 1,100 jobs. Across the United States, it's about 8,500 jobs that would be lost if these people are put out of business. As this bill does and as this amendment does, we think that it helps save jobs.

So with that, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the Westmoreland amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Let's just get to the heart of the question of energy efficiency. Back in 1987, I was the author of the Appliance Efficiency Act of 1987, which is the constitution for energy efficiency in the appliance field. Since that time, the efficiency of appliances has increased so dramatically that we have reduced the need for between 100 and 150 new coal-fired plants from ever having to be constructed in the United States. Why is that? Well, electricity that is not consumed results in less need for new coal-fired or any kind of fired electricity, saving the consumers, saving the environment, and just working smarter, not harder. If you can keep the popsicle cool with a more efficient refrigeration process, if you can have the toast pop up with a more efficient toasting process, if you can have every one of the appliances that we use, including the air-conditioning in this room—the air-conditioning in this room is just as good as it was in 1987 but it is 50 percent more efficient in its generating capacity than it was in 1987. That reduces the need to generate new electricity that is needed. That saves money, and it saves on environmental damage as well.

So right now we're about to consider something that deals with deli-style refrigerators. Now, we're having this conversation having had no hearings on this issue in the Energy and Commerce Committee. We've had no testimony from the industry, no testimony from the Department of Energy on what this amendment could mean in terms of its impact. And we've had no evidence of an incapacity to be able to comply

with these rules except for the fact that no one ever wants to necessarily become more efficient if they have to go through the extra effort and have never been required to do so.

□ 0940

The reason that we have these energy efficiency rules is that we're doing it for the betterment of the whole country and moving industries along, making sure that we do not have to produce this additional new electricity.

So, I think that it's better if we save money and save energy at the same time. That's what efficiency is all about. That's what working smarter, not harder is all about. The evidence is clear, since 1987, that we've done it. We've moved every other device along and made it more efficient, so I just don't know the reason why we would need a provision like this.

At this point, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Chairman, sometimes up here we have people that think they know more than the industry. This industry has jobs, it employs people, and they're trying to do the best they can with their technology. But we can't be up here and tell industry what's best for them if we don't know anything about refrigeration or the energy efficiencies that they're trying to do.

These folks are trying to do the right thing. They are trying to do it to the best of their ability, but with these regulations, they're unable to do it right now. All we're asking for is to save 8,500 jobs across this country. And with unemployment in Georgia above the national average, it's 1,100 jobs just in Georgia. So I hope that my colleagues on both sides of the aisle will support this amendment, and let's save 8,500 jobs.

I yield back the balance of my time.

Mr. MARKEY. I yield myself, again, as much time as I may consume.

You know, this is just a continuation of the Republican obsession and opposition—to increased efficiency in our society. Just a couple weeks ago they brought a bill out here on the floor that would roll back the efficiency of light bulbs in the United States, even though the entire industry has already complied with it. They were still trying to roll back the efficiency of light bulbs. Now we have the deli freezer, and we'll move on to product by product that they don't believe it is necessary to improve its efficiency whatsoever. And they just respond one by one almost to an incomprehensible set of demands made by, as yet, nonexistent experts telling us that it's impossible to comply.

So, why don't we have a hearing? Why don't we get the evidence? Why don't we hear what every company in the United States says about deli freezers and then we can act upon it after

we hear the evidence? But acting this way—you know, "congressional expert" is an oxymoron. We're not experts compared to real experts. We're only experts compared to other Congressmen. "Congressional expert" is an oxymoron, like jumbo shrimp or Salt Lake City nightlife. I mean, there is no such thing as a congressional expert. We should not be acting this way on the House floor trying to make ad hoc changes in efficiencies rules. It just doesn't make any sense.

Again, I oppose the way in which this is occurring, and I urge a "no" vote on the Westmoreland amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MS. BASS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 112-540.

Ms. BASS of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, strike "The Committee" and insert the following:

(1) IN GENERAL.—The Committee

Page 8, after line 13, insert the following:

(2) ADDITIONAL ANALYSIS.—The Committee shall conduct an analysis of how to shield American consumers and the United States economy from gasoline price fluctuations and supply disruptions in the oil market by reducing the dependence of the United States on oil.

Page 8, line 15, strike "analysis conducted under this section" and insert "analysis conducted under subsection (a)(1)".

The Acting CHAIR. Pursuant to House Resolution 691, the gentlewoman from California (Ms. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. BASS of California. Mr. Chairman, my Los Angeles district is home to one of the largest urban oilfields in the United States, the Inglewood Oil Field. My constituents suffer from anxiety and stress because of the oil drilling. In 2006, drilling operations were ramped up, and the release of harmful fumes forced nearby residents to evacuate their homes.

In April 2012, the County of Los Angeles conducted a study in which over 70 percent of residents living near the oilfields expressed concerns about exposure to emissions from the oilfield. Meanwhile, my colleagues, unfortunately, on the other side of the aisle continue to push for more domestic drilling and relaxed regulations.

The bill before us today is based on two claims that appear to have become articles of faith. The claims are that

gas prices will fall if we weaken environmental protections and if we open more areas for drilling in the United States. The problem is that there is no empirical evidence supporting these claims. Oil prices are set on a world market, and no amount of domestic drilling in the United States will have a meaningful impact on that price. This isn't spin from some interest groups; this is the conclusion drawn by experts. It has been corroborated by the Associated Press and the Congressional Budget Office.

The AP conducted a thorough study of gasoline prices and U.S. oil production over the last 36 years and found zero correlation between the two. In other words, changes in U.S. oil production had absolutely no effect on gasoline prices, but that doesn't mean there's nothing we can do to help American families burdened by high fuel costs.

CBO recently released a study on energy security. They found that boosting U.S. oil production will not protect Americans from gasoline price spikes. Instead, CBO found that the only way to protect consumers from these spikes is to use less oil. The reason for this is simple: Gasoline prices are linked to the global oil market. That's why Japan, which imports all of its oil it uses, and Canada, which exports more than 75 percent of the oil it produces, experience the very same gasoline spikes we experience.

The best way to save money at the pump is to drive right past it. The Obama administration has been helping consumers do just that. We know that efficiency works to reduce cost. The Energy Information Administration has found that the cost per mile of driving has fallen by more than 25 percent since 1980 due to improvements in the efficiency of our vehicles.

President Obama has already taken action to reduce costs further. The new vehicle efficiency and greenhouse gas standards for model years 2012–2016 will save consumers, on average, over \$3,000 over the life of a vehicle, which is hundreds of dollars per year. The millions of Americans that have bought model year 2012 cars are already enjoying savings at the pump. In fact, the new standards are currently saving consumers 14 cents per gallon.

Furthermore, the energy efficiency sector is a booming job-creating field. In my district, CODA Automotive, an electric car company, recently opened their new headquarters. In a few short months last year they created 300 new jobs, and hundreds more will be created in the coming years. This is the type of job creation and cost savings that we should be focused on.

My amendment simply improves the bill by adding a provision that actually has something to do with gasoline prices. This amendment would require the newly created Interagency Com-

mittee to analyze how to protect American consumers from gasoline price spikes by reducing America's dependence on oil.

I hope my colleagues will join me in recognizing that efficiency works and must be part of the solution. If not, this legislation will continue to ignore the only approach identified by CBO as helpful in protecting consumers from supply disruption and price spikes.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I seek time in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. I have great respect for the gentlelady from California who joined this Congress in the class of 2010 election and served as Speaker of the House in California. It's great to work with you on the House floor, but unfortunately I am going to have to oppose the amendment.

The best way to reduce our dependence on foreign oil is to increase our energy opportunities right here in our own backyard. That's what the Domestic Energy and Jobs Act is all about. The components and pieces, the seven parts of this bill, are designed to reduce red tape to increase opportunity for American energy production—those productions occurring on our Federal lands, including renewable energy; the opportunity to create wind energy, solar energy on our Federal lands, making sure the Department of the Interior is planning for that, taking a look at.

But, again, the best way to reduce our reliance on oil imports is domestic production, the opportunity to increase that production right here in our own backyard. That's what this bill is about.

□ 0950

It's about creating jobs and opportunity for the American people. It's about making sure that we can reduce the price at the pump.

And let me talk just a little bit about reducing the price at the pump. The gentlelady from California mentioned the issue of CAFE standards, increasing efficiency in cars. Well, you know, you're only going to achieve those higher efficiencies through CAFE standards if you're able to afford a new car.

But we know that that is going to make cars more expensive. It's going to cost \$1,000 in the near term. It's going to add \$3,000 by 2025 to the cost of a vehicle. That's going to be higher if you talk to the National Automobile Dealers Association, the NADA.

So if you're not struggling under the burden of higher gas prices, then I guess you can afford a new car. Maybe you can, I don't know. But the fact is,

if we continue to allow energy increases to increase nearly 100 percent, as they have over the past 3 years, the American people, our constituents, will be priced out of the ability to even contemplate the purchase of a new vehicle, continuing their struggle to make ends meet, to heat and cool their home because of the cost of energy prices.

We know that we have opportunities right here in our own back yard: the Keystone XL pipeline, North American energy, energy from the Bakken oil fields of North Dakota. The cause of gasoline price fluctuation is already known.

The gentlelady from California mentioned the CBO study. The CBO study talks about demand as a factor in price, but seems to neglect that there is no supply connection. Supply matters. Supply and demand matters.

Let's take a look at natural gas. Production of natural gas right now, the price is at low levels because we have almost a glut of natural gas. As a result, the price of natural gas is low. Supply matters.

Secretary Chu testified before the Energy and Commerce Committee that supply matters. It's not just a demand equation. You can't just turned around and say as more people consume oil that increases the price of oil without taking a look at the other part of the equation: supply. More supply. Secretary Chu said so.

With that, Mr. Chairman, the best way to reduce our reliance on foreign imports is to create American jobs with American energy.

I reserve the balance of my time.

Ms. BASS of California. I yield back the balance of my time.

Mr. GARDNER. I urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BASS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BASS of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

The Chair understands that amendment No. 22 will not be offered.

AMENDMENT NO. 23 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 112–540.

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk. It is No. 23.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 9, at the end of title II, add the following new section:

SEC. 207. ENSURING FEASIBLE ANALYSES.

(a) DETERMINATION OF FEASIBILITY OF ANALYSES.—Notwithstanding any other provision of this title, if the Secretary of Energy determines that the analyses required under section 203 are infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful, the requirements under section 203(a) shall cease to be effective.

(b) NO REPORT OR DELAY OF FINAL ACTION ON CERTAIN RULES IF ANALYSES ARE INFEASIBLE.—If, pursuant to subsection (a), the requirements under section 203(a) cease to be effective, then the requirements under sections 204 and 205 shall cease to be effective.

The Acting CHAIR. Pursuant to House Resolution 691, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my hope that we can all simply agree to this amendment.

Among this bill's many provisions is one that creates a new interagency committee to do the impossible. It is charged with conducting an analysis of the EPA air quality rules that have not been proposed, using data that does not even exist. I'm concerned that this new interagency committee is being set up to fail.

First, the bill before us requires the new committee to examine the potential impact of several EPA air quality rules on gasoline prices. There's one significant problem. These rules have not yet been proposed.

Now, we can argue about whether they have been initiated, contemplated, discussed, mulled over, considered and so forth. But the fundamental fact is that the rules and their requirements have not even yet been proposed. The committee simply has nothing concrete to analyze.

As a result, any report that this new interagency committee would complete would be the product of a series of best guesses, estimates, approximations, and assumptions that cannot possibly provide credible assessment of a potential impact of these potential rules on gasoline prices.

Moreover, it may not even be possible for the interagency committee to complete this analysis, as insufficient as it will be, without a significant investment of resources at the Department of Energy.

We asked the Energy Information Administration what it would take to complete such an analysis. EIA, which is better positioned than any other government agency to tackle this project, said that it currently does not have the analytic capability even to conduct the State or regional level breakdowns required by such a bill.

The agency also would have to collect or purchase new data, despite the

bill's hollow assurances that this isn't necessary. And the Department of Energy would have to devote significant new staff and contractor time to be able to comply with the bill's requirements. In essence, this bill proposes to devote scarce taxpayer dollars to produce a report that will not be reliable, credible, or even valuable to anyone.

My amendment simply states that if the Energy Department determines that that analysis is not feasible to conduct, requires data that does not exist, or generates results that would not be reliable or useful, then the interagency committee does not have to complete the report. If it determined that such an analysis is infeasible, the 6-month delay of EPA rules then would not go into effect.

This amendment is a good-governance amendment that ensures effective use of taxpayer dollars. It's common sense.

I urge my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, I've enjoyed serving on the committee with the gentlelady from California, but I must oppose the amendment.

Talking about the process that we're going through on regulations, you know, this is the very heart of the bill, to understand the cost feasibility, what pressures regulations can put on the price of energy, the price of gasoline, and whether or not these regulations are going to cause price increases.

In fact, we know very well that they are going to cause price increases because we've had testimony from the Environmental Protection Agency admitting that some of these regulations, proposed regulations that they have on the books, or that they have promulgated contemplating will increase the price of gasoline and other prices in other energy areas.

These have real effects on consumers. In fact, if you just increase the price of gasoline by a penny a gallon, it will increase the daily cost to the American consumers and businesses millions and millions of dollars each and every day, one penny a gallon costing our economy millions and millions of dollars a day.

And so with this we're trying to actually say let's take a look at it to understand. We're not stopping them from going forward with their plans or developing rules. Certainly, we want to encourage the protection of our environment and make sure they're doing their job to protect our environment.

But we also need to have our eyes open and make sure that we have a chance to look before we leap when it comes to these regulations.

Delving down into the EPA's own process, though, if you look at what happens under the regulatory process, the cumulative impact analyses are feasible and already required by President Clinton's Executive Order 12866 and President Obama's Executive Order 13563. As recently as March of this year, just a couple of months ago, the White House issued a memo reiterating that "agencies should take active steps to take account of the cumulative effects of new and existing rules."

The EPA's own action development process, the internal process of the EPA, requires that the analysis start early in rule development. That doesn't say you wait until the rule is developed. It doesn't say you wait until it's all done, complete, out there. Early in the rule development process, action development process, taking a look at it.

This information's available. They've got the data. They've got the studies. It's time that they use that information to understand the impact that it will have on our constituents back home who are finding it increasingly difficult to balance the cost of energy with costs like paying for their home mortgage, putting food on the table. And that's why we have an opportunity, with this bill, to create American energy security and to create jobs in this country.

With that, I reserve the balance of my time.

□ 1000

Mrs. CAPPS. Mr. Chairman, I have no further speakers, so I am prepared to close.

Mr. Chairman, as we know and as my colleague from Colorado has just illustrated, the bill creates redundant layers of bureaucracy and requires a study of key air pollution standards that are not even yet proposed by the EPA. This is clearly designed to postpone pollution cleanup.

My amendment is a straightforward amendment which simply says if the Energy Department's analysis of the EPA's air quality rules is not feasible or not useful, we should not be spending taxpayer resources on it.

I would note again that these EPA air quality rules that would be analyzed aren't even on the books yet. We shouldn't be wasting agency time and resources on tasks like the ones proposed here. This amendment is one of common sense. It is straightforward and very simple. So I hope my colleagues will support this amendment.

I yield back the balance of my time.

Mr. GARDNER. Again, analyzing rules is part of its job. That's part of the EPA's job. It's part of the DOE's job. The DOE has a budget in excess of \$26 billion. In fact, we found out just a couple of days ago that one program at the Department of Energy is costing \$1.2 million per job created. It has the

resources to do it within existing funds. This isn't going to cost any new money. What it is going to do is to make sure that we're protecting the American consumers before cost increases occur. With that, I urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. WESTMORELAND). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPs).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPs. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 24 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112-540.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, strike "and" after the semicolon at line 2, strike the period at line 9 and insert "; and", and after line 9 insert the following:

"(G) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources on lands defined as 'available lands' by section 203 of the Hawaiian Homes Commission Act, 1920, and any other lands deemed by the Territory or State of Hawaii, as the case may be, to be included within that definition.

The Acting CHAIR. Pursuant to House Resolution 691, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HANABUSA. Mr. Chairman, this amendment adds to title III, the Quadrennial Strategic Federal Onshore Energy Production Strategy, by providing another subsection, G, which basically mirrors the language found in the prior section, which addresses the Indian tribal lands. This particular amendment includes in that the Hawaiian Homes Commission Act lands.

As you are probably well aware, Hawaii is in a unique situation in that, in 1920, this Congress created the Hawaiian Homes Commission Act; and there is a special body of land, 203,000 acres approximately, which is under the control of Congress. Congress approves whether or not things can be amended in the act. Even upon statehood, that right was retained.

As such, this amendment seeks to have all of the alternative and renewable energy sources, including geo-

thermal, solar, wind, and other renewable energy sources and lands, defined as "available lands" under the Hawaiian Homes Commission Act in the strategic review. We believe this is not expanding this. It has no implications other than the fact that there is a body of land which somehow has been forgotten and that falls under Federal jurisdiction.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. LAMBORN. Mr. Chairman, we are prepared to accept this amendment.

Native Hawaiian homelands are not managed as tribal lands by the Federal Government, which is why they were not included in the underlying legislation. However, Hawaiian homelands can provide another great source for domestic energy development; therefore, we are prepared to accept this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MS. SPEIER

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 112-540.

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, strike lines 3 through 5.

The Acting CHAIR. Pursuant to House Resolution 691, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Mr. Chair, I rise to introduce an amendment to the Strategic Energy Production Act. This bill is being pitched as an all-of-the-above energy bill when, in reality, it is an oil-above-all bill, which is full of giveaways to big energy companies.

Title IV of H.R. 4480 would impose arbitrary deadlines on the Interior Department's review of applications for permits to drill for oil and gas onshore. After 60 days, if the Interior Department has not completed its review of an application to drill, the permit would be deemed "approved" regardless of whether the Department ensured that the drilling was safe.

My amendment is quite simple. It would just strike this unwise and un-

warranted provision. First, a little context would be helpful.

The United States is in the middle of a great drilling boom. In fact, the Obama administration has issued more drilling permits in the last 3 years than were issued in the first 3 years of the Bush administration. A recent Citigroup report suggests that the U.S. is already the world's fastest-growing oil and natural gas producer. In counting the output from Canada and Mexico, North America is the "new Middle East." Meanwhile, the top five oil companies made \$137 billion in profits last year. They are reaping the benefits of this revival, and they are doing just fine.

Oil and gas companies are currently sitting on 6,700 approved—and I underscore "approved"—drilling permits that are not being used. Issuing more drilling permits more quickly is not the answer. What we should not be doing is tying the hands of Interior Department regulators by imposing an artificial and arbitrary shot clock in approving these drilling permits, especially when the risks of safety problems remain high. In fact, oil companies are already committing scores of serious safety violations when drilling on public lands onshore.

According to a recent Natural Resources Committee report, more than 2,000 safety and drilling violations were issued to 335 companies drilling in 17 States between 1998 and 2011. Overall, the analysis shows that only a very small percentage of these violations ever receive fines. In fact, of all of the fines issued, it only generated \$273,000 out of the 2,000 violations.

Here is an example: on dozens of occasions, oil and gas companies began drilling on Federal lands without the formal approval to do so. Many violations were issued because companies failed to keep proper records or to conduct routine safety tests. Some significant ones include: in 2009, an operator in Mississippi was found operating a well without any blow-out preventer or any equivalent well-control equipment. In 2010, an inspector at a New Mexico well found that one of the valves in the blow-out preventer, which is responsible for mitigating excessive pressure and flow, was leaking.

We have many examples of when safety was not put first. Instead of preventing these sorts of safety violations, this bill puts profits first and safety and oversight last.

I am pleased that the majority has acknowledged the important role the National Environmental Policy Act and the Endangered Species Act play in the proper review of drilling permits and that it has included language to prevent permits from being deemed approved in cases where reviews under those laws are still ongoing after 60 days.

However, I think it is important for us to look at the unintended consequences. If this provision is enacted, it could actually lead to more applications for drilling permits being rejected because the Secretary may have no choice but to reject any application for a permit to drill that was nearing the 60-day time limit if the safety review were not completed.

□ 1010

The bottom line here is that the United States oil and gas production is at an all-time high.

Allowing for proper safety review of permits is a necessary safeguard for the American people, and this is a prudent step. Taxpayers deserve a process that ensures that any drilling on their public lands is held to commonsense safety standards. Let's not compromise the safety of drilling on public lands in a headstrong rush to give the oil and gas industry the free pass it demands.

I respectfully urge all my colleagues to support this amendment, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, I do oppose this amendment.

The legislation we're looking at today, H.R. 4480, aims to reduce bureaucracy and ensure much needed certainty to allow energy production and job creation to move forward. It will give permit applicants assurance that their permits will be processed by the government in a timely fashion and ensure that needless bureaucratic delays are not hampering energy production as they are sometimes today.

The Department of the Interior is plagued with delays in permitting energy projects on Federal lands. These delays result in developers abandoning Federal lands to develop energy only on private land. This hinders the creation of thousands of American jobs. This legislation simply requires that a decision on a drilling permit be made. It does not require an approval, but simply a decision. The government must answer "yes" or "no." It's not acceptable for the government to stall, drag its feet, or even not respond.

These are decisions that State agencies are making in days, while the BLM is taking months. This amendment, however, would delete this deadline for the government to provide an answer. Under this amendment, the Federal Government could literally take forever to respond. A deadline is absolutely necessary to give energy producers the confidence they need to seek out Federal land for development rather than seeking to exclusively develop on private land.

An identical amendment to the one offered by the gentlewoman from Cali-

fornia failed during the Natural Resources Committee markup, and it failed on a bipartisan vote. So I would ask for the same response here, that we vote this amendment down. I urge its opposition.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. SPEIER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 26 OFFERED BY MS. DELAURO

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112-540.

Ms. DELAURO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE —MISCELLANEOUS PROVISIONS

SEC. —. CERTAIN REVENUES GENERATED BY THIS ACT TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION TO LIMIT EXCESSIVE SPECULATION IN ENERGY MARKETS.

(a) **ESTABLISHMENT OF TREASURY ACCOUNT.**—The Secretary of the Treasury (in this section referred to as the "Secretary") shall establish an account in the Treasury of the United States.

(b) **DEPOSIT INTO ACCOUNT OF CERTAIN REVENUES GENERATED BY THIS ACT.**—The Secretary shall deposit into the account established under subsection (a) the first \$128,000,000 of the total of the amounts received by the United States under leases issued under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act.

(c) **AVAILABILITY AND USE OF FUNDS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the amounts in the account established under subsection (a) shall be made available to the Commodity Futures Trading Commission to use its existing authorities to limit excessive speculation in energy markets.

(2) **SUBJECT TO APPROPRIATIONS.**—The authority provided in paragraph (1) may be exercised only to such extent, and with respect to such amounts, as are provided in advance in appropriations Acts.

The Acting CHAIR. Pursuant to House Resolution 691, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, this amendment would restore full funding, per the President's request of \$308 million, to the Commodity Futures Trading Commission. The additional \$128 million in funds would be raised through the sale of new leases.

The current funding level for CFTC sets the commission up for failure. If the current funding level remains as is, Wall Street will be able to continue the risky manipulation of derivatives that brought on the last collapse, and Big Oil will continue to enjoy inflated profits every year due to erratic and artificially swollen oil prices. The losers will be the American people, who will pay more at the pump, or even worse.

At this funding level, the House majority sets up taxpayers to pay for yet another costly bailout of Wall Street. Republican and Democratic experts agree that the CFTC needs to be fully funded. Republican Gene Guilford, President and CEO of the Independent Connecticut Petroleum Association, served in the Commerce and Energy Departments under Ronald Reagan. He has said that the funding level for CFTC is "horribly counterproductive." It would "weaken its ability to enforce the oversight laws necessary to protect the American people."

According to Brooksley Born, the former chair of the CFTC, the commission is "desperately in need of additional funding." This budget, she argues, "would leave us all vulnerable to future financial crises."

According to Gary Gensler, the current chairman of the CFTC, the agency is only 10 percent larger than it was in the 1990s, even as the futures market has grown to approximately \$37 trillion notional.

And through the Dodd-Frank reforms, Congress has added oversight of the \$300 trillion swaps market, which is even more complex, and increased the number of trades under their jurisdiction by 334 percent in 2011.

Gensler says, "It is as if all of a sudden the National Football League expanded eight times to play more than 100 games in a weekend with the same amount of referees."

We know for a fact that the risky behavior in the derivatives market is what precipitated the 2008 financial meltdown. It's still happening. We have seen it at MF Global and J.P. Morgan. We also know for a fact that excessive speculation in oil markets causes gas prices to oscillate wildly. Even the CEO of Exxon has said as much.

I urge my colleagues to support this amendment to help to make sure that the CFTC has the resources to do its job, and I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, this bill is trying to deal with the rising prices of energy by addressing the very important issue of supply and demand. While I think there's nothing wrong with looking into the possibility of market manipulation, I do think this

bill is trying to address another very important part of the price equation, and that is supply and demand.

This issue has been studied, and it will continue to be studied. But I'll remind the gentlelady that we're dealing with an agency that has over \$200 million already in its budget, and this amendment adding \$128 million would be a significant increase in funding for FY12 for the CFTC budget. So I would urge a "no" vote on this amendment.

If you would just look at what the CFTC has said, going back in 2008:

The task force's preliminary assessment is that current oil prices and the increase in oil prices between January 2003 and June 2008 are largely due to fundamental supply and demand factors.

In 2009:

We find little evidence that hedge funds and other noncommercial (speculator) position changes cause price changes; the results instead suggest that price changes do precede their position changes.

So we can go on and on about what the CFTC has already said, but this bill deals with the issue of supply and demand.

With that, I would yield 2 minutes to a great leader from the State of Texas (Mr. CONAWAY) who has done tremendous work on this issue over at the CFTC and in commodity issues.

Mr. CONAWAY. I thank the gentleman for yielding.

I am the chairman of the Agriculture Subcommittee on General Farm Commodities and Risk Management that does have oversight of the CFTC.

I expected the arguments for this particular amendment to go a different direction, but it does occur to me that we are chastised, those of us on authorizing committees, Mr. Chairman, during the appropriations process, that trying to write policy in the approps bills is not allowed. Well, this is appropriating in an authorizing bill. It makes no sense whatsoever.

The Subcommittee on Agriculture on the Appropriations Committee goes through these spending requests in detail, over and over, in a few weeks of committee work, and then they will come to their conclusion. They have, in fact, come to their conclusion, and they will bring this bill forward next week.

It's a bit presumptuous to come in here to ask this body to spend another \$128 million on an agency that the Appropriations Subcommittee on Agriculture has already spent plenty of time deciding how much that agency needs to spend over the coming year.

I would urge a "no" vote on this amendment.

Ms. DELAURO. If I might just take a second to remind the gentleman from Texas that, in fact, this amendment was made in order. And in the body of the language, it does talk about it being subject to appropriations.

Mr. Chairman, may I inquire as to how much time we have left?

The Acting CHAIR. The gentlewoman from Connecticut has 2¼ minutes remaining.

Ms. DELAURO. I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

□ 1020

Mr. MARKEY. I thank the gentlelady.

Back 10 years ago, about a third of all of the interest in the oil futures marketplace was controlled by speculators, but two-thirds was controlled by the airline industry, the trucking industry, industries that are dependent upon oil. Today it's just the flip. Today two-thirds of that oil futures marketplace is controlled by speculators, and only one-third is controlled by the airline industry, trucking industry, and others dependent upon the price of oil.

So what happened? What happens is, all of a sudden, you have this crazy volatility where experts say that upwards of 20 percent of the price of a barrel of oil in the futures marketplace is related to speculation. It's not related to anything in the real marketplace. And so what happens? Well, that has a dramatically negative impact on truckers, on the airline industry because there are games being played out there.

By the way, with the speculators, they make money on the way up and they make money on the way down. That's not true for ordinary companies because they're not in there playing a game. They are not speculators. They are not doing this as part of some kind of a casino that speculators thrive in.

And here's the rule: On the way up, the big guy cleans up; on the way down, the little guy gets cleaned out. And that's what we're seeing over and over and over again.

So the President has asked to increase the number of cops on the beat, the CFTC cops on the beat that can patrol to make sure that the games that are being played don't hurt the little guy. And what are the Republicans saying? They're saying they want to cut the President's request for more cops on the beat sixfold. And what happens then? Well, we're going to be deep-sixing the hopes, the dreams, the aspirations of ordinary companies who are still going to see these games being played. The DeLauro amendment makes it possible to put the CFTC cops back on the beat.

Mr. GARDNER. Mr. Chairman, again, we have to understand that the best thing that this Congress can do to drive down the price of gasoline is increasing our supply opportunities right here, to drive down the cost of energy by increasing our production right here.

I urge a "no" vote on this amendment, and I reserve the balance of my time.

Ms. DELAURO. We are not here as representatives of Wall Street, but we are representatives of the American people. We need the CFTC to oversee the risky behaviors to enforce the law. We are here to represent the American taxpayer, not Wall Street or big banks.

The current funding that's being pursued by the majority is reckless. I urge my colleagues to put Main Street over Wall Street and support the amendment.

I yield back the balance of my time. Mr. GARDNER. Mr. Chairman, I urge a "no" vote.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARDNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

AMENDMENT NO. 27 OFFERED BY MS. BASS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112-540.

Ms. BASS of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Does the gentlewoman rise as the designee of the gentlewoman from Texas?

Ms. BASS of California. I do rise as the designee for the gentlewoman from Texas, Representative SHEILA JACKSON LEE.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE —OFFICE OF ENERGY EMPLOYMENT AND TRAINING AND OFFICE OF MINORITY AND WOMEN INCLUSION

SEC. 01. ESTABLISHMENT OF OFFICE OF ENERGY EMPLOYMENT AND TRAINING.

(a) ESTABLISHMENT.—The Secretary of the Interior shall establish an Office of Energy Employment and Training, which shall oversee the efforts of the Department of the Interior's energy planning, permitting, and regulatory activities to carry out the purposes, objectives, and requirements of this Act.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be directed by an Assistant Secretary for Energy Employment and Training, who shall report directly to the Secretary and shall be fully employed to carry out the functions of the Office.

(2) DUTIES.—The Assistant Secretary for Energy Employment and Training shall perform the following functions:

(A) Develop and implement systems to track the Department's compliance with the purposes, objectives, and requirements of the Act.

(B) Report at least quarterly to the Secretary regarding the Department's compliance with the purposes, objectives, and requirements of this Act, including but not

limited to specific data regarding the numbers and types of jobs created through the Department's efforts and a report on all job training programs planned or in progress by the Department.

(C) Design and recommend to the Secretary programs and policies aimed at ensuring the Department's compliance with the purposes, objectives, and requirements of this Act, and oversee implementation of such programs approved by the Secretary.

(D) Develop procedures for enforcement of the Department's requirements and responsibilities under this Act.

(E) Support the activities of the Office of Minority and Women Inclusion and any other offices or branches established by the Secretary within the Office of Energy Employment and Training.

SEC. 02. OFFICE OF MINORITY AND WOMEN INCLUSION.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall establish an Office of Minority and Women Inclusion not later than 6 months after the effective date of this Act, that shall be responsible for all matters of the Department of the Interior relating to diversity in management, employment, and business activities.

(2) TRANSFER OF RESPONSIBILITIES.—The Secretary of the Interior shall ensure that the responsibilities described in paragraph (1) (or comparable responsibilities) that are assigned to any other office, agency, or bureau of the Department on the day before the date of enactment of this Act are transferred to the Office of Minority and Women Inclusion.

(3) DUTIES WITH RESPECT TO CIVIL RIGHTS LAWS.—The responsibilities described in paragraph (1) do not include enforcement of statutes, regulations, or executive orders pertaining to civil rights, except each Director shall coordinate with the Secretary, or the designee of the Secretary, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall have a Director who shall be appointed by, and shall report to, the Secretary of the Interior. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined in section 3132 of title 5, United States Code, or an equivalent designation.

(2) DUTIES.—The Director shall develop standards for—

(A) equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the Department;

(B) increased participation of minority-owned and women-owned businesses in the programs and contracts of the Department, including standards for coordinating technical assistance to such businesses; and

(C) assessing the diversity policies and practices of entities regulated by the Department.

(3) OTHER DUTIES.—The Director shall advise the Secretary of the Interior on the impact of the policies and regulations of the Department on minority-owned and women-owned businesses.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(C) may be construed to mandate any requirement on or otherwise affect the lending policies and practices of any regulated entity, or to require any specific action based on the findings of the assessment.

(c) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—

(1) IN GENERAL.—The Director shall develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the Department at all levels, including in procurement, insurance, and all types of contracts.

(2) CONTRACTS.—The procedures established by the Department for review and evaluation of contract proposals and for hiring service providers shall include, to the extent consistent with applicable law, a component that gives consideration to the diversity of the applicant. Such procedure shall include a written statement, in a form and with such content as the Director shall prescribe, that a contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and, as applicable, subcontractors.

(3) TERMINATION.—

(A) DETERMINATION.—The standards and procedures developed and implemented under this subsection shall include a procedure for the Director to make a determination whether a Department contractor, and, as applicable, a subcontractor has failed to make a good faith effort to include minorities and women in their workforce.

(B) EFFECT OF DETERMINATION.—

(i) RECOMMENDATION TO SECRETARY.—Upon a determination described in subparagraph (A), the Director shall make a recommendation to the Secretary that the contract be terminated.

(ii) ACTION BY SECRETARY.—Upon receipt of a recommendation under clause (i), the Secretary may—

(I) terminate the contract;

(II) make a referral to the Office of Federal Contract Compliance Programs of the Department of Labor; or

(III) take other appropriate action.

(d) REPORTS.—The Secretary shall submit to Congress an annual report regarding the actions taken by the Department of the Interior agency and the Office pursuant to this section, which shall include—

(1) a statement of the total amounts paid by the Department to contractors since the previous report;

(2) the percentage of the amounts described in paragraph (1) that were paid to contractors described in subsection (c)(1);

(3) the successes achieved and challenges faced by the Department in operating minority and women outreach programs;

(4) the challenges the Department may face in hiring minority and women employees and contracting with minority-owned and women-owned businesses; and

(5) any other information, findings, conclusions, and recommendations for legislative or Department action, as the Director determines appropriate.

(e) DIVERSITY IN DEPARTMENT WORKFORCE.—The Secretary shall take affirmative steps to seek diversity in the workforce of the Department at all levels of the Department in a manner consistent with applicable law. Such steps shall include—

(1) recruiting at historically black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(2) sponsoring and recruiting at job fairs in urban communities;

(3) placing employment advertisements in newspapers and magazines oriented toward minorities and women;

(4) partnering with organizations that are focused on developing opportunities for minorities and women to be placed in energy industry internships, summer employment, and full-time positions;

(5) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring; and

(6) any other mass media communications that the Office determines necessary.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MINORITY.—The term "minority" means United States citizens who are Asian Indian American, Asian Pacific American, Black American, Hispanic American, or Native American.

(2) MINORITY-OWNED BUSINESS.—The term "minority-owned business" means a for-profit enterprise, regardless of size, physically located in the United States or its trust territories, which is owned, operated, and controlled by minority group members. "Minority group members" are United States citizens who are Asian Indian American, Asian Pacific American, Black American, Hispanic American, or Native American (terminology in NMSDC categories). Ownership by minority individuals means the business is at least 51 percent owned by such individuals or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more such individuals. Further, the management and daily operations are controlled by those minority group members. For purposes of NMSDC's program, a minority group member is an individual who is a United States citizen with at least ¼ or 25 percent minimum (documentation to support claim of 25 percent required from applicant) of one or more of the following:

(A) Asian Indian American, which is a United States citizen whose origins are from India, Pakistan, or Bangladesh.

(B) Asian Pacific American, which is a United States citizen whose origins are from Japan, China, Indonesia, Malaysia, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Thailand, Samoa, Guam, the United States Trust Territories of the Pacific, or the Northern Marianas.

(C) Black American, which is a United States citizen having origins in any of the Black racial groups of Africa.

(D) Hispanic American, which is a United States citizen of true-born Hispanic heritage, from any of the Spanish-speaking areas of the following regions: Mexico, Central America, South America, and the Caribbean Basin only.

(E) Native American, which is a person who is an American Indian, Eskimo, Aleut or Native Hawaiian, and regarded as such by the community of which the person claims to be a part. Native Americans must be documented members of a North American tribe, band, or otherwise organized group of native people who are indigenous to the continental United States and proof can be provided through a Native.

(3) NMSDC.—The term "NMSDC" means the National Minority Supplier Development Council.

(4) OFFICE.—The term "Office" means the Office of Minority and Women Inclusion established under subsection (a).

(5) WOMEN-OWNED BUSINESS.—The term "women-owned business" means a business that can verify through evidence documentation that 51 percent or more is women-

owned, managed, and controlled. The business must be open for at least 6 months. The business owner must be a United States citizen or legal resident alien. Evidence must indicate that—

(A) the contribution of capital or expertise by the woman business owner is real and substantial and in proportion to the interest owned;

(B) the woman business owner directs or causes the direction of management, policy, fiscal, and operational matters; and

(C) the woman business owner has the ability to perform in the area of specialty or expertise without reliance on either the finances or resources of a firm that is not owned by a woman.

The Acting CHAIR. Pursuant to House Resolution 691, the gentlewoman from California (Ms. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. BASS of California. Mr. Chairman, I rise today as the designee to present Representative SHEILA JACKSON LEE's amendment No. 27 to H.R. 4480, which would establish an Office of Energy Employment and Training as well as an Office of Minority and Women Inclusion that would be responsible for all matters relating to diversity in management, employment, and business activity.

This amendment simply recognizes the importance of developing a diverse and highly skilled technical workforce within the Department of the Interior. The Department of the Interior reviews permits, examines lease sales, and ensures that each application meets the highest safety standards. We should be focused on providing the Department of the Interior with trained technical engineers and other such necessary personnel to review drilling permit applications both carefully and thoroughly. Given the aftermath of the BP oil spill, it is easy to understand the importance of addressing all safety concerns prior to the issuance of oil and gas lease sales.

Since the disaster, Federal safety regulations have been tightened, spill containment response capability has been enhanced, and lessons have been learned. These lessons must be understood by everyone involved in reviewing and approving each and every application for permits and lease sales. Responsible onshore drilling includes having our best minds working to carefully and diligently review each application. This amendment is intended to include both women and minorities in the process.

This amendment is designed to ensure that DOI is able to recruit, retain, and train skilled professionals, many of whom require a science, technology, or math background. The DOI would be encouraged to reach out to high school students, college students, and professionals.

It establishes an Office of Energy Employment and Training, which will

oversee the efforts of the Department of the Interior's energy planning, permitting, and regulatory activities related to this act. This office will be responsible for issuing quarterly reports to the Secretary, which will include the amount of jobs created by the DOI, as well as reporting the types of job training programs that have been implemented or proposed.

This amendment also addresses the need to encourage diversity within the DOI by creating the Office of Minority and Women Inclusion, which is specifically designed to encourage diversity by reaching out to both women and minorities. Specifically, the DOI would have a director appointed by the Secretary of the Interior who will develop clear standards for equal employment opportunities and will address the need for increased racial, ethnic, and gender diversity at both the junior and senior management levels of the Department.

This amendment would require the DOI to take affirmative steps to seek diversity in the workforce of the Department at all levels. The Department of the Interior would be required to sponsor job fairs in urban communities and partner with organizations that are focused on developing opportunities for both minorities and women in the energy industry.

Again, it is the job of the DOI to ensure that all lease sales meet the highest reasonable standards for safety. This amendment is meant to ensure that women and minorities have a fair opportunity to participate in making these types of decisions within the Interior Department.

I support my colleague Ms. JACKSON LEE's amendment and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. I rise to oppose this amendment, reluctantly. I understand the gentlewoman's intentions of this amendment, and portions of this idea have strong merit.

Let there be no doubt that the Department of the Interior can do a better job of both hiring and contracting in these areas, but this debate today isn't the most appropriate place for us to consider these particular reforms.

Every provision in this legislation has been carefully vetted through the legislative process. The House Natural Resources and Energy and Commerce Committees have both held oversight and legislative hearings and committee markups on the underlying legislation.

This subject, while it is something definitely worth considering, has not had this level of review under the legislative process and would insert a major programmatic and bureaucratic change

in a simple bill that is geared toward expanding American energy production and jobs. Also, as currently drafted, the proposal is over 12 pages long and would add significant new Federal bureaucracy.

If the gentlewoman is willing to withdraw her amendment, I will commit the Natural Resources Committee to work with her to address this subject, and if she will not withdraw, then I must reluctantly oppose this amendment.

I reserve the balance of my time.

Ms. BASS of California. I thank the gentleman for his offer, but given that I am the designee for Representative JACKSON LEE, I don't feel it is appropriate for me to withdraw the amendment.

I would simply close by saying that the purpose of the amendment is to recognize the importance of developing a diverse and highly skilled technical workforce within the DOI, and all studies have indicated that there is a serious lack of diversity.

With that, I yield back the balance of my time.

□ 1030

Mr. LAMBORN. Mr. Chairman, I yield 2 minutes to my friend and colleague, Representative GARDNER from Colorado.

Mr. GARDNER. I thank my colleague from Colorado for giving me the time on this amendment.

I want to tell a little story. A year ago, I had the opportunity to visit a hydraulic fracturing site in my district, a county called Weld County in northern Colorado, and when you're dealing with hydraulic fracturing, what happens is about 2 or 3 in the morning the crews that are overseeing the hydraulic fracturing—at least in this particular area—get up, they go to their trucks that actually have this panoramic view of the well site so they can monitor everything that's taking place. They can monitor all the equipment. They have computers inside the truck that explain and expound upon what's happening in the operation at that point. It's filled with engineers.

And on this particular tour site that I went to, the hydraulic fracturing, the production engineer was a woman. And I'm pretty sure that I would have been rejected by her college for the engineering program before I even applied. So it was an incredible opportunity to learn from her the work that she was doing. There were many other women members of that particular crew.

And so I think the best way that we can get more women and more minorities hired and working in this country, whether it's energy or not, is to create more opportunity. More opportunity means more jobs. More jobs means more hiring. And when you have more hiring, we're going to put more people back to work: Men, women, minorities.

That's the opportunity that this bill presents. It's an opportunity to create jobs, an opportunity to lower the price of gas so that men, women, and minorities are able to afford the price of a gallon of gasoline to get to their job.

Mr. LAMBORN. I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today to debate my amendment No. 27 to H.R. 4480, the "Strategic Energy Production Act of 2012," which would establish an Office of Energy Employment and Training, as well as, an Office of Minority and Women Inclusion that would be responsible for all matters relating to diversity in management, employment, and business activities.

As well as establishing an Office of Minority and Women Inclusion for the purpose of addressing the need for diversity within the DOI and within the pool of businesses that the DOI engages.

Texas serves as proof that the energy industry offers tremendous potential to provide jobs and foster economic growth. As a matter of fact, in 2008, Texas was one of the few States that saw its economy grow; grossing the second highest revenue of all States at \$1.2 trillion.

As the Representative of the 18th Congressional District of Houston, Texas, I can attest to the importance of a healthy energy industry. My district is the energy hub of Texas and is recognized worldwide for its energy industry, particularly for oil and natural gas, as well as biomedical research and aeronautics. Renewable energy sources—wind and solar—are also growing economic bases in Houston.

The energy industry and its supporting businesses provide my fellow Texans with tens of thousands of jobs, and have helped keep the State of Texas significantly below the national unemployment rate.

This prosperity can expand well beyond Texas, if the Federal and State governments will act decisively and responsibly to expand domestic energy productions in an environmentally conscious manner, and keep billions of dollars and countless jobs here at home. However I must place emphasis on the need to act both decisively and responsibly. It remains to be seen whether this bill truly accomplishes those goals. My amendment is designed to address the need for training and diversity in the Energy sector.

AMENDMENT NO. 27

My amendment recognizes the importance of developing a diverse and highly skilled technical workforce within the Department of the Interior.

The Department of the Interior reviews permits, and examines lease sales. Further, the DOI is responsible for ensuring that each application meets the highest safety standards.

We should be focused on providing the Department of the Interior with trained technical engineers and other such necessary personnel to review drilling permit applications both carefully and thoroughly.

Given the aftermath of the BP Oil spill, it is easy to understand the importance of addressing all safety concerns prior to the issuance of oil and gas lease sales.

Since the disaster federal safety regulations have been tightened, spill containment re-

sponse capability has been enhanced and lessons have been learned.

These lessons must be understood by everyone involved in reviewing and approving each and every application for permits and lease sales.

Responsible onshore drilling includes having our best minds working to carefully and diligently review each application. This amendment is intended to include both women and minorities in the process.

This amendment is designed to ensure that DOI is able to recruit, retain and train skilled professionals, many of whom require a science, technology, engineering, or math (STEM) backgrounds. The DOI will be encouraged to reach out to high school students, college students, and professional.

My Amendment establishes an Office of Energy Employment and Training which will oversee the efforts of the Department of the Interior's energy planning, permitting, and regulatory activities related to this Act.

This Office will be responsible for issuing quarterly reports to the Secretary which will include the amount of jobs created by the DOI, as well as reporting the types of job training programs that have been implemented or proposed.

This amendment also addresses the need to encourage diversity within the Department of the Interior by creating the Office of Minority and Women Inclusion which is specifically designed to encourage diversity by reaching out to both women and minorities.

Specifically the DOI will have a Director appointed by the Secretary of the Interior who will develop clear standards for equal employment opportunities and will address the need for increased racial, ethnic, and gender diversity at both the junior and senior management levels of the Department.

This amendment would require the DOI to take affirmative steps to seek diversity in the workforce of the Department at all levels of the Department.

These steps would include recruiting at historically black colleges and universities, Hispanic-service institutions, and women's colleges and other majority minority service institutions. The Department will be able to find qualified candidates from diverse backgrounds if they expand the pool of candidates from which they select candidates.

The DOI would be required to sponsor job fairs in urban communities and partner with organizations that are focused on developing opportunities for both minorities and women in the energy industry.

Again, it is the job of the Department of the Interior to ensure that all lease sales meet the highest reasonable standards for safety. This amendment is meant to include, encourage and ensure that women and minorities have a fair opportunity to participate in making these types of decisions at the DOI.

I urge my colleagues to join me in supporting my Amendment No. 27 to H.R. 4480.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BASS).

The amendment was rejected.

Mr. LAMBORN. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 34 minutes p.m.), the House stood in recess.

□ 1059

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GARDNER) at 10 o'clock and 59 minutes a.m.

DOMESTIC ENERGY AND JOBS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 691 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4480.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly take the chair.

□ 1100

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 27 printed in House Report 112-540 offered by the gentlewoman from California (Ms. BASS) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-540 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HASTINGS of Washington.

Amendment No. 7 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. CONNOLLY of Virginia.

Amendment No. 9 by Mr. GENE GREEN of Texas.

Amendment No. 11 by Mr. RUSH of Illinois.

Amendment No. 12 by Mr. HOLT of New Jersey.

Amendment No. 13 by Mr. CONNOLLY of Virginia.

Amendment No. 14 by Mr. AMODEI of Nevada.

Amendment No. 15 by Mr. MARKEY of Massachusetts.

Amendment No. 16 by Mr. LANDRY of Louisiana.

Amendment No. 17 by Mr. RIGELL of Virginia.

Amendment No. 18 by Mr. HOLT of New Jersey.

Amendment No. 19 by Mr. WITTMAN of Virginia.

Amendment No. 21 by Ms. BASS of California.

Amendment No. 23 by Mrs. CAPPS of California.

Amendment No. 25 by Ms. SPEIER of California.

Amendment No. 26 by Ms. DELAURO of Connecticut.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 163, not voting 16, as follows:

[Roll No. 392]

AYES—253

Adams	Bartlett	Bonner
Aderholt	Barton (TX)	Bono Mack
Akin	Bass (NH)	Boren
Alexander	Benishak	Boswell
Altmire	Berg	Boustany
Amash	Biggart	Brady (TX)
Amodei	Bilbray	Brooks
Austria	Bilirakis	Broun (GA)
Bachmann	Bishop (GA)	Buchanan
Bachus	Bishop (UT)	Buchanan
Barletta	Black	Buerkle
Barrow	Blackburn	Burgess

Calvert	Hayworth	Pitts
Camp	Heck	Platts
Campbell	Hensarling	Poe (TX)
Canseco	Herger	Pompeo
Cantor	Herrera Beutler	Posney
Capito	Hochul	Price (GA)
Cardoza	Holden	Quayle
Carter	Huelskamp	Reed
Cassidy	Huizenga (MI)	Rehberg
Chabot	Hultgren	Reichert
Chaffetz	Hunter	Renacci
Coble	Hurt	Ribble
Coffman (CO)	Issa	Rigell
Cole	Jenkins	Rivera
Conaway	Johnson (IL)	Roby
Costa	Johnson (OH)	Roe (TN)
Cravaack	Johnson, Sam	Rogers (AL)
Crawford	Jones	Rogers (KY)
Crenshaw	Jordan	Rogers (MI)
Critz	Kelly	Rohrabacher
Cuellar	King (IA)	Rokita
Culberson	King (NY)	Rooney
Davis (KY)	Kingston	Ros-Lehtinen
Denham	Kinzinger (IL)	Roskam
Dent	Kissell	Ross (AR)
DesJarlais	Kline	Ross (FL)
Diaz-Balart	Labrador	Royce
Dold	Lamborn	Runyan
Donnelly (IN)	Lance	Ryan (WI)
Dreier	Landry	Scalise
Duffy	Lankford	Schilling
Duncan (SC)	Latham	Schmidt
Duncan (TN)	LaTourette	Schock
Elmiers	Latta	Schweikert
Emerson	LoBiondo	Scott (SC)
Farenthold	Long	Scott, Austin
Fincher	Lucas	Sensenbrenner
Fitzpatrick	Luetkemeyer	Sessions
Flake	Lummis	Shimkus
Fleischmann	Lungren, Daniel	Shuster
Fleming	E.	Simpson
Flores	Manzullo	Smith (NE)
Forbes	Marchant	Smith (NJ)
Fortenberry	Marino	Smith (TX)
Foxx	Matheson	Southerland
Franks (AZ)	McCarthy (CA)	Stearns
Frelinghuysen	McCaul	Stivers
Gardner	McClintock	Stutzman
Garrett	McCotter	Sullivan
Gerlach	McHenry	Terry
Gibbs	McKeon	Thompson (PA)
Gibson	McKinley	Thornberry
Gingrey (GA)	McMorris	Tiberi
Gohmert	Rodgers	Tipton
Goodlatte	Meehan	Turner (NY)
Gosar	Mica	Turner (OH)
Gowdy	Miller (MI)	Upton
Granger	Mulvaney	Walberg
Graves (GA)	Myrick	Walden
Graves (MO)	Neugebauer	Walsh (IL)
Green, Al	Noem	Webster
Green, Gene	Nugent	West
Griffin (AR)	Nunes	Westmoreland
Griffith (VA)	Nunnelee	Whitfield
Grimm	Olson	Wilson (SC)
Guinta	Owens	Wittman
Guthrie	Palazzo	Wolf
Hall	Paul	Womack
Hanna	Paulsen	Woodall
Harper	Pearce	Yoder
Harris	Pence	Young (AK)
Hartzler	Peterson	Young (FL)
Hastings (WA)	Petri	Young (IN)

NOES—163

Ackerman	Castor (FL)	DeLauro
Andrews	Chandler	Deutch
Baca	Chu	Dicks
Baldwin	Cicilline	Dingell
Barber	Clarke (MI)	Doggett
Bass (CA)	Clay	Doyle
Becerra	Cleaver	Edwards
Berkley	Clyburn	Ellison
Berman	Cohen	Engel
Blumenauer	Connolly (VA)	Eshoo
Bonamici	Conyers	Farr
Brady (PA)	Cooper	Fattah
Brady (IA)	Costello	Frank (MA)
Brown (FL)	Courtney	Fudge
Butterfield	Crowley	Garamendi
Capps	Cummings	Gonzalez
Capuano	Davis (CA)	Grijalva
Carnahan	Davis (IL)	Gutierrez
Carney	DeFazio	Hahn
Carson (IN)	DeGette	Hanabusa

Hastings (FL)	McIntyre	Schakowsky
Higgins	McNerney	Schiff
Himes	Meeks	Schrader
Hinchey	Michaud	Schwartz
Hinojosa	Miller (NC)	Scott (VA)
Hirono	Miller, George	Scott, David
Holt	Moore	Serrano
Honda	Moran	Sewell
Hoyer	Murphy (CT)	Sherman
Israel	Nadler	Shuler
Johnson (GA)	Napolitano	Sires
Johnson, E. B.	Neal	Slaughter
Kaptur	Oliver	Smith (WA)
Keating	Pallone	Speier
Kildee	Pascrell	Stark
Kind	Pastor (AZ)	Sutton
Kucinich	Pelosi	Thompson (CA)
Langevin	Perlmutter	Thompson (MS)
Larsen (WA)	Peters	Tierney
Larson (CT)	Pingree (ME)	Tonko
Lee (CA)	Polis	Towns
Levin	Price (NC)	Tsongas
Lipinski	Quigley	Van Hollen
Loeback	Rahall	Visclosky
Lofgren, Zoe	Rangel	Walz (MN)
Lowey	Reyes	Wasserman
Lujan	Richardson	Schultz
Lynch	Richmond	Waters
Maloney	Rothman (NJ)	Watt
Markey	Roybal-Allard	Waxman
Matsui	Ruppersberger	Welch
McCarthy (NY)	Rush	Wilson (FL)
McCollum	Ryan (OH)	Woolsey
McDermott	Sanchez, Loretta	Yarmuth
McGovern	Sarbanes	

NOT VOTING—16

Bishop (NY)	Jackson (IL)	Miller (FL)
Burton (IN)	Jackson Lee	Miller, Gary
Clarke (NY)	(TX)	Murphy (PA)
Filner	Lewis (CA)	Sánchez, Linda
Gallegly	Lewis (GA)	T.
Heinrich	Mack	Velázquez

□ 1127

Mr. SHERMAN changed his vote from “aye” to “no.”

Messrs. RIBBLE, NUGENT, AL GREEN of Texas, CUELLAR, and SIMPSON changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MURPHY of Pennsylvania. Madam Chair, on rollcall No. 392, I was present but the voting machine did not record my vote. I would have voted “aye.”

Stated against:

Mr. FILNER. Madam Chair, on rollcall 392, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. HEINRICH. Madam Chair, on June 21, 2012, I unfortunately missed one vote, rollcall Number 392. If I had been present, I would have cast the following vote on this amendment to H.R. 4480, Strategic Energy Production Act: Rollcall vote 392 (Hastings Amendment): “no.”

(By unanimous consent, Ms. WASSERMAN SCHULTZ was allowed to speak out of order.)

WOMEN'S CONGRESSIONAL SOFTBALL

Ms. WASSERMAN SCHULTZ. Well, I wish I were standing before you this morning to announce the Congressional Women's Softball team's second big victory. Unfortunately, I can't share that good news with you, but I can share the news with you that our bipartisan team, with the Bad News Babes, the women members of the press

corps, raised over \$50,000 for the Young Survival Coalition. We're very proud of that.

We are proud, as congressional women, that we play in a bipartisan spirit, that we have built a bipartisan and bicameral camaraderie and a team spirit and friendship that we would never have had an opportunity to build if not for playing this game. I know we all feel strongly, hopefully, that we use the friendships that we build on the field and take those into the Chamber here so we can work together on the problems facing our country. That's such a tough and important priority for all of us.

We do want to congratulate, although not too enthusiastically, the Bad News Babes for their victory this year in the game, 13-10. It was heart-breaking. We kept it close. We were coming back in the last inning. We had a real opportunity but came up short.

We all, as women Members, want to thank the fabulous, indomitable Natalie Buchanan, who is on the leadership staff of KEVIN MCCARTHY, for coming out there with us every morning at 7 a.m.

Natalie, stand up.

She is on the floor with KEVIN MCCARTHY every day here. We love Natalie.

Tori Barnes, my cocaptain's daughter, is our coach year in and year out.

I also want to recognize, on my staff, Mackenzie Smith and Kate Houghton, who is on my staff but is battling leukemia right now and who we all played for on both teams. She's coming through and getting healthy.

Madam Chair, thank you for your friendship. Thank you to all the women, and thank you all, as a breast cancer survivor. Both the House leadership teams came out to the game, continued to support us, and it means so much to me personally.

I wish everybody a wonderful summer, and we will be back next year so we can take that trophy back.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 249, not voting 19, as follows:

[Roll No. 393]

AYES—164

Ackerman	Garamendi	Oliver
Andrews	Gibson	Owens
Baca	Gonzalez	Pallone
Baldwin	Green, Al	Pascrell
Barber	Grijalva	Pastor (AZ)
Bass (CA)	Gutierrez	Pelosi
Becerra	Hahn	Perlmutter
Berkley	Hanabusa	Peters
Berman	Hastings (FL)	Pingree (ME)
Blumenauer	Heinrich	Polis
Bonamici	Higgins	Price (NC)
Boswell	Himes	Quigley
Brady (PA)	Hinchee	Rahall
Braley (IA)	Hinojosa	Rangel
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richardson
Capps	Holt	Richmond
Capuano	Honda	Rothman (NJ)
Carnahan	Hoyer	Roybal-Allard
Carney	Israel	Ruppersberger
Carson (IN)	Johnson (IL)	Rush
Castor (FL)	Johnson, E. B.	Ryan (OH)
Chandler	Keating	Sanchez, Loretta
Chu	Kildee	Sarbanes
Cicilline	Kind	Schakowsky
Clarke (MI)	Kucinich	Schiff
Clay	Langevin	Schwartz
Cleaver	Larsen (WA)	Scott (VA)
Clyburn	Larson (CT)	Serrano
Cohen	Lee (CA)	Sewell
Connolly (VA)	Levin	Sherman
Conyers	Lipinski	Sires
Cooper	Loeb sack	Slaughter
Costello	Lofgren, Zoe	Smith (WA)
Courtney	Lowe	Speier
Crowley	Lujan	Stark
Cuellar	Lynch	Sutton
Cummings	Maloney	Thompson (CA)
Davis (CA)	Markey	Thompson (MS)
Davis (IL)	Matsui	Tierney
DeFazio	McCarthy (NY)	Tonko
DeGette	McCollum	Towns
DeLauro	McDermott	Tsongas
Deutch	McGovern	Van Hollen
Dicks	McNerney	Visclosky
Dingell	Meeks	Walz (MN)
Doyle	Michaud	Wasserman
Edwards	Miller (NC)	Schultz
Ellison	Miller, George	Waters
Engel	Moore	Watt
Eshoo	Moran	Waxman
Farr	Murphy (CT)	Welch
Fattah	Nadler	Wilson (FL)
Frank (MA)	Napolitano	Woolsey
Fudge	Neal	Yarmuth

NOES—249

Adams	Calvert	Fincher
Aderholt	Camp	Fitzpatrick
Akin	Campbell	Flake
Alexander	Canseco	Fleischmann
Altmire	Cantor	Fleming
Amash	Capito	Flores
Amodei	Cardoza	Forbes
Austria	Carter	Fortenberry
Bachmann	Cassidy	Fox
Bachus	Chabot	Franks (AZ)
Barletta	Chaffetz	Frelinghuysen
Barrow	Coble	Gardner
Bartlett	Coffman (CO)	Garrett
Barton (TX)	Cole	Gerlach
Bass (NH)	Conaway	Gibbs
Benish	Costa	Gingrey (GA)
Berg	Cravack	Gohmert
Biggart	Crawford	Goodlatte
Bilbray	Crenshaw	Gosar
Bilirakis	Critz	Gowdy
Bishop (GA)	Culberson	Granger
Bishop (UT)	Davis (KY)	Graves (GA)
Black	Denham	Graves (MO)
Blackburn	Dent	Green, Gene
Bonner	DesJarlais	Griffin (AR)
Bono Mack	Bono Mack	Diaz-Balart
Boren	Dold	Grimm
Boustany	Donnelly (IN)	Guinta
Brady (TX)	Dreier	Guthrie
Brooks	Duffy	Hall
Broun (GA)	Duncan (SC)	Hanna
Buchanan	Duncan (TN)	Harper
Bucshon	Ellmers	Harris
Buerkle	Emerson	Hartzler
Burgess	Farenthold	Hastings (WA)

Hayworth	McIntyre	Runyan
Heck	McKeon	Ryan (WI)
Hensarling	McKinley	Scalise
Herger	McMorris	Schilling
Herrera Beutler	Rodgers	Schmidt
Holden	Meehan	Schock
Huelskamp	Mica	Schrader
Huizenga (MI)	Miller (MI)	Schweikert
Hultgren	Mulvaney	Scott (SC)
Hunter	Murphy (PA)	Scott, Austin
Hurt	Myrick	Sensenbrenner
Issa	Neugebauer	Sessions
Jenkins	Noem	Shimkus
Johnson (OH)	Nugent	Shuler
Johnson, Sam	Nunes	Shuster
Jones	Nunnelee	Simpson
Jordan	Olson	Smith (NE)
Kaptur	Palazzo	Smith (NJ)
Kelly	Paul	Smith (TX)
King (IA)	Paulsen	Southerland
King (NY)	Pearce	Stearns
Kingston	Pence	Stivers
Kinzinger (IL)	Peterson	Stutzman
Kissell	Petri	Sullivan
Kline	Pitts	Terry
Labrador	Platts	Thompson (PA)
Lamborn	Pompeo	Thornberry
Lance	Posey	Tiberi
Landry	Price (GA)	Tipton
Lankford	Quayle	Turner (NY)
Latham	Reed	Turner (OH)
LaTourette	Rehberg	Upton
Latta	Reichert	Walberg
LoBiondo	Renacci	Walden
Long	Ribble	Walsh (IL)
Lucas	Rigell	Webster
Luetkemeyer	Roby	West
Lummis	Roe (TN)	Westmoreland
Lungren, Daniel	Rogers (AL)	Whitfield
E.	Rogers (KY)	Wilson (SC)
Manzullo	Rogers (MI)	Wittman
Marchant	Rohrabacher	Wolf
Marino	Rokita	Womack
Matheson	Rooney	Woodall
McCarthy (CA)	Ros-Lehtinen	Yoder
McCauley	Roskam	Young (AK)
McClintock	Ross (AR)	Young (FL)
McCotter	Ross (FL)	Young (IN)
McHenry	Royce	

NOT VOTING—19

Bishop (NY)	Jackson Lee	Miller, Gary
Burton (IN)	(TX)	Poe (TX)
Clarke (NY)	Johnson (GA)	Rivera
Doggett	Lewis (CA)	Sánchez, Linda
Filmer	Lewis (GA)	T.
Gallegly	Mack	Scott, David
Jackson (IL)	Miller (FL)	Velázquez

□ 1135

Mr. LEVIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 393, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 242, not voting 13, as follows:

[Roll No. 394]

AYES—177

Ackerman	Fudge	Neal
Andrews	Garamendi	Oliver
Baca	Gibson	Pallone
Baldwin	Gonzalez	Pascarell
Barber	Green, Al	Pastor (AZ)
Barrow	Green, Gene	Pelosi
Bass (CA)	Grijalva	Perlmutter
Becerra	Gutierrez	Peters
Berkley	Hahn	Pingree (ME)
Berman	Hanabusa	Polis
Bishop (GA)	Hastings (FL)	Price (NC)
Blumenauer	Heinrich	Quigley
Bonamici	Higgins	Rahall
Boswell	Himes	Rangel
Brady (PA)	Hinchee	Reyes
Braley (IA)	Hinojosa	Richardson
Brown (FL)	Hirono	Richmond
Butterfield	Hochul	Rothman (NJ)
Capps	Holden	Richmond
Capuano	Holt	Ruppersberger
Cardoza	Honda	Rush
Carnahan	Hoyer	Ryan (OH)
Carney	Israel	Sanchez, Loretta
Carson (IN)	Johnson (GA)	Sarbanes
Castor (FL)	Johnson (IL)	Schakowsky
Chandler	Johnson, E. B.	Schiff
Chu	Kaptur	Schrader
Cicilline	Keating	Schwartz
Clarke (MI)	Kildee	Scott (VA)
Clay	Kind	Scott, David
Cleaver	Kucinich	Serrano
Clyburn	Langevin	Sewell
Cohen	Larsen (WA)	Sherman
Connolly (VA)	Larson (CT)	Shuler
Conyers	Lee (CA)	Sires
Cooper	Levin	Slaughter
Costa	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Speier
Critz	Loeb sack	Stark
Crowley	Lofgren, Zoe	Sutton
Cuellar	Lowey	Thompson (CA)
Cummings	Lujan	Thompson (MS)
Davis (CA)	Lynch	Tierney
Davis (IL)	Maloney	Tonko
DeFazio	Markey	Towns
DeGette	Matsui	Tsongas
DeLauro	McCarthy (NY)	Van Hollen
Dent	McCollum	Visclosky
Deutch	McDermott	Walz (MN)
Dicks	McGovern	Wasserman
Doggett	McNerney	Wasserman
Doyle	Meeks	Schultz
Edwards	Michaud	Waters
Ellison	Miller (NC)	Watt
Engel	Miller, George	Waxman
Eshoo	Moore	Welch
Farr	Moran	Wilson (FL)
Fattah	Murphy (CT)	Wolf
Fitzpatrick	Nadler	Woolsey
Frank (MA)	Napolitano	Yarmuth

NOES—242

Adams	Brady (TX)	Davis (KY)
Aderholt	Brooks	Denham
Akin	Broun (GA)	DesJarlais
Alexander	Buchanan	Diaz-Balart
Altmire	Bucshon	Dingell
Amash	Buerkle	Dold
Amodei	Burgess	Donnelly (IN)
Austria	Calvert	Dreier
Bachmann	Camp	Duffy
Bachus	Campbell	Duncan (SC)
Barletta	Canseco	Duncan (TN)
Bartlett	Cantor	Ellmers
Barton (TX)	Capito	Emerson
Bass (NH)	Carter	Farenthold
Benishkek	Cassidy	Fincher
Berg	Chabot	Flake
Biggart	Chaffetz	Fleischmann
Bilbray	Coble	Fleming
Bilirakis	Coffman (CO)	Flores
Bishop (UT)	Cole	Forbes
Black	Conaway	Fortenberry
Blackburn	Costello	Fox
Bonner	Cravack	Franks (AZ)
Bono Mack	Crawford	Frelinghuysen
Boren	Crenshaw	Gardner
Boustany	Culberson	Garrett

Gerlach	Lummis	Rohrabacher
Gibbs	Lungren, Daniel	Rokita
Gingrey (GA)	E.	Rooney
Gohmert	Manzullo	Ros-Lehtinen
Goodlatte	Marchant	Roskam
Gosar	Marino	Ross (AR)
Gowdy	Matheson	Ross (FL)
Granger	McCarthy (CA)	Royce
Graves (GA)	McCaul	Runyan
Graves (MO)	McClintock	Ryan (WI)
Griffin (AR)	McCotter	Scalise
Griffith (VA)	McHenry	Schilling
Grimm	McIntyre	Schmidt
Guinta	McKeon	Schock
Guthrie	McKinley	Schweikert
Hall	McMorris	Scott (SC)
Hanna	Rodgers	Scott, Austin
Harper	Meehan	Sensenbrenner
Harris	Mica	Sessions
Hartzler	Miller (MI)	Shimkus
Hastings (WA)	Mulvaney	Shuster
Hayworth	Murphy (PA)	Simpson
Heck	Myrick	Smith (NE)
Hensarling	Neugebauer	Smith (NJ)
Herger	Noem	Smith (TX)
Herrera Beutler	Nugent	Southerland
Huelskamp	Nunes	Stearns
Huizenga (MI)	Nunnelee	Stivers
Hultgren	Olson	Stutzman
Hunter	Owens	Sullivan
Hurt	Palazzo	Terry
Issa	Paul	Thompson (PA)
Jenkins	Paulsen	Thornberry
Johnson (OH)	Pearce	Tiberi
Johnson, Sam	Pence	Tipton
Jones	Peterson	Turner (NY)
Jordan	Petri	Turner (OH)
Kelly	Pitts	Upton
King (IA)	Platts	Walberg
King (NY)	Poe (TX)	Walden
Kingston	Pompeo	Walsh (IL)
Kinzing (IL)	Posey	Webster
Kissell	Price (GA)	West
Kline	Quayle	Westmoreland
Labrador	Reed	Whitfield
Lamborn	Rehberg	Wilson (SC)
Lance	Reichert	Wittman
Landry	Renacci	Wolf
Lankford	Ribble	Womack
Latham	Rigell	Woodall
LaTourette	Rivera	Yoder
Latta	Roe (TN)	Young (AK)
LoBiondo	Rogers (AL)	Young (FL)
Long	Rogers (KY)	Young (IN)
Lucas	Rogers (MI)	
Luetkemeyer		

NOT VOTING—13

Bishop (NY)	Jackson (IL)	Miller (FL)
Burton (IN)	Jackson Lee	Miller, Gary
Clarke (NY)	(TX)	Sánchez, Linda
Filner	Lewis (CA)	T.
Gallegly	Mack	Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1140

Mr. CONYERS changed his vote from “no” to “aye.”
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 394, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 9 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GENE GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 244, not voting 14, as follows:

[Roll No. 395]

AYES—174

Ackerman	Garamendi	Oliver
Baca	Gonzalez	Pallone
Baldwin	Green, Al	Pascarell
Barber	Green, Gene	Pastor (AZ)
Barrow	Grijalva	Pelosi
Bass (CA)	Gutierrez	Perlmutter
Bass (NH)	Hahn	Peters
Becerra	Hanabusa	Pingree (ME)
Berkley	Hastings (FL)	Polis
Berman	Hayworth	Price (NC)
Bishop (GA)	Heinrich	Quigley
Blumenauer	Higgins	Rangel
Bonamici	Himes	Reichert
Boswell	Hinchee	Reyes
Brady (PA)	Hinojosa	Richardson
Braley (IA)	Hirono	Richmond
Butterfield	Holden	Ross (AR)
Capps	Holt	Rothman (NJ)
Capuano	Honda	Roybal-Allard
Cardoza	Hoyer	Ruppersberger
Carnahan	Israel	Rush
Carney	Johnson (GA)	Ryan (OH)
Carson (IN)	Johnson (IL)	Sanchez, Loretta
Castor (FL)	Kaptur	Sarbanes
Chandler	Keating	Schakowsky
Chu	Kildee	Schiff
Cicilline	Kind	Schrader
Clarke (MI)	Kissell	Schwartz
Clay	Kucinich	Scott (VA)
Cleaver	Langevin	Scott, David
Cohen	Larsen (WA)	Serrano
Connolly (VA)	Larson (CT)	Sewell
Conyers	Lee (CA)	Sherman
Cooper	Levin	Shuler
Costa	Lewis (GA)	Sires
Courtney	Lipinski	Slaughter
Critz	Loeb sack	Smith (WA)
Crowley	Lofgren, Zoe	Speier
Cuellar	Lowey	Stark
Cummings	Lujan	Sutton
Davis (CA)	Lynch	Thompson (CA)
Davis (IL)	Maloney	Tierney
DeFazio	Markey	Tonko
DeGette	Matheson	Towns
DeLauro	Matsui	Tsongas
Deutch	McCarthy (NY)	Van Hollen
Dicks	McCollum	Visclosky
Dingell	McDermott	Wasserman
Dold	McGovern	Schultz
Doyle	McNerney	Waters
Edwards	Meeks	Watt
Ellison	Michaud	Waxman
Engel	Miller (NC)	Welch
Eshoo	Miller, George	Wilson (FL)
Farr	Moran	Wolf
Fattah	Murphy (CT)	Woolsey
Frank (MA)	Nadler	Yarmuth
Frelinghuysen	Napolitano	
Fudge	Neal	

NOES—244

Adams	Bilbray	Burton (IN)
Aderholt	Bilirakis	Calvert
Akin	Bishop (UT)	Camp
Alexander	Black	Campbell
Altmire	Blackburn	Canseco
Amash	Bonner	Cantor
Amodei	Bono Mack	Capito
Andrews	Boren	Carter
Austria	Boustany	Cassidy
Bachmann	Brady (TX)	Chabot
Bachus	Brooks	Chaffetz
Barletta	Broun (GA)	Clyburn
Bartlett	Brown (FL)	Coble
Barton (TX)	Buchanan	Coffman (CO)
Benishkek	Bucshon	Cole
Berg	Buerkle	Conaway
Biggart	Burgess	Costello

Cravaack	Johnson, Sam	Reed
Crawford	Jones	Rehberg
Crenshaw	Jordan	Renacci
Culberson	Kelly	Ribble
Davis (KY)	King (IA)	Rigell
Denham	King (NY)	Rivera
Dent	Kingston	Roby
DesJarlais	Kinzinger (IL)	Roe (TN)
Diaz-Balart	Klaine	Rogers (AL)
Donnelly (IN)	Labrador	Rogers (KY)
Dreier	Lamborn	Rogers (MI)
Duffy	Lance	Rohrabacher
Duncan (SC)	Landry	Rokita
Duncan (TN)	Lankford	Rooney
Ellmers	Latham	Ros-Lehtinen
Emerson	LaTourette	Roskam
Farenthold	Latta	Ross (FL)
Fincher	LoBiondo	Royce
Fitzpatrick	Long	Runyan
Flake	Lucas	Ryan (WI)
Fleischmann	Luetkemeyer	Scallise
Fleming	Lummis	Schilling
Flores	Lungren, Daniel	Schmidt
Forbes	E.	Schock
Fortenberry	Manzullo	Schweikert
Fox	Marchant	Scott (SC)
Franks (AZ)	Marino	Scott, Austin
Gardner	McCarthy (CA)	Sensenbrenner
Garrett	McCaul	Sessions
Gerlach	McClintock	Shimkus
Gibbs	McCotter	Shuster
Gibson	McHenry	Simpson
Gingrey (GA)	McIntyre	Smith (NE)
Gohmert	McKeon	Smith (NJ)
Goodlatte	McKinley	Smith (TX)
Gosar	McMorris	Southerland
Gowdy	Rodgers	Stearns
Granger	Meehan	Stivers
Graves (GA)	Mica	Stutzman
Graves (MO)	Miller (MI)	Sullivan
Griffin (AR)	Mulvaney	Terry
Griffith (VA)	Murphy (PA)	Thompson (MS)
Grimm	Myrick	Thompson (PA)
Guinta	Neugebauer	Thornberry
Guthrie	Noem	Tiberi
Hall	Nugent	Tipton
Hanna	Nunes	Turner (NY)
Harper	Nunnelee	Turner (OH)
Harris	Olson	Upton
Hartzler	Owens	Walberg
Hastings (WA)	Palazzo	Walden
Heck	Paul	Walsh (IL)
Hensarling	Paulsen	Walsh (MN)
Herger	Pearce	Webster
Herrera Beutler	Pence	West
Hochul	Peterson	Westmoreland
Huelskamp	Petri	Whitfield
Huizenga (MI)	Pitts	Wilson (SC)
Hultgren	Platts	Wittman
Hunter	Poe (TX)	Wolf
Hurt	Pompeo	Womack
Issa	Posey	Woodall
Jenkins	Price (GA)	Yoder
Johnson (OH)	Quayle	Young (AK)
Johnson, E. B.	Rahall	Young (FL)
		Young (IN)

NOT VOTING—14

Bishop (NY)	Jackson Lee	Moore
Clarke (NY)	(TX)	Sánchez, Linda
Doggett	Lewis (CA)	T.
Filner	Mack	Velázquez
Gallegly	Miller (FL)	
Jackson (IL)	Miller, Gary	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1143

So the amendment was rejected.

The result of the vote was announced as above recorded.
Stated for:

Mr. FILNER. Madam Chair, on rollcall 395, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 11 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 255, not voting 13, as follows:

[Roll No. 396]

AYES—164

Ackerman	Fudge	Pallone
Andrews	Garamendi	Pascarelli
Baca	Gonzalez	Pastor (AZ)
Baldwin	Grijalva	Pelosi
Barber	Gutierrez	Peters
Bass (CA)	Hahn	Pingree (ME)
Becerra	Hanabusa	Polis
Berkley	Hastings (FL)	Price (NC)
Berman	Heinrich	Quigley
Blumenauer	Higgins	Rahall
Bonamici	Himes	Rangel
Boswell	Hinchey	Reyes
Brady (PA)	Hinojosa	Richardson
Braley (IA)	Hirono	Richmond
Brown (FL)	Holt	Rothman (NJ)
Butterfield	Honda	Roybal-Allard
Capps	Hoyer	Ruppersberger
Capuano	Israel	Rush
Cardoza	Johnson (GA)	Ryan (OH)
Carnahan	Johnson, E. B.	Sanchez, Loretta
Carney	Kaptur	Sarbanes
Carson (IN)	Keating	Schakowsky
Castor (FL)	Kildee	Schiff
Chandler	Kind	Schrader
Chu	Kucinich	Schwartz
Cicilline	Langevin	Scott (VA)
Clarke (MI)	Larson (CT)	Scott, David
Clay	Lee (CA)	Serrano
Cleaver	Levin	Sewell
Clyburn	Lewis (GA)	Sherman
Cohen	Lipinski	Shuler
Connolly (VA)	Loeb	Sires
Conyers	Lofgren, Zoe	Slaughter
Cooper	Lowey	Smith (WA)
Costa	Lujan	Speier
Courtney	Lynch	Stark
Crowley	Maloney	Sutton
Cummings	Markey	Thompson (CA)
Davis (CA)	Matsui	Thompson (MS)
Davis (IL)	McCarthy (NY)	Tierney
DeFazio	McCollum	Tonko
DeGette	McDermott	Towns
DeLauro	McGovern	Tsongas
Deutch	McNerney	Van Hollen
Dicks	Meeks	Visclosky
Dingell	Michaud	Walz (MN)
Doggett	Miller (NC)	Wasserman
Doyle	Miller, George	Schultz
Edwards	Moore	Waters
Ellison	Moran	Watt
Engel	Murphy (CT)	Waxman
Eshoo	Nadler	Welch
Farr	Napolitano	Wilson (FL)
Fattah	Neal	Woolsey
Frank (MA)	Oliver	Yarmuth

NOES—255

Adams	Benish	Brooks
Aderholt	Berg	Broun (GA)
Akin	Biggert	Buchanan
Alexander	Bilbray	Bucshon
Altmire	Billirakis	Buerkle
Amash	Bishop (GA)	Burgess
Amodei	Bishop (UT)	Burton (IN)
Austria	Black	Calvert
Bachmann	Blackburn	Camp
Barletta	Bonner	Campbell
Barrow	Bono Mack	Canseco
Bartlett	Boren	Cantor
Barton (TX)	Boustany	Capito
Bass (NH)	Brady (TX)	Carter

Cassidy	Huelskamp	Poe (TX)
Chabot	Huizenga (MI)	Pompeo
Chaffetz	Hultgren	Posey
Coble	Hunter	Price (GA)
Coffman (CO)	Hurt	Quayle
Cole	Issa	Reed
Conaway	Jenkins	Rehberg
Costello	Johnson (IL)	Reichert
Cravaack	Johnson (OH)	Renacci
Crawford	Johnson, Sam	Ribble
Crenshaw	Jones	Rigell
Critz	Jordan	Rivera
Cuellar	Kelly	Roby
Culberson	King (IA)	Roe (TN)
Davis (KY)	King (NY)	Rogers (AL)
Denham	Kingston	Rogers (KY)
Dent	Kinzinger (IL)	Rogers (MI)
DesJarlais	Kissell	Rohrabacher
Diaz-Balart	Kline	Rokita
Dold	Labrador	Rooney
Donnelly (IN)	Lamborn	Ros-Lehtinen
Dreier	Lance	Roskam
Duffy	Landry	Ross (AR)
Duncan (SC)	Lankford	Ross (FL)
Duncan (TN)	Larsen (WA)	Royce
Ellmers	Latham	Runyan
Emerson	LaTourette	Ryan (WI)
Farenthold	Latta	Scalise
Fincher	LoBiondo	Schilling
Fitzpatrick	Long	Schmidt
Flake	Lucas	Schock
Fleischmann	Luetkemeyer	Schweikert
Fleming	Lummis	Scott (SC)
Flores	Lungren, Daniel	Scott, Austin
Forbes	E.	Sensenbrenner
Fortenberry	Manzullo	Sessions
Fox	Marchant	Shimkus
Franks (AZ)	Marino	Shuster
Frelinghuysen	Matheson	Simpson
Gardner	McCarthy (CA)	Smith (NE)
Garrett	McCaul	Smith (NJ)
Gerlach	McClintock	Smith (TX)
Gibbs	McCotter	Southerland
Gibson	McHenry	Stearns
Gingrey (GA)	McIntyre	Stivers
Gohmert	McKeon	Stutzman
Goodlatte	McKinley	Sullivan
Gosar	McMorris	Terry
Gowdy	Rodgers	Thompson (PA)
Granger	Meehan	Thornberry
Graves (GA)	Mica	Tiberi
Graves (MO)	Miller (MI)	Tipton
Green, Al	Mulvaney	Turner (NY)
Green, Gene	Murphy (PA)	Turner (OH)
Griffin (AR)	Myrick	Upton
Griffith (VA)	Neugebauer	Walberg
Grimm	Noem	Walden
Guinta	Nugent	Walsh (IL)
Guthrie	Nunes	Webster
Hall	Nunnelee	West
Hanna	Olson	Westmoreland
Harper	Owens	Whitfield
Harris	Palazzo	Wilson (SC)
Hartzler	Paul	Wittman
Hastings (WA)	Paulsen	Wolf
Hayworth	Pearce	Womack
Heck	Pence	Woodall
Hensarling	Perlmutter	Yoder
Herger	Peterson	Young (AK)
Herrera Beutler	Petri	Young (FL)
Hochul	Pitts	Young (IN)
Holden	Platts	

NOT VOTING—13

Bachus	Jackson (IL)	Miller (FL)
Bishop (NY)	Jackson Lee	Miller, Gary
Clarke (NY)	(TX)	Sánchez, Linda
Filner	Lewis (CA)	T.
Gallegly	Mack	Velázquez

□ 1148

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 396, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 12 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 256, not voting 12, as follows:

[Roll No. 397]

AYES—164

Ackerman	Hahn	Pascarell
Andrews	Hanabusa	Pastor (AZ)
Baca	Hastings (FL)	Pelosi
Baldwin	Heinrich	Peters
Barber	Higgins	Pingree (ME)
Bass (CA)	Himes	Platts
Bass (NH)	Hinchey	Polis
Becerra	Hirono	Price (NC)
Berkley	Hochul	Quigley
Berman	Holt	Rahall
Blumenauer	Honda	Rangel
Bonamici	Hoyer	Reichert
Brady (PA)	Israel	Reyes
Braley (IA)	Johnson (GA)	Richardson
Brown (FL)	Johnson, E. B.	Richmond
Butterfield	Jones	Rothman (NJ)
Capps	Kaptur	Roybal-Allard
Capuano	Keating	Ruppersberger
Carnahan	Kildee	Rush
Carson (IN)	Kind	Ryan (OH)
Castor (FL)	Kucinich	Sanchez, Loretta
Chu	Langevin	Sarbanes
Ciilline	Larsen (WA)	Schakowsky
Clarke (MI)	Larson (CT)	Schiff
Clay	Lee (CA)	Schwartz
Cleaver	Levin	Scott (VA)
Clyburn	Lewis (GA)	Scott, David
Cohen	Lipinski	Serrano
Connolly (VA)	LoBiondo	Sewell
Conyers	Loeb sack	Sherman
Costello	Lofgren, Zoe	Sires
Courtney	Lowey	Slaughter
Crowley	Lujan	Smith (NJ)
Cummings	Lynch	Smith (WA)
Davis (CA)	Maloney	Speier
Davis (IL)	Markey	Stark
DeFazio	Matsui	Sutton
DeGette	McCarthy (NY)	Thompson (CA)
DeLauro	McCollum	Thompson (MS)
Deutch	McDermott	Tierney
Dicks	McGovern	Tonko
Dingell	McNerney	Towns
Doyle	Meeks	Tsongas
Edwards	Michaud	Van Hollen
Ellison	Miller (NC)	Visclosky
Engel	Miller, George	Walz (MN)
Eshoo	Moore	Wasserman
Farr	Moran	Schultz
Fattah	Murphy (CT)	Waters
Fitzpatrick	Nadler	Watt
Frank (MA)	Napolitano	Waxman
Fudge	Neal	Welch
Garamendi	Olver	Wilson (FL)
Grijalva	Owens	Woolsey
Gutierrez	Pallone	Yarmuth

NOES—256

Adams	Bartlett	Bono Mack
Aderholt	Barton (TX)	Boren
Akin	Benishak	Boswell
Alexander	Berg	Boustany
Altmire	Biggert	Brady (TX)
Amash	Bilbray	Brooks
Amodi	Bilirakis	Brown (GA)
Austria	Bishop (GA)	Buchanan
Bachmann	Bishop (UT)	Bucshon
Bachus	Black	Buerkle
Barletta	Blackburn	Burgess
Barrow	Bonner	Burton (IN)

Calvert	Harris	Peterson
Camp	Hartzler	Petri
Campbell	Hastings (WA)	Pitts
Canseco	Hayworth	Poe (TX)
Cantor	Heck	Pompeo
Capito	Hensarling	Posey
Cardoza	Herger	Price (GA)
Carney	Herrera Beutler	Quayle
Carter	Hinojosa	Reed
Cassidy	Holden	Rehberg
Chabot	Huelskamp	Renacci
Chaffetz	Huizenga (MI)	Ribble
Chandler	Hultgren	Rigell
Coble	Hunter	Rivera
Coffman (CO)	Hurt	Roby
Cole	Issa	Roe (TN)
Conaway	Jenkins	Rogers (AL)
Cooper	Johnson (IL)	Rogers (KY)
Costa	Johnson (OH)	Rogers (MI)
Cravaack	Johnson, Sam	Rohrabacher
Crawford	Jordan	Rokita
Crenshaw	Kelly	Rooney
Critz	King (IA)	Ros-Lehtinen
Cuellar	King (NY)	Roskam
Culberson	Kingston	Ross (AR)
Davis (KY)	Kinzinger (IL)	Ross (FL)
Denham	Kissell	Royce
Dent	Kline	Runyan
DesJarlais	Labrador	Ryan (WI)
Diaz-Balart	Lamborn	Scalise
Peters	Lance	Schilling
Doggett	Landry	Schmidt
Dold	Lankford	Schock
Donnelly (IN)	Latham	Schrader
Dreier	LaTourette	Schweikert
Duffy	Latta	Scott (SC)
Duncan (SC)	Long	Scott, Austin
Duncan (TN)	Lucas	Sensenbrenner
Ellmers	Luetkemeyer	Sessions
Emerson	Lummis	Shimkus
Farenthold	Lungren, Daniel	Shuler
Fincher	E.	Shuster
Flake	Manzullo	Simpson
Fleischmann	Marchant	Smith (NE)
Fleming	Marino	Smith (TX)
Flores	Matheson	Southerland
Forbes	McCarthy (CA)	Stearns
Fortenberry	McCaul	Stivers
Fox	McClintock	Stutzman
Fox	McCotter	Sullivan
Franks (AZ)	McHenry	Terry
Frelinghuysen	McIntyre	Thompson (PA)
Gardner	McKeon	Thornberry
Garrett	McKinley	Tiberi
Gelbach	McMorris	Tipton
Gibbs	Rodgers	Turner (NY)
Gibson	Meehan	Turner (OH)
Gingrey (GA)	Mica	Upton
Gingrey (GA)	Miller (MI)	Walberg
Gohmert	Mulvaney	Walden
Gonzalez	Murphy (PA)	Walsh (IL)
Gonzalez	Myrick	Webster
Goodlatte	Neugebauer	West
Gosar	Noem	Westmoreland
Gowdy	Nugent	Whitfield
Granger	Nunes	Wilson (SC)
Graves (GA)	Nunnelee	Wittman
Graves (MO)	Olson	Wolf
Green, Al	Palazzo	Womack
Green, Gene	Paul	Woodall
Griffin (AR)	Paulsen	Yoder
Griffith (VA)	Pearce	Young (AK)
Grimm	Pence	Young (FL)
Guinta	Perlmutter	Young (IN)
Guthrie		
Hall		
Hall		
Hanna		
Harper		

NOT VOTING—12

Bishop (NY)	Jackson Lee	Miller, Gary
Clarke (NY)	(TX)	Sánchez, Linda
Filner	Lewis (CA)	T.
Gallegly	Mack	Velázquez
Jackson (IL)	Miller (FL)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1152

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 397, I was away from the Capitol due to prior com-

mitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 13 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 230, not voting 12, as follows:

[Roll No. 398]

AYES—190

Ackerman	Eshoo	Michaud
Altmire	Farr	Miller (NC)
Andrews	Fattah	Miller, George
Baca	Frank (MA)	Moore
Baldwin	Fudge	Moran
Barber	Garamendi	Murphy (CT)
Barrow	Gibson	Nadler
Bass (CA)	Gonzalez	Napolitano
Becerra	Green, Al	Neal
Berkley	Green, Gene	Olver
Berman	Grijalva	Owens
Biggert	Gutierrez	Pallone
Bishop (GA)	Hahn	Pascarell
Blumenauer	Hanabusa	Pastor (AZ)
Bonamici	Hanna	Pelosi
Boswell	Hastings (FL)	Perlmutter
Brady (PA)	Heinrich	Peters
Braley (IA)	Higgins	Peterson
Brown (FL)	Himes	Pingree (ME)
Burgess	Hinchey	Polis
Butterfield	Hinojosa	Price (NC)
Capps	Hirono	Quigley
Capuano	Hochul	Rahall
Cardoza	Holden	Rangel
Carnahan	Holt	Reyes
Carney	Honda	Richardson
Carson (IN)	Hoyer	Richmond
Castor (FL)	Israel	Rothman (NJ)
Chandler	Johnson (GA)	Roybal-Allard
Chu	Johnson (IL)	Ruppersberger
Ciilline	Johnson, E. B.	Rush
Clarke (MI)	Kaptur	Ryan (OH)
Clay	Keating	Sanchez, Loretta
Cleaver	Kildee	Sarbanes
Clyburn	Kind	Schakowsky
Cohen	Kissell	Schiff
Connolly (VA)	Kucinich	Schwartz
Conyers	Lance	Schrader
Cooper	Langevin	Schwartz
Costa	Larsen (WA)	Scott (VA)
Costello	Larson (CT)	Scott, David
Courtney	Lee (CA)	Serrano
Critz	Levin	Sewell
Crowley	Lewis (GA)	Sherman
Cuellar	Lipinski	Shuler
Cummings	Loeb sack	Sires
Davis (CA)	Lofgren, Zoe	Slaughter
Davis (IL)	Lowey	Smith (WA)
DeFazio	Lujan	Speier
DeGette	Lynch	Stark
DeLauro	Maloney	Sutton
Deutch	Markey	Terry
Dicks	Matheson	Thompson (CA)
Dingell	Matsui	Thompson (MS)
Doggett	McCarthy (NY)	Tierney
Dold	McCollum	Tonko
Donnelly (IN)	McDermott	Towns
Doyle	McGovern	Tsongas
Edwards	McIntyre	Van Hollen
Ellison	McNerney	Visclosky
Engel	Meeks	Walz (MN)

Wasserman
Schultz
Waters

Watt
Waxman
Welch

Wilson (FL)
Woolsey
Yarmuth

□ 1155

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 398, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 14 OFFERED BY MR. AMODEI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. AMODEI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 162, not voting 13, as follows:

[Roll No. 399]

AYES—257

NOES—230

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert

Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bishop (NY)
Clarke (NY)
Filner
Gallegly
Jackson (IL)

Jackson Lee
(TX)
Lewis (CA)
Mack
Miller (FL)

Miller, Gary
Sánchez, Linda
T.
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Dreier
Bass (NH)
Benishkek
Berg
Berkley
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello

Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper

Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kluge
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon

McKinley
McMorris
Rodgers
Meehan
Mica
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg

Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)

NOES—162

Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hartzler
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsock
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Oliver

Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bishop (NY)
Burton (IN)
Clarke (NY)
Filner
Gallegly
Jackson (IL)

Jackson Lee (TX)
Lewis (CA)

Mack
Miller (FL)
Miller, Gary

Sánchez, Linda T.
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1158

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 399, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 15 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 256, not voting 15, as follows:

[Roll No. 400]

AYES—161

Ackerman	Doggett	Lynch
Altmire	Edwards	Maloney
Andrews	Ellison	Markey
Baca	Engel	Matsui
Baldwin	Eshoo	McCarthy (NY)
Barber	Farr	McCollum
Barrow	Fattah	McDermott
Bass (CA)	Fitzpatrick	McGovern
Becerra	Fortenberry	McIntyre
Berkley	Fudge	McNerney
Berman	Garamendi	Meeks
Blumenauer	Gerlach	Michaud
Bonamici	Gibson	Miller (NC)
Boswell	Grijalva	Miller, George
Brady (PA)	Gutierrez	Moore
Braley (IA)	Hahn	Moran
Capps	Hanabusa	Murphy (CT)
Capuano	Hastings (FL)	Nadler
Cardoza	Higgins	Napolitano
Carnahan	Hinchey	Neal
Carney	Hinojosa	Olver
Carson (IN)	Hirono	Owens
Castor (FL)	Hochul	Pallone
Chandler	Holt	Pascrell
Chu	Honda	Pastor (AZ)
Cicilline	Hoyer	Pelosi
Clarke (MI)	Israel	Peters
Clay	Johnson (GA)	Pingree (ME)
Cleaver	Jones	Platts
Clyburn	Kaptur	Price (NC)
Cohen	Keating	Quigley
Connolly (VA)	Kildee	Rahall
Conyers	Kind	Rangel
Costa	Kissell	Reyes
Courtney	Kucinich	Richardson
Crowley	Langevin	Rothman (NJ)
Cummings	Larson (CT)	Roybal-Allard
Davis (CA)	Lee (CA)	Ruppersberger
Davis (IL)	Levin	Rush
DeFazio	Lewis (GA)	Sanchez, Loretta
DeGette	Lipinski	Sarbanes
DeLauro	LoBiondo	Schakowsky
Dent	Loeback	Schiff
Deutch	Lofgren, Zoe	Schrader
Dicks	Lowey	Schwartz

Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)

Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen

Walz (MN)
Wasserman
Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Womack
Woodall

Bishop (NY)
Burton (IN)
Clarke (NY)
Filner
Gallegly
Herrera Beutler

Yoder
Young (AK)

Jackson (IL)
Jackson Lee
(TX)
Lewis (CA)
Mack
Miller (FL)

Young (FL)
Young (IN)

NOT VOTING—15

Miller, Gary
Sánchez, Linda T.
Velázquez
Watt

NOES—256

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Cravaack
Lankford
Crenshaw
Crisz
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gardner
Garrett

Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Himes
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
McRodgers
Meehan
Mica
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer

Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1201

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 400, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 16 OFFERED BY MR. LANDRY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. LANDRY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 173, not voting 15, as follows:

[Roll No. 401]

AYES—244

Adams	Cassidy	Fortenberry
Aderholt	Chabot	Foxx
Akin	Chaffetz	Franks (AZ)
Alexander	Clyburn	Frelinghuysen
Altmire	Coble	Gardner
Amash	Coffman (CO)	Garrett
Amodei	Cole	Gerlach
Austria	Conaway	Gibbs
Bachmann	Cravaack	Gingrey (GA)
Barletta	Crawford	Gohmert
Bartlett	Crenshaw	Gonzalez
Barton (TX)	Cuellar	Goodlatte
Benishek	Culberson	Gosar
Berg	Cummings	Gowdy
Bilbray	Davis (IL)	Granger
Bilirakis	Davis (KY)	Graves (GA)
Bishop (UT)	Denham	Graves (MO)
Black	Dent	Green, Al
Blackburn	DesJarlais	Green, Gene
Bonner	Diaz-Balart	Griffin (AR)
Bono Mack	Dingell	Griffith (VA)
Boren	Doggett	Grimm
Boustany	Dold	Guthrie
Brady (TX)	Dreier	Hall
Brooks	Duffy	Hanabusa
Broun (GA)	Duncan (SC)	Harper
Brown (FL)	Duncan (TN)	Harris
Buchanan	Ellmers	Hartzler
Bucshon	Emerson	Hastings (WA)
Buerkle	Farenthold	Hayworth
Burgess	Fincher	Heck
Calvert	Fitzpatrick	Hensarling
Camp	Flake	Herger
Canseco	Fleischmann	Herrera Beutler
Cantor	Fleming	Hinojosa
Capito	Flores	Huelskamp
Carter	Forbes	

Huizenga (MI) Meehan
Hultgren Mica
Hunter Miller (MI)
Hurt Mulvaney
Issa Murphy (PA)
Jenkins Myrick
Johnson (IL) Neugebauer
Johnson (OH) Noem
Johnson, E. B. Nugent
Johnson, Sam Nunes
Jones Nunnelee
Jordan Olson
Kelly Palazzo
King (IA) Paulsen
King (NY) Pearce
Kingston Pence
Kinzinger (IL) Petri
Kline Pitts
Labrador Platts
Lamborn Poe (TX)
Lance Pompeo
Landry Posey
Lankford Price (GA)
Larson (CT) Quayle
Latham Reed
LaTourette Rehberg
Latta Reichert
Lucas Renacci
Luetkemeyer Ribble
Lummis Richmond
Lungren, Daniel Rigell
E. Rivera
Manzullo Roby
Marchant Roe (TN)
Marino Rogers (AL)
Matheson Rogers (KY)
McCarthy (CA) Rogers (MI)
McCaul Rohrabacher
McCotter Rokita
McHenry Rooney
McIntyre Ros-Lehtinen
McKeon Roskam
McKinley Ross (AR)
McMorris Ross (FL)
Rodgers Runyan

NOES—173

Ackerman Donnelly (IN)
Andrews Doyle
Baca Edwards
Baldwin Ellison
Barber Engel
Barrow Eshoo
Bass (CA) Farr
Bass (NH) Fattah
Becerra Frank (MA)
Berkley Fudge
Berman Garamendi
Biggert Gibson
Bishop (GA) Grijalva
Blumenauer Gutierrez
Bonamici Hahn
Boswell Hanna
Brady (PA) Hastings (FL)
Braley (IA) Heinrich
Butterfield Higgins
Campbell Himes
Capps Hinchey
Capuano Hirono
Cardoza Hochul
Carnahan Holden
Carney Holt
Carson (IN) Honda
Castor (FL) Hoyer
Chandler Israel
Chu Johnson (GA)
Cicilline Kaptur
Clarke (MI) Keating
Clay Kildee
Cleaver Kind
Cohen Kissell
Connolly (VA) Kucinich
Conyers Langevin
Cooper Larsen (WA)
Costa Lee (CA)
Costello Levin
Courtney Lewis (GA)
Critz Lipinski
Crowley LoBiondo
Davis (CA) Loeb sack
DeFazio Lofgren, Zoe
DeGette Long
DeLauro Lowey
Deutch Lujan
Dicks Lynch

Ryan (WI) Scalise
Scalise Schmidt
Miller (MI) Schock
Schweikert
Scott (SC) Shuler
Scott, Austin Sires
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)

Bachus
Bishop (NY)
Burton (IN)
Clarke (NY)
Filner
Gallegly

Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky

NOT VOTING—15

Jackson (IL)
Jackson Lee
(TX)
Lewis (CA)
Mack
Miller (FL)

Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (IN)

Miller, Gary
Rangel
Sánchez, Linda
T.
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1205

Ms. RICHARDSON changed her vote from “aye” to “no.”

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Stated against:
Mr. FILNER. Madam Chair, on rollcall 401, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 17 OFFERED BY MR. RIGELL
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. RIGELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 146, not voting 23, as follows:

[Roll No. 402]

AYES—263

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Buchanan
Bucshon
Buerkle
Bachmann
Burgess
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell

Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Costa

Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

Forbes
Fortenberry
Foss
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hinojosa
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance

Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Loeb sack
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell

NOES—146

Ackerman
Andrews
Baca
Baldwin
Barber
Berkley
Berman
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)

Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markay
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)

Nadler	Ruppersberger	Sutton	Fortenberry	Lynch	Ryan (OH)	Miller (MI)	Rivera	Smith (NJ)
Napolitano	Rush	Thompson (CA)	Frank (MA)	Maloney	Sanchez, Loretta	Mulvaney	Roby	Smith (TX)
Neal	Ryan (OH)	Tierney	Fudge	Sarbanes	Murphy (PA)	Murphy (PA)	Roe (TN)	Southerland
Olver	Sanchez, Loretta	Tonko	Garamendi	Matsui	Schakowsky	Myrick	Rogers (AL)	Stearns
Pallone	Sarbanes	Towns	Grijalva	McCarthy (NY)	Schiff	Neugebauer	Rogers (KY)	Stivers
Pascrell	Schakowsky	Tsongas	Gutierrez	McCollum	Schrader	Noem	Rogers (MI)	Stutzman
Pastor (AZ)	Schiff	Van Hollen	Hahn	McDermott	Schwartz	Nugent	Rohrabacher	Sullivan
Pelosi	Schrader	Visclosky	Hanabusa	McGovern	Scott (VA)	Nunes	Rokita	Terry
Peters	Schwartz	Walz (MN)	Hastings (FL)	McNerney	Scott (VA)	Nunnelee	Rooney	Thompson (PA)
Pingree (ME)	Scott (VA)	Wasserman	Heinrich	Meeks	Scott, David	Olson	Ros-Lehtinen	Thornberry
Polis	Scott, David	Schultz	Higgins	Michaud	Serrano	Palazzo	Roskam	Tiberi
Price (NC)	Sewell	Waters	Himes	Miller (NC)	Sewell	Paul	Ross (AR)	Tipton
Quigley	Sherman	Watt	Hinchey	Miller, George	Sherman	Paulsen	Ross (FL)	Turner (NY)
Rahall	Sires	Waxman	Hirono	Moore	Sires	Pearce	Royce	Turner (OH)
Reyes	Slaughter	Welch	Hochul	Moran	Slaughter	Pence	Runyan	Upton
Richardson	Smith (WA)	Wilson (FL)	Holden	Murphy (CT)	Smith (WA)	Peterson	Ryan (WI)	Walberg
Rothman (NJ)	Speier	Woolsey	Holt	Nadler	Speier	Petri	Scalise	Walden
Roybal-Allard	Stark	Yarmuth	Honda	Napolitano	Stark	Pitts	Schilling	Walsh (IL)
			Hoyer	Neal	Sutton	Poe (TX)	Schmidt	Webster
			Israel	Olver	Thompson (CA)	Pompeo	Schock	West
			Johnson (GA)	Owens	Thompson (MS)	Posey	Schweikert	Westmoreland
			Johnson, E. B.	Pallone	Tierney	Price (GA)	Scott (SC)	Whitfield
			Jones	Pascrell	Tonko	Quayle	Scott, Austin	Wilson (SC)
			Kaptur	Pastor (AZ)	Towns	Reed	Sensenbrenner	Wittman
			Keating	Pelosi	Tsongas	Rehberg	Sessions	Wolf
			Kildee	Perlmutter	Van Hollen	Reichert	Shimkus	Womack
			Kind	Peters	Visclosky	Renacci	Shuler	Woodall
			Kucinich	Pingree (ME)	Walz (MN)	Ribble	Shuster	Yoder
			Langevin	Platts	Wasserman	Richardson	Simpson	Young (AK)
			Larson (CT)	Polis	Schultz	Rigell	Smith (NE)	Young (IN)
			Lee (CA)	Price (NC)	Waters			
			Levin	Quigley	Watt			
			Lewis (GA)	Rahall	Waxman			
			Lipinski	Reyes	Welch			
			LoBiondo	Richmond	Wilson (FL)			
			Loeb sack	Rothman (NJ)	Woolsey			
			Lofgren, Zoe	Roybal-Allard	Yarmuth			
			Lowey	Ruppersberger	Young (FL)			
			Luján	Rush				

NOT VOTING—23

Bass (CA)	Jackson (IL)	Rangel
Becerra	Jackson Lee	Sánchez, Linda
Bilbray	(TX)	T.
Bishop (NY)	Lewis (CA)	Serrano
Burton (IN)	Luján	Simpson
Clarke (NY)	Lummis	Turner (NY)
Dicks	Mack	Velázquez
Filner	Miller (FL)	
Gallegly	Miller, Gary	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1208

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 402, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 18 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 250, not voting 14, as follows:

[Roll No. 403]

AYES—168

Ackerman	Capuano	Cummings
Andrews	Carnahan	Davis (CA)
Baca	Carney	Davis (IL)
Baldwin	Carson (IN)	DeFazio
Barber	Castor (FL)	DeGette
Bass (CA)	Chu	DeLauro
Becerra	Cicilline	Deutch
Berkley	Clarke (MI)	Dicks
Berman	Clay	Dingell
Blumenauer	Cleaver	Doggett
Bonamici	Clyburn	Doyle
Boswell	Cohen	Edwards
Brady (PA)	Connolly (VA)	Ellison
Braley (IA)	Conyers	Engel
Brown (FL)	Cooper	Eshoo
Buchanan	Costello	Farr
Butterfield	Courtney	Fattah
Capps	Crowley	Fitzpatrick

Adams	Critz	Heck
Aderholt	Cuellar	Hensarling
Akin	Culberson	Herger
Alexander	Davis (KY)	Herrera Beutler
Altmire	Denham	Hinojosa
Amash	Dent	Huelskamp
Amodei	DesJarlais	Huizenga (MI)
Austria	Diaz-Balart	Hultgren
Bachmann	Dold	Hunter
Bachus	Donnelly (IN)	Hurt
Barletta	Dreier	Issa
Barrow	Duffy	Jenkins
Bartlett	Duncan (SC)	Johnson (IL)
Barton (TX)	Duncan (TN)	Johnson (OH)
Bass (NH)	Ellmers	Johnson, Sam
Benishek	Emerson	Jordan
Berg	Farenthold	Kelly
Biggett	Fincher	King (IA)
Bilbray	Flake	King (NY)
Bilirakis	Fleischmann	Kingston
Bishop (GA)	Fleming	Kinzing (IL)
Bishop (UT)	Flores	Kissell
Black	Forbes	Kline
Blackburn	Fox	Labrador
Bonner	Franks (AZ)	Lamborn
Bono Mack	Frelinghuysen	Lance
Boren	Gardner	Landry
Boustany	Garrett	Lankford
Brady (TX)	Gerlach	Larsen (WA)
Brooks	Gibbs	Latham
Broun (GA)	Gibson	LaTourette
Bucshon	Gingrey (GA)	Latta
Buerkle	Gohmert	Long
Burgess	Gonzalez	Lucas
Calvert	Goodlatte	Luetkemeyer
Camp	Gosar	Lummis
Campbell	Gowdy	Lungren, Daniel
Canseco	Granger	E.
Cantor	Graves (GA)	Manzullo
Capito	Graves (MO)	Marchant
Cardoza	Green, Al	Marino
Carter	Green, Gene	Matheson
Cassidy	Griffin (AR)	McCarthy (CA)
Chabot	Griffith (VA)	McCaul
Chaffetz	Grimm	McClintock
Chandler	Guinta	McCotter
Coble	Guthrie	McHenry
Coffman (CO)	Hall	McIntyre
Cole	Hanna	McKeon
Conaway	Harper	McKinley
Costa	Harris	McMorris
Cravaack	Hartzer	Rodgers
Crawford	Hastings (WA)	Meehan
Crenshaw	Hayworth	Mica

NOES—250

Heck	Critz	Heck
Hensarling	Cuellar	Hensarling
Herger	Culberson	Herger
Herrera Beutler	Davis (KY)	Herrera Beutler
Hinojosa	Denham	Hinojosa
Huelskamp	Dent	Huelskamp
Huizenga (MI)	DesJarlais	Huizenga (MI)
Hultgren	Diaz-Balart	Hultgren
Hunter	Dold	Hunter
Hurt	Donnelly (IN)	Hurt
Issa	Dreier	Issa
Jenkins	Duffy	Jenkins
Johnson (IL)	Duncan (SC)	Johnson (IL)
Johnson (OH)	Duncan (TN)	Johnson (OH)
Johnson, Sam	Ellmers	Johnson, Sam
Jordan	Emerson	Jordan
Kelly	Farenthold	Kelly
King (IA)	Fincher	King (IA)
King (NY)	Flake	King (NY)
Kingston	Fleischmann	Kingston
Kinzing (IL)	Fleming	Kinzing (IL)
Kissell	Flores	Kissell
Kline	Forbes	Kline
Labrador	Fox	Labrador
Lamborn	Franks (AZ)	Lamborn
Lance	Frelinghuysen	Lance
Landry	Gardner	Landry
Lankford	Garrett	Lankford
Larsen (WA)	Gerlach	Larsen (WA)
Latham	Gibbs	Latham
LaTourette	Gibson	LaTourette
Latta	Gingrey (GA)	Latta
Long	Gohmert	Long
Lucas	Gonzalez	Lucas
Luetkemeyer	Goodlatte	Luetkemeyer
Lummis	Gosar	Lummis
Lungren, Daniel	Gowdy	Lungren, Daniel
E.	Granger	E.
Manzullo	Graves (GA)	Manzullo
Marchant	Graves (MO)	Marchant
Marino	Green, Al	Marino
Matheson	Green, Gene	Matheson
McCarthy (CA)	Griffin (AR)	McCarthy (CA)
McCaul	Griffith (VA)	McCaul
McClintock	Grimm	McClintock
McCotter	Guinta	McCotter
McHenry	Guthrie	McHenry
McIntyre	Hall	McIntyre
McKeon	Hanna	McKeon
McKinley	Harper	McKinley
McMorris	Harris	McMorris
Rodgers	Hartzer	Rodgers
Meehan	Hastings (WA)	Meehan
Mica	Hayworth	Mica

NOT VOTING—14

Bishop (NY)	Jackson Lee	Rangel
Burton (IN)	(TX)	Sánchez, Linda
Clarke (NY)	Lewis (CA)	T.
Filner	Mack	Velázquez
Gallegly	Miller (FL)	
Jackson (IL)	Miller, Gary	

□ 1212

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 403, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 19 OFFERED BY MR. WITTMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. WITTMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 161, not voting 15, as follows:

[Roll No. 404]

AYES—256

Adams	Bass (NH)	Boustany
Aderholt	Benishek	Brady (TX)
Akin	Berg	Brooks
Alexander	Biggett	Broun (GA)
Altmire	Bilbray	Buchanan
Amash	Bilirakis	Bucshon
Amodei	Bishop (GA)	Buerkle
Austria	Bishop (UT)	Burgess
Bachmann	Black	Burton (IN)
Bachus	Blackburn	Calvert
Barletta	Bonner	Camp
Barrow	Bono Mack	Campbell
Bartlett	Boren	Canseco
Barton (TX)	Boswell	Cantor

Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling

Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Loebach
Loefgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts

NOES—161

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu

Cicilline
Clarke (MI)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle

Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney

Bishop (NY)
Braley (IA)
Clarke (NY)
Dicks
Filner
Gallegly

Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky

NOT VOTING—15

Jackson (IL)
Jackson Lee
(TX)
Lewis (CA)
Mack
Miller (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1215

Mr. CASSIDY changed his vote from
“no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated against:

Mrs. NAPOLITANO. Madam Chair, on roll-
call No. 404, had I been present, I would have
voted “no.”

Mr. FILNER. Madam Chair, on rollcall 404,
I was away from the Capitol due to prior com-
mitments to my constituents. Had I been
present, I would have voted “no.”

AMENDMENT NO. 21 OFFERED BY MS. BASS OF
CALIFORNIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from California (Ms.
BASS) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 186, noes 233,
not voting 13, as follows:

[Roll No. 405]

AYES—186

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchesey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Loebach
Loefgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth

NOES—233

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)

Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart

Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger

Graves (GA) Marchant
Graves (MO) Marino
Griffin (AR) Matheson
Griffith (VA) McCarthy (CA)
Grimm McCaul
Guinta McClintock
Guthrie McCotter
Hall McHenry
Hanna McKeon
Harper McKinley
Harris McMorris
Hartzler Rodgers
Hastings (WA) Meehan
Hayworth Mica
Heck Miller (MI)
Hensarling Mulvaney
Herger Murphy (PA)
Herrera Beutler Myrick
Huelskamp Neugebauer
Huizenga (MI) Noem
Hultgren Nugent
Hunter Nunes
Hurt Nunnelee
Issa Olson
Jenkins Palazzo
Johnson (IL) Paul
Johnson (OH) Paulsen
Johnson, Sam Pearce
Jones Pence
Jordan Peterson
Kelly Petri
King (IA) Pitts
King (NY) Platts
Kingston Poe (TX)
Kinzinger (IL) Pompeo
Kline Posey
Labrador Price (GA)
Lamborn Quayle
Lance Reed
Landry Rehberg
Lankford Renacci
Latham Ribble
LaTourette Rigell
Latta Rivera
LoBiondo Roby
Long Roe (TN)
Lucas Rogers (AL)
Luetkemeyer Rogers (KY)
Lummis Rogers (MI)
Lungren, Daniel Rohrabacher
E. Rokita
Manzullo Rooney

NOT VOTING—13

Bishop (NY) Jackson Lee
Clarke (NY) (TX) Miller, Gary
Filner Lewis (CA) Sánchez, Linda
Gallegly Mack T.
Jackson (IL) Miller (FL) Velázquez
Watt

□ 1219

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:
Mr. FILNER. Madam Chair, on rollcall 405, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 23 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 254, not voting 16, as follows:

[Roll No. 406]

AYES—162

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Tipton
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)

Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis

NOT VOTING—16

Bishop (NY) Jackson Lee
Clarke (NY) (TX) Miller, Gary
Filner Lewis (CA) Napolitano
Gallegly Mack Rangel
Herger Meeks Sánchez, Linda
Jackson (IL) Miller (FL) T.
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1222

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 406, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 25 OFFERED BY MS. SPEIER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. SPEIER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 255, not voting 15, as follows:

[Roll No. 407]

AYES—162

Ackerman	Green, Al	Pallone
Andrews	Grijalva	Pascarell
Baca	Gutierrez	Pastor (AZ)
Baldwin	Hahn	Pelosi
Barber	Hanabusa	Perlmutter
Bass (CA)	Hastings (FL)	Peters
Becerra	Heinrich	Pingree (ME)
Berkley	Higgins	Polis
Berman	Himes	Price (NC)
Blumenauer	Hinche	Quigley
Bonamici	Hinojosa	Reyes
Brady (PA)	Hirono	Richardson
Braley (IA)	Holt	Richmond
Brown (FL)	Honda	Rothman (NJ)
Butterfield	Hoyer	Roybal-Allard
Capps	Israel	Ruppersberger
Capuano	Johnson (GA)	Rush
Carnahan	Johnson (IL)	Ryan (OH)
Carney	Johnson, E. B.	Sanchez, Loretta
Carson (IN)	Kaptur	Sarbanes
Castor (FL)	Keating	Schakowsky
Chandler	Kildee	Schiff
Chu	Kind	Schrader
Cicilline	Kissell	Schwartz
Clarke (MI)	Kucinich	Scott (VA)
Clay	Langevin	Scott, David
Clyburn	Larsen (WA)	Sewell
Cohen	Larson (CT)	Sherman
Connolly (VA)	Lee (CA)	Shuler
Conyers	Levin	Sires
Cooper	Lewis (GA)	Slaughter
Costello	Lipinski	Smith (WA)
Courtney	Loebach	Speier
Crowley	Lofgren, Zoe	Stark
Cummings	Lowey	Sutton
Davis (CA)	Luján	Thompson (CA)
Davis (IL)	Lynch	Thompson (MS)
DeFazio	Maloney	Tierney
DeGette	Markey	Tonko
DeLauro	Matsui	Towns
Deutch	McCarthy (NY)	Tsongas
Dicks	McCollum	Van Hollen
Dingell	McDermott	Visclosky
Doggett	McGovern	Walz (MN)
Doyle	McNerney	Wasserman
Edwards	Michaud	Schultz
Ellison	Miller (NC)	Waters
Engel	Miller, George	Watt
Eshoo	Moore	Waxman
Farr	Moran	Welch
Fattah	Murphy (CT)	Wilson (FL)
Frank (MA)	Nadler	Woolsey
Fudge	Napolitano	Yarmuth
Garamendi	Neal	
Gonzalez	Oliver	

NOES—255

Adams	Bonner	Cleaver
Aderholt	Bono Mack	Coble
Akin	Boren	Coffman (CO)
Alexander	Boswell	Cole
Altmire	Boustany	Conaway
Amash	Brady (TX)	Costa
Amodel	Brooks	Cravaack
Austria	Broun (GA)	Crawford
Bachmann	Buchanan	Crenshaw
Bachus	Bucshon	Critz
Barletta	Buerkle	Cuellar
Barrow	Burgess	Culberson
Bartlett	Burton (IN)	Davis (KY)
Barton (TX)	Calvert	Denham
Bass (NH)	Camp	Dent
Benishkek	Campbell	DesJarlais
Berg	Canseco	Diaz-Balart
Biggert	Cantor	Dold
Bilbray	Capito	Donnelly (IN)
Bilirakis	Cardoza	Dreier
Bishop (GA)	Carter	Duffy
Bishop (UT)	Cassidy	Duncan (SC)
Black	Chabot	Duncan (TN)
Blackburn	Chaffetz	Ellmers

Emerson	Lamborn
Farenthold	Lance
Fincher	Landry
Fitzpatrick	Lankford
Flake	Latham
Fleischmann	LaTourette
Fleming	Latta
Flores	LoBiondo
Forbes	Long
Fortenberry	Lucas
Fox	Luetkemeyer
Franks (AZ)	Lummis
Frelinghuysen	Lungren, Daniel
Gardner	E.
Garrett	Manzullo
Gerlach	Marchant
Gibbs	Marino
Gibson	Matheson
Gingrey (GA)	McCarthy (CA)
Gohmert	McCaul
Goodlatte	McClintock
Gosar	McCotter
Gowdy	McHenry
Granger	McIntyre
Graves (GA)	McKeon
Graves (MO)	McKinley
Green, Gene	McMorris
Griffin (AR)	Rodgers
Griffith (VA)	Meehan
Grimm	Mica
Guinta	Miller (MI)
Guthrie	Mulvaney
Hall	Murphy (PA)
Hanna	Myrick
Harper	Neugebauer
Harshbarger	Noem
Hartzer	Nugent
Hastings (WA)	Nunes
Hayworth	Nunnelee
Heck	Olson
Hensarling	Owens
Herrera Beutler	Palazzo
Hochul	Paul
Holden	Paulsen
Huelskamp	Pearce
Huizenga (MI)	Pence
Hultgren	Peterson
Hunter	Petri
Hurt	Pitts
Issa	Platts
Jenkins	Poe (TX)
Johnson (OH)	Pompeo
Johnson, Sam	Posey
Jones	Price (GA)
Jordan	Quayle
Kelly	Rahall
King (IA)	Reed
King (NY)	Rehberg
Kingston	Reichert
Kinzie (IL)	Renacci
Kline	Ribble
Labrador	Rigell

NOT VOTING—15

Bishop (NY)	Jackson Lee	Miller, Gary
Clarke (NY)	(TX)	Rangel
Filner	Lewis (CA)	Sánchez, Linda
Gallegly	Mack	T.
Herger	Meeks	Velázquez
Jackson (IL)	Miller (FL)	

□ 1225

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 407, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 26 OFFERED BY MS. DELAURO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 235, not voting 17, as follows:

[Roll No. 408]

AYES—180

Ackerman	Frank (MA)	Napolitano
Altmire	Fudge	Neal
Andrews	Garamendi	Oliver
Baca	Gibson	Owens
Baldwin	Gonzalez	Pallone
Barber	Green, Al	Pascarell
Barrow	Green, Gene	Pastor (AZ)
Bass (CA)	Grijalva	Pelosi
Becerra	Gutierrez	Perlmutter
Berkley	Hahn	Peters
Berman	Hanabusa	Peterson
Bishop (GA)	Hastings (FL)	Pingree (ME)
Blumenauer	Heinrich	Price (NC)
Bonamici	Higgins	Quigley
Boswell	Himes	Rahall
Brady (PA)	Hinche	Reyes
Braley (IA)	Hinojosa	Richardson
Brown (FL)	Hirono	Richmond
Butterfield	Hochul	Rothman (NJ)
Capps	Holden	Roybal-Allard
Capuano	Holt	Ruppersberger
Cardoza	Honda	Rush
Carnahan	Hoyer	Ryan (OH)
Carney	Israel	Sanchez, Loretta
Carson (IN)	Johnson (GA)	Sarbanes
Castor (FL)	Johnson, E. B.	Schakowsky
Chandler	Jones	Schiff
Chu	Kaptur	Schrader
Cicilline	Keating	Schwartz
Clarke (MI)	Kildee	Scott (VA)
Clay	Kind	Scott, David
Cleaver	Kissell	Serrano
Clyburn	Kucinich	Sewell
Cohen	Langevin	Sherman
Connolly (VA)	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Costa	Lee (CA)	Slaughter
Costello	Levin	Smith (WA)
Courtney	Lewis (GA)	Speier
Critz	Lipinski	Stark
Crowley	Loebach	Sutton
Cuellar	Lofgren, Zoe	Thompson (CA)
Cummings	Lowey	Thompson (MS)
Davis (CA)	Luján	Tierney
Davis (IL)	Lynch	Maloney
DeFazio	Maloney	Markey
DeGette	Markey	Matheson
DeLauro	Matsui	McCarthy (NY)
Deutch	McCarthy (NY)	McCollum
Dicks	McDermott	McGovern
Dingell	Donnelly (IN)	McIntyre
Doggett	Doyle	McNerney
Donnelly (IN)	Edwards	Michaud
Doyle	Ellison	Miller (NC)
Edwards	Engel	Moore
Ellison	Eshoo	Moran
Engel	Farr	Murphy (CT)
Eshoo	Fattah	Nadler
Farr	Fitzpatrick	

NOES—235

Adams	Biggert	Buerkle
Aderholt	Bilbray	Burgess
Akin	Bilirakis	Burton (IN)
Alexander	Bishop (UT)	Calvert
Amash	Black	Camp
Amodel	Blackburn	Campbell
Austria	Bonner	Canseco
Bachmann	Bono Mack	Cantor
Bachus	Boren	Capito
Barletta	Boustany	Carter
Bartlett	Brady (TX)	Cassidy
Barton (TX)	Brooks	Chabot
Bass (NH)	Broun (GA)	Chaffetz
Benishkek	Buchanan	Coble
Berg	Bucshon	Coffman (CO)

Cole	Johnson (OH)	Reichert
Conaway	Johnson, Sam	Renacci
Cooper	Jordan	Ribble
Cravaack	Kelly	Rigell
Crawford	King (IA)	Rivera
Crenshaw	King (NY)	Roby
Culberson	Kingston	Roe (TN)
Davis (KY)	Kinzinger (IL)	Rogers (AL)
Denham	Klaine	Rogers (KY)
Dent	Labrador	Rogers (MI)
DesJarlais	Lamborn	Rohrabacher
Diaz-Balart	Lance	Rokita
Dold	Landry	Rooney
Dreier	Lankford	Ros-Lehtinen
Duffy	Latham	Roskam
Duncan (SC)	LaTourette	Ross (AR)
Duncan (TN)	Latta	Ross (FL)
Ellmers	LoBiondo	Royce
Emerson	Long	Runyan
Farenthold	Lucas	Ryan (WI)
Fincher	Luetkemeyer	Scallise
Flake	Lummis	Schilling
Fleischmann	Lungren, Daniel	Schmidt
Fleming	E.	Schock
Flores	Manzullo	Schweikert
Forbes	Marchant	Scott (SC)
Fortenberry	Marino	Scott, Austin
Fox	McCarthy (CA)	Sensenbrenner
Franks (AZ)	McCaul	Sessions
Frelinghuysen	McClintock	Shimkus
Gardner	McCotter	Shuster
Garrett	McHenry	Simpson
Gerlach	McKeon	Smith (NE)
Gibbs	McKinley	Smith (NJ)
Gingrey (GA)	McMorris	Smith (TX)
Gohmert	Rodgers	Southerland
Goodlatte	Meehan	Stearns
Gosar	Mica	Stivers
Gowdy	Miller (MI)	Stutzman
Granger	Mulvaney	Sullivan
Graves (GA)	Murphy (PA)	Terry
Graves (MO)	Myrick	Thompson (PA)
Griffin (AR)	Neugebauer	Thornberry
Griffith (VA)	Noem	Tiberi
Grimm	Nugent	Tipton
Guinta	Nunes	Turner (NY)
Guthrie	Nunnelee	Turner (OH)
Hall	Olson	Upton
Harper	Palazzo	Walberg
Harris	Paul	Walden
Hartzler	Paulsen	Walsh (IL)
Hastings (WA)	Pearce	Webster
Hayworth	Pence	West
Heck	Petri	Westmoreland
Hensarling	Pitts	Whitfield
Herrera Beutler	Platts	Wilson (SC)
Huelskamp	Poe (TX)	Wittman
Huizenga (MI)	Polis	Wolf
Hultgren	Pompeo	Womack
Hunter	Posey	Woodall
Hurt	Price (GA)	Yoder
Issa	Quayle	Young (AK)
Jenkins	Reed	Young (FL)
Johnson (IL)	Rehberg	Young (IN)

NOT VOTING—17

Bishop (NY)	Jackson Lee	Miller, George
Clarke (NY)	(TX)	Rangel
Filner	Lewis (CA)	Sánchez, Linda
Galleghy	Mack	T.
Hanna	Meeks	Velázquez
Henger	Miller (FL)	
Jackson (IL)	Miller, Gary	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1230

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 408, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCARTHY of California) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, and, pursuant to House Resolution 691, she reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. SLAUGHTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SLAUGHTER. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Slaughter moves to recommit the bill H.R. 4480 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE —MISCELLANEOUS PROVISIONS
SEC. —1. PROHIBITING NEW LEASES FOR MAJOR OIL COMPANIES UNTIL THEY FOREGO TAX BREAKS AND BUY AMERICAN.

(a) FORGOING TAX SUBSIDIES TO QUALIFY FOR NEW LEASES.—A major integrated oil company (as defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986) may obtain a lease made available under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, only if that company agrees not to claim certain Federal tax benefits with respect to oil and gas exploration and production activities pursuant to that lease, including—

(1) percentage depletion allowances under sections 613 and 613A of the Internal Revenue Code of 1986; and

(2) the domestic production activities deduction under section 199 of the Internal Revenue Code of 1986.

(b) BUY AMERICAN REQUIREMENT.—A plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, shall encourage each major integrated oil company (as defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986) that obtains an oil and gas lease made available under such plan to use only materials made in the United States in drilling operations and avoid outsourcing American jobs.

Ms. SLAUGHTER (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker and my colleagues, with every decade that passes, the middle class has faced higher and higher prices at the pump. Meanwhile, the world's five biggest oil companies have reported record profits year after year. Between 2001 and 2011, the five biggest oil companies made more than \$1 trillion in profits.

Despite these record profits, the majority continues to put the wishes of Big Oil before the needs of the middle class. Instead of balancing our Nation's budget by closing tax loopholes on Big Oil, they have repeatedly told the middle class that they should sacrifice the programs on which they rely to live.

Twice, the majority has passed the Ryan budget, which would end Medicare as America knows it. And picture this for your mother or your most elderly relatives. In its place, they would be given a health care voucher and sent into the marketplace on their own to find health care on their own. Meanwhile, they work hard and we call all the time for votes, not to protect the billion-dollar Big Oil subsidies from any cuts, but, again, to protect our vanishing middle class. I think this approach is not only wrongheaded and will hurt us all, but it's morally wrong.

A year ago, Speaker BOEHNER told "60 Minutes" that ending subsidies for Big Oil companies is "certainly something we should be looking at." I couldn't agree more. He continued, "We're in a time when the Federal Government is short on revenues. We need to control spending, but we need to have revenues to keep the government moving, and they ought to be paying their fair share." Speaker BOEHNER was absolutely right, and this is the time to do it.

By voting in support of my amendment, the whole House will finally have the opportunity to demand that Big Oil pay its fair share.

Last year, the five biggest oil companies in the world made a combined

record profit of \$137 billion. During that same time, thousands of middle class Americans slid out of the middle class and into poverty. While ExxonMobil was busy using at least 20 tax shelters to lower their tax rate to a mere 13 percent, over 20 million people were living on less than \$9,000 a year. That's not America. I think we need to balance our budget by asking those who have benefited the most simply to pay a fair share, not by taking from those who have the least. Our country was never based on that.

With my amendment, the world's biggest oil companies would begin to pay their fair share. They would be barred from receiving new drilling leases until they gave up their oil and gas subsidies. In addition, my amendment would require each Big Oil company that obtains an oil and gas lease to use American-made products and hire American workers who are more than ready and willing to do the job. This amendment will do much of what we've been striving to do this whole term.

The amendment will not kill the bill nor send it back to committee. If we approve this amendment, the bill will immediately proceed to final passage.

It's up to us, ladies and gentlemen. We can return home this weekend and tell our constituents that finally we voted for the middle class, which is what they want us to do, or we can turn our backs on this opportunity before us and go home and explain why this Congress would vote to gut Medicare but won't ask Big Oil to pay their fair share.

I urge my colleagues to support the motion to recommit and stand up for the middle class and the suffering Americans.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. GARDNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. The gentlelady is correct on one point: that it is up to us. It is up to us to protect and defend the middle class. It's up to us to work toward the development of American jobs. It's up to us to reduce the reliance on foreign oil. It's up to us to make sure that we have an opportunity to buy American from North Dakota, from Pennsylvania, from New York, from Colorado. We have an opportunity to buy energy from those States.

What about Ohio? What about Pennsylvania?

This will allow us to produce energy in this country, to buy energy from this country instead of growing our dependence on overseas energy, the Keystone XL pipeline, opportunities to look at our Federal resources for coal, for solar, for wind, traditional and renewable energy.

This bill is about American jobs, about lowering the price at the pump.

We have seen over the past 3 years as gasoline prices have gone up nearly 100 percent.

We talk about putting people back to work. We talk about protecting the middle class. You know what will help people rise above it? You know what will help people move forward? It's making sure that they can afford the gasoline that they put into their tank, that they're not trying to sacrifice groceries for gasoline.

□ 1240

A one-penny increase and the price of gasoline will cost American consumers and businesses millions and millions of dollars a day.

You want to talk about things that we could do to help this country, it is an abundant and affordable energy policy, one that weans us off of foreign energy, makes sure that we are producing it here, and one that makes sure we are taking advantage of all of our energy—renewable, traditional—in the sense that we're not just looking at quick-fix politics, but we're looking at long-term supply solutions.

But once again, we are met with opposition that includes more politics, less energy; more rhetoric, less opportunity. This isn't about smoke and mirrors. This is about putting Americans back to work producing American energy and making sure that we are watching out for our constituents, lowering the price of energy so that they can improve their lives and that of their families.

Mr. Speaker, I urge opposition to this motion to recommit. Let's move forward with American jobs, American energy, and support the Domestic Energy and Jobs Act.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to instruct on H.R. 4348.

The vote was taken by electronic device, and there were—yeas 166, nays 243, not voting 23, as follows:

[Roll No. 409]

YEAS—166

Ackerman	Bass (CA)	Blumenauer
Andrews	Becerra	Bonamici
Baca	Berkley	Boswell
Baldwin	Berman	Brady (PA)
Barber	Bishop (GA)	Braley (IA)

Brown (FL)	Himes	Pastor (AZ)
Butterfield	Hinchey	Pelosi
Capps	Hinojosa	Perlmutter
Capuano	Hirono	Peters
Carnahan	Hochul	Pingree (ME)
Carney	Holden	Polis
Carson (IN)	Holt	Price (NC)
Castor (FL)	Honda	Quigley
Chandler	Israel	Rahall
Chu	Johnson (GA)	Reyes
Ciilline	Johnson, E. B.	Richardson
Clarke (MI)	Jones	Rothman (NJ)
Clay	Kaptur	Roybal-Allard
Cleaver	Keating	Ruppersberger
Clyburn	Kildee	Rush
Cohen	Kind	Ryan (OH)
Connolly (VA)	Kissell	Sanchez, Loretta
Conyers	Kucinich	Sarbanes
Cooper	Langevin	Schakowsky
Costello	Larsen (WA)	Schiff
Courtney	Larson (CT)	Schwartz
Crowley	Lee (CA)	Scott (VA)
Cummings	Levin	Scott, David
Davis (CA)	Lewis (GA)	Serrano
Davis (IL)	Lipinski	Sherman
DeFazio	Loeback	Shuler
DeGette	Lofgren, Zoe	Sires
DeLauro	Lowey	Slaughter
Deutch	Lujan	Smith (WA)
Dicks	Lynch	Speier
Dingell	Maloney	Stark
Doggett	Markey	Sutton
Doyle	Matsui	Thompson (CA)
Edwards	McCarthy (NY)	Thompson (MS)
Ellison	McCollum	Tierney
Engel	McDermott	Tonko
Eshoo	McGovern	Towns
Farr	McIntyre	Tsongas
Fattah	McNerney	Van Hollen
Frank (MA)	Michaud	Visclosky
Fudge	Miller (NC)	Walz (MN)
Garamendi	Moore	Wasserman
Gonzalez	Moran	Schultz
Green, Al	Murphy (CT)	Waters
Grijalva	Nadler	Watt
Gutierrez	Napolitano	Waxman
Hahn	Neal	Welch
Hanabusa	Oliver	Wilson (FL)
Hastings (FL)	Owens	Woolsey
Heinrich	Pallone	Yarmuth
Higgins	Pascrell	

NAYS—243

Adams	Cassidy	Gibson
Aderholt	Chabot	Gingrey (GA)
Akin	Chaffetz	Gohmert
Alexander	Coble	Goodlatte
Altmire	Coffman (CO)	Gosar
Amash	Cole	Gowdy
Amodei	Conaway	Granger
Austria	Costa	Graves (GA)
Bachmann	Cravaack	Graves (MO)
Bachus	Crawford	Green, Gene
Barletta	Crenshaw	Griffin (AR)
Barrow	Critz	Griffith (VA)
Bartlett	Cuellar	Grimm
Barton (TX)	Culberson	Guinta
Bass (NH)	Davis (KY)	Guthrie
Benishke	Denham	Hall
Berg	Dent	Hanna
Biggert	DesJarlais	Harper
Bilbray	Diaz-Balart	Harris
Bilirakis	Dold	Hartzler
Bishop (UT)	Donnelly (IN)	Hastings (WA)
Black	Dreier	Hayworth
Blackburn	Duffy	Heck
Bonner	Duncan (SC)	Hensarling
Bono Mack	Duncan (TN)	Herger
Boren	Ellmers	Herrera Beutler
Boustany	Emerson	Huelskamp
Brady (TX)	Farenthold	Huizenga (MI)
Brooks	Fincher	Hultgren
Brown (GA)	Fitzpatrick	Hunter
Buchanan	Flake	Hurt
Bucshon	Fleischmann	Issa
Buerkle	Fleming	Jenkins
Burgess	Forbes	Johnson (IL)
Burton (IN)	Fortenberry	Johnson (OH)
Calvert	Fox	Johnson, Sam
Camp	Franks (AZ)	Jordan
Campbell	Frelinghuysen	Kelly
Canseco	Gardner	King (IA)
Cantor	Garrett	King (NY)
Capito	Gerlach	Kinzing (IL)
Carter	Gibbs	Kline

Labrador	Palazzo	Schrader	Amodei	Goodlatte	Olson	Cooper	Kaptur	Rahall
Lamborn	Paul	Scott (SC)	Austria	Gosar	Owens	Courtney	Keating	Reyes
Lance	Paulsen	Scott, Austin	Bachmann	Gowdy	Palazzo	Crowley	Kildee	Richardson
Landry	Pearce	Sensenbrenner	Bachus	Granger	Paul	Cummings	Kind	Richmond
Lankford	Pence	Sessions	Barletta	Graves (GA)	Paulsen	Davis (CA)	Kucinich	Rothman (NJ)
Latham	Peterson	Shimkus	Barrow	Graves (MO)	Pearce	Davis (IL)	Langevin	Roybal-Allard
LaTourette	Petri	Shuster	Barton (TX)	Griffin (AR)	Pence	DeFazio	Larsen (WA)	Ruppersberger
Latta	Pitts	Simpson	Benishek	Griffith (VA)	Peterson	DeGette	Larson (CT)	Rush
LoBiondo	Platts	Smith (NE)	Berg	Grimm	Petri	DeLauro	Lee (CA)	Ryan (OH)
Long	Poe (TX)	Smith (TX)	Biggert	Guinta	Pitts	Deutch	Levin	Sanchez, Loretta
Lucas	Pompeo	Southerland	Bilirakis	Guthrie	Platts	Dicks	Lewis (GA)	Sarbanes
Luetkemeyer	Posey	Stearns	Bishop (GA)	Hall	Poe (TX)	Doggett	Lipinski	Schakowsky
Lummis	Price (GA)	Stivers	Bishop (UT)	Hanna	Pompeo	Dold	Loeb sack	Schiff
Lungren, Daniel E.	Quayle	Stutzman	Black	Harper	Posey	Doyle	Lofgren, Zoe	Schrader
Manzullo	Reed	Sullivan	Blackburn	Harris	Price (GA)	Edwards	Lowe y	Lowey
Marchant	Rehberg	Terry	Bonner	Hartzler	Quayle	Ellison	Lujan	Scott (VA)
Marino	Reichert	Thompson (PA)	Bono Mack	Hastings (WA)	Reed	Engel	Lynch	Scott, David
Matheson	Renacci	Thornberry	Boren	Heck	Rehberg	Eshoo	Maloney	Serrano
McCarthy (CA)	Ribble	Tiberi	Boswell	Hensarling	Reichert	Farr	Mark ey	Sherman
McCaul	Rigell	Tipton	Boustany	Herger	Renacci	Fattah	Matsui	Shuler
McClintock	Rivera	Turner (NY)	Brady (TX)	Herrera Beutler	Ribble	Frank (MA)	McCarthy (NY)	Sires
McCotter	Roby	Turner (OH)	Brooks	Hochul	Rigell	Fudge	McCollum	Slaughter
McHenry	Roe (TN)	Upton	Broun (GA)	Holden	Rivera	Garamendi	McDermott	Smith (WA)
McKeon	Rogers (AL)	Walberg	Buchanan	Huelskamp	Roby	Gonzalez	McGovern	Stark
McKinley	Rogers (KY)	Walden	Bucshon	Huizenga (MI)	Roe (TN)	Green, Al	McNerney	Sutton
McMorris	Rogers (MI)	Walsh (IL)	Buerkle	Hultgren	Rogers (AL)	Green, Gene	Michaud	Thompson (CA)
Rodgers	Rohrabacher	Webster	Burgess	Hunter	Rogers (KY)	Grijalva	Miller (NC)	Thompson (MS)
Meehan	Rokita	West	Burton (IN)	Hurt	Rogers (MI)	Gutierrez	Moore	Tierney
Mica	Rooney	Westmoreland	Calvert	Issa	Rohrabacher	Hahn	Moran	Tonko
Miller (MI)	Ros-Lehtinen	Whitfield	Camp	Jenkins	Rokita	Hanabusa	Murphy (CT)	Towns
Mulvaney	Roskam	Wilson (SC)	Campbell	Johnson (IL)	Rooney	Hastings (FL)	Nadler	Tsongas
Murphy (PA)	Ross (AR)	Wittman	Canseco	Johnson (OH)	Ros-Lehtinen	Hayworth	Napolitano	Van Hollen
Myrick	Royce	Wolf	Cantor	Johnson, Sam	Roskam	Heinrich	Neal	Visclosky
Neugebauer	Runyan	Womack	Capito	Jones	Ross (AR)	Higgins	Olver	Walz (MN)
Noem	Ryan (WI)	Woodall	Carter	Jordan	Ross (FL)	Himes	Pallone	Wasserman
Nugent	Scalise	Yoder	Cassidy	Kelly	Royce	Hinche y	Pascrell	Schultz
Nunes	Schilling	Young (AK)	Chabot	King (IA)	Runyan	Hinojosa	Pastor (AZ)	Waters
Nunnelee	Schmidt	Young (FL)	Chaffetz	King (NY)	Ryan (WI)	Hirono	Pelosi	Watt
Olson	Schock	Young (IN)	Chandler	Kingston	Scalise	Holt	Perlmutter	Waxman
			Coble	Kinzinger (IL)	Schilling	Honda	Peters	Welch
			Coffman (CO)	Kissell	Schmidt	Hoyer	Pingree (ME)	Wilson (FL)
			Cole	Kline	Schock	Israel	Polis	Woolsey
			Conaway	Labrador	Schweikert	Johnson (GA)	Price (NC)	Yarmuth
			Costa	Lamborn	Scott (SC)	Johnson, E. B.	Quigley	
			Costello	Lance	Scott, Austin			
			Cravaack	Landry	Sensenbrenner			
			Crawford	Lankford	Sessions			
			Crenshaw	Latham	Shimkus			
			Critz	LaTourette	Shuster			
			Cuellar	Latta	Simpson			
			Culbertson	LoBiondo	Smith (NE)			
			Davis (KY)	Long	Smith (TX)			
			Denham	Lucas	Southerland			
			Dent	Luetkemeyer	Stearns			
			DesJarlais	Lummis	Stivers			
			Diaz-Balart	Lungren, Daniel E.	Stutzman			
			Donnelly (IN)		Terry			
			Dreier	Manzullo	Thompson (PA)			
			Duffy	Marchant	Thornberry			
			Duncan (SC)	Marino	Tiberi			
			Duncan (TN)	Matheson	Tipton			
			Ellmers	McCarthy (CA)	Turner (NY)			
			Emerson	McCaul	Turner (OH)			
			Farenthold	McClintock	Upton			
			Fincher	McCotter	Walberg			
			Fitzpatrick	McHenry	Walden			
			Flake	McIntyre	Walsh (IL)			
			Fleischmann	McKeon	Webster			
			Fleming	McKinley	West			
			Flores	McMorris	Westmoreland			
			Forbes	Rodgers	Whitfield			
			Fortenberry	Meehan	Wilson (SC)			
			Fox	Mica	Wittman			
			Franks (AZ)	Miller (MI)	Wolf			
			Frelinghuysen	Mulvaney	Womack			
			Gardner	Murphy (PA)	Woodall			
			Garrett	Myrick	Yoder			
			Gerlach	Neugebauer	Young (AK)			
			Gibbs	Noem	Young (FL)			
			Gibson	Nugent				
			Gingrey (GA)	Nunes				
			Gohmert	Nunnelee				

NOT VOTING—23

Bishop (NY)	Jackson Lee	Rangel
Cardoza	(TX)	Ross (FL)
Clarke (NY)	Kingston	Sánchez, Linda
Filner	Lewis (CA)	T.
Flores	Mack	Schweikert
Gallegly	Meeks	Sewell
Hoyer	Miller (FL)	Smith (NJ)
Jackson (IL)	Miller, Gary	Velázquez
	Miller, George	

□ 1258

Mr. ROE of Tennessee changed his vote changed his vote from “yea” to “nay.”

Mr. OWENS changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 409, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 163, not voting 21, as follows:

[Roll No. 410]

AYES—248

Adams	Akin	Altmire
Aderholt	Alexander	Amash

Ackerman	Blumauer	Carson (IN)
Andrews	Bonamici	Castor (FL)
Baca	Brady (PA)	Chu
Baldwin	Braley (IA)	Cicilline
Barber	Brown (FL)	Clarke (MI)
Bartlett	Butterfield	Clay
Bass (CA)	Capps	Cleaver
Bass (NH)	Capuano	Clyburn
Becerra	Carnahan	Cohen
Berkley	Carney	Connolly (VA)
Berman		Conyers

NOES—163

Bilbray	Carson (IN)
Blumenauer	Castor (FL)
Bonamici	Chu
Brady (PA)	Cicilline
Braley (IA)	Clarke (MI)
Brown (FL)	Clay
Butterfield	Cleaver
Capps	Clyburn
Capuano	Cohen
Carnahan	Connolly (VA)
Carney	Conyers

NOT VOTING—21

Bishop (NY)	Jackson Lee	Rangel
Cardoza	(TX)	Sánchez, Linda
Clarke (NY)	Lewis (CA)	T.
Dingell	Mack	Sewell
Filner	Meeks	Smith (NJ)
Gallegly	Miller (FL)	Speier
Jackson (IL)	Miller, Gary	Sullivan
	Miller, George	Velázquez

□ 1305

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SULLIVAN. Mr. Speaker, I rise to state for the RECORD that I missed rollcall vote 410 to H.R. 4480 taken on June 21, 2012, and I would have voted “aye” on the measure. This critical legislation promotes an American energy plan that will not only reduce our dependence on foreign oil, but also spur economic growth and job creation. Additionally, the legislation will protect American refineries by reducing unnecessary red tape and burdensome Obama Administration regulations.

Stated against:

Ms. SEWELL of Alabama. Mr. Speaker, on rollcall No. 410, had I been present, I would have voted “no.”

Mr. FILNER. Mr. Speaker, on rollcall 410, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANS- PORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from West Virginia (Mr. MCKINLEY) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 260, nays 138, not voting 34, as follows:

[Roll No. 411]

YEAS—260

Adams	Dold	Kissell
Aderholt	Donnelly (IN)	Kline
Akin	Doyle	Labrador
Alexander	Dreier	Lamborn
Altmire	Duffy	Lance
Amash	Duncan (SC)	Landry
Amodei	Ellmers	Lankford
Austria	Emerson	LaTourette
Baca	Farenthold	Latta
Bachmann	Fincher	Loebsack
Bachus	Fitzpatrick	Long
Baldwin	Flake	Lucas
Barber	Fleischmann	Luetkemeyer
Barletta	Fleming	Lummis
Barrow	Flores	Lungren, Daniel E.
Bartlett	Forbes	
Barton (TX)	Fortenberry	Manzullo
Bass (NH)	Fox	Marchant
Benish	Franks (AZ)	Marino
Berg	Frelinghuysen	Matheson
Biggert	Fudge	McCarthy (CA)
Blibray	Gardner	McCauley
Bilirakis	Garrett	McClintock
Bishop (GA)	Gerlach	McHenry
Bishop (UT)	Gibbs	McIntyre
Black	Gingrey (GA)	McKeon
Blackburn	Gohmert	McKinley
Bonner	Gonzalez	McMorris
Bono Mack	Goodlatte	Rodgers
Boren	Gosar	Meehan
Boswell	Gowdy	Mica
Boustany	Granger	Miller (MI)
Brady (TX)	Graves (GA)	Mulvaney
Brooks	Graves (MO)	Murphy (PA)
Brown (GA)	Griffin (AR)	Myrick
Brown (FL)	Griffith (VA)	Neugebauer
Buchanan	Grimm	Noem
Bucshon	Guinta	Nugent
Buerkle	Guthrie	Nunes
Burgess	Hall	Nunnelee
Burton (IN)	Hanna	Olson
Calvert	Harper	Owens
Campbell	Harris	Palazzo
Canseco	Hartzler	Pastor (AZ)
Cantor	Hastings (WA)	Paul
Capito	Heck	Paulsen
Carter	Hensarling	Pearce
Cassidy	Herger	Pence
Chabot	Herrera Beutler	Perlmutter
Chaffetz	Holden	Peterson
Chandler	Huelskamp	Petri
Clyburn	Huizenga (MI)	Pitts
Coble	Hultgren	Platts
Coffman (CO)	Hunter	Poe (TX)
Cole	Hurt	Pompeo
Conaway	Issa	Posey
Costello	Jenkins	Price (GA)
Cravaco	Johnson (OH)	Quayle
Crawford	Johnson, Sam	Rahall
Crenshaw	Jones	Reed
Critz	Jordan	Rehberg
Cuellar	Kelly	Reichert
Culberson	Kind	Renacci
Davis (KY)	King (IA)	Ribble
DeFazio	King (NY)	Richmond
Dent	Kingston	Rigell
Diaz-Balart	Kinzinger (IL)	Rivera

Roby	Scott (SC)
Roe (TN)	Scott, Austin
Rogers (AL)	Sensenbrenner
Rogers (KY)	Serrano
Rogers (MI)	Sessions
Rohrabacher	Shimkus
Rokita	Shuler
Rooney	Shuster
Ros-Lehtinen	Simpson
Roskam	Smith (NE)
Ross (AR)	Smith (TX)
Ross (FL)	Southerland
Royce	Stearns
Runyan	Stivers
Ryan (OH)	Stutzman
Ryan (WI)	Sullivan
Scalise	Sutton
Schilling	Terry
Schmidt	Thompson (MS)
Schock	Thompson (PA)
Schweikert	Thornberry

NAYS—138

Andrews	Grijalva	Olver
Bass (CA)	Hahn	Pallone
Becerra	Hanabusa	Pascarell
Berkley	Hastings (FL)	Pelosi
Berman	Hayworth	Peters
Blumenauer	Heinrich	Pingree (ME)
Bonamici	Himes	Polis
Brady (PA)	Hinchey	Price (NC)
Braley (IA)	Hirono	Quigley
Butterfield	Hochul	Reyes
Camp	Holt	Richardson
Capps	Honda	Rothman (NJ)
Capuano	Hoyer	Roybal-Allard
Carnahan	Israel	Ruppersberger
Carney	Johnson (GA)	Rush
Carson (IN)	Johnson (IL)	Sanchez, Loretta
Castor (FL)	Johnson, E. B.	Sarbanes
Chu	Kaptur	Schakowsky
Cicilline	Keating	Schiff
Clarke (MI)	Kildee	Schrader
Clay	Kucinich	Schwartz
Cleaver	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly (VA)	Larson (CT)	Sewell
Conyers	Lee (CA)	Sherman
Cooper	Levin	Slaughter
Costa	Lewis (GA)	Smith (NJ)
Courtney	Lipinski	Smith (WA)
Crowley	LoBiondo	Stark
Cummings	Lowe	Thompson (CA)
Davis (CA)	Lujan	Tonko
Davis (IL)	Lynch	Towns
DeGette	Maloney	Tsongas
DeLauro	Markey	Van Hollen
Deham	Matsui	Wasserman
Deutch	McCarthy (NY)	Schultz
Dingell	McCollum	Waters
Doggett	McDermott	Watt
Edwards	McGovern	Waxman
Ellison	McNerney	Welch
Engel	Michaud	Wilson (FL)
Farr	Miller (NC)	Wolf
Fattah	Moran	Woolsey
Frank (MA)	Murphy (CT)	Yarmuth
Garamendi	Nadler	Young (AK)
Gibson	Napolitano	
Green, Al	Neal	

NOT VOTING—34

Ackerman	Higgins	Miller, Gary
Bishop (NY)	Hinojosa	Miller, George
Cardoza	Jackson (IL)	Moore
Clarke (NY)	Jackson Lee	Rangel
DesJarlais	(TX)	Sánchez, Linda T.
Dicks	Latham	Sires
Duncan (TN)	Lewis (CA)	Speier
Eshoo	Lofgren, Zoe	Tierney
Finer	Mack	Turner (NY)
Gallegly	McCotter	Velázquez
Green, Gene	Meeks	Webster
Gutierrez	Miller (FL)	

□ 1312

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 411, Coal Ash Instruction, had I been present, I would have voted "yea."

Mr. DESJARLAIS. Mr. Speaker, I was unavoidably detained and was unable to cast a vote on rollcall vote No. 411, the McKinley Motion to Instruct on H.R. 4348. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 411, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. SPEIER. Mr. Speaker, I was unfortunately delayed by a meeting and was unable to cast a vote on rollcalls 410 and 411 on Thursday, June 21, 2012. I would have voted "no" on both Final Passage of H.R. 4480 and the Republican Motion to Instruct Conferees on H.R. 4348.

Mr. BISHOP of New York. Mr. Speaker, I was not present in the House Chamber on Thursday, June 21 to vote on rollcalls 392 through 411. Had I been present, I would have voted "yea" on rollcalls 393, 394, 395, 396, 397, 398, 400, 403, 405, 406, 407, 408 and 409. I would have voted "nay" on rollcalls 392, 399, 401, 402, 410 and 411.

Ms. CLARKE of New York. Mr. Speaker, on the Legislative Day of June 21, 2012, upon request of a leave of absence, a series of votes were held. Had I been present for these rollcall votes, I would have voted "no" on rollcall 392—the Hastings (WA) Manager's Amendment; "yes" on rollcall 393—the Waxman Amendment; "yes" on rollcall 394—the Connolly Amendment; "yes" on rollcall 395—the Gene Green Amendment; "yes" on rollcall 396—the Rush Amendment; "yes" on rollcall 397—the Holt Amendment; "yes" on rollcall 398—the Connolly/Lewis (GA) Amendment; "no" on rollcall 399—the Amodei Amendment; "yes" on rollcall 400—the Markey Amendment; "no" on rollcall 401—the Landry Amendment; "no" on rollcall 402—the Rigell Amendment; "yes" on rollcall 403—the Holt Amendment; "no" on rollcall 404—the Wittman/Rigell Amendment; "yes" on rollcall 405—the Bass (CA) Amendment; "yes" on rollcall 406—the Capps Amendment; "yes" on rollcall 407—Speier Amendment; "yes" on rollcall 408—the DeLauro/Markey/Frank Amendment; "yes" on rollcall 409—the Motion to Recommit on H.R. 4480; "no" on rollcall 410—Final Passage of H.R. 4480; and "no" on rollcall 411—Motion to Instruct Conferees on H.R. 4348.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5973, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-545) on the resolution (H.

Res. 697) providing for consideration of the bill (H.R. 5973) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Virginia (Mr. CANTOR), the majority leader, to inquire about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet in pro forma session, but no votes are expected.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business tomorrow.

In addition, the House may consider two appropriations bills next week, H.R. 5972, the Transportation, Housing and Urban Development Appropriations Act, and H.R. 5973, the Agriculture, Rural Development, and Food and Drug Administration Appropriations Act.

Members are advised that the House will begin consideration of one of these two bills after the 6:30 p.m. vote series on Tuesday and should expect an additional late evening series of votes on amendments. Again, Mr. Speaker, that is on Tuesday.

The House is also scheduled to consider a privileged resolution finding Eric H. Holder, Jr., Attorney General of the U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena issued by the Committee on Oversight and Government Reform.

Finally, I expect the House to consider legislation dealing with both the expiring authority of our Nation's highway programs, as well as the pend-

ing increase in the Federal subsidized student loan rate.

Before I yield back, Mr. Speaker, I want to assure Members that we will accommodate both the congressional White House picnic on Wednesday night, as well as the congressional baseball game on Thursday evening. Debate may continue on appropriations amendments after the picnic and during the baseball game, but during those events no votes will take place.

I thank the gentleman.

Mr. HOYER. Obviously, the gentleman has spoken to a number of very important pieces of legislation, and I want to talk about those. Then I want to talk about what I believe to be a diversion from the important business of this country. But I will get to, first, the highway conference.

On Friday, it will be 100 days since the Senate has passed a bipartisan bill, a bill which had 75 Members of the United States Senate for it. That conference has not yet reported out. I understand there is some activity on that.

The House overwhelmingly voted for the Walz MTI, and it said the conferees ought to report out a conference report by tomorrow. I don't know whether that's about to happen—today is tomorrow—but we will see whether or not it proceeds. Perhaps the gentleman can give us some information on that issue.

I've offered a motion, as the gentleman knows, to instruct to give the House an up-or-down vote on the Senate bill if we can't wait for a bill that comes out of conference. Clearly, if it doesn't come out of conference, it's going to cost us a lot of jobs. It will not protect the 1.9 million jobs the Senate bill protects, and it will not create approximately 1 million additional jobs.

As the gentleman knows, it is our view that we've been considering a lot of legislation which does not create jobs, does not impact positively the growth in our economy; but I think there is little dispute that the highway bill will in fact do that.

In addition, there has been a lot of talk about certainty. I agree with the premise that we ought to give certainty to the economy and to employers and employees, and to States and subdivisions and private sector contractors. Obviously, if we don't extend the highway bill, that will not be the case. In fact, it will be a very uncertain world in which they will be operating.

So can my friend tell me what the status of the conference is, if he knows? I will tell you, very frankly, that the Democratic conferees do not know the status of the conference.

And I will yield to my friend.

Mr. CANTOR. I thank the gentleman. I would say to the gentleman the conferees continue to work in a bicameral nature. The discussions are

proceeding between Chairman MICA and Chairman BOXER. And as the gentleman knows, I have said before, we are desirous of seeing a bill done, as the gentleman said, to afford more certainty to the folks who are relying on the funding of our Nation's transportation program. We certainly think it would be a huge benefit to producing a bill prior to the expiration of the program next week, but knowing full well most of us do not want to see any kind of shutdown in the funding, that we would be prepared in any way to make sure that does not happen.

□ 1320

But the intention is to allow these conferees to continue to do their work and, hopefully, we'll have a bill to vote on next week.

Mr. HOYER. I thank the gentleman for that information. I hope the gentleman's correct.

My concern, and the concern on this side, continues to be the position—as Mr. SHUSTER, who is the one of the ranking members and whose dad, of course, chaired the Transportation Committee at one point in time. There was a story that SHUSTER acknowledged that the House GOP's leadership's inability to pass its 5-year, \$260 billion transportation bill “weakens our hand in conference.” And this is what concerned me, Mr. Leader.

But he added, “It's not an option to give away the House position.”

Now, he was referring to, of course, a bill which has not passed this House, has not even been brought to the floor of this House. And that article went on to say, House Republicans say they are willing to walk away from the highway bill talks if they cannot get what they want.

Now, this was an interview—I see Mr. SHUSTER on the floor, and Mr. SHUSTER's a friend of mine. I'll be glad to hear what he has to say on that matter, and I'll yield to him.

Mr. SHUSTER. I thank the gentleman for yielding. And what I was referring to is we did send over a position on our extension, and that was the streamlining that we wanted in our original bill but was in the extension. So that's what I was talking about. That's the House position. And as far as I can tell, things are moving in a positive direction. But I guess we'll be debating your motion to instruct a little later.

Mr. HOYER. I thank the gentleman for that information. I certainly hope that we are moving in a positive direction because we've been a long time getting to resolution of this matter.

Next I would like to ask—you indicated that student loans may be on the calendar as well. Can the gentleman tell me what his expectation is on that, if he knows?

Mr. CANTOR. Mr. Speaker, I'd say to the gentleman, it has been our position

all along that we do not want to see the expiration of the funding of the program to impact the students that right now are struggling, and we have presented to both the White House, as well as the gentleman's side of the aisle here in the Capitol, various ways of accomplishing that end in a responsible manner, in a fiscally responsible manner so that we're not digging the hole any deeper, we're not incurring any additional debt in order to do that, and thus far, have not seen a willingness on the part of the White House.

I am aware that there are discussions ongoing on the other side of the Capitol to see if there can be some resolution on this issue. And that's all I can say to the gentleman as far as I know.

Mr. HOYER. Well, I'm hopeful that we can resolve this in a way that is agreeable to at least the majority of both Houses and to the President of the United States because if we don't, as the gentleman knows, we're going to increase interest rates by doubling them from 3.4 to 6.8 percent.

Today's college students are leaving with an average of \$26,000 in debt. This would add another \$1,000 of debt to those students, and right now, with students owing more than \$1 trillion, placing more debt on their head. And I would urge us, therefore, to come to an agreement, come to an agreement that both sides could vote for.

Obviously, as the gentleman knows, the House bill that passed was a pay-for that Democrats didn't vote for here, and I think it was well known that the Senate would not agree to that, so I'm hopeful that we do reach an agreement that will provide for its passage.

Now, let me ask the gentleman—we, of course, made the representation that we ought to be focused on jobs. We believe that's critically important, and we believe that ought to be the focus of this Congress. It's the focus of the American people.

We went through, in years past, distractions. You say, with just some 30 full days left between now and the election, that you're going to bring up a resolution that came out of committee, as I understand, yesterday, without much time for consideration or deliberation, a very, very serious matter.

Attorney General Holder, of course, has been involved in making sure that votes are not suppressed all over this country. He has, in my view, conducted himself in a way that brought credit to the Justice Department, to himself, and to this administration.

I don't know—well, let me ask the gentleman. How long do you expect to spend on this motion?

I don't think any of us have seen the final bill that's going to come to the floor or the resolution that's going to come to the floor suggesting that Mr. Holder be held in contempt. I don't think anybody outside of the commit-

tees has had an opportunity to consider this very weighty, important matter, very disruptive matter, if I would say, and distracting matter.

What procedure does the gentleman suggest is going to be pursued next week on this matter?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'd respond to the gentleman, and I think the gentleman does know this is a privileged resolution of which he speaks, and it would be subject to the 1-hour rule, just as privileged resolutions were under their majority, Mr. Speaker, and we will expect to proceed accordingly.

Mr. HOYER. I thank the gentleman for that information. Which means that a matter of great weight is going to be brought to the floor within just a few days of being passed out of committee, with a relatively short period of time for either debate or for consideration.

There is, of course, precedent, and the gentleman's correct. It is a privileged resolution, and I understand the rules under privileged resolutions. But I do understand that this is a matter that's going to require a very careful, judicious, if I can say, consideration. And to bring it up at a time when we ought to be focused on jobs, when you're trying to do two appropriations bills, when you're talking about the highway bill and we're talking about the student loan bill, and to treat it as somewhat of a suspension bill provision, with little time to really have it discussed with the seriousness that the subject matter requires, I would suggest to the gentleman that this is going to be not only a distraction, but an unfortunate taking our focus off of creating jobs here in America.

I yield to my friend if he wants to make a comment.

Mr. CANTOR. Mr. Speaker, I'd say to the gentleman, this is an issue of making sure that the American people are given an opportunity to have all the information surrounding the issues involved with the Fast and Furious program.

This is an issue that we feel, as has been indicated by the actions of Chairman ISSA, that in acting with all reason, asking of the administration and the Attorney General to produce certain documents, the Attorney General, having agreed to produce certain documents, then refusing to do so, Chairman ISSA, leading up to the vote in committee the other day had said all along, if the Attorney General had produced the documents, that there would be a postponement of the hearing.

And in the same fashion, Mr. Speaker, I say to the gentleman, the Democratic whip, if the Attorney General would do what it is he committed to do and produce the documents, we'll postpone the vote. We've not seen any indication of that. He has not done that. And that's why I've announced the vote.

Mr. HOYER. Let me ask the gentleman, does the gentleman intend to go the Rules Committee to get a rule, or bring the privileged resolution directly to the floor?

I yield to my friend.

□ 1330

Mr. CANTOR. Mr. Speaker, I would say that some of that is still in discussion, but this resolution does have privilege.

Mr. HOYER. With respect to another piece of legislation, I would like to ask the gentleman about the Violence Against Women Act, which, again, the Senate passed in an overwhelmingly bipartisan fashion and which we passed in a relatively partisan fashion over here, where the parties were split.

Will the gentleman tell me whether or not he knows the status of that legislation and whether or not we expect to consider that anytime soon.

Mr. CANTOR. Mr. Speaker, I would just say to the gentleman, as he knows, the Senate has the so-called "blue slip" problem with its bill, and that is about as far as I know as to the progress in the Senate.

As the gentleman knows, we passed the bill here in the House. We did so in recognizing the suggestions and incorporating the suggestions that the GAO had made as to how to streamline the grant programs on the Violence Against Women Act to allow for dollars to reach victims in a more expeditious manner. We wholeheartedly support the passage of that as the gentleman saw when it passed the House. We would like to see a resolution on this.

Mr. HOYER. I thank the gentleman.

As the gentleman knows, we believe that the bill that passed the House on the Violence Against Women Act left out a lot of women. It reduced the scope that the Senate passed with, again, a bipartisan vote with, frankly, all the women on the Republican side of the aisle in the United States Senate voting for the Senate bill. We think the House bill restricted the coverage of that bill. It seems to me that we ought to be against violence against all women and other persons who may be subject to domestic violence. We would hope that that matter could be resolved, frankly, along the lines of making sure that all people are protected from domestic violence.

Lastly, may I ask the gentleman what he expects the schedule for the balance of July to be. Again, I would reiterate, as the gentleman knows, we have very, very few days left, less than 30 full days between now and the election following this week. There are another 8 days that are 6:30 days, or some number, either 7 or 8 6:30 days, so we don't have very much time to deal with some of the pressing problems, including dealing with middle class tax cuts to make sure that working people in this country who are having a hard

time making ends meet don't get an increase in their taxes on January 1.

Will the gentleman tell me what he expects the schedule to be in the month of July.

Mr. CANTOR. Mr. Speaker, I will respond to the gentleman and say to the gentleman that, again, if he looks at the schedule, we are scheduled and have been in accord with that schedule and in session more days this year than we were in a similar year last session. So I would say to the gentleman the schedule is right on track. The predictability, the certainty of this schedule, has allowed for the work to continue.

We will be here throughout July. Our intention is to continue to focus on job creation. We will be looking, obviously, towards the Supreme Court and what its actions may bring next week on the issue of ObamaCare. If we have to act in response to that to assure all Americans that we want and care about their health care, we will do so. If the Court does not strike down the bill in its entirety, the gentleman knows our conference is fully committed to the total repeal of the ObamaCare bill.

In July, we will continue to focus on that bill and its impact on employers. We also are very concerned about the overreach of the regulatory agencies in this town and intend to bring forward a bill with a series of provisions which will address the red tape that has begun to strangle the innovation and growth in this economy.

We will also be very focused on a measure to stop the tax hike that is facing the American people this year. If you look at the enormity of the tax hike, it is something that is hanging over this economy, that is hanging over the mindset of small business people and working families. I don't think anybody would advocate raising taxes, especially in this economy.

That will be the outline of our work with, obviously, some other measures that may be brought up in July.

Mr. HOYER. I thank the gentleman for his comment.

Let me just add, Mr. Speaker, that, clearly, when you look at the Congress to which he referred in terms of its productivity in the 2007 and 2008 years, we think the productivity was very much higher. I won't go through the litany of those figures; but I think, if the majority leader reviews them, he will see in terms of the productivity of the Congress that we moved America much further forward.

Having said that, I want to say that we hope that we will continue to focus on jobs. I know I share the gentleman's view—and I think all of us share the view—that we want to have reasonable regulations that help grow the economy, not impede its growth. We're for that. We may have a difference of opinion on what that does when we think of deregulating the protection of our environment, when we think of deregulating

the safety of our financial markets. When we took the referee off the field, it had an extraordinarily negative impact on this country and on every taxpayer in this country and on every business in this country. It was not useful. It was not helpful.

I think we have a difference of opinion on whether or not we want to make sure there is a level playing field, a fair playing field, for all the participants in our economy—both businesses and consumers. Clearly, there was an effort that was being made to undermine the ability of the CFTC to fully oversee what was a market that went out of control. As a result, there were dire consequences to our country and its fiscal status.

So I am hopeful that we don't pursue a regulatory agenda, which is an agenda with the net result of taking the referee off the field. I don't think the American public wants that, and I don't really think that that's reasonable. Further, I think they think we really need to be focused on things that will immediately grow this economy. The highway bill would have done that. Unfortunately, that highway bill has stayed in limbo for too long a time. I am hopeful that we can move it.

Unless the gentleman has something further to say, Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 25, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. WOODALL). Is there objection to the request of the gentleman from Virginia? There was no objection.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. HOYER. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4348.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Hoyer moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement to the amendment of the Senate:

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on my motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Tomorrow will mark, as I said a little earlier, 100 days since the United States Senate approved its bipartisan compromise highway bill in the United States Senate. There were 74 Senators who voted for that. Essentially half of the Republican Conference in the United States Senate voted for that bill.

There has been a bill in the House committee. That bill has languished in the House committee for many, many months—in fact, for about 4 months after the Speaker said he wanted to bring it to the floor. It has not come to the floor, apparently, because the Republican Party is divided on that bill, and they don't have the votes for that bill.

□ 1340

That measure passed the Senate 74–22, and it would have been, by the way, 75–22 had FRANK LAUTENBERG been there. He made that statement on the floor. That's three-quarters of the Senate, with the support of 22 Senate Republicans.

Americans are wishing that we would come together, reason together, and act together to give certainty to them, to the economy, and to their country. Unfortunately, the House bill that was passed was effectively a bill simply to go to conference. I know my friend—and he is my friend—Mr. SHUSTER from Pennsylvania will say that in the article that was written, that it was simply “that House bill” to which he was referring. I take him at his word that he was referring to that. But very frankly, others have said that there were items in the bill in committee that were critically important to them that ought to be in the conference committee report, and obviously the Senate would not agree to those.

This bill, to which I refer and which this motion to instruct refers, is supported by chambers of commerce in cities and counties across this Nation.

This is truly a bipartisan piece of legislation in the great tradition of transportation bills passed since the Eisenhower era. The gentleman who is managing the time on the Republican side, his father was a great proponent of infrastructure investment, a great leader in this Congress on infrastructure, and, in fact, participated—every time that I think he brought a bill out as ranking member, it was passed in a bipartisan fashion. Unfortunately, we haven't gotten to that point at this point of time.

Instead of taking up that bill, the Senate bill, and allowing us to have a

vote on it here in the House—in my opinion, if the Republican leadership let its Members vote free of influence by the leadership, that bill would have the majority of votes on this House floor. Speaker BOEHNER has said he wants this House to work its will. In my point of view, in my estimation, that bill has a majority support on the floor of this House. It would have, I think, every Democratic vote, just as the Export-Import Bank had every vote on our side of the aisle. That's why it passed overwhelmingly, not withstanding Republican opposition.

The caucus on the other side of the aisle, in my opinion, remains divided over how to proceed. House Republicans have, once again, turned an opportunity to invest in job creation into a partisan exercise in saying “no” to any legislation that might strengthen our recovery and lower our unemployment rate.

I'm not unmindful, and I believe the gentleman from Pennsylvania will observe, that apparently there has been some progress made. The progress that has been made is unknown to the Democratic side of this aisle. Neither the ranking member knows what progress has been made, nor the ranking member of the subcommittee knows what progress has been made. But we're going to be told, apparently, there is some progress that has been made. I hope that's the case. But, very frankly, if that progress is not made, we ought to pass the Senate bill.

When presented with a real chance to lead, frankly, Republicans in my view too often have walked away. Whether it was keeping government going on continuing resolutions, whether it was on making sure that the most reliable and creditworthy Nation in the world did not default on its debt, whether it was on passing an Export-Import Bank to make sure that we created jobs and were competitive in this country, too often our Republican friends have decided not to go there.

Republicans are unwilling to act on must-pass bills, and in several cases played a dangerous game by holding bills hostage. As I said, this includes the debt limit crisis last summer and the debate over extending the middle class payroll tax last December. Over and over again, our Republican colleagues have proven themselves to be the “Walk-Away Caucus.”

This Congress has been in session for only 60 days so far this year. Between now and the election, we're scheduled to be in session for 38 days, but only 30 of those are full work days. Between now and the election—that's 4 months from now. Thirty days between today—June 21—and the election in November.

With one wasted opportunity after another, they've earned the 112th a place in history as truly another “Do-Nothing Congress,” a phrase made famous by Harry Truman.

Mr. Speaker, my motion is simple. It instructs the House conferees to agree to the Senate's version that is based on bipartisanship and doing what's right for our economy. What does that bill mean?

The Senate bill leverages Federal funding to protect 1.9 million jobs. Why is that important? Because we lost 28,000 construction jobs last month alone. Why? Because we failed to pass this bill. In addition to the 1.9 million jobs that this bill would provide, it would provide another 1 million jobs as we expand transportation opportunities.

In my home State of Maryland, nearly 29,000 jobs are supported by Federal transportation investments. Those are jobs of families who are paying taxes, sending their kids to school, buying groceries, buying goods and services, and supporting our economy.

In Speaker BOEHNER's home State of Ohio, over 55,000 jobs are supported by this bill. And in Virginia, Republican leader CANTOR's home State, almost 40,000 jobs are on the line. That highway funding expires July 1, just a few days from now.

For the sake of all these workers, for the sake of all these families who rely on these jobs, and for the sake of all those workers and families who would be advantaged by the passage of this bill and the jobs that it will create—not only save, but create—in Maryland and Ohio, in Virginia—my colleague Mr. MORAN is here—and across our country, let's pass this bill.

Ladies and gentlemen of this House, let's pass a transportation bill that isn't simply another short-term extension. Such extensions provide no certainty to the businesses that rely on sound infrastructure to move goods to market. Let's pass the long-term reauthorization we need that will help put our economy back in drive—not in neutral and not in reverse.

Don't take my word for it why this is so important and so urgent. Listen to President Ronald Reagan, who said in 1982—and I'm sure, frankly, the gentleman's dad would have supported these statements:

The time has come to preserve what past Americans spent so much time and effort to create, and that means a nationwide conservation effort in the best sense of the word. America can't afford throwaway roads or disposable transit systems.

Ladies and gentlemen, it's not too late for this Do-Nothing Congress to make a U-turn and get back to work. It's not too late to heed President Reagan's wise words. It's not too late to provide our businesses with the certainty they're asking for.

I urge my Republican friends to start working with Democrats to make the investments we need to grow jobs and strengthen our competitiveness before it's too late. Frankly, that's what the

American people expect. Let's for once not disappoint them. Let's pass this motion, and work together to move this country forward.

With that, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

A lot of what Mr. HOYER said I agree with when it comes to moving a transportation bill. I think it is important to America, and our infrastructure is the backbone of our economy. We all know, I think, that in many places in the country it's crumbling, and we here in Congress need to do our job. But this motion to instruct the conferees to accept the Senate bill in its entirety is contrary to the purpose of having a House and a Senate conference.

I know my friend from Maryland has been one of the great defenders of this institution. To suggest that we should just up and take the Senate bill is a bit surprising to me that the gentleman would do that. As I said, he's been a real champion to make sure that the House maintains its position and he has always been a strong defender.

□ 1350

Also, I would just like to remind my Democrat colleagues, because we've been debating this bill for the past several months—my colleagues sometimes need to be reminded that when they controlled both the House and the Senate, they weren't able to get a bill out of full committee on any basis, partisan or bipartisan. So it has been a difficult road. And again, they saw the difficulties back when they were in the majority.

But it's our responsibility to sit down with our Senate colleagues and address areas where we have differences of opinion. And I might add too that there's a statement that just went out from Chairman BOXER and Chairman MICA, a joint statement, that reads:

The conferees have moved forward toward a bipartisan, bicameral agreement on a highway reauthorization bill. Both House and Senate conferees will continue to work with a goal of completing a package by next week.

So there's been movement.

I would urge the gentleman to retract his motion, not offer it, because I think there is a point when the chair of the conference and the vice chair of the conference are saying, there has been movement, that it is very positive. The Senate bill, though, if you will want to continue, the Senate bill includes provisions that I have serious concerns with; and I believe many on the other side of the aisle would have serious concerns about it.

When they get to study the Senate bill, you will find that it requires that all new passenger vehicles, all new passenger vehicles beginning in 2015, be equipped with event data recorders. These recorders are similar to the

black boxes that are required in aircraft. While the intent of this provision is to collect safety information, I believe many of us would see it as a slippery slope toward Big Government and Big Brother knowing what we're doing and where we are.

So, again, I think if my colleagues on the other side—and we've talked about different ways to collect data—and those on the other side of the aisle have great concerns about allowing information to be collected by Big Brother. And privacy is a big concern for many across America.

There are also areas where the Senate bill does not go far enough. While the Senate bill includes a few provisions to streamline the project delivery process, it does not go far enough. And I believe we are at a time in our history—and the gentleman and many people around here mentioned my father and the good work that he did, and he did great work. But the times have changed in the sense that the last two highway bills that were passed, the economy was in good shape, the highway trust was flush with cash, and we had the ability, as Members of Congress, to direct money back to our States and our districts. So it's been a very difficult process, minus those three things.

Again, these streamlining projects, the Senate bill does not set hard deadlines for Federal agencies to approve projects. So they can just go on and on and on—and have. And that's why it takes 14 to 15 years to build a major highway project in this country.

I was just out in Oklahoma City a month or so ago. They just opened up the Oklahoma City Crosstown Express. It cost \$680 million and took 15 years to build. If we're able to do some of these streamlining projects, we believe we can cut that time in half. So if you just look at that project in Oklahoma City, \$680 million, on inflation alone we could have saved \$60 million to \$80 million on that project alone; \$60 million to \$80 million would go a long way in fixing infrastructure in Maryland and Pennsylvania and Virginia and New Jersey. So these are the kinds of revisions. That's just one, setting the hard deadlines.

It does not allow State environmental laws to be used in place of Federal environmental laws. When a State has a more rigorous environmental process, like California, like other States, why do they need the Federal Government's approval when theirs goes far beyond what we do here in Washington? Or if it's equal to the Federal Government, instead of going through a second environmental regulatory process, let's let the States use theirs—if it's equal to or exceeds the EPA standards.

It does not expand the list of projects that qualify for categorical exclusions. What are categorical exclusions? If you

are going to replace a bridge with another bridge in the same footprint, if you are going to expand a roadbed in the current right-of-way, it would allow there to be an abbreviated, a faster review process so that we can get those bridges built faster, we can get those lanes added more quickly.

Again, what it comes down to is saving money. Time is money. I think we all know that. And it also does not expedite projects that are being rebuilt due to disasters. Again, we've seen it in Minnesota. When the bridge collapsed, in 436 days we were able to construct a major bridge crossing over that river in Minnesota.

Also, program consolidation is another important reform that the House has been pushing. The Senate has been pushing to add two new programs at a dollar cost of \$3 billion a year. At a time when the highway trust fund is going broke, we should be focusing our limited transportation dollars on consolidating programs and eliminating wasteful programs, not creating new ones.

Funding flexibility for the States, another critical point that allows the States to fund the most economically significant highway and bridge projects in their State. The Federal Government should not mandate the States to plant flowers and beautification.

Even bike paths—and I have been a big supporter of bike paths in the past; but today when we have bridges crumbling, when there is safety in question, in good conscience we can't tell States to spend that type of money. But if they want to, they can. They can opt out. They can spend that money if they so desire. But again, I think this is not a time when the Federal Government should be telling States to spend money on projects that aren't going to be the most beneficial to their constituencies. We need to focus those resources.

These are issues that are not addressed in the Senate bill and should be addressed in this conference. And from the statement that I read earlier, I believe we are moving in a direction to adopt some of what I just talked about.

So I urge my colleagues to oppose this motion. I would urge the gentleman, my friend from Maryland, to step back again at a time when we're getting so close. As the gentleman fully knows—he's been in this institution long enough and has negotiated many, many significant pieces of legislation—this is not a time for us to be out here talking about it, but to hunker down, make sure the conferees, the two chairmen are able to move forward to get a bill that's going to benefit America.

And with that, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

I want to say to the gentleman, the items that he mentioned—some of

which we may agree on, some of which we may not agree on—frankly, could have been included in the bill that the House could have reported out of committee and brought to the floor. That didn't happen. What we did was, with the inability to pass a bill that came out of your committee on the floor of the House, we then repaired to what was essentially a shell of a bill to go to conference.

The problem that I have with the gentleman's statement is I hope that the statement that "we may be getting there" is correct.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. I yield myself an additional 30 seconds.

But if we "may be" getting there, we're getting there because we've constantly done motions like this to get us to the issue. We are talking about some 2-plus million jobs. That's why the Chamber of Commerce is involved. That's why counties, States, and local municipalities are involved, saying, Come to an agreement.

Very frankly, the bill that we passed here had some things that didn't relate to transportation. What the gentleman has mentioned are items that dealt with transportation. Your bill, as you well know, had items in it which were clearly not acceptable to the President of the United States because they were unrelated to transportation.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself an additional 30 seconds.

The gentleman hasn't mentioned any of those. I am pleased that he hasn't mentioned those.

I hope that the House Republicans have now decided that's not going to be the litmus test for whether or not we create jobs and save jobs in the transportation field and give certainty to contractors and to public entities.

At this point in time, I yield 2 minutes to my good friend from New Jersey (Mr. SIREs).

Mr. SIREs. Mr. Speaker, I rise to speak in support of Congressman HOYER's motion to instruct conferees on H.R. 4348, the surface transportation bill.

This motion to instruct conferees would ask the conference committee to end their differences and support the Senate-passed measure. Senate 1813, or MAP-21, was passed by an overwhelming bipartisan majority with a final vote of 74-22.

Tomorrow marks 100 days since the Senate passed their bipartisan bill. We have just over 1 week before the extension expires. We cannot afford to pass yet another short-term extension. We need to create jobs here in America.

National unemployment is 8.2 percent, and construction unemployment is nearly double, at 14.2 percent. Summer has officially started, and the construction season is short. We have 1.2

million unemployed construction workers who are waiting for work.

□ 1400

MAP-21 is estimated to save 1.9 million jobs and create another 1 million jobs. We have the legislative solution to create jobs. It is the Senate bill.

Mr. Speaker, I urge my colleagues to put their differences aside and pass a comprehensive reauthorization. MAP-21 was passed on a bipartisan majority in the Senate. Let us do the same here in the House and put America back to work.

Mr. SHUSTER. I yield myself 30 seconds.

Just in response to my good friend from Maryland, I'm glad he brought up some of those other provisions, and they are job-creating provisions.

The RAMP Act will unlock the Harbor Trust Fund so we can invest in our ports, which I know the gentleman has a major port in Maryland. But those dollars are going to rebuilding and dredging and doing the things we need to do to be competitive around the world. So that's a jobs act that's in the transportation bill. And I might add, ports are certainly transportation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHUSTER. I yield myself an additional 30 seconds.

We have also a reform in there on the coal ash, which is an element that goes into making cement. Of course, building roads and bridges, it's about cement and concrete. So there's another provision in it we believe will help our industries to be able to continue to make and produce cement to build our roads.

Finally, the Keystone pipeline. I think all of America—or most of America knows that's been paying attention, which is about 80 percent—believe it is a positive thing to bring oil and energy to America to help power this economy while creating 20,000 jobs and maybe as much as a hundred thousand jobs in indirect labor and jobs to this country.

I reserve the balance of my time.

Mr. HOYER. I yield 2 minutes to the distinguished ranking member of the Science and Technology Committee, Ms. JOHNSON from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise in support of Democratic Whip HOYER's motion to instruct the conferees, which directs the conferees to agree to the Senate-passed transportation bill, MAP-21.

MAP-21 passed the Senate by a strong bipartisan vote of 74-22, and it is critical that the House pass this legislation. We have been waiting a very, very long time. I'm from the State of Texas. There's no State in the Union that this bill is more important for. Our season is now to get highways started. And we have massive infrastructure needs, just like the rest of the country.

Tomorrow does mark the 100th day since the Senate passed the bill, and the current reauthorization will expire next week. And while I'm encouraged by the progress being made in the conference negotiations, we simply cannot afford to delay any longer for individual pleas, for individual needs. We all have needs.

This bill is not perfect. No bill we pass is perfect. But this bill is certainly needed to plan and to develop. We have to have time for the States to look at what they have available and plan for it. We cannot do this like any other bill. This is a transportation bill, infrastructure planning bill, and we simply must do something now.

In addition to it saving 1.9 million jobs, it creates a million jobs. It's a jobs bill. We've been talking about passing a jobs bill for the last almost 2 years, and nothing has passed yet. I am pleading that we all support this motion to instruct, and I encourage my colleagues to support it and let's get this bill done.

Mr. SHUSTER. I continue to reserve the balance of my time.

Mr. HOYER. I yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

To not support Congressman HOYER's motion to the Senate transportation bill for which, many times it's been said, 74 Senators, including 22 Republicans, voted for, I would suggest, is to engage in nothing less than economic sabotage.

Well into the construction season, the unemployment rate in the construction industry is at least twice the national average, and another short-term extension will not bring enough certainty to an industry that is hurting as badly as this one is.

MAP-21 is the single largest jobs bill passed by either body in this Congress. In my home State of Illinois alone, MAP-21 will save or create nearly 70,000 jobs. Nationwide, the bill will save or create nearly 2 million jobs and spur 1 million additional jobs through the leveraging of transportation funds.

It is hard to understand, as we are ending the month of June and construction needs to be done all over this country, that we are still delaying the passage of a bill that would mean so much to the workers across the country and to strengthening our economy. I think that we need to support this motion right now, to support MAP-21, and to send it to the President's desk immediately.

Mr. SHUSTER. I continue to reserve the balance of my time.

Mr. HOYER. I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I would say to our good friend from Pennsylvania that it is hard to believe that Chairman Bud

Shuster would not be as troubled as we are by the state of the transportation bill. And he would be saying as we are: Just do it.

You have suggested any number of things where we would reach agreement, I would say to my friend from Pennsylvania, but this has been going on for almost 3 years. It was back in October of 2009 that we got a 1-month extension. Then, we extended it for 48 days; then 72 days; then 16 days; then 9½ months; then 2 months and 4 days; then 6 months and 25 days; then 6 months, and 91 days, and now we're talking about another 3-month extension.

Let's just do it. That's why there's instruction to accept the Senate bill. If we know what we need, then let's reach compromise and get it done. Because meanwhile, people are unemployed. The American people are hurting, and the American public is disgusted with the Congress.

When we had a 13 percent approval rating, I was wondering how we had so many family and friends. Well, sure enough, now it's dipped down to single digits. Why? Because they don't see us doing anything. They don't see us compromising.

In the Senate, we have a Senate transportation bill where people as conservative as Republican JIM INHOFE, the ranking member of Surface Transportation, has approved this. It passed. Three-quarters of the Senate approved this. Why can't we just accept this and get it done?

We're talking about almost 3 million jobs that would be saved or created. We are in desperate need of jobs. There are jobs in this country, and they're going to have a lasting dividend once we improve our roads and our bridges and our public transit systems.

We need to get this done. The American people have been waiting 2½ years for this surface transportation bill. That's why the motion to instruct is so important and why I support Mr. HOYER, because this is what the American people want. And the fact is that, while it maintains current funding levels for highway and public transportation, it consolidates highway programs, establishes a national freight program, and any number of things.

We can agree it's not perfect, but it's the best we can do. And the American people deserve it.

Mr. SHUSTER. I yield myself such time as I may consume.

I appreciate the passion from the gentleman from Virginia, and I believe he is a supporter of infrastructure, as am I. I think you were referring to the former chairman. I was just emailing back and forth to him. He sees much agreement with what we're trying to do in the House. He sees the need for reform. And as I've been going through this process, I certainly talked to him about some of the things he wishes he

would have been able to accomplish. And what we're doing in this bill are things he's applauding. If any of you don't realize, the chairman is still alive and well and still consults with his Member of Congress—when I ask and when I don't ask, I might add.

Again, I have to remind my colleagues, and be respectful when I do this, when you had the majority, six times you extended without passing a bill. And you had a majority in the House and Senate and White House. And I might add that, if you would have focused the stimulus bill on an infrastructure bill instead of spending it in all different ways that didn't have the kind of impact that you thought and, in fact, didn't have much of an impact at all, I think we would see a much different economy today if we would have focused on this because I know there are jobs out there, millions of jobs, in construction and construction-related businesses where we could help by passing a bill.

□ 1410

Again, just to remind my colleagues, the House and the Senate, chairman and vice chairman, have issued a statement. We are moving in the right direction towards a bipartisan, bicameral solution, not just a Senate solution. Again, I know that the two gentlemen, the whip and of course Mr. MORAN from Virginia, have been great defenders of the House. For us to just give in to the Senate, I don't think I've ever seen them when they were in the majority just handing it off to the Senate. So I feel positive.

Again, I supported Mr. WALZ's motion to instruct a few days ago because he said get in there, hammer this thing out; come up with a bipartisan, bicameral bill. That's why I supported that. Again, on this, I just can't support this. I have got to vote against it, and I urge my colleagues to vote "no" also.

And with that, I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a supporter of this institution. I am a supporter, as Mr. SHUSTER pointed out, of regular order. I do believe that the House has a right and a duty and a responsibility to maintain its positions—when it can get to a position.

Let me reiterate so the American people understand. Speaker BOEHNER said that the highway bill was very important to him. He wanted to see it reported out. The committee acted on a bill and never brought it to the floor.

I pause so the American people can understand, the House has been unable to take a position. Now my friend will say, oh, no, we did pass a bill, and that's correct. Admittedly, however, from everybody's perspective, it was not a full bill; it was a shell bill. It was

a shell bill to go to conference. Did it have some provisions in there? Yes, it did. It had Keystone in there, which was clearly unacceptable to the President in the form that it was offered and unacceptable to the Senate in the form that it was offered.

Very frankly, my friend from Pennsylvania talks about his dad, who I know is very much alive and was a very good Member of this body. I will say that we did pass some extensions, all on a bipartisan fashion, as you well know. All on a bipartisan fashion. This was not done in a bipartisan fashion.

We could have forged a bill that would have had overwhelming support in this House, in my opinion. The Republican side of the aisle chose not to do that. And I've got a hunch that my friend sitting in the chair, Mr. SHUSTER, regrets that. He doesn't have to say anything about that, but I just have a hunch he regrets that. I regret it. I regret that we are not able to come together and reason together, but we take hard-line positions that if you don't agree with me, it's my way or no highway. That's regrettable. The American people know it's regrettable.

And I want to tell my friend from Pennsylvania, if it weren't 100 days ago, as of tomorrow, that a bipartisan—overwhelmingly bipartisan—bill was passed, and if this House had been able to pass a real highway bill, but we didn't have that opportunity. That bill was not brought to the floor. The gentleman knows that bill was not brought to the floor. It still languishes in his committee. Or perhaps it's been reported out and may be sitting someplace else.

The fact of the matter is that this motion is designed to say to 1.9 million people who may lose their job if we don't pass a bill next Friday, in a Congress that has been mired in confrontation and unwilling to compromise, and another million people who will have job opportunities if that bill passes, it is to say, let us act. And we have a vehicle on which to act, a vehicle that enjoyed the support of all Democrats and half of the Republican Conference in the United States Senate, a bill that had agreement between Senator BOXER from California, correctly I think described as a liberal Democrat from the State of California, and JIM INHOFE, correctly described I believe as a conservative Republican from Oklahoma. They came together. They reached agreement.

I think the gentleman from Pennsylvania is probably absolutely correct; it's not a perfect bill. I don't know that I've ever voted for a perfect bill on the floor of this House, at least one that I thought was perfect. That's the nature of this body, that we come together and we compromise and everybody doesn't get what they want because maybe their region or their people or their businesses or their consumers

don't see it the same way mine do. We compromise.

But the Senate bill, while it may not be perfect, enjoyed broad bipartisan compromise and support. Therefore, I think it is our best opportunity, because we've shown in this House that we have, for the last 6 months, been unable to come to agreement, and the Republican majority in this House has been unable to agree among itself to bring a full bill to the floor.

So, Mr. Speaker, that does not give much confidence not only to my side of the aisle but to those contractors, those construction workers, those States, those counties, those municipalities who know that they have to address the transportation challenges of their areas. It doesn't give them much confidence, and I've heard a lot about building confidence.

I believe that if we passed the Senate bill, we would create those jobs, retain the 1.9 million jobs, and give confidence to our economy and grow jobs. I hope that's what the other side wants to do. They talk a lot about it. And if the economy improved, of course, the administration might be advantaged as well. I hope that's not a consideration of anybody who considers these pieces of legislation. America expects us to come together and reach agreement. The Senate has done that. On this side of the Capitol, we have not. We ought to do it.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of my good friend from Maryland's Motion to Instruct House conferees to bring up the bipartisan Senate transportation bill. In the 10 most congested cities in America—including the Washington DC region which both Mr. HOYER and I represent—drivers spend more than 40 hours a year stuck in traffic. That's an entire work week lost to congestion, yet all the Republican majority has offered in response is more partisan gridlock.

Americans are waiting for road improvements, bridge repairs, and more transit options. The American economy is waiting for more robust job growth. The nation lost 28,000 construction jobs last month and more than 2 million construction jobs since the Great Recession began.

Republican President Dwight D. Eisenhower knew investing in infrastructure would create jobs and spur the economy so he created the American interstate highway system. This March, the Senate passed a bipartisan transportation bill—with 22 Republicans on board—to alleviate gridlock on our streets and in the halls of Congress. But so far, House Republicans have refused to even bring it up for a vote, for fear that it might actually pass!

A robust transportation program such as the bipartisan Senate bill helps both American commuters, and the American economy, get moving again. If we are going to create jobs and ease commutes, the Republican majority must stop idling. I urge my colleagues to support Mr. HOYER's Motion to Instruct.

The SPEAKER pro tempore (Mr. NUNNELEE). All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mrs. BLACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of my motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mrs. BLACK. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. Black moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to reject section 31108 of the Senate amendment (relating to distracted driving grants), other than the matter proposed to be inserted as section 411(g) of title 23, United States Code (relating to a distracted driving study).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Tennessee (Mrs. BLACK) and the gentleman from Pennsylvania (Mr. ALTMIRE) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

□ 1420

Mrs. BLACK. Mr. Speaker, I yield myself such time as I may consume.

We began the 112th Congress by reading the U.S. Constitution as a body, and we require that every bill cite the section of the Constitution that allows Congress to consider the legislation.

My motion to instruct simply maintains this desire of the House by protecting States' rights under the 10th Amendment. The 10th Amendment reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I believe that the issue of laws related to distracted driving are best left to the States. That's why as a State senator in my home State of Tennessee I voted three times for a distracted driving law on the books today.

As a mother and a grandmother and a nurse, I strongly support absolute

safety on our roadways. I also believe that there's no one in this Chamber who doesn't support safe driving laws. But this motion to instruct is not about safety; it's about the States' rights under the Constitution and stopping Federal manipulation of State law through taxpayer-funded distracted driving grants.

Now, the Senate passed a highway bill, Senate Bill 1813, that contains a provision that would grant the U.S. Department of Transportation Secretary Ray LaHood \$79 million to entice the States to enact and enforce Federal distracted driving laws, something that 39 States already have on their books—39 States have already enacted these laws.

I believe the States are great laboratories for determining what works and what does not work. That is why my motion to instruct keeps intact a study—wants a study to be conducted on all forms of distracted driving. This helps government and also the public better understand and identify the most effective methods to educate drivers and enhance States' understanding of these issues so that they can enact and tailor laws best suited to the individual needs of their States.

I'm offering a motion to instruct that simply strikes the distracted driving grant funding language contained in the Senate-passed bill, while calling for a study to be conducted on all forms of distracted driving. This helps government and the public better understand and identify the most effective methods to educate the drivers and enhance the States' understanding of these issues so they can enact and tailor laws best suited to the individual needs of their State. What is best for the State of Massachusetts may not be best for the State of Montana. And as the 10th Amendment to our Constitution was written, these laws are reserved for individual States.

Now, just as we must provide certainty to job creators, we must provide certainty to States on the highway bill. The only way to accomplish this task is to allow for focused use of taxpayer dollars that is produced in a multiyear transportation bill that restricts the highway fund to its intended use, that is, building and maintaining America's roads and bridges. Taxpayer dollars are so precious, they should not be used on anything other than the intended purpose.

I urge my colleagues to protect states' rights and support my motion to instruct.

I reserve the balance of my time.

Mr. ALTMIRE. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the motion.

The motion offered by the gentleman from Tennessee (Mrs. BLACK) seeks to eliminate a distracted driving grant program included in the Senate surface transportation authorization

bill. I oppose this motion because it ignores the significant safety hazard that distracted driving poses to drivers, commuters, passengers, and pedestrians.

Distracted driving is any activity behind the wheel that takes a driver's attention away from the road. The rapid development and ubiquitous use of technology such as cell phones, smart phones, and in-vehicle touch screens has made routine distraction an almost commonplace occurrence in every vehicle across America.

According to the National Highway Traffic Safety Administration, in 2010 more than 3,000 Americans were killed in crashes involving a distracted driver and approximately 416,000 additional Americans were injured.

Distractions from technology can include texting, talking on a phone, or using a navigation system or other audio or visual equipment while in a vehicle. But because text messaging requires visual, manual, and cognitive attention from the driver all at the same time, it is by far the most dangerous distraction.

The Wireless Association reported that in June 2011 more than 196 billion text messages were sent or received in the United States, which is up nearly 50 percent from just 2 years ago over the same period. The National Highway Traffic Safety Administration also reported that more than 100,000 drivers are texting and more than 600,000 drivers are using cell phones at any given moment in time. Sending or receiving a text takes a driver's attention from the road for an average of 4.6 seconds, which, while it may not seem like a long time, it's the equivalent of driving the length of an entire football field, taking the driver's eyes off the road. It's not surprising that, according to research done by Virginia Tech, a texting driver is 23 times more likely to be involved in a crash than a non-distracted driver.

The proposed grant program in the Senate bill is an opportunity to address the rapidly growing problem of distracted driving and to educate the driving public about the real and immediate dangers of distraction behind the wheel.

Mr. Speaker, thousands of American lives are at stake. And these are not statistics. These are people—like 21-year-old Casey Feldman, who was struck and killed by a distracted driver as she crossed the street in Ocean City, New Jersey in 2009. It's people like 56-year-old John Sligting, who was killed on his motorcycle when a teen driver talking on her cell phone missed a stop sign in June 2007. It's people like 13-year-old Margay Schee, who was killed on her school bus when a distracted driver rear-ended that bus in September 2008.

Although some on the other side of the aisle are skeptical of seemingly

every Federal program, we must avoid the temptation to eliminate programs without considering the real impacts they have on the lives of our constituents and on communities all across America.

To the point the gentlewoman, my friend from Tennessee (Mrs. BLACK), raised in her opening remarks, the distracted driving grant program contained in the Senate bill is merely an incentive program, not mandatory. It's an incentive for States that have already passed laws and have them on the books. Therefore, there are no sanctions if States do not pass laws or participate. There are no penalties to not participate.

So, Mr. Speaker, to put it simply, this motion represents a giant step backwards in highway safety for all of America.

I urge my colleagues to reject this motion to instruct, and I reserve the balance of my time.

Mrs. BLACK. Mr. Speaker, I'd like to yield 5 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentlewoman from Tennessee.

I guess I, as well as others, are here today to plead the 10th Amendment. You see, texting while driving is dangerous, and it should be stopped. Careless driving of any form is dangerous, and it should be stopped. We should be grateful for every effort to educate our drivers as to the significance of this particular effort, but the question has to be: Are the efforts only to be done in this particular body?

A driver's license is a State certificate. Driving is a State privilege. And even though Congress has, in the past, overstepped our responsibility in involving ourselves in these areas—and that was wrong—that is certainly not justification for continuing that practice ever forward. The Commerce Clause does not necessarily expand to this area. The Senators, in their wisdom, have included a provision in there dealing with this issue. It's a noble concept. It's a worthy goal.

The approval or disapproval of texting while driving is not the issue. The issue is not should it happen; the issue is who, at which level, should decide if it happens and what the consequences should be.

□ 1430

The issue is, are we the only ones who have the opportunity of breathing the air of the Potomac River, the only ones smart enough to be involved in this issue, the only ones compassionate enough to be involved in this issue. I would contend to you that those who are in our States are equally competent to handle this issue.

It's been mentioned, 39 States already outlaw texting. Ten outlaw any kind of a handheld communication while driving. Thirty-two States ban

all sorts of these efforts with novice drivers. My State of Utah has moved forward in this particular area. And yet the Senate has now put in \$79 million to incentivize States to do what they're already doing.

We tried to pass a balanced budget amendment on this floor. It failed and I felt sad about that; but I realized also we can accomplish the exact same goals if we respect federalism, which, of course, was reinforced in the 10th Amendment. Federalism simply would require the Federal Government to concentrate on the core constitutional responsibilities given to us in that document and allow the States the flexibility to solve the other problems.

States do not have the kind of restrictions established in the Constitution that we have. States can be far more creative than a one-size-fits-all program from Washington. States can be much more effective in the way they run their programs. States can actually apply justice to unique circumstances within their State borders. That can never be accomplished by Washington. Our only ability is to make sure that everything is uniform. We can accomplish the same goal if we respect the authority of States.

\$79 million is a high price to pay for the arrogance that only we here in Washington can do things well. The States are doing it. Not everything has to be ordained, funded, and controlled by those who sit on this floor. The States have every competence, every ability. We should support the 10th Amendment and recognize the States should do this. They will do a better job than we.

Mr. ALTMIRE. We have no further speakers. I yield myself as much time as I may consume.

The previous speaker talks about States being the innovators. I certainly agree on that.

This motion that we are talking about right now involves a State incentive program where States can qualify for Federal money for an optional grant that they may choose to participate in or not. If they do not choose to participate, they are free to pass any distracted-driver laws they wish or not. There is nothing in what is contained in the Senate bill that in any way inhibits or prohibits or disincentivizes States from passing their own distracted-driving laws. They are still free to do whatever they want to do and go as far or not as they want to go.

All the Senate language says is that if States choose to meet the higher Federal standards, they may qualify for potential limited grant money that will be made available. No State is sanctioned for not participating.

With that, I continue to reserve the balance of my time.

Mrs. BLACK. Mr. Speaker, I yield 5 minutes to my good friend and colleague from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I want to thank the gentlelady from Tennessee for yielding time and also for bringing this amendment forward to instruct the conferees on the transportation bill.

If you look at what the amendment, what the motion to instruct, is saying, first of all, we recognize that 39 States have already put laws on the books to address problems with distracted drivers. It's a national problem. But every State, just as they have the right and the responsibility to create their own laws on issuing driver's licenses, each State has their own age requirements, their own speed limit requirements. Each State has to look at the unique problems that are posed by distracted drivers within that State.

In fact, in our State of Louisiana, we have a ban on texting while driving. And the legislature has gone back and forth on other forms of whether or not you can use a cell phone with a Bluetooth or with a speaker in your car if it's enabled to do that. And so technology changes, and the local States have the ability to be flexible enough to change their laws according to how it best suits their State.

Ultimately, by having a \$79 million pot of money that would be up to the Secretary of Transportation to enforce as Federal distracted-driving laws, I think it gets away from the whole concept of the fact that States are the ones that are in charge of doing this, and the States know best what needs to happen in their States.

Driving laws in Louisiana are a lot different than they are in California or New York or somewhere else. That's what the 10th Amendment is all about. That's why you have elected officials at the State and local levels to handle the problems that are unique to each area. And the fact that you've got a \$79 million pot of money that would only be put at the discretion of the Secretary of Transportation, just for this purpose, instead of using the \$79 million to build roads throughout the country, or to allow the States to do what they think is best to improve safety in other ways, there are many things that need to be done in each of our States to improve safety on the roads.

And if a State's done a good job of addressing their texting problems and the distracted-driving problems as it relates to cell phones and other things, somebody eating and sitting in their car, ultimately the States know best what to do. And if they've got more flexibility with the money—this isn't Washington money, by the way. They're paying into it. Every citizen back home, when they buy gasoline, is paying taxes. This is their money. It's not the Federal Government's money to say \$79 million is only available for the things that we think are most likely to increase safety, when the States

know what's better. Local people on the ground, people paying those taxes know what's better to increase safety. And you're not allowing them to use that money for the things that actually would improve safety even more.

So by limiting this \$79 million to a fund that the Secretary himself in Washington would give out, let's let the States have that money back, money that they've paid in already, and let them do what they know is best to increase safety, whether they think it's putting guardrails on roads where the guardrails have broken off and they don't have the money to put that back in place, or whether it's to put railroad crossings. We have so many deaths by people who cross railroads where there's no crossing, and yet it's very expensive to build those.

States would like the ability to use the money to increase safety and stop the deaths that occur by spending it there. Yet this \$79 million isn't allowed for that.

Let the States do what they know best because it's their money. It's the people's money. It's not Washington's money. And some Washington bureaucrat who thinks he knows best how to handle a problem at a Federal level that applies to all States when it works differently in every State, the challenges, the safety challenges that face our citizens are very different in each State, especially as it relates to driving on the road.

So, again, I want to thank the gentlelady for bringing this motion to instruct. I surely support the motion and also encourage everybody else in this Chamber to support it because, ultimately, if you've got \$79 million that can be much better used to increase safety in other ways, why would you want to cordon it off and only allow it to be used for one way, when maybe 39 different States have 39 different ideas of how to do it better?

Well, we can learn from them for once instead of trying to have this top-down approach where Washington knows best. I think it could be handled much differently, much better at the local level. At the end it's their money anyway.

So I urge approval of this motion to instruct.

Mr. ALTMIRE. Yielding myself as much time as I would consume, I would, again, make the point that the program in question in no way sanctions, penalizes, disincentivizes, discourages or prohibits States from, in any way, addressing driver safety. It in no way prohibits States from being innovative, from creating new technologies, new programs, doing things that are not recommended in the bill or this program. States are free to do whatever they want to do on this issue.

So to continually pound away at the point that we're somehow taking away the ability of States to be flexible is

simply incorrect. It's not consistent with the program in question. It's not consistent with the language of the bill we are discussing.

With that, I would inquire of my friend—I have no more speakers on our side—is she prepared to close?

Mrs. BLACK. I am.

Mr. ALTMIRE. Mr. Speaker, I urge my colleagues to oppose the motion.

I yield back the balance of my time.

Mrs. BLACK. Mr. Speaker, I yield myself as much time as I may consume.

This is a worthy goal. As I've already said, I'm a nurse. I'm a grandmother. I'm a mother. I want safety on our roads.

I have served in the State legislative body where I have voted three times on distracted driving. We did our studies, we found what the problems were in the State of Tennessee. We were able to pass laws to make the roads safer.

□ 1440

Careless driving of any form must be stopped, and I applaud the piece in the bill that will create more study so that States can have more information about just what they need to craft in their State that will be identified as distracted driving.

Obviously, distracted driving does not just mean cell phones, and it does not just mean texting. There are other forms of distracted driving—a mother turning around to correct her small child who is sitting in the back seat. I personally have seen those kinds of accidents. Someone reaching for a CD to put in one's disk, I personally have seen the devastation from that action. There are many forms of distracted driving, and this study will help us and the States and the public to understand what those forms of distracted driving are. In my motion, that is left in place.

Again, we have to be very cautious about our dollars and how it is that we hand our dollars out. I talk about this almost like legislative candy, this \$79 million, to incentivize or to entice States to do something, and 39 of them are already doing something related to distracted driving.

As a matter of fact, if we take a look at this whole discussion on the transportation bill, we know how precious every dollar is. We're talking about infrastructure and about creating jobs. This \$79 million can be best used by its intended programs, which are to build roads and bridges and to make our roads safer by making sure that our roads and our infrastructure are in the best shape. States are already doing this job. We don't need to take \$79 million and hand it out to States—using candy to get them to do what we want them to do.

Absolutely, safety is the major issue, but States can make that decision. States have enough knowledge to know what's best for their States.

So, Mr. Speaker, I urge my colleagues to protect States' rights and to support my motion to instruct.

I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I rise in opposition to the Black Motion to Instruct.

This motion is a step back for highway safety, and a step back for our country. This country has done a lot to improve highway safety in the last thirty years. We've mandated safety belt use. We've addressed our many of our most dangerous intersections and developed better signage and more visible traffic signals. And we created a federal mandate that raised the drinking age to 21.

But there are new challenges—and distracted driving is one of the most important. This motion is exactly the opposite of what we should be voting on.

We should be doing everything in our power to encourage responsible driving and protect lives. Couching this argument in the 10th amendment is simply cover for irresponsible legislation.

There are numerous grant programs throughout the federal government that provide funding for states based on national policies that Congress wants to advance. To single out a safety program is totally out of left field—or rather, right field in this case.

I urge my colleagues to oppose this motion.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ALTMIRE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONCERN OVER RE-LICENSING THE DAVIS-BESSE NUCLEAR POWER PLANT

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, FirstEnergy, which operates the Davis-Besse nuclear power plant, has consistently misrepresented to the public structural defects in the building that shields its reactor.

Their latest fable is that cracks in the circumference of the shield building were caused by a snowstorm that occurred in 1978.

In 2002, FirstEnergy covered up information about a hole in the head of a reactor that jeopardized the safety of millions of people, for which they were fined \$28 million. FirstEnergy caused the blackout in August 2003, which put 50 million people in the dark, because

they were too cheap to hire people to trim trees.

Can they be believed when they claim a snowstorm 34 years ago created cracks that appear today? Are buildings all over northern Ohio falling apart today because of the blizzard of '78, or is this just another in a series of desperate lies used to keep a plant going that should be either shut down or massively repaired?

How long before FirstEnergy's 34-year snow job is fully exposed?

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes as the designee of the minority leader.

CONCERN OVER RE-LICENSING THE DAVIS-BESSE NUCLEAR POWER PLANT

Mr. KUCINICH. I thank the Speaker. I spoke here a minute ago on the floor of the House concerning my deep and abiding concern about a nuclear power plant in the State of Ohio called the Davis-Besse nuclear power plant.

This power plant, from the time it was first licensed, has experienced a series of shutdowns, so much so that there was a period when the companies that originally owned it had massive losses because the plant was not up and running. They had so many difficulties that it became an embarrassment to the nuclear industry, itself.

We are now at a point when this plant is trying to get a new license for its nuclear facility. There are over 104 nuclear power plants in America. Some of them have achieved re-licensing. Others are in the process of applying.

One of the things that we have to be concerned about, because we are talking about nuclear power plants, is the structural stability of the plants, which includes the shield building and reactor, and that the structural stability of these plants is going to be assured.

□ 1450

In the case of FirstEnergy, they have a shield building, and there have been questions raised about its structural stability. Unfortunately, FirstEnergy went out of its way to tell one story to the Nuclear Regulatory Commission and another story to the public. They told the public that the cracks that were seen in the shield building were not really substantive, but they told the Nuclear Regulatory Commission another story.

Understanding that we have a lack of candor on the part of a nuclear reactor permit holder here, we have to be very concerned about their public statements, about their private disclosures, and about the implications for re-licensing.

These cracks in the shield building, which are in the circumference of the

building, they're telling the Nuclear Regulatory Commission the reason these cracks occurred is because there was this blizzard in 1978, where the wind direction was—if I'm correct—primarily out of the southwest, that this is responsible for the cracks. But the cracks are around the whole building. They're not able to explain that.

Nor do we know whether or not their sister reactors on the other side of Lake Erie at the Perry nuclear power plant have, in fact, been adequately inspected to see if the same winter storm adversely affected them. If the winter storm did not adversely affect them at the Perry plant, then how is it that you had cracks only at Davis-Besse? And why were the cracks around the circumference of the building, instead of just in one area where the wind was driving the snow?

In 2002, FirstEnergy covered up information about a hole in the head of the reactor.

I want to ask my friend from Minnesota if he needs any of this time right now, because I can conclude.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. ELLISON. I want to thank the gentleman for claiming the time. I guess I was about 4 minutes behind. And, of course, you've got to be on your toes around here.

I had come prepared to do a Special Order.

Mr. KUCINICH. I'm going to shortly yield and ask unanimous consent that the gentleman from Minnesota would be able to have the balance of the time.

Mr. ELLISON. If the gentleman from Ohio wants to, we can share the time, if you'd like.

Mr. KUCINICH. I ask the Chair if it would be possible for me to have unanimous consent to yield the remainder of my time to the gentleman from Minnesota.

The SPEAKER pro tempore. Unanimous consent is not required.

Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota will control the remainder of the hour and yields to the gentleman from Ohio.

Mr. KUCINICH. I would just ask for a moment to conclude here.

Why am I bringing this up about the Davis-Besse nuclear power plant? Some people would say: Why shouldn't you give FirstEnergy the benefit of the doubt?

This is a company that 10 years ago covered up information about the hole in the head of a nuclear reactor. They were this close to having a breach, a fraction of an inch from having a breach of the reactor. They had files that were in a photo, and Federal investigators weren't given access to that. It ended up where this company gets fined \$28 million because they weren't candid with the government and could have put the people of Ohio

and Michigan and Indiana and Canada and the water of Lake Erie in jeopardy.

Many people remember, particularly in cities in the east, that time in August of 2003, where all the lights went out in the east. Remember, some people were sitting on their door steps for the first time with no city lights, looking up at the stars, but it wasn't particularly all that beautiful because what was not beautiful is the fact that there was this massive loss of power all over America's east coast that came about because of a series of technical glitches, the root cause of which was that this company, FirstEnergy, wasn't properly trimming trees because they didn't want to hire the people to do it.

This is the same company that's telling us the reason why they have cracks in a shield building is because of a blizzard 34 years ago. Hello.

We have to be very careful before we let a company that operates so fast and loose with the truth be in a position to have a license to continue to operate this nuclear power plant. In the alternative, they're going to have to make massive repairs. If they won't make the massive repairs, then the NRC ought to do the right thing for the American people and have this shut down.

I do not want to see another Fukushima in the United States of America. I do not want to see the people in my district at risk. I do not want to see the people in Ohio put at risk because you've got a company like FirstEnergy operating in the shoddy way in which they operate, misrepresenting conditions to the public, and telling the NRC one thing and the people another.

I can promise you, Mr. Speaker, I intend to stay on top of this.

I appreciate the opportunity here, and I yield the remainder of the time to the gentleman from Minnesota, the co-chair of the Progressive Caucus of the Congress, a person who has done a lot to take the message of the Progressive Caucus across this Nation in a way that's been very dynamic, the Honorable KEITH ELLISON.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized.

Mr. ELLISON. As I was listening to the gentleman from Ohio recite the facts and the details of this energy situation, I couldn't help but think to myself that we need massive investment in public infrastructure in this Nation. It's not simply a jobs issue, though it is a jobs issue. It's also a public safety issue.

The gentleman talked about Fukushima. That was a catastrophic event, but if we don't take good care of our Nation's infrastructure, a catastrophe will occur. I can testify to that, because I'm from Minnesota. In my State only a few years ago, we saw our bridge fall into the Mississippi River. Thirteen Minnesotans lost their lives,

100 fell into the Mississippi River 65 feet below and suffered severe back and spinal injuries.

Infrastructure, folks, is not simply a jobs issue. Infrastructure is not simply an economic issue. Infrastructure is also a public safety issue. We need to make a demand that our government focus on infrastructure investment at this time.

Mr. Speaker, I'm KEITH ELLISON. I'm the co-chair of the Progressive Caucus. I hope to be joined in this hour by other members of the Progressive Caucus. I think some members of the CBC will be joining me, as well, to talk about the situation involving Attorney General Holder.

Today, Mr. Speaker, we're the Progressive Caucus. We come with the progressive message. The progressive message is basically very simple, Mr. Speaker. It is the idea of liberty and justice for all.

Mr. Speaker, you know that every morning we in Congress come down to the well, and we're very honored to say the Pledge of Allegiance. And the progressive message of the Progressive Caucus is basically embodied in that pledge:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

We're indivisible.

□ 1500

Yes. It's true, we come in different colors. We come from different cultures. We come from different religious backgrounds. But we are one Nation. And yes, it's true that it's "liberty and justice for all." No exceptions. Everyone. Old, young, black, white, Latino, Asian, born in America, people who came here to immigrate, people of different religious backgrounds. People who are straight, gay. Americans are Americans are Americans, and they have the freedom to be who they are and have the liberty to pursue happiness as they define it and within the law and consistent with the rights of all others. But that's where it ends.

This is the Progressive Caucus, and I'm here to talk about the progressive message. And, Mr. Speaker, our email is right down here: cpc@grijalva.house.gov. We encourage people to stay in touch with us because we like to hear what the people have to say. We like to hear their insights, their values, what they think is important. So we encourage people to stay in touch at cpc@grijalva.house.gov, the Progressive Caucus Web site.

Mr. Speaker, we've been here another week in Congress, another week where we are going to have serious problems going on within a short period of time. I believe today's date is June 21. Within 9 days, on July 1, what we are going to see, Mr. Speaker, is interest rates on

student loans double. We are going to see an expiration of our transportation bill. And do you think we took up either one of those issues on the House floor today or yesterday or at any time since Monday, Mr. Speaker? Absolutely not.

We urge the Republican majority to think about what's going on with the American middle class. Student loan rates will double on July 1. This could affect literally thousands and thousands of American students, and yet we're not acting on these issues at all.

The Democrats have said, Yes, absolutely. Progressives have said, Yes, absolutely. We cannot let student loan rates double at a time when we see colleges all over America experiencing double-digit increases in tuition, when the price of an education has gone sky-high, outpaced inflation manyfold. And now, when the Congress tried to fix it, we're going to let it go back to the bad old days and let student loan interest rates double, costing students perhaps as much as \$1,000 a year.

And then even though the Republican majority agreed with the Ryan budget, which said we should just let the students have to pay more, they then saw the light and came back and said, Okay, we don't want the student loan rates to double either. But then, Mr. Speaker, what happened was they said, But we want to take the money out of women's health.

Of course we couldn't agree to that. We can't pit students versus women. We can't say we're going to help students but we're going to take the money away from women under the health care act, from cervical screenings and such. You can't do that. That wouldn't be right.

What if we asked the most wealthy members of our society, the richest Americans, to just do a little bit more so that students could have an affordable education? And our Republican friends said, No, never can we ask rich people to do a little bit more.

So now here we stand, Mr. Speaker, 9 days before student interest rates are about to double, and we saw no action on it on the floor this week. This is a horrible tragedy. This is a sad situation.

We lost 28,000 construction jobs last month. Congress still hasn't passed a highway bill. The highway bill is due to expire 10 days from now, 9 days from now, and our friends in the majority have not addressed this issue. This is a shame. It is a stain and it is a disgrace.

If you hold the majority in the House of Representatives, you have to focus on the needs of the people. And I hope the people are paying attention today, Mr. Speaker, because within this coming week, the student loan interest rates are due to double. Interest rates on student loans are due to double in 10 days, and the highway bill is due to expire in 10 days, but we have not

touched these key issues on the House floor. And I'm just asking my Republican majority friends, why won't they pursue a "jobs" agenda instead of the "no jobs" agenda they've been pursuing.

The President laid out a great jobs bill, yet we haven't seen any action on it. Let's have a vote on it, Mr. Speaker, up or down. What is the Republican majority afraid of? Do they fear that there are a few Republicans who really believe that Americans need jobs, who will join with all the Democrats and put America back to work? Put it on the floor. I think that the American people want to vote on jobs.

So let me just say, Mr. Speaker—because I think it's so important that we have to restate certain things. If you just tuned in, student loan interest rates will double July 1 if Congress does nothing. This week, we did nothing. So the clock is ticking, and I am a little worried.

After losing 28,000 construction jobs last month, Congress hasn't passed a highway bill, and that bill is due to expire because the Republican majority won't pass a long-term transportation bill. This is a mistake, this is bad leadership, and the American people should know about it.

But, Mr. Speaker, I know you're thinking, Well, what did we do? If we didn't take care of the issues that are so pressing, what did the Republican majority do this week? They must have done something, because we were here.

Well, I'll tell you what they did. We authorized the killing of the sea lions in the Northwest. I don't think that's a key issue we need to focus on.

We waived 39 environmental laws within 100 miles of the border. We said, Don't worry about complying anymore with 39 of the environmental laws within 100 miles of the border. So if you're within 100 miles of a border, I guess clean air and clean water just happen. But of course any 6-year-old kid knows that's not true.

What else did we do? This area within 100 miles of the border where we waived 39 environmental laws, this includes areas in Minnesota, where I'm from, like the Boundary Waters Wilderness or Voyageurs National Park. These are beautiful, pristine national treasures. And in my opinion, it's a shame to say that environmental laws would not apply there.

Thank goodness these bills haven't been taken up by the Senate because the Senate clearly knows that this is bad policy. But it didn't stop the Republican majority from pushing it because the Republican majority believes that all problems will be fixed if we don't regulate industry and if we cut taxes on the very well-to-do. They're mistaken about that, but that's what they believe. And I give them credit for saying it all the time because it gives the American people a chance to know

what choices they have in front of them.

What else did we do, Mr. Speaker? We required Federal agencies to give oil companies 25 percent of all public lands they nominate for drilling. I will say that one again. The House Republican majority required Federal agencies to give oil companies 25 percent of all public lands—that's our lands, my lands, your lands, Mr. Speaker—they nominate for drilling.

So they used to say, "Drill, baby, drill; drill, baby, drill." They're not kidding about that. Even after the oil spill in the gulf, which hasn't slowed them down, they are still on this thing about letting drilling happen whenever, however, whatever they want.

I think that there ought to be some public lands that are pristine and nice for the American people. And yet the Republican majority passed a provision that required Federal agencies to give oil companies 25 percent of all public lands they nominate for drilling.

Now, if you think about that, Mr. Speaker, think about this. Regardless of the natural beauty, regardless of the environmental harm, regardless of the fishing or hunting damage, we would mandate that Big Oil gets one-fourth of whatever it wants. That is bad policy, but yet that was what was passed on the House floor this week.

What else did the Republican majority do this week, just so the American people know? We weakened the Clean Air Act protections. We required the EPA, the Environmental Protection Agency, to elevate cost concerns above all others.

So are you noticing a theme? The Republicans like to say, We have an all-of-the-above strategy for energy. They say, We want oil; we want wind; we want biomass; we want all this, all this, all this.

□ 1510

But if you look at what they actually put on the floor and voted through with the Republican majority, they don't have an all-of-the-above strategy. They have an oil-above-all strategy. Oil above all. There is a theme here. This "oil above all" was quite unfortunate. This Congress can do better. We should be taking action now, not delaying until it is too late.

And I just want to, Mr. Speaker, this week, as we all are concerned about student loan interest rates doubling on July 1 and we are all concerned about the expiration of the highway bill, knowing that workers will be laid off if that happens, it is a shame we didn't address these critical issues facing the American people. But instead, we spent our time deconstructing environmental and health protections for the American people. I am disappointed about that, but that is what we did. And I think the American people have a right to know about it. So, Mr. Speaker, I am going to tell them about it.

But I would like to talk a little bit about what we have been doing not just this week, as I just have, but talk a little bit more globally about what we have been doing this whole 112th Congress, because there is a theme, undeniably, that we have been pursuing. There is a theme that we have been working on. Again, it is: cut taxes for the wealthy, leave taxes for middle class, and cut regulation for industry. Cut important environmental and health protections so that industry can keep more of the money so they don't have to spend it on making sure the air is clean and the water is clean.

I'd like to talk a little bit about America's energy future because that has been a theme on the floor we've been fighting up and down. And I mentioned I want to talk about the whole 112th Congress. Because even though that has been a recurring Republican theme, if you ask the American people what they want us to talk about, what you'll see on this chart, Mr. Speaker, is a question. And the question is simple. It simply says: Do you think the government should be doing more to help improve the financial situation of middle class Americans, should it be doing less, or do you think the government is doing the right amount to help improve the financial situation of middle class Americans?

So just to put the question out there again, Mr. Speaker, because I kind of went by quickly and the type is kind of small: Do you think the government should be doing more to help improve the financial system of middle class Americans, should it be doing less, or do you think the government is doing the right amount to help improve the financial situation of middle class Americans?

Well, this poll, pretty recent, right back in April, only a few months ago, and what Americans have said, Mr. Speaker, 67 percent of them said: do more. Two-thirds said: do more. So they don't think the government is doing enough to help improve the financial situation of the middle class. And, Mr. Speaker, they are right. Because the American people know that if we were to pass a highway bill that would help the middle class. If we would help college affordability, that would help the middle class. If we would do things like invest in our Nation's infrastructure altogether, that would help the middle class. If we would stop selling off public lands, that would help the middle class. If we would help make sure that we have sane and sensible and reasonable environmental protections like there are, but the Republicans want to get rid of, that would help the middle class. But the Republican majority, their argument is that the government should do less.

Now they say smaller government, smaller government. Lower taxes,

smaller government. They say it so much that I can repeat their mantras in my sleep. They are great at repetition. But the American people say the government should be doing more to help improve the financial situation of middle class Americans. Two-thirds of them think so.

So as we can't pass the Buffett rule, we can't do anything about student interest rates, we're letting the highway bill expire, two-thirds of Americans think we should not be doing that. We should be doing more, not less. So those people who talk about smaller government and all that, they are not where the American people are.

Fifteen percent said: do less. That must be the Koch brothers or something like that. And 14 percent say: do the right amount. So about 29 percent say to do less or do nothing more and 3 percent said they didn't know. Two-thirds said the government should be doing more. And they're right, the government should be doing more. So that's why I want that point to be in front as I discuss this issue of America's energy future. We talked about energy today, and I want to discuss that a little more.

We need an energy plan, Mr. Speaker, that puts the interests of the American people ahead of the interests of Big Oil. Republicans say they want an all-of-the-above approach to energy. They say that all the time. Again, I credit them for being able to repeat the same theme over and over again. Great discipline on their part. But the only thing they've presented is an oil-above-all approach; oil above all else. Oil above wind. Oil above biomass. Oil above solar. Oil above anything. And they've proven that is their belief by the bill that we were dealing with this week.

We should never mistake the interests of Big Oil and the polluters for the interests of the American people. We should always understand that oil is one way to power our country, and for the time being it is going to be a part of our energy portfolio. But we should not be giving them massive subsidies. We should not be giving them massive subsidies when they're making record profits. We should not relieve them of basic health and safety protections to make sure that our natural wonders don't get destroyed, our wildlife doesn't get destroyed, our recreational industries don't get destroyed.

The oil spill in the gulf is still fresh in my mind. And I'm outraged, Mr. Speaker, that BP was able to write off the cost of the cleanup. I don't think enough Americans know that BP was allowed to write off the cost of the cleanup of the gulf. In other words, they simply foisted that cost on the American people, which I think is terribly unfortunate.

So this week, the Republicans brought an energy bill to the floor that

simply checks off from Big Oil's wish list. To me, it felt like if Big Oil was to have a wish list, the Republicans just played Santa Claus. And I don't think that's the right thing to do. I think what we should do is recognize the fact that petroleum will be a part of our energy portfolio, but we should minimize it. We should promote other sources—green sources of energy: wind, solar, biomass, conservation. We should be investing in innovative approaches, not just subsidizing the fossil fuel industry, as we do, to the tune of about \$110 billion every 10 years.

So as I said, Mr. Speaker, this week Republicans brought an energy bill to the floor that simply checks off from Big Oil's wish list. It weakens public health protections. It forces arbitrary giveaways of public land. As I already mentioned, it puts energy drilling ahead of all other uses of Federal land. The oil, gas, and coal industries are already getting billions in corporate welfare. They will receive at least \$110 billion in subsidies over the next 10 years. These subsidies have been won by decades of lobbying. Lobbying.

These subsidies have not been won because what they are asking Congress to do is such a great idea. They have had high-paid lobbyists come down here and work over Members of Congress to give them what they wanted. And it has accumulated to the tune of about \$110 billion a year. So they have a lot of power around here.

But I think that we would not be serving the public properly if we just turned over public lands so they can drill on them and spill on them and make all these mistakes that we ultimately have to pay for because they have won themselves tax breaks which allow them to write off the costs of these spills.

In 2011, the oil, gas, and coal industry spent \$167 million lobbying the Federal Government. That's \$167 million paid to lobbyists by the oil, gas, and coal industry. Now why, if they're right, do they have to spend so much money trying to convince Congress they are so right? If you've got a good idea, we would be able to review the bill and vote your way, if you've got something in the interest of the American people.

□ 1520

But if you have something that's for the special interests, well, yeah, you know, you've got to pull out the guys in the monogrammed shirts and the \$1,500 suits to come tell us why we've just got to give them this loophole—which, by the way, Mr. Speaker, they always promise will bring jobs but rarely does anything other than bring them a lot more profit.

But you know what, Mr. Speaker, the renewable energy industry also needs investment, not just the oil industry, which doesn't need it. Clean energy is the fastest growing job sector in the

world. America should be leading, not getting left behind. As the world is investing in new energy production methods, America is investing and putting subsidies on fossil fuels.

Now, from a scientific point of view, Mr. Speaker, we call the oil, coal, and gas industries fossil fuels. Why? Because these fuels are basically derived from just hundreds of millions of years worth of time going by and organic matter, trees from a million years ago and so forth. This is what fossil fuel is made from. But I think there's another good reason to call oil, gas, and coal fossil fuels. It's because they're the old way of doing stuff.

We need some new ways of doing stuff. We need to invest in clean energy. If we want to stay the strongest economy in the world, we need to invest in industries growing the fastest. Experts say that investing in clean energy gets more bang for the buck, Mr. Speaker, in creating jobs than the fossil fuel industry.

China has surpassed the United States in clean energy investment. China has surpassed the United States in clean energy investment, spending almost twice as much as we do, and the U.K. and Spain are not far behind.

Analysts believe that developing new clean energy techniques, like wind and solar, could support 20 million jobs by 2030 and trillions of dollars in revenue. And yet this week on the energy bill we were dealing with, that was not what we were talking about. On the land bill we dealt with, that's not what we were talking about. We are giving more and more to those who already have too much and an old industry. We need to, yes, recognize that oil is going to be part of our energy portfolio, but it shouldn't dominate it, and we need to invest in new energy where the job growth centers are.

Investing in clean energy creates three times as many jobs and more opportunities at every pay grade than traditional energy jobs. Yet we're subsidizing the fossil fuel industry six times the rate of supporting the renewable energy industry.

I offered a simple amendment. Last week, Mr. Speaker, I went to the Rules Committee and I offered a simple amendment to the Republican energy bill. It was a commonsense piece that was ruled out of order. And when I saw some of the things that were ruled in order, I was shocked. All my amendment said—that was ruled out of order and we weren't allowed to debate on the floor—is it is the sense of the Congress that the fossil fuel subsidies should be reduced to help control the budget deficit.

Now, my friends in the Republican majority are famous for harping on the deficit and the debt. They always talk about our children and our grandchildren. I don't know where they came up with that phrase, but it's remark-

able to me that you can get all those politicians to say exactly the same thing all the time. I'm not saying there was some study group or poll. I'm just saying it is a remarkable coincidence.

My point is, though, you would think that if I said to you, Hey, look, let's have the \$110 billion we give every 10 years to the fossil fuel industry, let's let that be part of deficit reduction, you would think that my deficit hawk friends would be all over that. But, unfortunately, we weren't even allowed to debate that because, of course, that might put some people on the hot seat.

We all want to reduce America's deficit, the Progressive Caucus included, but we want to do it in a way that promotes green jobs, reduces our dependency on fossil fuel and hydrocarbon fuels, and increases conservation and green energy. But by maintaining these subsidies, it increases the deficit by \$110 billion every 10 years. I hope my colleagues on the other side of the aisle, especially the fiscal conservatives, agree that \$110 billion in fossil fuel subsidies to profitable companies doesn't make any sense. We need a true all-of-the-above strategy, as President Obama has said, that invests in clean, renewable energy, not this oil-above-all bill that we saw this week. It's very sad and unfortunate.

Mr. Speaker, I would now like to turn our attention to another issue which I think is really important and we really need to focus some attention on, and that is the issue of Attorney General Holder.

Yesterday, Republicans on the House Oversight and Government Reform Committee voted to hold Attorney General Holder in contempt of Congress. This was a sad occasion because Attorney General Holder is a great American and deserved better treatment than he got from the Republican majority House Oversight and Government Reform Committee.

Along with all Americans, I certainly mourn the loss of the Customs and Border Protection agent, Brian Terry. Mr. Terry was a public servant who deserved to live his life, and it is a horrible shame that he was killed in a gunfight in Arizona in December 2010. We all agree that the gun-walking policy, which was a policy started in the Bush administration, and that allowed thousands of guns to be bought by weapons traffickers should be investigated. This program has no signs of merit that I can see, and it is too bad.

But here's the thing. This is why it is unfair to hold Attorney General Holder in contempt. As soon as he learned of the tactic, this gun-walking thing, Attorney General Holder condemned the tactic and ordered the Inspector General to investigate. And since then, he has testified before Congress seven times and provided more than 6,000 pages of documentation as asked for.

At this point, the Oversight and Government Reform Committee was demanding a document, and the Executive, as is the tradition in every administration, said documents that basically are conversations between a client and a lawyer and basically are deliberative documents are not proper stuff for disclosure, and the President asserted executive privilege. And what happens then is the Attorney General gets hit with a contempt of Congress.

Instead of working in good faith to investigate what went wrong, it appears that Republicans on the committee, and maybe next week on the House floor, have used this strategy for political gain. Even after Attorney General Holder provided 6,000 pages of documents to Congress, House Republicans subpoenaed highly sensitive documents, including photographs of crime scenes and reports on a confidential informant, in order to score partisan political points. This is a misuse of the gavel.

And last week, they withheld funding for our Nation's law enforcement operations in retaliation. We should not withhold funding for our Nation's law enforcement operations simply to score political points. This is a mistake and it is wrong, and I just hope, Mr. Speaker, there is no one in need of law enforcement resources that doesn't get them because of this spat that the chair of the Oversight Committee has going on with Attorney General Holder.

There is an African proverb, Mr. Speaker, that I think you might appreciate. It says, when the elephants fight, only the grass gets trampled. And so when the chair of the Oversight Committee wants to fight with the Attorney General, only regular people who need law enforcement resources suffer.

So I'm sad that happened, and I hope today we can abandon this time of witch hunts. Last time, the Republicans went after President Clinton a few years ago. It didn't help them. They impeached him but couldn't convict him. It took up a lot of time. We clearly were not able to focus on the needs of the country. I hope that they learn a lesson and refocus on things like interest rates on student loans that are getting ready to go out and the transportation bill. These are things that we need to focus on, not this political stuff that they're trying to use to position themselves for the election. That's all I want to say about that for now, Mr. Speaker.

□ 1530

I want to talk a little bit also—to change the subject, Mr. Speaker—about money and politics. The Progressive Caucus passed a resolution to support something called Resolution Week. This is when municipalities, city councils all over across America passed resolutions asking Congress to initiate

a process to overturn *Citizens United v. Federal Election Commission*.

Now, *Citizens United v. Federal Election Commission* basically came to the conclusion that money was speech and corporations were people. Corporations are not people. I've never seen a corporation put on a uniform and go to war. They've been contractors, but they are people who go risk their lives. They don't have children, they don't raise families. Corporations don't die. They have limited liability.

Basically, a corporation is designed to do one thing and one thing only—make money for its owners. And yet, the Supreme Court said that a corporation is a person, and persons have the right to freedom of speech, and so any money they want to put in any campaign, they can. What this has done is really turned our elections into auctions, and the highest bidder wins. Now, this is a shame. We need to overturn *Citizens United*.

The Progressive Caucus was honored to be part of Resolutions Week, when we saw officials passing resolutions across American cities asking Congress to overturn *Citizens United*. If we're going to get a constitutional amendment to overturn *Citizens United*, we need an awesome public display, awe-some amount of communities rising up and demanding that this happen. And last week, we saw cities do it.

I'm proud that my city of Minneapolis, very honored that Minneapolis passed a resolution calling for the overturn of *Citizens United*; also honored that the city of St. Paul passed a resolution to overturn *Citizens United*, honored that Duluth, Minnesota did so several months ago. Also, New York, Los Angeles—Chicago is considering a bill, and there are many, many, many more. Over 1,600 elected public officials, both local, county, State, and Federal, have joined together and said this is bad legislation, and I was very honored that the Progressive Caucus was a part of it.

By organizing from the ground up, we can restore democracy to the people, for the people, and by the people. Several Members of Congress have already introduced constitutional amendments to overturn *Citizens United*.

Now, Mr. Speaker, as you may know, the traditional method to get a constitutional amendment—and again, there are now 27 constitutional amendments, we need one more to overturn *Citizens United*—Congress will pass something, then they will send it to the States, and two-thirds of the States need to pass it, and then the President signs it, and then it's changed. The process, however, needs to be well supported by the public. So we have tried to start this grassroots movement, joining with other leaders like Move to Amend and others, to see *Citizens United* overturned.

We have several Members—as many as 12 Members of Congress have intro-

duced bills to have an overturning of *Citizens United*. I was very honored that we are partnering with city officials, who are the closest unit of government to the people, very honored to represent 12 cities in my own district, all great public servants there. I hope that we can work together to say that money should not overwhelm the political process.

Mr. Speaker, one city official said, look, people may think this is some big national issue, but think about this: If a wealthy individual wants to have a development in a particular part of town where the elected city council says, You know what? This is zoned for parks or residential, whatever; it's not appropriate to go here, a wealthy individual could simply dump as much money as they want to in a city race to the opponent and give money to the opponent of the people opposing this project, and then basically buy off the city council. So this is something that local officials are correctly concerned about. The bottom line, though, is that we've got to move forward, and I'm proud that the Progressive Caucus is part of this effort. So this work we did last week I thought was great.

The Progressive Caucus has come up with an important declaration. Since we have all these constitutional amendment proposals—over 12 of them—we had to come in unity some kind of way, and what we decided to do is this: all join on a declaration. And the declaration says this, Mr. Speaker:

We declare our support for amending the Constitution of the United States to restore the rights of the American people undermined by *Citizens United* and related cases to protect the integrity of our elections and limit the corrosive influence of money in our democratic process.

So that's what the declaration says. Over 1,600 elected officials, two State legislatures, more than 150 cities and towns, all calling for repeal and overturning of *Citizens United*.

If I could make just an example, we've seen outside spending on campaigns up 1,600 percent since *Citizens United* came in—up 1,600 percent since *Citizens United*. Quite frankly, it's really something. It's gone crazy, and we've got to do something about it.

You might be thinking, Mr. Speaker, well, what do we do between now and when we pass the constitutional amendment? One thing we could do today is we could pass the DISCLOSE Act. This is a piece of legislation by Representative CHRIS VAN HOLLEN—a very dynamic leader, a gentleman from Maryland—and it requires public reporting of corporate campaign activity so that you can't have secret money.

Right now, you could have a situation where some billionaire takes their personal money, dumps it into a super PAC, and then the super PAC spends the money. We don't even know who

that person is spending the money. So, under the DISCLOSE Act, we would find out the identity of some of these people. So we could do that right now. And by the way, some of the money we see creeping into American elections very well could be money from foreign sources. Senator MCCAIN very correctly pointed out that there's one wealthy individual who has been putting a lot of money into election campaigns, and he is a billionaire and owns a casino in China. He's using his wealth to influence American elections. So that's foreign money, if that's the way it is. So the thing is that we do not want people outside the United States trying to shape the elections in our country, and so this is the thing that we are moving forward.

Overtake Citizens United, amend and disclose—amend the Constitution and disclose secret donors.

I'll close this section on this point, Mr. Speaker: Corporations are not people. And in America, democracy should never, ever be for sale.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 11 minutes remaining.

Mr. ELLISON. With these last 11 minutes, I would like to take just a few minutes to talk about this college loan issue. I've talked about it a little bit already. I would like to elaborate.

College loan rates will double if Congress doesn't act by July 1. I've made that point, I'll make it again. This week, President Obama called on Congress to act. Remarkably, as I said several times tonight, Republicans in Congress are threatening to just allow the doubling of our student loan interest rates.

Americans owe more tuition debt, more student loan debt than there's credit card debt, and student loan borrowing is more common now than it would a decade ago. This is because States are sending less money to public universities, so public universities have to make up the money by increasing tuition, and that means students having to borrow more money.

At a time when the average student loan debt is about \$25,000 and tuition prices continue to rise, students are borrowing more than ever to complete their degrees. Seven million undergraduates would be affected—that's 7 million, Mr. Speaker—by a doubling of student loan interest rates, raising the cost by about \$1,000 per person. Our Nation's student loan debt burden is massive and now exceeds \$1 trillion.

After initially blocking any solutions, Republicans are finally hearing calls. As I said before, they did make an offer, a counteroffer—I think I credit them for that—and they said, okay, we don't want to see a doubling of student interest rates, so we'll do something.

□ 1540

But when they came up, their pay-for, the way they want to pay for it, was to say that they wanted to cut health care services for children and breast cancer screening. So we're not going to hurt kids and women in order to help students, so we couldn't go with that deal.

We proposed that we ask the most well-to-do individuals and corporations to help. I guess what I'm saying is, if I went to a billionaire or a billionaire corporation and I said, look, we're about to see 7 million students' costs of education go up. Can you help, since you make so much? And it seems like what they're saying through their representatives is no.

This is outrageous. I think the truth is that America, a Nation that has made it possible for BP and ExxonMobil and GE and all these big corporations to do so well, should do well by America. I don't think that's asking too much.

It's not right to protect the richest people in America, and let everybody else get by the best they can. This Nation has made it possible for them to earn all that money, and I don't have any problem with people making good money. I just think that if you make good money, and you have used our police force, our military has protected you, our roads and bridges and our transit system have allowed you to move your goods and services around, our EMS system has made sure that if you get sick we'll come help you, our public schools have educated your workforce, then I don't think it's asking too much to say, put in the pot and help some kids have affordable education. I just don't think that's asking too much.

Now, somebody said to me, Well, Keith, in my day I paid my way through school. And I said, in your day school didn't cost \$28,000 a year.

I'm 48 years old. When I went to law school, I graduated and I had \$12,000 student loan debt. That's nothing compared to what students are dealing with today. They're graduating with twice that, on average.

So I just want to say, as I close out tonight, Mr. Speaker, the Republican majority, elected by the people of their districts, are here, just like the Democrats are, to discharge the duties associated with their office and, that is, to promote the general welfare and to look out for the American people. I think making sure that student interest loan rates don't double is part of that. I think that making sure we have a decent highway bill that will help pay for the construction and maintenance of our roads and bridges and transit system is part of that. And yet this week we haven't done anything to do that.

The standard conservative line on the economy right now is that the gov-

ernment has done too much. But, yet, as I have already proven, the American people do not agree. Two-thirds say the government needs to do more than it's doing. So now I think the government has a duty to step up.

And, no, I don't think the government is the solution to every problem. And I know my conservative friends like to mischaracterize what progressives say about that. We don't believe government is the solution to every problem, but we do believe government is part of the solution to many problems. And if you cut it back and you scale it down and you make it too small and too weak to do anything to help people, then, of course it won't be able to help people, and that's a shame. The American people have a different set of expectations.

I just want to say, as we wind up and I begin to yield back, it's time in America where we recognize that there is an important balance between the private sector and the public sector, and the market fundamentalists who occupy this House on the Republican side of the aisle must begin to recognize that government has an important role to play. And if we abandon our role, America will be poorer for it.

If we don't step up to the plate and make sure that tuition interest rates are decent and reasonable and that we're making sure that we have a decent highway system, Americans will suffer. And we cannot allow that to happen in the richest, most powerful Nation in the history of the world.

I yield back the balance of my time.

THE CONSERVATIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I thank you for the time, and I appreciate you giving me a moment to set up.

I have got to tell you, Mr. Speaker, I love coming to the floor after my good friend from Minnesota. I enjoy it every single time it works out in that way because he is an able representative of the Progressive Caucus which, I would argue, sits way over on the left-hand side of the political continuum.

And I would hope today, Mr. Speaker, I will be an able representative for the Conservative Caucus, which sits over on the right-hand side of the political continuum. And we absolutely disagree about what this Federal Government ought to look like.

I want to talk primarily about the President's health care bill in the Supreme Court, a decision that's coming down next week. But I want to start with where the gentleman from Minnesota ended, Mr. Speaker, and that is to say that conservatives believe that

government is not the solution to every problem. That's certainly true. It's absolutely true.

But more importantly, there are different levels of government in this country, and we seem to forget that. Something happens, and my colleagues know this. You know, Mr. Speaker, you and I were part of the largest freshman class in modern times, and 99 of us came to this institution together and said it's not about how it has been run, but it's about how it can be run, and we can do better.

But something happens to people when they drive across the Beltway. That's that little interstate that goes around Washington, D.C. When they come inside the Beltway, something happens to them and they suddenly think they're the smartest person in the room. They suddenly think that if only all Americans would live their life the way they want other Americans to live their life, then everyone would be happier; and that's just not true.

I don't care how well-meaning anyone in this institution is, Mr. Speaker. There is not a man or a woman here that knows more about how my family should pursue happiness than my family does. There is no Member here from outside the State of Georgia who knows better about how Georgians should pursue happiness than those of us in Georgia do.

And I would say, as my friend from Minnesota finished talking about the student loan program, you may not know, Mr. Speaker—I know you all have a proud tradition of education in your home State and some very fine institutions of higher learning there. In Georgia we have what's called the Hope Scholarship. And for years and years, it allowed every single college student, college-bound student from the great State of Georgia, college graduates, B averages and above, every single one to go to State schools in Georgia for free.

You know how much Federal money we used for that program, Mr. Speaker? Zero. Zero.

Time and time again my colleagues come to the floor of this House, and they talk about what we need to do in Washington to help college students across America. Let me tell you something. You all came from your own State back home that has the power today to do those things. It does not have to happen in Washington. It can happen back home. It can happen at the city level, it can happen at the county commission level, it can happen at the State legislature level. Dadgummit, Mr. Speaker, it can happen at the family level, all of these decisions that we talk about in Washington, D.C.

And that takes us right into the health care bill, Mr. Speaker, because here's the secret. And I don't know if everybody in the House, Mr. Speaker, knows the secret and, that is, that as

patently unconstitutional as the President's health care bill is, had the State of Georgia passed it for Georgians, it would have been perfectly fine. Hear that.

There are different powers that the United States Constitution allows State governments to exercise than it allows the Federal Government to exercise. The States have the power to mandate behavior. We see it regularly. We see requirements for what must be included in insurance policies, for who has insurance policies, that regulation of the individual market. But not the Federal Government.

So I want my friends in the Progressive Caucus to hear me clearly. I'm not anti-government. I want each role the government plays, I want it to play it as well as it possibly can. I want every government dollar to be spent as efficiently as it possible can. I want every government mandate to be as limited and efficacious as it can possibly be.

□ 1550

With that, Mr. Speaker, I take you back to President Bill Clinton, August 21, 1996. Why is that important, Mr. Speaker? You and I weren't even thinking about being in Congress in 1996. Why in the world is that important?

It's important because it was August 21, 1996, when President Bill Clinton signed into law Federal health care reform that passed this United States House, led by Speaker Newt Gingrich, a Republican from the great State of Georgia, 1996. Folks talk like health care reform hasn't ever come down the pike in this country, Mr. Speaker, in 1996, the House and the Senate and the President—Republicans, Democrats—all came together to pass health care reform.

Let me tell you what they passed in 1996. Here we go. It's from President Clinton's signing statement:

This Act will ensure the portability of health benefits when workers change or lose their jobs, and it will protect workers against discrimination by health plans based on their health status.

Mr. Speaker, does that sound familiar? Does it sound like the very same words that would have come from one of President Obama's speeches when he was pushing his health care bill? Why is that? Why is President Clinton speaking these same words 15 years ago, and yet there are still health care solutions that Americans are searching for? I'll tell you why.

Because, in 1996, with Republican Speaker Newt Gingrich and with Democratic President Bill Clinton, folks came together, and they solved health care problems for every single health care plan that the Federal Government had the right to regulate. Hear that: every single plan that the Federal Government had the right to regulate.

In the State of Georgia, we have an office. It's a constitutional office. It's

in the Georgia Constitution. It's called Commissioner of Insurance. We all vote on it. It's a statewide-elected office. We vote on it every 4 years. That individual has the right to control State-originated insurance policies, primarily the individual market and some of the small business market. There are those policies that are regulated by the States, and every single State can solve that problem. Then there are those policies regulated by the Federal Government, and only the Federal Government can solve that problem.

That's what we did. Mr. Speaker, in 1996, Republicans and Democrats came together, and that's what we did. Hear the words of President Bill Clinton:

This legislation will set into motion several key reforms. First, it will eliminate the possibility that individuals can be denied coverage because they have a preexisting medical condition.

Did you know that? Do you hear that, Mr. Speaker? Because I read it in newspapers all the time as if this is the first time we've ever talked about pre-existing conditions. No. On August 21, 1996, President Bill Clinton signed into law:

It will eliminate the possibility that individuals can be denied coverage because they have a preexisting medical condition.

That's true. It's the law of the land today. It was the law of the land yesterday. It was the law of the land 10 years ago for every single insurance policy legitimately regulated by the Federal Government.

Bill Clinton goes on:

Second, it will require insurance companies to sell coverage to small employer groups and to individuals who lose group coverage without regard to their health risk status.

Again, Mr. Speaker, we talk about that as if no one has ever considered this idea. Not only has it been considered, but it is the law of the land. It was the law of the land yesterday. It was the law of the land 10 years ago. It was the law of the land when President Clinton signed it into law on August 21, 1996.

Finally, Bill Clinton says:

Finally, it will require insurers to renew the policies they sell to groups and individuals.

This is from the President's signing statement in 1996.

In 1996, Mr. Speaker, we understood as a Nation there are two kinds of insurance policies in this country: those that the Federal Government regulates and those that the State regulates. Why is that important? It's important because we solved the problems that Americans asked Congress to solve in 1996 relating to those federally regulated plans. The problems that remain that Americans are crying out for solutions to are problems that can be solved any day of the week by any State legislature in the country for every single individual who lives in that State.

Mr. Speaker, that's what separates the Conservative Caucus from the Progressive Caucus. My friends in the Progressive Caucus ask sincerely, Can we come up with a solution here in Washington, D.C., that will apply to everyone in the country and put everyone under the same set of rules? And my friends in the Conservative Caucus say, No. The Constitution recognizes there are 50 different States, and each of those States is allowed to construct its own set of rules.

Why is that important? It's important because, when it comes to the Federal law of the land as it pertains to university students today, we are arguing about whether they should have a 3.4 percent subsidized interest rate on their loans or a 6.8 percent subsidized interest rate on their loans. That's the Federal Government solution. Do you want to burden people with debt at 3.4 percent or do you want to burden them with debt at 6.8 percent? That's Washington's answer.

But, Mr. Speaker, Georgia's answer is: Let's let everybody go for free. Let's find the money elsewhere. Let's make sure everybody who wants to go to college has a pathway to college.

Mr. Speaker, when the Congress nationalizes any section of the law, they kill the innovative spirit of every single State out there. That's why in 1996 we didn't reregulate the entire market—the Constitution did not give us that authority—but we reregulated the Federal side of the market and allowed States to continue to innovate and find their own solutions in their areas.

Unless you think I'm making this up, Mr. Speaker, I've brought a little bit of the Constitution down here with me today. Here we go with article I, section 8, clause 3 of the United States Constitution:

The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

You know that phrase, Mr. Speaker. It's thrown around cavalierly all the time. It's the Commerce Clause:

The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Absolutely. Unquestionably.

What's more, the 10th Amendment of the United States Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Mr. Speaker, this is important. If you haven't gone back and if you haven't looked at your history books recently, I would encourage my colleagues to go back and do that because the only reason the Constitution was ratified in this country was because of the promise that the Bill of Rights would be ratified right behind it.

Know that.

If you dispute that, Mr. Speaker, you've got my email address. It's Woodall@mail.house.gov. My Web address is Woodall.house.gov. Let me know where you think I'm wrong, because I've gone through it over and over and over again.

The United States Constitution would not have been ratified by the States without the addition, the commitment, that the Bill of Rights would be ratified right behind it. That's where the 10th Amendment comes from. No one was worried about State governments getting out of control in 1787. They were worried about a tyrannical Federal Government in 1787. I would say rightly so. That was their experience in Europe. Candidly, that's becoming our experience today, and I want to talk a little bit about that.

The 10th Amendment of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

That brings us, Mr. Speaker, right into this health care case. I want to take you, Mr. Speaker, back to the origins of this legal decision. It came out of Florida. It's called the "Vinson decision" because Judge Vinson was the lead judge, the chief judge, down in the Florida case that led to this case coming to the Supreme Court. Yet there was a dissenting opinion. It was a 2-1 decision there in Florida, and the dissenting opinion came from Judge Stanley Marcus.

This is what he said:

Because the 10th Amendment reserves only those powers not already delegated to the Federal Government, the 10th Amendment has been violated only if the Federal law at issue goes beyond the limits of Congress' power under the Commerce Clause.

Now, we just looked at the Commerce Clause:

The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The dissenting judge says that the key issue is: Does the President's health care bill go beyond the limits of Congress' power under the Commerce Clause?

□ 1600

He goes on. This is from Judge Vinson, the chief judge on that case, writing for the majority:

The existing problems in our national health care system are recognized by everyone in this case. There is widespread sentiment for positive improvements. This is obviously a very difficult task. Regardless of how laudable its attempts may have been to accomplish these goals in passing the act, Congress must operate within the bounds established by the Constitution. Again, this case is not about whether the act is wise or unwise. It is about the constitutional role of the Federal Government.

That's exactly what my colleague from Minnesota was talking about earlier.

There are a lot of levers of power that I found out as a freshman when I showed up here, Mr. Speaker. You know what I'm talking about. There are lots of levers of power that we can pull here. And the question is: Who do you want in a United States Representative? Do you want someone who's thrilled about pulling every single one of those levers of power, or do you want someone who is reluctant to pull those levers of power?

And that's the funny thing about a legislature, Mr. Speaker. It rarely attracts people who want to send power away, the folks who want to send power back to the States. That's rare. The legislatures attract people who want to amass power and use all of those levers for what they would call the power of good. That's not what our Founding Fathers intended in the Constitution.

Going back to the majority opinion in the Florida case, the Vinson case. Judge Vinson says this:

In closing, I will simply observe, once again, that my conclusion in this case is based on an application of the Commerce Clause law as it exists pursuant to the Supreme Court's current interpretation and definition. Only the Supreme Court can expand that.

Well, that's actually where Judge Vinson and I begin to disagree. I would tell you the Supreme Court doesn't have any business expanding the Commerce Clause. The folks who put together our Constitution didn't do it lightly. They did it deliberately. The Commerce Clause was drafted narrowly deliberately, and the 10th Amendment was drafted broadly deliberately. The danger that we face as a Nation is that there are well-meaning men and women in this Chamber who absolutely believe they have the answer to every problem that plagues every single American, and the temptation is to use their power as a Member of Congress to solve it. That's the temptation.

I tell folks when I'm back home in town hall meetings, I say, Don't ask me to go to Washington and legislate with my heart. Ask me to go to Washington and legislate with my head.

When I'm back at home digging into my own personal wallet, ask me to give out of my wallet with my heart. Because when I give out of the Washington, D.C., wallet, Mr. Speaker, I'm not giving out of my wallet; I'm giving out of everybody else's wallet. I'm giving out of every single wallet of every single American in this country. That is not what our Framers intended the Federal Government to do. But we're at risk.

I take you back to the dissenting opinion written by Judge Stanley Marcus. What he's talking about here is how he disagrees with Judge Vinson's conclusion that the President's health care bill is unconstitutional. In disagreeing he says this:

In the process of striking down the mandate, the majority has ignored many years of Commerce Clause doctrine developed by the Supreme Court.

Not by Congress. By the Supreme Court. It has ignored the undeniable fact that Congress's commerce power has grown exponentially over the past two centuries and is now generally accepted as having afforded Congress the authority to create rules regulating large areas of our national economy.

It has ignored the Supreme Court's expansive reading of the Commerce Clause that has provided the very foundation on which Congress already extensively regulates both health insurance and health care services.

What does that mean? It's a United States judge, an appellate court judge, in Florida. He's a thoughtful guy. By all estimations his opinions are thoughtful opinions. And when he looks at the current state of the law in America today, he sees that over the past two centuries, Congress and the Supreme Court have so expanded what that one line in the Constitution says about regulating commerce amongst the States, they have expanded that definition to allow Congress to regulate virtually any aspect of the United States economy.

Mr. Speaker, that's frightening to me. Not because I don't enjoy the company of the good men and women who serve in this Chamber, but because, as I said when I began, these folks know nothing about happiness for my family. They know nothing about my pursuit as a Georgian of happiness, of success. And every time we pass a one-size-fits-all solution in this Congress, it kills everything else.

Here's the difference. Again, Georgia embarked on a massive project to fund free college education for all of its graduating students. It was a huge project. It cost millions upon millions upon millions of dollars, and it could have failed. Had it failed, the only people who would have been punished by its failure are the 9 million of us who live in Georgia. And then we could have looked to the other 49 States for a better solution. But, Mr. Speaker, when the United States of America's Congress fails, when it passes a one-size-fits-all solution for everybody, 315 million Americans pay the price for that, and there's no place to look then for the next innovation.

When I was growing up, Mr. Speaker, there was a saying. When something was really hard to do, folks would say, golly, that's going to take an act of Congress to get that done. I don't know if that was a saying in your part of the world, Mr. Speaker, but that's what it would be. If something was really hard to do, they would say, oh, golly, that's going to take an act of Congress to make that happen.

That was an expression, because getting an act of Congress passed is hard. So when it's really hard to get a very

bad act of Congress passed, it's really hard to get that same bad act repealed, and again we've killed innovation across the country when we do it. This dissenting opinion from this very thoughtful judge suggests that Congress's power now is plenary, unlimited, to control every single aspect of economic life in this country.

I challenge you, Mr. Speaker: What aspect of your life isn't economic? What aspect of your life isn't economic? And I don't mean that doesn't have money involved, because as you know in the President's health care bill, Mr. Speaker, there is no money involved. It says, I don't care if you don't have a health care insurance policy today, you must go out and buy one. Now, I'd say there's no economic involvement there. I wasn't going to go out and buy one. It forces me to go and do something I would not have done. That's the expanded version of the Commerce Clause as seen by supporters of the President's health care bill.

Going on again from this dissenting opinion:

Both the Supreme Court and this circuit have said in determining whether the Necessary and Proper Clause grants the legislative authority to Congress to enact a particular Federal statute, we look to see whether the statute constitutes a means that is rationally related to the implementation of a constitutionally enumerated power.

That's a lot of legalese there, Mr. Speaker, but what it means is this: They've just said the Commerce Clause allows Congress to regulate anything that has to do with money and economic activity in America. And now they're saying the Necessary and Proper Clause of the Constitution gives Congress the power to pass legislation to implement anything that's then related to any of those things.

I asked you a second ago, Mr. Speaker, what in your life doesn't have to do with money? I don't think you were able to come up with many things that didn't have some sort of economic relationship at all. But now my question, as posed by the dissenting opinion here, is what in your life has nothing to do with economic activity or money and is in no way related to anything that has something to do with economic activity or money? Because the Necessary and Proper Clause, as they say in the dissenting opinion, gives Congress the power to legislate that.

I don't want that authority here in this Congress, Mr. Speaker. I don't want that authority here. These are good men and women in this body who legislate in a thoughtful way, but they do not know what is best for 315 million Americans. The Constitution gives us limited responsibilities for which we must speak for a nation. War, for example. Trees, for example.

But I want you to read the Constitution thoroughly, Mr. Speaker, and I know you have, over and over and over again. You know as well as I do, there's

not one word in there about mandating that every American citizen pay a fine if they refuse to purchase a health insurance policy.

□ 1610

I want to talk about those laws of unintended consequences a little further, Madam Speaker, because, as I said, I'm not antigovernment. Government has a role. In fact, that's where we are in America every single day, Madam Speaker. We're on that continuum between liberty and security. Liberty and security—yet you can't have both at the same time. We're always moving up and down that continuum.

If you go out here on the interstate, Madam Speaker, you can't drive 150 miles an hour. Well, you can, but you'll be punished. Why can't you do that? It's a free country. I hear people that say that all the time. Dadgummit, Rob. It's a free country. Well, it is a free country. But we have decided to trade away, through government, our liberty of driving 150 miles an hour for the security of knowing that our children and grandchildren aren't going to die every time they get on the road. That's where we are. Every single decision of government bridges that continuum between complete liberty and complete security.

Kentucky, in 1993, began to try to provide for its citizens' security in the health care field. Again, as I told you, in 1996, the President signed into law that bill that regulates all Federal policies, but it left to the States all of those policies that are State-regulated.

Well, Kentucky tried to take some steps. They passed a health care law in 1994 that aimed to lower health care costs for all folks in Kentucky and to encourage uninsured individuals to purchase health insurance. There were some mandatory issue provisions. There were some rate regulation provisions.

This is what happened: They did the very best they could in the great State of Kentucky. But they had 43 insurance carriers in 1993. And after passing this law, they ran 41 of those out of the State. They had 43 choices that their citizens could choose from. Then they all got together and said, We want to help make it better for our citizens. And 41 of those companies said, We're not going to put it up with it. This is no way to run a business. We're leaving. From 43 insurance companies to two, this Kentucky health care law destroyed.

Well, what do you think happened? All those voters who said they wanted changes to the health care law, they weren't all that excited about the one that cost them 41 different choices. So Kentucky repealed that law, started over from scratch, and they are now growing the number of insurance companies back in that system.

That's awful for the men and women in Kentucky who had to struggle

through that. But it didn't burden the other 49 States at the same time. And the men and women of Kentucky could then look to those reforms in the other 49 States to see how to improve on their health care model.

It's the law of unintended consequences, Madam Speaker. That's why it's bad to consolidate all of this authority here in the United States Congress. It's not that these men and women who work here aren't conscientious. It's not that they don't love their country. It's not that they don't love their constituents, and they do try to serve them well. It's that you cannot possibly predict every single outcome.

I'll give you one, Madam Speaker. You know, some of the President's health care law has already gone into effect. One of those provisions that's already gone into effect is mandatory issue of policies for children. But why? Because we all love children. There's not a man or a woman in this Chamber who doesn't love children, Madam Speaker. So the President, in his health care bill, said, Well, let's make sure then that every insurance company must issue an insurance policy to every child who decides they want a policy.

Well, we've kind of gotten confused about what insurance is in this country. Think about that, Madam Speaker. Think about all the insurance policies you have in your life. Which one are you really excited about utilizing? Is it your life insurance policy, Madam Speaker? You are really hoping that day comes when your maker takes you home, and you can bring that life insurance policy to fruition? No. Is it your car insurance policy? You are really excited about getting into an accident this afternoon so you can call your insurance company and have them pay for it? That's going to be great? No. Maybe it's your homeowners insurance policy, Madam Speaker. Maybe you are hoping a fire breaks out there tonight so you can go home and call that homeowners insurance company and collect on the full value of your policy. No. Insurance is for things you hope don't happen, but you want to be ready for them in case they do.

That's not so with health insurance. How many friends or neighbors do you have who have said, You know what? I'm going to put that procedure off until I get my health insurance? That's not insurance. That's discount health care. That's prepaid health care. That's any number of things. But it's not insurance. Insurance is for things that you don't know are going to happen.

Well, going back to the President's health care bill that mandated that all children get the policies that they apply for. Well, guess what? Some children are already sick. So when they go to apply for a policy, they're not applying for insurance. They're applying for free health care.

Insurance companies aren't charitable organizations. My church is a charitable organization. The United Way is a charitable organization. Insurance companies are not charitable organizations. They are in the business of providing a service for a fee.

So when the President's health care bill went into effect—a bill that I promise you, I am as certain as I stand here today, that the President intended to be a boon for children, that he intended to be helpful for children, that he intended to provide more services for children—it shut down every single insurance company in Georgia that offered child-only policies.

When you went to buy an insurance policy after the President's health care bill went into effect, the health care bill that guaranteed that insurance companies had to issue you a policy, you found that not a single policy remained because every single insurer in that marketplace had left. Madam Speaker, that's not surprising, those laws of unintended consequences. They're undeniable. And the President's health care bill is taking us down that road not just in child policies, not just in terms of guaranteed issue, not just in terms of the Federal mandate, but on issue after issue after issue.

The Supreme Court is going to make their decision next week. Well, they've made their decision. They're going to share it with the rest of us. But just to be clear, I hear what you might be saying: Well, Congressman WOODALL, you are one of those hardcore conservatives from the great State of Georgia. You just don't care about people. Because I hear that charge—not against me personally, but against conservatives in general. It drives me crazy. I will concede that there may be Members on the other side of the aisle who care about people as much as I do. But there is not one man or woman in this Chamber who cares about people more. Not one. All I'm saying is the Federal Government shouldn't screw it up for those people.

Because I have here, Madam Speaker, a chart of what every State in the Union was doing in 1996. This Chamber hadn't gone mad in 1996 when it decided, under a Republican Speaker and a Democratic President, to sign a health care law. It hadn't gone crazy. It chose to only regulate Federal plans because State plans were already being regulated at the State level.

Take a look: What kinds of things are you interested in? Are you interested in guaranteed issue, Madam Speaker? That guaranteed issue is when you say, I don't care if somebody's sick; you have to take them anyway. That's not a great insurance practice, but it's a heartfelt belief. It's called guaranteed issue. Well, let's see. Alaska's got it. Arizona's got it. Arkansas, California, Colorado, Con-

necticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, on and on and on. This isn't something that requires a Federal solution.

Are there people in this Chamber who want a Federal solution because it consolidates power in Washington, D.C.? Absolutely, there are. Are there men and women in this Chamber who want a Federal solution because they believe in their heart they care more about people than anybody else and so they want it to be their solution that people utilize? Absolutely, there are.

But hear this, Madam Speaker, and share this with your constituents back home. There is not one health care problem that the President aims to solve in his health care bill that your State legislature cannot solve itself at home today.

Madam Speaker, how many times have you heard somebody say, But I know this family, and they can't get insurance, and my heart aches for them. I hear that. I hear that regularly. And your State legislature can solve that for you today.

□ 1620

You don't need Washington, D.C.'s permission. Something happened in this country, Madam Speaker, and it's not healthy. Folks call Washington, D.C., for solutions. I got a call the other day from a homeowners association. They said, I can't get a building permit put through the city council, and I want you to fix it for me. That's what folks believe. I get it. That is not what America is. The place to solve your city council issues is with your city council. And the place to solve your county commission issues is with your county commission. And the place to solve your State insurance regulation issues is with your State.

The President's health care bill was a solution in search of a problem that does not exist. Guaranteed issue is available today.

This chart goes on to talk about the portability issue: can you move from one insurance policy to the other without penalties. It talks about pre-existing conditions: how to deal with if you're already sick and you've gone to apply for a policy today, when will they cover that illness. Every single issue that the President's health care bill purports to solve, States have already been at work on and in many cases have those solutions already. The President's health care bill erases them all in favor of a one-size-fits-all solution.

I just want to go back for a moment, Madam Speaker, to Kentucky's experience. Thoughtful men and women, people who care about their neighbors and their communities, did the very best that they could to address their health care crisis. And in doing so, they ran from 43 insurance companies helping people in the State, down to two, because the rest of them went out of

business and went home. Left the State altogether. That's not what they intended to happen, but that's what happened.

When we talk about the Supreme Court striking down the President's health care law next week—and I feel certain that it will because as I look at my Constitution, it is so patently unconstitutional to mandate that Americans engage in some activity they might not otherwise. And that's the principle on which the entire house of cards is stacked. The entire bill must be struck down.

The question is: What next? And what I want the American people to hear, Madam Speaker, is that what next is happening in your State legislature today. It was happening a year ago. It was happening 10 years ago. You do not have to have an act of Congress to have your problem solved. You can do it right there at home. And States are.

But if you call your Congressman and you ask your Congressman to solve your problem for you, I promise you your Congressman is going to go to work to do it. But when they do it, they are likely to craft something that destroys the system it was meant to save. And then where will we be as 315 million Americans?

I'll give you a little insight into just what I'm thinking, Madam Speaker. I'm not trying to associate my thoughts with the whole of the freshman class or the whole of the Congress. But there was a study out the other day where they went to the Fortune 100 companies, Madam Speaker, and they said: What are you going to do if the Supreme Court upholds the President's health care bill and all of these mandates go into effect?

Well, only 71 answered that survey. And every single one of those 71 Fortune 100 companies said: we'll do better to cancel every insurance policy we have in our company and pay the fine than we will to continue to provide insurance to our employees.

Now, you remember the promise, Madam Speaker, that the President made: if you like your insurance policy, you can keep it. Well, the insurance policy I had didn't comport with the President's bill so they canceled it altogether. I did not get to keep my insurance policy. And what 71 of the largest companies in America have said is the bill gives them every incentive to cancel every policy and dump all of their employees out into the exchange.

Now this was reported in the news as if it was some miraculous discovery. I will tell you this. This is the secret I was going to share, Madam Speaker. I don't think it's miraculous news. I don't think it's a surprise to anyone who crafted this bill. This bill was never about solving these problems that the States are already solving. This bill was never about solving prob-

lems that the States already have the ability to solve. This bill was about moving us one step closer to having the Federal Government pay for every single health care bill in this country. A single-payer system. That's what the President said during the campaign he wanted. That's what he said in his entire career he wanted. And this bill that does in fact destroy the free market health care system that we have takes us one step further in that direction. You need look no further than that Fortune 100 survey to see that.

Madam Speaker, when the Supreme Court strikes down the President's health care bill next week, I want to encourage a deliberative process in this body. There is no rush to judgment in this body. It was a rush to judgment that got us here. You have to read the bill to know what's in it. We've all been down that road; 2,000 pages that nobody had time to read. Taxes and mandates that folks are still finding out about.

Let's talk about that, because I hope, Madam Speaker, that I've laid out a fairly persuasive case that while the health care system in this country is in crisis, it is in crisis because of Federal Government intervention—not in spite of it, because of it—and that States have the ability to solve each and every one of these problems. And States are in fact providing those solutions.

So what are we getting in the President's health care bill? Is it worth it? Because I've got to be honest with you, Madam Speaker, I hope you were as surprised by this as I was when you got here.

There's a real reluctance in this town to do cost-benefit analysis. There's a real reluctance to weigh the costs and the benefits and see which side it's on. Why? Because if I'm the brilliant guy who came up with the brilliant bill, it's brilliant. And so if it costs a whole lot more than it's worth, that's going to hurt my feelings, so I don't want you to release that data. I don't want you to do that research. Let's just implement my brilliant idea and see where it takes us. Nobody wants to do the cost-benefit analysis.

Well, again, the President's health care bill, which solves absolutely nothing that States can't do on their own, and there's not going to be a single person in the President's administration that disagrees with me about that, they would prefer a Federal solution; but they know full well the States can do those things on their own.

This is what it's going to cost us: \$15 billion in taxes last year; \$30 billion this year; \$45 billion next year, all the way up to \$320 billion in new taxes in this health care bill. When the Supreme Court strikes it down next week, it's going to be a \$320 billion tax cut for American families because it's American families that are on the hook for

these taxes in the President's health care bill.

I'll go on. The President said this bill is going to take premiums down for the American families. Now, Madam Speaker, I did not graduate with an economics degree, but I have ordered a lot of sandwiches at Subway. And what I have found is when I want to add guacamole to my Subway sandwich, they want to raise the price on me. And when I want extra cheese on my Subway sandwich at Subway, they want to raise the price on me. You cannot give the American people more benefits without there being a price somewhere.

So, yes, the President promised that this would bring down health care premiums. Here is his quote from June 9, 2008:

We'll bring down premiums by \$2,500 for the typical family.

That's this blue line, Madam Speaker, that I have. The President's rhetoric, We're going to bring down health care costs \$2,500 per family. The red line here is the reality, Madam Speaker. The reality is health care costs are going up. Premium costs are going up. Why? Because we've mandated that insurance companies do all these new things.

Are you following universities, Madam Speaker? There's all this heart-break down here talking about how to deal with student loan issues. Student loans are important. But what about student health care, Madam Speaker? Across the country, universities are looking at canceling policies that they can no longer afford. They could afford them before the President's health care bill, but they cannot afford them after. Why? Because the President's health care bill with mandate after mandate after mandate does not take insurance costs down. It takes insurance costs up. And the American people pay that price.

□ 1630

It's all right here on this chart, Madam Speaker. At its core, when I talk to folks back home, folks care about access. I need access to insurance, and I don't have access. And they care about cost. I need access to health care services, but health care services are too expensive. That's what the whole health care debate was about. What can you do to help us with access? What can you do to help us with cost?

Madam Speaker, every State in the Union can provide you with access, and many of them have. And all of them will if their electorate demands it. Now, that's the funny thing about this health care bill, of course. The majority of the American people have always opposed it. There was never a time when the majority of the American people said, This is what we want. The majority of the people have always opposed it. It was Washington, D.C., that

said, Well, you might not want it today, but once we implement it and force it upon you, you're going to be thrilled. You just don't know it yet. You're going to be happy.

Folks aren't happy still today.

Cost and access is what took us down this road. We see that access is within the legislative purview of every State in the Union, and we see that costs have been driven up and not down. It's not a partisan issue, Madam Speaker.

I'm from Georgia, so maybe I'm a little biased, Madam Speaker, but I'll tell you, I think Newt Gingrich has a reputation in this country. I know the Democrats do a lot of fund-raising by sending his name out as if he's a strident partisan. Well, maybe he is in other parts of the country; not in Georgia, but maybe in other parts.

It was Newt Gingrich and Bill Clinton that came together to reregulate the entire Federal health care marketplace doing away with preexisting conditions in a responsible and economically feasible way, requiring portability in an effective and economically feasible way, ensuring availability, using tools that make insurance more affordable instead of less.

Cost and access we came together on in 1996, long before my time, and implemented for every federally regulated policy in the land. What's left are those areas of State control.

Madam Speaker, I'm going to go back to the 10th Amendment because we don't spend enough time on the 10th Amendment around here:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

That is at the heart of our Republic. The Constitution lays out specific tasks that the Federal Government and the Federal Government alone must handle. And everything else, not some things else, not something else, everything else. It's not confusing.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

And as we see in that dissenting opinion in the *Vinson* case, the courts have gradually acceded year after year after year to Congress's demand for more power. And as Congress has continued to legislate, courts have continued to endorse it. And then Congress legislates more, and courts endorse it more, and Congress legislates more, and you turn around and the 10th Amendment now means nothing.

What is that?

Going back to that dissenting opinion, the dissenting judge said Congress has so expanded the Commerce Clause, courts have so ruled on the Commerce Clause, that there is no aspect of economic life that Congress cannot regulate. And then he went on to cite the necessary and proper clause and said,

and if there's no aspect that Congress cannot regulate, Congress can do anything that is reasonably associated, necessary, and proper to implementing that bill.

Folks, I don't think that's the America that you and I know. But no one loses their freedom overnight. You lose your freedom one fiber at a time, and you wake up one day and you say, golly, where did it go? It doesn't happen all at once. This has been time after time after time over decades. It's not a Republican problem; it's not a Democratic problem; it is an American problem.

And next week, it's happening right across the street, Madam Speaker. Right across the street, next week, nine men and women are going to reset the clock to what our Founding Fathers intended, setting limits on what the Federal Government can do in your life.

Madam Speaker, that inspires me. I'm not afraid. I'm inspired by that opportunity, that opportunity to be master of my own destiny. But I say to folks who fear that, to any of my colleagues on the left who fear the diminution of Federal power, there's a seat for you in your State legislature.

If you have the urge deep in your heart to control every aspect of an individual's life, I suggest you go back home and run for your State legislature because State powers are plenary; Federal powers are limited. And every single power not delegated in the Constitution to the United States, nor prohibited by it to the States themselves, are reserved to the States and the people.

Madam Speaker, that has always been the key to the success of this Republic. It has always been true that the finest innovations, the most creativity, is happening at the local level and working its way up, not happening in Washington, D.C., and working its way down.

When the Supreme Court strikes down the President's health care bill next week, Madam Speaker, Americans are not going to be without health insurance. Americans are not going to be without choices. Americans are not going to be thrown into a lawless environment. They are going to have the benefit of lower prices in the absence of the President's health care bill, of more certainty in the absence of the President's health care bill, and the authority to solve every single problem that ails them, vested in that institution closest to home, closest to the people, State legislatures across this country.

And if there's one thing I'm certain of, Madam Speaker, I've had those occasions where I have doubted the wisdom of this Congress, but I have never had an occasion where I've doubted the wisdom of the American people—not one. The American people have the au-

thority to make these choices today. They do not need a Federal mandate to solve these problems. They don't need a Federal mandate to address these issues. They have that authority today. Our Founding Fathers made certain of it in the 10th Amendment.

And after that court case comes down next week, Madam Speaker, folks will go to work across this country, as they always have, to address the issues and concerns of the American voter, and they'll do that in all 50 of the great and independent States of this Nation.

With that, Madam Speaker, I yield back the balance of my time.

CONSTITUTIONAL LIMITATIONS

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Thank you, Madam Speaker.

As always, I'm privileged and honored to be able to address you here on the floor of the United States House of Representatives. And having heard some of the dialogue of the gentleman from Georgia just preceding me, it transitions in a way that I think it is fitting, and his focus on the 10th Amendment and the limitations of the Constitution that don't seem to be felt by many Members of the Congress that serve over on this side as a rule and the debacle that's been brought upon us, and now we've called upon the Supreme Court to unravel, and anticipate a decision as early as next week, no longer this week, I'm told, Madam Speaker.

As I watched this administration unfold, and we're into 3½ years or a little bit more into the Presidency of Barack Obama, I'm extremely troubled by the constitutional aspects of this administration.

□ 1640

I would frame this with the understanding that the President of the United States is a former adjunct law professor at the University of Chicago who taught constitutional law. He taught constitutional law to students that were to learn about this document that I carry with me in my jacket pocket every day, this Constitution that has, as essential components, article I, article II, and article III of this Constitution.

Article I sets up the legislature—that's us, Madam Speaker, here in the House of Representatives and down the hallway to the other end of the Capitol, the United States Senate. It invests in us all legislative authority. That's article I. It sets up the legislature, and it gives us our authority. And I'll talk about that a little bit more in a moment, Madam Speaker.

Article II sets up the executive branch of government. It establishes

that there shall be a President who is the Commander in Chief of all of our Armed Forces and a Vice President. Beyond that, there's not a requirement that this Congress establish any other parts of the executive branch of government. It just says that we may, not that we shall. That is in the enumerated powers that this Congress has.

The third branch of government, of course, is the judicial branch of government. It wasn't originally established for the purposes of determining the intent of the letter of the Constitution. It did emerge, and for more than two centuries the landmark precedent case of *Marbury v. Madison* has not been successfully challenged, although occasionally it's been argued. So I concede to the *Marbury* decision.

I look over to the Supreme Court and look to the United States Supreme Court to be the branch of government that determines what the laws mean, that identifies and defines the laws that we pass here. But my disagreement—although I've had some with the Supreme Court in the past, Madam Speaker—is not with the judicial branch of the government. I'm looking for them to grant us a decision next week on perhaps two large cases that have come before the Court, the *ObamaCare* case and also Arizona's SB-1070 immigration case. I'm hopeful that they will read this Constitution and understand it as I do and as most of us that take an oath to this Constitution do.

But I'm very concerned about the President of the United States, the former adjunct law professor who taught constitutional law at the University of Chicago.

When I had a speaker on this Wednesday morning at a breakfast that I host each week on Wednesdays—what goes on in that room is Members only, but it's the Conservative Opportunity Society—when the speaker that I introduced announced that he received his law degree from the University of Chicago's School of Law, it was a bit of an apology for the President's interpretations. I'm hopeful that the very fine and excellent University of Chicago School of Law doesn't have now a bad reputation it has to peel off that comes from the interpretations of the Constitution that the President is making these days—who taught law there, of course I would remind you.

So I'm very troubled by the actions of the President of the United States. The most recent action that I'm troubled by is, let me say, the amnesty memorandum that he has directed Janet Napolitano to issue. This amnesty memorandum establishes several classes of people. One of those classes they've defined as this: if they were brought into the United States—or came into the United States is a more accurate way—if they arrived in the United States illegally from a foreign

country before they were 16 years old and if they are still under 30 years old, and if they continuously resided in the United States for 5 years and if they received a high school degree, a GED, or were honorably discharged from the military—there are a couple other criteria there—then the President has directed Janet Napolitano, the Secretary of Homeland Security, who has in turn directed her subordinates—that being the Acting Director of Custom Border Protection, David Aguilar, and the Director of ICE, John Morton, and also the USCIS, Mayorkas—to recognize this memorandum and act as if the President had issued an edict that is actually a law.

Now, as Mr. WOODALL from Georgia spoke about the Constitution and what's happened to our 10th Amendment, I would suggest that the President seems to be usurping nearly all of article I, section 8 of our Constitution, the enumerated powers.

Now, I came here to speak of these enumerated powers in this way: if the President can manufacture law out of thin air—not whole cloth, Madam Speaker, but out of thin air—we get things like the immigration law that the United States Congress has established. It has defined categories of people, it has established numerous visas, it allows for the most generous legal immigration of any country in the world—and some say more legal immigrants coming into the United States every year than are allowed in all other countries in the world put together. I haven't seen that data to my satisfaction. That gets repeated here in this Congress so fairly often.

I am very confident that the United States is the most generous nation on Earth when it comes to legal immigration. A number between 1 million and 1.2 million legal immigrants come into the United States. That number of people happens to be something that would establish workers for every job that's been created for more than a decade here in the United States.

I have tracked the U.S. Department of Labor's Web site and I evaluated that, and I'll see that anywhere between 1 million and 1.2 million jobs have been created by this economy, and they're all taken up, at least in theory, by new legal immigrants.

Then we have 12 million to 20 million illegal immigrants, 7 out of 12 of whom are out working, and the other 5 out of that 12 are presumably not working, or in the home perhaps. Those jobs are maybe not recorded by the Department of Labor because they aren't legitimate jobs from their statistical standpoint.

But imagine this, imagine an economy that generates over 1 million jobs a year, and imagine a country that would open its doors to over 1 million immigrants a year. Watch the economy create these jobs and watch those jobs being used by legal immigrants, and

then turn a blind eye towards the illegal immigrants that are coming into the United States.

The people on the other side of the aisle see illegal immigrants as undocumented Democrats. It is a political equation for them. It's not an equation of what's good for America's economy, what's good for America's culture, what's good for America's society. It's what gives them political power. So they cynically turn a blind eye and encourage that laws not be enforced, erode the rule of law; and in the process of expanding their political base they're eroding the core of America and creating a greater and greater disrespect for the rule of law. That's chiseling away at one of those beautiful pillars of American exceptionalism; and the President leads the charge, Madam Speaker.

This lawless memorandum that was issued by Secretary Napolitano at the direction of President Obama has no basis in constitutional authority. The President of the United States does not have the authority to create law. He has no authority to pull it out of thin air. He cannot simply announce that he is going to require us to follow some directive, some executive edict and expect us to follow it. It is an unconstitutional overreach and a violation of the separation of powers.

Now, I have some experience with this. The President's move on this amnesty memorandum is a clear violation of the executive powers of the President of the United States. It is one of the enumerated powers that is given to the United States Congress in article I, section 8. If the President can manufacture immigration law, here's what he has done—I'll put this poster up.

Madam Speaker, this is the result of the President's action and, that is, first he created the categories that I mentioned—three or four categories of people that are classes of people. He has prosecutorial discretion to decide where they're going to emphasize the utilization of their enforcement resources. He can determine that they are going to put more people on violent criminals, more people on serious drug smugglers. I'm not sure they are, but he can determine that they are. I haven't raised an issue with his constitutional authority to do that. I did bring an amendment a couple of weeks ago that blocked the Morton memos, which did say we're not going to enforce laws against individuals who have found themselves in the United States and haven't violated other laws.

And the President has argued before the Supreme Court that there is this careful balance, a careful balance theory that Congress has directed the executive branch to create and maintain a careful balance of various immigration laws so that the executive branch interest in the State Department and the Department of Homeland Security

and the Department of Commerce, those Departments find that balance so we don't over-enforce and offend our neighbors.

Congress did not direct the President or the executive branch to create or maintain any careful balance. That careful balance is a completely manufactured theory. Congress passes laws of all kinds under the authority granted to it in article I, section 8. And those directives to the executive branch are: keep your oath of office, Mr. President.

□ 1650

Executive branch, Eric Holder, keep your oath of office. And that oath for the President of the United States says, I do solemnly swear, to the best of my ability, to preserve, protect and defend the Constitution of the United States, so help me God. Those were the words of Barack Obama January 20, 2009, right out here on the west portico of the Capitol. Preserve, protect and defend the Constitution of the United States so help me God.

And intrinsic with that oath of office, a little bit later, in article II, the Constitution says of the President, he shall take care that the laws be faithfully executed. That means, enforce the laws. The President must enforce the laws. He must appoint people whose job it is to enforce the laws. He must direct that they do so. They take an oath to uphold the Constitution.

Eric Holder has an obligation to enforce the law. Janet Napolitano has an obligation to enforce the law, and their oath is tied to the Constitution in the same way. They understand that when they put their hand on the Bible and raise their right hand and say, I do solemnly swear, that includes, take care that the laws be faithfully executed. That's the obligation of the executive branch of the government.

The obligation of the legislative branch of government is to pass laws that be necessary and proper. In fact, Madam Speaker, among article I, section 8 of the enumerated powers is a Necessary and Proper Clause, which says to Congress, the legislative branch to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. That's the full list of enumerated powers that come before it in article I, section 8, and all other powers vested by this Constitution in the government of the United States or in any department or officers thereof.

The Necessary and Proper Clause includes exclusive authority to pass laws as vested in the legislative branch in government. If it's exclusive, that means the President of the United States and nobody outside this legislature can pass a law.

The President believes he can do that. He believes he can create legislation out of thin air, and he did so by

the effect of his memorandum that was released by Janet Napolitano last Friday and supported in a Rose Garden speech by the President of the United States about 2:40 p.m. last Friday.

And here's what we have. As a result of that is amnesty for whole classes of people. Between 800,000 and 1.4 million people granted a legal status in this country that, as of the morning, last Friday morning, when they woke up, they were subject to being put back in the condition they were in before they broke the law, that is, back to their home country where they rightfully belong and legally could reside.

The President changed that with an unconstitutional overreach that's a violation of this separation of powers, and I'm going to ask the court to resolve this disagreement. It will take some time. It will take some money. It will take some effort and some litigation brains. They are, I believe, ready to go on this, Madam Speaker.

But here's what the result is of the President's memo, and it's this: Created those classes of people, granted them executive amnesty by memo printed by Janet Napolitano, Director of Homeland Security, and directed the Director of USCIS, United States Citizenship Immigration Services, to create a permit that would allow those formerly illegal individuals to work in the United States for the duration of this permit that he would grant.

Now, I've just looked at a couple of these things. These are created by laws, acts of Congress. This is an employment authorization card. It's just a model or a sample of one. It doesn't actually identify a real individual. And this is the size of a credit card, and it says U.S. Department of Homeland Security, U.S. Citizenship Immigration Services, USCIS.

This is what the President has directed that USCIS create to hand to these one or so million people that get their new amnesty by executive fiat. Here is your employment authorization card. This is what will be produced, not by the direction of the United States Congress, not under the authority of article I of the Constitution that established this legislature, but under the arrogant, assumed power of the President of the United States to issue a memo that he thinks he has the authority to issue.

And by the way, power in this world has historically been what you're able to assert and retain. If anyone steps up and assumes power to do something and there's no one there to challenge them and they can get away with it, they have that power and they will hold that power, and it will be a precedent for that power until someone can challenge it and take it away from them, Madam Speaker.

And so the President has assumed this unconstitutional power to create entire classes of people, grouped in the

hundreds of thousands, grant to them an employment authorization card, and grant to them a resident card.

Now, the resident card that the President has ordered USCIS to produce in an unlawful, unconstitutional fashion will likely look something like this. This is a copy of what we know as a green card. It's a lawful permanent resident card. LPR status is what we call it. It says right here, permanent resident card. And again, this is just a token individual, a model for the card.

But, Madam Speaker, they'll probably just strike out permanent resident and they might say temporary resident. It might have some kind of indication that later on he's going to make them a permanent resident.

If the President can manufacture authority to do this when it doesn't exist, if he can grant amnesty to people that fit the age categories that he says, that haven't committed violent or serious felonies, or too many strings of misdemeanors, if he can do that, then why can't he also grant amnesty to those that are over 16 when they came here, those that are over 30 today, those that have been in the United States for less than 5 years, those that may have committed felonies and he just wants to give them a pass?

We already have amnesty in this country for the President of the United States' aunt, who had been adjudicated for deportation, Auntie Onyango, and we already have the amnesty from the administration for his drunken uncle, Omar, who nearly ran over a police officer and had a 1.4 blood alcohol content. And then after he was brought to court, his punishment was to suspend his driver's license, and then the State of Massachusetts issued him a 45-day driver's license.

These laws don't apply to the relatives of the President of the United States. Apparently they don't apply to the President's preferred manufactured classes of people.

And by the way, the Constitution, according to his view, doesn't apply either to the President of the United States. This is what he has created out of whole cloth. These cards that you see here, this is a result of a deliberative act of the United States Congress.

The U.S. House of Representatives, the United States Senate have concurred that we want to give people who are in this country legally an employment authorization card when they qualify. We want to give them a permanent resident card, a lawful permanent status card, when they qualify.

And this green card, by the way, is a path to citizenship. Carrying this green card around for 5 years, being President of the United States, obeying our laws, that opens the door to United States citizenship, and after that 5-year period of time the green card can be converted, and often is, into United States citizenship.

What prevents the President from just granting citizenship to all of the people that he thinks might vote for him?

If the President has the authority to manufacture, out of thin air, this permit and this permit, Madam Speaker, under the same assumed arrogant authority, the President would be able to grant amnesty to 12 or 20 million people, instantly make them citizens, and march them off to the polls.

He's engaged in blocking the State of Florida and five other States from cleaning up their voting rolls; has sent his Attorney General, Eric Holder, to block Florida from cleaning illegals off of the voting rolls in Florida, and that's not the only State.

There's a database called the SAVE database that's in the control of Janet Napolitano, and Department of Homeland Security.

The Secretary of State of the State of Iowa, Matt Schultz, who is doing an excellent job of making sure that those of us who have a legitimate vote in the State don't see our vote diluted or offset by the vote of someone who is unlawfully in the United States, or not a citizen, or perhaps a felon, or deceased. We need voter registration lists that are free of duplicates, deceased and felons, and that certifies that they are citizens, and require a picture ID, and the Holder Justice Department, working with the assent, if not the encouragement of the Obama White House, is blocking the legitimate cleanup of the voter registration rolls in State after State.

□ 1700

This is the most unconstitutional reach by the executive in the history of the United States, and here are some things that the President could do if we let him assert his authority. I'll go all the way down through and just pick the most important ones.

In article I, section 8, the enumerated powers of our Constitution, the first power grants Congress, exclusively Congress, the authority to lay and collect taxes.

What if the President decided by executive fiat that he didn't want to collect taxes against people in the lowest bracket? Because, after all, that would be an income redistribution thing that he is likely to favor. Do you think those folks would feel good about the President of the United States and maybe go to the polls and vote for him?

Would that change the political dynamic in the country if they didn't have a tax liability? Probably. If that's his calculus, what prevents him from doing this? If he thinks he has the power to lay and collect taxes, he can always absolve people of those taxes as well.

What if Mitt Romney is elected President of the United States and he decides that, in order to stimulate the

economy, he would just waive the taxes on U.S. capital that's stranded overseas in the trillions of dollars? What if he waived the capital gains taxes and let those resources come back into the United States tax free to be reinvested in the economy?

Does the President have the authority to waive taxes or does the President have the authority to lay and collect them? No, Madam Speaker, he does not.

The President of the United States has the obligation to take care that the laws be faithfully executed. The authority to legislate is exclusively within the United States Congress—House and Senate—with the consent then of the signature of the President or of its overriding with his veto.

The President could, under the same rationale as he has here, lay and collect taxes or waive taxes on certain classes of people. What if he decided, I feel a little sorry for those people who I wrote into this memorandum, so I don't want them to pay taxes either. Would then America be outraged? I'd say we need to understand this Constitution better, and we will be more outraged.

What about borrowing money—that's another enumerated power—to borrow money on the credit of the United States? What if the President of the United States decided under the same authority he has assigned himself here that he is not going to pay any attention to Congress on whether we agree to lifting the debt ceiling and that he's just going to go by Executive order or by Presidential fiat and direct the Department of the Treasury to go ahead and borrow money beyond the debt ceiling this Congress has set? What would we say then, Madam Speaker?

How about this: to regulate commerce. Well, wait. They're already doing that. They're alleging that under the Commerce Clause of the Constitution that they can go ahead and declare that only one lung full of American air constitutes engaging in interstate commerce and that they can compel you to buy a health insurance policy that's written or approved by the Federal Government.

That's the decision that we expect from the Supreme Court next week. I think it's going to be a constitutional one. Barack Obama asserts that the Commerce Clause is so broad that Congress can reach across all State lines and declare that breathing one lung full of American air is enough to engage in interstate commerce, and therefore they can regulate all activities that they can declare to be interstate commerce. That means all activities whatsoever.

By the way, I will say, if the Commerce Clause is so broadened by the consent of the Supreme Court next week, then the Commerce Clause, itself, swallows all of the enumerated

powers. Everything can be regulated within the Commerce Clause.

But I'm really here to focus on the separation of powers between the legislative and the executive branches. So I take us to naturalization.

The enumerated powers grant that power of naturalization "to establish an uniform rule of naturalization" to the United States Congress exclusively, not to the President of the United States. The President has argued that the exclusive rule of naturalization includes all immigration laws, that the Congress should be able to determine that, and that there is no 10th Amendment that applies.

That's another case before the Supreme Court that I expect we will get a decision on next week. But this stretch of the rationale that the President has sent does great offense to the Constitution of the United States.

Regardless, this Congress has the exclusive constitutional authority "to establish an uniform rule of naturalization." The President can't write that. The States can't write that, but the States do have the authority to write immigration laws that mirror those of the United States Government's. The President can't write them as he intends to do. This is what he has created. Unconstitutionally, he has created these permits and these classes of people.

The President has also declared that the Senate wasn't in session when they were in session, and he committed his recess appointments. I am disappointed, frankly, Madam Speaker, that the United States Senate didn't step up and defend its authority to determine when they were in session, and to not adjourn and to be in a pro forma session. They did so so that the President could not insert recess appointments, and the President did so anyway.

If the President of the United States can declare that the United States Senate is not in session, then he can effectively abolish the United States Senate except for its being just simply a symbolic body. Now, there are countries around the world like that—in this hemisphere, I might add. I remember seeing the President of the United States in a glad double-handed handshake with one of those people a few years ago.

Then I mentioned S.B. 1070, this great overreach when the President had sent his Attorney General to sue Arizona. He was classically asked the question, Attorney General Holder, did you read the Arizona immigration bill? His answer was, No.

Congressman TED POE said, Here, you can read mine. It's only 10½-pages long. It's not that hard to study.

I'd read it. TED POE had read it. So had, I think, every member of the Judiciary Committee on our side. But the Attorney General had determined he

was going to sue Arizona because he was ordered to by the President of the United States. The announcement came in Ecuador from Secretary of State Hillary Clinton. That's how we found out. They created a whole new legal argument called the "careful balance theory" in that Congress had directed the executive branch to create and maintain a careful balance between the various immigration laws.

We did no such thing.

There is no record of this. There is no statute of this. There is no dialogue in the CONGRESSIONAL RECORD that would direct such a thing. They asserted it because that was the only argument they could manufacture that suited their political position.

This is not an administration of law. This is not an administration bound by it. They are not bound by the Constitution. The President, himself, has stood before this Nation multiple times and has given the lecture about the separation of powers: Congress passes the laws. The executive branch carries them out. Then the Supreme Court, the judicial branch, interprets the laws. That's the President's lecture, and he cast it all aside and asserted an executive edict that he could create these things out of thin air.

If the President can do so, then, as we go on down the line, he can regulate commerce. He can do the naturalization. The President has already stuck his nose into bankruptcies, and the secured creditors for Chrysler saw themselves aced out while the White House was the only appraiser of Chrysler motors. They wrote the terms of the chapter 11 for Chrysler, and they were the only entity that was bidding on Chrysler's assets. They set the price going in. They wrote the terms of the bankruptcy, and they offered the price on the other side of it. And what did they do? They scooped the secured creditors' assets away and handed them over to the unions.

Congress sets the terms of bankruptcy, not the White House. Again, he has crossed the line.

We go on down the line.

What if the President decided that he could establish the currency of the United States? That's exclusively the Congress as well. What if he determined the euro were going to be the currency of the United States of America? What could we do? What would our alternative be? We'd take the gentleman to the courts, and ask the courts to determine the difference. In the end, the people will decide this.

With regard to intellectual property, he could waive copyrights, trademarks, and those types of laws, or he could create tribunals or wipe them out if he is going to assert an authority to rewrite article I, section 8.

Madam Speaker, I appreciate your attention. We must keep our oath to uphold the Constitution of the United

States and the separation of powers. I intend to do so. I ask for everyone's help in this whole country.

I yield back the balance of my time.

□ 1710

MANAGING OUR NATIONAL FORESTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from New Mexico (Mr. PEARCE) for 30 minutes.

Mr. PEARCE. Thank you, Madam Speaker. I appreciate the opportunity to address the House on a matter of the West.

There are major fires burning across the western United States. There's tremendous property damage and tremendous damage to the environment. Habitat for endangered species is being burned up in the hundreds of thousands of acres. The species themselves are being destroyed and killed in these massive wildfires. And the Chief of the United States Forest Service says, We need to introduce fire back into our forests.

Just this week as the Chief visited in my Rayburn office with me, I said, Chief, this is what it looks like when you reintroduced fire into the forests in the West right now.

The forests are chock-full of fuel. Decades of mismanagement by our Forest Service has allowed the fuels to build up to where it's a dangerous, explosive environment. The drought which actually occurs regularly in the West has caused those buildup of fuels to be explosive in nature, and when fire gets loose, this is what it looks like.

This is the town of Ruidoso, New Mexico, in my district, and these are the flames that burn that makes it look like Hades has taken over all of New Mexico.

Is this what you intended, Mr. Tidwell? Is this what you describe as allowing fire to run its course and accomplish management objectives in your forests? You're the one responsible, sir.

Thank God for the firefighters who will come out and fight to save the community. Thank God for the men and women who will stand in harm's way to stop this. But this should not be occurring.

This is the Lincoln National Forest, and right next door, the Mescalero Apaches have about the same acreage of forests. With 14 people, they're able to clean their forests out. They're able to harvest the timber. When the fire gets to the Indian reservation, it simply drops down on the ground and becomes a grass fire, the way that fires typically ran in New Mexico and throughout the West.

History shows us that in our forests, we generally had somewhere between

50 and 100 trees per acre in the arid West on our forest lands. They are grassy savanna lands mostly with widely scattered trees. It never became more than a grass fire, but our tree rings show us that about every 8 years, a very hot fire would come through, burning all of the grass and the underbrush, the ladder fuels, burning the small diameter trees while they are still small. But decades of putting out fires and decades of not harvesting any timber at all have allowed our forests to become explosive caldrons which are breaking into fire.

The shame is that this fire in New Mexico started as one-quarter acre, and for about a day it stayed about a quarter of an acre. And then it spread to 4 acres for the next 3 days. Still, no call for tankers, no call for those aerial drops of water or the slurry which puts out the fire. None. Not until the fourth day, late in the fourth day.

The Forest Service says they can't ask questions like this about those decisions. I think that the decisions locally are made by people who are trying to follow the policy of reintroducing fire into the forests.

Regional Forester Corbin Newman recently stated: Fire will have to take its natural course. And we're just trying to put fire back into its natural processes, he said.

This rings the same tone as was stated by Mr. Tidwell in my office this week, that we want fire to get back into the forest. Well, fire in the forest had a natural process when the forest was in balance. The forest is desperately out of balance right now.

This is not the first brush with disaster that we've had. And keep in mind that the Forest Service personnel themselves said they're worried about losing the entire town of Ruidoso, that it was at high risk, not just at risk but at high risk was their statement as we were briefed about the fire. But we had warning signs last year.

This is what it looked like last year in Ruidoso. High winds and a small fire began to throw embers throughout the town, and you can see the little spots of fires over and through the mountains that are in and around Ruidoso. We began to sound the alarm at that point to our Forest Service: Please clean the fuels out. We can't stand for this to run wild. This year, it has run wild and destroyed 242 homes in this area, and more outbuildings, more structures, beyond just the loss of homes.

This is not necessary. All that is required is for us to manage the forests properly. It's a call that is going out from the people who live in the forests throughout the West. They're watching their wilderness areas, they're watching the forest lands burn to charred masses, and the Forest Service personnel themselves, the specialists, are telling me that trees will not grow here for another 100 to 150 years.

How is it managing our forests to burn the trees for 150 years? How is that good for the environment? How is that good for the species? And how is it good for the people who live in this area?

Shame on you, Forest Service. Shame on you for dictating policies to local managers who know better. Shame on you, Mr. Newman and Mr. Tidwell, for saying that we're going to reintroduce fire into our forests and let it run its natural course.

The forest in and around Lincoln County, some has been cleared and harvested. We're not saying to clear-cut our forests. What we're saying is that a balanced thinning program will go through and leave widely spaced trees.

This is similar to how it looks on the Mescalero Reservation and also it's similar to how it looks out at Fort Apache in Arizona.

Last year, the Wallow fire burned 500,000 acres in the Wallow area, the Wallow fire, in Arizona and New Mexico, but when it got to Fort Apache, it simply fell down on the ground and stopped right there because they had thinned their forest.

This is what a forest should look like in the West. There's not enough rain and not enough nutrients to support 2,500 trees per acre. This is the way forests looked in the West when fire had its way, when fire ran its course. Instead, our forests today are densely packed, 2,500 trees per acre, and this is the outcome when you see that. That's what the U.S. Forest Service looks like in most places, a deep contrast to what it should look like. And it is into this forest that the head of the Forest Service, the Chief of the Forest Service, is saying that we're trying to reintroduce fire into the wilderness and into our forests. It's a misguided approach. That idea that we're going to reintroduce fire is playing Russian roulette with our national forests and our wilderness. It's a game that is not working out too well.

We have two major fires in southern New Mexico right now. We have the Little Bear fire in Ruidoso, but over in the Gila we've got 300,000 acres of land that has burned there, a strong mix or combination between the Gila wilderness and the Gila National Forest. Again, it started as a small fire. It started as a small fire, and the Forest Service releases say that they are monitoring it, that it's achieving its management objectives. I'm sorry, but management objectives of using fire in drought-stricken areas of the West, in forests that are chock-full of fuels, is misguided at the very least.

The people who live and have lost much have suffered deeply. The Forest Service needs to be responsible for those losses. But additionally, they should be responsible for the loss in tax base to the local communities. They should be responsible to local home-

owners whose value of their homes is going to be depreciated for decades. Those people who have moved close to the national forests want to be there with that natural beauty. Instead, they're going to be faced with a brush pile that doesn't grow trees for the next 100 to 150 years, according to their specialists.

□ 1720

So what are we to do? Are we to stand by and allow our forests to burn because of policies that originate in Washington? Are we to put at risk the lives of local people? Are we to put at risk the property values of local people? Or are we to call on common sense, just a pragmatic understanding that you cannot use fire to achieve the balance when the forests are full of fuel?

We have deep disagreements with our Forest Service on their policies. We have deep love for the people who manage the forest out in the field and for the firefighters who risk their lives. We're thankful every day that they're there 24 hours a day around the clock, 7 days a week, away from their families to protect us. But they should not have to protect us in this fashion.

It's expensive. It's expensive in the loss of our forests. It's expensive in the dollar cost of the fire. This fire in Lincoln County was running about \$2 million a day to try to put it out. The one on the other side of the State in the Gila was running about \$1 million a day.

But that is not the only problem that we face. Now that the trees are gone, when it rains, the rainwater is going to rush off the hills into the valleys; and it's going to rush down the valleys, and we're going to see flooding.

If you go to the Web page that we have for our congressional office, you will be able to see a dramatic video called the Dixon Apple Orchard flood. That's up now to just above the Santa Clara pueblo in northern New Mexico. People from that pueblo were waiting for the water that they knew would come, and they videoed several different spots. So take a moment and look at that, if you would, to see now the next calamity that is going to face New Mexico. Because when you burn the trees, there's nothing now to stop the water from rushing off the hill. It is going to carry topsoil with it. It's going to carry rocks and boulders, and it's going to flood towns completely off the face of the Earth.

One of the people fighting the fire out west in the Gila said that that area would have some of the most dramatic flood potential that he had ever fought fires in; that is, the canyons are so steep and so deep, and they come together, nine canyons come together, at Glenwood. All of that water is going to be pouring through the small town.

Mogollon, New Mexico, sits at right at the mouth of one of those canyons.

It has high, high, steep canyon walls on both sides of it. It's at the bottom of the V. And those communities that have existed for decades—Santa Clara, which has existed for hundreds of years, is going to face flooding, not because of anything they've done, but because of the way that the Forest Service has managed its lands, the way that the Forest Service has managed those resources that we asked for them to take care of so that we all might enjoy the benefits and the beauty of our Nation's landscape. Yet we're not going to be able to see that, and we are going to be exposed to floods for decades to come.

What kind of sense does that make from Washington? People across America are beginning to say that our government is broken. They're saying it's broken because of policies that result in fires, like the one that we just showed the picture of. People are saying that this is not responsible, that a government who would say that we're going to reintroduce fire into the forest with this kind of result, what kind of responsibility is that? That's the question that we're here tonight to ask.

It's not reasonable to expect people to just stand back and say nothing. So we are accepting an invitation to speak at a public rally where people are going to express their concerns, their fears, and express their losses in this fire, a fire that we've had decades to prepare for.

Several years ago, we had a fire on the backside of Capitan Mountain, just in this same area. And the local forest supervisor said, Well, it was a small fire, 15 acres, and it didn't justify bringing in air tankers and more resources. It blew out of control and became a 58,000-acre fire.

It's that mindset that we're not going to address the fire situation totally that is putting the West at risk right now. In Colorado, in that fire, we actually lost the life of a citizen who couldn't get out of her cabin.

When are we going to start managing properly? That is the question that lies before us all—us as a Nation, us as a Congress, and the U.S. Forest Service and the head of the Agriculture Department, who manages them.

It's a tragedy, what's going on in the most pristine parts of our country, wilderness areas where fields have been allowed to burn and where we're going to see the absolute destruction. It's not a matter of if our forests will burn; it's simply a question of when they're going to burn.

Now, we can manage differently and we can manage better, but we absolutely have to make the commitment that we're going to give up the policies that are failing and move into a new thought process.

In visiting with the head of the U.S. Forest Service this week, I asked about a policy that used to exist to put out

fires. It was called the 10 a.m. policy. That is, if we see a fire running at any time today, we're going to put it out by 10 a.m. tomorrow; and if we don't get it out by 10 a.m. tomorrow, we're going to put it out by 10 a.m. the next day.

The head of the Forest Service, Mr. Tidwell, said, yes, it was very successful; in fact, he said it was too successful. Too successful? How can you be too successful in putting out these fires? Too successful? That was his statement. Yes, it worked too well. Well, Mr. Tidwell, I want it to work too well because I don't want the forest to look like this. I don't want our communities to be greatly at risk.

This is your standard operating practice. This is the outcome. I want you to go back to the 10 a.m. policy that says, Put it out by tomorrow at 10 a.m. Then let's go in and let's start clearing our forest and cutting the fuels out. Let's start actually managing those forests, and then we'll stop burning them up. Then they'll be healthy forests, widely spaced trees. They will have enough nutrients. The bark beetles won't be able to get into them because they will be big, healthy trees.

Right now, the bark beetles are killing millions of trees across the West because they're starved for nutrients. They're like children that don't have enough nutrition. They're weak. They're spindly. They're susceptible to not only fire, but disease and insects. And all of our specialists tell us, but we don't make a change.

We've got many mountain communities in New Mexico. All of them face this same risk. We're not going to stand idly by while our chief U.S. forester says it's time to reintroduce fire back into our forests. I'm sorry. I disagree with the concept that our wildernesses will become charred stumps, that our national forests will not grow trees for 100 to 150 years because the heat of these fires calcify the soil sometimes as deep as 3 feet. It turns it almost into a glass, where the trees can't get root. Only the grass and small shrubs that are able to get some rain at the top of the surface will penetrate this.

We've got an area like that close to Cloudcroft, New Mexico. There was a very hot fire in the early fifties. It still is only shrubs. We haven't grown that forest back. So I believe when the specialists tell me it's going to be 100 to 150 years, I have seen at least 50 in that one forest myself. So I know that they're saying partial truths, and I think it to be complete truths.

Why are we accepting this management process on our Nation's forests? It doesn't make sense. It is extremely costly to people. It's extremely costly to the government. We can and should use the resources of this country better and more fairly. We should allow our species to have forests to live in, not to burn them out and not to burn the species up.

The spotted owl lives in this area, and you can see what's happening to his habitat. You can see what's happened to the spotted owls who were actually here. They don't exist anymore. The Fish and Wildlife Service in the past has said that this fire runs less risk to the spotted owl than logging. How can you say that this is less dangerous than doing this?

□ 1730

The logic is completely missing. Actually, the spotted owl thrives in these circumstances. The Mescalero tell us that they have numerous pairs that are coming back into the reservation because they have widely spaced trees. The spotted owl actually roosts in the tree, uses its altitude to glide off, catch its prey, and come back up. It cannot do that in this forest, and it can do it in this forest.

So every argument that we are being faced with right now does not make logical sense as we talk about the policy here in Washington, D.C. It's a discussion that has now started in earnest in the West. The Eastern States, number one, don't have a problem with the drought. And number two, they don't have as much public land as we have in the West. It is the West that is burning up. It is us in the West.

I'm the chairman of the Western Caucus, and we are taking the lead in voicing our complaint, our frustration, and our fears for the population because of the management of the forest in the West. Again, our highest compliments to the foresters who live and work in the West. It is not them. It is the policies coming from Washington, D.C. It's the culture, it's the thought process that somehow tries to justify the actions which are causing these monstrous, massive fires.

We need to stop it today. We need to stop it now. We need to manage properly for the future so that all might enjoy these precious resources.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Ms. PELOSI) for today.

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of pressing business.

ADJOURNMENT

Mr. PEARCE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 2012, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Mark E. Amodei, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Ron Barber, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Suzanne Bonamici, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F. H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords*, Phil Gingrey, Louie Gohmert, Charles A. González, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Gutierrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A.S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill

Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lúcas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck" McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNeerney, Patrick Meehan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Oliver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. "Bobby" Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tip-

ton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Robert L. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner*, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu*, John A. Yarmuth, Kevin Yoder, C. W. Bill Young, Don Young, Todd C. Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Acibenzolar-S-methyl; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2011-0674; FRL-9349-3] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6556. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Approval and Promulgation of Implementation Plans: Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard [EPA-R10-OAR-2012-0112; FRL-9674-2] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6557. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Fees for Permits and Administrative Actions [EPA-R06-OAR-2007-0154; FRL-9672-7] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Small Container Exemption from VOC Coating Rules [EPA-R05-OAR-2012-0073; FRL-9677-3] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6559. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts and New Hampshire; Determination of Attainment of the One-hour and 1997 Eight-hour Ozone Standards for Eastern Massachusetts [EPA-R01-OAR-2011-0879; EPA-R01-OAR-2012-0076; FRL-9675-9] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6560. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the South Coast Air Quality Management District Portion of the California State Implementation Plan, South Coast Rule 1315 [EPA-R09-OAR-2012-0140; FRL-9669-8] received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6561. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2012 Memorial Day Tribute Fireworks, Lake Charlevoix, Boyne City, Michigan [Docket No.: USCG-2012-0337] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Changes to Standard Numbering System, Vessel Identification System, and Boating Accident Report Database [Docket No.: USCG-2003-14963] (RIN: 1625-AB45) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Margate Bridge, Intracoastal Waterway, Margate, NJ [Docket No.: USCG-2012-0069] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Intracoastal Waterway, Chesapeake, VA [Docket No.: USCG-2012-0330] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; James River, Hopewell, VA [Docket No.: USCG-2012-0292] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Manchester Harbor, Manchester, MA [Docket No.: USCG-2012-0344] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Niantic River, Niantic, CT [Docket No.: USCG-2012-0305] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6568. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [Docket No.: USCG-2012-0101] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; St. Croix River, Stillwater, MN [Docket No.: USCG-2012-0226] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchor-age Regulations; Wells, ME [Docket No.: USCG-2011-0231] (RIN: 1625-AA01) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA [Docket No.: USCG-2012-0362] received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6572. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek and Annapolis Harbor, Annapolis, MD [Docket No.: USCG-2011-1120] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6574. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Exercise, hood Canal, Washington [Docket No.: USCG-2012-0283] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Zidell Waterfront Property, Willamette River, OR [Docket No.: USCGF-2011-0254] (RIN: 1625-AA11) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOX: Committee on Rules. H. Res. 697. A resolution providing for consideration of the bill (H.R. 5973) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-545). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. RANGEL, Mr. BRADY of Texas, Mr. McDERMOTT, Mr. PAULSEN, Mr. BUCHANAN, Mr. MARCHANT, Ms. JENKINS, Mr. REICHERT, Mr. REED, Mr. DAVIS of Kentucky, Mr. KING of New York, Mr. ROYCE, Mr. LEVIN, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. PASCRELL, Ms. BASS of California, Mr. MEEKS, Mr. BOUSTANY, Mr. STARK, and Mr. KIND):

H.R. 5986. A bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the

Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington (for himself, Mr. FLEISCHMANN, and Mr. LUJAN):

H.R. 5987. A bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes; to the Committee on Natural Resources.

By Mr. CUELLAR (for himself, Mr. GONZALEZ, and Mr. DOGGETT):

H.R. 5988. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself and Mr. ENGEL):

H.R. 5989. A bill to increase access to community behavioral health services for all Americans and to improve Medicaid reimbursement for community behavioral health services; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mr. YODER, Mr. GUTHRIE, and Mr. SCHILLING):

H.R. 5990. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Ways and Means.

By Mr. HECK (for himself and Mr. HEINRICH):

H.R. 5991. A bill to promote the development of renewable energy on public lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Armed Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H.R. 5992. A bill to direct the Secretary of the Interior to place certain lands in Skagit and San Juan Counties, Washington, into trust for the Samish Indian Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL (for himself and Mr. CAMPBELL):

H.R. 5993. A bill to prohibit the use of funds available to the Department of Defense or an element of the intelligence community for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 5994. A bill to provide a demonstration project under which Medicare and Medicaid beneficiaries are provided the choice of health benefits coverage and access to a debit style card for the purpose of purchasing qualified health benefits coverage

and paying for other health care expenses; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 5995. A bill to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. ALTMIRE:

H.R. 5996. A bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, in coordination with the Secretary of Education, to carry out a 5-year demonstration program to fund mental health first aid training programs at 10 institutions of higher education to improve student mental health; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. CLARKE of Michigan, Mr. TURNER of New York, and Mr. ROGERS of Alabama):

H.R. 5997. A bill to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; to the Committee on Homeland Security.

By Mrs. BLACKBURN (for herself, Mr. BARROW, Mrs. CHRISTENSEN, and Mr. TERRY):

H.R. 5998. A bill to amend title IX of the Public Health Service Act to revise the operations of the United States Preventive Services Task Force; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 5999. A bill to amend title 38, United States Code, to improve the authority of the Secretary of Veterans Affairs to provide specially adapted housing assistance to blind veterans; to the Committee on Veterans' Affairs.

By Mr. AKIN (for himself, Mr. BROWN of Georgia, Mr. GINGREY of Georgia, Mr. KINGSTON, Mr. KING of Iowa, Mr. SCHWEIKERT, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. JONES, Mr. BROOKS, Mr. HUELSKAMP, and Mr. HARPER):

H.R. 6000. A bill to require verification of the immigration status of recipients of Federal benefit programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BURGESS:

H.R. 6001. A bill to prohibit the Secretary of Homeland Security from granting a work authorization to an alien found to have been unlawfully present in the United States; to the Committee on the Judiciary.

By Mr. BURGESS:

H.R. 6002. A bill to amend the FAA Modernization and Reform Act of 2012 with respect to maintenance providers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. CLARKE of New York (for herself, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Ms. HAHN, Mr. RANGEL, and Mr. CLARKE of Michigan):

H.R. 6003. A bill to amend the Homeland Security Act of 2002 to prevent terrorism, including terrorism associated with homegrown violent extremism and domestic violent extremism, and for other purposes; to the Committee on Homeland Security.

By Mr. COHEN (for himself and Ms. WILSON of Florida):

H.R. 6004. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to give preference to local contractors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COURTNEY:

H.R. 6005. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. SCHIFF):

H.R. 6006. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Energy and Commerce.

By Mr. HALL (for himself, Mr. SESSIONS, and Mr. SAM JOHNSON of Texas):

H.R. 6007. A bill to exempt from the Lacey Act Amendments of 1981 certain water transfers by the North Texas Municipal Water District and the Greater Texoma Utility Authority; to the Committee on Natural Resources.

By Ms. HOCHUL:

H.R. 6008. A bill to amend title 38, United States Code, to ensure that a State participating in certain grant programs takes into consideration the training received by a veteran while on active duty when granting certain State certifications or licenses; to the Committee on Veterans' Affairs.

By Mr. LABRADOR (for himself, Mr. YOUNG of Alaska, and Mrs. McMORRIS RODGERS):

H.R. 6009. A bill to establish a program that will generate dependable economic activity for counties and local governments containing National Forest System land through a management-focused approach, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 6010. A bill to amend the Internal Revenue Code of 1986 to increase the income limitations for the student loan interest deduction, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 6011. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits for individuals with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to

the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCAUL (for himself, Mr. McKEON, Mr. KEATING, Mr. JONES, Mr. BROOKS, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Ms. BONAMICI, Mr. LONG, Mr. HONDA, Mr. GALLEGLY, and Mr. HEINRICH):

H.R. 6012. A bill to authorize the Secretary of Homeland Security to provide to owners of certain intellectual property rights information on, and unredacted samples and images of, semiconductor chip products suspected of being imported in violation of the rights of the owner of a registered mark or the owner of a mask work; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut:

H.R. 6013. A bill to amend the Internal Revenue Code of 1986 to extend the time period for contributing military death gratuities to Roth IRAs and Coverdell education savings accounts; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. TIPTON, Mr. REICHERT, Mr. LUJÁN, Mr. PEARCE, and Mr. HEINRICH):

H.R. 6014. A bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

By Ms. SCHWARTZ (for herself, Mr. CONNOLLY of Virginia, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. CRITZ, and Mr. HOLDEN):

H.R. 6015. A bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLY:

H.R. 6016. A bill to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. CHU (for herself, Mr. HONDA, Mr. FALGOUTA, Ms. LEE of California, Mr. CLARKE of Michigan, Mr. FILNER, Mr. SABLAN, Ms. HANABUSA, Mr. BECERRA, Ms. RICHARDSON, Mr. SCOTT of Virginia, Ms. MCCOLLUM, and Mr. CONYERS):

H. Res. 698. A resolution recognizing the significance of the 30th anniversary of Vincent Chin's death; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. LARSEN of Washington, Mrs. McMORRIS RODGERS, Mr. DICKS, and Mr. SMITH of Washington):

H. Res. 699. A resolution congratulating the University of Washington Huskies Men's Crew Team on winning the 110th Intercollegiate Rowing Association Championships (IRAs); to the Committee on Education and the Workforce.

By Ms. SLAUGHTER:

H. Res. 700. A resolution recognizing the 40th anniversary of the enactment of Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis

of sex in Federally funded education programs or activities; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CAMP:

H.R. 5986.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the U.S. Constitution.

By Mr. HASTINGS of Washington:

H.R. 5987.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2

By Mr. CUELLAR:

H.R. 5988.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution Article I, Section 8: Powers of Congress Clause 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. MATSUI:

H.R. 5989.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. SCHOCK:

H.R. 5990.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. HECK:

H.R. 5991.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. LARSEN of Washington:

H.R. 5992.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Mr. PAUL:

H.R. 5993.

Congress has the power to enact this legislation pursuant to the following:

This legislation refers to the authorities of the US Congress under Article I, Section 8 of the US Constitution and as such is Constitutional.

By Mr. NUNES:

H.R. 5994.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. DICKS:

H.R. 5995.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States

grant Congress the authority to enact this bill.

By Mr. ALTMIRE:

H.R. 5996.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution.

By Mr. BILIRAKIS:

H.R. 5997.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States, which grants Congress the power to provide for the common Defense of the United States, and Article I, Section 8, Clause 18 of the Constitution of the United States, which provides Congress the power to make "all Laws which shall be necessary and proper" for carrying out the constitutional powers vested in the Government of the United States.

By Mrs. BLACKBURN:

H.R. 5998.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mr. BRALEY of Iowa:

H.R. 5999.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. AKIN:

H.R. 6000.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 & 4 of the U.S. Constitution dealing with the ability to regulate interstate commerce and exclude illegal aliens.

By Mr. BURGESS:

H.R. 6001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution of the United States:

[The Congress shall have Power] To establish a uniform Rule of Naturalization.

By Mr. BURGESS:

H.R. 6002.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section VIII:

"The Congress shall have power to . . . regulate commerce with foreign nations, and among the several states, and with the Indian tribes".

By Ms. CLARKE of New York:

H.R. 6003.

Congress has the power to enact this legislation pursuant to the following:

This bill, the Empowering Local Partners To Prevent Terrorism Act of 2012, is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. COHEN:

H.R. 6004.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

By Mr. COURTNEY:

H.R. 6005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. ENGEL:

H.R. 6006.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1; and

Article I, Section 8, Clause 18

By Mr. HALL:

H.R. 6007.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Ms. HOCHUL:

H.R. 6008.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14:

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. LABRADOR:

H.R. 6009.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

By Mr. LEWIS of Georgia:

H.R. 6010.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution, its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 6011.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MCCAUL:

H.R. 6012.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

"To regulate Commerce with foreign nations," "to promote the Progress of Science and useful arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

By Mr. MURPHY of Connecticut:

H.R. 6013.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SCHIFF:

H.R. 6014.

Congress has the power to enact this legislation pursuant to the following:

The Katie Sepich Enhanced DNA Collection Act is constitutionally authorized under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Ms. SCHWARTZ:

H.R. 6015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. KELLY:

H.R. 6016.

Congress has the power to enact this legislation pursuant to the following:

Article I

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. PEARCE.

H.R. 139: Mr. JOHNSON of Illinois.

H.R. 191: Mr. PRICE of North Carolina.

H.R. 324: Mr. KING of New York.

H.R. 371: Mr. GIBSON.

H.R. 409: Mr. RUNYAN.

H.R. 420: Mr. KIND.

H.R. 451: Mr. MILLER of North Carolina.

H.R. 458: Ms. CLARKE of New York and Mr. DOGGETT.

H.R. 459: Mr. DENHAM, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. HANNA, Ms. ROSELEHTINEN, and Mr. HENSARLING.

H.R. 687: Ms. BROWN of Florida, Mr. WILSON of South Carolina, Mr. AUSTRIA, and Ms. NORTON.

H.R. 718: Mr. THOMPSON of California and Mr. AMODEI.

H.R. 750: Mr. MICA.

H.R. 860: Mr. CLAY and Mr. HALL.

H.R. 890: Mr. POSEY, Mr. BURTON of Indiana, and Mrs. ADAMS.

H.R. 891: Mr. BISHOP of Georgia.

H.R. 942: Mr. PAUL, Mr. WOMACK, and Ms. SCHWARTZ.

H.R. 1050: Mr. GIBSON.

H.R. 1111: Mr. SCHWEIKERT, Mr. BRADY of Texas, and Mr. PITTS.

H.R. 1116: Mr. AL GREEN of Texas.

H.R. 1182: Mr. MICA.

H.R. 1259: Mr. BARTON of Texas.

H.R. 1325: Mr. CARSON of Indiana.

H.R. 1342: Mrs. CAPPS.

H.R. 1370: Mr. FITZPATRICK, Mr. WOMACK, Mr. DENT, and Mr. LUCAS.

H.R. 1416: Mr. GRAVES of Missouri.

H.R. 1464: Ms. ROYBAL-ALLARD.

H.R. 1475: Mr. KILDEE and Ms. RICHARDSON.

H.R. 1489: Ms. EDWARDS.

H.R. 1612: Mr. ROONEY.

H.R. 1653: Mr. CRAWFORD.

H.R. 1704: Mrs. DAVIS of California.

H.R. 1755: Mr. AUSTIN SCOTT of Georgia.

H.R. 1756: Mr. GIBSON.

H.R. 1802: Mr. COFFMAN of Colorado, Mr. PETERS, and Mr. BARLETTA.

H.R. 1860: Mr. ROKITA and Mr. BOSWELL.

H.R. 1903: Mr. SABLAN and Ms. WILSON of Florida.

H.R. 1956: Mr. POMPEO and Mr. DESJARLAIS.

H.R. 2010: Mr. GIBSON.

H.R. 2032: Mr. CONNOLLY of Virginia.

H.R. 2040: Mr. WEST and Mr. WITTMAN.

H.R. 2069: Mr. LOEBSACK.

H.R. 2139: Mr. KILDEE, Mr. LARSEN of Washington, Mr. SCALISE, Mr. NEAL, Mr. SMITH of Texas, Mr. ROKITA, Ms. MOORE, and Mr. RUNYAN.

H.R. 2140: Mr. BISHOP of Georgia.

H.R. 2206: Mr. DESJARLAIS.

H.R. 2236: Ms. HAHN.

H.R. 2242: Mr. SMITH of Washington.

H.R. 2325: Mr. SMITH of New Jersey.

H.R. 2335: Mr. PAULSEN and Mr. HUNTER.

H.R. 2479: Mr. HOLT.

H.R. 2492: Mr. YODER and Mr. STIVERS.

H.R. 2494: Mr. TURNER of New York.

H.R. 2497: Mr. SULLIVAN.

H.R. 2637: Ms. HIRONO.

H.R. 2730: Mrs. MALONEY.

H.R. 2741: Mr. LATHAM.

H.R. 2746: Ms. WOOLSEY and Ms. PINGREE of Maine.

H.R. 2794: Mr. TOWNS.

H.R. 2969: Mr. GERLACH, Mr. WITTMAN, and Mr. HINCHEY.

H.R. 2978: Mr. THORNBERRY.

H.R. 2989: Mr. KING of New York.

H.R. 3015: Mr. MURPHY of Connecticut, Mr. ISRAEL, and Mrs. DAVIS of California.

H.R. 3040: Mr. LAMBORN.

H.R. 3044: Mr. SHIMKUS.

H.R. 3086: Mrs. CAPPS and Mr. CLYBURN.

H.R. 3102: Ms. WASSERMAN SCHULTZ.

H.R. 3179: Mr. DENT.

H.R. 3187: Ms. TSONGAS, Mr. BERMAN, Mr. PASCRELL, Mr. RUNYAN, Mr. LEWIS of California, and Mr. HONDA.

H.R. 3197: Mr. SMITH of Washington and Ms. HERRERA BEUTLER.

H.R. 3269: Mr. DONNELLY of Indiana and Mr. ANDREWS.

H.R. 3337: Ms. EDWARDS, Mr. KILDEE, Mr. SMITH of New Jersey, and Mr. WALDEN.

H.R. 3423: Ms. EDWARDS.

H.R. 3461: Mr. SHIMKUS and Mr. CLAY.

H.R. 3496: Mr. MICHAUD.

H.R. 3510: Ms. SLAUGHTER and Mr. CHANDLER.

H.R. 3591: Mr. ANDREWS and Ms. HOCHUL.

H.R. 3627: Mr. CUMMINGS and Mr. HALL.

H.R. 3643: Mr. FLORES, Mr. DUNCAN of South Carolina, and Mr. QUAYLE.

H.R. 3658: Mr. ROTHMAN of New Jersey, Mr. WAXMAN, Mr. LANCE, Mr. MANZULLO, Mr. SCHILLING, and Mr. HERGER.

H.R. 3661: Mrs. MALONEY, Mr. AL GREEN of Texas, and Mr. HECK.

H.R. 3679: Mr. RYAN of Ohio and Mr. REYES.

H.R. 3729: Mr. RANGEL.

H.R. 3767: Ms. WASSERMAN SCHULTZ.

H.R. 3798: Mr. STARK, Mr. LOBIONDO, Mr. MURPHY of Connecticut, Mr. HIMES, and Mr. HONDA.

H.R. 3824: Mr. PERLMUTTER.

H.R. 3826: Mr. AL GREEN of Texas.

H.R. 3839: Mr. DAVID SCOTT of Georgia.

H.R. 4070: Mr. HIMES and Ms. BALDWIN.

H.R. 4085: Mr. MCGOVERN.

H.R. 4104: Mr. MEEHAN, Mr. SARBANES, Ms. BASS of California, Mr. TOWNS, Mr. HOLDEN, and Mr. JACKSON of Illinois.

H.R. 4115: Mr. GARAMENDI.

H.R. 4156: Mr. WALDEN and Ms. ZOE LOFGREN of California.

H.R. 4164: Mr. AMODEI.

H.R. 4180: Mr. BONNER, Mr. SMITH of Texas, and Mr. LABRADOR.

H.R. 4190: Mr. MORAN and Mr. RANGEL.

H.R. 4215: Mr. BISHOP of Georgia, Mr. OWENS, and Mr. HASTINGS of Washington.

H.R. 4235: Mr. NUGENT and Mr. WEBSTER.

H.R. 4238: Mrs. NAPOLITANO and Mr. TONKO.

H.R. 4259: Mr. WOMACK.

H.R. 4269: Mr. HANNA.

H.R. 4277: Mr. HINOJOSA.

H.R. 4309: Mr. KING of New York.

H.R. 4322: Mr. CANSECO.

H.R. 4350: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CONYERS.

H.R. 4367: Mrs. HARTZLER, Mr. MILLER of North Carolina, Mr. SAM JOHNSON of Texas, and Mr. GRIJALVA.

H.R. 4372: Mr. SCHOCK.

H.R. 4385: Mr. MICA, Mr. ADERHOLT, Mr. BILBRAY, and Mr. STUTZMAN.

H.R. 4402: Mr. HARRIS, Mr. MATHESON, and Mr. COFFMAN of Colorado.

H.R. 5186: Mr. MICHAUD.

H.R. 5284: Mr. TIBERI.

H.R. 5542: Ms. BALDWIN.

H.R. 5545: Mr. GEORGE MILLER of California.

H.R. 5647: Mr. TONKO and Mr. DEUTCH.

H.R. 5746: Mr. THOMPSON of California, Mr. BRADY of Texas, Mr. HERGER, and Mr. PASCRELL.

H.R. 5749: Mr. GARAMENDI.

H.R. 5781: Mr. RANGEL.

H.R. 5796: Mr. KING of New York, Ms. LORETTA SANCHEZ of California, and Mr. FORBES.

H.R. 5822: Mr. FRANKS of Arizona.

H.R. 5840: Mr. RIVERA, Mr. TONKO, Mr. LIPINSKI, Mr. HINCHEY, Ms. PINGREE of Maine, Mr. DINGELL, Mr. CLARKE of Michigan, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. CARNAHAN, Mr. HASTINGS of Florida, Ms. BORDALLO, Mr. PAULSEN, Mr. OWENS, Mr. LEVIN, Ms. MCCOLLUM, and Mr. MCNERNEY.

H.R. 5864: Mr. LEVIN.

H.R. 5865: Mr. MICHAUD.

H.R. 5871: Mr. RANGEL and Ms. WILSON of Florida.

H.R. 5893: Mrs. ELLMERS, Ms. RICHARDSON, Mr. HOLT, Mr. TOWNS, and Mrs. BONO MACK.

H.R. 5895: Mr. BUTTERFIELD, Ms. FUDGE, Mr. GUTIERREZ, Mr. STARK, Mr. BOSWELL, Mr. CLEAVER, and Mr. RICHMOND.

H.R. 5905: Mr. GARAMENDI, Mr. KUCINICH, Mr. COURTNEY, Mr. FARR, Ms. CHU, Mr. BACA, and Mr. AL GREEN of Texas.

H.R. 5910: Mr. LATOURETTE, Mr. ROSS of Arkansas, Mr. SHIMKUS, Mr. ROYCE, and Mr. AMODEI.

H.R. 5912: Mr. WESTMORELAND.

H.R. 5924: Ms. BUERKLE.

H.R. 5925: Mr. JONES, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BENISHEK, Mr. WILSON of South Carolina, Mr. DUNCAN of South Carolina, and Mr. ROKITA.

H.R. 5943: Mr. MICHAUD.

H.R. 5948: Mr. COHEN.

H.R. 5953: Mr. NUGENT and Mr. CHAFFETZ.

H.R. 5955: Ms. BALDWIN.

H.R. 5976: Ms. CASTOR of Florida.

H.R. 5983: Mr. CHABOT, Mrs. SCHMIDT, Mr. TURNER of Ohio, Mr. JORDAN, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Mr. KUCINICH, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Mr. RENACCI, Mr. RYAN of Ohio, and Mr. GIBBS.

H.R. 5984: Mr. CHABOT, Mrs. SCHMIDT, Mr. TURNER of Ohio, Mr. JORDAN, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR,

Mr. KUCINICH, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Mr. RENACCI, Mr. RYAN of Ohio, and Mr. GIBBS.

H.R. 5985: Mr. CHABOT, Mrs. SCHMIDT, Mr. TURNER of Ohio, Mr. JORDAN, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Mr. KUCINICH, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Mr. RENACCI, Mr. RYAN of Ohio, and Mr. GIBBS.

H.J. Res. 86: Mr. LANGEVIN.

H.J. Res. 111: Mr. MORAN and Ms. WILSON of Florida.

H. Con. Res. 39: Mr. FORBES.

H. Con. Res. 119: Mr. FILNER.

H. Con. Res. 127: Mr. WESTMORELAND, Mr. SESSIONS, and Mr. MCNERNEY.

H. Con. Res. 129: Mr. BURTON of Indiana, Mr. TURNER of New York, Mr. WESTMORELAND, Mr. COSTA, Mr. GRIFFIN of Arkansas, Mrs. NOEM, and Mr. MURPHY of Pennsylvania.

H. Res. 134: Mr. PITTS.

H. Res. 609: Mr. FRANKS of Arizona.

H. Res. 618: Mr. MORAN, Mr. BACA, Mr. WALZ of Minnesota, and Mr. AUSTRIA.

H. Res. 663: Mr. ROSKAM, Mr. MICA, and Mr. QUIGLEY.

H. Res. 676: Mr. SARBANES.

H. Res. 687: Mr. HOLDEN and Mr. TOWNS.

H. Res. 689: Ms. Hochul, Mr. MORAN, Mr. NEAL, Mr. PASTOR of Arizona, Mr. LEVIN, Mr. DINGELL, Ms. HIRONO, Ms. HANABUSA, Mr. KUCINICH, Mr. COURTNEY, Ms. CASTOR of Florida, Mr. SCHIFF, Mr. COSTA, Mr. STARK, Mr. CARNAHAN, Ms. SPEIER, Ms. HAHN, Mr. BISHOP of New York, Mr. CLAY, Mr. SARBANES, Mr. CARSON of Indiana, Mr. BERMAN, Ms. MOORE, Mr. MCGOVERN, Mr. TONKO, Ms. SEWELL, Mr. POLIS, Mrs. MALONEY, Mr. HOLT, Mr. GUTIERREZ, Mr. ISRAEL, Mr. CAPUANO, Mr. BOSWELL, Mr. NADLER, Mr. HINCHEY, Mr. COSTELLO, Mr. CICILLINE, Mr. GEORGE MILLER of California, Mr. CLARKE of Michigan, Mrs. LOWEY, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mr. DAVIS of Illinois, Mr. PASCRELL, Mr. FARR, Mr. CUELLAR, Ms. FUDGE, Mr. CLYBURN, Mr. PRICE of North Carolina, Mr. HINOJOSA, Ms. PINGREE of Maine, and Mr. HASTINGS of Florida.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5973

OFFERED BY: Mr. CRAVACK

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following new section:

SEC. ____ . None of the funds made available by this Act may be used to implement the amendments made by section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130).

SENATE—Thursday, June 21, 2012

The Senate met at 10:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Ronald McCrary, Deputy Director of Chaplaincy Services at the Cobb County Sheriff's Office in Marietta, GA.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Lord God, from whom we come and to whom we belong, may Your kingdom come. Use our law-makers today to do Your divine will on Earth, as it is in Heaven. Give them Your wisdom so that justice rolls down like water and righteousness like a mighty stream.

This we pray, in the matchless Name of Jesus Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. ISAKSON. Mr. President, it is my honor to introduce to the Senate Rev. Ron McCrary, who just gave the prayer on the floor of the Senate. He is here with Chaplain Black.

Reverend McCrary is a great individual from my home county, Cobb County, GA. He is the chaplain to the Cobb County Board of Commissioners, the fourth largest county in Georgia. He is chaplain of the Police Officers Standards and Training facility in Georgia, which covers 40,000 law enforcement offices. He is a great preacher, a great leader, and a great chaplain. He was recommended to me by Sheriff Neil Warren, the sheriff of Cobb County, who because of his graciousness allowed Ron to come and be with us today.

Ron is a father, a minister, and a great witness. He witnessed as an athlete through the Campus Crusade for Christ and Athletes in Action. He witnessed as a pastor by ministering churches. He witnessed to the community by delivering great sermons—one of them about voting, in honor of Coretta Scott King, delivered in 2006 at the Turner Chapel in Marietta, where he empowered everyone to honor Coretta Scott King's life's work by making sure they participated in the political system.

It is an honor and a privilege for me to welcome and host Rev. Ron McCrary of Cobb County, GA, and the Cobb County Sheriff's Department.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the time until 11 this morning will be equally divided and controlled. At 11 o'clock a.m., we will begin up to 10 rollcall votes. We will complete the farm bill today in the early afternoon. We also hope to have a cloture vote on the motion to proceed to the flood insurance bill today.

WORKING TOGETHER

Mr. President, we come here and lament all the bad things happening in

the Senate. It is not out of order once in a while to talk about some of the good things happening in the Senate. I think we should look at it as if, as difficult as it has been to get things done, we are making progress. We had that postal bill, which was good work on behalf of the Senate. The highway bill worked out extremely well. We have this 5-year farm bill—very difficult, but it is now near passing, which is good for the country.

We have to make sure before the end of the month we finish our work on the Flood Insurance Program, which is so extremely important to the country. With the construction picking up a little bit everywhere, we have to make sure when a loan is to close it can be closed. Thousands of them each day cannot be closed unless we do a renewal of the Flood Insurance Program.

I had a meeting with the Speaker on Tuesday, with Senator BOXER, chairman of the committee, Chairman MICA, her counterpart in the House, and Senator INHOFE, and we are making progress on the highway bill. I feel good about that. Whether we get it done remains to be seen. But the House, in an overwhelming vote yesterday—totally bipartisan or they could not get the 384 votes—instructed the conferees to come back with the bill by tomorrow. Contentious issues have been resolved, and I believe we have a shot at getting the highway bill done. That would be good for the country and good for the Senate.

So I appreciate everyone working together. As the Republican leader and I have talked, as difficult as it is to work out agreements on the bills I have just mentioned—including the farm bill—it is good for the Senate.

I appeared before a committee chaired by Senator CARPER, and there as the ranking member was Senator COLLINS. They both indicated today before everybody that the spirit on the Senate floor was good yesterday.

That is because everyone can feel we are accomplishing something. Some of the votes were difficult, and some we all wish we had not taken because they were tough votes. But that is what the Senate is all about. So I feel comfortable with the last bit, that we are trying to work together for the good of the country.

I have said lots of times, if we are able to accomplish good as a body, everyone can take credit for it. We can go back to our States and claim we are part of a victory for the country. But if we do not get it done, we are part of the blame and people can go home and lament the fact that we have not been

able to get our work done. People point fingers at us: Why can't you get more done?

So, hopefully, this summer, which started yesterday—in fact, today is the longest day of the year—will bring good tidings to the Senate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRADITIONAL SENATE OPERATION

Mr. MCCONNELL. Mr. President, before the majority leader leaves the floor, let me just say I agree entirely that the Senate, it seems to me, is sort of getting back to operating the way the Senate traditionally has. I think the way Senator ROBERTS and Senator STABENOW have handled the farm bill has been exemplary. Members on both sides have gotten opportunities to offer amendments. We have had a lot of votes, but it is an important bill.

So I commend all of those who have been involved in beginning to work us back in the direction that I think most of the Senate would be comfortable with.

I also want to thank my friend, the majority leader. He has a tough job setting the agenda and deciding how to go about moving legislation. I think the way we have handled the farm bill and other measures to which he has referred in recent months has been a very important step in the right direction.

STUDENT LOAN RATES

Mr. President, 3 weeks ago today, Republican leaders in the Senate joined Republican leaders in the House in calling on the President to resolve a pending increase in student loan rates.

Drawing on some of the President's own ideas, we proposed multiple good-faith solutions to this problem before it is too late. We have been waiting ever since for the President's response. He has actually been missing in action. He has yet to offer a concrete solution. So you can understand our surprise upon learning this morning that the President plans to call on Congress later today to do something about student loan rates.

Mr. President, the Republican-led House of Representatives already passed a bill that would solve the problem. As I said, Republican leaders in the Senate have been on record supporting multiple—multiple—good-faith solutions to this problem for literally weeks. It is actually the Democratic-led Senate that has failed to act, and the President who has failed to contribute to a solution. The reason is pretty obvious.

It was reported yesterday that the Democratic Congressional Campaign Committee is launching a Web site with a student loan countdown clock aimed at raising money off this issue. The implication is that Republicans are the ones dragging their feet.

As for the President? Well, this is just another sad example of the election-year strategy of deflection and distraction—deflection and distraction.

College graduates are struggling to find work and pay their bills in the Obama economy. He would like them to believe it is somebody else's fault.

Latinos are struggling with high unemployment. He would like them to believe the Republicans are the problem.

Middle-class moms are struggling to make ends meet. He wants them to think we are engaged in some phony war on women.

The President does not have a positive message to send to any of these folks, so he is cooking up false controversies to distract them from his own failure to turn the economy around.

Well, on the student loan issue, we could solve this problem in a sitting. Republicans have acted quickly, and on a bipartisan basis, to help prevent these rates from going up. We have passed a bill out of the House. We have reached out to the President. We have proposed multiple—multiple—solutions.

The only reason this issue is not already resolved—the only reason—is that the President wants to keep it alive a little while longer. He thinks it benefits him politically for college students to believe somehow we are the problem.

It is time to stop playing games. It is time for the President to act.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, good morning to you. Good morning to my colleagues.

PTC FOR WIND ENERGY

I am here again on the Senate floor to urge all of my colleagues to vote for an extension of the production tax credit for wind energy, otherwise known as the PTC.

Today, as I have been doing, I will focus on an individual State. I am going to look at the Commonwealth of Pennsylvania and show all of us the promise it holds as a wind energy manufacturing hub, as well as the negative effects that will occur if we do not extend the production tax credit.

Pennsylvania has a strong blue-collar background and an extraordinary number of highly skilled workers. With those factors, those positive elements in Pennsylvania, it has seamlessly transitioned into a wind energy power-house.

Look at this map I have in the Chamber of the State of Pennsylvania. You

will see, from Philadelphia to Rockwood, from Pittsburgh to Scranton, there are wind projects all over the State. Those wind projects have created good-paying jobs and stability for Pennsylvania families.

Pennsylvania, as I have alluded to, has long been a center of manufacturing in the United States, and the wind industry has taken note.

You can see these green circles on this map. Each one of those indicates a manufacturing facility that makes parts for wind turbines in the Commonwealth of Pennsylvania. That represents over 20 plants and hundreds of employees in the Commonwealth of Pennsylvania.

I would suggest that the State of Pennsylvania is only beginning to realize its potential when it comes to the wind energy industry.

My colleagues know I have been on the Senate floor talking about the economic benefits of wind energy. I want to highlight what has happened in Pennsylvania.

If we look at this chart, in Pennsylvania, the wind energy industry supports 4,000 jobs. There are 180,000 homes that are powered by wind, and there is a conservative \$1.4 million in property taxes from wind projects that go to local communities.

So this is an important set of numbers. It is money, particularly on the tax side, that helps local communities pay for basic services, and it is critical in this time of decreasing local and State budgets.

If we think about it, all of these figures—the jobs, the revenues, the investments—are prime for significant growth going forward. But that future and that growth are going to be threatened unless we act, unless the Congress acts to extend the production tax credit.

Just last week, Gamesa—which is a global leader in the manufacturing of wind turbines—announced it is ending the development of the Shaffer Mountain Wind Farm, which is in northeastern Somerset County. This project would have ultimately ended up with 30 new wind turbines, and it was planned to come online in 2013. That is just 6 months from now. But because of the uncertainty tied to Federal policies, such as the production tax credit, Gamesa has sidelined this project.

In short, our inaction is costing this community jobs, this Commonwealth of Pennsylvania jobs. It does not make any sense in the current economic environment we now face and as our Nation is desperately focused on becoming more energy independent.

The Pittsburgh Post-Gazette made the point that this is the third wind project under development that has been stopped—all in the last month—just because of the uncertainty we have created here by not extending the PTC. These are on-the-ground examples of how congressional inaction is costing American jobs and investment.

I know the Acting President pro tempore knows this is not a partisan or regional issue. There is strong bipartisan support for extending the production tax credit, and the wind industry has a presence in almost every single State in our country. So if we look at the overall picture, this is not the time for companies such as Gamesa to grow, reluctant to invest in the future. So we have to expand the PTC. It will incent this industry to continue its rapid growth, and it will build a strong foundation for a 21st-century clean energy economy.

So I am again on the floor urging my colleagues to work with me to extend the wind production tax credit as soon as possible.

As I close, I want to highlight an event that is on Capitol Hill today where Members, staff, and others can learn more about the potential of wind energy, as well as other types of renewable and energy-efficient technology.

That event is the 15th Annual Renewable Energy and Energy Efficiency EXPO. It is underway all day in the Cannon Caucus Room on the House side.

The bipartisan Senate Renewable Energy and Energy Efficiency Caucus, which I cochair along with Senators LIEBERMAN and CRAPO, is an honorary cohost of the event. I encourage all of us to go over there, look at the technologies. They are awe inspiring. They are awesome. They are truly the future. When we implement policies that will help these technologies penetrate all of these various markets, we are going to continue to be a leader in the clean energy economy.

So I will be back next week to talk about the wind production tax credit. I will be here every day until we pass it and extend it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Brown of Ohio.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, what is the pending business?

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3240) to reauthorize agriculture programs through 2017, and for other purposes.

Ms. STABENOW. Mr. President, before reading our order of amendments,

I wish, one more time, to say thank you to everyone. We have had two very productive, hard-working days. I thank my ranking member for his incredible leadership and all our staffs.

Today, we have an opportunity to show that the Senate can come together—and we have been doing that—to pass a significant piece of public policy for Americans. I ask unanimous consent that notwithstanding the previous order, the amendment votes occur in the following order and that all other provisions of the previous order remain in effect: Boxer amendment No. 2456; Johanns No. 2372; Toomey No. 2247; Sanders No. 2310; Coburn No. 2214; Murray No. 2455; McCain No. 2162; Rubio No. 2166.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2456

Mrs. BOXER. Mr. President, I call up my amendment No. 2456.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2456.

The amendment is as follows:

On p. 1009, after line 11, add the following:

SEC. 122. REQUIREMENTS FOR AERIAL OVER- FLIGHTS OF AGRICULTURAL OPER- ATIONS TO PROTECT PUBLIC HEALTH AND SAFETY.

The Administrator of the Environmental Protection Agency, pursuant to her responsibility to protect public health and safety, shall only conduct aerial overflights to inspect agricultural operations if the EPA Administrator determines that aerial overflights are more cost-effective than ground inspections to the taxpayer and the Agency has notified the appropriate State officials of such flights.

The PRESIDING OFFICER. There will be 2 minutes of debate, equally divided, on the amendment.

Mrs. BOXER. Mr. President, Senator JOHANNs has an amendment which would stop the EPA from ever using any kind of airplanes—including manned small planes, which is all they do use—to check on serious pollution spills.

I wish to say this is about life and death. I hope the Senate will support the Boxer amendment and vote no on the Johanns amendment because the Boxer amendment says the EPA can only use these overflights if it has to do it to protect the health and safety and if it has been approved by the State.

This pollution could cause serious illness, and they want to make sure they can track the plume. We have heard of cryptosporidium, E. coli, and giardia. That is what we are talking about—terrible bacteria that sometimes comes from animals.

In 1993, at least 50 people died from the bacteria cryptosporidium in Mil-

waukee, and it came from animal waste. The EPA has never used a drone, and they don't plan to, but don't stop them from using small aerial oversight.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNs. Mr. President, given the EPA's recent track record with agriculture—if not downright contempt for it—farmers and ranchers simply don't trust the EPA. They could have done this program right and reached out to the congressional delegations in Nebraska and Iowa and said: Here is what we are doing. Here is the plan. They did not.

I found out about this accidentally. I have requested information—in fact, our entire delegation has—and the administrator has been nonresponsive. That is why the amendment is here. It is an amendment based on a lack of trust for the EPA. This maintains the status quo. This will change nothing. It will rubberstamp what they are doing.

I ask my colleagues to oppose the amendment and support the next amendment, which I will call up in due time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JOHANNs. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll. This is a 60-vote threshold.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Alabama (Mr. SHELBY), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—47

Akaka	Gillibrand	Pryor
Baucus	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Kerry	Sanders
Blumenthal	Klobuchar	Schumer
Boxer	Kohl	Shaheen
Brown (OH)	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	Manchin	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson (FL)	

NAYS—48

Alexander	Blunt	Burr
Ayotte	Boozman	Chambliss
Barrasso	Brown (MA)	Coats

Coburn	Hoeven	Moran
Cochran	Hutchison	Murkowski
Collins	Inhofe	Nelson (NE)
Conrad	Isakson	Paul
Corker	Johanns	Portman
Cornyn	Johnson (WI)	Risch
Crapo	Kyl	Roberts
DeMint	Landrieu	Rubio
Enzi	Lee	Sessions
Graham	Lugar	Snowe
Grassley	McCain	Thune
Hatch	McCaskill	Vitter
Heller	McConnell	Wicker

NOT VOTING—5

Johnson (SD)	Menendez	Toomey
Kirk	Shelby	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage of this amendment, the amendment is rejected.

AMENDMENT NO. 2456 TO S. 3240 VOTE EXPLANATION

• Mr. JOHNSON of South Dakota. Mr. President, I was unavoidably detained and unable to vote on the Boxer amendment No. 2456 this morning. If I had been present, I would have voted in favor of this amendment. It is important that the use of overflights to monitor compliance with the Clean Water Act be limited to circumstances where ground inspections of large industrial agriculture operations would not be as cost effective or sufficiently protective of public health and safety. •

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2372

Mr. JOHANNIS. Mr. President, I call up amendment No. 2372 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 2372.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Administrator of the Environmental Protection Agency from conducting aerial surveillance to inspect agricultural operations or to record images of agricultural operations)

On page 1009, after line 11, add the following:

SEC. 122. PROHIBITION ON AERIAL SURVEILLANCE OF AGRICULTURAL OPERATIONS.

The Administrator of the Environmental Protection Agency shall not conduct aerial surveillance to inspect agricultural operations or to record images of agricultural operations.

Mr. JOHANNIS. Mr. President, low-altitude surveillance flights over farmers' and ranchers' private property has caused bipartisan concern, and it is happening—EPA is flying these flights. Senator NELSON and I and the entire Nebraska delegation wrote to Administrator Jackson saying, "What is going on? What are you doing?" Their response was kicked down to the Regional Director. It was incomplete. It was totally unacceptable.

This is not about drones, this is about flights over feed lots, trying to determine if there is a violation and then pursuing that action. What we are asking for is for the public to be advised of what they are doing. Until that happens, this amendment simply says: Stop. You can't do this anymore until you let us know how you are using this information and for what purpose.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHANNIS. I ask for support of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mrs. BOXER. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, this amendment is very serious. It is about life and death. It is true that on occasion EPA will use small manned aircraft to inspect a bacteria spill.

Let me recall for you: Wisconsin, 1993, at least 50 people lost their lives from the bacteria cryptosporidium from animal waste. When you are following a plume, the way to do it is from the air. It is much more expensive in many cases to do ground inspection. EPA estimates that on-the-ground inspection may cost \$10,000, but it could cost \$2,500 to survey the same area by air.

This is life and death. We are talking about E. coli. We are talking about giardia and cryptosporidium. We are talking about the health and safety of the American people that is compromised from these kinds of animal waste.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—56

Alexander	Conrad	Isakson
Ayotte	Corker	Johanns
Barrasso	Cornyn	Johnson (WI)
Baucus	Crapo	Kyl
Begich	DeMint	Landrieu
Blunt	Enzi	Lee
Boozman	Graham	Lugar
Brown (MA)	Grassley	McCain
Burr	Hagan	McCaskill
Chambliss	Hatch	McConnell
Coats	Heller	Moran
Coburn	Hoeven	Murkowski
Cochran	Hutchison	Nelson (NE)
Collins	Inhofe	Paul

Portman	Schumer	Thune
Pryor	Sessions	Toomey
Risch	Shelby	Vitter
Roberts	Snowe	Wicker
Rubio	Tester	

NAYS—43

Akaka	Harkin	Nelson (FL)
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Coons	Manchin	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2247

Mr. TOOMEY. Mr. President, I call up amendment No. 2247.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. TOOMEY), for himself, Mr. PRYOR, Mr. INHOFE, Mr. BOOZMAN, and Mr. SESSIONS, proposes an amendment numbered 2247.

The amendment is as follows:

(Purpose: To reduce unnecessary paperwork burdens on community water systems)

On page 1009, after line 11, add the following:

SEC. 122. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) community water systems play an important role in rural United States infrastructure; and

(2) since rural water infrastructure projects are routinely funded under the rural development programs of the Department of Agriculture, Congress should strive to reduce the regulatory and paperwork burdens placed on community water systems.

(b) METHOD OF DELIVERING REPORT.—Section 1414(c)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)(4)(A)) is amended—

(1) in the first sentence, by striking "The Administrator, in consultation" and inserting the following:

"(i) IN GENERAL.—The Administrator, in consultation";

(2) in clause (i) (as designated by paragraph (1)), in the first sentence, by striking "to mail to each customer" and inserting "to provide, in accordance with clause (ii) or (iii), as applicable, to each customer"; and

(3) by adding at the end the following:

"(ii) MAILING REQUIREMENT FOR VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—If a violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to mail a copy of the consumer confidence report to each customer of the system.

"(iii) MAILING REQUIREMENT ABSENT ANY VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—

“(I) IN GENERAL.—If no violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to make the consumer confidence report available by, at the discretion of the community water system—

“(aa) mailing a copy of the consumer confidence report to each customer of the system; or

“(bb) subject to subclause (II), making a copy of the consumer confidence report available on a publicly accessible Internet site of the community water system and by mail, at the request of a customer.

“(II) REQUIREMENTS.—If a community water system elects to provide consumer confidence reports to consumers under subclause (I)(bb), the community water system shall provide to each customer of the community water system, in plain language and in the same manner (such as in printed or electronic form) in which the customer has elected to pay the bill of the customer, notice that—

“(aa) the community water system has remained in compliance with the maximum contaminant level for each regulated contaminant during the year concerned; and

“(bb) a consumer confidence report is available on a publicly accessible Internet site of the community water system and, on request, by mail.”.

(c) CONFORMING AMENDMENTS.—Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)(4)) is amended—

(1) in subparagraph (C), in the matter preceding clause (i), by striking “mailing requirement of subparagraph (A)” and inserting “mailing requirement of clause (ii) or (iii) of subparagraph (A)”;

(2) in subparagraph (D), in the first sentence of the matter preceding clause (i), by striking “mailing requirement of subparagraph (A)” and inserting “mailing requirement of clause (ii) or (iii) of subparagraph (A)”.

(d) APPLICATION; ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—The amendments made by this section take effect on the date that is 90 days after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate any revised regulations and take any other actions necessary to carry out the amendments made by this section.

The PRESIDING OFFICER. There is 2 minutes of debate.

Senator TOOMEY.

Mr. TOOMEY. Mr. President, water systems are currently required to mail reports every year that detail in great specificity all the minute trace chemicals that are inevitably in the water supply. This is at a great cost and it is a problem, particularly for rural water systems. What my amendment would do is permit the water companies, provided there are no violations, to inform their customers in each and every monthly bill that they can obtain this information on the Web site. There are absolutely no changes whatsoever in water standards, of course, and every company would still have to mail these detailed reports if the water failed to comply with the State or Federal

standards. This is a way we can free up tens, even hundreds of thousands of dollars in unnecessary mailing costs and make that available for infrastructure investment.

I am happy to yield to my colleague, the Senator from Oklahoma.

Mr. INHOFE. This is very simple. This is the information age. In my rural State of Oklahoma, sometimes they have to drive 30 miles to a post office. This will make it a lot easier as an accommodation and nothing is lost.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. BOXER. Mr. President, today our families receive in the mail just once a year a report about the safety of the water their kids drink every single day. The Toomey amendment repeals that important right to know. There are 70 regulated dangerous contaminants in our water. For example: arsenic, benzene, vinyl chloride, asbestos, cadmium, mercury, radium, and uranium. Some of these dangerous toxins are deemed unsafe at any level. Yet under Toomey you would no longer receive that information.

Senator TOOMEY says go to the Web site. One thousand water districts have no Web site. And right now, under the current right-to-know law, the Governor can say he waives this requirement for the small rural districts.

Please vote no. Our people have a right to know what their kids are drinking.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—58

Alexander	Crapo	Kyl
Ayotte	DeMint	Leahy
Barrasso	Enzi	Lee
Blunt	Graham	Levin
Boozman	Grassley	Lugar
Brown (MA)	Hagan	Manchin
Burr	Hatch	McCain
Casey	Heller	McCaskill
Chambliss	Hoeven	McConnell
Coats	Hutchison	Moran
Coburn	Inhofe	Murkowski
Cochran	Isakson	Nelson (NE)
Collins	Johanns	Nelson (FL)
Corker	Johnson (WI)	Paul
Cornyn	Kohl	Portman

Pryor
Risch
Roberts
Rubio
Sessions

Shelby
Snowe
Thune
Toomey
Udall (CO)

Vitter
Webb
Wicker

NAYS—41

Akaka	Feinstein	Murray
Baucus	Franken	Reed
Begich	Gillibrand	Reid
Bennet	Harkin	Rockefeller
Bingaman	Inouye	Sanders
Blumenthal	Johnson (SD)	Schumer
Boxer	Kerry	Shaheen
Brown (OH)	Klobuchar	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (NM)
Carper	Lieberman	Warner
Conrad	Menendez	Whitehouse
Coons	Merkley	Wyden
Durbin	Mikulski	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. STABENOW. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2310

Mr. SANDERS. Madam President, I call up amendment No. 2310.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mrs. BOXER, proposes an amendment numbered 2310.

The amendment is as follows:

(Purpose: To permit States to require that any food, beverage, or other edible product offered for sale have a label on indicating that the food, beverage, or other edible product contains a genetically engineered ingredient)

On page 1009, after line 11, add the following:

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the “Consumers Right to Know About Genetically Engineered Food Act”.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term “genetic engineering” means a process that alters an organism at the molecular or cellular level by

means that are not possible under natural conditions or processes.

(B) **INCLUSIONS.**—The term “genetic engineering” includes—

- (i) recombinant DNA and RNA techniques;
- (ii) cell fusion;
- (iii) microencapsulation;
- (iv) macroencapsulation;
- (v) gene deletion and doubling;
- (vi) introduction of a foreign gene; and
- (vii) changing the position of genes.

(C) **EXCLUSIONS.**—The term “genetic engineering” does not include any modification to an organism that consists exclusively of—

- (i) breeding;
- (ii) conjugation;
- (iii) fermentation;
- (iv) hybridization;
- (v) in vitro fertilization; or
- (vi) tissue culture.

(2) **GENETICALLY ENGINEERED INGREDIENT.**—The term “genetically engineered ingredient” means any ingredient in any food, beverage, or other edible product that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) **RIGHT TO KNOW.**—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered ingredient.

(e) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered ingredients.

Mr. SANDERS. Madam President, this amendment is cosponsored by Senators BOXER and BEGICH and is supported by over 40 pro-consumer organizations throughout the country, including Public Citizen, U.S. PIRG, the Center for Food Safety, and many others.

This is a very conservative amendment. It says the American people should have the right to know what is in the food they and their children are eating and if that food contains genetically engineered products.

This amendment grants States the authority to label genetically engineered food. It is not a mandate. It grants States that right—something which, by the way, is now taking place in 49 countries throughout the world. If the people in England, Germany, France, and dozens and dozens of other countries have labels allowing their people to know if they are eating food with genetically engineered products, States in the United States should have that right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. I ask for a “yes” vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first I want to thank the Senator from Vermont for his wonderful leadership on so many issues in this bill. I must, reluctantly, ask for a “no” vote.

Consumers certainly need to have available information. We need to make sure it is accurate, according to the FDA, after they determine that.

I would make one other point: American farmers are feeding the world, with 7 billion mouths to feed. This is harder every day. Science and innovation are very important to that.

Recently, I talked with Bill Gates, with the Gates Foundation, for example, which is doing incredible work around the globe: with drought-resistant crops in Africa, with innovative rice in the Philippines and Bangladesh, and so on.

This is an issue that needs to be thoroughly studied to make sure we are not hurting those efforts. I know the chairman of the HELP Committee has asked that we not do this. It is within his jurisdiction.

Madam President, I yield time now to Senator ROBERTS.

Mr. ROBERTS. Very quickly, we all wear coats and ties in this body. This amendment would put us in lab coats. Don't wear a lab coat. Vote “no” on this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Ms. STABENOW. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—26

Akaka	Johnson (SD)	Murray
Begich	Kerry	Reed
Bennet	Lautenberg	Rockefeller
Blumenthal	Leahy	Sanders
Boxer	Lieberman	Tester
Cantwell	Manchin	Udall (NM)
Cardin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Inouye	Murkowski	

NAYS—73

Alexander	Baucus	Boozman
Ayotte	Bingaman	Brown (MA)
Barrasso	Blunt	Brown (OH)

Burr	Hatch	Paul
Carper	Heller	Portman
Casey	Hoeben	Pryor
Chambliss	Hutchison	Reid
Coats	Inhofe	Risch
Coburn	Isakson	Roberts
Cochran	Johanns	Rubio
Collins	Johnson (WI)	Schumer
Conrad	Klobuchar	Sessions
Coons	Kohl	Shaheen
Corker	Kyl	Shelby
Cornyn	Landrieu	Snowe
Crapo	Lee	Stabenow
DeMint	Levin	Thune
Durbin	Lugar	Toomey
Enzi	McCain	Udall (CO)
Franken	McCaskey	Vitter
Gillibrand	McConnell	Warner
Graham	Menendez	Webb
Grassley	Moran	Wicker
Hagan	Nelson (NE)	
Harkin	Nelson (FL)	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Oklahoma.

AMENDMENT NO. 2214

Mr. COBURN. I call up amendment No. 2214 on behalf of myself and the Senator from Colorado, Mr. UDALL. I ask unanimous consent that we be given 3 minutes for each side to be divided between myself and Senator UDALL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN, proposes an amendment numbered 2214.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction)

At the appropriate place, insert the following:

SEC. ____ . PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) IN GENERAL.—

(1) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking “, section 9008(b)(3),”.

(2) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(A) by adding “and” at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) PENALTIES.—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking “and for payments under section 9008(b)(3)”.

(C) RETURN OF PREVIOUSLY SUBMITTED MONEY FOR DEFICIT REDUCTION.—Any amount which is returned by the national committee of a major party or a minor party to the general fund of the Treasury from an account established under section 9008 of the Internal Revenue Code of 1986 after the date of the enactment of this Act shall be dedicated to the sole purpose of deficit reduction.

(D) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

Mr. COBURN. I yield 1½ minutes to the Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I thank the Senator from Oklahoma.

I rise in support of this important amendment.

I would also like to note that this provision is included in a larger bill I introduced this week to reform our Presidential public financing system. I would welcome support for that broader initiative.

This is a bipartisan short-term step we can take to preserve more money for publicly funded candidates who are running for President instead of using that money to fund what we know now as expensive parties in our conventions. So I would urge a “yes” vote. This is a way to get our fiscal house in order. It is a small step, but it is an important step.

I thank the Senator from Oklahoma for his leadership in this matter.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, 99 percent of the American public has no idea that when they check the box, we are going to take actual American taxpayer dollars and subsidize party conventions for candidates who have already been decided.

If we are going to lead as a body on starting to solve some of our problems, this is where we should start. This is \$34.6 million that gets doled out that is not spent in the best interests of the American public but spent in the best interests of the politicians for the American public. It needs to be changed. It has no effect on security. It has no effect on the present allocation that was made in January to each party. If we cannot do this, this little simple thing of leading by example, then our country is doomed because that means we cannot solve the very significant problems in front of us either.

I would appreciate your support and vote on this amendment.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Madam President, I yield back all time.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—95

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Brown (MA)	Inouye	Roberts
Brown (OH)	Isakson	Rubio
Burr	Johanns	Sanders
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Sessions
Carper	Kerry	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coats	Kyl	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Feinstein	Merkley	

NAYS—4

Boxer	Mikulski
Landrieu	Rockefeller

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The Senator from Washington.

AMENDMENT NO. 2455, AS MODIFIED

Mrs. MURRAY. Madam President, I call up my amendment No. 2455 and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The clerk will report.

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2455, as modified.

The amendment is as follows:

(Purpose: To require the Office of Management and Budget, the President and the Department of Defense to submit detailed reports to Congress on effects of defense and nondefense budget sequestration for fiscal year 2013)

At the appropriate place, insert the following:

SEC. ____ . REPORTS ON EFFECTS OF DEFENSE AND NONDEFENSE BUDGET SEQUESTRATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to raise an equivalent level of savings between fiscal years 2013 and 2021.

(2) These savings are in addition to \$900,000,000,000 in deficit reduction resulting from discretionary spending limits established by the Budget Control Act of 2011.

(b) REPORTS.—

(1) REPORT BY THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall report upon the impact of sequestration of funds with respect to a sequestration under paragraphs (7)(A) and (8) of section 251(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013, using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and estimates pursuant to a current rate continuing resolution for accounts not funded through an enacted appropriations measure for fiscal year 2013 as the levels to which the sequestration should be applied.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) Each account that would be subject to such a sequestration.

(ii) Each account that would be subject to such a sequestration but subject to a special rule under section 255 or 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 (and the citation to such rule).

(iii) Each account that would be exempt from such a sequestration.

(iv) Any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as homeland security, food safety, and air traffic control activities.

(C) CATEGORIZE AND GROUP.—The report required under this paragraph shall categorize and group the listed accounts by the appropriations Act covering such accounts

(2) REPORT BY THE PRESIDENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, or by October 30, 2012 whichever is earlier, the President shall submit to Congress a detailed report on the sequestration required by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013.

(B) ELEMENTS.—The reports required by subparagraph (A) shall include—

(i) for discretionary appropriations—

(I) an estimate for each category, of the sequestration percentages and amounts necessary to achieve the required reduction; and

(II) an identification of each account to be sequestered and estimates of the level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions at the program, project, and activity level, using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and estimates pursuant to a current rate continuing resolution for accounts

not funded through an enacted appropriations measure for fiscal year 2013;

(i) for non-defense discretionary spending only—

(I) a list of the programs, projects, and activities that would be reduced or terminated;

(II) an assessment of the jobs lost directly through program and personnel cuts;

(III) an estimate of the impact program cuts would have on the long-term competitiveness of the United States and its ability to maintain its lead on research and development, as well as the impact on our national goal to graduate the most students with degrees in in-demand fields;

(IV) an assessment of the impact of program cuts to education funding across the country, including estimates on teaching jobs lost, the number of students cut off programs they depend on, and education resources lost by States and local educational agencies;

(V) an analysis of the impact of cuts to programs middle class families and the most vulnerable families depend on, including estimates of how many families would lose access to support for children, housing and nutrition assistance, and skills training to help workers get better jobs;

(VI) an analysis of the impact on small business owners' ability to access credit and support to expand and create jobs;

(VII) an assessment of the impact to public safety, including an estimate of the reduction of police officers, emergency medical technicians, and firefighters;

(VIII) a review of the health and safety impact of cuts on communities, including the impact on food safety, national border security, and environmental cleanup;

(IX) an assessment of the impact of sequestration on environmental programs that protect the Nation's air and water, and safeguard children and families;

(X) assessment of the impact of sequestration on the Nation's infrastructure, including how cuts would harm the ability of States and communities to invest in roads, bridges, and waterways.

(XI) an assessment of the impact on ongoing government operations and the safety of Federal Government personnel;

(XII) a detailed estimate of the reduction in force of civilian personnel as a result of sequestration, including the estimated timing of such reduction in force actions and the timing of reduction in force notifications thereof; and

(XIII) an estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts;

(iii) for direct spending—

(I) an estimate for the defense and non-defense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction;

(II) a specific identification of the reductions required for each nonexempt direct spending account at the program, project, and activity level; and

(III) a specific identification of exempt direct spending accounts at the program, project, and activity level; and

(iv) any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as—

(I) homeland security, food safety, and air traffic control activities;

(II) an assessment of the impact of cuts to programs that the Nation's farmers rely on to help them through difficult economic times; and

(III) an assessment of the impact of Medicare cuts to the ability for seniors to access care.

(3) REPORT BY THE SECRETARY OF DEFENSE.—

(A) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall report on the impact on national defense accounts as defined by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and estimates pursuant to a current rate continuing resolution for accounts not funded through an enacted appropriations measure for fiscal year 2013 as the levels to which the sequestration should be applied.

(B) ELEMENTS OF THE DEFENSE REPORTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of the impact on ongoing operations and the safety of United States military and civilian personnel.

(ii) An assessment of the impact on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C-1 through C-5).

(iii) A detailed estimate of the reduction in force of civilian personnel, including the estimated timing of such reduction in force actions and timing of reduction in force notifications thereof.

(iv) A list of the programs, projects, and activities of the Department of Defense that would be reduced or terminated and the expected savings for each program, project and activity.

(v) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(vi) An assessment of the impact on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, arising from sequestration.

Mrs. MURRAY. Madam President, I ask unanimous consent that the 60-affirmative threshold be waived, since it is my understanding that we will adopt this by voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Madam President, the amendment we are going to vote on is bipartisan, fair, and it will make sure Congress gets a report on the impact of all aspects of the scheduled automatic cuts. We all agree the bipartisan sequestration agreed to in the Budget Control Act is a terrible way to cut spending. It was included as a trigger in order to bring both sides to the table ready to compromise.

I am hopeful we can get together and get the bipartisan deal required to replace these automatic cuts responsibly

and fairly. But as we work toward that we all should know exactly how the administration would enact sequestration if we don't get a deal.

I was very proud to work with Senators McCain, Levin, and Thune to come together on a bipartisan compromise to make sure Congress has the information we all need on sequestration from the painful cuts to the Defense Department, border security, food safety, education, and programs for middle-class families, on which the most vulnerable Americans depend.

So I thank all my colleagues for working with me on this bipartisan compromise, and I thank the families and advocates who called and wrote letters urging us to examine all aspects of sequestration.

Mr. LEVIN. Madam President, if sequestration comes to pass at the end of this year, many of us believe it could derail the economic recovery and do immense damage to important programs throughout the government, making our Nation less safe and our government less responsive to the needs of the people we serve.

But at this point, while our concern is deep and widespread, it is not specific. We know only in the most general terms what impact sequestration might have. And while that is enough to encourage many of us to seek the compromises needed to avoid sequestration, the Congress and the American people deserve a more complete picture of what we face.

That is why I am a cosponsor of the amendment offered by Senators Murray and McCain, which would help give us and all Americans that more complete picture.

I thank Senator McCain and Senator Murray for the leadership and hard work, on a bipartisan basis, that produced this amendment. It deserves broad bipartisan support, and not only because it will provide valuable information to us and our constituents. We must find ways to work across party lines more often and compromise for the common good. I hope this amendment can serve as one step toward the larger and more difficult compromises we must accomplish to avert the deep and lasting damage of sequestration.

Mrs. MURRAY. Madam President, it is my understanding that Senator McCain will not speak at this time, so I urge a "yes" vote on this voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2455) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, given the work that has been done, I wish to thank Senators Murray and McCain for their efforts. Senator McCain will not be offering his amendment, just for the information of the

Senate. So we will move on now to the Rubio amendment, when Senator RUBIO is prepared.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise today to speak on an amendment I have introduced—with a dozen cosponsors to require the Secretary of Defense to provide to Congress a detailed report by August 15, 2012, on the impacts on national security of the automatic budget cuts, also known as sequestration. These cuts will be imposed upon the Defense Department 6 months from now unless Congress acts.

My amendment makes no changes to the Budget Control Act and should be non-controversial. It simply requires the Secretary of Defense to detail for us the implications of these cuts so that we may consider legislative options. My colleagues are well aware of how budget sequestration became the law of the land, of the failure of the Joint Select Committee on Deficit Reduction, and of the enforcement mechanism of automatic cuts. But none of us fully understand the specific consequences of the across-the-board spending reductions should they be triggered on January 2, 2013.

We know from statements and testimony from the Secretary of Defense and high-ranking DOD and military officials that the impact of sequestration on the Department of Defense would be disastrous. I need not remind my colleagues that one of government's foundational responsibilities is to defend the Nation. Our constituents entrust us to do so. Allowing budget sequestration to occur in the Department of Defense would dramatically increase risk to our national security and undermine our ability to protect our interests at home and abroad.

I agree that our current fiscal climate demands that we reduce annual deficits and pay down the massive Federal debt. I also recognize that the demands placed on our Armed Forces are beginning to diminish at least insofar as current operations in Afghanistan are concerned. The administration and the Congress have acknowledged as much, reducing war funding by almost half since 2011. The President's withdrawal plan for Afghanistan will reduce that funding need even further. In addition, the President has already put in place a plan to cut the defense budget by \$487 billion over the next 9 years.

I have reluctantly supported these planned cuts in the interest of deficit reduction, and we have scrutinized their impact on the Armed Forces. Many of my colleagues on the Senate Armed Services Committee joined me in expressing concerns to the Secretary of Defense about significant troop reductions in the Army and Marine Corps, major program curtailments, and proposed base closures.

Army Chief of Staff GEN Odierno told us that his service could perform

its mission with 80,000 fewer troops. Commandant of the Marine Corps General Amos echoed those sentiments when describing his plan to reduce by 20,000 marines. My point is that the Department of Defense has already undertaken major budget reductions which will impact our forces for a decade or longer. While I do not agree with every reduction proposed by the administration, I acknowledge that we all need to tighten our belts and that the Defense Department is not sacrosanct.

It is in the context of the nearly $\frac{1}{2}$ trillion of reductions that have already been levied against the Defense Department that we should consider the impact of additional automatic budget cuts. Budget sequestration would cancel an additional $\frac{1}{2}$ trillion from the defense budget and would do so in a thoroughly arbitrary and destructive way. It is one thing for the Department to make planned reductions to troops, equipment, training, and operations, and to keep these reductions synchronized; it is quite another to apply an across-the-board percentage reduction to every defense program. The law does not provide flexibility; it dictates that budget sequestration must be applied in equal percentages to each "program, project, and activity." That means equal percentage cuts in every research project, weapons program, and military construction project. Assuming military personnel accounts are exempted, we understand that cut to be about 14 percent. A 14-percent cut in a military construction project would render it unexecutable. How can you buy 86 percent of a building or 86 percent of an aircraft carrier? This is the danger of sequestration. The law mandates that cuts be taken equally across every budget line. It is absolutely senseless and will have enormous primary and secondary effects.

As an example, hundreds, perhaps thousands, of contracts for services and equipment will have to be renegotiated. Contracts with specific delivery quantities will have to be rewritten to reduce the quantities, which will increase the cost per unit to the government. More likely, management decisions will be taken out of the hands of managers and put into the hands of lawyers, as companies sue the government for breach of contract and termination costs. Legal proceedings could stretch out over years, at enormous expense to the taxpayer. "Savings" from budget sequestration would be consumed by the cost of implementing it. Maybe we should think of sequester as an earmark for lawyers.

Beyond the cost of implementing a dysfunctional system for budget cutting, the impact of sequestration on the capability of the Armed Forces would needlessly increase risk to national security. I am very concerned about the recent decision by the administration to apply sequestration to

accounts supporting our military operations in Afghanistan. In November 2011, I was assured by the Secretary of Defense that this account would not directly be affected. Now, the Department is conceding that funds we are using to defeat our enemies and to build a secure and self-sufficient Afghanistan will be subject to immediate reductions. Despite this potentially grave risk to our military forces engaged in combat, the Department cannot tell me with any assurance to what extent our deployed forces will be affected. We must have a detailed assessment of the impact of these mandatory cuts to the support of our forces engaged in hostilities on behalf of our Nation.

We know that the President has decided to exempt veterans programs from budget sequestration but to include war funding under sequester. This demonstrates that the administration is actively deliberating the implementation of the Budget Control Act, which makes it all the more surprising that the President is reluctant to provide even a preliminary estimate of the impact of sequestration. If the President is making decisions regarding sequestration, why not reveal the impacts to Congress and the public?

The leaders of the Department of Defense have consistently stated that threats to the national security of the United States have increased, not decreased. Secretary of Defense Leon Panetta said that these automatic reductions would "inflict severe damage to our national defense for generations."

General Odierno testified that sequestration would force the Army to cut an additional 100,000 troops, half of which would come from the Guard and Reserve on top of the 80,000 soldiers already planned to be separated from service. General Odierno stated that the damaging effects of sequestration would force the Army to "fundamentally re-look [at] how we do national security."

The Chief of Naval Operations, Admiral Greenert, testified that the Navy fleet would shrink from 285 ships to 230 to 235 ships, well below the 313 ships the Navy has said it requires. The Navy will be forced to absorb a cut equivalent to the entire annual shipbuilding budget. According to the Vice Chief of Naval Operations, "The force that comes out of sequestration is not the force that can support the current [defense] strategy."

Chief of Staff of the Air Force GEN Schwartz testified that sequestration "would slash all of our investment accounts, including our top priority modernization program such as the KC-46 tanker, the F-35 Joint Strike Fighter, the MQ-9 remotely piloted aircraft, and the future long-range strike bomber."

We would be left with a much more expensive, much less capable national defense program.

The irony in all this is that defense spending is not the reason we are in a fiscal mess. The United States spends about 20 percent of its annual budget on national defense. Since one of the principal responsibilities of government is to protect the Nation, I consider this amount to be quite modest. The real driver of our national debt is mandatory spending, which consumes 58 percent of the annual budget and is projected by the Office of Management and Budget to be over 62 percent by 2017—growth of almost a percentage point per year. However, under budget sequestration, half of the total amount of cuts would be levied from defense and the other half from all other government programs. Let me repeat that. Defense is 20 percent of the budget but will take 50 percent of the cuts. It simply doesn't make sense.

In addition, these cuts will impact jobs in the defense industry as well as countless counties and towns around the country at a time when millions of Americans are still seeking employment. I appreciate the work of my friend Senator AYOTTE to bring this issue of industrial and economic impact to the forefront.

We must receive a clear assessment from the Department on the extent of the risk to our military operations in Afghanistan, to our military programs, and to readiness here at home if the automatic cuts are allowed to occur. Only when we have a clear picture of the impact of current law will we be able to consider alternatives to sequestration that reduce the deficit but do not imperil our Nation's security.

Some have suggested that the Congress wait until after the election to address possible alternatives to sequestration. Mr. President, we all know that nothing good happens in a lame-duck session. We cannot wait for an election to muster the courage to make difficult budget decisions. This amendment to the farm bill is meant to inform the debate about the perils we face if we do not take action.

I thank my colleague from Washington, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there is nothing pending now on the Senate floor other than the farm bill?

The PRESIDING OFFICER. That is correct.

Mr. REID. We are in between votes; is that correct?

The PRESIDING OFFICER. Correct.

UNANIMOUS CONSENT AGREEMENT—S. 1940

Mr. REID. Madam President, I ask unanimous consent that upon disposition of S. 3240, which is the farm bill, the Senate proceed to the cloture vote on the motion to proceed to Calendar No. 250, S. 1940, which is the flood insurance bill; further, if cloture is invoked on the motion to proceed, notwithstanding cloture having been in-

voked, it be in order for the majority leader to lay before the body the House message with respect to S. 3187.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, if I might indicate to colleagues, we have one final amendment, the Rubio amendment, and Senator RUBIO will be coming to the floor shortly. Following his amendment, we will then be going to final passage.

I do want to take a moment to thank the leader. In the midst of an extremely demanding schedule, with things that need to get done in the Senate, he has given us this opportunity to complete this work. We will talk more about who has been involved in it later, but with all the demands of the Senate—whether it be flood insurance or addressing the concerns of student loan interest rates, the issues of small business and jobs and a whole range of issues that are very important for us to get done—our leader, with the support of the Republican leader, has been willing to allow us to move through 73 amendments. Now, I would note that we started with the possibility of 300, so 73 is certainly better than 300, but we know it was a major piece of work, and we very much appreciate our colleagues coming together to get this done.

Let me remind everyone that 16 million people work in jobs related to agriculture and our food systems, and they are watching us to see if we do the right thing and to see us work together to get this done and to create economic certainty for them and food security for our Nation. So I just would like to thank our leaders for their patience and willingness to stand with us.

Mr. ENZI. Madam President, I have come to the floor to speak in favor of Senator RUBIO's amendment No. 2166, the Rewarding Achievement and Incentivizing Successful Employees Act, known as the RAISE Act. It is a catchy title, and sometimes here in Congress catchy bill titles can be very misleading. Sometimes the bill title means the exact opposite of what the bill would do, such as the Employee Free Choice Act, which actually would have taken away the right to make a free choice through a secret ballot. But in this case, I congratulate my colleague Senator RUBIO for a title that conveys precisely what the amendment aims to do.

The RAISE Act would allow employers to give employees raises, bonuses, incentive payments, and other monetary rewards whenever they are earned, whether the union boss approves or not. As all of us know, we are in extremely difficult economic times. Unemployment has been above 8 percent for over 40 months, now and a striking

number of individuals are dropping out of the workforce altogether. When we do recover, as I know we will, we are likely to face a skills gap that will further hamper hiring and growth. One of the keys to our economic recovery is the health of small businesses.

For small businesses to reach their full potential, and grow into job-creating machines, they need the flexibility to maintain and attract the key employees who will get them there. Any small businessperson will tell you that their employees are their most important asset. They literally make the difference in whether the business succeeds or fails.

Once your company is unionized, you learn one way or another that it is now an "unfair labor practice" under section 8(a)(5) of the National Labor Relations Act to give an employee a raise or a bonus or an incentive or even a gift card for a job well done without the approval of the union boss. All compensation issues must be negotiated with the union, which allows the union to take credit for securing the raise. We have come across scores of cases where employers wanted to thank employees for good customer service, impressive sales growth, or attract employees to fill a critical manpower shortage, and the National Labor Relations Board, NLRB, penalized the employer for it. In a time of global competition, the last thing we need is a Federal agency punishing companies for trying to perform better by rewarding employees.

Believe it or not, there is opposition to this amendment. At least four of our largest labor unions AFL-CIO, AFSCME, SEIU, and the International Brotherhood of Teamsters—have opposed allowing employers to give raises.

Critics of this bill have said that if employers want to be able to reward employees beyond the union-approved wage floor, they can negotiate that provision into their contract. This is true. An employer can make the ability to incentivize employees one of their "asks" in negotiations, and they probably have to give up something else in order for the union to agree to that. But it is also true that getting such a provision in the bargaining agreement is not enough to protect employers from a charge of unfair labor practice from the union and penalty from the NLRB. In my research on this issue, I came across several cases where employers had negotiated a raise clause, but since the collective bargaining agreement expired and was in renegotiation, the NLRB ruled that the provision did not apply.

Let me cite an example from just a few years ago. A Montana water and mineral drilling company had negotiated a contract clause with their union to ensure that union-negotiated wages were only a floor and superior

wages could be given with or without the consent of the union. When the company's orders increased, the company wanted to share the profits and decided to give employees unilateral raises, increase the per diem for meals, and raise the clothing and safety allowance reimbursement by 167 percent. But the union objected, and the NLRB agreed and stopped the raises. Why? Because although the company had negotiated the right to give raises, they were currently in the process of renegotiating their collective bargaining agreement and there had been no explicit extension of the clause allowing for superior wages and benefits. *O'Keefe Drilling*, Case 19-CA-29222(2005)

Unfortunately, this is not an isolated case. NLRB has repeatedly punished employers in similar situations.

An Oregon newspaper publisher had historically offered commission for sales of certain long-term advertisements. As it was adapting to having an online edition, it decided to qualify internet ad sales for commissions, as well, and added signing bonuses for new advertising clients. Although the newspaper had specifically negotiated for a contract provision allowing it to pay wages in excess of the established wage, the bargaining agreement was in renegotiation. The NLRB sided with the union. *Register-Guard*, 339 NLRB 353 (2003)

The fact that raise provisions are negotiated into union contracts negates another criticism I have heard about this proposal. Some say that it would allow an employer to favor employees based on gender or race. This is entirely false—all race, sex, national origin and religion Federal discrimination statutes are and would remain in full effect.

I would like to share a few more examples of why this legislation will not just benefit American workers but everyone who relies on the services they provide. For example, there is a great deal of concern about the quality and availability of health care services in this country. You would think that any Federal agency would congratulate hospitals that strive to improve the service they provide. Unfortunately, that was not the case in these two examples.

During the nationwide nursing shortage we experienced in the last decade, a nonprofit New Mexico hospital was desperate for nurses. It was concerned about the ability to provide care and comply with mandatory staffing levels, so the hospital decided to offer \$8000 signing bonuses and \$2000 relocation bonuses. These generous bonuses were available for new applicants as well as current nurses—union members—who transferred to fill critical needs. But the union objected and the hospital was ordered to stop offering bonuses. *St. Vincent Hospital*, Case 28-CA-19039(2004)

In another case, a Brooklyn hospital was concerned about poor reviews of their nursing staff from patient satisfaction surveys, which had been an ongoing problem. The hospital decided to reward its best nurses, so it honored high-performing nurses with a breakfast, a pin, and gave them \$100 gift

cards since it was the winter holiday season. Unfortunately, the union objected to this honoring of exceptional nurses and filed charges with the National Labor Relations Board. Although these nurses earned \$67,000 to \$150,000 a year, the NLRB found that the gift card was not a one-time, de minimis gift but, rather, should be considered compensation and should have been a subject of negotiation with the union. The hospital was banned from giving such bonuses again. *Brooklyn Hospital Center*, Case No. 29-CA-29323(2009)

Clearly something has gone very wrong here, and I want to thank Senator RUBIO for offering us the ability to make it right. The ability to reward and incentivize employees is critical to the success of any enterprise. Instead of fixating on who gets credit for anything beneficial, our national labor-management policy should be to strengthen unionized and nonunionized businesses and encourage job creation. This will be good for all Americans, no matter what their union membership status.

I urge the Senate to support the Rubio amendment and adopt this commonsense change to allow American companies and their employees to thrive.

Ms. STABENOW. Madam President, I see Senator RUBIO is on the floor, and I will now defer to him to offer his amendment.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 2166

Mr. RUBIO. Madam President, I ask unanimous consent to call up amendment No. 2166.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Florida [Mr. RUBIO] proposes an amendment numbered 2166.

Mr. RUBIO. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the National Labor Relations Act to permit employers to pay higher wages to their employees)

At the appropriate place, insert the following:

SEC. . . PAYMENT OF HIGHER WAGES.

Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by adding at the end the following:

“(2) Notwithstanding a labor organization's exclusive representation of employees in a unit, or the terms and conditions of any collective bargaining contract or agreement then in effect, nothing in either—

“(A) section 8(a)(1) or section 8(a)(5), or

“(B) a collective bargaining contract or agreement renewed or entered into after the date of enactment of the RAISE Act, shall prohibit an employer from paying an employee in the unit greater wages, pay, or other compensation for, or by reason of, his or her services as an employee of such employer, than provided for in such contract or agreement.”.

Mr. RUBIO. Madam President, this amendment would amend the National Labor Relations Act to allow employers to give merit-based compensation increases to individual employees, even if those increases are not part of the collective bargaining agreement. Essentially, this will make the union contract wage a minimum, while giving employers the flexibility to reward diligent employees for their hard work. The bottom line is that today, if you work at one of these firms and the employer wants to give you a raise, they can't do it because it goes against the collective bargaining amount. So this amendment would allow them to do that.

That is a brief explanation of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, this amendment is a solution in search of a problem. I don't know—have any of my colleagues here had unionized businesses come to them complaining that they can't give a raise? Have any of my colleagues ever heard of that—they have complained they can't give a raise?

The fact is collective bargaining agreements already provide—many of them—for merit-based performance increases. That is part and parcel of a lot of the agreements today. So what this amendment basically does is it undercuts the National Labor Relations Act. That is exactly what it does. If you think we should do away with the National Labor Relations Act and all the benefits and all the protections it has both for businesses and for workers, this is your amendment right here. Quite frankly, I can't think of anything that would be more disruptive of a workplace than this amendment. When a business and workers have agreed on a collective bargaining agreement, this would destroy that kind of comity in the workplace.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Florida.

Mr. RUBIO. Madam President, I disagree. And I know we are now going to vote on this matter, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

NAYS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

2501 PROGRAM

Mr. UDALL of New Mexico. Madam President, I have filed an amendment relating to the Socially Disadvantaged Farmers and Ranchers Program that I would like to bring to Senator STABENOW's attention.

As the Senator knows, the Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program, also known as the "2501 Program," helps our Nation's historically underserved producers gain access to the U.S. Department of Agriculture's credit, commodity, conservation, and other programs and services.

The program provides competitive grants to educational institutions, agriculture extension offices, and community-based organizations to assist African-American, Native American, Asian-American, and Latino farmers and ranchers in owning and operating farms and participating in USDA programs. The Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program has served more than 100,000 rural constituents in over 400 counties and more than 35 States.

In my State many farmers and ranchers have benefited from projects funded through the 2501 Program.

I will just mention a few.

The New Mexico Acequia Association uses a 2501 grant to improve the sustainability and economic viability of small-scale agriculture among the farmers and ranchers who are part of the historic acequias and community ditches in New Mexico. With this funding the association supports centuries-old irrigation systems and agricultural traditions.

The Northern New Mexico Outreach Project, run by the New Mexico State University Cooperative Extension Service, is also working in my State to develop an education network system between northern New Mexico Hispanic and American Indian farmers and ranchers.

And with the help of 2501 funding, the Taos County Economic Development Corporation is revitalizing ranching and farming traditions that support the cultures of the area, utilizing new technologies and marketing opportunities.

Thanks to the efforts of the committee, the Socially Disadvantaged Farmers and Ranchers Program can now also extend benefits to veterans.

My amendment would have provided additional funds to support the traditional and new constituencies of the program by increasing direct funding for the program to \$150 million over 5 years.

It would continue assistance to disadvantaged farmers and ranchers. And ensure that veterans are fully able to benefit from the program.

The committee mark of the Agriculture Reform, Food and Jobs Act of 2012 includes \$5 million in annual mandatory funds for the Socially Disadvantaged Farmers and Ranchers Program and \$20 million in annual discretionary funds for the program.

I hope that the Senator and her committee will work with me and with the Appropriations Committee to ensure adequate funding is allocated to the 2501 Program through the Appropriations process in the coming years.

Ms. STABENOW. I want to begin by thanking the Senator from New Mexico for his thoughtful work on this issue. This is an important program, and I commend the Senator for offering his amendment. As we move forward, I am happy to work with the Senator to engage the Appropriations Committee to provide adequate annual funding for the program in the coming years.

Mr. UDALL of New Mexico. I thank the Senator. I am certain she is aware that the USDA's Office of Inspector General released a preliminary audit report in May finding a level of mismanagement of the 2501 Program within the Office of Advocacy and Outreach, or OAO. The report found that OAO officials had not adhered to the agency's draft policies and procedures and did not carry out proper documentation during the selection of 2012 grant recipients.

The OAO has had an immediate and deliberate response to the report. The previous manager of the Socially Disadvantaged Farmers and Ranchers Outreach Program has been replaced, the office is putting in a more long-term staff, and the 2012 applicants and grant recipients are being reevaluated.

As the Senator knows, the 2501 Program is vital to ensuring that historically underserved farmers and ranchers have access to USDA programs. And, with the new mission to also serve veteran farmers and ranchers, it is more important than ever that the outreach program be properly administered.

I look forward to working with the Chairwoman and the committee in its oversight role to ensure that the Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program is properly and effectively administered.

Ms. STABENOW. I, too, am concerned by the recent administration of the program, and I thank the Senator for addressing some of those issues in his amendment. I am hopeful that the positive steps already taken by the Office of Advocacy and Outreach will ensure the 2501 Program's continued success. I know that the Senator will continue to monitor this situation closely, and I look forward to working with him to ensure that the office fully complies with the recommendations of the OIG report and that the most qualified applicants are awarded grants.

Mr. UDALL of New Mexico. I thank the Senator. In closing, I would like to thank the Senator, the members of the Senate Agriculture Committee, and dedicated staff for all of the efforts to negotiate a good farm bill, one that provides significant savings and eliminates antiquated subsidies but seeks to ensure a sound future for agriculture and access to healthy food for families across the Nation.

Madam President, I rise today to discuss the farm bill. First, I wish to thank Senator STABENOW and Senator ROBERTS for their efforts in crafting a bill that will strengthen our agricultural and rural economy as well as one which reflects fiscal realities. Chairwoman STABENOW and Ranking Member ROBERTS reached across the aisle. They relied on common sense and they found common ground, with compromise and with a focus on results. They, and the members of the Agriculture Committee, worked together and created this bipartisan legislation.

We all know how important this bill is for the 16 million Americans whose jobs are in agriculture and for the consumers who depend on safe, affordable food. It is also important for the families who need nutritional assistance and for the prudent stewardship of our lands. The importance of this legislation cannot be understated.

Like so many New Mexicans, farming and ranching are in my blood. My

grandmother drove cattle through New Mexico in the late 1800s. Ranching and farming is a part of my heritage, and of New Mexico's. And it is vital to our economy. More than 20,000 farms are in New Mexico.

The people in my State know that ranching and farming is hard work. The only thing one can count on is uncertainty. It is a uniquely risky business, vulnerable to calamities of weather, subject to global fluctuations in prices and unfair competition. But, American agriculture is the world's leader. It is second to none. It is crucial to our economy and to our national security.

This legislation is truly a reform bill. It is the most significant reform of our agriculture policy in decades. For years, Congress has reauthorized confusing and inequitable farm subsidies, and the public looked on in wonder. The subsidies have in some part helped to keep sectors of U.S. Agriculture vibrant, but, there have been blatant inefficiencies and waste. The rules surrounding direct payments is one example. Such rules do not even require that the recipient grow the covered commodity to receive their payment. The result is an inequitable flow of Federal funds. This hinders new producers and short changes producers who were not lucky enough to own "base acres" when they were identified in the 1980s.

For decades, farm bills have come and gone without the subsidy reforms Americans have been calling for. But Chairman STABENOW and Ranking Member ROBERTS have taken that unprecedented bold step. Their bill ends direct payments and other major subsidies once and for all.

The 2012 Senate farm bill offers a more equitable insurance that producers buy into. It is not mandatory, but it is a sound safety net that will support American producers.

Chairman STABENOW and Ranking Member ROBERTS also set new precedent in turning more attention to crops historically left on the sidelines. Their bill boldly supports fruits, vegetables, nuts and other products so important to creating healthy living. The bill promotes access to nutritious food through farmers markets and locally grown produce. And it strengthens specialty crop provisions. My State is justly famous for its green chile. This bill will help chile and other specialty crops find export markets. And it provides for more research to keep these crops vibrant and competitive.

This legislation will create a more even playing field for dairy farmers, providing a safety net that has no regional or size bias. The bill also continues essential support for livestock producers. In my State, ranchers face grave threats from severe drought and fires and from the continued loss of grazing lands.

This farm bill streamlines and consolidates programs and it reduces the

deficit by over \$23 billion. Let me repeat: \$23 billion in deficit reduction. That is twice the amount recommended by the Simpson-Bowles commission.

This is a strong bill overall. It is not perfect. It consolidates and simplifies conservation programs. But, unfortunately, there are significant cuts in funding. There are cuts in programs that protect watersheds, grasslands, soil, and habitats. These are programs that producers depend on. There are cuts in programs to restore forage, ensure compliance with environmental laws, and maintain healthy soil. It is truly unfortunate to lose such vital funding.

The farm bill covers a very large canvas and addresses many diverse needs. There will be, and should be, healthy debate.

I want to speak today about three specific amendments that I believe will improve this bill.

First, I have filed an amendment to restore mandatory funds for the Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program. Thanks to the efforts of the committee, this program can now extend benefits to veterans. My amendment would ensure that the necessary funds are there. This program has helped our Nation's historically underserved producers for over 20 years by providing better access to Department of Agriculture credit, commodity, and conservation services and by providing technical assistance. It has worked and it deserves continued support.

The Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers Program has served more than 100,000 rural constituents in over 400 counties and more than 35 States. With adequate funding, it can also provide critical support for veteran farmers and ranchers.

Specifically, my amendment would restore direct funding to \$150 million over 5 years.

It would continue assistance to disadvantaged farmers and ranchers and ensure that veterans are fully able to benefit from the program.

Second, I have proposed an amendment for rural development funding for frontier communities. Across our Nation, including in my home State, there are many very small, very rural communities with a population density of less than 20 people per square mile. These are great communities, proud communities, with rich histories. But, they have a hard time competing for rural development loans and grants. Often, they don't have the personnel. They don't have the resources. But, their need is just as great as that of larger communities.

My amendment would create a set-aside for frontier communities allowing them to access USDA funds targeted for these very small, very rural

communities. It would allow the USDA to reach our Nation's most rural and underserved communities. The set-aside would be a minimum of percent of rural development programs and it would allow frontier communities to qualify for up to 100 percent grant funding, with no minimum grant or loan requirement.

My amendment would also create a grant program for technical assistance and planning for frontier communities, making sure that funding goes as far as possible. Financing for this program would be from overall rural development funding of no more than 5 percent.

And, third, I have filed an amendment for a rural development set-aside for community land grants. These land grant Mercedes are part of a unique and important history in the southwest dating back to the treaty of Guadalupe-Hidalgo. These were grants of land made by the governments of Spain or Mexico to entire communities.

These community land grants have a history of loss of land, a history of manipulation and unkept commitments, and a recognized need for increased economic opportunities. My amendment proposes to respond to this unfortunate history. Rural development assistance is crucial to these unique communities.

I wish to again commend my colleagues for this bipartisan legislation. It will continue building our economy by providing jobs and by providing the certainty that producers need for innovation and growth and by providing for the safest, healthiest, and most abundant food supply in the world.

Mr. KOHL. Madam President, I rise to support and encourage passage of this farm bill.

Farm bills are difficult measures to shepherd through this chamber. There has never been—and never will—be a "perfect" one in the eyes of every Member of this body. But American agriculture needs a new farm bill and this one deserves our support for a variety of reasons.

For starters, it delivers over \$23 billion dollars in savings at time when our Nation's balance sheet needs it most.

It improves nutrition programs by curbing fraud and improving program integrity. Hungry Americans—many of whom are children—need a food safety net when times are tough. These changes support that safety net and deliver more accountability to taxpayers.

This bill also responds to concerns articulated by dairy farmers who are hugely important to me and to Wisconsin. Long-time farm policy observers know of my enduring interest in dairy policy. The MILC program, which I co-authored with several of my colleagues in this chamber, was the first comprehensive safety net for American dairy producers. It provided payments

in time of low prices and cost the government nothing when we had robust dairy prices. Dairy farmers today face new and different challenges. In recent years they have seen situations where, despite robust milk prices, their input prices dramatically escalated and their margins evaporated. The dairy policy embodied in this bill recognizes that challenge and establishes margin protection insurance. Participants will be given the option to choose the level of margin protection that makes the most sense for their dairy operations.

I supported a number of amendments to this farm bill. Among them were modifications to enhance rural development and programs for beginning farmers. Farm bills touch our Nation in many different ways, and these are two areas that merit more attention and continued diligence. I also opposed a number of amendments because I feared they would undermine agriculture exports, our ability to innovate, and our organic agriculture sector.

Finally, I want to congratulate the chair and ranking member of the Senate Agriculture Committee for their diligent work. It takes an enormous amount of effort to move a farm bill. They worked hard to find consensus and deserve our thanks. I also want to acknowledge with thanks their staff, including Cory Claussen and Jonathan Coppess of the majority and Eric Steiner from the Republican staff. They worked very hard on a variety of topics, including the dairy provisions.

I encourage my colleagues to support the bill.

Mr. CASEY. Madam President, I support passage of the 2012 farm bill, S. 3240, the Agriculture Reform, Food, and Jobs Act of 2012.

I have made it a priority to keep Pennsylvania's agricultural industry and our rural economies strong to support Pennsylvanian families.

Agriculture is the Commonwealth's largest industry. Pennsylvania's farm gate value that is cash receipts to growers, in 2010, was \$5.7 billion. Agribusiness in Pennsylvania is a \$46.4 billion industry, and 17.5 percent of Pennsylvanians are employed in the food and fiber system. What does this mean?

It means that the Senate must pass this farm bill, that the House must pass a farm bill, and that the President must sign a farm bill into law before it expires at the end of September.

The farm bill creates economic opportunities in our rural areas and sustains the consumers and businesses that rely on our rural economy. When the cows need to be milked, dairy farmers go out to the barn and do their jobs. We should follow their example and reauthorize the farm bill in a responsible way that helps contribute to deficit reduction.

If passed into law, this farm bill would reduce the deficit by approxi-

mately \$23 billion through the elimination of some subsidies, the consolidation of programs, and producing greater efficiencies in program delivery.

Dairy is the Commonwealth's No. 1 agricultural sector. The dairy industry annually generates more than \$1.6 billion in on-farm cash receipts, which represent about 42 percent of Pennsylvania's total agricultural receipts.

I introduced two dairy bills this Congress: the Federal Milk Marketing Improvement Act, S. 1640, and the Dairy Advancement Act, S. 1682. These bills are aimed to ensure that farmers receive a fair price for their milk to increase price transparency, to protect against price volatility, and to encourage processor innovation.

I am concerned that while the proposed dairy program to manage the Nation's milk supply will reduce the volatility of dairy farming, that program will discourage innovation and exports, as well as send the wrong signals to our trading partners.

I secured language which requires USDA to thoroughly examine if the dairy market stabilization program is working, and if it is not working, make recommendations on how to fix it. This bill also contains my amendment to codify the frequency of dairy product reporting that is important for the dairy industry to make business decisions. It would also require USDA to examine whether it would be practical to move to a two-class system for milk that could help to simplify the Federal milk marketing orders.

Dairy farmers deserve the best dairy program possible. The Senate bill contains many improvements that I support.

Making risk management and crop insurance products work better for Pennsylvanians, especially small farmers, specialty crop farmers, and organic farmers is very important.

This bill contains language similar to an amendment that I offered during the Agriculture Committee's markup that would help to improve crop insurance for organic farmers.

Providing funding through risk management, conservation, and agricultural marketing agencies to underserved States, the Agricultural Management Assistance, AMA, Program helps to make the farm bill more equitable among regions.

I sincerely appreciate the chairwoman's and ranking member's work to enhance the Agricultural Management Assistance Program, including support for organic transition assistance.

The improvements in this bill to crop insurance delivery are critical.

We have worked to address the unique concerns of specialty crop farmers and beginning farmers—and we have done so in a bipartisan way.

Specialty crops are very important to Pennsylvanian agriculture.

After working with the chairwoman and ranking member, I was able to ensure improvements in promotion programs within the farm bill and direct USDA to assess the feasibility of allowing organic producers to participate in an organic foods promotion program.

The Specialty Crops Research Initiative, SCRI, Specialty Crops Block Grant Program, and Fresh Fruit and Vegetable Snack Program all advance the specialty crops industry, playing a key role in ensuring that this important agricultural sector receives continued acknowledgement in the farm bill. These programs remain strong under this bill.

In addition, the Nation's organic industry has grown exponentially from \$3.6 billion in 1997 to \$29 billion in 2010, with an annual growth rate of 19 percent from 1997 to 2008. In 2008, Pennsylvania was ranked sixth in number of organic farms with 586 and third in sales at \$212.7 million.

Through research, we develop more efficient and effective farming methods. Research also helps producers maintain a competitive edge in the global market by fighting threatening diseases and pests.

I am pleased that the farm bill invests in relevant and targeted research and maintains the Animal and Plant Health Inspection Service programs that work to eradicate the invasive species that threaten our Nation's forests and farms.

The U.S. Forest Service's State and private forestry programs are essential for assisting forest landowners in managing threats and enhancing stewardship. I am pleased that the farm bill continues the Forest Stewardship Program, FSP, so that forest owners can create long-term management plans with the technical assistance of State forestry agency partners.

I am also grateful to the chairwoman and ranking member for working with me to fix USDA's Biopreferred Program to even the playing field for Pennsylvanian forestry products. Revenues from Pennsylvania's forest products industry exceed \$5.5 billion annually. Over 10 percent of the State's manufacturing workforce is involved in the forest products industry.

I am appreciative to the committee for the inclusion of my provision directing USDA to work with the Food and Drug Administration toward the development of a standard of identity for honey, a tool which will promote honesty and fair dealing and serve the interest of consumers and Pennsylvania's honey industry. The majority of our honey is imported, but because there is no standard, contaminated, low-quality honey continues to pass through customs and undercut our domestic product. Pennsylvania is a major player in the honey industry. Honey bee pollination can be directly attributed to the production of about

\$60 million of agricultural produce in Pennsylvania annually.

I am committed to keeping Pennsylvania's rural communities strong and support rural development programs that provide access to capital for rural businesses to provide economic opportunities and create jobs. A rural community's viability in attracting and keeping businesses is often directly related to the condition of its infrastructure and facilities. USDA's rural development programs empower rural communities, transform local economies, and preserve the quality of life in small towns across the Commonwealth. A rural economic development program that saves and creates jobs in rural economies and improves rural life is extremely important for Pennsylvanian families.

I introduced the Growing Opportunities for Agriculture and Responding to Markets, GO FARM, Act, which will help to enhance local food systems and encourage production of food for local communities. The GO FARM Act would provide loans to third parties to lend to producers growing products for local markets. In addition to the GO FARM Act, I support increasing the availability of healthy foods, addressing the issue of food deserts and developing and improving local food systems.

Farmers are the original stewards of the land and continue to lead the charge in protecting our natural resources. I believe the voluntary conservation programs in the farm bill provide important tools to help farmers comply with Federal and State regulations while keeping farmers in business. I am committed to making conservation programs more efficient, effective, and relevant to farmers.

Conservation programs are an extremely important resource for many Pennsylvanian farmers. I worked with my Senate colleagues to support enhancements to conservation programs through this process in an effort to ensure that these remodeled programs would better serve the needs of Pennsylvanians.

Pennsylvania's watersheds contribute more than half of the fresh water flowing to the Chesapeake Bay. While Pennsylvania does not border the bay, activities in the Commonwealth profoundly affect the bay's health. The bay, the largest estuarine ecosystem in the U.S., and its tributaries, such as Susquehanna and Potomac Rivers, are important to the region's economy, culture, and outdoor recreation.

Under the 2008 farm bill, the Chesapeake Bay Watershed Initiative, CBWI, provided essential support to farmers facing Federal and state regulations concerning water quality and helped to meet demand for conservation programs. In advance of the Agriculture Committee's consideration of the 2012 farm bill, I introduced the Chesapeake

Bay Watershed Fairness Act, which among other things reauthorized the CBWI, because I know Pennsylvania farmers used this program very well.

I am grateful that the 2012 farm bill contains portions of this legislation which are aimed at equipping farmers with the tools necessary to better meet water quality goals. However, in this bill, CBWI is not continued. Due to the committee's desire to reduce the number of conservation programs, the farm bill consolidates four different programs into one that will provide competitive funds to regional partnerships and will also provide conservation funding directly to producers. CBWI was one of the programs that got folded into this new program.

I worked very closely with other Senators from the watershed to strengthen the conservation title to better benefit our region. Together we secured significant policy improvements. The current bill focuses on the most critical conservation areas and will help farmers in the Chesapeake Bay watershed participate in conservation programs so that they can help the region meet water quality standards.

Pennsylvania's agricultural producers and forestland owners use the Environmental Quality Incentives Program, EQIP, to implement conservation practices, which might otherwise be cost prohibitive, to protect valuable natural resources.

Further, the Farmland Protection Program, FPP, protects prime farmland from development. FPP should remain a permanent easement program to keep working lands preserved as farm land; should keep State, local governments, and nongovernmental organizations as partners; and should certify successful entities like the Pennsylvania Department of Agriculture's Bureau of Farmland Protection to improve the efficiency of this program. We worked very hard to make improvements to FPP during the last farm bill and those developments continue.

While I do not mention all of the farm bill conservation programs, I do believe that each serves an important purpose.

Ending hunger remains one of my top priorities, as it cuts across all of the major challenges we face as a country. There is no better opportunity to strengthen nutrition policy and programs than through a well-crafted farm bill.

The Supplemental Nutritional Assistance Program, SNAP, is the Federal Government's primary response to the food insecurity experienced by so many people. SNAP is an integral part of the overall safety net, which enables people to get back on their feet.

Similarly, The Emergency Food Assistance Program, TEFAP, enables food banks, shelters, and other providers to deliver necessary food pack-

ages and meals to people with emergency food needs. The Senior Farmers' Market Nutrition Program and the Commodity Supplemental Food Program also provide vital food resources to low-income seniors who are often not helped by other food assistance programs. I support these programs as they assist the most vulnerable of our society—children, seniors, and families experiencing food insecurity.

As Congress works to authorize the 2012 farm bill, I will continue to fight to protect the needs of Pennsylvanians.

I urge my colleagues in the Senate to pass this farm bill.

Mr. REED. Madam President, the Agriculture Reform, Food, and Jobs Act of 2012, also known as the farm bill, makes some strides in reforming agriculture policy and subsidies. However, in my view, these reforms are not sufficient. Moreover, the bill contains cuts to nutrition and conservation programs and changes to eligibility for rural communities that when taken together make it worse than current law. As such, I will oppose the bill, although I do so reluctantly.

Indeed, despite my conclusions, I commend Chairwoman STABENOW for crafting a bill that delivers \$23.6 billion in taxpayer savings over 10 years, cracks down on abuse, and eliminates egregious payments to nonfarmers, millionaire farmers, and farmers for crops they aren't growing.

The bill also makes several positive changes to programs important to my home State of Rhode Island that help small farms, farmers markets, and local food production. Rhode Island is a model example of the small and local farm movement. Since 2002, the number of farms has increased from 858 to 1,220 farms, whereas the average farm size in the State has actually decreased from 71 to 56 acres. That is why I am pleased that the bill includes many measures from Senator SHERROD BROWN's Local Farms, Food and Jobs Act that I cosponsored and increased funding for specialty crop block grants to support research and promotion of fruits, vegetables, and other specialty crops.

The bill also initiates new hunger-free communities incentive grants by providing funding of \$100 million over 5 years for a national pilot to incentivize the purchase of fruits and vegetables at farmers markets by SNAP participants. A similar privately funded program has already been successfully implemented in Rhode Island where every \$5 in SNAP benefits spent at a farmers market allows low-income individuals to receive an additional \$2 in fruits and vegetables. It is good to see the ingenuity of our States replicated at the national level in ways to help low-income families have access to nutritious local foods.

Another positive measure is the enhancement of the Farmers Market and

Local Food Promotion Program to aid direct producer-to-consumer marketing channels and local food sales to retailers and institutions. The bill also doubles mandatory funding for this program.

However, as a recent Washington Post editorial stated, "The current bill achieves some reform. There is still much more to be done."

While the current bill cuts direct payments by \$44.6 billion, it restores \$28.5 billion of those cuts by creating a new market-based program called Agriculture Risk Coverage and adds an additional \$5 billion for crop insurance.

Indeed, many of the reform measures in the bill do not go as far as those in the Lugar-Lautenberg Fresh Act of 2007, which I cosponsored during the last farm bill debate.

At the time, that measure would have increased funding by \$2.5 billion for nutrition programs, SNAP, and specialty crops, and \$1 billion more for conservation programs. In contrast, the Senate bill we are currently debating cuts SNAP by \$4.5 billion and conservation programs by \$6.4 billion.

The nutrition cuts are particularly challenging for Rhode Island, where roughly 1 in 6 people receives SNAP benefits and the unemployment rate remains at a too-high rate of 11 percent, the second highest in the country.

SNAP usage is unfortunately very high right now as Americans are struggling along with the economy to get back on track. No one wants to see such a high need, but at the same time SNAP assistance is the lifeline for these families to be able to put food on the table. My colleagues on the other side of the aisle shouldn't be trying to cut these funds; they should be working with us instead of thwarting our efforts to pass meaningful jobs bills that could help many of these SNAP beneficiaries find work and lessen their need for assistance.

That is why I cosponsored and voted in favor of Senator GILLIBRAND's amendment that would have restored the nutrition cuts, which the Congressional Budget Office, CBO, estimates would result in an average benefit cut of \$90 per month for 500,000 households nationwide. According to RI Department of Human Services, approximately 20,000 households could see an average SNAP cut of \$95 per month if the cuts were implemented.

The Gillibrand amendment was paid for by reducing the subsidies that the Federal Government pays the crop insurance companies for administration and operating expenses and lowering their guaranteed rate of return from their current level of 14 percent to 12 percent. That is certainly a reasonable rate of return in this economy.

I was very disappointed that this amendment was not agreed to as this proposed cut of \$4.5 billion starts us

down the wrong path in future farm bill negotiations with the House, which is expected to have even deeper SNAP cuts in their bill.

Another provision I am concerned could negatively impact Rhode Island is the change in the definition of rural that could decrease the eligibility for Rhode Island communities to be able to apply for loans and grants under Rural Development programs. I appreciate Chairman STABENOW and Ranking Member ROBERTS working with Members from affected States to include in the managers' package a 3-year grandfathering of existing communities and an important stipulation that thereafter communities shall remain eligible unless ruled otherwise by the Secretary of Agriculture. However, the change in the definition does not completely remove the uncertainty for Rhode Island rural communities to be eligible in the future as they look to make needed improvements to their water and waste disposal systems or community facilities.

We need to help out the small farmers and businesses in this country, not continue to help the large, wealthy farmers. And we certainly should not pay for expansive farm programs by placing additional burdens on those who are struggling to make ends meet.

It is for these reasons that I am unable to support this bill in its current form. While I fear the bill will only get worse as negotiations begin with the House, I certainly hope the matters that I have raised can be addressed during that process.

Mr. LEVIN. I am pleased to vote for passage of the Agriculture Reform, Food and Jobs Act. The bill before us makes important reforms to farm programs by helping agricultural producers manage their risk, invests funding to protect our natural resources, and provides food assistance to families in need.

America's agricultural economy is responsible for 16 million jobs. There are over 2 million farms in this country that contribute nearly \$80 billion to the Nation's economy. Americans and people all over the world depend on America's farms to feed their families. So passage of a farm bill that protects the food supply, gives farmers the support they need, and combats hunger is of high importance.

I want to congratulate Senator STABENOW, the chairman of the Senate Agriculture Committee and my Michigan colleague, for managing this important legislation so skillfully.

This bill marks important change in how we assist our Nation's farmers. Instead of making direct and counter-cyclical payments to farmers, sometimes for crops they haven't even grown, this bill ends those practices and instead focuses on working with farmers to manage risks.

My home State of Michigan is second only to California in the number of

crops grown and second to none in tart cherry production. Unusually warm weather in March resulted in an early bloom for many of our fruit crops, including tart cherries. These crops were then heavily damaged by a series of freezes during April and May.

I visited a cherry orchard in northern Michigan last month and viewed the damage. The damage from these freezes is severe; many trees and entire orchards will bear no fruit at all. Growers still need to maintain their orchards, spraying for bugs and disease, but can expect no payment for their crop. I am particularly concerned about tart cherry growers as they cannot currently purchase crop insurance.

The bill we are voting on today directs the Federal Crop Insurance Corporation Board to develop new crop insurance policies for underserved crops, including specialty crops like cherries. The bill also increases funding to help develop these policies. These new policies are sorely needed in Michigan.

The bill also includes \$58 billion over a 10-year period for conservation programs that protect our Nation's waters, soil quality and wildlife habitats, prevent erosion, and help alleviate other natural resource problems. These programs have benefitted Michigan by protecting sensitive lands and waters and preventing polluted runoff and sediments from getting into our precious Great Lakes, where they can create problems such as harmful algae blooms. Preventing runoff and controlling erosion can also lower costs for water treatment and dredging of Great Lakes harbors. To create a more efficient system for accessing and implementing these conservation programs, the bill consolidates more than 20 existing programs into 10 programs.

One new program in the bill, the Regional Conservation Partnership Program, in particular could benefit the Great Lakes. This program would provide funding through a competitive process for conservation projects that improve soil quality, water quality or quantity, or wildlife habitats on a regional or watershed scale. Because the Great Lakes region already has a regional plan in place, our region should be able to effectively compete for the \$250 million in annual funding that would be provided for this program. We have made some solid progress in cleaning up our Great Lakes and other waters in Michigan, but there is still much more to be done. The conservation funding provided in the farm bill would help with the efforts to protect and restore the Great Lakes, as well as protect sensitive lands and wildlife, conserve open space and forests, and provide economic benefits.

Mr. HARKIN. Madam President, as is evident from the amount of debate and attention devoted to it, the Agriculture Reform, Food, and Jobs Act of 2012 is an enormously important piece

of legislation for our Nation, as it certainly is for my State of Iowa. Although the measure is commonly referred to as the farm bill, that name captures just a fraction of what it contains to benefit all Americans and millions of others around the world.

Despite the severe economic challenges over the past half decade, agriculture and agriculture-related jobs and economic activity have been a real source of hope, opportunity, and recovery. That is especially so in my State, where agriculture generates about one of every five Iowa jobs and about a fourth of our State's economic output.

Iowa is well known, of course, for its distinctive farm state and smalltown character and for producing corn, soybeans, hogs, cattle, eggs, and other commodities. We have enjoyed tremendous benefits from greater diversification in agriculture and the rural economy. Take for example the boom in biofuels such as ethanol and biodiesel and in wind power.

It is critical for us to enact this bill in order to continue and enhance the contributions of agriculture and agriculture-related industries to our Nation's economy, to jobs, and to meeting ever-growing global demands for food, fiber, and energy.

I commend Chairwoman STABENOW and Senator ROBERTS, the ranking Republican member, for all of their hard, conscientious, and successful work on this bill. I also thank them for their efforts to take into account and reflect in this bill the circumstances, views, and needs of both rural and urban America as well as the various regions and types of agriculture across our Nation. I certainly appreciate their task. This is the eighth farm bill I have worked to enact, starting as a Member of the House Agriculture Committee. Since 1985 I have served on the Senate Agriculture, Nutrition, and Forestry Committee and am proud to have been the chairman of that committee during the writing and enactment of the most recent two farm bills.

This legislation, approved by our committee in April, is a sound, balanced, and bipartisan bill crafted under budget conditions that have necessitated difficult decisions, judgments, and compromises. According to scoring by the Congressional Budget Office, this measure will reduce spending over the next 10 fiscal years by more than \$23 billion from budget baseline levels.

The spending reductions in programs encompassed in this bill thus appear to be several billion dollars larger than the automatic spending cuts slated to begin in January of next year under the sequestration mechanism in the Budget Control Act of 2011. Hence, this farm bill is a serious, good-faith effort going significantly beyond the minimum to reduce our budget deficits and curtail our Nation's debt. Again, these spending reductions will have very real

impacts, and frankly I regret them and their consequences. We are not as a Nation investing too much in the future of our Nation's agriculture and food system, in fighting hunger and malnutrition, in conserving our Nation's soil, water, and other resources for future generations, in securing our future with renewable energy and biobased materials, or in strengthening and growing jobs in our Nation's small towns and rural communities. Unquestionably, because of our Federal budget situation and choices that have been made in dealing with it, there is less money to respond to national needs and priorities in the Federal policies and programs covered in this bill.

Given the budgetary hand dealt it, the Agriculture Committee, with the bipartisan leadership of our Chairwoman and Ranking Member, reported a bill combining budget savings with genuine reforms throughout its various titles. The most significant reform—in fact, pivotal reform—lies in the substantial changes in the commodity and farm income protection programs.

To help farm families and rural communities survive and manage the inevitable vagaries of weather and markets, the new farm bill continues a strong system ensuring a degree of stability and protecting against significant losses in farm income. The legislation contains major reform in terminating the existing direct and countercyclical Payments Program and replacing it with the Agriculture Risk Coverage, or ARC, program. ARC is designed to compensate for a portion of farm revenue losses and to supplement the revenue insurance policies that farmers typically rely upon to manage risk.

Because farm income protection based on revenue accounts for the fact that farm income is the product of crop yield times its price in the market, ARC is an improvement over the direct and countercyclical payments program in current law. Direct payments are made in fixed amounts according to each farm's base acreage and program payment yields, which in general were established decades ago. Consequently, the direct payments do not accurately reflect or respond to existing economic circumstances in agriculture because they are made without regard to a farm's current planted acres of crops or to whether crop prices and yields are high or low. The existing countercyclical payment program compensates for a portion of losses when the national average price of a covered commodity falls below a statutory target price. But the countercyclical program's target prices are well below current market prices and costs of production for commodities, and of course, a price-based system does not account for yield losses.

Agricultural producers have been divided over the direct payments since they were adopted in the Federal Agri-

culture Improvement and Reform Act of 1996 as a replacement for the then-existing target price income protection system. Supporters of direct payments note that they are considered not to be production or trade distorting and that they provide income assistance to farmers who may not benefit much from other commodity programs or crop insurance.

From their beginning, I believed that the direct payments were not sound policy. Within a few years, after they were enacted during a period of strong commodity prices, the direct payments proved inadequate to protect farm income in the face of a sharp falloff in commodity prices, and so we had to resort to enacting ad hoc emergency legislation to make up for the shortcomings of the direct payments.

To restore better protection against farm income losses, I introduced legislation in November 2001 to create a new countercyclical target revenue program. As chairman of the Senate Agriculture Committee, I was pleased that we then reinstated a countercyclical income protection program in the 2002 Farm Security and Rural Investment Act. In 2007 and 2008, with the leadership of Senator DICK DURBIN and Senator SHERROD BROWN, I was pleased that we included the Average Crop Revenue Election, or ACRE Program, in the Food, Conservation, and Energy Act of 2008. ACRE is, of course, the forerunner of the ARC program in the pending new farm bill.

The reform and evolution reflected in this new farm bill is very greatly facilitated by the significant improvement and strengthening of the Federal Crop Insurance Program. Crop insurance, particularly the revenue policies, are now vitally important to agricultural producers, their lenders and creditors, and to the rural economy. So it is an important feature of this bill that it further strengthens and improves the Crop Insurance Program, building upon the Agriculture Risk Protection Act of 2000 and additional improvements in the past two farm bills.

The pending bill also continues a strong conservation title with highly effective programs and funding for them, along with extensive reforms, streamlining, and updating of their structure and functioning. The Department of Agriculture's conservation programs have an outstanding record of success in helping America's farmers and ranchers produce an abundant supply of food, fiber, and fuel, while conserving and protecting our Nation's soil, water, wildlife, and other natural resources. Again, I very much regret that budget circumstances have imposed spending reductions in the conservation title of this bill. There is far more conservation work to be done and demand for USDA conservation assistance than can be met with existing levels of funding. But, as I have noted,

these funding reductions are the reality for the crafting of this bill.

In the past two farm bills, as chairman of the Senate Agriculture Committee, I made a very strong push for strengthening the full range of USDA conservation programs and for increasing funding to respond to the need and demand for conservation assistance to farmers and ranchers across our Nation. In the 2002 and 2008 farm bills, we very substantially increased our Federal investment in agricultural conservation, building upon successes in preceding farm bills, especially owing to the leadership of the former chairmen of the Senate Agriculture Committee, Senator LEAHY and Senator LUGAR.

For many years, I have emphasized the necessity of promoting and assisting sound conservation practices on land in agricultural production, often referred to as "working lands". Agricultural producers are striving to produce much more food in the coming decades to nourish billions more inhabitants of the Earth. If we hope to produce more and more food in the coming years, it is critical to conserve the underlying resources that support agricultural production.

My objective has been to enact and invest in programs that compensate and assist agricultural producers for their costs, foregone income, and environmental benefits associated with adopting and maintaining practices that protect and sustain soil, water, wildlife, and other resources. In the 1990 farm bill, the Food, Agriculture, Conservation, and Trade Act, we included the Agricultural Water Quality Incentives Program, which I had authored, to provide incentive and cost share payments for practices addressing water quality issues in agricultural production.

In the 1996, 2002, and 2008 farm bills, we substantially expanded and improved conservation programs covering land in agricultural production. I am especially proud of the Conservation Stewardship Program, CSP, which I authored and worked successfully to include in the 2002 farm bill, where it was then named the Conservation Security Program. CSP now has enrolled nearly 50 million acres of agricultural land across our Nation, including crop land, pasture land, range land, and forest land.

CSP and the Environmental Quality Incentives Program, EQIP, both focus on promoting and supporting conservation on land that is in agricultural production. They are not land-idling programs. Agricultural producers voluntarily enroll in CSP and EQIP because they are committed to good stewardship and these programs help them fulfill that commitment. CSP and EQIP also help farmers and ranchers to take voluntary action to solve environmental and conservation challenges

and thereby avoid regulations. Participants in both programs contribute their own money, time, and effort, so the Federal funds leverage a significant amount of added private money. The level of interest in and demand for both EQIP and CSP greatly exceeds the funding now available and that which is provided in this bill.

To be clear, America's farmers and ranchers have done a tremendous amount of excellent conservation work. Even so, they know that a good deal more conservation work is needed, and they are dedicated to carrying it out. Providing them assistance through the several USDA conservation programs included in this farm bill is a tremendously important investment in conserving and protecting our Nation's vital natural resources for future generations.

This agriculture and food legislation also continues, with reforms and spending reductions, the Supplemental Nutrition Assistance Program, SNAP, and related programs that help low-income families put food on their tables. No title of this bill is more critical to those who rely upon its benefits, nor is any title more important to our Nation in meeting our responsibilities to our fellow citizens. We hear criticisms of Federal nutrition assistance, but let us not forget that the vast majority of Americans who receive this help are children, seniors, people with disabilities, or working families. Indeed, recent years have shown how vitally important SNAP and related nutrition assistance are to enabling working families and especially the children in these families avoid hunger and malnutrition.

The reforms in this bill reduce Federal spending by limiting eligibility and benefits. I regret that our budget circumstances have led to this outcome, but again I give credit to Senator STABENOW and Senator ROBERTS for holding these cuts to nutrition to much lower levels than other proposals that have been made, including the budget resolution adopted in the House of Representatives. It is also gratifying that this body has in recent days rejected several amendments that would have drastically reduced food assistance for the most vulnerable Americans.

Because the nutrition title in this bill is responsibly and carefully crafted, it continues important reforms and improvements that I am proud we were able to enact in the most recent two farm bills. In the 2002 legislation we restored certain benefits for legal immigrants, restored a portion of benefits that had been cut in previous legislation, increased incentives for work, simplified and increased integrity in nutrition assistance, increased emergency food assistance, dedicated mandatory funding to the Farmers Market Nutrition Program, and adopted a pilot

program I authored to provide free fresh fruits and vegetables to children in schools. In the 2008 bill we likewise included key improvements to nutrition assistance, such as further restoring previously cut benefits, encouraging savings by recipients, adopting a pilot program of incentives for healthier eating through SNAP, improved benefits for families with high childcare costs, expanded the Fresh Fruit and Vegetable Program to a national program, dedicated mandatory funding for community food projects, increased mandatory funding for the Senior Farmers Market Nutrition Program, allowed a preference for purchasing locally produced food for child nutrition programs, and dedicated mandatory funds to the Farmers Market Promotion Program.

To promote energy efficiency on farms and in rural businesses and the production and use of renewable energy and biobased products, this legislation extends, improves, and strengthens programs in the energy title in the 2002 and 2008 farm bill. I am proud to have included the first farm bill energy title in the 2002 legislation, to strengthen and expand the energy title in the 2008 bill, and to continue the energy title as a prominent part of this bill. And thanks to the cooperation of Senators STABENOW, ROBERTS, LUGAR, and CONRAD, we were able to dedicate about \$800 million in new funding to these critical energy initiatives in the bill reported from the Agriculture Committee.

In March of this year, I introduced S. 2270, the Rural Energy Investment Act of 2012, in order to extend the programs in the energy titles of the 2002 and 2008 farm bills and to provide mandatory funding for the energy title of this new farm bill. So I am very pleased that it includes a strong energy title and dedicates mandatory funding to it.

The bill continues the requirement I authored and we enacted in the 2002 farm bill for Federal departments and agencies to purchase biobased products and to create a "BioPreferred" labeling program to encourage private markets for biobased products. Also included in this bill are grants to assist pilot-scale biorefineries and loan guarantees for commercial biorefineries.

This bill appropriately continues the Biomass Research and Development Program, which is a joint initiative of USDA and the Department of Energy that awards grants for research on the full spectrum of bioenergy supply chains, from biomass feedstock development and production, to harvesting and handling, to biomass processing and fuels or products manufacturing.

The Rural Energy for America Program, REAP, the most popular program in the energy title because it provides direct financial support to many farmers, ranchers, and rural small businesses for rural energy systems or

energy efficiency projects, is also continued. And this bill extends the Biomass Crop Assistance Program, BCAP, that supports establishment of biomass crops for bioenergy use and provides cost-share payments for harvest and delivery of biomass to user facilities in the initial years.

I am also very pleased that the bill continues, improves, and strengthens a number of initiatives that we included in previous farm bills to assist and promote opportunities for farmers and good nutrition for consumers through farmers markets and increased local production and marketing of food.

In this bill, the Farmers Market Promotion Program is renamed as the Farmers Market and Local Food Promotion Program, and it provides competitively awarded USDA grants to improve and expand farmers markets, roadside stands, community-supported agriculture marketing, and other direct producer-to-consumer marketing, including funding for mobile electronic benefits transfer technology. The grants may also be used to help develop local systems focused on serving low-income communities. This bill increases the mandatory funding dedicated to the program to a total of \$100 million.

The bill also extends and increases funding for community food projects through grants to nonprofit organizations to be used in improving access to healthy, nutritious food in communities, which can include assistance to farmers markets and other local food marketing systems. We included \$5 million a year in mandatory funding in the 2008 farm bill, and this bill doubles that to \$10 million a year.

For the Hunger Free Communities Initiative, the bill dedicates \$100 million in new mandatory funding for incentive grants to support increased purchase of fruits and vegetables by families participating in SNAP in underserved communities.

To help farmers cover the cost of obtaining certification as qualified organic producers, the bill includes an increased level of mandatory funding, and it continues and funds the organic research and extension initiative. Also continued are the program of block grants to the States to assist fruit, vegetable, and horticulture crop producers and a special program supporting research projects focused on helping these producers. The bill continues the initiative I was pleased to include in the 2008 farm bill to provide cost-share assistance through EQIP to farmers who are making the transition to organic food production.

Mr. President, these are only some of the important features in this new farm bill. It is a strong bill, with substantial reforms and continued progress toward improved food, agriculture, conservation, energy, and rural policies for our Nation.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided prior to a vote on passage of S. 3240, as amended.

The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I thank my colleagues for their patience and for supporting this bipartisan effort on the agriculture reform, food, and jobs bill.

I thank Senator REID for his incredible patience and willingness to give us this time, and the Republican leader for joining in that effort as well. I especially thank my Ranking Member Senator ROBERTS for long hours and hard work on this bill to get to this point. It has been truly a partnership. Senator ROBERTS is my friend and my partner in this effort, and I am very grateful.

I have said all along in this debate that there are 16 million people in this country whose jobs depend on the strength of the American agricultural economy and our food systems. The agriculture reform bill is about standing up for our Nation's farmers, our small businesses, our manufacturers, our exporters, and others whose livelihood depends on us getting the policy right.

This represents significant reform. It cuts subsidies, it cuts the deficit, and it creates jobs. We are ending direct payments and three other subsidy programs that pay farmers regardless of losses or whether they are even planting a particular crop. We are putting in place the most significant payment reforms ever.

I thank Senator GRASSLEY for his tenacity and Senator JOHNSON for his partnership in that effort as well. We are cutting Federal spending by \$23 billion by streamlining and consolidating programs. Therefore, we are going to have an opportunity to vote on \$23 billion in deficit reduction—probably the only opportunity to vote on debt reduction in a bipartisan way on the floor of the Senate in the next number of months.

We are eliminating more than 100 authorization programs and streamlining others, strengthening crop insurance, consolidating conservation programs and innovative energy programs, and we are continuing the critical work around nutrition to give temporary help to families who have fallen on hard times. We are also creating more opportunities for families to buy healthy, local food and the opportunity to put fresh fruits and vegetables in our schools and on our tables.

Agriculture is one of the few parts of our economy where we are running a trade surplus, and we need to recognize it is also a job creator. The men and women who work hard from sunrise to sunset to give us the bounty of safe, nutritious food that we put on our tables deserve the certainty of this bill. I urge my colleagues to vote yes on a

very important bipartisan effort and yes to the 16 million men and women who bring us the safest, most affordable, most reliable food system in the world.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, when you go back home or if you conduct a press conference or if you have any contact with anybody about what we are doing here in Washington, the No. 1 question is: Why can't you all get along? Why can't you quit pointing fingers of blame? Why can't you end the rhetoric? Why can't you work together? Why can't you get something done?

We knew we had something special when we had a farm bill and the current farm bill was going to expire and you would go back to a farm bill that nobody wanted, or the 1949 act, which is ridiculous, and that we had to move. Farmers and ranchers and their lenders and everybody concerned with agribusiness knew we had to have a farm bill.

We went to work and we got a 16-to-5 vote out of committee, it was bipartisan, and we did it in 4½ hours. That set a record. I don't know of any time where in an Agriculture Committee, House or Senate, that it has been moved in 4½ hours.

Now 2½ days, with 73 amendments, opening it up to everybody regardless of circumstance, regardless if they voted for the bill or not? That is what we have accomplished—2½ days, 73 amendments. It is what can happen if we break the logjam of partisanship and work together to get something done. A tremendous amount of credit goes to the leadership of the Senator from Michigan. I feel very privileged to have worked with her and to work with her staff. They have been like Musketeers, every night, every morning, meeting: What can we do; how can we fix this?

It has worked. So after 2½ days and 73 amendments I thank you all for your patience. If anybody did not get an amendment, I am terribly sorry, I don't know how I missed you; consequently, on that side as well.

Let me say again, \$23 billion provided in deficit reduction through reduced mandatory spending. The chairwoman is right, this is probably the only time on the Senate floor we will actually have a reduction in Federal spending and make our deficit contribution.

This is a good bill. Is it the best possible bill? No, it is the best bill possible. We should move it and we should vote for it. I urge you to vote for it.

I yield.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Republican leader and I have spoken privately. We would be remiss if we did not say something to the entire Senate

about how we feel about this bill and the leadership that was shown by these two fine Senators. Also behind the scenes—we know how hard they worked to get where we are—we have had such good staff involved. These staff people are not fighting with each other. They have causes they are trying to protect for their Members but they do it in a way that is cordial. There has been nothing but courtesy shown for weeks.

I have managed quite a few bills in my day. This is a difficult bill to have in the position we have it in now. I hope our friends in the House see what we have done. We are working together. I know they can. I cannot say enough—although I will try—to applaud and compliment Senator STABENOW and Senator ROBERTS. They are both my friends but my view of them has risen appreciably in their legislative methods of getting this done.

They have done it on their own. Senator MCCONNELL and I have done what we can, but we have been bystanders to much that has gone on. It has been the work of these two fine Senators and the cooperation of every Member. I am grateful we are at the point where we are today—2 o'clock. We are going to be able to finish this bill and it is 2 o'clock in the afternoon, not in the morning.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Let me echo the remarks of my good friend. This bill has been handled in a way entirely consistent with the norms and traditions of the Senate. Members have had an opportunity to express themselves in a whole variety of ways, both relevant to the amendments and a few not relevant to the amendments. Senator STABENOW and Senator ROBERTS have worked together very skillfully. This is one of the finest moments in the Senate in recent times in terms of how you pass a bill.

I think we are all feeling good about the way this has been handled. I think we are moving back in the direction of operating the Senate in a way that we sort of traditionally understood we were going to operate the Senate.

I also thank my good friend, the majority leader. I think this has been a good cooperative effort, to have a process that respects the traditions of the Senate. This is a very fine day in the recent history of the Senate. Again, my congratulations to the chairman of the committee and the ranking member. They did a fabulous job.

I yield the floor.

The PRESIDING OFFICER. Who yields time? All time is yielded back?

The question is on passage of the bill, subject to a 60-vote threshold.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—64

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Barrasso	Gillibrand	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reid
Bingaman	Hoeven	Roberts
Blumenthal	Hutchison	Rockefeller
Blunt	Inouye	Sanders
Boxer	Johanns	Schumer
Brown (MA)	Johnson (SD)	Shaheen
Brown (OH)	Kerry	Snowe
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Leahy	Thune
Casey	Levin	Udall (CO)
Coats	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Cooms	McCaskill	Wyden
Durbin	Menendez	
Enzi	Merkley	

NAYS—35

Ayotte	Heller	Portman
Boozman	Inhofe	Pryor
Burr	Isakson	Reed
Chambliss	Johnson (WI)	Risch
Coburn	Kyl	Rubio
Cochran	Landrieu	Sessions
Corker	Lautenberg	Shelby
Cornyn	Lee	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Whitehouse
Graham	Murkowski	Wicker
Hatch	Paul	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage of the bill, the bill (S. 3240), as amended, is passed.

The bill will be printed in a future edition of the RECORD.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

Mr. BROWN of Ohio. Mr. President, the Agriculture Reform, Food, and Jobs Act, or the 2012 farm bill, represents the most significant reform of U.S. agriculture in decades. This bill is the product of many months of policy discussions and late night deliberations guided by the steady leadership of Chairwoman STABENOW and Ranking Member ROBERTS. I commend their efforts in successfully navigating this bill. All Americans stand to benefit from their hard work and commitment to reform agriculture policy and strengthen our rural communities.

There is a reason why people across the country—farmers and business owners, faith leaders and county com-

missioners—have been paying attention to what we are doing.

This bill benefits all Americans, including in Ohio, where 1 in 7 jobs is related to the food and agriculture sector. From making the farm safety net more fiscally responsible, ensuring communities have access to broadband, protecting nutrition and conservation programs, to strengthening initiatives for healthy, nutritious food—this legislation touches all Ohioans.

Also, at a time where there is too much gridlock, this bill is a welcome change.

Many thanks to Leader REID and Senator MCCONNELL for their patience, their cooperation, and for allowing time for proper consideration of the farm bill.

Many of the policies I proposed as legislation and worked to include in this farm bill were made at the suggestion of Ohioans. Traveling across the State on my "Grown in Ohio" listening tour, I learned what is working and what needs to be changed from people whose primary job is to grow our food, feed the hungry, and run small businesses and small towns. Thanks to the many Ohioans who have shared their opinions, ideas, and provided feedback over the past several months. This farm bill is better because of their involvement.

This legislation would not have been possible without the dedicated work of the Senate Agriculture Committee's leadership of Chairwoman STABENOW, Ranking Member ROBERTS, and that of its members. In particular, I enjoyed the opportunity to work with a number of my Agriculture Committee colleagues. Their willingness to reach across party lines ensured that this bill had a much-needed dose of Midwestern pragmatism. I would like to thank Senators THUNE and GRASSLEY, as well as Senators HARKIN, NELSON, LUGAR, JOHANNIS, KLOBUCHAR, and CASEY. Their continual engagement in the farm bill process has made a stronger product and I am grateful for their efforts.

The 2012 farm bill has been many months in the making and was made possible by the work of Senate staff, often in a bipartisan manner. Mike Seyfert, Joel Leftwich, and Tara Smith of Ranking Member ROBERTS' staff were invaluable resources in this process, as well as Jared Hill for Senator GRASSLEY and Lynn Tjeerdsma with Senator THUNE, whose work with my staff was indispensable.

I was continually impressed with the open and collaborative nature of Senator STABENOW's staff. This farm bill was written in a unique and challenging process—all of which made the efforts by Chris Adamo, Jonathan Coppess, Joe Shultz, Tina May, Brandon McBride, Jacklyn Schneider and others to remain engaged and open to suggestions all the more invaluable. Their hard work has not gone unnoticed.

Mr. CHAMBLISS. Mr. President, I rise today to speak on S. 3240, legislation to reauthorize the farm bill. It is important to reflect on the process and the debate we just had, as well as consider the final product. First, I wish to commend Chairwoman STABENOW and Ranking Member ROBERTS for their diligent efforts in bringing this bill to the Senate floor for consideration and debate. It is no small achievement and there have been countless hours expended by Members and staff on this very important effort. However, in spite of this, as I weigh the bill and its impact on the State of Georgia and the Southeast, I am truly disappointed that I am not able to support it.

This bill does include significant reform with the elimination of direct payments and it makes several improvements to crop insurance. I have always been an advocate of risk management delivered through the private sector. However, the bill establishes a one-size-fits-all program rather than recognizing the limitations of crop insurance for certain regions of the country, namely, the Southeast, and whether the new commodity title program, the Agriculture Risk Coverage, ARC, program can work as a safety net for crops other than corn and soybeans. Leaving producers without an effective safety net provides very little protection and certainty for those outside of the Midwest.

A good idea often stumbles by asking it to do too much. Crop insurance is a tool that addresses risk in an individual crop year. It does not work as a safety net by insuring against multiple-year price declines. This is simply beyond its design and capabilities. Crop insurance is a critical part of a producer's risk management program, but it is not a cure-all to a commodity market that can expand and contract based on the vagaries of weather, disease, and international events. That is why farm policy in the past encouraged programs such as the marketing loan and the countercyclical program to work with, not in competition to, crop insurance.

This week we have had the opportunity to debate and improve the bill. We made some important changes, but it still lacks the balance I have advocated for the past several weeks. It is still my hope to support the bill at the end of the legislative process. Perhaps after action by the House of Representatives and a conference of the two Chambers, we will see the changes necessary to gain my support.

Chairwoman STABENOW has assured me on several occasions that my concerns will be addressed and I know she will keep her commitment. I would rather have dealt with the issues during the Senate debate, but that was not possible.

We must remember that the farm bill should help farmers and ranchers man-

age a combination of challenges—much out of their own control. We must also remember that the farm bill is not an entitlement for any one region or any one commodity. Policymakers must remember that the bill needs to serve all producers in all parts of the country equitably and effectively. To fail in this endeavor means we as legislators have failed to produce a bill worthy of the people we represent. I am proud of the work we did on the 2008 farm bill and its ability to provide a strong safety net program for producers. I am confident that the next farm bill will adhere and honor that same commitment we made 4 years ago.

While I could not support the bill in front of us, I look forward to working with my colleagues in the weeks and months ahead.

Mr. WYDEN. Mr. President, I am very pleased that the Senate today passed the Farm bill. This is bipartisan legislation that is critical to all Americans—from the farmers who grow our food, to the consumers who purchase that food, to kids who get school lunches, and to the neediest in our Nation who deserve access to adequate nutrition. I especially want to commend Senator STABENOW and Senator ROBERTS for their yeoman bipartisan work to craft this important legislation.

As Senator STABENOW has so eloquently put it time and again, this bill is a jobs bill. One in every 12 American jobs is tied to agriculture and this legislation represents an opportunity to create more jobs.

In my home State of Oregon, agriculture is now more than a \$5 billion a year industry and it reflects a wide array of crops, mirroring the diversity in America's agriculture.

As I like to say, Oregonians do a lot of thing well, but what we do best is grow things and add value to those things. This bill has a lot in it to help Oregonians do that even better and in turn create more opportunities to sell those products better locally, nationally and abroad.

I was particularly pleased to have been successful in adding two amendments to the Farm bill. These are amendments to make it easier to provide healthier foods for children in schools and to help address the problem of hunger in our country.

One of my amendments would for the first time test out direct farm-to-school approaches to provide healthier foods for children in our schools. It will do this through a competitive pilot program with at least five farm-to-school demonstration projects in all regions in the country.

While there are currently some farm to school programs in place, it's a patchwork system and, according to the Agriculture Department's own Economic Research Service, "data and analysis of farm to school programs are

scarce." This pilot program will fill in the information void about what works and what doesn't, and it will provide a way to improve and replace ineffective programs.

What is more, under these demonstration projects, innovative States and school districts will truly be able to source fresh, high-quality local produce for our schoolchildren to enjoy. No more having to purchase far-away food from a Federal warehouse hundreds of miles away when there is healthy food just down the road.

Under my amendment, schools win. Farmers win. And most importantly, our children get to enjoy the delicious, local produce that they should be able to enjoy—every day—for breakfast, or for lunch, or for a snack. That is why the American Academy of Pediatrics the Nation's pediatricians supported my no cost farm-to-school amendment.

With the adoption of this amendment, it will be easier for delicious pears, cherries, and other healthy produce, grown just a few miles down the road, to make it into our schools.

Schools and school food authorities from all over the country with innovative ideas can now begin drawing up novel plans of action to purchase fresh, local produce for their kids.

New ideas will come forth, and the existing farm-to-school infrastructure will improve as new and better distribution models begin to emerge.

I am heartened that the farm-to-school movement has truly become national in scope, as more people recognize both the health and economic benefits that derive from these efforts. My amendment will make this movement not only bigger but better.

I thank Senator STABENOW and her staff for working with me on this amendment and helping me get this passed.

Fewer folks will be hungry thanks to the Senate's passage of my microloan for gleaners amendment.

These gleaners are mostly volunteers who collect food from grocery stores, restaurants, and farms—food that would otherwise be wasted—and distribute it to agencies or nonprofit organizations that feed it to the hungry.

These good Samaritans who save food from being tossed into landfills or burned in incinerators will finally be able to access the capital they deserve to expand and improve their operations.

At a time when food waste is the single largest category of waste in our local landfills—more than 34 million tons of food, even a portion of that wasted food could feed a lot of people. By redistributing food that would otherwise go to waste to the hungry—again, without spending extra taxpayer money—we can do more to ensure that this unwanted food is used to tackle hunger in America.

Instead of burning this food in incinerators, gleaners can help more people in need burn this food as calories.

This is just one more step in the right direction to help alleviate food insecurity in our country.

I again thank Senator STABENOW and her staff for their assistance in getting this amendment passed. It will provide real help to a group of selfless folks that are trying to bring some common-sense solutions to the hunger crisis.

As happy as I was to get the Farm Bill passed and get these amendments included, an opportunity to encourage healthier eating by recipients of SNAP benefits—what was previously known as food stamps—was unfortunately not able to come up for a vote.

This is disappointing. Not disappointing for me, but for the millions of SNAP beneficiaries, public health officials, and others who know we can do better to encourage healthier eating and increase consumption of healthy fruits and vegetables.

The existing waiver authority for SNAP is extremely restrictive and has resulted in a number of innovative State proposals being denied. It makes no sense to continue to stifle innovation and progress when it comes to incentivizing beneficiaries to eat healthier.

I will continue to push for ways to promote healthier eating through the SNAP program, given that it will improve public health, increase the consumption of healthy food, boost local farmers' incomes, and give taxpayers the confidence that their tax dollars are being spent on food that is really food.

I was also very disappointed that my amendment to legalize industrial hemp was also not granted a vote.

I firmly believe that American farmers should not be denied an opportunity to grow and sell a legitimate crop simply because it resembles an illegal one.

I fought for an amendment that would have recognized industrial hemp as a legitimate crop, but since doing so requires amending the Controlled Substances Act it was considered non-germane to the current debate and could not be brought up for a vote.

However, just my raising this issue has sparked a growing awareness of exactly how ridiculous the U.S.'s ban on industrial hemp is and I feel that important progress was made in advancing this dialogue.

I am confident that if grassroots support continues to grow and Members of Congress continue to hear from voters, then commonsense hemp legislation can move through Congress in the near future.

I plan to continue to keep fighting for this and hope to reintroduce this as a stand-alone bill.

I also want to raise concerns with language that was passed in the bill that amended the Healthy Forests Restoration Act. It is my hope that this issue will still be addressed in con-

ference. I understand Senator BENNET made remarks expressing that same desire.

The language in the forestry title of the Farm bill amended an Act which I played a key role in helping pass originally in the Senate a decade ago.

As part of efforts to pass that legislation, which streamlined National Environmental Policy Act requirements, as well as appeals and judicial review, a carefully balanced compromise was reached. Environmental protections and clear limitations for appropriate places for the use of that authority were enacted as part of that legislation.

The language in the Farm Bill creates a sweeping new authority to use the Healthy Forest Restoration Act for areas potentially threatened with insect or disease infestations but fails to include any of the environmental protections or clear limitations in the original legislation. Additionally, the way those areas that are threatened by insects and disease are defined is very broad.

I worked very hard with several of my colleagues to try to reach a compromise. It is my hope that given a little more time, we will be able to reach a compromise before a final Farm Bill becomes law.

I hope we will have a chance to perfect this language to address these concerns as the bill goes to conference.

Lastly, I want to touch the labeling of genetically modified foods.

I have always believed that consumers benefit from having more information about the food they consume, and that is why I supported an amendment offered by Senator SANDERS regarding the labeling of such foods. However, I continue to believe that the most realistic way to improve consumer information about genetically modified foods is to take a national approach and I will continue to work towards that goal. That is why I cosponsored Senator BEGICH's legislation to ensure that genetically modified fish are labeled.

In sum, I again want to reiterate my strong support for the Farm Bill passed in the Senate and my great pleasure at having successfully gotten two amendments into this bill.

I raised several additional issues and it is my hope that there will be continued opportunities to address these issues going forward.

I yield the floor.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 250, S. 1940, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Harry Reid, Tim Johnson, Al Franken, Patrick J. Leahy, Christopher A. Coons, Tom Harkin, Barbara A. Mikulski, Kent Conrad, Robert Menendez, Jack Reed, Barbara Boxer, Ben Nelson of Nebraska, Michael F. Bennet, Max Baucus, Mark Begich, Richard Blumenthal, Kay R. Hagan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1940, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the insurance fund, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—96

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoehn	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Brown (MA)	Inouye	Roberts
Brown (OH)	Isakson	Rockefeller
Burr	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCaIn	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden

NAYS—2

Paul

Pryor

NOT VOTING—2

Boxer

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Louisiana.

CHANGE OF VOTE

Ms. LANDRIEU. Mr. President, I rise for a procedural request and a statement on the farm bill. On Rollcall Vote No. 153, yesterday, I voted "yes." It was my intention to vote "no." I therefore ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the amendment or the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I had the Rollcall Vote number wrong. It is not Rollcall Vote No. 153. It is Rollcall Vote No. 143. I voted "yes." I would like to change my vote to "no." I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

AGRICULTURE REFORM

Mr. President, I will be brief. I know other Members are on the floor who want to speak on other subjects.

First, I want to thank the Senator from Michigan and the Senator from Kansas for an extraordinary job on a very difficult bill, a very complicated bill—and difficult because it is not just a Republican-Democratic debate or a Democratic-Republican debate, it is a regional debate that has to take place, and there is a lot of give-and-take.

I have been proud to vote for every farm bill that has been before the Senate to my knowledge, but I voted "no" today, and I want to say why.

Despite the great work of Senator STABENOW and Senator ROBERTS, there was a weak part of this bill, in my view, related to rice farming, and it is such a significant and important part of our farming structure in Louisiana that I cast a vote against the bill to send a signal that more work needs to be done.

This bill passed the Senate with an overwhelming vote. I voted for many of the amendments that I think helped to shape it to be even better than when it came out of committee.

We beat back several attacks to uproot, destroy, or significantly modify the U.S. Sugar Program, which has

been very important to the State of Louisiana—one of the Nation's great sugar growers. As I have tried to explain to people who continue to attack this program, why would you want to end a program in this bill that does not cost the taxpayers a single dime?

There are no direct subsidies for sugar, as there are for all the other crops. The U.S. Sugar Program provides American consumers with low, stable sugar prices and ensures that our sugarcane and sugar beet growers receive a fair price for their crop.

I am happy to say that American growers of sugar can provide almost 85 percent of domestic demand. So why not use domestic sugar if we can supply our domestic demand? We only import what we need to import. We do not want to flood the market with cheap imports coming into America and undermining our jobs. I was proud to stand with our sugar industry and beat back those amendments.

Louisiana farmers and ranchers make a significant contribution to our State, generating over \$10.8 billion in economic activity alone. Agriculture—including fisheries and, of course, forestry—and energy are the backbone of Louisiana's economy.

This farm bill is an important bill. As I said, I was happy to vote for literally dozens of amendments that strengthened it. But I held out my final support, hoping that, as it travels to the House and goes through the conference process, the farm provisions related to our rice growers could be perfected.

People like to say the United States grows the cheapest, safest, and most abundant food, fiber, and energy supply in the world. They are right. The people in my State who do that day in and day out are proud. They have every reason to be proud because farming is more than a business, it is more than a job; it is a way of life. It is a way of life that is important and precious and should be honored. There are many families—cousins and aunts and uncles and fathers and mothers and children who are involved in farming. In Louisiana, in our forest lands, and along our coastal lands, these families follow a preferred way of life, even though it means hard work, long hours, high risks, and sometimes heart-breakingly limited returns.

So from sugar and rice in the south to cotton and poultry in the north, and all the areas in between, Louisiana needs a farm bill that supports all of our farmers. This one failed in one important area, which is why I cast a "no" vote.

This bill did not support adequately, in my view, the 2,000 rice farmers we have in Louisiana. Our rice industry generates \$638 million in our State alone. Along with Arkansas, we are one of the major rice producing states. Nationally, U.S. rice supports about

128,000 jobs. It is \$34 billion of economic input each year.

This bill did reduce the deficit by \$23 billion, and that is something I support. However, it took a larger chunk out of rice than was asked for any other commodity. Rice took a 65% reduction when the other crops, on average, took a 30% reduction. And I know some of the peanut growers in Georgia have some of the same concerns we do.

So let me end by saying that I hope the position of our rice farmers and the important industry that rice represents can be strengthened in the House. If so, I will proudly put my name on this bill, because there is some very good that was done to protect our nutrition programs, to help our middle-class families who find themselves in the unusual situation of having to get some food relief in these difficult times. I want to thank Senator STABENOW particularly for her help in that way.

But for my rice growers, my rice producers, the important mills we have from Crowley, LA, to other places, for companies such as Kellogg in Battle Creek, MI, that depend on strong rice production from Louisiana, I cast a "no" vote.

Finally, I will say, I hope we can find a way to open some more markets for our rice growers. We are interested—very interested—in trade with Cuba. And the politics sometimes prevents us from opening more trade relations with a nation that I know has not met our standard of democracy but most certainly would be an open market for many of my farmers.

So for my farmers who are looking for markets where we can sell and compete on the world market, if you give us an opportunity to compete and open these markets, then we may be able to adjust our program. But until then, our farmers need the support of other farmers and did not receive it in this bill.

I so appreciate my colleague from Rhode Island giving me this opportunity to speak. I thank the chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

40TH ANNIVERSARY OF THE PELL GRANT

Mr. REED. Mr. President, 1972 was a watershed year for expanding educational opportunities in this country.

The Education Amendments of 1972 included title IX—now known as the Patsy T. Mink Equal Opportunity in Education Act—guaranteeing educational opportunities for women and girls in federally supported educational institutions.

But 1972 also saw, within the Education Amendments, the creation of the Basic Educational Opportunity Grant. Today we know it as the Pell Grant. It was named in honor and in recognition of the extraordinary vision and service of my colleague, my predecessor from Rhode Island, Claiborne Pell. He authored this provision.

Forty years later, we can see how these two key changes to our educational laws have transformed our Nation and transformed the aspirations of millions of Americans.

It is also a good time to reflect on the challenges that remain and to renew our commitment to fulfilling the promise of opportunity represented in the Education Amendments of 1972.

Senator Pell's vision was that no student with the talent, drive, and desire should be denied the opportunity for a post-secondary education solely because of a lack of financial resources. Pell grants have opened the doors to a college education for millions of Americans.

In the 1973–1974 academic year—the first year students received grants—176,000 Pell grants were awarded. In the school year that began in the fall of 2010, that number grew to over 9.6 million.

Pell grants constitute approximately 23 percent of all Federal student aid, which includes grants, loans, and work study programs.

The Pell grant is the cornerstone of our Federal student aid programs. For needy students, it is the foundation for making college affordable. Unfortunately, reduced State support for higher education and rising college costs have eroded that foundation.

In 1976, the maximum Pell grant was \$1,400, which was enough to cover 72 percent of the cost of attendance at a public 4-year college. In 2010, the maximum Pell Grant was \$5,550, which was only enough to cover 34 percent of the cost of attendance at a public 4-year college.

We have seen an erosion of the buying power of the Pell grant. If we were matching the effort that he initiated in the 1970s, we would be providing more opportunities and more support for college students across this Nation.

Senator Pell understood that grant aid was critical for low-income students and families. The goal was to minimize the need for loans. Frankly, back in the 1970s, most young people with a Pell grant—working through the summer, and working the extra hours they had to during the academic year—could pay their way through school, leave school without huge debt.

Today, regrettably, there are students graduating from school with \$10,000, \$20,000, \$30,000 worth of debt because the Pell grants have not kept up, because college costs have accelerated, and because they have been forced to borrow. Today, low-income students and middle-income students rely heavily on student loans to pay for college.

And we are seeing another burden; and, frankly, this ripples throughout our economy. In the 1970s and 1980s, if you left college owing a few thousand dollars, you could pay that off very quickly. So by your late twenties, you were ready to settle down, to buy the

house. Today, we have a generation of students who are struggling with debt that might take them 10 or more years to pay off. Effectively, they cannot begin to buy the home, to settle down, to do the things that are so important to our overall economy.

Unless we are able to come to an agreement over the next several days, we also face the prospect of seeing the rate on subsidized student loans double by July 1.

That would deal another blow to moderate- and low-income families. Leader REID has proposed a very reasonable compromise. I hope that the Republicans will let that compromise go forward. I am hopeful my Republican colleagues can use this opportunity not only to continue to keep the lending rate low for Stafford loans but renew our own pledge on the Pell grant.

It would be ironic to see, on the 40th anniversary of the Pell grant, a further undermining of the ability of middle- to low-income Americans to go to college. In fact, this should be an opportunity to do much more. Senator Pell's words ring as true today as when he spoke them in 1995, one of the last years of his tenure in the Senate.

In his words:

As I have stated on many occasions, few things in life are more important than the education of our children. They are the living legacy that we leave behind and their education determines the future of the American Nation. . . .

He continued.

. . . Every day families are making decisions about sending their children to college. Certainly one of, if not the major obstacle they face is how to pay for college. The loan is their last resort. It provides the extra but necessary money they must have after exhausting their own resources and obtaining any grants for which their children might be eligible. Increasing the amount that children owe after graduation may well place the dream of a college education beyond their reach. That, to my mind, would be a tragedy of truly immense proportions. . . .

Senator Pell was right. Increasing student debt, especially during these difficult economic times, would be a tragedy for students, their families, and our Nation. I urge my colleagues on the other side of the aisle, on our side of the aisle, all my colleagues, to work together to prevent an increase in the student loan interest rate from doubling on July 1.

That would, indeed, be a fitting tribute to Senator Pell on the 40th anniversary of the Pell grant.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am honored to join my senior Senator to commemorate such an important milestone as he has described in American education.

It was 40 years ago this week that President Nixon signed into law the Education Amendments Act of 1972, in-

cluding a provision establishing for the first time the basic educational opportunity grant, which came to be called the Pell grant for its sponsor, Senator Claiborne Pell of Rhode Island.

Over the next four decades, Pell grants would turn the dream of college education into a reality for millions of Americans. Today, more than ever, a college diploma is important to a young person's success. The unemployment rate for those 25 and older with a bachelor's degree is less than 4 percent and over 8 percent for those with only a high school diploma. The value of that college degree could not be more apparent. Higher education provides the skills and credentials that many employers require in today's economy.

In the decades following World War II, the U.S. Government made college and occupational mobility a reality for more Americans than ever before. Claiborne Pell was a veteran of that war, and he saw how the GI bill enabled millions of his fellow veterans to better themselves through education. He recognized that many of his Coast Guard shipmates had as much talent as his Princeton classmates but not the privilege or resources to go to college.

Given the opportunity, this Greatest Generation would not only provide a better life for their families with that access to college, but they would contribute mightily to the growth of this Nation, a growth we still enjoy today.

Claiborne Pell resolved then that all Americans should have such an opportunity, and his vision would become a reality for millions through the Pell grant. In 1976, the first year the Pell grants were fully funded, a full Pell grant paid 72 percent of the cost of attendance at a typical 4-year public college. Today, a full Pell grant covers just 32 percent of those costs, but still, for many, this vital assistance can mean the difference between being able to attend college or not.

As grant aid has fallen and tuition has soared, families have had to borrow to make up the difference to send their kids to college. The total amount of student loan debt carried by Americans has recently surpassed \$1 trillion, more than Americans now owe on their credit cards.

I have talked to students around my State and I have read many heartfelt letters. It is clear Pell grants serve as a gateway to the opportunities available with a college degree, a gate that would be shut if not for Pell grants.

I received a letter from Phil in Wakefield, RI, the oldest of five children. Last year, Phil graduated from Cornell. Phil worked his way through college, including summers. His parents chipped in when they could. Phil's father is still paying off student loans, and Phil was lucky enough to earn private scholarships and receive grants from his school. He said:

But there's no way my education would have been possible without Pell Grants. We just wouldn't have been able to afford it.

I also heard from Anthony, who has been working as a waiter in Providence. Thanks to the Pell grant, he and his wife Jen have been able to go back to school at the University of Rhode Island for degrees in biotechnology. They say their education will enable them to build a better future together in Rhode Island's rapidly expanding biotech sector.

Leann is a single mother of two from Pawtucket, already carrying student loan debt, although she has not been able to finish her undergraduate program. Last year, Leann enrolled in the School of Continuing Education at Roger Williams University, and when she graduates with a bachelor's degree next year, she plans on opening her own small business. "None of this would be happening" she wrote, "if I were not receiving a Pell Grant."

The simple fact is this: Pell grants help millions of people achieve the dream of college and improve their prospects for employment. It is a wise investment in the future of our country. Congress has, in recent years, increased the buying power of Pell Grants, increasing the maximum grant from \$4,050 in academic year 2006–2007 to \$5,550 in 2012–2013.

We also increased the minimum family income that automatically qualifies a student for the maximum Pell grant, a change that better reflects today's economic realities. Sadly, however, we are seeing a truly misguided assault on Pell grants.

The editorial board of the Wall Street Journal marked the 40th anniversary of Pell grants this week by printing claims about the Pell grant that, simply to be polite, do not withstand scrutiny. The Journal says the Pell grant is rife with abuse, with students engaging in "creative accounting" to qualify by feigning financial independence.

The most common way one gets deemed independent under the Pell Grant Program is by being 24 years of age or older. It is hard to imagine doing much creative accounting with one's date of birth. The other major proofs of independence are being married and having children. Maybe when they said "creative accounting" they meant "procreative accounting."

The Wall Street Journal implies that better off students can win larger grants by attending more expensive institutions. But the cost of tuition cannot increase the maximum size of a grant. The maximum Pell grant, as I said, is \$5,550, regardless of the school one attends. As we all know, \$5,550 is far from sufficient to cover the cost of most higher education.

Perhaps the most misleading claim from the Journal is to pick out the period when Pell grant costs rose significantly, between 2008 and 2010, due largely to the enactment of a funding expansion that has since been repealed

and the fact that more eligible students applied for assistance as the economy worsened in those years. What they left out is that the Congressional Budget Office projects almost no average annual growth in program costs over the next 10 years.

The Republican budget in the House of Representatives slashes funding and eligibility for Pell grants and eliminates all mandatory funding for the program over the next 10 years. We all understand the need to find savings in the Federal budget. We all understand the need to make difficult choices. But of all the bad choices we could make, of all unintelligent choices we could make, failing to invest in Pell grants would be among the worst.

It is, frankly, shameful that Federal financial aid has not kept pace with the rising cost of college. It is truly misguided to roll back financial aid for a generation of young Americans preparing to compete in an evermore global economy. We need a highly trained workforce. Pell grants are very often the keystone in the arch that students must build to afford college, as Phil and Anthony and Jen and Leann all showed.

Rhode Island is a small State. But over the years we have had some towering and remarkable Senators. Claiborne Pell was one. Claiborne Pell believed, as he once told the Providence Journal, "that government—and the federal government in particular—can, should, and does make a positive impact on the lives of most Americans."

The Pell grant's positive impact is that people who cannot afford college have the chance to go to college, and it lifts off their backs a little bit of that burden of debt. That is something we want in this country, not just for the sake of the individual Pell grant recipient, not just for the sake of the next generation but for the sake of the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

The PRESIDING OFFICER. The Senator from Kansas.

AGRICULTURE REFORM

Mr. ROBERTS. Mr. President, I ask to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I wish to talk about the farm bill. As we can see from an open Senate, I think we have done our work, and we have been successful. Most of what we can say on this bill has already been said.

After final passage, I simply wish to reiterate what the chairwoman has said, what I have said all along: This is a reform bill. We cut \$23 billion in mandatory spending. These are real cuts, no gimmicks. We have eliminated four commodity programs—four commodity programs. We have streamlined

conservation programs from 23 to 13. We have eliminated numerous other authorizations.

In total, approximately 100 authorizations for spending and appropriations are eliminated. This is real reform. I also wish to take a quick moment to thank all the staff who have worked so hard on this legislation, especially the committee staff on both the majority and the minority sides.

I especially wish to thank the legislative magician, if I may call him that—expert—David Schiappa and his staff. They are no longer here, but they guided us through some difficult times, as he always does—as they always do.

I would like to take a few moments to recognize the members of my staff who worked on this bill. For me, this is a very special occasion. We are only as good as our staff. I have been blessed with the very best, and I have been a bucket totter. That is what a staff member is. When someone totes buckets, they try not to spill anything.

Sometimes they are successful and other times they may trip and fall. Other times it is just the way it is. I was administrative assistant to Senator Frank Carlson, the only man in Kansas to serve us as a Member of Congress, as a Governor, and a Senator, prior to our current Governor, Sam Brownback.

I was the administrative assistant for Congressman Keith Sebelius, who was on the House Agriculture Committee, and learned an awful lot about agriculture with Keith as we went through those days. Obviously, if someone is from Kansas, they are a legislative assistant or a bucket totter or whatever description you want for Bob Dole forever.

These people, as far as I am concerned, are not only my staff, they are my family. They have persevered. Anne Hazlett, my chief counsel, in my opinion, is the best chief counsel in the Senate, one of the top legislative drafters in the Senate, former director of the Indiana State Department of Agriculture under Gov. Mitch Daniels. When she is at my door, I know I am going to be told no on something.

I actually had better listen to her.

Eric Steiner. Eric has charged me with cruel and unusual punishment for putting him in the charge of dairy policy. After the 1996 farm bill and all that—and the 2002 and 2008 farm bills—I said I don't do dairy anymore. Then, in came Eric. He also became a dad for the first time earlier this year as we worked on this bill—talk about working 24/7 and giving up your family.

Keira Franz is a former Bob Dole staffer. Bob still tells her what to do so she can tell me what he says I am supposed to be doing.

Autumn Veazey, our southern bell and specialty crop guru, has also had the pleasure of getting to know places such as Dodge City and the inside of a

meat processing plant—something that should be required of every agriculture assistant. Don't ask her.

Gregg Doud. Here is a real Kansas cowboy and one of the top agriculture trade experts in Washington, and he still wears his boots.

Tara Smith, our commodities and crop insurance expert, helps me navigate the minefields of both. Thank you so much, Tara. You have been wonderful.

Janae Brady keeps our staff—and, most importantly, my staff—director organized.

Andrew Vlasity, a great young man and a tremendous writer, has helped create a research title for the future.

Max Fisher, our No. 1 crunching guru, also became a dad for the third time as we worked on this bill.

Chris Hicks, our other legal counsel, is a former Senate-confirmed general counsel at the Department of Agriculture and provides the wisdom of that position as we work on complicated matters.

Patty Lawrence is our Department of Agriculture detailee on conservation issues and the ultimate professional.

Also, in my personal office: Ryan Flickner, a young Kansas farm lad who will soon return to Kansas to get married and become my deputy State director.

Wane Stoskopf is another Kansas farm boy who is taking Ryan's position, and Emily Haug.

Also, my communications director, Sarah Little—dear Sarah is never short of work when it comes to cleaning up what I have said and should not have said.

My State agriculture representative is Mel Thompson. I used to work with Mel. He was a legislative assistant and I was administrative assistant with Keith Sebelius. We went through two farm bills. There is no better person to have eyes and ears on the ground than Mel Thompson.

Then, there are Joel and Mike, the "two musketeers," who saw me every morning, every afternoon, and every evening. I have a tendency to wander, to reflect on past farm bill stories, and to occasionally give rants. These are not particularly helpful in regard to moving legislation forward, and so Joel and Mike would say: Sir—at least they said "sir"—Sir, keep your eye on the ball. Stay focused. Where there is a will, there is a way. If you rant, if you wander, you will be lost in the midst of the desert farm bill purgatory. Don't be lost in the desert farm bill purgatory. Stay focused.

I tried. I think we succeeded, for the most part.

The chairwoman also has a great staff. Everybody likes to brag on their staffs, and I know she will mention many of them. I especially thank her staff director, Chris Adamo, and chief counsel, Jonathan Coppess, for their

outstanding work on this legislation. They have been professional throughout. I don't know what you guys are going to do now that we are not breaking into your office in the mornings, afternoons, and evenings to see your smiling faces—and then we wonder why you are not smiling. Thank you for a top job.

I also thank all those in Senate legislative counsel and the Congressional Budget Office who helped us get to this point today. They all worked behind the scenes, but we could not be here today without them.

I view my staff as family. I thank my family over here for their tremendous work in achieving what I think is a great farm bill and for doing something to restore the Senate back to the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, we have been looking forward to this day to be able to have the opportunity to celebrate a successful conclusion in the Senate. We have more work to do, but for 1 day we can pause and celebrate what is an important and great day after a tremendous amount of hard work that has gone on by our staffs, my ranking member, myself, along with our colleagues on the committee. We are so grateful for the wonderful effort that has gotten us to this point.

I have said this before and I will say it again: 16 million people count on us. They work in agriculture or food-related industries. That is a lot of people. I am not sure we have had a jobs bill that has come before the Senate that we can say addresses 16 million people's jobs, but certainly this is one. It affects every corner of every State.

I thank everyone in the Senate for their patience with us. I thank the majority leader for his incredible patience and leadership. I thank Senator McConnell for working with us and I thank all those who voted on 73 amendments and everybody who was involved in putting those together and making sure we could move through this process.

Of course, I thank Senator Roberts again. Kansas is lucky to have him as a champion in the Senate. I have been very lucky to have him at my side throughout this debate and work, starting in the fall with our deficit reduction proposal up until today. We have come together on a bipartisan basis. I hope we can do that more. I have heard so many comments from colleagues in the last few days, saying it feels good to work through issues, debating issues, having votes, working together, and actually accomplishing something. It feels good and we need to continue to do more of it. Frankly, the American people want us to do more of it. So I am hopeful this will be a sign, as other things have been, frankly, in the Senate moving forward.

I am proud we have been the ones doing a bipartisan transportation bill and the ones passing other bipartisan bills. This is a significant milestone in that process of working together.

I am also very proud of the reforms in the bill we have done on a bipartisan basis. This is \$23 billion in spending cuts for deficit reduction. It is true that if every committee within their jurisdiction were to focus on analyzing and reviewing the programs under their jurisdiction and making tough decisions, ending paperwork duplication, and so on, actually it would end up to be a pretty big deficit reduction plan—if we all did it in those areas we control. That is the way we looked at the process.

We have come up with \$23 billion in deficit reduction. We have done that by ending four different subsidies that folks have talked about changing for a long time—direct payments and other subsidies that are paid out regardless of losses. We passed a bill that continues support for healthy local food systems, farmers markets, and local food hubs.

We have passed a bill that strengthens conservation and continues protections that maintain healthy soil, clean water, and fresh air.

We passed a bill that supports America's rural communities. Every State has small rural communities, towns, villages, and counties that are counting on us to continue to have their economic development tools—which is the rural development title of the farm bill—as robust as possible. American energy independence is addressed in this bill. We passed the bill in a bipartisan way. This is an incredibly important step.

Now our bill goes to the House of Representatives. I have great confidence in the chairman and ranking member of the committee. I know they will be successful in moving a bill out of committee, and I am sure they are going to do everything humanly possible to pass it in the House. I believe, ultimately, they will because every American is counting on them in order to maintain food security for our country and the ability for us to have a strong, successful, safe food supply, as well as all the jobs connected to that.

I wish to thank my extraordinary staff. They worked from sunrise to sunset and then another few hours. I think we added hours—I think we changed from 24 hours to 30 a couple of times. It has been an incredible experience, and I am very grateful, truly, to all of them.

No team does it without a great captain. I thank Chris Adamo, who was with me on the last farm bill and is now our staff director. He has provided incredible leadership. He has deep knowledge of agriculture, and he brings a tremendous leadership to this process. He put together a tremendous

team. I would not be here, and we would not be here in the Senate without his leadership and hard work and the team effort involved.

I also thank Jonathan Coppess, my great chief counsel, who actually helped bring a baby into the world last August, as we were saying, "Why don't we do deficit reduction." When the supercommittee was put into place, he was helping bring a new baby into the world. So we thank Jonathan for his leadership. I have to say this as a point of personal privilege: Even though he is from Ohio, we still welcomed him into the fold—despite the rivalry between Michigan and Ohio.

I thank all our teams as well. I thank our commodities and dairy teams. It is tough work. We changed the commodity title. I think this is the most reform, probably—I don't know ever but in a long time. Moving from subsidy systems to a risk management system is easy to say, but it is hard to put into place in a way that makes sense. It is fair with commodities and will work in a simple way across the country.

I thank our Joe Shultz, who has been amazing. So many times we said: I don't know how we are going to do this, and he pulled another rabbit out of his hat. We thank Joe for all his wonderful work as our chief economist.

Cory Claussen is on dairy. It is not an easy thing to do—focus on dairy. There are large farms and small dairies. It is an incredible job.

Marcus Graham, as well, did amazing work, as did Chelsea Render. There was great teamwork on commodities and the dairy issues. Thank you so very much.

We had a great team on title II. Thanks to the "T2 warriors", Tina May, an amazing person, who reminded me every other day that we had 643 conservation groups from every one of the 50 States. I have it in my memory because Tina said it every time I saw her. The truth is we did have 643 different conservation and environmental groups supporting this bill. It is because of Tina May, Catie Lee and Kevin Norton and the incredible work they brought to what I believe is an extraordinary reform in conservation. We are placing conservation as a priority in a way that has not been in other farm bills. We will see our country provide better opportunities around land and water and air quality and quantity issues as a result of their hard work.

Jacquelyn Schneider and Jesseca Taylor deserve a tremendous amount of credit for their work on the nutrition and healthy food issues. A major area of debate that will be going forward, as we address nutrition and healthy foods issues, is specialty crops, which are so important to me. I know in New Hampshire and other parts of the country it is very important. They did incredible work. We had some hard issues to work

through on how we could create savings in our bill in nutrition, while maintaining the strong commitment to families. So I would like to thank them for an extraordinary effort as well.

And then each of our team members—let me go through them because there are so many people who did so many wonderful things.

Jonathan Cordone, who kept me out of trouble at most moments, in his work as general counsel, counseled me well and gave me wonderful words of wisdom as we moved along, both on procedure as well as policy.

Brandon McBride on rural development—we worked through many issues on the floor with Members, many issues that Members who were not on the committee had and wanted to work on and develop further, and Brandon's patience and creativity and hard work really created a rural development title that is extraordinary.

One of the things we worked on, which may sound easy but was not easy at all, was the differing definitions of what rural is. The Secretary of Agriculture told me one time we had 11 different definitions of what rural was. He said: You know, you ought to fix that.

We heard from part-time mayors and village presidents and county commissioners and others who said: We would like to figure this out, how we might use these programs to support our communities, but we don't know whether we fit or under which definition we fit.

Well, we have one definition now, and that may sound simple, but, no, it was very hard. And Brandon deserves a tremendous amount of credit, along with our team, for getting us to that point.

Karla Thieman, who is not here at the moment, did a tremendous job on livestock, livestock disaster assistance, and efforts on the energy title. We thank her and wish she were able to be here to actually celebrate. I don't think she is, is she? No, she is not here, but we thank her so much.

Ben Becker made sure that we were communicating effectively with those in the media, that we were communicating what we were doing. He worked extremely hard to make sure that was happening.

Russ Behnam. We thank Russ so much for all his incredible work as we moved through these amendments and moved through this process. He was absolutely invaluable in his work as well.

We thank Hanna Abou-El-Seoud, who was a terrific part of our team, and Maureen James, Alexis Stanczuk, Ryan Hocker, and Jesse Williams, our chief clerk, Nicole Hertenstein, Jacob Chaney, Seth Buchsbaum, and Alvaro Zarco. They are a terrific team, each one of them playing a very important role in getting us to this point and helping me have the information I needed, making sure things were getting done and the team was able to come together.

We had two great fellows, Lauren Reid and Matt Eldred, whom we thank as well. Also, we thank all of the great interns we have had with us since we began this process: Ryan Smoes, Jasmine Macies, Dawn Lucas, and Seth Collins.

This really is a team effort, with an extraordinary breadth of jurisdiction under this bill that created the need to really make sure we had the smartest people in the room, and I really believe we achieved that with this great team.

Also, I couldn't have gotten it done without my great chief of staff, Amanda Renteria, and the great role she played with Chris Adamo putting together our great agriculture team, and Todd Wooten, legislative director, who was on the phone counting votes every moment right up until the final vote. He did such a great job in bringing that together.

Bill Sweeney, my deputy chief of staff, made sure we were communicating in the right way, being able to tell the story of what it means to have a farm bill, what it means to people back home, to every family, every business, and every farmer. He did an extraordinary job of helping me do that.

Cullen Schwarz, who is a terrific communications director, made sure we were communicating effectively what we were doing and why we were doing it.

I also wish to thank our team in Michigan, led by Teresa Plachetka, a wonderful team that made sure we were focused, as I always am, on Michigan. Our great team consists of Mary Judnich, Kali Fox, and Brandon Fewins, who have done terrific work and outreach around the State, and Korey Hall in urban agriculture. All of our team made sure we were communicating at home with our growers.

We are proud to say we have more diversity of crops than any State but California, so I have always had to pay attention to every page. I have always kind of been jealous of folks who had to only pay attention to one title. We have had to pay attention to everything. The good news is that prepared me well for assuming the chair of the committee. But I do want to thank our Michigan staff because they are terrific as well.

This really is a bipartisan effort. It really, really is. And I have such respect and admiration for the staff of Senator ROBERTS on the committee, led by Mike Seyfert, Joel Leftwich, and Anne Hazlett. I thank them all so much for their terrific work and partnership. Everyone involved whom Senator ROBERTS spoke of is professional, smart, and dedicated. We had some tough things we had to work through, both policy-wise and procedurally, and they were terrific, just absolutely magnificent, and I am very grateful for the wonderful way in which we really have

a team. It is not a Democratic team or a Republican team—we have a team.

I also wish to briefly mention our CBO farm team, whom we kept up late at night many times as we tried to get scores and work through how we fit this all together and maintain over \$23 billion in deficit reduction. So Doug Elmendorf and his terrific team—Jim Langley, Greg Hitz, Dave Hull, Kathleen FitzGerald, Emily Holcombe, Ann Futrell, Dan Hoople, and Jeff LaFave—we call them the farm team—have been magnificent and worked weekends, have gone above and beyond for us, and I thank them, with a shout-out to everybody at CBO who has helped us.

I thank Michelle Johnson-Wieder and Gary Endicott from Legislative Counsel for their invaluable assistance. And on Senator REID's staff, I thank Kasey Gillette and Nathan Engle. I claim Kasey as my former staff person, so I told Senator REID that I trained her well. But we are very grateful for the incredible team effort there.

All our floor staff, Gary Myrick, Tim Mitchell, David Krone, Bill Dauster, Reema Dodin, Stacy Rich, Meredith Melody, and everyone involved on the majority team who was so absolutely essential to us, putting in very long days and getting this done—everybody hung in there with us, and we are grateful.

Finally, let me mention the Secretary of Agriculture, Tom Vilsack, and the USDA Office of General Counsel. We had a lot of technical needs as we worked through this bill, a tremendous need for technical assistance and support, so that when we were done, as we completed the bill, it actually worked for farmers and ranchers, it worked from a Department standpoint to support farmers and ranchers and those involved in every part of this bill, and we received tremendous help and encouragement and support. So I thank them for their leadership.

To all the members of the Agriculture Committee, Democrats and Republicans, and their staffs, I wish to say how very lucky I am to have such a tremendous team who is so knowledgeable and has so much experience and a committee that has so much experience. It has been quite amazing.

So as I conclude, Madam President, I would just say this is a proud day for those who care about having the Senate work together well, for producing a product that is one that has real reforms in it and something that we can look to the American people with pride and say: We worked hard, we worked together, and we got the job done.

I thank everyone, and now we look forward to working with our House colleagues as they move this measure forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXMAGEDDON

Mr. THUNE. Madam President, I rise to express my growing concern as massive tax increases loom on the horizon, and yet the Senate has not taken a single vote to forestall what many are appropriately calling taxmageddon.

Washington tends to be a place where people speak in hyperbole, but it is hard to overstate the magnitude of the tax increases that will hit our economy starting next year if we do not act. If Congress does not vote to extend the current income-tax rates, the lower tax rates on investment income, relief from the alternative minimum tax, relief from the Federal estate tax, and other expiring tax relief measures, the result will be a tax increase of more than \$470 billion on Americans in 2013 alone.

Over the next 10 years this tax increase will result in nearly \$4.5 trillion in new taxes on American families and entrepreneurs. This will be the largest tax increase in our Nation's history in absolute dollars and the second largest tax increase since World War II as a percentage of our economy. This massive tax increase does not even take into account the new taxes enacted as part of ObamaCare that will also go into effect in 2013 and that will impose an additional \$23 billion in higher taxes on individuals and businesses.

What will these taxes mean to the average American family? The Heritage Foundation recently published a study that estimated the increase per tax return in every State. In my State of South Dakota, Heritage estimates that the average tax increase per tax return will be \$3,187 in 2013.

I would say this to my Democratic friends who generally believe in demand-driven Keynesian economics: The average family in South Dakota can do more to stimulate our economy and create new employment by keeping their \$3,187 and spending it as they see fit, not as Washington sees fit to spend it on their behalf.

Taxmageddon is an apt description when we consider the impact of these tax increases not just on individual families but on our entire economy. Until recently we could speculate about the impact of these tax increases on our fragile economy, but the magnitude of the damage was not in dispute. Not anymore.

Last month, the Congressional Budget Office gave us the most definitive estimate yet of the impact of the nearly \$½ trillion of tax increases in 2013 when combined with the more than \$100 billion of spending cuts from the sequester.

The Congressional Budget Office projects that the combination of massive tax increases and the sequester will result in real GDP growth in calendar year 2013 of only one-half of 1 percent. The picture is even bleaker when we consider that the Congressional Budget Office also projects that the economy will actually contract by 1.3 percent in the first half of 2013. According to the CBO, such a contraction and output in the first half of 2013 would “probably be judged to be a recession.”

So let's be clear about what “taxmageddon” means. We are not talking about a slight slowdown in growth of a few tenths of a percent. What we are facing is the difference between positive growth on one hand—which will mean more jobs and higher incomes—and a recession on the other hand.

How big is the difference in economic growth next year if we act to forestall the pending tax increases versus not doing anything about it? According to the Congressional Budget Office, if Congress acted to remove the tax increases and budget cuts, the growth of real GDP in 2013 would be in the range of 4.4 percent.

This sort of robust growth is a far cry from the lackluster economic performance that we have experienced of late. In fact, GDP growth for the first quarter of this year was recently revised downward to just 1.9 percent. This is hardly the magnitude of economic growth necessary to sustain a meaningful recovery that will finally bring the unemployment rate below 8 percent—something the current meager recovery has failed to accomplish.

We can, and must, do better. We can start by providing Americans some certainty as to what their taxes are going to be come next year. Fortunately, we learned recently that the House of Representatives intends to hold a vote on legislation to extend the existing tax rate next month. According to statements by House Speaker BOEHNER and Majority Leader CANTOR, the House is likely to consider a short-term—perhaps for 1 year—extension of existing tax rates as a bridge to fundamental tax reform next year.

Some may question why we need to vote on an extension of the tax rates now because they assume these tax issues can simply be dealt with as a part of the postelection lameduck session. The answer is that we need a vote now because the delay in extending current tax policy is having a very real impact on our economy today.

In fact, the Congressional Budget Office again estimates that the mere possibility of pending tax increases and spending cuts will lower U.S. GDP by one-half of 1 percent in the second half of this year—not next year, this year. The reason for this is simple. Americans, whether they be investors, small

business owners, or simply consumers, understand that they may have a larger tax bill come next year, meaning they will have less aftertax income. Faced with that possibility, we should not be surprised if Americans are choosing to consume less or put off business investments until they know what their tax situation is going to be.

Just this week there was a Bloomberg article entitled "Fiscal Cliff Concerns Hurting Economy As Companies Hold Back." The article quoted a senior economist at Bank of America who said, "You don't board up the windows when the hurricane is there. You board up the windows in anticipation." This economist predicted U.S. growth decelerating to 1.3 percent in the third quarter of this year and 1 percent in the fourth quarter.

The moral of the story is clear. The sooner we act to extend the current tax rates, the better off our economy will be and the better off will be the 12.7 million Americans who are currently unemployed. The sooner we act, the better off will be the 5.4 million Americans who have been unemployed long term or the 46.2 million Americans living in poverty or the record 46 million Americans who receive food stamps.

I agree with President Obama when he said in August of 2009, "You don't raise taxes in a recession." End quote of President Obama in August of 2009.

If you should not raise taxes in a recession, it stands to reason you also should not raise taxes that will cause a recession. I also agree with a number of my Democratic colleagues quoted earlier this week in an article about these pending tax increases. I agree with Senator JIM WEBB, who is quoted as saying, "We shouldn't raise taxes on ordinary income." I agree with Senator BEN NELSON, "My druthers is to extend the tax cuts for everybody."

I agree with former Senator Pete Domenici and former OMB Director Alice Rivlin, who appeared before the Finance Committee earlier this week, and who both agreed we need a short-term extension of current tax law in order to get us to a place where we can consider fundamental reforms to our Tax Code and our entitlement programs.

Even former President Bill Clinton, a major surrogate for the Obama campaign, admitted the obvious when he said recently that a short-term extension of the tax cuts might be necessary.

Former President Clinton and other Democratic Members whom I mentioned have not suddenly become supply-side tax cutters. But they realize it is simply common sense that with the economy slowing, the last thing the Congress should do is slam on the brakes by allowing massive tax increases.

We were reminded earlier this week just how destructive the proposed in-

come tax rate increases would be on the sector of our economy responsible for the bulk of new job creation, and that is our small businesses. According to an analysis by the nonpartisan Joint Committee on Taxation released on June 18, the tax increases that President Obama has proposed would hit more than half—53 percent, to be precise—of all flowthrough business income. The Joint Tax Committee estimates that 40,000 business owners would find themselves subject to higher tax rates next year.

Does anyone think, with unemployment above 8 percent for 41 straight months, that higher taxes on nearly a million business owners is the right policy? Yet that is exactly where we are headed if we do not act.

Of course, extending current tax law temporarily is only a short-term fix. What is needed is comprehensive tax reform, much like the Tax Reform Act of 1986. Real tax reform will drive economic growth higher, will lead to robust job creation, and result in more revenue to the Federal Government. But real tax reform will require Presidential leadership, something that has been unfortunately lacking over the past 3½ years. Perhaps next year we will have a President truly willing to commit to tax reform, a President who is not content with simply releasing a 23-page framework for corporate tax reform. But until we get to comprehensive tax reform, the least we can do now is ensure that Americans do not face a massive new tax hike.

In conclusion, we are facing a moment of truth. We can choose to put our heads in the sand and pretend as though Taxmageddon is not real, we can choose to accept slower economic growth for the remainder of this year and a recession in the first half of next year or we can choose to take action in a way that says, loudly and clearly to all Americans, now is not the time for a massive new tax increase.

I am hopeful we will see a bill from the House of Representatives in the coming weeks to extend the tax rates in order to avert Taxmageddon. If the Senate majority is serious in its rhetoric of getting our economy back on track, they will allow a straight up-or-down vote on this measure. Fundamental tax reform may need to wait until the next Congress, but we can and we should act immediately to forestall the looming tax increases that we know will throw this economy back into a recession. It is not a Republican or a Democratic thing to do, it is simply common sense. I am hopeful the Democratic majority will allow for debate and vote on an extension of the current tax rates sooner rather than later. Every day we wait is another day our economy suffers unnecessarily.

I do not have to tell anybody here, if you look at all the economic data that comes in month after month, we have

the weakest economic recovery in 60 years. We have 23 million unemployed or underemployed Americans. We have, as I said, 41 consecutive months now of unemployment over 8 percent, and we have anemic, sluggish growth projections next year by the Congressional Budget Office if in fact we do not take the steps necessary to avert Taxmageddon.

I hope the House of Representatives will vote. I hope the U.S. Senate will follow suit. I hope the President of the United States will join us in recognizing that we cannot afford to allow taxes to go up—the largest tax increase in American history—on January 1 of next year.

We cannot wait until a lameduck session to address it, because every single day we do, Americans, investors, small businesses are putting off decisions about hiring, about putting their capital to work and growing this economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

DEBT AND TAXES

Mr. LEAHY. Madam President, next week I will probably speak more about this. But looking at tax policy and debt and whatnot—I urge Senators to look at the article written by Walter Pincus in today's Washington Post. The two wars we have been in, Iraq and Afghanistan—the two longest wars in America's history—are noted not just for their length but for the fact that it is the only time America has gone to war where we have not had a special tax to pay for the war. In fact, it is the only time America has gone to war where we not only have not had a tax to pay for the war but we have ended up with a tax cut, and we ended up trillions of dollars in debt as a result.

I hope we will come to the time that we will say—especially with wars of choice, these were not cases where we were attacked that there was a totally unnecessary war in Iraq—totally unnecessary. We went to war in Iraq and said we will put it on our credit card.

Of course, there were no weapons of mass destruction. Iraq had nothing to do with 9/11. A bad guy was running it, but there are a lot of countries we support with bad guys running them. There are \$1 trillion and thousands of American lives—tens of thousands of coalition and Iraqi lives—gone, and our children are going to have a \$1 trillion bill to pay for it and we got absolutely nothing out of it.

We went in Afghanistan to get Osama bin Laden. We got him. We have been stuck there for years—another \$1 trillion to beef up a corrupt government, and our children and grandchildren will be given the bill. Then we talk about what else can we do that we will not pay for? We should think about it. Let me speak now about a more positive thing.

AGRICULTURE REFORM

Earlier today, the Senate passed legislation to address one of the most significant legislative issues on our agenda this year—making needed reforms to our Nation's agriculture and food systems.

I have been both chairman and ranking member of the Agriculture Committee and I think I can say, probably as well as anybody here, how much thanks the U.S. Senate and the country owe to Chairwoman STABENOW and Ranking Member ROBERTS, who did what Senators are supposed to do. They worked together in a bipartisan way to advance the farm bill, the Agriculture Reform, Food and Jobs Act of 2012.

A lot of what people criticize about the Congress today would disappear if everyone acted the way Senator DEBBIE STABENOW of Michigan did, and Senator PAT ROBERTS of Kansas did, working across party lines, across ideologies, to try to put together a farm bill that is not a Democratic or Republican farm bill, but a farm bill for the United States of America. I am so proud of them.

I mentioned earlier today to Chairwoman STABENOW, I don't know how many times she called me weekends when I was at my home in Vermont, or sent me e-mails late in the evening, because she was trying to keep this coalition going.

The work of these leaders and the passage of this bill proves that the Senate can act in accordance with its greatest traditions and we can reach across the aisle to pass critical legislation that reflects compromise. As a former Chairman of the Agriculture Committee, and having worked closely with Senator LUGAR on many bipartisan Farm Bills, I know how difficult the task can be of forging a comprehensive bill that addresses the many competing needs. I said earlier that Senator RICHARD LUGAR and I traded places back and forth, as either chairman or ranking member on that committee. We passed bipartisan farm bills. We worked closely together, with complete candor and honesty with each other, as one would expect from Senator LUGAR. We forged these comprehensive bills.

The Senate's action today could not have been accomplished without the hard work of many dedicated, wonderful staffers, mine and others, both here in Washington and back home in Vermont. Being such a large and far reaching bill there were many staff involved throughout its development and final passage. I would like to thank in particular Adrienne Wojciechowski, Michelle Lacko, Aaron Kaigle, Kathryn Toomajian, Kara Leene, Tom Berry, Chris Saunders, Emma Van Susteren, Ted Brady, Lauren Bracket, Nikole Manatt, Greg Cota, Will Goodman, Erica Chabot, and John Dowd from my staff.

I would also like to thank both the Chairwoman and Ranking Member's staff on the Senate Agriculture Committee who worked so closely with my office on many different issues and programs including the dairy reforms, conservation consolidation, nutrition, rural development, forestry, food aid, research, organics, energy, and the wonderful improvements we made to the Non-Insured Crop Disaster Assistance Program.

It is not easy to get what we have here, a strong bipartisan bill. So I rise to say I hope the House of Representatives will act swiftly to consider legislation that is going to allow us to move to conference. Because just as it was important to the U.S. Senate to get together and pass this bill by an overwhelming majority, the swift passage of this farm bill is essential. The current Farm Bill expires at the end of September. Before August 31, we must address the serious problem of dairy policy or our dairy farmers will be left without a vital safety net.

Dairy is a crucial industry in Vermont. I hear often from dairy farmers who are worried about the dangerous rollercoaster of price swings that impacts both producers and consumers. This is a roller coaster we have been on in dairy pricing in Vermont since January of 2000. How can any farmer stay in business if this is the way their prices go? How can they plan to buy new equipment? How can they plan to send their children to school? How can they plan to modernize their farm if they never know what day the price will be up, what day prices will be down?

I hear too often from dairy farmers who meet with me or talk to me when I am at the grocery store in Vermont, or just walking down the street. They tell me they are worried about the dangerous roller coaster of prices. These swings impact both consumers and the producers.

For our farmers in Vermont, the dairy reforms included in the 2012 farm bill will bring some relief. We simply must free our dairy farmers from this destructive cycle of volatile price changes.

The current Federal safety net provides no protection for dairy farmers from this roller coaster of price volatility.

The 2009 dairy crisis brought plummeting milk prices and sky-high feed costs that combined to devastate dairy farmers in ways that many were unable to recover from. Many had to close down. Let's stop the roller coaster. Let's give stability to the hard-working men and women who are dairy farmers. Dairy farmers have come together to identify ways to move us away from the regional dairy fights and the constant policy conflicts between small and large farms. The results are the changes included in the

2012 Farm Bill, which will help farmers and consumers move away from these volatile price swings. Now we will have some protection.

The 2012 Farm Bill scraps outdated price supports and the Milk Income Loss Contract Program. It establishes a new risk management plan that protects farm income when margins shrink dangerously, and a stabilization program to allow farmers to take a proactive role in easing the instability in our dairy markets. And it accomplishes this at a lower cost than the current program that it replaces while contributing to the savings to this bill. It is a voluntary program, and can be tailored by the farmer to fit their individual needs.

Dairy is Vermont's largest agricultural commodity. Dairy products account for upward of 83 percent—or 90 percent depending on market prices—of Vermont's agricultural products sales. I am proud the dairy farmers of Vermont have had a voice in developing this farm bill, and enacting it is going to bring long-needed relief to the industry.

I hope that the House can now come together in a bipartisan way, just as we did in the Senate, to quickly pass a bipartisan Farm Bill. Republicans and Democrats alike came together in this body, so surely it can be done. We know the impact of this legislation goes well beyond our farms and forests to our economy, our families, and our kitchen tables.

Mr. LEAHY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GOVERNOR GASTON CAPERTON

Mr. MANCHIN. Mr. President, I rise today to congratulate former West Virginia Gov. Gaston Caperton on 30 years of outstanding leadership as the president of the College Board.

It is my privilege to honor Governor Caperton, a native of Charleston, WV, for his leadership in the field of education. Governor Caperton's own childhood experience instilled in him the importance of education at a very young age. As a child who struggled with dyslexia, he was able to overcome the hurdles he faced in the classroom and truly achieve educational excellence. He earned his bachelor's degree in business from the University of North Carolina and has taught at prestigious institutions, including Harvard and Columbia University. He also holds 10 honorary doctoral degrees.

Governor Caperton returned to the great State of West Virginia and served as Governor from 1989 to 1997. During his two terms in office, Governor Caperton made education a top priority and improved the lives of thousands of West Virginia students. He supported an \$800 million school renovation program that directly benefited two-thirds of West Virginia's public school students, facilitating classroom upgrades and additional renovations in all of our schools. Governor Caperton has been recognized nationally for working to upgrade our State's classroom technology to keep West Virginia students competitive in an increasingly global economy. In addition, he helped raise teacher salaries from 49th place to 31st place in the Nation.

Governor Caperton's leadership in education left a lasting legacy in our State, and I am so proud of the work he did for West Virginia schools and all of our students.

In 1999 Gaston Caperton was appointed the eighth president of the College Board. Over the past 13 years Governor Caperton has done such important work to make higher education available to a greater number of students, especially those from underserved areas, and that is truly something of which to be proud. No matter their background, we need to do all we can to help our students achieve a higher level of education if we are going to create the jobs and train the workforce that makes America the greatest Nation in the world.

Since 1999 the College Board has reached a total of 23,000 high schools and 3,800 colleges and has served 7 million students and parents. The organization continues to provide college preparatory materials and has dramatically changed college entrance exams. In addition, the College Board has enabled students' enrollment in advanced placement courses, and Governor Caperton is responsible for more than tripling the number of students from low-income backgrounds taking AP courses.

Governor Caperton has continued to be a champion for students as he supports financial aid policies and programs, while advocating for tuition equity. From his tenure as Governor, to his work at Harvard and Columbia Universities, to his 13 years of leadership at the College Board, providing equal opportunities in the classroom has been the driving force behind Gaston Caperton's career. I am proud to honor this outstanding West Virginian and recognize his achievements in the field of education. I am also extremely proud to call him my friend, as do most all West Virginians.

PRESCRIPTION DRUG ABUSE

Mr. President, I also rise today to express my deep concern and my disappointment that the special interest groups who have a vested financial in-

terest have derailed a strong effort to fight prescription drug abuse. It is an epidemic that is devastating communities all across this Nation. They got their victory—but not at my expense. The people who will pay the price are the young boys and girls in communities all across this Nation who are seeing their families and their schools and their neighborhoods wrecked by abuse and addiction.

What my amendment would do is simply this: It would require patients to get a new prescription to get their pills refilled. What we have right now in trying to schedule hydrocodone from a schedule III to a schedule II is the ease of availability and the prescriptions that are being refilled without any visits to their doctors. It is of an epidemic proportion. The pills would have to be stored and transported more securely, and traffickers would be subject to increased fines and penalties.

I am not trying to put anyone out of business. In fighting for this amendment, I asked anyone and everyone who was opposed to come to see me, and if we could find a way to work together, we would do that. We tried to accommodate the groups who were worried about additional administrative costs, such as new security requirements for storing hydrocodone, or additional paperwork that would come as a result of rescheduling. But at the end of the day these groups seemed more concerned with their business plans and the ability to sell more pills than the responsibility we all have to protect the future of this country and the future of the generation we are counting on to lead and defend this country.

Since the moment the Senate adopted my hydrocodone rescheduling amendment, lobbyists have been turning out in droves to fight this effort to limit people's ability to get pills too easily and abuse them. Yesterday these lobbyists got a victory when the House of Representatives passed a compromise version of the FDA bill that does not contain my amendment, and I assume the Senate will do the same.

Just a few weeks ago it was a different story. I was so proud when the Senate unanimously adopted this amendment because this is a problem that affects every single Member in every single State. I don't know of a person in this country who doesn't have somebody in their immediate family, extended family, or a close friend who has not been affected by the abuse of prescription drugs. Where I come from, that is an epidemic. It is an epidemic we all have and we all are facing. In fact, prescription drug abuse is responsible for about 75 percent of drug-related deaths in the United States and 90 percent in my State of West Virginia. According to the White House Office of National Drug Control Policy, prescription drug abuse is the

fastest growing drug problem in the United States, and it is claiming the lives of thousands of Americans every day.

I understand that limiting access to hydrocodone pills doesn't necessarily fit into the model of selling more product, but I also understand this: We have a responsibility to this Nation and, most importantly, to the next generation to win the war on drugs.

I have been a businessperson all of my life. I understand that in business one has to have a good business plan to be successful. One should also have the ability to alter that plan when necessary, while still being successful. I assure my colleagues that this is one of those necessary times. The health of our country and the public good are at stake.

I am hearing on a daily basis from people and businesses—small, medium-sized, and large—that are having a hard time finding qualified workers—qualified workers who can pass a drug test.

We have folks who cannot get the type of education they need to be part of the workforce of the 21st century because they are drug impaired.

I have been in Washington a short time compared to some of my colleagues, but I have been here long enough to know the pressures Members face around here when special interest groups get entrenched—it is no different in the Presiding Officer's beautiful State of Delaware and my State of West Virginia—and it does not look like my amendment will go into this bill. But I can assure you, it will not go away and neither will the problem of drug abuse. I am determined to see this thing through. This measure will pass. It might not be this year, it might not be next year, but I assure you it will pass.

Until we do something, there are going to be families who are separated and torn apart because of drug abuse and little kids who come to me and the Chair and plead for help because their daddy is addicted or their mother is hooked on drugs or they have had a brother or a sister or a friend who has overdosed or died.

I do not pretend this amendment will solve the entire problem of prescription drug abuse. But when every law enforcement agency—listen, every law enforcement agency in America, every one of them to a T, which we rely on to fight the war on drugs—has supported this amendment openly and spoken out loudly and clearly that it would help them tremendously, I do not know how we can ignore this problem much longer.

The fact is we must act. I can assure you that working together, as we do, we will find a way to move forward with this vital piece of legislation.

I promise the Presiding Officer this: I will continue to fight this war on drugs

with him, and I urge all my colleagues to do the same. This is a war we cannot afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I thank the Chair.

A SECOND OPINION

Mr. President, I come to the floor to do what I have done week after week since the health care bill was signed into law by President Obama, to offer a doctor's second opinion about the health care law, a law that I believe is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and I believe it is terrible for the American taxpayers.

I come to the floor because the Supreme Court is soon going to rule on the constitutionality of the President's health care law.

The Court's decision will revolve around, primarily, the individual mandate, the component of the law requiring all individuals to purchase not just health insurance but government-approved health insurance.

Never in the history of this country has the Federal Government required individuals to purchase a product, to come into our homes and tell us we must buy a government-approved product. Why? Simply because we happen to be a citizen of the United States.

The American people are not happy with this mandate. As a matter of fact, a recent Gallup poll found that 72 percent of Americans believe the mandate is unconstitutional. The results of the Gallup poll, however, are not surprising.

As I travel across Wyoming, I hear constantly from people who are opposed to the mandate.

It is not just the mandate they are opposed to. But, specifically, the mandate is what brings people all across the country together to be opposed to the law.

It is interesting when I go and have meetings and talk to folks. I will ask them: Under the President's health care law—remember, the one where he promised insurance rates would drop by \$2,500 per family—how many of you actually believe your own insurance rates will go up, and every hand goes up.

Then, when I ask: How many of you think the quality and availability of care for you and your family is going to go down, again, the hands go up.

It is not just the mandate; it is the entire health care law that is a problem for patients and providers and the taxpayers.

But the mandate is interesting. I bring this to the attention of the Senate because President Obama, at one point, was opposed to the mandate. When he was running for President, during his campaign for the White House, then the Senator from Illinois, Mr. Obama, quipped: "If a mandate was

the solution, we can try to solve homelessness by mandating everybody to buy a house."

Now the President's tune has obviously changed.

I believe the mandate is unconstitutional. I believe if the Court strikes down the mandate, the rest of the law should also be found unconstitutional.

During the health care debate 2 years ago, supporters of the law repeatedly stated—repeatedly stated—that the mandate was an essential component of the law. So let's review what folks have said.

Secretary of Health and Human Services Kathleen Sebelius and Attorney General Eric Holder, in an op-ed in the Washington Post, wrote: "Without an individual responsibility provision"—is what they called the individual mandate—the law "doesn't work."

The law "doesn't work."

Former Speaker NANCY PELOSI also came to this same conclusion. In two separate blog posts, she stated that without the individual mandate, the math, she said, behind the health care law does not work.

The current chairman of the Senate Finance Committee, Senator BAUCUS, also came to this same conclusion during the debate on the health care law.

During a committee hearing, Chairman BAUCUS stated that allowing individuals to opt out of the individual mandate would "strike at the heart of health care reform."

Finally, Senate Democrats in their amicus curiae brief filed with the Supreme Court argued that the individual mandate is an "integral part" of the health care law.

It seems to me that supporters of the law from the very beginning of this debate recognized that without the individual mandate, the rest of the health care law would need to go away.

Now it seems Washington Democrats are changing their tune and coming to a different conclusion.

In a story published by the Associated Press on June 18 of this year, it was reported that "the Obama Administration plans to move ahead with major parts of the President's health care law if its most controversial provision"—obviously, the individual mandate—"does not survive." In fact, an anonymous, high-level Democratic official declared that the administration would move "full speed ahead" with implementation of the health care law.

It seems the administration only views the mandate as essential when it is politically convenient.

As I have stated many times before, I believe the entire health care law needs to be completely repealed and replaced. This law does not address runaway health care spending, it increases taxes, and it hurts job creation at a time of 8.2 percent unemployment across the country, at a time when col-

lege graduates are moving back home because they cannot find work, when people are underemployed, people have given up looking for work. Yet the health care law adds to the costs and adds to the uncertainty of these uncertain times and a weak economy.

The American people want a healthy economy, and this health care law is making it worse. If the law's individual mandate is struck down, the President should not implement whatever is left standing. Instead, he should work with Congress—both sides of the aisle—to implement commonsense, step-by-step reforms that will actually lower the cost of health care for all Americans.

It seems to be lost on many that the original goal of health care reform was actually to lower the cost of care. It is what the President talked about in his initial speech to the joint session of Congress. But it is something that was ignored when the 2,700-page health care law was presented to Congress and the American people.

Americans know what they want. They know what they have been looking for in a health care law, and this is not it. Americans deserve a law that helps them get the care they need, from the doctor they choose—not that the government chooses, not that the insurance company chooses: the doctor they choose—and at lower cost.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 3187.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3187) entitled "An Act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes," do pass with an amendment.

Mr. REID. Mr. President, I now move to concur in the House amendment to S. 3187, and ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to S. 3187, the FDA Safety and Innovation Act.

Harry Reid, Tom Harkin, Sheldon Whitehouse, Kent Conrad, Jack Reed, Christopher A. Coons, Mark Begich, John F. Kerry, Charles E. Schumer, Barbara A. Mikulski, Benjamin L. Cardin, Robert Menendez, Joseph I. Lieberman, Mary L. Landrieu, Richard Blumenthal, Patty Murray, Tom Carper.

AMENDMENT NO. 2461

Mr. REID. I move to concur in the House amendment to S. 3187 with an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 3187 with an amendment numbered 2461.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 5 days after enactment.

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second?

The yeas and nays were ordered.

AMENDMENT NO. 2462 TO AMENDMENT NO. 2461

Mr. REID. I now have a second-degree amendment at the desk I wish to be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2462 to amendment No. 2461.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

MOTION TO REFER WITH AMENDMENT NO. 2463

Mr. REID. I have a motion to refer the House message to the Health, Education, Labor, and Pensions Committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate

Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with an amendment numbered 2463.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2464

Mr. REID. I have an amendment to my instructions that is also at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2464 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2465 TO AMENDMENT NO. 2464

Mr. REID. I have a second-degree amendment to my instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2465 to amendment No. 2464.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to the cloture motion that has just been filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, today is the culmination of several days of activities across the Nation in recogni-

tion of the oldest known observance of the ending of slavery—"Juneteenth Independence Day".

It was in June of 1865, that the Union soldiers landed in Galveston, TX, with the news that the war had ended and that slavery finally had come to an end in the United States. This was 2½ years after President Lincoln signed the Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War.

This week and specifically on June 19, when slaves in the Southwest finally learned of the end of slavery, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

I was very pleased that on June 19 of this week the Senate unanimously adopted a resolution, S. Res. 496, recognizing the historical significance of Juneteenth Independence Day to the Nation. The resolution, which I sponsored along with Senators HUTCHISON, CARDIN, LANDRIEU, CORNYN, SHERROD BROWN, BOXER, STABENOW, HARKIN, BEGICH, DURBIN, WICKER, LEAHY, BILL NELSON, CASEY, WARNER, AKAKA, WEBB, LAUTENBERG, GILLIBRAND, and SCHUMER expresses support for the observance of Juneteenth Independence Day, and recognizes the faith and strength of character demonstrated by former slaves, that remains an example for all people of the United States, regardless of background or race.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith, and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate "Juneteenth Independence Day."

Lerone Bennett, Jr., writer, scholar, lecturer, and acclaimed Executive Editor for several decades at Ebony Magazine, has reflected on the life and times of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received his bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home State of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks whose dignified leadership sparked the Montgomery Bus Boycott and the start of the civil rights movement are indelibly etched in the chronicle of the history of this Nation. Moreover, they are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan has honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI, on September 25, 1999. In April 2009, Sojourner Truth became the first African American woman to be memorialized with a bust in the U.S. Capitol. The ceremony to unveil Truth's likeness was appropriately held in Emancipation Hall at the Capitol Visitor's Center. I was pleased to cosponsor the legislation to make this fitting tribute possible. Sojourner Truth lived in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. I was also pleased to be a part of the effort to direct the Architect of the Cap-

itol to commission a statue of Rosa Parks, which will soon be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Her personal bravery and self-sacrifice are remembered with reverence and respect by us all. Over 55 years ago, in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. The boycott which Rosa Parks began was the start of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr. In addition, the overwhelming majority of my colleagues in the Senate joined me in sponsoring legislation authorizing the Congressional Gold Medal to be presented to Dr. King, posthumously, and Coretta Scott King in recognition of their contributions to the Nation. Companion legislation was led in the House by Representative JOHN LEWIS.

We have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle of civil rights and human rights.

Mr. President, I was also pleased to join Senator HUTCHISON and other Members of the Senate this week, in sponsoring another measure introduced on June 19th in recognition of Juneteenth Independence Day, which will require further action in the Senate. It is a Joint Resolution, S.J. Res. 45, requesting the President to issue a proclamation each year designating Juneteenth Independence Day as a National Day of Observance, encouraging Americans of all races, creeds, and ethnic backgrounds to celebrate freedom and the end of slavery in the United States.

In closing, I would like to commend the Juneteenth directors and event coordinators throughout my State of Michigan. They have worked tirelessly in the planning of intergenerational activities in observance of Juneteenth, heading up a wide range of activities over several days in Detroit, Flint, Holland, Lansing, Saginaw, and other areas around the State.

BICENTENNIAL OF THE WAR OF 1812

Mr. CARDIN. Mr. President, I rise today to commemorate the bicentennial celebration of the War of 1812. The

U.S. Congress declared war on Great Britain 200 years ago this week. The State of Maryland is proud of its contributions to this "Second War for Independence," which reinforced United States sovereignty and gave birth to our national anthem.

A generation after the United States declared its independence from Great Britain, the mercantilist ties between the two countries were not fully severed. The British impressed American merchant seamen, enforced illegal and unfair trade regulations, colluded with certain Native American tribes to attack frontier settlements, and attempted to block westward expansion. The United States declared war to assert autonomy over its own affairs once again, establish free trade, protect sailors' rights, and ensure that our Nation could prosper from sea to shining sea.

President James Madison eloquently outlined these reasons 200 years ago when he called on "all the good people of the United States, as they love their country, as they value the precious heritage derived from the virtue and valor of their fathers . . . [to] exert themselves in preserving order, in promoting concord, in maintaining the authority and efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, a just, and an honorable peace."

The contributions of the U.S. Navy were instrumental in repelling the British during the War of 1812. The U.S. Navy hardly had a dozen warships compared to the hundreds of ships comprising the British fleet. British ships were undermanned, however, while well-trained and talented officers and seamen took command of American ships. These men were largely from coastal States, like Maryland, and were accustomed to seafaring. COMO Matthew Perry took on the British Navy on Lake Erie in 1813 with a scrappy fleet of light ships. Even though his force was seemingly decimated by the British, Commodore Perry resorted to paddling a rowboat with a banner that read "Don't Give up the Ship." He then boarded the *Niagara*, double-loaded the carronades, and sailed directly into the British line, ultimately claiming victory.

The following summer, in 1814, the British Navy sailed up the Chesapeake Bay to attack our Nation's capital and seize the valuable port city of Baltimore. The British dealt heavy blows to Washington, DC, setting both the U.S. Capitol and the White House ablaze. British forces then moved toward Baltimore. Citizens of Baltimore, including free Blacks, quickly mobilized to protect their city. Barricades stretching more than 1 mile long were constructed to protect the harbor, hulls were sunk to impede navigation, and a

chain of masts was erected across the harbor entrance. When the British fleet approached Baltimore at North Point, Marylanders fought the British Army and helped repulse the British Navy from Fort McHenry during the Battle of Baltimore. It is important to note that American forces during the Battle of North Point were volunteer militia, heavily outnumbered by the highly trained British infantry, but managed to delay the British forces long enough for 10,000 American reinforcements to arrive, preventing a land attack against Baltimore. Following 25 hours of intense British naval bombardment at Fort McHenry, the American defenders refused to yield, and the British were forced to depart.

During the bombardment, American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel in Baltimore Harbor, took notice of the American flag still flying atop Fort McHenry. Key realized then that the Americans had survived the battle and stopped the enemy advance. He was so moved by the sight of the American flag flying following the horrific bombardment, he composed a poem called "The Defense of Fort McHenry," which was published in the *Baltimore Patriot and Advertiser* newspaper later that year. This poem, and later the song, inspired love of country among the American people and not only helped usher in the "era of good feelings" immediately after the war, but became a timeless reminder of American resolve. "The Star Spangled Banner" officially became our National Anthem in 1931. The flag that flew over Fort McHenry and inspired this anthem is now a national treasure on display at the Smithsonian Institution, a very short distance from where we are today.

The War of 1812 confirmed the legitimacy of the Revolution and served as a critical test for the U.S. Constitution and newly established democratic government. Our young Nation battled against the largest, most powerful military on the Earth at that time and emerged with an enhanced standing among the countries of the world, both militarily and diplomatically. The U.S. economy was freed of its dependence on British goods, which unleashed domestic manufacturing and spawned the industrial revolution. The U.S. Navy proved its worth and the U.S. Congress rewarded the Navy with funding for a permanent, more expansive fleet. A new generation of Americans too young to remember Lord Cornwallis's surrender at Yorktown, which effectively ended the Revolutionary War, and an older generation proud of defending American independence twice in their lifetimes, were inspired by Francis Scott Key's words, which embody our universal feelings of patriotism and courage.

As a Marylander, I am proud of the contributions of my State in the War

of 1812 and I have been involved in legislative efforts to bring greater attention to this bicentennial celebration. My colleague, Representative DUTCH RUPPERSBERGER, and I sponsored the Commemorative Coin Act, which President Obama signed into law in August 2010, directing the U.S. Mint to create coins commemorating this important anniversary. These gold and silver coin designs are emblematic of the War of 1812, particularly the Battle of Baltimore that inspired our National Anthem. The coins are on sale this year only and the surcharges from these commemorative coins will provide support to the Maryland War of 1812 Bicentennial Commission to conduct activities, assist in educational outreach, and preserve sites and structures relating to the War of 1812.

I am proud that Maryland will lead the Star-Spangled 200 celebration, a 3-year celebration that just began with Baltimore's "Sailabration" this past weekend. The Navy's Blue Angels treated spectators to dazzling air shows; the Baltimore Symphony Orchestra premiered the "Overture for 2012," composed by Philip Glass; and dozens of tall ships and naval warships from around the world anchored in the Inner Harbor, open for public tours. Through 2014, Maryland will host numerous events along the Star-Spangled Banner National Historic Trail and at Fort McHenry National Monument and Historic Shrine to celebrate the bicentennial. This commemoration is an opportunity to showcase to the world that Maryland is an exceptional place to live, work, and visit.

I am also proud that the U.S. Senate unanimously adopted a resolution I sponsored to mark the bicentennial, to celebrate the heroism of the American people during the conflict, and to recognize the various organizations involved in the bicentennial celebration, including the U.S. Armed Forces, the National Park Service, and the Maryland War of 1812 Bicentennial Commission. As we recognize all of these ongoing efforts during this commemorative period, I encourage all Americans to remember the sacrifice of those who gave their lives to defend our nation's freedom and democracy in its infancy, and to join in the bicentennial celebration of our victory in the War of 1812.

UNIQUE SIGNIFICANCE OF SHELBURNE FARMS

Mr. LEAHY. Mr. President, Vermont boasts many gems that draw visitors to our Green Mountains. Among them is Shelburne Farms, known to many Vermonters—and many visitors to Vermont—for its work on historic preservation, agriculture, sustainability, and nutrition. And so it was with great interest and appreciation that I read an article about the Farm's caretakers in the *Burlington Free Press*.

I have been proud of the work Alec Webb and his wife, Megan Camp, have done at Shelburne Farms for the last many years. Through their leadership, Shelburne Farms has become a first-rate educational hub, promoting environmental conservation, food education and agriculture sustainability. The partnerships initiated by Alec and Megan with the National Park Service Conservation Studies Institute and with the University of Vermont Center for Sustainable Agriculture have furthered these goals.

Today, Shelburne Farms is a National Historic Landmark, a distinction I was proud to help secure in 2001 because they earned it. During this week's debate on the Farm Bill, I think it is fitting to highlight the important work being done at Shelburne Farms. Others can take a page from their successful playbook as we explore ways to bolster our green economy, put food on Americans' tables, and promote the environmental stewardship that continues to protect our farm lands and environment.

I ask unanimous consent that a copy of this article, "A Vision Realized," be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Burlington Free Press*, June 16, 2012]

A VISION REALIZED

ALEC WEBB IS LIVING—AND MANAGING—A
VISION HE RETURNED HOME TO CREATE
(By Sally Pollack)

SHELBURNE.—The summer Alec Webb turned 18, he ran his first camp. He pitched a tent in a field in his backyard—it was a big yard, about 1,000 acres—and camped out for six weeks with kids from Labrador, the Bronx, and a Cambridge, Mass., housing project. There were a couple of locals, too.

"It was a funky group of urban and rural kids," said Webb, who will turn 60 next month. It was the summer of 1970 and Webb, now president of Shelburne Farms, was a recent high school graduate. He had left Groton School, a prep school outside Boston, spring semester of his senior year and moved back home. Webb spent his last semester at the Shaker Mountain School, an alternative school in Burlington, where he earned credit to graduate from Groton.

"Instead of going abroad, I went to Burlington," Webb joked.

He left Groton because the school had become, to him, irrelevant.

"It was the '60s and that (Groton) environment didn't feel relevant to what was going on in the world," Webb said. "I wanted to be in an environment that was more real, more connected to what was going on in the world. A place that was engaged with more meaningful social issues." In that context, Webb pitched a tent, built a campfire, and invited kids over. The campers even spent a solo night in the field, grown-up free (if you can call Webb, a newly minted 18-year-old, a grown-up).

"They all seemed to survive," Webb said.

The camp was the original manifestation of Webb's interest in "meaningful education" that is an intersection of agriculture, nature and environmental awareness. From these beginnings, at the boyhood

home where Webb grew up the fourth of six siblings, Shelburne Farms would become a nonprofit (incorporated in 1972) whose various endeavors bring 140,000 people a year to the farm.

There are so many camps and school programs at Shelburne Farms these days, the child-centric activity prompted Webb to wonder on a recent walk—where packs of happy kids raced around the place—if summer camps had already started.

He's no longer sleeping in a field with the kids.

These days, you can find him in his corner office in a barn, surrounded by big maps and less-glamorous paperwork. He says he's part town manager, part town planner. And full-time fundraiser.

Webb lives with his wife, Megan Camp, the farm's vice president and program director, and their cats Fanta and Stella, in an 1850s shingled farmhouse that predates Shelburne Farms. Other animals sometimes wander onto their lawn. Chickens make regular appearances; goats jump the fence and hang at Webb's place. A donkey came by one morning last week.

The visitors come with the territory when you live where you work and work where you live: a teeming campus with activities including walking trails, a Brown Swiss dairy herd, environmental education programs, harvest festivals and a cheese making facility.

Shelburne Farms, a onetime private estate, was founded by Webb's great-grandparents and designed by landscape architect Frederick Law Olmstead in the 1880s. At the turn of the century, the lakeside property of Dr. William Seward and Lila Vanderbilt Webb encompassed nearly 4,000 acres. The barn they built for work animals was colossal—so big, in its reincarnated life it houses a cheese-making and packing operation, a school, a woodworking shop, a kid's farmyard, a bakery and offices.

In 1972, Shelburne Farms was incorporated as a nonprofit—a decision that was useful in setting the farm on more solid financial ground, Webb said. (His father had to borrow money to pay property taxes, he said.) In seeking a new direction for Shelburne Farms, Webb and his five siblings saw that the property could and should be a community resource and asset, he said. The six young Webbs did not want the dairy farm where they grew up to become a carved-up, high-end suburb of Burlington, Webb said.

"If we all had one-sixth of this place," he said, "we would've spent the rest of our lives dealing with that."

The common experience of growing up on the farm, a love of the land, and an interest in "responding to the context of the world we were living in at that time," helped shape the siblings' shared vision for Shelburne Farms, Webb said.

"Those threads of agriculture, youth, community, those were our intentions," he said the other day, eating lunch at a picnic table in the farmyard.

"We started Shelburne Farms because we were worried about all the things that are more pressing now," he said, noting climate change wasn't an issue people were thinking about. "We wondered: 'How are we going to get ourselves on a path that could be more sustainable for people and the planet.' The farm would be an expression of a pathway to a better future. Not a model for that, necessarily, but an example of how things can work given a different set of intentions, around sustainability."

They wanted the land whole and accessible to the public.

Their father, Derick Webb, made that possible on his death in 1984 at the age of 70. Derick Webb—who had retired to Florida—rewrote his will before his death from a heart attack. In his revised will, he left the 1,000 acres he inherited to the nonprofit that was established by his kids 12 years earlier. An earlier version had given the property to the six children.

Though Webb and his siblings agitated for this change—including writing letters that Webb says make him cringe to read today—they didn't know their father had gifted the land to the nonprofit until after he died.

Now the integrity of the property was assured. Suddenly, the nonprofit was in a more formidable position.

"At that point, we were playing for real," Webb said. That meant fundraising, restoring and managing the property, building an organization and related programming.

Making the world a little bit better is something of a bureaucracy—with custodial work on the side.

"When I'm walking around, I'm always looking for deferred maintenance and pot-holes," Webb said. "It's not a downer. I kind of enjoy that."

His primary focuses are finances and farming; his brother, Marshall Webb, manages the woodland and special projects.

The farm was in disrepair when Webb was a kid, but he liked his father's Brown Swiss herd and chores related to dairying. In those days, a milk hauler rumbled up the long driveway to transport the milk to a creamery. Earlier still, the family delivered milk in cans to Shelburne.

Back then, the barn roofs leaked; plumbing didn't work in portions of Shelburne House, now called the Inn at Shelburne Farms; and Alec and his brothers, wearing plain white T-shirts, ate corn on the cob at picnic tables on a terrace, goats sniffing around the table for scraps. "It's a whole different scene down there now at 6 o'clock at night," Webb said.

At 6 o'clock these days, spiffy diners—guests, not family—eat dinner on the terrace at the inn, a dining spot that overlooks formal gardens, Lake Champlain and the Adirondacks. The food they're eating, chef-prepared, was likely produced on the farm. Not counting work-related dinners, Webb said he eats at the inn about once a year.

He still prefers dairying hours, rising by 5 a.m. and eating a bowl of oat bran before heading to work. His commute is walking across the farmyard. With the exception of two years working for the state Department of Education—fulfilling duty required for his conscientious objector status in the Vietnam War—Webb's work has been connected to Shelburne Farms.

In his office is a black and white photograph of a young girl standing at a table of vegetables. It is the summer of 1973, before the existence of the Burlington Farmers Market. The table is set up on St. Paul Street in front of the original Ben and Jerry's.

It holds cabbages, cauliflower, and bushels of beans. Hand-lettered signs describe vegetables that are organically grown and reasonably priced. The girl grew the vegetables at Shelburne Farms. She's an early example of the farm's decades-long yield: sustainable agriculture, community connections, youthful energy and vision.

"We didn't say, 40 years ago, we're going to have an inn," Webb said. "We had the intention of seeing this place being used as a place for learning—creating a living/learning environment for kids and others to increase their awareness of the environment and community."

"There was something that would seem wrong about doing anything other than treating Shelburne Farms as a community asset. Maybe it's Olmstead's design: (But) the importance of conserving this land was not as clear as it is now."

TRIBUTE TO LIEUTENANT COLONEL BARRY GASDEK

Mr. BARRASSO. Mr. President, today I wish to honor LTC Barry Gasdek, Retired, for his decades of service to Wyoming and to America.

As Walter Lippmann once said, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." In his 49 years of service to our country, Barry's proven dedication and loyalty have touched hundreds of lives. From his extensive active duty service in the U.S. Army to his quest to aid the veterans of Wyoming, Mr. Gasdek is a true Wyoming hero.

Barry's path to Wyoming is similar to the historic trails that cross Wyoming's terrain—he started out in the east and eventually headed west. Barry showed the strong will and discipline of a natural born leader. Growing up in Pennsylvania, he excelled as an athlete and a scholar. He earned the rank of Eagle Scout in high school. At the Indiana University of Pennsylvania, where he graduated with a B.S. in education, he earned letters in three sports. All of these honors prepared him for a lifetime of service to his country.

Barry's passion and devotion to the armed forces sparked a distinguished career with the U.S. Army. Barry started his career serving in Germany, fresh from the ROTC program, where he gained firsthand experience of Cold War tensions. Later, he was called to serve in Vietnam as the conflict there worsened. Barry proved himself in Vietnam. He flew observation missions and eventually returned for a second tour of duty. One of his commanders joked that he was like a magnet for drawing fire. Despite the adversity he faced, Barry met his challenges head-on and with fortitude. He continued his military service well after Vietnam by training to become both a Ranger and a Pathfinder and by serving at a number of Army bases around the world.

He is a qualified leader, and his military achievements reflect his success. He was awarded the Distinguished Service Cross, an award second only to the Medal of Honor. In addition, Barry received the Silver Star for his service in Vietnam, 5 Bronze Stars, 2 Purple Hearts, the Soldier's Medal, the Legion of Honor, and 17 Air Medals. These awards are but a few of his military accomplishments.

After many years of successfully serving his country, Barry accepted another challenge—this time in Laramie, WY. He was assigned as a professor of military science at the University of

Wyoming through its Army ROTC program. Barry was a natural for the title, given his own involvement in the ROTC program in Pennsylvania. He brought the same level of talent and perseverance to this position as he did on the battlefield. For years, he encouraged his students to become our Nation's future leaders.

While many would be comfortable slipping into retirement, Barry knew his mission in Wyoming had not yet been completed. This time, he took up the banner to fight for veterans' issues. He had experienced the lack of support for Vietnam's veterans, and he vowed to keep that from happening again. Barry served in leadership positions with the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Military Order of the Purple Heart. His goal was to support the State's current veterans while teaching the next generation about the important sacrifices our Armed Forces make each and every day. Eventually, his passionate advocacy led him to serve as a State veterans service officer for the Wyoming Veterans Commission, the UW Veterans Task Force, and as the Army Reserve ambassador.

LTC Barry Gasdek, Retired, has devoted his entire life to serving his country, his brothers in arms, and the people of Wyoming. He is a fighter, a mentor, a teacher, and a good man. He embodies the cowboy ethics and what it means to be a citizen of Wyoming. It is certain that the legacy of his leadership will inspire new generations of brave soldiers. On behalf of the State of Wyoming and the United States of America, I thank Barry for his service. His boots will be hard to fill.

RECOGNIZING THE 40TH ANNIVERSARY OF TITLE IX

Mr. BENNET. Mr. President, this week we celebrate the 40th anniversary of the passage of title IX of the Education Amendments of 1972. For over 40 years, this historic law has furthered gender equality in education and sports in schools so that young women, including my three daughters, Caroline, Halina, and Anne, who all play soccer, may enjoy the benefits that come along with sports participation.

On October 29, 2002, title IX was renamed the "Patsy Takemoto Mink Equal Opportunity in Education Act" to honor the tireless determination and leadership of Congresswoman Mink of Hawaii in developing and passing title IX. If Congresswoman Mink was still with us today, I know she would be proud of the remarkable gains that have been made to ensure equal opportunity for women and girls in sports, education, and professionally.

In my home State of Colorado, we are ahead of the curve with regards to opportunities for girls and women in

sports. The U.S. Olympic Training Center, located in Colorado Springs, was created by an act of Congress in 1978, just a few years after title IX was passed. It is encouraging to know that women, like Gold Medal Winner Lindsey Vonn, now make up nearly half of all U.S. Olympians competing at the games—representing more than 48 percent of the 2008 team. Jamie Derrieux, a senior at Grand Junction High School, was named to the 5A First-Team All-State team and will be playing basketball at the University of Northern Colorado this fall. The flagship all-girls charter school, GALs, Girls Athletic Leadership Schools, in Denver practices active learning that engages students in health and wellness activities in the belief that these are key contributing factors in optimizing academic achievement and self-development. The Colorado Women's Sports Fund Association works toward increasing the number of girls and women who participate in athletics and reducing and eliminating barriers that prevent participation.

Studies show that participation in sports has a positive influence on the intellectual, physical and psychological health of girls and young women. By a 3-to-1 ratio, female athletes do better in school, do not drop out, and have a better chance to graduate from college. Sports participation is linked to lower rates of pregnancy in adolescent female athletes, and according to a study from the Oppenheimer/MassMutual Financial Group, of 401 executive businesswomen surveyed, 82 percent reported playing organized sports while growing up, including school teams, intramurals, and recreational leagues.

Despite the vast improvements, inequalities and disparities still remain. According to the National Federation of State High School Associations, schools are still providing 1.3 million fewer chances for girls to play sports in high school than boys. These numbers have an even greater impact on Latinas and African-American young women. It is because of such disparities that I signed on to the Senate resolution put forth this week by Senators PATTY MURRAY of Washington and OLYMPIA SNOWE of Maine to show my commitment to working toward a more equal future.

We have work to do. Please join me in celebrating the 40th anniversary of title IX by supporting efforts to expand equality in sports participation and education for women and girls around the country.

ADDITIONAL STATEMENTS

RECOGNIZING THE 125TH ANNIVERSARY OF THE UNITED WAY

• Mr. COCHRAN. Mr. President, I am pleased to congratulate the United

Way on its 125th anniversary. The organization began in 1887 as a community endeavor in Denver, and it spread throughout the country.

Today, the United Way includes almost 1,800 community-based organizations in the United States and 40 other countries and territories. It applies the nearly \$5 billion it raises annually to provide for the common good in communities all over the world.

I am proud that my State of Mississippi is home to dozens of nonprofit United Way organizations. With their network of partners, these groups do remarkable work to gather private resources and generate volunteer services from all ages to address the educational, health, and income problems faced by children, families, and seniors.

Projects such as the Back 2 School Resource Fair hosted by the United Way of Northeast Mississippi, the Summer Youth Corps volunteer program run by the United Way of the Capital Area, and the Literacy Kit Workshop sponsored by the United Way of Southern Mississippi are just a very small sample of ongoing activities carried out to help improve our State.

In addition, Mississippians are grateful for the helping hand the United Way provides when disasters strike. United Way volunteers from Mississippi and around the Nation were among the thousands of people who came to the aid of my State following Hurricanes Katrina and Rita. More recently, the United Way stepped up to assist those hurt by tornadoes in northeast Mississippi and historic flooding throughout the Mississippi River delta.

The United Way has recorded an outstanding history of accomplishment in its 125 years. It has done so by joining forces with everyone on the individual giver to Fortune 500 partners.

I am pleased to be able to join in commending this organization for its good works, and I look forward to its continued success.●

SOURIS RIVER FLOOD ANNIVERSARY

• Mr. CONRAD. Mr. President, it has been nearly a year since the city of Minot and surrounding communities were devastated by a historic flood along the Souris River in North Dakota.

As we recognize this anniversary, we are reminded of the devastation it brought to thousands of families throughout the Souris River Basin, the extraordinary leadership of local officials, the valiant efforts of residents and businesses, the outpouring of support, and the perseverance and determination of the region to rebuild.

On June 22, 2011, the sirens sounded in Minot signaling the mandatory evacuation of nearly a quarter of the city's residents. A wall of water was

coming at us, and we knew the existing levees would be overtopped. Work continued around the clock on temporary, secondary levees to protect as much of the city as possible, but we knew thousands of homes would be impacted by floodwaters. On June 23, the river overtopped the levees in Minot, spilling into neighborhoods and businesses. When the river finally peaked, it had surpassed the record set in 1881 by more than 3.5 feet and crested more than 12.5 feet above flood stage. While the flood damaged homes, businesses, schools, parks, the zoo, and many other things, it did not dampen the spirit of those in Minot and the surrounding communities or their resolve to rebuild.

In those days leading up to and following the flood, many Federal agencies were on the ground assisting the region with response and recovery. The U.S. Army Corps of Engineers and the Federal Emergency Management Agency were there from the beginning, and both are still there today helping residents recover and repairing levees. Many other Federal agencies also provided critical support throughout the disaster. For that, we are forever grateful.

I also want to thank my colleagues for the disaster assistance provided through the Community Development Block Grant Program, the Economic Development Administration, and Emergency Relief to respond to this and other disasters in 2011. This funding is providing important resources for the region and a key part of its foundation for recovery.

The city of Minot and surrounding communities, including Burlington, Velva, and Sawyer, have come a long way since those dark days last year. While the recovery will continue for some time, I am so proud of the spirit and can-do attitude of all in the basin as they rebuild their communities.

Officials and residents will gather together this weekend to celebrate a "Weekend of Hope: Return to Oak Park." It will be a time for reflection on how far the region has come and to focus on the region's continuing recovery. Hope is guiding the region's recovery and ensuring that Minot, Burlington, and the other communities will be back better and stronger than ever.●

FULLERTON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor an active community in North Dakota that will soon commemorate its 125th anniversary. From June 29 through July 1, the residents of Fullerton will be celebrating their community's history and founding.

The history of Fullerton is closely connected to early American history. Fullerton was founded in 1887 on land donated by Mr. Edwin F. Sweet, an in-

vestor from Michigan. Sweet, who later served as a U.S. Congressman and Assistant U.S. Secretary of Commerce for President Wilson and President Harding, named the town after his wife's family, the Fullers. The Fuller family ancestry includes Dr. Samuel Fuller, who arrived in America on the Mayflower as a physician for the Plymouth Colony. Edwin and his wife Sophia named their first son after one of their ancestors, Charles Carroll, an original signer of the Declaration of Independence.

Fullerton's most famous landmark, the Carroll House, has a wonderful history and has been a focal point of the community from the time its doors opened in 1889. Built by Edwin Sweet and named after Edwin and Sophia's first son Carroll Fuller Sweet, the hotel's ballroom was the meeting spot for all town social gatherings, including concerts, gala balls, and church meetings. Through the years, the Carroll House has undergone extensive renovations and is now recognized as a national historic landmark. Visitors from all over the country stay at the Carroll House, and the hotel continues to host town events, like ice cream socials and silent auctions.

Fullerton is a fun and friendly community. The residents take great pride in their dining, recreation, hotel, and park facilities, in addition to their agricultural background. To celebrate the 125th anniversary, the community is holding an all-school reunion. Other planned activities for the weekend include the memorial tree planting ceremony, an all-community reunion banquet, a community choir concert, an apple pie contest, and a parade.

I ask the Senate to join me in congratulating Fullerton, ND, and its residents on their 125th anniversary and in wishing them a warm future.●

MONROE, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the community of Monroe, SD, on reaching the 125th Anniversary of its founding. This tightly knit community will have a chance to reflect on its past and contemplate its future. I congratulate the people of Monroe for reaching this milestone in their history.

The eastern South Dakota townsite that became Monroe was founded in 1887 while it was still the Dakota Territory. Its location along the Chicago and North Western Railroad fueled the town's growth, and it was incorporated as Monroe in 1901. The first building in the town was a grain house, which was soon followed by a general store, which included a post office. In the early 20th century Monroe experienced a great deal of development and growth and that energy is still evident to this day.

Monroe sought to preserve their spirit of togetherness by constructing a

community center in 1990. The center houses the senior center and city office and was built using community funds and donations from the alumni of Monroe High School. Many events are held at the center, and it is a point of pride for the community.

The people of Monroe plan to commemorate their town's anniversary with many community events including a craft fair, poker run, all-school reunion alumni banquet, and fireworks display. In addition, the community will host a tractor drive and ethanol plant tour to conclude the celebration.

Monroe and its residents embody the small town values that make South Dakota a great State to live and work in. I am proud to join with the community of Monroe in celebrating the last 125 years, and look forward to what is, no doubt, a promising future.●

PIERPONT, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of Pierpont, SD. The residents of Pierpont exemplify the strong sense of community and welcoming spirit that are defining traits of South Dakotans.

Pierpont is a tranquil town nestled at the foot of the Coteau Hills, in Day County. The early settlers of Pierpont tenaciously petitioned the Chicago, Milwaukee and St. Paul Railroad for a side track, so that farmers would have a nearby market for their grain. Charles Sheldon, a homesteader who later became the second governor of South Dakota, was the spokesman for the Pierpont farmers. Sheldon's negotiation was successful, and the farmers paid \$500 to the railroad for the construction of the side track.

In 1887, the first structures of what would become the town of Pierpont were built by the Empire Elevator Company. By 1888, the Post Office had opened and families began settling in the town. The turn of the century found a thriving, booming community with businesses that lined Main Street.

To celebrate Pierpont's historical achievement, residents will join together for a weekend full of fun activities. An all-school alumni reunion, parade, car show, and a children's carnival are just a few of the exciting events that will take place.

I am proud to recognize Pierpont on reaching this milestone and wish them nothing but the best in the future. Pierpont continues to be a prime example of the successful pioneer spirit that built South Dakota.●

SOUTH DAKOTA UNITED WAY

● Mr. THUNE. Mr. President, today I recognize the South Dakota United Way. This is the 125th anniversary of the United Way and I would like to specifically acknowledge the South Dakota chapters on this special day. The

local United Way has been active in South Dakota since 1929 and has made outstanding contributions to the communities they serve.

There are 11 United Way locations in South Dakota providing services such as educational opportunities, lower income community aid, and health awareness programs. The United Way partners with many local businesses, furthering their community impact.

I would like to offer my congratulations on this monumental day to this program and to all the great men and women whose generosity and service make the United Way a success.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6626. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Substantially Underserved Trust Areas (SUTA)" (RIN0572-AC23) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6627. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sedaxane; Pesticide Tolerances" (FRL No. 9345-8) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6628. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air National Guard to the Fiscal Year 2012 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-6629. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Only One Offer" ((RIN0750-AH11) (DFARS Case 2012-D013)) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Armed Services.

EC-6630. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Applicability of Hexavalent Chromium Policy to Commercial Items" ((RIN0750-AH39) (DFARS Case 2011-D047)) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Armed Services.

EC-6631. A communication from the Secretary of the Interior, transmitting, the report of proposed legislation entitled "National Park System Critical Authorities Act of 2012"; to the Committee on Energy and Natural Resources.

EC-6632. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Eligible

Obligations, Charitable Contributions, Non-member Deposits, Fixed Assets, Investments, Fidelity Bonds, Incidental Powers, Member Business Loans, and Regulatory Flexibility Program" (RIN3133-AD98) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6633. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Workouts and Nonaccrual Policy, and Regulatory Reporting of Troubled Debt Restructured Loans" (RIN3133-AE01) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6634. A communication from the Secretary of the Interior, transmitting, the report of proposed legislation relative to amending the Chesapeake Bay Initiative Act of 1998; to the Committee on Environment and Public Works.

EC-6635. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Mississippi; Regional Haze State Implementation Plan" (FRL No. 9691-9) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6636. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Central Indiana (Indianapolis) Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets" (FRL No. 9689-6) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6637. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Emissions Statements" (FRL No. 9689-5) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6638. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina; Regional Haze State Implementation Plan" (FRL No. 9691-7) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6639. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Alabama; Regional Haze State Implementation Plan" (FRL No. 9691-8) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6640. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa; Regional

Haze" (FRL No. 9687-9) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6641. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri; Regional Haze" (FRL No. 9688-1) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6642. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rule" (FRL No. 9353-2) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6643. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances; Withdrawal of Significant New Use Rules" (FRL No. 9352-7) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6644. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulatory Guide 7.3, 'Procedures for Picking Up and Receiving Packages of Radioactive Material'" (Regulatory Guide 7.3) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Environment and Public Works.

EC-6645. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of North Carolina; Regional Haze State Implementation Plan" (FRL No. 9691-5) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Environment and Public Works.

EC-6646. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, "Report to the Congress: Medicare and the Health Care Delivery System"; to the Committee on Finance.

EC-6647. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0064—2012-0068); to the Committee on Foreign Relations.

EC-6648. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—Traumatic Brain Injury Model Systems Centers" (CFDA No. 84.133A-5) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6649. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—National Data and Statistical Center for the Burn Model Systems" (CFDA No. 84.133A-4) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6650. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 250. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2017.

*Allison M. Macfarlane, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2013.

By Mr. LEAHY for the Committee on the Judiciary.

Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.

Patrick A. Miles, Jr., of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

John S. Leonardo, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Jamie A. Hainsworth, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

Grande Lum, of California, to be Director, Community Relations Service, for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to

respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH:

S. 3325. A bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, in coordination with the Secretary of Education, to carry out a 5-year demonstration program to fund mental health first aid training programs at 10 institutions of higher education to improve student mental health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. COONS, Mr. McCONNELL, Mr. BLUNT, Mr. ISAKSON, Mr. BROWN of Massachusetts, and Mr. THUNE):

S. 3326. A bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. ROCKEFELLER, Mr. SCHUMER, and Ms. STABENOW):

S. 3327. A bill to require the United States Trade Representative to take action to obtain the full compliance of the Russian Federation with its commitments under the protocol on the accession of the Russian Federation to the Agreement Establishing the World Trade Organization, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. COONS, Mr. KERRY, Mr. MENENDEZ, Mr. SANDERS, and Mr. CARPER):

S. 3328. A bill to provide grants for juvenile mentoring; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 3329. A bill to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 3330. A bill to authorize the establishment of a Niblack mining area road corridor in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. LUGAR, Ms. LANDRIEU, and Mr. INHOFE):

S. 3331. A bill to provide for universal intercountry adoption accreditation stand-

ards, and for other purposes; to the Committee on Foreign Relations.

By Mr. BEGICH (for himself, Ms. AYOTTE, Mr. BOOZMAN, Mr. INOUE, Mrs. McCASKILL, Ms. MURKOWSKI, Mr. ROCKEFELLER, Ms. SNOWE, Mr. VITTER, and Mr. WICKER):

S. 3332. A bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel in the navigable waters of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. TOOMEY (for himself, Ms. SNOWE, Mr. DEMINT, Mr. BLUNT, and Mr. HELLER):

S. 3333. A bill to require certain entities that collect and maintain personal information of individuals to secure such information and to provide notice to such individuals in the case of a breach of security involving such information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Mr. PAUL):

S. 3334. A bill to protect homes, small businesses, and other private property rights by limiting the power of eminent domain; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 3335. A bill to ensure the effective administration of criminal justice; to the Committee on the Judiciary.

By Mr. INOUE (for himself and Mrs. MURRAY):

S. 3336. A bill to authorize the Secretary of Veterans Affairs to carry out a major medical facility project lease for a Department of Veterans Affairs outpatient clinic at Ewa Plain, Oahu, Hawaii, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. DURBIN):

S. Con. Res. 49. A concurrent resolution to direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and display the statue in a suitable location in the Capitol; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of the United States as the world leader in medical device innovation.

S. 50

At the request of Mr. INOUE, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and

activities with respect to commercially marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 52

At the request of Mr. INOUE, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 250

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 250, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 697

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 866

At the request of Mr. TESTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to re-

duce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 886

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 886, a bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes.

S. 987

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1368

At the request of Mr. ROBERTS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1906

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1906, a bill to modify the Forest Service

Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 1978

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1978, a bill to amend the Workforce Investment Act of 1998 to provide for community-based job training grants, to provide Federal assistance for community college modernization, and for other purposes.

S. 1980

At the request of Mr. INOUE, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1980, a bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2103

At the request of Mr. LEE, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2143

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2143, a bill to amend the Internal Revenue Code of 1986 to clarify that paper which is commonly recycled does not constitute a qualified energy resource under the section 45 credit for renewable electricity production.

S. 2168

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 2173

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2179

At the request of Mr. WEBB, the name of the Senator from New Mexico (Mr.

UDALL) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2364, a bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration.

S. 3234

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3234, a bill to amend the Internal Revenue Code of 1986 to extend the time period for contributing military death gratuities to Roth IRAs and Coverdell education savings accounts.

S. 3242

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3242, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries coordinated care and greater choice with regard to accessing hearing health services and benefits.

S. 3270

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

S. 3289

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3289, a bill to expand the Medicaid home and community-based services waiver to include young individuals who are in need of services that would otherwise be required to be provided through a psychiatric residential treatment facility, and to change references in Federal law to mental retardation to references to an intellectual disability.

S. 3322

At the request of Mr. BROWN of Ohio, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. 3322, a bill to strengthen enforcement and clarify certain provisions of the Servicemembers Civil Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code, and to reconcile, restore, clarify, and conform similar provisions in other related civil rights statutes, and for other purposes.

S.J. RES. 43

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 493

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. Res. 493, a resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by supporting education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men.

S. RES. 494

At the request of Mr. CORNYN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

AMENDMENT NO. 2455

At the request of Mrs. MURRAY, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. THUNE), the Senator from Montana (Mr. TESTER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Ohio (Mr. BROWN), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Massachusetts (Mr. BROWN), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Dakota (Mr. CONRAD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2455 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2455 proposed to S. 3240, supra.

AMENDMENT NO. 2460

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 2460 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH:

S. 3325. A bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, in coordination with the Secretary of Education, to carry out a 5-year demonstration program to fund mental health first aid training programs at 10 institutions of higher education to improve student mental health; to the Committee on Health, Education, Labor, and Pensions.

Mr. BEGICH. Mr. President, today I rise to introduce a very important piece of legislation—the Mental Health First Aid Higher Education Act. The bill authorizes a nationwide demonstration program that treats Mental Health First Aid like the first aid training offered by Red Cross chapters across the United States.

Mental Health First Aid teaches the warning signs and risk factors for schizophrenia, major clinical depression, panic attacks, anxiety disorders, trauma, and other common mental disorders, crisis de-escalation techniques, and equips college and university staff with a 5-step action plan to help individuals in psychiatric crisis connect to professional mental health care.

One in four adults and 10 percent of children in the United States will suffer from a mental illness this year. We know what to do if someone has a heart attack, but how do we react to someone having a panic attack? Why do we wait for a tragic event to take notice and then bring out emergency measures?

When I was Mayor of Anchorage, we worked with the local NAMI organization to train our police in Crisis Intervention Teams, great when responding to a crisis by police officers, but now we need to go further. Mental Health First Aid is for the financial aid workers, the dormitory resident advisers, coaches, and faculty members, to name a few. These are the front-line folks who will learn the warning signs and risk factors before tragedy strikes.

You have heard me say this before, and it is not something to be proud of in Alaska: we have one of the highest suicide prevalence rates in the country. Further, we are a very rural State, where access to mental health care and medical services is often very difficult.

Even today, it is not widely known that fully ⅓ of Alaska can only be accessed by airplane. By educating the general public about the warning signs of common mental disorders, we can intervene early, facilitate access to care, improve clinical outcomes, reduce costs, and maybe save lives.

My bill focuses on higher education because many mental illnesses are “adult onset conditions,” meaning onset of full symptoms generally occurs in late adolescence or young adulthood—just as young people are headed off to college. Therefore, the audiences for this vital training will encompass on-campus counseling center staff, dormitory resident advisers, university threat assessment teams, members of disciplinary committees, coaches and faculty members. The instruction will highlight available mental health resources in local communities including Community Mental Health Centers, emergency psychiatric facilities, hospital emergency rooms and other programs offering psychiatric crisis beds.

The program may also help to avert violence incidents; Mental Health First Aid gained wide public recognition in the aftermath of the tragic shootings in Tucson, AZ, involving our former colleague Rep. Gabrielle Giffords.

Mental disorders are more common than heart disease and cancer combined and a recent *Governing* magazine article reports that many states and localities are moving ahead—teaching their employees how to recognize the signs of mental health problems and how to help.

In this time of austerity, the training is not only important, because it will save lives, it is also inexpensive. Courses cost about \$180, a small price to pay to potentially save lives.

In closing, yes, we are in a presidential election year and the political season often highlights the issues that divide us as Americans. But the Mental Health First Aid Higher Education Act is not one of them.

In the Alaska tradition, I seek to work across the aisle, and I strongly believe this legislation merits bipartisan support. Please join me in supporting this vital education program that helps to avert suffering, prevent violence and ultimately will save lives.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 3330. A bill to authorize the establishment of a Niblack mining area road corridor in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that would potentially help in solving a significant unemployment problem in my home state of Alaska. Today, joined by my colleague, Senator MARK BEGICH, I introduce the Niblack Mining Area

Road Authorization Act to permit road access to proposed multi-mineral mines on southeast Prince of Wales Island in Southeast Alaska.

Prince of Wales Island, formerly the main area for timber activity in Southeast Alaska, has fallen on hard times during the past decade. In 1990, when Alaska's timber industry in total harvested more than 1.1 billion board feet of timber, Prince of Wales was the center of activity. In 1994, for example, timber jobs accounted for 32.8 percent of all wages on the island. Six years later, with total regional harvests having fallen to about 350 million board feet, timber accounted for less than 19.8 percent of wages on the island, according to the Alaska Department of Labor and Workforce Development. Today, with total harvests of timber being just above 100 million board feet a year in the region—just 35 million board feet being harvested from federal lands in 2011—and timber jobs statewide having fallen from about 4,000 to just over 400, Prince of Wales has been particularly hard hit. According to the State, timber jobs have fallen by more than 1,700 positions on the island.

As of April, the unemployment rate on the island was “down” to 15 percent, compared to 18.1 percent in March. The rate in the Hoonah-Angoon census area, which covers the other potentially significant timber area in Southeast, stood at 20 percent in April, compared to 25.6 percent in March, 2012. Those rates are nearly 8 percent to 12 percent higher than the national average and higher than traditional rates, even after out migration from the island over the past decade.

While the Viking Lumber Co. of Klawock remains the largest private-sector timber employer on the island, the island, the third largest in the United States, is badly in need of new employment opportunities. Fortunately today's high metal prices are encouraging a resurgence of mineral development on the 2,231 square-mile island.

Currently, Heatherdale Minerals of Canada is considering reopening the Niblack Mine, a gold, copper, zinc and silver deposit. The company is in advanced exploration and development study of the estimated 9 million-ton mine, forecast to cost \$150 million to \$200 million to reopen. The mine, likely to last at least 12 years, is forecast to produce 1,500 tons of ore per day and require 130 workers at the mine site, and another 60 at a processing mill, which could be located near the site, or in Ketchikan, AK, 40 vessel miles away.

The Niblack property is also close to another mineral deposit that is in the advanced stages of economic feasibility review, the Bokan Mountain Rare Earth Elements, REE, mine. Bokan Mountain, being considered for opening by Ucore Inc. of Canada, likely will employ 200 workers. It, too, will in-

volve an investment of between \$150 million to \$200 million for the mine and a preliminary tailings processing plant to process the heavy rare earths, REEs, located at the site of a former uranium mine. Both mines currently estimate they could be open within three to four years, depending on final economic reviews and current permit approval timeframes. Bokan Mountain is located about 28 miles south of Niblack and can be accessed by boat by traveling down the relatively protected Moira Sound to the end of South Arm.

The two mines could produce substantial numbers of high-paying jobs for the residents of southern Southeast Alaska. Niblack, for example, predicts the average salary for mine workers at its facility will be \$80,000 a year. The problem of getting those jobs to people who need them is one of logistics.

There currently is no road access to reach either mine site, both likely to be supplied by boat from Ketchikan, Alaska. That means that potential workers on Prince of Wales will need to travel by boat or more likely by plane to Ketchikan, in order to turn around and take a mine boat back to the island to report for work—a costly, time-consuming, often unpleasant and, sometimes, dangerous process given sea conditions in Southeast Alaska. Or they will need to pilot their own small boats to the mine site, a hazardous process given that reaching Niblack from the community of Thorne Bay to the north—a site that is located on the island's road system—will require a daily 60-mile one-way boat trip down perilous Clarence Strait, a difficult water body during fall, winter, and spring storms when seas can easily top 20 feet waves.

But the problem could be solved, if a road could be extended the roughly 26.3 miles to connect the Niblack mine, by means of existing logging roads, to the State highway system on the island. Such a road will involve at least 2.5 miles of logging road reconstruction and the construction of 26.3 miles of new road. Those roads, if built to existing logging road standards, are estimated to cost \$7.075 million—the cost certainly rising if the roads are built to Federal Aid Urban Highway standards. The issue is that 18.3 miles of that new construction is across federal lands in the Tongass National Forest and, more importantly, across areas classified as inventoried roadless under the 2001 U.S. Forest Service roadless rule, as it was reimposed on the Tongass in 2009.

Looking at the topography of the area, located inside the Eudora inventoried roadless area, the road would begin at the Haida, Hydaburg, Native village corporation's West, Cholmondeley, Arm sort yard and head Southeast through the Big Creek Valley and climb to a mountain pass at the roughly 1,400-foot elevation. From there it will drop onto land owned by

the Kootznoowoo Native village corporation of Angoon and follow existing logging roads that lie on the western side of the South Arm. The route then runs south and parallels South Arm on the west side until the southern end of the bay is reached. Then the route follows the shoreline of the south end of the South Arm until the far southeast corner of the bay is reached—the location of existing cabins and a State of Alaska Department of Fish and Game fish weir. From this point, there are two potential route alternatives: the 1A route continues to run in a southerly direction through a mountain pass of slightly more than 500-foot elevation passing two unnamed lakes. Once it reaches the shoreline of Dickman Bay, the road turns in a more easterly direction and runs across the south end of Kugel Lake and Luelia Lake, and the north end of Kegan Lake. From the 900-foot elevation pass on the west side of Luelia Lake, the route continues to run in an easterly fashion and must cross 1,200- and 1,400-foot passes before the route turns north to reach the Niblack mine at tidewater. That total route is 26.3 miles of new construction and a total distance of 28.8 miles. There is an alternative, Route 1B, early in the route corridor to reduce the elevation and add switchbacks required to reach the first pass—an alternative that would add 1.9 miles to the road.

There is another alternative route, Route 2A, that leaves from the same location and runs on the same route until the south end of South Arm. The second route then turns in a northerly direction and continues to follow the eastern shoreline of South Arm, Cholmondeley, for roughly 1.5 miles. The route then turns in an eastern direction and climbs through a mountain pass of about 900-foot elevation. From this pass, the route descends into the existing road system on Kootznoowoo lands near the south shores of Miller Lake. At the eastern terminus of these existing roads, the new route picks up again and continues in a southeast direction along the south end of Clarno Cove and Cannery Cove until Cannery Point is reached. From there the route turns into a southerly direction and climbs to another mountain pass of roughly 1,000-foot elevation. The route then follows the hillside to the west of Niblack Lake and meets another mountain pass of the same elevation and then descends in a southerly direction along the west side of Myrtle Lake to reach the Niblack Mine and tidewater. That route involves 24.6 miles of new construction, 6.1 miles of road reconstruction and involves a total length of 30.7 miles, thus costing more. It involves, however, constructing only one pass higher than 1,200 feet, compared to 3 on the first route, but may have more environmental impacts given its route along Cannery Cove and Niblack Lake.

I mention the two detailed routes only to indicate that substantial work

has been done to select a potential road corridor to the Niblack mine and to make clear that I am not prejudging the route with the fewest environmental impacts. I am leaving that to the Forest Service to decide after an environmental assessment or impact statement is undertaken. The legislation I am introducing simply says that the Forest Service should permit development of a road along one of the two routes, picking the route that both minimizes the costs, while also minimizing the effects on surface resources, prevents unnecessary surface disturbances and that complies with all environmental laws and regulations.

This road, I need to point out, will not set a precedent in any way weakening the inventoried roadless rule's implementation in Alaska, regardless of how I feel about that rule. Under the original regulations governing roadless areas in Alaska issued by the Clinton Administration in January 2001, Section 294.12(b)(7) permits roads to be built across inventoried roadless areas if needed "in conjunction with the continuation, extension or renewal of a mineral lease on lands that are under lease by the Secretary of the Interior. . . . Such road construction or reconstruction must be conducted in a manner that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbance, and complies with all applicable lease requirements."

The patents on the Niblack property certainly predate the creation of the roadless rule. The mine was discovered in the late 19th century, according to the U.S. Forest Service. Modest copper production occurred between 1902 and 1908 and modern exploration on the 2,000-acre site began in 1974, some 150 patented claims being in place at the mine.

The point is that Niblack is certainly a real prospect that offers the likelihood of real employment for many who are unemployed on Prince of Wales Island, if they simply can access the site from their homes in Craig, Klawock, Hydaburg, Thorne Bay, Kasaan, Whale Pass and even Coffman Cove, located on the northeast end of the island. The need for these jobs has prompted the City Council of Craig to formally request Congress to accelerate the approval of a road corridor to the mine site. Such a road could be built by the mine, but more likely funded and built by the Alaska Department of Transportation and Public Facilities at state expense. Workers could then access jobs at the Bokan Mountain facility by workboat, should a route to that mine never be approved.

It makes no sense in a state that already contains 58 million acres of formal wilderness, and in the Tongass National Forest, that already contains nearly 6.4 million acres of parks and wilderness areas, to bar construction of

a road that does not cross any wilderness areas, but could provide a good income to a third of all of the people, 363 people, unemployed on the island as of April 2012, according to the Alaska Department of Labor and Workforce Development.

I would hope that this Congress would look favorably on allowing a road to this mining area, so that residents on the island can get the jobs they so desperately need in the years ahead.

By Mr. LEAHY:

S. 3335. A bill to ensure the effective administration of criminal justice; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Effective Administration of Criminal Justice Act of 2012. This legislation takes important new steps to ensure the fairness of our criminal justice system for all participants.

First, this bill seeks to encourage States to adopt a comprehensive approach in using the Federal funds received through the Edward Byrne Memorial Justice Assistance Grant, JAG, Program. This will help to ensure that their criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. Specifically, the bill reinstates a previous requirement of the Byrne JAG Program that States develop, and update annually, a strategic plan detailing how grants received under the program will be used to improve the administration of the criminal justice system. The requirement was removed from the Byrne JAG grant application several years ago, but groups representing States and victims have requested that it be reinstated in order to improve the efficient and effective use of criminal justice resources. The plan must be formulated in consultation with local governments and all segments of the criminal justice system. The Attorney General will also be required to make technical assistance available to help States formulate their strategic plans.

This legislation also takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal government to step in when States are systematically failing to provide the representation called for in the Constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. As a former prosecutor, I have great faith in the men and women of

law enforcement, and I know that the vast majority of the time our criminal justice system does work fairly and effectively. I also know though that the system only works as it should when each side is well represented by competent and well-trained counsel. It was persuasive to me when Houston District Attorney Patricia Lykos testified before the Judiciary Committee several years ago when this provision was first considered that competent defense attorneys are critical to a prosecutor's job. Our system requires good lawyers on both sides, and incompetent counsel can result not only in needless and time consuming appeals, but far more importantly, it can lead to wrongful convictions and overall distrust in the criminal process. In working on this legislation, I have also learned that the most effective systems of indigent defense are not always the most expensive. In some cases, making the necessary changes may also save States money.

I remain committed to ensuring that our criminal justice system operates as effectively and fairly as possible. Unfortunately, we are not there yet. Too often the quality of justice a defendant receives in our system depends on whether he or she can pay for an attorney. That is repugnant to the American sense of justice and we must do better. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution for all people. This bill will take important steps to bring us closer to that goal and I urge all Senators to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Administration of Criminal Justice Act of 2012".

SEC. 2. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting "(A) IN GENERAL.—" before "To request a grant"; and

(2) by adding at the end the following:

"(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

"(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile jus-

tice delinquency prevention programs, community corrections, and reentry services;

"(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

"(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

"(D) be updated every 5 years, with annual progress reports that—

"(i) address changing circumstances in the State, if any;

"(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

"(iii) provide an ongoing assessment of need;

"(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

"(v) reflect how the plan influenced funding decisions in the previous year.

"(b) TECHNICAL ASSISTANCE.—

"(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

"(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

"(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

"(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2013 through 2017 to carry out this subsection."

(b) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with responsibility for the administration of justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprives persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—Paragraph (2) shall take effect 2 years after the date of enactment of this Act.

By Mr. INOUE (for himself and Mrs. MURRAY):

S. 3336. A bill to authorize the Secretary of Veterans Affairs to carry out a major medical facility project lease for a Department of Veterans Affairs outpatient clinic at Ewa Plain, Oahu, Hawaii, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUE. Mr. President, I rise today to introduce an authorization measure for the Department of Veterans Affairs to Advance Leeward Outpatient Healthcare Access, ALOHA, lease in Ewa, HI, and to request the facility be named after my dear friend and colleague Senator DANIEL K. AKAKA.

The new facility will provide support to our proud veterans in the State of Hawaii who live in West Oahu. In addition to serving the needs of our veterans, the facility will include a collocated clinic which will serve our military servicemen and women, and their families. Both the Departments of Defense and Veterans Affairs, VA, will also be able to share ancillary and support services.

I believe naming this joint facility after Senator AKAKA is an appropriate and fitting way to honor his commitment to our military personnel and veterans throughout his years in Congress. As a Member of the Armed Services Committee and the Chairman of the Subcommittee on Readiness, he worked to ensure the Armed Services met their obligation to "man, train, and equip." As the Chairman of the Veterans Affairs Committee, Senator AKAKA also kept watch over and labored to improve the quality of care received by our brave men and women who completed their military service and entered into the VA system.

I hope my colleagues will join me in saluting Senator AKAKA who worked on behalf of the people of the State of Hawaii and this Nation to improve the quality of life and care of our military personnel and our veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF DANIEL KAHIKINA AKAKA DEPARTMENT OF VETERANS AFFAIRS CLINIC.

(a) AUTHORIZATION OF FISCAL YEAR 2013 MAJOR MEDICAL FACILITY LEASE.—The Secretary of Veterans Affairs may carry out a major medical facility lease for a Department of Veterans Affairs outpatient clinic at Ewa Plain, Oahu, Hawaii, in an amount not to exceed \$16,453,300.

(b) DESIGNATION.—The outpatient clinic described in subsection (a) shall after the date of the enactment of this Act be known and designated as the "Daniel Kahikina Akaka Department of Veterans Affairs Clinic".

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 49—TO DIRECT THE JOINT COMMITTEE ON THE LIBRARY TO ACCEPT A STATUE DEPICTING FREDERICK DOUGLASS FROM THE DISTRICT OF COLUMBIA AND DISPLAY THE STATUE IN A SUITABLE LOCATION IN THE CAPITOL

Mr. SCHUMER (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 49

Whereas Frederick Douglass, born Frederick Augustus Washington Bailey in Maryland in 1818, escaped from slavery and became a leading writer, orator, and publisher, and one of the Nation's most influential advocates for abolitionism, women's suffrage, and the equality of all people;

Whereas the contributions of Frederick Douglass over many decades were crucial to the abolition of slavery, the passage of the 13th, 14th, and 15th Amendments to the Constitution of the United States, the support for women's suffrage, and the advancement of African Americans after the Civil War;

Whereas after living in New Bedford, Massachusetts, Frederick Douglass resided for 25 years in Rochester, New York, where he published and edited "The North Star", the leading African-American newspaper in the United States, and other publications;

Whereas self-educated, Frederick Douglass wrote several influential books, including his best-selling first autobiography, "Narrative of the Life of Frederick Douglass, an American Slave", published in 1845;

Whereas Frederick Douglass worked tirelessly for the emancipation of African-American slaves, was a pivotal figure in Underground Railroad activities in Western New York, and was an inspiration to enslaved Americans who aspired to freedom;

Whereas as a well-known speaker in great demand, Frederick Douglass traveled widely, visiting countries such as England and Ireland, to spread the message of emancipation and equal rights;

Whereas Frederick Douglass was the only African American to attend the Seneca Falls Convention, a women's rights convention held in Seneca Falls, New York in 1848;

Whereas during the Civil War, Frederick Douglass recruited African Americans to volunteer as soldiers for the Union Army, including 2 of his sons who served nobly in the Fifty-fourth Massachusetts Regiment;

Whereas in 1872, Frederick Douglass moved to Washington, D.C., after a fire destroyed his home in Rochester, New York;

Whereas Frederick Douglass was appointed as a United States Marshal in 1877 and was named Recorder of Deeds for the District of Columbia in 1881;

Whereas Frederick Douglass became the first African American to receive a vote for nomination as President of the United States at a major party convention for the 1888 Republican National Convention;

Whereas from 1889 to 1891, Frederick Douglass served as minister-resident and consul-general to the Republic of Haiti;

Whereas Frederick Douglass was recognized around the world as one of the most important political activists in the history of the United States;

Whereas Frederick Douglass died in 1895 in Washington, D.C. and is buried in Rochester, New York;

Whereas the statues and busts in the Capitol depicting distinguished Americans number more than 180 and include only 2 African Americans;

Whereas that imbalance fails to show the historically significant contributions of African Americans to the United States;

Whereas it is time to display in the Capitol the statues and busts of outstanding African Americans whose contributions to the Nation deserve that recognition; and

Whereas Frederick Douglass's achievements and influence on the history of the United States merit recognition in the Capitol: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) not later than 2 years after the date on which this resolution is agreed to by both Houses of Congress, the Joint Committee on the Library shall accept from the District of Columbia the donation of a statue depicting Frederick Douglass, subject to the terms and conditions that the Joint Committee considers appropriate;

(2) the Joint Committee shall place the statue in a suitable permanent location in the Capitol; and

(3) all costs associated with the donation, including transportation of the statue to, and placement in, the Capitol, shall be paid by the District of Columbia.

Mr. SCHUMER. Mr. President, I rise today to discuss a bill that would bring a statue depicting Frederick Douglass to our Nation's Capitol. The life and deeds of this great American need no introduction. He escaped the shackles of slavery to become a leading writer, orator, publisher, and a leader in the abolitionist struggle towards equality for all. I am proud that Frederick Douglass called Rochester, NY home for 25 years. But others claim him as well. He was born into slavery in Maryland, and lived as a free adult in Massachusetts and, at the end of his life, in Washington, DC. He died here in the Nation's Capital and is buried in upstate New York. During his time in Rochester, he published the leading African American newspaper in the country. His influential best-selling autobiography, "Narrative of the Life of Frederick Douglass," served as a rallying cry for the abolitionist movement and helped bring an end to that cruel institution. It is therefore fitting that this Frederick Douglass statue should find its home in the Capitol.

The addition of this statue of Frederick Douglass to our Capitol is long overdue. It is important that the Americans depicted in portraiture and in sculpture in the Capitol reflect the true heritage of our Nation and the people who have helped to make it great. Today too few of our artworks depict the richness and diversity of great Americans. In fact, of more than 180 statues and busts in the Capitol, only 2 are of African Americans. This resolution is a small step toward correcting that imbalance. The acceptance of this Frederick Douglass statue into our Capitol is appropriate both be-

cause of who Frederick Douglass was as an American and because of who we all are as Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2461. Mr. REID proposed an amendment to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

SA 2462. Mr. REID proposed an amendment to amendment SA 2461 proposed by Mr. REID to the bill S. 3187, *supra*.

SA 2463. Mr. REID proposed an amendment to the bill S. 3187, *supra*.

SA 2464. Mr. REID proposed an amendment to amendment SA 2463 proposed by Mr. REID to the bill S. 3187, *supra*.

SA 2465. Mr. REID proposed an amendment to amendment SA 2464 proposed by Mr. REID to the amendment SA 2463 proposed by Mr. REID to the bill S. 3187, *supra*.

SA 2466. Mr. REID (for Ms. COLLINS) proposed an amendment to the resolution S. Res. 471, commending the efforts of the women of the American Red Cross Clubmobiles for exemplary service during the Second World War.

SA 2467. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2461. Mr. REID proposed an amendment to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 5 days after enactment.

SA 2462. Mr. REID proposed an amendment to amendment SA 2461 proposed by Mr. REID to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

In the amendment, strike "5 days" and insert "4 days".

SA 2463. Mr. REID proposed an amendment to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

At the end, add the following new section:

SEC. ____.

This Act shall become effective 3 days after enactment.

SA 2464. Mr. REID proposed an amendment to amendment SA 2463 proposed by Mr. REID to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 2465. Mr. REID proposed an amendment to amendment SA 2464 proposed by Mr. REID to the amendment SA 2463 proposed by Mr. REID to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

SA 2466. Mr. REID (for Ms. COLLINS) proposed an amendment to the resolution S. Res. 471, commending the efforts of the women of the American Red Cross Clubmobiles for exemplary service during the Second World War; as follows:

In the preamble, strike the third whereas clause through the sixth whereas clause and insert the following:

Whereas thousands of young women, from every State in the United States, volunteered to serve in the Clubmobiles, and were chosen after a rigorous interview process;

Whereas, between July and August 1944, less than 1 month after the invasion of Normandy, France, 80 Clubmobiles and 320 American Red Cross volunteers crossed the English Channel and began providing coffee, doughnuts, and a friendly smile to servicemen fighting on the front lines;

Whereas the Clubmobile volunteers saw service across Europe in France, Belgium, Italy, Luxembourg, and Germany, and later in the Far East, touching the lives of hundreds of thousands of United States servicemen until victory was achieved;

SA 2467. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ____.

USE OF CERTAIN PROPERTY FOR THE CONSTRUCTION OF PORTIONS OF A FLOOD CONTROL LEVEE.

(a) **AUTHORIZATION.**—Notwithstanding section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), Lot 1 of the Morning Heights Subdivision, Lot 2 and PT ST of the Morning Heights Subdivision, Lot 1 and PT ST of the Bayless Addition, and Lot 24 of the Bayless Addition in Findlay, Ohio,

shall be available for the construction and operation of portions of a flood control levee if the Chief of Engineers completes a feasibility study that indicates that the construction and operation is the most appropriate and cost-effective flood risk management project for the area.

(b) **USE OF PROPERTY.**—Any portion of the property described in subsection (a) that is not used for the construction and operation of a flood control levee under subsection (a) shall remain deeded as open space in perpetuity, in accordance with section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2012, at 10 a.m., to conduct a committee hearing entitled “Perspectives on Money Market Mutual Fund Reforms.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 21, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 21, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 21, 2012, at 9:45 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Russia’s WTO Accession—Administration’s Views on the Implications for the United States.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 21, 2012, at 10 a.m., to hold a hearing entitled “Implementation of the New START Treaty, and Related Matters.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Olmstead Enforcement Update: Using the ADA to Promote Community Integration” on June 21, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 21, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 21, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 21, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate on June 21, 2012, at 1:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Universal Music Group/EMI Merger and the Future of Online Music.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on June 21, 2012, at 2:30 p.m. to conduct a hearing entitled, “Security Clearance

Reform: Sustaining Progress for the Future.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on June 21, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1940

Mr. REID. Mr. President, I ask unanimous consent that on Monday, June 25, at a time to be determined by the majority leader, after consultation with the Republican leader, but no later than 5:30 p.m., the motion to proceed to S. 1940 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE- MENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, on Tuesday, June 26, 2012, at 11:30 a.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 652; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions to be in order; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, and all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in

order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF DEFENSE

William B. Pollard, III, of New York, to be a Judge of the United States Court of Military Commission Review.

Scott L. Silliman, of North Carolina, to be a Judge of the United States Court of Military Commission Review.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. Michael R. Moeller

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. Mark F. Ramsay

The following named officer for appointment as the Surgeon General of the Air Force and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8036 and 601:

To be Lieutenant General

Maj. Gen. Thomas W. Travis

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Darren W. McDew

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. Stanley T. Kresge

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brigadier General Edward M. Reeder, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. John F. Mulholland, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. William B. Garrett, III

The following named officer for appointment in the United States Army to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. Howard B. Bromberg

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. James L. Huggins, Jr.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be Brigadier General

Col. Barry D. Keeling

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be Brigadier General

Col. Joseph E. Rooney

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral (lower half)

Capt. Janet R. Donovan

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral (lower half)

Capt. Barbara W. Sweredoski

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral (lower half)

Capt. Kirby D. Miller

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral (lower half)

Captain Michael J. Dumont

Captain Robert L. Greene

Captain Lawrence B. Jackson

Captain Scott B.J. Jerabek

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (lh) Clinton F. Faison, III

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (lh) Jonathan A. Yuen

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (lh) Katherine L. Gregory

Rear Adm. (lh) Kevin R. Slates

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral

Rear Adm. (lh) Sandy L. Daniels

Rear Adm. (lh) John E. Jolliffe
Rear Adm. (lh) Christopher J. Paul

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral

Rear Adm. (lh) Bruce A. Doll

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be Rear Admiral

Rear Adm. (lh) David G. Russell

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (lh) Elizabeth L. Train

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (lh) Richard D. Berkey

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral (lower half)

Capt. Douglas G. Morton

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral (lower half)

Capt. Terry J. Moulton

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral (lower half)

Capt. David R. Pimpo

Capt. Donald L. Singleton

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral (lower half)

Capt. Paul A. Sohl

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral (lower half)

Capt. Bruce F. Loveless

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral (lower half)

Capt. Brian K. Antonio

Capt. Luther B. Fuller, III

The following named United States Navy Reserve officer for appointment as the Chief of Navy Reserve and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5143:

To be Vice Admiral

Rear Adm. Robin R. Braun

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Adm. Paul J. Bushong

The following named officer for appointment as Deputy Judge Advocate General of the Navy and for appointment to the grade indicated under title 10, U.S.C., section 5149:

To be Rear Admiral

Rear Adm. (lh) James W. Crawford, III

The following named officer for appointment to the grade indicated in the United States Navy and for appointment as the Judge Advocate General of the Navy under title 10, U.S.C., section 5148:

To be Vice Admiral

Rear Adm. Nanette M. DeRenzi

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Adm. Michael J. Connor

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Colonel Edward D. Banta

Colonel Matthew G. Glavy

Colonel William F. Mullen, III

Colonel Gregg P. Olson

Colonel James S. O'Meara

Colonel Eric M. Smith

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. (Select) William M. Faulkner

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1738 AIR FORCE nominations (2) beginning Chance J. Henderson, and ending Jeffrey P. Tan, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1739 AIR FORCE nominations (3) beginning JESSICA L. WEAVER, and ending JONELLE J. KNAPP, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

IN THE ARMY

PN1721 ARMY nomination of Joseph F. Jarrard, which was received by the Senate and appeared in the Congressional Record of June 7, 2012.

PN1722 ARMY nomination of Kevin J. Park, which was received by the Senate and appeared in the Congressional Record of June 7, 2012.

PN1723 ARMY nomination of Charles R. Perry, which was received by the Senate and appeared in the Congressional Record of June 7, 2012.

PN1724 ARMY nominations (12) beginning ANTHONY P. DIGIACOMO, II, and ending RICHARD D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2012.

PN1740 ARMY nomination of Youngmi Cho, which was received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1741 ARMY nomination of Richard M. Zygadlo, which was received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1742 ARMY nomination of David H. Ritters, which was received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1743 ARMY nominations (2) beginning Eric S. Slater, and ending Marcus P. Wong,

which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1744 ARMY nominations (2) beginning Gaston P. Bathalon, and ending Kevin C. Reilly, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1745 ARMY nominations (3) beginning JERRY L. BRATU, JR., and ending AMOS P. PARKER, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1746 ARMY nominations (6) beginning BRETT W. ANDERSEN, and ending MICHAEL D. WHITED, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1747 ARMY nominations (7) beginning CASEY ROGERS, and ending SHARON A. SCHELL, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1748 ARMY nominations (17) beginning DWAYNE C. BECHTOL, and ending D005682, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1749 ARMY nominations (17) beginning ARMANDO AGUILERA, JR., and ending DAVE ST JOHN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1750 ARMY nominations (19) beginning BRUCE J. BEECHER, and ending D004871, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1751 ARMY nominations (107) beginning RENEE D. ALFORD, and ending PJ ZAMORA, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1752 ARMY nominations (119) beginning JUDE M. ABADIE, and ending D010155, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1753 ARMY nominations (140) beginning BRIAN E. ABELL, and ending D010333, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

FOREIGN SERVICE

PN1346 FOREIGN SERVICE nominations (9) beginning William M. Zarit, and ending Michael J. Richardson, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2012.

PN1526 FOREIGN SERVICE nominations (3) beginning Jeffrey B. Justice, and ending Enrique G. Ortiz, which nominations were received by the Senate and appeared in the Congressional Record of April 18, 2012.

PN1564 FOREIGN SERVICE nominations (162) beginning Michael C. Aho, and ending Michael L. Yoder, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2012.

PN1678 FOREIGN SERVICE nominations (89) beginning Alboino Lungobardo Deulus, and ending Bradley Alan Freden, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 2012.

IN THE MARINE CORPS

PN1300 MARINE CORPS nominations (129) beginning EDUARDO A. ABISELLAN, and ending WILLIAM E. ZAMAGNI, JR., which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1301 MARINE CORPS nominations (677) beginning OMAR A. ADAME, and ending

CHRISTINA F. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

IN THE NAVY

PN1601 NAVY nominations (6) beginning JENNIFER D. GUNDAYAO, and ending DONALD R. WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1602 NAVY nominations (173) beginning DAVID A. ADAMS, and ending JOHN J. ZERR, II, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1603 NAVY nominations (3) beginning MARK D. LARABEE, and ending RICHARD J. WATKINS, JR., which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1604 NAVY nominations (14) beginning GREGORY D. BURTON, and ending JOSEPH M. TUTTE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1605 NAVY nominations (11) beginning MICHAEL N. ABREU, and ending SCOTT D. TINGLE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1606 NAVY nominations (3) beginning TRENT R. DEMOSS, and ending CHARLES K. NIXON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1607 NAVY nominations (94) beginning ROGER L. ACEBO, and ending JEFFREY D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1608 NAVY nominations (14) beginning THOMAS F. BOLICH, JR., and ending DONALD R. XIQUES, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1609 NAVY nominations (8) beginning RAYMOND I. BRUTTOMESSO, and ending MARK R. SANDS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1610 NAVY nominations (3) beginning WILLIAM A. BAAS, and ending JAMES E. PUCKETT, II, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1611 NAVY nominations (3) beginning THOMAS J. AMIS, and ending SUEANN K. SCHORR, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1612 NAVY nominations (2) beginning JEFFERSON W. ADAMS, and ending ROBERT B. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1613 NAVY nominations (2) beginning ROBERT W. MULAC, and ending WILLIAM K. SALVIN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1614 NAVY nominations (2) beginning COLETTE E. KOKRON, and ending CURTIS L. MICHEL, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1615 NAVY nominations (2) beginning TAWNIA J. RACOOSIN, and ending TODD D. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1616 NAVY nominations (2) beginning ELISABETH S. STEPHENS, and ending SHERYL L. TANNAHILL, which nomina-

tions were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1617 NAVY nominations (3) beginning DONALD W. BOSCH, and ending THERESA M. STICE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1618 NAVY nominations (20) beginning DARREN E. ANDING, and ending STEVEN K. RENLY, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1619 NAVY nominations (2) beginning JEFF A. DAVIS, and ending BRENDA K. MALONE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1620 NAVY nominations (14) beginning MARK R. ASUNCION, and ending PHILIP W. YU, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1621 NAVY nominations (5) beginning MARC C. ECKARDT, and ending ROBERT W. WITZLEB, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1622 NAVY nominations (5) beginning WILLIAM A. DODGE, JR., and ending ALBERT M. MUSSELWHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1623 NAVY nominations (4) beginning ALLEN L. EDMISTON, and ending JACQUELINE V. MCELHANNON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1624 NAVY nominations (10) beginning JASON L. ANSLEY, and ending LOUIS T. UNREIN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1625 NAVY nominations (8) beginning GEORGE A. ALLMON, and ending TIMOTHY G. SPARKS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1629 NAVY nominations (13) beginning JOHN P. AYRES, and ending CLAY L. WILD, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2012.

PN1653 NAVY nomination of Glenn E. Gaborko, Jr., which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1654 NAVY nomination of Roger L. Blank, which was received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1655 NAVY nominations (2) beginning MICHAEL C. BARBER, and ending DAVID G. ORAVEC, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1656 NAVY nominations (2) beginning JOSEPH A. DAVIS, and ending SCOTT D. EBERWINE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1657 NAVY nominations (3) beginning DAVID H. DUTTLINGER, and ending DARCY I. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1658 NAVY nominations (6) beginning FRANK J. BRAJEVIC, and ending DAVID E. WOOLSTON, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1659 NAVY nominations (8) beginning LAUREN D. BALES, and ending DAVID A.

SERAFINI, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1660 NAVY nominations (8) beginning CHRISTOPHER J. CORVO, and ending THOMAS J. WELSH, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1661 NAVY nominations (10) beginning MARIA L. AGUAYO, and ending ANDREW J. SCHULMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1662 NAVY nominations (12) beginning DAVID O. BYNUM, and ending MELVIN H. UNDERWOOD, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1663 NAVY nominations (13) beginning DOUGLAS J. COHEN, and ending KEVIN P. WHITMORE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1664 NAVY nominations (14) beginning RICHARD S. BARLAMENT, and ending JOHN S. SIBLEY, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1665 NAVY nominations (14) beginning BRIAN E. BEHARRY, and ending DARREL G. VAUGHN, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1666 NAVY nominations (16) beginning PATRICK J. BLAIR, and ending AARON D. WERBEL, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1667 NAVY nominations (29) beginning JAMES T. ALBRITTON, and ending ROBERT L. WILLIAMS, JR., which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1668 NAVY nominations (17) beginning VERONICA G. ARMSTRONG, and ending MARIA A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1669 NAVY nominations (49) beginning JULIANN M. ALTHOFF, and ending JOHN WYLAND, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1670 NAVY nominations (17) beginning CASEY S. ADAMS, and ending KAREN G. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2012.

PN1686 NAVY nomination of Robert E. Bradshaw, which was received by the Senate and appeared in the Congressional Record of May 17, 2012.

PN1725 NAVY nomination of Darren W. Murphy, which was received by the Senate and appeared in the Congressional Record of June 7, 2012.

PN1754 NAVY nomination of Ling Ye, which was received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1755 NAVY nomination of Gregory E. Ringler, which was received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1756 NAVY nominations (2) beginning CRAIG S. COLEMAN, and ending EDUARDO B. RIZO, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1757 NAVY nominations (2) beginning PAUL D. GINKEL, and ending GABRIEL S. NILES, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1758 NAVY nominations (2) beginning MICHELE M. DAY, and ending DET R. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1759 NAVY nominations (9) beginning STEVE M. CURRY, and ending WILLIAM R. URBAN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1760 NAVY nominations (9) beginning AMY L. BLEIDORN, and ending MICAH A. WELTMER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1761 NAVY nominations (9) beginning MICHAEL J. BARRIERE, and ending MATTHEW T. WILCOX, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1762 NAVY nominations (14) beginning BRIAN M. BALLER, and ending MICHAEL J. SZCZERBINSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1763 NAVY nominations (17) beginning HEATH D. BOHLEN, and ending MATTHEW C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1764 NAVY nominations (17) beginning DERECK C. BROWN, and ending SHERRY W. WANGWHITE, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1765 NAVY nominations (18) beginning MARC A. ARAGON, and ending ROBERT A. YEE, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1766 NAVY nominations (28) beginning KEVIN J. BEHM, and ending EVAN P. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1767 NAVY nominations (33) beginning ERIK E. ANDERSON, and ending CHRISTOPHER G. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1768 NAVY nominations (55) beginning RENE V. ABADESCO, and ending MARK W. YATES, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1769 NAVY nominations (388) beginning DAVID J. ADAMS, and ending KEVIN P. ZAYAC, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1770 NAVY nominations (5) beginning BRIAN P. BURROW, and ending CHRISTOPHER A. WEECH, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

PN1771 NAVY nominations (13) beginning DERRICK E. BLACKSTON, and ending DEREK A. VESTAL, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2012.

CHURCH PLAN INVESTMENT CLARIFICATION ACT

Mr. REID. Mr. President, I now ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 33.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 33) to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I appreciate the efforts of Chairman JOHNSON in making sure that our Nation's religious leaders are able to have expanded opportunities for their retirement plans, while also ensuring that we don't create any unintended consequences. To remove any potential ambiguity, we want to make clear that H.R. 33 is intended to make clear that the offer and sale of a bank collective trust's securities that are exempt from the Securities Act of 1933 if sold to employee benefit plans described in Section 401 of the Internal Revenue Code, such as 401(k) plans, would not lose such exemption solely on the basis that such securities are sold to church plans described in 403(b)(9) of the Internal Revenue Code (church plans described in Section 401(a) of the Internal Revenue Code already receive such exemptive relief) or to plans that include self-employed ministers. H.R. 33 is not intended to expand the exemption to any interests, participations or securities that are sold to a person other than such church plans and plans that include self-employed ministers.

Mr. JOHNSON. I agree with Senator LEVIN's statement.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 33) was ordered to a third reading, was read the third time, and passed.

COMMENDING THE WOMEN OF THE AMERICAN RED CROSS CLUBMOBILES

Mr. REID. I now ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate proceed to S. Res. 471.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 471) commending the efforts of the women of the American Red Cross Clubmobiles for exemplary service during the Second World War.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I rise today to recognize the service of the women of the American Red Cross Clubmobiles. These brave young Americans served our country with distinc-

tion overseas during the Second World War.

During the War, the Red Cross was charged by the Armed Forces to provide for the recreational welfare of the troops. Wherever there was a sizable group of American servicemen permanently assigned, the Red Cross established canteens, which provided a bit of respite from training for war and were tremendously popular. But the canteens were fixed sites, and did not reach many of the combat troops garrisoned at small locations across the English countryside.

In order to extend a taste of home to the troops, the Red Cross Commissioner for Great Britain, Harvey Gibson, thought up the idea of the "Clubmobile," a mobile kitchen set up in an old London bus. In late 1942, several of these Clubmobiles began operating between dozens of bases around the country, serving coffee and doughnuts to those preparing for D-day.

Shortly after the beachhead at Normandy was successfully secured, 80 Clubmobiles and 320 volunteers crossed the English Channel to begin operating their mobile kitchens near the front lines. Each Clubmobile group, consisting of eight two-and-a-half ton trucks named for an American city or State, was attached to an Army Corps and moved with the unit's support elements, often going forward to provide the troops with American music, hot coffee, and doughnuts. Like every soldier, the Clubmobile women were in "for the duration." By War's end, the Clubmobiles were operating across Europe, from southern Italy to northern Germany, and in the Far East from the jungles of Burma to the shores of Tokyo Bay.

A visit from a Clubmobile was one of the most significant events for a young G.I. in combat far from home, and the women of the Clubmobiles, young women from every single State, acted as friends and sisters to the troops with whom they interacted.

These women were trailblazers, every bit as much as the Navy's Women Accepted for Volunteer Emergency Service—WAVES—the Women's Army Corps—WACS—and the Women Airforce Service Pilots—WASPS. They were young, independent, and patriotic. They joined for a variety of reasons, some for adventure, some to serve in uniform as close to combat as they were then allowed, and some to honor the sacrifices of their own fathers, brothers, or friends. Every one of them was dedicated to their country, and volunteered for the Clubmobiles rather than an easier or safer job at home.

The dangers of War were real. During the War, 52 Red Cross women lost their lives, some of them from the Clubmobiles. Their stories are those of a nation at war.

Elizabeth Richardson joined the Red Cross in 1944 after graduating from Milwaukee-Downer College and after a

brief career in advertising. She helped pilot the Clubmobile named Kansas City throughout England, Holland and France, listening to soldiers' stories while cracking jokes and sharing her own. Two months after V-E Day, Liz's plane crashed en route to Paris. Liz Richardson, dead at 27, now lies interred at the Normandy American Cemetery. Before she died, she said about her service, "I wouldn't trade this for anything else."

Those sentiments are shared by Margaret "Margo" Hemingway Harrington of Rye, NH, one of the few surviving Clubmobile women. She said, "I just got itchy feet, and thought I should be doing something more."

The women of the Clubmobiles touched the lives of hundreds of thousands of U.S. servicemen. The Red Cross alone purchased enough flour to make 1.5 million doughnuts, most of which were served through the windowns of a Clubmobile.

To honor their memory, 70 years after they were established, Senator SHAHEEN and I, joined by 11 of our colleagues, introduced Senate Resolution 471, which commends the exemplary and courageous service of the Clubmobiles, honors those that lost their lives, calls upon historians to not let this important piece of American history be lost, and urges the Red Cross to publically commemorate their stories.

Honoring them now is critically important, because only a very few of these women remain. Their stories are every bit as vibrant and important to our victory as those of the men who valiantly fought to defend our freedom. I urge every one of my colleagues to support this Resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to; a Collins amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 471) was agreed to.

The amendment (No. 2466) was agreed to, as follows:

In the preamble, strike the third whereas clause through the sixth whereas clause and insert the following:

Whereas thousands of young women, from every State in the United States, volunteered to serve in the Clubmobiles, and were chosen after a rigorous interview process;

Whereas, between July and August 1944, less than 1 month after the invasion of Normandy, France, 80 Clubmobiles and 320 American Red Cross volunteers crossed the English Channel and began providing coffee, doughnuts, and a friendly smile to servicemen fighting on the front lines;

Whereas the Clubmobile volunteers saw service across Europe in France, Belgium, Italy, Luxembourg, and Germany, and later in the Far East, touching the lives of hundreds of thousands of United States servicemen until victory was achieved;

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 471

Whereas, during the Second World War, the American Red Cross was charged by the United States Armed Forces with providing recreational services to the soldiers serving in the war;

Whereas Harvey Gibson, the Red Cross Commissioner to Great Britain during the war, conceived of the Clubmobiles in 1942 as a means of providing hot coffee, fresh doughnuts, and a vital connection to home to thousands of servicemen at dozens of airfields, bases, and camps throughout Great Britain during the buildup to D-Day;

Whereas thousands of young women, from every State in the United States, volunteered to serve in the Clubmobiles, and were chosen after a rigorous interview process;

Whereas, between July and August 1944, less than 1 month after the invasion of Normandy, France, 80 Clubmobiles and 320 American Red Cross volunteers crossed the English Channel and began providing coffee, doughnuts, and a friendly smile to servicemen fighting on the front lines;

Whereas the Clubmobile volunteers saw service across Europe in France, Belgium, Italy, Luxembourg, and Germany, and later in the Far East, touching the lives of hundreds of thousands of United States servicemen until victory was achieved;

Whereas a visit from a Clubmobile, which could serve gallons of coffee and hundreds of doughnuts every minute, was often the most significant morale boost available to servicemen at war;

Whereas 52 women of the American Red Cross, some of whom served on the Clubmobiles, perished during the war as a result of their service; and

Whereas 70 years have passed since the Clubmobiles were founded, and only a few women who served in the Clubmobiles remain to share their stories: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service and sacrifice of each of the patriotic women of the United States who served in the American Red Cross Clubmobiles during the Second World War;

(2) honors the Clubmobile women who lost their lives during the Second World War;

(3) calls upon historians of the Second World War to recognize and describe the service of the Clubmobiles, and to not let this important piece of United States history be lost; and

(4) urges the American Red Cross to publicly commemorate the stories of the Clubmobiles and the amazing women who served in them.

ORDERS FOR MONDAY, JUNE 25, 2012

Mr. REID. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of the motion to

proceed to S. 1940, the flood insurance bill, postcloture; and that at 5:30 p.m., the Senate proceed to a cloture vote on the motion to concur in the House message to accompany S. 3187, the FDA bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. At 5:30 p.m. on Monday, there will be a rollcall vote on the motion to invoke cloture on the motion to concur in the House message to accompany S. 3187, the FDA bill.

It has been a long hard week. We have accomplished quite a bit. We have a lot more to do, but it has been one of our better weeks.

ADJOURNMENT UNTIL MONDAY, JUNE 25, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:40 p.m., adjourned until Monday, June 25, 2012, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 2012:

DEPARTMENT OF DEFENSE

WILLIAM B. POLLARD, III, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW.

SCOTT L. SILLIMAN, OF NORTH CAROLINA, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL R. MOELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK F. RAMSAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS W. TRAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARREN W. MCDEW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STANLEY T. KRESGE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL EDWARD M. REIDER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. JOHN F. MULHOLLAND, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM B. GARRETT III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. HOWARD B. BROMBERG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES L. HUGGINS, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. BARRY D. KEELING

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOSEPH E. ROONEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JANET R. DONOVAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BARBARA W. SWEREDOSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KIRBY D. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPTAIN MICHAEL J. DUMONT

CAPTAIN ROBERT L. GREENE

CAPTAIN LAWRENCE B. JACKSON

CAPTAIN SCOTT B. J. JERABEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CLINTON F. FAISON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JONATHAN A. YUEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KATHERINE L. GREGORY

REAR ADM. (LH) KEVIN R. SLATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SANDY L. DANIELS

REAR ADM. (LH) JOHN E. JOLLIFFE

REAR ADM. (LH) CHRISTOPHER J. PAUL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) BRUCE A. DOLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DAVID G. RUSSELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD D. BERKEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DOUGLAS G. MORTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TERRY J. MOULTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID R. PIMPO

CAPT. DONALD L. SINGLETON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL A. SOHL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRUCE F. LOVELESS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN K. ANTONIO

CAPT. LUTHER B. FULLER III

THE FOLLOWING NAMED UNITED STATES NAVY RESERVE OFFICER FOR APPOINTMENT AS THE CHIEF OF NAVY RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. ROBIN R. BRAUN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL J. BUSHONG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

REAR ADM. (LH) JAMES W. CRAWFORD III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. NANETTE M. DERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL J. CONNOR

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL EDWARD D. BANTIA

COLONEL MATTHEW G. GLAVY
COLONEL WILLIAM F. MULLEN III
COLONEL GREGG P. OLSON
COLONEL JAMES S. O'MEARA
COLONEL ERIC M. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. (SELECT) WILLIAM M. FAULKNER

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHANCE J. HENDERSON AND ENDING WITH JEFFREY P. TAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JESSICA L. WEAVER AND ENDING WITH JONELLE J. KNAPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

IN THE ARMY

ARMY NOMINATION OF JOSEPH F. JARRARD, TO BE COLONEL.

ARMY NOMINATION OF KEVIN J. PARK, TO BE MAJOR.

ARMY NOMINATION OF CHARLES R. PERRY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ANTHONY P. DIGIACOMO II AND ENDING WITH RICHARD D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 2012.

ARMY NOMINATION OF YOUNGMI CHO, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF RICHARD M. ZYGADLO, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DAVID H. RITTGERS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ERIC S. SLATER AND ENDING WITH MARCUS P. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH GASTON P. BATHALON AND ENDING WITH KEVIN C. REILLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH JERRY L. BRATU, JR. AND ENDING WITH AMOS P. PARKER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH BRETT W. ANDERSEN AND ENDING WITH MICHAEL D. WHITED, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH CASEY ROGERS AND ENDING WITH SHARON A. SCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH DWAYNE C. BECHTOL AND ENDING WITH D005682, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH ARMANDO AGUILERA, JR. AND ENDING WITH DAVE ST JOHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH BRUCE J. BECHER AND ENDING WITH D004871, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH RENEE D. ALFORD AND ENDING WITH PJ ZAMORA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH JUDE M. ABADIE AND ENDING WITH D010155, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

ARMY NOMINATIONS BEGINNING WITH BRIAN E. ABELL AND ENDING WITH D010333, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH EDUARDO A. ABISELLAN AND ENDING WITH WILLIAM E. ZAMAGNI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH OMAR A. ADAME AND ENDING WITH CHRISTINA F. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JENNIFER D. GUNDAYAO AND ENDING WITH DONALD R. WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH DAVID A. ADAMS AND ENDING WITH JOHN J. ZERR II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH MARK D. LARABEE AND ENDING WITH RICHARD J. WATKINS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH GREGORY D. BURTON AND ENDING WITH JOSEPH M. TUIITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH MICHAEL N. ABREU AND ENDING WITH SCOTT D. TINGLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH TRENT R. DEMOSS AND ENDING WITH CHARLES K. NIXON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH ROGER L. ACEBO AND ENDING WITH JEFFREY D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH THOMAS F. BOLICH, JR. AND ENDING WITH DONALD R. XIKUES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH RAYMOND I. BRUTTOMESSO AND ENDING WITH MARK R. SANDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. BAAS AND ENDING WITH JAMES E. PUCKETT II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH THOMAS J. AMIS AND ENDING WITH SUEANN K. SCHORR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH JEFFERSON W. ADAMS AND ENDING WITH ROBERT B. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH ROBERT W. MULAC AND ENDING WITH WILLIAM K. SALVIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH COLETTE E. KOKRON AND ENDING WITH CURTIS L. MICHEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH TAWNIA J. RACOOSIN AND ENDING WITH TODD D. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH ELISABETH S. STEPHENS AND ENDING WITH SHERYL L. TANNAHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH DONALD W. BOSCH AND ENDING WITH THERESA M. STICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH DARREN E. ANDING AND ENDING WITH STEVEN K. RENLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH JEFF A. DAVIS AND ENDING WITH BRENDA K. MALONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH MARK R. ASUNCION AND ENDING WITH PHILIP W. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH MARC C. ECKARDT AND ENDING WITH ROBERT W. WITZLEB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. DODGE, JR. AND ENDING WITH ALBERT M. MUSSELWHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH ALLEN L. EDMISTON AND ENDING WITH JACQUELINE V. MCELHANNON, WHICH NOMINATIONS WERE RECEIVED BY

THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH JASON L. ANSLEY AND ENDING WITH LOUIS T. UNREIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH GEORGE A. ALLMON AND ENDING WITH TIMOTHY G. SPARKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATIONS BEGINNING WITH JOHN P. AYRES AND ENDING WITH CLAY L. WILD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2012.

NAVY NOMINATION OF GLENN E. GABORKO, JR., TO BE CAPTAIN.

NAVY NOMINATION OF ROGER L. BLANK, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH MICHAEL C. BARBER AND ENDING WITH DAVID G. ORAVEC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH JOSEPH A. DAVIS AND ENDING WITH SCOTT D. EBERWINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH DAVID H. DUTTlinger AND ENDING WITH DARCY I. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH FRANK J. BRAJEVIC AND ENDING WITH DAVID E. WOOLSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH LAUREN D. BALES AND ENDING WITH DAVID A. SERAFINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER J. CORVO AND ENDING WITH THOMAS J. WELSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH MARIA L. AGUAYO AND ENDING WITH ANDREW J. SCHULMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH DAVID O. BYNUM AND ENDING WITH MELVIN H. UNDERWOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS J. COHEN AND ENDING WITH KEVIN P. WHITMORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH RICHARD S. BARLAMENT AND ENDING WITH JOHN S. SIBLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH BRIAN E. BEHARRY AND ENDING WITH DARREL G. VAUGHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH PATRICK J. BLAIR AND ENDING WITH AARON D. WERBEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH JAMES T. ALBRITTON AND ENDING WITH ROBERT L. WILLIAMS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH VERONICA G. ARMSTRONG AND ENDING WITH MARIA A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH JULIANN M. ALTHOFF AND ENDING WITH JOHN WYLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATIONS BEGINNING WITH CASEY S. ADAMS AND ENDING WITH KAREN G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NAVY NOMINATION OF ROBERT E. BRADSHAW, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DARREN W. MURPHY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF LING YE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF GREGORY E. RINGLER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CRAIG S. COLEMAN AND ENDING WITH EDUARDO B. RIZO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH PAUL D. GINKEL AND ENDING WITH GABRIEL S. NILES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH MICHELE M. DAY AND ENDING WITH DET R. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH STEVE M. CURRY AND ENDING WITH WILLIAM R. URBAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH AMY L. BLEIDORN AND ENDING WITH MICAH A. WELTMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. BARRIERE AND ENDING WITH MATTHEW T. WILCOX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH BRIAN M. BALLER AND ENDING WITH MICHAEL J. SZCZERBINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH HEATH D. BOHLEN AND ENDING WITH MATTHEW C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH DERECK C. BROWN AND ENDING WITH SHERRY W. WANGWHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH MARC A. ARA-GON AND ENDING WITH ROBERT A. YEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH KEVIN J. BEHM AND ENDING WITH EVAN P. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH ERIK E. ANDERSON AND ENDING WITH CHRISTOPHER G. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH RENE V. ABADESCO AND ENDING WITH MARK W. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH DAVID J. ADAMS AND ENDING WITH KEVIN P. ZAYAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH BRIAN P. BURROW AND ENDING WITH CHRISTOPHER A. WEECH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

NAVY NOMINATIONS BEGINNING WITH DERRICK E. BLACKSTON AND ENDING WITH DEREK A. VESTAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH WILLIAM M. ZARIT AND ENDING WITH MICHAEL J. RICHARDSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFREY B. JUSTICE AND ENDING WITH ENRIQUE G. ORTIZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 18, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL C. AHO AND ENDING WITH MICHAEL L. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ALBOINO LUNGOBARDO DEULUS AND ENDING WITH BRADLEY ALAN FREDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2012.

EXTENSIONS OF REMARKS

HONORING THE 125TH ANNIVERSARY OF THE UNITED WAY

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. LOEBSACK. Mr. Speaker, I rise today to recognize the 125th Anniversary of the United Way.

In 1887 in Denver, Colorado, a local woman, a priest, two ministers and a rabbi came together to work to solve the poverty facing their community. The first United Way formed a network of organizations to support local charities as well as to coordinate relief services, counsel and refer clients to cooperating agencies, and make emergency assistance grants to those most in need. The group of networks rose from humble beginnings and became the United Way, a united movement committed to improving communities around the world.

What they began 125 years ago now comprises nearly 1,800 community-based United Ways in 41 countries and territories. Today the United Way is the world's largest privately-sponsored nonprofit.

Today, United Way continues the spirit of service to move toward a world where all individuals and families achieve their human potential through education, income stability and healthy lives. Every year the United Way raises nearly \$5 billion dollars for the simple purpose to advance the common good. Working collaboratively, the United Way brings together the actions of millions of individuals to resolve pressing community issues. As a worldwide organization, it is remarkable how effective the United Way is at targeting local initiatives and bringing tangible services to our communities.

We must also attribute 125 years of United Way's success to the imaginative, passionate group of leaders, community volunteers, and partners on the local and state level. Today, United Ways in Iowa's 2nd District are working diligently to ensure the scope and depth of United Way's vision is applied to the specific needs of individuals and local charities in our community. United Way of East Central Iowa, United Way of Johnson County, Inc., United Way of Wapello County, and Burlington/W. Burlington Area United Way continue to give, advocate, and volunteer to help people in need. On United Way's 125th Anniversary, we commend our local United Ways' commitment and contributions that effectively make a difference every day in our community.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE CALIFORNIA FLOWER MARKET

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the 100th Anniversary of a place filled with vibrant colors, tantalizing fragrances, delicate shapes and magic—the California Flower Market in San Francisco. The market is flowers galore and it's impossible to be there without feeling uplifted. I'm a proud and frequent customer at this special place that is also a great boost to our local economy.

The California Flower Market, spanning a block between 5th and 6th Streets on Brannan Street, was established by Japanese-American flower growers a century ago. The growers needed a place to sell their products and founded one of the first Japanese-American corporations in California to do so. The pioneering Issei—the first Japanese immigrants to North America, South America and Australia—honed their growing and flower arranging skills and made significant contributions to the development of the community.

Today, over 50 vendors sell their flowers to 4,000 trade buyers, which include retailers, whole sellers, party planners and interior decorators, and to the public directly. The California Flower Market is an oasis in the South of Market area of San Francisco. I personally welcome any opportunity I have to stroll through the market and pick out a perfectly grown Phalaenopsis, a blossom-covered Christmas cactus or an Ikebana arrangement.

But history wasn't always bright at the California Flower Market. During the shameful era of World War II's internment of Japanese-Americans, flower markets throughout California went from Japanese control to non-Japanese control in a matter of months.

The United States sent 120,000 people of Japanese ancestry to internment camps along the Pacific Coast. Most of them were American-born citizens and hard-working, law-abiding people. The majority of them remained silent about their experiences in the camps and later picked up the pieces of their broken lives and built new communities. The flower growers were among them. While in the camps, the flower growers association worked hard to remain organized and give growers hope for the future. In the 1950's Japanese-Americans rebuilt their prominence in the floricultural industry.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the California Flower Market on its 100th Anniversary. It is a symbol of lasting and resilient beauty that cannot be suppressed, only enjoyed.

HONORING KENDRA HAYWOOD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable valedictorian, Ms. Kendra Haywood. Kendra is the daughter of Mr. Kenneth Haywood Sr. and Mrs. Jacklon Haywood and resides in Shelby, Mississippi. Kendra is a member of Zion Grove Missionary Baptist Church where she serves as the Sunday School Secretary and volunteers with various auxiliaries in the church. She is a senior at Broad Street High School in Shelby, Mississippi and graduated on May 26, 2012.

Kendra acknowledged early on that it would take self-discipline and motivation to achieve her academic goals. So during the last three semesters of high school, she participated in Coahoma Community College Dual Enrollment Program, which allowed her to take college courses while still in high school.

Ms. Haywood is co-founder of Students Involved in Community Change (SICC), an organization that strives for both community and educational excellence. Students work with citizens in their community on beautification projects, hosting weekly community discussions to address littering, drug use, gang activity and the importance of community involvement.

Ms. Haywood's sense of obligation to improve her community and educational opportunities for others led her to tutor her peers after school. Her philosophy is, "knowledge is power and the more you know the more power you have." She participates in various school activities including the Alpha Kappa Alpha Bolivar County Community Humanity Involvement Club, Coahoma Community College Tri-County Workforce Job Shadowing Program, and other civic organizations.

After completing her Bachelor of Science degree, Kendra has plans to pursue a professional degree in Clinical Psychology at Colorado College in Colorado Springs, Colorado. Ms. Haywood has expressed a desire to become part of Teach for America as a way of giving back to a rural community and inspiring youth, because Teach for America has had a profound impact in her education.

Ms. Kendra Haywood has three siblings, Kenneth Jr., Darrius, and Jarvis. She says they, along with her parents, had a positive impact on her desire to reach for the stars in life.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Kendra Haywood as the valedictorian of Broad Street High School Class of 2012.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE CONEJO VALLEY CHAPTER OF MILITARY ORDER OF THE WORLD WARS, THE SGT. MICHAEL A. DIRAIMONDO CHAPTER OF MILITARY ORDER OF THE PURPLE HEART, AND THE RED, WHITE AND BLUE BALL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in honor of the Conejo Valley Chapter of Military Order of the World Wars, the Sgt. Michael A. DiRaimondo Chapter of Military Order of the Purple Heart, and the Red, White and Blue Ball.

For 27 years, the Military Order of the World Wars has presented its Red, White and Blue Ball to perpetuate the spirit of patriotism. This year, the Conejo Valley Chapter is joined by the Sgt. Michael A. DiRaimondo Chapter of Military Order of the Purple Heart. Army Sgt. DiRaimondo was Ventura County's first casualty in Operation Iraqi Freedom. He was 22 years old.

I did not know Michael, but I have become close friends with his exceptional family.

Each year, the Ball honors an individual who has demonstrated exceptional patriotism and who has made significant contributions to the community.

The U.S. Navy will be honored at this Saturday's event. This is the 50th anniversary of the founding of the Navy SEALs and Captain Jason Ehret, USN SEAL, will be the honorary chair. The 2012 Patriotic Citizen of the Year is Colonel John Fer, who served in the U.S. Air Force for 28 years.

It is fitting that the Ball will be held at the Ronald Reagan Presidential Library. It will start with an open reception followed by a formal opening ceremony. Dinner, dancing to music of the Harry Selvin Band, and silent and live auctions will round out the evening.

It is a festive affair, with military personnel—active, reserve and retired—wearing dress uniforms. Civilian men wear dark suits or tuxedos and civilian women wear formal or cocktail dresses.

Auction proceeds will support activities such as Ventura County and Thousand Oaks Veterans Day ceremonies, Conejo Valley Memorial Day ceremony, Thousand Oaks Youth Leadership Conference, Junior ROTC awards, and Boy Scout and Girl Scout troops.

Mr. Speaker, I attended the first Red, White and Blue Ball 27 years ago and am proud to have been presented the Gold Patrick Henry Award at the 1989 Ball.

I am leaving Congress at the end of this session, which will change my relationship with the Military Order of the World Wars and the Sgt. Michael A. DiRaimondo Chapter. I am confident, however, that the relationship will remain strong and grow in the coming years.

I am equally confident that my colleagues join me now in honoring the Conejo Valley Chapter of Military Order of the World Wars, the Sgt. Michael A. DiRaimondo Chapter of Military Order of the Purple Heart, Captain Jason Ehret, the U.S. Navy SEALs, and the

Ball's 2012 Patriotic Citizen of the Year, Colonel John Fer. Thank you all for your service.

IN RECOGNITION OF THE CITY OF SAN MATEO'S ADOPTION A COMPANY, 1ST BATTALION, 327TH INFANTRY REGIMENT, 1ST BRIGADE, 101ST AIRBORNE DIVISION.

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the City of San Mateo for its adoption in 1968 of A Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division.

In 1967 a soldier in Vietnam named Sgt. Joe Artavia wrote a letter to his sister, Linda, asking her to convince the City of San Mateo to adopt his company. He thought an adoption would lift troop morale "as high as the sky." Linda rallied the community to support her brother and his comrades. Within three months the San Mateo City Council passed a resolution to adopt the company.

Tragically, Artavia was killed three weeks later rescuing a fellow soldier, and the people of San Mateo joined together in mourning. Artavia's death solidified San Mateo's commitment to its adopted company and, in fact, in 1972 San Mateo was the only city in the United States to hold an official homecoming parade honoring Vietnam veterans.

Since that time the city has continuously supported A Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division, visiting them in peacetime, establishing pen-pals and sending care packages. The city has served as a model for other towns, cities or counties to adopt individual military units throughout the country.

San Mateo's adopted company has recently returned from a 12-month tour of duty in Afghanistan and will be redeployed for a third tour. In commemoration of the 40th anniversary of the welcome-home parade for the veterans returning to San Mateo, the city is holding another welcome home parade and festival to honor past and present soldiers of the 101st Airborne Division who have put their lives on the line for our country.

Mr. Speaker, I ask that the House of Representatives join me in honoring the city of San Mateo for supporting A Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division and its brave men and women who filled it ranks, especially those who gave their lives for our freedom.

IN RECOGNITION OF THE MUSCOGEE RETIRED EDUCATORS ASSOCIATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to salute the members and supporters

of the Muscogee Retired Educators Association (MREA) as they commemorate its 50th anniversary this year. A celebration luncheon will be held on Friday, June 22, 2012 at 11:30 a.m. at the Columbus Convention and Trade Center in Columbus, Georgia.

MREA was established as the Muscogee Retired Teachers Association (MRTA) in 1962 when Mr. Boyd B. Littlejohn and a small group of other retired Muscogee teachers decided to organize themselves in order to better attend to the needs and concerns of retired teachers in the area. Mr. Littlejohn, a retired principal who served St. Elmo, Clubview, and McIlhenney schools, became the first president before going on to serve as president of GRTA from 1965–1967.

In its early existence, members of MRTA would meet in their homes or in churches. Ms. Ruth Plumb and Mrs. Rex Lavender served as presidents until MRTA became inactive for a short period. In 1972, J. Zeb Morris, retired principal of Waverly Terrace and jazz pianist, became president. After this, MRTA began to grow in membership and was able to improve its service to retired teachers.

Throughout the years, the association has been led by distinguished retired educators such as Lucile David, Lyda Hanna, Nathan Hunter, Brice Carson, Jack Shepard, Laura Haygood, L.B. Hickson, Sumter Blackmon, John Little, O'Neal Hendricks, Kathryn Hunt, Esto Smith, Anita B. Walters, Dr. Jeanette Marshal and its current president, Diane Boss, among others.

Mr. Nathan Hunter also served as GRTA President from 1979–1980 and Mrs. Lucile Hunter, his widow and an MRTA member, presented his GRTA gavel to the MREA. The gavel is a treasured keepsake and is passed on to each succeeding MREA president.

In 1998, the GRTA changed its name to the Georgia Retired Educators Association to include all those who work in the field of education and are under the Teacher Retirement System of Georgia. MRTA followed suit, changing its name to the Muscogee Retired Educators Association (MREA), as it is called today.

In addition to having served as teachers, mentors, and role models throughout their career, members of MREA continue to serve the community in retirement by volunteering their time to help out at schools, churches, hospitals, nursing homes, museums, libraries, health screening venues and other places. A number of members also volunteered at the 1996 Summer Olympics in Columbus for fast pitch baseball.

In past years, MREA has consistently been presented with competitive Membership awards from GREA. Also, MREA strives to help active teachers by awarding scholarships to those seeking graduate degrees.

Mr. Speaker, I ask that my colleagues join me in applauding the exceptional efforts of the Muscogee Retired Educators Association for all they have done and will continue to do to address the needs of our retired educators. Not only did MREA members provide a great service during their careers teaching our young people, but they have continued that legacy of service in the community in retirement and for that, I thank each and every one of them.

IN RECOGNITION OF RAPHAEL
KAUFFMANN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Raphael Kauffmann, an outstanding teacher who serves as a role model for students and teachers alike. It is only fitting that he has been named San Mateo County Teacher of the Year.

Mr. Kauffmann graduated Cum Laude from San Francisco State University where he earned a Bachelor of Arts degree in Broadcast and Electronic Communications in 1995. Since 2005, Mr. Kauffmann has taught at Carlmont High School in Belmont. He was promoted to Chair of the English Department in 2009. He is a member of the National Education Association, the National Council of Teachers of English and he won a PTSA Award of Excellence in 2010.

Under Mr. Kauffman's leadership Carlmont High School adopted the Expository Reading and Writing Course, a school-wide reading and writing program. The program sparked a fruitful collaboration among the teachers within his department. The program helps prepare students for college and advances students' writing skills.

Mr. Kauffmann did not always know he wanted to teach. Starting at age 12 or 13, he was most passionate about music. He played bass in his high school band and also started a band with friends. In college he learned audio production, which helped him apply his passion for music to his professional life. His dynamic career has spanned the music, recording and software industries.

These experiences taught him the skills and qualities necessary for survival in the professional world. They also taught him that he could meld together academic, professional and creative interests while navigating a career path. He brings these lessons into the classroom and offers his students a broad perspective.

Instead of creating an authoritarian atmosphere, he makes students his partners in the process of learning. He promotes an environment of mutual respect and uses his musical background to connect with at-risk youths. He uses music as a tool to communicate with young people who the educational system has left behind. For example, when Mr. Kauffmann met one student who was nearly ready to drop out of high school, Mr. Kauffmann connected with this young man about music, took him under his wing and helped him graduate on time.

Mr. Kauffmann is a devoted husband and father; he is married to Chandra Kauffmann and they have a son, Rami.

Mr. Speaker, I ask this body to rise with me to honor the outstanding service of Raphael Kauffmann to the residents of San Mateo County. For many more years to come he will serve as an inspiration for other teachers, and a beacon for his students.

INTRODUCING LEGISLATION CELEBRATING 40TH ANNIVERSARY OF
TITLE IX LEGISLATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce a resolution recognizing the 40th anniversary of the momentous Title IX legislation. Forty years ago, on June 23, 1972, it was established that educational institutions receiving federal funding were barred from discriminating against anyone on the basis of sex. That decision applied to student admissions, recruitment, scholarship awards and tuition assistance, housing, access to courses and other academic offerings, counseling, financial assistance, employment assistance to students, health and insurance benefits and services, athletics, and all aspects of education-related employment.

This landmark legislation led to gains for women in all fields, from academics to business to science and technology. The law is probably most well known for its impact on women in athletics. Since Title IX was enacted, the number of women competing in college sports has soared by more than 600 percent, and the number of high school girls competing in sports has increased by over 1,000 percent.

This is important because we know from scientific research that student athletes graduate at higher rates, perform better in school and are less likely to use drugs and alcohol, smoke, or develop mental illness or obesity later in life. Furthermore, I have heard from countless female athletes, like Olympic gymnast Dominique Dawes, that without athletic scholarships made possible by Title IX, they simply would not have been able to attend college. Imagine the vast intellectual, cultural and athletic opportunities that would have been lost to these young women had they not been able to pursue their goals of furthering their education.

In the years since the law was passed, we have had to fight for improvements to the legislation and fight against other attempts to weaken it. In 2003, I led a hearing in the basement of this very Capitol building when Title IX was being threatened by Commission for Opportunity in Athletic recommendations that ignored the continuing lack of participation opportunities and funding that women's and girls' athletics were facing. I clearly recall watching a line of little girls in their soccer uniforms enter the room accompanied by their fathers. These dads spoke eloquently about the importance of coaching their daughters in sports, and how it meant just as much to them as coaching their sons. Although bad policy was enacted that limited the effectiveness of Title IX, I am proud to say we were able to reverse significant parts of that in 2010.

The fight for fairness continues. Today we still face disparities in opportunities for girls in sports, particularly at the high school level. Girls make up half of the high school population, yet receive only 41 percent of all athletic participation opportunities. This translates to 1.3 million fewer opportunities for young

women to play high school sports than young men. Worse yet, this gap is actually increasing.

How is it that one law can have such a dramatic impact at one age level and yet be less successful for our young women who are just four years younger? The answer can be found in public transparency and accountability. As is true elsewhere in life, sunshine can be the best of disinfectants.

At the collegiate level, colleges and universities are required to publicly account for how their athletic opportunities, resources, and dollars are allocated among male and female athletes. No such transparency requirements are found at the high school level. Not surprisingly, where there is no public accountability, there is a growing gap in athletic opportunities for young student-athletes.

Currently, high schools are required to submit annual reports of their athletic participation numbers by sport and gender to their state high school athletic associations. Additionally, school bookkeepers already keep records of all school expenditures—including those made within the athletic department. Despite doing all the work of collecting this data, none of it is required to be made public.

To make a simple, but profound, change to high school reporting requirements, I have authored H.R. 458, the High School Athletics and Accountability Act. This bill would require high schools to make public vital data on the participation of girls in high school sports. Schools already collect this data. Making the information public would be a small change for school administrators—estimates are that it would take just three to six hours of time once a year to produce a report—and would have a huge impact on the opportunities available to our young girls.

As we celebrate the anniversary of the passage of this landmark legislation, we must recommit ourselves to continuing the fight for equity for women and girls. I ask my colleagues to commemorate the 40th anniversary of Title IX with me, and pledge to keep pressing forward until opportunities are equal for all.

IN RECOGNITION OF ROGER
ANDREY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Officer Robert Andrey for his 27 years of service at the Burlingame Police Department.

Officer Andrey joined the Burlingame Police Department in 1984 and has served in a variety of capacities, such as patrol officer, field training officer, police inspector and evidence technician. In each role he demonstrated integrity, professionalism and honor. He has been recognized for his effectiveness in DUI enforcement and his compassion for donating stuffed animals to children in the Mills Peninsula Hospital Emergency Room.

Officer Andrey is an outstanding detective who is skilled in solving fraud cases. His secret to success is that he takes time to listen and pays attention to details. He says he was

taught to "never leave a call unless you feel comfortable leaving." For example, he responded to a call from Child Protective Services and arrived at a Burlingame home on a hot summer day. The young girl answering the door was wearing a long-sleeved heavy sweater. Officer Andrey spent some 20 minutes talking to her and gaining her trust until she eventually told him that she had been cutting herself. Due to his keen observations, the girl received help. He humbly adds that being a police officer is not rocket science, it's about developing relationships and trust with people.

Before I ever met Officer Andrey, I heard about him in the early '90s when he recovered construction materials from local pawnshops that had been stolen from my brother. A few years later I had my own—and very memorable—encounter with him. While I was in the California State Senate, I reported a suspicious envelope under my car's windshield wiper and he responded to the call. This incident put him in the "entirely uncomfortable" situation where he had to take my fingerprints.

Robert Andrey was born in Milwaukee, Wisconsin and went to Allis Central High School. He earned his B.A. in marketing management from Milton College in Wisconsin. He moved to the Bay Area in 1982.

In his well-deserved retirement, he is looking forward to spending more time with his wife Lona, family, friends and their two dogs.

Mr. Speaker, I ask this body to rise with me to honor the outstanding service of Officer Robert Andrey to the people of Burlingame. For almost three decades, he made our community a safer and better place every single day. He will be deeply missed by his colleagues and residents alike.

HONORING THE LIFE OF DR.
EDWARD ROBINSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the life of Dr. Edward Robinson. Born and raised in Philadelphia, Dr. Robinson dedicated his life to the welfare of people in Philadelphia and will be sorely missed.

Dr. Robinson was a true renaissance man as he excelled as an attorney, entrepreneur, educator and mentor. His accomplishments are not limited to a position as the first African American on the board of directors of the Federal Reserve Bank of Philadelphia. Additionally, Dr. Robinson served as the Executive Deputy Secretary of Pennsylvania and the Assistant Managing Director of Philadelphia.

Dr. Robinson's most esteemed work were his efforts on behalf of Africans and African Americans for minority rights and inclusion. He spearheaded the African Genesis Science Curriculum which was adopted in schools throughout the Philadelphia School System. Dr. Robinson's cultural influence and scholarship will not be forgotten.

I ask that you and my other distinguished colleagues join me to honor the life of Dr. Edward Robinson. He was committed to enrich-

ing the lives of Philadelphians as a teacher, mentor and activist. Dr. Robinson's selfless dedication to others leaves a legacy that will continue to uplift and inspire others for years to come.

HONORING JALISA ALLEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a remarkable young woman Ms. Jalisa Allen, the 2012 Salutatorian at Coahoma Agricultural High School.

Jalisa is the daughter of Janette Allen, and has two siblings. Together they proudly reside in Friars Point, Mississippi. She is a senior at Coahoma Agricultural High School. At the age of seven, Jalisa decided that she was going to get the best education possible. While pursuing this goal, she has achieved the award of being placed on both the Principal List and the Superintendent List. Jalisa is also active in many school organizations such as, Future Business Leaders of America, Math Club, Science Club, and Youth Leadership.

Jalisa plans to attend the University of Mississippi in Oxford and become an Anesthesiologist. After obtaining a degree, Jalisa intends to use her education to help her local community in Friars Point.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Jalisa Allen, Coahoma Agricultural High School Salutatorian of the Class of 2012.

IN RECOGNITION OF THE LATE
LANTY MOLLOY, SR.

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the late Lanty Molloy, Sr. who passed away June 12, 2012 in South San Francisco at the age of 79. Mr. Molloy leaves behind a legacy as an extraordinary family and business man.

Mr. Molloy is survived by his beloved wife of 51 years, Blandid Doyle, seven of their eight children, three of his five siblings and 19 grandchildren.

He was born in San Francisco in 1932 as the son of Frank Molloy of Ardara, County Donegal in Ireland, and Martha Loftus of San Francisco. His father Frank Molloy came to the United States in 1901 as a 18-year-old who pursued—and realized—the American dream. After spending a few years in the Pacific Northwest, Frank came to California shortly after the big earthquake in 1906. He tended bar in San Francisco and in 1909 opened his first pub, "Molloy's" on Lafayette Street. In 1927, he relocated Molloy's to a building he bought in Colma and started the family history of three generations of tavern owners.

Lanty Molloy attended Our Lady of Perpetual Help in Daly City and graduated from

Saint Ignatius High School in San Francisco in 1950. He served in the U.S. Army as an MP. While stationed in Germany he made many lifelong friends and developed a love for history.

In 1955, Frank turned the bar over to Lanty, his youngest son. He and Blandid raised their family in South San Francisco and at age 21, their youngest son Owen started tending bar at Molloy's. Owen picked up the family tradition and to this day is managing the tavern.

Located in Colma, Molloy's has seen thousands of patrons toasting those who passed away. Posted on the wall is a fitting quote from the Irish Herald which reads: "Though the Molloy's dwell in the valley of death, at the very gates of the marble orchard, the lights are always twinkling in the window and a steady stream of black clad mourners duck in for a soothing pint after bearing the drunken cousin or the elder aunt. You should drop by and get your drink too and get to know Lanty, Owen and the bar."

Lanty is now the one to be toasted and remembered at this landmark in Colma. He was the second generation in a family tradition that I hope will live on for many more generations to come.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the memory of Lanty Molloy for the love for his family and friends and his lasting contributions to our community.

IN HONOR OF KEITH RUNYON'S
ACCOMPLISHED CAREER IN KENTUCKY

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. CHANDLER. Mr. Speaker, I rise today to honor the career of one of Kentucky's most distinguished and long serving journalists, Keith Runyon. Mr. Runyon retired from the Louisville Courier-Journal after 43 years this last April, and it is an understatement to say that Kentucky will miss this giant in the journalism field.

A lifelong resident of Louisville, Keith Runyon joined the Courier-Journal at the age of 18 while he was a student at the University of Louisville. His relationship with the Bingham family left an indelible impression on his career, and I know Keith is proud to be the last serving member of the Bingham-era editorial board. From his early days as an obituary writer, Keith worked his way through the ranks of the paper before quickly joining the editorial board in 1977. Always seeking a greater challenge, he also started attending the University of Louisville Brandeis School of Law the same year and later became the editor of the Courier-Journal's book page in addition to his editorial page responsibilities.

Whether tackling education reform or tax referendums, Keith's judgment and talent shaped the editorial board for more than 40 years. Throughout his esteemed career, Keith has received many awards and accolades but perhaps none as impressive as his most recent. This spring, he received the Society of

Professional Journalists' gold medal, one of the most prestigious honors for editorial writing in the country, for his work on the proposed merger of the University of Louisville hospital.

A proud graduate of Leadership Louisville, he is a vibrant participant in the great issues confronting all of Kentucky. He constantly strives to promote equal rights for all and to advance the progressive principles of the New Deal, the New Frontier, and Great Society. Long after his retirement, the work he did both in and outside of the newsroom will continue to have an impact on Louisville and all of Kentucky. Keith Runyon leaves big shoes to fill at the Louisville Courier-Journal, and I wish him, his wife Meme, and his family the best in their future endeavors. I congratulate him on his stellar career and thank him for all he has done for the Commonwealth of Kentucky.

HONORING COL. GREGORY DRAGOO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. MORAN. Mr. Speaker, I rise today to honor and acknowledge Colonel Gregory F. Dragoo upon his retirement after having served this great Nation for 29 years. Colonel Dragoo most recently served in the Office of the Secretary of Defense, Special Access Program Central Office, responsible for the DOD coordination of programs assigned to the Air Force.

In 1983, Colonel Dragoo received his Second Lieutenant commission from the Officer Training School at Lackland AFB, TX. He completed his undergraduate navigator training and was assigned to B-52Gs at the 46th Bomb Squadron in North Dakota in 1985.

After being selected a part of the initial cadre of aircrew selected to fly the B-1, Colonel Dragoo was selected in 1989, as the first B-1 Weapon Systems Officer to attend the USAF Test Pilot School at Edwards AFB, CA.

Following his first flight test tour in the 419th Test Squadron, Colonel Dragoo returned in 1993, to the Test Pilot School as an instructor. From there, he spent the next two years in the B-1 and Tri-Service Standoff Attack Missile Program Offices at Wright-Patterson, OH followed by a year at Air Command and Staff College (ACSC) at Maxwell AFB, AL.

In 1996, Colonel Dragoo returned to Edwards AFB as Operations Officer of the 419th Flight Test Squadron. There, he was dual-qualified in the B-52 and B-1 and responsible for all B-52, B-1, and B-2 Flight Test operations.

Colonel Dragoo was next assigned in 2000 to the Pentagon as the Headquarters Air Force Plans and Programs bomber programmer responsible for programming the budget and force structure of the B-52, B-1, B-2, and Unmanned Combat Air Vehicles. In 2003, Colonel Dragoo attended the Air War College at Maxwell AFB, AL, and upon graduation was assigned as the Deputy Director and then Director of the Weapons Division of the Secretariat of the Air Force Capability Directorate responsible for coordinating the programmatic issues of all Air Force weapons acquisition programs.

In 2006, Colonel Dragoo was selected to command the Air Combat Command's Electronic Warfare Group at Eglin AFB, FL. This 450-person group was responsible for delivering and evaluating electronic warfare software for the entire Combat Air Force.

Following his command assignment, Colonel Dragoo was assigned to the Pentagon as Deputy Director of the Secretariat of the Air Force Special Programs Directorate where he served until assuming his current position in the Office of the Secretary of Defense Special Programs office. In conjunction with his permanent assignments, Colonel Dragoo deployed in 2001 as Chief of Staff, Combined Air Operations Center, J-3, Prince Sultan Air Base Saudi Arabia; in 2004 as Air Liaison Officer, C3 Plans, Multi-National Force-Iraq, Baghdad; and in 2007 as Deputy Director and Chief of Staff, Combined Air Power Transition Force, Kabul, Afghanistan.

Colonel Dragoo is married to the former Teresa K. Wisner. They have two happily married children, three incredibly adorable grandchildren, and will celebrate 31 years of marriage this year.

Mr. Speaker, for the last 29 years, Colonel Dragoo has faithfully served our nation as a member of the U.S. Armed Forces. As he enters the next phase of his life with his beloved wife Teresa, their two children Melissa and husband Shawn, and Matthew and wife Lauren, and their three wonderful grandchildren, Mackenzie, Carson, and Daisy, he leaves behind a legacy of dedication, integrity, excellence.

Today, I ask my colleagues to join me in congratulating Colonel Gregory F. Dragoo upon his retirement and recognizing his years of loyal service to our community and country.

RECOGNIZING THE HUMAN COST OF OPERATION ENDURING FREEDOM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize the human cost of the war in Afghanistan. Last Thursday, June 14th, Marine Corporal Taylor Baune, of Andover, Minnesota, was killed in Helmand Province, Afghanistan. He was 21 years old, and had married his high school sweetheart just three months ago. Corporal Baune was the 2000th American killed in support of Operation Enduring Freedom.

We often speak of the financial cost of the war in Afghanistan, which has grown to \$289 million per day. Although this is a staggering figure, the human cost of the war is beyond measure.

Just last month, a young man from my district, Travis Morgado, was killed in Kandahar Province. Travis was an athlete who enjoyed basketball and football. He joined the Army after graduating from the University of Washington with a degree in civil engineering, expressing a desire to give back to his country. Second Lieutenant Morgado leaves behind his mother, Andrea, and stepfather, Dean Kessler,

his father, Joe, and stepmother, Nancy, as well as two younger brothers, a stepsister, and a stepbrother. He is remembered as a loving big brother, and a positive role model for his younger cousins.

I would also like to recognize Marine Corporal Kevin Cueto of San Jose, who was killed in action nearly two years ago, on June 24, 2010, in the Helmand Province of Afghanistan. He was 23 years old. Corporal Cueto grew up in San Jose, and later moved to Campbell to live with his father. At Westmont High School, Kevin served in the Reserve Officers Training Corps and was a member of the football, baseball, and wrestling teams. He was also involved with the debate team. After graduating from high school, determined to serve his country, Kevin enlisted in the Marines. Corporal Cueto served a tour in Iraq in 2009, before being deployed to Afghanistan. Corporal Cueto has left behind his father, Phillip Cueto, his mother, Kelley Greenhaw, and a younger brother.

Finally, many mourned the loss of Pat Tillman. Pat grew up in my district. He was a star football player at Leland High School in San Jose, and earned a scholarship to Arizona State University. He helped lead ASU to the Rose Bowl in 1997, and was selected as the team's most valuable player as well as the Pac-10 Defensive Player of the Year. As a student, Pat also excelled, earning the Clyde B. Smith Academic Award, the Sporting News Honda Scholar-Athlete of the Year, and the Sun Angel Student Athlete of Year awards during his time at ASU. Pat was drafted by the Arizona Cardinals in 1998, and began a promising career as a professional football player. However, when the United States invaded Afghanistan in 2001, Pat and his brother, Kevin, decided to enlist. Pat married his high school sweetheart, Marie, and became an Army Ranger, serving tours in both Iraq and Afghanistan. Corporal Tillman was killed in Afghanistan. He left behind his wife, Marie, his father, Patrick, his mother, Mary, and two younger brothers.

I extend my sincerest gratitude to these brave young men and their families as we mark this solemn milestone. Two thousand American soldiers have paid the ultimate price in support of Operation Enduring Freedom. Countless others have suffered wounds, both physical and mental. The human cost of the war in Afghanistan has been immense, and I urge my colleagues to support a safe, immediate, and orderly withdrawal of our troops, and to ensure that our veterans, who have sacrificed so much, are given the care and benefits that they deserve.

IN HONOR OF THE OLD MISSION CHURCH OF SAN JUAN BAUTISTA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. FARR. Mr. Speaker, I rise today to recognize the 200th Anniversary of the dedication of the "Mission of Music," the Old Mission Church of San Juan Bautista. On June 23, 2012 the Mission celebrates the anniversary of

its dedication and an unbroken succession of pastors since its founding by the Franciscan order in 1812.

The Mission, the fifteenth and largest of California's twenty-one missions, was established by the Franciscan friars and dedicated in 1797 by Father Fermin Francisco de Lasuén to its patron, St. John the Baptist. For the last two centuries, the Mission has served mass daily to parishioners and visitors, including the Amah Mutsun and other native California Indians who first inhabited the surrounding area.

Today the Mission continues to function as an active parish within the Catholic Diocese of Monterey. The Mission has been included in the National Register of Historic Places and the California Historic Register. With three naves it is the largest and one of the tallest missions in California. It also features the only Spanish Plaza in its original configuration remaining in California.

The bi-centennial dedication of the Mission honors the influence of Native American, Spanish, Mexican, and American settler influence on the California Central Coast. The 200th Anniversary will be marked with a spectacular fiesta and procession from the Mission to downtown San Juan Bautista. Funds earned from the celebrations will go toward unearthing a newly discovered chapel site in the area as well as for maintenance and restoration of the Mission basilica and its associated buildings.

Mr. Speaker, I know that I am not alone in recognizing the continuous work of the mission church in supporting the community of San Juan Bautista, including its role as a significant visitor destination in the region. For all the Mission has managed to contribute to the community and for all that it will undoubtedly continue to do I extend my most sincere thanks to it and wish it the best as it moves into a third century of service to the community of San Juan Bautista.

U.S. SHOULD REMAIN OPTIMISTIC FOR POLITICAL RECONCILIATION IN THAILAND

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. POE of Texas. Mr. Speaker, the events over the past six years in Thailand have left the country deeply divided. A military coup overthrew an elected government in 2006. Violent protests demanding new elections in 2010 led to the deaths of at least 90 people. Rich and poor, military and civilian, politician and voter—all have had differences over the years.

But, the newly elected party of Prime Minister Yingluck Shinawatra promised to bridge those divides and lead Thailand towards a more stable and democratic future. For this country to move forward towards a more free and fair society, its leaders must push for political reconciliation between differing parties despite any opposition it may face today. The Thailand legislature is currently working its way through a political reconciliation bill. As it

continues this process, the United States should be encouraged and hopeful in our ally's path to democracy and reconciliation. And that's just the way it is.

INTRODUCING THE "SYRIA NON- INTERVENTION ACT OF 2012"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PAUL. Mr. Speaker, the Administration is marching toward another war in the Middle East, this time against Syria. As with the president's war against Libya, Congress has been frozen out of the process. The Constitution, which grants Congress and only Congress the authority to declare war, is once again being completely ignored.

The push for a U.S. attack on Syria makes no sense, is not in our interest, and will likely make matters worse. Yet the Administration, after transferring equipment to the Syrian rebels and facilitating the shipment of weapons from Saudi Arabia and the Gulf States, has indicated that its plans for an actual invasion are complete.

This week there are even press reports that the Central Intelligence Agency is distributing assault rifles, anti-tank rocket launchers, and other ammunition to the Syrian opposition. These are acts of war by the United States government. But where is the authority for the president to commit acts of war against Syria? There is no authority. The president is acting on his own.

Today we are introducing legislation to prevent the administration from accelerating its plan to overthrow the Syrian government by assisting rebel forces that even the administration admits include violent Islamic extremists.

The bill is simple. It states that absent a Congressional declaration of war on Syria:

"No funds available to the Department of Defense or an element of the intelligence community may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual."

This legislation is modeled after the famous Boland Amendments of the early 1980s that were designed to limit the president's assistance to the Contras in their attempt to overthrow the government of Nicaragua. Congress has an obligation to exercise oversight of the president's foreign policy actions and to protect its constitutional prerogatives. This legislation will achieve both important functions.

Mr. Speaker, the last thing this country needs is yet another war particularly in the Middle East. Even worse is the president once again ignoring the Legislative Branch and going to war on his own. I hope my colleagues will join me in standing up for our Constitutional authority and resisting what will be another disastrous war in the Middle East.

IN HONOR OF ANTHONY COSTA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. FARR. Mr. Speaker, I rise today to honor Anthony Costa on the occasion of his recognition by the Grower Shipper Association with its prestigious E.E. "Gene" Harden Award for Lifetime Achievement in Central Coast Agriculture. The Ag Leadership Award is presented to the individual, company, group, association, or agency that has made a significant contribution to the agricultural community in the Salinas Valley.

Anthony Costa, or Tony, as he is known by most, was born in Wakefield Massachusetts and is the oldest of seven children. He came to California on a train with his aunt and uncle when he was eleven years old, settling in the San Joaquin Valley town of Los Banos. He graduated high school in 1946, and later served our nation in the U.S. Army during the Korean War. After leaving the service, he found his way to Salinas, California, where he met and married Salinas Valley native Elsie Bassi. Elsie was born and raised in the Soledad Mission District, graduated from San Jose State University, and was a school teacher.

In 1956, the young Costa couple began farming on a ranch outside of Soledad. As their family grew, so did their farming operation. For over fifty-six years, the Costa Family has dedicated itself to being quality growers of more than twenty different vegetable row crops in the Salinas Valley. Their original small operation has grown to encompass strategically owned and leased ground up and down the Salinas Valley. The family also runs year-round harvest operations, field-to-cooler trucking, joint ventures in Huron, Yuma and Imperial Valley crops, and partnership interests in cooling and processing operations. Their farming operation has been a key supplier to several shippers and processors in the area for many years.

The Costa Family Farms is a family farm in every sense of the word. And while the award singles out Tony for recognition, it is really a recognition of the whole Costa family. The family continues to farm the original ranch which they leased for many years. Their business now involves three generations of family members including their children David, Michael, Diane, and JoAnn, who are joined by their grandchildren Colby Rubbo and Peter Dossche. Several other grandchildren are pursuing agricultural degrees. They have built a remarkable operation that bridges the old produce world of trust and handshakes and the new modern world of food safety and product traceability.

Mr. Speaker, I know that I speak for the whole House in offering Tony and Elsie Costa and their whole family our heartfelt congratulations on their recognition by the well deserved honor of E.E. "Gene" Harden Award for Lifetime Achievement in Central Coast Agriculture.

IN HONOR OF NATIONAL MARINE
WEEK**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of National Marine Week so that we may join in a celebration of the individuals who dedicate themselves to the service and defense of this great country.

Each year a city is chosen to host National Marine Week and to serve as a venue to showcase the achievements of our most elite service members. This year Cleveland, Ohio was chosen to bring together technology, history, Marines and the public they serve. Cleveland is a fitting location as currently more than 9,000 active duty or reserve Marines hail from the state of Ohio. By highlighting the community, country and Corps, National Marine Week is both an educational and civic event which fosters awareness and connection between the military and civilian communities.

A week including Marine sporting events, speakers, and bands demonstrates the wide array of talents which fuel the Corps forces both at home and abroad. Various demonstrations will showcase the Expeditionary Forces in Readiness. The week is a unique exchange of thanks and respect for soldier and citizen alike. By remembering the sacrifices of the past, as well as the missions which continue to require our forces in the future, National Marine Week is a sign of the gratitude and honor which these heroes deserve.

Mr. Speaker and Colleagues please join me in honoring National Marine Week 2012 to show our appreciation to those who give so much in service to their country.

IN RECOGNITION OF THE 125TH AN-
NIVERSARY OF THE UNITED
WAY**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize a special organization that is near and dear to me, The United Way.

The United Way Worldwide is the leadership and support organization for the network of nearly 1,800 community-based United Ways in 45 countries and territories. In East Alabama, we are home to three different United Way locations—The United Way of Lee County, The River Region United Way and The United Way of East Central Alabama.

United Way focuses on helping people reach their full potential in education, income and health while also encouraging volunteerism and service. June 21st is United Way's Day of Action and June 28th is the official United Way Founders Day.

The United Way of East Central Alabama, in particular, is a special organization to me because I had the honor of working there from 1982 to 1986 as the Director of their Dis-

located Worker Program. I saw and participated first-hand in the organization's efforts to help laid-off workers go back to school for re-training.

Mr. Speaker, I offer my congratulations to this organization that has touched so many lives and offer a very happy 125th anniversary.

A TRIBUTE TO JOHN BURROUGHS
HIGH SCHOOL JUNIOR STATE OF
AMERICA CHAPTER**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate the John Burroughs High School Junior State of America Chapter (JBHS JSA), from Burbank, California, upon being announced as the winner of the fifth annual National Civic Impact Award.

The concept for the Junior State was envisioned in the 1930s by Professor E.A. Rogers, who strongly believed that teaching youth the fundamentals of good government is one of the central needs of a democracy. When he introduced this idea to his students, a recommendation for a junior government was proposed by a student, where students would not only learn about democracy, but practice it as well. Formerly known as the Junior Statesmen of America, this project has spread to many high schools in California and across the nation. Since its inception, over 500,000 students have gained the skills and knowledge essential to be informed and active citizens and leaders.

Today, the Junior State of America (JSA) and the Junior Statesmen Foundation, strive to prepare and educate high school students for continuing involvement and participation in a democratic society. It encourages students to advocate their personal opinions, develop respect for opinions that oppose their own, think critically, and exchange ideas through problem solving, talks and debates. This experience also allows students to understand the responsibilities and challenges of leadership.

Every year, the top JSA chapters from across the U.S. compete for the National Civic Impact Award. This award is presented to the JSA chapter that makes the most prevalent impact at their school, by raising the degree of civic engagement and awareness. Ten finalists, who had all been announced winners of the "Chapter of the Year" award in their respective regions, advanced to be considered for the National Civic Impact Award. A panel of judges reviewed the materials the finalists had submitted, and announced John Burroughs High School as this year's winner. In addition to this prestigious title, the JBHS JSA will receive a grant towards maintaining the school's civic engagement programs, a stipend reward for the Teacher/Advisor as well as a plaque highlighting their achievement. The JBHS JSA is also incredibly active in their school and community. They have raised money for the Ronald McDonald House Charity, attended City Council and School Board meetings and hosted guest speakers.

I applaud the student participants and all the supporters of JSA for your unwavering commitment to civic engagement, and I ask all Members to join me in congratulating the JBHS JSA Chapter for their noteworthy achievement.

CANDLES HOLOCAUST MUSEUM

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BUCSHON. Mr. Speaker, I rise today to call attention to the CANDLES Holocaust Museum and Education Center located in Terre Haute, Indiana.

CANDLES is the only Holocaust Museum located in the State of Indiana, the only Holocaust Museum in the world focusing on forgiveness, and the only one focusing on the stories of twin children who were used as subjects in medical experimentation at Auschwitz. CANDLES is an acronym for Children of Auschwitz Nazi Deadly Lab Experiments Survivors.

The mission of CANDLES centers on the elimination of hatred and prejudice from our world. The Museum was founded in 1995 by Eva Mozes Kor who, as a twin, survived the genetic experiments of Dr. Josef Mengele in the Auschwitz Concentration Camp.

I was honored to be invited to tour CANDLES earlier this year and to meet Eva Mozes Kor and her husband, Mickey Kor. Their moving account of their experiences during the Holocaust and their willingness to forgive make their stories truly remarkable. I encourage all Hoosier and anyone who has the opportunity to visit CANDLES and to learn from Eva's powerful message of forgiveness.

TRIBUTE TO SHIRLEY MACLAINE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. KUCINICH. Mr. Speaker, on Thursday, June 7th, 2012, the American Film Institute bestowed its prestigious 40th Lifetime Achievement Award upon actress Shirley MacLaine. I was privileged to speak at the event in tribute to my dear friend. I submit my remarks for the CONGRESSIONAL RECORD:

"I met Shirley MacLaine 33 years ago, with Congresswoman Bella Abzug at Elaine's Restaurant in New York City, the beginning of a magical friendship. She is my daughter Jackie's godmother. Seven years ago Shirley officiated at Elizabeth's and my wedding.

The Shirley MacLaine I know has an uncommon intellectual curiosity, borne of a courageous approach to life. She has the capacity, in an instant, to go very deep into human experience, into the cosmos, into herself. Her gift to her friends is her ceaseless call for authenticity, the challenge to take off the mask, and compassion for those who journey towards the inner truth.

"The poet, Walt Whitman, may have anticipated Shirley when he wrote "I contain multitudes." Shirley brings an extraordinary

emotional coloration to the Art of Life and to the performing arts that is so vivid that she has the ability to light up a character, light up stage and screen and light up our lives.

"In a world where most people play it safe, Shirley pushes the envelope, to pierce the veil which covers reality itself, to explore and to guide us to other dimensions. She has lived a life out on the limb, picking apples that most would fear to reach, and tonight, Shirley, you are harvesting an orchard."

Mr. Speaker, I ask that you and my colleagues join me in celebrating Shirley MacLaine's extraordinary career and her attainment of the AFI's 40th Lifetime Achievement Award.

HONORING THE UNITED STATES ARMY MISSION AT TOBYHANNA

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of the U.S. Army Mission at Tobyhanna Army Depot in Tobyhanna, Pennsylvania, on the occasion of their 100th year of service to our nation.

Originally used as an artillery training field, Tobyhanna Army Depot has housed the United States Army since 1912. The current supply depot was built in 1953 and has served the U.S. Army ever since.

In its 100-year history, the U.S. Army has found numerous uses for the Army Depot as a Civilian Conservation Corps camp, tank and ambulance center for World War I, prisoner-of-war camp during World War II, and storage point for gliders used in the D-Day landings at Normandy in 1944.

Tobyhanna Army Depot itself has been a leader in the design, manufacture, and repair of many integral and state of the art U.S. Army systems and tools for nearly 60 years. Currently, it is the largest, full-service electronics maintenance facility within the Department of Defense.

Tobyhanna serves not only the U.S. Army but also the people of northeastern Pennsylvania by providing the single largest number of jobs and employment in the region.

Mr. Speaker, I rise today to honor the U.S. Army Mission at Tobyhanna Army Depot, and ask my colleagues to join me in praising their commitment to country and community.

HONORING EMILY E. RANDLE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Emily E. Randle. Emily is Raymond High School's Valedictorian at Raymond High School for the Class of 2012. She is the daughter of David and Ruth Randle of Utica, Mississippi.

Ms. Emily Randle has a 4.2 GPA and is enrolled in both advanced performance and ac-

celerated classes. She has appeared numerous times on the Principal's List while in high school. Emily is also involved in extra-curricular activities. She is the President of the Senior Class, a member of the Beta Club, and a member of the Student Council.

Emily is very serious about continuing her education and has received several academic scholarships from colleges and universities in the United States. She has also been selected as a National Achievement Scholarship Finalist, Clinton Alumni Chapter Scholarship Recipient, Rho Lambda Omega Alpha Kappa Alpha Scholarship Recipient, 2012 MS Scholars Award, and Outstanding Young Citizen for the Loyal Order of the Elks 2011.

Emily is also actively involved in extra-curricular activities such as, playing the trumpet in the Raymond High School Band, serving as the drum major for the 2011-2012 school year, and participating in both the Mid-South Honor Band for 2011 and the Capital District Honor Band. Emily is also a member of the Young People's Department at her church, Pearl Street AME Church.

After high school, Emily plans to attend Duke University in Durham, North Carolina. She intends to pursue a career in Intelligence Securities with hopes of becoming a research analyst for the Central Intelligence Agency, Federal Bureau of Investigations or the National Security Agency.

Mr. Speaker, I ask our colleagues to join me in honoring Ms. Emily E. Randle, Valedictorian of Raymond High School Class of 2012.

IN HONOR OF AIRMAN 1ST CLASS OWENS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a true patriot who died in service to this great country. On February 17, 2011, Airman 1st Class Corey C. Owens, USAF, died of a non-combat related incident at Al Asad Air Base in Iraq in support of Operation New Dawn.

Airman 1st Class Owens, 26, of San Antonio, Texas, was assigned to the 47th Security Forces Squadron, Laughlin Air Force Base, Texas, and was on his second deployment to southwest Asia. His father resides in Story, Arkansas.

Although I never had the honor of meeting Airman 1st Class Owens, it is clear by the outpouring of praise from his colleagues, friends, and family that he was well liked and well respected by all who knew him. In fact, local news reported that when Laughlin Air Base held a memorial service on Feb. 28, they had trouble finding a space large enough.

Airman 1st Class Owens is survived by his current wife, Misty Owens; his two daughters, Xiya and Xoe Owens from his first marriage; his father, Steve Owens of Story, Ark.; his mother, Chris Owens of Springfield, Ill.; two sisters, Ann Kusterbeck of Princeton, Tex., and Sandra Owens of Springfield, Ill.; two uncles, two aunts, two nieces, one nephew and several cousins.

When we think of true heroes, we think of brave Americans like Airman 1st Class Owens who risk everything to defend freedom and serve this great country. We will always be grateful for his selfless sacrifice and he will be deeply missed by all who knew him. My thoughts and prayers go out to his parents and the rest of his family and friends during this very difficult time. We are who we are as a nation because of patriots like Airman 1st Class Owens.

Today, I ask all Members of Congress to join me as we honor the life of Airman 1st Class Corey Owens and his legacy, as well as each man and woman in our Armed Forces, and all of those in harm's way supporting their efforts, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

TRIBUTE TO WILLIAM A. KRUPMAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to William A. Krupman of Purchase, NY, who is being honored for his dedication to at-risk youth and their families upon his retirement as Chair of the Children's Village, a New York-based multi-service, not-for-profit agency.

Mr. Krupman was elected to the Board of the Children's Village in 1974. In 2004, he was elected as Chair of the Board. Through his tireless efforts as Trustee and eventually Board Chair, Mr. Krupman helped the Children's Village to become a leader in the child welfare and juvenile justice fields. He also successfully created nationally recognized, evidence-based models of care that lead to real social impact.

During his almost four decades on the Children's Village Board, Mr. Krupman has provided guidance to approximately 10,000 children and their families. He has not only motivated guardians to lead by example and teach their children the importance of social, educational, and economic skills, but has also provided guidance to orphans, an especially vulnerable group. The Children's Village's Dobbs Ferry campus includes long-term residential treatment programs, a short-term crisis intervention center, temporary placement for youth awaiting a court disposition, and a public school that educates all of these children as well as day students from around the region. The Children's Village also has offices in Harlem and the Bronx and program sites around Westchester County.

Mr. Krupman's work has also had a profound impact abroad. Through his commitment and strong will, Mr. Krupman has succeeded in expanding literacy programs around the globe. In 2009, at the invitation of the Government of Iraq, Mr. Krupman traveled to the country as part of the Children's Village delegation to help train NGO's working with orphans. In Iraq, Mr. Krupman, along with a team of professionals, assessed the needs of the locals and offered suggestions on how to

apply local feedback into the curriculum to ensure that the needs of Iraqi families and children were being met. The information they gathered helped Iraq's non-government service organizations develop programs for family foster care homes, social workers, and short-term crisis stabilization facilities similar to the one run by the Children's Village. Additionally, they established a team of Iraqi social service leaders to continue and develop the outstanding work started by Mr. Krupman and the team.

Mr. Krupman currently serves as Chief Advisor to Litworld, an organization that strives to make the dream of world-wide literacy for children a reality. LitWorld teams work with teachers, community members, parents, and children to establish communities that will grow and expand to harbor literacy leaders. Recently, Mr. Krupman traveled to several African countries, including Kenya and Rwanda, bringing with him his enthusiasm and energy to share the gift of literacy with children by reading to them.

Mr. Krupman's many outstanding achievements in providing assistance to children and youth, both here and around the world, are inspirational. I urge you to join me in honoring William A. Krupman.

HONORING DEBORAH J. MAGGS

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Deborah J. Maggs, on the occasion of her retirement.

Deborah was hired in May of 1975 as a Caseworker 2 for the Lycoming County Children and Youth Services. She has served for 37 consecutive years, 34 of which were full time. She worked part time for three years from 1979 to 1982 in order to raise her two children.

In 1985, she was promoted to Casework Supervisor 1 in the General Protective Services Unit, a unit she led until 2005. Deborah's extensive training, experience and skills helped her develop expertise in the area of Child Protective Service investigation.

In 2005, Deborah was instrumental in the development, implementation, and supervision of the County's Integrated Assessment Units, composed of caseworkers cross-trained to perform Child Protective Services, General Protective Services and Mental Health Assessments.

Throughout her career, Deborah has supervised and mentored over 30 staff, many of whom have gone on to become supervisors themselves.

Deborah has dedicated a significant part of her life to service casework, having either supervised or conducted over 21,000 investigations and assessments protecting the health, safety and wellbeing of well over 38,000 children. In 2010 she was recognized with the "Excellence in Human Services" award as nominated and selected by her staff and peers.

Mr. Speaker, I rise today to honor Deborah J. Maggs, and ask my colleagues to join me

in praising her commitment to Pennsylvania's 10th Congressional District.

H.R. 1756, THE NATIONAL OILHEAT RESEARCH ALLIANCE REAUTHORIZATION ACT OF 2011

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BASS of New Hampshire. Mr. Speaker, as this Congress debates measures to address our nation's energy independence, economic growth, and job creation, I rise in strong support of the National Oilheat Research Alliance Reauthorization Act of 2011 (H.R. 1756).

Oilheat safely and efficiently heats 9.5 million American households, keeping an estimated 24.5 million individuals comfortable when the temperature drops. As the American cost of living continues to rise, vital advances in this industry can save consumers money. With the goal of improving heating efficiency and technology, we have introduced H.R. 1756, legislation to reauthorize this vital program and have the support of 70 bipartisan and geographically diverse cosponsors.

Since its inception in 2001, the National Oilheat Research Alliance (NORA) has made significant progress in improving the efficiency and reliability of oilheating equipment, thus lowering costs to consumers and reducing the use of oil. NORA is a collaborative program established by the oilheat industry aiming to strengthen the industry by improving education and training for employees, providing information to customers, and developing new products for consumers. From an ecological standpoint, NORA is working on the development of sustainable biofuels as part of heating oil, and improving emissions controlling technology.

NORA is funded by a fee of 2/10th of 0.01 cent per gallon paid for by oilheat distributors only if 85% of the industry agrees that it is wanted. This fee does not affect consumers, but rather is an initiative by members of the industry to improve their product and save customers money.

Since the authorization of NORA the industry has:

Improved residential oilheat efficiency by 30 percent or 120 gallons per home. Based on the U.S. average heating oil price in the 2009/2010 winter season, the volume reduction over this period has reduced oilheat consumer's energy costs by about \$335 per household at a cost of \$7.50 per household heated with oil.

Reduced foreign oil imports by 185,000 barrels per day.

Reduced CO₂ emissions by 30 million tons.

The adoption of NORA's best practices resulted in reduced claims and less severity for industry participants. This yielded a significant reduction in the cost of insurance for companies. For a typical company utilizing NORA's best practices, insurance costs per customer will be reduced by 1.0 cent per gallon.

The authorization of NORA merely provides the mechanism for the oilheat industry, should they choose to work cooperatively, develop programs, and ensure that solutions are found

systematically and resourcefully. By reauthorizing NORA, we will help ensure the continuation of research that has helped lower consumer costs and improved heating efficiency.

Mr. Speaker, I would like to thank my colleagues and the staff on the Energy and Commerce Committee for the work they have done on this legislation and urge its consideration and passage.

IN RECOGNITION OF A SAFE PLACE

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize A Safe Place, its Board of Trustees, its counselors, and its volunteers as the organization celebrates its milestone of twenty-five years of service to the community.

A Safe Place is an organization on Nantucket that helps survivors of domestic violence and sexual assault as they start over and rebuild their lives. They were founded in 1987 by five members of the Nantucket Women's Bar Association and, since then, have continued to provide free and confidential services to these survivors. Over the years, the organization's outreach has expanded to also include specialized assistance to children whose lives have been affected by violence in the home.

Today, A Safe Place provides a 24-hour hotline that people can call when they are in immediate need of assistance, and its counselors often will meet with survivors in the local hospital or police station as soon as the need arises. It has even organized a network of "safe houses" on the island through its Safe Home initiative, a program through which volunteers offer emergency accommodation in their own homes to those leaving an abusive situation. The organization provides assistance with relocation as survivors work to rebuild their lives. When a survivor must confront her abuser in court, a counselor from A Safe Place is often right by her side. A Safe Place offers comfort and assistance to hundreds of people each year, and it is considered to be an invaluable service to the Nantucket community by local law enforcement and healthcare providers.

Mr. Speaker, it brings me great pride to honor A Safe Place, its Board of Trustees, its counselors and its volunteers as the organization celebrates twenty-five years of service. I urge my colleagues to join me in recognizing the importance of this organization to the Nantucket community and its significance to those whose lives have been changed by its support.

RECOGNIZING THE STATE OF OHIO
IN CARING FOR OLDER AMERICANS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. TIBERI. Mr. Speaker, as we work to re-evaluate our country's health care delivery and payment system, I rise in recognition of the great success my home state of Ohio has had in caring for our senior citizens. Ohio Governor John Kasich realized not only the cost savings but also the quality of care that could be achieved through caring for seniors in their own homes. He dramatically increased the availability of home health services for Ohio's senior populations, and according to the Ohio Department on Aging, the state will save an additional \$300 million per year by 2020 because of that decision.

When seniors are paying their own room and board, sleeping in their own beds, and doing their own laundry and cooking, they end up having more personal investment in their own health care decisions—covering costs that taxpayers would otherwise pay in increased Medicare and Medicaid spending. Giving seniors, and all Americans, more control over their medical choices and health care dollars will help promote high-quality, cost-effective health care.

Last month was Older Americans Month, and this year's theme was Never Too Old To Play. Older Americans were encouraged "to stay engaged, active and involved in their own lives and in their communities." What better way for seniors to do this than to receive needed care in the comfort of their own homes? I applaud the state of Ohio for the quality and cost-effective care we are offering our senior citizens and encourage the federal government to do the same.

CONGRATULATING USCG CAPTAIN
STEVE POULIN ON PROMOTION
TO REAR ADMIRAL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BONNER. Mr. Speaker, I rise to offer congratulations to USCG Captain Steve Poulin for his much-deserved promotion on June 25, 2012, to the rank of Rear Admiral. His unwavering dedication to duty, combined with his impeccable service record, is a credit to the United States Coast Guard.

For the people of the Gulf Coast, Captain Poulin has been a good friend and protector of our shores as Commander of Coast Guard Sector Mobile, Alabama, from 2009 to 2010.

During his command of Sector Mobile, Captain Poulin demonstrated a level of professionalism in keeping with the finest traditions of the Coast Guard. He was not only the leader of one of the largest operations in the Coast Guard but also a visible and respected member of our community.

Prior to assuming the command of Sector Mobile, he served in Mobile during earlier as-

signments as Deputy Commander, from 2007 to 2009, and as Law Enforcement Officer and Assistant Operations Officer from 1986 to 1989.

On July 9, 2010, Captain Poulin left the command of the USGC station in Mobile to assume sole duties as local incident commander for the Unified Command. In this capacity, Captain Poulin marshaled Coast Guard resources in the federal response to the Deepwater Horizon oil spill which threatened our coastline for much of 2010.

Captain Poulin's extensive service record also includes assignments as Deputy Commander of the Coast Guard Group Galveston, Texas, from 1996 to 1999, and Special Adviser for Border and Transportation Security for Vice President Richard Cheney from 2005 to 2007. From 2003 to 2005, he was Coast Guard liaison to the State Department's Office of Oceans Affairs. He also served as Legal Counsel for the Coast Guard's Port Security Director from 2002 to 2003, and Legislative Counsel in the Coast Guard's Office of Congressional Affairs from 1999 to 2001.

A 1984 graduate of the U.S. Coast Guard Academy, Captain Poulin was awarded his Juris Doctor, magna cum laude, from the Miami School of Law in 1992.

After leaving the Gulf Coast, Captain Poulin assumed the position as the Coast Guard's director of Congressional Affairs in Washington, DC. He currently serves as the Coast Guard's Maritime and International Law Office Chief.

Mr. Speaker, on behalf of the people of South Alabama, I wish to congratulate Rear Admiral Poulin on his promotion. I also would like to extend my very best wishes to his lovely wife, Sherry, and their two children, Steven and Erin.

TRIBUTE TO MS. SUZANNE GOSS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. CRENSHAW. Mr. Speaker, I wish to congratulate Ms. Suzanne Goss, Government Relations Specialist for JEA (Electric, Water & Sewer) on her recent election as the new President of the National Association of Clean Water Agencies, NACWA.

Ms. Goss is an accomplished leader and committed environmental steward who plays a prominent role in seeking a sound direction for the implementation of the Clean Water Act. Throughout her career in the water industry, Ms. Goss has exemplified what it means to be a public servant. Ms. Goss will continue to ensure that Florida's, and the Nation's, clean water agencies are sustainable, that the environment continues to improve, and that public health is protected.

At JEA, Ms. Goss works for an advanced publicly owned water, electric, and sewer utility, providing invaluable services to approximately 420,000 people in Northeast Florida. Ms. Goss effectively engages in complex state and federal legislative and regulatory issues involving wastewater and drinking water with an in-depth knowledge of the affordability concerns of her community and the need for a

partnership between all levels of government. She also manages JEA's Grant Program.

A member of NACWA's Board of Directors since 2007, Ms. Goss has served as the organization's Secretary, Treasurer, and Vice President, and has been a member of many NACWA committees and workgroups. She has played a leading role in NACWA's pretreatment program and is also one of the drivers behind the organization's funding efforts. In 2005 she received the President's Award for her work as Vice Chair of the Clean Water Funding Task Force.

In addition to her work with NACWA, Ms. Goss is an active member of local, regional, state and national professional organizations. These include the American Water Works Association, the New Water Supply Coalition, the Florida Municipal Energy Association, the Florida Water Environment Association, the Florida Energy Coordinating Group, the Pinellas County Sewer System and the Advisory Council on Environmental Policy and Technology Sustainable Infrastructure.

Ms. Goss has selflessly shared her time, passion, energy and ideas to carry out the objectives of the Clean Water Act.

It is my sincere pleasure to congratulate Suzanne Goss on becoming President of NACWA. I am certain her actions will ensure continued water quality progress for the Jacksonville area, the State of Florida and the Nation.

IN HONOR OF CORPORAL BERNARD
P. CORPUZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. FARR. Mr. Speaker, I rise today to celebrate the life of Corporal Bernard P. Corpuz, and to join the U.S. Army in recognizing his service to our nation by dedicating the military's newest language training facility in his honor. Corporal Corpuz was a native to California's Central Coast, and represented his community with pride during his service in the Army. He was killed in action in Ghazni, Afghanistan, on June 11, 2006 in support of Operation Enduring Freedom.

Bernard Corpuz was born on August 16, 1977, and grew up near Watsonville, California. He graduated from Palma High School and attended Hartnell College, both in Salinas, California. In July 2004, Corpuz joined the U.S. Army. After completing basic training, he was sent back to California's Central Coast to study at the Defense Language Institute Foreign Language Center (DLI) in Monterey, California. DLI is the nation's largest and most rigorous language education center. Corpuz completed a rigorous six-month French basic course and graduated on April 28, 2005. His instructors at DLI described him as an extremely dedicated student of French, who studied the language with passion and read French literary and religious books with zeal.

Following DLI, Corpuz trained as an Army interrogator. In December 2005, he deployed with the 303rd Military Intelligence Battalion, part of the 504th Military Intelligence Brigade,

to Afghanistan. On June 11, 2006, Corporal Corpuz was fatally wounded when an improvised explosive device detonated while he traveled in a convoy of vehicles conducting a village assessment. He died in the arms of a Catholic chaplain at the age of 28.

Our nation's need for military linguists has grown dramatically in the wake of the September 11, 2001 attacks. DLI has grown in an equally dramatic way to meet this demand. Congress and the Department of Defense have helped by funding the expansion and modernization of DLI's teaching facilities. The newest facility, a 47,000 square foot state of the art building will be formally dedicated and named in honor of Corporal Corpuz on Friday, June 22, 2012. The new Corpuz Hall will house DLI's Multi-Language School, which educates students in the critical languages of Dari, Pashto, Urdu, Uzbek, Punjabi, Turkish, and Hindi. Every time these future military linguists enter the building they will be reminded of the passion and determination Corporal Corpuz brought to the classroom and to his service to our nation.

Mr. Speaker, I know I speak on behalf of the entire House, in expressing our nation's gratitude to Corporal Bernard P. Corpuz. Also, may his mother, Peggy Corpuz, seek comfort in knowing her son's name is a beacon for higher learning and national service.

RECOGNIZING THE 100TH ANNIVERSARY OF BALLY BOROUGH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Bally Borough, Berks County, Pennsylvania on its 100th anniversary.

While the Borough of Bally was incorporated in 1912, it has a rich history that stretches back to before the American Revolution when present-day Bally was known as Goshenhoppen in Philadelphia County. The original settlers enjoyed generally peaceable relations with the Indians and worked hard to ensure the survival of their frontier settlement.

After 1855, the town was re-named Churchville, Washington Township, due to the prominence of the Catholic and Mennonite churches that had been in the area since the 18th century. After the death of Father Bally, the Catholic priest in the village, a post office was established in Churchville in 1883 and named for the revered priest. The name of the village was eventually changed to correspond with that of the post office and, in 1912, was incorporated as the Borough of Bally.

Over the years, Bally has grown from a few families in a small frontier town to a vibrant borough of over 1,090 people and 430 households. In times of war, the citizens of Bally have always heeded their country's call, and are commemorated by the war memorial dedicated to their service. The Borough of Bally has been home to many industrial concerns including the Great American Knitting Mill, Bally Case and Cooler, Bally Pants Factory, Bally Ribbon Mills, and Bally Block Company. Throughout its rich history, Bally Borough and

its citizens have made great contributions to the quality of the economic and social life of Berks County and the region.

Mr. Speaker, I ask that my colleagues join me today in congratulating Bally Borough and its storied history on the occasion of its 100th anniversary and to extend best wishes for the Borough's continued longevity.

MYPIE INC.

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Katherine Anne Crouse and Peter Crouse, owners of myPie Inc., for receiving the Golden Rotary Ethics in Business Award.

myPie opened in 2010 with Katherine delivering pizzas subway style via her bicycle, which she rides to and from work every day. myPie is the first delivery service in the U.S to sell pizzas in a subway sandwich style. This entrepreneurial eye carries forth in their community outreach as well.

myPie initiated the 31.4% day where it awards 31.4% of all sales to local charitable organizations and schools. So far myPie has donated more than \$3,000 to Wheat Ridge High School and Middle School, the Action Center of Jefferson County, 40 West Arts in Lakewood, and Wheat Ridge 20/20.

myPie is a model for outstanding ethics in business. It is an example for all businesses in America to emulate.

I extend my deepest congratulations to Katherine Anne Crouse and Peter Crouse for their well deserved recognition by the Rotary of Golden. I have no doubt Katherine and Peter will exhibit the same dedication and character in all their future accomplishments.

INTRODUCTION OF LEGISLATION THAT WILL ENSURE THAT FEDERAL MONEY GRANTED TO STATE AND LOCAL LAW ENFORCEMENT IS USED FOR ITS INTENDED PURPOSE

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. CLARKE of New York. Mr. Speaker, today I introduce legislation that will ensure that federal money granted to state and local law enforcement is used for its intended purpose, and not in violation of our constitutional right to equal protection. As a member of the House Committee on Homeland Security, I am proud of the service we provide to the American people. Through the Department of Homeland Security, over \$35 billion in federal funds have been granted to local and state governments for counterterrorism programs that have kept our homeland safe since 9/11.

Unfortunately, not every dime of federally granted money has been used wisely. Troubling reports demonstrate that DHS grants

have been used to fund biased training activities that are inaccurate, surveillance programs that target members of neighborhoods simply because of their religion, and other activities that are overbroad and compromise our security. Aside from being unconstitutional, these programs fail to narrowly target individuals that are actual security threats.

Accordingly, I urge my colleagues to support this legislation that secures our homeland, while maintaining the integrity of federal grants. This legislation will require that DHS counterterrorism grants are used to fund training programs developed by the Department of Homeland Security, or training programs that are pre-approved by the Department's Office of Civil Rights and Civil Liberties and its Privacy Office. Additionally, the bill will require that the Department's Inspector General regularly review DHS funded programs to ensure that they are not used to support civil rights violations, including racial, ethnic, and religious profiling.

Mr. Speaker, we all know the often quoted statement from Ben Franklin, one of the authors of the Constitution, that "anyone who trades liberty for security deserves neither liberty nor security." Today, we need both security and liberty, and can ill-afford to sacrifice either. These two concepts—security and liberty—are national interests that work hand-in-hand; when one is dismissed, the other is inherently discarded. This legislation is as much about the liberty of a few, as it is about the security of this whole nation.

I hope my colleagues join my effort to restore the integrity of taxpayers' dollars; let us provide the appropriate tools to law enforcement so that they may secure our homeland well; nevertheless, let us also protect the American people from unreasonable government treatment by enacting this legislation.

COMMEMORATING THE 350TH ANNIVERSARY OF ST. FRANCIS XAVIER CATHOLIC CHURCH IN MARYLAND

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. LEWIS of California. Mr. Speaker, I rise today to both salute a former staffer who now works for a boss more powerful than any Member of Congress and to celebrate a feat of incredible longevity at his new workplace.

I was honored to employ Brian Sanderfoot, from Appleton, Wisconsin, for many years. He represented the highest values we in Congress want to provide: courtesy, commitment, and a dedication to public service.

A devout Catholic, Brian left Congress to pursue his true calling in the priesthood. After studying both at D.C.'s Catholic University and in Rome, Brian became Father Sanderfoot and entered a new phase of service.

Father Sanderfoot settled in the Archdiocese of Washington which is home to over 600,000 Catholics living in Washington, DC, and five Maryland counties. He now ministers at Maryland's St. Francis Xavier parish and is making a real difference in the lives of his congregation.

In a nation that commemorates the 25th or 50th anniversary of an event, Father Sanderfoot's parish has a special distinction. It recently celebrated its 350th anniversary, making it the oldest Catholic parish in America.

In anticipation of this milestone, Father Sanderfoot initiated two historical discovery projects. The first was a thorough survey of the cemetery at the parish's Newtowne Neck Church to map and index the graves. The second project was an archeological dig to discover the location of the original chapel.

St. Francis Xavier's parish has been a silent witness to a new country coming into being, its expansion across a continent, a civil war that pitted brother against brother, the strength of a people tested by the Great Depression and world wars, and the rise of a superpower. It has been the site of countless baptisms, weddings, funerals, masses, and homilies. For three and a half centuries, this parish has been the place where faith was nurtured, renewed, and embraced.

It is a privilege to consider Father Brian Sanderfoot a part of the extended Lewis family. I celebrate his new life and his lasting faith. Let us honor the durability of St. Francis Xavier's parish, which has been a steadfast source of identity and a pillar of stability for all Catholics in the area.

JEAN KIRSHNER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jean Kirshner, co-founder of the Belize Education Project, for receiving the Golden Rotary Ethics in Business Award.

The Belize Education Project is responsible for bringing thousands of books and supplies to students and teachers in Belize, as well as delivering teacher training to Belize educators in Belize and here in Colorado.

Utilizing five focuses of the "lifting lives through literacy project", reading with students, teacher education, family literacy, school supplies and scholarships for both primary and high school students, the Belize Education Project has been able to reach several of their goals.

Since 2007, an education team has traveled annually to Belize to work with teachers, students and families. In addition, a group of educators from Belize are hosted in Colorado to learn from instruction in Colorado classrooms.

I congratulate Jean Kishner for her leadership, and all the individuals of the Belize Education Project for making our world a better place to live.

THE LITTLE ROCK DIFFERENCE

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to recognize Little Rock Air Force

Base (LRAFB) and the LRAFB Community Council, both of which are located in central Arkansas, which I represent.

This week, the Community Council was presented with the Abilene Trophy, which recognizes the community that provides the "finest support" to an Air Mobility Command unit.

This is the second time the LRAFB Community Council has received this award, and it's truly a testament to their dedication to military families, to their community, and to their nation.

LRAFB has always enjoyed the support of the surrounding community. In fact, LRAFB was founded in 1952 when community leaders raised \$1 million to buy property from more than 150 private landowners and donated the property to the U.S. Air Force to create LRAFB.

In 2011, when LRAFB was hit by a tornado, the community responded by adopting affected families. Two weeks later, LRAFB was similarly responsive, assisting local families affected by flooding.

This supportive and cooperative relationship goes beyond just "neighbors helping neighbors." Last year, LRAFB's Joint Education Center became a first-of-its-kind partnership between the City of Jacksonville and LRAFB, and, to fund this project, the residents of Jacksonville voted to tax themselves to raise \$5 million to put toward the overall project.

The relationship between LRAFB and the community is unique, and, together, they are one team and responsive to the needs of each other. They serve as examples of excellence. This is how LRAFB and the Community Council differentiate themselves from other communities with air bases and what led to the creation of "The Little Rock Difference."

"The Little Rock Difference" initiative was unveiled this week by the Community Council. It establishes the characteristics of the relationship between LRAFB and the local community, and it is based on the LRAFB mantra "Rock & Role."

"Rock" is for "The Rock," which is the nickname of LRAFB and how the community affectionately refers to LRAFB. "Role" is for the guiding principles of "ROLE"—"Responsive," "One Team," "Leading," and "Excellence"—which the LRAFB community and the local community embody.

I congratulate the LRAFB leadership and the members of the Community Council for their dedication in creating and implementing "The Little Rock Difference" and for their ongoing efforts fostering strong and positive relations between the people of Arkansas and the men and women who protect our country.

I am proud to be a part of such a fine group of men and women dedicated to their nation and to their community, and I congratulate them on their success.

HONORING PROSPECT HILL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a historic landmark in

Jefferson County, Prospect Hill. Prospect Hill served as the catalyst for freed-slaves to immigrate to a colony known as "Mississippi in Africa". Prospect Hill represents a small, but important part of American history. This landmark, rich in history, contributed extensively to the dispersal of African Americans to Africa.

Prospect Hill was originally founded by Revolutionary War veteran, Issac Rose; in his will he provided funds that would allow freed-slaves to immigrate to the region of Liberia known as "Mississippi in Africa". Although this sparked turmoil in Jefferson County, this action eventually led to the successful immigration of free-slaves to Liberia in the 1830's.

Prospect Hill has long served as a portion of the past that reflects on the abundant history of the South. Its memory recalls the presence of hope and determination that was incessant during the 19th century. As a prominent landmark, Prospect Hill conserves a crucial piece of American history.

In 2011, Prospect Hill was included on Mississippi's list of the Ten Most Endangered Historic Places. As a result, The Archaeological Conservancy acquired Prospect Hill to conduct research for educational purposes and preservation efforts. Today Prospect Hill continues to undergo renovation by The Archaeological Conservancy, in an attempt to restore an important element of American history.

Mr. Speaker, I ask our colleagues to join me in recognizing Prospect Hill as an important Historical Site in Jefferson County, Mississippi.

COMMENDING MONTFORD POINT
MARINES AND SON OF CIVIL
WAR VETERAN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor two American trailblazers from North Carolina's First Congressional District: Montford Marine veterans Johnny Thompskins and the recently deceased Joe Cobbs. I would also like to recognize the son of a Civil War veteran, Luke Martin, Jr.

Mr. Speaker, Thompskins, Cobbs, and Martin will be honored by the Christian Community Charity Workers (CCCW) Inc., on June 24 at the Flame Banquet Center in New Bern, North Carolina.

Mr. Speaker, recruiting for the "Montford Marines" began on June 1, 1942, following public pressure on President Franklin D. Roosevelt by Black leaders to issue Executive Order 8802, which barred government agencies and federal contractors from employment discrimination on the basis of race, creed, color or national origin. The order also required all of the U.S. Armed Services, including the United States Marine Corps, to recruit and enlist African Americans. Despite an era thick with racial discrimination, Black recruits lined up by the thousands to defend the freedoms of people abroad, while still being denied basic unalienable rights at home.

Among the inaugural class of Black Montford Marines were Johnny Thompskins and the late Joe Cobbs. Thompskins, a man

of small stature but enormous courage; and Cobbs, who developed a strong work ethic while working his family's farmland, received basic training at the segregated Camp Montford Point in North Carolina because no Black recruit was allowed to enter the main base of nearby Camp Lejeune unless accompanied by a white Marine.

Nevertheless, these two men were unafraid by the onslaught of World War II. They understood that victory in war was only achievable with the talent of its Black citizens. As a result, these men served their country with distinction, charted uncharted territory, and set the bar for exemplary African American servicemen.

Mr. Speaker, on a similar note, at 94 years old, Luke Martin, Jr. is widely known around the state of North Carolina as one of a few living children of Civil War veterans. His father, Luke Martin, Sr. was a slave in Hertford County when he bravely joined the Union Army to fight for the freedoms of his loved ones.

Due to his father's efforts to help gain civil rights for Blacks, Martin Jr. was able to become a distinguished mason who has earned enormous respect for building several structures across Craven County.

Today, Thompskins and Martin both reside in New Bern. Cobbs also lived there until his passing in May.

Mr. Speaker, I ask the entire U.S. House of Representatives to join me in recognizing these men, who will forever remain a cornerstone in American history.

HONORING MATTHEW LEVIN

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of my friend Matthew Levin, the Southeastern States Director of the American Israel Public Affairs Committee (AIPAC). Matt has shown outstanding leadership in the development and coordination of AIPAC's political and grassroots objectives. It is an honor to commemorate his years of dedicated service in strengthening the United States' relationship with our great ally Israel.

A native of South Florida, Matt graduated with a Bachelor of Arts in political science from the University of South Florida in Tampa. He first joined the Washington, DC, office of AIPAC in 1987, where he served as a Field Organizer for pro-Israel communities throughout the United States. Matt traveled extensively throughout the Northeast, Midwest and Southwest to speak about the importance of the United States-Israel relationship and encourage citizen involvement in the American political process. From this wealth of experience, Matt has gained an extensive background in politics and foreign policy.

Matt's impact in the Jewish community of South Florida and the United States extends beyond his work with AIPAC. For six years, Matt served in BBYO, one of the world's leading Jewish organizations, where he demonstrated his passion for convening and connecting Jewish teenagers of all backgrounds,

while motivating them to make a difference in the world. In 1981, Matt rose to become the Gold Coast Council President of BBYO.

It is an honor to congratulate Matt, his wife Danielle and their sons Jakob, Cooper and Noah, as they celebrate Matt's outstanding work and leadership. Matt Levin has dedicated 25 years to strengthening the U.S.-Israel relationship, a commitment he and I both share. I applaud his efforts and look forward to working with him to strengthen our community at home and throughout the world in the years to come.

INTRODUCING THE WILD OLYMPICS WILDERNESS AND SCENIC RIVER ACT OF 2012

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. DICKS. Mr. Speaker, today I am proud to be introducing the Wild Olympics Wilderness & Wild and Scenic River Act of 2012, which will provide critical protection of key forested areas and rivers in the State of Washington. This bill, a result of more than two years of work by my staff and the staff of Washington Senator PATTY MURRAY, is a consensus effort that adds critical protection for sources of clean drinking water and preserves critical salmon and steelhead habitat. It creates more than 126,000 acres of new wilderness on the Olympic National Forest and designates 19 new Wild and Scenic Rivers and their tributaries in the National Forest, in Olympic National Park and on Washington Department of Natural Resources land.

I am particularly proud that the final version of this bill that is being introduced today has evolved through a long consultative process that included extensive local community input from Tribes, conservation groups, timber communities, business leaders, shellfish growers, farmers, local elected officials, hunters, anglers, mountain bikers, hikers, federal and state land managers and the general public. The result, in my judgment, is a common sense solution that offers permanent protection to some of the most spectacular of the Olympic Peninsula's public lands—without having a significant impact on timber jobs or recreational access.

In our great state of Washington, Mr. Speaker, we cherish the ability of our citizens to have access to the natural beauty of our region, especially areas that remain pristine and undisturbed. Our challenge as leaders of a growing population has been to assure that the most sensitive of these areas are protected from development so that future generations—our kids and their kids—have the same ability that we have had to see the magnificent vistas and enjoy the benefits of a clean environment. The Wild Olympics Wilderness & Wild and Scenic River Act of 2012 represents an important incremental step in assuring the protection of additional roadless areas in Washington, and I will be working with my colleagues on the Natural Resources Committee to urge timely consideration of this legislation.

JUDY DENISON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to congratulate and applaud my friend and talented singer Judy Denison for receiving the Living Landmark Award.

The Living Landmark Award is presented by the Golden Landmarks Association, a nonprofit organization whose focus is to preserve historic places and educate people about the wonderful history the City of Golden has to offer.

Judy Denison relocated to Golden in 1988 because she loves the peaceful nature of Golden and the small town feel. She was the co-founder of Save the Mesas and an organizer for the Mesa Music Festival. Judy's involvement in Citizens Involved in Northwest Quadrant (CINQ) lead to the establishment of the Golden Newsletter, which reaches out to nearly 1,000 Golden citizens each week. The newsletter discusses environmental and cultural news and its mission is to preserve the clean mountain air and the ambiance of Golden.

Judy's accomplishments are many. After a medical mission to Belize, Judy set up the Belize Education Project to send teachers to Belize and provide books and scholarships to underprivileged students. She is a member of the Golden Rotary Club and meets with teenage girls in the community to discuss life and ethics. Furthering her youth outreach, Judy organized the Golden Community Choirs, which is now in its twelfth season.

Judy Denison is a true "Golden" citizen in every sense of the word. She has been a champion in the community and I am honored to congratulate her on this well deserved recognition by the Golden Landmarks Association. Thank you for making our community a proud place for all Coloradans.

RECOGNIZING ILIR ZHERKA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Ilir Zherka, Executive Director of DC Vote, who has been the outstanding leader of District of Columbia residents in the fight for equal citizenship rights in our country. Ilir will celebrate his tenth anniversary as Executive Director of DC Vote on June 24, 2012. Ilir has built DC Vote in membership and in the use of a wide assortment of sophisticated tactics and approaches. Under Ilir's leadership, DC Vote has sustained itself for 10 years without interruption, thus ensuring the sustainability of a citizen's movement here for the first time in decades. Ilir has been the major tactician of the movement, skillfully using approaches as varied as polling, lobbying, and civil disobedience.

Most recently, Ilir was the architect of unprecedented civil disobedience on the streets

in front of the Senate and the White House last year, after Congress reimposed anti-home-rule riders on the D.C. appropriations bill, and after the District government barely avoided being shut down because of a federal budget fight in which the city was not involved. Ilir's own arrest was emblematic of the courageous leadership that he has given the movement.

Ilir's earlier leadership in the fight of D.C. residents for a full vote in the House brought the city the closest to success in its history. Ilir brought a wide variety of approaches to the voting rights struggle with mounting success. His valuable work behind the scenes in establishing contacts to help remove an amendment that tied passage of the D.C. House Voting Rights Act (DCVRA) to the elimination of the city's gun safety laws is not well known. Years of diligent and systematic work brought passage of the DCVRA in the House and Senate, only to be undercut by the dangerous gun amendment. This disappointment after many years of hard work would have caused many to move on. However, on the heels of the setback for voting rights, Ilir immediately turned to leading a new fight for D.C. budget autonomy and building an expanded national coalition to protect the District's home rule from an unprecedented series of attacks.

Ilir's aggressive creativity in building DC Vote has been matched by personal modesty, rare in a leader of a movement. Most who have worked with Ilir have been unaware that he was brought to this country as a child in an immigrant family from Montenegro, fleeing ethnic tension with Albanians. He rose from an underprivileged childhood in the South Bronx to attend college at Cornell University and law school at the University of Virginia. Ilir's work for justice before and during his leadership of DC Vote was chronicled in an April 2012 article in Washingtonian magazine, entitled "Taking It to the Street." I ask for unanimous consent to place the article in the RECORD.

Mr. Speaker, for 10 years, Ilir Zherka has been leading the fight for equal rights for the residents of the District of Columbia, within view of the U.S. Capitol. Ilir has visited the offices of many Members. His leadership has been in the great tradition of citizens who have petitioned for their rights and engaged in citizen action, including time-honored civil disobedience. I ask the House to join me in commending Ilir Zherka for his outstanding leadership of the movement for equal citizenship rights for the more than 600,000 Americans who live in the Nation's capital.

TAKING IT TO THE STREET

(By Ariel Sabar)

The Headquarters of DC Vote have a lived-in feel, with scuffed blue carpets and hallways lined with stacks of cardboard boxes. The walls are a bricolage of candid photos from protests and posters from the group's well-known ad campaigns (I AM DC, I DEMAND THE VOTE). When I first visited last summer, a couple of rumpled dress shirts hung over the backs of chairs in the office bullpen. A staffer apologized, saying they'd been tossed there by interns who had changed into T-shirts before going out to leaflet.

The corner office of DC Vote's executive director, Ilir Zherka, was so tidy by comparison that I asked whether he'd cleaned up for

my visit. There was a stand for his leadership awards, a single mounted news article, an impeccably trimmed ficus. Zherka said the slim pile of papers on his desk was a bit thicker than usual: "I don't like clutter. It prevents me from freeing up my mind to work."

A diagram tacked to the inside of his door added to the picture of Zherka as the cool tactician bringing discipline to the District's long and messy struggle for full democratic rights. The nation's capital has more residents than Wyoming—but no vote in Congress, which has the power to overrule the District's leaders on local matters.

The hand-drawn diagram, of X's and O's yoked by arcing lines, looked like a page from a coach's playbook. Inside the biggest loop was a list of what Zherka said were "opponents or problems." These included Power of Elites, Ignorance, NRA, Republicans, Blue Dog Dems, Pseudo Strict Constructionists. The list had the gravity of a voting-rights Ten Plagues.

The diagram, Zherka explained, was a postmortem inked after one of the movement's most spectacular defeats. Legislation that DC Vote had spent seven years fighting for—and that had won historic votes in both the House and the Senate—came to an ugly end in the spring of 2010, the victim of a fractured city leadership and of deft politicking by the national gun-rights lobby. The DC Voting Rights Act would have expanded the US House of Representatives by two seats. One would have gone to DC, whose residents are overwhelmingly Democratic, the other to Utah, a Republican-leaning state that had failed by a whisker to win a fourth House seat through the 2000 census.

In trying to regroup, Zherka—a tall 46-year-old man with narrow features, a loping gait, and a salt-and-pepper goatee—had organized a series of meetings to pick through the wreckage. The movement needed to pivot, to find a new way forward. At the front of everyone's mind was the one-word question scrawled in big red letters at the top of the diagram: How?

As Zherka came to see it, the "inside game"—of lobbying Congress, of quiet meetings with elites—had to give way to something more aggressive. The District had to make Congress and the White House pay a higher price for denying greater self-rule to the 600,000 residents of the nation's capital.

"Part of our strategy is to push this fight to the point where Americans weigh in in large numbers," Zherka told me. "That's the way the civil-rights movement worked, when people from the North called their congressmen and said, 'Stop those dogs, turn off those water hoses.'"

We left Zherka's office and walked to the small break room. Among the photos on the wall was one of Zherka wrapped in a TAXATION WITHOUT REPRESENTATION flag and pointing skyward with his right hand. The gesture managed to evoke both the Statue of Liberty and Moses.

Zherka said that the day after Barack Obama won the presidency, he taped the Washington Post's front page to the same wall. It was a totem to the man who was supposed to be the movement's redeemer; the man who had backed the voting-rights bill as a US senator, who ate at Ben's Chili Bowl, who played basketball with then-DC mayor Adrian Fenty and won Fenty's endorsement in the Democratic primary; the man, an African-American, who said he saw this historically black city on the Potomac as something more than a seat of federal power.

That now felt like a long time ago. Last spring, Zherka removed the Election Day

front page and replaced it with one more attuned to the times. Its centerpiece was a photograph of current DC mayor Vincent Gray being handcuffed by the Capitol Police on April 11 of last year, a day when 41 people, including Zherka, the mayor, and six DC Council members, were arrested in the movement's largest act of civil disobedience in decades. The arrests made headlines around the world.

The television cameras, the turnout among local leaders, and the location—a tightly policed street near the Capitol—gave the appearance of significant advance planning. But Zherka had put the entire demonstration together in about 48 hours. The catalyst was news that President Obama had agreed to a Republican-sought ban on locally funded abortions in DC in a last-minute deal to avert a federal-government shutdown. "John, I will give you DC abortion," Obama had told GOP House speaker John Boehner, according to a Washington Post article reconstructing the negotiations.

From his iPhone that weekend, Zherka sent an e-mail summoning his staff to a 10 AM conference call. This latest attack on self-governance demanded a response, he said. They would need to e-mail supporters, contact the media, work Facebook and Twitter, and get permits from the Capitol Police. Zherka and his deputies would need to track down Mayor Gray and the council over the weekend and urge them to attend. In less than three hours, an e-mail to supporters announced a 5 PM demonstration that Monday, at Constitution Avenue and Second Street, Northeast.

Zherka's plan was to have speeches and then lead perhaps a half dozen protesters into the street, blocking traffic and refusing police orders to move. Zherka suspected that Obama's concession would inflame DC leaders, particularly those who had worked to elect him. But how many were willing to be thrown into the back of a police van? Zherka had run into Mayor Gray at a social function the night before, but Gray had been noncommittal.

The next day, after the speeches, Zherka was the first to defy Capitol Police and set foot in the busy street. To his relief, Gray was right behind him.

When I caught up with him not long afterward, Zherka told me that the 41 arrests were a "huge turning point." But a year later, the movement's prospects seem anything but clear.

If Eleanor Holmes Norton—DC's nonvoting member of Congress—and a string of the city's mayors have been the public face of the fight for greater self-rule in the District, Zherka is its chief strategist and organizer. He is in many ways the movement's Zelig, a shape-shifter as comfortable testifying before Congress as he is leading chants through a bullhorn.

His own obscurity belies the influence of the nonpartisan advocacy group he turned from a once-flailing nonprofit into a many-tentacled powerhouse. Before its advent, Norton says, she often felt like "a talking head with nobody, meaning a body of citizens to back her up."

When he isn't emceeing rallies, Zherka is either on the Hill or at DC Vote, in Dupont Circle, where he morphs into a methodical puzzle-solver. At their Monday meetings, his half dozen staffers turn in reports of their activities over the past week, with a breakdown of successes and failures. Zherka uses the reports as real-time intelligence—a "dashboard," as one of his deputies puts it—to identify trends and new lines of attack.

In the halls of Congress, Zherka has a reputation for relentlessness. When a hard-fought 2007 voting-rights bill fell three votes short in the Senate, Zherka "was absolutely the first person who said, 'We have to get back on the horse. We have to get moving again. What are we doing? Who are we targeting?'" says Deborah Parkinson, then a senior staffer on the Senate committee with District oversight. "Just when you're tired and ready to take a break for 24 hours, he was right there saying, 'What are we going to do to make sure we get three votes for next time?'"

I accompanied Zherka one morning to a seminar he was leading for staffers from other nonprofits. The course was based on a how-to advocacy book Zherka is writing. Its chapter titles have the ring of both a battlefield manual and a self-help guide—Recruit the Right Champions; Communicate at All Times in All Directions; You Lose Until You Win.

The seminar was in a guesthouse at the villa-style DC home of Daniel Solomon, a philanthropist who helped found DC Vote. Zherka started with a lesson on issue-framing: why "marriage equality" is a better phrase than "gay marriage," why "climate change" is more likely to get a politician's ear than "global warming."

He gave an example from his own movement: "When someone says 'statehood,' people will ask, 'Well, where's the building going to be? Who's going to be the governor?' When you frame it as 'DC voting rights,' which is essentially the same thing, people will say, 'Oh, it's what everyone else has.'"

During a break, Zherka and I stepped onto the patio. "When I was in college," he said, "I took one of those tests that's supposed to tell you what career to go into." It was some 150 questions but offered less clarity than he'd hoped. "I remember the results were actor, politician, professor, and military officer."

When DC Vote hired Zherka as its executive director a decade ago, it needed—and got—all four.

A group of civic leaders and philanthropists established DC Vote in 1998 to rouse public support for the plaintiffs in *Alexander v. Daley*. The civil suit grew out of a legal theory that Jamin Raskin—a star professor at American University and now also a Maryland state senator—had laid out in a Harvard law journal. A group of 57 residents, joined by the DC government, argued that their lack of full congressional representation violated what Raskin said were equal-protection and due-process rights to "one person/one vote without regard to geographic residence."

DC Vote's founders saw in the suit new hope for a struggle winding back 200 years. The District was founded in 1790 on land ceded by Maryland and Virginia. A year after Congress moved to the new capital in 1800, lawmakers stripped residents of their ability to vote for Congress and President. When Philadelphia had been the capital, the Pennsylvania governor had refused to protect Congress from a mob of angry soldiers. Never again, Congress felt, should the seat of federal power be subject to the whims of local politicians.

Washingtonians raised an outcry. They paid federal taxes and fought wars but were denied the very democracy the United States had just fought Great Britain to win. Yet for the next 160 years, little changed.

Over the decades, resistance to self-rule took on more cynical dimensions. For many in Congress, DC was simply too liberal and

too black. A history of local corruption didn't help, though whether the District's scandals were any worse than those in Congress or in the states remains a fair question.

It wasn't until 1961, with the 23rd Amendment, that Washingtonians won the right to vote in presidential elections. In 1970, the District was granted a nonvoting delegate in the House. Three years later, Congress let DC residents elect a mayor and 13-member council. Though the so-called Home Rule Act was a giant leap, Congress retained the power to review the city's budget and all acts of the council.

The momentum the District had drawn from the broader civil-rights movement in the 1960s and '70s fizzled amid the violence and corruption of the 1980s and '90s. After then-mayor Marion Barry's arrest in a crack-cocaine sting, public animus toward the city crested. "The whole idea of making this little pissant city into a state is ludicrous, something like a fly landing on an elephant's rump and contemplating rape," the *Philadelphia Inquirer's* David Boldt wrote in a 1993 editorial.

By October 2000, Anthony Williams—first as DC's chief financial officer, then as mayor—had shored up the District's finances and made friends in Congress. But the civil suit hit a wall. The Supreme Court upheld a lower-court ruling that under the Constitution only "the People of the several States" could choose members of Congress, and DC was not a state. The lower court had recognized the "inequity" but said only Congress could fix it.

By 2002, DC Vote was adrift and nearly bankrupt. Yet Daniel Solomon and another founder, Joe Sternlieb, came to see the legal defeat as an argument for the group's revival. As they looked back at the history of the struggle, they noticed a lack of continuity. Leaders came and went; passions burned and cooled.

"There were these episodic moments of great interest but nothing continuing, nothing being built," Solomon—whose grandfather cofounded the Giant Food supermarket chain—told me. "As a philanthropist, I saw—we all saw—the importance of building a structure that could keep pushing the issue forward, even and especially in the lean times."

Board members recognized that DC Vote's survival—and perhaps the movement's—depended on its next choice of leader.

Iliir Zherka was born in 1965 in Montenegro, then part of socialist Yugoslavia. His grandparents were farmers who had fought against the Italian and German occupation of Albania during World War II. Disease and the ravages of war claimed the lives of all but one of their seven children—Zherka's father, Ahmet.

After the war, Zherka's grandfather clashed with Albania's new Communist leaders and fled with the family to Montenegro. (Zherka's parents are Muslim, though Zherka now goes with his family to a Unitarian congregation.) In their small town, Ahmet, charismatic and handsome, earned a reputation as an agitator against police harassment of Albanians. "My dad was very brash, very nationalistic, very unafraid," Zherka says.

But after taking part in an ethnic brawl one day, Ahmet feared for his family. They borrowed money from neighbors and landed in New York in May 1968, when Zherka was 2½.

Eleven people—Zherka and his six siblings, their parents and grandparents—squeezed

into a three-bedroom apartment in the South Bronx. His father worked as a janitor and elevator operator by day; his mother cleaned offices at night. Zherka remembers feeling humiliated when his mother paid for groceries with food stamps.

When Marshal Tito or some other Yugoslav official visited the United Nations, Ahmet hauled his children there in his Pinto station wagon and helped lead hundreds of fellow Albanian-Americans in protest. "We, the kids, would march in circles and would be holding signs and shouting out chants," Zherka says.

By the time Zherka was a teenager, in the late 1970s, the South Bronx was a wasteland of poverty, racial tension, and violence. His older brothers ran in a tough circle, and several dropped out of high school.

For awhile, Zherka stayed out of trouble. He got a black belt in karate by sixth grade and started rap and breakdancing groups. In the schoolyards on Friday and Saturday nights, Zherka—as MC Rockwell or Il Rock—would join the crews who set up turntables and performed for the neighborhood.

When the family moved to a slightly better-off neighborhood in the North Bronx, Zherka fell in with a gang of Albanian teenagers who robbed houses, sold drugs, and rumbled. Zherka had to repeat ninth grade. When he transferred to Christopher Columbus High School, the principal noticed the disparity between his high test scores and his low grades and warned him to get his act together. The message struck at the right time. One of Zherka's friends was imprisoned for burglary; another was found dead in a river, in what neighbors suspected was a homicide.

It was during an 11th-grade government class that he felt a calling for public service. By his senior year, he was a good enough public speaker that teachers picked him to give "scared straight" talks to freshmen and to testify against budget cuts before the board of education.

With the help of a state program for underprivileged students, Zherka won a full scholarship to Fordham University. He drew straight A's his freshman year and transferred to Cornell.

The leap from the Bronx's mean streets to the Ivy league necessitated a costume change: "I went out and bought three sweaters and a bunch of button-down shirts." He joined the debate team and was elected president of the Cornell Democrats. He interned in the office of New York senator Daniel Patrick Moynihan and graduated from Cornell with distinction and the school's John F. Kennedy Memorial Award for public service.

Back in the Bronx, Zherka's success became a source of pride. Among former classmates, Il Rock had become Political II.

During his second year at the University of Virginia School of Law, he met Linda Kinney, a third-year student from Southern California, who would become his wife. They bought a condo in DC's Cleveland Park in 1994, and Zherka landed a job as a legislative aide to longtime California congressman George Miller, a liberal from San Francisco.

The night before a major hearing, Zherka helped labor activist Charles Kernaghan prepare testimony accusing the manufacturer of a Kathie Lee Gifford clothing line sold at Walmart of forcing underage workers into long shifts at Honduran sweatshops. "I had no idea it would be one of the sparks that would set off dramatic changes within the garment industry worldwide," Zherka says.

Despite a precocious start on the Hill, Zherka's past tugged at him. The 1995 Dayton Accords settling the conflicts between

former Yugoslav Republics left unresolved the status of Kosovo, a predominantly Albanian province of Serbia chafing under the brutal rule of Slobodan Milosevic.

Albanians in the United States turned to Washington for help. Joe DioGuardi, a Bronx-born Republican former congressman from New York with a big personality, had founded the Albanian American Civic League in 1989. But DioGuardi was seen as part of the old guard. Zherka felt he could do better. In 1996, while still working for Miller, he raised money from Albanian-American business owners to form a rival organization, the National Albanian American Council.

"It was a huge rift," says Avni Mustafaj, who grew up with Zherka in the Bronx and became NAAC's executive director. "They're looking at Ilir Zherka and me and saying, 'We know your grandfather and father—what are you doing?'"

For a few years, Zherka tried to keep an oar in establishment Washington. He was tapped as national director of ethnic outreach for President Clinton's 1996 reelection campaign and left Miller's office for a job as a senior legislative aide to Labor Secretary Alexis Herman.

But by 1998, Zherka's thoughts had again turned homeward. Milosevic had launched a violent campaign that forced hundreds of thousands of Kosovar Albanians from their homes. "I picked up the Washington Post and read a story about an entire family that had been wiped out, including a toddler whose throat had been slit," Zherka says. "I remember thinking to myself, 'The person who killed this girl had to be holding her.' I remember going home to my wife and saying, 'I can't work, I can't do my job.' So she said, 'You have to go to NAAC.'"

As the Kosovo crisis deepened, Zherka became the go-to American spokesman not just for Albanian-Americans but also, it seemed, for Albanians in Kosovo. In 1999 and 2000, he testified before the House International Relations Committee, was quoted in the New York Times, and wrote op-eds in the Washington Post, pressing for Western military intervention. As a NATO bombing campaign got under way that March, Zherka sparred with Oliver North and Sean Hannity on TV and warned, on CNN, that "acts of genocide are being committed in the heart of Europe."

Zherka led an NAAC delegation to a White House meeting with President Clinton to press, unsuccessfully, for a ground invasion. NATO's bombing campaign ended in June 1999 with Milosevic's capitulation. When Zherka visited the Albanian capital of Tirana, people stopped him in the streets for photos and autographs.

But the long hours and days on the road were taking a toll. His son, Alek, had been born in 1997 and a daughter, Hana, three years later. By 2002, the wars were over and NAAC was shifting into a new phase. Zherka was ready for a job closer to home.

As DC Vote's board sifted through résumés in 2002, it came up with only one strike against Zherka: He lived in Bethesda. (He and Linda had left their Cleveland Park condo for a larger home just over the Maryland line in 1999.) In the end, qualifications trumped residence.

Zherka turned down an offer from a law firm for what he suspected would be a grueling fight. A member of Congress he knew from his work on Kosovo questioned his sanity "Man, Ilir, DC Vote?" Zherka recalls the congressman saying. "Either you're really smart because you'll have this job for life or you're really stupid because you actually think you can win this."

I asked Zherka how he responded.

"I said, 'I'm stupid enough to think I can win.'"

A few months into the job, Zherka went to see Congressman David Bonior, a Democrat from Michigan, which has a large Albanian population. "Ilir, you've got to give your opponents something they want," Bonior said, according to Zherka. "Your argument can't be 'Do this because it's the right thing.' You actually need to give them something that they want."

But what, Zherka wondered, did backers of DC voting rights have to trade?

In 2003, Congressman Tom Davis, a Virginia Republican, offered an answer: a GOP seat for Utah. Davis chaired the House committee with District oversight and was popular in his party. In making his case in an interview with radio host Kojo Nnamdi, Davis had used all the right words: "It's hard to make a straight-faced argument that the capital of the free world shouldn't have a vote in Congress."

But DC's Eleanor Holmes Norton and other Democrats in Congress were skeptical. Davis had just finished a four-year stint as chair of the National Republican Congressional Committee, charged with electing GOP candidates to Congress. What good-faith reason could he have for offering a heavily Democratic enclave a voting seat in the House? Statehood advocates also lined up in opposition, because the proposal did nothing about DC's lack of representation in the Senate.

Zherka, however, saw in Davis the sort of champion who could rewire the GOP's opposition to DC voting rights. In 2004, Zherka and a group of leaders from DC Vote's coalition told Davis that if he put in actual legislation, they would back him.

I asked Zherka if it was awkward to get behind a proposal then opposed by Norton.

"Absolutely, it was a little awkward," Zherka said. "All of us recognized that Congresswoman Norton's leadership on the issue was significant and it would be hard for us to move too far forward without her support. At the same time, we all concluded within our organization that this compromise was the best opportunity to actually achieve representation."

A few minutes later, Zherka added, "I've always been a big fan of the adage that you can't just keep doing the same thing over and over again."

After arriving at DC Vote, Zherka pleaded the organization's case to Washington foundations and soon quadrupled DC Vote's budget, to \$1.7 million. Republicans in Congress had barred the District from using public money to lobby for voting rights. Zherka obtained a pro bono legal opinion arguing that the ban placed no such restrictions on funding for voting-rights education. He gave the opinion to Mayor Anthony Williams, who in 2006 authorized the first of several half-million-dollar grants to DC Vote.

For DC Vote to be effective, Zherka felt, Americans outside DC—Americans who had a vote in Congress—needed to get involved. He and his staff visited national organizations to argue that they, too, had a stake in DC's plight. Common Cause, the National Bar Association, and the United Auto Workers, among a diverse group of others, joined its coalition, lending their moral weight, lobbying muscle, and hundreds of thousands of grassroots members who could be called on to write or phone their representatives on Capitol Hill.

Zherka went after hostile or wavering Congress members in their own districts. When GOP senator John Ensign of Nevada sought

to undermine the DC voting-rights act in 2009, DC Vote launched Internet ads on websites in his home state. "Senator Ensign is focused on DC's affairs . . . and his own—where does Nevada fit in?" one read, alluding to Ensign's admission of an extramarital liaison with a former staffer.

The group got hundreds of residents to burn copies of their federal income-tax returns in Farragut Square in a "Bonfire of the 1040s." It handed out tea bags labeled End Taxation Without Representation at Glenn Beck's 2010 rally on the Mall and festooned lawns across Capitol Hill with signs reading Congress: Don't Tread on DC! One of its most eye-catching ads depicted two firemen, one in Maryland and one in DC. "Both will save your life," it said. "Only ONE has a vote in Congress."

Davis remembers Zherka during negotiations as an understated pragmatist. With DC Vote, he says, "we finally had a group that wasn't going to be partisan about it. They just wanted to get the job done."

Davis introduced the DC Fairness in Representation Act in 2004, and DC Vote went to work, writing editorials and mounting public spectacles. As the bill gained traction, Norton and leading Democrats expressed more support.

In April 2007, DC Vote organized the biggest voting-rights demonstrations in a generation. Mayor Adrian Fenty and thousands of residents marched from the Wilson Building to the Capitol. Less than a week later, the bill cleared the House 241 to 177, with 22 Republicans in favor. But in the Senate it came up three votes short.

Heartbroken supporters turned to the 2008 elections. Obama's ascension to the White House and the Democratic takeover of Congress infused the movement with a new optimism. "I really can't think of a scenario by which we could fail," Norton told the Washington Post just after the election.

Privately, though, Zherka warned advocates to take nothing for granted. Davis had retired from the House, which would make it harder to recruit Republicans. And Utah was just a few years from winning a new seat anyway through the 2010 census.

Very early on, Obama's willingness to expend political capital on the issue appeared brittle. A few days before his inauguration, Obama told the Post's editorial board that he backed a House seat for the District. "But this takes on a partisan flavor," he said, "and, you know, right now I think our legislative agenda's chock-full." Unlike President Clinton—and like George W. Bush—Obama declined to adorn the presidential limousine with Taxation Without Representation license plates.

In February 2009, the former Davis bill—now called the DC House Voting Rights Act—made it to the Senate floor, a first for DC voting rights in more than three decades, and passed on a largely party-line vote of 61 to 37.

The euphoria was again short-lived. Senator Ensign had slipped in an amendment eviscerating the city's gun-control laws. Zherka says that in the run-up to the Senate vote, advocates had mistakenly assumed that Majority Leader Harry Reid, a Nevada Democrat, would oppose the gun amendment. But Reid was facing his toughest reelection fight ever. As a centrist from a gun-friendly state, he couldn't afford an unfavorable rating from the National Rifle Association. "Not only did he vote for it," Zherka says, "but he gave Democrats"—particularly moderates from conservative Midwestern states—"a green light to vote for it, so everyone piled on."

As the bill moved to the House, the NRA made clear that it was putting everything on the line. To fend off a parliamentary move to bar all amendments to the House bill, the pro-gun lobby took the unusual step of threatening to "score" the vote on any such tactic; a vote to disallow amendments would count as anti-gun on lawmakers' political scorecards.

Despite months of lobbying, Zherka and Norton couldn't come up with enough votes from conservative Democrats, many facing reelection battles, to tilt the scales.

Congress effectively gave Washingtonians an ultimatum: You can have your vote, but only if you give up your gun laws.

Among voting-rights advocates, the choice touched off a bruising debate. In one camp were purists outraged at the hypocrisy of having to surrender power in order to get it. In the other camp were pragmatists who glimpsed a now-or-never chance. Everyone knew the clock was ticking toward the midterm congressional elections, which were likely to cost Democrats a crippling number of seats.

A gloom fell over the offices of DC Vote. "Morale was very, very low," Zherka says. "The economy was tanking. A number of our big donors either walked away or reduced their donations. We had to let people go." Zherka was also grappling with a string of personal losses. From 2002 to 2009, three of his siblings—all in their forties—died in a cruel streak of sudden illnesses.

For a short while, it looked as if the bill giving DC and Utah House seats might pass. In April 2010, Norton, who had assailed the gun amendment the previous year, said she would grudgingly accept it. House majority leader Steny Hoyer, a Maryland Democrat, vowed to move the measure to the House floor. Zherka threw his organization's weight behind Norton.

But on April 16, the New York Times editorialized against any deal that scuttled the District's gun laws, calling it "extortion." The Washington Post's editorial page followed suit two days later. Support on the DC Council was cratering. Mayor Fenty had backed Norton's change of heart, saying the city could undo the gun measure later. But it was an election year, and his chief rival, then-council chairman Vincent Gray, tacked in the other direction; Gray said he wouldn't sacrifice public safety, and the council lined up behind him.

Meanwhile, liberal Democrats in the Senate were threatening a filibuster of any bill with the gun amendment. DC Vote couldn't hold its own coalition together. Two of its partners—the Coalition to Stop Gun Violence and the League of Women Voters—broke with the group over its support for the Norton strategy.

Then Norton reversed herself again. In a press release, she said that after seeing "egregious changes" in the House gun language—allowing the open carrying of firearms—she could no longer go forward.

The 180s left DC Vote battered. And yet when the legislation finally died, it was less disappointment than relief that Zherka says washed over him. Whether or not the bill with the gun amendment had passed—which was far from certain—it risked so dividing city officials, advocates, and lawmakers that further progress on voting rights and home rule might well have stalled for years.

In a series of sometimes emotional meetings in the summer and fall of 2010, DC Vote's staff, board, and coalition members sifted through the rubble. Out of that soul-searching came the shift from an "inside

game" to an "outside game": civil disobedience aimed at embarrassing congressional leaders and the President and winning national sympathy.

"One of the lessons we learned from the fight was that we need to increase the intensity of support from our allies," Zherka says. "Whether it's Reid or Obama, when given a choice between the District and their own political fortunes, they'll choose their own political fortunes."

In February 2011, Zherka and a group of activists stood up at a House subcommittee hearing in protest with red gags in their mouths. A week later, Zherka led a few dozen protesters in a demonstration outside House speaker John Boehner's Capitol Hill apartment. Zherka accused Boehner of hypocrisy for intruding in DC's affairs while simultaneously backing Tea Party calls for small government.

Since the start of DC Vote's Demand Democracy campaign, some 76 people have been arrested—two of them twice.

Zherka believes that for the campaign to succeed, Mayor Gray and other local officials need to take more of a lead. But Gray, council chairman Kwame Brown, and other District officials have been embroiled in scandals that could complicate their case for greater independence.

On The Kojo Nnamdi Show last May, Gray said he saw his arrest as "reigniting" the movement but downplayed the likelihood of a reprise. "What we've got to see," Gray said, "is really a much broader commitment on the part of the 600,000 people who live in this city."

Critics say Zherka has pursued too narrow a strategy and that his success has sidelined other voting-rights groups. Stand Up! for Democracy in DC, a volunteer group pressing for full statehood, was founded in 1997, a year before DC Vote. Anise Jenkins, its president and cofounder, labeled the Utah compromise a "single vote" strategy because it did nothing about Senate representation or statehood.

Mark Plotkin, the Fox 5 political analyst and former WTOOP commentator, is a fan of neither Zherka nor Norton. "Cairo, Syria—people are willing to lay down lives," he says. "And here our response is DC Vote? A tepid, timid, timorous, establishment organization that doesn't want to offend anybody and, worse, is an appendage to Eleanor Holmes Norton."

When four Occupy DC protesters went on a hunger strike for District voting rights in December, Zherka issued a statement praising their "courage and conviction" but didn't explicitly endorse the action.

At recent rallies, I heard young Washingtonians express a willingness to "shut the city down," perhaps by blocking major roadways from Maryland and Virginia.

I asked Zherka whether DC Vote would endorse such tactics. "Virginia and Maryland people are family, friends, neighbors," he told me. "There's no reason to inconvenience and punish them."

Protests, Zherka said, "have to be tightly tied to injustice and the people perpetuating it." Hence the demonstrations outside the Capitol and White House, which offer not just the iconography of those buildings but the sight of federal police—not city ones—carting away District residents.

The street protests seem to have chastened some in Congress. GOP threats last year to ban the District's needle-exchange program, undo its gay-marriage law, and permit concealed firearms were all thwarted, sometimes by other Republicans.

In November, Congressman Darrell Issa, the powerful GOP chairman of the House Oversight and Government Reform Committee, drafted a bill to let the District spend its money without congressional approval, a right local officials have long sought. (DC Vote is opposing the Issa measure for now because a provision would bar locally funded abortions. But Issa has signaled he is open to finding a resolution.)

In February, Obama released a 2013 budget request that promised to "work with Congress and the Mayor to pass legislation to amend the D.C. Home Rule Act to provide the District with local budget autonomy."

But first he has to be reelected. "Right now we have a President who isn't willing to expend a lot of political capital but will sign anything that we get to him," Zherka says. If a Republican wins in November, "all of our calculus will change," with public protests playing an even greater role than they do now.

DC has grown whiter in recent years, with census figures last year showing blacks losing their historic majority. If race had been a subtext of congressional opposition to voting rights, I asked Zherka, shouldn't those demographic shifts, however cynically, alter the political math?

Zherka told me that they had not. The District remains a place that lets gay people marry, permits medical marijuana, and funds abortion for poor women. The city's liberal politics is in some ways the movement's most intractable handicap.

"If DC for some reason became more Republican," Zherka says, "absolutely there would be a different perspective" in Congress.

Last May 11, a month after Mayor Gray was arrested, DC Vote hosted another rally. It was at Upper Senate Park, a leafy trapezoid across from the Capitol.

As supporters gathered by a table piled with T-shirts and bumper stickers, Zherka, in a gray suit and yellow tie, shook hands with the assurance of a seasoned politician. A woman had brought two young boys, and Zherka patted them on the head. "Ah, look at these protesters," he said approvingly. When an aide identified an older man in a blazer and penny loafers as "our most loyal online donor," Zherka unfastened a DC Vote pin from his lapel and pinned it on the donor's.

After the speeches, the Capitol Police arrested eight activists who had blocked a few lanes of traffic and refused to move.

But soon the crowds and police vans were gone. Zherka was eager to get home to Bethesda. His son had a series of exit interviews at Westland Middle School, from which he was graduating. His daughter, a fifth-grader at Westbrook Elementary, was recovering from a stomach bug. He also wanted to catch up with his wife—a lawyer with the Motion Picture Association of America—about a house they were remodeling in Chevy Chase. (They moved in November.)

Just when it seemed everyone had left, a young man in shorts and a soccer shirt pulled up on a ten-speed. "Are you with this group?" he asked.

"I'm the director," Zherka said.

The man told him he wanted to get involved but had questions: Why did the city's website give the impression that the movement was divided, listing not just DC Vote but two other organizations? If the District's population was half black, why were protesters today mostly white?

After Zherka's long day, I wasn't sure how much patience he'd have with a halfhearted

supporter who had missed much of the rally for a soccer game on the Mall. But Zherka gave no air of hurry. The movement was less divided than the website suggested, he said, and many African-Americans have turned out at other rallies.

"Come help us organize and help us get out the word—do we have your info?" Zherka said, handing him a card as the sun set behind them. "Shoot me an e-mail. We need a lot of foot soldiers out here."

MEG VAN NESS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to congratulate and applaud Meg Van Ness for receiving the Living Landmarks Award.

The Living Landmark Award is presented by the Golden Landmarks Association, a non-profit organization which works to preserve historic places and educated people about the wonderful history the Golden area has to offer. Meg has been a champion in preserving and promoting the historical integrity of Golden.

Meg Van Ness has had a passion for archaeology since high school. She attended the University of Missouri and later the University of Northern Arizona where she received her Master's in Archaeology. In 1990, six years after she moved to Golden, Meg was appointed to the Golden Historic Preservation Board and remained on the board for ten years.

In 2000, Meg joined the Golden Planning Commission and worked with the community to keep Golden special. Meg worked for 16 years as an archaeological consultant, another 16 years with the Colorado Office of Archaeology and Historic Preservation, and is currently the Regional Historic Preservation Officer for the U.S. Fish and Wildlife Service. She continues to serve on various outreach programs and committees in Golden.

I am honored to congratulate Meg Van Ness on this well deserved recognition by the Golden Landmarks Association. We all thank her for her advocacy for the Golden community.

HONORING JESSICA THOMPSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a very astute young woman from the Second Congressional District, Ms. Jessica Thompson. She has been bestowed the distinction of Salutatorian for the Class of 2012 of Charleston High School in Charleston, Mississippi.

Jessica is an extremely hard worker, and is devoted to academics. She has maintained a position on the Superintendent and Principal Lists throughout high school. In addition to honoring her academic responsibilities, Jessica has also remained dedicated to her extra-

curricular activities. She has served as the captain of the cheerleading squad, a member of the science club, the Student Council Treasurer, a member of the Future Christian Athletes organization, a National Honor Society member, and as an usher at St. Paul C.M.E. Church.

Jessica will be attending the University of Southern Mississippi as a Lucky-Day Scholar this fall, and plans to major in Kinesiotherapy. After obtaining a bachelor degree in Kinesiotherapy, she plans to become a physical therapist. Jessica does not take her education for granted, because she knows that an education is essential to her hopes of fulfilling her dreams. Jessica gives the credit of her achievements to her parents, Ms. Lisa Thompson and the late Thomas Thompson, and her twin sister, Eboni, because their support has shaped her into the young woman that she is today.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Jessica Thompson for her unwavering dedication to education, and striving to improve not only her life but the lives of others.

TRINITY EPISCOPAL CHURCH 250TH
ANNIVERSARY CELEBRATION
AND WAR OF 1812 COMMEMORATION

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate a storied institution of faith in Virginia's Third Congressional District. This year, Trinity Episcopal Church in Portsmouth, Virginia is celebrating its 250th anniversary, and I would like to take a moment to reflect on the history of this esteemed church and its contributions to the greater Hampton Roads community.

The story of Trinity Episcopal Church begins in 1752 with William Crawford, the founder of Portsmouth, when he designated space at the intersection of High and Court Streets for a parish church. Between 1761 and 1762, the Vestry of Trinity Church was formed. Reverend Charles Smith served as the first parish priest.

During the American Revolution, the church was used by the British garrison, and Trinity's old church bell was cracked celebrating General Cornwallis' surrender. During the War of 1812, Captain Arthur Emmerson III, a lay leader in the congregation, was instrumental in the American victory at the Battle of Craney Island. During the Civil War, the crew of the ironclad C.S.S. *Virginia*—commonly called the *Merrimack*—worshipped at Trinity before boarding the ship to fight in the first battle of the ironclads against the Union ship, U.S.S. *Monitor*.

Over the years, Trinity continued to grow and expand, and its congregation felt a great sense of community responsibility, contributing to the well-being of the City of Portsmouth, surrounding neighborhoods and area churches. In the 1890s, Trinity founded the King's Daughters Hospital, which later became Ports-

mouth General Hospital. In the 1960s, under its noted Rector, the Rev. C. Charles Vaché, the congregation was active in the civil rights movement and endorsed the equality of all persons. Its members support organizations such as Portsmouth Volunteers for the Homeless, Oasis Social Ministry Center, and other social agencies, providing breakfasts, dinners, overnight accommodations, and financial support to those in need. Trinity is best known for its Annual Children's Christmas Shoppe, where hundreds of children, guided by members of the parish and community disguised as "elves," can do their own shopping for loved ones. The Episcopal Church Women and the Brotherhood of Trinity take on additional local, national and even international community service projects of their own.

Yet another longstanding Trinity tradition worthy of note is its music. Mentions of organists and accompanying choirs date back to 1823. Instruments housed at Trinity are revered as representative early-American works by their crafters. The choir has received acclaim dating back to the 1860s, when the Rt. Rev. John Johns, Bishop of Virginia, called the Trinity Choir "the best in the diocese." Today, the Trinity Music Series features local musical ensembles and world-renowned artists, working with the Virginia Arts Festival and other community organizations to provide quality music services, recitals and concerts to the public free of charge.

As Trinity Episcopal Church gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on its future. I would like to congratulate Rev. John R. Throop, D. Min., and all of the members of the Trinity Episcopal Church on the occasion of their 250th Anniversary. I wish them many more years of dedicated service to the community.

IN TRIBUTE TO RON PLOTKIN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to a constituent and friend, Ron Plotkin, who will be rightfully honored this weekend by the Republican Jewish Coalition at its 2012 RJC Summer Bash.

An ardent Zionist and member of the Republican Jewish Coalition's Board of Directors, Ron has committed himself to educating the voting public and supporting Republican candidates who understand the unique relationship between Israel, the only democracy in the Middle East, and the United States.

In addition, Ron is a highly successful Los Angeles-based international business executive and philanthropist who has made his mark in corporate marketing and advertising. As a partner and Chief Operating Officer of TMP Worldwide, he was instrumental in building the company into the world's largest "yellow pages" advertising agency.

The next global move was to cofound and develop the largest jobs website on the Internet, Monster.com. He is now Chief Executive Officer of Directional Marketing at Monster Worldwide.

Ron is an active investor in small technology start-up companies based on unique concepts that have the potential to be cutting-edge ground-breakers in very competitive fields.

His career in Yellow Pages began in 1975 with the L.M. Berry Co. where he held a number of positions that progressed to sales management at its headquarters in Dayton, Ohio. In 1986, he became an equity partner in CPC (Communications Planning Corporation) and shortly afterward, he entered into a partnership arrangement with TMP Worldwide, and officially joined the company on July 1, 1988.

He is also an Executive Advisory Board Member of the Cabrillo Music Theatre, Inc. and a Board Member of the Association of Directory Marketing, Inc.

Mr. Speaker, I'm sure my colleagues join the Republican Jewish Coalition and me in honoring Ron for his tireless efforts on behalf of democracy both here at home and with our strong ally Israel.

IN RECOGNITION OF THE CITY OF
HILLSBOROUGH'S ADOPTION OF
H&H COMPANY, 1ST BATTALION,
327TH INFANTRY REGIMENT, 1ST
BRIGADE, 101ST AIRBORNE DIVI-
SION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the City of Hillsborough for its adoption in 2007 of H&H Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division.

In 1967 a soldier in Vietnam named Sgt. Joe Artavia wrote a letter to his sister, Linda Patterson, asking her to convince the City of San Mateo to adopt his company. He thought an adoption would lift troop morale "as high as the sky." Patterson rallied the community to support her brother and his comrades. Within three months the San Mateo City Council passed a resolution to adopt the company.

Tragically, Artavia was killed three weeks later rescuing a fellow soldier, and the people of San Mateo joined together in mourning. Artavia's death solidified San Mateo's commitment to its adopted company and, in fact, in 1972 San Mateo was the only city in the United States to hold an official homecoming parade honoring Vietnam veterans.

Working with Patterson and the city of Burlingame, Hillsborough adopted its own company of the 101st Airborne Division in 2007. Since that time the city has continuously supported the H&H Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division, sending care packages, writing letters and supporting the families of soldiers who are deployed.

In a few months Hillsborough's adopted company will be re-deployed for another tour in Afghanistan. In commemoration of the 40th anniversary of the original welcoming-home parade, a new parade and festival are being held to honor past and present soldiers of the 1st Brigade Combat Team, 101st Airborne Division (Air Assault).

Mr. Speaker, I ask that the House of Representatives join me in honoring the city of Hillsborough for supporting HHC 1st Brigade Combat Team 101st Airborne Division (Air Assault) and its brave men and women who fill its ranks, especially those who gave their lives for our freedom.

YIMI SERRANO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Yimi Serrano for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Yimi Serrano is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Yimi Serrano is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Yimi Serrano for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO FRANK HALL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a good friend of mine, Frank Hall. Frank passed away June 15, 2012 in Norco, CA. A resident of Norco, CA, for 35 years, he was a pillar of the community and he will be deeply missed.

Frank was born March 2, 1938 in Los Angeles. He grew up in Newport Beach, graduating from Newport Harbor High School and Orange Coast College, with additional studies at Pacific State University and Riverside Community College. As a youth, he worked for his uncle renting boats. Frank served the County of Orange from 1959 to 1995 in the General Services and Environmental Management agencies in the field of Right-of-Way Engineering, Property Management and Facilities Planning, and served honorably in the United States Naval Air Reserve as flight crew on anti-submarine aircraft from 1961 to 1969.

After retiring from the County of Orange, he became involved with Norco city government, serving as a City Councilman for 12 years and Mayor for 8 years. Frank was a visionary in Norco; he maintained the community's rural spirit while encouraging commercial and business development in the Inland region. As a Councilman, he held several appointed positions, including Riverside Transit Agency,

RTA, where he was Chairman in 2007; Riverside County Transportation Commission, RCTC, Commissioner; Western Riverside Council of Governments where he was Chairman in 2001-2; Member of the Military Affairs Committee for the Norco-Corona Area, which was successful in retaining the Naval Surface Warfare Center in Norco; and Member of the City of Norco Economic Development Advisory Council, among many others. At the time of his death, he had been appointed by Supervisor John Tavaglione as an additional alternate to Riverside Transit Agency and the RTA Transportation-NOW coalition.

It is hard to imagine that Frank would have any free time on his hands yet he always found time for his community. He was a member of many local and regional organizations, including the Citizens Advisory Group at the Norco College, the Death Valley 49er's Association, the Pacific Crest Trail Association, the Norco High School Agricultural Advisory Committee, and the California State Parks Foundation. He was active in the Corona-Norco YMCA and was President at the time of his death. Local clubs he belonged to were Norco Lions Club, Residents of Norco Urging Protection of Rural and Animal Keeping Lifestyle, RURAL, American Legion Post 328, Norco Historical Society, Norco Regional Conservancy, Saddle Sore Riders, Riverside Recreational Trails, and Norco Senior Citizens and Pet Relief Fund. A longtime horse lover, Frank belonged to a number of equestrian sports organizations. He was a life member of Equestrian Trails, Inc., the California Horseman's Association, and the Norco Horseman's Association, which he founded and served in for 18 years as President in 1991 and Treasurer from 1992 to 2012.

Frank is survived by his wife of 37 years Sharon; son Steve (Brenda) Hall, son William (Kate) Hall, and son Robert (Robin) Hall; six granddaughters, Kristin Hicks, Ashley Hall, Heather Hall, Holly Hall, Vanessa Hall and Lauren Hall, as well as two great-granddaughters Joie Lynn and Abbylynn. Frank is also survived by brother Howard (Kathleen) Hall.

On Friday, June 22, 2012, a memorial service celebrating Frank's extraordinary life will be held. Frank will always be remembered for his incredible work ethic, generosity, contributions to the community and love of family. His dedication to his family, work, and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Frank's family and friends; although Frank may be gone, the light and goodness he brought to the world remain and will never be forgotten.

IN MEMORIAM AND REMEM-
BRANCE OF FIRST SERGEANT
ACKEEM PAUL GREEN 369TH
HARLEM HELLFIGHTERS—HAR-
LEM YOUTH MARINES, INC.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. RANGEL. Mr. Speaker, it is with great sadness that I rise today to share the news of

a devastating loss to Harlem and the greater New York City community. We joined with many family members and friends at Memorial Baptist Church to celebrate the life of Harlem Youth Marine Cadet First Sergeant, Ackeem Paul Green, who passed away Sunday, June 3, 2012, from a fatal gunshot wound.

On behalf of our beloved Village of Harlem, my wife Alma and I want to extend our most sincere and heartfelt sympathy, support, and love to my beloved friend, Col. Gregory E. Collins, and the entire family of the First Sergeant Ackeem Paul Green. At the age of 25 he was indeed a promising young man continuing the honorable legacy of his father to better not only himself, but his fellow peers as well.

Extraordinary young men like Ackeem are a rare commodity in this world and serve a higher purpose in making it a better place. First Sergeant Ackeem Paul Green lost his life on the urban battlefield, from gun violence right here at home, while enjoying a game of basketball with friends on a Sunday afternoon. First Sergeant Green was shot in the back by an illegal gun in the hands of a misguided youth. Gun violence has taken the lives of so many of our promising youth and it has taken over every urban neighborhood in the United States of America.

Every time I hear the news that one of our young sons, daughters, fathers, mothers, husbands and wives are struck down by illegal guns in the wrong hands of our misguided people—it pains my heart with anger. What makes this very difficult for me is that it has taken the life of a young man whose very focus in life was to mentor his peers and others to provide them with a positive direction through the principles and leadership of the Harlem Youth Marines and with the values and courage of the United States Marine Corp.

Since the age of 15 Ackeem has committed a tremendous amount of time and effort to the Harlem Youth Marine Cadets (HYMC). Once Ackeem reached the age limit to serve as a cadet, he remained dedicated and continued to serve the organization through volunteer work. He took mentored young cadets, served as a positive influence in the community, and was a much needed role model to many of our youth both in and outside of HYCM.

The Harlem Youth Marines, Inc. (HYCM) provides instruction in military grooming and development to students willing and eager to learn. This program has supported the youth in my district for over 30 years with an emphasis on youth development through education and discipline. They also provide cadets with the opportunity to engage in basic military skill training activities such as rappelling, marksmanship, and weapons safety. The children of Harlem have thoroughly benefited from this program through the development of body, mind, and spirit. Ackeem was a remarkable testament of their success.

Mr. Speaker, I know that we, the Village of Harlem, will honor Ackeem's life by ensuring that its young infant son, Ackeem Paul Green, Jr., honorable legacy remains alive. We must bring a realistic end to gun violence because it is destroying the lives of our children, families and communities. I ask that you and my colleagues join me in honoring this ambitious

young man and an impassioned mentor whose legacy shall be far remembered and everlasting.

HONORING PRESIDENT TED MARTINEZ, JR.

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Dr. Ted Martinez, Jr. as the eighth Superintendent/President of Rio Hondo College. A Texas native, Dr. Martinez has dedicated himself to education and been a strong role model for Latinos in academia.

Dr. Martinez has worked throughout his career to insure that all students have access to quality higher education. In his capacity as Superintendent/President of Rio Hondo College he has been committed to maintaining fiscal stability while enabling student success, high-level learning outcomes, and the completion of the \$245 million building program. His leadership provided a new platform for Rio Hondo College to utilize its resources in partnering with community and business leaders.

While at Rio Hondo College, he established a community advisory committee that includes local school and government officials, service agencies, religious groups, small businesses and veteran's groups. Our community is especially grateful for the strong and vibrant Mathematics, Engineering, Science, Achievement (MESA) program and outstanding Veterans Service Center that were established under his watch at Rio Hondo College. In 2010, Under Dr. Martinez' leadership, in 2010 Rio Hondo College launched the award-winning South Whittier Educational Center (SWEC) partnership that provides students from underserved areas with a historically low college attendance a real pipeline to college.

Dr. Martinez's commitment to education has not gone unnoticed. Among many other honors and awards, Ted has been distinctly honored with the Outstanding President Award from the California Community College Council for Staff Development, the District 6 Pacesetter of the Year Award from the National Council for Marketing and Public Relations, and the Phi Theta Kappa Alumni Key Award from the International Honorary Society for students in two-year colleges.

AARON TATE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Aaron Tate for receiving the 2012 Amgen Foundation's Teacher of the Year Award.

This award is designed to recognize and honor extraordinary science teachers at the K-12 level who significantly impact their students through exemplary science teaching and

who achieve demonstrated results in student learning in communities where Amgen operates.

Mr. Tate has been a middle-school science educator for nearly ten years at Bromley East Charter School in Brighton, CO. His classroom experiences include developing and implementing 7th grade science and S.T.E.M. elective courses, sponsoring chess, middle school science, and LEGO clubs, and overseeing the 7th grade science fair. Aaron Tate's commitment to teaching science is commendable.

In addition to his time in the classroom, Aaron is a member of the National Science Teachers Association (NSTA) and Kappa Delta Pi, the International Honor Society in Education, where he stays abreast of the newest researched-based best practices in science education.

I extend my deepest congratulations to Aaron Tate for this well deserved recognition by the Amgen Foundation. Thank you for your dedication to the future of science in our classrooms and your commitment to the community.

HONORING SABRINA SMITH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a remarkable young woman, Sabrina Smith, a recent graduate at Madison Shannon Palmer High School in Marks, Mississippi. Sabrina is the proud daughter of Sharon Smith and they reside in Lambert, Mississippi.

Her teachers consider her to be an ideal student because of her honesty, respectful behavior, and hard work. Sabrina is a recipient of numerous awards including the Honor Roll, Principal List, Superintendent List, Perfect Attendance, and special recognition from her teachers for making the highest grades in their classes. Her class work has always exhibited the highest standard of excellence. Every day she works to better herself in school, as well as in everything she undertakes because she understands a good education leads to success.

Sabrina has always been involved in extra-curricular activities. She is a former member of the Madison Shannon Palmer High School Choir, a member of the Student Council, Treasurer for the Sophomore Class of 2010, and Secretary for the Junior Class of 2011. Sabrina is also a member of the National Beta Club where she regularly participates in its book drives. She is a dedicated supporter of community service. Sabrina wanted to get an early start on her career aspirations, so she volunteered to participate in the Quitman County School District Job Shadow Program. Through this program, Sabrina learned valuable hands-on professional skills such as punctuality, the principles of business attire and good grooming, problem solving, oral communication, team spirit and compromise, and responsibility. She believes that these are some of the skills that are necessary for her to be successful in both her career and her life.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Sabrina Smith as Valedictorian of Madison Shannon Palmer High School's Class of 2012.

WILFREDO HUERTA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Wilfredo Huerta for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Wilfredo Huerta is a 12th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Wilfredo Huerta is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Wilfredo Huerta for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING STANLEY HOWELL
HALL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. LEE of California. Mr. Speaker, I rise today to honor the exceptional life of Mr. Stanley Howell Hall. "Stan," as he liked to be called, was a trailblazing public servant who had the distinction of serving as one of the first African-American City Managers in the State of California. Known as a hard-working and talented colleague, a visionary consultant and a man of great faith, Mr. Hall has left an indelible mark on Bay Area communities. With his passing on May 31, 2012, we look to Stan Hall's public legacy and the outstanding quality of his life's work.

Born on June 11, 1946 to William and Hazel Hall, Stan was the sixth child of a family of eight children. He was named Outstanding Young Man of America twice by the U.S. Jr. Chamber of Commerce and was a high school honors graduate. Earning his bachelor's in History at San Francisco State University and a master's degree in Public Administration from Golden Gate University, Mr. Hall acquired a breadth of civic knowledge that he would use throughout his career. He settled in Richmond, California, working as the Administrative Assistant to the City Manager. Eight years later, he became the first African-American City Manager in Seaside, California. He did all of this by the young age of 32.

In addition to career milestones serving as Director of Governmental Affairs for the Port of

Oakland, as well as City Manager for both East Palo Alto and Hollister, California, Mr. Hall became a sought-after consultant. He founded the government advocacy and consulting business, American Service Associates, which aided local community development through expertise in transportation, parking and project management.

Mr. Hall was also keenly committed to community leadership. Among his numerous accolades and associations, he was a three-term President and CEO of the Bay Area Urban League, as well as Principal Officer of West Coast Infrastructure for Amtrak. He had the distinction of being honored by the Congressional Black Caucus in Washington, DC and received awards from the Harbon Publishing Co. and the Gillette Co. for Achievement in Business and Professional Excellence. His awards from Members of Congress, the State Assembly and the State Senate speak to the quality of his prolific career. And most recently, he was recognized by the U.S. Department of the Treasury for Patriotic Service.

Active in 100 Black Men of the Bay Area and Kappa Alpha Psi Fraternity, Mr. Hall was also a devoted church member. He served both Mt. Carmel Missionary Baptist Church in Richmond and Allen Temple Baptist Church, where he sang in the chorus and built a strong spiritual family. From his groundbreaking work in public service to his renowned work ethic, Mr. Hall never ceased to challenge himself. He was even an accomplished pianist.

On a personal note, I will miss Stan's smiles, his words of encouragement and his support. Stan held a very successful event for me at his home recently and he was as happy as I to be with long-time friends. He proudly showed me through his cozy house and he was especially delighted to show me his backyard, with its beautiful fruit trees and grass. When I visited him in the hospital a few days before his passing, he smiled. In his own way, he communicated the depth of love for his friends and me—and I felt that he was at peace and ready to meet the Lord. I will miss him tremendously.

Today, California's 9th Congressional District salutes and honors an outstanding individual and a stalwart community leader, Mr. Stanley Howell Hall. He was a respected colleague, a beloved brother and a dear friend who will be deeply missed by an extended group of loved ones. I offer my sincerest condolences to Stan's surviving family and to the many friends and associates whose lives he touched over the course of his incredible life. May his soul rest in peace.

LAKELAND COLLEGE CELEBRATES
ITS 150TH ANNIVERSARY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PETRI. Mr. Speaker, I would like to congratulate Lakeland College for 150 years of service as an undergraduate institution of higher education. Lakeland College is a private four year liberal arts college related to the United Church of Christ located near She-

boygan, Wisconsin—which is in my congressional district.

The college was founded in 1862 by a group of German immigrants to offer a traditional seminary curriculum to the local community. Over the years, it began to host additional courses and programs of study. The college adopted the name "Lakeland" in 1956 when the seminary program moved to Minnesota. In 1991, Lakeland opened a second campus in Shinjuku, Japan, to accommodate students with international interests.

Today, Lakeland College serves nearly 4,000 students and offers an 18 to 1 student to faculty ratio. It offers more than thirty degree programs and four graduate programs including education, counseling, business administration, and theology. Lakeland hosts a multicultural student body with students from over 30 countries.

Lakeland prides itself on its ability to foster an educational, covenantal, just, and global community, not only at its main campus near Sheboygan, but also at its campuses in Chippewa Falls, Fox Cities, Green Bay, Madison, Milwaukee, and Wisconsin Rapids.

I have had the opportunity to visit the College on numerous occasions and commend retiring president Dr. Stephen Gould for his 42 years of service to Lakeland. In 2002, I was honored to have had the opportunity to speak at Lakeland's commencement ceremony. It is evident that the College instills strong community values in its students and alumni.

Strong institutions help make strong communities, and the people of Wisconsin, especially those in the Sheboygan area, are proud of the 150 years of service that Lakeland College has provided. To recognize this accomplishment, Governor Walker has declared June 23 as Lakeland College Day, a well deserved honor. Over 1,000 alumni will return to campus to celebrate June 21–24.

I extend my congratulations to Lakeland College on its 150th Anniversary and wish all its faculty, staff, students, and alumni continued success in their endeavors.

RECOGNIZING THE "BROWARD IS
GREATER THAN AIDS" CAM-
PAIGN ON THE OCCASION OF NA-
TIONAL HIV TESTING DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize the "Broward is Greater than AIDS" (Broward > AIDS) campaign, an initiative of the Broward County Health Department (BCHD) to raise public awareness of the importance of knowing your HIV status and getting tested. The launch of the Broward > AIDS campaign takes place as we observe the 18th Annual National HIV Testing Day on June 27, 2012, a joint initiative between the National Association of People With AIDS (NAPWA) and the Centers for Disease Control and Prevention (CDC) aimed at promoting HIV testing.

While advances in antiretroviral treatment now allow people living with HIV/AIDS to have

longer, more productive lives than ever before, HIV continues to spread at a staggering rate. Nationwide, 1.2 million people in the United States are living with HIV/AIDS, and 50,000 individuals become newly infected with the virus each year. Furthermore, more than one in five HIV-positive individuals are unaware that they are infected, which not only increases their risk for developing worse health outcomes but also the likelihood of transmitting the virus to others.

Although HIV/AIDS knows no borders, race, or gender, it has taken a particularly devastating toll on South Florida and certain groups. Since 2008, Broward County has had the highest rate of HIV infection per-capita in the nation. Within the past year, new HIV infections rose by 25 percent while new cases of AIDS also increased significantly. In addition, according to the BCHD, HIV/AIDS continues to have a disparate impact on men who have sex with men (MSM) and black heterosexual women.

HIV/AIDS can happen to anyone, but we have the power to stop HIV and create an AIDS-free generation. It all begins with getting tested for HIV to find out your status and using this knowledge to take better care of yourself, your loved ones, and your community. Equally important is also knowing the status of your partner. Regular HIV testing has been proven to save lives and reduce new infections. The Broward > AIDS campaign is a vital tool to educate individuals and the community about the realities of HIV/AIDS, why they should get tested, and where testing is available.

Through the Broward > AIDS campaign, the BCHD seeks to encourage and increase HIV testing to reduce the spread of the disease as well as the stigma associated with it. The unfortunate fact remains that many individuals and communities do not talk about HIV/AIDS. We cannot hope to eliminate the stigma and reduce the spread of HIV/AIDS if we do not break the silence. HIV/AIDS is not just a personal health issue, it is a community health issue and we all have a responsibility to do our part to protect our families, friends, and neighbors.

Mr. Speaker, this National HIV Testing Day, I commend the Broward County Health Department and its comprehensive HIV/AIDS outreach campaign, Broward > AIDS, for working to increase HIV testing and end stigma. Together with effective, evidence-based policies that address barriers to HIV testing and access to treatment and care, we know that we can overcome HIV/AIDS.

COLORADO RAILROAD MUSEUM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to congratulate and applaud the Colorado Railroad Museum for receiving the Living Landmark Award.

The Living Landmark Award is presented by the Golden Landmarks Association, a non-profit organization which works to preserve

historic places and educate people about the wonderful history the Golden area has to offer.

The Colorado Railroad Museum has provided an interesting and colorful history of railroading unique to the Western United States. Railroads have been instrumental in Colorado's history by encouraging the economy, migration, and culture to flourish. In 1959, Robert W. Richardson and Cornelius W. Hauck opened the Colorado Railroad Museum in Golden.

The museum houses the largest repository for Colorado's railroad history and nearly 100,000 people visit the museum every year. In the late 90's the museum added a climate-controlled library to house books, photographs, and corporate records and added an authentic roundhouse and turntable to restore and maintain the historic equipment. To instill in today's youth a love for trains and railroads, The Colorado Railroad Museum offers train rides every weekend and hosts the Thomas the Tank Engine event every year.

The Colorado Railroad Museum is ranked among the top 25 Denver area historical and cultural attractions and has been recognized by the Smithsonian Institute, American Association of State and Local History, and Colorado Historical Society for its work preserving railroad history in the Rocky Mountains.

I am honored to congratulate the Colorado Railroad Museum; I know they will work to provide an understanding and passion of railroads for future generations.

A TRIBUTE TO COLONEL MICHEL RUSSELL

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. GUTHRIE. Mr. Speaker, I rise today to honor Colonel Michel Russell, on the occasion of his return home from duty in Afghanistan.

In his role as a United States Army Brigade Commander, Mr. Russell was uniquely responsible for over 50,000 United States Army Soldiers, Department of Army Civilians and contractors from private industry, a command of equivalent size to an entire Army Corps.

Colonel Russell was commander of the 401st Army Field Support Brigade (AFSB) during a unique period in time. As a result of the Presidential directed drawdown of military forces in Afghanistan, Colonel Russell was responsible for ensuring the redeployment of equipment in addition to the 401st AFSB's traditional functions of sustaining theater forces with quality of life products such as food, warfighting equipment such as MRAPS, and developing and fielding emerging technologies to increase force protection and quality of life for soldiers.

Colonel Russell and his team of soldiers, Department of the Army Civilians and private industry contractors created from scratch the Afghanistan redeployment process. This process is responsible for maintaining, repairing, and removing thousands of pieces of equipment out of Afghanistan and back to the Continental United States or other locations where United States Forces are stationed.

Colonel Russell and his team serve as the "Face to the Field" for the United States Army Materiel Command, the United States Army Sustainment Command and the 3rd Expeditionary Sustainment Command, providing all war fighters the equipment they need in the Afghanistan Theater to fight America's enemies who harbor ill-will toward freedom.

I ask my colleagues to join me today in honoring Colonel Michel Russell for his steadfast commitment to the U.S. Army, his fellow soldiers, and his nation. We owe our freedom to men like Colonel Russell, whose devotion to our nation will forever be remembered and appreciated.

RECOGNIZING DR. RICHARD CROWE ASTRONOMER-IN-RESIDENCE, IMILOA ASTRONOMY CENTER OF HAWAII, AND CO-FOUNDER, ASTRONOMER PROGRAM—UNIVERSITY OF HAWAII AT HILO

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. HIRONO. Mr. Speaker, I rise today to honor Dr. Richard A. Crowe of Hilo, Hawaii—an extraordinary man whose loss is deeply felt. For the past few decades, Dr. Crowe's leadership in the fields of astronomy and physics and his profound love of teaching has influenced generations of islanders throughout East Hawaii and our island state.

Dr. Crowe was a vital part of the University of Hawaii at Hilo: the co-founder of the astronomy program and the Astronomer-In-Residence at the Imiloa Astronomy Center of Hawaii, which is affiliated with the university. A beloved professor, Dr. Crowe inspired many to follow in his footsteps and pursue careers in astronomy.

Dr. Crowe also shared his passion for astronomy with Hawaii Island's younger students. His portable planetarium could be found in public school classrooms throughout Hilo, helping Dr. Crowe to get students excited about astronomy.

He was committed to community and public service—participating in the Hawaii County Band, the Kanilehua Chorale, and the local rotary club.

We remember and honor Dr. Crowe, and I join with his family, friends, colleagues, and students in giving thanks for his life of service and inspiration.

His greatest legacy continues to be the many who have discovered their own love for the stars and galaxies above us through his influence. Dr. Crowe and his teachings will never be forgotten.

Mahalo nui loa (thank you very much).

HONORING THE LADYWOOD
BLAZERS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to acknowledge the Ladywood Blazers, Michigan High Athletic Association Division II Softball Champions, from my hometown of Livonia upon winning their first state title.

Led by Head Coach Scott Combs, the Blazers won the Central Division of the Catholic High School League and went on to defeat Farmington Hills Mercy to earn the CHSL A-B Division championship.

Ladywood came out swinging in their opening round of district play, overpowering Livonia Clarenceville, 17-0. The Blazers eliminated Dearborn Divine Child, 4-0, in the District 58 final and advanced to regional competition. First round opponent Detroit Kettering forfeited but the down time did not affect the Blazers as they erased Center Line, 13-0 and claimed the Region 15 title. Advancing to quarterfinal action, Ladywood defeated St. Clair, 4-2 and then tamed the Wildcats of Wayland Union by an identical 4-2 score in the semi-final round to earn a berth in the state final.

The Blazers had been in the state final in 2009, losing a heartbreaker to Niles. It was a long ride home from Battle Creek as runners-up. This time Ladywood wouldn't be denied as they shutout Saginaw Swan Valley, 4-0 and hoisted the Division II State Championship Softball trophy on June 16, 2012 to close out a stellar 39-3 season.

Mr. Speaker, the Ladywood Blazers and Head Coach Scott Combs, having compiled an impressive 170-31 record over the last 5 years, deserve to be recognized for their determination, achievement, and spirit. I ask my colleagues to join me in congratulating the Ladywood Blazers for obtaining this spectacular title and honoring their devotion to our community and country.

VIRGINIA LARSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Virginia Larson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Virginia Larson is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Virginia Larson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Virginia Larson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award.

I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN HONOR AND RECOGNITION OF
JACKIE JENKINS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise to honor and recognize Jackie Jenkins of Westminster, California, who was recently selected as one of the California School Employees Association's (CSEA) top five Members of the Year. She will receive the award at the 86th Annual CSEA conference later this year.

Mrs. Jenkins has served the Westminster School District for over 25 years as a parent, through the PTA, in many classified positions, and currently as the School Office Manager at the largest elementary school in the district.

Throughout her career, Mrs. Jenkins has exemplified professional service to parents, students, and staff. Not only does she expertly manage the school's office, but she is a mentor to others and her high standards of service are an example for other classified employees in the school district.

Mrs. Jenkins also consistently brings out the best in each and every student. She listens to them read, encourages to them to be better classmates, and even helps students carefully place their first lost tooth in a special container. It's clear to everyone she encounters that Mrs. Jenkins is a sensitive and caring confidant to all.

In addition to being a consummate office manager, Mrs. Jenkins serves as the CSEA President. In this role, she has motivated others to serve in CSEA and built the capacity of the organization so it can continue to ensure the success of every student in the school district.

According to her school principal, Linda Reed, and her many supportive colleagues at the Westminster School District, Mrs. Jenkins is a positive person that has a great sense of humor, and always encourages everyone to be the best they can be.

Mr. Speaker, I know my colleagues will join me in congratulating Mrs. Jenkins on this award and thank her for her humble service and dedication to ensuring that our children receive a rich and rewarding education.

HONORING THE MORRIS COUNTY
LIBRARY ON THEIR 90TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Morris County Library located in the Township of Whippany, Morris County, New Jersey who are celebrating their 90th anniversary.

The staff of the Morris County Library (MCL), through their dedicated hard work, has made the library a vibrant source of pride and activity for the local community. Following the passage of a bill in 1921 by the New Jersey Legislature to establish county libraries, the Morris County Library was formed in 1921 by a public vote. With over 10,000 books catalogued and a new book car to help their books reach the public, the library opened its doors in Morristown in 1922 to serve Morris County.

The MCL continued to grow in its early years and by 1927 established a children's book section, which by the end of the year, saw every book in circulation checked out. The MCL also opened its resources to the local community with donations of books to the State Hospital at Morris Plains, Civilian Conservation Corps and the Morris County Jail. The MCL played a significant role in our nation's defense during World War II by becoming a federal depository for government publications, as well as boasting a large collection of books on U.S. defense.

The MCL grew with the times, instituting an automated book catalog and circulation system in 1970 and a completely computerized catalog in 1987. This growth meant that a new building was required to contain the resources and accommodate the future growth of this Morris County institution. An architectural plan for a new library was unveiled in 1991 and by 2001 the new Morris County Library building in Whippany was dedicated. The new library contained group study rooms and public meeting rooms which instantly received high demand from the public. Their computer rooms also were capable of hosting training courses on a wide variety of subjects.

Today, the Morris County Library serves 487,000 people with their collection of over 247,000 books and sees 521,000 borrows per year. In 2011 alone, their reference desk answered 63,815 questions, several for my office! The meeting rooms of the library have also seen significant use hosting thousands of meetings a year. The MCL continues to partner with community organizations such as the AARP, Carol G. Simon Cancer Center and the U.S. Veteran's Administration. The MCL has seen a number of awards during its history, including the NJ Library Association Swartzburg Preservation Award and Librarian of the Year from the New York Times.

The significant resources held in the library and these community partnerships would not be possible if not for the commitment shown by the staff of the Library. Their work on behalf of literacy and their community has made the Morris County Library a vital institution in Morris County and New Jersey.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the staff of the Morris County Library as they celebrate their 90th anniversary.

HEALTH CARE COST REDUCTION
ACT OF 2012**HON. CHRISTOPHER S. MURPHY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to recognize the value of the medical device industry in my State and our nation as a whole. This industry is working on some of the most exciting and cutting-edge technologies in the entire health care sector and has changed the lives of millions of Americans.

According to estimates, the medical device industry employs approximately 430,000 nationwide. My State is fortunate to have a vibrant medical device industry with nearly 8,000 individuals directly employed at companies, such as BD and Covidien. These companies also support approximately 12,000 more in-direct jobs in my home state. Beyond providing quality, high-paying jobs, these businesses are responsible corporate citizens who are trying to enhance the communities where they are located and the people who live there. For example, employees at BD's plant in Canaan, Connecticut—which recently celebrated its 50th anniversary—have served as mentors to the Housatonic Valley Regional High School and have contributed generously to the United Way and other local charities. In line with a growing body of evidence on the positive impact bariatric surgery can have on diabetics, Covidien has worked with American Diabetes Association to fund new research on this potentially life-changing procedure.

Unfortunately, when the House recently considered the Health Care Cost Reduction Act of 2012 (H.R. 436), the majority included an offset that, according to the Joint Committee on Taxation, would result in 350,000 fewer Americans receiving health care coverage. As part of the Affordable Care Act, the Federal Government is set to provide millions of Americans with premium tax credits for the purchase of health insurance. This will not only increase rates of coverage but will also lead to lower overall health costs since more people are insured. The offset that was included in H.R. 436, known as the "true-up" provision, would have subjected these individuals to large repayment amounts if for some reason their income levels increased from the time that they were actually receiving coverage to the time they filed their taxes the following year. This could come as a result of the individual or spouse starting a new job or returning to work after school. While I could not support this legislation, I understand the need to reduce the medical device industry's burden in paying for health care reform.

Mr. Speaker, I believe that we can all agree that to maintain our position as the world leader in biotechnology, the United States needs to foster innovation and growth within our health care industries. I am proud that I represent a number of those companies and hope that we will find bipartisan solutions to create an environment where they will continue to succeed and develop new breakthrough therapies.

IN TRIBUTE TO DR. DONALD
ZIMRING**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Dr. Donald Zimring, who is retiring from the Las Virgenes Unified School District in Calabasas, California, to become head of school for Brandeis Hillel schools in San Francisco and San Rafael.

I have known Don since I served on the Simi Valley City Council and he covered the meetings as a journalist. Fortunately, he found a more respectable line of work when he joined the Las Virgenes School District as its public information officer in 1979.

From there, Don became a middle school teacher, school principal, assistant superintendent of business services, deputy superintendent, and finally superintendent on July 2, 2007.

He is credited with bringing the first Spanish immersion program to the district, instituting a community service requirement for graduation, increasing technology in the classroom, adding high school performance arts centers, and renovating and expanding Lindero Canyon Middle School, where he began his teaching career.

Although Don left the classroom early in his career, he never left the kids. For 35 years, he has taken a group of eighth graders to Washington, D.C., over spring break. Don believes very deeply that students should know firsthand how their government works.

That belief stems from an earlier career before the call to teaching caught up with him. Don traveled the world as an administrative coordinator for the Los Angeles World Affairs Council and had a front-row seat to the decision-making processes of Secretaries of State, presidents, princes and kings.

But it was education that became his life. Don credits Bernard Cohen, his seventh- and eighth-grade teacher at Walter Reed Junior High in North Hollywood, for sparking his interest in teaching.

"Most kids get one teacher who ignited that spark and made learning exciting," Don told a local paper when he was named superintendent. "There wasn't one person who didn't respect him and look up to him. I thought that was cool."

Mr. Speaker, I'm sure many a Las Virgenes student has looked up to Dr. Donald Zimring and thought he was cool, too. I am equally sure my colleagues join me in thanking Don for his 37 years of professional service to Las Virgenes Unified School District and in wishing him the best in his new role at Brandeis Hillel.

IN RECOGNITION OF THE CITY OF
BURLINGAME'S ADOPTION OF B
COMPANY, 1ST BATTALION, 327TH
INFANTRY REGIMENT, 1ST BRIGADE,
101ST AIRBORNE DIVISION**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the city of Burlingame for its adoption in 2007 of B Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division.

In 1967 a soldier in Vietnam named Sgt. Joe Artavia wrote a letter to his sister, Linda Patterson, asking her to convince the city of San Mateo to adopt his company. He thought an adoption would lift troop morale "as high as the sky." Patterson rallied the community to support her brother and his comrades. Within three months the San Mateo City Council passed a resolution to adopt the company.

Tragically, Artavia was killed three weeks later rescuing a fellow soldier, and the people of San Mateo joined together in mourning. Artavia's death solidified San Mateo's commitment to its adopted company and, in fact, in 1972 San Mateo was the only city in the United States to hold an official homecoming parade honoring Vietnam veterans.

Working with Patterson, the city of Burlingame adopted its own company of the 101st Airborne Division in 2003. Since that time the city has continuously supported B Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division, visiting them in peacetime, establishing pen-pals and sending care packages.

In a few months Burlingame's adopted company will be re-deployed for another tour in Afghanistan. In commemoration of the 40th anniversary of the original welcoming-home parade, a new parade and festival will be held to honor past and present soldiers of the 1st Brigade Combat Team, 101st Airborne Division (Air Assault).

Mr. Speaker, I ask that the House of Representatives join me in honoring the city of Burlingame for supporting B Company, 1st Battalion, 327th Infantry Regiment, 1st Brigade, 101st Airborne Division and its brave men and women who fill its ranks, especially those who gave their lives for our freedom.

OUR UNCONSCIONABLE NATIONAL
DEBT**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,777,954,587,181.97. We've added \$5,151,077,538,268.89 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1788, the Constitution of the United States went into effect when New Hampshire became the ninth state to ratify it. The Constitution, which strove to form a more perfect Union and promote the general Welfare, is being crushed by the weight of our national debt.

25TH ANNIVERSARY OF THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION (NATCA)

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the 25th anniversary of the National Air Traffic Controllers Association (NATCA).

Since its establishment in 1987, NATCA has been a fierce advocate for its members and has been a strong proponent for aviation jobs, continuously working for improved working conditions and opportunities in the field for over 20,000 controllers, engineers and other safety professionals.

It is no easy task to manage the most complex airspace system in the world, but with diligent professionalism and outstanding quality, NATCA has been working for a quarter of a century to keep us all protected. It is because of their unwavering commitment to aviation safety that over 700 million passengers a year arrive safely at their destinations.

I congratulate all the professionals at NATCA for their 25 years of hard work. We look forward to many more years of safety in the skies.

IN RECOGNITION OF THE GIRL SCOUTS HEART OF CENTRAL CALIFORNIA AND THE 100TH ANNIVERSARY OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Girl Scouts Heart of Central California and the Girl Scouts of the United States of America as they celebrate their 100th anniversary. As Girl Scouts across the country and those in Sacramento gather to celebrate this remarkable milestone, I ask all my colleagues to join me in honoring the Girl Scouts' important role nationally and in the Sacramento community.

The Girl Scouts began under the guidance of Juliette Gordon Low who founded the organization with a handful of girls seeking new experiences and opportunities in their communities. Over the last century they have grown to a membership of over 3.2 million girls and adults, including nearly 29,000 girls and 11,000 adult volunteers in Sacramento and Central California.

Over the last one hundred years, the Girl Scouts of the United States of America has

provided many services to their scouts' communities and to this country. During World War I, the Girl Scouts sold war bonds to help fund the war effort; the Great Depression saw them running food drives and volunteering in hospitals; they grew Victory Gardens during World War II; they supported the civil rights movement in the 1960s; and after the terrorist attacks on September 11, 2001, they reached out to a shaken America with special services to the community and for first responders.

With the help of parent volunteers and other adults giving their time and effort to the organization, the Girl Scouts have been able to grow and continue their legacy as a resource for our daughters, nieces, and granddaughters. They cultivate service, character, appreciation for diversity, and confidence in young girls, fostering new generations of female leaders. The Girl Scouts Heart of Central California provides programs that include activities encouraging girls to explore careers in the STEM fields—science, technology, engineering and math; an outreach program for girls in underserved rural and urban areas; and a Latino initiative reaching out to encourage first-generation Spanish-speaking women to serve as Girl Scout leaders.

Mr. Speaker, I am honored to pay tribute to the Girl Scouts Heart of Central California and the Girl Scouts of the United States of America on its 100th anniversary. I am confident that the Girl Scouts will continue to affect positive change and help inspire girls across the nation. I ask all my colleagues to join me in honoring the Girl Scouts of the United States of America and their outstanding service to our country.

ZACHARY NIELSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Zachary Nielson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Zachary Nielson is an 8th grader at Moore Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Zachary Nielson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Zachary Nielson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

CONGRATULATING THE UNIVERSITY OF WASHINGTON HUSKIES MEN'S CREW TEAM ON WINNING THE 110TH INTERCOLLEGIATE ROWING ASSOCIATION CHAMPIONSHIPS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to congratulate the University of Washington Men's Crew Team for winning the 110th Intercollegiate Rowing Association Championships (IRAs) on June 2, 2012.

From the moment that they began their grueling training, the University of Washington Huskies exemplified sportsmanship, athleticism and perseverance. Their discipline was rewarded when the Huskies won all five events at the IRAs—the first time in IRA history that a single program has swept five races. This victory marks the first time in more than 70 years that the Huskies have won consecutive national titles, and it finishes a season where the Huskies won every race in which they competed.

The Men's Varsity Eight—Sam Ojserkis, Dusan Milovanovic, Alex Bunkers, Ryan Schroeder, Mijo Rudelj, Sebastian Peter, Sam Dommer, A.J. Brooks, and Robert Munn—easily surpassed the standing record for the IRA championship. In fact, every Husky boat also set a championship record on their way to victory.

As we celebrate the long tradition of crew at the University of Washington, I want to commend Coach Michael Callahan, and all of the talented athletes of the Husky Men's Varsity Crew Team for their truly historic season. I wish them continued success in the future.

HONORING MAUREEN WIGGINS SHOEMAKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor an advocate of literacy and research communications, Mrs. Maureen Wiggins Shoemaker.

Mrs. Shoemaker was born in Sumner, Mississippi. She attended R. H. Bearden Elementary School (formerly West District High School), and graduated from West Tallahatchie High School in 1974. She has received degrees from Coahoma Jr. College, Jackson State University, and also received a Master's in Elementary Education from Mississippi Valley University.

Mrs. Shoemaker's passion for literacy led her to continue her studies in Library Science at Southern University in Louisiana. Mrs. Shoemaker has served R. H. Bearden Elementary School and West Tallahatchie High School faithfully through her efforts to renovate and improve the technology sustainability in both libraries.

Mrs. Shoemaker has been an asset to the West Tallahatchie School District, due to her

ability to recognize and address the dire needs of the students in the Tallahatchie School District. In addition, she has remained active in her community working with the Tallahatchie County Correctional Facility and Supporting Partnerships to Assure Ready Kids of Mississippi (SPARK). Through these partnerships, Mrs. Shoemaker has been able to spread her passion for literacy among supporters of all ages.

Mr. Speaker, I ask our colleagues to join me in recognizing Mrs. Maureen Wiggins Shoemaker for her continued efforts to support literacy in the State of Mississippi.

TRIBUTE TO RONALD BLOCKER

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida and myself, I rise now to offer tribute to the career and success of my friend, Mr. Ronald Blocker, who served as the Superintendent for Orange County Public Schools for the past 12 years. A visionary and scholar, Mr. Ronald Blocker is a true leader of the Central Florida Community, and the great State of Florida.

We are encouraged by Mr. Blocker's accomplishments while serving as the superintendent since July 2000; it was under his leadership that the graduation rate in Orange County, Florida, is at the highest level it has ever been with the dropout rate at the lowest. A man dedicated to education, Ronald Blocker earned degrees in educational leadership and counselor education from the University of Florida. He worked as a school psychologist and principal. As the district's first black superintendent, Mr. Blocker made a name for himself and in 2011 he was named Florida Superintendent of the Year by the Florida Association of District Superintendents.

Mr. Blocker has received many accolades and honors including the John M. Tiedtke Lifetime Achievement Award from United Arts of Central Florida; he was named the District Reading Leader of the Year by the Florida Department of Education's Just Read, Florida! Division; named the Florida Art Education Association's Superintendent of the Year; and received the Florida Superintendent's Award for Volunteer/Community Involvement. Recipient of the Chairman's Award from the Metro Orlando Economic Development Commission, Mr. Blocker has made a lasting contribution to the economy of Orange County. His influence in the Central Florida community has not gone unnoticed either; he was ranked eight on a list of the 50 most powerful people in Central Florida and among the top 25 most powerful by a panel of community leaders.

He served as the President of the Florida Association of District School Superintendents; a member of the American Association of School Administrators; Florida Association of School Administrators, and the Council of Great City Schools.

Described as an "advocate of children", and "a teacher's superintendent", Mr. Blocker was

able to build new schools, and replace and upgrade 128 older facilities. With 33 new schools opened under his guidance and 62 replaced or restored, Mr. Blocker reduced overcrowding and removed 1,000 portable classrooms and raised the Orange County School District to an "A" Rating 3 years in a row.

Recently by virtue of Orange County and the School Board, he has been honored with the renaming of the Orange County Public School building to the "Ronald Blocker Educational Leadership Center." Mr. Blocker has worked to ensure healthy revenue that will continue to preserve the quality of education that the Third Congressional District and Central Florida Community deserves and needs, with his high expectations for employees and students. Mr. Blocker's theme of "One Vision, One Voice," is a message we can all truly stand by.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. SCHILLING. Mr. Speaker, on Monday, June 18, 2012, I attended a visitation in the 17th District of Illinois and was unable to cast my vote for rollcall Nos. 379 and 380.

Had I been present, I would have voted "yea" on the bill by Senator MIKE LEE, S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah, which passed by an overwhelming bipartisan vote of 383-3.

I would also have voted "yea" on the bill by Senator CARL LEVIN, S. 404, to provide for the conveyance of certain parcels of land to the town of Alta, Utah, which also passed by an overwhelmingly bipartisan vote of 380-0.

HONORING THE 125TH ANNIVERSARY OF THE CHARTERING OF THE BOROUGH OF SOUDERTON

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. DENT. Mr. Speaker, I rise today to honor the 125th Anniversary of the chartering of the borough of Souderton, Pennsylvania and to pay tribute to the many contributions its inhabitants have made to the cultural fabric of eastern Pennsylvania.

Chartered in 1887, Souderton's rich history actually began when the first inhabitants, the Lenni-Lenape or the Delaware Indians settled the area. They were some of the first native peoples to come in contact with Europeans in the early 1600's. The land that today comprises Souderton was originally purchased by William Penn from the Lenape. The first wave of European settlers were Welsh immigrants who gave Souderton the name of Welshtown. They were followed by German Mennonites in the early 1700's and by 1750 they would occupy most of the land. Some claim Souderton got its name from one of its early settlers,

Henry O. Souder, but in fact the North Penn railroad company gave the location its name in 1863 to differentiate between the borough and the village of Soudersburg in Lancaster County.

While established as primarily an agricultural community, the railroad's arrival in 1857 encouraged rapid growth in the community. Textile and cigar factories brought prosperity and new populations to the borough. The borough's initial bank, Univest Corp. of Pennsylvania, was established in 1876 and remains an active and vital part of the community today.

When it was chartered as a borough in 1877, Souderton had a population of 600 people. In 1879, the first church in the community, the Souderton Mennonite Meetinghouse, opened on Christmas Day, and the first school in Souderton opened its doors that following year. The population had tripled by 1910. Citizens were able to access the nearby bustling city of Philadelphia via railroad on the North Penn lines, while the nearby community of Perkasio was connected by the Liberty Bell Trolley service. The first automobile arrived in town on May 1st, 1903, and residents soon began enjoying pleasant rides down Main Street, formerly known as Possum Lane. The borough's population doubled again by 1940. Following World War II, the demand for expensive labor in the textile industry declined but the community remained vibrant. Today, Souderton is mostly a quiet, family-oriented residential community.

To commemorate their 125th Anniversary, Souderton borough is hosting a year-long celebration that has included a community clean up day, a parade and fireworks show, historical trolley tours, and a memorial picnic.

Mr. Speaker, I ask that my colleagues join me today in recognizing the 125th Anniversary of the Borough of Souderton, Pennsylvania.

IN HONOR OF MR. BLAISE J. DURANTE, DEPUTY ASSISTANT SECRETARY FOR ACQUISITION INTEGRATION, OFFICE OF THE ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. YOUNG of Florida. Mr. Speaker, on the occasion of his retirement, I want to take this opportunity to honor Mr. Blaise J. Durante for his 45 years of dedicated service to our country. In his most recent assignment, he served as the Deputy Assistant Secretary for Acquisition Integration, in the Office of the Assistant Secretary of the Air Force for Acquisition. In this role, Mr. Durante oversaw the integration of Air Force research, development and acquisition budget formulation and execution, and directed streamlined management team activities, including acquisition reform and reduction in total ownership cost efforts. Mr. Durante directed the development of acquisition policy and served as the Chief Financial Officer for the Air Force modernization accounts, managing all acquisition reporting systems along

with the Air Force's international research, development and analysis programs. In over four decades of active duty military and civil service, he has held numerous director positions, leading both Air Force acquisition plans and policy, and joint service programs. Mr. Durante retired from the Air Force at the rank of Colonel in May 1992 after 25 years of active duty and was appointed to the Senior Executive Service in 1992. A native of Everett, Massachusetts, Mr. Durante began his career in the Air Force in 1966 after receiving his commission through the Officer Training School and graduating from Northeastern University. His active duty career included assignments to the Air Force Aero Propulsion Laboratory, Air Force Systems Command, Electronic Systems Command, and Headquarters, United States Air Force.

Success has followed Mr. Durante throughout his career, and he is known as the Air Force's premier troubleshooter for acquisition challenges. As just one example, when the Department of Defense cancelled the Tri-Service Standoff Attack Missile program in 1995 and the contractor subsequently filed a \$1.3 billion contractor claim, the Air Force hand-picked Mr. Durante to lead a tiger team that aided the General Counsel's office in eventually reaching an extremely favorable \$58.5 million settlement.

Mr. Durante has held his most recent post since 1994, during which time he has had a significant impact on Air Force acquisition processes and execution. His Directorate was responsible for integrating the Air Force's \$40 billion annual Air Force modernization budget, which accounted for nearly 30 percent of the total Air Force budget. In this role, he monitored performance of the Air Force's 400 plus program portfolio to achieve maximum efficiency for limited funding. In fiscal year 2011 alone, he executed over 255 actions valued at \$2.195 billion to fully fund priorities and support our ongoing Overseas Contingency Operations.

For over four decades, Mr. Durante has been a passionate advocate for the development of a professional and competent acquisition force. Countless leaders today call him, "Mentor". He partnered with the Defense Acquisition University to better train program managers and led his team to develop a comprehensive Career Field Education and Training Plan that provided a roadmap for our young men and women to develop into the knowledgeable leaders of tomorrow. In 2008, he correctly identified a significant gap in leadership training for entry and intermediate level program office personnel, and launched the Acquisition Leadership Challenge Program. Since its inception, this program has graduated over 4000 Air Force acquisition leaders, and provided them with critical leadership training previously only available to senior managers. As further evidence of his dedication to professional development, Mr. Durante is a founding member of the Aerospace and Defense Advisory Board for the College of Business Administration at the University of Tennessee. He has since inspired the creation of the nation's only Executive Master of Business Administration program designed for aerospace and defense professionals, and sponsored over 48 military and civilian Airmen for this unique program.

Mr. Durante is also known for his dedicated championing of continuous process improvement (otherwise known as CPI). Over the past few years, he served as lead for several initiatives under the Secretary of the Air Force's "Acquisition Improvement Plan" and "CPI 2.0". He successfully filled civilian acquisition vacancies across the Air Force, increased civilian and military authorizations, balanced the mix of General Officers and Senior Executives, and provided 30 percent more training opportunities for acquisition personnel. To stabilize the acquisition budget and instill financial discipline in acquisition programs, Mr. Durante directed a significant increase in cost estimating confidence levels and established realistic baselines for cost, schedule and performance. He directed the analysis of contractor overhead rates and tied contractor profits directly to their performance. He worked directly with a number of industry partners to refine accounting and reporting processes to improve accuracy and reduce long-term costs to the government. Under CPI 2.0, he also simplified cumbersome bureaucracy and reduced oversight to provide acquisition programs more stability.

Finally, Mr. Speaker, I would like to draw your attention to Mr. Durante's dedication to success in our overseas conflicts. He personally drove the creation of the Iraqi and Afghan Transportation Networks as a method of advancing Counterinsurgency Operations, while minimizing the exposure of our troops to roadside bombs. This unique endeavor established a consortium of tribally owned and operated transportation companies that collectively provide secure, dependable transportation services throughout hostile territories. This method was used in both Iraq and Afghanistan, and the program is estimated to have taken 3.5 soldiers and 2.5 gun vehicles off the road for every 10 Network trucks in service. This is truly an amazing success and deserves proper recognition.

Mr. Speaker, Mr. Durante leaves a legacy of integrity, innovation, and dedication to those who serve. I ask that my colleagues join me in expressing our sincere appreciation to Mr. Durante for his outstanding service to this great Nation and the United States Air Force. His exemplary character and selfless service have resulted in a career of which he and his family can be very proud. I wish them the very best as they face new challenges in the coming years. Mr. Durante consistently conducted himself in a professional manner, which brought great credit upon himself and the United States Air Force. I know my fellow Members of the Senate will join me in thanking him for his commitment to this Nation and in wishing him all the best in the future.

TOBYHANNA ARMY DEPOT

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Tobyhanna Army Depot, which will celebrate its 100th anniversary on June 23, 2012.

In the summer of 1912, the Army arrived in Tobyhanna, PA and established a temporary

artillery training camp under Major Charles P. Summerall, Commander of the 3rd Field Artillery at Fort Myer, Virginia. Based on the camp's success, Congress authorized the Army to purchase land to create a permanent camp in 1913. Since then, it has been a military testing facility, a prisoner-of-war camp, and, since 1953, an Army facility that repairs communications equipment for all branches of the military.

Today, Tobyhanna Army Depot is the largest full-service electronics maintenance facility in the U.S. Department of Defense. With a regional economic impact of an estimated \$4.4 billion and more than 5,400 employees, Tobyhanna Army Depot is Northeastern Pennsylvania's largest employer. Its presence alone creates 19,300 regional jobs. In addition, Tobyhanna Army Depot employs an additional 300 personnel who permanently work at "forward repair activities," supporting our military personnel around the globe.

Tobyhanna Army Depot is the Department of Defense's recognized leader in the areas of automated test equipment, systems integration and downsizing of electronics systems. The Army has designated Tobyhanna as its Center of Industrial and Technical Excellence for Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR), and Electronics, Avionics and Missile Guidance and Control. The Air Force has designated Tobyhanna as its Technical Source of Repair for command, control, communications, and intelligence systems.

Mr. Speaker, for the last 100 years, the Tobyhanna Army Depot has been an incredible asset for Northeastern Pennsylvania and the United States. Therefore, I commend all those personnel—military and civilian—who have faithfully served our community and our country while stationed at the Tobyhanna Army Depot.

A TRIBUTE TO THE LIFE OF RUTH KISAKO KAMEI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Ruth Kisako Kamei, a 50 year resident of Mountain View, California, who died at the age of 91. She was a loving wife, a devoted mother, a doting grandmother, a beloved sister, and a community leader.

Ruth Kamei was born in Mayfield, California, on September 20, 1920 to Niro Nishimoto and Kisaye Murakami. She was a graduate of Fremont High School in Sunnyvale, California. Before World War II, Ruth met and married her husband of 70 years, Kenzo. During the war, Ruth was interned in Heart Mountain, Wyoming where she worked in the camp cafeteria. Once the war was over, Ruth and Kenzo settled in Mountain View, California and founded Kamei Nursery, specializing in cut flowers.

Ruth was a very active member of the Mountain View Buddhist Temple, participating in the Buddhist Women's Association and a member of the original Temple Choir. She was also a member of the Ikenobo School of

Ikebana. She also enjoyed gardening, Japanese cooking and needlework.

Ruth is survived by her husband, Kenzo, her sister Mary Sasaki, her son Kenneth, and daughters Eileen and husband Robert Eng, Judy and husband Steve Inamori, grandchildren Ami, Ellen and Jonathan Kamei, Emily Eng Holbrook, Laura Eng Dardenger and Julia Eng, Bradley, Gregory and Kathryn Inamori, and numerous nieces and nephews. She was preceded in death by her brother Yoshio Nishimoto, and sisters Nobuko Kurotori and Grace Kashima.

Mr. Speaker, I ask my colleagues to join me in celebrating the life and accomplishments of Ruth Kamei and offering our deepest condolences to her family.

IN RECOGNITION OF THE 1ST BRIGADE COMBAT TEAM, 101ST AIRBORNE DIVISION (AIR ASSAULT)

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the 1st Brigade Combat Team, 101st Airborne Division (Air Assault), also known as the Bastogne Brigade Combat Team. This brief recitation of the history of these soldiers barely does them justice.

The Bastogne Brigade Combat Team fought in World War I and it was the first American expeditionary force to penetrate the Hindenburg Line, a vast system of defenses built by the Germans in northeastern France. Among many historic contributions during World War II, the Bastogne Brigade Combat Team played a vital role in Operation Overlord in 1944, the largest seaborne invasion in history. Later that year, they were part of the airborne invasion of Holland and secured control of supply routes and bridges in the German-occupied Netherlands.

In 1964, the 1st Brigade Combat Team, 101st Airborne Division was deployed to Vietnam and participated in more than 40 combat operations and fought for seven consecutive years without respite.

In 1991, they again played a vital role as part of the largest helicopter air-assault mission in military history during Operation Desert Storm. They have since taken part in peacekeeping operations throughout the world. In Iraq, they played a central role in Operation Iraqi Freedom, and in 2007, they were sent to the city of Tikrit, a safe haven for terrorist organizations.

In 2010 they were deployed to some of the most violent territories in Afghanistan and successfully carried out missions that prevented insurgents from carrying out violent acts against civilians and military targets. The soldiers of the Bastogne Brigade Combat Team will soon be re-deployed to Afghanistan where they will continue performing with valor, risking their lives to help make our own country more secure. Many of them will be on the front lines, doing foot patrols, creating security and interacting with Afghan civilians.

Mr. Speaker, I ask that the House of Representatives join me in honoring the brave sol-

diers of the 1st Brigade Combat Team, 101st Airborne Division (Air Assault), especially those who gave their lives for our freedom.

IN RECOGNITION OF DR. RAY BRASWELL, SUPERINTENDENT OF THE DENTON INDEPENDENT SCHOOL DISTRICT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BURGESS. Mr. Speaker, today I rise to recognize the leadership of Dr. Ray Braswell as Superintendent of the Denton Independent School District (DISD) for the last 14 years. After 33 years of distinguished service with Denton ISD, he is retiring.

Dr. Braswell has led the transformation of Denton ISD from a small school system to a large district with progressive and dynamic instructional programs. The population of the district more than doubled and has also added 20 schools and four other facilities.

Braswell was named one of the Top Five Superintendents in Texas in 2003 and 2009. During his tenure as superintendent, accountability test scores have improved every year and Denton ISD has twice attained the prestigious recognized status from the Texas Education Agency. One of Dr. Braswell's proudest accomplishments was the opening of the Advanced Technology Complex for the juniors and seniors of Denton ISD in 2006. This complex has afforded over 3,000 students the opportunity to attain certifications, technical skills, and credit for college level courses in such varied fields as health occupations, media technology and cosmetology.

In 1979, Dr. Braswell began his long career with the Denton ISD. He served as an interim superintendent and associate superintendent before being named superintendent in 1998. Dr. Braswell had been the executive director for policy, planning and evaluation, executive director of research and development and director of secondary education. He also served as associate principal and assistant principal at Denton High School. Dr. Braswell's sincere compassion and strong rapport with his staff and students has helped him build and maintain strong partnerships within the district.

On behalf of the Denton Independent School District, faculty members, students, family and friends, I would like to congratulate Dr. Ray Braswell on his many years of public service, his accomplishments, and his commitment to Denton ISD. I am honored to represent Denton ISD and the 26th District in the U.S. House of Representatives.

TRIBUTE TO JOHN SCHATZ

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community

of Orange County, California are exceptional. Orange County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent to make their communities a better place to live and work. John Schatz is one of these individuals. On Friday, June 29, 2012, Schatz will end his tenure as the General Manager of the Santa Margarita Water District (SMWD) after 35 years of service to the community.

Schatz graduated from the University of Redlands with a Bachelor of Science Degree in Business Administration and received a Juris Doctor from Western State University College of Law in Fullerton in 1989. In 1998 Schatz was appointed by the State Legislature to the Commission on Local Governance for the 21st Century. From 2000 to 2004, he served as an instructor on "Water Policy in Southern California" at the University of California at Irvine. He was also a member of Association of California Water Agency's State Legislative Committee for several years.

Prior to becoming General Manager of Santa Margarita Water District, Schatz was the General Manager of Jurupa Community Services District (JCSD) in western Riverside County from 1984 to 1994. Before joining JCSD, he worked in a variety of positions, including Administrative Manager, for the Rancho California Water District in Temecula from 1977 to 1984.

At SMWD, Schatz established a culture of efficiency. Among his accomplishments were doubling the number of connections while reducing staffing from 163 to 122 employees by emphasizing cross-training and expanding the use of technology. During his tenure, Schatz helped keep SMWD's services affordable by holding the line on rate increases while finding cost-saving solutions. In the last 15 years, the District has raised rates only twice and decreased its rates six times. It has reaped an additional \$1 million in annual revenues and saved ratepayers \$6.9 million. Under Mr. Schatz's leadership, SMWD recently partnered with four other water agencies to complete the \$54 million Upper Chiquita Reservoir, creating the largest domestic water reservoir built in south Orange County in 45 years while helping to preserve the county's open space.

In light of all John Schatz has done for the community of Orange County, it is only fitting that he be honored for his many years of dedicated service. John Schatz's tireless passion for conservation and public service has contributed immensely to the betterment of our community and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

EMPOWERING LOCAL PARTNERS TO PREVENT TERRORISM ACT OF 2012

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. CLARKE of New York. Mr. Speaker, this bill, the Empowering Local Partners To

Prevent Terrorism Act of 2012, is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

IN HONOR OF MRS. CAROLYN
HENRY OF THOMASVILLE, GEORGIA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor to extend my personal congratulations to Mrs. Carolyn Henry, a beloved citizen of Thomasville, Georgia, who will be celebrating her 31st year as the Minister of Music and 51st year as a member of the First Missionary Baptist Church in Thomasville, Georgia. On June 23, 2012, Mrs. Henry's relatives, friends, colleagues and church family will pay tribute to her for her outstanding musical stewardship and years of dedicated service at First Missionary Baptist Church.

Mrs. Henry is a graduate of Fort Valley State University where she received her bachelor's degree in Music Education. Following her graduation from Fort Valley State University, Mrs. Henry enrolled in Valdosta State University where she would receive her master's degree in Music Education. She attended the University of Georgia for advanced studies in Vocal Pedagogy and received training in Choral Conducting from renowned conductors Rodney Eichenberger and Dr. Andre Thomas of Florida State University.

As an advocate for quality education and sound musical training for our nation's school children, Mrs. Henry served as a public school music teacher for 37 years in both Thomas County and Berrien County, Georgia. Over the course of her teaching career, Mrs. Henry also served as the Director of the Community Choir at Thomas University and as an Adjunct Music Instructor at Georgia Southwestern University.

To go along with her many academic and music education accomplishments, Mrs. Henry has received acclaim as a vocalist and music administrator. She is an original member of the world renowned Georgia Mass Choir and she was selected as one of the choir members to perform in the movie, "The Preacher's Wife," starring Whitney Houston and Denzel Washington.

Currently, Mrs. Henry is the Founder and Artistic Director of the C.H.A.R.M. School, a private music studio for voice and piano students in Thomasville, Georgia. This studio serves as a preeminent training center for future musicians and artist performers. In conjunction with her musical commitments at the C.H.A.R.M. School and at First Missionary Baptist Church, Mrs. Henry also serves as the Music Director of Bethany Congregational Church in Thomasville, Georgia.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mrs. Carolyn Henry, a beloved educator, magnificent vocalist and outstanding role model, as she and her loved ones celebrate her many years of musical achievement and dedicated community service on behalf of First Missionary Baptist Church and the Thomas County, Georgia community.

Enjoy your anniversary celebration Mrs. Henry. May God continue to bless you and may you have many, many more years of musical excellence.

HONORING RICKY DIXON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a remarkable gentleman, Ricky Dixon. He was born April 7, 1994, in Greenville, Mississippi. He is the proud son of Ms. Hevonne Dixon and Mr. Collis Grisby.

Ricky's mother has truly been an inspiration to him. While raising Ricky, she obtained her college degree while also working a full time job. It was this example that inspired Ricky to always strive for greatness regardless of his circumstances.

Ricky is very competitive and a high academic achiever; his test score on the Algebra I state exam for the State of Mississippi subject area test ranked him in the top ten percentile among high school students in the State of Mississippi. The following year he was inducted into the National Honor Society.

In 2010, Ricky began his junior year in high school at Rosa Fort High School. During this time, he had the privilege of traveling to Washington, DC, to attend the Al Neuharth Free Spirit Journalism Conference. This experience broadened Ricky's knowledge and opened his eyes to what the world has to offer in terms of career opportunities. However, although Ricky knows that his education can offer him opportunities around the country, he wants to return to Rosa Fort and teach Algebra I so other students can go anywhere and be successful.

Mr. Speaker, I ask our colleagues to join me in recognizing Mr. Ricky Dixon as the Salutatorian of Rosa Fort High School's Class of 2012.

RECOGNITION OF THE 70TH ANNIVERSARY OF THE EVACUATION AND INTERNMENT OF JAPANESE AMERICANS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2012

Ms. SPEIER. Mr. Speaker, I rise to commemorate the 70th Anniversary of the evacu-

ation and internment of Japanese-Americans during World War II.

The philosopher George Santayana once said: "Those who cannot remember the past are condemned to repeat it." Yet, during wartime, our nation repeatedly sacrifices civil liberties to appease unwarranted fears. As the United States fought against tyranny abroad, our government detained American citizens of Japanese descent, solely because of their race.

In 1942 Franklin Delano Roosevelt signed Executive Order 9066, calling for the exclusion and internment of all Japanese Americans on the West Coast. Kiyo Yoshimura was one of the people interned. In 1942 government officials ordered Yoshimura and her family to board a bus, without telling them where it would take them.

They arrived at Tanforan, a horse stable, where they would live for about six months before being shipped off to a more permanent internment camp in Utah. At Tanforan they lived behind barbed wire, smelling the manure from the horses that had previously inhabited the same space. They were denied the dignity of privacy as they bathed or used the bathroom in public latrines. They were treated like enemies of the state and debased like animals.

The United States government interned 8,000 families at Tanforan, and 120,000 people of Japanese ancestry were sent to internment camps along the Pacific Coast. These Japanese-Americans were hardworking, law-abiding people. Some of them served in the military and fought in Europe.

Most Japanese Americans chose to remain silent about their experiences at internment camps, but it had a lasting impact on them. The government took their homes and their possessions. They had to find new jobs, build new communities and pick up the pieces of their broken lives.

In 1988 Ronald Reagan signed legislation apologizing for the internment of Japanese Americans. The law stated that government actions were based on race, prejudice, war hysteria and a failure of political leadership. Japanese Americans received reparations.

Mr. Speaker, I ask that the House of Representatives join me in commemorating the internment of Japanese Americans during World War II. During this dark period of our nation's history fear eclipsed freedom and as national leaders, it is our duty to ensure that this never happens again.

HOUSE OF REPRESENTATIVES—Monday, June 25, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Aaron Damiani, Church of the Resurrection, Washington, D.C., offered the following prayer:

Almighty God, we thank You for establishing the vocation of public service. On behalf of the men and women of this body, we ask for Your grace to carry out their work without partiality. May they exercise their authority with wisdom, so that our country may be governed in the way of peace.

Grant each Member of Congress a concern for a rightly ordered public life, so that justice may roll down like waters, and righteousness like an ever-flowing stream. Strengthen the bonds of trust among the elected officials gathered here, and the ones serving throughout this great land. May honesty and goodwill define their common labor.

O God, our help in ages past, do not let our country be overcome by evil, but let us overcome evil with good. In the name of the Father and the Son and the Holy Spirit, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 21, 2012 at 5:46 p.m.:

That the Senate passed H.R. 33.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: I am writing to inform you that I am taking a leave of absence from the House Armed Services Committee, effective immediately.

Should you have any questions or concerns, please contact my Chief of Staff, Ms. Tara Oursler.

Sincerely,
C.A. DUTCH RUPPERSBERGER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 26, 2012, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6575. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Horse Protection Act; Requiring Horse Industry Organizations To Assess and Enforce Minimum Penalties for Violations [Docket No.: APHIS-2011-0030] (RIN: 0579-AD43) received June 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6576. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York [Docket No.: APHIS-2012-0003] received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6577. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerance; Technical Amendment [EPA-HQ-OPP-2006-0848; FRL-9351-5] received June 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6578. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Title 41 Positive Law Codification-Further Implementation (DFARS Case 2012-D003) (RIN: 0750-AH55) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6579. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractors Performing Private Security Functions (DFARS Case 2011-D023) (RIN: 0750-AH28) received July 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6580. A letter from the Director, Department of Defense, transmitting the Department's twenty-second annual report for the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

6581. A letter from the Under Secretary, Department of Defense, transmitting certification that the EP-3E Airborne Reconnaissance Integrated Electronic System and the Special Projects Aircraft platforms meet all current requirements; to the Committee on Armed Services.

6582. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 112th National Convention of the Veterans of Foreign Wars of the United States, held in San Antonio, Texas, August 28 — September 1, 2011, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 112—115); to the Committee on Veterans' Affairs and ordered to be printed.

6583. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations (Fremont County, Colorado et al.) [Docket ID: FEMA-2012-0003] received May 29, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6584. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (Township of Annville, Lebanon County, Pennsylvania, et al) [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8231] received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6585. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standard for Portable Bed Rails: Final Rule [CPSC Docket No.: CPSC-2011-0019] received May 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6586. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Requirements for Consumer Registration of Durable Infant or Toddler Products received May 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6587. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Standard for All-Terrain Vehicles [CPSC Docket No.: CPSC-2011-0047] received May 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6588. A letter from the Secretaries, Department of Agriculture and Department of Health and Human Services, transmitting Report to Congress on Thefts, Losses, or Releases of Select Agents and Toxins For Calendar Year 2011; to the Committee on Energy and Commerce.

6589. A letter from the Secretary, Department of Energy, transmitting Management of Nuclear Construction Projects that Exceed \$1 Billion: Impact on Nuclear Safety Culture; to the Committee on Energy and Commerce.

6590. A letter from the Associate General Counsel for Legislation, and Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Residential Dishwashers [Docket Number: EERE-2011-BT-STD-0060] (RIN: 1940-AC64) received May 30, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6591. A letter from the Secretary, Department of Health and Human Services, transmitting the second progress report of the implementation of Section 3507 of the Patient Protection and Affordable Care Act of 2010; to the Committee on Energy and Commerce.

6592. A letter from the Secretary, Department of Health and Human Services, transmitting sixth quarterly report on Progress Toward Promulgating Final Regulations for the Menu and Vending Machine Labeling Provisions of the Patient Protection and Affordable Care Act of 2010; to the Committee on Energy and Commerce.

6593. A letter from the Secretary, Department of Health and Human Services, transmitting the annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2012; to the Committee on Energy and Commerce.

6594. A letter from the Director, Regulations Policy and Management Staff, Depart-

ment of Health and Human Services, transmitting the Department's final rule — Amendments to Sterility Test Requirements for Biological Products; Correction [Docket No.: FDA-2011-N-0080] (RIN: 0910-AG16) received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6595. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Consumer Products and AIM Rules [EPA-R05-OAR-2010-0394; FRL-9663-1] received June 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6596. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regional Haze: Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans [EPA-HQ-OAR-2011-0729; FRL-9672-9] (RIN: 2060-AR05) received June 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6597. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2012-0236; FRL-9670-8] received June 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6598. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Monitoring the Effectiveness of Maintenance At Nuclear Power Plants Regulatory Guide 1.160 received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6599. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 9, 2011; to the Committee on Foreign Affairs.

6600. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2012 through March 31, 2012; to the Committee on Foreign Affairs.

6601. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the Western Balkans is to continue in effect beyond June 26, 2012, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112—118); to the Committee on Foreign Affairs and ordered to be printed.

6602. A letter from the Administrator, Agency for International Development, transmitting the Agency's semiannual report from the office of the Inspector General for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6603. A letter from the Presiding Governor, Broadcasting Board of Governors, transmitting the Board's semiannual report from the office of the Inspector General for the period

October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6604. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6605. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6606. A letter from the Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General for the period of October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6607. A letter from the Sr. VP and Chief Financial Officer, Potomac Electric Power Company, transmitting the Balance Sheet of Potomac Electric Power Company as of December 31, 2011, pursuant to D.C. Code Ann. 34-1113 (2001); to the Committee on Oversight and Government Reform.

6608. A letter from the Deputy Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Production Measurement Documents Incorporated by Reference; Correction [Docket ID: BSEE-2012-0003] (RIN: 1014-AA01) received May 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6609. A letter from the Clerk of the House of Representatives, transmitting annual compilation of financial disclosure statements of the members of the Office of Congressional Ethics, pursuant to Rule XXVI, clause 3, of the House Rules; (H. Doc. No. 112—116); to the Committee on Rules and ordered to be printed.

6610. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives; (H. Doc. No. 112—117); to the Committee on Rules and ordered to be printed.

6611. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance Traumatic Injury Protection Program — Genitourinary Losses (RIN: 2900-AO20) received May 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6612. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials From Peru (RIN: 1515-AD89) received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6613. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning the extension of waiver authority for Turkmenistan, pursuant to Public Law 93-618, section 402(d)(1) and 409; to the Committee on Ways and Means.

6614. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Ruling: Discharge of Partnership Excess Nonrecourse Indebtedness (Rev. Rul. 2012-14) received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6615. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Interim Guidance on Modification of Section 833 Treatment of Certain Health Organizations [Notice 2012-37] received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6616. A letter from the Secretary, Department of Energy, transmitting Naval Petroleum Reserves Annual Report of Operations for Fiscal Year 2011; jointly to the Committees on Armed Services and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Following report was filed on June 22, 2012]

Mr. ISSA: Recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform (Rept. 112-546). Referred to the House Calendar.

[Submitted June 25, 2012]

Mr. MILLER of Florida: Committee on Veterans' Affairs. Third Quarter Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112-547). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4018. A bill to improve the Public Safety Officers' Benefits Program; with an amendment (Rept. 112-548). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4223. A bill to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes; with an amendment (Rept. 112-549). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H.R. 6017. A bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands; to the Committee on Financial Services.

By Mr. CLEAVER (for himself, Mr. CLAY, Mr. CARNAHAN, Mrs. HARTZLER, and Mr. LUETKEMEYER):

H. Res. 701. A resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and the Nation; to the Committee on Natural Resources.

By Mr. CLEAVER (for himself, Mr. CLAY, Mr. CARNAHAN, Mrs. HARTZLER, and Mr. LUETKEMEYER):

H. Res. 702. A resolution recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PEARCE:

H.R. 6017.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution of the United States grants Congress the power to enact this law.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. GRIFFITH of Virginia, Mr. COOPER, and Mrs. BLACKBURN.

H.R. 181: Mr. ROONEY and Mr. TONKO.
H.R. 186: Mrs. EMERSON.
H.R. 1063: Mr. DENT and Mr. CROWLEY.
H.R. 1325: Mr. McDERMOTT.
H.R. 1332: Mrs. EMERSON.
H.R. 1489: Mr. FALCONE.
H.R. 2077: Mr. SENSENBRENNER and Mr. PETRI.
H.R. 2267: Mrs. McMORRIS RODGERS.
H.R. 2775: Mr. CLEAVER.
H.R. 2861: Ms. SCHAKOWSKY.
H.R. 2978: Mr. SCALISE.
H.R. 3352: Mr. LOEBACK.
H.R. 3861: Mr. CAMP, Mr. CLARKE of Michigan, and Mr. HUIZENGA of Michigan.
H.R. 4018: Mr. HINCHAY.
H.R. 4066: Mr. WALDEN.
H.R. 4070: Mr. MICA.
H.R. 4124: Mr. HINCHAY.
H.R. 4367: Mr. McHENRY, Mr. SMITH of Nebraska, Mr. ROYCE, Mr. PETRI, Mr. SHIMKUS, Ms. CHU, and Mr. SENSENBRENNER.
H.R. 5707: Mr. BLUMENAUER.
H.R. 5738: Mr. KILDEE.
H.R. 5893: Mr. KING of New York.
H.R. 5942: Mrs. BLACKBURN.
H.R. 5953: Mr. GOSAR and Mr. ALEXANDER.
H. Res. 623: Mr. DOLD, Mr. SCOTT of South Carolina, and Mr. TIPTON.
H. Res. 693: Mr. KUCINICH and Ms. WASSERMAN SCHULTZ.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5972

OFFERED BY: MR. NADLER

AMENDMENT No. 1: Page 71, line 19, after the dollar amount insert "(reduced by \$2,000,000)".

Page 72, line 20, after the dollar amount insert "(reduced by \$2,000,000)".

Page 88, line 23, after the dollar amount insert "(increased by \$2,000,000)".

H.R. 5972

OFFERED BY: MR. NADLER

AMENDMENT No. 2: Page 75, line 7, after the dollar amount, insert "(increased by \$257,000,000)".

Page 75, line 14, after the dollar amount, insert "(increased by \$257,000,000)".

Page 104, line 12, after the dollar amount, insert "(reduced by \$71,500,000)".

Page 104, line 13, after the dollar amount, insert "(reduced by \$71,500,000)".

Page 110, line 9, after the dollar amount, insert "(reduced by \$135,500,000)".

Page 111, line 21, after the dollar amount, insert "(reduced by \$50,000,000)".

SENATE—Monday, June 25, 2012

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, we are overwhelmed by Your majesty and grateful for Your indescribable love. But we are also overwhelmed by our inadequacies, our failures, and our sins. Lord, forgive us for the misusing of the talents and abilities You have given us. Help us to cut through our preoccupation with ourselves and become more fully involved in fulfilling Your purposes.

Today, set the hearts of our Senators upon new paths as they acknowledge that no true peace is possible outside of Your will. Guide them to produce creative legislation that will fulfill Your will on Earth.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are now considering the motion to proceed to

the flood insurance bill postcloture. We will begin consideration of that bill today. At 5:30, there will be a cloture vote on the motion to concur in the House message with respect to S. 3187, which is the Food and Drug Administration bill. This is an extremely important bill. Work has been completed on that. We should be OK tonight and have that as something we look to as having accomplished this week.

We also need to complete work on student loans, flood insurance, and transportation this week. We have lots to do and a very short time to do it.

IMMIGRATION REFORM

Mr. REID. Mr. President, today the Supreme Court correctly struck down the vast majority of the mean-spirited Arizona law; that is, of course, the immigration law. While I agree with the Court's decision to invalidate three troubling provisions of Arizona's flawed law, there are actually four provisions. Three were declared unconstitutional, one was upheld.

I am concerned about the section they upheld. I am surprised they did, but they did. The Justices upheld a measure that allows police to conduct immigration checks on anyone they suspect of being in the country illegally, even if their only evidence is an accent or maybe the color of their skin.

Allowing Arizona to keep its "papers please" system of immigration checks invites racial profiling. It gives Arizona officials free rein to detain anyone they suspect of being in Arizona without documentation.

As long as this provision remains, innocent American citizens are in danger of being detained by police unless they carry immigration papers with them at all times. However, it is reassuring that the Court left the door open to further court challenges of this unsound provision. I say to the Presiding Officer and to anyone within the sound of my voice, someone with my skin color or yours, I do not think we are going to be carrying our immigration papers with us everywhere we go.

But if someone is in Arizona and speaks with a little bit of an accent or their skin color is brown, they better have their papers with them. That is unfortunate. It is reassuring that the Court, though, left the door open to further court challenges of this very unsound provision. I am optimistic that once that portion of the law is implemented, it will be discarded.

Laws that legalize discrimination are not compatible with laws and tradi-

tions of equal rights. So it is disturbing that Mitt Romney has called the unconstitutional Arizona law a model for immigration reform. Anyone who thinks such an unconstitutional law should serve as a model for national reform is clearly outside the mainstream.

The U.S. Supreme Court agreed with that today. Today's partial victory affirms the Obama administration was right to challenge this awful law, and it is a reminder that the ultimate responsibility for fixing our Nation's broken immigration system rests with Congress.

Instead of allowing 50 States to have 50 different enforcement mechanisms, we need a national solution that continues to secure the border, punishes unscrupulous employers that exploit immigrants and undercut American wages, improves our dysfunctional legal immigration system, and requires the 11 million people who are undocumented to register with the government, pay fines and taxes, learn English, work, stay out of trouble, and go to the end of the line to legalize their status.

Democrats are ready for this challenge. We have been willing to craft a commonsense legal solution for a long time, one that is fair, tough, and practical. As I have indicated, we have been ready to do this for years. We have tried on a few occasions. The problem now and has been, Republicans will not vote for immigration reform—simple as that. We have tried.

The first step would be to pass the DREAM Act, which would create a pathway to citizenship for children brought to the country through no fault of their own. If upstanding young people stay out of trouble, work hard in high school, they should have a chance to serve their country in the military, go to college, and work toward citizenship.

Unfortunately, Mitt Romney said he would veto that, the DREAM Act. President Obama, on the other hand, took decisive action in halting deportation of the DREAMers. His directive will protect 800,000 young people and focus law enforcement resources where they belong, on deporting criminals.

As we all know, though, this is not a permanent solution. But President Obama's decision to defer these deportations was necessary precisely because Republicans have so far refused to work with Democrats on a solution. Congress must consider a long-term resolution to protect the DREAMers and tackle comprehensive immigration

reform that addresses all 11 million undocumented people living in this country.

But that will take cooperation from my Republican colleagues. That has not been forthcoming. This week, we have a lot to accomplish, and getting it all done before the July 4 holiday will also take cooperation. By Friday, the Senate must pass flood insurance that will allow millions of Americans to close on new homes or new properties. We must send to the President a bill to ease drug shortages. That is the FDA bill. We need to protect 3 millions jobs with an agreement on transportation legislation, and the deadline to stop student loan rates from doubling for 7 million students looms at the end of this week as well.

I am putting my colleagues on notice that the Senate will stay as long as we have to, into the weekend if necessary, to complete this substantial workload. We hope there will be cooperation not only in this body but also in the House of Representatives. I alert everyone, we have a lot to do—extremely important pieces of legislation. We have to complete them before we leave this week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1940, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. GRASSLEY. Mr. President, since the victory of the Socialist candidate for the President of France, opponents of fiscal responsibility have found renewed vigor for their pro-spending ideology—more stimulus, as we might call it here in this country. There is interest in this country also in more fiscal stimulus.

The new French President talked about choosing growth over austerity.

Many liberal pundits and politicians on this side of the Atlantic have now begun to echo this call. When you put it that way, it barely sounds like a choice at all. The term “austerity” sounds so severe, but almost everybody agrees that economic growth is good.

Just what is this austerity all about? In Europe, “austerity” is often used to describe an attempt to reduce budget deficits by reining in unsustainable spending. In this country, we more often talk about fiscal responsibility. For Europeans who have grown accustomed to generous social benefits, even modest reforms to government programs are apparently cause to take to the streets and demonstrate. But for the millions of Americans who still believe in limited government and who do not feel entitled to programs or benefits paid for by the earnings of others, there is nothing austere about government spending within its means.

So then what about the other aspect of it—growth? The implication of the supposed choice between growth and austerity is that we must accept irresponsible levels of spending in order to have that economic growth. Obviously this is absurd. The politically convenient economic theory was summed up by Margaret Thatcher as, “The more you spend, the richer you get.” That doesn’t meet the commonsense test in the Midwest of America. It was the rationale behind President Obama’s massive \$800 billion stimulus bill. The bill looked suspiciously like a grab bag of pent-up Democratic spending priorities, but we were told that all of this spending was necessary to keep unemployment below 8 percent. Of course, as we all know, unemployment soon soared well above 8 percent and has never dipped below 8 percent now more than 3 years later.

I would say to all of those across the Atlantic in Europe calling for new stimulus spending: We tried it, and it didn’t work. Not only didn’t it work but it made things worse. All of that government spending crowded out private sector activity that would have helped the recovery and saddled our economy and our children with even more debt. Conversely, reining in government spending will unleash the power of free enterprise to create wealth and grow our economy in ways no government central planner can ever accomplish.

Despite the clear results of the most recent American experience with stimulus spending, liberal pundits are now blaming Europe’s current economic troubles on efforts to reduce government spending. They say that savage cuts by pro-austerity governments in countries such as Britain, France, and Spain have actually damaged their economies. So just how deep did these countries of Europe actually cut? Spain increased spending after the recession started, then implemented

some modest cuts but is still spending more than it did before the recession. Britain and France have continued to increase spending. So much for savage spending cuts. It defies common sense, but, as you know, in this town smaller increases in spending than previously planned can qualify somehow as a cut in spending. However, to most Americans, cutting spending actually means spending less than you were the year before. The fact that there have been no serious spending cuts in these supposedly pro-austerity countries is enough to dismiss the accusations that spending cuts are the cause of Europe’s current troubles.

But there is another part of the story that is too often ignored: Governments that talk about the need to reduce deficits but are too timid to enact necessary spending cuts invariably turn to tax increases. For instance, since the recession started, Britain has raised the top marginal income tax rate as well as increased the capital gains tax, the national insurance tax, and the value-added tax. Spain has enacted hikes in personal income tax and property taxes and seems to be planning even more taxes.

This year the Spanish Government is looking to address its deficit with a \$19.2 billion package of spending reductions paired with another \$16 billion worth of tax increases. Of course, to us here in the United States, that sounds a lot like what Democrats have been calling a balanced approach. And so it is—just like giving a patient an equal dose of medicine and poison would be a balanced approach. However, across Europe there has been a lot more emphasis on the poison of tax increases than on the medicine of spending cuts. In fact, while government spending across the entire European Union fell by just 2.6 billion euros between 2010 and 2011, taxes rose by a staggering 235 billion euros.

So while critics of austerity are flatout wrong to blame the largely mythical spending cuts for Europe’s economic troubles, they may have stumbled onto something. To the extent that austerity really means big tax increases rather than serious spending cuts, I think it identifies a big part of Europe’s fiscal and economic problems.

These facts notwithstanding, if I couldn’t point to an example where economic growth resulted from spending restraint, my arguments would ring hollow. I would sound like those radical intellectuals who still refuse to accept that Marxism has been totally discredited both morally and economically by claiming that it has never truly been tried. However, what I am talking about has been tried. There are plenty of examples of where bold leadership to dramatically rein in government spending has resulted in economic growth. There is actually a

prime example right in Europe and in the euro area—Estonia.

In response to the 2008 economic crisis, Estonia's free enterprise-oriented government focused on real spending cuts, including major structural reforms. Estonia cut private sector wages, raised the pension age, and reformed health benefits. When it comes to taxes, Estonia already had a low flat tax and didn't raise rates. While there was an increase in the value-added tax, the overwhelming emphasis was on spending cuts. As a result, the Estonian economy grew at 7.6 percent last year. And it happens that Estonia is the only country in the eurozone with an actual budget surplus, and the country has a national debt that is only 6 percent of GDP. Can you imagine that, a debt of only 6 percent of GDP?

Moreover, Estonia had an especially deep hole to climb out of. The Estonian economy was devastated by the global financial crisis. It contracted by 18 percent, which is more than Greece. Nevertheless, Estonia's economy is well on its way back to prerecession levels.

I should add that in response to the spending cuts, Estonians didn't riot in the streets. Instead, they reelected their government.

Also, while Estonia is the most impressive example, a similar story also holds true for the other Baltic countries of Latvia and Lithuania. Perhaps their unhappy experience of Soviet domination has made them extra skeptical of big government solutions to problems. It is possible that the unique history of the Baltic countries makes it easier for them to break the spending addiction, but that doesn't mean it can't be done here. In fact, I will give you an example that is much closer to home—Canada.

In the 1990s Canada was facing the same problem the United States is now. It suffered a recession and had a looming debt crisis. The Canadian Government's response was to dramatically cut spending. Again, I am not talking about slowing the rate of growth but actual spending cuts. In just 2 years, starting in 1995, total non-interest spending fell 10 percent. Canadian federal spending as a share of GDP dropped from 22 percent in 1995 to 15 percent 11 years later. Canada's federal debt was at 68 percent of GDP in 1995 and is down to just 34 percent today. Now a lesson for America: Compare that to our national debt, which is more than 70 percent of GDP. Like Estonia, the overwhelming emphasis in Canada was on spending cuts rather than tax increases.

Moreover, these cuts included structural reforms. Canada's Government fixed its version of Social Security, which is the third rail of American politics, as we say here. Unlike Social Security, the Canadian pension plan is solvent for the foreseeable future. What is really interesting is that these

reforms were not implemented by some rightwing ideologues; these reforms were all implemented by the Canadian Liberal Party, which is a center-left party like America's Democrats.

However, when President Bush suggested fixing Social Security upon his reelection, the issue was relentlessly demagogued by Democrats in Congress. More recently, when PAUL RYAN unveiled a plan to save Medicare, rather than present alternative ideas, liberal groups depicted him in political advertisements pushing grandmother off a cliff.

If our Democrats had shown the same leadership the Canadian Liberals did, we would be in a lot better economic shape right now. Instead, what we get from the other side of the aisle are demands for more stimulus spending and head-in-the-sand denial about the impending bankruptcy of Medicare and Social Security.

There are a lot of other examples where low taxes and spending restraint have led an economic recovery after a downturn. In fact, a 2009 paper by two Harvard economists, Alberto Alesina and Silvia Ardagna, reviewed 107 examples of fiscal adjustments in industrialized countries between 1970 and the year 2007. They found that, statistically, tax cuts are more likely to increase growth than spending. They also found that spending cuts without tax increases are more likely to reduce deficits and debt than increased taxes. The historical record is clear. We know what path leads to economic growth and prosperity. However, that is not an easy path to follow.

Unlike the "have your cake and eat it too" philosophy that says more government spending will somehow make us all richer, the real road to recovery requires real leadership and less spending.

Earlier in my comments I mentioned a statement by Margaret Thatcher's contempt for stimulus ideology. When she took office, Britain was in deep debt and known as "the sick man of Europe." In fact, Britain had been forced to go to the IMF for a bailout and was regularly rocked by massive strikes. In many ways it was the Greece of the 1970s. When Thatcher began making the difficult decisions necessary to rescue the British economy, many people, including some of her own party, pleaded for her to return to the big spending policies of previous British Governments. Her response is applicable to our country today as it was to Britain back then. I wish to quote Margaret Thatcher:

If spending money like water was the answer to our country's problems, we would have no problems now. If ever a nation has spent, spent, spent and spent again, ours has. Today that dream is over. All of that money has got us nowhere but it still has to come from somewhere. Those who urge us to relax the squeeze, to spend yet more money indiscriminately in the belief that it will help the

unemployed and the small businessman, are not being kind or compassionate or caring. They are not the friends of the unemployed or the small business. They are asking us to do again the very thing that caused the problem in the first place.

I leave with this proposition. Can Congress learn from the experiences of Estonia, Canada, and Britain's Thatcher? If we can, we can turn this U.S. economy around—and the economy and jobs are the issue of this Presidential campaign season.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. What is the pending business?

The ACTING PRESIDENT pro tempore. The motion to proceed to S. 1940.

Ms. MIKULSKI. Mr. President, I rise in support of voting for cloture on the bill and wish to speak for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Ms. MIKULSKI. Mr. President, we have just exchanged some parliamentary lingo to essentially say we are going to vote shortly to see if we can pass the Food and Drug Administration Safety and Innovation Act, and do it without a filibuster. I hope we can vote for cloture—not to muzzle, not to have a gag rule, but so we can move expeditiously on this bill.

Every single Member here should be proud of what we have accomplished in this FDA Safety and Innovation Act. We have accomplished three major objectives: No. 1, if the legislation is passed—and it is a conference agreement between the House and the Senate—we will be able to move pharmaceuticals, biotech products, and medical devices into clinical practice faster while maintaining our ethical standards around public safety.

No. 2, we can demonstrate we can work together and we can govern. This is the result of the Senate working on both sides of the aisle. Now, with the House, through the conference report, we show we can work between the Senate and the House.

In this time of prickly politics and political posturing when more gets said than done, we can show we cannot only pass legislation but legislation that makes a difference in people's lives. We will also show we can do it in a way that we will not only have a regulatory framework but something in which the businesses cooperated so we will have regulation without strangulation. We

will have regulation that acts in the interest of public safety but does not stifle, shackle, or impede good business practices. Wow. Isn't this what we have been talking about?

I am very proud of having been a member of the Health, Education, Labor, and Pensions Committee that worked on this bill. I am also very proud of the fact that FDA is in my State. In a nutshell, we are passing something called PDUFA and other UFAs. PDUFA stands for the Prescription Drug User Fee Act. There will be others that we will talk about which relate to bio user fees and medical device user fees and generics.

This bill was originally enacted in 1992, and the reason for that was at that time there was an unduly long wait for patients to have access to new medicines and new medical devices. It often took close to 3 years to even review a drug application. So Congress went to work with then-President Bill Clinton to say where the pharmacy could agree that, first of all, they would pay user fees to support FDA's drug review program. It is a true public-private partnership. When we look at the funding for FDA, the people who make pharmaceuticals, biotech, and medical devices pay 60 percent of the FDA budget. That is \$712 million. The remainder comes from Federal appropriations—40 percent, which is \$473 million. So there is a partnership between those businesses that profit—and we want them to do so, without profiteering—and, at the same time, government pays its share.

Since 1992, this legislation has been an enormous success. More than 1,500 new medicines have been approved, including treatments for cancer, infectious disease, and cardiovascular disease. It has decreased review times from more than 3 years to 1 year and a few months now.

In order to make sure we had the right perspective, we not only held excellent hearings in the Senate, but I went out around my own State. I am so proud of my State. We are the home of life sciences. We have NIH there, which does incredible basic research. We actually have FDA, which reviews food safety and drug safety. At the same time, we are the home to a robust group of biotech companies. I wanted to listen to those biotech companies. When I went out, I said to them: Tell me how your government is helping you and tell me how your government is impeding you. Tell me where you want your government to get out of the way and where do you need a more muscular government. Well, we heard quite a bit from them. The first thing they told me is they need a Food and Drug Administration because when they are approved for public safety and efficacy in the United States of America, they can sell their products anywhere in the world. It often means

countries—small countries, countries of modest means with limited GDP that could never afford an FDA—know that if the United States of America says it is OK for their citizens, any other country in the world knows it is OK for theirs. So it is very good to be able to export these products with confidence and reliability. This is fantastic, in their minds.

Second, they said they needed more help from FDA not only to expedite but they wanted better communication.

They also needed to be able to incentivize development for those rare diseases we often hear about, where there are small markets but big investments to achieve in it. They outlined the fact that they needed to be viewed not in an adversarial way but a collaborative way. Well, thanks to business sitting down with FDA, and business sitting down with Members of Congress, we have been able to do exactly that. We have improved efficiency, predictability, the regulatory environment, and, at the same time, insisting on safety and efficacy.

This is going to be great for patients. Millions of Americans rely on drugs and biologics and on medical devices. If we are going to improve health care and rein in the cost of health care, we have to use drugs, biotech products, and medical devices that improve lives and extend lives.

If we fail to authorize this legislation, we are going to be in big trouble. How are we going to be in big trouble? Well, first of all, we will have to give notice to FDA that there are going to be layoffs. That means we would have to send out notices in July telling 4,000 people: Look, we know you are the best and the brightest and we want you to have integrity as well as regulatory sensibility and a great deal of scientific competence, but we couldn't get our act together so you are going to be laid off.

Hello. We want these people out there, helping America be able to provide health care in a way that is safe and efficacious.

Again, as I said, if we don't act, thousands of FDA people will be laid off. It is not about government. If those people are laid off, it means the review process for every single drug that is now in the pipeline will come to a halt. So we are hurting patients, thousands of people who need new drugs; new ways of helping them, whether it is for that dread C word—cancer—or diabetes, which takes so much of our national budget to manage chronic illness.

What about the breakthroughs on this epidemic of Alzheimer's we have or autism? We need all the help we can develop. If America is going to continue to be America the exceptional, we have to do an exceptionally good job of making sure we produce some of the newest and most reliable drugs, biotech, and medical devices.

This is why I think we have good legislation. Is it perfect? No. But is it pretty close to it for what business and government and providers—the doctors themselves—say we need? Absolutely.

I urge my colleagues today, when we vote on this motion to proceed on cloture to have in mind—whether a colleague is a Democrat or a Republican—that we don't make the perfect the enemy of the good; rather, we think of all those people to whom we talk every day. We talk to them at townhall meetings and out there with diners, and they say: You know, my little boy has leukemia; my mother has breast cancer; my dear father who stood up for me is facing the ravages of Alzheimer's. We need breakthroughs. We need help, then, for our private sector, so it can go global and create jobs in this country and well-being in other countries around the world. We have to be able to do it.

I am also pleased this bill combats drug shortages, improves the safety of the drug supply chain, and makes permanent those special considerations that require that children's needs are being met with both medical devices and prescriptions, either in terms of dosage or that a device actually fits them.

I wanted to come to the floor to lay this out. I am very proud of FDA, and I am very proud of the Congress, including Senator HARKIN and Senator ENZI, who pulled us together. We have the right legislative framework. Now let's act and do it in a way we can all be proud of.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. HARKIN. Mr. President, after many months of bipartisan negotiation, I have high hopes that the Senate will vote very shortly to invoke cloture on the House message to accompany the Food and Drug Administration Safety and Innovation Act of 2012.

I am pleased to report it is the product of excellent bipartisan collaboration on the Health, Education, Labor, and Pensions Committee, which I chair, and productive conversations with our colleagues in the House. The House passed the FDA Safety and Innovation Act unanimously last week. Now it is our turn to do our part. The backbone of this legislation is the user fee agreement that FDA has negotiated with industry.

I might just add this bill passed this Chamber about 3 weeks ago on a vote

of 96 to 1. So it has strong bipartisan support. A sizeable part of FDA's budget comes from user fees that industry agrees to pay to allow FDA to more quickly review product applications. We need to authorize FDA to implement those agreements if we want to keep FDA running at full steam, which is critical to preserving jobs at both the agency and in the industry and to ensuring that FDA has the resources to get safe medical products to patients quickly.

I want to be clear. These agreements affect all of us by helping to maintain and create jobs in our home States. For example, in my State of Iowa, these agreements will support our burgeoning bioscience sector which saw employment grow by 4.5 percent between 2007 and 2008. The implementation of these agreements will continue to foster biomedical innovation and job growth in all of our States.

The bill before us reauthorizes the prescription drug user fee agreement and the medical device user fee agreement, both commonly known as PDUFA and MDUFA, which will continue and improve the agency's ability to speed market access to prescription drugs and medical devices while ensuring patient safety.

I just might add that, again, uppermost, foremost, first is patient safety. That does not mean we cannot do things in a better manner, get products more readily available, speed up the process if we have the personnel and the equipment to do so. That is why this bill is so important. It provides that type of support so we can hire more people to make sure we get these products to patients quickly, but to make sure they are safe.

The bill also authorizes a new generic drug user fee agreement which is expected to slash review time to one-third of current levels, from 30 months to 10 months, drastically improving the speed with which generic products are made available to patients. The new generic user fee agreement will generate significant savings for patients and our health care system. In the last decade alone, from 2001 to 2010, the use of generic drugs saved the U.S. health care system more than \$931 billion. This agreement will ensure that we continue to see those savings and that patients have access to cheaper drugs when they need them.

This bill also authorizes a new biosimilars user fee agreement which will further spur innovation by the generic biologic industry. This chart shows again some of the savings we will get. The use of generic drugs has saved over \$931 billion over the last decade, \$158 billion just in 2010 alone. So we can see the better we are able to get generic drugs approved and in the pipeline—again, safely—the better off we are all going to be and more money that not only will we save as individ-

uals but our entire health care system will save. That is almost \$1 trillion over the last 10 years.

These agreements again, as I said, are vital to FDA's ability to do its job, vital to the stability of the medical products industry, and most importantly to the patients who are the primary beneficiaries of this longstanding and valuable collaboration between FDA and the industry.

After months of negotiation, FDA and the industry have crafted win-win agreements they stand behind. They are doing their job. Now it is time for us to do ours.

It is absolutely imperative that we authorize these user fee agreements before they expire. If we do not, FDA will lose 60 percent of its drug center budget and 20 percent of its device center budget. They will have to lay off nearly 2,000 employees. That is why it is so critical for us to do this at this time.

To be sure, the expiration does not happen until late this summer. But the FDA has told us if they do not get this reauthorization done, they will have to start sending out pink slips at the beginning of July. That is why it is so imperative for us to pass this legislation this week and send it to the President for his signature, so they will not have to go through that process of sending out pink slips.

But we can see how important this is. If this were to happen, it would have devastating consequences for patients whose health and lives depend on new medical treatments. We cannot let that happen. That is why for more than a year I worked closely with my colleague, the ranking member of the HELP Committee, Senator ENZI, and other members of the HELP Committee. Our aim has been to ensure that in addition to the user fee agreements, the other provisions in this legislation are also the product of consensus bipartisan policymaking.

We have used bipartisan working groups and an open, transparent process to ensure that we had input from our members and the stakeholder community at large throughout negotiations on the other titles of this bill. This is quite remarkable. We do not see much of it in this Congress these days. But we have had great cooperation from all members of our committee on both sides of the aisle.

This legislation has benefited greatly from all of the diverse input: from Senators, as I said, on both sides of the aisle, industry stakeholders, consumer groups, patient groups, and more recently from our colleagues in the House. The FDA Safety and Innovation Act is the result of concerted efforts to define our common interests, and these interests will directly benefit patients and the U.S. biomedical industry.

As you can see from this chart, the bill modernizes FDA's authority in several critical ways: It authorizes key

user fee agreements to ensure timely approval of medical products. It streamlines the device approval process. It modernizes FDA's global drug supply chain authority, which is so important. It spurs innovation and incentivizes drug development for life-threatening conditions. It reauthorizes and improves incentives for pediatric trials. It helps prevent and mitigate drug shortages, and it increases FDA's accountability and transparency. So it addresses the broad array of critical issues that we face in today's global economy.

It is imperative that our regulatory system keep pace with and adapt to technological and scientific advances and that patient protection remains strong in this era of dynamic change. Keeping pace with the ever-changing biomedical landscape is precisely the aim of the FDA Safety and Innovation Act. This bill injects greater transparency into the device approval process. It bolsters FDA's ability to help U.S. manufacturers create innovative and safe devices, while also enhancing FDA's ability to determine how the devices perform in the real world and takes appropriate measures to protect patients.

The bill also reauthorizes and improves incentives for pediatric trials. It creates incentives for the development of new antibiotics and authorizes new drug and device provisions to help expedite the approval of important life-saving drugs and devices without sacrificing safety.

In addition, the bill also helps address the national crisis prescription drug shortages. For the past several years, hospitals across the country and in my State of Iowa have experienced an increasing number of shortages of life-sustaining prescription drugs. These shortages directly threaten the public health by denying patients access to medications that are indispensable to their care. This bill requires all manufacturers of certain drugs to notify FDA if they expect a manufacturing disruption that could lead to a shortage because if FDA is aware of a potential shortage early, then the agency can work with manufacturers and providers to find other ways to get patients the drugs they need. This bill also addresses drug shortages by explicitly allowing FDA to expedite drug establishment inspections and application reviews when needed to help prevent or mitigate a shortage. It establishes an FDA drug shortage task force to develop a strategic plan to address drug shortages and to improve communication and outreach to stakeholders preparing for drug shortages.

Another significant advance in the bill is the much needed modernization of the FDA's authority to ensure the safety of drug products coming into the United States from abroad. This bill, No. 1, allows FDA to prioritize inspections of both domestic and foreign

firms based on the risk they present to patient safety. It requires importers to demonstrate that certain high-risk drugs are safe and compliant before they can be imported into the United States. It requires manufacturer accountability and oversight of the quality and compliance of their drug producers and suppliers. It enhances penalties for adulterating and counterfeiting drugs. It allows FDA to detain noncompliant drugs in U.S. commerce to prevent them from reaching patients. It permits FDA to destroy certain illegal drugs at the border instead of releasing them back into commerce. It clarifies FDA's authority to address criminal conduct that occurs abroad and threatens the safety of U.S. consumers.

An important point to remember about the importance of these safety provisions is that weaknesses in our pharmaceutical supply chain not only affect the health of American patients, they also affect the health of American businesses. U.S. companies that source and manufacture drugs in this country should not be placed at a competitive disadvantage by foreign firms that operate with less oversight and sell standard ingredients into this country at reduced prices. This bill will help ensure that businesses operate on a level playing field by holding foreign actors to the same high standards as those in the United States.

The last policy provision I will highlight is a mix of device and drug authorities that together can fairly be described as the most significant advance for patients of orphan and rare diseases since the Orphan Drug Act was passed nearly 30 years ago.

In addition to the significant resources that will be devoted to rare diseases under the prescription drug user fee agreement itself, this bill, No. 1, expands the accelerated approval pathway to therapies for rare and very rare diseases, and it instructs FDA to weigh the rarity of a disease as a factor in its approval process.

Next, it directs resources to promising therapies for unmet medical needs, which will receive the new "breakthrough" designation.

Next, it requires FDA to consult with outside experts on rare diseases.

Next, it focuses on pediatric rare diseases by requiring a strategic plan regarding pediatric rare diseases and creating a pilot program to incentivize new therapies for pediatric rare diseases.

Next, it helps make devices for rare diseases more available by modernizing provisions relating to custom devices and making it easier for companies to make profits on devices for rare disease.

Lastly, it reforms the conflict of interest rules for advisory committees to make it easier for the FDA to fill panels, which will have particular impact

regarding rare diseases because those panels are sometimes very hard to fill.

I am very proud of the advances this legislation represents for patients with orphan and rare diseases.

Not only does the bill support the biomedical industry and help patients get the medical products they need, it also reduces the deficit. According to the nonpartisan Congressional Budget Office, this legislation will reduce the budget deficit by more than \$311 million in the next decade. So what we have is not only good policy, but it is fiscally responsible by contributing to deficit reduction.

As I have said, well over a year of diligent, bipartisan work has gone into the legislation before us today. Neither Democrats nor Republicans got everything they wanted in this bill. We sought out consensus measures. Where we could not achieve consensus, we did not allow our differences to distract us from the critically important goal of producing a bill everyone could support. As a result, this is a true bipartisan bill, and it is broadly supported by the patient groups and industry. In fact, it has wide support from medical associations and also from consumer groups and manufacturers throughout the entire country—a broad base of support. In fact, it is unique because it has the full support of manufacturers, the pharmaceutical industry, the device manufacturers, the FDA itself, and patients groups—people concerned about patient safety, cost, and availability of drugs and devices. So it has a broad base of support.

The FDA Safety and Innovation Act before us, which we will be voting on in a little while, authorizes the important FDA user fee agreements, and it modernizes our regulatory system to ensure safety and to foster innovation in the medical product industry. Our bipartisan work has produced an excellent bill. We cannot allow unrelated partisan disagreements or Presidential-election-year politics to interfere or keep us from completing our job.

I will say it again. We must pass this vital legislation now. It is critically important to the agency, to the industry and, most importantly, to patients that we get this done. Let's come together, Democrats and Republicans, to pass this legislation. Let's have a resounding vote on cloture. Hopefully we won't have to use the 30 hours and we can get to passage of the bill very rapidly so that we can get it down to the President for his signature.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

INVOKING THE LEAHY-THURMOND RULE

Mr. LEE. Mr. President, I rise today to express my support for the minority leader's decision to invoke the longstanding Senate tradition, known as the Leahy-Thurmond rule. Pursuant to

this tradition and precedent, the Senate will cease confirming nominees to the Federal courts of appeals until after the Presidential election in November. Many of my colleagues from the other side of the aisle have previously affirmed the propriety of this rule and enforced its standard. For example, in the last year of the Bush administration, the majority leader noted that "in a Presidential election year, it is always very tough for judges. That is the way it has been for a long time, and that is why we have the Thurmond rule."

The chairman of the Judiciary Committee, who has cited the Thurmond rule more frequently than any other Senator, has likewise stated that "in a Presidential election year, after Spring, no judges go through except by the consent of the Republican and Democratic leaders."

Statements from several of my Democratic colleagues likewise confirm that it is proper to invoke the Leahy-Thurmond rule at this point in a Presidential election year. In 2008, for example, one of my colleagues on the Judiciary Committee argued that for Federal appeals court nominees, once "it comes to June . . . generally everything stops in an election year." Indeed, on June 12 of that same year, another Judiciary Committee colleague stated that the Senate was already "way past the time of the Thurmond rule."

History further confirms the propriety of invoking the Leahy-Thurmond rule at this time. It is extremely rare for the Senate to confirm an appeals court nominee after June of a Presidential election year. In fact, it has happened only once in almost two decades, when in 2000 the Republican-controlled Senate confirmed one of President Clinton's nominees. It is simply not true, as comments from some of my colleagues have implied, that in recent Presidential election years we have confirmed appellate court nominees in July, August, or September.

Moreover, this year we have already confirmed five of President Obama's Federal appeals court nominees. This, incidentally, is the same number of appeals court nominees the Senate confirmed in 2008, the most recent Presidential election year on record. In 2004 the Senate confirmed only four such nominees. Indeed, dating back over 100 years, from President William Howard Taft to President Obama, the Senate has confirmed an average of just four appeals court nominees during Presidential election years. This year we have already exceeded the historical average and confirmed five of President Obama's appeals court nominees. There is no reason to depart further from the historical norm and confirm additional nominees.

The suggestion by some that application of the Leahy-Thurmond rule somehow affects court vacancies deemed

“judicial emergencies” is false, and recklessly so. Of the four judicial emergencies on the Federal court of appeals, President Obama has nominated only one individual, and because that nomination was so recent, even absent the Leahy-Thurmond rule, that nominee would not be scheduled for a vote anytime soon.

I also remind my colleagues that Democrats enforced the Leahy-Thurmond rule in June 2008, during a time when there were twice as many judicial emergencies in the circuit courts as there are right now. Likewise, the overall vacancy rate on our circuit courts was much higher in June 2004 when President Bush was in the final year of his term. Yet Democrats did not hesitate to block several qualified appellate court nominees in the months leading up to the 2004 Presidential election.

Enforcement of the Leahy-Thurmond rule does not currently apply to district court nominees. This year the Senate has already confirmed 23 of President Obama’s district court nominees—many more than were confirmed during comparable years during the President Bush and Clinton Presidencies. And we will continue to confirm more qualified nominees. Application of the Leahy-Thurmond rule, beginning now, will thus not implicate any district court judicial emergencies.

The urgency for such vacancies lies not in the Senate, which to this day has acted responsibly on nominees, but with President Obama, who to this day has failed to nominate individuals for many of these seats.

There are, I add, other good reasons in addition to tradition and historical precedent to enforce the Leahy-Thurmond rule now rather than waiting longer to do so. Doing so now prevents a particular President from packing the courts at the end of his term by appointing influential, life-tenured appellate court judges whose service will span numerous other Presidential administrations.

The Leahy-Thurmond rule also ensures that Presidential politics during an election season will not overshadow or interfere with the Senate’s advice and consent role on such judicial nominees.

The last point bears special emphasis. The Constitution assigns to the Senate the right and the duty to advise and consent to the President’s judicial and executive branch nominees. It is essential for the Constitution’s separation of powers that the Senate protect its necessary and legitimate role in the nominations process against encroachment by the executive branch of government.

Earlier this year, we witnessed a troubling demonstration of what can happen when the President violates the Constitution’s separation of powers and tramples on the Senate’s rightful

prerogatives in the advise and consent process. On January 4, 2012, at a time when the Senate was conducting brief sessions approximately every 72 hours, President Obama nonetheless bypassed the Senate and unilaterally appointed four significant executive branch nominees. By asserting the power to make recess appointments, even when the Senate—according to its own rules—was not in recess, the President simply ignored the Senate’s legitimate constitutional right to advise and consent to nominees made by the President.

President Obama’s unconstitutional appointments cut to the very heart of our Constitution’s separation of powers and the institutional prerogatives that rightfully belong right here, in this body. Accordingly, since the time of those appointments, I have sought to protect the Senate’s interests by opposing President Obama’s judicial nominees. I have made clear I would do the same were a Republican President to make similarly unconstitutional appointments under the recess appointments clause.

As the chairman of the Senate Judiciary Committee noted at a recent Judiciary Committee hearing, I have stated my concern with President Obama’s unconstitutional recess appointments very clearly, but I have also been, in his words, extremely responsible in my opposition and have not hindered the work of the Senate. In light of President Obama’s unconstitutional appointments, it is all the more proper we invoke the Leahy-Thurmond rule now.

I agree with the ranking member of the Senate Judiciary Committee that we should have invoked that rule back in January, at the time of the unconstitutional appointments. By enforcing the Leahy-Thurmond rule now, we will demonstrate for the historical record the Senate did not acquiesce in President Obama’s unconstitutional recess appointments and, instead, took action to protect the Senate’s institutional prerogatives. When we have done so, I will again be in a position to vote in favor of qualified consensus District Court nominees.

But I will always remain vigilant in seeking to protect the Senate against unconstitutional encroachment by the executive branch. As Members of this body, we have an institutional responsibility to safeguard the Senate’s essential advise and consent role and to confirm only those nominees who are properly qualified to serve in the positions for which they have been rightfully nominated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ARIZONA IMMIGRATION DECISION

Mr. DURBIN. Mr. President, today, the U.S. Supreme Court announced its decision on S.B. 1070—the controversial Arizona immigration law. The Court—

including conservative Justices Anthony Kennedy and John Roberts—agreed with the Obama administration that a State cannot set up its own immigration enforcement system.

As a result, the Supreme Court struck down several parts of the Arizona law, including the provision that would have made it a crime in Arizona to be an undocumented immigrant and the provision that would have required legal immigrants to carry documents proving their legal status at all times.

The Supreme Court is right. States do not have the right, under the Constitution, to enact immigration laws that contradict Federal law. Many of my colleagues on the other side of the aisle strongly criticized the Obama administration for even challenging the Arizona immigration law. There was even an amendment offered to try to block the Justice Department from pursuing the litigation brought to the Supreme Court. Fortunately, the vast majority of Democrats, joined by two Republicans—Senators JOHANNES and Voinovich—blocked that amendment.

Now the Supreme Court—including Chief Justice Roberts and Justice Kennedy—has sided with the Obama administration in holding the vast majority of the Arizona law unconstitutional.

I am troubled the Supreme Court upheld one of the provisions in that law in Arizona—section 2(B)—which requires Arizona police officers to check the immigration status of suspected undocumented immigrants. But it is important to understand the Court’s decision on that section is a narrow one. The only question for the Court was whether that section—2(B)—was preempted by Federal immigration law. The Court said it is open to future challenges once the law goes into effect, and this provision may still be held unconstitutional, as the other provisions in the Arizona law.

According to law enforcement experts, section 2(B) is likely to encourage profiling, which would violate the Equal Protection Clause of the 14th amendment to the Constitution. Specifically, section 2(B) requires police officers to check the immigration status of any individual with whom they have lawful contact if they have “reasonable suspicion” the person is an undocumented immigrant.

What is the basis for a reasonable suspicion the person they pull over is, in fact, an undocumented immigrant? The guidance on the law issued in the State of Arizona says police officers should consider things such as how a person is dressed or their ability to communicate in English.

Earlier this year, I held a hearing on racial profiling in the Judiciary’s Subcommittee on the Constitution, Civil Rights and Human Rights. It was the first hearing on racial profiling since before 9/11. One of the witnesses at my

hearing was Ron Davis. He is the chief of police in East Palo Alto, CA, and Chief Davis, along with 16 other law enforcement officials and the Major Cities Chiefs of Police Association, filed a brief in the Arizona case. In their brief, the police chiefs say:

The statutory standard of "reasonable suspicion" of unlawful presence in the United States will as a practical matter produce a focus on minorities, and specifically Latinos.

Two former Arizona attorneys general, joined by 42 other former State attorneys general, filed an amicus brief in the Arizona case, and they said "application of the law requires racial profiling." I agree with these law enforcement experts. I am confident section 2(B) will eventually be struck down as the other provisions of the Arizona law were.

The Arizona law is the wrong approach for America. It is amazing to me how this Nation of immigrants, in which we are all part of the family, has struggled for so long to deal with the whole issue of immigration. I think it is wrong to treat people as criminals simply because of their immigration status, and it is not right to make criminals of people who literally go to work every day, cooking our food, cleaning our rooms, and caring for our children in day care centers or caring for our parents and grandparents in nursing homes.

Here is the reality: Treating immigrants as criminals will not help combat illegal immigration. Law enforcement doesn't have the time or the resources to prosecute and incarcerate every undocumented immigrant among the 10 million or 11 million in this country. Making undocumented immigrants into criminals simply drives them into the shadows. That is why the Arizona Association of Chiefs of Police opposes the Arizona law considered by the Court today. They say it will make it more difficult for them to make Arizona a safe place. Immigrants are less likely to cooperate with the police if they fear they are going to get arrested for even trying to help.

Instead of measures that harm law enforcement and promote racial profiling, such as the Arizona immigration law, we need practical solutions to fix a broken immigration system. That case was before the Supreme Court. The Court made its decision today because this body—the Senate and the House—have failed to accept their responsibility. We have a responsibility, if, in fact, immigration is a Federal issue, for a Federal response, and we failed.

The first step we should take in passing comprehensive immigration reform is to pass the DREAM Act—legislation that would allow a select group of immigrant students who grew up in this country to earn citizenship either by attending college or serving in the military.

Russell Pearce is the author of the Arizona immigration law. He had this to say about the DREAM Act:

The DREAM Act is one of the greatest legislative threats to America's sovereignty, national security and economic future.

I see it differently and so do many others, including GEN Colin Powell and former Defense Secretary Robert Gates. They support the DREAM Act because it would make America a stronger country by giving these talented immigrants the chance to serve in the military and contribute to the future of America.

The best way to understand the problems with the Arizona immigration law and the need for the DREAM Act and comprehensive immigration law is to hear the stories of some of the immigrant students who would be eligible for the DREAM Act. They call themselves DREAMers. Almost every week in the session I come to the floor of the Senate to tell the story of one of these young people. Over the years I have told stories of several DREAMers from the State of Arizona. Under the Arizona law, these young people would be targets for prosecution and incarceration. Under the DREAM Act, they would be future citizens who could make America and Arizona stronger.

Today, I wish to introduce one of them from Arizona. Her name is Angelica Hernandez. She was brought to Phoenix, AZ, when she was 9 years old. She started school in the fourth grade, and by the time she reached the sixth grade, Angelica no longer took English as a second language. She was proficient in the language of English.

At Carl Hayden High School in Phoenix, AZ, Angelica served in Junior ROTC and was president of the National Honor Society. She became a dedicated member of the school's robotics club, where she found her true love, engineering.

Angelica graduated from high school with a 4.5 GPA and in 2007 was named Outstanding Young Woman of the Year for district 7 in Phoenix. Last year, Angelica Hernandez graduated from Arizona State University—we can see her holding her graduation certificate—as the outstanding senior in the Mechanical Engineering Department, with a 4.1 GPA.

Under the Arizona immigration law, Angelica Hernandez would be a target for prosecution and incarceration. Under the DREAM Act, she would be a future citizen and engineer who could contribute her talents to making this a better country. What a choice: to take this woman, who has spent virtually her entire life, as she remembers it, in America, attending our schools, excelling in those schools, being acknowledged as one of the better students so her ambition takes her to a great university, Arizona State University, where she graduated at the top of her class in mechanical engineering and,

some would say, tell her now she must leave America, I think is wrong. Angelica Hernandez, and people like her, will make this a better country. Unlike the Arizona immigration law, the DREAM Act is a practical solution to a broken immigration system. The Arizona law would harm law enforcement and encourage profiling. The DREAM Act would make America stronger.

President Obama understands this. That is why he challenged the Arizona law, taking the case to the Supreme Court. That is why earlier this month I saluted the President for announcing his administration will no longer deport people, such as Angelica Hernandez, who would be eligible for the DREAM Act. I strongly support President Obama's courage and his decision. It is one of the most historic, humanitarian moments of our time. His decision will give these young immigrants the chance to finally come out of the shadows and be part of the only country they have ever called home. It was the right thing to do.

These students didn't make the decision to come to this country. Angelica was brought here at the age of 9, and it is not the American way to punish children for the wrongdoing of their parents. President Obama's new deportation policy will make America better by giving these talented immigrants the chance to contribute.

Studies have found DREAM Act students will literally boost the American economy during their working lives. This policy is also clearly legal. Throughout our history, the government has decided who to prosecute and who not to prosecute based on law enforcement priorities and availability resources. Past administrations of both political parties have used their authority to stop deportation of low-priority cases. The courts have recognized that.

Listen to what the Supreme Court said today in the Arizona immigration law case:

A principal feature of the removal system is the broad discretion exercised by immigration officials. . . . Discretion in the enforcement of immigration law embraces immediate human concerns.

The President's plan is smart and realistic. The Department of Homeland Security has to set priorities. It is not amnesty; it is simply a decision to focus limited government resources on those who have committed serious crimes and are a threat to public safety, not the DREAM Act students.

Compare President Obama's approach with the Presidential candidate from another party who said the Arizona law was a "model" for the rest of America. That other Presidential party candidate has promised that if he is elected President he will veto the DREAM Act. He has refused to say whether he

would even maintain or rescind President Obama's order banning the deportation of DREAM Act students. That is the wrong approach for America.

The administration's new policy on the DREAM Act is only temporary. I understand that. The burden is still on us in the Senate and the House to do something about the many thousands of students across America, just like this dynamic young lady in Arizona, who simply want a chance to be a part of America and its future. Our first step: Pass the DREAM Act. Do it and do it now.

Justice Kennedy wrote in his opinion today:

The history of the United States is in part made of the stories, talents, and lasting contributions of those who crossed oceans and deserts to come here.

Justice Kennedy is right. Congress should reform our immigration laws so we can once again welcome those who cross oceans and deserts to revitalize and strengthen this Nation of immigrants.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I came to the floor to discuss another issue. But since my friend from Illinois, with whom I share many of his comments, I have to comment. The fact is that the irony of the Supreme Court decision today said it is a Federal responsibility to ensure our borders and not the States' responsibility. The State of Arizona acted because the Federal Government wouldn't act, because our borders were broken, because the people in the southern part of our State were living in fear, because a rancher was killed by someone who had crossed our border illegally, because people are on mountaintops today guiding drug runners across our border into Arizona with drugs ending up in Phoenix, AZ, and distributed all over this Nation, \$887 million wasted on a contract for a virtual fence.

Coyotes bring these people across and then treat them in the most abominable fashion, where they are put into drop houses and kept in the worst kinds of conditions and held for ransom.

Because the Federal Government would not secure our borders, the State of Arizona believed they had to act because people in the southern part of our State and even other parts of our State were living in fear. They are living in fear because of the drug dealers who are coming across, because of the coyotes who are mistreating the people they were bringing.

Of course we want to address the issue of children who weren't born here. But we also have an obligation to have our borders secured. I repeat—today, I say to my friend from Illinois—there are people sitting on mountaintops hired by the drug cartels who

are guiding the drug runners across our borders and up to Phoenix. You can ask the DEA. These drugs are then distributed throughout the country from Phoenix, AZ. People are murdered, and the violence on the other side of the border threatens every day to spill over to our side of the border. So I hope, as a result of this decision, the administration will get serious about actually securing our border. Every expert agrees that because of the work that has been done in California and Texas it has funneled through the State of Arizona.

Have there been improvements? Of course there have been improvements. Is it still going on? As long as we have guides sitting on mountaintops guiding drug dealers, we haven't got a secure border. That is what the people of Arizona not only want but they also deserve.

By the way, Mitt Romney agrees that we have to address this issue in a comprehensive fashion as well as concern about the plight of the children who are brought here illegally. But I would also point out to my friend that part of the DREAM Act, as proposed by the Senator from Illinois, is 2 years' service in the military. We don't sign people up for 2 years. Average citizens, in order to get on a path to a green card and citizenship, sign up for 4 years. That is just one of the areas that need to be worked out.

So there will be a lot of conversation about this. But I believe people who live inside of our country—no matter whether it is in Arizona or Illinois—deserve the right to live in a safe environment. The people who live in the southern part of our State do not have that.

So I hope we can get our borders secure and we can move forward with comprehensive immigration.

By the way, then-Senator Obama was one of the key reasons it failed because he wanted to sunset the guest worker program. That is a fact, and you can look it up, I say to my friend from Illinois. Although it was killed by people on this side, it was also a broken promise on the part of then-Senator Obama who assured Senator Kennedy and me that he wouldn't vote for an amendment that would impair the progress of comprehensive reform at that time.

I look forward to having further discussions with the Senator from Illinois as we move forward—sooner or later—with comprehensive immigration reform, which is absolutely needed. But we also have to ensure the security of all of our citizens and stop the flow of drugs across our southern border, which is killing our young Americans.

By the way, I would say to the Senator from Illinois, the price of an ounce of cocaine on the streets of Chicago today is not one less penny higher than it was 10 years ago, which means we are not restricting the flow of drugs

coming into our country. As we all know, the majority of it comes across from our southern border.

Finally, I would remind my friend from Illinois that then-Senator Obama promised in the campaign of 2008 that immigration reform would be his first priority. The Senator had 60 votes over here and an overwhelming majority in the House of Representatives in the first 2 years of the Obama administration. I never saw a proposal come to the Senate for comprehensive immigration reform. Now, the DREAM Act did. Comprehensive immigration reform? No. That is what then-Senator Obama promised.

Mr. President, I ask unanimous consent for a colloquy between myself and the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Let me say, the Senator from Arizona is my friend, and there are many things we have worked on together, and I respect him very much. He knows, as I do, when the DREAM Act was called, we thought the introductory may be the easiest part of immigration reform. It was stopped by a Republican filibuster.

Mr. MCCAIN. I don't dispute that point, I say to my friend from Illinois. There was no comprehensive immigration reform proposal that came over from the White House or from the Democrats, as was promised by then-Senator Obama when running for the Presidency. That is a fact.

Mr. DURBIN. I would say to the Senator from Arizona, as part of this colloquy, we thought that would be the first step. We couldn't get past the first step because of the Republican filibuster.

Mr. MCCAIN. I wish that when then-Senator Obama was running for President he would have said: But first I am coming over with the DREAM Act. He didn't. He said: My first act will be comprehensive immigration reform.

I was invited over to the White House in 2009. We talked about comprehensive immigration reform and I said: I will await a proposal from the administration on comprehensive immigration reform. My phone never rang.

Mr. DURBIN. I say to the Senator from Arizona, perhaps the day will come in our lifetime when we can see that, and you and I can work on it together again as we once did before. I would look forward to that.

Mr. MCCAIN. I look forward to it, and I want to say there has been no more passionate advocate in the Senate than the Senator from Illinois. I respect him and admire him for his compassion and his concern about young people whose lives, as he very well described, need to have some kind of assurance for their future since it is clearly a compelling humanitarian situation. I thank my friend from Illinois.

HEALTH CARE RULING

Mr. President, later this week the Supreme Court will issue its ruling on the health care bill, designed and negotiated by the White House and rammed through Congress during President Obama's first year in office when the economy was near its weakest.

Instead of focusing on recovery and persistent unemployment, the President and the Democratic majorities controlling Congress squandered the opportunity and forced the unpopular and potentially unconstitutional legislation on the American people.

Today we are voting on final passage on the reconciled FDA user fee bill. During Senate consideration of this bill I offered an amendment to allow safe drug importation from legitimate Canadian pharmacies. But the pharmaceutical industry spread misleading and inaccurate information about the amendment, as they have done time and a time again. As I said then, there is no greater example of the influence of special interests on this body than the failure to enact an amendment that would have allowed drugs from legitimate Canadian pharmacies so people could purchase their much needed medication at sometimes half the cost of what it is in the United States of America. I am embarrassed to this day that nine of my Republican colleagues also voted against it.

I don't know if there was a sweetheart deal to protect PhRMA at the expense of American patients from the vote on my amendment. But we do know that PhRMA was protected by the White House and Senate Democrats from provisions they didn't like in ObamaCare only after they offered up advertising in exchange for more accommodating policies.

From a recent House Energy and Commerce Committee investigation, it is now confirmed that PhRMA orchestrated a grand deal with the White House and Senate Democrats to oppose importation and other policies. I might point out then-Senator Obama supported drug importation.

This is how the New York Times described the deal that was done in exchange for reportedly \$150 million in advertising to support ObamaCare, June 8, 2012:

After weeks of quiet talks, drug industry lobbyists were growing nervous. If they were to cut a deal with the White House on overhauling health care, they needed to be sure President Obama would stop a proposal by his liberal allies intended to bring down medicine prices.

On June 3, 2009, one of the lobbyists e-mailed Nancy-Ann DeParle, the president's top health care adviser. Ms. DeParle sent a message back reassuring the lobbyists. Although Mr. Obama was overseas, she wrote, she and other top officials had "made a decision, based on how constructive you guys have been, to oppose importation on the bill." Just like that, Mr. Obama's staff abandoned his support for the reimportation of prescription medicines at lower prices and

with it solidified a growing compact with an industry he had vilified on the campaign trail the year before.

A president who had promised to air negotiations on C-SPAN cut a closed-door deal with the powerful pharmaceutical lobby, signifying to some disillusioned liberal supporters a loss of innocence, or perhaps even the triumph of cynicism.

Still, what distinguishes the Obama-industry deal is that he had so strongly rejected that very sort of business as usual.

Ironically, candidate Obama sang a very different tune on the campaign trail in 2008:

You know, I don't want to learn how to play the game better. I want to put an end to the game playing.

Now, PhRMA is the lobbying group for the pharmaceutical industry. The New York Times article continued:

The e-mails, which the House committee obtained from PhRMA and other groups, document a tumultuous negotiation, at times transactional. . . .

In the end, the White House got the support it needed to pass its broader priority, but industry emerged satisfied as well. "We got a deal," wrote Bryant Hall, then senior vice president of the pharmaceutical group.

In July, the White House made clear that it wanted supportive ads using the same characters the industry used to defeat Mr. Clinton's proposal 15 years earlier. "Rahm asked for Harry and Louise ads thru third party," Mr. Hall wrote.

Talks came close to breaking down several times. In May, the White House was upset that the industry had not signed onto a joint statement. One industry official wrote that they should sign: "Rahm is already furious. The ire will be turned on us."

The e-mails also detail extensive and direct negotiations with PhRMA, its drug company members, the American Medical Association, AARP, the American Hospital Association, unions, and many more. Members of the alliance all participated because they thought they were getting something more valuable—revenue to their organization or membership because the Federal Government was going to force everyone into some form of government-designed health insurance coverage—than what they were going to have to spend on advertising to support the legislation. Some reports have the PhRMA advertising commitment as high as \$150 million, spread out through direct advertising in certain important States and among groups created to sound like they were looking out for patients or to tout the economic benefits of ObamaCare.

On June 11, 2012, the Wall Street Journal described the e-mails about the 2009 negotiations:

The joint venture was forged in secret in spring of 2009 amid an uneasy mix of menace and opportunism. The drug makers worried that health-care reform would revert to the liberal default of price controls and drug reimportation that Mr. Obama campaigned on, but they also understood that a new entitlement could be a windfall as taxpayers bought more of their products. . . .

Initially, the Obamateers and Senate Finance Chairman Max Baucus asked for \$100

billion, 90% of it from mandatory "rebates" through the Medicare prescription drug benefit like those that are imposed in Medicaid. The drug makers wheedled them down to \$80 billion by offsetting cost-sharing for seniors on Medicare, in an explicit quid pro quo for protection against such rebates and re-importation.

"Terms were reached in June. . . lead PhRMA negotiator Bryant Hall wrote on June 12 that Mr. Obama "knows personally about our deal and is pushing no agenda."

But Energy and Commerce Chairman Henry Waxman then announced that he was pocketing PhRMA's concessions and demanding more, including re-importation. We wrote about the double-cross in a July 16, 2009 editorial called "Big Pharma Gets Played," noting that Mr. Tauzin's "corporate clients and their shareholders may soon pay for his attempt to get cozy with ObamaCare."

Mr. Hall forwarded the piece to Ms. DeParle with the subject line, "This sucks." The White House rode to the rescue. In September Mr. Hall informed Mr. Kindler that deputy White House chief of staff Jim Messina "is working on some very explicit language on importation to kill it in health care reform. This has to stay quiet."

"PhRMA more than repaid the favor, with a \$150 million advertising campaign coordinated with the White House political shop. As one of Mr. Hall's deputies put it earlier in the minutes of a meeting when the deal was being negotiated, "The WHdesignated folks . . . would like us to start to define what 'consensus health care reform' means, and what it might include. . . . They definitely want us in the game and on the same side."

More on the "WH-designated folks . . ." in a moment. The June 11 WSJ editorial continued:

In particular, the drug lobby would spend \$70 million on two 501(c)(4) front groups called Healthy Economy Now and Americans for Stable Quality Care. In July, Mr. Hall wrote that "Rahm asked for Harry and Louise ads thru third party. We've already contacted the agent."

Other groups like the AMA were also willing to commit their membership dollars to advertising in support of the legislation in exchange for their policy priorities. According to the Wall Street Journal:

"At least PhRMA/I deserves backhanded credit for the competence of its political operatives—unlike, say, the American Medical Association. A thread running through the emails is a hapless AMA lobbyist importing Ms. DeParle and Mr. Messina for face-to-face meetings to discuss reforming the Medicare physician payment formula. The AMA supported ObamaCare in return for this "doc fix," which it never got.

"We are running out of time," this lobbyist, Richard Deem, writes in October 2009. How can he "tell my colleagues at AMA headquarters to proceed with \$2m TV buy" without a permanent fix? The question answers itself: It was only \$2 million."

The emails uncovered by the House committee also describe potentially serious conflicts of interest for senior White House staff, their former businesses, who was really writing the legislation—the White House, Congress or affected industries—and questions about the appearance of the White House staff orchestrating the outside

advertising campaign. On June 21, 2012 the Wall Street Journal further reported on the 2009 secret deals:

STRASSEL: AXELROD'S OBAMACARE DOLLARS
(By Kimberly A. Strassel)

Rewind to 2009. The fight over ObamaCare is raging, and a few news outlets report that something looks ethically rotten in the White House. An outside group funded by industry is paying the former firm of senior presidential adviser David Axelrod to run ads in favor of the bill. That firm, AKPD Message and Media, still owes Mr. Axelrod money and employs his son.

The story quickly died, but emails recently released by the House Energy and Commerce Committee ought to resurrect it. The emails suggest the White House was intimately involved both in creating this lobby and hiring Mr. Axelrod's firm—which is as big an ethical no-no as it gets.

Mr. Axelrod—who left the White House last year—started AKPD in 1985. Mr. Axelrod moved to the White House in 2009 and agreed to have AKPD buy him out for \$2 million. But AKPD chose to pay Mr. Axelrod in annual installments—even as he worked in the West Wing.

The White House and industry were working hand-in-glove to pass ObamaCare in 2009, and among the vehicles supplying ad support was an outfit named Healthy Economy Now (HEN).

House emails show HEN was in fact born at an April 15, 2009 meeting arranged by then-White House aide Jim Messina and a chief of staff for Democratic Sen. Max Baucus. The two politicos met at the Democratic Senatorial Campaign Committee (DSCC) and invited representatives of business and labor.

The call was from Nick Baldick, a Democratic consultant who had worked on the Obama campaign and for the DSCC. Mr. Baldick started HEN. The only job of PhRMA and others was to fund it.

Meanwhile, Mr. Axelrod's old firm was hired to run the ads promoting ObamaCare. At the time, a HEN spokesman said HEN had done the hiring. But the emails suggest otherwise. In email after email, the contributors to HEN refer to four men as the "White House" team running health care.

In one email, PhRMA consultant Steve McMahon calls these four the "WH-designated folks." He explains to colleagues that Messrs. Grossman, Grisolano and Del Cecato "are very close to Axelrod," and that "they have been put in charge of the campaign to pass health reform."

A 2009 PhRMA memo also makes clear that AKPD had been chosen before PhRMA joined HEN. It's also clear that some contributors didn't like the conflict of interest. When, in July 2009, a media outlet prepared to report AKPD's hiring, a PhRMA participant said: "This is a big problem." Mr. Baldick advises: "just say, AKPD is not working for PhRMA." AKPD and another firm, GMMB, would handle \$12 million in ad business from HEN and work for a successor 501(c)(4).

A basic rule of White House ethics is to avoid even the appearance of self-dealing or nepotism. Could you imagine the press frenzy if Karl Rove had done the same after he joined the White House?

Until the White House explains all this, voters can fairly conclude that the President's political team took their Chicago brand of ethics into the White House."

Mr. President, I ask unanimous consent to have printed in the RECORD a New York Times article, June 8, 2012; a Wall Street Journal article, June 11,

2012; and June 21 Wall Street Journal editorial, and the memos about the e-mails associated with this report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 16, 2012.

To: Energy and Commerce Committee Republican Members
From: Subcommittee on Oversight and Investigations Majority Staff
Re Investigation Update: Closed-Door Obamacare Negotiations
From: Messina, Jim
Sent: Friday, January 15, 2010 6:04 PM
To: Bryant Hall
Subject: FW: TAUZIN EMAIL
What the hell? This wasn't part of our deal.

OVERVIEW

The purpose of this memorandum is to update Republican Members on the Energy and Commerce Committee on the Committee's ongoing investigation into the potential agreements made by the White House and health care industry stakeholders prior to passage of the Patient Protection and Affordable Care Act (PPACA). As reported on April 17, 2012, the Committee's investigation is attempting to answer the following questions:

Were "deals" made between the Administration and outside stakeholders that exchanged specific policy outcomes for public support of the law?

Who made these deals, and to what extent was Congress excluded?

What specifically was negotiated by the White House and these outside interests? What policies are now law as a result of these negotiations, and what did the White House obtain in exchange?

This investigation has produced further information regarding the substance of the "deal" between the White House and the Pharmaceutical Manufacturers of America (PhRMA), the details of which have never been fully disclosed to the public. Further, based on email exchanges and other primary source material, it appears that deal was reached not solely between PhRMA and the United States Senate Finance Committee, but that top personnel in the White House were involved in negotiating and approving this deal. The following update is based on internal records obtained from outside stakeholders who engaged in negotiations outside the public's view during the development and passage of PPACA.

I. WAS THERE A DEAL?

The existence of an agreement or series of agreements between powerful health care industry stakeholders and the authors of PPACA is a widely known—albeit poorly understood—aspect of the health care law. Media accounts dating back to 2009 speculated on the existence and details of such deals leading up to the law's enactment. However, those accounts have lacked concrete evidence of exactly what policies the White House accepted or rejected as part of these agreements, and what the interest groups delivered in return. Moreover, media accounts and public statements from policymakers at the time were often conflicting or incomplete, failing to provide a clear picture to the American people about how this law was being written, and by whom.

For example, while President Obama referred to the agreement in June 2009, reports at the time also indicated that "many details of the . . . deal remained unclear." A month later, The Wall Street Journal re-

ported that House Democrats had been told that the Administration "doesn't feel bound" by the agreement. Because of increased pressure from the Hill to scuttle the agreement, eventually the White House attempted to publicly support the deal in early August when The New York Times reported that the drug industry ". . . successfully demanded that the White House explicitly acknowledge for the first time it had committed to protect drug makers. . . ." Yet, a week later reports still indicated that "[s]ince mid-July, the White House and the drug industry's lobby, PhRMA, have denied any specific agreement. . . ."

This investigation has confirmed the existence of a deal between the White House and PhRMA that explicitly bound both parties to certain commitments. As the email exchange at the top of this memorandum demonstrates, the deal was so clearly understood to be binding that White House Deputy Chief of Staff Jim Messina made direct contact with PhRMA's chief lobbyist for the negotiations regarding the deal to express his displeasure with an apparent violation of the agreement more than two months before the legislation was given final approval by Congress.

II. WHY DID THE WHITE HOUSE HIDE ITS INVOLVEMENT?

On June 20, 2009, the White House issued a 296-word statement from President Obama announcing an agreement between the nation's pharmaceutical companies and the Senate. The statement makes no mention of White House involvement.

The investigation has determined that the White House, primarily through the Office of Health Reform Director Nancy Ann DeParle and Messina, with involvement from Chief of Staff Rahm Emmanuel, was actively engaged in these negotiations while the role of Congress was limited. For example, three days before the June 20 statement, the head of PhRMA promised Messina, "we will deliver a final yes to you by morning." Meanwhile, Ms. DeParle all but confirmed that half of the Legislative Branch was shut out in an email to a PhRMA representative: "I think we should have included the House in the discussions, but maybe we never would have gotten anywhere if we had."

Given these facts, it is unclear why the White House did not fully disclose its involvement with outside stakeholders in the development of the legislation. Their efforts are particularly surprising given the President's repeated promises of transparency.

After this Committee initiated its investigation into the potential promises or agreements made between PhRMA, labor unions, insurers, medical associations, and other trade and advocacy organizations, the White House derided the Committee's request for basic information about its legislative efforts as "vast and expensive." The White House refused to produce any of the requested documents and only produced to the Committee a list of meetings based on "calendar entries and other readily available information." These calendar entries do not provide information on the attendees or details of discussion. For example, the calendar provided by the White House identifies a July 7, 2009, event as follows: "Meeting with PhRMA representatives." No further information is provided. This investigation, however, has revealed that this was not only a meeting between representatives of PhRMA and top White House aides; it was the critical meeting to solidify the deal. As a PhRMA representative said at the time: "It's just to go over the principal elements of the deal w[ith] Rahm, Messina and DeParle."

III. WHAT DID THE WHITE HOUSE PROMISE TO DO?

Even news stories that indicated that there was a potential agreement with the pharmaceutical industry could not report the entirety of the agreement. The August New York Times story that reported White House acknowledgment of the deal “for the first time” could not report any specifics “beyond an agreed-upon \$80 billion” in cost savings. This investigation will show that the agreement between the White House and the pharmaceutical industry was much more explicit. In the coming weeks the Committee intends to show what the White House agreed to do as part of its deal with the pharmaceutical industry and how the full details of this agreement were kept from both the public and the House of Representatives.

After two years, the health care law has failed to lower costs while only increasing its unpopularity with the public. According to a PhRMA official: “[W]e got a good deal.”

The important question to answer is what did the White House get in return.

MAY 31, 2012.

To: Energy and Commerce Committee Republican Members
From: Majority Staff
Re: Investigation Update: Closed-Door
Obamacare Negotiations

EXECUTIVE SUMMARY

The White House negotiated a deal with the Pharmaceutical Research and Manufacturers of America (PhRMA) in mid-June 2009. After attempting to secure a commitment from the industry for \$100 billion in payment cuts, eventually the White House settled for approximately \$80 billion in payment reductions through expanded and increased Medicaid rebates and a new health reform fee. PhRMA also had direct input into the actual legislative policies that produced the \$80 billion, including the proposal for closing the Part D doughnut hole.

Under the deal, “the White House and Senator Baucus agreed” that neither price controls nor a government-run Medicare Part D plan would become law, the White House would oppose price controls on dual eligible beneficiaries, and that savings from a follow-on biologics proposal would be applied to the total \$80 billion commitment.

White House Office of Health Reform Director Nancy-Ann DeParle told PhRMA’s chief lobbyist for negotiating the deal that the White House would oppose new drug importation policies because of “how constructive” PhRMA had been. According to PhRMA’s lobbyist, White House Deputy Chief of Staff Jim Messina told him that the “WH is working on some very explicit language on importation to kill it in health reform.”

According to internal e-mails, PhRMA’s chief lobbyist believed the White House eventually cut a deal with the pharmaceutical industry during the week of June 20, 2009, because the White House had suffered a bad week politically.

Despite countless promises of televised negotiations and transparent government, the White House met in private with PhRMA representatives and drug company CEOs in July 2009, “to look the other side in the eye and shake their hand on whatever deal we work out.”

The White House was not above threatening PhRMA to get its way. According to PhRMA’s chief lobbyist, the White House was going to have President Obama call for rebating all of Medicare Part D, a policy PhRMA staunchly opposed, in his Weekly Radio Address unless PhRMA cut a deal with the White House to support health reform.

JUNE 8, 2012.

To: Energy and Commerce Committee Republican Members
From: Majority Staff
Re: Investigation Update: Closed-Door
Obamacare Negotiations

EXECUTIVE SUMMARY

As part of its agreement with the White House, the Pharmaceutical Research and Manufacturers of America (PhRMA) needed to undertake a “significant public campaign.” PhRMA was willing to spend as much as \$150 million on advertising, with nearly \$70 million spent on two 501(c)(4) groups that could spend unlimited corporate money with little public disclosure: Healthy Economy Now and Americans for Stable Quality Care.

Healthy Economy Now was created after a meeting at the Democratic Senatorial Campaign Committee (DSCC) organized in part by White House Deputy Chief of Staff Jim Messina. Participants were told that the White House wanted to see ads linking the poor economy to the need for health care legislation, with one attendee remarking that “given who is behind this ask” their group should support the effort.

In early June 2009, PhRMA representatives met with “the team that is working with the White House on health care reform” to learn about White House messaging and “how our effort can be consistent with that.” The team was a who’s who of Democratic strategists that included a previous head of the DSCC; the producer of the 2008 Democratic National Convention; and two partners at AKPD Message and Media, the advertising firm founded by then Senior Advisor to the President David Axelrod.

When PhRMA’s representative indicated that PhRMA was not prepared to run advertisements before seeing how the health care legislation developed, the White House team specifically referred to a meeting the PhRMA CEOs had with Jim Messina the day before and to White House efforts on drug importation policy which had been communicated to PhRMA’s chief lobbyist that day.

PhRMA’s chief lobbyist reported that White House Chief of Staff Rahm Emanuel asked for “Harry and Louise ads thru third party” on July 7, 2009, the same day White House officials met with PhRMA CEOs. PhRMA aired the ad a week later.

Public revelations about the hiring of political firms close to the White House were perceived to be a “big problem.” Presumably, because the firms producing and placing some of PhRMA’s advertising, including the advertising through both Healthy Economy Now and Americans for Stable Quality Care, had also received over \$340 million to handle advertising for President Obama’s 2008 election campaign.

The White House attempted to steer the advertising and advocacy tactics of a number of organizations, including the AFL-CIO and AARP.

[From the Wall Street Journal, June 11, 2012]
OBAMACARE’S SECRET HISTORY—HOW A PFIZER CEO AND BIG PHARMA COLLUDED WITH THE WHITE HOUSE AT THE PUBLIC’S EXPENSE.

On Friday House Republicans released more documents that expose the collusion between the health-care industry and the White House that produced ObamaCare, and what a story of crony capitalism it is. If the trove of emails proves anything, it’s that the Tea Party isn’t angry enough.

Over the last year, the Energy and Commerce Committee has taken Nancy Pelosi’s

advice to see what’s in the Affordable Care Act and how it passed. The White House refused to cooperate beyond printing out old press releases, but a dozen trade groups turned over thousands of emails and other files. A particular focus is the drug lobby, President Obama’s most loyal corporate ally in 2009 and 2010.

The business refrain in those days was that if you’re not at the table, you’re on the menu. But it turns out Big Pharma was also serving as head chef, *màtre d’hotel* and dishwasher. Though some parts of the story have been reported before, the emails make clear that ObamaCare might never have passed without the drug companies. Thank you, Pfizer.

The joint venture was forged in secret in spring 2009 amid an uneasy mix of menace and opportunism. The drug makers worried that health-care reform would revert to the liberal default of price controls and drug re-importation that Mr. Obama campaigned on, but they also understood that a new entitlement could be a windfall as taxpayers bought more of their products. The White House wanted industry financial help and knew that determined business opposition could tank the bill.

Initially, the Obamateers and Senate Finance Chairman Max Baucus asked for \$100 billion, 90% of it from mandatory “rebates” through the Medicare prescription drug benefit like those that are imposed in Medicaid. The drug makers wheedled them down to \$80 billion by offsetting cost-sharing for seniors on Medicare, in an explicit quid pro quo for protection against such rebates and re-importation. As Pfizer’s then-CEO Jeff Kindler put it, “our key deal points . . . are, to some extent, as important as the total dollars.” Mr. Kindler played a more influential role than we understood before, as the emails show.

Thus began a close if sometimes dysfunctional relationship with the Pharmaceutical Research and Manufacturers of America, or PhRMA, as led by Billy Tauzin, the Louisiana Democrat turned Republican turned lobbyist. As a White House staffer put it in May 2009, “Rahm’s calling Nancy-Ann and knows Billy is going to talk to Nancy-Ann tonight. Rahm will make it clear that PhRMA needs a direct line of communication, separate and apart from any coalition.” Nancy-Ann is Nancy-Ann DeParle, the White House health reform director, and Rahm is, of course, Rahm.

Terms were reached in June. Mr. Kindler’s chief of staff wrote a memo to her industry colleagues explaining that “Jeff would object to me telling you that his communication skills and breadth of knowledge on the issues was very helpful in keeping the meeting productive.” Soon the White House leaked the details to show that reform was making health-care progress, and lead PhRMA negotiator Bryant Hall wrote on June 12 that Mr. Obama “knows personally about our deal and is pushing no agenda.”

But Energy and Commerce Chairman Henry Waxman then announced that he was pocketing PhRMA’s concessions and demanding more, including re-importation. We wrote about the double-cross in a July 16, 2009 editorial called “Big Pharma Gets Played,” noting that Mr. Tauzin’s “corporate clients and their shareholders may soon pay for his attempt to get cozy with ObamaCare.”

Mr. Hall forwarded the piece to Ms. DeParle with the subject line, “This sucks.” The duo commiserated about how unreasonable House Democrats are, unlike Mr. Baucus and the Senators. The full exchange is

among the excerpts from the emails printed nearby.

Then New York Times reporter Duff Wilson wrote to a PhRMA spokesman, "Tony, you see the WSJ editorial, 'Big Pharma Gets Played'? I'm doing a story along that line for Monday." The drug dealers had a problem.

The White House rode to the rescue. In September Mr. Hall informed Mr. Kindler that deputy White House chief of staff Jim Messina "is working on some very explicit language on importation to kill it in health care reform. This has to stay quiet."

PhRMA more than repaid the favor, with a \$150 million advertising campaign coordinated with the White House political shop. As one of Mr. Hall's deputies put it earlier in the minutes of a meeting when the deal was being negotiated, "The WH-designated folks . . . would like us to start to define what 'consensus health care reform' means, and what it might include. . . . They definitely want us in the game and on the same side."

In particular, the drug lobby would spend \$70 million on two 501(c)(4) front groups called Healthy Economy Now and Americans for Stable Quality Care. In July, Mr. Hall wrote that "Rahm asked for Harry and Louise ads thru third party. We've already contacted the agent."

Mr. Messina—known as "the fixer" in the West Wing—asked on December 15, 2009, "Can we get immediate robo calls in Nebraska urging Nelson to vote for cloture?" Ben Nelson was the last Democratic holdout toward the Senate's 60-vote threshold, and, as Mr. Messina wrote, "We are at 59, we have to have him." They got him.

At least PhRMA deserves backhanded credit for the competence of its political operatives—unlike, say, the American Medical Association. A thread running through the emails is a hapless AMA lobbyist importuning Ms. DeParle and Mr. Messina for face-to-face meetings to discuss reforming the Medicare physician payment formula. The AMA supported ObamaCare in return for this "doc fix," which it never got.

"We are running out of time," this lobbyist, Richard Deem, writes in October 2009. How can he "tell my colleagues at AMA headquarters to proceed with \$2m TV buy" without a permanent fix? The question answers itself: It was only \$2 million.

Mr. Waxman recently put out a rebuttal memo dismissing these email revelations as routine, "exactly what Presidents have always done to enact major legislation." Which is precisely the point—the normality is the scandal. In 2003 PhRMA took a similar road trip with the Bush Republicans to create the Medicare drug benefit. That effort included building public support by heavily funding a shell outfit called Citizens for a Better Medicare.

Of course Democrats claim to be above this kind of merger of private profits and political power, as Mr. Obama did as a candidate. "The pharmaceutical industry wrote into the prescription drug plan that Medicare could not negotiate with drug companies," he said in 2008. "And you know what? The chairman of the committee who pushed the law through—that would be Mr. Tauzin—went to work for the pharmaceutical industry making \$2 million a year."

Outrage over this kind of cronyism is what animates the Tea Party and Occupy Wall Street, whose members aren't powerful enough to get special dispensations from the government—or even a fair hearing from their putative representatives.

In one email, an AARP lobbyist writes the White House to say "We really need to talk,"

noting that calls from seniors are running 14 to one against ObamaCare. But she isn't calling to say that AARP is withdrawing support—only that the White House needs to adjust its messaging. This is how a bill passes over the objections of most Americans.

The lesson for Republicans if they do end up running the country next year is that their job is to restore the free and fair market that creates broad-based economic growth. The temptation will be to return for the sake of power to the methods of Tom DeLay and Jack Abramoff. If they do, voters will return the GOP to private life as surely as they did the Democrats in 2010.

The warning to business is also fundamental. Crony capitalism undermines public trust in capitalism itself and risks blowback that erodes the free market that private companies need to prosper and that underlies the productivity and competitiveness of the U.S. economy. The political benefits of cronyism are inherently temporary, but the damage it does is far more lasting.

As for Big Pharma, the lobby ultimately staved off Mr. Waxman's revolt and avoided some truly harmful drug policies—for now. But over the long term their products are far more vulnerable to the command-and-control central planning that will erode medical innovation, and their \$80 billion filip is merely the teaser rate.

Mr. Kindler resigned from Pfizer in December 2010 under pressure from directors, its stock having lost 35% of its value since he became CEO. Mr. Tauzin left PhRMA in February 2010, with the Affordable Care Act a month from passage.

The truth is that this destructive legislation wasn't inevitable and far better reforms were possible. They still are, though they might have gained more traction in 2009 and 2010 with the right support. The miracle is that, despite this collusion of big government and big business, ObamaCare has received the public scorn that it deserves.

[From the New York Times, June 8, 2012]

LOBBY E-MAILS SHOW DEPTH OF OBAMA TIES TO DRUG INDUSTRY

(By Peter Baker)

WASHINGTON.—After weeks of quiet talks, drug industry lobbyists were growing nervous. If they were to cut a deal with the White House on overhauling health care, they needed to be sure President Obama would stop a proposal by his liberal allies intended to bring down medicine prices.

On June 3, 2009, one of the lobbyists e-mailed Nancy-Ann DeParle, the president's top health care adviser. Ms. DeParle sent a message back reassuring the lobbyist. Although Mr. Obama was overseas, she wrote, she and other top officials had "made decision, based on how constructive you guys have been, to oppose importation on the bill."

Just like that, Mr. Obama's staff abandoned his support for the reimportation of prescription medicines at lower prices and with it solidified a growing compact with an industry he had vilified on the campaign trail the year before. Central to Mr. Obama's drive to overhaul the nation's health care system was an unlikely collaboration with the pharmaceutical industry that forced unappealing trade-offs.

The e-mail exchange that day three years ago was among a cache of messages obtained from the industry and released in recent weeks by House Republicans—including a new batch put out on Friday morning detailing the industry's advertising campaign in favor of Mr. Obama's proposal. The broad

contours of the president's dealings with the drug industry were known in 2009 but the newly public e-mails open a window into the compromises underlying a health care overhaul now awaiting the judgment of the Supreme Court.

Mr. Obama's deal-making in 2009 represented a pivotal moment in his young presidency, a juncture where the heady idealism of the campaign trail collided with the messy reality of Washington policymaking. A president who had promised to air negotiations on C-Span cut a closed-door deal with the powerful pharmaceutical lobby, signifying to some disillusioned liberal supporters a loss of innocence, or perhaps even the triumph of cynicism.

But if it was a Faustian bargain for the president, it was one he deemed necessary to forestall industry opposition that had thwarted efforts to cover the uninsured for generations. Without the deal, in which the industry agreed to provide \$80 billion for health reform in exchange for protection from policies that would cost more, Mr. Obama and Democratic allies calculated he might get nowhere.

"There was no way we had the votes in either the House or the Senate if PhRMA was opposed—period," said a senior Democratic official involved in the talks, referring to the Pharmaceutical Research and Manufacturers of America, the drug industry trade group.

Republicans see the deal as hypocritical. "He said it was going to be the most open and honest and transparent administration ever and lobbyists won't be drafting the bills," said Representative Michael C. Burgess of Texas, one of the Republicans on the House Energy and Commerce subcommittee that is examining the deal. "Then when it came time, the door closed, the lobbyists came in and the bills were written."

Some of the liberals bothered by the deal-making in 2009 now find the Republican criticism hard to take given the party's longstanding ties to the pharmaceutical industry.

"Republicans trumpeting these e-mails is like a fox complaining someone else raided the chicken coop," said Robert Reich, the former labor secretary under President Bill Clinton. "Sad to say, it's called politics in an era when big corporations have an effective veto over major legislation affecting them and when the G.O.P. is usually the beneficiary. In this instance, the G.O.P. was outfoxed. Who are they to complain?"

Dan Pfeiffer, the White House communications director, said the collaboration with industry was in keeping with the president's promise to build consensus.

"Throughout his campaign, President Obama was clear that he would bring every stakeholder to the table in order to pass health reform, even longtime opponents like the pharmaceutical industry," Mr. Pfeiffer said. "He understood correctly that the unwillingness to work with people on both sides of the issue was one of the reasons why it took a century to pass health reform."

In a statement, PhRMA said that its interactions with Mr. Obama's White House were part of its mission to "ensure patient access" to quality medicine and to advance medical progress.

"Before, during and since the health care debate, PhRMA engaged with Congress and the administration to advance these priorities," said Matthew Bennett, the group's senior vice president.

Representative Henry Waxman of California, the top Democrat on the House committee and one of those who balked at Mr.

Obama's deal in 2009, now defends it as traditional Washington lawmaking.

"Presidents have routinely sought the support and lobbying clout of private industry in passing major legislation," Mr. Waxman's committee staff said in a memo released in response to the e-mails. "President Obama's actions, for example, are no different than those of President Lyndon B. Johnson in enacting Medicare in 1965 or President George W. Bush in expanding Medicare to add a prescription drug benefit in 2003."

Still, what distinguishes the Obama-industry deal is that he had so strongly rejected that very sort of business as usual. During his campaign for president, he specifically singled out the power of the pharmaceutical industry and its chief lobbyist, former Representative Billy Tauzin, a Democrat-turned-Republican from Louisiana, as examples of what he wanted to change.

"The pharmaceutical industry wrote into the prescription drug plan that Medicare could not negotiate with drug companies," Mr. Obama said in a campaign advertisement, referring to Mr. Bush's 2003 legislation. "And you know what? The chairman of the committee who pushed the law through went to work for the pharmaceutical industry making \$2 million a year."

"Imagine that," Mr. Obama continued. "That's an example of the same old game playing in Washington. You know, I don't want to learn how to play the game better. I want to put an end to the game playing."

After arriving at the White House, though, he and his advisers soon determined that one reason Mr. Clinton had failed to pass health care reform was the resilient opposition of industry. Led by Rahm Emanuel, his chief of staff and a former House leader, and Jim Messina, his deputy, White House officials set out to change that dynamic.

The e-mails, which the House committee obtained from PhRMA and other groups after the White House declined to provide correspondence, document a tumultuous negotiation, at times transactional, at others prickly. Each side suspected the other of betraying trust and operating in bad faith.

The White House depicted in the message traffic comes across as deeply involved in the give-and-take, and not averse to pressure tactics, including having Mr. Obama publicly assail the industry unless it gave in on key points. In the end, the White House got the support it needed to pass its broader priority, but industry emerged satisfied as well. "We got a good deal," wrote Bryant Hall, then senior vice president of the pharmaceutical group.

Mr. Bryant, now head of his own firm, declined to comment. So did Mr. Emanuel, now mayor of Chicago; Mr. Messina, now the president's campaign manager; and Ms. DeParle, now a White House deputy chief of staff. Mr. Tauzin, who has left his post as the industry's lobbyist, did not respond to messages.

The latest e-mails released on Friday underscore the detailed discussions the two sides had about an advertising campaign supporting Mr. Obama's health overhaul. "They plan to hit up the 'bad guys' for most of the \$," a union official wrote after an April meeting with Mr. Messina and Senate Democratic aides. "They want us to just put in enough to be able to put our names in—it he is thinking @100K."

In July, the White House made clear that it wanted supportive ads using the same characters the industry used to defeat Mr. Clinton's proposal 15 years earlier. "Rahm asked for Harry and Louise ads thru third party," Mr. Hall wrote.

Industry and Democratic officials said privately that the advertising campaign was an outgrowth of the fundamental deal, not the goal of it. The industry traditionally advertises in favor of legislation it supports.

Either way, talks came close to breaking down several times. In May, the White House was upset that the industry had not signed onto a joint statement. One industry official wrote that they should sign: "Rahm is already furious. The ire will be turned on us."

By June, it came to a head again. "Barack Obama is going to announce in his Saturday radio address support for rebating all of D unless we come to a deal," Mr. Hall wrote, referring to a change in Medicare Part D that would cost the industry.

In the end, the two sides averted the public confrontation and negotiated down to \$80 billion from \$100 billion. But the industry believed the White House was rushing an announcement to deflect political criticism.

"It's pretty clear that the administration has had a horrible week on health care reform, and we are now getting jammed to make this announcement so the story takes a positive turn before the Sunday talk shows beat up on Congress and the White House," wrote Ken Johnson, a senior vice president of the pharmaceutical organization.

In the end, House Democrats imposed some additional costs on the industry that by one estimate pushed the cost above \$100 billion, but the more sweeping policies the firms wanted to avoid remained out of the legislation. Mr. Obama signed the bill in March. He had the victory he wanted.

[From the Wall Street Journal, June 22, 2012]

STRASSEL: AXELROD'S OBAMACARE DOLLARS

(By Kimberley A. Strassel)

Emails suggest the White House pushed business to the presidential adviser's former firm to sell the health-care law.

Rewind to 2009. The fight over ObamaCare is raging, and a few news outlets report that something looks ethically rotten in the White House. An outside group funded by industry is paying the former firm of senior presidential adviser David Axelrod to run ads in favor of the bill. That firm, AKPD Message and Media, still owes Mr. Axelrod money and employs his son.

The story quickly died, but emails recently released by the House Energy and Commerce Committee ought to resurrect it. The emails suggest the White House was intimately involved both in creating this lobby and hiring Mr. Axelrod's firm—which is as big an ethical no-no as it gets.

Mr. Axelrod—who left the White House last year—started AKPD in 1985. The firm earned millions helping run Barack Obama's 2008 campaign. Mr. Axelrod moved to the White House in 2009 and agreed to have AKPD buy him out for \$2 million. But AKPD chose to pay Mr. Axelrod in annual installments—even as he worked in the West Wing. This agreement somehow passed muster with the Office of Government Ethics, though the situation at the very least should have walled off AKPD from working on White-House priorities.

It didn't. The White House and industry were working hand-in-glove to pass ObamaCare in 2009, and among the vehicles supplying ad support was an outfit named Healthy Economy Now (HEN). News stories at the time described this as a "coalition" that included the Pharmaceutical Research and Manufacturers of America (PhRMA), the American Medical Association, and labor groups—suggesting these entities had started and controlled it.

House emails show HEN was in fact born at an April 15, 2009 meeting arranged by then-White House aide Jim Messina and a chief of staff for Democratic Sen. Max Baucus. The two politicos met at the Democratic Senatorial Campaign Committee (DSCC) and invited representatives of business and labor.

A Service Employees International Union attendee sent an email to colleagues noting she'd been invited by the Baucus staffer, explaining: "Also present was Jim Messina. . . . They basically want to see adds linking HC reform to the economy . . . there were not a lot of details, but we were told that we would be getting a phone call. Well that call came today."

The call was from Nick Baldick, a Democratic consultant who had worked on the Obama campaign and for the DSCC. Mr. Baldick started HEN. The only job of PhRMA and others was to fund it.

Meanwhile, Mr. Axelrod's old firm was hired to run the ads promoting ObamaCare. At the time, a HEN spokesman said HEN had done the hiring. But the emails suggest otherwise. In email after email, the contributors to HEN refer to four men as the "White House" team running health care. They included John Del Cecato and Larry Grisolano (partners at AKPD), as well as Andy Grossman (who once ran the DSCC) and Erik Smith, who had been a paid adviser to the Obama presidential campaign.

In one email, PhRMA consultant Steve McMahon calls these four the "WH-designated folks." He explains to colleagues that Messrs. Grossman, Grisolano and Del Cecato "are very close to Axelrod," and that "they have been put in charge of the campaign to pass health reform." Ron Pollack, whose Families USA was part of the HEN coalition, explained to colleagues that "the team that is working with the White House on health-care reform. . . . [Grossman, Smith, Del Cecato, Grisolano] . . . would like to get together with us." This would provide "guidance from the White House about their messaging."

According to White House visitor logs, Mr. Smith had 28 appointments scheduled between May and August—17 made through Mr. Messina or his assistant. Mr. Grossman appears in the logs at least 19 times. Messrs. Del Cecato and Grisolano of AKPD also visited in the spring and summer, at least twice with Mr. Axelrod, who was deep in the health-care fight.

A 2009 PhRMA memo also makes clear that AKPD had been chosen before PhRMA joined HEN. It's also clear that some contributors didn't like the conflict of interest. When, in July 2009, a media outlet prepared to report AKPD's hiring, a PhRMA participant said: "This is a big problem." Mr. Baldick advises: "just say, AKPD is not working for PhRMA." AKPD and another firm, GMMB, would handle \$12 million in ad business from HEN and work for a successor 501(c)(4).

A basic rule of White House ethics is to avoid even the appearance of self-dealing or nepotism. If Mr. Axelrod or his West Wing chums pushed political business toward Mr. Axelrod's former firm, they contributed to his son's salary as well as to the ability of the firm to pay Mr. Axelrod what it still owed him. Could you imagine the press frenzy if Karl Rove had done the same after he joined the White House?

Messrs. Axelrod and Messina are now in Chicago running Mr. Obama's campaign. Mr. Axelrod, the White House and a partner for AKPD didn't respond to requests for comment on their role in HEN, the tapping of Mr. Baldick, and the redolent hiring of

AKPD. Until the White House explains all this, voters can fairly conclude that the President's political team took their Chicago brand of ethics into the White House.

Mr. MCCAIN. Mr. President, I know my other colleagues are waiting to speak, but last month when we voted down this amendment to allow drug reimportation from pharmacies that are accredited by both the Canadian and American Governments, my statement was, and I will repeat it:

In a normal world, this would probably require a voice vote. But what we are about to see is the incredible influence of the special interests, particularly PhRMA, here in Washington.

What you are about to see [as I predicted just before the vote] is the reason for the cynicism the American people have about the way we do business in Washington. PhRMA—one of the most powerful lobbies in Washington—will exert its influence again at the expense of average low-income Americans who will, again, have to choose between medication and eating.

In response the Senator from New Jersey said, in opposition to my amendment:

It is not the special interests that have caused the Senate countless times to reject this policy. . . .

This is about the health and security of the American people. That is why time after time the Senate has rejected it. It is why it should be rejected once again.

He was correct. It was rejected. The American people were rejected in favor of one of the most powerful special interest lobbies in Washington and it is a shame.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the remaining time postclosure be yielded back and the Senate adopt the motion to proceed to S. 1940.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

The bill (S. 1940) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Mr. REID. Mr. President, I was coming here today to propound a unanimous consent request on this most important piece of legislation dealing with flood insurance, but after having

had some discussions with various people, at this time it would not be of any benefit. There is no need for me to stand and ask unanimous consent when I know it is not going to go anyplace.

So we are going to move this forward a little bit, and hopefully with this we can move toward completing this bill at a very early time.

AMENDMENT NO. 2468

(Purpose: In the nature of a substitute.)

Mr. REID. Mr. President, on behalf of Senator JOHNSON of South Dakota and Senator SHELBY, I have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. JOHNSON of South Dakota, for himself and Mr. SHELBY, proposes an amendment numbered 2468.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2469 TO AMENDMENT NO. 2468

Mr. REID. Mr. President, on behalf of Senator PRYOR, there is a first-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. PRYOR, for himself and Mr. HOEVEN, proposes an amendment numbered 2469 to amendment No. 2468.

The amendment is as follows:

(Purpose: To require the Government Accountability Office to study the effect of applying the mandatory purchase requirements to areas of residual risk, and to require the Administrator to study voluntary community-based flood insurance options)

Strike section 107 and insert the following:

SEC. 107. AREAS OF RESIDUAL RISK.

(a) AREAS OF RESIDUAL RISK.—

(1) DEFINITION.—Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with the Technical Mapping Advisory Council established under section 117, shall establish a definition of the term "area of residual risk", for purposes of the National Flood Insurance Program, that is limited to areas that are not areas having special flood hazards.

(2) THIS SECTION.—In this section, the term "area of residual risk" has the meaning established by the Administrator under paragraph (1).

(b) STUDY AND REPORT ON MANDATORY PURCHASE REQUIREMENTS IN AREAS OF RESIDUAL RISK.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study assessing the potential impact and effectiveness of applying the mandatory purchase requirements under sections 102 and 202 of the

Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106) to properties located in areas of residual risk.

(B) AREAS OF STUDY.—In carrying out the study required under subparagraph (A), the Comptroller General shall evaluate—

(i) the regulatory, financial, and economic impact of applying the mandatory purchase requirements described in subparagraph (A) to areas of residual risk on—

(I) the costs of homeownership;

(II) the actuarial soundness of the National Flood Insurance Program;

(III) the Federal Emergency Management Agency;

(IV) communities located in areas of residual risk;

(V) insurance companies participating in the National Flood Insurance Program; and

(VI) the Disaster Relief Fund;

(ii) the effectiveness of the mandatory purchase requirements in protecting—

(I) homeowners and taxpayers in the United States from financial loss; and

(II) the financial soundness of the National Flood Insurance Program;

(iii) the impact on lenders of complying with or enforcing the mandatory purchase requirements;

(iv) the methodology that the Administrator uses to adequately estimate the varying levels of residual risk behind levees and other flood control structures; and

(v) the extent to which the risk premium rates under the National Flood Insurance Program for property in the areas of residual risk behind levees adequately account for—

(I) the design of the levees;

(II) the soundness of the levees;

(III) the hydrography of the areas of residual risk; and

(IV) any historical flooding in the areas of residual risk.

(2) REPORTS.—

(A) INITIAL REPORT.—Not later than 12 months after the date on which the Administrator establishes a definition of the term "area of residual risk" under subsection (a)(1), the Comptroller General shall submit to Congress a report that—

(i) contains the results of the study required under paragraph (1); and

(ii) provides recommendations to the Administrator on improvements that may result in more accurate estimates of varying levels of residual risk behind levees and other flood control structures.

(B) UPDATED REPORT.—Not later than 5 years after the date on which the Comptroller General submits the report under subparagraph (A), the Comptroller General shall—

(i) update the study conducted under paragraph (1); and

(ii) submit to Congress an updated report that—

(I) contains the results of the updated study required under clause (i); and

(II) provides recommendations to the Administrator on improvements that may result in more accurate estimates of varying levels of residual risk behind levees and other flood control structures.

(3) ADJUSTMENT OF METHODOLOGIES.—The Administrator shall, to the extent practicable, adjust the methodologies used to estimate the varying levels of residual risk behind levees and other flood control structures based on the recommendations submitted by the Comptroller General under subparagraphs (A)(ii) and (B)(ii)(II).

(c) STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.—

(1) STUDY.—

(A) **STUDY REQUIRED.**—The Administrator shall conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(B) **CONSIDERATIONS.**—The study conducted under subparagraph (A) shall —

(i) take into consideration and analyze how voluntary community-based flood insurance policies—

(I) would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches; and

(II) could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(ii) evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk.

(C) **CONSULTATION.**—In conducting the study required under subparagraph (A), the Administrator may consult with the Comptroller General of the United States, as the Administrator determines is appropriate.

(2) **REPORT BY THE ADMINISTRATOR.**—

(A) **REPORT REQUIRED.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted under paragraph (1).

(B) **CONTENTS.**—The report submitted under subparagraph (A) shall include recommendations for—

(i) the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and

(ii) a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or improvement of levees, dams, or other flood control structures.

(3) **REPORT BY COMPTROLLER GENERAL.**—Not later than 6 months after the date on which the Administrator submits the report required under paragraph (2), the Comptroller General of the United States shall—

(A) review the report submitted by the Administrator; and

(B) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(i) an analysis of the report submitted by the Administrator;

(ii) any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and

(iii) any other recommendations of the Comptroller General relating to community-based flood insurance policies.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2470 TO AMENDMENT NO. 2469

Mr. REID. Mr. President, I have a second-degree amendment, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2470 to amendment No. 2469.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 7 days after enactment.

AMENDMENT NO. 2471

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 2471 to the language proposed to be stricken by amendment No. 2468.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This title shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2472 TO AMENDMENT NO. 2471

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2472 to amendment No. 2471.

The amendment is as follows:

In the amendment, strike “5 days” and insert “4 days”.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2473

Mr. REID. Mr. President, I have a motion to recommit the bill with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill, S. 1940, to the Committee on Banking, Housing, and Urban Affairs with instructions to report back forthwith with an amendment numbered 2473.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2474

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2474 to the instructions of the motion to recommit S. 1940.

The amendment is as follows:

In the amendment, strike “3 days” and insert “2 days”.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2475 TO AMENDMENT NO. 2474

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2475 to amendment No. 2474.

The amendment is as follows:

In the amendment, strike “2 days” and insert “1 day”.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 341, S. 2237.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

FLOOD INSURANCE

Mr. TESTER. Mr. President, I rise in support of a bill we will take up soon to reauthorize the Flood Insurance Program. Nine months ago the Senate Banking Committee passed long-term flood insurance reauthorization with overwhelming bipartisan support. Five months ago Senator VITTER and I, along with 39 Members of this body, wrote our leadership urging that the bill be brought to the floor, but today, this week, we will finally consider this much needed piece of legislation, and I thank Senator REID for his willingness to bring it to the Senate floor.

I want to first and foremost thank Chairman JOHNSON and Ranking Member SHELBY for their excellent work in

drafting this bill. I commend them for their efforts to build consensus on this important piece of legislation.

I thank my colleague Senator VITTER for his leadership and partnership in working with me to help influence this bill in a way that reflects broad bipartisan support. Together we added a number of provisions to improve the initial draft. These provisions include one that addresses a critical issue in my State.

When this bill is passed, the Army Corps of Engineers and FEMA will finally have to work together to develop common standards that will allow existing Corps levee inspections to meet FEMA certification criteria.

We also lengthened the phase-in period for homeowners who must purchase flood insurance for the first time as a result of being mapped into a floodplain, so that as changes to the maps occur, folks are not forced immediately into high-priced premiums.

This bill takes important steps to more closely align risks with premiums. It makes changes to protect taxpayers, and it puts the program on a more solid financial ground.

The House and Senate have never produced two flood insurance bills as closely aligned as the bills we have before us, and I am not sure we have ever had the same strong broad support we have now from homeowners, realtors, insurers, state insurance regulators, and environmental groups. That is a real testament to my colleagues on the Banking Committee, and I look forward to finally sending a long-term reauthorization and reform bill to the President's desk for his signature.

Unfortunately, we have seen the consequences of reauthorizing this program on a short-term basis, and we have seen the consequences of letting this program lapse. We have been down that road before and have seen how unproductive and destructive lapses can be. Past lapses in the program created uncertainty for homeowners and created significant burdens for those participating in the Flood Insurance Program. When the program lapsed in 2010, about 1,400 home sales were canceled each day during those 53 days the program lapsed. At a time when the housing market is still fragile, this is something we cannot afford.

For me this is an issue that hits home. The unprecedented flooding in the Missouri River basin last year, which affected folks throughout central and eastern Montana, particularly in Musselshell and Carbon Counties, clearly demonstrates the need for reauthorization and for reforms to ensure that levees are certified properly and efficiently.

I also care deeply about this program because in addition to protecting Montana homeowners, there are jobs tied directly to the Flood Insurance Program. In Kalispell, MT, two of the na-

tional servicing organizations employ over 500 people—jobs that could be put in jeopardy without a long-term agreement.

We must offer Americans certainty in the face of risk. Now, at long last, comprehensive, bipartisan, long-term reauthorization of the National Flood Insurance Program is within reach. Let's quickly act to provide security and piece of mind to the 6 million Americans who rely on the National Flood Insurance Program.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to S. 3187, the FDA Safety and Innovation Act.

Harry Reid, Tom Harkin, Sheldon Whitehouse, Kent Conrad, Jack Reed, Christopher A. Coons, Mark Begich, John F. Kerry, Charles E. Schumer, Barbara A. Mikulski, Benjamin L. Cardin, Robert Menendez, Joseph I. Lieberman, Mary L. Landrieu, Richard Blumenthal, Patty Murray, Tom Carper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator

from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. KYL), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 3, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—89

Akaka	Feinstein	Menendez
Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Barrasso	Graham	Moran
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coats	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Toomey
Conrad	Lee	Udall (NM)
Coons	Levin	Vitter
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Manchin	Whitehouse
DeMint	McCain	Wicker
Durbin	McCaskill	Wyden
Enzi	McConnell	

NAYS—3

Burr	Paul	Sanders
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NOT VOTING—8

Coburn	Kyl	Shaheen
Hatch	Murkowski	Udall (CO)
Kirk	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GRASSLEY. Mr. President, 2 years ago a constituent of mine named David Rozga committed suicide shortly after smoking a product called K2—a synthetic form of marijuana.

A week before he passed away David had graduated from Indianola High School.

He was looking forward to attending my alma mater, the University of Northern Iowa, that fall.

David and his friends spent the week after graduation going to parties and celebrating their achievements.

Some of David's friends heard about K2 from some other friends who were home from college.

They were told that if you smoked this product like marijuana you could get a high.

David and his friends were about to go to a concert and thought smoking K2 before would be nothing but harmless fun.

However, shortly after smoking K2, David became highly agitated and terrified.

His friends tried to calm him down and once he appeared calmer he decided to go home instead of going out with them.

Tragically, David took his own life shortly after returning home—only about 90 minutes after smoking K2 for the first time.

The only chemicals in his system at the time of his death were those that comprised K2.

David's tragic death is one of the first in what has been a rapidly growing drug abuse trend.

In the past 2 years, the availability and popularity of synthetic drugs like K2, Spice, Bath Salts, and 2C-E has exploded.

These drugs are labeled and disguised as legitimate products to circumvent the law.

They are easily purchased online, at gas stations, in shopping malls and in other novelty stores.

Poison control centers and emergency rooms around the country are reporting skyrocketing cases of calls and visits resulting from synthetic drug use.

The physical effects associated with this use include increased agitation, elevated heart rate and blood pressure, hallucinations, and seizures.

A number of people across the country have acted violently while under the influence of the drug, dying or injuring themselves and others.

Just a few weeks ago a man in Miami, Florida attacked a homeless man and ate nearly half his face before police had to shoot him to stop him.

Two weeks ago, police in upstate New York tasered a woman who was choking her 3-year-old son after smoking bath salts.

These ongoing and mounting tragedies underscore the fact that Congress must take action to stop these drugs from causing further damage to our society.

I introduced the David Mitchell Rozga Act a year ago last March to ban the drugs that comprised K2.

My colleagues Senators SCHUMER, KLOBUCHAR, and PORTMAN have also joined me to ban synthetic drugs including bath salts and 2-CE compounds.

Today our separate bills are included as part of the House and Senate agreement on the FDA User Fee bill we will be voting on shortly.

I thank all who have worked very hard to get my bill, as well as the other bills banning synthetic drugs, through Congress.

I especially want to thank Mike and Jan Rozga and their family for their tireless efforts to prevent more tragedy from befalling other families.

This legislation will drastically help to remove these poisons from the store

shelves and protect our children from becoming more victims. I urge my colleagues to support cloture on this bill.

The PRESIDING OFFICER. The Senator from Connecticut.

NOMINATION OF DONNA MURPHY

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Washington, Senator MURRAY, for yielding to me for a moment to make a unanimous consent request regarding the nomination of Donna Murphy of the District of Columbia to be an associate judge on the DC Superior Court.

This nomination was favorably reported by the Homeland Security and Governmental Affairs Committee on June 29, 2011. That is almost 1 year ago. For that year, this nomination has been stopped from a vote. I come to the floor today to say it is time for this to stop.

In fairness to this able nominee, she deserves an up-or-down vote. She would bring a wealth of talent and experience to the job.

Donna Murphy has been a career attorney in the Department of Justice for four administrations—two Democratic and two Republican—and has received strong support from senior officials for whom she worked in each one of those administrations.

John Dunne, the Assistant Attorney General for Civil Rights under President George H.W. Bush praised Ms. Murphy as “extremely smart, hard-working, and fair-minded.”

Bill Lee, the Assistant Attorney General for Civil Rights under President Clinton recalls Ms. Murphy as “one of the best lawyers in the Division who was known for her fairness, integrity, smarts, legal skills, dedication and exceedingly hard work.”

Wan J. Kim, the Deputy Assistant Attorney General and Assistant Attorney General for Civil Rights under President George W. Bush recommended Ms. Murphy for the D.C. Superior Court believing that she possessed the qualities he has seen in exemplary jurists. Under Mr. Kim, Donna Murphy received the division's highest award in 2007, the John Doar Award for Excellence and Dedication, an award that was established under the first Bush administration.

So there is no rational reason at all to continue to deny this nominee an up or down vote.

A native of Norristown, PA, Ms. Murphy fell in love with Washington, DC during a visit when she was just 12 years old. She moved here to attend college at American University, where she received her Bachelor of Science in Political Science in 1986.

From American University, she went to Yale Law School—a decision I naturally admire—and received her law degree in 1989.

Since October 1990, she has worked for the Justice Department's Civil Rights Division on a variety of cases,

including voting rights, discrimination in credit, housing and public accommodations, and allegations of police misconduct.

It is her work on these police cases that has brought about some criticism, but not much.

Both prior to the Committee's approval of Ms. Murphy's nomination and afterwards, Committee staff investigated the criticism and found no evidence to support the charge that she would be negative to police.

In fact, we have received letters of support for Ms. Murphy from leading police officials, including one group in Los Angeles, CA, for her work in negotiating and implementing consent decrees regarding allegations that the Los Angeles Police Department had been systematically violating people's civil rights.

The Committee received a letter from Gerald Chaleff, the Special Assistant for Constitutional Policing for the LAPD who negotiated the consent decree between the LAPD and Department of Justice. Mr. Chaleff wrote that during negotiation and implementation of the consent decree Ms. Murphy earned the respect and admiration of LAPD personnel with whom she dealt. Mr. Chaleff also notes that contrary to the vague and unsubstantiated allegations made against her, Ms. Murphy at all times acted honorably, ethically, and intelligently.

We have similar letters from law enforcement officials praising her work negotiating similar consent decrees with the Pittsburgh Bureau of Police, the city of Steubenville, OH, and the New Jersey State Police.

It is past time the Senate approve this nomination and send this qualified nominee to the bench and let her serve the city that has been her home for more than 20 years.

Mr. President, I ask unanimous consent that these letters, as well as the letters from former Justice Department officials that I cited earlier, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
Washington, DC, August 24, 2011.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Homeland Security and Governmental Affairs Committee, Washington, DC.

DEAR MR. CHAIRMAN: I write this letter to strongly recommend Donna Murphy to the Superior Court of Washington, DC. I started in the Civil Rights Division at the Department of Justice as an Honors Program hire in 1989, where I served as a prosecutor in the Criminal Section. I have also served as Deputy Assistant Attorney General in the Division, and I now have the privilege of serving as the Assistant Attorney General. During this extensive experience working in the Division, I have had the pleasure of working with Ms. Murphy, who joined the Division in 1990, shortly after I was hired.

Ms. Murphy has also held a variety of positions during her tenure in the Civil Rights Division, including serving as both a trial attorney and also as a manager. Although she began in the Voting Section, she has also served in the Special Litigation Section and the Housing and Civil Enforcement Section. The breadth and depth of her experience in the Division enforcing many of our nation's most cherished civil rights laws is nearly unparalleled. While working with her over the last two decades, I have witnessed her professionalism, intellect, and extraordinary judgment at work. Ms. Murphy treats everyone with respect, and has shown uncommon abilities as a leader. Her tactical and analytical legal skills have allowed her to quickly master new, and complex, areas of the law. The breadth of her experience across three different Sections of the Division illustrates her extraordinary abilities in this regard.

Her commitment to the Department of Justice and to the enforcement of our nation's promise of equal opportunity has been apparent to me from the beginning of my experiences working with her, and it has been apparent to the leadership of the Division in both Democratic and Republican administrations. For example, in 2007, she received the Division's John Doar Award, which is the Division's highest overall award. She has also received the Division's highest litigation award, the Walter W. Barnett Award, in 1995. In addition, Ms. Murphy has consistently received performance awards recognizing her outstanding contributions to the Division's work.

When I returned to the Civil Rights Division in October 2009, I was pleased to find that Ms. Murphy had remained in the Division, as I knew she was someone I could rely upon in helping to ensure full and fair enforcement of civil rights laws. I have the highest regard for her abilities and know her to be a person of great character.

Please do not hesitate to contact me if you have any questions about my experience working with Ms. Murphy.

Sincerely,

THOMAS E. PEREZ,
Assistant Attorney General.

LOS ANGELES POLICE DEPARTMENT,
Los Angeles, California, July 14, 2011.

Re Donna M. Murphy.

Hon. JOSEPH I. LIEBERMAN, *Chairman,*
Senate Homeland Security and Governmental
Affairs Committee, Dirksen Senate Office
Building, Washington, DC.

Hon. SUSAN M. COLLINS, *Ranking Member,*
Senate Homeland Security and Governmental
Affairs Committee, Dirksen Senate Office
Building Washington, DC.

DEAR SENATORS LIEBERMAN AND COLLINS: I write in strong support of the nomination of Donna M. Murphy to the Superior Court of Washington, D.C. I am a senior police executive in the Los Angeles Police Department (LAPD). I had a substantial number of dealings with Ms. Murphy in her capacity as Deputy Chief of the Special Litigation Section of the Civil Rights Division of the United States Department of Justice (DOJ) in connection with negotiation and implementation of a Consent Decree with the LAPD and the City of Los Angeles, relating to the conduct and operation of the police department. Ms. Murphy's and the DOJ objective was to improve the LAPD and she at all times acted honorably, ethically, and intelligently. She never exhibited prejudice or bias or rigidity of position. As a lawyer, I can ensure you that Ms. Murphy will have an exemplary judicial temperament, is highly

intelligent, and will render equal justice to all, without bias or favor. Her decisions will be firmly based in the law and will be seen by all sides as fair and just.

I was President of the Los Angeles Board of Police Commissioners and a member of the team that conducted the negotiations with DOJ. These negotiations took six months during which Ms. Murphy conducted herself with professionalism and in the manner that all attorneys should when in a similar situation. After the negotiations concluded and the decree approved by the court, I returned to private practice. When William Bratton was appointed Chief of the Los Angeles Police Department (Department), he requested that I join the Department and assist in the Department's compliance with the decree. In that capacity I had the opportunity to observe the conduct of Ms. Murphy and again found her to be professional, intelligent and fair. It has been suggested that because Ms. Murphy worked in the Special Litigation Section, she is somehow biased against the police. Throughout the Consent Decree negotiations and implementation, she manifested a clear understanding of the issues facing the LAPD and, where possible, she suggested resolutions that demonstrated her understanding of the job of the police and the pressures facing the officers performing their duties and never exhibited any indication of prejudice against police officers or the Department. She earned the respect and admiration of the LAPD personnel with whom she dealt. As the LAPD's executive in charge of implementation of the Consent Decree, I can assure that as difficult as it was, Ms. Murphy never did anything to cause anyone to feel anyway other than that she was fair and only trying to assist.

The Consent Decree was negotiated in perfect good faith by the Special Litigation Section and that the goals and intentions of the Consent Decree were in no way a reflection of anti-police bias. Indeed, the Decree augmented police professionalism, promoted officer safety, helped to restore public trust and confidence, and made the LAPD an even stronger law enforcement agency.

Please let me know if you have any questions about the foregoing. I am available at (213) 486-8730.

Very truly yours,

CHARLIE BECK,
Chief of Police.

GERALD L. CHALEFF,
Special Assistant for Constitutional Policing.

LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.,
Oakland, California, October 28, 2011.

Re Nomination of Ms. Donna Murphy to the D.C. Superior Court.

Hon. JOSEPH LIEBERMAN, *Chairman,*
Senate Homeland security and Governmental
Affairs Committee,
U.S. Senate, Washington, DC.

Hon. SUSAN COLLINS, *Ranking Member,*
Senate Homeland Security and Governmental
Affairs Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: I write in support of the nomination of Ms. Donna Murphy to be a judge of the Superior Court of the District of Columbia. I was Assistant Attorney General for Civil Rights from the end of 1997 to the beginning of 2001 where I became familiar with the work of Ms. Murphy who was an attorney in the Voting Rights and the Special Litigation Sections, two Sections that enforce important civil rights protections. After my time, I understand Ms. Murphy

worked in the Housing and General Litigation Section, another high profile Section.

I recall Ms. Murphy as one of the best lawyers in the Division who was known for her fairness, integrity, smarts, legal skills, dedication, and exceedingly hard work. Ms. Murphy was recognized for her skills and abilities by being assigned some of the most significant and sensitive investigations and cases and for being assigned managerial duties supervising teams of other lawyers. I particularly remember her excellent work in supervising a team of lawyers who prepared and filed a police misconduct case against the Los Angeles Police Department. Back then the LAPD was a police department rife with problems that resulted in harm to minority communities as well as lack of law enforcement for those communities. Today the LAPD is appropriately lauded as a department that deals with minority communities with sensitivity and fairness. Much of the credit for the dramatic difference is attributable to the role played by the Division in the case that Ms. Murphy had so much to do with both in its beginnings, the negotiation of a pioneering consent decree and the implementation of the decree with LAPD leaders.

I am happy to join predecessors and successors as former Assistant Attorneys General for Civil Rights from several different Administrations who have joined together to support Ms. Murphy's nomination.

If I can be helpful to the Committee, please feel free to call me.

Sincerely,

BILL LANN LEE.

WHITEMAN OSTERMAN & HANNA LLP,

Albany, New York, October 7, 2011.

Re Nomination of Donna Murphy to the Superior Court of the District of Columbia.

Hon. JOSEPH LIEBERMAN, *Chairman,*
Senate Homeland Security and Governmental
Affairs Committee,

U.S. Senate, Washington, DC.

Hon. SUSAN COLLINS, *Ranking Member,*
Senate Homeland Security and Governmental
Affairs Committee,

U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND SENATOR COLLINS: I write to support the nomination of Ms. Donna Murphy to be a Judge on the Superior Court of the District of Columbia. From 1990 until 1993 I worked with Ms. Murphy in the Civil Rights Division of the U.S. Department of Justice where I served as Assistant Attorney General of the Division. During that time, Ms. Murphy was an attorney in the Voting Rights Section and I met regularly with her, reviewing a number of her reports and recommendations concerning very complex and sensitive pre-clearance applications pursuant to Section 5 of the Voting Rights Act.

From those personal interactions, I became very impressed by her legal intellect and her knowledge and commitment to the Division's mission and work. She is extremely smart, hardworking and fair-minded.

In 2007, for her significant contributions to the work of the Division, Ms. Murphy received the Division's highest award—the John Doar Award for Excellence and Dedication. When, as Assistant Attorney General, I initiated that award, I had in mind a recipient with qualities which Ms. Murphy has faithfully demonstrated in the various assignments she has discharged with distinction.

I strongly recommend your confirmation of her nomination and, if I can be of any assistance, would welcome your request.

Respectfully,

JOHN R. DUNNE.

AUGUST 21, 2011.

Re: Donna M. Murphy.

Hon. JOSEPH I. LIEBERMAN,
*Chairman, U.S. Senate Homeland Security and
Governmental Affairs Committee,
Washington, DC.*
Hon. SUSAN M. COLLINS,
*Ranking Member, U.S. Senate Homeland Security
and Governmental Affairs Committee,
Washington, DC.*

I am pleased to write this letter in support of the nomination of Donna M. Murphy to the Superior Court of Washington, D.C. I am a retired police chief and a Past President of the International Association of Chiefs of Police. Since 1998 I have been working with the Special Litigation Section of the Civil Rights Division of the United States Department of Justice (DOJ) in a variety of capacities dealing with police practices and reform. It was during one such assignment that I met and worked with Donna Murphy.

In 1997, the U.S. DOJ and the City of Steubenville, Ohio entered into a Consent Decree regarding police practices. I was appointed as an agent of the Federal Court to audit compliance with the Decree. As one can imagine, even though the Decree was negotiated and agreed upon by the parties (the City and DOJ) there was considerable institutional resistance to the changes in police practices outlined in its several requirements. Donna Murphy was the supervisor overseeing line attorneys assigned this matter during the period 2000–03, which was a time when there was heightened resistance to the Decree requirements since the easier tasks had been accomplished and we were moving into an area of serious substantive change.

There is little doubt that the persistence and leadership of Donna Murphy; moreover her patience and understanding of the issues and obstacles of concern to the City, and to the members of the Police Department, were the basis for much of the progress made with Decree compliance during her tenure. She consistently sought information to insure she had a clear understanding of the organizational and operational difficulties faced by the police and in my opinion, made decisions that were professional and fair to all concerned. Accordingly, I am pleased to add my support for her appointment to the Superior Court of Washington, D.C.

Please let me know if you have any questions regarding this information.

Very truly yours,

CHARLES D. REYNOLDS,
Police Practices Consultant.

BLACKS IN LAW ENFORCEMENT
OF AMERICA,

Washington, DC, September 26, 2011.

Re Ms. Donna M. Murphy.

Hon. JOSEPH I. LIEBERMAN,
*Chairman, U.S. Senate Homeland Security and
Governmental Affairs Committee, Wash-
ington, D.C. 20510*

Hon. SUSAN M. COLLINS,
*Ranking Member, U.S. Senate Homeland Security
and Governmental Affairs Committee,
Washington, DC.*

I am pleased to offer this letter in support of the nomination of Ms. Donna M. Murphy to the Superior Court of Washington, D.C. I am a retired D.C. Metropolitan Police Officer and retired Executive Director of the Na-

tional Black Police Association (NBPA). The NBPA is an advocacy organization established to work on behalf of African Americans in Law Enforcement involving the prevention and intervention of police abuse and misconduct as well as other criminal justice policies and practices that have a negative impact on people and communities of color.

After the establishment of the Special Litigation Section of the Civil Rights Division, the organization began to work very closely with the section and its staff attorneys. Ms. Murphy was assigned to work with a variety of cases involving the investigation of police practices in cities that the NBPA had brought to the attention of the Department of Justice.

Ms. Donna M. Murphy and her staff worked during that time against a great deal of resistance to the necessary changes needed for our nations police departments which most were the results of court ordered consent decree. The National Black Police Association was honored to work with Ms. Murphy and found her very dedicated to the creation of fairness and justice for all involved the consent decree compliance.

So, as a result of the positive and productive relationships created during my tenure as Executive Director of the National Black Police Association, I am please to add my support to the nomination of Donna M. Murphy to the Superior Court of Washington, D.C.

Please let me know if there any additional questions regarding this correspondence.

Sincerely,

RONALD E. HAMPTON,
Director.

UNANIMOUS CONSENT REQUEST

Mr. LIEBERMAN. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar No. 231; that there be 2 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to a vote without intervening action or debate on Calendar No. 231; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order, that any related statements be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection.

Mr. MCCONNELL. Madam President, Senator DEMINT has some concerns about this nomination. Therefore, at his request, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN. Madam President, I am going to keep returning to the floor of the Senate in fairness on this nomination. She is such a deserving nominee and at least deserves a vote up or down.

I yield the floor.

Mrs. MURRAY. Madam President, I ask unanimous consent that following my remarks, the Senator from Ohio,

Mr. BROWN, be recognized, and following that, Senator WHITEHOUSE be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington is recognized.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 3340 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE HIGHWAY BILL

Mr. BROWN of Ohio. Madam President, I come to the floor this evening to discuss the bipartisan transportation jobs bill that has been lingering since March 14. March 14 was pretty early in the construction season. If the House had moved as quickly as they should have, if the House were not, apparently, held hostage by some tea party members who think transportation should be a State issue and the Federal Government shouldn't be involved, there would have been so many more jobs created in the Presiding Officer's State of North Carolina and in Ohio and elsewhere. Those tea party members should think about President Eisenhower's legacy when they talk about transportation being a State and not a Federal issue.

The Senate passed this job-creating economic development bill more than 100 days ago, but this historically bipartisan highway bill remains stalled. We know investments in infrastructure mean jobs directly. We know investments in infrastructure mean economic development in the future. President Eisenhower and Congress established the Interstate Highway System not too many years after I was born, in the 1950s. A generation of Americans was set to work carving freeways, paving new roads, building bridges and tunnels across our great country that allowed people and products to travel across the 48 States.

In the 1950s, the 1960s, the 1970s, and the 1980s, we had an infrastructure which was the envy of the world—an infrastructure the likes of which the world had never seen. Since then, we have not done quite so well. Our Nation used our postwar infrastructure boom to become an economic superpower, similar to how the GI bill helps millions of families who take advantage of it—soldiers, veterans, and families—yet at the same time creating prosperity for the whole country. Infrastructure building helps those men and women who are actually doing the construction, doing the work on the highways and bridges and water and sewer systems, but it also helps the companies and the workers who are manufacturing the steel and the concrete and the glass that goes into infrastructure, and it also helps the prosperity of society as a whole.

A truck leaving Toledo, OH, could be in Miami, FL, in less than a day. A

family could drive from one corner of Ohio—from Conneaut, the county my wife was born in—to North Bend on the other end of the State in several hours instead of a whole day.

We know infrastructure investments are forward thinking, with payoffs that last for decades, yet also benefit our Nation—our small businesses, our workers—both today and for generations to come. So it is unacceptable that at a time of still too high unemployment—even though the unemployment rate in my State has dropped between 2 and 3 percent in the last 3 years, it is still too high—Washington politicians, for whatever reason, continue to block progress on this bill.

No one in this Congress should be proud of the condition of our roads or the safety of our bridges. No one in this Congress should be proud of the fact the world's newest airports and most modern train stations are not in the United States of America, as they were in the 1950s, 1960s, the 1970s, and the 1980s. They are being built overseas. No one in this Congress should be proud of creating new hurdles to progress, of obstruction, when the need is so great for us to create new jobs.

Historically, infrastructure has been a bipartisan issue. There is no so such thing as a Democratic or Republican bridge. The most recent extension is slated to expire Saturday at midnight. We can't afford to keep passing short-term extensions. We need to think about consequences for businesses that plan for the long term. Because Congress keeps passing inch-by-inch, month-by-month extensions, businesses can't plan, workers can't plan, State departments of transportation can't plan. It hurts the contractor, who is unsure whether she will have the funds to buy a new bulldozer; the crane operator, who is unsure of where his next job will be; and it hurts the small business owner who sells aggregate to the construction industry. We cannot afford to keep passing the buck with these short-term extensions and disrupting the ability of businesses to plan for the future.

This past weekend I visited El Meson Restaurante, a family-owned restaurant located near the I-75 modernization project in West Carrollton in Montgomery County, OH, in southwest Ohio, near Dayton. I spoke with the owner Bill Castro. I asked him: What happens if the bill expires and this project is delayed? He tells me that construction surrounding the restaurant has already cut into El Meson's profits. I have eaten at that restaurant three or four times. It has always been crowded. The food is good, the hospitality is great, and the owners are friendly and embracing. It is a great place. But because of this delay—which happens from time to time, I understand, and should—he has had to scale back his own salary, rather than

lower his workers' wages and reduce the staff. He knows this is good for Montgomery County, for Dayton, and for the Miami Valley, but it is clear if this project gets delayed it will do serious damage to his restaurant and to the other small businesses in the area.

It is clear business owners in my State are doing their jobs. It is time the House of Representatives does its job and works with us to pass this highway bill, then get it back to the Senate and the House so we can vote on it. We know what is at stake: Jobs created by infrastructure investments are almost always good-paying middle-class jobs. Whether they are the construction jobs or the manufacturing jobs producing the products that go into the construction, these jobs typically provide workers with health care and retirement benefits and are the kinds of jobs our neighbors need to create a strong middle class. These jobs enable people to buy a home, to save for their children's college education, and plan for the future.

These investments not only create construction jobs, they improve our Nation's economic efficiency, obviously creating more prosperity. This bill is about rebuilding our infrastructure as much as it is about rebuilding our middle class. It is time for Congress to pass the highway bill. There is simply too much at stake not to.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT DECISIONS

Mr. WHITEHOUSE. Madam President, this is the week for the Supreme Court to release opinions from dozens of cases that it has been considering over the past term. In most of these important cases, the Court followed its usual practice of allowing the parties to file detailed legal briefs and to present oral arguments to make their side of the case before the Court reached its decision. In one case, however, it decided an issue vital to the ongoing function of our democracy, and it decided that case without even allowing the parties the opportunity to write legal briefs on the merits and to argue their case before the Court.

In the Montana case, *American Tradition Partnership v. Bullock*, the Court's five-man conservative bloc doubled down on a historic error they made 2 years ago in *Citizens United*. *Citizens United*, I am confident, will mark one of the lowest points in the Supreme Court's history.

The case will ultimately stand alongside *Lochner v. New York* and other such decisions in the Supreme Court gallery of horrible decisions.

A telltale of these horrible court decisions is that they create rights of the powerful against the powerless, turning the very concept of "rights" inside out. Ordinarily, a right is something that stands against power. That is why it is carved out as a right; it is because it offends against the power structure, and yet we value it and we defend it. And our courts have as their very purpose in our system of government the purpose to be the guardians of those rights, the guardians of those rights against whatever the structure of power is in our society. That is why we give judges long or lifetime tenure. That is why conflicts of interest in the judiciary are so particularly concerning. That is why some decisions we take away from officialdom entirely and give them to a jury of our peers. That is why it is a crime to tamper with a jury. We do all of those because we want courtrooms insulated from power so that courts can do the essential work of protecting rights against the predations of power.

Look at the *Lochner* decision, for instance, and see how that Court turned the whole question of rights inside out. Seeking to defend the prevailing economic power structure, the Supreme Court held that bakers had a constitutional right—under a theory of freedom to contract—to agree to work whatever hours their employers wanted to make them work, without overtime, without rest, a right on the part of the bakers to enter into a contract where their employers could tell them they could make them work whatever they wanted. Looking back now, that seems almost silly, but if you were a judge affiliated with an economic structure that saw workers as essentially disposable, this question of workers' rights to work reasonable hours seems, well, unreasonable. And the *Lochner* decision justifiably lies on the junk pile of judicial history, a broken monument to the prejudice and error of that Court.

Citizens United and now the Montana decision join this gallery of judicial horrors. Here, the right they turned inside out is the right of free speech, and the power structure served is the vast and unprecedented corporate power structure that exists today.

Under *Citizens United*, under this inside-out right they have created, you now enjoy the free speech right to hear as much corporate speech as they want to bombard you with. If you are a regular human, you are on your own. If you are a CEO, you can access your corporate treasury to drown out the voices of all of your workers. If you are a massive multinational corporation or if you are a billionaire or a multi-billionaire, you now have a right to dominate the paid media airwaves, and we have the free speech right to have to listen to all of that.

At least if you are a billionaire, you are still a human being. And I don't

say this judgmentally; this is a legal fact. If you are a corporation, you have no soul, you have no conscience, you have no altruism. You have none of the characteristics that are special to humankind. You are a legal fiction. You are a financial mechanism created for the massing and the efficient use of capital. In the economic sphere, the value of that corporate structure is immense, there is no doubt about it. It has provided great value to our society. But in the political sphere, it is dangerous. But for these five Justices who constantly support corporate interests, to protect the power that comes from being able to provide or promise or threaten massive anonymous expenditures on political attack ads, well, that is just how you see the world.

One day the Citizens United decision will lie next to *Lochner* on the junk pile of judicial error and prejudice. There is too much wrong with it for it ultimately to survive. But, sadly, today is not that day, and the five conservative Justices have chosen, instead of correcting their error, to double-down on it.

The central and deeply flawed premise of Citizens United was the conservative majority's declaration that vast corporate independent expenditures "do not give rise to corruption or the appearance of corruption." They had no record on which to make that decision. None had ever run in an election before. They had no basis for making that decision, but that was the declaration they issued.

First, whether independent expenditures by corporations pose dangers of corruption or dangers of the appearance of corruption is a factual question that depends on the actual workings of the electoral system. Supreme courts aren't supposed to make findings of fact. So one of the first errors in the Citizens United decision was that they drove off the road of proper judicial procedure, across the rumble strip, and they started making findings of fact—and they did so in a very dangerous way.

The peculiar way the conservative Justices brought the Citizens United question before the Court deprived the Court of any opportunity to consider a record. Ordinarily, the Supreme Court has a record that comes up to it from the court decisions below. But, as my colleagues may recall, the parties in Citizens United did not ask the Court to consider the constitutionality of limiting corporate independent expenditures. That was not addressed below. What happened is that the conservative Supreme Court Justices took it upon themselves to ask a new question and to answer that question they themselves had asked. In doing it this way, the Justices simply declared, with no factual basis, that massive, independent corporate expenditures posed no risk of corruption to our elections.

They were wrong, as is obvious to most people.

The case the Court decided today, American Tradition Partnership, created an opportunity for the Court to have dug itself out from the colossal mistake it made in Citizens United. It is an interesting background in comparison to Citizens United because the case came out of Montana, where there is an extensive record within the State of Montana of historical evidence of immense corruption created in that State by corporate influence and corporate campaign money dating all the way back to the copper barons who bought and sold Montana State government in the bad old days. The Montana court also found substantial evidence that Montana voters believe that corporate election expenditures lead to corruption and that this belief has contributed in Montana to widespread cynicism and low voter turnout. Those were findings of fact based on an actual record, and the Montana Supreme Court carefully reviewed those findings of fact. That is what it is supposed to do—not make findings of fact but review them. The Montana court concluded that the State had a compelling interest justifying the law based on the evidence in the record.

The corporations then came in and asked the U.S. Supreme Court to overrule the Montana Supreme Court's decision, arguing that it was inconsistent with Citizens United. At that point, I joined with Senator JOHN MCCAIN, who has long been a national leader on campaign finance issues, in filing a bipartisan amicus brief with the Supreme Court. In our brief, Senator MCCAIN and I challenged that central premise in Citizens United—that phony premise about the corrupting potential of outside political expenditures being nonexistent. The extensive factual record developed in Montana and the facts that have developed since Citizens United on the ground nationally provided the Court with plenty of evidence—evidence that it lacked because of the way it had approached Citizens United.

Our brief showed that Citizens United stood on a pair of false and flawed factual assumptions about our elections. First, the Citizens United decision assumed that outside political expenditures were going to be independent, that they were not going to be coordinated with political campaigns. Second, the Citizens United majority assumed that there would be disclosure of what special interests were paying for the ads. Both of these assumptions are demonstrably wrong. The ongoing Presidential and congressional races reveal close coordination between campaigns and these so-called independent expenditures. Wealthy donors, who have maxed out their contributions to the candidate, now can use candidate-specific super PACs as convenient prox-

ies to make the functional equivalent of excess campaign contributions. Campaigns and their super PACs have closely connected staff, they have shared consultants, they openly coordinate on fundraising, and they work together on advertising, with super PACs acting, actually, as the successful surrogates for the candidates in States where the candidate has made few appearances or spent little money on advertising. Indeed, in the Republican Presidential primary a candidate-specific super PAC for Senator Santorum spent millions and won the Minnesota primary for Senator Santorum when the candidate himself had no money to spend.

These vast expenditures are not just coordinated closely with candidates and campaigns, they are anonymous, with the special interests behind the ads keeping themselves secret from the American public. As everybody in this Chamber and every American who has a television set knows, the decision in Citizens United opened the floodgates to unlimited corporate and special interest money pouring into our elections. Using phony shell corporations, 501(c) organizations, and super PACs, outside groups can now spend—or, importantly, they can credibly threaten to spend because that can have a big effect in politics—overwhelming amounts of money in support of or against a candidate without any publicly disclosed paper trail.

Although the secretive interests behind the anonymous spending may be hidden from voters, they may be hidden from regulators, they may be hidden from prosecutors, they may be hidden from the media, they will not be hidden from the candidate. They will be well known to the candidate. That alone allows for an undetectable quid pro quo corruption, as the wealthy outside interests can award a candidate with massive, anonymous spending.

Worse than that is a type of corruption I touched on a moment ago when I talked about threats—a corruption made possible by the Citizens United decision that went completely unconsidered by the U.S. Supreme Court. They never even mentioned it. That is the ability to threaten large and secret expenditures without actually having to make them. A candidate could be quietly warned that if they don't take the right position on this issue, if they don't vote right when the amendment or the bill comes up, they will be punished with a large expenditure against them.

Now, how is that a threat under Citizens United? Before Citizens United, if a corporation wanted to threaten a politician, the threat would mean a \$5,000 PAC contribution to the politician's opponent. It would mean maybe some fundraising and bundling by the corporate executives and by the corporate lobbyists. I suppose that is something a

candidate wouldn't necessarily want, but it is not a very big deal. It happens all the time. And I don't think it throws much weight around here.

Today, after Citizens United, the threat isn't of \$5,000 and a couple of fundraisers, the threat is of unlimited, anonymous corporate spending against you—enough to defeat or elect a candidate. And if this threat succeeds, the real danger is that there is no record whatsoever of the corrupt deal for regulators, prosecutors, and media outlets to track.

Sherlock Holmes famously talked in one of his decisions about the dog that didn't bark. In political corruption, we need to be concerned about the ad that didn't run—the ad that didn't run because the politician obediently did what he or she was told.

The brief Senator MCCAIN and I authored laid all of this before the Court. We documented the close coordination between campaigns and this so-called independent spending. We detailed the tangled web of corporate 501(c) and super PAC relationships that allow wealthy interests, special interests, to hide their spending from the public, and we explained the various ways these forms of coordinated identity laundering by special interests create the real threat of quid pro quo corruption. As we said in our brief, "The campaign finance system assumed by Citizens United is no longer a reality, if it ever was." And, frankly, I don't think it ever was.

Confronted with the actual facts on the ground in Montana and nationally, the Supreme Court's conservatives decided they were going to ignore the evidence. There is a blindfold on Lady Justice. But the blindfold on Lady Justice as she holds her scales aloft is supposed to be blindness to the parties who are before her. It is supposed to be blindness to what the interests are. It is not supposed to be a considered and deliberate blindness to the evidence and the facts. But in this case, that is the blindness the Supreme Court has deliberately imposed on itself—or at least the five conservative Justices have.

This conservative bloc has decided to perpetuate the error of Citizens United without considering the facts. Montana will not have an opportunity to file briefs on the merits, explaining the importance of its laws to protect against the corruption that is its historic experience. The attorney general of Montana will not have the opportunity to stand before the Justices to defend his State's law. Once again, the Court has kept from itself any relevant record that might present uncomfortable facts.

In Citizens United, the conservative Justices asked themselves to decide a major constitutional case without any lower court record. And now that they have a fully developed lower court

record to proceed on that happens to show how wrong they were, they have no interest in even looking at that record.

We need to act now to fix our broken campaign finance system. The Supreme Court had the chance to correct its error. These five conservative Justices refused to correct their error. They doubled down on their error. They have ignored the evidence of their error that we all see around us, so we cannot wait. We know why they are doing it. We know what is going on. We know it is not going to happen from this Supreme Court, not from those five Justices, so we need to fix this on our own. Americans of all political stripes, whether you are an occupier or tea party, they are disgusted by the influence of unlimited and anonymous corporate cash pouring into our elections, and by campaigns that succeed or that fail depending on how many billionaires support the candidate.

More and more, people in my home State of Rhode Island and around the country believe their government responds only to wealthy special interests. They see jobs disappear and wages stagnate and bailouts and special deals for the big guys and they lose faith that elected officials here in Washington are listening to them.

(Mr. MERKLEY assumed the Chair.)

For now we are left with one weapon in the fight against the overwhelming tide of secret special interest money, and that one weapon is disclosure. Let the sun shine in. At least let the American public know who is behind these massive expenditures.

Earlier this year I introduced the DISCLOSE Act of 2012. I had immense help from the Presiding Officer, Senator MERKLEY, in doing that work. We call it DISCLOSE 2.0. This legislation will shine a bright light on all of this spending by these powerful special interests.

With this legislation, which now has 44 Senators cosponsoring it, every citizen will know who is spending these great sums of money to get their candidates elected and to influence our elections. Passing this law would begin to remove the dark cloud of unlimited secret money that the Supreme Court has cast over our American elections.

The DISCLOSE Act includes a narrow and reasonable set of provisions. We have trimmed it down so that it should have wide support from Democrats and Republicans. A great number of my Republican colleagues in this body are on record that disclosure and transparency are essential in campaign finance, so we have made every effort to craft an effective and a fair proposal while imposing the least possible burden on the covered organizations.

As Trevor Potter, a Republican, former Chairman of the Federal Election Commission, said in a statement submitted to the Rules Committee:

Disclose 2.0 is "appropriately targeted, narrowly tailored, clearly constitutional and desperately needed."

The same cannot be said for the conservative majority's holding in Citizens United, echoed again today in American Tradition Partnership. The conservative Justices' desire to maintain their error and to keep the corporate money flowing represents a sad, sad day in the history of the Court. It will, as I said earlier, one day be corrected. One day, Citizens United will lie next to *Lochner v. New York* and other decisions that have disgraced the Court in the past on the junk heap of judicial history. But until that day, it is up to all of us to work together to restore control of our elections, to restore control of our democracy, to put it back in the hands of the American people, to assure that we continue a government of the people, by the people, and for the people—not a government of the big corporations, by the big corporations, and for the big corporations.

I yield the floor.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I will take a moment to go through the closing script, and in doing so I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TSA DEPUTY ADMINISTRATOR GALE ROSSIDES

Mr. LIEBERMAN. Mr. President, today I wish to pay tribute to a dedicated public servant, a talented administrator, and a tireless warrior for homeland security. Transportation Security Administration Deputy Administrator and Chief Operating Officer Gale Rossides is retiring at the end of the month, and her departure will be a significant loss not just for TSA and the Department of Homeland Security but for the American people, whom she has served so well throughout her 34-year career in the public sector.

As Chairman of the Homeland Security and Governmental Affairs Committee, I came to understand the central role Ms. Rossides played at TSA. In appearances before the Committee, she impressed me as a knowledgeable and experienced manager whose dedication to the agency helped TSA stay on track through a difficult and chaotic startup and develop into a more mature agency as the years progressed.

Ms. Rossides' institutional memory, alone, will be irreplaceable. She was one of the original six executives hired to build TSA from the ground up in 2001, and in his book "After: How American Confronted the September 12 Era," Steven Brill wrote that "no matter what was added to her plate, or

what she reached out for to put on it herself, she seemed to take it in stride." Despite the grueling 13-hour days and 6-day weeks, Ms. Rossides stayed at TSA for 10 years—with a 1-year hiatus as senior advisor to the Under Secretary for Management at DHS. I think it is fair to say that today she is one of the department's most respected senior executives.

Ms. Rossides brought critical management experience to the nascent TSA. In the tense period after September 11, 2001, she led the team of government and private sector officials that trained and certified more than 50,000 screeners in less than 6 months—the largest public mobilization since World War II. She oversaw the debut of TSA's federalized screening force at Baltimore Washington Airport. And she led the effort to develop and implement screener technical training and certification standards.

Throughout her TSA tenure, Ms. Rossides has fostered collaborative partnerships with stakeholders; pushed for more intelligence sharing; created leadership development programs; and developed innovative workforce programs to encourage communication and conflict management. Under her watch, TSA reduced its employee injury and attrition rates and raised employee morale through innovative solutions like providing benefits to part time personnel.

Ms. Rossides moved steadily up the management ladder during her tenure at TSA. She has served as the Associate Administrator/Chief Support Systems Officer, been a Senior Advisor to the Deputy Secretary and the Under Secretary for Management at DHS, and in 2007 she was appointed acting Deputy Administrator, a position that became permanent in January 2008. She has held that position longer than any other in the agency's history.

From 2009 to January 2010, she served as Acting TSA Administrator. As such, she oversaw the implementation of Secure Flight and introduced other key security programs, including measures implemented to detect and deter improved explosives devices that could be concealed on terrorists, in the aftermath of the attempted Christmas Day terrorist attack.

This career arc more than justifies Steven Brill's description of her in his book as "an incurable workaholic" who would "run over or cleverly sidestep almost any obstacle to get to the goal." It is a tribute to her character that she remained universally well-liked while doing so.

Before she was hand-picked to help launch TSA, Ms. Rossides had worked at the Bureau of Alcohol, Tobacco, and Firearms, within the Justice Department, for 23 years, where she started as an administrative assistant. She was co-chair of a blue ribbon panel to overhaul ATF after the 1993 siege of the

Branch Davidian ranch in Waco, TX. For 8 years, she served as the first assistant director, in charge of all law enforcement, investigative, regulatory, and leadership training at ATF—the first woman to hold such a significant post at the bureau. And she was a member of the Board of Directors of the Federal Law Enforcement Training Center for 6 years.

The American people have been fortunate that Ms. Rossides has given much of her life to the Federal Government. We are certainly better off because of it.

AGRICULTURE REFORM, FOOD, AND JOBS ACT

Mr. MCCAIN. Mr. President, I could not support Senate passage of S. 3240, the "2012 Farm Bill." CBO estimates the Senate's Farm Bill will consume a colossal amount of taxpayer dollars—at least \$966 billion over 10 years. While I agree that we need nutrition programs to assist low-income families as well as programs to ensure farmers receive a fair return on their labors, the fact remains we are living in an era of crushing national debt and runaway government spending. Ultimately, the American people, both farmers and consumers, lose under this bill.

Farm Bill programs are ripe for reform. Unfortunately, we rejected amendments to fix USDA's sugar programs which cost American consumers \$3 billion annually in artificially high sugar prices. We created several new so-called "shallow-loss" subsidy programs, which could balloon to \$14 billion each year if crop prices drop from today's record high levels and return to average prices. We implemented a new \$3 billion cotton program that may exacerbate our ongoing trade dispute at the World Trade Organization. We could have eliminated the outdated mohair subsidies, but didn't, and wound up creating several new and unnecessary subsidy programs for products like popcorn and maple syrup. We've made some progress on imposing stricter payment limits on subsidies and we eliminated wasteful and duplicative USDA programs like the Catfish Inspection Office. Unfortunately, much more remains to be fixed in the Senate's farm bill before I could support it.

ADDITIONAL STATEMENTS

TRIBUTE TO IKE LIBBY

• Ms. SNOWE. Mr. President, today I wish to recognize Mr. Ike Libby, who, with his company Hometown Energy, has worked tirelessly to ease the burdens of rising home heating costs for the people of my home State.

Founded in 2004 by Ike Libby and Gene Ellis, who handles the business aspects of the company and owns a va-

riety store next door, Hometown Energy of Dixfield, ME, supplies heating oil to a region that knows just how cold winter can be. With seven employees, Hometown Energy is a quintessential local small business. Known for its long, harsh winter season, Maine's heating oil providers not only sell a product, they serve as barrier between Mainers and the biting cold.

Relationships and care are at the heart of the Hometown Energy service structure, where, in true neighborly spirit, it is more crucial to ensure that customers are taken care of than to adhere to a stringent payment plan. Hometown Energy will often waive service fees and structure payments to give as much leeway as possible during the coldest months when resources are at a premium and ability to pay the high costs of energy may be scarce. It is this devotion to a customer-first philosophy that embodies the entrepreneurial spirit of Maine small businesses. The flexibility and understanding exhibited by Hometown Energy has proven vital to many in these difficult economic times.

Hometown Energy's efforts to assist Mainers was given national attention this year when they were featured by the New York Times article "In Fuel Oil Country, Cold That Cuts To The Heart," which detailed the difficulties of home heating during the trying northern winters. Since the article ran, donations have been pouring in to Hometown Energy to assist in covering the costs of heating oil. More than \$250,000 in donations have been sent by contributors from around the world. The kindhearted response and outreach has been so great that Hometown Energy has developed a Web site specifically dedicated to receiving these contributions.

For his immeasurable compassion and commitment to serving the people of his community, Mr. Libby has been recently recognized by Dixfield's Board of Selectmen as Dixfield's Distinguished Citizen for 2012. There can be no doubt that this honor is well-deserved by Mr. Libby, who has generously given his time, energy, and very self. Through his efforts, he has profoundly touched the lives of so many in his community.

Congratulations to Ike Libby on being named Dixfield's Distinguished Citizen for 2012. Mr. Libby and everyone at Hometown Energy's kindness and selfless dedication to assisting the most vulnerable truly warms my heart. I extend my most sincere gratitude for their steadfast service and offer them my best wishes for continued success.●

TRIBUTE TO KEN DUNLAP

• Mr. MORAN. Mr. President, today I wish to remember a man who had significant impact on the lives of hundreds, maybe thousands of Kansans.

Kansans very rarely live idle lives. We are an active hard-working State, always in motion, quick to rise to a challenge. The bigger the obstacle, the faster a Kansan will be there to remove it. Our Founders seemed to know that would be the case when they chose for our State motto, "ad astra ad aspera"—"to the stars through difficulties." Kenneth Orville Dunlap, who grew up and lived in and around Wichita, KS, lived up to the motto.

A little less than 40 years ago, this Nation made a commitment to disabled children—or "differently able" as Ken liked to say—that we were going to provide them the best possible education in the least restrictive environment. Some people saw that commitment as an obstacle. Ken saw that commitment as an opportunity to help people live fuller lives.

Ken had been a teacher and coach in Kansas public schools for a couple of years when he decided to fully commit himself to special education. In the early 1970s, Ken established Wichita Public Schools' first Adaptive Physical Education curriculum at Levy Special Education Center. He went on to teach special education for 18 years at Wichita East High School, where he developed the first community-based instruction program, assisting special students with job readiness and placement.

Some folks might have looked at those accomplishments and called themselves a success. Ken, however, wasn't done yet. He went on to serve as a special education coordinator for the Wichita School District for 5 years and as principal of three special education programs at Starkey, Ketch, and Heartspring.

Still not finished, in 1996, Ken established one of the most innovative special education programs in the country—the Chisholm Life Skills Center. Ken had a vision for a school that would serve the community of Wichita, and at the same time teach its students the skills they would need to live independently. Chisholm students care for the yards of area seniors on their way to full-time paid jobs with landscaping companies. Students cook in the school cafeteria on their way to a career in food service. The school itself contracts with local businesses like Cessna/Textron Aviation, Intrust Bank and the United Way and students go on to work at several of those businesses. Chisholm is more than just a school; it is a bridge for "differently able" kids from education to the workforce and community. The staff, faculty and parents still strive for every student at Chisholm to be fully equipped with the skills needed upon graduation to live the most independent life possible in the local community.

In 1999, a Kansas storm put a different obstacle in Ken's way, when a deadly tornado ripped the roof off of

Chisholm. Again, Ken saw the opportunity, transitioning from his role as educator and administrator to foreman. While most educators were enjoying their summer vacation, Ken was overseeing the cleanup and rebuilding of the school. He rallied the whole community. Teachers, parents and alumni all pitched in, clearing debris, cleaning and rebuilding Chisholm. The school today stands as a testament to Ken's leadership and the whole community's persistence.

And, just as Ken's commitment to his school didn't end with the school year, his commitment to special education didn't end in the schoolyard. Ken and his wife Jan devoted countless hours to volunteering with the Special Olympics. They took students on annual camping trips and chaperoned the Chisholm Prom each year. They went to students' weddings and attended their funerals. Even after he retired from his 37 years in public education, Ken continued to serve on the Sedgewick County Physical & Developmental Disabilities Advisory Board.

For the last year, Ken has battled lung cancer and on Saturday, surrounded by his family, he took his last breath. This remarkable man's life was celebrated and remembered this week by family, friends, colleagues and former students. During the visitation on Tuesday at the funeral home, one of the last people to pay their respects to Ken was a former student. This young man shared with Ken's family that he had caused a lot of trouble to Ken when he was a student. Before he left, he walked over to the casket and put his hand on Ken's shoulder. He said simply, "Thank you for everything, Mr. Dunlap," and turned to leave. Then he stopped. He asked Jan if he could leave something behind. Pulling a Special Olympics Medal from his pocket, he laid it on Ken's chest, thanked him again and left.

We will never know how many lives Ken touched nor the full impact he made—but he leaves behind a great legacy and his life stands as an example to us all. His dedication to others is a powerful reminder of what is most important in life—the people around us. May we learn from Ken's example and make a lasting difference in the lives of others.●

75TH ANNIVERSARY OF REPTILE GARDENS

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize a very important South Dakota business and visitor attraction that is observing its 75th anniversary this year. Reptile Gardens has been a main focal point for Black Hills area residents and the touring general public since 1937.

It all began in 1935 when 19-year-old Earl Brockelsby discovered people's interest in snakes. As a young tour guide

at a local Rapid City attraction, this fearless snake enthusiast would often end his tours by removing his hat and revealing a live rattlesnake coiled on top of his head.

With the help of some friends, Earl built an 18-by-24-foot building at the top of a long hill outside of Rapid City and put a handful of specimens on display. Even then, the young entrepreneur knew the vital importance of location, location, location, as back in the 1930s cars would often overheat as they reached the top of a long hill. Earl's idea was to have the cars stop in Reptile Gardens' parking lot to cool their radiators and maybe stay to see the gardens.

Admission when the doors opened on June 3, 1937, was 10 cents for adults and 5 cents for children. That first day of operation, Black Hills Reptile Gardens took in \$3.85. For the next 2 days, no one visited, and on the following 2 days, the attraction took in only 40 cents and 50 cents respectively. Fortunately, business would improve quickly, and by 1941 the business had 15 employees and was showing a profit. Today, over a quarter million people visit Reptile Gardens each year.

Brockelsby was an acute businessman and one of the true tourism pioneers of South Dakota. He was also quite the practical joker. One of the many interesting stories prepared by Joe Maierhauser of Reptile Gardens includes Earl propping open the mouth of a dead alligator with the Sunday newspaper inside and setting it outside a friend's home. That friend happened to be the publisher of the Rapid City Journal.

The attraction would go through a move in 1965 with the construction of a new highway and a modernization that would give visitors the rare opportunity to walk amongst free-roaming reptiles and birds. It was one of the first such exhibits in the United States.

Over the many decades, Earl would become well known for his many trips to obtain various specimens to showcase at his attraction. From a one-man show in 1937, Reptile Gardens has expanded into a world-renowned team of animal specialists and conservationists. Their goal is to educate the public about important environmental issues and work closely with facilities worldwide on the preservation and care of rare specimens, not to mention educating school-aged children and the visiting public about various species and how they influence our world.

From crocodiles and alligators, lizards, snakes and spiders, birds, flowers and tortoises, Reptile Gardens offers a truly educational and entertaining experience. Decades of visitors can recall the facility's mascot Methuselah, a giant Galapagos tortoise that was brought to the facility in 1954 and passed away last summer, as well as

Mac the Scarlet Macaw, who had been at the facility since the mid-1950s and could recite most of the 20-minute snake show word for word.

Reptile Gardens has a worldwide reputation amongst visitors as well as among animal specialists. In addition to the various shows and specimens on site that entertain, educate, and inform people of all ages, their workers provide important research and preservation of numerous rare species.

Reptile Gardens continues to be operated by the Brockelsby family, maintaining the attraction as one of the must-see sites among the touring public in South Dakota.

I congratulate and commend the Brockelsby family for their many years of service to the Black Hills and to South Dakota, as well as to the many workers and specialists who have worked there over the past 75 years. Sons John and Jeff Brockelsby and daughters Judee Oldham and Janet Jacobs have preserved the legacy of Earl and Maude Brockelsby with eye-popping displays, hands-on exhibits, and shows with a flair for the dramatic, all the while educating visitors on the importance of preservation and care of various species. I know Reptile Gardens will continue to be one of the most popular visitor attractions in South Dakota for many years to come, and I applaud the Brockelsby family for their lasting contributions to tourism, education, and species preservation.●

NATIONAL CANCER RESEARCH MONTH

● Mr. BROWN of Ohio. Mr. President, we recognized May as National Cancer Research Month. This year, more than 1.6 million Americans will receive a cancer diagnosis and more than half a million Americans will lose their battle with cancer. However, due to the discoveries made by cancer researchers, people are living with cancer longer and, increasingly, are beating it.

Cancer researchers—world-class scientists and clinicians—are making invaluable contributions to our health care knowledge. The National Institute of Health, NIH, and the National Cancer Institute, NCI, are the leading funders and conductors of biomedical research in the world—including cancer research. According to Families USA, approximately seven jobs are created per research grant and each dollar of NIH grant money generates about \$2.21 of new business activity.

In fiscal year 2011, Ohio scientists and physicians attracted more than \$710 million in grant funding, including \$104 million dedicated to cancer research.

Ohio is on the cutting edge of cancer research thanks to world renowned medical institutions, including Ohio's two NCI-designated cancer centers: the

Case Comprehensive Cancer Center, and the Ohio State University Comprehensive Cancer Center—the James Cancer Hospital and Solove Research Institute.

The Case Comprehensive Cancer Center, CCC, brings together the cancer research efforts at Case Western Reserve University, University Hospitals Case Medical Center, and the Cleveland Clinic. Through this collaboration, the brightest minds at Case, University Hospital, and the Cleveland Clinic partner on cutting-edge cancer research bringing together more than 300 scientists and physicians to work on research projects supported by more than \$100 million in annual funding.

Case CCC also was awarded a Specialized Programs of Research Excellence, SPORE, grant—to promote translational cancer research.

The Case SPORE grant will allow Case to research gastrointestinal, GI, cancers. GI cancers are a leading cause of cancer deaths in men and women as well as disproportionately affect African Americans. African Americans are more likely to have—and die—from colon cancer. Additionally, the onset of colon cancer occurs at an earlier age for African Americans. Of the four projects that would be funded by the Case GI SPORE, several include a research emphasis on colon cancer in African Americans.

Case is also the lead center for the Barrett's Esophagus Research Network. This multiple center network allows for collaboration to develop a better understanding of Barrett's esophagus disorder and its correlation with esophageal cancer.

The Ohio State University Comprehensive Cancer Center, also referred to as "the James," was the Midwest's first fully dedicated cancer hospital and research institute.

The James researchers are drawn from 12 of Ohio State's 18 colleges to collaborate and study ways to prevent and treat cancer, including the ways genetics influences cancer development and how targeted therapies based on molecular genetics can promote treatment.

Research at the James has expanded our knowledge and understanding of cancer treatment. Researchers at the James found that 1 in 35 people with colon cancer carry a genetic disease called Lynch syndrome. Of the patients who had this gene mutation, each had on average three family members with the mutation.

Thanks to the outstanding research conducted by the James, the early detection of the mutation means that through regular colonoscopies, people with Lynch syndrome will never develop colon cancer. This is remarkable—through genetic advances, people can beat cancer before it starts.

OSU scientists are also developing a medicated patch that releases a can-

cer-preventing drug onto precancerous oral lesions.

Other scientists are conducting clinical trials for new drugs to treat patients with advanced or recurring breast, colon, lung, or prostate cancer. These drugs may offer new hope to patients who have exhausted most—if not all—existing therapeutic options.

The James and the Ohio State Wexner Medical Center is expanding its cancer research as the result of a \$100 million grant made available from the health care reform legislation.

The funding has spurred the largest construction project in university history, which will expand the Wexner Medical Center, including the James Cancer Hospital and Solove Research Institute. Slated to be completed by 2014, the expansion includes a new cancer hospital, critical care tower, outpatient center, research laboratories, and classrooms—all designed to advance the medical center's mission to improve people's lives through innovation in patient care, education, and research.

This project put more than 5,000 Ohioans to work constructing the facility and is expected to create 10,000 full-time jobs by 2014.

The University of Cincinnati Cancer Institute is another Ohio institution making strides in combating cancer.

UC's Division of Experimental Hematology and Cancer Biology is partnering with the Cancer and Blood Diseases Institute at Cincinnati Children's Hospital to explore gene therapy for the treatment of pediatric cancers and blood disorders.

I applaud the groundbreaking work conducted every day in Ohio and across the country to increase prevention, improve treatment, and extend life expectancies—for all constituencies.

Even though National Cancer Research Month has come to an end, I urge my Senate colleagues to continue to support cancer research. While researchers have made incredible strides in cancer research, only a mere 5 percent of Americans with pancreatic and other cancers have a 5-year survival rate. Now is the time to strengthen the investment in the revolutionary work of cancer researchers across the country.●

TRIBUTE TO YOUNG COLORADANS

● Mr. BENNET. Mr. President, today I wish to honor two young heroes from Colorado who received 9-1-1 for Kids' Medal of Honor this week. The medal is bestowed upon young people who distinguish themselves by calling 911 in an emergency and help to save someone's life or report a crime. An award is also presented to the dispatcher who processed the call and provided the appropriate emergency response.

Last year, 7-year-old Alisha Fetz and 12-year-old Matthew Diaz, both of

Thornton, each found themselves in difficult situations in which they needed to protect their family members.

Alisha called 911 on June 1, 2011 when her mother was having difficulty breathing. Alisha answered dispatcher Ashley Bettschen's questions clearly and calmly, even providing her mother's cell phone number and information on her mother's medical condition. Following all of dispatcher Bettschen's instructions, Alisha ensured that her mother was treated quickly and efficiently.

On August 15, 2011, Matthew called 911 while his house was being burglarized. He locked himself and his younger sister in a bathroom and managed to whisper answers to Dispatcher Rhonda Halsey in a calm and clear manner. Because of his great descriptions of both the burglars and their vehicle, the suspects were apprehended only minutes later. The burglars were both prior convicted felons, and several other open cases were cleared because of Matthew's call.

Both of these kids knew exactly what to do. They didn't panic, and they helped ensure the safety of their family members through their actions. They and the dispatchers who helped them serve as a great example of how important it is for kids to know what to do when trouble arises.

The organization, 9-1-1 for Kids, is working to ensure that kids of all ages understand the importance and proper use of 911. It does so by raising awareness through conferences, media outreach, training activities, school events, and by highlighting the stories of kids like Alisha and Matthew.

I join all Coloradans in offering our gratitude to dispatchers Ashley Bettschen and Rhonda Halsey for their service to their communities and congratulating Alisha and Matthew for this award as well as their bravery and ability to remain calm in the face of an emergency. ●

TRIBUTE TO PAUL L. PARETS

● Mr. CARPER. Mr. President, I rise today on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY and myself in recognition of Mr. Paul L. Parets upon his retirement from 36 years of exemplary service at A.I. duPont High School as a nationally-recognized high school band director and 46 years as a music educator. His enthusiasm and leadership over the years has won him the respect of educators, musicians, community leaders, co-workers and students alike, and his passion for teaching music has inspired generations of Delawareans.

Growing up in Michigan, Paul Parets was not raised in a musical family. In fact, his parents expected Paul to become a doctor. But Paul had a keen interest in music from an early age, and once he joined the band in his grade

school, he was hooked. Following his graduation from Melvindale High School in Melvindale, MI, Paul received a Bachelor's of Music Education from Central Michigan University and continued his graduate education at the University of Michigan and the University of Maryland. For the first 10 years of his career, Paul led the band at Croswell-Lexington High School in Michigan. Fortunately for those of us in the First State, though, he moved to Delaware in 1976 and became the Band Director at A.I. duPont High School in Greenville. There, over the course of the next 4 decades, Paul developed one of the foremost high school band programs in the country.

Under Paul's leadership, band membership rose from 90 students to well over 300, and from one band sprouted five: the Freshman Band, Symphonic Band, Jazz Band, the Symphonic Wind Ensemble and The Tiger Marching Band.

Paul's unique approach to music education has made the A.I. duPont band program a standout in Delaware and in America. Through a student-elected executive board for the band, students—not teachers—are empowered to make major decisions about music and band activities. By allowing students to decide the arrangements they would like to perform, the drills they want to execute or the trips they want to take, Paul gave his band members an important opportunity to learn how to lead, to make decisions and to become better musicians. Paul's approach also expanded the prospect of band membership to every student—from novices to the classically-trained, from football players to after-school waiters—giving all Tigers exposure to the power of music.

Paul once said in an interview with School Band & Orchestra Magazine that he has two objectives as a band director. The first is to make sure his students play "some great music by some great composers." The second is that the students recognize that "there is only one purpose for music, and that is to thrill people. Nobody listens to music that doesn't do something to them emotionally." And for the past 36 years, our State—and the world—has been thrilled by Paul Parets and his A.I. Tigers.

Beyond A.I. duPont and Delaware, the rest of our Nation—and other countries beyond our borders—began taking notice of Paul Parets and his talented musicians at A.I. duPont years ago. Since 1989, his bands have received first place awards in almost every category of every festival competition they have entered. Paul is the only band director, and his Tiger Marching Band is the only high school band outside California, ever to be invited to the Pasadena Tournament of Roses Parade an unprecedented five times: 1990, 1995, 1999, 2004, and 2008. The Tigers have ap-

peared in the Orange Bowl twice, the Macy's Thanksgiving Day Parade, the Hall of Fame Bowl, the Fiesta Bowl twice, the 6ABC Thanksgiving Day Parade in Philadelphia every year since 1987 and the inaugurations of three U.S. Presidents, the most recent being Barack Obama.

Internationally, Paul's Tigers have represented the First State with honor at the London New Year's Day Parade seven times, the Rome New Year's day Parade twice, the St. Patrick's Day Parade in Dublin 4 times, and played for two of the world's most recognizable figures: Queen Elizabeth in London and Pope Benedict in St. Peter's Square. The talents of his bands have filled the music halls and legendary stages of the Ireland National Concert Hall and The Royal Albert Hall in London.

Paul was named Delaware Teacher of the Year in 1987 and was a recipient of the Ruth M. Jewell Outstanding Music Educator Award from the Music Educator's National Conference at Indianapolis in 1988. In 1989, my friend and former colleague, then-Governor Mike Castle, conferred on Paul the Order of the First State, as well. While Paul's accolades have made him legendary in the sphere of public education, his legacy will undoubtedly remain with the thousands of students—many of whom are second generation Tigers—that he has taught in his nearly 50-year career.

It is not hard to see the span of influence Paul has had on his students, who are now scattered across the globe. He has nearly 2,000 Facebook friends, mainly made up of past and current students. A quick Internet search of his name will turn up blog post after blog post of former students stating that Paul—or "Mr. Parets"—"changed my life," "made a difference," and that A.I. will "never be the same" without him. I think all of us who have experienced the thrills of any of the A.I. duPont bands echo these sentiments. As they say at A.I., "You cannot hide that Tiger Pride," and I know I share that feeling of pride every time I turn on my TV and see the A.I. duPont Tigers marching down the streets of Pasadena, London or New York. Up and down Delaware, we certainly can't hide our overwhelming pride for Paul Parets, nor will we be able to hide our heartbreak when he is not on the director's podium this fall.

Upon Paul's retirement, he will leave behind a legacy that is a testament to the importance of music in public education and the pure joy—and thrill—of music. His lessons inside and outside of the classroom will remain with his students, our community, and with future generations of A.I. duPont band members. I thank him for his contribution to music education and for his commitment to public service through years as an elected member to the Delaware City Council. I also thank him for the pride he has brought to the First State

and for the generations of musicians he has nurtured—a gift that will give time and time again. I wish him, his children, Tim and Meredith, and two grandchildren, Aaron and Abigail, and the rest of his family only the very best in all that lies ahead for each of them. As we say in the Navy, “Bravo Zulu!” to Paul Parets. You are one of a kind, and we are blessed to have known you all of these years.●

TRIBUTE TO SCOTT BLANCHARD

● Mr. THUNE. Mr. President, today I recognize Scott Blanchard, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Scott is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, he is attending Northern State University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Scott for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO SHILOH DAY

● Mr. THUNE. Mr. President, today I recognize Shiloh Day, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past couple of months.

Shiloh is a graduate of Highmore High School in Highmore, SD. Currently, she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Shiloh for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO KELLY HERRMANN

● Mr. THUNE. Mr. President, today I wish to recognize Kelly Herrmann, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Kelly is a graduate of Stevens High School in Rapid City, SD. Currently, she is attending South Dakota State University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelly for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO REBECCA REITER

● Mr. THUNE. Mr. President, today I recognize Rebecca Reiter, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Rebecca is a graduate of Watertown High School in Watertown, SD. Currently, she is attending the University of South Dakota, where she is majoring in political science and criminal justice. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Rebecca for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO KEVIN ROBB

● Mr. THUNE. Mr. President, today I recognize Kevin Robb, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Kevin is a graduate of St. Thomas More High School in Rapid City, SD. Currently, he is attending the University of South Dakota, where he is majoring in political science and philosophy. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Kevin for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO SHELBY SCHOON

● Mr. THUNE. Mr. President, today I recognize Shelby Schoon, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Shelby was home schooled and is a native of Brandon, SD. Currently, she is a graduate of Northwestern College where she majored in business administration and biology health professionals. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Shelby for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:11 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4480. An act to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4480. An act to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1379. A bill to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service (Rept. No. 112-178).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL:

S. 3337. A bill to amend title XVIII of the Social Security Act to provide for the elimination of the Medicare sustainable growth rate (SGR) formula to ensure access to physicians' services for Medicare beneficiaries; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. HARKIN, and Mr. WICKER):

S. 3338. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 3339. A bill to allow certain Indonesian citizens to file a motion to reopen their asylum claims; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 3340. A bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON of South Dakota (for himself and Mr. KIRK):

S. Res. 503. A resolution designating June 2012 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr.

RUBIO, Mr. BLUMENTHAL, Mr. KIRK, Mr. SCHUMER, Mr. MENENDEZ, Mr. INHOFE, Mr. KOHL, Mr. RISCH, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. WYDEN, Mrs. BOXER, Mr. CARDIN, Ms. MIKULSKI, Mr. LEVIN, Mr. BEGICH, Ms. SNOWE, Mr. BROWN of Ohio, Mr. MORAN, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. LEE, Ms. LANDRIEU, Mr. BARRASSO, Ms. STABENOW, Mr. DURBIN, Mr. BLUNT, Mrs. FEINSTEIN, Ms. AYOTTE, Mr. ROBERTS, Mr. CASEY, and Mr. BOOZMAN):

S. Res. 504. A resolution expressing support for the International Olympic Committee to recognize with a minute of silence at the 2012 Olympics Opening Ceremony the athletes and others killed at the 1972 Munich Olympics; considered and agreed to.

ADDITIONAL COSPONSORS

S. 697

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 703

At the request of Mr. BARRASSO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from North Caro-

lina (Mrs. HAGAN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1744

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1744, a bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

S. 1806

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. COONS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1806, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Colorado (Mr. BENNET), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. FRANKEN), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2103

At the request of Mr. LEE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2250

At the request of Ms. STABENOW, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 2250, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 2342

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2620

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3263

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3263, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 3274

At the request of Mr. KERRY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3318

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3318, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes.

S. 3322

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3322, a bill to strengthen enforcement and clarify certain provisions of the Servicemembers Civil

Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code, and to reconcile, restore, clarify, and conform similar provisions in other related civil rights statutes, and for other purposes.

S. 3326

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Mississippi (Mr. WICKER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3326, a bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. 3328

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3328, a bill to provide grants for juvenile mentoring.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 489

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial dis-

eases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 494

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

AMENDMENT NO. 2310

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2310 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 3340. A bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Madam President, last February, in my office in Seattle, I sat down with an Iraq and Afghanistan war veteran named Stephen Davis and his wife Kim. Stephen and Kim were there to talk to me about their experiences since he returned home and about the invisible wounds of war they were struggling with together every single day.

At the meeting Kim did most of the talking. She told me about the nightmares. She told me about the lack of sleep. She talked about the confusion and the anxiety that was now a constant in their lives. But it was the way she summed up her experience since Stephen returned home that struck me hardest.

She said her husband still hadn't returned home. She said the husband she had been married to for nearly two decades—although he was sitting directly next to her—was still not back from the war.

Do you know what? Despite the fact that we often refer to these wounds as invisible, you could see it. When it came time for Stephen to describe to me his experiences, he shook as he explained how difficult the transition home has been for him, his wife, and for their family.

The Davis family's story is no different than what thousands of other families have faced. But their story does have a tragic and frustrating twist. You see, Sergeant Davis knew when he returned home that he had a

problem with post-traumatic stress, and he was courageous enough to reach out for help. He sought care and he was diagnosed with PTSD.

But just a few months later, after a visit to Madigan Army Medical Base in my State of Washington, he was told something that shocked and appalled him and his wife. After just a 10-minute meeting and a written questionnaire, Sergeant Davis was told he was exaggerating his symptoms and he didn't have PTSD. He was told, in effect, that despite serving in two war zones, despite being involved in three separate IED incidents, and despite his repeated deployments, he was making it all up.

He was then sent home with a diagnosis of adjustment disorder and told his disability rating would be lowered and that the benefits he and his family would receive would ultimately be diminished. If this sounds like an isolated, shocking incident, here is something you will find even more shocking. Sergeant Davis was one of literally hundreds of patients at that Army hospital who were told the exact same thing.

Soldiers who had been diagnosed with PTSD—not just once but several times—had their diagnosis taken away. In many instances these soldiers were told they were embellishing or even outright lying about their symptoms. In fact, so many soldiers were being accused of making up symptoms by doctors at that hospital I began to get letters and phone calls from them to my office.

Soon after that, documents came to light showing that the doctors diagnosing these soldiers were being encouraged to consider not just the best diagnosis for their patients but also the cost of care. These revelations have led to a series of internal investigations that are still underway today. Even more important, they have led to these soldiers now, thankfully, being reevaluated, and today hundreds of these soldiers, including Sergeant Davis, have had their proper PTSD diagnosis restored.

This, too, could be viewed as an isolated incident. In fact, when I first raised concerns, the problems we saw at Madigan could be happening at other bases across the country, that is exactly what I was told—it was an isolated incident at one base, at one hospital. But I knew better.

I remembered back to this Salon article that ran a few years ago. In that article, a doctor from Fort Carson in Colorado talked about how he was “under a lot of pressure to not diagnose PTSD.”

It went on to quote a former Army psychologist named David Rudd, who said:

Each diagnosis is an acknowledgement that psychiatric casualties are a huge price tag of this war. It is easiest to dismiss these

casualties because you can't see the wounds. If they change the diagnosis, they can dismiss you at a substantially decreased rate.

Madam President, I also had my own staff launch an investigation into how the military and the VA were diagnosing mental health conditions at other bases across our country, and I was very troubled by what I found.

It became clear that there were other cases where doctors accused soldiers of exaggerating symptoms without any documentation of appropriate interview techniques. They encountered inadequate VA medical examinations, especially in relation to traumatic brain injury. They found that many VA rating decisions contained errors, which in some cases complicated the level of benefits that veterans should have received.

Now, to their credit, the Army did not run and hide as the questions about other bases continued to mount. In fact, they have now taken two important steps. First, in April, they issued a new policy for diagnosing PTSD that criticized the methods being used at Madigan and pointed out to health officials throughout the entire system that it was unlikely that soldiers were faking these symptoms. Then, in May, the Army went further and announced they would review all mental health diagnoses across the country dating back to 2001. That, in turn, has led Secretary Panetta to announce just last week that all branches of the military are now going to undergo a similar review.

Without question, these are historic steps in our efforts to right a decade of inconsistencies in how the invisible wounds of war have been evaluated. Servicemembers, veterans, and their families should never have to wade through an unending bureaucratic process. Because of this outcry from veterans and servicemembers alike, the Pentagon now has an extraordinary opportunity to go back and correct the mistakes of the past.

We have to make sure these mistakes are never repeated. We still need to fundamentally change a system that Secretary Panetta admitted to me last week has “huge gaps” in it.

That is why I am here this evening. Today, I am introducing the Mental Health ACCESS Act of 2012. It is a bill that seeks to make improvements to make sure that those who have served have access to consistent, quality behavioral health care.

It is a bill that strengthens oversight of military mental health care and improves the integrated disability evaluation system on which we rely. As anyone who understands these issues knows well, this is not an easy task. The mental health care, suicide prevention, and counseling programs we provide our servicemembers are spread throughout this entire Department of Defense and the VA. Too often they are entangled in a web of bureaucracy and,

frankly, too often this makes them difficult to address in legislation.

In crafting this bill I identified critical changes that need to be made at both the Department of Defense and the VA, and I set up a checklist of legislative changes needed to do just that. Some provisions in the bill will likely be addressed in my Veterans Committee. Others will need to be addressed through Defense bills and work with the chairs of those committees. But all of these provisions are critical, and today I want to share with you some of the most important ones.

High atop the list of changes this bill makes is addressing military suicides which, as we all know, is an epidemic that now outpaces combat deaths in this country. My bill will require the Pentagon to create comprehensive standardized suicide prevention programs. It would also require the Department to better oversee mental health services for servicemembers.

It will expand eligibility for a variety of VA mental health services to family members so we can help families and spouses to cope with the stress of deployment and strengthen the support network that is critical to servicemembers who are returning from deployment.

Third, my bill will improve training and education for our health care providers. Oftentimes our servicemembers seek out help from chaplains, medics, or others who may be unprepared to offer counseling. This bill will help prepare them through continuing education programs.

Fourth, my bill will create more peer-to-peer counseling opportunities. It would do it by requiring VA to offer peer support services at all medical centers and by supporting opportunities to train vets to provide peer services.

Finally, this bill will require VA to establish accurate and reliable measures for mental health services. This will help ensure that the VA understands the problems they face so that veterans can get into the care we know they can provide.

All of these are critical steps at a pivotal time, because the truth is, right now the Department of Defense and the VA are losing the battle against the mental and behavioral wounds of these wars.

To see that, you don't need to look any farther than the tragic fact that already this year over 150 active-duty servicemembers have taken their own lives or the fact that one veteran commits suicide in this country every 80 minutes. And while we all know there are a number of factors that contribute to suicide—repeated deployments, lack of employment security, isolation in their communities, and difficulty transitioning back to their families—not having access to quality and timely mental health care is vital.

When our veterans cannot get the care they need, they often self-medicate. When they wait endlessly for a proper diagnosis, they lose hope. Last year at this time, I held a hearing in my veterans committee on the mental health disability system this bill seeks to strengthen, and I heard two stories that illustrate that despair.

Andrea Sawyer, the wife of Army SGT Lloyd Sawyer, testified about her husband, who is an Iraq veteran and spent years searching for care. Together, they hit barriers and they hit redtape so often that at one point, she said, he held a knife to his throat in front of both her and an Army psychiatrist before being talked out of it.

Later, in that very same hearing, Daniel Williams, an Iraq combat veteran, testified about how his struggle to find care led him to stick the gun in his mouth while his wife begged him to stop, only to see his gun misfire.

Those are the stories that define this problem. These are men and women we must be there for. They have served and sacrificed and done everything this country has asked of them. They have left their families, left their homes. They have served multiple times and protected our Nation's interests at home and abroad. This bill will make a difference for them, but we have to make these changes now.

Today I am asking Members of the Senate from both sides of the aisle to please join me in this effort. We owe our veterans a medical evaluation system that treats them fairly, that gives them the proper diagnosis, and that provides access to the mental health care they have earned and they deserve. We need to join together to get this legislation passed, and I ask every Member of the Senate to help me get this through. It is critical, as thousands of men and women come home today and thousands of them are waiting on care.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, let me begin by thanking the chair of the Senate veterans committee for her incredible leadership on one of the most tragic issues of our times—the suicide rate among active-duty personnel in our Armed Forces, and especially among veterans.

Last week I spoke to the Disabled American Veterans in Columbus. I hear these same issues all the time, particularly among men and women who are sent for their second, third, fourth, and fifth deployments. One veteran, active in the DAV, told me about an Ohio soldier who has had a seventh deployment. That is not what we should be doing, and so I appreciate Senator MURRAY's leadership.

I am a member of that committee—the first Ohioan to ever serve on the veterans committee for a full term—

and I am on this committee because of these problems. So I am thankful for the leadership we have on that committee and for what Senator MURRAY has done.

I remember when I was presiding some years ago, and she was talking on the Senate Floor about her dad, who is a veteran, and I know that is a big part of why she does what she does.

I thank the Senator from Washington State.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 503—DESIGNATING JUNE 2012 AS “NATIONAL APHASIA AWARENESS MONTH” AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON of South Dakota (for himself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 503

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of, or reduction in, the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the “NINDS”), strokes are the third-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas strokes are a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are approximately 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer approximately 750,000 strokes per year, with about ⅓ of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire aphasia each year;

Whereas the people of the United States should strive to learn more about aphasia and to promote research, rehabilitation, and support services for people with aphasia and aphasia caregivers throughout the United States; and

Whereas people with aphasia and their caregivers envision a world that recognizes the “silent” disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2012 as “National Aphasia Awareness Month”;

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study to find new solutions for people experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

SENATE RESOLUTION 504—EXPRESSING SUPPORT FOR THE INTERNATIONAL OLYMPIC COMMITTEE TO RECOGNIZE WITH A MINUTE OF SILENCE AT THE 2012 OLYMPICS OPENING CEREMONY THE ATHLETES AND OTHERS KILLED AT THE 1972 MUNICH OLYMPICS

Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. BLUMENTHAL, Mr. KIRK, Mr. SCHUMER, Mr. MENENDEZ, Mr. INHOFE, Mr. KOHL, Mr. RISSCH, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. WYDEN, Mrs. BOXER, Mr. CARDIN, Ms. MIKULSKI, Mr. LEVIN, Mr. BEGICH, Ms. SNOWE, Mr. BROWN of Ohio, Mr. MORAN, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. LEE, Ms. LANDRIEU, Mr. BARRASSO, Ms. STABENOW, Mr. DURBIN, Mr. BLUNT, Mrs. FEINSTEIN, Ms. AYOTTE, Mr. ROBERTS, Mr. CASEY, and Mr. BOOZMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 504

Whereas, in September 1972, in the midst of the Munich Olympics, the core spirit of the Olympics was violated when members of the Black September Palestinian terrorist group murdered eleven members of the Israeli Olympic Team consisting of athletes, coaches, and referees;

Whereas one West German police officer was also killed in the terrorist attack;

Whereas the international community was deeply touched by the brutal murders at the Munich Olympics and memorials have been placed around the world, including in Rockland County, New York, United States; Manchester, United Kingdom; Tel Aviv, Israel; and Munich, Germany;

Whereas the International Olympic Committee has an obligation and the ability to fully and publicly promote the ideals embodied in the Olympic Charter, which states, “The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.”

Whereas no opening ceremonies of any Olympics since 1972 have marked an official recognition of the terrorist attack that brutally betrayed the vision of the Olympic Games; and

Whereas the London Olympic Games in 2012 will mark four decades since this act of terror took place without a full and public commemoration of the gravity of this tragic event for all Olympians and all humankind: Now, therefore, be it

Resolved, That the Senate—

(1) should observe a minute of silence to commemorate the 40th anniversary of the 1972 Munich Olympics terrorist attack and remember those who lost their lives;

(2) urges the International Olympic Committee to take the opportunity afforded by the 40th anniversary of the 1972 Munich Olympics terrorist attack to remind the world that the Olympics were established to send a message of hope and peace through sport and athletic competition; and

(3) urges the International Olympic Committee to recognize with a minute of silence at the 2012 Olympics Opening Ceremony those who lost their lives at the 1972 Munich Olympics in an effort to reject and repudiate terrorism as antithetical to the Olympic goal of peaceful competition.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2468. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SA 2469. Mr. REID (for Mr. PRYOR (for himself and Mr. HOEVEN)) proposed an amendment to amendment SA 2468 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1940, *supra*.

SA 2470. Mr. REID proposed an amendment to amendment SA 2469 proposed by Mr. REID (for Mr. PRYOR (for himself and Mr. HOEVEN)) to the amendment SA 2468 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1940, *supra*.

SA 2471. Mr. REID proposed an amendment to the bill S. 1940, *supra*.

SA 2472. Mr. REID proposed an amendment to amendment SA 2471 proposed by Mr. REID to the bill S. 1940, *supra*.

SA 2473. Mr. REID proposed an amendment to the bill S. 1940, *supra*.

SA 2474. Mr. REID proposed an amendment to amendment SA 2473 proposed by Mr. REID to the bill S. 1940, *supra*.

SA 2475. Mr. REID proposed an amendment to amendment SA 2474 proposed by Mr. REID to the amendment SA 2473 proposed by Mr. REID to the bill S. 1940, *supra*.

SA 2476. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1940, *supra*; which was ordered to lie on the table.

SA 2477. Mr. MERKLEY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1940, *supra*; which was ordered to lie on the table.

SA 2478. Mr. MERKLEY (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1940, *supra*; which was ordered to lie on the table.

SA 2479. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1940, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2468. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore

the financial solvency to the flood insurance fund, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Definitions.

Sec. 104. Extension of National Flood Insurance Program.

Sec. 105. Availability of insurance for multifamily properties.

Sec. 106. Reform of premium rate structure.

Sec. 107. Areas of residual risk.

Sec. 108. Premium adjustment.

Sec. 109. State chartered financial institutions.

Sec. 110. Enforcement.

Sec. 111. Escrow of flood insurance payments.

Sec. 112. Minimum deductibles for claims under the National Flood Insurance Program.

Sec. 113. Considerations in determining chargeable premium rates.

Sec. 114. Reserve fund.

Sec. 115. Repayment plan for borrowing authority.

Sec. 116. Payment of condominium claims.

Sec. 117. Technical mapping advisory council.

Sec. 118. National flood mapping program.

Sec. 119. Scope of appeals.

Sec. 120. Scientific Resolution Panel.

Sec. 121. Removal of limitation on State contributions for updating flood maps.

Sec. 122. Coordination.

Sec. 123. Interagency coordination study.

Sec. 124. Nonmandatory participation.

Sec. 125. Notice of flood insurance availability under RESPA.

Sec. 126. Participation in State disaster claims mediation programs.

Sec. 127. Additional authority of FEMA to collect information on claims payments.

Sec. 128. Oversight and expense reimbursements of insurance companies.

Sec. 129. Mitigation.

Sec. 130. Flood Protection Structure Accreditation Task Force.

Sec. 131. Flood in progress determinations.

Sec. 132. Clarification of residential and commercial coverage limits.

Sec. 133. Local data requirement.

Sec. 134. Eligibility for flood insurance for persons residing in communities that have made adequate progress on the construction, reconstruction, or improvement of a flood protection system.

Sec. 135. Studies and reports.

Sec. 136. Reinsurance.

Sec. 137. GAO study on business interruption and additional living expenses coverages.

Sec. 138. Policy disclosures.

Sec. 139. Report on inclusion of building codes in floodplain management criteria.

Sec. 140. Study of participation and affordability for certain policyholders.

Sec. 141. Study and report concerning the participation of Indian tribes and members of Indian tribes in the National Flood Insurance Program.

Sec. 142. Technical corrections.

Sec. 143. Private flood insurance policies.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Establishment.

Sec. 204. Membership.

Sec. 205. Duties of the commission.

Sec. 206. Report.

Sec. 207. Powers of the commission.

Sec. 208. Commission personnel matters.

Sec. 209. Termination.

Sec. 210. Authorization of appropriations.

TITLE III—ALTERNATIVE LOSS ALLOCATION

Sec. 301. Short title.

Sec. 302. Assessing and modeling named storms over coastal States.

Sec. 303. Alternative loss allocation system for indeterminate claims.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the “Flood Insurance Reform and Modernization Act of 2012”.

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 exceeded all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed \$19,000,000,000 from the Treasury;

(3) the interest alone on this debt has been as high as \$800,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) events throughout the country involving areas behind flood control structures, known as “residual risk” areas, have produced catastrophic losses;

(7) although such flood control structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) 100-YEAR FLOODPLAIN.—The term “100-year floodplain” means that area which is subject to inundation from a flood having a 1-percent chance of being equaled or exceeded in any given year.

(2) 500-YEAR FLOODPLAIN.—The term “500-year floodplain” means that area which is subject to inundation from a flood having a 0.2-percent chance of being equaled or exceeded in any given year.

(3) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(4) NATIONAL FLOOD INSURANCE PROGRAM.—The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(5) WRITE YOUR OWN.—The term “Write Your Own” means the cooperative undertaking between the insurance industry and the Federal Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “July 31, 2012” and inserting “September 30, 2017”.

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “July 31, 2012” and inserting “September 30, 2017”.

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended—

(1) in subsection (b)(2)(A), by inserting “not described in subsection (a) or (d)” after “properties”; and

(2) by adding at the end the following:

“(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

“(1) IN GENERAL.—The Administrator shall make flood insurance available to cover residential properties of 5 or more residences. Notwithstanding any other provision of law, the maximum coverage amount that the Administrator may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of 5 or more residences to obtain insurance for the contents and personal articles located in such residences.”

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)(2), by striking “for any residential property which is not the primary residence of an individual; and” and inserting the following: “for—

“(A) any residential property which is not the primary residence of an individual;

“(B) any severe repetitive loss property;

“(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

“(D) any business property; or

“(E) any property which on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2012 has experienced or sustained—

“(i) substantial damage exceeding 50 percent of the fair market value of such property; or

“(ii) substantial improvement exceeding 30 percent of the fair market value of such property; and”;

(B) by adding at the end the following:

“(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Adminis-

trator shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

“(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2012;

“(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy; or

“(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

“(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

“(B) in connection with—

“(i) a repetitive loss property; or

“(ii) a severe repetitive loss property.

“(h) DEFINITION.—In this section, the term ‘severe repetitive loss property’ has the following meaning:

“(1) SINGLE-FAMILY PROPERTIES.—In the case of a property consisting of 1 to 4 residences, such term means a property that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this chapter, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

“(2) MULTIFAMILY PROPERTIES.—In the case of a property consisting of 5 or more residences, such term shall have such meaning as the Director shall by regulation provide.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of enactment of this Act.

(b) ESTIMATES OF PREMIUM RATES.—Section 1307(a)(1)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by adding “and” at the end; and

(3) by inserting after clause (iii) the following:

“(iv) all costs, as prescribed by principles and standards of practice in ratemaking adopted by the American Academy of Actuaries and the Casualty Actuarial Society, including—

“(I) an estimate of the expected value of future costs,

“(II) all costs associated with the transfer of risk, and

“(III) the costs associated with an individual risk transfer with respect to risk classes, as defined by the Administrator.”

(c) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “or (3)”; and

(B) by inserting “any properties” after

“under this title for”; and

(2) in paragraph (1)—

(A) by striking “any properties within any single” and inserting “within any single”; and

(B) by striking “10 percent” and inserting “15 percent”; and

(3) by striking paragraph (2) and inserting the following:

“(2) described in subparagraphs (A) through (E) of section 1307(a)(2) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).”

(d) PREMIUM PAYMENT FLEXIBILITY FOR NEW AND EXISTING POLICYHOLDERS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

“(g) FREQUENCY OF PREMIUM COLLECTION.—With respect to any chargeable premium rate prescribed under this section, the Administrator shall provide policyholders that are not required to escrow their premiums and fees for flood insurance as set forth under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) with the option of paying their premiums either annually or in more frequent installments.”

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to affect the requirement under section 2(c) of the Act entitled “An Act to extend the National Flood Insurance Program, and for other purposes”, approved May 31, 2012 (Public Law 112-123), that the first increase in chargeable risk premium rates for residential properties which are not the primary residence of an individual take effect on July 1, 2012.

SEC. 107. AREAS OF RESIDUAL RISK.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following:

“SEC. 1368. AREAS OF RESIDUAL RISK.

“(a) DEFINITIONS.—

“(1) AREA OF RESIDUAL RISK.—Not later than 18 months after the date of enactment of the Flood Insurance Reform and Modernization Act of 2012, the Administrator shall establish a definition of the term ‘area of residual risk’ for purposes of the national flood insurance program that is limited to areas that—

“(A) the Administrator determines are located—

“(i) behind a levee or near a dam or other flood control structure; and

“(ii) in an unimpeded 100-year floodplain; and

“(B) are not areas having special flood hazards.

“(2) OTHER DEFINITIONS.—In this section—

“(A) the term ‘hydrographic subdivision’ means a subdivision of an area of residual risk that is determined based on unique hydrographic characteristics; and

“(B) the term ‘unimpeded 100-year floodplain’ means that area which, if no levee, dam, or other flood control structure were present, would be subject to inundation from a flood having a 1-percent chance of being equaled or exceeded in any given year.

“(b) TREATMENT OF AREAS OF RESIDUAL RISK.—Except as otherwise provided in this section, this title, the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), and the Flood Insurance Reform and Modernization Act of 2012 shall apply to an area of residual risk as if it were an area having special flood hazards.

“(c) EXEMPTION FROM FLOODPLAIN MANAGEMENT REQUIREMENTS.—A State or local government with jurisdiction of an area of residual risk (or subdivision thereof) shall not be required to adopt land use and control measures in the area of residual risk (or subdivision thereof) that are consistent with the comprehensive criteria for land management and use developed by the Administrator under section 1361.

“(d) PRICING IN AREAS OF RESIDUAL RISK.—In carrying out section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), the Administrator shall ensure that the risk premium rate for flood insurance policies for a hydrographic subdivision does not exceed a rate that adequately reflects—

“(1) the level of flood protection provided to the hydrographic subdivision by any levee, dam, or other flood control structure, regardless of the certification status of the flood control structure; and

“(2) any historical flooding event in the area.

“(e) WAIVER OF MANDATORY PURCHASE REQUIREMENTS FOR DE MINIMIS RISK.—The requirements under sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106) shall not apply to any property in an area of residual risk for which the risk premium, as established in accordance with subsection (d), is less than the equivalent of \$1 per day, as determined by the Administrator.

“(f) DECERTIFICATION.—Upon decertification of any levee, dam, or flood control structure under the jurisdiction of the United States Army Corps of Engineers, the Chief of Engineers shall immediately provide notice to the Administrator.”

(b) DEFINITION.—In this section, the term “area of residual risk” has the meaning given that term under section 1368 of the National Flood Insurance Act of 1968, as added by this section.

(c) EFFECTIVE DATE FOR MANDATORY PURCHASE REQUIREMENT.—The requirements under sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106) shall not apply to any area of residual risk, until—

(1) the Administrator submits to Congress a certification that the Administrator has completed a study of levels of flood risk that provides adequate methodologies for the Administrator to estimate varying levels of flood risk for areas of residual risk;

(2) the mapping of all areas of residual risk in the United States that are essential in order to administer the National Flood Insurance Program, as required under section 118 of this Act, is in the maintenance phase; and

(3) in the case of areas of residual risk behind levees, the Administrator submits to Congress a certification that the Administrator is able to adequately estimate varying levels of residual risk behind levees based on—

(A) the design of the levees;

(B) the soundness of the levees;

(C) the hydrography of the areas of residual risk; and

(D) appropriate consideration of historical flooding events in the areas of residual risk.

(d) STUDY AND REPORT ON MANDATORY PURCHASE REQUIREMENTS IN RESIDUAL RISK AREAS.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study assessing the impact and effectiveness of applying the mandatory purchase requirements under sections 102 and 202 of the Flood Dis-

aster Protection Act of 1973 (42 U.S.C. 4012a and 4106) to properties located in areas of residual risk.

(B) AREAS OF STUDY.—In carrying out the study required under subparagraph (A), the Comptroller General shall evaluate—

(i) the regulatory, financial, and economic impact of applying the mandatory purchase requirements described in subparagraph (A) to areas of residual risk on—

(I) the costs of homeownership;

(II) the actuarial soundness of the National Flood Insurance Program;

(III) the Federal Emergency Management Agency;

(IV) communities located in areas of residual risk;

(V) insurance companies participating in the National Flood Insurance Program; and

(VI) the Disaster Relief Fund;

(ii) the effectiveness of the mandatory purchase requirements in protecting—

(I) homeowners and taxpayers in the United States from financial loss; and

(II) the financial soundness of the National Flood Insurance Program;

(iii) the impact on lenders of complying with or enforcing the mandatory purchase requirements;

(iv) the methodology that the Administrator uses to adequately estimate the varying levels of residual risk behind levees and other flood control structures; and

(v) the extent to which the risk premium rates under the National Flood Insurance Program for property in the areas of residual risk behind levees adequately account for—

(I) the design of the levees;

(II) the soundness of the levees;

(III) the hydrography of the areas of residual risk; and

(IV) any historical flooding in the areas of residual risk.

(2) REPORTS.—

(A) INITIAL REPORT.—Not later than 12 months after the effective date described in subsection (c), the Comptroller General shall submit to Congress a report that—

(i) contains the results of the study required under paragraph (1); and

(ii) provides recommendations to the Administrator on improvements that may result in more accurate estimates of varying levels of residual risk behind levees and other flood control structures.

(B) UPDATED REPORT.—Not later than 5 years after the date on which the Comptroller General submits the report under subparagraph (A), the Comptroller General shall—

(i) update the study conducted under paragraph (1); and

(ii) submit to Congress an updated report that—

(I) contains the results of the updated study required under clause (i); and

(II) provides recommendations to the Administrator on improvements that may result in more accurate estimates of varying levels of residual risk behind levees and other flood control structures.

(3) ADJUSTMENT OF METHODOLOGIES.—The Administrator shall, to the extent practicable, adjust the methodologies used to estimate the varying levels of residual risk behind levees and other flood control structures based on the recommendations submitted by the Comptroller General under subparagraphs (A)(ii) and (B)(ii)(II).

(e) STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.—

(1) STUDY.—

(A) STUDY REQUIRED.—The Administrator shall conduct a study to assess options,

methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(B) CONSIDERATIONS.—The study conducted under subparagraph (A) shall—

(i) take into consideration and analyze how voluntary community-based flood insurance policies—

(I) would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches; and

(II) could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(ii) evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk.

(C) CONSULTATION.—In conducting the study required under subparagraph (A), the Administrator may consult with the Comptroller General of the United States, as the Administrator determines is appropriate.

(2) REPORT BY THE ADMINISTRATOR.—

(A) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall include recommendations for—

(i) the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and

(ii) a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or improvement of levees, dams, or other flood control structures.

(3) REPORT BY COMPTROLLER GENERAL.—Not later than 6 months after the date on which the Administrator submits the report required under paragraph (2), the Comptroller General of the United States shall—

(A) review the report submitted by the Administrator; and

(B) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(i) an analysis of the report submitted by the Administrator;

(ii) any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and

(iii) any other recommendations of the Comptroller General relating to community-based flood insurance policies.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by section 106, is further amended by adding at the end the following:

“(h) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), upon the effective date of any revised or updated flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2012, any

property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the effective date of such an update that is a result of such updating shall be phased in over a 4-year period, at the rate of 40 percent for the first year following such effective date and 20 percent for each of the second, third, and fourth years following such effective date. In the case of any area that was not previously designated as an area having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in a flood insurance map, becomes designated as such an area, the chargeable risk premium rate for flood insurance under this title that is purchased on or after the date of enactment of this subsection with respect to any property that is located within such area shall be phased in over a 4-year period, at the rate of 40 percent for the first year following the effective date of such issuance, revision, updating, or change and 20 percent for each of the second, third, and fourth years following such effective date.”.

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking “, and” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) by inserting after subparagraph (B), as so redesignated, the following:

“(C) given satisfactory assurance that by the date that is 6 months after the date of enactment of the Flood Insurance Reform and Modernization Act of 2012, State lending institutions, as defined in section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003), shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).”;

(5) in the matter preceding subparagraph (A), as so redesignated, by striking “The Director” and inserting the following:

“(1) IN GENERAL.—The Administrator”; and

(6) by adding at the end the following:

“(2) SHORT-TERM WAIVERS.—

“(A) IN GENERAL.—The Administrator may, upon the request of a State, not later than 6 months after the date of enactment of this paragraph, grant a temporary waiver of the requirements under paragraph (1)(C) with respect to a State entity for lending regulation, as defined in section 3 of the Flood Disaster Protection Act of 1973, that does not have the authority under State law to comply with paragraph (1)(C).

“(B) CONSIDERATIONS.—In determining the length of time a waiver under subparagraph (A) will be in effect, the Administrator shall consider the time anticipated for—

“(i) the State to enact a law to grant the authority necessary to comply with paragraph (1)(C); and

“(ii) the State entity for lending regulation to issue regulations necessary to comply with paragraph (1)(C).”.

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking “\$350” and inserting “\$2,000”; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—

(1) DEFINITIONS.—Section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003) is amended—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(12) ‘State entity for lending regulation’ means the State entity or agency with primary responsibility for the supervision or regulation of State lending institutions in a State; and

“(13) ‘State lending institution’ means any bank, savings and loan association, credit union, farm credit bank, production credit association, or similar lending institution subject to the supervision or regulation of a State entity for lending regulation.”.

(2) ESCROW REQUIREMENTS.—Paragraph (1) of section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended to read as follows:

“(1) REGULATED LENDING INSTITUTIONS AND STATE LENDING INSTITUTIONS.—

“(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that all premiums and fees for flood insurance under the National Flood Insurance Act of 1968, for improved real estate or a mobile home, shall be paid to the regulated lending institution or servicer for any loan secured by the improved real estate or mobile home, with the same frequency as payments on the loan are made, for the duration of the loan. Except as provided in subparagraph (C), upon receipt of any premiums or fees, the regulated lending institution or servicer shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Administrator or the provider of the flood insurance that insurance premiums are due, the premiums deposited in the escrow account shall be paid to the provider of the flood insurance.

“(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its State entity for lending regulation require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, for improved real estate or a mobile home shall be paid to the State lending institution or servicer for any loan secured by the improved real estate or mobile home, with the same frequency as payments on the loan are made, for the duration of the loan. Except as provided in subparagraph (C), upon receipt of any premiums or fees, the State lending institution or servicer shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Administrator or the provider of the flood insurance that insurance premiums are due, the premiums deposited in the escrow account shall be paid to the provider of the flood insurance.

“(C) LIMITATION.—Except as may be required under applicable State law, neither a

Federal entity for lending regulation nor a State entity for lending regulation may direct or require a regulated lending institution or State lending institution to deposit premiums or fees for flood insurance under the National Flood Insurance Act of 1968 in an escrow account on behalf of a borrower under subparagraph (A) or (B), if—

“(i) the regulated lending institution or State lending institution has total assets of less than \$1,000,000,000; and

“(ii) on or before the date of enactment of the Flood Insurance Reform and Modernization Act of 2012, the regulated lending institution or State lending institution—

“(I) in the case of a loan secured by residential improved real estate or a mobile home, was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of the loan; and

“(II) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home.”.

(b) APPLICABILITY.—The amendment made by subsection (a)(2) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this Act.

SEC. 112. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking “The Director is” and inserting the following:

“(a) IN GENERAL.—The Administrator is”; and

(2) by adding at the end the following:

“(b) MINIMUM ANNUAL DEDUCTIBLE.—

“(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Administrator under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

“(A) \$1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than \$100,000; and

“(B) \$2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than \$100,000.

“(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Administrator under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

“(A) \$1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than \$100,000; and

“(B) \$1,250, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than \$100,000.”.

SEC. 113. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by this Act, is amended—

(1) in subsection (a), by striking “, after consultation with” and all that follows through “by regulation” and inserting “prescribe, after providing notice”;

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking “, and” and inserting a semicolon;

(D) in paragraph (4), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund.”; and

(3) by adding at the end the following:

“(1) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an ‘average historical loss year’—

“(1) includes catastrophic loss years; and

“(2) shall be computed in accordance with generally accepted actuarial principles.”.

SEC. 114. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 (42 U.S.C. 4017) the following:

“SEC. 1310A. RESERVE FUND.

“(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this chapter, the Administrator shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the ‘Reserve Fund’) which shall—

“(1) be an account separate from any other accounts or funds available to the Administrator; and

“(2) be available for meeting the expected future obligations of the flood insurance program.

“(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

“(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

“(2) such higher percentage as the Administrator determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

“(c) MAINTENANCE OF RESERVE RATIO.—

“(1) IN GENERAL.—The Administrator shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

“(A) to maintain the reserve ratio required under subsection (b); and

“(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

“(2) CONSIDERATIONS.—In exercising the authority granted under paragraph (1), the Administrator shall consider—

“(A) the expected operating expenses of the Reserve Fund;

“(B) the insurance loss expenditures under the flood insurance program;

“(C) any investment income generated under the flood insurance program; and

“(D) any other factor that the Administrator determines appropriate.

“(3) LIMITATIONS.—In exercising the authority granted under paragraph (1), the Administrator shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

“(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

“(1) IN GENERAL.—Beginning in fiscal year 2013 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Administrator shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Administrator shall not be required to set aside any amounts for the Reserve Fund.

“(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Administrator shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Administrator determines that the reserve ratio required under subsection (b) cannot be achieved, the Administrator shall submit a report to Congress that—

“(1) describes and details the specific concerns of the Administrator regarding the consequences of the reserve ratio not being achieved;

“(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

“(3) indicates the maximum attainable reserve ratio for that particular fiscal year.”.

SEC. 115. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

“(c) Upon the exercise of the authority established under subsection (a), the Administrator shall transmit a schedule for repayment of such amounts to—

“(1) the Secretary of the Treasury;

“(2) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(3) the Committee on Financial Services of the House of Representatives.

“(d) In connection with any funds borrowed by the Administrator under the authority established in subsection (a), the Administrator, beginning 6 months after the date on which such funds are borrowed, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to—

“(1) the Secretary of the Treasury;

“(2) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(3) the Committee on Financial Services of the House of Representatives.”.

SEC. 116. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 112, is amended by adding at the end the following:

“(c) PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.—The Administrator may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based solely, or in any part, on the flood insurance coverage of the condominium association or others on the overall

property owned by the condominium association.”.

SEC. 117. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the “Council”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of—

(A) the Administrator (or the designee thereof);

(B) the Secretary of the Interior (or the designee thereof);

(C) the Secretary of Agriculture (or the designee thereof);

(D) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof); and

(E) 14 additional members appointed by the Administrator or the designee of the Administrator, who shall be—

(i) a member of a recognized professional surveying association or organization;

(ii) a member of a recognized professional mapping association or organization;

(iii) a member of a recognized professional engineering association or organization;

(iv) a member of a recognized professional association or organization representing flood hazard determination firms;

(v) a representative of the United States Geological Survey;

(vi) a representative of a recognized professional association or organization representing State geographic information;

(vii) a representative of State national flood insurance coordination offices;

(viii) a representative of the Corps of Engineers;

(ix) a member of a recognized regional flood and storm water management organization;

(x) a representative of a State agency that has entered into a cooperating technical partnership with the Administrator and has demonstrated the capability to produce flood insurance rate maps;

(xi) a representative of a local government agency that has entered into a cooperating technical partnership with the Administrator and has demonstrated the capability to produce flood insurance rate maps;

(xii) a member of a recognized floodplain management association or organization;

(xiii) a member of a recognized risk management association or organization; and

(xiv) a State mitigation officer.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) recommend to the Administrator how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Administrator mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Administrator how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Administrator and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Administrator that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 118; and

(C) a summary of recommendations made by the Council to the Administrator.

(d) **FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.**—

(1) **IN GENERAL.**—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this Act, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Administrator.

(2) **RESPONSIBILITY OF THE ADMINISTRATOR.**—The Administrator, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 118, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) **CHAIRPERSON.**—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the “Chairperson”).

(f) **COORDINATION.**—To ensure that the Council’s recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to Office of Management and Budget Circular A-16).

(g) **COMPENSATION.**—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) **MEETINGS AND ACTIONS.**—

(1) **IN GENERAL.**—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) **INITIAL MEETING.**—The Administrator, or a person designated by the Administrator, shall request and coordinate the initial meeting of the Council.

(i) **OFFICERS.**—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) **STAFF.**—

(1) **STAFF OF FEMA.**—Upon the request of the Chairperson, the Administrator may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management

Agency to assist the Council in carrying out its duties.

(2) **STAFF OF OTHER FEDERAL AGENCIES.**—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a nonreimbursable basis, personnel to assist the Council in carrying out its duties.

(k) **POWERS.**—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) **REPORT TO CONGRESS.**—The Administrator, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council;

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data; and

(3) any recommendations made by the Council that have been deferred or not acted upon, together with an explanatory statement.

SEC. 118. NATIONAL FLOOD MAPPING PROGRAM.

(a) **REVIEWING, UPDATING, AND MAINTAINING MAPS.**—The Administrator, in coordination with the Technical Mapping Advisory Council established under section 117, shall establish an ongoing program under which the Administrator shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) **MAPPING.**—

(1) **IN GENERAL.**—In carrying out the program established under subsection (a), the Administrator shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all populated areas and areas of possible population growth located within the 100-year floodplain;

(ii) all populated areas and areas of possible population growth located within the 500-year floodplain;

(iii) areas of residual risk, including areas that are protected by levees, dams, and other flood control structures;

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other flood control structure; and

(v) the level of protection provided by flood control structures;

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the most accurate topography and elevation data available.

(2) **MAPPING ELEMENTS.**—Each map updated under this section shall—

(A) assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with guidelines and specifications of the Federal Emergency Management Agency; and

(B) develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) **OTHER INCLUSIONS.**—In updating maps under this section, the Administrator shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Administrator;

(C) any relevant information on land subsidence, coastal erosion areas, and other flood-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) **STANDARDS.**—In updating and maintaining maps under this section, the Administrator shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Administrator, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Administrator; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) aligned with official data defined by the National Geodetic Survey.

(d) **COMMUNICATION AND OUTREACH.**—

(1) **IN GENERAL.**—The Administrator shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects—

(i) of any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) **REQUIRED ACTIVITIES.**—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area covered by the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a);

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available to such owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this section \$400,000,000 for each of fiscal years 2013 through 2017.

SEC. 119. SCOPE OF APPEALS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (a)—

(A) by inserting “and designating areas having special flood hazards” after “flood elevations”; and

(B) by striking “such determinations” and inserting “such determinations and designations”; and

(2) in subsection (b)—

(A) in the first sentence, by inserting “and designations of areas having special flood hazards” after “flood elevation determinations”; and

(B) by amending the third sentence to read as follows: “The sole grounds for appeal shall be the possession of knowledge or information indicating that (1) the elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect, or (2) the designation of an identified special flood hazard area is scientifically or technically incorrect.”.

SEC. 120. SCIENTIFIC RESOLUTION PANEL.

(a) **ESTABLISHMENT.**—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by inserting after section 1363 (42 U.S.C. 4104) the following:

“SEC. 1363A. SCIENTIFIC RESOLUTION PANEL.

“(a) **AVAILABILITY.**—

“(1) **IN GENERAL.**—Pursuant to the authority provided under section 1363(e), the Administrator shall make available an independent review panel, to be known as the Scientific Resolution Panel, to any community—

“(A) that has—

“(i) filed a timely map appeal in accordance with section 1363;

“(ii) completed 60 days of consultation with the Federal Emergency Management Agency on the appeal; and

“(iii) not allowed more than 120 days, or such longer period as may be provided by the Administrator by waiver, to pass since the end of the appeal period; or

“(B) that has received an unsatisfactory ruling under the map revision process established pursuant to section 1360(f).

“(2) **APPEALS BY OWNERS AND LESSEES.**—If a community and an owner or lessee of real property within the community appeal a proposed determination of a flood elevation under section 1363(b), upon the request of the community—

“(A) the owner or lessee shall submit scientific and technical data relating to the appeals to the Scientific Resolution Panel; and

“(B) the Scientific Resolution Panel shall make a determination with respect to the appeals in accordance with subsection (c).

“(3) **DEFINITION.**—For purposes of paragraph (1)(B), an “unsatisfactory ruling” means that a community—

“(A) received a revised Flood Insurance Rate Map from the Federal Emergency Management Agency, via a Letter of Final Determination, after September 30, 2008, and prior to the date of enactment of this section;

“(B) has subsequently applied for a Letter of Map Revision or Physical Map Revision with the Federal Emergency Management Agency; and

“(C) has received an unfavorable ruling on their request for a map revision.

“(b) **MEMBERSHIP.**—The Scientific Resolution Panel made available under subsection (a) shall consist of 5 members with expertise that relates to the creation and study of flood hazard maps and flood insurance. The Scientific Resolution Panel may include representatives from Federal agencies not involved in the mapping study in question and from other impartial experts. Employees of the Federal Emergency Management Agency may not serve on the Scientific Resolution Panel.

“(c) **DETERMINATION.**—

“(1) **IN GENERAL.**—Following deliberations, and not later than 90 days after its formation, the Scientific Resolution Panel shall issue a determination of resolution of the dispute. Such determination shall set forth recommendations for the base flood elevation determination or the designation of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps.

“(2) **BASIS.**—The determination of the Scientific Resolution Panel shall be based on—

“(A) data previously provided to the Administrator by the community, and, in the case of a dispute submitted under subsection (a)(2), an owner or lessee of real property in the community; and

“(B) data provided by the Administrator.

“(3) **NO ALTERNATIVE DETERMINATIONS PERMISSIBLE.**—The Scientific Resolution Panel—

“(A) shall provide a determination of resolution of a dispute that—

“(i) is either in favor of the Administrator or in favor of the community on each distinct element of the dispute; or

“(ii) in the case of a dispute submitted under subsection (a)(2), is in favor of the Administrator, in favor of the community, or in favor of the owner or lessee of real property in the community on each distinct element of the dispute; and

“(B) may not offer as a resolution any other alternative determination.

“(4) **EFFECT OF DETERMINATION.**—

“(A) **BINDING.**—The recommendations of the Scientific Resolution Panel shall be binding on all appellants and not subject to further judicial review unless the Administrator determines that implementing the determination of the panel would—

“(i) pose a significant threat due to failure to identify a substantial risk of special flood hazards; or

“(ii) violate applicable law.

“(B) **WRITTEN JUSTIFICATION NOT TO ENFORCE.**—If the Administrator elects not to implement the determination of the Scientific Resolution Panel pursuant to subparagraph (A), then not later than 60 days after the issuance of the determination, the Administrator shall issue a written justification explaining such election.

“(C) **APPEAL OF DETERMINATION NOT TO ENFORCE.**—If the Administrator elects not to

implement the determination of the Scientific Resolution Panel pursuant to subparagraph (A), the community may appeal the determination of the Administrator as provided for under section 1363(g).

“(d) **MAPS USED FOR INSURANCE AND MANDATORY PURCHASE REQUIREMENTS.**—With respect to any community that has a dispute that is being considered by the Scientific Resolution Panel formed pursuant to this subsection, the Federal Emergency Management Agency shall ensure that for each such community that—

“(1) the Flood Insurance Rate Map described in the most recently issued Letter of Final Determination shall be in force and effect with respect to such community; and

“(2) flood insurance shall continue to be made available to the property owners and residents of the participating community.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **ADMINISTRATIVE REVIEW.**—Section 1363(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(e)) is amended, in the second sentence, by striking “an independent scientific body or appropriate Federal agency for advice” and inserting “the Scientific Resolution Panel provided for in section 1363A”.

(2) **JUDICIAL REVIEW.**—The first sentence of section 1363(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(g)) is amended by striking “Any appellant” and inserting “Except as provided in section 1363A, any appellant”.

SEC. 121. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking “, but which may not exceed 50 percent of the cost of carrying out the requested revision or update”.

SEC. 122. COORDINATION.

(a) **INTERAGENCY BUDGET CROSSCUT AND COORDINATION REPORT.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security, the Administrator, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 117 and 118 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) **REPORT.**—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an interagency budget crosscut and coordination report, certified by the Secretary or head of each such agency, that—

(A) contains an interagency budget crosscut report that displays relevant sections of the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intra-agency transfers; and

(B) describes how the efforts aligned with such sections complement one another.

(b) **DUTIES OF THE ADMINISTRATOR.**—In carrying out sections 117 and 118, the Administrator shall—

(1) participate, pursuant to section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide a liaison to the Federal Geographic Data Committee pursuant to the Office of Management and Budget Circular A-16 and Executive Order 12906 (43 U.S.C. 1457 note; relating to the National Spatial Data Infrastructure) for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to maintain or establish joint funding and other agreement mechanisms with other Federal agencies and units of State and local government to share in the collection and utilization of geospatial data among all governmental users.

SEC. 123. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Administrator shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—A contract entered into under subsection (a) shall require that, not later than 180 days after the date of enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Committee on Financial Services of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 124. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area that is within the 500-year floodplain and is not an area having special flood hazards shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106).

(b) NOTICE.—

(1) BY ADMINISTRATOR.—In carrying out the National Flood Insurance Program, the Administrator shall provide notice to any community located in an area that is within the 500-year floodplain and is not an area having special flood hazards.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—

(i) FEDERAL LENDING INSTITUTIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area that is within the 500-year floodplain and is not an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area that is within the 500-year floodplain, in a manner that is consistent with, and substantially identical to, the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(ii) STATE LENDING INSTITUTIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its State entity for lending regulation require State lending institutions (as such terms are defined in section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003)), as a condition of making, increasing, extending, or renewing any loan secured by property located in an area that is within the 500-year floodplain and is not an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area that is within the 500-year floodplain, in a manner that is consistent with, and substantially identical to, the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL AND STATE AGENCY LENDERS.—

(i) FEDERAL AGENCY LENDERS.—Each Federal agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal agency lender and secured by property located in an area that is within the 500-year floodplain and is not an area having special flood hazards.

(ii) STATE AGENCY LENDERS.—In order to continue to participate in the flood insurance program, each State shall require any State agency lender to provide notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by the State agency lender and secured by property located in an area that is within the 500-year floodplain and is not an area having special flood hazards.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 125. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)), as amended by section 1450 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 2174), is amended by adding at the end the following:

“(14) An explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether

or not the real estate is located in an area having special flood hazards.”.

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 (42 U.S.C. 4020) the following:

“SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

“(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), that may have resulted in flood damage covered under the national flood insurance program established under this title and other personal lines residential property insurance coverage offered by a State regulated insurer, upon a request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Administrator in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Administrator shall cause representatives of the national flood insurance program to participate in such a State program where claims under the national flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

“(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Administrator shall require that each representative of the Administrator—

“(1) be certified for purposes of the national flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

“(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

“(3) participate in good-faith negotiations toward the settlement of such claims with policyholders of coverage made available under the national flood insurance program; and

“(4) finalize the settlement of such claims on behalf of the national flood insurance program with such policyholders.

“(c) COORDINATION.—Representatives of the Administrator shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

“(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

“(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

“(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

“(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

“(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the

Administrator shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

“(f) **LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.**—Participation in State-sponsored mediation, as described in this section does not—

“(1) affect or expand the liability of any party in contract or in tort; or

“(2) affect the rights or obligations of the parties, as established—

“(A) in any regulation issued by the Administrator, including any regulation relating to a standard flood insurance policy;

“(B) under this title; and

“(C) under any other provision of Federal law.

“(g) **EXCLUSIVE FEDERAL JURISDICTION.**—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this title.

“(h) **COST LIMITATION.**—Nothing in this section shall be construed to require the Administrator or a representative of the Administrator to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Administrator participates.

“(i) **EXCEPTION.**—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

“(1) this section shall not apply; and

“(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

“(j) **REPRESENTATIVES OF THE ADMINISTRATOR.**—For purposes of this section, the term ‘representatives of the Administrator’ means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).”.

SEC. 127. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) **IN GENERAL.**—The Administrator shall collect, from property and casualty insurance companies that are authorized by the Administrator to participate in the Write Your Own program, any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) **TYPE OF INFORMATION TO BE COLLECTED.**—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims; and

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 128. OVERSIGHT AND EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) **SUBMISSION OF BIENNIAL REPORTS.**—

(1) **TO THE ADMINISTRATOR.**—Not later than 20 days after the date of enactment of this Act, each property and casualty insurance company participating in the Write Your Own program shall submit to the Administrator any biennial report required by the Federal Emergency Management Agency to be prepared in the prior 5 years by such company.

(2) **TO GAO.**—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Administrator shall submit all such reports to the Comptroller General of the United States.

(3) **NOTICE TO CONGRESS OF FAILURE TO COMPLY.**—The Administrator shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(4) **FAILURE TO COMPLY.**—A property and casualty insurance company participating in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to \$1,000 per day for each day that the company remains in noncompliance with either such requirement.

(b) **METHODOLOGY TO DETERMINE REIMBURSED EXPENSES.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a methodology for determining the appropriate amounts that property and casualty insurance companies participating in the Write Your Own program should be reimbursed for selling, writing, and servicing flood insurance policies and adjusting flood insurance claims on behalf of the National Flood Insurance Program. The methodology shall be developed using actual expense data for the flood insurance line and can be derived from—

(1) flood insurance expense data produced by the property and casualty insurance companies;

(2) flood insurance expense data collected by the National Association of Insurance Commissioners; or

(3) a combination of the methodologies described in paragraphs (1) and (2).

(c) **SUBMISSION OF EXPENSE REPORTS.**—To develop the methodology established under subsection (b), the Administrator may require each property and casualty insurance company participating in the Write Your Own program to submit a report to the Administrator, in a format determined by the Administrator and within 60 days of the request, that details the expense levels of each such company for selling, writing, and servicing standard flood insurance policies and adjusting and servicing claims.

(d) **FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WRITE YOUR OWN PROGRAM.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall issue a rule to formulate revised expense reimbursements to property and casualty insurance companies partici-

pating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and noncatastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as closely as practicably possible.

(e) **REPORT OF THE ADMINISTRATOR.**—Not later than 60 days after the effective date of the final rule issued pursuant to subsection (d), the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) **GAO STUDY AND REPORT ON EXPENSES OF WRITE YOUR OWN PROGRAM.**—

(1) **STUDY.**—Not later than 180 days after the effective date of the final rule issued pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules issued pursuant to subsection (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) **GAO AUTHORITY.**—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rule issued pursuant to subsection (d) allows the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule issued pursuant to subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of the final rule issued pursuant to subsection (d) on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 129. MITIGATION.

(a) **MITIGATION ASSISTANCE GRANTS.**—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended—

(1) by striking subsections (b), (d), (f), (g), (h), (k), and (m);

(2) by redesignating subsections (c), (e), (i), and (j) as subsections (b), (c), (e), and (f), respectively;

(3) in subsection (a), by striking the last sentence and inserting the following: “Such financial assistance shall be made available—

“(1) to States and communities in the form of grants under this section for carrying out mitigation activities;

“(2) to States and communities in the form of grants under this section for carrying out mitigation activities that reduce flood damage to severe repetitive loss structures; and

“(3) to property owners in the form of direct grants under this section for carrying out mitigation activities that reduce flood damage to individual structures for which 2 or more claim payments for losses have been made under flood insurance coverage under this title if the Administrator, after consultation with the State and community, determines that neither the State nor community in which such a structure is located has the capacity to manage such grants.”;

(4) in subsection (b), as so redesignated, in the first sentence—

(A) by striking “and provides protection against” and inserting “provides for reduction of”; and

(B) by inserting before the period at the end the following: “, and may be included in a multihazard mitigation plan”;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “(1) USE OF AMOUNTS.—” and all that follows through the end of the first sentence and inserting the following:

“(1) REQUIREMENT OF CONSISTENCY WITH APPROVED MITIGATION PLAN.—Amounts provided under this section may be used only for mitigation activities that are consistent with mitigation plans that are approved by the Administrator and identified under paragraph (4).”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following new paragraphs:

“(2) REQUIREMENTS OF TECHNICAL FEASIBILITY, COST EFFECTIVENESS, AND INTEREST OF NFIF.—The Administrator may approve only mitigation activities that the Administrator determines are technically feasible and cost effective and in the interest of, and represent savings to, the National Flood Insurance Fund. In making such determinations, the Administrator shall take into consideration recognized ancillary benefits.

“(3) PRIORITY FOR MITIGATION ASSISTANCE.—In providing grants under this section for mitigation activities, the Administrator shall give priority for funding to activities that the Administrator determines will result in the greatest savings to the National Flood Insurance Fund, including activities for—

“(A) severe repetitive loss structures;

“(B) repetitive loss structures; and

“(C) other subsets of structures as the Administrator may establish.”;

(C) by redesignating paragraph (5) as paragraph (4);

(D) in paragraph (4), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking “The Director” and all that follows through “Such activities may” and inserting “Eligible activities under a mitigation plan may”;

(ii) by striking subparagraphs (E) and (H);

(iii) by redesignating subparagraphs (D), (F), and (G) as subparagraphs (E), (G), and (H), respectively;

(iv) by inserting after subparagraph (C) the following new subparagraph:

“(D) elevation, relocation, or floodproofing of utilities (including equipment that serves structures);”;

(v) by inserting after subparagraph (E), as so redesignated, the following new subparagraph:

“(F) the development or update of mitigation plans by a State or community which

meet the planning criteria established by the Administrator, except that the amount from grants under this section that may be used under this subparagraph may not exceed \$50,000 for any mitigation plan of a State or \$25,000 for any mitigation plan of a community”;

(vi) in subparagraph (H); as so redesignated, by striking “and” at the end; and

(vii) by adding at the end the following new subparagraphs:

“(I) other mitigation activities not described in subparagraphs (A) through (G) or the regulations issued under subparagraph (H), that are described in the mitigation plan of a State or community; and

“(J) without regard to the requirements under paragraphs (1) and (2) of subsection (d), and if the State applied for and was awarded at least \$1,000,000 in grants available under this section in the prior fiscal year, technical assistance to communities to identify eligible activities, to develop grant applications, and to implement grants awarded under this section, not to exceed \$50,000 to any 1 State in any fiscal year.”;

(E) by adding at the end the following new paragraph:

“(5) ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.—The Administrator shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood elevation or greater, if required by the Administrator or if required by any State regulation or local ordinance, and in accordance with criteria established by the Administrator.”; and

(6) by inserting after subsection (c), as so redesignated, the following new subsection:

“(d) MATCHING REQUIREMENT.—The Administrator may provide grants for eligible mitigation activities as follows:

“(1) SEVERE REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to severe repetitive loss structures, in an amount up to 100 percent of all eligible costs.

“(2) REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to repetitive loss structures, in an amount up to 90 percent of all eligible costs.

“(3) OTHER MITIGATION ACTIVITIES.—In the case of all other mitigation activities, in an amount up to 75 percent of all eligible costs.”;

(7) in subsection (e)(2), as so redesignated—

(A) by striking “certified under subsection (g)” and inserting “required under subsection (d)”;

(B) by striking “3 times the amount” and inserting “the amount”;

(8) in subsection (f), as so redesignated, by striking “Riegle Community Development and Regulatory Improvement Act of 1994” and inserting “Flood Insurance Reform and Modernization Act of 2012”; and

(9) by adding at the end the following new subsections:

“(g) FAILURE TO MAKE GRANT AWARD WITHIN 5 YEARS.—For any application for a grant under this section for which the Administrator fails to make a grant award within 5 years of the date of the application, the grant application shall be considered to be denied and any funding amounts allocated for such grant applications shall remain in the National Flood Mitigation Fund under section 1367 of this title and shall be made available for grants under this section.

“(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) COMMUNITY.—The term ‘community’ means—

“(A) a political subdivision that—

“(i) has zoning and building code jurisdiction over a particular area having special flood hazards; and

“(ii) is participating in the national flood insurance program; or

“(B) a political subdivision of a State, or other authority, that is designated by political subdivisions, all of which meet the requirements of subparagraph (A), to administer grants for mitigation activities for such political subdivisions.

“(2) REPETITIVE LOSS STRUCTURE.—The term ‘repetitive loss structure’ has the meaning given such term in section 1370.

“(3) SEVERE REPETITIVE LOSS STRUCTURE.—The term ‘severe repetitive loss structure’ means a structure that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the insured structure.”.

(b) ELIMINATION OF GRANTS PROGRAM FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.—Chapter I of the National Flood Insurance Act of 1968 is amended by striking section 1323 (42 U.S.C. 4030).

(c) ELIMINATION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.—Chapter III of the National Flood Insurance Act of 1968 is amended by striking section 1361A (42 U.S.C. 4102a).

(d) NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by inserting “and” after the semicolon;

(2) in paragraph (7), by striking the semicolon and inserting a period; and

(3) by striking paragraphs (8) and (9).

(e) NATIONAL FLOOD MITIGATION FUND.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) in each fiscal year, amounts from the National Flood Insurance Fund not to exceed \$90,000,000 and to remain available until expended, of which—

“(A) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(1);

“(B) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(2); and

“(C) not more than \$10,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(3);”;

(B) in paragraph (3), by striking “section 1366(i)” and inserting “section 1366(e)”;

(2) in subsection (c), by striking “sections 1366 and 1323” and inserting “section 1366”;

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (c) the following new subsections:

“(d) PROHIBITION ON OFFSETTING COLLECTIONS.—Notwithstanding any other provision

of this title, amounts made available pursuant to this section shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

“(e) CONTINUED AVAILABILITY AND REALLOCATION.—Any amounts made available pursuant to subparagraph (A), (B), or (C) of subsection (b)(1) that are not used in any fiscal year shall continue to be available for the purposes specified in the subparagraph of subsection (b)(1) pursuant to which such amounts were made available, unless the Administrator determines that reallocation of such unused amounts to meet demonstrated need for other mitigation activities under section 1366 is in the best interest of the National Flood Insurance Fund.”

(f) INCREASED COST OF COMPLIANCE COVERAGE.—Section 1304(b)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)(4)) is amended—

- (1) by striking subparagraph (B); and
- (2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

SEC. 130. FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the term “flood protection structure accreditation requirements” means the requirements established under section 65.10 of title 44, Code of Federal Regulations, for levee systems to be recognized on maps created for purposes of the National Flood Insurance Program;

(2) the term “National Committee on Levee Safety” means the Committee on Levee Safety established under section 9003 of the National Levee Safety Act of 2007 (33 U.S.C. 3302); and

(3) the term “task force” means the Flood Protection Structure Accreditation Task Force established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly establish a Flood Protection Structure Accreditation Task Force.

(2) DUTIES.—

(A) DEVELOPING PROCESS.—The task force shall develop a process to better align the information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program with the flood protection structure accreditation requirements so that—

(i) information and data collected for either purpose can be used interchangeably; and

(ii) information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program is sufficient to satisfy the flood protection structure accreditation requirements.

(B) GATHERING RECOMMENDATIONS.—The task force shall gather, and consider in the process developed under subparagraph (A), recommendations from interested persons in each region relating to the information, data, and accreditation requirements described in subparagraph (A).

(3) CONSIDERATIONS.—In developing the process under paragraph (2), the task force shall consider changes to—

(A) the information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program; and

(B) the flood protection structure accreditation requirements.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a reduction in the level of public safety and flood

control provided by accredited levees, as determined by the Administrator for purposes of this section.

(c) IMPLEMENTATION.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, shall implement the process developed by the task force under subsection (b).

(d) REPORTS.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Financial Services, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources of the House of Representatives reports concerning the activities of the task force and the implementation of the process developed by the task force under subsection (b), including—

(1) an interim report, not later than 180 days after the date of enactment of this Act; and

(2) a final report, not later than 1 year after the date of enactment of this Act.

(e) TERMINATION.—The task force shall terminate on the date of submission of the report under subsection (d)(2).

SEC. 131. FLOOD IN PROGRESS DETERMINATIONS.

(a) REPORT.—

(1) REVIEW.—The Administrator shall review—

(A) the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage made available under the National Flood Insurance Program;

(B) the processes and procedures for providing public notification that such a flood event has commenced or is in progress;

(C) the processes and procedures regarding the timing of public notification of flood insurance requirements and availability; and

(D) the effects and implications that weather conditions, including rainfall, snowfall, projected snowmelt, existing water levels, and other conditions, have on the determination that a flood event has commenced or is in progress.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to Congress that describes—

(A) the results and conclusions of the review under paragraph (1); and

(B) any actions taken, or proposed actions to be taken, by the Administrator to provide for more precise and technical processes and procedures for determining that a flood event has commenced or is in progress.

(b) EFFECTIVE DATE OF POLICIES COVERING PROPERTIES AFFECTED BY FLOODING OF THE MISSOURI RIVER IN 2011.—

(1) ELIGIBLE COVERAGE.—For purposes of this subsection, the term “eligible coverage” means coverage under a new contract for flood insurance coverage under the National Flood Insurance Program, or a modification to coverage under an existing flood insurance contract, for property damaged by the flooding of the Missouri River that commenced on June 1, 2011, that was purchased or made during the period beginning May 1, 2011, and ending June 6, 2011.

(2) EFFECTIVE DATES.—Notwithstanding section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)), or any other provision of law, any eligible coverage shall—

(A) be deemed to take effect on the date that is 30 days after the date on which all ob-

ligations for the eligible coverage (including completion of the application and payment of any initial premiums owed) are satisfactorily completed; and

(B) cover damage to property occurring after the effective date described in subparagraph (A) that resulted from the flooding of the Missouri River that commenced on June 1, 2011, if the property did not suffer damage or loss as a result of such flooding before the effective date described in subparagraph (A).

SEC. 132. CLARIFICATION OF RESIDENTIAL AND COMMERCIAL COVERAGE LIMITS.

Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2)—

(A) by striking “in the case of any residential property” and inserting “in the case of any residential building designed for the occupancy of from 1 to 4 families”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance so as to enable such insured or applicant to receive coverage up to a total amount (including such limits specified in paragraph (1)(A)(i)) of \$250,000” and inserting “shall be made available, with respect to any single such building, up to an aggregate liability (including such limits specified in paragraph (1)(A)(i)) of \$250,000”; and

(2) in paragraph (4)—

(A) by striking “in the case of any nonresidential property, including churches,” and inserting “in the case of any nonresidential building, including a church.”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure, up to a total amount (including such limit specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000 for each structure and \$500,000 for any contents related to each structure” and inserting “shall be made available with respect to any single such building, up to an aggregate liability (including such limits specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000, and coverage shall be made available up to a total of \$500,000 aggregate liability for contents owned by the building owner and \$500,000 aggregate liability for each unit within the building for contents owned by the tenant”.

SEC. 133. LOCAL DATA REQUIREMENT.

(a) IN GENERAL.—Notwithstanding any other provision of this title, no area or community participating in the National Flood Insurance Program that is or includes a community that is identified by the Administrator as Community Identification Number 360467 and impacted by the Jamaica Bay flooding source or identified by the Administrator as Community Identification Number 360495 may be or become designated as an area having special flood hazards for purposes of the National Flood Insurance Program, unless the designation is made on the basis of—

(1) flood hazard analyses of hydrologic, hydraulic, or coastal flood hazards that have been properly calibrated and validated, and are specific and directly relevant to the geographic area being studied; and

(2) ground elevation information of sufficient accuracy and precision to meet the guidelines of the Administration for accuracy at the 95 percent confidence level.

(b) REMAPPING.—

(1) REMAPPING REQUIRED.—If the Administrator determines that an area described in subsection (a) has been designated as an area

of special flood hazard on the basis of information that does not comply with the requirements under subsection (a), the Administrator shall revise and update any National Flood Insurance Program rate map for the area—

(A) using information that complies with the requirements under subsection (a); and

(B) in accordance with the procedures established under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) for flood elevation determinations.

(2) **INTERIM PERIOD.**—A National Flood Insurance Program rate map in effect on the date of enactment of this Act for an area for which the Administrator has made a determination under paragraph (1) shall continue in effect with respect to the area during the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the date on which the Administrator determines that the requirements under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) for flood elevation determinations have been met with respect to a revision and update under paragraph (1) of a National Flood Insurance Program rate map for the area.

(3) **DEADLINE.**—The Administrator shall issue a preliminary National Flood Insurance Program rate map resulting from a revision and update required under paragraph (1) not later than 1 year after the date of enactment of this Act.

(4) **RISK PREMIUM RATE CLARIFICATION.**—

(A) **IN GENERAL.**—If a revision and update required under paragraph (1) results in a reduction in the risk premium rate for a property in an area for which the Administrator has made a determination under paragraph (1), the Administrator shall—

(i) calculate the difference between the reduced risk premium rate and the risk premium rate paid by a policyholder with respect to the property during the period—

(I) beginning on the date on which the National Flood Insurance Program rate map in effect for the area on the date of enactment of this Act took effect; and

(II) ending on the date on which the revised or updated National Flood Insurance Program rate map takes effect; and

(ii) reimburse the policyholder an amount equal to such difference.

(B) **FUNDING.**—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from premiums deposited in the National Flood Insurance Fund pursuant to subsection (d) of such section 1310, of amounts not otherwise obligated, the amount necessary to carry out this paragraph.

(C) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall cease to have effect on the effective date of a National Flood Insurance Program rate map revised and updated under subsection (b)(1).

(2) **REIMBURSEMENTS.**—Subsection (b)(4) shall cease to have effect on the date on which the Administrator has made all reimbursements required under subsection (b)(4).

SEC. 134. ELIGIBILITY FOR FLOOD INSURANCE FOR PERSONS RESIDING IN COMMUNITIES THAT HAVE MADE ADEQUATE PROGRESS ON THE CONSTRUCTION, RECONSTRUCTION, OR IMPROVEMENT OF A FLOOD PROTECTION SYSTEM.

(A) **ELIGIBILITY FOR FLOOD INSURANCE COVERAGE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including section

1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e))), a person residing in a community that the Administrator determines has made adequate progress on the reconstruction or improvement of a flood protection system that will afford flood protection for a 100-year floodplain (without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement), shall be eligible for flood insurance coverage under the National Flood Insurance Program—

(A) if the person resides in a community that is a participant in the National Flood Insurance Program; and

(B) at a risk premium rate that does not exceed the risk premium rate that would be chargeable if the flood protection system had been completed.

(2) **ADEQUATE PROGRESS.**—

(A) **RECONSTRUCTION OR IMPROVEMENT.**—For purposes of paragraph (1), the Administrator shall determine that a community has made adequate progress on the reconstruction or improvement of a flood protection system if—

(i) 100 percent of the project cost has been authorized;

(ii) not less than 60 percent of the project cost has been secured or appropriated;

(iii) not less than 50 percent of the flood protection system has been assessed as being without deficiencies; and

(iv) the reconstruction or improvement has a project schedule that does not exceed 5 years, beginning on the date on which the reconstruction or construction of the improvement commences.

(B) **CONSIDERATIONS.**—In determining whether a flood protection system has been assessed as being without deficiencies, the Administrator shall consider the requirements under section 65.10 of chapter 44, Code of Federal Regulations, or any successor thereto.

(b) **TERMINATION OF ELIGIBILITY.**—

(1) **ADEQUATE CONTINUING PROGRESS.**—The Administrator shall issue rules to establish a method of determining whether a community has made adequate continuing progress on the reconstruction or improvement of a flood protection system that includes—

(A) a requirement that the Administrator shall—

(i) consult with the owner of the flood protection system—

(I) 6 months after the date of a determination under subsection (a);

(II) 18 months after the date of a determination under subsection (a); and

(III) 36 months after the date of a determination under subsection (a); and

(ii) after each consultation under clause (i), determine whether the reconstruction or improvement is reasonably likely to be completed in accordance with the project schedule described in subsection (a)(2)(A)(iv); and

(B) a requirement that, if the Administrator makes a determination under subparagraph (A)(ii) that reconstruction or improvement is not reasonably likely to be completed in accordance with the project schedule, the Administrator shall—

(i) not later than 30 days after the date of the determination, notify the owner of the flood protection system of the determination and provide the rationale and evidence for the determination; and

(ii) provide the owner of the flood protection system the opportunity to appeal the determination.

(2) **TERMINATION.**—The Administrator shall terminate the eligibility for flood insurance coverage under the National Flood Insurance

Program of persons residing in a community with respect to which the Administrator made a determination under subsection (a) if—

(A) the Administrator determines that the community has not made adequate continuing progress; or

(B) on the date that is 5 years after the date on which the reconstruction or construction of the improvement commences, the project has not been completed.

(3) **WAIVER.**—A person whose eligibility would otherwise be terminated under paragraph (2)(B) shall continue to be eligible to purchase flood insurance coverage described in subsection (a) if the Administrator determines—

(A) the community has made adequate continuing progress on the reconstruction or improvement of a flood protection system; and

(B) there is a reasonable expectation that the reconstruction or improvement of the flood protection system will be completed not later than 1 year after the date of the determination under this paragraph.

(4) **RISK PREMIUM RATE.**—If the Administrator terminates the eligibility of persons residing in a community to purchase flood insurance coverage described in subsection (a), the Administrator shall establish an appropriate risk premium rate for flood insurance coverage under the National Flood Insurance Program for persons residing in the community that purchased flood insurance coverage before the date on which the termination of eligibility takes effect, taking into consideration the then-current state of the flood protection system.

SEC. 135. STUDIES AND REPORTS.

(a) **REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) \$250,000 for the structure; and

(ii) \$100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of \$500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of \$417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title

44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) **REPORT OF THE ADMINISTRATOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.**—

(1) **IN GENERAL.**—The Administrator shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) **TIMING.**—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) **CONTENTS.**—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

- (i) premiums paid into such Fund;
- (ii) policy claims against such Fund; and
- (iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

- (i) hurricane related damage; and
- (ii) nonhurricane related damage;

(E) the amounts made available by the Administrator for mitigation assistance under section 1366(c)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(c)(4)), as so redesignated by this Act, for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Administrator as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Administrator as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) **GAO STUDY ON PRE-FIRM STRUCTURES.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving dis-

counted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), including the historical basis for the receipt of such subsidy and the extent to which pre-FIRM structures are currently owned by the same owners of the property at the time of the original National Flood Insurance Program rate map;

(2) number and fair market value of such structures;

(3) respective income level of the owners of such structures;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as a result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the options for eliminating the subsidy to such structures.

(d) **GAO REVIEW OF FEMA CONTRACTORS.**—The Comptroller General of the United States, in conjunction with the Office of the Inspector General of the Department of Homeland Security, shall—

(1) conduct a review of the 3 largest contractors the Administrator uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this Act, submit a report on the findings of such review to the Administrator, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

SEC. 136. REINSURANCE.

(a) **REINSURANCE ASSESSMENT.**—

(1) **PRIVATE MARKET PRICING ASSESSMENT.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) assesses the capacity of the private reinsurance, capital, and financial markets to assist communities, on a voluntary basis, in managing the full range of financial risks associated with flooding by requesting proposals to assume a portion of the insurance risk of the National Flood Insurance Program;

(B) describes any responses to the request for proposals under subparagraph (A);

(C) assesses whether the rates and terms contained in any proposals received by the Administrator are—

(i) reasonable and appropriate; and

(ii) in an amount sufficient to maintain the ability of the National Flood Insurance Program to pay claims;

(D) describes the extent to which carrying out the proposals received by the Administrator would minimize the likelihood that the Administrator would use the borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016);

(E) describes fluctuations in historical reinsurance rates; and

(F) includes an economic cost-benefit analysis of the impact on the National Flood Insurance Program if the Administrator were to exercise the authority under section 1335(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4055(a)(2)), as added by this section, to secure reinsurance of coverage provided by the National Flood Insurance Program from the private market.

(2) **PROTOCOL FOR RELEASE OF DATA.**—The Administrator shall develop a protocol, including adequate privacy protections, to provide for the release of data sufficient to conduct the assessment required under paragraph (1).

(b) **REINSURANCE.**—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) in section 1331(a)(2) (42 U.S.C. 4051(a)(2)), by inserting “, including as reinsurance of coverage provided by the flood insurance program” before “, on such terms”;

(2) in section 1332(c)(2) (42 U.S.C. 4052(c)(2)), by inserting “or reinsurance” after “flood insurance coverage”;

(3) in section 1335(a) (42 U.S.C. 4055(a))—

(A) by striking “The Director” and inserting the following:

“(1) **IN GENERAL.**—The Administrator”; and

(B) by adding at the end the following:

“(2) **PRIVATE REINSURANCE.**—The Administrator is authorized to secure reinsurance of coverage provided by the flood insurance program from the private market at rates and on terms determined by the Administrator to be reasonable and appropriate, in an amount sufficient to maintain the ability of the program to pay claims.”;

(4) in section 1346(a) (42 U.S.C. 4082(a))—

(A) in the matter preceding paragraph (1), by inserting after “for the purpose of” the following: “securing reinsurance of insurance coverage provided by the program or for the purpose of”;

(B) in paragraph (1)—

(i) by striking “estimating” and inserting “Estimating”; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking “receiving” and inserting “Receiving”; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking “making” and inserting “Making”; and

(ii) by striking “; and” and inserting a period;

(E) by redesignating paragraph (4) as paragraph (5);

(F) in paragraph (5), as so redesignated, by striking “otherwise” and inserting “Otherwise”; and

(G) by inserting after paragraph (3) the following new paragraph:

“(4) Placing reinsurance coverage on insurance provided by such program.”; and

(5) in section 1370(a)(3) (42 U.S.C. 4121(a)(3)), by striking “include any” and all that follows and inserting the following: “include any organization or person that is authorized to engage in the business of insurance under the laws of any State, subject to the reporting requirements of the Securities Exchange Act of 1934 pursuant to section 13(a) or 15(d) of such Act (15 U.S.C. 78m(a) and 78o(d)), or authorized by the Administrator to assume reinsurance on risks insured by the flood insurance program.”;

(c) **ASSESSMENT OF CLAIMS-PAYING ABILITY.**—

(1) **ASSESSMENT.**—

(A) **ASSESSMENT REQUIRED.**—

(i) IN GENERAL.—Not later than September 30 of each year, the Administrator shall conduct an assessment of the ability of the National Flood Insurance Program to pay claims.

(ii) PRIVATE MARKET REINSURANCE.—The assessment under this paragraph for any year in which the Administrator exercises the authority under section 1335(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4055(a)(2)), as added by this section, to secure reinsurance of coverage provided by the National Flood Insurance Program from the private market shall include information relating the use of private sector reinsurance and reinsurance equivalents by the Administrator, whether or not the Administrator used the borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016).

(iii) FIRST ASSESSMENT.—The Administrator shall conduct the first assessment required under this paragraph not later than September 30, 2012.

(B) CONSIDERATIONS.—In conducting an assessment under subparagraph (A), the Administrator shall take into consideration regional concentrations of coverage written by the National Flood Insurance Program, peak flood zones, and relevant mitigation measures.

(2) ANNUAL REPORT OF THE ADMINISTRATOR OF ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—The Administrator shall—

(A) include the results of each assessment in the report required under section 135(b); and

(B) not later than 30 days after the date on which the Administrator completes an assessment required under paragraph (1), make the results of the assessment available to the public.

SEC. 137. GAO STUDY ON BUSINESS INTERRUPTION AND ADDITIONAL LIVING EXPENSES COVERAGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study concerning—

(1) the availability of additional living expenses and business interruption coverage in the private marketplace for flood insurance;

(2) the feasibility of allowing the National Flood Insurance Program to offer such coverage at the option of the consumer;

(3) the estimated cost to consumers if the National Flood Insurance Program priced such optional coverage at true actuarial rates;

(4) the impact such optional coverage would have on consumer participation in the National Flood Insurance Program; and

(5) the fiscal impact such optional coverage would have upon the National Flood Insurance Fund if such optional coverage were included in the National Flood Insurance Program, as described in paragraph (2), at the price described in paragraph (3).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing the results of the study under subsection (a).

SEC. 138. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless

of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—The Administrator may impose a civil penalty of not more than \$50,000 on any person that fails to comply with subsection (a).

SEC. 139. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction;

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building codes or any applicable local building codes provides greater protection from flood damage;

(7) the impact of such a building code requirement on rural communities with different building code challenges than urban communities; and

(8) the impact of such a building code requirement on Indian reservations.

SEC. 140. STUDY OF PARTICIPATION AND AFFORDABILITY FOR CERTAIN POLICYHOLDERS.

(a) FEMA STUDY.—The Administrator shall conduct a study of—

(1) methods to encourage and maintain participation in the National Flood Insurance Program;

(2) methods to educate consumers about the National Flood Insurance Program and the flood risk associated with their property;

(3) methods for establishing an affordability framework for the National Flood Insurance Program, including methods to aid individuals to afford risk-based premiums under the National Flood Insurance Program through targeted assistance rather than generally subsidized rates, including means-tested vouchers; and

(4) the implications for the National Flood Insurance Program and the Federal budget of using each such method.

(b) NATIONAL ACADEMY OF SCIENCES ECONOMIC ANALYSIS.—To inform the Administrator in the conduct of the study under subsection (a), the Administrator shall enter into a contract under which the National

Academy of Sciences, in consultation with the Comptroller General of the United States, shall conduct and submit to the Administrator an economic analysis of the costs and benefits to the Federal Government of a flood insurance program with full risk-based premiums, combined with means-tested Federal assistance to aid individuals who cannot afford coverage, through an insurance voucher program. The analysis shall compare the costs of a program of risk-based rates and means-tested assistance to the current system of subsidized flood insurance rates and federally funded disaster relief for people without coverage.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results of the study and analysis under this section.

(d) FUNDING.—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out this section.

SEC. 141. STUDY AND REPORT CONCERNING THE PARTICIPATION OF INDIAN TRIBES AND MEMBERS OF INDIAN TRIBES IN THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) DEFINITION.—In this section, the term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) FINDINGS.—Congress finds that participation by Indian tribes in the National Flood Insurance Program is low. Only 45 of 565 Indian tribes participate in the National Flood Insurance Program.

(c) STUDY.—The Comptroller General of the United States, in coordination and consultation with Indian tribes and members of Indian tribes throughout the United States, shall carry out a study that examines—

(1) the factors contributing to the current rates of participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program; and

(2) methods of encouraging participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that—

(1) contains the results of the study carried out under subsection (c);

(2) describes the steps that the Administrator should take to increase awareness and encourage participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program; and

(3) identifies any legislative changes that would encourage participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program.

SEC. 142. TECHNICAL CORRECTIONS.

(a) FLOOD DISASTER PROTECTION ACT OF 1973.—The Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) is amended—

(1) by striking “Director” each place that term appears, except in section 102(f)(3) (42 U.S.C. 4012a(f)(3)), and inserting “Administrator”; and

(2) in section 201(b) (42 U.S.C. 4105(b)), by striking “Director’s” and inserting “Administrator’s”.

(b) NATIONAL FLOOD INSURANCE ACT OF 1968.—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) by striking “Director” each place that term appears and inserting “Administrator”;

(2) in section 1363 (42 U.S.C. 4104), by striking “Director’s” each place that term appears and inserting “Administrator’s”; and

(3) in section 1370(a)(9) (42 U.S.C. 4121(a)(9)), by striking “the Office of Thrift Supervision.”

(c) FEDERAL FLOOD INSURANCE ACT OF 1956.—Section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)) is amended by striking “Director” each place that term appears and inserting “Administrator”.

SEC. 143. PRIVATE FLOOD INSURANCE POLICIES.

(a) DEFINITIONS.—In this section the following definitions shall apply:

(1) GUIDELINES.—The term “Guidelines” means the Mandatory Purchase of Flood Insurance Guidelines issued by the Administrator.

(2) STATE ENTITY FOR LENDING REGULATION.—The term “State entity for lending regulation” means, with respect to a State, the entity or agency with primary responsibility for the supervision of lending institutions chartered by the State and not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

(b) AMENDMENTS REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall amend the Guidelines to clarify that a lender or a lending institution chartered by a State and not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration may accept a private primary flood insurance policy in lieu of a National Flood Insurance Program flood policy to satisfy the mandatory purchase requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), if the private primary flood insurance policy—

(A) is available for sale under the laws of the State in which the private primary flood insurance policy is to be written;

(B) meets the minimum requirements for flood insurance coverage under subsections (a) and (b) of such section 102; and

(C) meets any applicable Federal regulations.

(2) STATE LAW CONSIDERATIONS.—Neither the Guidelines nor the amendments made under paragraph (1) shall preempt any State insurance law, regulation, or guidance.

(c) NOTIFICATION.—

(1) TO FEDERAL AND STATE ENTITIES FOR LENDING REGULATION.—Not later than 30 days after the date on which the Administrator amends the Guidelines under subsection (b), the Administrator shall notify the Federal entities for lending regulation and the State entities for lending regulation of the amendment, in order to encourage the acceptance of private primary flood insurance in lieu of a National Flood Insurance Program flood policy to satisfy the mandatory purchase requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).

(2) TO LENDERS.—The Administrator and each Federal entity for lending regulation shall include the notification required under paragraph (1) in any edition of a publication that the Administrator or Federal entity for lending regulation provides to lenders that is published after the date of enactment of this Act.

(d) TRAINING.—Not later than 60 days after the date on which the Administrator makes

the notification under subsection (c), the Federal entities for lending regulation shall train each employee having responsibility for compliance audits to implement the amendments to the Guidelines under subsection (b).

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the “Commission on Natural Catastrophe Risk Management and Insurance Act of 2012”.

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of \$200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and afford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the “Commission”).

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State or local government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the “Chairperson”).

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public or private insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risk-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government's provision of reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by a vote of the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon the request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS-15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

TITLE III—ALTERNATIVE LOSS ALLOCATION

SEC. 301. SHORT TITLE.

This title may be cited as the “Consumer Option for an Alternative System to Allocate Losses Act of 2012” or the “COASTAL Act of 2012”.

SEC. 302. ASSESSING AND MODELING NAMED STORMS OVER COASTAL STATES.

Subtitle C of title XII of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3601 et seq.) (also known as the “Integrated Coastal and Ocean Observation System Act of 2009”) is amended by adding at the end the following:

“SEC. 12312. ASSESSING AND MODELING NAMED STORMS OVER COASTAL STATES.

“(a) DEFINITIONS.—In this section:

“(1) COASTAL FORMULA.—The term ‘COASTAL Formula’ has the meaning given the term in section 1337(a) of the National Flood Insurance Act of 1968.

“(2) COASTAL STATE.—The term ‘coastal State’ has the meaning given the term ‘coastal state’ in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(3) COASTAL WATERS.—The term ‘coastal waters’ has the meaning given the term in such section.

“(4) COVERED DATA.—The term ‘covered data’ means, with respect to a named storm identified by the Administrator under subsection (b)(2)(A), empirical data that are—

“(A) collected before, during, or after such storm; and

“(B) necessary to determine magnitude and timing of wind speeds, rainfall, the barometric pressure, river flows, the extent, height, and timing of storm surge, topographic and bathymetric data, and other measures required to accurately model and assess damage from such storm.

“(5) INDETERMINATE LOSS.—The term ‘indeterminate loss’ has the meaning given the term in section 1337(a) of the National Flood Insurance Act of 1968.

“(6) NAMED STORM.—The term ‘named storm’ means any organized weather system with a defined surface circulation and maximum winds of at least 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

“(7) NAMED STORM EVENT MODEL.—The term ‘Named Storm Event Model’ means the official meteorological and oceanographic computerized model, developed by the Administrator under subsection (b)(1)(A), which utilizes covered data to replicate the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with named storms that threaten any portion of a coastal State.

“(8) PARTICIPANT.—The term ‘participant’ means a Federal, State, or private entity that chooses to cooperate with the Administrator in carrying out the provisions of this section by collecting, contributing, and maintaining covered data.

“(9) POST-STORM ASSESSMENT.—The term ‘post-storm assessment’ means a scientific

assessment produced and certified by the Administrator to determine the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with a specific named storm to be used in the COASTAL Formula.

“(10) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

“(b) NAMED STORM EVENT MODEL AND POST-STORM ASSESSMENT.—

“(1) ESTABLISHMENT OF NAMED STORM EVENT MODEL.—

“(A) IN GENERAL.—Not later than 540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall develop by regulation the Named Storm Event Model.

“(B) ACCURACY.—The Named Storm Event Model shall be designed to generate post-storm assessments, as provided in paragraph (2), that have a degree of accuracy of not less than 90 percent for every indeterminate loss for which a post-storm assessment is utilized.

“(2) POST-STORM ASSESSMENT.—

“(A) IDENTIFICATION OF NAMED STORMS THREATENING COASTAL STATES.—After the establishment of the COASTAL Formula, the Administrator shall, in consultation with the Secretary of Homeland Security, identify named storms that may reasonably constitute a threat to any portion of a coastal State.

“(B) POST-STORM ASSESSMENT REQUIRED.—Upon identification of a named storm under subparagraph (A), the Administrator shall develop a post-storm assessment for such named storm using the Named Storm Event Model and covered data collected for such named storm pursuant to the protocol established under subsection (c)(1).

“(C) SUBMITTAL OF POST-STORM ASSESSMENT.—Not later than 90 days after an identification of a named storm is made under subparagraph (A), the Administrator shall submit to the Secretary of Homeland Security the post-storm assessment developed for such storm under subparagraph (B).

“(3) ACCURACY.—The Administrator shall ensure, to the greatest extent practicable, that each post-storm assessment developed under paragraph (2) has a degree of accuracy of not less than 90 percent.

“(4) CERTIFICATION.—For each post-storm assessment carried out under paragraph (2), the Administrator shall—

“(A) certify the degree of accuracy for such assessment, including specific reference to any segments or geographic areas for which the assessment is less than 90 percent accurate; and

“(B) report such certification to the Secretary of Homeland Security for the purposes of use with indeterminate loss claims under section 1337 of the National Flood Insurance Act of 1968.

“(5) FINALITY OF DETERMINATIONS.—A certification of the degree of accuracy of a post-storm assessment under this subsection by the Administrator shall be final and shall not be subject to judicial review.

“(6) AVAILABILITY.—The Administrator shall make available to the public the Named Storm Event Model and any post-storm assessment developed under this subsection.

“(c) ESTABLISHMENT OF A PROTOCOL FOR POST-STORM ASSESSMENT.—

“(1) IN GENERAL.—Not later than 540 days after the date of the enactment of the Con-

sumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall establish a protocol, based on the plan submitted under subsection (d)(3), to collect and assemble all covered data required by the Administrator to produce post-storm assessments required by subsection (b), including assembling data collected by participants and stored in the database established under subsection (f) and from such other sources as the Administrator considers appropriate.

“(2) ACQUISITION OF SENSORS AND STRUCTURES.—If the Administrator is unable to use a public or private asset to obtain covered data as part of the protocol established under paragraph (1), the Administrator may acquire such sensors and structures for the placement of sensors as may be necessary to obtain such data.

“(3) USE OF FEDERAL ASSETS.—If the protocol requires placement of a sensor to develop assessments pursuant to subsection (b), the Administrator shall, to the extent practicable, use Federal assets for the placement of such sensors.

“(4) USE OF ACQUIRED STRUCTURES.—

“(A) IN GENERAL.—If the Administrator acquires a structure for the placement of a sensor for purposes of such protocol, the Administrator shall to the extent practical permit other public and private entities to place sensors on such structure to collect—

“(i) meteorological data;

“(ii) national security-related data;

“(iii) navigation-related data;

“(iv) hydrographic data; or

“(v) such other data as the Administrator considers appropriate.

“(B) RECEIPT OF CONSIDERATION.—The Administrator may receive consideration for the placement of a sensor on a structure under subparagraph (A).

“(C) IN-KIND CONSIDERATION.—Consideration received under subparagraph (B) may be received in-kind.

“(D) USE OF CONSIDERATION.—To the extent practicable, consideration received under subparagraph (B) shall be used for the maintenance of sensors used to collect covered data.

“(5) COORDINATED DEPLOYMENTS AND DATA COLLECTION PRACTICES.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, coordinate the deployment of sensors as part of the protocol established under paragraph (1) and related data collection carried out by Federal, State, academic, and private entities who choose to cooperate with the Administrator in carrying out this subsection.

“(6) PRIORITY ACQUISITION AND DEPLOYMENT.—The Administrator shall give priority in the acquisition for and deployment of sensors under the protocol required by paragraph (1) to areas of coastal States that have the highest risk of being harmed by named storms.

“(d) ASSESSMENT OF SYSTEMS AND EFFORTS TO COLLECT COVERED DATA.—

“(1) IDENTIFICATION OF SYSTEMS AND EFFORTS TO COLLECT COVERED DATA.—Not later than 180 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology—

“(A) carry out a survey to identify all Federal and State efforts and systems that are capable of collecting covered data; and

“(B) consult with private and academic sector entities to identify domestic private and academic systems that are capable of collecting covered data.

“(2) IDENTIFICATION OF GAPS.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology and individuals and entities consulted under subsection (e)(3), assess the systems identified under paragraph (1) and identify which systems meet the needs of the National Oceanic and Atmospheric Administration for the collection of covered data, including with respect to the accuracy requirement for post-storm assessment under subsection (b)(3).

“(3) PLAN.—Not later than 270 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, submit to Congress a plan for the collection of covered data necessary to develop the Named Storm Event Model and post-storm assessment required by subsection (b) that addresses any gaps identified in paragraph (2).

“(e) COORDINATION OF COVERED DATA COLLECTION AND MAINTENANCE BY PARTICIPANTS.—

“(1) IN GENERAL.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, coordinate the collection and maintenance of covered data by participants under this section—

“(A) to streamline the process of collecting covered data in accordance with the protocol established under subsection (c)(1); and

“(B) to maintain transparency of such process and the database established under subsection (f).

“(2) SHARING INFORMATION.—The Administrator shall establish a process for sharing among participants information relevant to collecting and using covered data for—

“(A) academic research;

“(B) private sector use;

“(C) public outreach; and

“(D) such other purposes as the Administrator considers appropriate.

“(3) CONSULTATION.—In carrying out paragraphs (1) and (2), the Administrator shall consult with the following:

“(A) The Commanding General of the United States Army Corps of Engineers.

“(B) The Administrator of the Federal Emergency Management Agency.

“(C) The Commandant of the Coast Guard.

“(D) The Director of the United States Geological Survey.

“(E) The Office of the Federal Coordinator for Meteorology.

“(F) The Director of the National Science Foundation.

“(G) The Administrator of the National Aeronautics and Space Administration.

“(H) Such public, private, and academic sector entities as the Administrator considers appropriate for purposes of carrying out the provisions of this section.

“(f) ESTABLISHMENT OF COASTAL WIND AND WATER EVENT DATABASE.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall establish a database for the collection and compilation of covered data—

“(A) to support the protocol established under subsection (c)(1); and

“(B) for the purposes listed in subsection (e)(2).

“(2) DESIGNATION.—The database established under paragraph (1) shall be known as the ‘Coastal Wind and Water Event Database’.

“(g) COMPTROLLER GENERAL STUDY.—Not later than 1 year after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the

Comptroller General of the United States shall—

“(1) complete an audit of Federal efforts to collect covered data for purposes of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, which audit shall—

“(A) examine duplicated Federal efforts to collect covered data; and

“(B) determine the cost effectiveness of such efforts; and

“(2) submit to the Committee on Banking, Housing, and Urban Affairs and the Commerce, Science, and Transportation of the Senate and the Committee on Financial Services and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings of the Comptroller General with respect to the audit completed under paragraph (1).”.

SEC. 303. ALTERNATIVE LOSS ALLOCATION SYSTEM FOR INDETERMINATE CLAIMS.

Part A of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4051 et seq.) is amended by adding at the end the following:

“SEC. 1337. ALTERNATIVE LOSS ALLOCATION SYSTEM FOR INDETERMINATE CLAIMS.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) COASTAL FORMULA.—The term ‘COASTAL Formula’ means the formula established under subsection (b).

“(3) COASTAL STATE.—The term ‘coastal State’ has the meaning given the term ‘coastal state’ in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(4) INDETERMINATE LOSS.—

“(A) IN GENERAL.—The term ‘indeterminate loss’ means, as determined by an insurance claims adjuster certified under the national flood insurance program and in consultation with an engineer as appropriate, a loss resulting from physical damage to, or loss of, property located in any coastal State arising from the combined perils of flood and wind associated with a named storm.

“(B) REQUIREMENTS.—An insurance claims adjuster certified under the national flood insurance program shall only determine that a loss is an indeterminate loss if the claims adjuster determines that—

“(i) no material remnant of physical buildings or man-made structures remain except building foundations for the specific property for which the claim is made; and

“(ii) there is insufficient or no tangible evidence created, yielded, or otherwise left behind of the specific property for which the claim is made as a result of the named storm.

“(5) NAMED STORM.—The term ‘named storm’ means any organized weather system with a defined surface circulation and maximum winds of not less than 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

“(6) POST-STORM ASSESSMENT.—The term ‘post-storm assessment’ means the post-storm assessment developed under section 12312(b) of the Omnibus Public Land Management Act of 2009.

“(7) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(9) STANDARD INSURANCE POLICY.—The term ‘standard insurance policy’ means any insurance policy issued under the national flood insurance program that covers loss or damage to property resulting from water peril.

“(10) PROPERTY.—The term ‘property’ means real or personal property that is insured under a standard insurance policy for loss or damage to structure or contents.

“(11) UNDER SECRETARY.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere, in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

“(b) ESTABLISHMENT OF FLOOD LOSS ALLOCATION FORMULA FOR INDETERMINATE CLAIMS.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the protocol is established under section 12312(c)(1) of the Omnibus Public Land Management Act of 2009, the Secretary, acting through the Administrator and in consultation with the Under Secretary, shall establish by rule a standard formula to determine and allocate wind losses and flood losses for claims involving indeterminate losses.

“(2) CONTENTS.—The standard formula established under paragraph (1) shall—

“(A) incorporate data available from the Coastal Wind and Water Event Database established under section 12312(f) of the Omnibus Public Land Management Act of 2009;

“(B) use relevant data provided on the National Flood Insurance Program Elevation Certificate for each indeterminate loss for which the formula is used;

“(C) consider any sufficient and credible evidence, approved by the Administrator, of the pre-event condition of a specific property, including the findings of any policyholder or insurance claims adjuster in connection with the indeterminate loss to that specific property;

“(D) include other measures, as the Administrator considers appropriate, required to determine and allocate by mathematical formula the property damage caused by flood or storm surge associated with a named storm; and

“(E) subject to paragraph (3), for each indeterminate loss, use the post-storm assessment to allocate water damage (flood or storm surge) associated with a named storm.

“(3) DEGREE OF ACCURACY REQUIRED.—The standard formula established under paragraph (1) shall specify that the Administrator may only use the post-storm assessment for purposes of the formula if the Under Secretary certifies that the post-storm assessment has a degree of accuracy of not less than 90 percent in connection with the specific indeterminate loss for which the assessment and formula are used.

“(c) AUTHORIZED USE OF POST-STORM ASSESSMENT AND COASTAL FORMULA.—

“(1) IN GENERAL.—Subject to paragraph (3), the Administrator may use the post-storm assessment and the COASTAL Formula to—

“(A) review flood loss payments for indeterminate losses, including as part of the quality assurance reinspection program of the Federal Emergency Management Agency for claims under the national flood insurance program and any other process approved by the Administrator to review and validate payments under the national flood insurance program for indeterminate losses following a named storm; and

“(B) assist the national flood insurance program to—

“(i) properly cover qualified flood loss for claims for indeterminate losses; and

“(ii) avoid paying for any loss or damage to property caused by any peril (including wind), other than flood or storm surge, that is not covered under a standard policy under the national flood insurance program.

“(2) **FEDERAL DISASTER DECLARATION.**—Subject to paragraph (3), in order to expedite claims and reduce costs to the national flood insurance program, following any major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to a named storm in a coastal State, the Administrator may use the COASTAL Formula to determine and pay for any flood loss covered under a standard insurance policy under the national flood insurance program, if the loss is an indeterminate loss.

“(3) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—

“(A) **EVALUATION REQUIRED.**—

“(i) **EVALUATION.**—Upon the issuance of the rule establishing the COASTAL Formula, and each time the Administrator modifies the COASTAL Formula, the National Academy of Sciences shall—

“(I) evaluate the expected financial impact on the national flood insurance program of the use of the COASTAL Formula as so established or modified; and

“(II) evaluate the validity of the scientific assumptions upon which the formula is based and determine whether the COASTAL formula can achieve a degree of accuracy of not less than 90 percent in allocating flood losses for indeterminate losses.

“(ii) **REPORT.**—The National Academy of Sciences shall submit a report containing the results of each evaluation under clause (i) to the Administrator, the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Financial Services and the Committee on Science, Space, and Technology of the House of Representatives.

“(B) **EFFECTIVE DATE AND APPLICABILITY.**—

“(i) **EFFECTIVE DATE.**—Paragraphs (1) and (2) of this subsection shall not take effect unless the report under subparagraph (A) relating to the establishment of the COASTAL Formula concludes that the use of the COASTAL Formula for purposes of paragraph (1) and (2) would not have an adverse financial impact on the national flood insurance program and that the COASTAL Formula is based on valid scientific assumptions that would allow a degree of accuracy of not less than 90 percent to be achieved in allocating flood losses for indeterminate losses.

“(ii) **EFFECT OF MODIFICATIONS.**—Unless the report under subparagraph (A) relating to a modification of the COASTAL Formula concludes that the use of the COASTAL Formula, as so modified, for purposes of paragraphs (1) and (2) would not have an adverse financial impact on the national flood insurance program and that the COASTAL Formula is based on valid scientific assumptions that would allow a degree of accuracy of not less than 90 percent to be achieved in allocating flood losses for indeterminate losses the Administrator may not use the COASTAL Formula, as so modified, for purposes of paragraphs (1) and (2).

“(C) **FUNDING.**—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out this paragraph.

“(d) **DISCLOSURE OF COASTAL FORMULA.**—Not later than 30 days after the date on

which a post-storm assessment is submitted to the Secretary under section 12312(b)(2)(C) of the Omnibus Public Land Management Act of 2009, for each indeterminate loss for which the COASTAL Formula is used pursuant to subsection (c)(2), the Administrator shall disclose to the policyholder that makes a claim relating to the indeterminate loss—

“(1) that the Administrator used the COASTAL Formula with respect to the indeterminate loss; and

“(2) a summary of the results of the use of the COASTAL Formula.

“(e) **CONSULTATION.**—In carrying out subsections (b) and (c), the Secretary shall consult with—

“(1) the Under Secretary for Oceans and Atmosphere;

“(2) the Director of the National Institute of Standards and Technology;

“(3) the Chief of Engineers of the United States Army Corps of Engineers;

“(4) the Director of the United States Geological Survey;

“(5) the Office of the Federal Coordinator for Meteorology;

“(6) State insurance regulators of coastal States; and

“(7) such public, private, and academic sector entities as the Secretary considers appropriate for purposes of carrying out such subsections.

“(f) **RECORDKEEPING.**—Each consideration and measure the Administrator determines necessary to carry out subsection (b) may be required, with advanced approval of the Administrator, to be provided for on the National Flood Insurance Program Elevation Certificate, or maintained otherwise on record if approved by the Administrator, for any property that qualifies for the COASTAL Formula under subsection (c).

“(g) **CIVIL PENALTY.**—

“(1) **IN GENERAL.**—If an insurance claims adjuster knowingly and willfully makes a false or inaccurate determination relating to an indeterminate loss, the Administrator may, after notice and opportunity for hearing, impose on the insurance claims adjuster a civil penalty of not more than \$1,000.

“(2) **DEPOSIT.**—Notwithstanding section 3302 of title 31, United States Code, or any other law relating to the crediting of money, the Administrator shall deposit in the National Flood Insurance Fund any amounts received under this subsection, which shall remain available until expended and be available to the Administrator for purposes authorized for the National Flood Insurance Fund without further appropriation.

“(h) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to require the Administrator to make any payment under the national flood insurance program, or an insurance company to make any payment, for an indeterminate loss based upon post-storm assessment or the COASTAL Formula.

“(i) **APPLICABILITY.**—Subsection (c) shall apply with respect to an indeterminate loss associated with a named storm that occurs after the date on which the Administrator issues the rule establishing the COASTAL Formula under subsection (b).

“(j) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to negate, set aside, or void any policy limit, including any loss limitation, set forth in a standard insurance policy.”.

SA 2469. Mr. REID (for Mr. PRYOR (for himself and Mr. HOEVEN)) proposed an amendment to amendment SA 2468 proposed by Mr. REID (for Mr. JOHNSON

of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

Strike section 107 and insert the following:

SEC. 107. AREAS OF RESIDUAL RISK.

(a) **AREAS OF RESIDUAL RISK.**—

(1) **DEFINITION.**—Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with the Technical Mapping Advisory Council established under section 117, shall establish a definition of the term “area of residual risk”, for purposes of the National Flood Insurance Program, that is limited to areas that are not areas having special flood hazards.

(2) **THIS SECTION.**—In this section, the term “area of residual risk” has the meaning established by the Administrator under paragraph (1).

(b) **STUDY AND REPORT ON MANDATORY PURCHASE REQUIREMENTS IN AREAS OF RESIDUAL RISK.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study assessing the potential impact and effectiveness of applying the mandatory purchase requirements under sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106) to properties located in areas of residual risk.

(B) **AREAS OF STUDY.**—In carrying out the study required under subparagraph (A), the Comptroller General shall evaluate—

(i) the regulatory, financial, and economic impact of applying the mandatory purchase requirements described in subparagraph (A) to areas of residual risk on—

(I) the costs of homeownership;

(II) the actuarial soundness of the National Flood Insurance Program;

(III) the Federal Emergency Management Agency;

(IV) communities located in areas of residual risk;

(V) insurance companies participating in the National Flood Insurance Program; and

(VI) the Disaster Relief Fund;

(ii) the effectiveness of the mandatory purchase requirements in protecting—

(I) homeowners and taxpayers in the United States from financial loss; and

(II) the financial soundness of the National Flood Insurance Program;

(iii) the impact on lenders of complying with or enforcing the mandatory purchase requirements;

(iv) the methodology that the Administrator uses to adequately estimate the varying levels of residual risk behind levees and other flood control structures; and

(v) the extent to which the risk premium rates under the National Flood Insurance Program for property in the areas of residual risk behind levees adequately account for—

(I) the design of the levees;

(II) the soundness of the levees;

(III) the hydrography of the areas of residual risk; and

(IV) any historical flooding in the areas of residual risk.

(2) **REPORTS.**—

(A) **INITIAL REPORT.**—Not later than 12 months after the date on which the Administrator establishes a definition of the term “area of residual risk” under subsection (a)(1), the Comptroller General shall submit to Congress a report that—

(i) contains the results of the study required under paragraph (1); and

(ii) provides recommendations to the Administrator on improvements that may result in more accurate estimates of varying levels of residual risk behind levees and other flood control structures.

(B) UPDATED REPORT.—Not later than 5 years after the date on which the Comptroller General submits the report under subparagraph (A), the Comptroller General shall—

(i) update the study conducted under paragraph (1); and

(ii) submit to Congress an updated report that—

(I) contains the results of the updated study required under clause (i); and

(II) provides recommendations to the Administrator on improvements that may result in more accurate estimates of varying levels of residual risk behind levees and other flood control structures.

(3) ADJUSTMENT OF METHODOLOGIES.—The Administrator shall, to the extent practicable, adjust the methodologies used to estimate the varying levels of residual risk behind levees and other flood control structures based on the recommendations submitted by the Comptroller General under subparagraphs (A)(ii) and (B)(ii)(II).

(C) STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.—

(1) STUDY.—

(A) STUDY REQUIRED.—The Administrator shall conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(B) CONSIDERATIONS.—The study conducted under subparagraph (A) shall—

(i) take into consideration and analyze how voluntary community-based flood insurance policies—

(I) would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches; and

(II) could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(ii) evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk.

(C) CONSULTATION.—In conducting the study required under subparagraph (A), the Administrator may consult with the Comptroller General of the United States, as the Administrator determines is appropriate.

(2) REPORT BY THE ADMINISTRATOR.—

(A) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall include recommendations for—

(i) the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and

(ii) a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or im-

provement of levees, dams, or other flood control structures.

(3) REPORT BY COMPTROLLER GENERAL.—Not later than 6 months after the date on which the Administrator submits the report required under paragraph (2), the Comptroller General of the United States shall—

(A) review the report submitted by the Administrator; and

(B) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(i) an analysis of the report submitted by the Administrator;

(ii) any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and

(iii) any other recommendations of the Comptroller General relating to community-based flood insurance policies.

SA 2470. Mr. REID proposed an amendment to amendment SA 2469 proposed by Mr. REID (for Mr. PRYOR (for himself and Mr. HOEVEN)) to the amendment SA 2468 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, add the following new section:

SEC. ____.

This Act shall become effective 7 days after enactment.

SA 2471. Mr. REID proposed an amendment to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, add the following new section:

SEC. ____.

This title shall become effective 5 days after enactment.

SA 2472. Mr. REID proposed an amendment to the amendment SA 2471 proposed by Mr. REID to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

SA 2473. Mr. REID proposed an amendment to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, add the following new section:

SEC. ____.

This Act shall become effective 3 days after enactment.

SA 2474. Mr. REID proposed an amendment to amendment SA 2473 proposed by Mr. REID to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 2475. Mr. REID proposed an amendment to amendment SA 2474 proposed by Mr. REID to the amendment SA 2473 proposed by Mr. REID to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

SA 2476. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1. PRIORITIZATION OF PRIVATE FLOOD INSURANCE.

Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011), as amended by this Act, is amended by adding at the end the following:

“(d) PRIORITIZATION OF PRIVATE FLOOD INSURANCE.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘private flood insurance’—

“(i) means a contract for flood insurance coverage allowed for sale under the laws of any State; and

“(ii) does not include flood insurance provided or funded under any program of the Federal Emergency Management Agency, including the national flood insurance program; and

“(B) the term ‘State insurance regulator’ has the meaning given the term in section 313(r) of title 31, United States Code.

“(2) MINIMUM STANDARDS FOR PRIVATE FLOOD INSURANCE.—

“(A) STATE-SPECIFIC STANDARDS.—For purposes of this subsection, a State insurance regulator may establish minimum standards for private flood insurance in the State that take into account price, scope of coverage, and any other factors that the State insurance regulator determines are appropriate.

“(B) DEFAULT STANDARDS.—The Administrator shall establish minimum standards for private flood insurance that take into account price, scope of coverage, and any other factors that the Administrator determines are appropriate for States in which the State insurance regulator does not establish minimum standards under subparagraph (A).

“(3) PRIORITIZATION OF PRIVATE FLOOD INSURANCE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may not provide flood insurance under the national flood insurance program to a person for real property or personal property unless the person demonstrates that there is no private flood insurance available for the property that meets—

“(i) the standards established under paragraph (2)(A) for the State in which the property is located; or

“(ii) if standards have not been established under paragraph (2)(A) for the State in which the property is located, the standards established under paragraph (2)(B).

“(B) DEMONSTRATION OF LACK OF PRIVATE FLOOD INSURANCE.—The Administrator shall establish a procedure by which a person

seeking to purchase flood insurance under the national flood insurance program for real property or personal property may demonstrate that there is no private flood insurance available for the property that meets the applicable standards established under paragraph (2).”.

SA 2477. Mr. MERKLEY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1. LEVEE SYSTEMS; FLOOD CONTROL STRUCTURES.

(a) CERTIFICATION OF FLOOD CONTROL STRUCTURES BY CORPS OF ENGINEERS.—Section 211 of the Water Resources Development Act of 2000 (31 U.S.C. 6505 note) is amended by adding at the end the following:

“(f) CERTIFICATION OR EVALUATION OF LEVEE SYSTEMS.—Notwithstanding subsections (b) and (c), the Corps may provide specialized or technical services to a State or local government under section 6505 of title 31, United States Code, relating to the certification or evaluation of a levee system for purposes of the National Flood Insurance Program if—

“(1) the chief executive of the State or local government submits to the Secretary a written request—

“(A) that describes the scope of the services to be performed; and

“(B) in which the chief executive of the State or local government agrees to reimburse the Corps for all costs associated with the performance of the services; and

“(2) the Secretary ensures that the requirements under paragraph (1) are met with regard to any request for services submitted under paragraph (1) before the Secretary enters into an agreement to perform the services.”.

(b) ACTUAL PROTECTION PROVIDED BY FLOOD CONTROL STRUCTURES.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following:

“(k) ACTUAL PROTECTION PROVIDED BY FLOOD CONTROL STRUCTURES.—The Administrator may not issue a flood insurance rate map or an update to a flood insurance rate map for an area unless the flood insurance rate map or update adequately reflects the protection provided by any levee, dam, or other flood control structure in the area.”.

SA 2478. Mr. MERKLEY (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike line 20 and insert the following:

“(f) EXEMPTION FROM MANDATORY PURCHASE REQUIREMENT FOR PRE-REFORM HOMEOWNERS.—The requirements under sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106) shall not apply with respect to a residential property located in an area of residual risk until the date on which ownership of the property

changes for the first time after the date on which such requirements begin to apply to areas of residual risk, as determined under section 107(c) of the Flood Insurance Reform and Modernization Act of 2012.

“(g) DECERTIFICATION.—Upon decertification of any

SA 2479. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LIFE AT CONCEPTION ACT.

(a) SHORT TITLE.—This section may be cited as the “Life at Conception Act”.

(b) RIGHT TO LIFE.—To implement equal protection for the right to life of each born and preborn human person, and pursuant to the duty and authority of the Congress, including Congress’ power under article I, section 8, to make necessary and proper laws, and Congress’ power under section 5 of the 14th article of amendment to the Constitution of the United States, the Congress hereby declares that the right to life guaranteed by the Constitution is vested in each human being.

(c) DEFINITIONS.—For purposes of this section:

(1) HUMAN PERSON; HUMAN BEING.—The terms “human person” and “human being” include each and every member of the species *homo sapiens* at all stages of life, including, but not limited to, the moment of fertilization, cloning, and other moment at which an individual member of the human species comes into being.

(2) STATE.—The term “State” used in the 14th article of amendment to the Constitution of the United States and other applicable provisions of the Constitution includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on June 28, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a business meeting to consider the following:

H.R. 443, To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; H.R. 1560, To amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; H.R. 1272, To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; S. 134, A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights; S. 1065, A bill to settle land claims within the Fort Hall Reservation; S. 2389, A bill to deem the submission of certain claims to an Indian

Health Service contracting officer as timely; and S. 3193, A bill to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Bill McConogha, Lindsey Love, Bryan Rodriguez, and Tiffany Monreal of my staff be granted floor privileges for the duration of today’s proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

On Thursday, June 21, 2012, the Senate passed S. 3240, as amended, as follows:

S. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the “Agriculture Reform, Food, and Jobs Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—COMMODITY PROGRAMS

Subtitle A—Repeals and Reforms

Sec. 1101. Repeal of direct payments.

Sec. 1102. Repeal of counter-cyclical payments.

Sec. 1103. Repeal of average crop revenue election program.

Sec. 1104. Definitions.

Sec. 1105. Agriculture risk coverage.

Sec. 1106. Producer agreement required as condition of provision of payments.

Sec. 1107. Period of effectiveness.

Sec. 1108. Adjusted gross income limitation for conservation programs.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.

Sec. 1202. Loan rates for nonrecourse marketing assistance loans.

Sec. 1203. Term of loans.

Sec. 1204. Repayment of loans.

Sec. 1205. Loan deficiency payments.

Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.

Sec. 1207. Special marketing loan provisions for upland cotton.

Sec. 1208. Special competitive provisions for extra long staple cotton.

Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.

Sec. 1210. Adjustments of loans.

Subtitle C—Sugar

Sec. 1301. Sugar program.

Subtitle D—Dairy

PART I—DAIRY PRODUCTION MARGIN PROTECTION AND DAIRY MARKET STABILIZATION PROGRAMS

Sec. 1401. Definitions.

Sec. 1402. Calculation of average feed cost and actual dairy production margins.

SUBPART A—DAIRY PRODUCTION MARGIN PROTECTION PROGRAM

Sec. 1411. Establishment of dairy production margin protection program.

Sec. 1412. Participation of dairy operations in production margin protection program.

Sec. 1413. Production history of participating dairy operations.

Sec. 1414. Basic production margin protection.

Sec. 1415. Supplemental production margin protection.

Sec. 1416. Effect of failure to pay administration fees or premiums.

SUBPART B—DAIRY MARKET STABILIZATION PROGRAM

Sec. 1431. Establishment of dairy market stabilization program.

Sec. 1432. Threshold for implementation and reduction in dairy payments.

Sec. 1433. Milk marketings information.

Sec. 1434. Calculation and collection of reduced dairy operation payments.

Sec. 1435. Remitting funds to the Secretary and use of funds.

Sec. 1436. Suspension of reduced payment requirement.

Sec. 1437. Enforcement.

Sec. 1438. Audit requirements.

Sec. 1439. Study; report.

SUBPART C—ADMINISTRATION

Sec. 1451. Duration.

Sec. 1452. Administration and enforcement.

PART II—DAIRY MARKET TRANSPARENCY

Sec. 1461. Dairy product mandatory reporting.

Sec. 1462. Federal milk marketing order information.

PART III—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

Sec. 1471. Repeal of dairy product price support and milk income loss contract programs.

Sec. 1472. Repeal of dairy export incentive program.

Sec. 1473. Extension of dairy forward pricing program.

Sec. 1474. Extension of dairy indemnity program.

Sec. 1475. Extension of dairy promotion and research program.

Sec. 1476. Extension of Federal Milk Marketing Order Review Commission.

PART IV—FEDERAL MILK MARKETING ORDER REFORM

Sec. 1481. Federal milk marketing orders.

PART V—EFFECTIVE DATE

Sec. 1491. Effective date.

Subtitle E—Supplemental Agricultural Disaster Assistance Programs

Sec. 1501. Supplemental agricultural disaster assistance programs.

Subtitle F—Administration

Sec. 1601. Administration generally.

Sec. 1602. Suspension of permanent price support authority.

Sec. 1603. Payment limitations.

Sec. 1604. Payments limited to active farmers.

Sec. 1605. Adjusted gross income limitation.

Sec. 1606. Geographically disadvantaged farmers and ranchers.

Sec. 1607. Personal liability of producers for deficiencies.

Sec. 1608. Prevention of deceased individuals receiving payments under farm commodity programs.

Sec. 1609. Appeals.

Sec. 1610. Technical corrections.

Sec. 1611. Assignment of payments.

Sec. 1612. Tracking of benefits.

Sec. 1613. Signature authority.

Sec. 1614. Implementation.

TITLE II—CONSERVATION

Subtitle A—Conservation Reserve Program

Sec. 2001. Extension and enrollment requirements of conservation reserve program.

Sec. 2002. Farmable wetland program.

Sec. 2003. Duties of owners and operators.

Sec. 2004. Duties of the Secretary.

Sec. 2005. Payments.

Sec. 2006. Contract requirements.

Sec. 2007. Conversion of land subject to contract to other conserving uses.

Sec. 2008. Effective date.

Subtitle B—Conservation Stewardship Program

Sec. 2101. Conservation stewardship program.

Subtitle C—Environmental Quality Incentives Program

Sec. 2201. Purposes.

Sec. 2202. Definitions.

Sec. 2203. Establishment and administration.

Sec. 2204. Evaluation of applications.

Sec. 2205. Duties of producers.

Sec. 2206. Limitation on payments.

Sec. 2207. Conservation innovation grants and payments.

Sec. 2208. Effective date.

Subtitle D—Agricultural Conservation Easement Program

Sec. 2301. Agricultural Conservation Easement Program.

Subtitle E—Regional Conservation Partnership Program

Sec. 2401. Regional Conservation Partnership Program.

Subtitle F—Other Conservation Programs

Sec. 2501. Conservation of private grazing land.

Sec. 2502. Grassroots source water protection program.

Sec. 2503. Voluntary public access and habitat incentive program.

Sec. 2504. Agriculture conservation experienced services program.

Sec. 2505. Small watershed rehabilitation program.

Sec. 2506. Terminal lakes assistance.

Subtitle G—Funding and Administration

Sec. 2601. Funding.

Sec. 2602. Technical assistance.

Sec. 2603. Regional equity.

Sec. 2604. Reservation of funds to provide assistance to certain farmers or ranchers for conservation access.

Sec. 2605. Annual report on program enrollments and assistance.

Sec. 2606. Administrative requirements for conservation programs.

Sec. 2607. Rulemaking authority.

Sec. 2608. Standards for State technical committees.

Sec. 2609. Highly erodible land and wetland conservation for crop insurance.

Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions

Sec. 2701. Comprehensive conservation enhancement program.

Sec. 2702. Emergency forestry conservation reserve program.

Sec. 2703. Wetlands reserve program.

Sec. 2704. Farmland protection program and farm viability program.

Sec. 2705. Grassland reserve program.

Sec. 2706. Agricultural water enhancement program.

Sec. 2707. Wildlife habitat incentive program.

Sec. 2708. Great Lakes basin program.

Sec. 2709. Chesapeake Bay watershed program.

Sec. 2710. Cooperative conservation partnership initiative.

Sec. 2711. Environmental easement program.

Sec. 2712. Technical amendments.

TITLE III—TRADE

Subtitle A—Food for Peace Act

Sec. 3001. Set-aside for support for organizations through which non-emergency assistance is provided.

Sec. 3002. Food aid quality.

Sec. 3003. Minimum levels of assistance.

Sec. 3004. Reauthorization of Food Aid Consultative Group.

Sec. 3005. Oversight, monitoring, and evaluation of Food for Peace Act programs.

Sec. 3006. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.

Sec. 3007. Limitation on total volume of commodities monetized.

Sec. 3008. Flexibility.

Sec. 3009. Procurement, transportation, testing, and storage of agricultural commodities for prepositioning in the United States and foreign countries.

Sec. 3010. Deadline for agreements to finance sales or to provide other assistance.

Sec. 3011. Minimum level of nonemergency food assistance.

Sec. 3012. Coordination of foreign assistance programs report.

Sec. 3013. Micronutrient fortification programs.

Sec. 3014. John Ogonowski and Doug Bereuter Farmer-to-Farmer Program.

Sec. 3015. Prohibition on assistance for North Korea.

Subtitle B—Agricultural Trade Act of 1978

Sec. 3101. Export credit guarantee programs.

Sec. 3102. Funding for market access program.

Sec. 3103. Foreign market development co-operator program.

Subtitle C—Other Agricultural Trade Laws

Sec. 3201. Food for Progress Act of 1985.

Sec. 3202. Bill Emerson Humanitarian Trust.

Sec. 3203. Promotion of agricultural exports to emerging markets.

Sec. 3204. McGovern-Dole International Food for Education and Child Nutrition Program.

Sec. 3205. Technical assistance for specialty crops.

Sec. 3206. Global Crop Diversity Trust.

Sec. 3207. Local and regional food aid procurement projects.

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TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

Sec. 4001. Food distribution program on Indian reservations.

Sec. 4002. Standard utility allowances based on the receipt of energy assistance payments.

Sec. 4003. Eligibility disqualifications.

Sec. 4004. Ending supplemental nutrition assistance program benefits for lottery or gambling winners.

Sec. 4005. Retail food stores.

Sec. 4006. Improving security of food assistance.

Sec. 4007. Technology modernization for retail food stores.

Sec. 4008. Use of benefits for purchase of community-supported agriculture share.

Sec. 4009. Restaurant meals program.

Sec. 4010. Quality control error rate determination.

Sec. 4011. Performance bonus payments.

Sec. 4012. Authorization of appropriations.

Sec. 4013. Assistance for community food projects.

Sec. 4014. Emergency food assistance.

Sec. 4015. Nutrition education.

Sec. 4016. Retail food store and recipient trafficking.

Sec. 4017. Technical and conforming amendments.

Subtitle B—Commodity Distribution Programs

Sec. 4101. Commodity distribution program.

Sec. 4102. Commodity supplemental food program.

Sec. 4103. Distribution of surplus commodities to special nutrition projects.

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Subtitle C—Miscellaneous

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Sec. 4202. Seniors farmers' market nutrition program.

Sec. 4203. Nutrition information and awareness pilot program.

Sec. 4204. Whole grain products.

Sec. 4205. Hunger-free communities.

Sec. 4206. Healthy Food Financing Initiative.

Sec. 4207. Pulse crop products.

Sec. 4208. Dietary Guidelines for Americans.

Sec. 4209. Purchases of locally produced foods.

TITLE V—CREDIT

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Sec. 5001. Farmer loans, servicing, and other assistance under the Consolidated Farm and Rural Development Act.

Subtitle B—Miscellaneous

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Sec. 5102. Loans to purchasers of highly fractionated land.

Sec. 5103. Removal of duplicative appraisals.

TITLE VI—RURAL DEVELOPMENT

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Sec. 6001. Reorganization of the Consolidated Farm and Rural Development Act.

Sec. 6002. Conforming amendments.

Subtitle B—Rural Electrification

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Sec. 6102. Guarantees for bonds and notes issued for electrification or telephone purposes.

Sec. 6103. Expansion of 911 access.

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Sec. 6203. Funding of pending rural development loan and grant applications.

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Sec. 6205. Agricultural transportation policy.

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

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Sec. 7102. Specialty crop committee.

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Sec. 7105. Agricultural and food policy research centers.

Sec. 7106. Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions.

Sec. 7107. Nutrition education program.

Sec. 7108. Continuing animal health and disease research programs.

Sec. 7109. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.

Sec. 7110. Grants to upgrade agricultural and food sciences facilities and equipment at insular area land-grant institutions.

Sec. 7111. Hispanic-serving institutions.

Sec. 7112. Competitive grants for international agricultural science and education programs.

Sec. 7113. University research.

Sec. 7114. Extension service.

Sec. 7115. Supplemental and alternative crops.

Sec. 7116. Capacity building grants for NLGCA institutions.

Sec. 7117. Aquaculture assistance programs.

Sec. 7118. Rangeland research programs.

Sec. 7119. Special authorization for biosecurity planning and response.

Sec. 7120. Distance education and resident instruction grants program for insular area institutions of higher education.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 7201. Best utilization of biological applications.

Sec. 7202. Integrated management systems.

Sec. 7203. Sustainable agriculture technology development and transfer program.

Sec. 7204. National training program.

Sec. 7205. National Genetics Resources Program.

Sec. 7206. National Agricultural Weather Information System.

Sec. 7207. High-priority research and extension initiatives.

Sec. 7208. Organic agriculture research and extension initiative.

Sec. 7209. Farm business management.

Sec. 7210. Regional centers of excellence.

Sec. 7211. Assistive technology program for farmers with disabilities.

Sec. 7212. National rural information center clearinghouse.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

Sec. 7301. Relevance and merit of agricultural research, extension, and education funded by the Department.

Sec. 7302. Integrated research, education, and extension competitive grants program.

Sec. 7303. Support for research regarding diseases of wheat, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*.

Sec. 7304. Grants for youth organizations.

Sec. 7305. Specialty crop research initiative.

Sec. 7306. Food animal residue avoidance database program.

Sec. 7307. Office of pest management policy.

Sec. 7308. Authorization of regional integrated pest management centers.

Subtitle D—Other Laws

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Sec. 7402. Equity in Educational Land-Grant Status Act of 1994.

Sec. 7403. Research Facilities Act.

Sec. 7404. Competitive, Special, and Facilities Research Grant Act.

Sec. 7405. Enhanced use lease authority pilot program under Department of Agriculture Reorganization Act of 1994.

Sec. 7406. Renewable Resources Extension Act of 1978.

Sec. 7407. National Aquaculture Act of 1980.

Sec. 7408. Beginning farmer and rancher development program under Farm Security and Rural Investment Act of 2002.

Subtitle E—Food, Conservation, and Energy Act of 2008

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Sec. 7501. Agricultural biosecurity communication center.

Sec. 7502. Assistance to build local capacity in agricultural biosecurity planning, preparation, and response.

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Sec. 7602. Objective and scholarly agricultural and food law research and information.

TITLE VIII—FORESTRY

Subtitle A—Repeat of Certain Forestry Programs

Sec. 8001. Forest land enhancement program.

Sec. 8002. Watershed forestry assistance program.

Sec. 8003. Expired cooperative national forest products marketing program.

Sec. 8004. Hispanic-serving institution agricultural land national resources leadership program.

Sec. 8005. Tribal watershed forestry assistance program.

Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs

- Sec. 8101. State-wide assessment and strategies for forest resources.
- Sec. 8102. Forest stewardship program.
- Sec. 8103. Forest Legacy Program.
- Sec. 8104. Community forest and open space conservation program.
- Sec. 8105. Urban and community forestry assistance.

Subtitle C—Reauthorization of Other Forestry-related Laws

- Sec. 8201. Rural revitalization technologies.
- Sec. 8202. Office of International Forestry.
- Sec. 8203. Insect infestations and related diseases.
- Sec. 8204. Stewardship end result contracting projects.
- Sec. 8205. Healthy forests reserve program.

Subtitle D—Miscellaneous Provisions

- Sec. 8301. McIntire-Stennis Cooperative Forestry Act.
- Sec. 8302. Revision of strategic plan for forest inventory and analysis.

TITLE IX—ENERGY

- Sec. 9001. Definition of renewable chemical.
- Sec. 9002. Biobased markets program.
- Sec. 9003. Biorefinery, renewable chemical, and biobased product manufacturing assistance.
- Sec. 9004. Repeal of repowering assistance program and transfer of remaining funds.
- Sec. 9005. Bioenergy program for advanced biofuels.
- Sec. 9006. Biodiesel fuel education program.
- Sec. 9007. Rural Energy for America Program.
- Sec. 9008. Biomass research and development.
- Sec. 9009. Feedstock flexibility program for bioenergy producers.
- Sec. 9010. Biomass Crop Assistance Program.
- Sec. 9011. Repeal of forest biomass for energy.
- Sec. 9012. Community wood energy program.
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TITLE X—HORTICULTURE

- Sec. 10001. Specialty crops market news allocation.
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- Sec. 10003. Farmers market and local food promotion program.
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- Sec. 10006. Food safety education initiatives.
- Sec. 10007. Coordinated plant management program.
- Sec. 10008. Specialty crop block grants.
- Sec. 10009. Recordkeeping, investigations, and enforcement.
- Sec. 10010. Report on honey.
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TITLE XI—CROP INSURANCE

- Sec. 11001. Supplemental coverage option.
- Sec. 11002. Premium amounts for catastrophic risk protection.
- Sec. 11003. Permanent enterprise unit.
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- Sec. 11005. Data collection.
- Sec. 11006. Adjustment in actual production history to establish insurable yields.
- Sec. 11007. Submission and review of policies.
- Sec. 11008. Board review and approval.
- Sec. 11009. Consultation.

Sec. 11010. Budget limitations on renegotiation of the standard reinsurance agreement.

Sec. 11011. Stacked income protection plan for producers of upland cotton.

Sec. 11012. Peanut revenue crop insurance.

Sec. 11013. Authority to correct errors.

Sec. 11014. Implementation.

Sec. 11015. Approval of costs for research and development.

Sec. 11016. Whole farm risk management insurance.

Sec. 11017. Study of food safety insurance.

Sec. 11018. Crop insurance for livestock.

Sec. 11019. Margin coverage for catfish.

Sec. 11020. Poultry business disruption insurance policy.

Sec. 11021. Crop insurance for organic crops.

Sec. 11022. Research and development.

Sec. 11023. Pilot programs.

Sec. 11024. Index-based weather insurance pilot program.

Sec. 11025. Enhancing producer self-help through farm financial benchmarking.

Sec. 11026. Beginning farmer and rancher provisions.

Sec. 11027. Agricultural management assistance, risk management education, and organic certification cost share assistance.

Sec. 11028. Crop production on native sod.

Sec. 11029. Technical amendments.

Sec. 11030. Greater accessibility for crop insurance.

Sec. 11031. GAO crop insurance fraud report.

Sec. 11032. Limitation on premium subsidy based on average adjusted gross income.

TITLE XII—MISCELLANEOUS

Subtitle A—Socially Disadvantaged

- Producers and Limited Resource Producers
- Sec. 12001. Outreach and assistance for socially disadvantaged farmers and ranchers and veteran farmers and ranchers.
- Sec. 12002. Office of Advocacy and Outreach.

Subtitle B—Livestock

- Sec. 12101. Wildlife reservoir zoonotic disease initiative.
- Sec. 12102. Trichinae certification program.
- Sec. 12103. National Aquatic Animal Health Plan.
- Sec. 12104. Sheep production and marketing grant program.
- Sec. 12105. Feral swine eradication pilot program.

Subtitle C—Other Miscellaneous Provisions

- Sec. 12201. Military veterans agricultural liaison.
- Sec. 12202. Information gathering.
- Sec. 12203. Grants to improve supply, stability, safety, and training of agricultural labor force.
- Sec. 12204. Noninsured crop assistance program.
- Sec. 12205. Regional economic and infrastructure development.
- Sec. 12206. Canada geese removal.
- Sec. 12207. Office of Tribal Relations.
- Sec. 12208. Repeal of duplicative program.
- Sec. 12209. Sense of the Senate.
- Sec. 12210. Acer Access and Development Program.
- Sec. 12211. Definition of rural area for purposes of the Housing Act of 1949.
- Sec. 12212. Animal welfare.
- Sec. 12213. Prohibition on attending an animal fight or causing a minor to attend an animal fight; enforcement of animal fighting provisions.

Sec. 12214. Prohibiting use of presidential election campaign funds for party conventions.

Sec. 12215. Reports on effects of defense and nondefense budget sequestration.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

TITLE I—COMMODITY PROGRAMS

Subtitle A—Repeals and Reforms

SEC. 1101. REPEAL OF DIRECT PAYMENTS.

(a) REPEAL.—Sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) are repealed.

(b) CONTINUED APPLICATION FOR 2012 CROP YEAR.—Sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753), as in effect on the day before the date of enactment of this Act, shall continue to apply through the 2012 crop year with respect to all covered commodities (as defined in section 1001 of that Act (7 U.S.C. 8702)) (except pulse crops) and peanuts on a farm.

SEC. 1102. REPEAL OF COUNTER-CYCLICAL PAYMENTS.

(a) REPEAL.—Sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714, 8754) are repealed.

(b) CONTINUED APPLICATION FOR 2012 CROP YEAR.—Sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714, 8754), as in effect on the day before the date of enactment of this Act, shall continue to apply through the 2012 crop year with respect to all covered commodities (as defined in section 1001 of that Act (7 U.S.C. 8702)) and peanuts on a farm.

SEC. 1103. REPEAL OF AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) REPEAL.—Section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) is repealed.

(b) CONTINUED APPLICATION FOR 2012 CROP YEAR.—Section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715), as in effect on the day before the date of enactment of this Act, shall continue to apply through the 2012 crop year with respect to all covered commodities (as defined in section 1001 of that Act (7 U.S.C. 8702)) and peanuts on a farm for which the irrevocable election under section 1105 of that Act is made before the date of enactment of this Act.

SEC. 1104. DEFINITIONS.

In this subtitle, subtitle B, and subtitle F:

(1) ACTUAL CROP REVENUE.—The term “actual crop revenue”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 1105(c)(3).

(2) AGRICULTURE RISK COVERAGE GUARANTEE.—The term “agriculture risk coverage guarantee”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 1105(c)(4).

(3) AGRICULTURE RISK COVERAGE PAYMENT.—The term “agriculture risk coverage payment” means a payment under section 1105(c).

(4) AVERAGE INDIVIDUAL YIELD.—The term “average individual yield” means the yield reported by a producer for purposes of subtitle A of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), to the maximum extent practicable.

(5) COUNTY COVERAGE.—For the purposes of agriculture risk coverage under section 1105, the term “county coverage” means coverage determined using the total quantity of all acreage in a county of the covered commodity that is planted or prevented from

being planted for harvest by a producer with the yield determined by the average county yield described in subsection (c) of that section.

(6) COVERED COMMODITY.—

(A) IN GENERAL.—The term “covered commodity” means wheat, corn, grain sorghum, barley, oats, long grain rice, medium grain rice, pulse crops, soybeans, other oilseeds, and peanuts.

(B) POPCORN.—The Secretary—

(i) shall study the feasibility of including popcorn as a covered commodity by 2014; and
(ii) if the Secretary determines it to be feasible, shall designate popcorn as a covered commodity.

(7) ELIGIBLE ACRES.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (D), the term “eligible acres” means all acres planted or prevented from being planted to all covered commodities on a farm in any crop year.

(B) MAXIMUM.—Except as provided in (C), the total quantity of eligible acres on a farm determined under subparagraph (A) shall not exceed the average total acres planted or prevented from being planted to covered commodities and upland cotton on the farm for the 2009 through 2012 crop years, as determined by the Secretary.

(C) ADJUSTMENT.—The Secretary shall provide for an adjustment, as appropriate, in the eligible acres for covered commodities for a farm if any of the following circumstances occurs:

(i) If a conservation reserve contract for a farm in a county entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) expires or is voluntarily terminated or cropland is released from coverage under a conservation reserve contract, the Secretary shall provide for an adjustment, as appropriate, in the eligible acres for the farm to a total quantity that is the higher of—

(I) the total base acreage for the farm, less any upland cotton base acreage, that was suspended during the conservation reserve contract; or

(II) the product obtained by multiplying—
(aa) the average proportion that—

(AA) the total number of acres planted to covered commodities and upland cotton in the county for crop years 2009 through 2012; bears to

(BB) the total number of all acres of covered commodities, grassland, and upland cotton acres in the county for the same crop years; by

(bb) the total acres for which coverage has expired, voluntarily terminated, or been released under the conservation reserve contract.

(ii) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(1)(D) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(a)(1)(D)).

(iii) The producer has any acreage not cropped during the 2009 through 2012 crop years, but placed into an established rotation practice for the purposes of enriching land or conserving moisture for subsequent crop years, including summer fallow, as determined by the Secretary.

(D) EXCLUSION.—The term “eligible acres” does not include any crop subsequently planted during the same crop year on the same land for which the first crop is eligible for payments under this subtitle, unless the crop was planted in an area approved for double cropping, as determined by the Secretary.

(8) EXTRA LONG STAPLE COTTON.—The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the Barbados species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(9) INDIVIDUAL COVERAGE.—For purposes of agriculture risk coverage under section 1105, the term “individual coverage” means coverage determined using the total quantity of all acreage in a county of the covered commodity that is planted or prevented from being planted for harvest by a producer with the yield determined by the average individual yield of the producer described in subsection (c) of that section.

(10) MEDIUM GRAIN RICE.—The term “medium grain rice” includes short grain rice.

(11) MIDSEASON PRICE.—The term “midseason price” means the applicable national average market price received by producers for the first 5 months of the applicable marketing year, as determined by the Secretary.

(12) OTHER OILSEED.—The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(13) PRODUCER.—

(A) IN GENERAL.—The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(14) PULSE CROP.—The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.

(15) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(16) TRANSITIONAL YIELD.—The term “transitional yield” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(17) UNITED STATES.—The term “United States”, when used in a geographical sense, means all of the States.

(18) UNITED STATES PREMIUM FACTOR.—The term “United States Premium Factor” means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1½-inch upland cotton and for Middling (M) 1½-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

SEC. 1105. AGRICULTURE RISK COVERAGE.

(a) PAYMENTS REQUIRED.—If the Secretary determines that payments are required under subsection (c), the Secretary shall make payments for each covered commodity available to producers in accordance with this section.

(b) COVERAGE ELECTION.—

(1) IN GENERAL.—For the period of crop years 2013 through 2017, the producers shall make a 1-time, irrevocable election to receive—

(A) individual coverage under this section, as determined by the Secretary; or

(B) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section.

(2) EFFECT OF ELECTION.—The election made under paragraph (1) shall be binding on the producers making the election, regardless of covered commodities planted, and applicable to all acres under the operational control of the producers, in a manner that—

(A) acres brought under the operational control of the producers after the election are included; and

(B) acres no longer under the operational control of the producers after the election are no longer subject to the election of the producers but become subject to the election of the subsequent producers.

(3) DUTIES OF THE SECRETARY.—The Secretary shall ensure that producers are precluded from taking any action, including reconstitution, transfer, or other similar action, that would have the effect of altering or reversing the election made under paragraph (1).

(c) AGRICULTURE RISK COVERAGE.—

(1) PAYMENTS.—The Secretary shall make agriculture risk coverage payments available under this subsection for each of the 2013 through 2017 crop years if the Secretary determines that—

(A) the actual crop revenue for the crop year for the covered commodity; is less than

(B) the agriculture risk coverage guarantee for the crop year for the covered commodity.

(2) TIME FOR PAYMENTS.—If the Secretary determines under this subsection that agriculture risk coverage payments are required to be made for the covered commodity, the agriculture risk coverage payments shall be made as soon as practicable thereafter.

(3) ACTUAL CROP REVENUE.—The amount of the actual crop revenue for a crop year of a covered commodity shall be equal to the product obtained by multiplying—

(A)(i) in the case of individual coverage, the actual average individual yield for the covered commodity, as determined by the Secretary; or

(ii) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; and

(B) the higher of—

(i) the midseason price; or

(ii) if applicable, the national marketing assistance loan rate for the covered commodity under subtitle B.

(4) AGRICULTURE RISK COVERAGE GUARANTEE.—

(A) IN GENERAL.—The agriculture risk coverage guarantee for a crop year for a covered commodity shall equal 89 percent of the benchmark revenue.

(B) BENCHMARK REVENUE.—

(i) IN GENERAL.—The benchmark revenue shall be the product obtained by multiplying—

(I)(aa) in the case of individual coverage, subject to clause (ii), the average individual yield, as determined by the Secretary, for

the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; or

(bb) in the case of county coverage, the average county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(II) subject to clause (iii), the average national marketing year average price for the most recent 5 crop years, excluding each of the crop years with the highest and lowest prices.

(ii) **USE OF TRANSITIONAL YIELDS.**—If the yield determined under clause (i)(I)(aa)—

(I) for the 2012 crop year or any prior crop year, is less than 60 percent of the applicable transitional yield, the Secretary shall use 60 percent of the applicable transitional yield for that crop year; and

(II) for the 2013 crop year and any subsequent crop year, is less than 70 percent of the applicable transitional yield, the Secretary shall use 70 percent of the applicable transitional yield for that crop year.

(iii) **SPECIAL RULE FOR RICE AND PEANUTS.**—If the national marketing year average price under clause (i)(II) for any of the applicable crop years is lower than the price for the covered commodity listed below, the Secretary shall use the following price for that crop year:

(I) For long grain rice, \$13.00 per hundredweight.

(II) For medium grain rice, \$13.00 per hundredweight.

(III) For peanuts, \$530.00 per ton.

(5) **PAYMENT RATE.**—The payment rate for each covered commodity shall be equal to the lesser of—

(A) the amount that—

(i) the agriculture risk coverage guarantee for the covered commodity; exceeds

(ii) the actual crop revenue for the crop year of the covered commodity; or

(B) 10 percent of the benchmark revenue for the crop year of the covered commodity.

(6) **PAYMENT AMOUNT.**—If agriculture risk coverage payments under this subsection are required to be paid for any of the 2013 through 2017 crop years of a covered commodity, the amount of the agriculture risk coverage payment for the crop year shall be equal to the product obtained by multiplying—

(A) the payment rate under paragraph (5); and

(B)(i) in the case of individual coverage the sum of—

(I) 65 percent of the planted eligible acres of the covered commodity; and

(II) 45 percent of the eligible acres that were prevented from being planted to the covered commodity; or

(ii) in the case of county coverage—

(I) 80 percent of the planted eligible acres of the covered commodity; and

(II) 45 percent of the eligible acres that were prevented from being planted to the covered commodity.

(7) **DUTIES OF THE SECRETARY.**—In carrying out the program under this subsection, the Secretary shall—

(A) to the maximum extent practicable, use all available information and analysis to check for anomalies in the determination of payments under the program;

(B) to the maximum extent practicable, calculate a separate actual crop revenue and agriculture risk coverage guarantee for irrigated and nonirrigated covered commodities;

(C) differentiate by type or class the national average price of—

(i) sunflower seeds;

(ii) barley, using malting barley values; and

(iii) wheat; and

(D) assign a yield for each acre planted or prevented from being planted for the crop year for the covered commodity on the basis of the yield history of representative farms in the State, region, or crop reporting district, as determined by the Secretary, if the Secretary cannot establish the yield as determined under paragraph (3)(A)(ii) or (4)(B)(i) or if the yield determined under paragraph (3)(A)(ii) or (4) is an unrepresentative average yield for the covered commodity as determined by the Secretary.

SEC. 1106. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.

(a) **COMPLIANCE WITH CERTAIN REQUIREMENTS.**—

(1) **REQUIREMENTS.**—Before the producers on a farm may receive agriculture risk coverage payments, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to use the land on the farm for an agricultural or conserving use in a quantity equal to the attributable eligible acres of the farm, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(D) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (C).

(2) **COMPLIANCE.**—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) **MODIFICATION.**—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) **TRANSFER OR CHANGE OF INTEREST IN FARM.**—

(1) **TERMINATION.**—

(A) **IN GENERAL.**—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which agriculture risk coverage payments are made shall result in the termination of the agriculture risk coverage payments, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) **EFFECTIVE DATE.**—The termination shall take effect on the date determined by the Secretary.

(2) **EXCEPTION.**—If a producer entitled to an agriculture risk coverage payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) **REPORTS.**—

(1) **ACREAGE REPORTS.**—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) **PRODUCTION REPORTS.**—As a condition on the receipt of any benefits under section

1105, the Secretary shall require producers on a farm to submit to the Secretary annual production reports with respect to all covered commodities produced on the farm.

(3) **PENALTIES.**—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.

(4) **DATA REPORTING.**—To the maximum extent practicable, the Secretary shall use data reported by the producer pursuant to requirements under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) to meet the obligations described in paragraphs (1) and (2), without additional submissions to the Department.

(d) **TENANTS AND SHARECROPPERS.**—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

SEC. 1107. PERIOD OF EFFECTIVENESS.

Sections 1104 through 1106 shall be effective beginning with the 2013 crop year of each covered commodity through the 2017 crop year.

SEC. 1108. ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(2)(A)) is amended—

(1) by striking “LIMITS.” and all that follows through “clause (ii),” and inserting “LIMITS.—Notwithstanding any other provision of law,”; and

(2) by striking clause (ii).

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) **DEFINITION OF LOAN COMMODITY.**—In this subtitle, the term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, peanuts, soybeans, other oilseeds, graded wool, non-graded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(b) **NONRECOURSE LOANS AVAILABLE.**—

(1) **IN GENERAL.**—For each of the 2013 through 2017 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) **TERMS AND CONDITIONS.**—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(c) **ELIGIBLE PRODUCTION.**—The producers on a farm shall be eligible for a marketing assistance loan under subsection (b) for any quantity of a loan commodity produced on the farm.

(d) **COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.**—

(1) **REQUIREMENTS.**—Before the producers on a farm may receive a marketing assistance loan or any other payment or benefit under this subtitle, the producers shall agree, for the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to use the land on the farm for an agricultural or conserving use in a quantity equal to the attributable eligible acres of the farm, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(D) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (C).

(2) **COMPLIANCE.**—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with paragraph (1).

(3) **MODIFICATION.**—At the request of a transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the purposes of this subsection, as determined by the Secretary.

(e) **SPECIAL RULES FOR PEANUTS.**—

(1) **IN GENERAL.**—This subsection shall apply only to producers of peanuts.

(2) **OPTIONS FOR OBTAINING LOAN.**—A marketing assistance loan under this section, and loan deficiency payments under section 1205, may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(3) **STORAGE OF LOAN PEANUTS.**—As a condition on the approval by the Secretary of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide the storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(4) **STORAGE, HANDLING, AND ASSOCIATED COSTS.**—

(A) **IN GENERAL.**—To ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) **REDEMPTION AND FORFEITURE.**—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(5) **MARKETING.**—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(6) **REIMBURSABLE AGREEMENTS AND PAYMENT OF ADMINISTRATIVE EXPENSES.**—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subsection only in a manner that is consistent with those activities in regard to other loan commodities.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) **IN GENERAL.**—For purposes of each of the 2013 through 2017 crop years, the loan

rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, \$2.94 per bushel.

(2) In the case of corn, \$1.95 per bushel.

(3) In the case of grain sorghum, \$1.95 per bushel.

(4) In the case of barley, \$1.95 per bushel.

(5) In the case of oats, \$1.39 per bushel.

(6) In the case of base quality of upland cotton, for the 2013 and each subsequent crop year, the simple average of the adjusted prevailing world price for the 2 immediately preceding marketing years, as determined by the Secretary and announced October 1 preceding the next domestic plantings, but in no case less than \$0.47 per pound or more than \$0.52 per pound.

(7) In the case of extra long staple cotton, \$0.7977 per pound.

(8) In the case of long grain rice, \$6.50 per hundredweight.

(9) In the case of medium grain rice, \$6.50 per hundredweight.

(10) In the case of soybeans, \$5.00 per bushel.

(11) In the case of other oilseeds, \$10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, \$5.40 per hundredweight.

(13) In the case of lentils, \$11.28 per hundredweight.

(14) In the case of small chickpeas, \$7.43 per hundredweight.

(15) In the case of large chickpeas, \$11.28 per hundredweight.

(16) In the case of graded wool, \$1.15 per pound.

(17) In the case of nongraded wool, \$0.40 per pound.

(18) In the case of mohair, \$4.20 per pound.

(19) In the case of honey, \$0.69 per pound.

(20) In the case of peanuts, \$355 per ton.

(b) **SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.**—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(11).

SEC. 1203. TERM OF LOANS.

(a) **TERM OF LOAN.**—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) **EXTENSIONS PROHIBITED.**—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) **GENERAL RULE.**—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, peanuts and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) **REPAYMENT RATES FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.**—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) **REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.**—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) **PREVAILING WORLD MARKET PRICE.**—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) **ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.**—

(1) **RICE.**—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) **COTTON.**—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) 1 $\frac{1}{2}$ -inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2018, if the Secretary determines the adjustment is necessary—

(i) to minimize potential loan forfeitures;

(ii) to minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) to ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) **GUIDELINES FOR ADDITIONAL ADJUSTMENTS.**—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) **REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.**—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) **PAYMENT OF COTTON STORAGE COSTS.**—Effective for each of the 2013 through 2017 crop years, the Secretary shall make cotton storage payments available in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 20 percent.

(h) **REPAYMENT RATE FOR PEANUTS.**—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(1) the loan rate established for peanuts under subsection (b), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of peanuts by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing peanuts; and

(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(i) **AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.**—

(1) **ADJUSTMENT AUTHORITY.**—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) **DURATION.**—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) **AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.**—

(1) **IN GENERAL.**—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) **UNSHORN PELTS, HAY, AND SILAGE.**—

(A) **MARKETING ASSISTANCE LOANS.**—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) **LOAN DEFICIENCY PAYMENT.**—Effective for the 2013 through 2017 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) **COMPUTATION.**—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be equal to the product obtained by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) **PAYMENT RATE.**—

(1) **IN GENERAL.**—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) **UNSHORN PELTS.**—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) **HAY AND SILAGE.**—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) **EXCEPTION FOR EXTRA LONG STAPLE COTTON.**—This section shall not apply with respect to extra long staple cotton.

(e) **EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.**—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) **ELIGIBLE PRODUCERS.**—

(1) **IN GENERAL.**—Effective for the 2013 through 2017 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this

section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) **GRAZING OF TRITICALE ACREAGE.**—Effective for the 2013 through 2017 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) **PAYMENT AMOUNT.**—

(1) **IN GENERAL.**—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) (I) the yield in effect for the calculation of agriculture risk coverage payments under subtitle A with respect to that loan commodity on the farm; or

(II) in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary.

(2) **GRAZING OF TRITICALE ACREAGE.**—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) (I) the yield in effect for the calculation of agriculture risk coverage payments under subtitle A with respect to wheat on the farm; or

(II) in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712).

(c) **TIME, MANNER, AND AVAILABILITY OF PAYMENT.**—

(1) **TIME AND MANNER.**—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) **AVAILABILITY.**—

(A) **IN GENERAL.**—The Secretary shall establish an availability period for the payments authorized by this section.

(B) **CERTAIN COMMODITIES.**—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) **PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.**—A 2013 through 2017 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity

under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term “special import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on August 1, 2013, and ending on July 31, 2018, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$ -inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) QUANTITY.—The quota shall be equal to the consumption during a 1-week period of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture or other data are available.

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary’s announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

(5) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week’s consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) DEMAND.—The term “demand” means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which official data of the Department of Agriculture (as determined by the Secretary) are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(B) LIMITED GLOBAL IMPORT QUOTA.—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(C) SUPPLY.—The term “supply” means, using the latest official data of the Department of Agriculture—

(i) the carryover of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture are available or as estimated by the Secretary.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, make economic adjustment assistance available to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—Effective beginning on August 1, 2012, the value of the as-

sistance provided under paragraph (1) shall be 3 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable for the repayment of the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2018, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) **DEFINITION OF HIGH MOISTURE STATE.**—In this subsection, the term “high moisture state” means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) **RECOURSE LOANS AVAILABLE.**—For each of the 2013 through 2017 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that the producers on the farm were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) **ELIGIBILITY OF ACQUIRED FEED GRAINS.**—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the farm of the producer; by

(B) the lower of the actual average yield used to make payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) **RECOURSE LOANS AVAILABLE FOR SEED COTTON.**—For each of the 2013 through 2017 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) **REPAYMENT RATES.**—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. ADJUSTMENTS OF LOANS.

(a) **ADJUSTMENT AUTHORITY.**—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

(b) **MANNER OF ADJUSTMENT.**—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to

the level of support determined in accordance with this subtitle and subtitles C through E.

(c) **ADJUSTMENT ON COUNTY BASIS.**—

(1) **IN GENERAL.**—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) **PROHIBITION.**—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) **ADJUSTMENT IN LOAN RATE FOR COTTON.**—

(1) **IN GENERAL.**—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) **REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

(B) **MANDATORY REVISIONS.**—Revisions under subparagraph (A) shall include—

(i) the elimination of warehouse location differentials;

(ii) the establishment of differentials for the various quality factors and staple lengths of cotton based on a 3-year, weighted moving average of the weighted designated spot market regions, as determined by regional production;

(iii) the elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire; and

(iv) a mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is 1 better than the applicable color grade.

(C) **DISCRETIONARY REVISIONS.**—Revisions under subparagraph (A) may include—

(i) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(ii) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(iii) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) **CONSULTATION WITH PRIVATE SECTOR.**—

(A) **PRIOR TO REVISION.**—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) **INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) **REVIEW OF ADJUSTMENTS.**—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program for upland cotton, by—

(A) revoking or revising any actions taken under paragraph (2)(B); or

(B) revoking or revising any actions taken or authorized to be taken under paragraph (2)(C).

(e) **RICE.**—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) **CONTINUATION OF CURRENT PROGRAM AND LOAN RATES.**—

(1) **SUGARCANE.**—Section 156(a)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)(5)) is amended by striking “the 2012 crop year” and inserting “each of the 2012 through 2017 crop years”.

(2) **SUGAR BEETS.**—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(3) **EFFECTIVE PERIOD.**—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

(b) **FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.**—

(1) **SUGAR ESTIMATES.**—Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended by striking “2012” and inserting “2017”.

(2) **SUGAR IMPORT QUOTA ADJUSTMENT DATE.**—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking “APRIL 1” each place it appears and inserting “FEBRUARY 1”; and

(B) by striking “April 1” each place it appears and inserting “February 1”.

(3) **EFFECTIVE PERIOD.**—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

Subtitle D—Dairy

PART I—DAIRY PRODUCTION MARGIN PROTECTION AND DAIRY MARKET STABILIZATION PROGRAMS

SEC. 1401. DEFINITIONS.

In this part:

(1) **ACTUAL DAIRY PRODUCTION MARGIN.**—The term “actual dairy production margin” means the difference between the all-milk price and the average feed cost, as calculated under section 1402.

(2) **ALL-MILK PRICE.**—The term “all-milk price” means the average price received, per hundredweight of milk, by dairy operations for all milk sold to plants and dealers in the United States, as determined by the Secretary.

(3) **ANNUAL PRODUCTION HISTORY.**—The term “annual production history” means the production history determined for a participating dairy operation under section 1413(b) whenever the participating dairy operation purchases supplemental production margin protection.

(4) **AVERAGE FEED COST.**—The term “average feed cost” means the average cost of feed used by a dairy operation to produce a hundredweight of milk, determined under section 1402 using the sum of the following:

(A) The product determined by multiplying 1.0728 by the price of corn per bushel.

(B) The product determined by multiplying 0.00735 by the price of soybean meal per ton.

(C) The product determined by multiplying 0.0137 by the price of alfalfa hay per ton.

(5) **BASIC PRODUCTION HISTORY.**—The term “basic production history” means the production history determined for a participating dairy operation under section 1413(a) for provision of basic production margin protection.

(6) **CONSECUTIVE 2-MONTH PERIOD.**—The term “consecutive 2-month period” refers to the 2-month period consisting of the months of January and February, March and April, May and June, July and August, September and October, or November and December, respectively.

(7) **DAIRY OPERATION.**—

(A) **IN GENERAL.**—The term “dairy operation” means, as determined by the Secretary, 1 or more dairy producers that produce and market milk as a single dairy operation in which each dairy producer—

(i) shares in the pooling of resources and a common ownership structure;

(ii) is at risk in the production of milk on the dairy operation; and

(iii) contributes land, labor, management, equipment, or capital to the dairy operation.

(B) **ADDITIONAL OWNERSHIP STRUCTURES.**—The Secretary shall determine additional ownership structures to be covered by the definition of dairy operation.

(8) **HANDLER.**—

(A) **IN GENERAL.**—The term “handler” means the initial individual or entity making payment to a dairy operation for milk produced in the United States and marketed for commercial use.

(B) **PRODUCER-HANDLER.**—The term includes a “producer-handler” when the producer satisfies the definition in subparagraph (A).

(9) **PARTICIPATING DAIRY OPERATION.**—The term “participating dairy operation” means a dairy operation that—

(A) signs up under section 1412 to participate in the production margin protection program under subpart A; and

(B) as a result, also participates in the stabilization program under subpart B.

(10) **PRODUCTION MARGIN PROTECTION PROGRAM.**—The term “production margin protection program” means the dairy production margin protection program required by subpart A.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(12) **STABILIZATION PROGRAM.**—The term “stabilization program” means the dairy market stabilization program required by subpart B for all participating dairy operations.

(13) **STABILIZATION PROGRAM BASE.**—The term “stabilization program base”, with respect to a participating dairy operation, means the stabilization program base calculated for the participating dairy operation under section 1431(b).

(14) **UNITED STATES.**—The term “United States”, in a geographical sense, means the 50 States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.

SEC. 1402. CALCULATION OF AVERAGE FEED COST AND ACTUAL DAIRY PRODUCTION MARGINS.

(a) **CALCULATION OF AVERAGE FEED COST.**—The Secretary shall calculate the national average feed cost for each month using the following data:

(1) The price of corn for a month shall be the price received during that month by farmers in the United States for corn, as reported in the monthly Agricultural Prices report by the Secretary.

(2) The price of soybean meal for a month shall be the central Illinois price for soybean meal, as reported in the Market News—Monthly Soybean Meal Price Report by the Secretary.

(3) The price of alfalfa hay for a month shall be the price received during that month by farmers in the United States for alfalfa hay, as reported in the monthly Agricultural Prices report by the Secretary.

(b) **CALCULATION OF ACTUAL DAIRY PRODUCTION MARGINS.**—

(1) **PRODUCTION MARGIN PROTECTION PROGRAM.**—For use in the production margin protection program under subpart A, the Secretary shall calculate the actual dairy production margin for each consecutive 2-month period by subtracting—

(A) the average feed cost for that consecutive 2-month period, determined in accordance with subsection (a); from

(B) the all-milk price for that consecutive 2-month period.

(2) **STABILIZATION PROGRAM.**—For use in the stabilization program under subpart B, the Secretary shall calculate each month the actual dairy production margin for the preceding month by subtracting—

(A) the average feed cost for that preceding month, determined in accordance with subsection (a); from

(B) the all-milk price for that preceding month.

(3) **TIME FOR CALCULATIONS.**—The calculations required by paragraphs (1) and (2) shall be made as soon as practicable using the full month price of the applicable reference month.

Subpart A—Dairy Production Margin Protection Program

SEC. 1411. ESTABLISHMENT OF DAIRY PRODUCTION MARGIN PROTECTION PROGRAM.

Effective not later than 120 days after the effective date of this subtitle, the Secretary shall establish and administer a dairy production margin protection program under which participating dairy operations are paid—

(1) basic production margin protection program payments under section 1414 when actual dairy production margins are less than the threshold levels for such payments; and

(2) supplemental production margin protection program payments under section 1415 if purchased by a participating dairy operation.

SEC. 1412. PARTICIPATION OF DAIRY OPERATIONS IN PRODUCTION MARGIN PROTECTION PROGRAM.

(a) **ELIGIBILITY.**—All dairy operations in the United States shall be eligible to participate in the production margin protection program, except that a participating dairy operation shall be required to register with the Secretary before the participating dairy operation may receive—

(1) basic production margin protection program payments under section 1414; and

(2) if the participating dairy operation purchases supplemental production margin protection under section 1415, supplemental production margin protection program payments under such section.

(b) **REGISTRATION PROCESS.**—

(1) **IN GENERAL.**—The Secretary shall specify the manner and form by which a participating dairy operation may register to participate in the production margin protection program.

(2) **TREATMENT OF MULTIPRODUCER DAIRY OPERATIONS.**—If a participating dairy operation is operated by more than 1 dairy producer, all of the dairy producers of the participating dairy operation shall be treated as a single dairy operation for purposes of—

(A) registration to receive basic production margin protection and election to purchase supplemental production margin protection;

(B) payment of the participation fee under subsection (d) and producer premiums under section 1415; and

(C) participation in the stabilization program under subtitle B.

(3) **TREATMENT OF PRODUCERS WITH MULTIPLE DAIRY OPERATIONS.**—If a dairy producer operates 2 or more dairy operations, each dairy operation of the producer shall separately register to receive basic production margin protection and purchase supplemental production margin protection and only those dairy operations so registered shall be covered by the stabilization program.

(c) **TIME FOR REGISTRATION.**—

(1) **EXISTING DAIRY OPERATIONS.**—During the 15-month period beginning on the date of the initiation of the registration period for the production margin protection program, a dairy operation that is actively engaged as of such date may register with the Secretary—

(A) to receive basic production margin protection; and

(B) if the dairy operation elects, to purchase supplemental production margin protection.

(2) **NEW ENTRANTS.**—A dairy producer that has no existing interest in a dairy operation as of the date of the initiation of the registration period for the production margin protection program, but that, after such date, establishes a new dairy operation, may register with the Secretary during the 1-year period beginning on the date on which the dairy operation first markets milk commercially—

(A) to receive basic production margin protection; and

(B) if the dairy operation elects, to purchase supplemental production margin protection.

(d) **TRANSITION FROM MILC TO PRODUCTION MARGIN PROTECTION.**—

(1) **DEFINITION OF TRANSITION PERIOD.**—In this subsection, the term “transition period” means the period during which the milk income loss program established under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) and the production margin protection program under this subtitle are both in existence.

(2) **NOTICE OF AVAILABILITY.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish a notice in the Federal Register to inform dairy operations of the availability of basic production margin protection and supplemental production margin protection, including the terms of the protection and information about the option of dairy operations during the transition period to make an election described in paragraph (3).

(3) **ELECTION.**—Except as provided in paragraph (4), a dairy operation may elect to participate in either the milk income loss program established under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) or the production margin protection program under this subtitle for the duration of the transition period.

(4) **TRANSFER TO PRODUCTION MARGIN PROTECTION.**—A dairy operation that elects to participate in the milk income loss program established under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) during the transition period may, at any time, make a permanent transfer to the production margin protection program.

(e) **ADMINISTRATION FEE.**—

(1) **ADMINISTRATION FEE REQUIRED.**—Except as provided in paragraph (5), a participating dairy operation shall—

(A) pay an administration fee under this subsection to register to participate in the production margin protection program; and

(B) pay the administration fee annually thereafter to continue to participate in the production margin protection program.

(2) **FEE AMOUNT.**—The administration fee for a participating dairy operation for a calendar year shall be based on the pounds of milk (in millions) marketed by the participating dairy operation in the previous calendar year, as follows:

less than 1	\$100
1 to 5	\$250
more than 5 to 10	\$350
more than 10 to 40	\$1,000
more than 40	\$2,500

(3) **DEPOSIT OF FEES.**—All administration fees collected under this subsection shall be credited to the fund or account used to cover the costs incurred to administer the production margin protection program and the stabilization program and shall be available to the Secretary, without further appropriation and until expended, for use or transfer as provided in paragraph (4).

(4) **USE OF FEES.**—The Secretary shall use administration fees collected under this subsection—

(A) to cover administrative costs of the production margin protection program and stabilization program; and

(B) to cover costs of the Department of Agriculture relating to reporting of dairy market news, carrying out the amendments made by section 1476, and carrying out section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b)), to the extent funds remain available after operation of subparagraph (A).

(5) **WAIVER.**—The Secretary shall waive or reduce the administration fee required under paragraph (1) in the case of a limited-resource dairy operation, as defined by the Secretary.

(f) **LIMITATION.**—A dairy operation may only participate in the production margin protection program or the livestock gross margin for dairy program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), but not both.

SEC. 1413. PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATIONS.

(a) **PRODUCTION HISTORY FOR BASIC PRODUCTION MARGIN PROTECTION.**—

(1) **DETERMINATION REQUIRED.**—For purposes of providing basic production margin protection, the Secretary shall determine the basic production history of a participating dairy operation.

(2) **CALCULATION.**—Except as provided in paragraph (3), the basic production history of a participating dairy operation for basic production margin protection is equal to the highest annual milk marketings of the participating dairy operation during any 1 of the 3 calendar years immediately preceding the calendar year in which the participating dairy operation first signed up to participate in the production margin protection program.

(3) **ELECTION BY NEW DAIRY OPERATIONS.**—In the case of a participating dairy operation that has been in operation for less than a year, the participating dairy operation shall elect 1 of the following methods for the Secretary to determine the basic production history of the participating dairy operation:

(A) The volume of the actual milk marketings for the months the participating dairy operation has been in operation extrapolated to a yearly amount.

(B) An estimate of the actual milk marketings of the participating dairy operation based on the herd size of the participating dairy operation relative to the national rolling herd average data published by the Secretary.

(4) **NO CHANGE IN PRODUCTION HISTORY FOR BASIC PRODUCTION MARGIN PROTECTION.**—Once the basic production history of a participating dairy operation is determined under paragraph (2) or (3), the basic production history shall not be subsequently changed for purposes of determining the amount of any basic production margin protection payments for the participating dairy operation made under section 1414.

(b) **ANNUAL PRODUCTION HISTORY FOR SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—

(1) **DETERMINATION REQUIRED.**—For purposes of providing supplemental production margin protection for a participating dairy operation that purchases supplemental production margin protection for a year under section 1415, the Secretary shall determine the annual production history of the participating dairy operation under paragraph (2).

(2) **CALCULATION.**—The annual production history of a participating dairy operation for a year is equal to the actual milk marketings of the participating dairy operation during the preceding calendar year.

(3) **NEW DAIRY OPERATIONS.**—Subsection (a)(3) shall apply with respect to determining the annual production history of a participating dairy operation that has been in operation for less than a year.

(c) **REQUIRED INFORMATION.**—A participating dairy operation shall provide all information that the Secretary may require in order to establish—

(1) the basic production history of the participating dairy operation under subsection (a); and

(2) the production history of the participating dairy operation whenever the participating dairy operation purchases supplemental production margin protection under section 1415.

(d) **TRANSFER OF PRODUCTION HISTORIES.**—

(1) **TRANSFER BY SALE OR LEASE.**—In promulgating the rules to initiate the production margin protection program, the Secretary shall specify the conditions under which and the manner by which the production history of a participating dairy operation may be transferred by sale or lease.

(2) **COVERAGE LEVEL.**—

(A) **BASIC PRODUCTION MARGIN PROTECTION.**—A purchaser or lessee to whom the Secretary transfers a basic production history under this subsection shall not obtain a different level of basic production margin protection than the basic production margin protection coverage held by the seller or lessor from whom the transfer was obtained.

(B) **SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—A purchaser or lessee to whom the Secretary transfers an annual production history under this subsection shall not obtain a different level of supplemental production margin protection coverage than the supplemental production margin protection coverage in effect for the seller or lessor from whom the transfer was obtained for the calendar year in which the transfer was made.

(e) **MOVEMENT AND TRANSFER OF PRODUCTION HISTORY.**—

(1) **MOVEMENT AND TRANSFER AUTHORIZED.**—Subject to paragraph (2), if a participating dairy operation moves from 1 location to another location, the participating dairy operation may transfer the basic production his-

tory and annual production history associated with the participating dairy operation.

(2) **NOTIFICATION REQUIREMENT.**—A participating dairy operation shall notify the Secretary of any move of a participating dairy operation under paragraph (1).

(3) **SUBSEQUENT OCCUPATION OF VACATED LOCATION.**—A party subsequently occupying a participating dairy operation location vacated as described in paragraph (1) shall have no interest in the basic production history or annual production history previously associated with the participating dairy operation at such location.

SEC. 1414. BASIC PRODUCTION MARGIN PROTECTION.

(a) **PAYMENT THRESHOLD.**—The Secretary shall make a payment to participating dairy operations in accordance with subsection (b) whenever the average actual dairy production margin for a consecutive 2-month period is less than \$4.00 per hundredweight of milk.

(b) **BASIC PRODUCTION MARGIN PROTECTION PAYMENT.**—The basic production margin protection payment for a participating dairy operation for a consecutive 2-month period shall be equal to the product obtained by multiplying—

(1) the difference between the average actual dairy production margin for the consecutive 2-month period and \$4.00, except that, if the difference is more than \$4.00, the Secretary shall use \$4.00; by

(2) the lesser of—

(A) 80 percent of the production history of the participating dairy operation, divided by 6; or

(B) the actual quantity of milk marketed by the participating dairy operation during the consecutive 2-month period.

SEC. 1415. SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.

(a) **ELECTION OF SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—A participating dairy operation may annually purchase supplemental production margin protection to protect, during the calendar year for which purchased, a higher level of the income of a participating dairy operation than the income level guaranteed by basic production margin protection under section 1414.

(b) **SELECTION OF PAYMENT THRESHOLD.**—A participating dairy operation purchasing supplemental production margin protection for a year shall elect a coverage level that is higher, in any increment of \$0.50, than the payment threshold for basic production margin protection specified in section 1414(a), but not to exceed \$8.00.

(c) **COVERAGE PERCENTAGE.**—A participating dairy operation purchasing supplemental production margin protection for a year shall elect a percentage of coverage equal to not more than 90 percent, nor less than 25 percent, of the annual production history of the participating dairy operation.

(d) **PREMIUMS FOR SUPPLEMENTAL PRODUCTION MARGIN PROTECTION.**—

(1) **PREMIUMS REQUIRED.**—A participating dairy operation that purchases supplemental production margin protection shall pay an annual premium equal to the product obtained by multiplying—

(A) the coverage percentage elected by the participating dairy operation under subsection (c);

(B) the annual production history of the participating dairy operation; and

(C) the premium per hundredweight of milk, as specified in the applicable table under paragraph (2) or (3).

(2) **PREMIUM PER HUNDREDWEIGHT FOR FIRST 4 MILLION POUNDS OF PRODUCTION.**—For the first 4,000,000 pounds of milk marketings included in the annual production history of a

participating dairy operation, the premium per hundredweight corresponding to each coverage level specified in the following table is as follows:

\$4.50	\$0.01
\$5.00	\$0.02
\$5.50	\$0.035
\$6.00	\$0.045
\$6.50	\$0.09
\$7.00	\$0.40
\$7.50	\$0.60
\$8.00	\$0.95

(3) **PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 4 MILLION POUNDS.**—For milk marketings in excess of 4,000,000 pounds included in the annual production history of a participating dairy operation, the premium per hundredweight corresponding to each coverage level is as follows:

\$4.50	\$0.02
\$5.00	\$0.04
\$5.50	\$0.10
\$6.00	\$0.15
\$6.50	\$0.29
\$7.00	\$0.62
\$7.50	\$0.83
\$8.00	\$1.06

(4) **TIME FOR PAYMENT.**—In promulgating the rules to initiate the production margin protection program, the Secretary shall provide more than 1 method by which a participating dairy operation that purchases supplemental production margin protection for a calendar year may pay the premium under this subsection for that year in any manner that maximizes participating dairy operation payment flexibility and program integrity.

(e) **PREMIUM OBLIGATIONS.**—

(1) **PRO-RATION OF PREMIUM FOR NEW DAIRY OPERATIONS.**—A participating dairy operation described in section 1412(c)(2) that purchases supplemental production margin protection for a calendar year after the start of the calendar year shall pay a pro-rated premium for that calendar year based on the portion of the calendar year for which the participating dairy operation purchases the coverage.

(2) **LEGAL OBLIGATION.**—A participating dairy operation that purchases supplemental production margin protection for a calendar year shall be legally obligated to pay the applicable premium for that calendar year, except that the Secretary may waive that obligation, under terms and conditions determined by the Secretary, for 1 or more producers in any participating dairy operation in the case of death, retirement, permanent dissolution of a participating dairy operation, or other circumstances as the Secretary considers appropriate to ensure the integrity of the program.

(f) **SUPPLEMENTAL PAYMENT THRESHOLD.**—A participating dairy operation with supplemental production margin protection shall receive a supplemental production margin protection payment whenever the average actual dairy production margin for a consecutive 2-month period is less than the coverage level threshold selected by the participating dairy operation under subsection (b).

(g) **SUPPLEMENTAL PRODUCTION MARGIN PROTECTION PAYMENTS.**—

(1) **IN GENERAL.**—The supplemental production margin protection payment for a participating dairy operation is in addition to the basic production margin protection payment.

(2) **AMOUNT OF PAYMENT.**—The supplemental production margin protection payment for the participating dairy operation shall be determined as follows:

(A) The Secretary shall calculate the difference between the coverage level threshold selected by the participating dairy operation under subsection (b) and the greater of—

(i) the average actual dairy production margin for the consecutive 2-month period; or

(ii) \$4.00.

(B) The amount determined under subparagraph (A) shall be multiplied by the percentage selected by the participating dairy operation under subsection (c) and by the lesser of the following:

(1) The annual production history of the participating dairy operation, divided by 6.

(2) The actual amount of milk marketed by the participating dairy operation during the consecutive 2-month period.

SEC. 1416. EFFECT OF FAILURE TO PAY ADMINISTRATION FEES OR PREMIUMS.

(a) **LOSS OF BENEFITS.**—A participating dairy operation that fails to pay the required administration fee under section 1412 or is in arrears on premium payments for supplemental production margin protection under section 1415—

(1) remains legally obligated to pay the administration fee or premiums, as the case may be; and

(2) may not receive basic production margin protection payments or supplemental production margin protection payments until the fees or premiums are fully paid.

(b) **ENFORCEMENT.**—The Secretary may take such action as necessary to collect administration fees and premium payments for supplemental production margin protection.

Subpart B—Dairy Market Stabilization Program

SEC. 1431. ESTABLISHMENT OF DAIRY MARKET STABILIZATION PROGRAM.

(a) **PROGRAM REQUIRED; PURPOSE.**—Effective not later than 120 days after the effective date of this subtitle, the Secretary shall establish and administer a dairy market stabilization program applicable to participating dairy operations for the purpose of assisting in balancing the supply of milk with demand when participating dairy operations are experiencing low or negative operating margins.

(b) **ELECTION OF STABILIZATION PROGRAM BASE CALCULATION METHOD.**—

(1) **ELECTION.**—When a dairy operation signs up under section 1412 to participate in the production margin protection program, the dairy operation shall inform the Secretary of the method by which the stabilization program base for the participating dairy operation will be calculated under paragraph (3).

(2) **CHANGE IN CALCULATION METHOD.**—A participating dairy operation may change the stabilization program base calculation method to be used for a calendar year by notifying the Secretary of the change not later than a date determined by the Secretary.

(3) **CALCULATION METHODS.**—A participating dairy operation may elect either of the following methods for calculation of the stabilization program base for the participating dairy operation:

(A) The volume of the average monthly milk marketings of the participating dairy operation for the 3 months immediately preceding the announcement by the Secretary that the stabilization program will become effective.

(B) The volume of the monthly milk marketings of the participating dairy operation

for the same month in the preceding year as the month for which the Secretary has announced the stabilization program will become effective.

SEC. 1432. THRESHOLD FOR IMPLEMENTATION AND REDUCTION IN DAIRY PAYMENTS.

(a) **WHEN STABILIZATION PROGRAM REQUIRED.**—Except as provided in subsection (b), the Secretary shall announce that the stabilization program is in effect and order reduced payments by handlers to participating dairy operations that exceed the applicable percentage of the participating dairy operation's stabilization program base whenever—

(1) the actual dairy production margin has been \$6.00 or less per hundredweight of milk for each of the immediately preceding 2 months; or

(2) the actual dairy production margin has been \$4.00 or less per hundredweight of milk for the immediately preceding month.

(b) **EXCEPTION.**—If any of the conditions described in section 1436(b) have been met during the 2-month period immediately preceding the month in which the announcement under subsection (a) would otherwise be made by the Secretary in the absence of this exception, the Secretary shall—

(1) suspend the stabilization program;

(2) refrain from making the announcement under subsection (a) to implement order the stabilization payment; or

(3) order reduced payments.

(c) **EFFECTIVE DATE FOR IMPLEMENTATION OF PAYMENT REDUCTIONS.**—Reductions in dairy payments shall commence beginning on the first day of the month immediately following the date of the announcement by the Secretary under subsection (a).

SEC. 1433. MILK MARKETINGS INFORMATION.

(a) **COLLECTION OF MILK MARKETING DATA.**—The Secretary shall establish, by regulation, a process to collect from participating dairy operations and handlers such information that the Secretary considers necessary for each month during which the stabilization program is in effect.

(b) **REDUCE REGULATORY BURDEN.**—When implementing the process under subsection (a), the Secretary shall minimize the regulatory burden on participating dairy operations and handlers.

SEC. 1434. CALCULATION AND COLLECTION OF REDUCED DAIRY OPERATION PAYMENTS.

(a) **REDUCED PARTICIPATING DAIRY OPERATION PAYMENTS REQUIRED.**—During any month in which payment reductions are in effect under the stabilization program, each handler shall reduce payments to each participating dairy operation from whom the handler receives milk.

(b) **REDUCTIONS BASED ON ACTUAL DAIRY PRODUCTION MARGIN.**—

(1) **REDUCTION REQUIREMENT 1.**—If the Secretary determines that the average actual dairy production margin has been less than \$6.00 but greater than \$5.00 per hundredweight of milk for 2 consecutive months, the handler shall make payments to a participating dairy operation for a month based on the greater of the following:

(A) 98 percent of the stabilization program base of the participating dairy operation.

(B) 94 percent of the marketings of milk for the month by the participating dairy operation.

(2) **REDUCTION REQUIREMENT 2.**—If the Secretary determines that the average actual dairy production margin has been less than \$5.00 but greater than \$4.00 for 2 consecutive months, the handler shall make payments to

a participating dairy operation for a month based on the greater of the following:

(A) 97 percent of the stabilization program base of the participating dairy operation.

(B) 93 percent of the marketings of milk for the month by the participating dairy operation.

(3) **REDUCTION REQUIREMENT 3.**—If the Secretary determines that the average actual dairy production margin has been \$4.00 or less for any 1 month, the handler shall make payments to a participating dairy operation for a month based on the greater of the following:

(A) 96 percent of the stabilization program base of the participating dairy operation.

(B) 92 percent of the marketings of milk for the month by the participating dairy operation.

(c) **CONTINUATION OF REDUCTIONS.**—The largest level of payment reduction required under paragraph (1), (2), or (3) of subsection (b) shall be continued for each month until the Secretary suspends the stabilization program and terminates payment reductions in accordance with section 1436.

(d) **PAYMENT REDUCTION EXCEPTION.**—Notwithstanding any preceding subsection of this section, a handler shall make no payment reductions for a participating dairy operation for a month if the participating dairy operation's milk marketings for the month are equal to or less than the percentage of the stabilization program base applicable to the participating dairy operation under paragraph (1), (2), or (3) of subsection (b).

SEC. 1435. REMITTING FUNDS TO THE SECRETARY AND USE OF FUNDS.

(a) **REMITTING FUNDS.**—As soon as practicable after the end of each month during which payment reductions are in effect under the stabilization program, each handler shall remit to the Secretary an amount equal to the amount by which payments to participating dairy operations are reduced by the handler under section 1434.

(b) **DEPOSIT OF REMITTED FUNDS.**—All funds received under subsection (a) shall be available to the Secretary, without further appropriation and until expended, for use or transfer as provided in subsection (c).

(c) **USE OF FUNDS.**—

(1) **AVAILABILITY FOR CERTAIN COMMODITY DONATIONS.**—Not later than 90 days after the funds described in subsection (a) are due as determined by the Secretary, the Secretary shall obligate the funds for the purpose of—

(A) purchasing dairy products for donation to food banks and other programs that the Secretary determines appropriate; and

(B) expanding consumption and building demand for dairy products.

(2) **NO DUPLICATION OF EFFORT.**—The Secretary shall ensure that expenditures under paragraph (1) are compatible with, and do not duplicate, programs supported by the dairy research and promotion activities conducted under the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

(3) **ACCOUNTING.**—The Secretary shall keep an accurate account of all funds expended under paragraph (1).

(d) **ANNUAL REPORT.**—Not later than December 31 of each year that the stabilization program is in effect, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that provides an accurate accounting of—

(1) the funds received by the Secretary during the preceding fiscal year under subsection (a);

(2) all expenditures made by the Secretary under subsection (b) during the preceding fiscal year; and

(3) the impact of the stabilization program on dairy markets.

(e) **ENFORCEMENT.**—If a participating dairy operation or handler fails to remit or collect the amounts by which payments to participating dairy operations are reduced under section 1434, the participating dairy operation or handler responsible for the failure shall be liable to the Secretary for the amount that should have been remitted or collected, plus interest. In addition to the enforcement authorities available under section 1437, the Secretary may enforce this subsection in the courts of the United States.

SEC. 1436. SUSPENSION OF REDUCED PAYMENT REQUIREMENT.

(a) **DETERMINATION OF PRICES.**—For purposes of this section:

(1) The price in the United States for cheddar cheese and nonfat dry milk shall be determined by the Secretary.

(2) The world price of cheddar cheese and skim milk powder shall be determined by the Secretary.

(b) **SUSPENSION THRESHOLDS.**—The stabilization program shall be suspended or the Secretary shall refrain from making the announcement under section 1432(a) if the Secretary determines that—

(1) the actual dairy production margin is greater than \$6.00 per hundredweight of milk for 2 consecutive months;

(2) the actual dairy production margin is equal to or less than \$6.00 (but greater than \$5.00) for 2 consecutive months, and during the same 2 consecutive months—

(A) the price in the United States for cheddar cheese is equal to or greater than the world price of cheddar cheese; or

(B) the price in the United States for nonfat dry milk is equal to or greater than the world price of skim milk powder;

(3) the actual dairy production margin is equal to or less than \$5.00 (but greater than \$4.00) for 2 consecutive months, and during the same 2 consecutive months—

(A) the price in the United States for cheddar cheese is more than 5 percent above the world price of cheddar cheese; or

(B) the price in the United States for nonfat dry milk is more than 5 percent above the world price of skim milk powder; or

(4) the actual dairy production margin is equal to or less than \$4.00 for 2 consecutive months, and during the same 2 consecutive months—

(A) the price in the United States for cheddar cheese is more than 7 percent above the world price of cheddar cheese; or

(B) the price in the United States for nonfat dry milk is more than 7 percent above the world price of skim milk powder.

(c) **IMPLEMENTATION BY HANDLERS.**—Effective on the day after the date of the announcement by the Secretary under subsection (b) of the suspension of the stabilization program, the handler shall cease reducing payments to participating dairy operations under the stabilization program.

(d) **CONDITION ON RESUMPTION OF STABILIZATION PROGRAM.**—Upon the announcement by the Secretary under subsection (b) that the stabilization program has been suspended, the stabilization program may not be implemented again until, at the earliest—

(1) 2 months have passed, beginning on the first day of the month immediately following the announcement by the Secretary; and

(2) the conditions of section 1432(a) are again met.

SEC. 1437. ENFORCEMENT.

(a) **UNLAWFUL ACT.**—It shall be unlawful and a violation of the this subpart for any person subject to the stabilization program to willfully fail or refuse to provide, or delay the timely reporting of, accurate information and remittance of funds to the Secretary in accordance with this subpart.

(b) **ORDER.**—After providing notice and opportunity for a hearing to an affected person, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subpart.

(c) **APPEAL.**—An order of the Secretary under subsection (b) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order. A finding of the Secretary in the order shall be set aside only if the finding is not supported by substantial evidence.

(d) **NONCOMPLIANCE WITH ORDER.**—If a person subject to this subpart fails to obey an order issued under subsection (b) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order. If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

SEC. 1438. AUDIT REQUIREMENTS.

(a) **AUDITS OF DAIRY OPERATION AND HANDLER COMPLIANCE.**—

(1) **AUDITS AUTHORIZED.**—If determined by the Secretary to be necessary to ensure compliance by participating dairy operations and handlers with the stabilization program, the Secretary may conduct periodic audits of participating dairy operations and handlers.

(2) **SAMPLE OF DAIRY OPERATIONS.**—Any audit conducted under this subsection shall include, at a minimum, investigation of a statistically valid and random sample of participating dairy operations.

(b) **SUBMISSION OF RESULTS.**—The Secretary shall submit the results of any audit conducted under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate and include such recommendations as the Secretary considers appropriate regarding the stabilization program.

SEC. 1439. STUDY REPORT.

(a) **IN GENERAL.**—The Secretary shall direct the Office of the Chief Economist to conduct a study of the impacts of the program established under section 1431(a).

(b) **CONSIDERATIONS.**—The study conducted under subsection (a) shall consider—

(1) the economic impact of the program throughout the dairy product value chain, including the impact on producers, processors, domestic customers, export customers, actual market growth and potential market growth, farms of different sizes, and different regions and States; and

(2) the impact of the program on the competitiveness of the United States dairy industry in international markets.

(c) **REPORT.**—Not later than December 1, 2016, the Office of the Chief Economist shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a).

Subpart C—Administration**SEC. 1451. DURATION.**

The production margin protection program and the stabilization program shall end on December 31, 2017.

SEC. 1452. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall promulgate regulations to address administrative and enforcement issues involved in carrying out the production margin protection, supplemental production margin protection, and market stabilization programs.

(b) RECONSTITUTION AND ELIGIBILITY ISSUES.—

(1) RECONSTITUTION.—Using authorities under section 1001(f) and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308(f), 1308-2), the Secretary shall promulgate regulations to prohibit a dairy producer from reconstituting a dairy operation for the sole purpose of the dairy producer—

(A) receiving basic margin protection;

(B) purchasing supplemental margin protection; or

(C) avoiding participation in the market stabilization program.

(2) ELIGIBILITY ISSUES.—Using authorities under section 1001(f) and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308(f), 1308-2), the Secretary shall promulgate regulations—

(A) to prohibit a scheme or device;

(B) to provide for equitable relief; and

(C) to provide for other issues affecting eligibility and liability issues.

(3) ADMINISTRATIVE APPEALS.—Using authorities under section 1001(h) of the Food Security Act of 1985 (7 U.S.C. 1308(h)) and subtitle H of the Department of Agriculture Reorganization Act (7 U.S.C. 6991 et seq.), the Secretary shall promulgate regulations to provide for administrative appeals of decisions of the Secretary that are adverse to participants of the programs described in subsection (a).

PART II—DAIRY MARKET TRANSPARENCY
SEC. 1461. DAIRY PRODUCT MANDATORY REPORTING.

(a) DEFINITIONS.—Section 272(1)(A) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637a(1)(A)) is amended by inserting “, or any other products that may significantly aid price discovery in the dairy markets, as determined by the Secretary” after “of 1937”.

(b) MANDATORY REPORTING FOR DAIRY PRODUCTS.—Section 273(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) IN GENERAL.—In establishing the program, the Secretary shall only—

“(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary, more frequently than once per month, information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer and any other product characteristics that may significantly aid price discovery in the dairy markets, as determined by the Secretary; and

“(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

“(B) require each manufacturer and other person storing dairy products (including dairy products in cold storage) to report to the Secretary, more frequently than once per month, information on the quantity of dairy products stored.”; and

(2) in paragraph (2), by inserting “or those that may significantly aid price discovery in

the dairy markets” after “Federal milk marketing order” each place it appears in subparagraphs (A), (B), and (C).

SEC. 1462. FEDERAL MILK MARKETING ORDER INFORMATION.

(a) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall, on behalf of each milk marketing order issued under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, establish an information clearinghouse for the purposes of educating the public about the Federal milk marketing order system and any marketing order referenda, including proposal information and timelines that shall be kept current and updated as information becomes available.

(2) REQUIREMENTS.—Information under paragraph (1) shall include—

(A) information on procedures by which cooperatives vote;

(B) if applicable, information on the manner by which producers may cast an individual ballot;

(C) if applicable, instructions on the manner in which to vote online;

(D) due dates for each specific referendum;

(E) the text of each referendum question under consideration;

(F) a description in plain language of the question;

(G) any relevant background information to the question; and

(H) any other information that increases Federal milk marketing order transparency.

(b) NOTIFICATION LIST FOR UPCOMING REFERENDUM.—Each Federal milk marketing order shall—

(1) make available the information described in subsection (b) through an Internet site; and

(2) publicize the information in major agriculture and dairy-specific publications on upcoming referenda.

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

(2) FEDERAL MILK MARKET ORDER REVIEW COMMISSION.—The Secretary may elect to use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1726), or documents of the Commission, to conduct all or part of the study.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this subsection, including any recommendations.

PART III—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

SEC. 1471. REPEAL OF DAIRY PRODUCT PRICE SUPPORT AND MILK INCOME LOSS CONTRACT PROGRAMS.

(a) REPEAL OF DAIRY PRODUCT PRICE SUPPORT PROGRAM.—Section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771) is repealed.

(b) REPEAL OF MILK INCOME LOSS CONTRACT PROGRAM.—

(1) PAYMENTS UNDER MILK INCOME LOSS CONTRACT PROGRAM.—Section 1506(c)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(c)(3)) is amended—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “August 31, 2012, 45 percent; and” and inserting “June 30, 2013, 45 percent.”; and

(C) by striking subparagraph (C).

(2) EXTENSION.—Section 1506(h)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(h)(1)) is amended by striking “September 30, 2012” and inserting “June 30, 2013”.

(3) REPEAL.—Effective July 1, 2013, section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is repealed.

SEC. 1472. REPEAL OF DAIRY EXPORT INCENTIVE PROGRAM.

(a) REPEAL.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14) is repealed.

(b) CONFORMING AMENDMENTS.—Section 902(2) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 1473. EXTENSION OF DAIRY FORWARD PRICING PROGRAM.

Section 1502(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8772(e)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (2), by striking “2015” and inserting “2020”.

SEC. 1474. EXTENSION OF DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90-484 (7 U.S.C. 4501) is amended by striking “2012” and inserting “2017”.

SEC. 1475. EXTENSION OF DAIRY PROMOTION AND RESEARCH PROGRAM.

Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking “2012” and inserting “2017”.

SEC. 1476. EXTENSION OF FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

Section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1726) is amended by inserting “or other funds” after “Subject to the availability of appropriations”.

PART IV—FEDERAL MILK MARKETING ORDER REFORM

SEC. 1481. FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENTS.—The Secretary shall provide an analysis on the effects of amending each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a “milk marketing order”), as required by this section.

(b) USE OF END-PRODUCT PRICE FORMULAS.—In carrying out subsection (a), the Secretary shall—

(1) consider replacing the use of end-product price formulas with other pricing alternatives; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the Secretary on the impact of the action considered under paragraph (1).

PART V—EFFECTIVE DATE

SEC. 1491. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, this subtitle and the amendments made

by this subtitle take effect on October 1, 2012.

Subtitle E—Supplemental Agricultural Disaster Assistance Programs

SEC. 1501. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term “eligible producer on a farm” means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(2) FARM.—

(A) IN GENERAL.—The term “farm” means, in relation to an eligible producer on a farm, the total of all crop acreage in all counties that is planted or intended to be planted for harvest, for sale, or on-farm livestock feeding (including native grassland intended for haying) by the eligible producer.

(B) AQUACULTURE.—In the case of aquaculture, the term “farm” means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

(C) HONEY.—In the case of honey, the term “farm” means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop for sale by the eligible producer.

(3) FARM-RAISED FISH.—The term “farm-raised fish” means any aquatic species that is propagated and reared in a controlled environment.

(4) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine;

(F) horses; and

(G) other livestock, as determined by the Secretary.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) PAYMENTS.—For each of fiscal years 2012 through 2017, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality, as determined by the Secretary, due to—

(A) attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves; or

(B) adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 65 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—The Secretary shall ensure that payments made to an eligible producer under paragraph (1) are not made for the same livestock losses for which compensation is provided pursuant to section 10407(d) of the Animal Health Protection Act (7 U.S.C. 8306(d)).

(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) ESTABLISHMENT.—There is established a livestock forage disaster program to provide 1 source for livestock forage disaster assistance for weather-related forage losses, as determined by the Secretary, by combining—

(A) the livestock forage assistance functions of—

(i) the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(ii) the emergency assistance for livestock, honey bees, and farm-raised fish program under section 531(e) of the Federal Crop Insurance Act (7 U.S.C. 1531(e)) (as in existence on the day before the date of enactment of this Act); and

(B) the livestock forage disaster program under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) (as in existence on the day before the date of enactment of this Act).

(2) DEFINITIONS.—In this subsection:

(A) COVERED LIVESTOCK.—

(i) IN GENERAL.—Except as provided in clause (ii), the term “covered livestock” means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of an eligible forage loss, as determined by the Secretary, the eligible livestock producer—

(I) owned;

(II) leased;

(III) purchased;

(IV) entered into a contract to purchase;

(V) was a contract grower; or

(VI) sold or otherwise disposed of due to an eligible forage loss during—

(aa) the current production year; or

(bb) subject to paragraph (4)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

(ii) EXCLUSION.—The term “covered livestock” does not include livestock that were or would have been in a feedlot, on the beginning date of the eligible forage loss, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

(B) DROUGHT MONITOR.—The term “drought monitor” means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

(C) ELIGIBLE FORAGE LOSS.—The term “eligible forage loss” means 1 or more forage losses that occur due to weather-related conditions, including drought, flood, blizzard, hail, excessive moisture, hurricane, and fire, occurring during the normal grazing period, as determined by the Secretary, if the forage—

(i) is grown on land that is native or improved pastureland with permanent vegetative cover; or

(ii) is a crop planted specifically for the purpose of providing grazing for covered livestock of an eligible livestock producer.

(D) ELIGIBLE LIVESTOCK PRODUCER.—

(i) IN GENERAL.—The term “eligible livestock producer” means an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, includ-

ing cash-leased pastureland or grazing land, for the covered livestock;

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by an eligible forage loss;

(III) certifies the eligible forage loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) EXCLUSION.—The term “eligible livestock producer” does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

(E) NORMAL CARRYING CAPACITY.—The term “normal carrying capacity”, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (4)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of an eligible forage loss that diminishes the production of the grazing land or pastureland.

(F) NORMAL GRAZING PERIOD.—The term “normal grazing period”, with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (4)(D)(i).

(3) PROGRAM.—For each of fiscal years 2012 through 2017, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation under paragraphs (4) through (6), as determined by the Secretary for eligible forage losses affecting covered livestock of eligible livestock producers.

(4) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO DROUGHT CONDITIONS.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—An eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to drought on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the conservation reserve program under section 1231(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(d)(2)) (as amended by section 2001 of this Act).

(B) MONTHLY PAYMENT RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance for 1 month under this paragraph shall, in the case of drought, be equal to 60 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the

current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

(C) MONTHLY FEED COST.—

(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

(I) 30 days;

(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(II), the feed grain equivalent shall equal—

(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

(iii) CORN PRICE PER POUND.—For purposes of clause (i)(III), the corn price per pound shall equal the quotient obtained by dividing—

(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable Farm Service Agency committee.

(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

(ii) DROUGHT INTENSITY.—

(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

(aa) in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B);

(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the

normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 4 monthly payments using the monthly payment rate determined under subparagraph (B); or

(cc) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period, in an amount equal to 5 monthly payments using the monthly rate determined under subparagraph (B).

(iii) ANNUAL PAYMENT BASED ON DROUGHT CONDITIONS DETERMINED BY MEANS OTHER THAN THE U.S. DROUGHT MONITOR.—

(I) IN GENERAL.—An eligible livestock producer that owns grazing land or pastureland that is physically located in a county that has experienced on average, over the preceding calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

(II) NO DUPLICATE PAYMENT.—A producer may not receive a payment under both clause (ii) and this clause.

(5) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

(i) the eligible forage losses occur on rangeland that is managed by a Federal agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (4)(C).

(C) PAYMENT DURATION.—

(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

(II) ending on the last day of the Federal lease of the eligible livestock producer.

(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO OTHER THAN DROUGHT OR FIRE.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—Subject to subparagraph (B), an eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to weather-related conditions other than drought or fire on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing

under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the conservation reserve program under section 1231(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(d)(2)) (as amended by section 2001 of this Act).

(B) PAYMENTS FOR ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—The Secretary shall provide assistance under this paragraph to an eligible livestock producer for eligible forage losses that occur due to weather-related conditions other than—

(I) drought under paragraph (4); and

(II) fire on public managed land under paragraph (5).

(ii) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for assistance under this paragraph that are consistent with the terms and conditions for assistance under this subsection.

(7) NO DUPLICATIVE PAYMENTS.—An eligible livestock producer may elect to receive assistance for eligible forage losses under either paragraph (4), (5), or (6), if applicable, but may not receive assistance under more than 1 of those paragraphs for the same loss, as determined by the Secretary.

(8) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this subsection shall be final and conclusive.

(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

(1) IN GENERAL.—For each of fiscal years 2012 through 2017, the Secretary shall use not more than \$5,000,000 of the funds of the Commodity Credit Corporation to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b) or (c).

(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

(e) TREE ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ORCHARDIST.—The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(B) NATURAL DISASTER.—The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

(C) NURSERY TREE GROWER.—The term “nursery tree grower” means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) TREE.—The term “tree” includes a tree, bush, and vine.

(2) ELIGIBILITY.—

(A) LOSS.—Subject to subparagraph (B), for each of fiscal years 2012 through 2017, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance—

(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 65 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed \$100,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENTS.—

(1) PAYMENT LIMITATIONS.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms “legal entity” and “person” have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (e)) may not exceed \$100,000 for any crop year.

(C) DIRECT ATTRIBUTION.—Subsections (d) and (e) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

(2) PAYMENT DELIVERY.—The Secretary shall make payments under this section after October 1, 2013, for losses incurred in the 2012 and 2013 fiscal years, and as soon as practicable for losses incurred in any year thereafter.

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title and sections 11001 and 11011 of this Act shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”); and

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed the allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of the expenditures during that period to ensure that the expenditures do not exceed the allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2013 through 2017 crops of covered commodities (as defined in section 1104), cotton, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2017:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2013 through 2017 crops of covered commodities (as defined in section 1104), cotton, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2017:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2013 through 2017.

SEC. 1603. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b) and (c) and inserting the following:

“(b) LIMITATION ON PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under title I of subtitle A of the Agriculture Reform, Food, and Jobs Act of 2012 for—

“(1) peanuts may not exceed \$50,000; and

“(2) 1 or more other covered commodities may not exceed \$50,000.”.

(b) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (d) and inserting the following:

“(d) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of marketing loan gains and loan deficiency payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle B of the Agriculture Reform, Food, and Jobs Act of 2012 (or a successor provision) for—

“(1) peanuts may not exceed \$75,000; and

“(2) 1 or more other covered commodities may not exceed \$75,000.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) in subsection (a)(1), by striking “section 1001 of the Food, Conservation, and Energy Act of 2008” and inserting “section 1104 of the Agriculture Reform, Food, and Jobs Act of 2012”; and

(B) in subsection (d), by inserting “or title I of the Agriculture Reform, Food, and Jobs Act of 2012” before the period at the end;

(C) in subsection (e)—

(i) in paragraph (1), by striking “subsections (b) and (c) and a program described in paragraphs (1)(C)” and inserting “subsection (b) and a program described in paragraph (1)(B)”;

(ii) in paragraph (3)(B), by striking “subsections (b) and (c)” each place it appears and inserting “subsection (b)”;

(D) in subsection (f)—

(i) by striking “or title XII” each place it appears in paragraphs (5)(A) and (6)(A) and inserting “; title I of the Agriculture Reform, Food, and Jobs Act of 2012, or title XII”;

(ii) in paragraph (2), by striking “Subsections (b) and (c)” and inserting “Subsection (b)”;

(iii) in paragraph (4)(B), by striking “subsection (b) or (c)” and inserting “subsection (b)”;

(iv) in paragraph (5)—

(I) in subparagraph (A), by striking “subsection (d)” and inserting “subsection (c)”;

(II) in subparagraph (B), by striking “subsection (b), (c), or (d)” and inserting “subsection (b) or (c)”;

(v) in paragraph (6)—

(I) in subparagraph (A), by striking “subsection (d), except as provided in subsection (g)” and inserting “subsection (c), except as provided in subsection (f)”;

(II) in subparagraph (B), by striking “subsections (b), (c), and (d)” and inserting “subsections (b) and (c)”;

(E) in subsection (g)—

(i) in paragraph (1)—

(I) by striking “subsection (f)(6)(A)” and inserting “subsection (e)(6)(A)”;

(II) by striking “subsection (b) or (c)” and inserting “subsection (b)”;

(ii) in paragraph (2)(A), by striking “subsections (b) and (c)” and inserting “subsection (b)”;

(F) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

(2) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(A) in subsection (a), by striking “subsections (b) and (c)” and inserting “subsection (b)”;

(B) in subsection (b)(1), by striking “subsection (b) or (c)” and inserting “subsection (b)”;

(3) Section 1001B(a) of the Food Security Act of 1985 (7 U.S.C. 1308-2(a)) is amended in the matter preceding paragraph (1) by striking “subsections (b) and (c)” and inserting “subsection (b)”.

(4) Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3(a)) is amended by inserting “title I of the Agriculture Reform, Food, and Jobs Act of 2012,” after “2008.”

(d) APPLICATION.—The amendments made by this section shall apply beginning with the 2013 crop year.

SEC. 1604. PAYMENTS LIMITED TO ACTIVE FARMERS.

Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(1) in subsection (b)(2)—

(A) by striking “or active personal management” each place it appears in subparagraphs (A)(i)(II) and (B)(ii); and

(B) in subparagraph (C), by striking “, as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management” and inserting “are met by partners or members making a significant contribution of personal labor, those partners or members”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

“(A) the landowner share-rents the land at a rate that is usual and customary.”;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(C) the share of the payments received by the landowner is commensurate with the share of the crop or income received as rent.”;

(B) in paragraph (2)(A), by striking “active personal management or”;

(C) in paragraph (5)—

(i) by striking “(5)” and all that follows through “(A) IN GENERAL.—A person” and inserting the following:

“(5) CUSTOM FARMING SERVICES.—A person”;

(ii) by inserting “under usual and customary terms” after “services”;

(iii) by striking subparagraph (B); and

(D) by adding at the end the following:

“(7) FARM MANAGERS.—A person who otherwise meets the requirements of this subsection other than (b)(2)(A)(i)(II) shall be considered to be actively engaged in farming, as determined by the Secretary, with respect to the farming operation, including a farming operation that is a sole proprietorship, a legal entity such as a joint venture or general partnership, or a legal entity such as a corporation or limited partnership, if the person—

“(A) makes a significant contribution of management to the farming operation necessary for the farming operation, taking into account—

“(i) the size and complexity of the farming operation; and

“(ii) the management requirements normally and customarily required by similar farming operations;

“(B) is the only person in the farming operation qualifying as actively engaged in farming;

“(C) does not use the management contribution under this paragraph to qualify as actively engaged in more than 1 farming operation; and

“(D) manages a farm operation that does not substantially share equipment, labor, or management with persons or legal entities that with the person collectively receive, directly or indirectly, an amount equal to more than the applicable limits under section 1001(b).”.

SEC. 1605. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)) is amended by striking paragraph (1) and inserting the following:

“(1) COMMODITY PROGRAMS.—

“(A) LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal or program year, as appropriate, if the average adjusted gross income (or comparable measure over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary) of the person or legal entity exceeds \$750,000.

“(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

“(i) A payment under section 1105 of the Agriculture Reform, Food, and Jobs Act of 2012.

“(ii) A marketing loan gain or loan deficiency payment under subtitle B of title I of the Agriculture Reform, Food, and Jobs Act of 2012.

“(iii) A payment under subtitle E of the Agriculture Reform, Food, and Jobs Act of 2012.”.

“(iv) A payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).”.

(b) APPLICATION.—The amendments made by this section shall apply beginning with the 2013 crop year.

SEC. 1606. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 1621(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8792(d)) is

amended by striking “2012” and inserting “2017”.

SEC. 1607. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking “and title I of the Food, Conservation, and Energy Act of 2008” each place it appears and inserting “title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.), and title I of the Agriculture Reform, Food, and Jobs Act of 2012”.

SEC. 1608. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) RECONCILIATION.—At least twice each year, the Secretary shall reconcile social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Commissioner of Social Security to determine if the individuals are alive.

(b) PRECLUSION.—The Secretary shall preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for payments.

SEC. 1609. APPEALS.

(a) DIRECTION, CONTROL, AND SUPPORT.—Section 272 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6992) is amended by striking subsection (c) and inserting the following:

“(c) DIRECTION, CONTROL, AND SUPPORT.—

“(1) DIRECTION AND CONTROL.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the Director shall be free from the direction and control of any person other than the Secretary or the Deputy Secretary of Agriculture.

“(B) ADMINISTRATIVE SUPPORT.—The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary.

“(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate to any other officer or employee of the Department, other than the Deputy Secretary of Agriculture or the Director, the authority of the Secretary with respect to the Division.

“(2) EXCEPTION.—The Assistant Secretary for Administration is authorized to investigate, enforce, and implement the provisions in law, Executive order, or regulations that relate in general to competitive and excepted service positions and employment within the Division, including the position of Director, and such authority may be further delegated to subordinate officials.”.

(b) DETERMINATION OF APPEALABILITY OF AGENCY DECISIONS.—Section 272 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6992) is amended by striking subsection (d) and inserting the following:

“(d) DETERMINATION OF APPEALABILITY OF AGENCY DECISIONS.—

“(1) DEFINITION OF A MATTER OF GENERAL APPLICABILITY.—In this subsection, the term ‘a matter of general applicability’ means a matter that challenges the merits or authority of a rule, procedure, local or national program practice, or determination of an agency that applies, or can apply, to more than 1 interested party as opposed to the particular application of the rule, procedure, or practice to a specific set of facts or the facts themselves as the facts apply to 1 particular interested party.

“(2) MATTERS NOT SUBJECT TO APPEAL.—The Division may not hear appeals—

“(A) unless the determination of the agency is adverse to the appellant;

“(B) that involve matters of general applicability; and

“(C) that involve requests for equitable relief unless the equitable relief has been denied by the agency.

“(3) **EQUITABLE RELIEF.**—

“(A) **IN GENERAL.**—An appeal requesting equitable relief may not be granted by the Director to an appellant unless, using the rules and practices that the agency applies to itself, the agency could in fact have granted the relief because the appellant acted in good faith, but failed to fully comply with the requirement of the rule or practice of the agency.

“(B) **REMAND.**—If it cannot be determined whether the agency would have granted equitable relief because the appellant acted in good faith, but failed to comply with the rule or practice of the agency, the matter shall be remanded to the agency for further consideration.

“(4) **DETERMINATION OF APPEALABILITY.**—If an officer, employee, or committee of an agency determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse to the individual participant and appealable or is a matter of general applicability and not subject to appeal.

“(5) **APPEALABILITY OF DETERMINATION.**—The determination of the Director as to whether a decision is appealable is final.”.

(c) **EQUITABLE RELIEF.**—Section 278 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6998) is amended by striking subsection (d).

(d) **CONFORMING AMENDMENT.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6)(C), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) the authority of the Secretary to carry out amendments to sections 272 and 278 made by the Agriculture Reform, Food, and Jobs Act of 2012.”.

SEC. 1610. TECHNICAL CORRECTIONS.

(a) Section 359f(c)(1)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(B)) is amended by adding a period at the end.

(b)(1) Section 1603(g) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1739) is amended in paragraphs (2) through (6) and the amendments made by those paragraphs by striking “1703(a)” each place it appears and inserting “1603(a)”.

(2) This subsection and the amendments made by this subsection take effect as if included in the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651).

SEC. 1611. ASSIGNMENT OF PAYMENTS.

(a) **IN GENERAL.**—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) **NOTICE.**—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1612. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1613. SIGNATURE AUTHORITY.

(a) **IN GENERAL.**—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) **AFFIRMATION.**—

(1) **IN GENERAL.**—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) **NO RETROACTIVE EFFECT.**—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements.

SEC. 1614. IMPLEMENTATION.

(a) **STREAMLINING.**—In implementing this title, the Secretary shall, to the maximum extent practicable—

(1) seek to reduce administrative burdens and costs to producers by streamlining and reducing paperwork, forms, and other administrative requirements;

(2) improve coordination, information sharing, and administrative work with the Risk Management Agency and the Natural Resources Conservation Service; and

(3) take advantage of new technologies to enhance efficiency and effectiveness of program delivery to producers.

(b) **IMPLEMENTATION.**—On October 1, 2013, the Secretary shall make available to the Farm Service Agency to carry out this title \$100,000,000.

TITLE II—CONSERVATION

Subtitle A—Conservation Reserve Program

SEC. 2001. EXTENSION AND ENROLLMENT REQUIREMENTS OF CONSERVATION RESERVE PROGRAM.

(a) **EXTENSION.**—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking “2012” and inserting “2017”.

(b) **ELIGIBLE LAND.**—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B), by striking “the date of enactment of the Food, Conservation, and Energy Act of 2008” and inserting “the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012”; and

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by inserting before paragraph (4) the following:

“(3) grassland that—

“(A) contains forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

“(B) is located in an area historically dominated by grassland; and

“(C) could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition.”;

(4) in paragraph (4)(C), by striking “filterstrips devoted to trees or shrubs” and

inserting “filterstrips and riparian buffers devoted to trees, shrubs, or grasses”; and

(5) by striking paragraph (5) and inserting the following:

“(5) the portion of land in a field not enrolled in the conservation reserve in a case in which—

“(A) more than 50 percent of the land in the field is enrolled as a buffer or filterstrip or more than 75 percent of the land in the field is enrolled in a practice other than as a buffer or filterstrip; and

“(B) the remainder of the field is—

“(i) infeasible to farm; and

“(ii) enrolled at regular rental rates.”.

(c) **PLANTING STATUS OF CERTAIN LAND.**—Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by striking “if” and all that follows through the period at the end and inserting “if, during the crop year, the land was devoted to a conserving use.”.

(d) **ENROLLMENT.**—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (d) and inserting the following:

“(d) **ENROLLMENT.**—

“(1) **MAXIMUM ACREAGE ENROLLED.**—The Secretary may maintain in the conservation reserve at any 1 time during—

“(A) fiscal year 2012, no more than 32,000,000 acres;

“(B) fiscal year 2013, no more than 30,000,000 acres;

“(C) fiscal year 2014, no more than 27,500,000 acres;

“(D) fiscal year 2015, no more than 26,500,000 acres;

“(E) fiscal year 2016, no more than 25,500,000 acres; and

“(F) fiscal year 2017, no more than 25,000,000 acres.

“(2) **GRASSLAND.**—

“(A) **LIMITATION.**—For purposes of applying the limitations in paragraph (1), no more than 1,500,000 acres of the land described in subsection (b)(3) may be enrolled in the program at any 1 time during the 2013 through 2017 fiscal years.

“(B) **PRIORITY.**—In enrolling acres under subparagraph (A), the Secretary may give priority to land with expiring conservation reserve program contracts.

“(C) **METHOD OF ENROLLMENT.**—In enrolling acres under subparagraph (A), the Secretary shall make the program available to owners or operators of eligible land at least once during each fiscal year.”.

(e) **DURATION OF CONTRACT.**—Section 1231(e) of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) **SPECIAL RULE FOR CERTAIN LAND.**—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter, the owner or operator of the land may, within the limitations prescribed under this section, specify the duration of the contract.”.

(f) **CONSERVATION PRIORITY AREAS.**—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended—

(1) in paragraph (1), by striking “watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other”; and

(2) in paragraph (2), by striking “WATERSHEDS.—Watersheds” and inserting “AREAS.—Areas”; and

(3) in paragraph (3), by striking “a watershed’s designation—” and all that follows through the period at the end and inserting “an area’s designation if the Secretary finds

that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.”.

SEC. 2002. FARMABLE WETLAND PROGRAM.

(a) EXTENSION.—Section 1231B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3831b(a)(1)) is amended—

(1) by striking “2012” and inserting “2017”; and

(2) by striking “a program” and inserting “a farmable wetland program”.

(b) ELIGIBLE ACREAGE.—Section 1231B(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831b(b)(1)(B)) is amended by striking “flow from a row crop agriculture drainage system” and inserting “surface and subsurface flow from row crop agricultural production”.

(c) CLERICAL AMENDMENTS.—Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) by striking the heading and inserting the following:

“SEC. 1231B. FARMABLE WETLAND PROGRAM.”; and

(2) in subsection (f)(2), by striking “section 1234(c)(2)(B)” and inserting “section 1234(c)(2)(A)(ii)”.

SEC. 2003. DUTIES OF OWNERS AND OPERATORS.

(a) LIMITATION ON HARVESTING, GRAZING OR COMMERCIAL USE OF FORAGE.—Section 1232(a)(8) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(8)) is amended by striking “except that” and all that follows through the semicolon at the end of the paragraph and inserting “except as provided in section 1233(b)”.

(b) CONSERVATION PLAN REQUIREMENTS.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (b) and inserting the following:

“(b) CONSERVATION PLANS.—The plan referred to in subsection (a)(1) shall set forth—

“(1) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

“(2) the commercial use, if any, to be permitted on the land during the term.”.

(c) RENTAL PAYMENT REDUCTION.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (d).

SEC. 2004. DUTIES OF THE SECRETARY.

Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended to read as follows:

“SEC. 1233. DUTIES OF THE SECRETARY.

“(a) COST-SHARE AND RENTAL PAYMENTS.—In return for a contract entered into by an owner or operator, the Secretary shall—

“(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

“(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

“(A) the conversion of highly erodible cropland or other eligible land normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use;

“(B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently; and

“(C) the development and management of grassland for multiple natural resource conservation benefits, including soil, water, air, and wildlife.

“(b) SPECIFIED ACTIVITIES PERMITTED.—The Secretary shall permit certain activities or

commercial uses of land that is subject to the contract if those activities or uses are consistent with a plan approved by the Secretary and include—

“(1) harvesting, grazing, or other commercial use of the forage in response to drought, flooding, or other emergency without any reduction in the rental rate;

“(2) grazing by livestock of a beginning farmer or rancher without any reduction in the rental rate, if the grazing is—

“(A) consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during the primary nesting season for critical birds in the area); and

“(B) described in subparagraph (B) or (C) of paragraph (3);

“(3) consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during the primary nesting season for critical birds in the area) and in exchange for a reduction of not less than 25 percent in the annual rental rate for the acres covered by the authorized activity—

“(A) managed harvesting and other commercial use (including the managed harvesting of biomass), except that in permitting those activities the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements; and

“(ii) shall identify periods during which the activities may be conducted, such that the frequency is at least once every 5 years but not more than once every 3 years;

“(B) prescribed grazing for the control of invasive species, which may be conducted annually;

“(C) routine grazing, except that in permitting routine grazing, the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

“(ii) shall identify the periods during which routine grazing may be conducted, such that the frequency is not more than once every 2 years, taking into consideration regional differences such as—

“(I) climate, soil type, and natural resources;

“(II) the number of years that should be required between routine grazing activities; and

“(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

“(D) the installation of wind turbines and associated access, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

“(i) the location, size, and other physical characteristics of the land;

“(ii) the extent to which the land contains threatened or endangered wildlife and wildlife habitat; and

“(iii) the purposes of the conservation reserve program under this subchapter; and

“(4) the intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on land adjacent to the buffer such that the permitted use does not destroy the permanent vegetative cover.

“(c) AUTHORIZED ACTIVITIES ON GRASSLAND.—Notwithstanding section 1232(a)(8), for eligible land described in section 1231(b)(3), the Secretary shall permit the following activities:

“(1) Common grazing practices, including maintenance and necessary cultural prac-

tices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality.

“(2) Haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the primary nesting season for critical birds in the area.

“(3) Fire suppression, rehabilitation, and construction of fire breaks.

“(4) Grazing-related activities, such as fencing and livestock watering.

“(d) RESOURCE CONSERVING USE.—

“(1) IN GENERAL.—Beginning on the date that is 1 year before the date of termination of a contract under the program, the Secretary shall allow an owner or operator to make conservation and land improvements that facilitate maintaining protection of highly erodible land after expiration of the contract.

“(2) CONSERVATION PLAN.—The Secretary shall require an owner or operator carrying out the activities described in paragraph (1) to develop and implement a conservation plan.

“(3) REENROLLMENT PROHIBITED.—Land altered under paragraph (1) may not be re-enrolled in the conservation reserve program for 5 years.

“(4) PAYMENT.—The Secretary shall provide an annual payment that is reduced in an amount commensurate with any income or other compensation received as a result of the activities carried out under paragraph (1).”.

SEC. 2005. PAYMENTS.

(a) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—Section 1234(b)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(A)) is amended—

(1) in clause (i), by inserting “and” after the semicolon;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(b) INCENTIVES.—Section 1234(b)(3)(B) of the Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(B)) is amended—

(1) in clause (i), by inserting “, practices to improve the condition of resources on the land,” after “operator”; and

(2) by adding at the end the following:

“(iii) INCENTIVES.—In making rental payments to an owner or operator of land described in subparagraph (A), the Secretary may provide incentive payments sufficient to encourage proper thinning and practices to improve the condition of resources on the land.”.

(c) ANNUAL RENTAL PAYMENTS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

(1) in paragraph (1), by inserting “and other eligible land” after “highly erodible cropland” both places it appears;

(2) by striking paragraph (2) and inserting the following:

“(2) METHODS OF DETERMINATION.—

“(A) IN GENERAL.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subchapter may be determined through—

“(i) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

“(ii) such other means as the Secretary determines are appropriate.

“(B) GRASSLAND.—In the case of eligible land described in section 1231(b)(3), the Secretary shall make annual payments in an amount that is not more than 75 percent of the grazing value of the land covered by the contract.”; and

(3) in paragraph (5)(A)—

(A) by striking “The Secretary” and inserting the following:

“(i) SURVEY.—The Secretary”; and

(B) by adding at the end the following:

“(ii) USE.—The Secretary may use the survey of dryland cash rental rates described in clause (i) as a factor in determining rental rates under this section as the Secretary determines appropriate.”.

(d) PAYMENT SCHEDULE.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended by striking subsection (d) and inserting the following:

“(d) PAYMENT SCHEDULE.—

“(1) IN GENERAL.—Except as otherwise provided in this section, payments under this subchapter shall be made in cash in such amount and on such time schedule as is agreed on and specified in the contract.

“(2) SOURCE.—Payments under this subchapter shall be made using the funds of the Commodity Credit Corporation.

“(3) ADVANCE PAYMENT.—Payments under this subchapter may be made in advance of determination of performance.”.

(e) PAYMENT LIMITATION.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking “, including rental payments made in the form of in-kind commodities.”;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (2).

SEC. 2006. CONTRACT REQUIREMENTS.

Section 1235(f) of the Food Security Act of 1985 (16 U.S.C. 3835(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “DUTIES” and all that follows through “a beginning farmer” and inserting “TRANSITION TO COVERED FARMER OR RANCHER.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired farmer or rancher to a beginning farmer”;

(B) in subparagraph (D), by striking “the farmer or rancher” and inserting “the covered farmer or rancher”; and

(C) in subparagraph (E), by striking “section 1001A(b)(3)(B)” and inserting “section 1001”; and

(2) in paragraph (2), by striking “requirement of section 1231(h)(4)(B)” and inserting “option provided under section 1234(c)(2)(A)(ii)”.

SEC. 2007. CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.

Section 1235A of the Food Security Act of 1985 (16 U.S.C. 3835a) is repealed.

SEC. 2008. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 2012, except, the amendment made by section 2001(d), which shall take effect on the date of enactment of this Act.

(b) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) UPDATING OF EXISTING CONTRACTS.—The Secretary shall permit an owner or operator with a contract entered into under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16

U.S.C. 3831 et seq.) before October 1, 2012, to update the contract to reflect the activities and uses of land under contract permitted under the terms and conditions of paragraphs (1) and (2) of section 1233(b) of that Act (as amended by section 2004).

Subtitle B—Conservation Stewardship Program

SEC. 2101. CONSERVATION STEWARDSHIP PROGRAM.

(a) REVISION OF CURRENT PROGRAM.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is amended to read as follows:

“Subchapter B—Conservation Stewardship Program

“SEC. 1238D. DEFINITIONS.

“In this subchapter:

“(1) AGRICULTURAL OPERATION.—The term ‘agricultural operation’ means all eligible land, whether or not contiguous, that is—

“(A) under the effective control of a producer at the time the producer enters into a contract under the program; and

“(B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

“(2) CONSERVATION ACTIVITIES.—

“(A) IN GENERAL.—The term ‘conservation activities’ means conservation systems, practices, or management measures.

“(B) INCLUSIONS.—The term ‘conservation activities’ includes—

“(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

“(ii) planning needed to address a priority resource concern.

“(3) CONSERVATION STEWARDSHIP PLAN.—The term ‘conservation stewardship plan’ means a plan that—

“(A) identifies and inventories priority resource concerns;

“(B) establishes benchmark data and conservation objectives;

“(C) describes conservation activities to be implemented, managed, or improved; and

“(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

“(4) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ means—

“(i) private and tribal land on which agricultural commodities, livestock, or forest-related products are produced; and

“(ii) land associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

“(B) INCLUSIONS.—The term ‘eligible land’ includes—

“(i) cropland;

“(ii) grassland;

“(iii) rangeland;

“(iv) pastureland;

“(v) nonindustrial private forest land; and

“(vi) other agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock), as determined by the Secretary.

“(5) PRIORITY RESOURCE CONCERN.—The term ‘priority resource concern’ means a natural resource concern or problem, as determined by the Secretary, that—

“(A) is identified at the national, State or local level, as a priority for a particular area of the State;

“(B) represents a significant concern in a State or region; and

“(C) is likely to be addressed successfully through the implementation of conservation activities under this program.

“(6) PROGRAM.—The term ‘program’ means the conservation stewardship program established by this subchapter.

“(7) STEWARDSHIP THRESHOLD.—The term ‘stewardship threshold’ means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource.

“SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

“(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2013 through 2017, the Secretary shall carry out a conservation stewardship program to encourage producers to address priority resource concerns and improve and conserve the quality and condition of natural resources in a comprehensive manner—

“(1) by undertaking additional conservation activities; and

“(2) by improving, maintaining, and managing existing conservation activities.

“(b) EXCLUSIONS.—

“(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land (even if covered by the definition of eligible land) is not eligible for enrollment in the program:

“(A) Land enrolled in the conservation reserve program.

“(B) Land enrolled in the Agricultural Conservation Easement Program in a wetland easement.

“(C) Land enrolled in the conservation security program.

“(2) CONVERSION TO CROPLAND.—Eligible land used for crop production after October 1, 2012, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

“(A) the land had previously been enrolled in the conservation reserve program;

“(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

“(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

“SEC. 1238F. STEWARDSHIP CONTRACTS.

“(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit a contract offer for the agricultural operation that—

“(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least 2 priority resource concerns; and

“(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 additional priority resource concern by the end of the stewardship contract by—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing existing conservation activities on the agricultural operation in a manner that increases or extends the conservation benefits in place at the time the contract offer is accepted by the Secretary.

“(b) EVALUATION OF CONTRACT OFFERS.—

“(1) RANKING OF APPLICATIONS.—In evaluating contract offers the Secretary shall rank applications based on—

“(A) the level of conservation treatment on all applicable priority resource concerns at the time of application;

“(B) the degree to which the proposed conservation activities effectively increase conservation performance;

“(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

“(D) the extent to which other priority resource concerns will be addressed when meet or exceed the stewardship threshold by the end of the contract period;

“(E) the extent to which the actual and anticipated conservation benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers; and

“(F) the extent to which priority resource concerns will be addressed when transitioning from the conservation reserve program to agricultural production.

“(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

“(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria that the Secretary determines are necessary to ensure that national, State, and local priority resource concerns are effectively addressed.

“(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the eligible land to be covered by the contract.

“(d) CONTRACT PROVISIONS.—

“(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

“(2) REQUIRED PROVISIONS.—The conservation stewardship contract of a producer shall—

“(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(d);

“(B) require the producer—

“(i) to implement a conservation stewardship plan that describes the program purposes to be achieved through 1 or more conservation activities;

“(ii) to maintain and supply information as required by the Secretary to determine compliance with the conservation stewardship plan and any other requirements of the program; and

“(iii) not to conduct any activities on the agricultural operation that would tend to defeat the purposes of the program;

“(C) permit all economic uses of the eligible land that—

“(i) maintain the agricultural nature of the land; and

“(ii) are consistent with the conservation purposes of the conservation stewardship contract;

“(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary;

“(E) include provisions where upon the violation of a term or condition of the contract at any time the producer has control of the land—

“(i) if the Secretary determines that the violation warrants termination of the contract—

“(I) to forfeit all rights to receive payments under the contract; and

“(II) to refund all or a portion of the payments received by the producer under the contract, including any interest on the payments, as determined by the Secretary; or

“(ii) if the Secretary determines that the violation does not warrant termination of the contract, to refund or accept adjustments to the payments provided to the producer, as the Secretary determines to be appropriate;

“(F) include provisions in accordance with paragraphs (3) and (4) of this section; and

“(G) include any additional provisions the Secretary determines are necessary to carry out the program.

“(3) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

“(A) IN GENERAL.—At the time of application, a producer shall have control of the eligible land to be enrolled in the program. Except as provided in subparagraph (B), a change in the interest of a producer in eligible land covered by a contract under the program shall result in the termination of the contract with regard to that land.

“(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

“(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in all or a portion of the land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that duties and rights under the contract have been transferred to, and assumed by, the transferee for the portion of the land transferred;

“(ii) the transferee meets the eligibility requirements of the program; and

“(iii) the Secretary approves the transfer of all duties and rights under the contract.

“(4) MODIFICATION AND TERMINATION OF CONTRACTS.—

“(A) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract with a producer if—

“(i) the producer agrees to the modification or termination; and

“(ii) the Secretary determines that the modification or termination is in the public interest.

“(B) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract if the Secretary determines that the producer violated the contract.

“(5) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

“(A) allow the producer to retain payments already received under the contract; or

“(B) require repayment, in whole or in part, of payments received and assess liquidated damages.

“(e) CONTRACT RENEWAL.—At the end of the initial 5-year contract period, the Secretary may allow the producer to renew the contract for 1 additional 5-year period if the producer—

“(1) demonstrates compliance with the terms of the existing contract;

“(2) agrees to adopt and continue to integrate conservation activities across the entire agricultural operation as determined by the Secretary; and

“(3) agrees, at a minimum, to meet or exceed the stewardship threshold for at least 2 additional priority resource concerns on the agricultural operation by the end of the contract period.

“SEC. 1238G. DUTIES OF THE SECRETARY.

“(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

“(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, 1 of which shall occur in the first quarter of each fiscal year;

“(2) identify not less than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

“(3) establish a science-based stewardship threshold for each priority resource concern identified under subparagraph (2).

“(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

“(1) primarily on each State's proportion of eligible land to the total acreage of eligible land in all States; and

“(2) also on consideration of—

“(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

“(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

“(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

“(c) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2012, and ending on September 30, 2021, the Secretary shall, to the maximum extent practicable—

“(1) enroll in the program an additional 10,348,000 acres for each fiscal year; and

“(2) manage the program to achieve a national average rate of \$18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

“(d) CONSERVATION STEWARDSHIP PAYMENTS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide annual payments under the program to compensate the producer for—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

“(2) PAYMENT AMOUNT.—The amount of the conservation stewardship annual payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

“(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

“(B) Income forgone by the producer.

“(C) Expected conservation benefits.

“(D) The extent to which priority resource concerns will be addressed through the installation and adoption of conservation activities on the agricultural operation.

“(E) The level of stewardship in place at the time of application and maintained over the term of the contract.

“(F) The degree to which the conservation activities will be integrated across the entire agricultural operation for all applicable priority resource concerns over the term of the contract.

“(G) Such other factors as determined by the Secretary.

“(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

“(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

“(B) conservation activities for which there is no cost incurred or income forgone to the producer.

“(4) DELIVERY OF PAYMENTS.—In making stewardship payments, the Secretary shall, to the extent practicable—

“(A) prorate conservation performance over the term of the contract so as to accommodate, to the extent practicable, producers earning equal annual stewardship payments in each fiscal year; and

“(B) make stewardship payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

“(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.

“(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

“(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain the resource-conserving crop rotations for the term of the contract.

“(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term ‘resource-conserving crop rotation’ means a crop rotation that—

“(A) includes at least 1 resource conserving crop (as defined by the Secretary);

“(B) reduces erosion;

“(C) improves soil fertility and tilth;

“(D) interrupts pest cycles; and

“(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

“(f) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under the program that, in the aggregate, exceed \$200,000 under all contracts entered into during fiscal years 2013 through 2017, excluding funding arrangements with Indian tribes, regardless of the number of contracts entered into under the program by the person or legal entity.

“(g) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

“(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under the program.

“(i) REGULATIONS.—The Secretary shall promulgate regulations that—

“(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (f); and

“(2) otherwise enable the Secretary to carry out the program.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) CONSERVATION STEWARDSHIP PROGRAM.—Funds made available under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) (as amended by section 2601(a)) may be used to administer and make payments to program participants enrolled into contracts during any of fiscal years 2009 through 2012.

Subtitle C—Environmental Quality Incentives Program

SEC. 2201. PURPOSES.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by inserting “and” after the semicolon; and

(C) by inserting after subparagraph (A) the following:

“(B) develop and improve wildlife habitat; and”;

(2) in paragraph (4), by striking “; and” and inserting a period; and

(3) by striking paragraph (5).

SEC. 2202. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa-1) is amended—

(1) by striking paragraph (2) and redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively; and

(2) in paragraph (2) (as so redesignated), by inserting “established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)” after “national organic program”.

SEC. 2203. ESTABLISHMENT AND ADMINISTRATION.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) is amended—

(1) in subsection (a), by striking “2014” and inserting “2017”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) TERM.—A contract under the program shall have a term that does not exceed 10 years.”;

(3) in subsection (d)—

(A) in paragraph (3), by striking subparagraphs (A) through (G) and inserting the following:

“(A) soil health;

“(B) water quality and quantity improvement;

“(C) nutrient management;

“(D) pest management;

“(E) air quality improvement;

“(F) wildlife habitat development, including pollinator habitat;

“(G) invasive species management; or

“(H) other resource issues of regional or national significance, as determined by the Secretary.”; and

(B) in paragraph (4)—

(i) in subparagraph (A) in the matter preceding clause (i), by inserting “, veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conserva-

tion, and Trade Act of 1990 (7 U.S.C. 2279(e))),” before “or a beginning farmer or rancher”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) ADVANCE PAYMENTS.—

“(i) IN GENERAL.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

“(ii) RETURN OF FUNDS.—If funds provided in advance are not expended during the 90-day period beginning on the date of receipt of the funds, the funds shall be returned within a reasonable time frame, as determined by the Secretary.”;

(4) by striking subsection (f) and inserting the following:

“(f) ALLOCATION OF FUNDING.—

“(1) LIVESTOCK.—For each of fiscal years 2013 through 2017, at least 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

“(2) WILDLIFE HABITAT.—For each of fiscal years 2013 through 2017, at least 5 percent of the funds made available for payments under the program shall be targeted at practices benefitting wildlife habitat under subsection (g).”; and

(5) by striking subsection (g) and inserting the following:

“(g) WILDLIFE HABITAT INCENTIVE PRACTICE.—The Secretary shall provide payments under the program for conservation practices that support the restoration, development, and improvement of wildlife habitat on eligible land, including—

“(1) upland wildlife habitat;

“(2) wetland wildlife habitat;

“(3) habitat for threatened and endangered species;

“(4) fish habitat;

“(5) habitat on pivot corners and other irregular areas of a field; and

“(6) other types of wildlife habitat, as determined by the Secretary.”.

SEC. 2204. EVALUATION OF APPLICATIONS.

Section 1240C(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa-3(b)) is amended—

(1) in paragraph (1), by striking “environmental” and inserting “conservation”; and

(2) in paragraph (3), by striking “purpose of the environmental quality incentives program specified in section 1240(1)” and inserting “purposes of the program”.

SEC. 2205. DUTIES OF PRODUCERS.

Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa-4(2)) is amended by striking “farm, ranch, or forest” and inserting “enrolled”.

SEC. 2206. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended—

(1) in subsection (a)—

(A) by striking “by the person or entity during any six-year period,” and inserting “during fiscal years 2013 through 2017”; and

(B) by striking “federally recognized” and all that follows through the period and inserting “Indian tribes under section 1244(l).”; and

(2) in subsection (b)(2), by striking “any six-year period” and inserting “fiscal years 2013 through 2017”.

SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended—

(1) in subsection (b)(2), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(c) REPORTING.—Not later than December 31, 2013, and every 2 years thereafter, the

Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

- “(1) funding awarded;
- “(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”.

SEC. 2208. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 2012.

(b) EFFECT ON EXISTING CONTRACTS.—The amendments made by this title shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) before October 1, 2012, or any payments required to be made in connection with the contract.

Subtitle D—Agricultural Conservation Easement Program

SEC. 2301. AGRICULTURAL CONSERVATION EASEMENT PROGRAM.

(a) ESTABLISHMENT.—Title XII of the Food Security Act of 1985 is amended by adding at the end the following:

“Subtitle H—Agricultural Conservation Easement Program

“SEC. 1265. ESTABLISHMENT AND PURPOSES.

“(a) ESTABLISHMENT.—The Secretary shall establish an Agricultural Conservation Easement Program for the conservation of eligible land and natural resources through easements or other interests in land.

“(b) PURPOSES.—The purposes of the program are to—

“(1) combine the purposes and coordinate the functions of the wetlands reserve program established under section 1237, the grassland reserve program established under section 1238N, and the farmland protection program established under section 1238I;

“(2) restore, protect, and enhance wetland on eligible land;

“(3) protect the agricultural use, viability, and related conservation values of eligible land by limiting nonagricultural uses of that land; and

“(4) protect grazing uses and related conservation values by restoring and conserving eligible land.

“SEC. 1265A. DEFINITIONS.

“In this subtitle:

“(1) AGRICULTURAL LAND EASEMENT.—The term ‘agricultural land easement’ means an easement or other interest in eligible land that—

“(A) is conveyed for the purposes of protecting natural resources and the agricultural nature of the land, and of promoting agricultural viability for future generations; and

“(B) permits the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an agency of State or local government or an Indian tribe (including farmland protection board or land resource council established under State law); or

“(B) an organization that is—

“(i) organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

“(ii) an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; or

“(iii) described in—

“(I) paragraph (1) or (2) of section 509(a) of that Code; or

“(II) section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

“(3) ELIGIBLE LAND.—The term ‘eligible land’ means private or tribal land that is—

“(A) in the case of an agricultural land easement, agricultural land, including land on a farm or ranch—

“(i) that is subject to a pending offer for purchase from an eligible entity;

“(ii) that—

“(I) has prime, unique, or other productive soil;

“(II) contains historical or archaeological resources; or

“(III) the protection of which will further a State or local policy consistent with the purposes of the program; and

“(iii) that is—

“(I) cropland;

“(II) rangeland;

“(III) grassland or land that contains forbs, or shrubland for which grazing is the predominant use;

“(IV) pastureland; or

“(V) nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development;

“(B) in the case of a wetland easement, a wetland or related area, including—

“(i) farmed or converted wetland, together with the adjacent land that is functionally dependent on that land if the Secretary determines it—

“(I) is likely to be successfully restored in a cost effective manner; and

“(II) will maximize the wildlife benefits and wetland functions and values as determined by the Secretary in consultation with the Secretary of the Interior at the local level;

“(ii) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland;

“(iii) farmed wetland and adjoining land that—

“(I) is enrolled in the conservation reserve program;

“(II) has the highest wetland functions and values; and

“(III) is likely to return to production after the land leaves the conservation reserve program;

“(iv) riparian areas that link wetland that is protected by easements or some other device that achieves the same purpose as an easement; or

“(v) other wetland of an owner that would not otherwise be eligible if the Secretary determines that the inclusion of such wetland in such easement would significantly add to the functional value of the easement; and

“(C) in the case of both an agricultural land easement or wetland easement, other land that is incidental to eligible land if the Secretary determines that it is necessary for the efficient administration of the easements under this program.

“(4) PROGRAM.—The term ‘program’ means the Agricultural Conservation Easement Program established by this subtitle.

“(5) WETLAND EASEMENT.—The term ‘wetland easement’ means a reserved interest in eligible land that—

“(A) is defined and delineated in a deed; and

“(B) stipulates—

“(i) the rights, title, and interests in land conveyed to the Secretary; and

“(ii) the rights, title, and interests in land that are reserved to the landowner.

“SEC. 1265B. AGRICULTURAL LAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall facilitate and provide funding for—

“(1) the purchase by eligible entities of agricultural land easements and other interests in eligible land; and

“(2) technical assistance to provide for the conservation of natural resources pursuant to an agricultural land easement plan.

“(b) COST-SHARE ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide cost-share assistance to eligible entities for purchasing agricultural land easements to protect the agricultural use, including grazing, and related conservation values of eligible land.

“(2) SCOPE OF ASSISTANCE AVAILABLE.—

“(A) FEDERAL SHARE.—Subject to subparagraph (C), an agreement described in paragraph (4) shall provide for a Federal share determined by the Secretary of an amount not to exceed 50 percent of the fair market value of the agricultural land easement or other interest in land, as determined by the Secretary using—

“(i) the Uniform Standards of Professional Appraisal Practices;

“(ii) an area-wide market analysis or survey; or

“(iii) another industry approved method.

“(B) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—Subject to subparagraph (C), under the agreement, the eligible entity shall provide a share that is at least equivalent to that provided by the Secretary.

“(ii) SOURCE OF CONTRIBUTION.—An eligible entity may include as part of its share a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the amount contributed by the Secretary.

“(C) WAIVER AUTHORITY.—In the case of grassland of special environmental significance, as determined by the Secretary, the Secretary may provide up to 75 percent of the fair market value of the agricultural land easement.

“(3) EVALUATION AND RANKING OF APPLICATIONS.—

“(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

“(i) protecting agricultural uses and related conservation values of the land; and

“(ii) maximizing the protection of areas devoted to agricultural use.

“(C) BIDDING DOWN.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any of those applications solely on the basis of lesser cost to the program.

“(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under this section.

“(B) LENGTH OF AGREEMENTS.—An agreement shall be for a term that is—

“(i) in the case of an eligible entity certified under the process described in paragraph (5), a minimum of 5 years; and

“(ii) for all other eligible entities, at least 3, but not more than 5 years.

“(C) MINIMUM TERMS AND CONDITIONS.—An eligible entity shall be authorized to use its own terms and conditions for agricultural land easements so long as the Secretary determines such terms and conditions—

“(i) are consistent with the purposes of the program;

“(ii) are permanent or for the maximum duration allowed under applicable State law;

“(iii) permit effective enforcement of the conservation purposes of such easements, including appropriate restrictions depending on the purposes for which the easement is acquired;

“(iv) include a right of enforcement for the Secretary if terms of the easement are not enforced by the holder of the easement;

“(v) subject the land purchased to an agricultural land easement plan that—

“(I) describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired;

“(II) requires the management of grassland according to a grassland management plan; and

“(III) includes a conservation plan, where appropriate, and requires, at the option of the Secretary, the conversion of highly erodible cropland to less intensive uses; and

“(vi) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

“(D) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

“(E) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement under this subsection—

“(i) the agreement may be terminated; and

“(ii) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

“(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

“(A) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

“(i) directly certify eligible entities that meet established criteria;

“(ii) enter into long-term agreements with certified eligible entities; and

“(iii) accept proposals for cost-share assistance for the purchase of agricultural land easements throughout the duration of such agreements.

“(B) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

“(i) a plan for administering easements that is consistent with the purpose of this subtitle;

“(ii) the capacity and resources to monitor and enforce agricultural land easements; and

“(iii) policies and procedures to ensure—

“(I) the long-term integrity of agricultural land easements on eligible land;

“(II) timely completion of acquisitions of easements; and

“(III) timely and complete evaluation and reporting to the Secretary on the use of funds provided under the program.

“(C) REVIEW AND REVISION.—

“(i) REVIEW.—The Secretary shall conduct a review of eligible entities certified under subparagraph (A) every 3 years to ensure that such entities are meeting the criteria established under subparagraph (B).

“(ii) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under subparagraph (B), the Secretary may—

“(I) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

“(II) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet such criteria.

“(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, if requested, to assist in—

“(1) compliance with the terms and conditions of easements; and

“(2) implementation of an agricultural land easement plan.

“SEC. 1265C. WETLAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall provide assistance to owners of eligible land to restore, protect, and enhance wetland through—

“(1) easements and related wetland easement plans; and

“(2) technical assistance.

“(b) EASEMENTS.—

“(1) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land through the use of—

“(A) 30-year easements;

“(B) permanent easements;

“(C) easements for the maximum duration allowed under applicable State laws; or

“(D) as an option for Indian tribes only, 30-year contracts.

“(2) LIMITATIONS.—

“(A) INELIGIBLE LAND.—The Secretary may not acquire easements on—

“(i) land established to trees under the conservation reserve program, except in cases where the Secretary determines it would further the purposes of the program; and

“(ii) farmed wetland or converted wetland where the conversion was not commenced prior to December 23, 1985.

“(B) CHANGES IN OWNERSHIP.—No easement shall be created on land that has changed ownership during the preceding 24-month period unless—

“(i) the new ownership was acquired by will or succession as a result of the death of the previous owner;

“(ii) (I) the ownership change occurred because of foreclosure on the land; and

“(II) immediately before the foreclosure, the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law; or

“(iii) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program.

“(3) EVALUATION AND RANKING OF OFFERS.—

“(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

“(i) the conservation benefits of obtaining an easement or 30-year contract, including the potential environmental benefits if the land was removed from agricultural production;

“(ii) the cost-effectiveness of each easement or 30-year contract, so as to maximize the environmental benefits per dollar expended;

“(iii) whether the landowner or another person is offering to contribute financially to the cost of the easement or 30-year contract to leverage Federal funds; and

“(iv) such other factors as the Secretary determines are necessary to carry out the purposes of the program.

“(C) PRIORITY.—The Secretary shall place priority on acquiring easements based on the value of the easement for protecting and enhancing habitat for migratory birds and other wildlife.

“(4) AGREEMENT.—To be eligible to place eligible land into the program through a wetland easement, the owner of such land shall enter into an agreement with the Secretary to—

“(A) grant an easement on such land to the Secretary;

“(B) authorize the implementation of a wetland easement plan;

“(C) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to;

“(D) provide a written statement of consent to such easement signed by those holding a security interest in the land;

“(E) comply with the terms and conditions of the easement and any related agreements; and

“(F) permanently retire any existing cropland base and allotment history for the land on which the easement has been obtained.

“(5) TERMS AND CONDITIONS OF EASEMENT.—

“(A) IN GENERAL.—A wetland easement shall include terms and conditions that—

“(i) permit—

“(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

“(II) owners to control public access on the easement areas while identifying access routes to be used for restoration activities and management and easement monitoring;

“(ii) prohibit—

“(I) the alteration of wildlife habitat and other natural features of such land, unless specifically authorized by the Secretary;

“(II) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is authorized by the Secretary or is necessary—

“(aa) to comply with Federal or State noxious weed control laws;

“(bb) to comply with a Federal or State emergency pest treatment program; or

“(cc) to meet habitat needs of specific wildlife species;

“(III) any activities to be carried out on the owner's or successor's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and

“(IV) the adoption of any other practice that would tend to defeat the purposes of the program, as determined by the Secretary;

“(iii) provide for the efficient and effective establishment of wetland functions and values; and

“(iv) include such additional provisions as the Secretary determines are desirable to carry out the program or facilitate the practical administration thereof.

“(B) VIOLATION.—On the violation of the terms or conditions of the easement, the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the

owner under the program, together with interest thereon as determined appropriate by the Secretary.

“(C) COMPATIBLE USES.—Land subject to a wetland easement may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the wetland easement plan and is consistent with the long-term protection and enhancement of the wetland resources for which the easement was established.

“(D) RESERVATION OF GRAZING RIGHTS.—The Secretary may include in the terms and conditions of an easement a provision under which the owner reserves grazing rights if—

“(i) the Secretary determines that the reservation and use of the grazing rights—

“(I) is compatible with the land subject to the easement;

“(II) is consistent with the historical natural uses of the land and long-term protection and enhancement goals for which the easement was established; and

“(III) complies with the wetland easement plan; and

“(ii) the agreement provides for a commensurate reduction in the easement payment to account for the grazing value, as determined by the Secretary.

“(E) APPLICATION.—The relevant provisions of this paragraph shall also apply to a 30-year contract.

“(6) COMPENSATION.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—The Secretary shall pay as compensation for a permanent easement acquired an amount necessary to encourage enrollment in the program based on the lowest of—

“(I) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

“(II) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

“(III) the offer made by the landowner.

“(ii) OTHER.—Compensation for a 30-year contract or 30-year easement shall be not less than 50 percent, but not more than 75 percent, of the compensation that would be paid for a permanent easement.

“(B) FORM OF PAYMENT.—Compensation shall be provided by the Secretary in the form of a cash payment, in an amount determined under subparagraph (A).

“(C) PAYMENT SCHEDULE.—

“(i) EASEMENTS VALUED AT LESS THAN \$500,000.—For easements valued at \$500,000 or less, the Secretary may provide easement payments in not more than 10 annual payments.

“(ii) EASEMENTS VALUED AT MORE THAN \$500,000.—For easements valued at more than \$500,000, the Secretary may provide easement payments in at least 5, but not more than 10 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

“(c) EASEMENT RESTORATION.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to carry out the establishment of conservation measures and practices and protect wetland functions and values, including necessary maintenance activities, as set forth in a wetland easement plan.

“(2) PAYMENTS.—The Secretary shall—

“(A) in the case of a permanent easement, pay an amount that is not less than 75 per-

cent, but not more than 100 percent, of the eligible costs; and

“(B) in the case of a 30-year contract or 30-year easement, pay an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs.

“(d) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall assist owners in complying with the terms and conditions of easements and 30-year contracts.

“(2) CONTRACTS OR AGREEMENTS.—The Secretary may enter into 1 or more contracts with private entities or agreements with a State, non-governmental organization, or Indian tribe to carry out necessary restoration, enhancement or maintenance of an easement if the Secretary determines that the contract or agreement will advance the purposes of the program.

“(e) WETLAND ENHANCEMENT OPTION.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetland enhancement option that the Secretary determines would advance the purposes of the program.

“(f) ADMINISTRATION.—

“(1) WETLAND EASEMENT PLAN.—The Secretary shall develop a wetland easement plan for eligible land subject to a wetland easement, which will include the practices and activities necessary to restore, protect, enhance, and maintain the enrolled land.

“(2) DELEGATION OF EASEMENT ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may delegate any of the easement management, monitoring, and enforcement responsibilities of the Secretary to other Federal or State agencies that have the appropriate authority, expertise and resources necessary to carry out such delegated responsibilities or to other conservation organizations if the Secretary determines the organization has similar expertise and resources.

“(B) LIMITATION.—The Secretary shall not delegate any of the monitoring or enforcement responsibilities under the program to conservation organizations.

“(3) PAYMENTS.—

“(A) TIMING OF PAYMENTS.—The Secretary shall provide payment for obligations incurred by the Secretary under this section—

“(i) with respect to any easement restoration obligation as soon as possible after the obligation is incurred; and

“(ii) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

“(B) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person or entity who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

“SEC. 1265D. ADMINISTRATION.

“(a) INELIGIBLE LAND.—The Secretary may not acquire an easement under the program on—

“(1) land owned by an agency of the United States, other than land held in trust for Indian tribes;

“(2) land owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government;

“(3) land subject to an easement or deed restriction which, as determined by the Secretary, provides similar protection as would be provided by enrollment in the program; and

“(4) land where the purposes of the program would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.

“(b) PRIORITY.—In evaluating applications under the program, the Secretary may give priority to land that is currently enrolled in the conservation reserve program in a contract that is set to expire within 1 year and—

“(1) in the case of an agricultural land easement, is grassland that would benefit from protection under a long-term easement; and

“(2) in the case of a wetland easement, is a wetland or related area with the highest functions and values and is likely to return to production after the land leaves the conservation reserve program.

“(c) SUBORDINATION, EXCHANGE, MODIFICATION, AND TERMINATION.—

“(1) IN GENERAL.—The Secretary may subordinate, exchange, terminate, or modify any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program when the Secretary determines that—

“(A) it is in the Federal Government's interest to subordinate, exchange, modify or terminate the interest in land;

“(B) the subordination, exchange, modification, or termination action—

“(i) will address a compelling public need for which there is no practicable alternative, or

“(ii) such action will further the practical administration of the program; and

“(C) the subordination, exchange, modification, or termination action will result in comparable conservation value and equivalent or greater economic value to the United States.

“(2) CONSULTATION.—The Secretary shall work with the current owner, and eligible entity if applicable, to address any subordination, exchange, termination, or modification of the interest, or portion of such interest in land.

“(3) NOTICE.—At least 90 days before taking any termination action described in paragraph (1), the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(d) LAND ENROLLED IN OTHER PROGRAMS.—

“(1) CONSERVATION RESERVE PROGRAM.—The Secretary may terminate or modify an existing contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program.

“(2) OTHER.—Land enrolled in the wetlands reserve program, grassland reserve program, or farmland protection program shall be considered enrolled in this program.

“(e) ALLOCATION OF FUNDS FOR AGRICULTURAL LAND EASEMENTS.—Of the funds made available under section 1241 to carry out the program for a fiscal year, the Secretary shall, to the extent practicable, use no less than 40 percent for agricultural land easements.”.

(b) COMPLIANCE WITH CERTAIN REQUIREMENTS.—Before an eligible entity or owner of eligible land may receive assistance under subtitle H of title XII of the Food Security Act of 1985, the eligible entity or person shall

agree, during the crop year for which the assistance is provided and in exchange for the assistance—

(1) to comply with applicable conservation requirements under subtitle B of title XII of that Act (16 U.S.C. 3811 et seq.); and

(2) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(c) CROSS REFERENCE.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “and” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B); and

(iii) by striking subparagraph (C);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) the Agricultural Conservation Easement Program established under subtitle H; and”;

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “programs administered under subchapters B and C of chapter 1 of subtitle D” and inserting “conservation reserve program established under subchapter B of chapter 1 of subtitle D and the Agricultural Conservation Easement Program under subtitle H using wetland easements under section 1265C”; and

(ii) in subparagraph (B), by striking “subchapter C of chapter 1 of subtitle D” and inserting “the Agricultural Conservation Easement Program under subtitle H using wetland easements under section 1265C”; and

(B) in paragraph (4), by striking “subchapter C” and inserting “subchapter B”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2012.

Subtitle E—Regional Conservation Partnership Program

SEC. 2401. REGIONAL CONSERVATION PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Title XII of the Food Security Act of 1985 is amended by inserting after subtitle H (as added by section 2301) the following:

“Subtitle I—Regional Conservation Partnership Program

“SEC. 1271. ESTABLISHMENT AND PURPOSES.

“(a) ESTABLISHMENT.—The Secretary shall establish a Regional Conservation Partnership Program to implement eligible activities through—

“(1) partnership agreements with eligible partners; and

“(2) contracts with producers.

“(b) PURPOSES.—The purposes of the program are—

“(1) to combine the purposes and coordinate the functions of—

“(A) the agricultural water enhancement program established under section 1240I;

“(B) the Chesapeake Bay watershed program established under section 1240Q;

“(C) the cooperative conservation partnership initiative established under section 1243; and

“(D) the Great Lakes basin program for soil erosion and sediment control established under section 1240P;.

“(2) to further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on a regional or watershed scale; and

“(3) to encourage partners to cooperate with producers in—

“(A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production; and

“(B) implementing projects that will result in the installation and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multi-State basis.

“SEC. 1271A. DEFINITIONS.

“In this subtitle:

“(1) COVERED PROGRAMS.—The term ‘covered programs’ means—

“(A) the agricultural conservation easement program;

“(B) the environmental quality incentives program; and

“(C) the conservation stewardship program.

“(2) ELIGIBLE ACTIVITY.—The term ‘eligible activity’ means any of the following conservation activities when delivered through a covered program:

“(A) Water quality restoration or enhancement projects, including nutrient management and sediment reduction.

“(B) Water quantity conservation, restoration, or enhancement projects relating to surface water and groundwater resources, including—

“(i) the conversion of irrigated cropland to the production of less water-intensive agricultural commodities or dryland farming; and

“(ii) irrigation system improvement and irrigation efficiency enhancement.

“(C) Drought mitigation.

“(D) Flood prevention.

“(E) Water retention.

“(F) Habitat conservation, restoration, and enhancement.

“(G) Erosion control.

“(H) Other related activities that the Secretary determines will help achieve conservation benefits.

“(3) ELIGIBLE PARTNER.—The term ‘eligible partner’ means any of the following:

“(A) An agricultural or silvicultural producer association or other group of producers.

“(B) A State or unit of local government.

“(C) An Indian tribe.

“(D) A farmer cooperative.

“(E) An institution of higher education.

“(F) An organization with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

“(i) local conservation priorities related to agricultural production, wildlife habitat development, and nonindustrial private forest land management; or

“(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource concerns.

“(4) PARTNERSHIP AGREEMENT.—The term ‘partnership agreement’ means an agreement between the Secretary and an eligible partner.

“(5) PROGRAM.—The term ‘program’ means the Regional Conservation Partnership Program established by this subtitle.

“SEC. 1271B. REGIONAL CONSERVATION PARTNERSHIPS.

“(a) PARTNERSHIP AGREEMENTS AUTHORIZED.—The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity.

“(b) LENGTH.—A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the

agreement 1 time for up to 12 months when an extension is necessary to meet the objectives of the program.

“(c) DUTIES OF PARTNERS.—

“(1) IN GENERAL.—Under a partnership agreement, the eligible partner shall—

“(A) define the scope of a project, including—

“(i) the eligible activities to be implemented;

“(ii) the potential agricultural or nonindustrial private forest operations affected;

“(iii) the local, State, multi-State or other geographic area covered; and

“(iv) the planning, outreach, implementation and assessment to be conducted;

“(B) conduct outreach and education to producers for potential participation in the project;

“(C) at the request of a producer, act on behalf of a producer participating in the project in applying for assistance under section 1271C;

“(D) leverage financial or technical assistance provided by the Secretary with additional funds to help achieve the project objectives;

“(E) conduct an assessment of the project's effects; and

“(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

“(2) CONTRIBUTION.—A partner shall provide a significant portion of the overall costs of the scope of the project as determined by the Secretary.

“(d) APPLICATIONS.—

“(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

“(2) CRITERIA USED.—In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

“(3) CONTENT.—An application to the Secretary shall include a description of—

“(A) the scope of the project as described in subsection (c)(1)(A);

“(B) the plan for monitoring, evaluating, and reporting on progress made towards achieving the project's objectives;

“(C) the program resources requested for the project, including the covered programs to be used and estimated funding needed from the Secretary;

“(D) the partners collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and financial contribution; and

“(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

“(4) APPLICATION SELECTION.—

“(A) PRIORITY TO CERTAIN APPLICATIONS.—The Secretary shall give a higher priority to applications that—

“(i) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

“(ii) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, regional, or national efforts;

“(iii) deliver high percentages of applied conservation to address conservation priorities or local, State, regional, or national conservation initiatives; or

“(iv) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods.

“(B) OTHER APPLICATIONS.—The Secretary may give priority to applications that—

“(i) have a high percentage of producers in the area to be covered by the agreement; or
 “(ii) meet other factors that are important for achieving the purposes of the program, as determined by the Secretary.

“SEC. 1271C. ASSISTANCE TO PRODUCERS.

“(a) IN GENERAL.—The Secretary shall enter into contracts to provide financial and technical assistance to—

“(1) producers participating in a project with an eligible partner as described in section 1271B; or

“(2) producers that fit within the scope of a project described in section 1271B or a critical conservation area designated pursuant to section 1271F, but who are seeking to implement an eligible activity independent of a partner.

“(b) TERMS AND CONDITIONS.—

“(1) CONSISTENCY WITH PROGRAM RULES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall ensure that the terms and conditions of a contract under this section are consistent with the applicable rules of the covered programs to be used as part of the project, as described in the application under section 1271B(d)(3)(C).

“(B) ADJUSTMENTS.—Except for statutory program requirements governing appeals, payment limitations, and conservation compliance, the Secretary may adjust the discretionary program rules of a covered program—

“(i) to provide a simplified application and evaluation process; and

“(ii) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the program.

“(2) ALTERNATIVE FUNDING ARRANGEMENTS.—

“(A) IN GENERAL.—For the purposes of providing assistance for land described in subsection (a) and section 1271F, the Secretary may enter into alternative funding arrangements with a multistate water resource agency or authority if—

“(i) the Secretary determines that the goals and objectives of the program will be met by the alternative funding arrangements;

“(ii) the agency or authority certifies that the limitations established under this section on agreements with individual producers will not be exceeded; and

“(iii) all participating producers meet applicable payment eligibility provisions.

“(B) CONDITIONS.—As a condition on receipt of funding under subparagraph (A), the multistate water resource agency or authority shall agree—

“(i) to submit an annual independent audit to the Secretary that describes the use of funds under this paragraph;

“(ii) to provide any data necessary for the Secretary to issue a report on the use of funds under this paragraph; and

“(iii) not to use any funds for administration or contracting with another entity.

“(C) LIMITATION.—The Secretary may enter into not more than 10 alternative funding arrangements under this paragraph.

“(c) PAYMENTS.—

“(1) IN GENERAL.—In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer in an amount determined by the Secretary to be necessary to achieve the purposes of the program.

“(2) PAYMENTS TO CERTAIN PRODUCERS.—The Secretary may provide payments for a period of 5 years—

“(A) to producers participating in a project that addresses water quantity concerns and

in an amount sufficient to encourage conversion from irrigated to dryland farming; and

“(B) to producers participating in a project that addresses water quality concerns and in an amount sufficient to encourage adoption of conservation practices and systems that improve nutrient management.

“(3) WAIVER AUTHORITY.—To assist in the implementation of the program, the Secretary may waive the applicability of the limitation in section 1001D(b)(2) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

“SEC. 1271D. FUNDING.

“(a) AVAILABILITY OF FUNDS.—The Secretary shall use \$100,000,000 of the funds of the Commodity Credit Corporation for each of fiscal years 2013 through 2017 to carry out the program established under this subtitle.

“(b) DURATION OF AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

“(c) ADDITIONAL FUNDING AND ACRES.—

“(1) IN GENERAL.—In addition to the funds made available under subsection (a), the Secretary shall reserve 8 percent of the funds and acres made available for a covered program for each of fiscal years 2013 through 2017 in order to ensure additional resources are available to carry out this program.

“(2) UNUSED FUNDS AND ACRES.—Any funds or acres reserved under paragraph (1) for a fiscal year from a covered program that are not obligated under this program by April 1 of that fiscal year shall be returned for use under the covered program.

“(d) ALLOCATION OF FUNDING.—Of the funds and acres made available for the program under subsections (a) and (c), the Secretary shall allocate—

“(1) 25 percent of the funds and acres to projects based on a State competitive process administered by the State conservationist, with the advice of the State technical committee;

“(2) 40 percent of the funds and acres to projects based on a national competitive process to be established by the Secretary; and

“(3) 35 percent of the funds and acres to projects for the critical conservation areas designated in section 1271F.

“(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available under the program may be used to pay for the administrative expenses of partners.

“SEC. 1271E. ADMINISTRATION.

“(a) DISCLOSURE.—In addition to the criteria used in evaluating applications as described in section 1271B(d)(2), the Secretary shall make publicly available information on projects selected through the competitive process described in section 1271B(d)(1).

“(b) REPORTING.—Not later than December 31, 2013, and for every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the status of projects funded under the program, including—

“(1) the number and types of partners and producers participating in the partnership agreements selected;

“(2) the number of producers receiving assistance;

“(3) total funding committed to projects, including Federal and non-Federal resources; and

“(4) a description of how the funds under section 1271C(b)(3) are being administered, including—

“(A) any oversight mechanisms that the Secretary has implemented;

“(B) the process through which the Secretary is resolving appeals by program participants; and

“(C) the means by which the Secretary is tracking adherence to any applicable provisions for payment eligibility.

“SEC. 1271F. CRITICAL CONSERVATION AREAS.

“(a) IN GENERAL.—When administering the funding described in section 1271D(d)(3), the Secretary shall select applications for partnership agreements and producer contracts within designated critical conservation areas.

“(b) CRITICAL CONSERVATION AREA DESIGNATIONS.—

“(1) IN GENERAL.—The Secretary shall designate up to 6 geographical areas as critical conservation areas based on the degree to which an area—

“(A) includes multiple States with significant agricultural production;

“(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals and work plans and is adopted by a Federal, State, or regional authority;

“(C) has water quality concerns, including concerns for reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

“(D) has water quantity concerns, including—

“(i) concerns for groundwater, surface water, aquifer, or other water sources; or

“(ii) a need to promote water retention and flood prevention; or

“(E) is subject to regulatory requirements that could reduce the economic scope of agricultural operations within the area.

“(2) EXPIRATION.—Critical conservation area designations under this section shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw designation from an area if the Secretary finds the area no longer meets the conditions described in paragraph (1).

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or producer contract under this section in a manner that is consistent with the terms of the program.

“(2) RELATIONSHIP TO EXISTING ACTIVITY.—The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

Subtitle F—Other Conservation Programs

SEC. 2501. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended inserting “and \$30,000,000 for each of fiscal years 2013 through 2017” before the period at the end.

SEC. 2502. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended by inserting “and \$15,000,000 for each of fiscal years 2013 through 2017” before the period at the end.

SEC. 2503. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

(a) FUNDING.—Section 1240R(f) of the Food Security Act of 1985 (16 U.S.C. 3839bb–5(f)) is

amended by inserting “and \$40,000,000 for the period of fiscal years 2013 through 2017” before the period at the end.

(b) **REPORT ON PROGRAM EFFECTIVENESS.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness of the voluntary public access and habitat incentive program established by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5), including—

- (1) identifying cooperating agencies;
- (2) identifying the number of land holdings and total acres enrolled by State;
- (3) evaluating the extent of improved access on eligible land, improved wildlife habitat, and related economic benefits; and
- (4) any other relevant information and data relating to the program that would be helpful to such Committees.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2504. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

(a) **FUNDING.**—Section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) is amended by striking subsection (c) and inserting the following:

“(c) **FUNDING.**—

“(1) **IN GENERAL.**—The Secretary may carry out the ACES program using funds made available to carry out each program under this title.

“(2) **EXCLUSION.**—Funds made available to carry out the conservation reserve program may not be used to carry out the ACES program.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2505. SMALL WATERSHED REHABILITATION PROGRAM.

Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking “2012” and inserting “2017”.

SEC. 2506. TERMINAL LAKES ASSISTANCE.

Section 2507 of the Food, Security, and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended to read as follows:

“SEC. 2507. TERMINAL LAKES ASSISTANCE.

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE LAND.**—The term ‘eligible land’ means privately owned agricultural land (including land in which a State has a property interest as a result of state water law)—

“(A) that a landowner voluntarily agrees to sell to a State; and

“(B) which—

“(i) (I) is ineligible for enrollment as a wetland easement established under the Agricultural Conservation Easement Program under subtitle H of the Food Security Act of 1985;

“(II) is flooded to—

“(aa) an average depth of at least 6.5 feet; or

“(bb) a level below which the State determines the management of the water level is beyond the control of the State or landowner; or

“(III) is inaccessible for agricultural use due to the flooding of adjoining property (such as islands of agricultural land created by flooding);

“(ii) is located within a watershed with water rights available for lease or purchase; and

“(iii) has been used during at least 5 of the immediately preceding 30 years—

“(I) to produce crops or hay; or

“(II) as livestock pasture or grazing.

“(2) **PROGRAM.**—The term ‘program’ means the voluntary land purchase program established under this section.

“(3) **TERMINAL LAKE.**—The term ‘terminal lake’ means a lake and its associated riparian and watershed resources that is—

“(A) considered flooded because there is no natural outlet for water accumulating in the lake or the associated riparian area such that the watershed and surrounding land is consistently flooded; or

“(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

“(b) **ASSISTANCE.**—The Secretary shall—

“(1) provide grants under subsection (c) for the purchase of eligible land impacted by a terminal lake described in subsection (a)(3)(A); and

“(2) provide funds to the Secretary of the Interior pursuant to subsection (e)(2) with assistance in accordance with subsection (d) for terminal lakes described in subsection (a)(3)(B).

“(c) **LAND PURCHASE GRANTS.**—

“(1) **IN GENERAL.**—Using funds provided under subsection (e)(1), the Secretary shall make available land purchase grants to States for the purchase of eligible land in accordance with this subsection.

“(2) **IMPLEMENTATION.**—

“(A) **AMOUNT.**—A land purchase grant shall be in an amount not to exceed the lesser of—

“(i) 50 percent of the total purchase price per acre of the eligible land; or

“(ii) (I) in the case of eligible land that was used to produce crops or hay, \$400 per acre; and

“(II) in the case of eligible land that was pasture or grazing land, \$200 per acre.

“(B) **DETERMINATION OF PURCHASE PRICE.**—A State purchasing eligible land with a land purchase grant shall ensure, to the maximum extent practicable, that the purchase price of such land reflects the value, if any, of other encumbrances on the eligible land to be purchased, including easements and mineral rights.

“(C) **COST-SHARE REQUIRED.**—To be eligible to receive a land purchase grant, a State shall provide matching non-Federal funds in an amount equal to 50 percent of the amount described in subparagraph (A), including additional non-Federal funds.

“(D) **CONDITIONS.**—To receive a land purchase grant, a State shall agree—

“(i) to ensure that any eligible land purchased is—

“(I) conveyed in fee simple to the State; and

“(II) free from mortgages or other liens at the time title is transferred;

“(ii) to maintain ownership of the eligible land in perpetuity;

“(iii) to pay (from funds other than grant dollars awarded) any costs associated with the purchase of eligible land under this section, including surveys and legal fees; and

“(iv) to keep eligible land in a conserving use, as defined by the Secretary.

“(E) **LOSS OF FEDERAL BENEFITS.**—Eligible land purchased with a grant under this section shall lose eligibility for any benefits under other Federal programs, including—

“(i) benefits under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

“(ii) benefits under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

“(iii) covered benefits described in section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308-3a).

“(F) **PROHIBITION.**—Any Federal rights or benefits associated with eligible land prior to purchase by a State may not be transferred to any other land or person in anticipation of or as a result of such purchase.

“(d) **WATER ASSISTANCE.**—

“(1) **IN GENERAL.**—The Secretary of the Interior, acting through the Commissioner of Reclamation, may use the funds described in subsection (e)(2) to administer and provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake described in subsection (a)(3)(B) through willing sellers or willing participants only—

“(A) to lease water;

“(B) to purchase land, water appurtenant to the land, and related interests; and

“(C) to carry out research, support and conservation activities for associated fish, wildlife, plant, and habitat resources.”

“(2) **EXCLUSIONS.**—The Secretary of the Interior may not use this subsection to deliver assistance to the Great Salt Lake in Utah, lakes that are considered dry lakes, or other lakes that do not meet the purposes of this section, as determined by the Secretary of the Interior.

“(3) **TRANSITIONAL PROVISION.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of this section, any funds made available before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 under a provision of law described in subparagraph (B) shall remain available using the provisions of law (including regulations) in effect on the day before the date of enactment of that Act.

“(B) **DESCRIBED LAWS.**—The provisions of law described in this section are—

“(i) section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) (as in effect on the day before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012);

“(ii) section 207 of the Energy and Water Development Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 146);

“(iii) section 208 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268, 123 Stat. 2856); and

“(iv) section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2858, 123 Stat. 2967, 125 Stat. 867).

“(e) **FUNDING.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out subsection (c) \$25,000,000, to remain available until expended.

“(2) **COMMODITY CREDIT CORPORATION.**—As soon as practicable after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall transfer to the Bureau of Reclamation Water and Related Resources Account \$150,000,000 from the funds of the Commodity Credit Corporation to carry out subsection (d), to remain available until expended.”

Subtitle G—Funding and Administration

SEC. 2601. FUNDING.

(a) **IN GENERAL.**—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (a) and inserting the following:

“(a) **ANNUAL FUNDING.**—For each of fiscal years 2013 through 2017, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry

out the following programs under this title (including the provision of technical assistance):

“(1) The conservation reserve program under subchapter B of chapter 1 of subtitle D, including, to the maximum extent practicable—

“(A) \$10,000,000 for the period of fiscal years 2013 through 2017 to provide payments under paragraph (3) of section 1234(b) in connection with thinning activities conducted on land described in subparagraph (B)(iii) of that paragraph; and

“(B) \$50,000,000 for the period of fiscal years 2013 through 2017 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

“(2) The Agricultural Conservation Easement Program under subtitle H using to the maximum extent practicable—

“(A) \$223,000,000 for fiscal year 2013;

“(B) \$702,000,000 for fiscal year 2014;

“(C) \$500,000,000 for fiscal year 2015;

“(D) \$525,000,000 for fiscal year 2016; and

“(E) \$250,000,000 for fiscal year 2017.

“(3) The conservation security program under subchapter A of chapter 2 of subtitle D, using such sums as are necessary to administer contracts entered into before September 30, 2008.

“(4) The conservation stewardship program under subchapter B of chapter 2 of subtitle D.

“(5) The environmental quality incentives program under chapter 4 of subtitle D, using, to the maximum extent practicable—

“(A) \$1,455,000,000 for fiscal year 2013;

“(B) \$1,645,000,000 for fiscal year 2014; and

“(C) \$1,650,000,000 for each of fiscal years 2015 through 2017.”.

(b) **GUARANTEED AVAILABILITY OF FUNDS.**—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **AVAILABILITY OF FUNDS.**—Amounts made available by subsection (a) shall be used by the Secretary to carry out the programs specified in such subsection for fiscal years 2013 through 2017 and shall remain available until expended. Amounts made available for the programs specified in such subsection during a fiscal year through modifications, cancellations, terminations, and other related administrative actions and not obligated in that fiscal year shall remain available for obligation during subsequent fiscal years, but shall reduce the amount of additional funds made available in the subsequent fiscal year by an amount equal to the amount remaining unobligated.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2012.

SEC. 2602. TECHNICAL ASSISTANCE.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (c) (as redesignated by section 2601(b)(1)) and inserting the following:

“(c) **TECHNICAL ASSISTANCE.**—

“(1) **AVAILABILITY OF FUNDS.**—Commodity Credit Corporation funds made available for a fiscal year for each of the programs specified in subsection (a)—

“(A) shall be available for the provision of technical assistance for the programs for which funds are made available as necessary to implement the programs effectively; and

“(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.

“(2) **REPORT.**—Not later than December 31, 2012, the Secretary shall submit (and update as necessary in subsequent years) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

“(A) detailing the amount of technical assistance funds requested and apportioned in each program specified in subsection (a) during the preceding fiscal year; and

“(B) any other data relating to this provision that would be helpful to such Committees.”.

SEC. 2603. REGIONAL EQUITY.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (e) (as redesignated by section 2601(b)(1)) and inserting the following:

“(e) **REGIONAL EQUITY.**—

“(1) **EQUITABLE DISTRIBUTION.**—When determining funding allocations each fiscal year, the Secretary shall, after considering available funding and program demand in each State, provide a distribution of funds for conservation programs under subtitle D (excluding the conservation reserve program under subchapter B of chapter 1), subtitle H (excluding wetland easements under section 1265C), and subtitle I to ensure equitable program participation proportional to historical funding allocations and usage by all States.

“(2) **MINIMUM PERCENTAGE.**—In determining the specific funding allocations under paragraph (1), the Secretary shall—

“(A) ensure that during the first quarter of each fiscal year each State has the opportunity to establish that the State can use an aggregate allocation amount of at least 0.6 percent of the funds made available for those conservation programs; and

“(B) for each State that can so establish, provide an aggregate amount of at least 0.6 percent of the funds made available for those conservation programs.”.

SEC. 2604. RESERVATION OF FUNDS TO PROVIDE ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.

Subsection (h) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as redesignated by section 2601(b)(1)) is amended—

(1) in paragraph (1) by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(4) **PREFERENCE.**—In providing assistance under paragraph (1), the Secretary shall give preference to a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))) that qualifies under subparagraph (A) or (B) of paragraph (1).”.

SEC. 2605. ANNUAL REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.

Subsection (i) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as redesignated by section 2601(b)(1)) is amended—

(1) in paragraph (1), by striking “wetlands reserve program” and inserting “agricultural conservation easement program”; and

(2) by striking paragraphs (2) and (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(3) in paragraph (3) (as so redesignated)—

(A) by striking “agricultural water enhancement program” and inserting “regional conservation partnership program”; and

(B) by striking “section 1240(g)” and inserting “section 1271C(c)(3)”; and

(4) by adding at the end the following:

“(5) Payments made under the conservation stewardship program.

“(6) Waivers granted by the Secretary under section 1265B(b)(2)(C).”.

SEC. 2606. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (a)(2), by adding at the end the following:

“(E) Veteran farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).”; and

(2) in subsection (d), by inserting “, H, and I” before the period at the end;

(3) in subsection (f)—

(A) in paragraph (1)(B), by striking “country” and inserting “county”; and

(B) in paragraph (3), by striking “subsection (c)(2)(B) or (f)(4)” and inserting “subsection (c)(2)(A)(ii) or (f)(2)”; and

(4) by striking subsection (i) and inserting the following:

“(i) **CONSERVATION APPLICATION PROCESS.**—

“(1) **INITIAL APPLICATION.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a single, simplified application for eligible entities to use in initially requesting assistance under any conservation program administered by the Secretary (referred to in this subsection as the ‘initial application’).

“(B) **REQUIREMENTS.**—To the maximum extent practicable, the Secretary shall ensure that—

“(i) a conservation program applicant is not required to provide information that is duplicative of information or resources already available to the Secretary for that applicant and the specific operation of the applicant; and

“(ii) the initial application process is streamlined to minimize complexity and redundancy.”.

“(2) **REVIEW OF APPLICATION PROCESS.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall review the application process for each conservation program administered by the Secretary, including the forms and processes used to receive assistance requests from eligible program participants.

“(B) **REQUIREMENTS.**—In carrying out the review, the Secretary shall determine what information the participant is required to submit during the application process, including—

“(i) identification information for the applicant;

“(ii) identification and location information for the land parcel or tract of concern;

“(iii) a general statement of the need or resource concern of the applicant for the land parcel or tract; and

“(iv) the minimum amount of other information the Secretary considers to be essential for the applicant to provide personally.

“(3) **REVISION AND STREAMLINE.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall carry out a revision of the application forms and processes for each conservation program administered by the Secretary to enable use of information technology to incorporate appropriate data and information concerning the conservation needs and solutions appropriate for the land area identified by the applicant.

“(B) **GOAL.**—The goal of the revision shall be to streamline the application process to minimize the burden placed on applicants.

“(4) CONSERVATION PROGRAM APPLICATION.—

“(A) IN GENERAL.—Once the needs of an applicant have been adequately assessed by the Secretary, or a third party provider under section 1242, based on the initial application, in order to determine the 1 or more programs under this title that best match the needs of the applicant, with the approval of the applicant, the Secretary may convert the initial application into the specific application for assistance for the relevant conservation program.

“(B) SECRETARIAL BURDEN.—To the maximum extent practicable, the Secretary shall—

“(i) complete the specific application for conservation program assistance for each applicant; and

“(ii) request only that specific further information from the applicant that is not already available to the Secretary.

“(5) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate written notification that the Secretary has fulfilled the requirements of this subsection.”; and

(5) by adding at the end the following:

“(j) IMPROVED ADMINISTRATIVE EFFICIENCY AND EFFECTIVENESS.—In administering a conservation program under this title, the Secretary shall, to the maximum extent practicable—

“(1) seek to reduce administrative burdens and costs to producers by streamlining conservation planning and program resources; and

“(2) take advantage of new technologies to enhance efficiency and effectiveness.

“(k) RELATION TO OTHER PAYMENTS.—Any payment received by an owner or operator under this title, including an easement payment or rental payment, shall be in addition to, and not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under any of the following:

“(1) This Act.

“(2) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

“(3) The Agriculture Reform, Food, and Jobs Act of 2012.

“(4) Any law that succeeds a law specified in paragraph (1), (2), or (3).

“(l) FUNDING FOR INDIAN TRIBES.—In carrying out the conservation stewardship program under subchapter B of chapter 2 of subtitle D and the environmental quality incentives program under chapter 4 of subtitle D, the Secretary may enter into alternative funding arrangements with Indian tribes if the Secretary determines that the goals and objectives of the programs will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal member.”.

SEC. 2607. RULEMAKING AUTHORITY.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following:

“SEC. 1246. REGULATIONS.

“(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to implement programs under this title, including such regulations as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under section 1244(f).

“(b) RULEMAKING PROCEDURE.—The promulgation of regulations and administration of programs under this title—

“(1) shall be carried out without regard to—

“(A) the Statement of Policy of the Secretary effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

“(B) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

“(2) shall be made as an interim rule effective on publication with an opportunity for notice and comment.

“(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In promulgating regulations under this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.”.

SEC. 2608. STANDARDS FOR STATE TECHNICAL COMMITTEES.

Section 1261(b) of the Food Security Act of 1985 (16 U.S.C. 3861(b)) is amended by striking “Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop” and inserting “The Secretary shall review and update as necessary”.

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);”.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking “(2) If,” and inserting the following:

“(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

“(A) IN GENERAL.—If,”;

(B) in the second sentence, by striking “In carrying” and inserting the following:

“(B) MINIMIZATION OF DOCUMENTATION.—In carrying”; and

(C) by adding at the end the following:

“(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.”.

(b) WETLAND CONSERVATION PROGRAM INELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

“(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”.

Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions**SEC. 2701. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.**

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is repealed.

SEC. 2702. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

(a) REPEAL.—Section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) FUNDING.—The Secretary may use funds made available to carry out the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2703. WETLANDS RESERVE PROGRAM.

(a) REPEAL.—Subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or easement entered into by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) before October 1, 2012, or any payments required to be made in connection with the contract or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), any funds made available from the Commodity Credit Corporation to carry out the wetlands reserve program under that subchapter for fiscal years 2009 through 2012 shall be made available to carry out contracts or easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance), provided that no such contract or easement is modified so as to increase the amount of the payment received.

(B) OTHER.—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and easements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2704. FARMLAND PROTECTION PROGRAM AND FARM VIABILITY PROGRAM.

(a) REPEAL.—Subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING AGREEMENTS AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any agreement or easement entered into by the Secretary of Agriculture under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16

U.S.C. 3838h et seq.) before October 1, 2012, or any payments required to be made in connection with the agreement or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.), any funds made available from the Commodity Credit Corporation to carry out the farmland protection program under that subchapter for fiscal years 2009 through 2012 shall be made available to carry out agreements and easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out agreements and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such agreements and easement as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2705. GRASSLAND RESERVE PROGRAM.

(a) REPEAL.—Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) before October 1, 2012, or any payments required to be made in connection with the contract, agreement, or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), any funds made available from the Commodity Credit Corporation to carry out the grassland reserve program under that subchapter for fiscal years 2009 through 2012 shall be made available to carry out contracts, agreements, or easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance), provided that no such contract, agreement, or easement is modified so as to increase the amount of the payment received.

(B) OTHER.—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2706. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

(a) REPEAL.—Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) before October 1, 2012, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9), any funds made available from the Commodity Credit Corporation to carry out the agricultural water enhancement program under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts and agreements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the regional conservation partnerships program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2707. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) REPEAL.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) before October 1, 2012, or any payments required to be made in connection with the contract.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1), any funds made available from the Commodity Credit Corporation to carry out the wildlife habitat incentive program under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts referred to in paragraph (1) which were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2708. GREAT LAKES BASIN PROGRAM.

(a) REPEAL.—Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb-3) is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2709. CHESAPEAKE BAY WATERSHED PROGRAM.

(a) REPEAL.—Section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) before October 1, 2012, or any payments required to be made in connection with the contract, agreement, or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4), any funds made available from the Commodity Credit Corporation to carry out the Chesapeake Bay watershed program under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts, agreements, and easements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—The Secretary may use funds made available to carry out the regional conservation partnerships program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on September 30, 2012.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2710. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) REPEAL.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) before October 1, 2012, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), any funds made available from the Commodity Credit Corporation to carry out the cooperative conservation partnership initiative under that section for fiscal years 2009 through 2012 shall be made available to carry out contracts and agreements referred to in paragraph (1) that were entered into prior to October 1, 2012 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the regional conservation partnerships program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on September 30, 2012.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 2711. ENVIRONMENTAL EASEMENT PROGRAM.

Chapter 3 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839 et seq.) is repealed.

SEC. 2712. TECHNICAL AMENDMENTS.

(a) Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended in the matter preceding paragraph (1) by striking “E” and inserting “I”.

(b) Section 1211(a) of the Food Security Act of 1985 (16 U.S.C. 3811(a)) is amended by striking “predominate” each place it appears and inserting “predominant”.

(c) Section 1242(i) of the Food Security Act of 1985 (16 U.S.C. 3842(i)) is amended in the subsection heading by striking “SPECIALTY” and inserting “SPECIALTY”.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SET-ASIDE FOR SUPPORT FOR ORGANIZATIONS THROUGH WHICH NON-EMERGENCY ASSISTANCE IS PROVIDED.

Effective October 1, 2012, section 202(e)(1) of the Food for Peace Act (7 U.S.C. 1722(e)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “13 percent” and inserting “15 percent”; and

(2) in subparagraph (A), by striking “new” and inserting “and enhancing”.

SEC. 3002. FOOD AID QUALITY.

Section 202(h) of the Food for Peace Act (7 U.S.C. 1722(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—The Administrator shall use funds made available for fiscal year 2013 and subsequent fiscal years to carry out this title—

“(A) to assess the types and quality of agricultural commodities and products donated for food aid;

“(B) to adjust products and formulations, including potential introduction of new fortificants and products, as necessary to cost-effectively meet nutrient needs of target populations;

“(C) to test prototypes;

“(D) to adopt new specifications or improve existing specifications for micronutrient fortified food aid products, based on the latest developments in food and nutrition science, and in coordination with other international partners;

“(E) to develop new program guidance to facilitate improved matching of products to purposes having nutritional intent, in coordination with other international partners;

“(F) to develop improved guidance for implementing partners on how to address nutritional deficiencies that emerge among recipients for whom food assistance is the sole source of diet in emergency programs that extend beyond 1 year, in coordination with other international partners; and

“(G) to evaluate, in appropriate settings and as necessary, the performance and cost-effectiveness of new or modified specialized food products and program approaches designed to meet the nutritional needs of the most vulnerable groups, such as pregnant and lactating mothers, and children under the age of 5.”; and

(2) in paragraph (3), by striking “2011” and inserting “2017”.

SEC. 3003. MINIMUM LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2017”; and

(2) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 3004. REAUTHORIZATION OF FOOD AID CONSULTATIVE GROUP.

Section 205(f) of the Food for Peace Act (7 U.S.C. 1725(f)) is amended by striking “2012” and inserting “2017”.

SEC. 3005. OVERSIGHT, MONITORING, AND EVALUATION OF FOOD FOR PEACE ACT PROGRAMS.

Section 207(f) of the Food for Peace Act (7 U.S.C. 1726a(f)) is amended—

(1) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(2) in subparagraph (A) of paragraph (5) (as so redesignated)—

(A) by striking “2012” and inserting “2017”; and

(B) by striking “during fiscal year 2009” and inserting “during the period of fiscal years 2013 through 2017”.

SEC. 3006. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended by striking “2012” and inserting “2017”.

SEC. 3007. LIMITATION ON TOTAL VOLUME OF COMMODITIES MONETIZED.

Section 403 of the Food for Peace Act (7 U.S.C. 1733) is amended by adding at the end the following:

“(m) **LIMITATION ON MONETIZATION OF COMMODITIES.**—

“(1) **LIMITATION.**—

“(A) **IN GENERAL.**—Unless the Administrator grants a waiver under paragraph (2), no commodity may be made available under this Act unless the rate of return for the commodity (as determined under subparagraph (B)) is at least 70 percent.

“(B) **RATE OF RETURN.**—For purposes of subparagraph (A), the rate of return shall be equal to the proportion that—

“(i) the proceeds the implementing partners generate through monetization; bears to

“(ii) the cost to the Federal Government to procure and ship the commodities to a recipient country for monetization.

“(2) **WAIVER AUTHORITY.**—The Administrator may waive the application of the limitation in paragraph (1) with regard to a commodity for a recipient country if the Administrator determines that it is necessary to achieve the purposes of this Act in the recipient country.

“(3) **REPORT.**—Not later than 90 days after a waiver is granted under paragraph (2), the Administrator shall prepare, publish in the Federal Register, and submit to the Committees on Foreign Affairs, Agriculture, and Appropriations of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and Agriculture, Nutrition, and Forestry of the Senate a report that—

“(A) contains the reasons for granting the waiver and the actual rate of return for the commodity; and

“(B) includes for the commodity the costs of bagging or further processing, ocean transportation, inland transportation in the recipient country, storage costs, and any other information that the Administrator determines to be necessary.”.

SEC. 3008. FLEXIBILITY.

Section 406 of the Food for Peace Act (7 U.S.C. 1736) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) **FLEXIBILITY.**—Notwithstanding any other provision of law and as necessary to achieve the purposes of this Act, funds available under this Act may be used to pay the costs of up to 20 percent of activities conducted in recipient countries by nonprofit voluntary organizations, cooperatives, or intergovernmental agencies or organizations.”.

SEC. 3009. PROCUREMENT, TRANSPORTATION, TESTING, AND STORAGE OF AGRICULTURAL COMMODITIES FOR PREPOSITIONING IN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended—

(1) in subparagraph (c)(4)(A)—

(A) by striking “2012” and inserting “2017”; and

(B) by striking “for each such fiscal year not more than \$10,000,000 of such funds” and inserting “for each of fiscal years 2001 through 2012 not more than \$10,000,000 of such funds and for each of fiscal years 2013 through 2017 not more than \$15,000,000 of such funds”; and

(2) by adding at the end the following:

“(g) **FUNDING FOR TESTING OF FOOD AID SHIPMENTS.**—Funds made available for agricultural products acquired under this Act and section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1) may be used to pay for the testing of those agricultural products.”.

SEC. 3010. DEADLINE FOR AGREEMENTS TO FINANCE SALES OR TO PROVIDE OTHER ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking “2012” and inserting “2017”.

SEC. 3011. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (e) and inserting the following:

“(e) **MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than 20 nor more than 30 percent for each of fiscal years 2013 through 2017 shall be expended for nonemergency food assistance programs under title II.

“(2) **MINIMUM LEVEL.**—The amount made available to carry out nonemergency food assistance programs under title II shall not be less than \$275,000,000 for any fiscal year.”.

SEC. 3012. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS REPORT.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking “(a) **IN GENERAL.**—To the maximum” and inserting “To the maximum”; and

(2) by striking subsection (b).

SEC. 3013. MICRONUTRIENT FORTIFICATION PROGRAMS.

(a) **ELIMINATION OF OBSOLETE REFERENCE TO STUDY.**—Section 415(a)(2)(B) of the Food for Peace Act (7 U.S.C. 1736g-2(a)(2)(B)) is amended by striking “, using recommendations” and all that follows through “quality enhancements”.

(b) **EXTENSION.**—Section 415(c) of the Food for Peace Act (7 U.S.C. 1736g-2(c)) is amended by striking “2012” and inserting “2017”.

SEC. 3014. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

Section 501 of the Food for Peace Act (7 U.S.C. 1737) is amended—

(1) in subsection (d)—

(A) by striking “0.5 percent” and inserting “0.6 percent”; and

(B) by striking “2012” and inserting “2017”; and

(2) in subsection (e)(1), by striking “2012” and inserting “2017”.

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

(a) IN GENERAL.—No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People’s Republic of Korea.

(b) NATIONAL INTEREST WAIVER.—The President may waive subsection (a) if the President determines and certifies to the Committees on Agriculture, Nutrition, and Forestry and Foreign Relations of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives that the waiver is in the national interest of the United States.

Subtitle B—Agricultural Trade Act of 1978

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAMS.

Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (b) and inserting the following:

“(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 2013 through 2017 credit guarantees under section 202(a) in an amount equal to not more than \$4,500,000,000 in credit guarantees.”.

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking “2012” and inserting “2017”.

SEC. 3103. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking “2012” and inserting “2017”.

Subtitle C—Other Agricultural Trade Laws

SEC. 3201. FOOD FOR PROGRESS ACT OF 1985.

(a) EXTENSION.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (f)(3), by striking “2012” and inserting “2017”; and

(2) in subsection (g), by striking “2012” and inserting “2017”;

(3) in subsection (k), by striking “2012” and inserting “2017”; and

(4) in subsection (l)(1), by striking “2012” and inserting “2017”.

(b) REPEAL OF COMPLETED PROJECT.—Subsection (f) of the Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking paragraph (6).

(c) FLEXIBILITY.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (l) by adding at the end the following:

“(5) FLEXIBILITY.—Notwithstanding any other provision of law and as necessary to achieve the purposes of this Act, funds available under this Act may be used to pay the costs of up to 20 percent of activities conducted in recipient countries by nonprofit voluntary organizations, cooperatives, or intergovernmental agencies or organizations.”.

(d) LIMITATION ON TOTAL VOLUME OF COMMODITIES MONETIZED.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by adding at the end the following:

“(p) LIMITATION ON MONETIZATION OF COMMODITIES.—

“(1) LIMITATION.—

“(A) IN GENERAL.—Unless the Secretary grants a waiver under paragraph (2), no eligible commodity may be made available under

this section unless the rate of return for the eligible commodity (as determined under subparagraph (B)) is at least 70 percent.

“(B) RATE OF RETURN.—For purposes of subparagraph (A), the rate of return shall be equal to the proportion that—

“(i) the proceeds the implementing partners generate through monetization; bears to

“(ii) the cost to the Federal Government to procure and ship the eligible commodities to a recipient country for monetization.

“(2) WAIVER AUTHORITY.—The Secretary may waive the application of the limitation in paragraph (1) with regard to an eligible commodity for a recipient country if the Secretary determines that it is necessary to achieve the purposes of this Act in the recipient country.

“(3) REPORT.—Not later than 90 days after a waiver is granted under paragraph (2), the Secretary shall prepare, publish in the Federal Register, and submit to the Committees on Foreign Affairs, Agriculture, and Appropriations of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and Agriculture, Nutrition, and Forestry of the Senate a report that—

“(A) contains the reasons for granting the waiver and the actual rate of return for the eligible commodity; and

“(B) includes for the commodity the costs of bagging or further processing, ocean transportation, inland transportation in the recipient country, storage costs, and any other information that the Secretary determines to be necessary.”.

SEC. 3202. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1) is amended—

(1) in subsection (b)(2)(B)(i), by striking “2012” both places it appears and inserting “2017”; and

(2) in subsection (h), by striking “2012” both places it appears and inserting “2017”.

SEC. 3203. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.

(a) DIRECT CREDITS OR EXPORT CREDIT GUARANTEES.—Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2017”.

(b) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—Section 1542(d)(1)(A)(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2017”.

SEC. 3204. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) REAUTHORIZATION.—Section 3107(1)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(1)(2)) is amended by striking “2012” and inserting “2017”.

(b) TECHNICAL CORRECTION.—Section 3107(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(d)) is amended by striking “to” in the matter preceding paragraph (1).

SEC. 3205. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) PURPOSE.—Section 3205(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(b)) is amended by striking “related barriers to trade” and inserting “technical barriers to trade”.

(b) FUNDING.—Section 3205(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(e)(2)) is amended—

(1) by inserting “and” at the end of subparagraph (C); and

(2) by striking subparagraphs (D) and (E) and inserting the following new subparagraph:

“(D) \$9,000,000 for each of fiscal years 2011 through 2017.”.

SEC. 3206. GLOBAL CROP DIVERSITY TRUST.

Section 3202(c) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 22 U.S.C. 2220a note) is amended by striking “2008 through 2012” and inserting “2013 through 2017”.

SEC. 3207. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

Section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) is amended—

(1) in subsection (b)—

(A) by striking “(b) STUDY; FIELD-BASED PROJECTS.—” and all that follows through “(2) FIELD-BASED PROJECTS.—” and inserting the following:

“(b) FIELD-BASED PROJECTS.—”;

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated), by striking “subparagraph (B)” and inserting “paragraph (2)”; and

(D) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(2) in subsection (c)(1), by striking “subsection (b)(2)” and inserting “subsection (b)”; and

(3) by striking subsections (d), (f), and (g);

(4) by redesignating subsection (e) as subsection (d);

(5) in subsection (d) (as so redesignated)—

(A) in paragraph (2)—

(i) by striking subparagraph (B); and

(ii) in subparagraph (A)—

(I) by striking “(A) APPLICATION.—” and all that follows through “To be eligible” in clause (i) and inserting the following:

“(A) IN GENERAL.—To be eligible”;

(II) by redesignating clause (ii) as subparagraph (B) and indenting appropriately; and

(III) in subparagraph (B) (as so redesignated), by striking “clause (i)” and inserting “subparagraph (A)”; and

(B) by striking paragraph (4); and

(6) by adding at the end the following:

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2013 through 2017.

“(2) PREFERENCE.—In carrying out this section, the Secretary may give a preference to eligible organizations that have, or are working toward, projects under the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1).

“(3) REPORTING.—Each year, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of funds under this section, including—

“(A) the impact of procurements and projects on—

“(i) local and regional agricultural producers; and

“(ii) markets and consumers, including low-income consumers; and

“(B) implementation time frames and costs.”.

SEC. 3208. DONALD PAYNE HORN OF AFRICA FOOD RESILIENCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Adminis-

trator” means the Administrator of the Agency for International Development.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives;

(C) the Committee on Foreign Relations of the Senate; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(3) ELIGIBLE ORGANIZATION.—The term “eligible organization” means an organization that is—

(A) a private voluntary organization or cooperative that is, to the extent practicable, registered with the Administrator; or

(B) an intergovernmental organization, such as the World Food Program.

(4) HORN OF AFRICA.—The term “Horn of Africa” means the countries of—

(A) Ethiopia;

(B) Somalia;

(C) Kenya;

(D) Djibouti;

(E) Eritrea;

(F) South Sudan;

(G) Uganda; and

(H) such other countries as the Administrator determines to be appropriate after providing notification to the appropriate committees of Congress.

(5) RESILIENCE.—The term “resilience” means—

(A) the capacity to mitigate the negative impacts of crises (including natural disasters, conflicts, and economic shocks) in order to reduce loss of life and depletion of productive assets;

(B) the capacity to respond effectively to crises, ensuring basic needs are met in a way that is integrated with long-term development efforts; and

(C) the capacity to recover and rebuild after crises so that future shocks can be absorbed with less need for ongoing external assistance.

(b) PURPOSE.—The purpose of this section is to establish a pilot program to effectively integrate all United States-funded emergency and long-term development activities that aim to improve food security in the Horn of Africa, building resilience so as—

(1) to reduce the impacts of future crises;

(2) to enhance local capacity for emergency response;

(3) to enhance sustainability of long-term development programs targeting poor and vulnerable households; and

(4) to reduce the need for repeated costly emergency operations.

(c) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall initiate a study of prior programs to support resilience in the Horn of Africa conducted by—

(A) other donor countries;

(B) private voluntary organizations;

(C) the World Food Program of the United Nations; and

(D) multilateral institutions, including the World Bank.

(2) REQUIREMENTS.—The study shall—

(A) include all programs implemented through the Agency for International Development, the Department of Agriculture, the Department of Treasury, the Millennium Challenge Corporation, the Peace Corps, and other relevant Federal agencies;

(B) evaluate how well the programs described in subparagraph (A) work together to complement each other and leverage impacts across programs;

(C) include recommendations for how full integration of efforts can be achieved; and

(D) evaluate the degree to which country-led development plans support programs that increase resilience, including review of the investments by each country in nutrition and safety nets.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study.

(d) FIELD-BASED PROJECT GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Administrator shall—

(A) provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that build resilience in the Horn of Africa in accordance with this section; and

(B) develop a project approval process to ensure full integration of efforts.

(2) REQUIREMENTS OF ELIGIBLE ORGANIZATIONS.—

(A) APPLICATION.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Administrator under this subsection, an eligible organization shall submit to the Administrator an application by such date, in such manner, and containing such information as the Administrator may require.

(B) COMPLETION REQUIREMENT.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Administrator under this subsection, an eligible organization shall agree—

(i) to collect, not later than September 30, 2016, data containing the information required under subsection (f)(2) relating to the field-based project funded through the grant or cooperative agreement; and

(ii) to provide to the Administrator the data collected under clause (i).

(3) REQUIREMENTS OF ADMINISTRATOR.—

(A) PROJECT DIVERSITY.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), in selecting proposals for field-based projects to fund under this section, the Administrator shall select a diversity of projects, including projects located in—

(I) areas most prone to repeated crises;

(II) areas with effective existing resilience programs that can be scaled; and

(III) areas in all countries of the Horn of Africa.

(ii) PRIORITY.—In selecting proposals for field-based projects under clause (i), the Administrator shall ensure that the selected proposals are for field-based projects that—

(I) effectively integrate emergency and long-term development programs to improve sustainability;

(II) demonstrate the potential to reduce the need for future emergency assistance; and

(III) build targeted productive safety nets, in coordination with host country governments, through food for work, cash for work, and other proven program methodologies.

(B) AVAILABILITY.—The Administrator shall not award a grant or cooperative agreement or approve a field-based project under this subsection until the date on which the Administrator promulgates regulations or issues guidelines under subsection (e).

(e) REGULATIONS; GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of completion of the study under subsection (c), the Administrator shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(2) REQUIREMENTS.—In promulgating regulations or issuing guidelines under paragraph (1), the Administrator shall—

(A) take into consideration the results of the study described in subsection (c); and

(B) provide an opportunity for public review and comment.

(f) REPORT.—

(1) IN GENERAL.—Not later than November 1, 2016, the Administrator shall submit to the appropriate committees of Congress a report that—

(A) addresses each factor described in paragraph (2); and

(B) is conducted in accordance with this section.

(2) REQUIRED FACTORS.—The report shall include baseline and end-of-project data that measures—

(A) the prevalence of moderate and severe hunger so as to provide an accurate accounting of project impact on household access to and consumption of food during every month of the year prior to data collection;

(B) household ownership of and access to productive assets, including at a minimum land, livestock, homes, equipment, and other materials assets needed for income generation;

(C) household incomes, including informal sources of employment; and

(D) the productive assets of women using the Women’s Empowerment in Agriculture Index.

(3) PUBLIC ACCESS TO RECORDS AND REPORTS.—Not later than 90 days after the date on which the report is submitted under paragraph (1), the Administrator shall provide public access to the report.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2013 through 2017.

SEC. 3209. AGRICULTURAL TRADE ENHANCEMENT STUDY.

(a) DEFINITION OF AGRICULTURE COMMITTEES AND SUBCOMMITTEES.—In this section, the term “agriculture committees and subcommittees” means—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(3) the subcommittees on agriculture, rural development, food and drug administration, and related agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(b) DEVELOPMENT.—The Secretary, in consultation with the agriculture committees and subcommittees, shall develop a study that takes into consideration a reorganization of international trade functions for imports and exports at the Department of Agriculture.

(c) IMPLEMENTATION.—In implementing the study under this section, the Secretary—

(1) in recognition of the importance of agricultural exports to the farm economy and the economy as a whole, may include a recommendation for the establishment of an Under Secretary for Trade and Foreign Agricultural Affairs;

(2) may take into consideration how the Under Secretary described in paragraph (1) would serve as a multiagency coordinator of sanitary and phytosanitary issues and non-tariff trade barriers in agriculture with respect to imports and exports of agricultural products; and

(3) shall take into consideration all implications of a reorganization described in subsection (b) on domestic programs and operations of the Department of Agriculture.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the agriculture committees and subcommittees a report describing the results of the study under this section.

TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

SEC. 4001. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

Section 4(b)(6)(F) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(6)(F)) is amended by striking “2012” and inserting “2017”.

SEC. 4002. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.

(a) STANDARD UTILITY ALLOWANCES IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section 5(e)(6)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)(C)) is amended—

(1) in clause (i), by inserting “, subject to clause (iv)” after “Secretary”; and

(2) in clause (iv)(I), by striking “the household still incurs” and all that follows through the end of the subclause and inserting “the payment received by, or made on behalf of, the household exceeds \$10 or a higher amount annually, as determined by the Secretary.”.

(b) CONFORMING AMENDMENT.—Section 2605(f)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is amended by inserting before the semicolon at the end “, except that, for purposes of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such payments or allowances exceed \$10 or a higher amount annually, as determined by the Secretary of Agriculture in accordance with section 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C. 2014(e)(6)(C)(iv)(I)).”.

(c) EFFECTIVE AND IMPLEMENTATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect beginning on October 1, 2013, for all certification periods beginning after that date.

(2) STATE OPTION TO DELAY IMPLEMENTATION FOR CURRENT RECIPIENTS.—A State may, at the option of the State, implement a policy that eliminates or minimizes the effect of the amendments made by this section for households that receive a standard utility allowance as of the date of enactment of this Act for not more than a 180-day period beginning on the date on which the amendments made by this section would otherwise affect the benefits received by a household.

SEC. 4003. ELIGIBILITY DISQUALIFICATIONS.

Section 6(e)(3)(B) of Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking “section” and inserting the following: “section, subject to the condition that the course or program of study—

“(i) is part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

“(ii) is limited to remedial courses, basic adult education, literacy, or English as a second language;”.

SEC. 4004. ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR LOTTERY OR GAMBLING WINNERS.

(a) IN GENERAL.—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(r) INELIGIBILITY FOR BENEFITS DUE TO RECEIPT OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.—

“(1) IN GENERAL.—Any household in which a member receives substantial lottery or gambling winnings, as determined by the Secretary, shall lose eligibility for benefits immediately upon receipt of the winnings.

“(2) DURATION OF INELIGIBILITY.—A household described in paragraph (1) shall remain ineligible for participation until the household meets the allowable financial resources and income eligibility requirements under subsections (c), (d), (e), (f), (g), (i), (k), (l), (m), and (n) of section 5.

“(3) AGREEMENTS.—As determined by the Secretary, each State agency, to the maximum extent practicable, shall establish agreements with entities responsible for the regulation or sponsorship of gaming in the State to determine whether individuals participating in the supplemental nutrition assistance program have received substantial lottery or gambling winnings.”.

(b) CONFORMING AMENDMENTS.—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking “sections 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b), (d)(2), (g), and (r) of section 6”.

SEC. 4005. RETAIL FOOD STORES.

(a) DEFINITION OF RETAIL FOOD STORE.—Subsection (o)(1)(A) of section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) (as redesignated by section 4016(a)(4)) is amended by striking “at least 2” and inserting “at least 3”.

(b) ALTERNATIVE BENEFIT DELIVERY.—Section 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(f)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) IMPOSITION OF COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require participating retail food stores (including restaurants participating in a State option restaurant program intended to serve the elderly, disabled, and homeless) to pay 100 percent of the costs of acquiring, and arrange for the implementation of, electronic benefit transfer point-of-sale equipment and supplies, including related services.

“(B) EXEMPTIONS.—The Secretary may exempt from subparagraph (A)—

“(i) farmers’ markets, military commissaries, nonprofit food buying cooperatives, and establishments, organizations, programs, or group living arrangements described in paragraphs (5), (7), and (8) of section 3(k); and

“(ii) establishments described in paragraphs (3), (4), and (9) of section 3(k), other than restaurants participating in a State option restaurant program.”; and

(2) by adding at the end the following:

“(4) TERMINATION OF MANUAL VOUCHERS.—

“(A) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, except as provided in subparagraph (B), no State shall issue manual vouchers to a household that receives supplemental nutrition assistance under this Act or allow retail food stores to accept manual vouchers as payment, unless the Secretary determines that the manual vouchers are necessary, such as in the event of an electronic benefit

transfer system failure or a disaster situation.

“(B) EXEMPTIONS.—The Secretary may exempt categories of retail food stores or individual retail food stores from subparagraph (A) based on criteria established by the Secretary.

“(5) UNIQUE IDENTIFICATION NUMBER REQUIRED.—The Secretary shall require all parties providing electronic benefit transfer services to provide for and maintain unique terminal identification number information through the supplemental nutrition assistance program electronic benefit transfer transaction routing system.”.

(c) ELECTRONIC BENEFIT TRANSFERS.—Section 7(h)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(3)(B)) is amended by striking “is operational—” and all that follows through “(ii) in the case of other participating stores,” and inserting “is operational”.

(d) APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(1) in subsection (a)—

(A) in the second sentence of paragraph (a)(1), by striking “; and (C)” and inserting “; (C) whether the applicant is located in an area with significantly limited access to food; and (D)”;

(2) by adding at the end the following:

“(4) RETAIL FOOD STORES WITH SIGNIFICANT SALES OF EXCEPTED ITEMS.—

“(A) IN GENERAL.—No retail food store for which at least 45 percent of the total sales of the retail food store is from the sale of excepted items described in section 3(k)(1) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the retail food store is required for the effective and efficient operation of the supplemental nutrition assistance program.

“(B) APPLICATION.—Subparagraph (A) shall be effective—

“(i) in the case of retail food stores applying to be authorized for the first time, beginning on the date that is 1 year after the date of enactment of this paragraph; and

“(ii) in the case of retail food stores participating in the program on the date of enactment of this paragraph, during periodic reauthorization in accordance with paragraph (2)(A).”;

(3) by adding at the end the following:

“(g) EBT SERVICE REQUIREMENT.—An approved retail food store shall provide adequate EBT service as described in section 7(h)(3)(B).”.

SEC. 4006. IMPROVING SECURITY OF FOOD ASSISTANCE.

Section 7(h)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(8)) is amended—

(1) by striking the paragraph heading and inserting “REPLACEMENT OF CARDS.”;

(2) by striking “A State” and inserting the following:

“(A) FEES.—A State”; and

(3) by adding after subparagraph (A) (as so designated by paragraph (2)) the following:

“(B) PURPOSEFUL LOSS OF CARDS.—

“(i) IN GENERAL.—Subject to terms and conditions established by the Secretary in accordance with clause (ii), if a household makes excessive requests for replacement of the electronic benefit transfer card of the household, the Secretary may require a State agency to decline to issue a replacement card to the household unless the household, upon request of the State agency, provides an explanation for the loss of the card.

“(ii) REQUIREMENTS.—The terms and conditions established by the Secretary shall provide that—

“(I) the household be given the opportunity to provide the requested explanation and meet the requirements under this paragraph promptly;

“(II) after an excessive number of lost cards, the head of the household shall be required to review program rights and responsibilities with State agency personnel authorized to make determinations under section 5(a); and

“(III) any action taken, including actions required under section 6(b)(2), other than the withholding of the electronic benefit transfer card until an explanation described in subclause (I) is provided, shall be consistent with the due process protections under section 6(b) or 11(e)(10), as appropriate.

“(C) PROTECTING VULNERABLE PERSONS.—In implementing this paragraph, a State agency shall act to protect homeless persons, persons with disabilities, victims of crimes, and other vulnerable persons who lose electronic benefit transfer cards but are not intentionally committing fraud.

“(D) EFFECT ON ELIGIBILITY.—While a State may decline to issue an electronic benefits transfer card until a household satisfies the requirements under this paragraph, nothing in this paragraph shall be considered a denial of, or limitation on, the eligibility for benefits under section 5.”

SEC. 4007. TECHNOLOGY MODERNIZATION FOR RETAIL FOOD STORES.

(a) MOBILE TECHNOLOGIES.—Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as amended by section 4016(e)) is amended by adding at the end the following:

“(14) MOBILE TECHNOLOGIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall approve retail food stores to redeem benefits through electronic means other than wired point of sale devices for electronic benefit transfer transactions, if the retail food stores—

“(i) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(ii) bear the costs of obtaining, installing, and maintaining mobile technologies, including mechanisms needed to process EBT cards and transaction fees;

“(iii) demonstrate the foods purchased with benefits issued under this section through mobile technologies are purchased at a price not higher than the price of the same food purchased by other methods used by the retail food store, as determined by the Secretary;

“(iv) provide adequate documentation for each authorized transaction, as determined by the Secretary; and

“(v) meet other criteria as established by the Secretary.

“(B) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS OF MOBILE TRANSACTIONS.—

“(i) IN GENERAL.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

“(ii) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under clause (i), a retail food store shall submit to the Secretary for approval a plan that includes—

“(I) a description of the technology;

“(II) the manner by which the retail food store will provide proof of the transaction to households;

“(III) the provision of data to the Secretary, consistent with requirements established by the Secretary, in a manner that allows the Secretary to evaluate the impact of the demonstration on participant access, ease of use, and program integrity; and

“(IV) such other criteria as the Secretary may require.

“(iii) DATE OF COMPLETION.—The demonstration projects under this subparagraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

“(C) REPORT TO CONGRESS.—The Secretary shall—

“(i) by not later than January 1, 2016, authorize implementation of subparagraph (A) in all States, unless the Secretary makes a finding, based on the data provided under subparagraph (B), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

“(ii) if the determination made in clause (i) is not to implement subparagraph (A) in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”

(b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

(1) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended by adding at the end the following:

“(k) OPTION TO ACCEPT PROGRAM BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall approve retail food stores to accept benefits from recipients of supplemental nutrition assistance through on-line transactions.

“(2) REQUIREMENTS TO ACCEPT BENEFITS.—A retail food store seeking to accept benefits from recipients of supplemental nutrition assistance through on-line transactions shall—

“(A) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(B) ensure benefits are not used to pay delivery, ordering, convenience, or other fees or charges;

“(C) clearly notify participating households at the time a food order is placed—

“(i) of any delivery, ordering, convenience, or other fee or charge associated with the food purchase; and

“(ii) that any such fee cannot be paid with benefits provided under this Act;

“(D) ensure the security of on-line transactions by using the most effective technology available that the Secretary considers appropriate and cost-effective and that is comparable to the security of transactions at retail food stores; and

“(E) meet other criteria as established by the Secretary.

“(3) STATE AGENCY ACTION.—Each State agency shall ensure that recipients of supplemental nutrition assistance can use benefits on-line as described in this subsection as appropriate.

“(4) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(A) IN GENERAL.—Before the Secretary authorizes implementation of paragraph (1) in all States, the Secretary shall carry out a number of demonstration projects as determined by the Secretary to test the feasi-

bility of allowing retail food stores to accept benefits through on-line transactions.

“(B) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under subparagraph (A), a retail food store shall submit to the Secretary for approval a plan that includes—

“(i) a method of ensuring that benefits may be used to purchase only eligible items under this Act;

“(ii) a description of the method of educating participant households about the availability and operation of on-line purchasing;

“(iii) adequate testing of the on-line purchasing option prior to implementation;

“(iv) the provision of data as requested by the Secretary for purposes of analyzing the impact of the project on participant access, ease of use, and program integrity;

“(v) reports on progress, challenges, and results, as determined by the Secretary; and

“(vi) such other criteria, including security criteria, as established by the Secretary.

“(C) DATE OF COMPLETION.—The demonstration projects under this paragraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2015.

“(5) REPORT TO CONGRESS.—The Secretary shall—

“(A) by not later than January 1, 2016, authorize implementation of paragraph (1) in all States, unless the Secretary makes a finding, based on the data provided under paragraph (4), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

“(B) if the determination made in subparagraph (A) is not to implement in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”

(2) CONFORMING AMENDMENTS.—

(A) Section 7(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(b)) is amended by striking “purchase food in retail food stores” and inserting “purchase food from retail food stores”.

(B) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended in the first sentence by inserting “retail food stores authorized to accept and redeem benefits through on-line transactions shall be authorized to accept benefits prior to the delivery of food if the delivery occurs within a reasonable time of the purchase, as determined by the Secretary,” after “food so purchased.”

(C) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section alter any requirements of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless specifically authorized in this section or an amendment made by this section.

SEC. 4008. USE OF BENEFITS FOR PURCHASE OF COMMUNITY-SUPPORTED AGRICULTURE SHARE.

Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) (as amended by section 4007(b)(2)(B)) is amended in the first sentence by inserting “agricultural producers who market agricultural products directly to consumers shall be authorized to redeem benefits for the initial cost of the purchase of a community-supported agriculture share for an appropriate time in advance of food delivery as determined by the Secretary,” after “as determined by the Secretary.”

SEC. 4009. RESTAURANT MEALS PROGRAM.

(a) IN GENERAL.—Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (22), by striking “and” at the end;

(2) in paragraph (23), by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by adding at the end the following:

“(24) if the State elects to carry out a program to contract with private establishments to offer meals at concessional prices, as described in paragraphs 3, 4, and 9 of section 3(k)—

“(A) the plans of the State agency for operating the program, including—

“(i) documentation of a need that eligible homeless, elderly, and disabled clients are underserved in a particular geographic area;

“(ii) the manner by which the State agency will limit participation to only those private establishments that the State determines necessary to meet the need identified in clause (i); and

“(iii) any other conditions the Secretary may prescribe, such as the level of security necessary to ensure that only eligible recipients participate in the program; and

“(B) a report by the State agency to the Secretary annually, the schedule of which shall be established by the Secretary, that includes—

“(i) the number of households and individual recipients authorized to participate in the program, including any information on whether the individual recipient is elderly, disabled, or homeless; and

“(ii) an assessment of whether the program is meeting an established need, as documented under subparagraph (A)(i).”

(b) **APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended by section 4005(d)(3)) is amended by adding at the end the following:

“(h) **PRIVATE ESTABLISHMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), no private establishment that contracts with a State agency to offer meals at concessional prices as described in paragraphs 3, 4, and 9 of section 3(k) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the private establishment is required to meet a documented need in accordance with section 11(e)(24).

“(2) **EXISTING CONTRACTS.**—

“(A) **IN GENERAL.**—If, on the day before the date of enactment of this subsection, a State has entered into a contract with a private establishment described in paragraph (1) and the Secretary has not determined that the participation of the private establishment is necessary to meet a documented need in accordance with section 11(e)(24), the Secretary shall allow the operation of the private establishment to continue without that determination of need for a period not to exceed 180 days from the date on which the Secretary establishes determination criteria, by regulation, under section 11(e)(24).

“(B) **JUSTIFICATION.**—If the Secretary makes a determination to terminate a contract with a private establishment that is in effect on the date of enactment of this subsection, the Secretary shall provide justification to the State in which the private establishment is located for that termination.

“(3) **REPORT TO CONGRESS.**—Not later than 90 days after September 30, 2013, and 90 days after the last day of each fiscal year thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of a program under

this subsection using any information received from States under section 11(e)(24) as well as any other information the Secretary may have relating to the manner in which benefits are used.”

(c) **CONFORMING AMENDMENTS.**—Section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amended by inserting “subject to section 9(h)” after “concessional prices” each place it appears.

SEC. 4010. QUALITY CONTROL ERROR RATE DETERMINATION.

Section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) is amended by adding at the end the following:

“(10) **TOLERANCE LEVEL.**—For the purposes of this subsection, the Secretary shall set the tolerance level for excluding small errors at \$25.”

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

“(5) **USE OF PERFORMANCE BONUS PAYMENTS.**—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

“(A) technology;

“(B) improvements in administration and distribution; and

“(C) actions to prevent fraud, waste, and abuse.”

SEC. 4012. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking “2012” and inserting “2017”.

SEC. 4013. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) in subsection (a)(1)(B)(ii)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(2) in subsection (b), by adding at the end the following:

“(3) **FUNDING.**—

“(A) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$5,000,000 for fiscal year 2013 and each fiscal year thereafter.

“(B) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

“(C) **MAINTENANCE OF FUNDING.**—The funding provided under subparagraph (A) shall supplement (and not supplant) other Federal funding made available to the Secretary to carry out this section.”

SEC. 4014. EMERGENCY FOOD ASSISTANCE.

(a) **PURCHASE OF COMMODITIES.**—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking “2008 through 2012” and inserting “2012 through 2017”; and

(2) by striking paragraph (2) and inserting the following:

“(2) **AMOUNTS.**—The Secretary shall use to carry out paragraph (1)—

“(A) for fiscal year 2012, \$260,250,000; and

“(B) for each subsequent fiscal year, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been ad-

justed under section 3(u)(4) between June 30, 2012, and June 30 of the immediately preceding fiscal year, and subsequently increased by—

“(i) for fiscal year 2013, \$28,000,000;

“(ii) for fiscal year 2014, \$44,000,000;

“(iii) for fiscal year 2015, \$24,000,000;

“(iv) for fiscal year 2016, \$18,000,000; and

“(v) for fiscal year 2017 and each fiscal year thereafter, \$10,000,000.”; and

(3) by adding at the end the following:

“(3) **FUNDS AVAILABILITY.**—For purposes of the funds described in this subsection, the Secretary shall—

“(A) make the funds available for 2 fiscal years; and

“(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary.”

(b) **EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.**—Section 209(d) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7511a(d)) is amended by striking “2012” and inserting “2017”.

SEC. 4015. NUTRITION EDUCATION.

Section 28(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(b)) is amended by inserting “and physical activity” after “healthy food choices”.

SEC. 4016. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

“**SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.**

“(a) **PURPOSE.**—The purpose of this section is to provide the Department of Agriculture with additional resources to prevent trafficking in violation of this Act by strengthening recipient and retail food store program integrity.

“(b) **USE OF FUNDS.**—Additional funds are provided under this section to supplement the retail food store and recipient integrity activities of the Department.

“(c) **FUNDING.**—

“(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than \$18,500,000 for fiscal year 2013 and each fiscal year thereafter.

“(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

“(3) **MAINTENANCE OF FUNDING.**—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding for programs carried out under this Act.”

SEC. 4017. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(1) in subsection (g), by striking “coupon,” and inserting “coupon”; and

(2) in subsection (k)(7), by striking “or are” and inserting “and”; and

(3) by striking subsection (l);

(4) by redesignating subsections (m) through (t) as subsections (l) through (s), respectively; and

(5) by inserting after subsection (s) (as so redesignated) the following:

“(t) ‘Supplemental nutrition assistance program’ means the program operated pursuant to this Act.”

(b) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the last sentence by striking “benefits” and inserting “Benefits”.

(c) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the last sentence of subsection (i)(2)(D), by striking “section 13(b)(2)” and inserting “section 13(b)”;

(2) in subsection (k)(4)(A), by striking “paragraph (2)(H)” and inserting “paragraph (2)(G)”.

(d) Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended in subparagraphs (B)(vii) and (F)(iii) by indenting both clauses appropriately.

(e) Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by redesignating the second paragraph (12) (relating to interchange fees) as paragraph (13).

(f) Section 9(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(a)) is amended by indenting paragraph (3) appropriately.

(g) Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3)(C), by striking “civil money penalties” and inserting “civil penalties”; and

(2) in subsection (g)(1), by striking “(7 U.S.C. 1786)” and inserting “(42 U.S.C. 1786)”.

(h) Section 15(b)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2024(b)(1)) is amended in the first sentence by striking “an benefit” and inserting “a benefit”.

(i) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the proviso following paragraph (8) by striking “as amended.”.

(j) Section 18(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(e)) is amended in the first sentence by striking “sections 7(f)” and inserting “section 7(f)”.

(k) Section 22(b)(10)(B)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(10)(B)(i)) is amended in the last sentence by striking “Food benefits” and inserting “Benefits”.

(l) Section 26(f)(3)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)(C)) is amended by striking “subsection” and inserting “subsections”.

(m) Section 27(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(1)) is amended by striking “(Public Law 98-8; 7 U.S.C. 612c note)” and inserting “(7 U.S.C. 7515)”.

(n) Section 509 of the Older Americans Act of 1965 (42 U.S.C. 3056g) is amended in the section heading by striking “FOOD STAMP PROGRAMS” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS”.

(o) Section 4115(c)(2)(H) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1871) is amended by striking “531” and inserting “454”.

Subtitle B—Commodity Distribution Programs

SEC. 4101. COMMODITY DISTRIBUTION PROGRAM.

Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended in the first sentence by striking “2012” and inserting “2017”.

SEC. 4102. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended—

(1) in paragraphs (1) and (2)(B) of subsection (a), by striking “2012” each place it appears and inserting “2017”;

(2) in the first sentence of subsection (d)(2), by striking “2012” and inserting “2017”;

(3) by striking subsection (g) and inserting the following:

“(g) ELIGIBILITY.—Except as provided in subsection (m), the States shall only provide assistance under the commodity supple-

mental food program to low-income persons aged 60 and older.”; and

(4) by adding at the end the following:

“(m) PHASE-OUT.—Notwithstanding any other provision of law, an individual who receives assistance under the commodity supplemental food program on the day before the date of enactment of this subsection shall continue to receive that assistance until the date on which the individual is no longer eligible for assistance under the eligibility requirements for the program in effect on the day before the date of enactment of this subsection.”.

SEC. 4103. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking “2012” and inserting “2017”.

SEC. 4104. TECHNICAL AND CONFORMING AMENDMENTS.

Section 3 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));”; and

(B) in paragraph (3)(D), by striking “the Committee on Education and Labor” and inserting “the Committee on Education and the Workforce”;

(2) in subsection (b)(1)(A)(ii), by striking “section 32 of the Agricultural Adjustment Act (7 U.S.C. 601 et seq.)” and inserting “section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)”;

(3) in subsection (e)(1)(D)(iii), by striking subclause (II) and inserting the following:

“(II) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));”; and

(4) in subsection (k), by striking “the Committee on Education and Labor” and inserting “the Committee on Education and the Workforce”.

Subtitle C—Miscellaneous

SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4(b)) is amended by striking “2012” and inserting “2017”.

SEC. 4202. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

Section 4402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(a)) is amended by striking “2012” and inserting “2017”.

SEC. 4203. NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.

Section 4403 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107-171) is repealed.

SEC. 4204. WHOLE GRAIN PRODUCTS.

Section 4305 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1755a) is amended—

(1) in subsection (a), by striking “2005” and inserting “2010”;

(2) in subsection (d), by striking “2011” and inserting “2015”;

(3) in subsection (e), by striking “Labor of the House of Representative” and inserting “the Workforce of the House of Representatives”; and

(4) by adding at the end the following:

“(f) FUNDING.—

“(1) IN GENERAL.—On October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$10,000,000 for the period of fiscal years 2014 through 2015.

“(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

“(3) MAINTENANCE OF FUNDING.—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding (including funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)) for programs carried out under—

“(A) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act (42 U.S.C. 1769a);

“(B) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

“(C) section 27 of the Food and Nutrition Act of 2008 (7 U.S.C. 2036).”.

SEC. 4205. HUNGER-FREE COMMUNITIES.

Section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) ELIGIBLE ENTITY.—

“(A) COLLABORATIVE GRANTS.—In subsection (b), the term ‘eligible entity’ means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated or will collaborate with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

“(B) INCENTIVE GRANTS.—In subsection (c), the term ‘eligible entity’ means a nonprofit organization (including an emergency feeding organization), an agricultural cooperative, producer network or association, community health organization, public benefit corporation, economic development corporation, farmers’ market, community-supported agriculture program, buying club, supplemental nutrition assistance program retail food store, a State, local, or tribal agency, and any other entity the Secretary designates.”;

(B) by adding at the end the following:

“(4) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(5) UNDERSERVED COMMUNITY.—The term ‘underserved community’ has the meaning given the term in section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).”;

(2) in subsection (b)(1)(A), by striking “not more than 50 percent of any funds made available under subsection (e)” and inserting “funds made available under subsection (d)(1)”;

(3) by striking subsections (c), (d), and (e) and inserting the following:

“(c) HUNGER-FREE COMMUNITIES INCENTIVE GRANTS.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—In each of the years specified in subsection (d), the Secretary shall make grants to eligible entities in accordance with paragraph (2).

“(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 50 percent of the total cost of the activity.

“(C) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—The non-Federal share of the cost of an activity under this subsection may be provided—

“(I) in cash or in-kind contributions as determined by the Secretary, including facilities, equipment, or services; and

“(II) by a State or local government or a private source.

“(ii) LIMITATION.—In the case of a for-profit entity, the non-Federal share described in clause (i) shall not include services of an employee, including salaries paid or expenses covered by the employer.

“(2) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, an eligible entity is a governmental agency or nonprofit organization that—

“(i) meets the application criteria set forth by the Secretary; and

“(ii) proposes a project that, at a minimum—

“(I) has the support of the State agency;

“(II) would increase the purchase of fruits and vegetables by low-income consumers participating in the supplemental nutrition assistance program by providing incentives at the point of purchase;

“(III) agrees to participate in the evaluation described in paragraph (4);

“(IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under this Act and incentives provided for in this subsection as apply to purchases made by individuals who are not members of households receiving benefits, such as provided for in section 278.2(b) of title 7, Code of Federal Regulations (or a successor regulation); and

“(V) includes effective and efficient technologies for benefit redemption systems that may be replicated in other for States and communities.

“(B) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that—

“(i) maximize the share of funds used for direct incentives to participants;

“(ii) use direct-to-consumer sales marketing;

“(iii) demonstrate a track record of designing and implementing successful nutrition incentive programs that connect low-income consumers and agricultural producers;

“(iv) provide locally or regionally produced fruits and vegetables;

“(v) are located in underserved communities; or

“(vi) address other criteria as established by the Secretary.

“(3) APPLICABILITY.—

“(A) IN GENERAL.—The value of any benefit provided to a participant in any activity funded under this subsection shall not be considered income or resources for any purpose under any Federal, State, or local law.

“(B) PROHIBITION ON COLLECTION OF SALES TAXES.—Each State shall ensure that no State or local tax is collected on a purchase of food under this subsection.

“(C) NO LIMITATION ON BENEFITS.—A grant made available under this subsection shall not be used to carry out any project that limits the use of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any other Federal nutrition law.

“(D) HOUSEHOLD ALLOTMENT.—Assistance provided under this subsection to households receiving benefits under the supplemental nutrition assistance program shall not—

“(i) be considered part of the supplemental nutrition assistance program benefits of the household; or

“(ii) be used in the collection or disposition of claims under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

“(4) EVALUATION.—

“(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of each project on—

“(i) improving the nutrition and health status of participating households receiving incentives under this subsection; and

“(ii) increasing fruit and vegetable purchases in participating households.

“(B) REQUIREMENT.—The independent evaluation under subparagraph (A) shall use rigorous methodologies capable of producing scientifically valid information regarding the effectiveness of a project.

“(C) COSTS.—The Secretary may use funds not to exceed 10 percent of the funding provided to carry out this section to pay costs associated with administering, monitoring, and evaluating each project.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsection (c)—

“(A) \$15,000,000 for fiscal year 2013;

“(B) \$20,000,000 for each of fiscal years 2014 through 2016; and

“(C) \$25,000,000 for fiscal year 2017.”.

SEC. 4206. HEALTHY FOOD FINANCING INITIATIVE.

(a) IN GENERAL.—Subtitle D of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6951 et seq.) is amended by adding at the end the following:

“SEC. 242. HEALTHY FOOD FINANCING INITIATIVE.

“(a) PURPOSE.—The purpose of this section is to enhance the authorities of the Secretary to support efforts to provide access to healthy food by establishing an initiative to improve access to healthy foods in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities by providing loans and grants to eligible fresh, healthy food retailers to overcome the higher costs and initial barriers to entry in underserved areas.

“(b) DEFINITIONS.—In this section:

“(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘community development financial institution’ has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

“(2) INITIATIVE.—The term ‘Initiative’ means the Healthy Food Financing Initiative established under subsection (c)(1).

“(3) NATIONAL FUND MANAGER.—The term ‘national fund manager’ means a community development financial institution that is—

“(A) in existence on the date of enactment of this section; and

“(B) certified by the Community Development Financial Institution Fund of the Department of Treasury to manage the Initiative for purposes of—

“(i) raising private capital;

“(ii) providing financial and technical assistance to partnerships; and

“(iii) funding eligible projects to attract fresh, healthy food retailers to underserved areas, in accordance with this section.

“(4) PARTNERSHIP.—The term ‘partnership’ means a regional, State, or local public-private partnership that—

“(A) is organized to improve access to fresh, healthy foods;

“(B) provides financial and technical assistance to eligible projects; and

“(C) meets such other criteria as the Secretary may establish.

“(5) PERISHABLE FOOD.—The term ‘perishable food’ means a staple food that is fresh, refrigerated, or frozen.

“(6) QUALITY JOB.—The term ‘quality job’ means a job that provides wages and other benefits comparable to, or better than, similar positions in existing businesses of similar size in similar local economies.

“(7) STAPLE FOOD.—

“(A) IN GENERAL.—The term ‘staple food’ means food that is a basic dietary item.

“(B) INCLUSIONS.—The term ‘staple food’ includes—

“(i) bread;

“(ii) flour;

“(iii) fruits;

“(iv) vegetables; and

“(v) meat.

“(c) INITIATIVE.—

“(1) ESTABLISHMENT.—The Secretary shall establish an initiative to achieve the purpose described in subsection (a) in accordance with this subsection.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—

“(i) IN GENERAL.—In carrying out the Initiative, the Secretary shall provide funding to entities with eligible projects, as described in subparagraph (B), subject to the priorities described in subparagraph (C).

“(ii) USE OF FUNDS.—Funds provided to an entity pursuant to clause (i) shall be used—

“(I) to create revolving loan pools of capital or other products to provide loans to finance eligible projects or partnerships;

“(II) to provide grants for eligible projects or partnerships;

“(III) to provide technical assistance to funded projects and entities seeking Initiative funding; and

“(IV) to cover administrative expenses of the national fund manager in an amount not to exceed 10 percent of the Federal funds provided.

“(B) ELIGIBLE PROJECTS.—Subject to the approval of the Secretary, the national fund manager shall establish eligibility criteria for projects under the Initiative, which shall include the existence or planned execution of agreements—

“(i) to expand or preserve the availability of staple foods in underserved areas with moderate- and low-income populations by maintaining or increasing the number of retail outlets that offer an assortment of perishable food and staple food items, as determined by the Secretary, in those areas; and

“(ii) to accept benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(C) PRIORITIES.—In carrying out the Initiative, priority shall be given to projects that—

“(i) are located in severely distressed low-income communities, as defined by the Community Development Financial Institutions Fund of the Department of Treasury; and

“(ii) include 1 or more of the following characteristics:

“(I) The project will create or retain quality jobs for low-income residents in the community.

“(II) The project supports regional food systems and locally grown foods, to the maximum extent practicable.

“(III) In areas served by public transit, the project is accessible by public transit.

“(IV) The project involves women- or minority-owned businesses.

“(V) The project receives funding from other sources, including other Federal agencies.

“(VI) The project otherwise advances the purpose of this section, as determined by the Secretary.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$125,000,000, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 1609(d)) is amended—

(1) in paragraph (7), by striking “or” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(9) the authority of the Secretary to establish and carry out the Health Food Financing Initiative under section 242.”.

SEC. 4207. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

“(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.”.

SEC. 4209. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(3) in paragraph (1) (as so redesignated)—

(A) in subparagraph (B)—

(i) by striking “paragraph (1) of the policy described in that paragraph and paragraph (3)” and inserting “subparagraph (A) of the policy described in that subparagraph and subparagraph (C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) not later than 1 year after the date of enactment of this subparagraph, in accordance with paragraphs (2) and (3), conduct not fewer than 5 demonstration projects through school food authorities receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to facilitate the purchase of unprocessed and minimally processed locally grown and locally raised agricultural products.”; and

(4) by adding at the end the following:

“(2) SELECTION.—In conducting demonstration projects under paragraph (1)(D), the Secretary shall ensure that at least 1 project is located in a State in each of—

“(A) the Pacific Northwest Region;

“(B) the Northeast Region;

“(C) the Western Region;

“(D) the Midwest Region; and

“(E) the Southern Region.

“(3) PRIORITY.—In selecting States for participation in the demonstration projects under paragraph (2), the Secretary shall prioritize applications based on—

“(A) the quantity and variety of growers of local fruits and vegetables in the State;

“(B) the demonstrated commitment of the State to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to-school programs in the State; and

“(C) whether the State contains a sufficient quantity of school districts of varying population sizes and geographical locations.”.

TITLE V—CREDIT

Subtitle A—Farmer Loans, Servicing, and Other Assistance Under the Consolidated Farm and Rural Development Act

SEC. 5001. FARMER LOANS, SERVICING, AND OTHER ASSISTANCE UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

The Consolidated Farm and Rural Development Act (as amended by section 6001) is

amended by inserting after section 3002 the following:

“Subtitle A—Farmer Loans, Servicing, and Other Assistance

“CHAPTER 1—FARM OWNERSHIP LOANS

“SEC. 3101. FARM OWNERSHIP LOANS.

“(a) IN GENERAL.—The Secretary may make or guarantee a farm ownership loan under this chapter to an eligible farmer.

“(b) ELIGIBILITY.—A farmer shall be eligible under subsection (a) only—

“(1) if the farmer, or, in the case of an entity, 1 or more individuals holding a majority interest in the farmer—

“(A) is a citizen of the United States; and

“(B) in the case of a direct loan, has training or farming experience that the Secretary determines is sufficient to ensure a reasonable prospect of success in the farming operation proposed by the farmer;

“(2)(A) in the case of a farmer that is an individual, if the farmer is or proposes to become an owner and operator of a farm that is not larger than a family farm; or

“(B) in the case of a lessee-operator of a farm located in the State of Hawaii, if the Secretary determines that—

“(i) the farm is not larger than a family farm;

“(ii) the farm cannot be acquired in fee simple by the lessee-operator;

“(iii) adequate security is provided for the loan with respect to the farm for which the lessee-operator applies under this chapter; and

“(iv) there is a reasonable probability of accomplishing the objectives and repayment of the loan;

“(3) in the case of a farmer that is a cooperative, corporation, partnership, trust, limited liability company, joint operation, or such other legal entity as the Secretary determines to be appropriate, with respect to the entity and each farm in which the entity has an ownership or operator interest—

“(A) if—

“(i) a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become owners or operators of a farm that is not larger than a family farm; and

“(iii) at least 1 of the individuals is or proposes to become an operator of the farm; or

“(B) if—

“(i) the entire interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become farm operators; and

“(iii) the ownership interest of each individual separately constitutes not larger than a family farm, even if the ownership interests of the individuals collectively constitute larger than a family farm;

“(4) in the case of an entity that is, or will become within a reasonable period of time, as determined by the Secretary, only the operator of a family farm, if the 1 or more individuals who are the owners of the family farm own—

“(A) a percentage of the family farm that exceeds 50 percent; or

“(B) such other percentage as the Secretary determines to be appropriate;

“(5) in the case of an operator described in paragraph (3) that is owned, in whole or in part, by 1 or more other entities, if each of the individuals that have a direct or indirect ownership interest in such other entities also have a direct ownership interest in the entity applying as an individual; and

“(6) if the farmer and each individual that holds a majority interest in the farmer is unable to obtain credit elsewhere.

“(c) DIRECT LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make a direct loan under this chapter only to a farmer who has participated in business operations of a farm for not less than 3 years (or has other acceptable experience for a period of time determined by the Secretary) and—

“(A) is a qualified beginning farmer;

“(B) has not received a previous direct farm ownership loan made under this chapter; or

“(C) has not received a direct farm ownership loan under this chapter more than 10 years before the date on which the new loan would be made.

“(2) YOUTH LOANS.—The operation of an enterprise by a youth under section 3201(d) shall not be considered the operation of a farm for purposes of paragraph (1).

“SEC. 3102. PURPOSES OF LOANS.

“(a) ALLOWED PURPOSES.—

“(1) DIRECT LOANS.—A farmer may use a direct loan made under this chapter only—

“(A) to acquire or enlarge a farm;

“(B) to make capital improvements to a farm;

“(C) to pay loan closing costs related to acquiring, enlarging, or improving a farm;

“(D) to pay for activities to promote soil and water conservation and protection described in section 3103 on a farm; or

“(E) to refinance a temporary bridge loan made by a commercial or cooperative lender to a farmer for the acquisition of land for a farm, if—

“(i) the Secretary approved an application for a direct farm ownership loan to the farmer for acquisition of the land; and

“(ii) funds for direct farm ownership loans under section 3201(a) were not available at the time at which the application was approved.

“(2) GUARANTEED LOANS.—A farmer may use a loan guaranteed under this chapter only—

“(A) to acquire or enlarge a farm;

“(B) to make capital improvements to a farm;

“(C) to pay loan closing costs related to acquiring, enlarging, or improving a farm;

“(D) to pay for activities to promote soil and water conservation and protection described in section 3103 on a farm; or

“(E) to refinance indebtedness.

“(b) PREFERENCES.—In making or guaranteeing a loan under this chapter for purchase of a farm, the Secretary shall give preference to a person who—

“(1) has a dependent family;

“(2) to the extent practicable, is able to make an initial down payment on the farm; or

“(3) is an owner of livestock or farm equipment that is necessary to successfully carry out farming operations.

“(c) HAZARD INSURANCE REQUIREMENT.—The Secretary may not make a loan to a farmer under this chapter unless the farmer has, or agrees to obtain, hazard insurance on any real property to be acquired or improved with the loan.

“SEC. 3103. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

“(a) IN GENERAL.—The Secretary may make or guarantee qualified conservation loans to eligible borrowers under this section.

“(b) DEFINITIONS.—In this section:

“(1) CONSERVATION PLAN.—The term ‘conservation plan’ means a plan, approved by

the Secretary, that, for a farming operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

“(A) the installation of conservation structures to address soil, water, and related resources;

“(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

“(C) the installation of water conservation measures;

“(D) the installation of waste management systems;

“(E) the establishment or improvement of permanent pasture;

“(F) compliance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812); and

“(G) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

“(2) QUALIFIED CONSERVATION LOAN.—The term ‘qualified conservation loan’ means a loan, the proceeds of which are used to cover the costs to the borrower of carrying out a qualified conservation project.

“(3) QUALIFIED CONSERVATION PROJECT.—The term ‘qualified conservation project’ means conservation measures that address provisions of a conservation plan of the eligible borrower.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers.

“(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the citizenship and training and experience requirements of section 3101(b).

“(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

“(1) qualified beginning farmers and socially disadvantaged farmers;

“(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

“(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812).

“(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall not exceed 75 percent of the principal amount of the loan.

“(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across diverse geographic regions.

“(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 3406(a) shall not apply to loans made or guaranteed under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2012 through 2017, there are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

“SEC. 3104. LOAN MAXIMUMS.

“(a) MAXIMUM.—

“(1) IN GENERAL.—The Secretary shall make or guarantee no loan under sections 3101, 3102, 3103, 3106, and 3107 that would cause the unpaid indebtedness under those sections of any 1 borrower to exceed the lesser of—

“(A) the value of the farm or other security, or

“(B)(i) in the case of a loan made by the Secretary, \$300,000; or

“(ii) in the case of a loan guaranteed by the Secretary, \$700,000 (as modified under paragraph (2)).

“(2) MODIFICATION.—The amount specified in paragraph (1)(B)(ii) shall be—

“(A) increased, beginning with fiscal year 2000, by the inflation percentage applicable to the fiscal year in which the loan is guaranteed; and

“(B) reduced by the amount of any unpaid indebtedness of the borrower on loans under chapter 2 that are guaranteed by the Secretary.

“(b) DETERMINATION OF VALUE.—In determining the value of the farm, the Secretary shall consider appraisals made by competent appraisers under rules established by the Secretary.

“(c) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

“(1) the average of the Prices Paid By Farmers Index (as compiled by the National Agricultural Statistics Service of the Department) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

“(2) the average of that index (as so defined) for the 12-month period ending on August 31, 1996.

“SEC. 3105. REPAYMENT REQUIREMENTS FOR FARM OWNERSHIP LOANS.

“(a) PERIOD FOR REPAYMENT.—The period for repayment of a loan under this chapter shall not exceed 40 years.

“(b) INTEREST RATES.—

“(1) IN GENERAL.—Except as otherwise provided in this title, the interest rate on a loan under this chapter shall be determined by the Secretary at a rate—

“(A) not to exceed the sum obtained by adding—

“(i) the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of the loan; and

“(ii) an amount not to exceed 1 percent, as determined by the Secretary; and

“(B) adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(2) LOW INCOME FARM OWNERSHIP LOANS.—Except as provided in paragraph (3), the interest rate on a loan (other than a guaranteed loan) under section 3106 shall be determined by the Secretary at a rate that is—

“(A) not greater than the sum obtained by adding—

“(i) an amount that does not exceed $\frac{1}{2}$ of the current average market yield on outstanding marketable obligations of the United States with maturities of 5 years; and

“(ii) an amount not to exceed 1 percent per year, as the Secretary determines is appropriate; and

“(B) not less than 5 percent per year.

“(3) JOINT FINANCING ARRANGEMENT.—If a direct farm ownership loan is made under this chapter as part of a joint financing arrangement and the amount of the direct farm ownership loan does not exceed 50 percent of the total principal amount financed under the arrangement, the interest rate on the direct farm ownership loan shall be at least 4 percent annually.

“(4) GUARANTEED LOANS.—The interest rate on a loan made under this chapter as a guaranteed loan shall be such rate as may be agreed on by the borrower and the lender, but not in excess of any rate determined by the Secretary.

“(c) PAYMENT OF CHARGES.—A borrower of a loan made or guaranteed under this chapter shall pay such fees and other charges as

the Secretary may require, and prepay to the Secretary such taxes and insurance as the Secretary may require, on such terms and conditions as the Secretary may prescribe.

“(d) SECURITY.—

“(1) IN GENERAL.—The Secretary shall take as security for an obligation entered into in connection with a loan, a mortgage on a farm with respect to which the loan is made or such other security as the Secretary may require.

“(2) LIENS TO UNITED STATES.—An instrument for security under paragraph (1) may constitute a lien running to the United States notwithstanding the fact that the note for the security may be held by a lender other than the United States.

“(3) MULTIPLE LOANS.—A borrower may use the same collateral to secure 2 or more loans made or guaranteed under this chapter, except that the outstanding amount of the loans may not exceed the total value of the collateral.

“(e) MINERAL RIGHTS AS COLLATERAL.—

“(1) IN GENERAL.—In the case of a farm ownership loan made after December 23, 1985, unless appraised values of the rights to oil, gas, or other minerals are specifically included as part of the appraised value of collateral securing the loan, the rights to oil, gas, or other minerals located under the property shall not be considered part of the collateral securing the loan.

“(2) COMPENSATORY PAYMENTS.—Nothing in this subsection prevents the inclusion of, as part of the collateral securing the loan, any payment or other compensation the borrower may receive for damages to the surface of the collateral real estate resulting from the exploration for or recovery of minerals.

“(f) ADDITIONAL COLLATERAL.—The Secretary may not—

“(1) require any borrower to provide additional collateral to secure a farmer program loan made or guaranteed under this subtitle, if the borrower is current in the payment of principal and interest on the loan; or

“(2) bring any action to foreclose, or otherwise liquidate, the loan as a result of the failure of a borrower to provide additional collateral to secure the loan, if the borrower was current in the payment of principal and interest on the loan at the time the additional collateral was requested.

“SEC. 3106. LIMITED-RESOURCE LOANS.

“(a) IN GENERAL.—The Secretary may make or guarantee a limited-resource loan for any of the purposes specified in sections 3102(a) or 3103(a) to a farmer in the United States who—

“(1) in the case of an entity, all members, stockholders, or partners are eligible under section 3101(b);

“(2) has a low income; and

“(3) demonstrates a need to maximize the income of the farmer from farming operations.

“(b) INSTALLMENTS.—A loan made or guaranteed under this section shall be repayable in such installments as the Secretary determines will provide for reduced payments during the initial repayment period of the loan and larger payments during the remainder of the repayment period of the loan.

“(c) INTEREST RATES.—Except as provided in section 3105(b)(3) and in section 3204(b)(3), the interest rate on loans (other than guaranteed loans) under this section shall not be—

“(1) greater than the sum obtained by adding—

“(A) an amount that does not exceed $\frac{1}{2}$ of the current average market yield on out-

standing marketable obligations of the United States with maturities of 5 years; and

“(B) an amount not exceeding 1 percent per year, as the Secretary determines is appropriate; or

“(2) less than 5 percent per year.

“SEC. 3107. DOWNPAYMENT LOAN PROGRAM.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—Notwithstanding any other provision of this chapter, the Secretary shall establish, under the farm ownership loan program established under this chapter, a program under which loans shall be made under this section to a qualified beginning farmer or a socially disadvantaged farmer for a downpayment on a farm ownership loan.

“(2) COORDINATION.—The Secretary shall be the primary coordinator of credit supervision for the downpayment loan program established under this section, in consultation with a commercial or cooperative lender and, if applicable, a contracting credit counseling service selected under section 3420(c).

“(b) LOAN TERMS.—

“(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the lesser of—

“(A) the purchase price of the farm to be acquired;

“(B) the appraised value of the farm to be acquired; or

“(C) \$667,000.

“(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

“(A) the difference between—

“(i) 4 percent; and

“(ii) the interest rate for farm ownership loans under this chapter; or

“(B) 1.5 percent.

“(3) DURATION.—Each loan under this section shall be made for a period of 20 years or less, at the option of the borrower.

“(4) REPAYMENT.—Each borrower of a loan under this section shall repay the loan to the Secretary in equal annual installments.

“(5) NATURE OF RETAINED SECURITY INTEREST.—The Secretary shall retain an interest in each farm acquired with a loan made under this section that shall—

“(A) be secured by the farm;

“(B) be junior only to such interests in the farm as may be conveyed at the time of acquisition to the person (including a lender) from whom the borrower obtained a loan used to acquire the farm; and

“(C) require the borrower to obtain the permission of the Secretary before the borrower may grant an additional security interest in the farm.

“(c) LIMITATIONS.—

“(1) BORROWERS REQUIRED TO MAKE MINIMUM DOWN PAYMENT.—The Secretary shall not make a loan under this section to any borrower with respect to a farm if the contribution of the borrower to the down payment on the farm will be less than 5 percent of the purchase price of the farm.

“(2) PROHIBITED TYPES OF FINANCING.—The Secretary shall not make a loan under this section with respect to a farm if the farm is to be acquired with other financing that contains any of the following conditions:

“(A) The financing is to be amortized over a period of less than 30 years.

“(B) A balloon payment will be due on the financing during the 20-year period beginning on the date on which the loan is to be made by the Secretary.

“(d) ADMINISTRATION.—In carrying out this section, the Secretary shall, to the maximum extent practicable—

“(1) facilitate the transfer of farms from retiring farmers to persons eligible for insured loans under this subtitle;

“(2) make efforts to widely publicize the availability of loans under this section among—

“(A) potentially eligible recipients of the loans;

“(B) retiring farmers; and

“(C) applicants for farm ownership loans under this chapter;

“(3) encourage retiring farmers to assist in the sale of their farms to qualified beginning farmers and socially disadvantaged farmers providing seller financing;

“(4) coordinate the loan program established by this section with State programs that provide farm ownership or operating loans for beginning farmers or socially disadvantaged farmers; and

“(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or socially disadvantaged farmer.

“SEC. 3108. BEGINNING FARMER AND SOCIALLY DISADVANTAGED FARMER CONTRACT LAND SALES PROGRAM.

“(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm to a qualified beginning farmer or socially disadvantaged farmer on a contract land sales basis.

“(b) ELIGIBILITY.—To be eligible for a loan guarantee under subsection (a)—

“(1) the qualified beginning farmer or socially disadvantaged farmer shall—

“(A) on the date the contract land sale that is subject of the loan is complete, own and operate the farm that is the subject of the contract land sale;

“(B) have a credit history that—

“(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

“(ii) is acceptable to the Secretary; and

“(C) demonstrate to the Secretary that the farmer is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer at a reasonable rate or term; and

“(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary.

“(c) LIMITATIONS.—The Secretary shall not provide a loan guarantee under subsection (a) if—

“(1) the contribution of the qualified beginning farmer or socially disadvantaged farmer to the down payment for the farm that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm; or

“(2) the purchase price or the appraisal value of the farm that is the subject of the contract land sale is greater than \$500,000.

“(d) PERIOD OF GUARANTEE.—A loan guarantee under this section shall be in effect for the 10-year period beginning on the date on which the guarantee is provided.

“(e) GUARANTEE PLAN.—

“(1) SELECTION OF PLAN.—A private seller of a farm who makes a loan guaranteed by the Secretary under subsection (a) may select—

“(A) a prompt payment guarantee plan, which shall cover—

“(i) 3 amortized annual installments; or

“(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred

during the period covered by the annual installments); or

“(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

“(2) ELIGIBILITY FOR STANDARD GUARANTEE PLAN.—To be eligible for a standard guarantee plan referred to in paragraph (1)(B), a private seller shall—

“(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or

“(B) in cooperation with the farmer, use an appropriate alternate arrangement, as determined by the Secretary.

“CHAPTER 2—OPERATING LOANS

“SEC. 3201. OPERATING LOANS.

“(a) IN GENERAL.—The Secretary may make or guarantee an operating loan under this chapter to an eligible farmer in the United States.

“(b) ELIGIBILITY.—A farmer shall be eligible under subsection (a) only—

“(1) if the farmer, or an individual holding a majority interest in the farmer—

“(A) is a citizen of the United States; and

“(B) has training or farming experience that the Secretary determines is sufficient to ensure a reasonable prospect of success in the farming operation proposed by the farmer;

“(2) in the case of a farmer that is an individual, if the farmer is or proposes to become an operator of a farm that is not larger than a family farm;

“(3) in the case of a farmer that is a cooperative, corporation, partnership, trust, limited liability company, joint operation, or other such legal entity as the Secretary determines to be appropriate, with respect to the entity and each farm in which the entity has an ownership or operator interest—

“(A) if—

“(i) a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become owners or operators of a farm that is not larger than a family farm; and

“(iii) at least 1 of the individuals is or proposes to become an operator of the farm; or

“(B) if—

“(i) the entire interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become farm operators; and

“(iii) the ownership interest of each individual separately constitutes not larger than a family farm, even if the ownership interests of the individuals collectively constitute larger than a family farm;

“(4) in the case of an operator described in paragraph (3) that is owned, in whole or in part by 1 or more other entities, if not less than 75 percent of the ownership interests of each other entity is owned directly or indirectly by 1 or more individuals who own the family farm; and

“(5) if the farmer and each individual that holds a majority interest in the farmer is unable to obtain credit elsewhere.

“(c) DIRECT LOANS.—

“(1) IN GENERAL.—Subject to paragraph (3), the Secretary may make a direct loan under this chapter only to a farmer who—

“(A) is a qualified beginning farmer;

“(B) has not received a previous direct operating loan made under this chapter; or

“(C) has not received a direct operating loan made under this chapter for a total of 7 years, less 1 year for every 3 consecutive years the farmer did not receive a direct operating loan after the year in which the bor-

rower initially received a direct operating loan under this chapter, as determined by the Secretary.

“(2) YOUTH LOANS.—In this subsection, the term ‘direct operating loan’ shall not include a loan made to a youth under subsection (d).

“(3) TRANSITION RULE.—If, as of April 4, 1996, a farmer has received a direct operating loan under this chapter during each of 4 or more previous years, the borrower shall be eligible to receive a direct operating loan under this chapter during 3 additional years after April 4, 1996.

“(4) WAIVERS.—

“(A) FARM OPERATIONS ON TRIBAL LAND.—The Secretary shall waive the limitation under paragraph (1)(C) or (3) for a direct loan made under this chapter to a farmer whose farm land is subject to the jurisdiction of an Indian tribe and whose loan is secured by 1 or more security instruments that are subject to the jurisdiction of an Indian tribe if the Secretary determines that commercial credit is not generally available for such farm operations.

“(B) OTHER FARM OPERATIONS.—On a case-by-case determination not subject to administrative appeal, the Secretary may grant a borrower a waiver, 1 time only for a period of 2 years, of the limitation under paragraph (1)(C) or (3) for a direct operating loan if the borrower demonstrates to the satisfaction of the Secretary that—

“(i) the borrower has a viable farm operation;

“(ii) the borrower applied for commercial credit from at least 2 commercial lenders;

“(iii) the borrower was unable to obtain a commercial loan (including a loan guaranteed by the Secretary); and

“(iv) the borrower successfully has completed, or will complete within 1 year, borrower training under section 3419 (from which requirement the Secretary shall not grant a waiver under section 3419(f)).

“(d) YOUTH LOANS.—

“(1) IN GENERAL.—Notwithstanding subsection (b), except for citizenship and credit requirements, a loan may be made under this chapter to a youth who is a rural resident to enable the youth to operate an enterprise in connection with the participation in a youth organization, as determined by the Secretary.

“(2) FULL PERSONAL LIABILITY.—A youth receiving a loan under this subsection who executes a promissory note for the loan shall incur full personal liability for the indebtedness evidenced by the note, in accordance with the terms of the note, free of any disability of minority.

“(3) COSIGNER.—The Secretary may accept the personal liability of a cosigner of a promissory note for a loan under this subsection, in addition to the personal liability of the youth borrower.

“(4) YOUTH ENTERPRISES NOT FARMING.—The operation of an enterprise by a youth under this subsection shall not be considered the operation of a farm under this subtitle.

“(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY FOODS FOR THE HUNGRY.—

“(1) DEFINITION OF GLEANER.—In this subsection, the term ‘gleaner’ means an entity that—

“(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

“(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

“(2) PROGRAM.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, within the operating loan program established under this chapter, a pilot program under which the Secretary makes loans available to eligible entities to assist the entities in providing food to the hungry.

“(3) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive loans under this subsection.

“(4) LOAN AMOUNT.—

“(A) IN GENERAL.—Each loan issued under the program shall be in an amount of not less than \$500 and not more than \$5,000.

“(B) REDISTRIBUTION.—If the eligible recipients in a State do not use the full allocation of loans that are available to eligible recipients in the State under this subsection, the Secretary may use any unused amounts to make loans available to eligible entities in other States in accordance with this subsection.

“(5) LOAN PROCESSING.—

“(A) IN GENERAL.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

“(B) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

“(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

“(7) PROGRAM INTEGRITY.—The Secretary shall take such actions as are necessary to ensure the integrity of the program established under this subsection.

“(8) MAXIMUM AMOUNT.—Of funds that are made available to carry out this chapter, the Secretary shall use to carry out this subsection a total amount of not more than \$500,000.

“(9) REPORT.—Not later than 180 days after the maximum amount of funds are used to carry out this subsection under paragraph (8), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program and the feasibility of expanding the program.

“SEC. 3202. PURPOSES OF LOANS.

“(a) DIRECT LOANS.—A direct loan may be made under this chapter only—

“(1) to pay the costs incident to reorganizing a farm for more profitable operation;

“(2) to purchase livestock, poultry, or farm equipment;

“(3) to purchase feed, seed, fertilizer, insecticide, or farm supplies, or to meet other essential farm operating expenses, including cash rent;

“(4) to finance land or water development, use, or conservation;

“(5) to pay loan closing costs;

“(6) to assist a farmer in changing the equipment, facilities, or methods of operation of a farm to comply with a standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) or a standard adopted by a State under a plan approved under section 18 of that Act (29 U.S.C. 667), if the Secretary determines that without assistance under this

paragraph the farmer is likely to suffer substantial economic injury in complying with the standard;

“(7) to train a limited-resource borrower receiving a loan under section 3106 in maintaining records of farming operations;

“(8) to train a borrower under section 3419;

“(9) to refinance the indebtedness of a borrower, if the borrower—

“(A) has refinanced a loan under this chapter not more than 4 times previously; and

“(B)(i) is a direct loan borrower under this title at the time of the refinancing and has suffered a qualifying loss because of a natural or major disaster or emergency; or

“(ii) is refinancing a debt obtained from a creditor other than the Secretary; or

“(10) to provide other farm or home needs, including family subsistence.

“(b) **GUARANTEED LOANS.**—A loan may be guaranteed under this chapter only—

“(1) to pay the costs incident to reorganizing a farm for more profitable operation;

“(2) to purchase livestock, poultry, or farm equipment;

“(3) to purchase feed, seed, fertilizer, insecticide, or farm supplies, or to meet other essential farm operating expenses, including cash rent;

“(4) to finance land or water development, use, or conservation;

“(5) to refinance indebtedness;

“(6) to pay loan closing costs;

“(7) to assist a farmer in changing the equipment, facilities, or methods of operation of a farm to comply with a standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) or a standard adopted by a State under a plan approved under section 18 of that Act (29 U.S.C. 667), if the Secretary determines that without assistance under this paragraph the farmer is likely to suffer substantial economic injury due to compliance with the standard;

“(8) to train a borrower under section 3419; or

“(9) to provide other farm or home needs, including family subsistence.

“(c) **HAZARD INSURANCE REQUIREMENT.**—The Secretary may not make a loan to a farmer under this chapter unless the farmer has, or agrees to obtain, hazard insurance on the property to be acquired with the loan.

“(d) **PRIVATE RESERVE.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this title, the Secretary may reserve a portion of any loan made under this chapter to be placed in an unsupervised bank account that may be used at the discretion of the borrower for the basic family needs of the borrower and the immediate family of the borrower.

“(2) **LIMIT ON SIZE OF THE RESERVE.**—The size of the reserve shall not exceed the lesser of—

“(A) 10 percent of the loan;

“(B) \$5,000; or

“(C) the amount needed to provide for the basic family needs of the borrower and the immediate family of the borrower for 3 calendar months.

“SEC. 3203. RESTRICTIONS ON LOANS.

“(a) **REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary may not make or guarantee a loan under this chapter—

“(A) that would cause the total principal indebtedness outstanding at any 1 time for loans made under this chapter to any 1 borrower to exceed—

“(i)(I) in the case of a loan made by the Secretary, \$300,000; or

“(II) in the case of a loan guaranteed by the Secretary, \$700,000 (as modified under paragraph (2)); or

“(B) for the purchasing or leasing of land other than for cash rent, or for carrying on a land leasing or land purchasing program.

“(2) **MODIFICATION.**—The amount specified in paragraph (1)(A)(ii) shall be—

“(A) increased, beginning with fiscal year 2000, by the inflation percentage applicable to the fiscal year in which the loan is guaranteed; and

“(B) reduced by the unpaid indebtedness of the borrower on loans under sections specified in section 3104 that are guaranteed by the Secretary.

“(b) **INFLATION PERCENTAGE.**—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

“(1) the average of the Prices Paid By Farmers Index (as compiled by the National Agricultural Statistics Service of the Department) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

“(2) the average of that index (as so defined) for the 12-month period ending on August 31, 1996.

“SEC. 3204. TERMS OF LOANS.

“(a) **PERSONAL LIABILITY.**—A borrower of a loan made under this chapter shall secure the loan with the full personal liability of the borrower and such other security as the Secretary may prescribe.

“(b) **INTEREST RATES.**—

“(1) **MAXIMUM RATE.**—

“(A) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the interest rate on a loan made under this chapter (other than a guaranteed loan) shall be determined by the Secretary at a rate not to exceed the sum obtained by adding—

“(i) the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of the loan; and

“(ii) an additional charge not to exceed 1 percent, as determined by the Secretary.

“(B) **ADJUSTMENT.**—The sum obtained under subparagraph (A) shall be adjusted to the nearest $\frac{1}{4}$ of 1 percent.

“(2) **GUARANTEED LOAN.**—The interest rate on a guaranteed loan made under this chapter shall be such rate as may be agreed on by the borrower and the lender, but may not exceed any rate prescribed by the Secretary.

“(3) **LOW INCOME LOAN.**—The interest rate on a direct loan made under this chapter to a low-income, limited-resource borrower shall be determined by the Secretary at a rate that is not—

“(A) greater than the sum obtained by adding—

“(i) an amount that does not exceed $\frac{1}{2}$ of the current average market yield on outstanding marketable obligations of the United States with a maturity of 5 years; and

“(ii) an amount not to exceed 1 percent per year, as the Secretary determines is appropriate; or

“(B) less than 5 percent per year.

“(c) **PERIOD FOR REPAYMENT.**—The period for repayment of a loan made under this chapter may not exceed 7 years.

“(d) **LINE-OF-CREDIT LOANS.**—

“(1) **IN GENERAL.**—A loan made or guaranteed by the Secretary under this chapter may be in the form of a line-of-credit loan.

“(2) **TERM.**—A line-of-credit loan under paragraph (1) shall terminate not later than 5 years after the date that the loan is made or guaranteed.

“(3) **ELIGIBILITY.**—For purposes of determining eligibility for an operating loan under this chapter, each year during which a farmer takes an advance or draws on a line-of-credit loan the farmer shall be considered as having received an operating loan for 1 year.

“(4) **TERMINATION OF DELINQUENT LOANS.**—If a borrower does not pay an installment on a line-of-credit loan on schedule, the borrower may not take an advance or draw on the line-of-credit, unless the Secretary determines that—

“(A) the failure of the borrower to pay on schedule was due to unusual conditions that the borrower could not control; and

“(B) the borrower will reduce the line-of-credit balance to the scheduled level at the end of—

“(i) the production cycle; or

“(ii) the marketing of the agricultural products of the borrower.

“(5) **AGRICULTURAL COMMODITIES.**—A line-of-credit loan may be used to finance the production or marketing of an agricultural commodity that is eligible for a price support program of the Department.

“CHAPTER 3—EMERGENCY LOANS

“SEC. 3301. EMERGENCY LOANS.

“(a) **IN GENERAL.**—The Secretary shall make or guarantee an emergency loan under this chapter to an eligible farmer (including a commercial fisherman) only to the extent and in such amounts as provided in advance in appropriation Acts.

“(b) **ELIGIBILITY.**—An established farmer shall be eligible under subsection (a) only—

“(1) if the farmer or an individual holding a majority interest in the farmer—

“(A) is a citizen of the United States; and

“(B) has experience and resources that the Secretary determines are sufficient to ensure a reasonable prospect of success in the farming operation proposed by the farmer;

“(2) in the case of a farmer that is an individual, if the farmer is—

“(A) in the case of a loan for a purpose under chapter 1, an owner, operator, or lessee-operator described in section 3101(b)(2); and

“(B) in the case of a loan for a purpose under chapter 2, an operator of a farm that is not larger than a family farm;

“(3) in the case of a farmer that is a cooperative, corporation, partnership, trust, limited liability company, joint operation, or such other legal entity as the Secretary determines to be appropriate, with respect to the entity and each farm in which the entity has an ownership or operator interest—

“(A) if—

“(i) a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become owners or operators of a farm that is not larger than a family farm; and

“(iii) at least 1 of the individuals is or proposes to become an operator of the farm; or

“(B) if—

“(i) the entire interest is held by individuals who are related by blood or marriage, as defined by the Secretary;

“(ii) all of the individuals are or propose to become farm operators; and

“(iii) the ownership interest of each individual separately constitutes not larger than a family farm, even if the ownership interests of the individuals collectively constitute larger than a family farm;

“(4) if the entity is owned, in whole or in part, by 1 or more other entities and each individual who is an owner of the family farm

involved has a direct or indirect ownership interest in each of the other entities;

“(5) if the farmer and any individual that holds a majority interest in the farmer is unable to obtain credit elsewhere; and

“(6)(A) if the Secretary finds that the operations of the farmer have been substantially affected by—

“(i) a natural or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(ii) a quarantine imposed by the Secretary under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); or

“(B) if the farmer conducts farming operations in a county or a county contiguous to a county in which the Secretary has found that farming operations have been substantially affected by a natural or major disaster or emergency.

“(C) TIME FOR ACCEPTING AN APPLICATION.—The Secretary shall accept an application for a loan under this chapter from a farmer at any time during the 8-month period beginning on the date that—

“(1) the Secretary determines that farming operations of the farmer have been substantially affected by—

“(A) a quarantine imposed by the Secretary under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); or

“(B) a natural disaster; or

“(2) the President makes a major disaster or emergency designation with respect to the affected county of the farmer referred to in subsection (b)(5)(B).

“(d) HAZARD INSURANCE REQUIREMENT.—The Secretary may not make a loan to a farmer under this chapter to cover a property loss unless the farmer had hazard insurance that insured the property at the time of the loss.

“(e) FAMILY FARM.—The Secretary shall conduct the loan program under this chapter in a manner that will foster and encourage the family farm system of agriculture, consistent with the reaffirmation of policy and declaration of the intent of Congress contained in section 102(a) of the Food and Agriculture Act of 1977 (7 U.S.C. 2266(a)).

“SEC. 3302. PURPOSES OF LOANS.

“Subject to the limitations on the amounts of loans provided in section 3303(a), a loan may be made or guaranteed under this chapter for—

“(1) any purpose authorized for a loan under chapter 1 or 2; and

“(2) crop or livestock purposes that are—

“(A) necessitated by a quarantine, natural disaster, major disaster, or emergency; and

“(B) considered desirable by the farmer.

“SEC. 3303. TERMS OF LOANS.

“(a) MAXIMUM AMOUNT OF LOAN.—The Secretary may not make or guarantee a loan under this chapter to a borrower who has suffered a loss in an amount that—

“(1) exceeds the actual loss caused by a disaster; or

“(2) would cause the total indebtedness of the borrower under this chapter to exceed \$500,000.

“(b) INTEREST RATES.—Any portion of a loan under this chapter up to the amount of the actual loss suffered by a farmer caused by a disaster shall be at a rate prescribed by the Secretary, but not in excess of 8 percent per annum.

“(c) INTEREST SUBSIDIES FOR GUARANTEED LOANS.—In the case of a guaranteed loan under this chapter, the Secretary may pay

an interest subsidy to the lender for any portion of the loan up to the amount of the actual loss suffered by a farmer caused by a disaster.

“(d) TIME FOR REPAYMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), a loan under this chapter shall be repayable at such times as the Secretary may determine, considering the purpose of the loan and the nature and effect of the disaster, but not later than the maximum repayment period allowed for a loan for a similar purpose under chapters 1 and 2.

“(2) EXTENDED REPAYMENT PERIOD.—The Secretary may, if the loan is for a purpose described in chapter 2 and the Secretary determines that the need of the loan applicant justifies the longer repayment period, make the loan repayable at the end of a period of more than 7 years, but not more than 20 years.

“(e) SECURITY FOR LOAN.—

“(1) IN GENERAL.—A borrower of a loan made under this chapter shall secure the loan with the full personal liability of the borrower and such other security as the Secretary may prescribe.

“(2) ADEQUATE SECURITY.—Subject to paragraph (3), the Secretary may not make or guarantee a loan under this chapter unless the security for the loan is adequate to ensure repayment of the loan.

“(3) INADEQUATE SECURITY DUE TO DISASTER.—If adequate security for a loan under this chapter is not available because of a disaster, the Secretary shall accept as security any collateral that is available if the Secretary is confident that the collateral and the repayment ability of the farmer are adequate security for the loan.

“(4) VALUATION OF FARM ASSETS.—If a farm asset (including land, livestock, or equipment) is used as collateral to secure a loan applied for under this chapter and the governor of the State in which the farm is located requests assistance under this chapter or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for the portion of the State in which the asset is located, the Secretary shall establish the value of the asset as of the day before the occurrence of the natural or major disaster or emergency.

“(f) REVIEW OF LOAN.—

“(1) IN GENERAL.—In the case of a loan made, but not guaranteed, under section 3301, the Secretary shall review the loan 3 years after the loan is made, and every 2 years thereafter for the term of the loan.

“(2) TERMINATION OF FEDERAL ASSISTANCE.—If, based on a review under paragraph (1), the Secretary determines that the borrower is able to obtain a loan from a non-Federal source at reasonable rates and terms, the borrower shall, on request by the Secretary, apply for, and accept, a non-Federal loan in a sufficient amount to repay the Secretary.

“SEC. 3304. PRODUCTION LOSSES.

“(a) IN GENERAL.—The Secretary shall make or guarantee a loan under this chapter to an eligible farmer for production losses if a single enterprise that constitutes a basic part of the farming operation of the farmer has sustained at least a 30 percent loss in normal per acre or per animal production, or such lesser percentage as the Secretary may determine, as a result of a disaster.

“(b) BASIS FOR PERCENTAGE.—A percentage loss under subsection (a) shall be based on the average monthly price in effect for the previous crop or calendar year, as appropriate.

“(c) AMOUNT OF LOAN.—A loan under subsection (a) shall be in an amount that is

equal to 80 percent, or such greater percentage as the Secretary may determine, of the total calculated actual production loss sustained by the farmer.

“CHAPTER 4—GENERAL FARMER LOAN PROVISIONS

“SEC. 3401. AGRICULTURAL CREDIT INSURANCE FUND.

“The fund established pursuant to section 11(a) of the Bankhead-Jones Farm Tenant Act (60 Stat. 1075, chapter 964) shall be known as the Agricultural Credit Insurance Fund (referred to in this section as the ‘Fund’, unless the context otherwise requires) for the discharge of the obligations of the Secretary under agreements insuring loans under this subtitle and loans and mortgages insured under prior authority.

“SEC. 3402. GUARANTEED FARMER LOANS.

“(a) IN GENERAL.—The Secretary may provide financial assistance to a borrower for a purpose provided in this subtitle by guaranteeing a loan made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency.

“(b) INTEREST RATE.—The interest rate payable by a borrower on the portion of a guaranteed loan that is sold by a lender to the secondary market under this subtitle may be lower than the interest rate charged on the portion retained by the lender, but shall not exceed the average interest rate charged by the lender on loans made to farm borrowers.

“(c) FEES.—In the case of a loan guarantee on a loan made by a commercial or cooperative lender related to a loan made by the Secretary under section 3107—

“(1) the Secretary shall not charge a fee to any person (including a lender); and

“(2) a lender may charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan.

“(d) MAXIMUM GUARANTEE OF 90 PERCENT.—Except as provided in subsections (e) and (f), a loan guarantee under this subtitle shall be for not more than 90 percent of the principal and interest due on the loan.

“(e) REFINANCED LOANS GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee 95 percent of—

“(1) in the case of a loan that solely refinances a direct loan made under this subtitle, the principal and interest due on the loan on the date of the refinancing; or

“(2) in the case of a loan that is used for multiple purposes, the portion of the loan that refinances the principal and interest due on a direct loan made under this subtitle that is outstanding on the date the loan is guaranteed.

“(f) BEGINNING FARMER LOANS GUARANTEED UP TO 95 PERCENT.—The Secretary may guarantee not more than 95 percent of—

“(1) a farm ownership loan for acquiring a farm to a borrower who is participating in the downpayment loan program under section 3107; or

“(2) an operating loan to a borrower who is participating in the downpayment loan program under section 3107 that is made during the period that the borrower has a direct loan outstanding under chapter 1 for acquiring a farm.

“(g) GUARANTEE OF LOANS MADE UNDER STATE BEGINNING FARMER PROGRAMS.—The Secretary may guarantee under this subtitle a loan made under a State beginning farmer program, including a loan financed by the net proceeds of a qualified small issue agricultural bond for land or property described in section 144(a)(12)(B)(ii) of the Internal Revenue Code of 1986.

"SEC. 3403. PROVISION OF INFORMATION TO BORROWERS.

"(a) APPROVAL NOTIFICATION.—The Secretary shall approve or disapprove an application for a loan or loan guarantee made under this subtitle, and notify the applicant of such action, not later than 60 days after the date on which the Secretary has received a complete application for the loan or loan guarantee.

"(b) LIST OF LENDERS.—The Secretary shall make available to any farmer, on request, a list of lenders in the area that participate in guaranteed farmer program loan programs established under this subtitle, and other lenders in the area that express a desire to participate in the programs and that request inclusion on the list.

"(c) OTHER INFORMATION.—

"(1) IN GENERAL.—On the request of a borrower, the Secretary shall make available to the borrower—

"(A) a copy of each document signed by the borrower;

"(B) a copy of each appraisal performed with respect to the loan; and

"(C) any document that the Secretary is required to provide to the borrower under any law in effect on the date of the request.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not supersede any duty imposed on the Secretary by a law in effect on January 5, 1988, unless the duty directly conflicts with a duty under paragraph (1).

"SEC. 3404. NOTICE OF LOAN SERVICE PROGRAMS.

"(a) REQUIREMENT.—The Secretary shall provide notice by certified mail to each borrower who is at least 90 days past due on the payment of principal or interest on a loan made under this subtitle.

"(b) CONTENTS.—The notice required under subsection (a) shall—

"(1) include a summary of all primary loan service programs, homestead retention programs, debt settlement programs, and appeal procedures, including the eligibility criteria, and terms and conditions of the programs and procedures;

"(2) include a summary of the manner in which the borrower may apply, and be considered, for all such programs, except that the Secretary shall not require the borrower to select among the programs or waive any right to be considered for any program carried out by the Secretary;

"(3) advise the borrower regarding all filing requirements and any deadlines that must be met for requesting loan servicing;

"(4) provide any relevant forms, including applicable response forms;

"(5) advise the borrower that a copy of regulations is available on request; and

"(6) be designed to be readable and understandable by the borrower.

"(c) CONTAINED IN REGULATIONS.—All notices required by this section shall be contained in the regulations issued to carry out this title.

"(d) TIMING.—The notice described in subsection (b) shall be provided—

"(1) at the time an application is made for participation in a loan service program;

"(2) on written request of the borrower; and

"(3) before the earliest of the date of—

"(A) initiating any liquidation;

"(B) requesting the conveyance of security property;

"(C) accelerating the loan;

"(D) repossession property;

"(E) foreclosing on property; or

"(F) taking any other collection action.

"(e) CONSIDERATION OF BORROWERS FOR LOAN SERVICE PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall consider a farmer program loan borrower for all loan service programs if, not later than 60 days after receipt of the notice described in subsection (b), the borrower requests the consideration in writing.

"(2) PRIORITY.—In considering a borrower for a loan service program, the Secretary shall place the highest priority on the preservation of the farming operations of the borrower.

"SEC. 3405. PLANTING AND PRODUCTION HISTORY GUIDELINES.

"(a) IN GENERAL.—The Secretary shall ensure that appropriate procedures, including, to the extent practicable, onsite inspections, or use of county or State yield averages, are used in calculating future yields for an applicant for a loan, when an accurate projection cannot be made because the past production history of the farmer has been affected by a natural or major disaster or emergency.

"(b) CALCULATION OF YIELDS.—

"(1) IN GENERAL.—For the purpose of averaging the past yields of the farm of a farmer over a period of crop years to calculate the future yield of the farm under this title, the Secretary shall permit the farmer to exclude the crop year with the lowest actual or county average yield for the farm from the calculation, if the farmer was affected by a natural or major disaster or emergency during at least 2 of the crop years during the period.

"(2) AFFECTED BY A NATURAL OR MAJOR DISASTER OR EMERGENCY.—A farmer was affected by a natural or major disaster or emergency under paragraph (1) if the Secretary finds that the farming operations of the farmer have been substantially affected by a natural or major disaster or emergency, including a farmer who has a qualifying loss but is not located in a designated or declared disaster area.

"(3) APPLICATION OF SUBSECTION.—This subsection shall apply to any action taken by the Secretary that involves—

"(A) a loan under chapter 1 or 2; and

"(B) the yield of a farm of a farmer, including making a loan or loan guarantee, servicing a loan, or making a credit sale.

"SEC. 3406. SPECIAL CONDITIONS AND LIMITATIONS ON LOANS.

"(a) APPLICANT REQUIREMENTS.—In connection with a loan made or guaranteed under this subtitle, the Secretary shall require—

"(1) the applicant—

"(A) to certify in writing that, and the Secretary shall determine whether, the applicant is unable to obtain credit elsewhere; and

"(B) to furnish an appropriate written financial statement;

"(2) except for a guaranteed loan, an agreement by the borrower that if at any time it appears to the Secretary that the borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source (or, in the case of a borrower under section 3106, the borrower may be able to obtain a loan under section 3101), at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, on request by the Secretary, apply for and accept the loan in a sufficient amount to repay the Secretary or the insured lender, or both, and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with the loan;

"(3) such provision for supervision of the operations of the borrower as the Secretary shall consider necessary to achieve the objectives of the loan and protect the interests of the United States; and

"(4) the application of a person who is a veteran for a loan under chapter 1 or 2 to be given preference over a similar application from a person who is not a veteran if the applications are on file in a county or area office at the same time.

"(b) AGENCY PROCESSING REQUIREMENTS.—

"(1) NOTIFICATIONS.—

"(A) INCOMPLETE APPLICATION NOTIFICATION.—If an application for a loan or loan guarantee under this subtitle (other than an operating loan or loan guarantee) is incomplete, the Secretary shall inform the applicant of the reasons the application is incomplete not later than 20 days after the date on which the Secretary has received the application.

"(B) OPERATING LOANS.—

"(i) ADDITIONAL INFORMATION NEEDED.—Not later than 10 calendar days after the Secretary receives an application for an operating loan or loan guarantee, the Secretary shall notify the applicant of any information required before a decision may be made on the application.

"(ii) INFORMATION NOT RECEIVED.—If, not later than 20 calendar days after the date a request is made pursuant to clause (i) with respect to an application, the Secretary has not received the information requested, the Secretary shall notify the applicant and the district office of the Farm Service Agency, in writing, of the outstanding information.

"(C) REQUEST INFORMATION.—

"(i) IN GENERAL.—On receipt of an application, the Secretary shall request from other parties such information as may be needed in connection with the application.

"(ii) INFORMATION FROM AN AGENCY OF THE DEPARTMENT.—Not later than 15 calendar days after the date on which an agency of the Department receives a request for information made pursuant to subparagraph (A), the agency shall provide the Secretary with the requested information.

"(2) REPORT OF PENDING APPLICATIONS.—

"(A) IN GENERAL.—A county office shall notify the district office of the Farm Service Agency of each application for an operating loan or loan guarantee that is pending more than 45 days after receipt, and the reasons for which the application is pending.

"(B) ACTION ON PENDING APPLICATIONS.—A district office that receives a notice provided under subparagraph (A) with respect to an application shall immediately take steps to ensure that final action is taken on the application not later than 15 days after the date of the receipt of the notice.

"(C) PENDING APPLICATION REPORT.—The district office shall report to the State office of the Farm Service Agency on each application for an operating loan or loan guarantee that is pending more than 45 days after receipt, and the reasons for which the application is pending.

"(D) REPORT TO CONGRESS.—Each month, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on a State-by-State basis, as to each application for an operating loan or loan guarantee on which final action had not been taken within 60 calendar days after receipt by the Secretary, and the reasons for which final action had not been taken.

"(3) DISAPPROVALS.—

"(A) IN GENERAL.—If an application for a loan or loan guarantee under this subtitle is disapproved by the Secretary, the Secretary shall state the reasons for the disapproval in the notice required under paragraph (1).

"(B) DISAPPROVAL DUE TO LACK OF FUNDS.—

“(i) IN GENERAL.—Notwithstanding paragraph (1), each application for a loan or loan guarantee under section 3601(e), or for a loan under section 3501(a) or 3502(a), that is to be disapproved by the Secretary solely because the Secretary lacks the funds necessary to make the loan or guarantee shall not be disapproved but shall be placed in pending status.

“(ii) RECONSIDERATION.—The Secretary shall retain each pending application and reconsider the application beginning on the date that sufficient funds become available.

“(iii) NOTIFICATION.—Not later than 60 days after funds become available regarding each pending application, the Secretary shall notify the applicant of the approval or disapproval of funding for the application.

“(4) APPROVALS ON APPEAL.—If an application for a loan or loan guarantee under this subtitle is disapproved by the Secretary, but that action is subsequently reversed or revised as the result of an appeal within the Department or to the courts of the United States and the application is returned to the Secretary for further consideration, the Secretary shall act on the application and provide the applicant with notice of the action not later than 15 days after the date of return of the application to the Secretary.

“(5) PROVISION OF PROCEEDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if an application for an insured loan under this title is approved by the Secretary, the Secretary shall provide the loan proceeds to the applicant not later than 15 days (or such longer period as the applicant may approve) after the application for the loan is approved by the Secretary.

“(B) LACK OF FUNDS.—If the Secretary is unable to provide the loan proceeds to the applicant during the 15-day period described in subparagraph (A) because sufficient funds are not available to the Secretary for that purpose, the Secretary shall provide the loan proceeds to the applicant as soon as practicable (but in no event later than 15 days unless the applicant agrees to a longer period) after sufficient funds for that purpose become available to the Secretary.

“SEC. 3407. GRADUATION OF BORROWERS.

“(a) GRADUATION OF SEASONED DIRECT LOAN BORROWERS TO THE LOAN GUARANTEE PROGRAM.—

“(1) REVIEW OF LOANS.—

“(A) IN GENERAL.—The Secretary, or a contracting third party, shall annually review under section 3420 the loans of each seasoned direct loan borrower.

“(B) ASSISTANCE.—If, based on the review, it is determined that a borrower would be able to obtain a loan, guaranteed by the Secretary, from a commercial or cooperative lender at reasonable rates and terms for loans for similar purposes and periods of time, the Secretary shall assist the borrower in applying for the commercial or cooperative loan.

“(2) PROSPECTUS.—

“(A) IN GENERAL.—In accordance with section 3422, the Secretary shall prepare a prospectus on each seasoned direct loan borrower determined eligible to obtain a guaranteed loan.

“(B) REQUIREMENTS.—The prospectus shall contain a description of the amounts of the loan guarantee and interest assistance that the Secretary will provide to the seasoned direct loan borrower to enable the seasoned direct loan borrower to carry out a financially viable farming plan if a guaranteed loan is made.

“(3) VERIFICATION.—

“(A) IN GENERAL.—The Secretary shall provide a prospectus of a seasoned direct loan

borrower to each approved lender whose lending area includes the location of the seasoned direct loan borrower.

“(B) NOTIFICATION.—The Secretary shall notify each borrower of a loan that a prospectus has been provided to a lender under subparagraph (A).

“(C) CREDIT EXTENDED.—If the Secretary receives an offer from an approved lender to extend credit to the seasoned direct loan borrower under terms and conditions contained in the prospectus, the seasoned direct loan borrower shall not be eligible for a loan from the Secretary under chapter 1 or 2, except as otherwise provided in this section.

“(4) INSUFFICIENT ASSISTANCE OR OFFERS.—If the Secretary is unable to provide loan guarantees and, if necessary, interest assistance to the seasoned direct loan borrower under this section in amounts sufficient to enable the seasoned direct loan borrower to borrow from commercial sources the amount required to carry out a financially viable farming plan, or if the Secretary does not receive an offer from an approved lender to extend credit to a seasoned direct loan borrower under the terms and conditions contained in the prospectus, the Secretary shall make a loan to the seasoned direct loan borrower under chapter 1 or 2, whichever is applicable.

“(5) INTEREST RATE REDUCTIONS.—To the extent necessary for the borrower to obtain a loan, guaranteed by the Secretary, from a commercial or cooperative lender, the Secretary shall provide interest rate reductions as provided for under section 3413.

“(b) TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.—

“(1) IN GENERAL.—In making an operating or ownership loan, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest period of time practicable.

“(2) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

“(A) the borrower training program established by section 3419;

“(B) the loan assessment process established by section 3420;

“(C) the supervised credit requirement established by section 3421;

“(D) the market placement program established by section 3422; and

“(E) other appropriate programs and authorities, as determined by the Secretary.

“(c) GRADUATION OF BORROWERS WITH OPERATING LOANS OR GUARANTEES TO PRIVATE COMMERCIAL CREDIT.—The Secretary shall establish a plan, in coordination with activities under sections 3419 through 3422, to encourage each borrower with an outstanding loan under this chapter, or with respect to whom there is an outstanding guarantee under this chapter, to graduate to private commercial or other sources of credit.

“SEC. 3408. DEBT ADJUSTMENT AND CREDIT COUNSELING.

“In carrying out this subtitle, the Secretary may—

“(1) provide voluntary debt adjustment assistance between—

“(A) farmers; and

“(B) the creditors of the farmers;

“(2) cooperate with State, territorial, and local agencies and committees engaged in the debt adjustment; and

“(3) give credit counseling.

“SEC. 3409. SECURITY SERVICING.

“(a) SALE OF PROPERTY.—

“(1) IN GENERAL.—Subject to this subsection and subsection (e)(1), the Secretary shall offer to sell real property that is acquired by the Secretary under this subtitle using the following order and method of sale:

“(A) ADVERTISEMENT.—Not later than 15 days after acquiring real property, the Secretary shall publicly advertise the property for sale.

“(B) QUALIFIED BEGINNING FARMER.—

“(i) IN GENERAL.—Not later than 75 days after acquiring real property, the Secretary shall offer to sell the property to a qualified beginning farmer or a socially disadvantaged farmer at current market value based on a current appraisal.

“(ii) RANDOM SELECTION.—If more than 1 qualified beginning farmer or socially disadvantaged farmer offers to purchase the property, the Secretary shall select between the qualified applicants on a random basis.

“(iii) APPEAL OF RANDOM SELECTION.—A random selection or denial by the Secretary of a qualified beginning farmer or a socially disadvantaged farmer for farm inventory property under this subparagraph shall be final and not administratively appealable.

“(C) PUBLIC SALE.—If no acceptable offer is received from a qualified beginning farmer or a socially disadvantaged farmer under subparagraph (B) not later than 135 days after acquiring the real property, the Secretary shall, not later than 30 days after the 135-day period, sell the property after public notice at a public sale, and, if no acceptable bid is received, by negotiated sale, at the best price obtainable.

“(2) INTEREST.—

“(A) IN GENERAL.—Subject to subparagraph (B), any conveyance of real property under this subsection shall include all of the interest of the United States in the property, including mineral rights.

“(B) CONSERVATION.—The Secretary may for conservation purposes grant or sell an easement, restriction, development right, or similar legal right to real property to a State, a political subdivision of a State, or a private nonprofit organization separately from the underlying fee or other rights to the property owned by the United States.

“(3) OTHER LAW.—Subtitle I of title 40, United States Code, and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall not apply to any exercise of authority under this subtitle.

“(4) LEASE OF PROPERTY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may not lease any real property acquired under this subtitle.

“(B) EXCEPTION.—

“(i) QUALIFIED BEGINNING FARMER OR SOCIALLY DISADVANTAGED FARMER.—The Secretary may lease or contract to sell to a qualified beginning farmer or a socially disadvantaged farmer a farm acquired by the Secretary under this subtitle if the qualified beginning farmer qualifies for a credit sale or direct farm ownership loan under chapter 1 but credit sale authority for loans or direct farm ownership loan funds, respectively, are not available.

“(ii) TERM.—The term of a lease or contract to sell to a qualified beginning farmer or a socially disadvantaged farmer under clause (i) shall be until the earlier of—

“(I) the date that is 18 months after the date of the lease or sale; or

“(II) the date that direct farm ownership loan funds or credit sale authority for loans becomes available to the qualified beginning farmer or socially disadvantaged farmer.

“(iii) INCOME-PRODUCING CAPABILITY.—In determining the rental rate on real property

leased under this subparagraph, the Secretary shall consider the income-producing capability of the property during the term that the property is leased.

“(5) EXPEDITED DETERMINATION.—

“(A) IN GENERAL.—On the request of an applicant, not later than 30 days after denial of the application, the appropriate State director shall provide an expedited review and determination of whether the applicant is a qualified beginning farmer or a socially disadvantaged farmer for the purpose of acquiring farm inventory property.

“(B) APPEAL.—The determination of a State Director under subparagraph (A) shall be final and not administratively appealable.

“(C) EFFECTS OF DETERMINATIONS.—

“(i) IN GENERAL.—The Secretary shall maintain statistical data on the number and results of determinations made under subparagraph (A) and the effect of the determinations on—

“(I) selling farm inventory property to qualified beginning farmers or socially disadvantaged farmers; and

“(II) disposing of real property in inventory.

“(ii) NOTIFICATION.—The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate if the Secretary determines that the review process under subparagraph (A) is adversely affecting the selling of farm inventory property to qualified beginning farmers or socially disadvantaged farmers or the disposing of real property in inventory.

“(b) ROAD AND UTILITY EASEMENTS AND CONDEMNATIONS.—In the case of any real property administered under this subtitle, the Secretary may grant or sell easements or rights-of-way for roads, utilities, and other appurtenances that are not inconsistent with the public interest.

“(c) SALE OR LEASE OF FARMLAND.—

“(1) DISPOSITION OF REAL PROPERTY ON INDIAN RESERVATIONS.—

“(A) DEFINITION OF INDIAN RESERVATION.—In this paragraph, the term ‘Indian reservation’ means—

“(i) all land located within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and, including any right-of-way running through the reservation;

“(ii) trust or restricted land located within the boundaries of a former reservation of an Indian tribe in the State of Oklahoma; or

“(iii) all Indian allotments the Indian titles to which have not been extinguished if the allotments are subject to the jurisdiction of an Indian tribe.

“(B) DISPOSITION.—Except as provided in paragraph (3), the Secretary shall dispose of or administer the property as provided in this paragraph when—

“(i) the Secretary acquires property under this subtitle that is located within an Indian reservation; and

“(ii) the borrower-owner is the Indian tribe that has jurisdiction over the reservation in which the real property is located or the borrower-owner is a member of the Indian tribe;

“(C) PRIORITY.—Not later than 90 days after acquiring the property, the Secretary shall afford an opportunity to purchase or lease the real property in accordance with the order of priority established under subparagraph (D) to the Indian tribe having jurisdiction over the Indian reservation within which the real property is located or, if no order of priority is established by the Indian tribe under subparagraph (D), in the following order:

“(i) An Indian member of the Indian tribe that has jurisdiction over the reservation within which the real property is located.

“(ii) An Indian corporate entity.

“(iii) The Indian tribe.

“(D) REVISION OF PRIORITY AND RESTRICTION OF ELIGIBILITY.—The governing body of any Indian tribe having jurisdiction over an Indian reservation may revise the order of priority provided in subparagraph (C) under which land located within the reservation shall be offered for purchase or lease by the Secretary under subparagraph (C) and may restrict the eligibility for the purchase or lease to—

“(i) persons who are members of the Indian tribe;

“(ii) Indian corporate entities that are authorized by the Indian tribe to lease or purchase land within the boundaries of the reservation; or

“(iii) the Indian tribe itself.

“(E) TRANSFER OF PROPERTY TO SECRETARY OF THE INTERIOR.—

“(i) IN GENERAL.—If real property described in subparagraph (B) is not purchased or leased under subparagraph (C) and the Indian tribe having jurisdiction over the reservation within which the real property is located is unable to purchase or lease the real property, the Secretary shall transfer the real property to the Secretary of the Interior who shall administer the real property as if the real property were held in trust by the United States for the benefit of the Indian tribe.

“(ii) USE OF RENTAL INCOME.—From the rental income derived from the lease of the transferred real property, and all other income generated from the transferred real property, the Secretary of the Interior shall pay the State, county, municipal, or other local taxes to which the transferred real property was subject at the time of acquisition by the Secretary, until the earlier of—

“(I) the expiration of the 4-year period beginning on the date on which the real property is so transferred; or

“(II) such time as the land is transferred into trust pursuant to subparagraph (H).

“(F) RESPONSIBILITIES OF SECRETARIES.—If any real property is transferred to the Secretary of the Interior under subparagraph (E)—

“(i) the Secretary of Agriculture shall have no further responsibility under this title for—

“(I) collection of any amounts with regard to the farm program loan that had been secured by the real property;

“(II) any lien arising out of the loan transaction; or

“(III) repayment of any amount with regard to the loan transaction or lien to the Treasury of the United States; and

“(ii) the Secretary of the Interior shall succeed to all right, title, and interest of the Secretary of Agriculture in the real estate arising from the farm program loan transaction, including the obligation to remit to the Treasury of the United States, in repayment of the original loan, the amounts provided in subparagraph (G).

“(G) USE OF INCOME.—After the payment of any taxes that are required to be paid under subparagraph (E)(ii), all remaining rental income derived from the lease of the real property transferred to the Secretary of the Interior under subparagraph (E)(i), and all other income generated from the real property transferred to the Secretary of the Interior under that subparagraph, shall be deposited as miscellaneous receipts in the Treasury of the United States until the amount deposited is equal to the lesser of—

“(i) the amount of the outstanding lien of the United States against the real property, as of the date the real property was acquired by the Secretary;

“(ii) the fair market value of the real property, as of the date of the transfer to the Secretary of the Interior; or

“(iii) the capitalized value of the real property, as of the date of the transfer to the Secretary of the Interior.

“(H) HOLDING OF TITLE IN TRUST.—If the total amount that is required to be deposited under subparagraph (G) with respect to any real property has been deposited into the Treasury of the United States, title to the real property shall be held in trust by the United States for the benefit of the Indian tribe having jurisdiction over the Indian reservation within which the real property is located.

“(I) PAYMENT OF REMAINING LIEN OR FAIR MARKET VALUE OF PROPERTY.—

“(i) IN GENERAL.—Notwithstanding any other subparagraph of this paragraph, the Indian tribe having jurisdiction over the Indian reservation within which the real property described in subparagraph (B) is located may, at any time after the real property has been transferred to the Secretary of the Interior under subparagraph (E), offer to pay the remaining amount on the lien or the fair market value of the real property, whichever is less.

“(ii) EFFECT OF PAYMENT.—On payment of the amount, title to the real property shall be held by the United States in trust for the tribe and the trust or restricted land that has been acquired by the Secretary under foreclosure or voluntary transfer under a loan made or insured under this subtitle and transferred to an Indian person, entity, or tribe under this paragraph shall be considered to have never lost trust or restricted status.

“(J) APPLICABILITY.—

“(i) IN GENERAL.—This paragraph shall apply to all land in the land inventory established under this subtitle (as of November 28, 1990) that was (immediately prior to the date) owned by an Indian borrower-owner described in subparagraph (B) and that is situated within an Indian reservation, regardless of the date of foreclosure or acquisition by the Secretary.

“(ii) OPPORTUNITY TO PURCHASE OR LEASE.—The Secretary shall afford an opportunity to an Indian person, entity, or tribe to purchase or lease the real property as provided in subparagraph (C).

“(iii) TRANSFER.—If the right is not exercised or no expression of intent to exercise the right is received within 180 days after November 28, 1990, the Secretary shall transfer the real property to the Secretary of the Interior as provided in subparagraph (E).

“(2) ADDITIONAL RIGHTS.—The rights provided in this subsection shall be in addition to any right of first refusal under the law of the State in which the property is located.

“(3) DISPOSITION OF REAL PROPERTY ON INDIAN RESERVATIONS AFTER PROCEDURES EXHAUSTED.—

“(A) IN GENERAL.—The Secretary shall dispose of or administer real property described in paragraph (1)(B) only as provided in paragraph (1), as modified by this paragraph, if—

“(i) the real property described in paragraph (1)(B) is located within an Indian reservation;

“(ii) the borrower-owner is an Indian tribe that has jurisdiction over the reservation in which the real property is located or the borrower-owner is a member of an Indian tribe;

“(iii) the borrower-owner has obtained a loan made or guaranteed under this title; and

“(iv) the borrower-owner and the Secretary have exhausted all of the procedures provided for in this title to permit a borrower-owner to retain title to the real property, so that it is necessary for the borrower-owner to relinquish title.

“(B) NOTICE OF RIGHT TO CONVEY PROPERTY.—The Secretary shall provide the borrower-owner of real property that is described in subparagraph (A) with written notice of—

“(i) the right of the borrower-owner to voluntarily convey the real property to the Secretary; and

“(ii) the fact that real property so conveyed will be placed in the inventory of the Secretary.

“(C) NOTICE OF RIGHTS AND PROTECTIONS.—The Secretary shall provide the borrower-owner of the real property with written notice of the rights and protections provided under this title to the borrower-owner, and the Indian tribe that has jurisdiction over the reservation in which the real property is located, from foreclosure or liquidation of the real property, including written notice—

“(i) of paragraph (1), this paragraph, and subsection (e)(3);

“(ii) if the borrower-owner does not voluntarily convey the real property to the Secretary, that—

“(I) the Secretary may foreclose on the property;

“(II) in the event of foreclosure, the property will be offered for sale;

“(III) the Secretary shall offer a bid for the property that is equal to the fair market value of the property or the outstanding principal and interest of the loan, whichever is higher;

“(IV) the property may be purchased by another party; and

“(V) if the property is purchased by another party, the property will not be placed in the inventory of the Secretary and the borrower-owner will forfeit the rights and protections provided under this title; and

“(iii) of the opportunity of the borrower-owner to consult with the Indian tribe that has jurisdiction over the reservation in which the real property is located or counsel to determine if State or tribal law provides rights and protections that are more beneficial than the rights and protections provided the borrower-owner under this title.

“(D) ACCEPTANCE OF VOLUNTARY CONVEYANCE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall accept the voluntary conveyance of real property described in subparagraph (A).

“(ii) HAZARDOUS SUBSTANCE.—If a hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) is located on the property and the Secretary takes remedial action to protect human health or the environment if the property is taken into inventory, the Secretary shall accept the voluntary conveyance of the property only if the Secretary determines that the conveyance is in the best interests of the Federal Government.

“(E) FORECLOSURE PROCEDURES.—

“(i) NOTICE TO BORROWER.—If an Indian borrower-owner does not voluntarily convey to the Secretary real property described in subparagraph (A), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide the Indian borrower-owner with the option of—

“(I) requiring the Secretary to assign the loan and security instruments to the Secretary of the Interior, if the Secretary of the Interior agrees to an assignment releasing the Secretary of Agriculture from all further responsibility for collection of any amounts with regard to the loan secured by the real property; or

“(II) requiring the Secretary to assign the loan and security instruments to the tribe having jurisdiction over the reservation in which the real property is located, if the tribe agrees to assume the loan under the terms specified in clause (iii).

“(ii) NOTICE TO TRIBE.—If an Indian borrower-owner does not voluntarily convey to the Secretary real property described in subparagraph (A), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of—

“(I) the sale;

“(II) the fair market value of the property; and

“(III) the requirements of this paragraph.

“(iii) ASSUMED LOANS.—If an Indian tribe assumes a loan under clause (i)—

“(I) the Secretary shall not foreclose the loan because of any default that occurred prior to the date of the assumption;

“(II) the loan shall be for the lesser of the outstanding principal and interest of the loan or the fair market value of the property; and

“(III) the loan shall be treated as though the loan was made under Public Law 91-229 (25 U.S.C. 488 et seq.).

“(F) AMOUNT OF BID BY SECRETARY.—

“(i) IN GENERAL.—Except as provided in clause (ii), at a foreclosure sale of real property described in subparagraph (A), the Secretary shall offer a bid for the property that is equal to the higher of—

“(I) the fair market value of the property; or

“(II) the outstanding principal and interest on the loan.

“(ii) HAZARDOUS SUBSTANCES.—If a hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) is located on the property and the Secretary takes remedial action to protect human health or the environment if the property is taken into inventory, clause (i) shall apply only if the Secretary determines that bidding is in the best interests of the Federal Government.

“(4) DETRIMENTAL EFFECT ON VALUE OF AREA FARMLAND.—The Secretary shall not offer for sale or sell any farmland referred to in paragraphs (1) through (3) if placing the farmland on the market will have a detrimental effect on the value of farmland in the area.

“(5) INSTALLMENT SALES AND MULTIPLE OPERATORS.—

“(A) IN GENERAL.—The Secretary may sell farmland administered under this title through an installment sale or similar device that contains such terms as the Secretary considers necessary to protect the investment of the Federal Government in the land.

“(B) SALE OF CONTRACT.—The Secretary may subsequently sell any contract entered into to carry out subparagraph (A).

“(6) HIGHLY ERODIBLE LAND.—In the case of farmland administered under this title that is highly erodible land (as defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801)), the Secretary may require the use of specified conservation practices on the

land as a condition of the sale or lease of the land.

“(7) NO EFFECT ON ACREAGE ALLOTMENTS, MARKETING QUOTAS, OR ACREAGE BASES.—Notwithstanding any other law, compliance by the Secretary with this subsection shall not cause any acreage allotment, marketing quota, or acreage base assigned to the property to lapse, terminate, be reduced, or otherwise be adversely affected.

“(8) NO PREEMPTION OF STATE LAW.—If a conflict exists between any provision of this subsection and any provision of the law of any State providing a right of first refusal to the owner of farmland or the operator of a farm before the sale or lease of land to any other person, the provision of State law shall prevail.

“(d) RELEASE OF NORMAL INCOME SECURITY.—

“(1) DEFINITION OF NORMAL INCOME SECURITY.—In this subsection:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘normal income security’ means all security not considered basic security, including crops, livestock, poultry products, Farm Service Agency payments and Commodity Credit Corporation payments, and other property covered by Farm Service Agency liens that is sold in conjunction with the operation of a farm or other business.

“(B) EXCEPTIONS.—The term ‘normal income security’ does not include any equipment (including fixtures in States that have adopted the Uniform Commercial Code), or foundation herd or flock, that is—

“(i) the basis of the farming or other operation; and

“(ii) the basic security for a farmer program loan.

“(2) GENERAL RELEASE.—The Secretary shall release from the normal income security provided for a loan an amount sufficient to pay for the essential household and farm operating expenses of the borrower, until such time as the Secretary accelerates the loan.

“(3) NOTICE OF REPORTING REQUIREMENTS AND RIGHTS.—If a borrower is required to plan for or to report as to how proceeds from the sale of collateral property will be used, the Secretary shall notify the borrower of—

“(A) the requirement; and

“(B) the right to the release of funds under this subsection and the means by which a request for the funds may be made.

“(e) EASEMENTS ON INVENTORIED PROPERTY.—

“(1) IN GENERAL.—Subject to paragraph (2), in the disposal of real property under this section, the Secretary shall establish perpetual wetland conservation easements to protect and restore wetland or converted wetland that exists on inventoried property.

“(2) LIMITATION.—The Secretary shall not establish a wetland conservation easement on an inventoried property that—

“(A) was cropland on the date the property entered the inventory of the Secretary; or

“(B) was used for farming at any time during the period—

“(i) beginning on the date that is 5 years before the property entered the inventory of the Secretary; and

“(ii) ending on the date on which the property entered the inventory of the Secretary.

“(3) NOTIFICATION.—The Secretary shall provide prior written notification to a borrower considering homestead retention that a wetland conservation easement may be placed on land for which the borrower is negotiating a lease option.

“(4) APPRAISED VALUE.—The appraised value of the farm shall reflect the value of

the land due to the placement of wetland conservation easements.

"SEC. 3410. CONTRACTS ON LOAN SECURITY PROPERTIES.

"(a) **CONTRACTS ON LOAN SECURITY PROPERTIES.**—Subject to subsection (b), the Secretary may enter into a contract related to real property for conservation, recreation, or wildlife purposes.

"(b) **LIMITATIONS.**—The Secretary may enter into a contract under subsection (a) if—

"(1) the property is wetland, upland, or highly erodible land;

"(2) the property is determined by the Secretary to be suitable for the purpose involved; and

"(3)(A) the property secures a loan made under a law administered and held by the Secretary; and

"(B) the contract would better enable a qualified borrower to repay the loan in a timely manner, as determined by the Secretary.

"(c) **TERMS AND CONDITIONS.**—The terms and conditions specified in a contract under subsection (a) shall—

"(1) specify the purposes for which the real property may be used;

"(2) identify any conservation measure to be taken, and any recreational and wildlife use to be allowed, with respect to the real property; and

"(3) require the owner to permit the Secretary, and any person or governmental entity designated by the Secretary, to have access to the real property for the purpose of monitoring compliance with the contract.

"(d) REDUCTION OR FORGIVENESS OF DEBT.—

"(1) **IN GENERAL.**—Subject to this section, the Secretary may reduce or forgive the outstanding debt of a borrower—

"(A) in the case of a borrower to whom the Secretary has made an outstanding loan under a law administered by the Secretary, by canceling that part of the aggregate amount of the outstanding loan that bears the same ratio to the aggregate amount as—

"(i) the number of acres of the real property of the borrower that are subject to the contract; bears to

"(ii) the aggregate number of acres securing the loan; or

"(B) in any other case, by treating as prepaid that part of the principal amount of a new loan to the borrower issued and held by the Secretary under a law administered by the Secretary that bears the same ratio to the principal amount as—

"(i) the number of acres of the real property of the borrower that are subject to the contract; bears to

"(ii) the aggregate number of acres securing the new loan.

"(2) **MAXIMUM CANCELED AMOUNT.**—The amount canceled or treated as prepaid under paragraph (1) shall not exceed—

"(A) in the case of a delinquent loan, the greater of—

"(i) the value of the land on which the contract is entered into; or

"(ii) the difference between—

"(I) the amount of the outstanding loan secured by the land; and

"(II) the value of the land; or

"(B) in the case of a nondelinquent loan, 33 percent of the amount of the loan secured by the land.

"(e) **CONSULTATION WITH FISH AND WILDLIFE SERVICE.**—If the Secretary uses the authority provided by this section, the Secretary shall consult with the Director of the Fish and Wildlife Service for the purposes of—

"(1) selecting real property in which the Secretary may enter into a contract under this section;

"(2) formulating the terms and conditions of the contract; and

"(3) enforcing the contract.

"(f) **ENFORCEMENT.**—The Secretary, and any person or governmental entity designated by the Secretary, may enforce a contract entered into by the Secretary under this section.

"SEC. 3411. DEBT RESTRUCTURING AND LOAN SERVICING.

"(a) **IN GENERAL.**—The Secretary shall modify a delinquent farmer program loan made under this subtitle, or purchased from the lender or the Federal Deposit Insurance Corporation under section 3902, to the maximum extent practicable—

"(1) to avoid a loss to the Secretary on the loan, with priority consideration being placed on writing-down the loan principal and interest (subject to subsections (d) and (e)), and debt set-aside (subject to subsection (e)), to facilitate keeping the borrower on the farm, or otherwise through the use of primary loan service programs under this section; and

"(2) to ensure that a borrower is able to continue farming operations.

"(b) **ELIGIBILITY.**—To be eligible to obtain assistance under subsection (a)—

"(1) the delinquency shall be due to a circumstance beyond the control of the borrower, as defined in regulations issued by the Secretary, except that the regulations shall require that, if the value of the assets calculated under subsection (c)(2)(A)(ii) that may be realized through liquidation or other methods would produce enough income to make the delinquent loan current, the borrower shall not be eligible for assistance under subsection (a);

"(2) the borrower shall have acted in good faith with the Secretary in connection with the loan as defined in regulations issued by the Secretary;

"(3) the borrower shall present a preliminary plan to the Secretary that contains reasonable assumptions that demonstrate that the borrower will be able—

"(A) to meet the necessary family living and farm operating expenses of the borrower; and

"(B) to service all debts of the borrower, including restructured loans; and

"(4) the loan, if restructured, shall result in a net recovery to the Federal Government, during the term of the loan as restructured, that would be more than or equal to the net recovery to the Federal Government from an involuntary liquidation or foreclosure on the property securing the loan.

"(c) RESTRUCTURING DETERMINATIONS.—

"(1) **DETERMINATION OF NET RECOVERY.**—In determining the net recovery from the involuntary liquidation of a loan under this section, the Secretary shall calculate—

"(A) the recovery value of the collateral securing the loan, in accordance with paragraph (2); and

"(B) the value of the restructured loan, in accordance with paragraph (3).

"(2) **RECOVERY VALUE.**—For the purpose of paragraph (1), the recovery value of the collateral securing the loan shall be based on the difference between—

"(A)(i) the amount of the current appraised value of the interests of the borrower in the property securing the loan; and

"(ii) the value of the interests of the borrower in all other assets that are—

"(I) not essential for necessary family living expenses;

"(II) not essential to the operation of the farm; and

"(III) not exempt from judgment creditors or in a bankruptcy action under Federal or State law;

"(B) the estimated administrative, attorney, and other expenses associated with the liquidation and disposition of the loan and collateral, including—

"(i) the payment of prior liens;

"(ii) taxes and assessments, depreciation, management costs, the yearly percentage decrease or increase in the value of the property, and lost interest income, each calculated for the average holding period for the type of property involved;

"(iii) resale expenses, such as repairs, commissions, and advertising; and

"(iv) other administrative and attorney costs; and

"(C) the value, as determined by the Secretary, of any property not included in subparagraph (A)(i) if the property is specified in any security agreement with respect to the loan and the Secretary determines that the value of the property should be included for purposes of this section.

"(3) VALUE OF THE RESTRUCTURED LOAN.—

"(A) **IN GENERAL.**—For the purpose of paragraph (1), the value of the restructured loan shall be based on the present value of payments that the borrower would make to the Federal Government if the terms of the loan were modified under any combination of primary loan service programs to ensure that the borrower is able to meet the obligations and continue farming operations.

"(B) **PRESENT VALUE.**—For the purpose of calculating the present value referred to in subparagraph (A), the Secretary shall use a discount rate of not more than the current rate at the time of the calculation of 90-day Treasury bills.

"(C) **CASH FLOW MARGIN.**—For the purpose of assessing under subparagraph (A) the ability of a borrower to meet debt obligations and continue farming operations, the Secretary shall assume that the borrower needs up to 110 percent of the amount indicated for payment of farm operating expenses, debt service obligations, and family living expenses.

"(4) **NOTIFICATION.**—Not later than 90 days after receipt of a written request for restructuring from the borrower, the Secretary shall—

"(A) make the calculations specified in paragraphs (2) and (3);

"(B) notify the borrower in writing of the results of the calculations; and

"(C) provide documentation for the calculations.

"(5) RESTRUCTURING OF LOANS.—

"(A) **IN GENERAL.**—If the value of a restructured loan is greater than or equal to the recovery value of the collateral securing the loan, not later than 45 days after notifying the borrower under paragraph (4), the Secretary shall offer to restructure the loan obligations of the borrower under this subtitle through primary loan service programs that would enable the borrower to meet the obligations (as modified) under the loan and to continue the farming operations of the borrower.

"(B) **RESTRUCTURING.**—If the borrower accepts an offer under subparagraph (A), not later than 45 days after receipt of notice of acceptance, the Secretary shall restructure the loan accordingly.

"(6) **TERMINATION OF LOAN OBLIGATIONS.**—The obligations of a borrower to the Secretary under a loan shall terminate if—

“(A) the borrower satisfies the requirements of paragraphs (1) and (2) of subsection (b);

“(B) the value of the restructured loan is less than the recovery value; and

“(C) not later than 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the current market value.

“(7) NEGOTIATION OF APPRAISAL.—

“(A) IN GENERAL.—In making a determination concerning restructuring under this subsection, the Secretary, at the request of the borrower, shall enter into negotiations with the borrower concerning appraisals required under this subsection.

“(B) INDEPENDENT APPRAISAL.—

“(i) IN GENERAL.—If the borrower, based on a separate current appraisal, objects to the decision of the Secretary regarding an appraisal, the borrower and the Secretary shall mutually agree, to the extent practicable, on an independent appraiser who shall conduct another appraisal of the property of the borrower.

“(ii) VALUE OF FINAL APPRAISAL.—The average of the 2 appraisals under clause (i) that are closest in value shall become the final appraisal under this paragraph.

“(iii) COST OF APPRAISAL.—The borrower and the Secretary shall each pay $\frac{1}{2}$ of the cost of any independent appraisal.

“(d) PRINCIPAL AND INTEREST WRITE-DOWN.—

“(1) IN GENERAL.—

“(A) PRIORITY CONSIDERATION.—In selecting the restructuring alternatives to be used in the case of a borrower who has requested restructuring under this section, the Secretary shall give priority consideration to the use of a principal and interest write-down if other creditors of the borrower (other than any creditor who is fully collateralized) representing a substantial portion of the total debt of the borrower held by the creditors of the borrower, agree to participate in the development of the restructuring plan or agree to participate in a State mediation program.

“(B) FAILURE OF CREDITORS TO AGREE.—Failure of creditors to agree to participate in the restructuring plan or mediation program shall not preclude the use of a principal and interest write-down by the Secretary if the Secretary determines that restructuring results in the least cost to the Secretary.

“(2) PARTICIPATION OF CREDITORS.—Before eliminating the option to use debt write-down in the case of a borrower, the Secretary shall make a reasonable effort to contact the creditors of the borrower, either directly or through the borrower, and encourage the creditors to participate with the Secretary in the development of a restructuring plan for the borrower.

“(e) SHARED APPRECIATION ARRANGEMENTS.—

“(1) IN GENERAL.—As a condition of restructuring a loan in accordance with this section, the borrower of the loan may be required to enter into a shared appreciation arrangement that requires the repayment of amounts written off or set aside.

“(2) TERMS.—A shared appreciation agreement shall—

“(A) have a term not to exceed 10 years; and

“(B) provide for recapture based on the difference between the appraised values of the real security property at the time of restructuring and at the time of recapture.

“(3) PERCENTAGE OF RECAPTURE.—The amount of the appreciation to be recaptured by the Secretary shall be—

“(A) 75 percent of the appreciation in the value of the real security property if the recapture occurs not later than 4 years after the date of restructuring; and

“(B) 50 percent if the recapture occurs during the remainder of the term of the agreement.

“(4) TIME OF RECAPTURE.—Recapture shall take place on the date that is the earliest of—

“(A) the end of the term of the agreement;

“(B) the conveyance of the real security property;

“(C) the repayment of the loans; or

“(D) the cessation of farming operations by the borrower.

“(5) TRANSFER OF TITLE.—Transfer of title to the spouse of a borrower on the death of the borrower shall not be treated as a conveyance for the purpose of paragraph (4).

“(6) NOTICE OF RECAPTURE.—Not later than 12 months before the end of the term of a shared appreciation arrangement, the Secretary shall notify the borrower involved of the provisions of the arrangement.

“(7) FINANCING OF RECAPTURE PAYMENT.—

“(A) IN GENERAL.—The Secretary may amortize a recapture payment owed to the Secretary under this subsection.

“(B) TERM.—The term of an amortization under this paragraph may not exceed 25 years.

“(C) INTEREST RATE.—The interest rate applicable to an amortization under this paragraph may not exceed the rate applicable to a loan to reacquire homestead property less 100 basis points.

“(D) REAMORTIZATION.—

“(i) IN GENERAL.—The Secretary may modify the amortization of a recapture payment referred to in subparagraph (A) of this paragraph on which a payment has become delinquent if—

“(I) the default is due to circumstances beyond the control of the borrower; and

“(II) the borrower acted in good faith (as determined by the Secretary) in attempting to repay the recapture amount.

“(ii) LIMITATIONS.—

“(I) TERM OF REAMORTIZATION.—The term of a reamortization under this subparagraph may not exceed 25 years from the date of the original amortization agreement.

“(II) NO REDUCTION OR PRINCIPAL OR UNPAID INTEREST DUE.—A reamortization of a recapture payment under this subparagraph may not provide for reducing the outstanding principal or unpaid interest due on the recapture payment.

“(f) INTEREST RATES.—Any loan for farm ownership purposes, farm operating purposes, or disaster emergency purposes, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized shall, notwithstanding any other provision of this subtitle, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lowest of—

“(1) the rate of interest on the original loan;

“(2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time at which the borrower applies for a deferral, consolidation, rescheduling, or reamortization; or

“(3) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.

“(g) PERIOD AND EFFECT.—

“(1) PERIOD.—The Secretary may consolidate or reschedule outstanding loans for payment over a period not to exceed 7 years (or,

in the case of loans for farm operating purposes, 15 years) from the date of the consolidation or rescheduling.

“(2) EFFECT.—The amount of unpaid principal and interest of the prior loans so consolidated or rescheduled shall not create a new charge against any loan levels authorized by law.

“(h) PREREQUISITES TO FORECLOSURE OR LIQUIDATION.—No foreclosure or other similar action shall be taken to liquidate any loan determined to be ineligible for restructuring by the Secretary under this section—

“(1) until the borrower has been given the opportunity to appeal the decision; and

“(2) if the borrower appeals, the appeals process has been completed, and a determination has been made that the loan is ineligible for restructuring.

“(i) NOTICE OF INELIGIBILITY FOR RESTRUCTURING.—

“(1) IN GENERAL.—A notice of ineligibility for restructuring shall be sent to the borrower by registered or certified mail not later than 15 days after a determination of ineligibility.

“(2) CONTENTS.—The notice required under paragraph (1) shall contain—

“(A) the determination and the reasons for the determination;

“(B) the computations used to make the determination, including the calculation of the recovery value of the collateral securing the loan; and

“(C) a statement of the right of the borrower to appeal the decision to the appeals division, and to appear before a hearing officer.

“(j) INDEPENDENT APPRAISALS.—

“(1) IN GENERAL.—An appeal may include a request by the borrower for an independent appraisal of any property securing the loan.

“(2) PROCESS FOR APPRAISAL.—On a request under paragraph (1), the Secretary shall present the borrower with a list of 3 appraisers approved by the county supervisor, from which the borrower shall select an appraiser to conduct the appraisal.

“(3) COST.—The cost of an appraisal under this subsection shall be paid by the borrower.

“(4) RESULT.—The result of an appraisal under this subsection shall be considered in any final determination concerning the loan.

“(5) COPY.—A copy of any appraisal under this subsection shall be provided to the borrower.

“(k) PARTIAL LIQUIDATIONS.—If a partial liquidation of a delinquent loan is performed (with the prior consent of the Secretary) as part of loan servicing by a guaranteed lender under this title, the Secretary shall not require full liquidation of the loan for the lender to be eligible to receive payment on losses.

“(l) ONLY 1 WRITE-DOWN OR NET RECOVERY BUY-OUT PER BORROWER FOR A LOAN MADE AFTER JANUARY 6, 1988.—

“(1) IN GENERAL.—The Secretary may provide for each borrower not more than 1 write-down or net recovery buy-out under this section with respect to all loans made to the borrower after January 6, 1988.

“(2) SPECIAL RULE.—For purposes of paragraph (1), the Secretary shall treat any loan made on or before January 6, 1988, with respect to which a restructuring, write-down, or net recovery buy-out is provided under this section after January 6, 1988, as a loan made after January 6, 1988.

“(m) LIQUIDATION OF ASSETS.—The Secretary may not use the authority provided by this section to reduce or terminate any portion of the debt of the borrower that the

borrower could pay through the liquidation of assets (or through the payment of the loan value of the assets, if the loan value is greater than the liquidation value) described in subsection (c)(2)(A)(i).

“(n) LIFETIME LIMITATION ON DEBT FORGIVENESS PER BORROWER.—The Secretary may provide each borrower not more than \$300,000 in debt forgiveness under this section.

“SEC. 3412. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN AGRICULTURAL LOAN OBLIGATIONS.

“(a) DEFINITION OF MOBILIZED MILITARY RESERVIST.—In this section, the term ‘mobilized military reservist’ means an individual who—

“(1) is on active duty under section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress, regardless of the location at which the active duty service is performed; or

“(2) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.

“(b) FORGIVENESS OF INTEREST PAYMENTS DUE WHILE BORROWER IS A MOBILIZED MILITARY RESERVIST.—Any requirement that a borrower of a direct loan made under this subtitle make any interest payment on the loan that would otherwise be required to be made while the borrower is a mobilized military reservist is rescinded.

“(c) DEFERRAL OF PRINCIPAL PAYMENTS DUE WHILE OR AFTER BORROWER IS A MOBILIZED MILITARY RESERVIST.—The due date of any payment of principal on a direct loan made to a borrower under this subtitle that would otherwise be required to be made while or after the borrower is a mobilized military reservist is deferred for a period equal in length to the period for which the borrower is a mobilized military reservist.

“(d) NONACCRUAL OF INTEREST.—Interest on a direct loan made to a borrower described in this section shall not accrue during the period the borrower is a mobilized military reservist.

“(e) BORROWER NOT CONSIDERED TO BE DELINQUENT OR RECEIVING DEBT FORGIVENESS.—Notwithstanding section 3425 or any other provision of this title, a borrower who receives assistance under this section shall not, as a result of the assistance, be considered to be delinquent or receiving debt forgiveness for purposes of receiving a direct or guaranteed loan under this subtitle.

“SEC. 3413. INTEREST RATE REDUCTION PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out in accordance with this section an interest rate reduction program for any loan guaranteed under this subtitle.

“(b) ENTERING INTO CONTRACTS.—The Secretary shall enter into a contract with, and make payments to, an institution to reduce, during the term of the contract, the interest rate paid by the borrower on the guaranteed loan if—

“(1) the borrower—

“(A) is unable to obtain credit elsewhere;

“(B) is unable to make payments on the loan in a timely manner; and

“(C) during the 24-month period beginning on the date on which the contract is entered into, has a total estimated cash income, including all farm and nonfarm income, that will equal or exceed the total estimated cash expenses, including all farm and nonfarm expenses, to be incurred by the borrower during the period; and

“(2) during the term of the contract, the lender reduces the annual rate of interest payable on the loan by a minimum percentage specified in the contract.

“(c) PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), in return for a contract entered into by a lender under subsection (b) for the reduction of the interest rate paid on a loan, the Secretary shall make payments to the lender in an amount equal to not more than 100 percent of the cost of reducing the annual rate of interest payable on the loan.

“(2) LIMITATION.—Payments under paragraph (1) may not exceed the cost of reducing the rate by more than 400 basis points.

“(d) TERM.—The term of a contract entered into under this section to reduce the interest rate on a guaranteed loan may not exceed the outstanding term of the loan.

“(e) CONDITION ON FORECLOSURE.—Notwithstanding any other law, any contract of guarantee on a farm loan entered into under this subtitle shall contain a condition that the lender of the loan may not initiate a foreclosure action on the loan until 60 days after a determination is made with respect to the eligibility of the borrower to participate in the program established under this section.

“SEC. 3414. HOMESTEAD PROPERTY.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Small Business Administration.

“(2) BORROWER-OWNER.—The term ‘borrower-owner’ means—

“(A) a borrower-owner of a loan made or guaranteed by the Secretary or the Administrator who meets the eligibility requirements of subsection (c)(1); or

“(B) in a case in which an owner of homestead property pledged the property to secure the loan and the owner is different than the borrower, the owner.

“(3) FARM PROGRAM LOAN.—The term ‘farm program loan’ means a loan made by the Administrator under the Small Business Act (15 U.S.C. 631 et seq.) for any of the purposes authorized for loans under chapter 1 or 2.

“(4) HOMESTEAD PROPERTY.—The term ‘homestead property’ means—

“(A) the principal residence and adjoining property possessed and occupied by a borrower-owner, including a reasonable number of farm outbuildings located on the adjoining land that are useful to any occupant of the homestead; and

“(B) not more than 10 acres of adjoining land that is used to maintain the family of the borrower-owner.

“(b) RETENTION OF HOMESTEAD PROPERTY.—

“(1) IN GENERAL.—The Secretary or the Administrator shall, on application by a borrower-owner who meets the eligibility requirements of subsection (c)(1), permit the borrower-owner to retain possession and occupancy of homestead property under the terms set forth, and until the action described in this section has been completed, if—

“(A) the Secretary forecloses or takes into inventory property securing a loan made under this subtitle;

“(B) the Administrator forecloses or takes into inventory property securing a farm pro-

gram loan made under the Small Business Act (15 U.S.C. 631 et seq.); or

“(C) the borrower-owner of a loan made by the Secretary or the Administrator files a petition in bankruptcy that results in the conveyance of the homestead property to the Secretary or the Administrator, or agrees to voluntarily liquidate or convey the property in whole or in part.

“(2) PERIOD OF OCCUPANCY.—Subject to subsection (c), the Secretary or the Administrator shall not grant a period of occupancy of less than 3 nor more than 5 years.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to occupy homestead property, a borrower-owner of a loan made by the Secretary or the Administrator shall—

“(A) apply for the occupancy not later than 30 days after the property is acquired by the Secretary or Administrator;

“(B) have received from farming operations gross farm income that is reasonably commensurate with—

“(i) the size and location of the farming unit of the borrower-owner; and

“(ii) local agricultural conditions (including natural and economic conditions), during at least 2 calendar years of the 6-year period preceding the calendar year in which the application is made;

“(C) have received from farming operations at least 60 percent of the gross annual income of the borrower-owner and any spouse of the borrower-owner during at least 2 calendar years of the 6-year period described in subparagraph (B);

“(D) have continuously occupied the homestead property during the 6-year period described in subparagraph (B), except that the requirement of this subparagraph may be waived if a borrower-owner, due to circumstances beyond the control of the borrower-owner, had to leave the homestead property for a period of time not to exceed 12 months during the 6-year period;

“(E) during the period of occupancy of the homestead property, pay a reasonable sum as rent for the property to the Secretary or the Administrator in an amount substantially equivalent to rents charged for similar residential properties in the area in which the homestead property is located;

“(F) during the period of the occupancy of the homestead property, maintain the property in good condition; and

“(G) meet such other reasonable and necessary terms and conditions as the Secretary may require.

“(2) DEFINITION OF FARMING OPERATIONS.—

In subparagraphs (B) and (C) of paragraph (1), the term ‘farming operations’ includes rent paid by a lessee of agricultural land during a period in which the borrower-owner, due to circumstances beyond the control of the borrower-owner, is unable to actively farm the land.

“(3) TERMINATION OF RIGHTS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(E), the failure of the borrower-owner to make a timely rental payment shall constitute cause for the termination of all rights of the borrower-owner to possession and occupancy of the homestead property under this section.

“(B) PROCEDURE FOR TERMINATION.—In effecting a termination under subparagraph (A), the Secretary shall—

“(i) afford the borrower-owner or lessee the notice and hearing procedural rights described in subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.); and

“(ii) comply with any applicable State and local law governing eviction of a person from residential property.

“(4) RIGHTS OF BORROWER-OWNER.—

“(A) PERIOD OF OCCUPANCY.—Subject to subsection (b)(2), the period of occupancy allowed the borrower-owner of homestead property under this section shall be the period requested in writing by the borrower-owner.

“(B) RIGHT TO REACQUIRE.—

“(i) IN GENERAL.—During the period the borrower-owner occupies the homestead property, the borrower-owner shall have a right to reacquire the homestead property on such terms and conditions as the Secretary shall determine.

“(ii) SOCIALLY DISADVANTAGED BORROWER-OWNER.—During the period of occupancy of a borrower-owner who is a socially disadvantaged farmer, the borrower-owner or a member of the immediate family of the borrower-owner shall have a right of first refusal to reacquire the homestead property on such terms and conditions as the Secretary shall determine.

“(iii) INDEPENDENT APPRAISAL.—The Secretary may not demand a payment for the homestead property that is in excess of the current market value of the homestead property as established by an independent appraisal.

“(iv) CONDUCT OF APPRAISAL.—An independent appraisal under clause (iii) shall be conducted by an appraiser selected by the borrower-owner, or, in the case of a borrower-owner who is a socially disadvantaged farmer, the immediate family member of the borrower-owner, from a list of 3 appraisers approved by the county supervisor.

“(5) TRANSFER OF RIGHTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no right of a borrower-owner under this section, and no agreement entered into between the borrower-owner and the Secretary for occupancy of the homestead property, shall be transferable or assignable by the borrower-owner or by operation of law.

“(B) DEATH OR INCOMPETENCY.—In the case of death or incompetency of the borrower-owner, the right and agreement shall be transferable to a spouse of the borrower-owner if the spouse agrees to comply with any terms and conditions of the right or agreement.

“(6) NOTIFICATION.—Not later than the date of acquisition of the property securing a loan made under this title, the Secretary shall notify the borrower-owner of the property of the availability of homestead protection rights under this section.

“(d) END OF PERIOD OF OCCUPANCY.—

“(1) IN GENERAL.—At the end of the period of occupancy allowed a borrower-owner under subsection (c), the Secretary or the Administrator shall grant to the borrower-owner a right of first refusal to reacquire the homestead property on such terms and conditions (which may include payment of principal in installments) as the Secretary or the Administrator shall determine.

“(2) TERMS AND CONDITIONS.—The terms and conditions granted under paragraph (1) may not be less favorable than those offered by the Secretary or Administrator or intended by the Secretary or Administrator to be offered to any other buyer.

“(e) MAXIMUM PAYMENT OF PRINCIPAL.—

“(1) IN GENERAL.—At the time a reacquisition agreement is entered into, the Secretary or the Administrator may not demand a total payment of principal that is in excess of the value of the homestead property.

“(2) DETERMINATION OF VALUE.—To the maximum extent practicable, the value of the homestead property shall be determined by an independent appraisal made during the 180 day period beginning on the date of receipt of the application of the borrower-owner to retain possession and occupancy of the homestead property.

“(f) TITLE NOT NEEDED TO ENTER INTO CONTRACTS.—The Secretary may enter into a contract authorized by this section before the Secretary acquires title to the homestead property that is the subject of the contract.

“(g) STATE LAW PREVAILS.—In the event of a conflict between this section and a provision of State law relating to the right of a borrower-owner to designate for separate sale or redeem part or all of the real property securing a loan foreclosed on by a lender to the borrower-owner, the provision of State law shall prevail.

“SEC. 3415. TRANSFER OF INVENTORY LAND.

“(a) IN GENERAL.—Subject to subsection (b), the Secretary may transfer to a Federal or State agency, for conservation purposes, any real property, or interest in real property, administered by the Secretary under this subtitle—

“(1) with respect to which the rights of all prior owners and operators have expired;

“(2) that is eligible to be disposed of in accordance with section 3409; and

“(3) that—

“(A) has marginal value for agricultural production;

“(B) is environmentally sensitive; or

“(C) has special management importance.

“(b) CONDITIONS.—The Secretary may not transfer any property or interest in property under subsection (a) unless—

“(1) at least 2 public notices are given of the transfer;

“(2) if requested, at least 1 public meeting is held prior to the transfer; and

“(3) the Governor and at least 1 elected county official of the State and county in which the property is located are consulted prior to the transfer.

“SEC. 3416. TARGET PARTICIPATION RATES.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish annual target participation rates, on a county-wide basis, that shall ensure that members of socially disadvantaged groups shall—

“(A) receive loans made or guaranteed under chapter 1; and

“(B) have the opportunity to purchase or lease farmland acquired by the Secretary under this subtitle.

“(2) GROUP POPULATION.—Except as provided in paragraph (3), in establishing the target rates, the Secretary shall take into consideration—

“(A) the portion of the population of the county made up of the socially disadvantaged groups; and

“(B) the availability of inventory farmland in the county.

“(3) GENDER.—In the case of gender, target participation rates shall take into consideration the number of current and potential socially disadvantaged farmers in a State in proportion to the total number of farmers in the State.

“(b) RESERVATION AND ALLOCATION.—

“(1) RESERVATION.—To the maximum extent practicable, the Secretary shall reserve sufficient loan funds made available under chapter 1 for use by members of socially disadvantaged groups identified under target participation rates established under subsection (a).

“(2) ALLOCATION.—The Secretary shall allocate the loans on the basis of the proportion of members of socially disadvantaged groups in a county and the availability of inventory farmland, with the greatest amount of loan funds being distributed in the county with the greatest proportion of socially disadvantaged group members and the greatest quantity of available inventory farmland.

“(3) INDIAN RESERVATIONS.—In distributing loan funds in counties within the boundaries of an Indian reservation, the Secretary shall allocate the funds on a reservation-wide basis.

“(c) OPERATING LOANS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary shall establish annual target participation rates that shall ensure that socially disadvantaged farmers receive loans made or guaranteed under chapter 2.

“(B) CONSIDERATIONS.—In establishing the target rates, the Secretary shall consider the number of socially disadvantaged farmers in a State in proportion to the total number of farmers in the State.

“(2) RESERVATION AND ALLOCATION.—

“(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall reserve and allocate the proportion of the loan funds of each State made available under chapter 2 that is equal to the target participation rate of the State for use by the socially disadvantaged farmers in the State.

“(B) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute the total loan funds reserved under subparagraph (A) on a county-by-county basis according to the number of socially disadvantaged farmers in the county.

“(C) REALLOCATION OF UNUSED FUNDS.—Any funds reserved and allocated under this paragraph but not used within a State shall, to the extent necessary to satisfy pending applications under this title, be available for use by socially disadvantaged farmers in other States, as determined by the Secretary, and any remaining funds shall be reallocated within the State.

“(d) REPORT.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the annual target participation rates and the success in meeting the rates.

“(e) IMPLEMENTATION CONSISTENT WITH SUPREME COURT HOLDING.—Not later than 180 days after April 4, 1996, the Secretary shall ensure that the implementation of this section is consistent with the holding of the Supreme Court in *Adarand Constructors, Inc. v. Federico Pena*, Secretary of Transportation, 115 S. Ct. 2097 (1995).

“SEC. 3417. COMPROMISE OR ADJUSTMENT OF DEBTS OR CLAIMS BY GUARANTEED LENDER.

“(a) LOSS BY LENDER.—If the lender of a guaranteed farmer program loan takes any action described in section 3903(a)(4) with respect to the loan and the Secretary approves the action, for purposes of the guarantee, the lender shall be treated as having sustained a loss equal to the amount by which—

“(1) the outstanding balance of the loan immediately before the action; exceeds

“(2) the outstanding balance of the loan immediately after the action.

“(b) NET PRESENT VALUE OF LOAN.—The Secretary shall approve the taking of an action described in section 3903(a)(4) by the lender of a guaranteed farmer program loan with respect to the loan if the action reduces the net present value of the loan to an

amount equal to not less than the greater of—

“(1) the greatest net present value of a loan the borrower could reasonably be expected to repay; and

“(2) the difference between—

“(A) the greatest amount that the lender of the loan could reasonably expect to recover from the borrower through bankruptcy, or liquidation of the property securing the loan; and

“(B) all reasonable and necessary costs and expenses that the lender of the loan could reasonably expect to incur to preserve or dispose of the property (including all associated legal and property management costs) in the course of such a bankruptcy or liquidation.

“(c) NO LIMITATION ON AUTHORITY.—This section shall not limit the authority of the Secretary to enter into a shared appreciation arrangement with a borrower under section 3411(e).

“SEC. 3418. WAIVER OF MEDIATION RIGHTS BY BORROWERS.

“The Secretary may not make or guarantee any farmer program loan to a farm borrower on the condition that the borrower waive any right under the mediation program of any State.

“SEC. 3419. BORROWER TRAINING.

“(a) IN GENERAL.—The Secretary shall contract to provide educational training to all borrowers of direct loans made under this subtitle in financial and farm management concepts associated with commercial farming.

“(b) CONTRACT.—

“(1) IN GENERAL.—The Secretary may contract with a State or private provider of farm management and credit counseling services (including a community college, the extension service of a State, a State department of agriculture, or a nonprofit organization) to carry out this section.

“(2) CONSULTATION.—The Secretary may consult with the chief executive officer of a State concerning the identity of the contracting organization and the process for contracting.

“(c) ELIGIBILITY FOR LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), to be eligible to obtain a direct or guaranteed loan under this subtitle, a borrower shall be required to obtain management assistance under this section, appropriate to the management ability of the borrower during the determination of eligibility for the loan.

“(2) LOAN CONDITIONS.—The need of a borrower who satisfies the criteria set out in section 3101(b)(1)(B) or 3201(b)(1)(B) for management assistance under this section shall not be cause for denial of eligibility of the borrower for a direct or guaranteed loan under this subtitle.

“(d) GUIDELINES AND CURRICULUM.—The Secretary shall issue regulations establishing guidelines and curriculum for the borrower training program established under this section.

“(e) PAYMENT.—A borrower—

“(1) shall pay for training received under this section; and

“(2) may use funds from operating loans made under chapter 2 to pay for the training.

“(f) WAIVERS.—

“(1) IN GENERAL.—The Secretary may waive the requirements of this section for an individual borrower on a determination that the borrower demonstrates adequate knowledge in areas described in this section.

“(2) CRITERIA.—The Secretary shall establish criteria providing for the application of paragraph (1) consistently in all counties nationwide.

“SEC. 3420. LOAN ASSESSMENTS.

“(a) IN GENERAL.—After an applicant is determined to be eligible for assistance under this subtitle, the Secretary shall evaluate, in accordance with regulations issued by the Secretary, the farming plan and financial situation of each qualified farmer applicant.

“(b) DETERMINATIONS.—In evaluating the farming plan and financial situation of an applicant under this section, the Secretary shall determine—

“(1) the amount that the applicant needs to borrow to carry out the proposed farming plan;

“(2) the rate of interest that the applicant would need to be able to cover expenses and build an adequate equity base;

“(3) the goals of the proposed farming plan of the applicant;

“(4) the financial viability of the plan and any changes that are necessary to make the plan viable; and

“(5) whether assistance is necessary under this title and, if so, the amount of the assistance.

“(c) CONTRACT.—The Secretary may contract with a third party (including an entity that is eligible to provide borrower training under section 3419(b)) to conduct a loan assessment under this section.

“(d) REVIEW OF LOANS.—

“(1) IN GENERAL.—Loan assessments conducted under this section shall include biannual review of direct loans, and periodic review (as determined necessary by the Secretary) of guaranteed loans, made under this title to assess the progress of a borrower in meeting the goals for the farm operation.

“(2) CONTRACTS.—The Secretary may contract with an entity that is eligible to provide borrower training under section 3419(b) to conduct a loan review under paragraph (1).

“(3) PROBLEM ASSESSMENTS.—If a borrower is delinquent in payments on a direct or guaranteed loan made under this title, the Secretary or the contracting entity shall determine the cause of, and action necessary to correct, the delinquency.

“(e) GUIDELINES.—The Secretary shall issue regulations providing guidelines for loan assessments conducted under this section.

“SEC. 3421. SUPERVISED CREDIT.

“The Secretary shall provide adequate training to employees of the Farm Service Agency on credit analysis and financial and farm management—

“(1) to better acquaint the employees with what constitutes adequate financial data on which to base a direct or guaranteed loan approval decision; and

“(2) to ensure proper supervision of farmer program loans.

“SEC. 3422. MARKET PLACEMENT.

“The Secretary shall establish a market placement program for a qualified beginning farmer and any other borrower of farmer program loans that the Secretary believes has a reasonable chance of qualifying for commercial credit with a guarantee provided under this subtitle.

“SEC. 3423. RECORDKEEPING OF LOANS BY GENERATOR OF BORROWER.

“The Secretary shall classify, by gender, records of applicants for loans and loan guarantees under this subtitle.

“SEC. 3424. CROP INSURANCE REQUIREMENT.

“(a) IN GENERAL.—As a condition of obtaining any benefit (including a direct loan, loan guarantee, or payment) described in subsection (b), a borrower shall be required to obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for

the crop and crop year for which the benefit is sought, if the coverage is offered by the Federal Crop Insurance Corporation.

“(b) APPLICABLE BENEFITS.—Subsection (a) shall apply to—

“(1) a farm ownership loan under section 3102;

“(2) an operating loan under section 3202; and

“(3) an emergency loan under section 3301.

“SEC. 3425. LOAN AND LOAN SERVICING LIMITATIONS.

“(a) DELINQUENT BORROWERS PROHIBITED FROM OBTAINING DIRECT OPERATING LOANS.—The Secretary may not make a direct operating loan under chapter 2 to a borrower who is delinquent on any loan made or guaranteed under this subtitle.

“(b) LOANS PROHIBITED FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.—

“(1) PROHIBITIONS.—Except as provided in paragraph (2)—

“(A) the Secretary may not make a loan under this subtitle to a borrower that has received debt forgiveness on a loan made or guaranteed under this subtitle; and

“(B) the Secretary may not guarantee a loan under this subtitle to a borrower that has received—

“(i) debt forgiveness after April 4, 1996, on a loan made or guaranteed under this subtitle; or

“(ii) received debt forgiveness on more than 3 occasions on or before April 4, 1996.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm operating expenses of a borrower who—

“(i) was restructured with a write-down under section 3411;

“(ii) is current on payments under a confirmed reorganization plan under chapters 11, 12, or 13 of title 11 of the United States Code; or

“(iii) received debt forgiveness on not more than 1 occasion resulting directly and primarily from a major disaster or emergency designated by the President on or after April 4, 1996, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(B) EMERGENCY LOANS.—The Secretary may make an emergency loan under section 3301 to a borrower that—

“(i) on or before April 4, 1996, received not more than 1 debt forgiveness on a loan made or guaranteed under this subtitle; and

“(ii) after April 4, 1996, has not received debt forgiveness on a loan made or guaranteed under this subtitle.

“(c) NO MORE THAN 1 DEBT FORGIVENESS FOR A BORROWER ON A DIRECT LOAN.—The Secretary may not provide to a borrower debt forgiveness on a direct loan made under this subtitle if the borrower has received debt forgiveness on another direct loan made under this subtitle.

“SEC. 3426. SHORT FORM CERTIFICATION OF FARM PROGRAM BORROWER COMPLIANCE.

“The Secretary shall develop and use a consolidated short form for farmer program loan borrowers to use in certifying compliance with any applicable provision of law (including a regulation) that serves as an eligibility prerequisite for a loan made under this subtitle.

“SEC. 3427. UNDERWRITING FORMS AND STANDARDS.

“In the administration of this subtitle, the Secretary shall, to the extent practicable, use underwriting forms, standards, practices,

and terminology similar to the forms, standards, practices, and terminology used by lenders in the private sector.

“SEC. 3428. BEGINNING FARMER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) DEMONSTRATION PROGRAM.—The term ‘demonstration program’ means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

“(2) ELIGIBLE PARTICIPANT.—The term ‘eligible participant’ means a qualified beginning farmer that—

“(A) lacks significant financial resources or assets; and

“(B) has an income that is less than—

“(i) 80 percent of the median income of the State in which the farmer resides; or

“(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

“(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term ‘individual development account’ means a savings account described in subsection (b)(4)(A).

“(4) QUALIFIED ENTITY.—

“(A) IN GENERAL.—The term ‘qualified entity’ means—

“(i) 1 or more organizations—

“(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

“(II) exempt from taxation under section 501(a) of such Code; or

“(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

“(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the ‘New Farmer Individual Development Accounts Pilot Program’ under which the Secretary shall work through qualified entities to establish demonstration programs—

“(A) of at least 5 years in duration; and

“(B) in at least 15 States.

“(2) COORDINATION.—The Secretary shall operate the pilot program through and in coordination with the farmer program loans of the Farm Service Agency.

“(3) RESERVE FUNDS.—

“(A) IN GENERAL.—A qualified entity carrying out a demonstration program under this section shall establish a reserve fund consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

“(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the total amount of the grant awarded under this section to the demonstration program for deposit in the reserve fund.

“(C) USE OF FUNDS.—Of the funds deposited under subparagraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

“(i) may use up to 10 percent for administrative expenses; and

“(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

“(D) INTEREST.—Any interest earned on amounts in a reserve fund established under

subparagraph (A) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

“(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

“(F) REVERSION.—On the date on which all funds remaining in any individual development account established by a qualified entity have reverted under paragraph (5)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

“(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were not used for administrative expenses; divided by

“(ii) the total amount of funds deposited in the reserve fund.

“(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

“(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

“(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

“(i) the eligible participant agrees—

“(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity;

“(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

“(III) to complete financial training; and

“(ii) the qualified entity agrees—

“(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i)(I), at least a 100-percent, and up to a 200-percent, match of that amount into the individual development account established for the eligible participant; and

“(II) with uses of funds proposed by the eligible participant.

“(C) LIMITATION.—

“(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than \$6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

“(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

“(5) ELIGIBLE EXPENDITURES.—

“(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

“(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

“(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days after the date of the purchase;

“(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

“(iv) for other similar expenditures, as determined by the Secretary.

“(B) TIMING.—

“(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to

the individual development account established for the eligible participant.

“(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

“(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

“(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

“(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

“(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

“(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

“(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

“(F) such other factors as the Secretary considers to be appropriate.

“(3) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

“(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers; and

“(B) expertise in dealing with financial management aspects of farming.

“(4) APPROVAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

“(5) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applicant to carry out the project for a period of 5 years, plus an additional 2 years to make eligible expenditures in accordance with subsection (b)(5)(B).

“(d) GRANT AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall make a grant to a qualified entity authorized to carry out a demonstration program under this section.

“(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed \$250,000.

“(3) TIMING OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

“(A) on the awarding of the grant; or

“(B) pursuant to such payment plan as the qualified entity may specify.

“(e) REPORTS.—

“(1) ANNUAL PROGRESS REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

“(i) an evaluation of the progress of the demonstration program;

“(ii) information about the demonstration program, including the eligible participants and the individual development accounts that have been established; and

“(iii) such other information as the Secretary may require.

“(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

“(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

“(f) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity—

“(1) to assess the financial soundness of the qualified entity; and

“(2) to determine the use of grant funds made available to the qualified entity under this section.

“(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

“(1) the termination of demonstration programs;

“(2) control of the reserve funds in the case of such a termination;

“(3) transfer of demonstration programs to other qualified entities; and

“(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 through 2017.

“SEC. 3429. FARMER LOAN PILOT PROJECTS.

“(a) IN GENERAL.—The Secretary may conduct pilot projects of limited scope and duration that are consistent with this subtitle to evaluate processes and techniques that may improve the efficiency and effectiveness of the programs carried out under this subtitle

“(b) NOTIFICATION.—The Secretary shall—

“(1) not less than 60 days before the date on which the Secretary initiates a pilot project under subsection (a), submit notice of the proposed pilot project to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

“(2) consider any recommendations or feedback provided to the Secretary in response to the notice provided under paragraph (1).

“SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this subtitle to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

“(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

“(1) an activity related to the maintenance of a previously converted wetland; or

“(2) an activity that had already commenced before November 28, 1990.

“(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this subtitle for a utility line.

“SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

“(a) AUTHORIZATION FOR LOANS.—

“(1) IN GENERAL.—The Secretary may make or guarantee loans under chapters 1 and 2 from the Agricultural Credit Insurance Fund for not more than \$4,226,000,000 for each of fiscal years 2012 through 2017, of which, for each fiscal year—

“(A) \$1,200,000,000 shall be for direct loans, of which—

“(i) \$350,000,000 shall be for farm ownership loans; and

“(ii) \$850,000,000 shall be for operating loans; and

“(B) \$3,026,000,000 shall be for guaranteed loans, of which—

“(i) \$1,000,000,000 shall be for guarantees of farm ownership loans; and

“(ii) \$2,026,000,000 shall be for guarantees of operating loans.

“(2) BEGINNING FARMERS.—

“(A) DIRECT LOANS.—

“(i) FARM OWNERSHIP LOANS.—

“(I) IN GENERAL.—Of the amounts made available under paragraph (1) for direct farm ownership loans, the Secretary shall reserve an amount that is not less than 75 percent of the total amount for qualified beginning farmers.

“(II) DOWN PAYMENT LOANS; JOINT FINANCING ARRANGEMENTS.—Of the amounts reserved for a fiscal year under subclause (I), the Secretary shall reserve an amount not less than 2 percent of the amount for the down payment loan program under section 3107 and joint financing arrangements under section 3105 until April 1 of the fiscal year.

“(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for direct operating loans, the Secretary shall reserve for qualified beginning farmers for each of fiscal years 2012 through 2017, an amount that is not less than 50 percent of the total amount.

“(iii) FUNDS RESERVED UNTIL SEPTEMBER 1.—Except as provided in clause (i)(II), funds reserved for qualified beginning farmers under this subparagraph for a fiscal year shall be reserved only until September 1 of the fiscal year.

“(B) GUARANTEED LOANS.—

“(i) FARM OWNERSHIP LOANS.—Of the amounts made available under paragraph (1) for guarantees of farm ownership loans, the Secretary shall reserve an amount that is not less than 40 percent of the total amount for qualified beginning farmers.

“(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for guarantees of operating loans, the Secretary shall reserve 40 percent for qualified beginning farmers.

“(iii) FUNDS RESERVED UNTIL APRIL 1.—Funds reserved for qualified beginning farmers under this subparagraph for a fiscal year shall be reserved only until April 1 of the fiscal year.

“(C) RESERVED FUNDS FOR ALL QUALIFIED BEGINNING FARMERS.—If a qualified beginning farmer meets the eligibility criteria for receiving a direct or guaranteed loan under section 3101, 3107, or 3201, the Secretary shall make or guarantee the loan if sufficient funds reserved under this paragraph are available to make or guarantee the loan.

“(3) TRANSFER FOR DOWN PAYMENT LOANS.—

“(A) IN GENERAL.—Subject to subparagraph (B)—

“(i) beginning on August 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers under the down payment loan program established under section 3107, if sufficient direct farm ownership loan funds are not otherwise available; and

“(ii) beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers, if sufficient direct farm ownership loan funds are not otherwise available.

“(B) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all guaranteed farm operating loans that have been approved, or will be approved, by the Secretary during the fiscal year will be made to the extent of available amounts.

“(4) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), beginning on September 1 of each fiscal year, the Secretary may use available funds made available under chapter 3 for the fiscal year to fund the credit sale of farm real estate in the inventory of the Secretary.

“(B) SUPPLEMENTAL APPROPRIATIONS.—The transfer authority provided under subparagraph (A) shall not apply to any funds made available to the Secretary for any fiscal year under an Act making supplemental appropriations.

“(C) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all emergency disaster loans that have been approved, or will be approved, by the Secretary during the fiscal year will be made to the extent of available amounts.

“(5) AVAILABILITY OF FUNDS.—Funds made available to carry out this subtitle shall remain available until expended.

“(b) COST PROJECTIONS.—

“(1) IN GENERAL.—The Secretary shall develop long-term cost projections for loan program authorizations required under subsection (a).

“(2) ANALYSIS.—Each projection under paragraph (1) shall include analyses of—

“(A) the long-term costs of the lending levels that the Secretary requests to be authorized under subsection (a); and

“(B) the long-term costs for increases in lending levels beyond those requested to be authorized, based on increments of \$10,000,000 or such other levels as the Secretary considers appropriate.

“(3) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Agriculture and Appropriations of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and Appropriations of the Senate reports containing the long-term cost projections for the 3-year period beginning with fiscal year 1983 and each 3-year period thereafter at the time the requests for authorizations for those periods are submitted to Congress.

“(c) LOW-INCOME, LIMITED-RESOURCE BORROWERS.—

“(1) RESERVE.—Notwithstanding any other provision of law, not less than 25 percent of the loans for farm ownership purposes for each fiscal year under this subtitle shall be for low-income, limited-resource borrowers.

“(2) NOTIFICATION.—The Secretary shall provide notification to farm borrowers under this subtitle in the normal course of loan making and loan servicing operations, of the provisions of this subtitle relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.”.

Subtitle B—Miscellaneous

SEC. 5101. STATE AGRICULTURAL MEDIATION PROGRAMS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking “2015” and inserting “2017”.

SEC. 5102. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

(a) IN GENERAL.—The first sentence of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) in subsection (a), in the first sentence, by striking “loans from” and all that follows through “1929)” and inserting “direct loans in a manner consistent with direct loans pursuant to chapter 4 of subtitle A of the Consolidated Farm and Rural Development Act”;

(2) in subsection (b)(1)—

(A) by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))”; and

(B) by inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section” before the period at the end; and

(3) by adding at the end the following:

“(c) CONSULTATION REQUIRED.—In determining regulations and procedures to define eligible purchasers of highly fractionated land under this section, the Secretary of Agriculture shall consult with the Secretary of the Interior.”.

SEC. 5103. REMOVAL OF DUPLICATIVE APPRAISALS.

Notwithstanding any other law (including regulations), in making loans under the first section of Public Law 91–229 (25 U.S.C. 488), borrowers who are Indian tribes, members of Indian tribes, or tribal corporations shall only be required to obtain 1 appraisal under an appraisal standard recognized as of the date of enactment of this Act by the Secretary or the Secretary of the Interior.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Reorganization of the Consolidated Farm and Rural Development Act

SEC. 6001. REORGANIZATION OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Title III of the Agricultural Act of 1961 (7 U.S.C. 1921 et seq.) is amended to read as follows:

“TITLE III—AGRICULTURAL CREDIT

“SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This title may be cited as the ‘Consolidated Farm and Rural Development Act’.

“(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

“TITLE III—AGRICULTURAL CREDIT

“Sec. 3001. Short title; table of contents.

“Sec. 3002. Definitions.

“Subtitle A—Farmer Loans, Servicing, and Other Assistance

“CHAPTER 1—FARM OWNERSHIP LOANS

“Sec. 3101. Farm ownership loans.

“Sec. 3102. Purposes of loans.

“Sec. 3103. Conservation loan and loan guarantee program.

“Sec. 3104. Loan maximums.

“Sec. 3105. Repayment requirements for farm ownership loans.

“Sec. 3106. Limited-resource loans.

“Sec. 3107. Downpayment loan program.

“Sec. 3108. Beginning farmer and socially disadvantaged farmer contract land sales program.

“CHAPTER 2—OPERATING LOANS

“Sec. 3201. Operating loans.

“Sec. 3202. Purposes of loans.

“Sec. 3203. Restrictions on loans.

“Sec. 3204. Terms of loans.

“CHAPTER 3—EMERGENCY LOANS

“Sec. 3301. Emergency loans.

“Sec. 3302. Purposes of loans.

“Sec. 3303. Terms of loans.

“Sec. 3304. Production losses.

“CHAPTER 4—GENERAL FARMER LOAN PROVISIONS

“Sec. 3401. Agricultural Credit Insurance Fund.

“Sec. 3402. Guaranteed farmer loans.

“Sec. 3403. Provision of information to borrowers.

“Sec. 3404. Notice of loan service programs.

“Sec. 3405. Planting and production history guidelines.

“Sec. 3406. Special conditions and limitations on loans.

“Sec. 3407. Graduation of borrowers.

“Sec. 3408. Debt adjustment and credit counseling.

“Sec. 3409. Security servicing.

“Sec. 3410. Contracts on loan security properties.

“Sec. 3411. Debt restructuring and loan servicing.

“Sec. 3412. Relief for mobilized military reservists from certain agricultural loan obligations.

“Sec. 3413. Interest rate reduction program.

“Sec. 3414. Homestead property.

“Sec. 3415. Transfer of inventory land.

“Sec. 3416. Target participation rates.

“Sec. 3417. Compromise or adjustment of debts or claims by guaranteed lender.

“Sec. 3418. Waiver of mediation rights by borrowers.

“Sec. 3419. Borrower training.

“Sec. 3420. Loan assessments.

“Sec. 3421. Supervised credit.

“Sec. 3422. Market placement.

“Sec. 3423. Recordkeeping of loans by gender of borrower.

“Sec. 3424. Crop insurance requirement.

“Sec. 3425. Loan and loan servicing limitations.

“Sec. 3426. Short form certification of farm program borrower compliance.

“Sec. 3427. Underwriting forms and standards.

“Sec. 3428. Beginning farmer individual development accounts pilot program.

“Sec. 3429. Farmer loan pilot projects.

“Sec. 3430. Prohibition on use of loans for certain purposes.

“Sec. 3431. Authorization of appropriations and allocation of funds.

“Subtitle B—Rural Development

“CHAPTER 1—RURAL COMMUNITY PROGRAMS

“Sec. 3501. Water and waste disposal loans, loan guarantees, and grants.

“Sec. 3502. Community facilities loans, loan guarantees, and grants.

“Sec. 3503. Health care services.

“CHAPTER 2—RURAL BUSINESS AND COOPERATIVE DEVELOPMENT

“Sec. 3601. Business programs.

“Sec. 3602. Rural business investment program.

“CHAPTER 3—GENERAL RURAL DEVELOPMENT PROVISIONS

“Sec. 3701. General provisions for loans and grants.

“Sec. 3702. Strategic economic and community development.

“Sec. 3703. Guaranteed rural development loans.

“Sec. 3704. Rural Development Insurance Fund.

“Sec. 3705. Rural economic area partnership zones.

“Sec. 3706. Streamlining applications and improving accessibility of rural development programs.

“Sec. 3707. State Rural Development Partnership.

“CHAPTER 4—DELTA REGIONAL AUTHORITY

“Sec. 3801. Definitions.

“Sec. 3802. Delta Regional Authority.

“Sec. 3803. Economic and community development grants.

“Sec. 3804. Supplements to Federal grant programs.

“Sec. 3805. Local development districts; certification and administrative expenses.

“Sec. 3806. Distressed counties and areas and nondistressed counties.

“Sec. 3807. Development planning process.

“Sec. 3808. Program development criteria.

“Sec. 3809. Approval of development plans and projects.

“Sec. 3810. Consent of States.

“Sec. 3811. Records.

“Sec. 3812. Annual report.

“Sec. 3813. Authorization of appropriations.

“Sec. 3814. Termination of authority.

“CHAPTER 5—NORTHERN GREAT PLAINS REGIONAL AUTHORITY

“Sec. 3821. Definitions.

“Sec. 3822. Northern Great Plains Regional Authority.

“Sec. 3823. Interstate cooperation for economic opportunity and efficiency.

“Sec. 3824. Economic and community development grants.

“Sec. 3825. Supplements to Federal grant programs.

“Sec. 3826. Multistate and local development districts and organizations and Northern Great Plains Inc.

“Sec. 3827. Distressed counties and areas and nondistressed counties.

“Sec. 3828. Development planning process.

“Sec. 3829. Program development criteria.

“Sec. 3830. Approval of development plans and projects.

“Sec. 3831. Consent of States.

“Sec. 3832. Records.

“Sec. 3833. Annual report.

“Sec. 3834. Authorization of appropriations.

“Sec. 3835. Termination of authority.

“Subtitle C—General Provisions

“Sec. 3901. Full faith and credit.

“Sec. 3902. Purchase and sale of guaranteed portions of loans.

“Sec. 3903. Administration.

“Sec. 3904. Loan moratorium and policy on foreclosures.

“Sec. 3905. Oil and gas royalty payments on loans.

“Sec. 3906. Taxation.

“Sec. 3907. Conflicts of interest.

“Sec. 3908. Loan summary statements.

“Sec. 3909. Certified lenders program.

“Sec. 3910. Loans to resident aliens.

“Sec. 3911. Expedited clearing of title to inventory property.

“Sec. 3912. Transfer of land to Secretary.

“Sec. 3913. Competitive sourcing limitations.

“Sec. 3914. Regulations.

“SEC. 3002. DEFINITIONS.

“In this title (unless the context otherwise requires):

“(1) ABLE TO OBTAIN CREDIT ELSEWHERE.—The term ‘able to obtain credit elsewhere’ means able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source (or, in the case of a borrower under section 3106, the borrower may be able to obtain a loan under section 3101) at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

“(2) AGRICULTURAL CREDIT INSURANCE FUND.—The term ‘Agricultural Credit Insurance Fund’ means the fund established under section 3401.

“(3) APPROVED LENDER.—The term ‘approved lender’ means—

“(A) a lender approved prior to October 28, 1992, by the Secretary under the approved lender program established by exhibit A to subpart B of part 1980 of title 7, Code of Federal Regulations (as in effect on January 1, 1991); or

“(B) a lender certified under section 3909.

“(4) AQUACULTURE.—The term ‘aquaculture’ means the culture or husbandry of aquatic animals or plants by private industry for commercial purposes, including the culture and growing of fish by private industry for the purpose of creating or augmenting publicly owned and regulated stocks of fish.

“(5) BEGINNING FARMER.—The term ‘beginning farmer’ has the meaning given the term by the Secretary.

“(6) BORROWER.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘borrower’ means an individual or entity who has an outstanding obligation to the Secretary under any loan made or guaranteed under this title, without regard to whether the loan has been accelerated.

“(B) EXCLUSIONS.—The term ‘borrower’ does not include an individual or entity all of whose loans and accounts have been foreclosed on or liquidated, voluntarily or otherwise.

“(7) COUNTY COMMITTEE.—The term ‘county committee’ means the appropriate county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

“(8) DEBT FORGIVENESS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘debt forgiveness’ means reducing or terminating a loan made or guaranteed under this title, in a manner that results in a loss to the Secretary, through—

“(i) writing down or writing off a loan under section 3411;

“(ii) compromising, adjusting, reducing, or charging-off a debt or claim under section 3903;

“(iii) paying a loss on a guaranteed loan under this title; or

“(iv) discharging a debt as a result of bankruptcy.

“(B) LOAN RESTRUCTURING.—The term ‘debt forgiveness’ does not include consolidation, rescheduling, reamortization, or deferral.

“(9) DEPARTMENT.—The term ‘Department’ means the Department of Agriculture.

“(10) DIRECT LOAN.—The term ‘direct loan’ means a loan made by the Secretary from appropriated funds.

“(11) ENTITY.—The term ‘entity’ means a corporation, farm cooperative, partnership, joint operation, governmental entity, or other legal organization, as determined by the Secretary.

“(12) FARM.—The term ‘farm’ means an operation involved in—

“(A) the production of an agricultural commodity;

“(B) ranching; or

“(C) aquaculture.

“(13) FARMER.—The term ‘farmer’ means an individual or entity engaged primarily and directly in—

“(A) the production of an agricultural commodity;

“(B) ranching; or

“(C) aquaculture.

“(14) FARMER PROGRAM LOAN.—The term ‘farmer program loan’ means—

“(A) a farm ownership loan under section 3101;

“(B) a conservation loan under section 3103;

“(C) an operating loan under section 3201;

“(D) an emergency loan under section 3301;

“(E) an economic emergency loan under section 202 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note; Public Law 95-334);

“(F) a loan for a farm service building under section 502 of the Housing Act of 1949 (42 U.S.C. 1472);

“(G) an economic opportunity loan under section 602 of the Economic Opportunity Act of 1964 (Public Law 88-452; 42 U.S.C. 2942 note) (as it existed before the amendment made by section 683(a) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 519));

“(H) a softwood timber loan under section 608 of the Agricultural Programs Adjustment Act of 1984 (7 U.S.C. 1981 note; Public Law 98-258); or

“(I) any other loan described in section 343(a)(10) of this title (as it existed before the amendment made by section 2 of the Agriculture Reform, Food, and Jobs Act of 2012) that is outstanding on the date of enactment of that Act.

“(15) FARM SERVICE AGENCY.—The term ‘Farm Service Agency’ means the offices of the Farm Service Agency to which the Secretary delegates responsibility to carry out this title.

“(16) GOVERNMENTAL ENTITY.—The term ‘governmental entity’ means any agency of the United States, a State, or a unit of local government of a State, or subdivision thereof.

“(17) GUARANTEE.—The term ‘guarantee’ means guaranteeing the payment of a loan originated, held, and serviced by a private financial agency, or lender, approved by the Secretary.

“(18) HIGHLY ERODIBLE LAND.—The term ‘highly erodible land’ has the meaning given the term in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)).

“(19) HOMESTEAD RETENTION.—The term ‘homestead retention’ means homestead retention as authorized under section 3414.

“(20) INDIAN TRIBE.—The term ‘Indian tribe’ means a Federal and State-recognized Indian tribe or other federally recognized Indian tribal group (including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

“(21) LOAN SERVICE PROGRAM.—The term ‘loan service program’ means, with respect to a farmer program loan borrower, a primary loan service program or a homestead retention program.

“(22) NATURAL OR MAJOR DISASTER OR EMERGENCY.—The term ‘natural or major disaster or emergency’ means—

“(A) a disaster due to nonmanmade causes declared by the Secretary; or

“(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(23) PRIMARY LOAN SERVICE PROGRAM.—The term ‘primary loan service program’ means, with respect to a farmer program loan—

“(A) loan consolidation, rescheduling, or reamortization;

“(B) interest rate reduction, including the use of the limited resource program;

“(C) loan restructuring, including deferral, set aside, or writing down of the principal or accumulated interest charges, or both, of the loan; or

“(D) any combination of actions described in subparagraphs (A), (B), and (C).

“(24) PRIME FARMLAND.—The term ‘prime farmland’ means prime farmland and unique farmland (as defined in subsections (a) and (b) of section 657.5 of title 7, Code of Federal Regulations (1980)).

“(25) PROJECT.—For purposes of section 3501, the term ‘project’ includes a facility providing central service or a facility serving an individual property, or both.

“(26) QUALIFIED BEGINNING FARMER.—The term ‘qualified beginning farmer’ means an applicant, regardless of whether the applicant is participating in a program under section 3107, who—

“(A) is eligible for assistance under this title;

“(B) has not operated a farm, or has operated a farm for not more than 10 years;

“(C) in the case of a cooperative, corporation, partnership, or joint operation, has members, stockholders, partners, or joint operators who are all related to each other by blood or marriage;

“(D) in the case of a farmer who is the owner and operator of a farm—

“(i) in the case of a loan made to an individual, individually or with the immediate family of the applicant—

“(I) materially and substantially participates in the operation of the farm; and

“(II) provides substantial day-to-day labor and management of the farm, consistent with the practices in the State or county in which the farm is located; or

“(ii) (I) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, has members, stockholders, partners, or joint operators who materially and substantially participate in the operation of the farm; and

“(II) in the case of a loan made to a corporation, has stockholders who all qualify individually as beginning farmers;

“(E) in the case of an applicant seeking to become an owner and operator of a farm—

“(i) in the case of a loan made to an individual, individually or with the immediate family of the applicant, will—

“(I) materially and substantially participate in the operation of the farm; and

“(II) provide substantial day-to-day labor and management of the farm, consistent with the practices in the State or county in which the farm is located; or

“(ii) (I) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, will have members, stockholders, partners, or joint operators who will materially and substantially participate in the operation of the farm; and

“(II) in the case of a loan made to a corporation, has stockholders who will all qualify individually as beginning farmers;

“(F) agrees to participate in such loan assessment, borrower training, and financial management programs as the Secretary may require;

“(G)(i) does not own farm land; or
 “(ii) directly or through interests in family farm corporations, owns farm land, the aggregate acreage of which does not exceed 30 percent of the average acreage of the farms, as the case may be, in the county in which the farm operations of the applicant are located, as reported in the most recent census of agriculture taken in accordance with the Census of Agriculture Act of 1997 (7 U.S.C. 2204g et seq.), except that this subparagraph shall not apply to a loan made or guaranteed under chapter 2 of subtitle A; and

“(H) demonstrates that the available resources of the applicant and any spouse of the applicant are not sufficient to enable the applicant to farm on a viable scale.

“(27) RECREATIONAL PURPOSE.—For purposes of section 3410, the term ‘recreational purpose’ has the meaning provided by the Secretary, but shall include hunting.

“(28) RURAL AND RURAL AREA.—

“(A) IN GENERAL.—Subject to any determination made under subparagraph (B), the terms ‘rural’ and ‘rural area’ mean any area other than—

“(i) a city or town that has a population of greater than 50,000 inhabitants; and

“(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

“(B) DETERMINATION OF AREAS RURAL IN CHARACTER.—

“(i) IN GENERAL.—If part of an area described in subparagraph (A)(ii) was eligible under the definitions of the terms ‘rural’ and ‘rural area’ in section 343 (as in effect on the day before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012) for community facility, water and waste disposal, and broadband programs, that area shall remain eligible unless the Secretary, acting through the Under Secretary for Rural Development (referred to in this subparagraph as the ‘Under Secretary’), determines the area is no longer rural, based on the criteria described in clause (iii).

“(ii) OTHER AREAS.—On petition of a unit of local government in an urbanized area described in subparagraph (A)(ii), or on the initiative of the Under Secretary, the Under Secretary may determine that part of an area is rural, based on the criteria described in clause (iii).

“(iii) CRITERIA.—In making a determination under clause (i), the Under Secretary shall consider—

“(I) population density;

“(II) economic conditions, favoring a rural determination for areas facing—

“(aa) chronic unemployment in excess of statewide averages;

“(bb) sudden loss of employment from natural disaster or the loss of a significant employer in the area; or

“(cc) chronic poverty demonstrated at the census block or county level compared to statewide median household income; and

“(III) commuting patterns, favoring a rural determination for areas that can demonstrate higher proportions of the population living and working in the area.

“(iv) ADMINISTRATION.—In carrying out this subparagraph, the Under Secretary shall—

“(I) not delegate the authority to carry out this subparagraph;

“(II) not make a determination under clause (i) until the date that is 3 years after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012;

“(III) consult with the applicable rural development State or regional director of the Department and the Governor of the respective State;

“(IV) provide an opportunity to appeal to the Under Secretary a determination made under this subparagraph;

“(V) release to the public notice of a petition filed or initiative of the Under Secretary under this subparagraph not later than 30 days after receipt of the petition or the commencement of the initiative, as appropriate;

“(VI) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (V); and

“(VII) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on actions taken to carry out this subparagraph.

“(v) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this subsection, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Under Secretary may designate any part of the areas as a rural area if the Under Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.

“(C) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

“(29) SEASONED DIRECT LOAN BORROWER.—The term ‘seasoned direct loan borrower’ means a borrower who could reasonably be expected to qualify for commercial credit using criteria determined by the Secretary.

“(30) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(31) SOCIALLY DISADVANTAGED FARMER.—The term ‘socially disadvantaged farmer’ means a farmer who is a member of a socially disadvantaged group.

“(32) SOCIALLY DISADVANTAGED GROUP.—The term ‘socially disadvantaged group’ means a group whose members have been subjected to racial, ethnic, or gender prejudice because of the identity of the members as members of a group without regard to the individual qualities of the members.

“(33) SOLAR ENERGY.—The term ‘solar energy’ means energy derived from sources (other than fossil fuels) and technologies included in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

“(34) STATE.—The term ‘State’ means—

“(A) in this title (other than subtitle A), each of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

“(B) in subtitle A, each of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and, to the extent the Secretary determines it to be feasible and appropriate, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(35) STATE BEGINNING FARMER PROGRAM.—The term ‘State beginning farmer program’ means any program that is—

“(A) carried out by, or under contract with, a State; and

“(B) designed to assist qualified beginning farmers in obtaining the financial assistance necessary to enter agriculture and establish viable farming operations.

“(36) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

“(37) WETLAND.—The term ‘wetland’ has the meaning given the term in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)).

“(38) WILDLIFE.—The term ‘wildlife’ means fish or wildlife (as defined in section 2(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(a))).

“Subtitle B—Rural Development

“CHAPTER 1—RURAL COMMUNITY PROGRAMS

“SEC. 3501. WATER AND WASTE DISPOSAL LOANS, LOAN GUARANTEES, AND GRANTS.

“(a) IN GENERAL.—The Secretary may make grants and loans and issue loan guarantees (including a guarantee of a loan financed by the net proceeds of a bond described in section 142(a) of the Internal Revenue Code of 1986) to eligible entities described in subsection (b) for projects in rural areas that primarily serve rural residents to provide for—

“(1) the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste; and

“(2) financial assistance and other aid in the planning of projects for purposes described in paragraph (1).

“(b) ELIGIBLE ENTITIES.—Entities eligible for assistance described in subsection (a) are—

“(1) associations (including corporations not operated for profit);

“(2) Indian tribes;

“(3) public and quasi-public agencies; and

“(4) in the case of a project to attach an individual property in a rural area to a water system to alleviate a health risk, an individual.

“(c) LOAN AND LOAN GUARANTEE REQUIREMENTS.—In connection with loans made or guaranteed under this section, the Secretary shall require the applicant—

“(1) to certify in writing, and the Secretary shall determine, that the applicant is unable to obtain sufficient credit elsewhere to finance the actual needs of the applicant at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time; and

“(2) to furnish an appropriate written financial statement.

“(d) GRANT AMOUNTS.—

“(1) MAXIMUM.—Except as otherwise provided in this subsection, the amount of any grant made under this section shall not exceed 75 percent of the development cost of the project for which the grant is provided.

“(2) GRANT RATE.—The Secretary shall establish the grant rate for each project in conformity with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(A) lower community population;

“(B) higher rates of outmigration; and

“(C) lower income levels.

“(3) LOCAL SHARE REQUIREMENTS.—Grants made under this section may be used to pay

the local share requirements of another Federal grant-in-aid program to the extent permitted under the law providing for the grant-in-aid program.

“(e) SPECIAL GRANTS.—

“(1) REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS.—

“(A) IN GENERAL.—The Secretary may make grants to qualified, nonprofit entities in rural areas to capitalize revolving funds for the purpose of providing financing to eligible entities for—

“(i) predevelopment costs associated with proposed water and wastewater projects or with existing water and wastewater systems; and

“(ii) short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

“(B) MAXIMUM AMOUNT OF FINANCING.—The amount of financing made to an eligible entity under this paragraph shall not exceed—

“(i) \$100,000 for costs described in subparagraph (A)(i); and

“(ii) \$100,000 for costs described in subparagraph (A)(ii).

“(C) TERM.—The term of financing provided to an eligible entity under this paragraph shall not exceed 10 years.

“(D) ADMINISTRATION.—The Secretary shall limit the amount of grant funds that may be used by a grant recipient for administrative costs incurred under this paragraph.

“(E) ANNUAL REPORT.—A nonprofit entity receiving a grant under this paragraph shall submit to the Secretary an annual report that describes the number and size of communities served and the type of financing provided.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$30,000,000 for each of fiscal years 2013 through 2017.

“(2) EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE PROGRAM.—

“(A) IN GENERAL.—The Secretary shall provide grants in accordance with this paragraph to assist the residents of rural areas and small communities to secure adequate quantities of safe water—

“(i) after a significant decline in the quantity or quality of water available from the water supplies of the rural areas and small communities, or when such a decline is imminent; or

“(ii) when repairs, partial replacement, or significant maintenance efforts on established water systems would remedy—

“(I) an acute or imminent shortage of quality water; or

“(II) a significant or imminent decline in the quantity or quality of water that is available.

“(B) PRIORITY.—In carrying out subparagraph (A), the Secretary shall—

“(i) give priority to projects described in subparagraph (A)(i); and

“(ii) provide at least 70 percent of all grants under this paragraph to those projects.

“(C) ELIGIBILITY.—To be eligible to obtain a grant under this paragraph, an applicant shall—

“(i) be a public or private nonprofit entity; and

“(ii) in the case of a grant made under subparagraph (A)(i), demonstrate to the Secretary that the decline referred to in that subparagraph occurred, or will occur, not later than 2 years after the date on which the application was filed for the grant.

“(D) USES.—

“(i) IN GENERAL.—Grants made under this paragraph may be used—

“(I) for waterline extensions from existing systems, laying of new waterlines, repairs, significant maintenance, digging of new wells, equipment replacement, and hook and tap fees;

“(II) for any other appropriate purpose associated with developing sources of, treating, storing, or distributing water;

“(III) to assist communities in complying with the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

“(IV) to provide potable water to communities through other means.

“(ii) JOINT PROPOSALS.—

“(I) IN GENERAL.—Subject to the restrictions in subparagraph (E), nothing in this paragraph precludes rural communities from submitting joint proposals for emergency water assistance.

“(II) CONSIDERATION OF RESTRICTIONS.—The restrictions in subparagraph (E) shall be considered in the aggregate, depending on the number of communities involved.

“(E) RESTRICTIONS.—

“(i) MAXIMUM INCOME.—No grant provided under this paragraph shall be used to assist any rural area or community that has a median household income in excess of the State nonmetropolitan median household income according to the most recent decennial census of the United States.

“(ii) SET-ASIDE FOR SMALLER COMMUNITIES.—Not less than 50 percent of the funds allocated under this paragraph shall be allocated to rural communities with populations that do not exceed 3,000 inhabitants.

“(F) MAXIMUM GRANTS.—Grants made under this paragraph may not exceed—

“(i) in the case of each grant made under subparagraph (A)(i), \$500,000; and

“(ii) in the case of each grant made under subparagraph (A)(ii), \$150,000.

“(G) FULL FUNDING.—Subject to subparagraph (F), grants under this paragraph shall be made in an amount equal to 100 percent of the costs of the projects conducted under this paragraph.

“(H) APPLICATION.—

“(i) NATIONALLY COMPETITIVE APPLICATION PROCESS.—

“(I) IN GENERAL.—The Secretary shall develop a nationally competitive application process to award grants under this paragraph.

“(II) REQUIREMENTS.—The process shall include criteria for evaluating applications, including population, median household income, and the severity of the decline, or imminent decline, in the quantity or quality of water.

“(ii) TIMING OF REVIEW OF APPLICATIONS.—

“(I) SIMPLIFIED APPLICATION.—The application process developed by the Secretary under clause (i) shall include a simplified application form that will permit expedited consideration of an application for a grant filed under this paragraph.

“(II) PRIORITY REVIEW.—In processing applications for any water or waste grant or loan authorized under this section, the Secretary shall afford priority processing to an application for a grant under this paragraph to the extent funds will be available for an award on the application at the conclusion of priority processing.

“(III) TIMING.—The Secretary shall, to the maximum extent practicable, review and act on an application under this paragraph not later than 60 days after the date on which

the application is submitted to the Secretary.

“(I) FUNDING.—

“(i) RESERVATION.—

“(I) IN GENERAL.—For each fiscal year, not less than 3 nor more than 5 percent of the total amount made available to carry out this section for the fiscal year shall be reserved for grants under this paragraph.

“(II) RELEASE.—Funds reserved under subclause (I) for a fiscal year shall be reserved only until July 1 of the fiscal year.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under clause (i), there is authorized to be appropriated to carry out this paragraph \$35,000,000 for each of fiscal years 2013 through 2017.

“(3) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—

“(A) DEFINITION OF COOPERATIVE.—In this paragraph, the term ‘cooperative’ means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

“(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

“(I) rural water supply corporations, cooperatives, or similar entities;

“(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

“(III) rural or native villages in the State of Alaska;

“(IV) native tribal health consortiums;

“(V) public agencies; and

“(VI) Native Hawaiian Home Lands.

“(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

“(I) water supply systems; or

“(II) waste disposal facilities.

“(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

“(iv) CERTAIN AREAS TARGETED.—

“(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

“(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

“(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

“(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i)

may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

“(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

“(bb) an area described under subclause (II), (III), or (VI) of clause (i).

“(C) LOANS AND GRANTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

“(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

“(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

“(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

“(I) directly to the individuals by the Secretary; or

“(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

“(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

“(E) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the head of any Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this paragraph.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(i) for grants under this paragraph, \$60,000,000 for each fiscal year;

“(ii) for loans under this paragraph, \$60,000,000 for each fiscal year; and

“(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, \$20,000,000 for each fiscal year.

“(4) SOLID WASTE MANAGEMENT GRANTS.—

“(A) IN GENERAL.—The Secretary may make grants to nonprofit organizations for the provision of regional technical assistance to local and regional governments and related agencies for the purpose of reducing or eliminating pollution of water resources and improving the planning and management of solid waste disposal facilities in rural areas.

“(B) TECHNICAL ASSISTANCE GRANT AMOUNTS.—Grants made under this paragraph for the provision of technical assist-

ance shall be made for 100 percent of the cost of the technical assistance.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$10,000,000 for each of fiscal years 2013 through 2017

“(5) RURAL WATER AND WASTEWATER TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—

“(A) GRANTS TO NONPROFITS.—

“(i) IN GENERAL.—The Secretary may make grants to nonprofit organizations to enable the organizations to provide to associations that provide water and wastewater services in rural areas technical assistance and training—

“(I) to identify, and evaluate alternative solutions to, problems relating to the obtaining, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas;

“(II) to prepare applications to receive financial assistance for any purpose specified in subsection (a)(1) from any public or private source; and

“(III) to improve the operation and maintenance practices at any existing works for the storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

“(ii) SELECTION PRIORITY.—In selecting recipients of grants to be made under clause (i), the Secretary shall give priority to nonprofit organizations that have experience in providing the technical assistance and training described in clause (i) to associations serving rural areas in which—

“(I) residents have low income; and

“(II) water supply systems or waste facilities are unhealthful.

“(iii) FUNDING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not less than 1 nor more than 3 percent of any funds made available to carry out water and waste disposal projects described in subsection (a) for any fiscal year shall be reserved for grants under this paragraph.

“(II) EXCEPTION.—The minimum amount specified in subclause (I) shall not apply if the aggregate amount of grant funds requested by applications that qualify for grants received by the Secretary from eligible nonprofit organizations for the fiscal year totals less than 1 percent of those funds.

“(B) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

“(i) IN GENERAL.—The Secretary shall continue a national rural water and wastewater circuit rider program that—

“(I) is consistent with the activities and results of the program conducted before January 1, 2012, as determined by the Secretary; and

“(II) received funding from the Secretary, acting through the Administrator of the Rural Utilities Service.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$25,000,000 for fiscal year 2013 and each fiscal year thereafter.

“(6) SEARCH PROGRAM.—

“(A) IN GENERAL.—The Secretary may establish a Special Evaluation Assistance for Rural Communities and Households (SEARCH) program to make predevelopment planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in this section.

“(B) TERMS.—

“(i) DOCUMENTATION.—With respect to grants made under this paragraph, the Sec-

retary shall require the lowest quantity of documentation practicable.

“(ii) MATCHING.—Notwithstanding any other provision of this section, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this paragraph, as determined by the Secretary.

“(iii) FUNDING.—The Secretary may use not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this chapter to carry out this paragraph.

“(C) RELATIONSHIP TO OTHER AUTHORITY.—

“(i) IN GENERAL.—The funds and authorities provided under this paragraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in this section.

“(ii) AUTHORIZED ACTIVITIES.—The Secretary may furnish financial assistance or other aid in planning projects for the purposes described in subparagraph (A).

“(f) PRIORITY.—In making grants and loans, and guaranteeing loans, for water, wastewater, and waste disposal projects under this section, the Secretary shall give priority consideration to projects that serve rural communities that, as determined by the Secretary—

“(1) have a population of less than 5,500 permanent residents;

“(2) have a community water, wastewater, or waste disposal system that—

“(A) is experiencing—

“(i) an unanticipated reduction in the quality of water, the quantity of water, or the ability to deliver water; or

“(ii) some other deterioration in the supply of water to the community;

“(B) is not adequate to meet the needs of the community; and

“(C) requires immediate corrective action;

“(3) are experiencing outmigration;

“(4) have a high percentage of low-income residents; or

“(5) are isolated from other significant population centers.

“(g) CURTAILMENT OR LIMITATION OF SERVICE PROHIBITED.—The service provided or made available through any such association shall not be curtailed or limited by inclusion of the area served by such association within the boundaries of any municipal corporation or other public body, or by the granting of any private franchise for similar service within such area during the term of such loan; nor shall the happening of any such event be the basis of requiring such association to secure any franchise, license, or permit as a condition to continuing to serve the area served by the association at the time of the occurrence of such event.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

“SEC. 3502. COMMUNITY FACILITIES LOANS, LOAN GUARANTEES, AND GRANTS.

“(a) IN GENERAL.—The Secretary may make grants and loans and issue loan guarantees (including a guarantee of a loan financed by the net proceeds of a bond described in section 142(a) of the Internal Revenue Code of 1986) to eligible entities described in subsection (b) for projects in rural areas that primarily serve rural residents to provide for—

“(1) essential community facilities, including—

“(A) necessary equipment;

“(B) recreational developments; and

“(2) financial assistance and other assistance in the planning of projects for purposes described in this section.

“(b) ELIGIBLE ENTITIES.—Entities eligible for assistance described in subsection (a) are—

“(1) associations (including corporations not operated for profit);

“(2) Indian tribes (including groups of individuals described in paragraph (4) of section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c)); and

“(3) public and quasi-public agencies.

“(c) LOAN AND LOAN GUARANTEE REQUIREMENTS.—

“(1) IN GENERAL.—In connection with loans made or guaranteed under this section, the Secretary shall require the applicant—

“(A) to certify in writing, and the Secretary shall determine, that the applicant is unable to obtain sufficient credit elsewhere to finance the actual needs of the applicant; and

“(B) to furnish an appropriate written financial statement.

“(2) DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.—The Secretary shall establish and implement a program that is similar to the program established under section 3411, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans to a hospital or health care facility under subsection (a).

“(d) GRANT AMOUNTS.—

“(1) MAXIMUM.—Except as otherwise provided in this subsection, the amount of any grant made under this section shall not exceed 75 percent of the development cost of the project for which the grant is provided.

“(2) GRANT RATE.—The Secretary shall establish the grant rate for each project in conformity with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(A) low community population;

“(B) high rates of outmigration; and

“(C) low income levels.

“(3) LOCAL SHARE REQUIREMENTS.—Grants made under this section may be used to pay the local share requirements of another Federal grant-in-aid program to the extent permitted under the law providing for the grant-in-aid program.

“(e) PRIORITY.—In making grants and loans, and guaranteeing loans under this section, the Secretary shall give priority consideration to projects that serve rural communities that—

“(1) have a population of less than 20,000 permanent residents;

“(2) are experiencing outmigration;

“(3) have a high percentage of low-income residents; or

“(4) are isolated from other significant population centers.

“(f) TRIBAL COLLEGES AND UNIVERSITIES.—

“(1) IN GENERAL.—The Secretary may make grants to an entity that is a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))) to provide the Federal share of the cost of developing specific Tribal College or University essential community facilities in rural areas.

“(2) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the project that may be covered by a grant under this subsection, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost of the project.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this subsection \$10,000,000 for each of fiscal years 2013 through 2017.

“(g) TECHNICAL ASSISTANCE FOR COMMUNITY FACILITIES PROJECTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use funds made available for community facilities programs authorized under this section to provide technical assistance to applicants and participants for community facilities programs.

“(2) FUNDING.—The Secretary may use not more than 3 percent of the amount of funds made available to participants for a fiscal year for a community facilities program to provide technical assistance described in paragraph (1).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

“SEC. 3503. HEALTH CARE SERVICES.

“(a) PURPOSE.—The purpose of this section is to address the continued unmet health needs in the Delta region through cooperation among health care professionals, institutions of higher education, research institutions, and other individuals and entities in the region.

“(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a consortium of regional institutions of higher education, academic health and research institutes, and economic development entities located in the Delta region that have experience in addressing the health care issues in the region.

“(c) GRANTS.—To carry out the purpose described in subsection (a), the Secretary may award a grant to an eligible entity for—

“(1) the development of—

“(A) health care services;

“(B) health education programs; and

“(C) health care job training programs; and

“(2) the development and expansion of public health-related facilities in the Delta region to address longstanding and unmet health needs of the region.

“(d) USE.—As a condition of the receipt of the grant, the eligible entity shall use the grant to fund projects and activities described in subsection (c), based on input solicited from local governments, public health care providers, and other entities in the Delta region.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$3,000,000 for each of fiscal years 2013 through 2017.

“CHAPTER 2—RURAL BUSINESS AND COOPERATIVE DEVELOPMENT

“SEC. 3601. BUSINESS PROGRAMS.

“(a) RURAL BUSINESS DEVELOPMENT GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible entities described in paragraph (2) in rural areas that primarily serve rural areas for purposes described in paragraph (3).

“(2) ELIGIBLE ENTITIES.—The Secretary may make grants under this subsection to—

“(A) governmental entities;

“(B) Indian tribes; and

“(C) nonprofit entities.

“(3) ELIGIBLE PURPOSES FOR GRANTS.—Eligible entities that receive grants under this subsection may use the grant funds for—

“(A) business opportunity projects that—

“(i) identify and analyze business opportunities;

“(ii) identify, train, and provide technical assistance to existing or prospective rural entrepreneurs and managers;

“(iii) assist in the establishment of new rural businesses and the maintenance of ex-

isting businesses, including through business support centers;

“(iv) conduct regional, community, and local economic development planning and coordination, and leadership development; and

“(v) establish centers for training, technology, and trade that will provide training to rural businesses in the use of interactive communications technologies to develop international trade opportunities and markets; and

“(B) projects that support the development of business enterprises that finance or facilitate—

“(i) the development of small and emerging private business enterprise;

“(ii) the establishment, expansion, and operation of rural distance learning networks;

“(iii) the development of rural learning programs that provide educational instruction or job training instruction related to potential employment or job advancement to adult students; and

“(iv) the provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$65,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

“(b) VALUE-ADDED AGRICULTURAL PRODUCER GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) MID-TIER VALUE CHAIN.—The term ‘mid-tier value chain’ means a local and regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

“(i) targets and strengthens the profitability and competitiveness of small- and medium-sized farms that are structured as family farms; and

“(ii) obtains agreement from an eligible agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

“(B) PRODUCER.—The term ‘producer’ means a farmer.

“(C) VALUE-ADDED AGRICULTURAL PRODUCT.—The term ‘value-added agricultural product’ means any agricultural commodity or product—

“(i) that—

“(I) has undergone a change in physical state;

“(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

“(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

“(IV) is a source of farm-based renewable energy, including E-85 fuel; or

“(V) is aggregated and marketed as a locally produced agricultural food product; and

“(ii) for which, as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

“(I) the customer base for the agricultural commodity or product is expanded; and

“(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

“(2) GRANTS.—

“(A) IN GENERAL.—The Secretary may make grants under this subsection to—

“(i) independent producers of value-added agricultural products; and

“(ii) an agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

“(B) GRANTS TO A PRODUCER.—A grantee under subparagraph (A)(i) shall use the grant—

“(i) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity (including through mid-tier value chains) for value-added agricultural products; or

“(ii) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

“(C) GRANTS TO AN AGRICULTURAL PRODUCER GROUP, COOPERATIVE OR PRODUCER-BASED BUSINESS VENTURE.—A grantee under subparagraph (A)(ii) shall use the grant—

“(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

“(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.

“(D) AWARD SELECTION.—

“(i) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects—

“(I) that contribute to increasing opportunities for operators of small- and medium-sized farms that are structured as family farms; or

“(II) at least $\frac{1}{4}$ of the recipients of which are beginning farmers or socially disadvantaged farmers.

“(ii) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide substantial weight to the priorities described in clause (i).

“(E) AMOUNT OF GRANT.—

“(i) IN GENERAL.—The total amount provided to a grant recipient under this subsection shall not exceed \$500,000.

“(ii) MAJORITY-CONTROLLED, PRODUCER-BASED BUSINESS VENTURES.—The total amount of all grants provided to majority-controlled, producer-based business ventures under this subsection for a fiscal year shall not exceed 10 percent of the amount of funds used to make all grants for the fiscal year under this subsection.

“(F) TERM.—The term of a grant under this paragraph shall not exceed 3 years.

“(G) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than \$50,000 under this subsection.

“(3) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2013 through 2017.

“(B) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS, SOCIALLY DISADVANTAGED FARMERS, AND MID-TIER VALUE CHAINS.—

“(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund projects that benefit beginning farmers or socially disadvantaged farmers.

“(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the

amounts made available for each fiscal year under this subsection to fund applications of eligible entities described in paragraph (2) that propose to develop mid-tier value chains.

“(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

“(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection \$12,500,000 for each of fiscal years 2014 through 2017, to remain available until expended.

“(c) RURAL COOPERATIVE DEVELOPMENT GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) NONPROFIT INSTITUTION.—The term ‘nonprofit institution’ means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(B) UNITED STATES.—The term ‘United States’ means—

“(i) the several States; and

“(ii) the District of Columbia.

“(2) GRANTS.—The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling the nonprofit institutions to establish and operate centers for rural cooperative development.

“(3) GOALS.—The goals of a center funded under this subsection shall be to facilitate the creation of jobs in rural areas through the development of new rural cooperatives, value-added processing, and rural businesses.

“(4) APPLICATION.—

“(A) IN GENERAL.—Any nonprofit institution seeking a grant under paragraph (2) shall submit to the Secretary an application containing a plan for the establishment and operation by the institution of 1 or more centers for cooperative development.

“(B) REQUIREMENTS.—The Secretary may approve an application if the plan contains the following:

“(i) A provision that substantiates that the center will effectively serve rural areas in the United States.

“(ii) A provision that the primary objective of the center will be to improve the economic condition of rural areas through cooperative development.

“(iii) A description of the activities that the center will carry out to accomplish the objective, which may include programs—

“(I) for applied research and feasibility studies that may be useful to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(II) for the collection, interpretation, and dissemination of information that may be useful to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(III) providing training and instruction for individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(IV) providing loans and grants to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center;

“(V) providing technical assistance, research services, and advisory services to in-

dividuals, cooperatives, small businesses, and other similar entities in rural areas served by the center; and

“(VI) providing for the coordination of services and sharing of information by the center.

“(iv) A description of the contributions that the activities are likely to make to the improvement of the economic conditions of the rural areas for which the center will provide services.

“(v) Provisions that the center, in carrying out the activities, will seek, if appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

“(vi) Provisions that the center will take all practicable steps to develop continuing sources of financial support for the center, particularly from sources in the private sector.

“(vii) Provisions for—

“(I) monitoring and evaluating the activities by the nonprofit institution operating the center; and

“(II) accounting for funds received by the institution under this section.

“(5) AWARDING GRANTS.—

“(A) IN GENERAL.—Grants made under paragraph (2) shall be made on a competitive basis.

“(B) PREFERENCE.—In making grants under paragraph (2), the Secretary shall give preference to grant applications providing for the establishment of centers for rural cooperative development that—

“(i) demonstrate a proven track record in carrying out activities to promote and assist the development of cooperatively and mutually owned businesses;

“(ii) demonstrate previous expertise in providing technical assistance in rural areas to promote and assist the development of cooperatively and mutually owned businesses;

“(iii) demonstrate the ability to assist in the retention of businesses, facilitate the establishment of cooperatives and new cooperative approaches, and generate employment opportunities that will improve the economic conditions of rural areas;

“(iv) commit to providing technical assistance and other services to underserved and economically distressed areas in rural areas of the United States;

“(v) demonstrate a commitment to—

“(I) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

“(II) developing multiorganization and multistate approaches to addressing the economic development and cooperative needs of rural areas; and

“(vi) commit to providing a 25 percent matching contribution with private funds and in-kind contributions, except that the Secretary shall not require non-Federal financial support in an amount that is greater than 5 percent in the case of a 1994 institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)).

“(6) GRANT PERIOD.—

“(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

“(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not

more than 3 years, to a center that has successfully met the requirements of paragraph (5)(B), as determined by the Secretary.

“(7) **AUTHORITY TO EXTEND GRANT PERIOD.**—The Secretary may extend for 1 additional 12-month period the period during which a grantee may use a grant made under this subsection.

“(8) **TECHNICAL ASSISTANCE TO PREVENT EXCESSIVE UNEMPLOYMENT OR UNDEREMPLOYMENT.**—

“(A) **IN GENERAL.**—In carrying out this subsection, the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment, underemployment, outmigration, or low employment growth in economically distressed rural areas that the Secretary determines have a substantial need for the assistance.

“(B) **INCLUSIONS.**—The assistance may include planning and feasibility studies, management and operational assistance, and studies evaluating the need for the development potential of projects that increase employment and improve economic growth in the areas.

“(9) **GRANTS TO DEFRAY ADMINISTRATIVE COSTS.**—

“(A) **IN GENERAL.**—The Secretary may make grants to defray not to exceed 75 percent of the costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under this subsection.

“(B) **COST-SHARING.**—For purposes of determining the non-Federal share of the costs, the Secretary shall include contributions in cash and in kind, fairly evaluated, including premises, equipment, and services.

“(10) **COOPERATIVE RESEARCH PROGRAM.**—The Secretary shall offer to enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.

“(11) **ADDRESSING NEEDS OF MINORITY COMMUNITIES.**—

“(A) **IN GENERAL.**—If the total amount appropriated under paragraph (13) for a fiscal year exceeds \$7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives—

“(i) that serve socially disadvantaged groups; and

“(ii) a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups.

“(B) **INSUFFICIENT APPLICATIONS.**—To the extent there are insufficient applications to carry out subparagraph (A), the Secretary shall use the funds as otherwise authorized by this subsection.

“(12) **INTERAGENCY WORKING GROUP.**—Not later than 90 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall coordinate and chair an interagency working group to foster cooperative development and ensure coordination with Federal agencies and national and local cooperative organizations that have cooperative programs and interests.

“(13) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2013 through 2017.

“(d) **APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.**—

“(1) **DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.**—In this

subsection, the term ‘national nonprofit agricultural assistance institution’ means an organization that—

“(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

“(B) has staff and offices in multiple regions of the United States;

“(C) has experience and expertise in operating national agricultural technical assistance programs;

“(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life; and

“(E) improves the economic viability of agricultural operations.

“(2) **ESTABLISHMENT.**—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information—

“(A) to reduce input costs;

“(B) to conserve energy resources;

“(C) to diversify operations through new energy crops and energy generation facilities; and

“(D) to expand markets for agricultural commodities produced by the producers by using practices that enhance the environment, natural resource base, and quality of life.

“(3) **IMPLEMENTATION.**—

“(A) **IN GENERAL.**—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance institution.

“(B) **GRANT AMOUNT.**—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2013 through 2017.

“(e) **BUSINESS AND INDUSTRY DIRECT AND GUARANTEED LOANS.**—

“(1) **DEFINITION OF BUSINESS AND INDUSTRY LOAN.**—In this section, the term ‘business and industry loan’ means a direct loan that is made, or a loan that is guaranteed, by the Secretary under this subsection.

“(2) **LOAN PURPOSES.**—The Secretary may make business and industry loans to public, private, or cooperative organizations organized for profit or nonprofit, private investment funds that invest primarily in cooperative organizations, or to individuals—

“(A) to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities, including pollution abatement and control;

“(B) to conserve, develop, and use water for aquaculture purposes in rural areas; and

“(C) to reduce the reliance on nonrenewable energy resources by encouraging the development and construction of renewable energy systems (including solar energy systems, wind energy systems, and anaerobic digestors for the purpose of energy generation), including the modification of existing systems, in rural areas.

“(3) **LOAN GUARANTEES FOR CERTAIN LOANS.**—The Secretary may guarantee loans made under this subsection to finance the issuance of bonds for the projects described in paragraph (2).

“(4) **MAXIMUM AMOUNT OF PRINCIPAL.**—

“(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, no loan may be

made or guaranteed under this subsection that exceeds \$25,000,000 in principal amount.

“(B) **LIMITATIONS ON LOAN GUARANTEES FOR COOPERATIVE ORGANIZATIONS.**—

“(i) **PRINCIPAL AMOUNT.**—Subject to clause (ii), the principal amount of a business and industry loan made to a cooperative organization and guaranteed under this subsection shall not exceed \$40,000,000.

“(ii) **USE.**—To be eligible for a guarantee under this subsection for a business and industry loan made to a cooperative organization, the principal amount of the loan in excess of \$25,000,000 shall be used to carry out a project that is in a rural area and—

“(I) provides for the value-added processing of agricultural commodities; or

“(II) significantly benefits 1 or more entities eligible for assistance for the purposes described in paragraph (2), as determined by the Secretary.

“(iii) **APPLICATIONS.**—If a cooperative organization submits an application for a guarantee under this paragraph, the Secretary shall make the determination whether to approve the application, and the Secretary may not delegate this authority.

“(iv) **MAXIMUM AMOUNT.**—The total amount of business and industry loans made to cooperative organizations and guaranteed for a fiscal year under this subsection with principal amounts that are in excess of \$25,000,000 may not exceed 10 percent of the total amount of business and industry loans guaranteed for the fiscal year under this subsection.

“(5) **FEES.**—The Secretary may assess a 1-time fee and an annual renewal fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

“(6) **INTANGIBLE ASSETS.**—In determining whether a cooperative organization is eligible for a guaranteed business and industry loan, the Secretary may consider the market value of a properly appraised brand name, patent, or trademark of the cooperative.

“(7) **LOAN APPRAISALS.**—The Secretary may require that any appraisal made in connection with a business and industry loan be conducted by a specialized appraiser that uses standards that are comparable to standards used for similar purposes in the private sector, as determined by the Secretary.

“(8) **LOAN GUARANTEES FOR THE PURCHASE OF COOPERATIVE STOCK.**—

“(A) **IN GENERAL.**—The Secretary may guarantee a business and industry loan to individual farmers to purchase capital stock of a former cooperative established for the purpose of processing an agricultural commodity.

“(B) **PROCESSING CONTRACTS DURING INITIAL PERIOD.**—A cooperative described in subparagraph (A) for which a farmer receives a guarantee to purchase stock under that subparagraph may contract for services to process agricultural commodities or otherwise process value added for the period beginning on the date of the startup of the cooperative in order to provide adequate time for the planning and construction of the processing facility of the cooperative.

“(C) **FINANCIAL INFORMATION.**—Financial information required by the Secretary from a farmer as a condition of making a business and industry loan guarantee under this paragraph shall be provided in the manner generally required by commercial agricultural lenders in the applicable area.

“(9) **LOANS TO COOPERATIVES.**—

“(A) **ELIGIBILITY.**—

“(i) **IN GENERAL.**—The Secretary may make or guarantee a business and industry loan to

a cooperative organization that is headquartered in a metropolitan area if the loan is—

“(I) used for a project or venture described in paragraph (2) that is located in a rural area; or

“(II) a loan guarantee that meets the requirements of paragraph (10).

“(ii) **EQUITY.**—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in paragraph (2)(A), as determined by the Secretary.

“(B) **REFINANCING.**—A cooperative organization that is eligible for a business and industry loan shall be eligible to refinance an existing business and industry loan with a lender if—

“(i) the cooperative organization—

“(I) is current and performing with respect to the existing loan; and

“(II)(aa) is not, and has not been, in payment default, with respect to the existing loan; or

“(bb) has not converted any of the collateral with respect to the existing loan; and

“(ii) there is adequate security or full collateral for the refinanced loan.

“(10) **LOAN GUARANTEES IN NONRURAL AREAS.**—The Secretary may guarantee a business and industry loan to a cooperative organization for a facility that is not located in a rural area if—

“(A) the primary purpose of the loan guarantee is for a facility to provide value-added processing for agricultural producers that are located within 80 miles of the facility;

“(B) the applicant demonstrates to the Secretary that the primary benefit of the loan guarantee will be to provide employment for residents of a rural area; and

“(C) the total amount of business and industry loans guaranteed for a fiscal year under this paragraph does not exceed 10 percent of the business and industry loans guaranteed for the fiscal year under this subsection.

“(11) **LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.**—The term ‘locally or regionally produced agricultural food product’ means any agricultural food product that is raised, produced, and distributed in—

“(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or

“(II) the State in which the product is produced.

“(ii) **UNDERSERVED COMMUNITY.**—The term ‘underserved community’ means a community (including an urban or rural community and an Indian tribal community) that, as determined by the Secretary, has—

“(I) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and

“(II) a high rate of hunger or food insecurity or a high poverty rate.

“(B) **LOAN AND LOAN GUARANTEE PROGRAM.**—

“(i) **IN GENERAL.**—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and fa-

cilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm income.

“(ii) **REQUIREMENT.**—The recipient of a loan or loan guarantee under this paragraph shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

“(iii) **PRIORITY.**—In making or guaranteeing a loan under this paragraph, the Secretary shall give priority to projects that have components benefitting underserved communities.

“(iv) **REPORTS.**—Not later than 2 years after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the Internet, a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

“(I) summary information about all projects;

“(II) the characteristics of the communities served; and

“(III) resulting benefits.

“(v) **RESERVATION OF FUNDS.**—For each of fiscal years 2012 through 2017, the Secretary shall reserve not less than 5 percent of the total amount of funds made available to carry out this subsection to carry out this paragraph until April 1 of the fiscal year.

“(vi) **OUTREACH.**—The Secretary shall develop and implement an outreach plan to publicize the availability of loans and loan guarantees under this paragraph, working closely with rural cooperative development centers, credit unions, community development financial institutions, regional economic development authorities, and other financial and economic development entities.

“(12) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$75,000,000 for each of fiscal years 2013 through 2017.

“(f) **RELENDING PROGRAMS.**—

“(1) **INTERMEDIATE RELENDING PROGRAM.**—

“(A) **IN GENERAL.**—The Secretary may make or guarantee loans to eligible entities described in subparagraph (B) so that the eligible entities may relend the funds to individuals and entities for the purposes described in subparagraph (C).

“(B) **ELIGIBLE ENTITIES.**—Entities eligible for loans and loan guarantees described in subparagraph (A) are—

“(i) public agencies;

“(ii) Indian tribes;

“(iii) cooperatives; and

“(iv) nonprofit corporations.

“(C) **ELIGIBLE PURPOSES.**—The proceeds from loans made or guaranteed by the Secretary pursuant to subparagraph (A) may be relented by eligible entities for projects that—

“(i) predominately serve communities in rural areas; and

“(ii) as determined by the Secretary—

“(I) promote community development;

“(II) establish new businesses;

“(III) establish and support microlending programs; and

“(IV) create or retain employment opportunities.

“(D) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2013 through 2017.

“(2) **RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **MICROENTREPRENEUR.**—The term ‘microentrepreneur’ means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this subsection, as determined by the Secretary.

“(ii) **MICROENTERPRISE DEVELOPMENT ORGANIZATION.**—The term ‘microenterprise development organization’ means an organization that is—

“(I) a nonprofit entity;

“(II) an Indian tribe, the tribal government of which certifies to the Secretary that—

“(aa) no microenterprise development organization serves the Indian tribe; and

“(bb) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe;

“(III) a public institution of higher education; or

“(IV) a collaboration of rural nonprofit entities serving a region or State, if 1 lead nonprofit entity is the sole underwriter of all loans and is responsible for associated risks.

“(iii) **MICROLOAN.**—The term ‘microloan’ means a business loan of not more than \$50,000 that is provided to a rural microenterprise.

“(iv) **PROGRAM.**—The term ‘program’ means the rural microentrepreneur assistance program established under subparagraph (B).

“(v) **RURAL MICROENTERPRISE.**—The term ‘rural microenterprise’ means a business entity with not more than 10 full-time equivalent employees located in a rural area.

“(vi) **TRAINING.**—The term ‘training’ means teaching broad business principles or general business skills in a group or public setting.

“(vii) **TECHNICAL ASSISTANCE.**—The term ‘technical assistance’ means working with a business client in a 1-to-1 manner to provide business and financial management counseling, assist in the preparation of business or marketing plans, or provide other skills tailored to an individual microentrepreneur.

“(B) **RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.**—

“(i) **ESTABLISHMENT.**—The Secretary shall establish a rural microentrepreneur assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

“(ii) **PURPOSE.**—The purpose of the program is to provide microentrepreneurs with—

“(I) the skills necessary to establish new rural microenterprises; and

“(II) continuing technical and financial assistance related to the successful operation of rural microenterprises.

“(iii) **LOANS.**—

“(I) **IN GENERAL.**—The Secretary shall make loans to microenterprise development organizations for the purpose of providing fixed-interest rate microloans to microentrepreneurs for startup and growing rural microenterprises.

“(II) **LOAN TERMS.**—A loan made by the Secretary to a microenterprise development organization under this subparagraph shall—

“(aa) be for a term not to exceed 20 years; and

“(bb) bear an annual interest rate of at least 1 percent.

“(III) LOAN LOSS RESERVE FUND.—The Secretary shall require each microenterprise development organization that receives a loan under this subparagraph to—

“(aa) establish a loan loss reserve fund; and

“(bb) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this subparagraph are repaid.

“(IV) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under this paragraph for a 2-year period beginning on the date on which the loan is made.

“(iv) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

“(I) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations—

“(aa) to provide training and technical assistance, and other related services to rural microentrepreneurs; and

“(bb) to carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

“(II) SELECTION.—In making grants under subclause (I), the Secretary shall—

“(aa) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

“(bb) ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations of varying sizes and that serve racially and ethnically diverse populations.

“(v) GRANTS TO ASSIST MICROENTREPRENEURS.—

“(I) IN GENERAL.—The Secretary shall make annual grants to microenterprise development organizations to provide technical assistance to microentrepreneurs that—

“(aa) received a loan from the microenterprise development organization under subparagraph (B)(iii); or

“(bb) are seeking a loan from the microenterprise development organization under subparagraph (B)(iii).

“(II) MAXIMUM AMOUNT OF TECHNICAL ASSISTANCE GRANT.—The maximum amount of a grant under this clause shall be in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under clause (iii), as of the date the grant is awarded.

“(vi) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this subparagraph may be used to pay administrative expenses.

“(C) ADMINISTRATION.—

“(i) MATCHING REQUIREMENT.—As a condition of any grant made under clauses (iv) and (v) of subparagraph (B), the Secretary shall require the microenterprise development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds (including community development block grants), indirect costs, or in-kind goods or services.

“(ii) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such informa-

tion as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$40,000,000 for each of fiscal years 2013 through 2017.

“(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph \$3,750,000 for each of fiscal years 2014 through 2017, to remain available until expended.

“SEC. 3602. RURAL BUSINESS INVESTMENT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ARTICLES.—The term ‘articles’ means articles of incorporation for an incorporated body or the functional equivalent or other similar documents specified by the Secretary for other business entities.

“(2) DEVELOPMENTAL VENTURE CAPITAL.—The term ‘developmental venture capital’ means capital in the form of equity capital investments in rural business investment companies with an objective of fostering economic development in rural areas.

“(3) EMPLOYEE WELFARE BENEFIT PLAN; PENSION PLAN.—

“(A) IN GENERAL.—The terms ‘employee welfare benefit plan’ and ‘pension plan’ have the meanings given the terms in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

“(B) INCLUSIONS.—The terms ‘employee welfare benefit plan’ and ‘pension plan’ include—

“(i) public and private pension or retirement plans subject to this subtitle; and

“(ii) similar plans not covered by this subtitle that have been established, and that are maintained, by the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State) for the benefit of employees.

“(4) EQUITY CAPITAL.—The term ‘equity capital’ means common or preferred stock or a similar instrument, including subordinated debt with equity features.

“(5) LEVERAGE.—The term ‘leverage’ includes—

“(A) debentures purchased or guaranteed by the Secretary;

“(B) participating securities purchased or guaranteed by the Secretary; and

“(C) preferred securities outstanding as of the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(6) LICENSE.—The term ‘license’ means a license issued by the Secretary in accordance with in subsection (d)(5).

“(7) LIMITED LIABILITY COMPANY.—The term ‘limited liability company’ means a business entity that is organized and operating in accordance with a State limited liability company law approved by the Secretary.

“(8) MEMBER.—The term ‘member’ means, with respect to a rural business investment company that is a limited liability company, a holder of an ownership interest, or a person otherwise admitted to membership in the limited liability company.

“(9) OPERATIONAL ASSISTANCE.—The term ‘operational assistance’ means management, marketing, and other technical assistance that assists a rural business concern with business development.

“(10) PARTICIPATION AGREEMENT.—The term ‘participation agreement’ means an agreement, between the Secretary and a rural business investment company granted final approval under subsection (d)(5), that re-

quires the rural business investment company to make investments in smaller enterprises in rural areas.

“(11) PRIVATE CAPITAL.—

“(A) IN GENERAL.—The term ‘private capital’ means the total of—

“(i)(I) the paid-in capital and paid-in surplus of a corporate rural business investment company;

“(II) the contributed capital of the partners of a partnership rural business investment company; or

“(III) the equity investment of the members of a limited liability company rural business investment company; and

“(ii) unfunded binding commitments from investors that meet criteria established by the Secretary to contribute capital to the rural business investment company, except that—

“(I) unfunded commitments may be counted as private capital for purposes of approval by the Secretary of any request for leverage; but

“(II) leverage shall not be funded based on the commitments.

“(B) EXCLUSIONS.—The term ‘private capital’ does not include—

“(i) any funds borrowed by a rural business investment company from any source;

“(ii) any funds obtained through the issuance of leverage; or

“(iii) any funds obtained directly or indirectly from the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State), except for—

“(I) funds obtained from the business revenues (excluding any governmental appropriation) of any Federally chartered or government-sponsored enterprise established prior to the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012;

“(II) funds invested by an employee welfare benefit plan or pension plan; and

“(III) any qualified nonprivate funds (if the investors of the qualified nonprivate funds do not control, directly or indirectly, the management, board of directors, general partners, or members of the rural business investment company).

“(12) QUALIFIED NONPRIVATE FUNDS.—The term ‘qualified nonprivate funds’ means any—

“(A) funds directly or indirectly invested in any applicant or rural business investment company on or before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 by any Federal agency, other than the Department, under a provision of law explicitly mandating the inclusion of those funds in the definition of the term ‘private capital’; and

“(B) funds invested in any applicant or rural business investment company by 1 or more entities of any State (including by a political subdivision, agency, or instrumentality of the State and including any guarantee extended by those entities) in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or rural business investment company.

“(13) RURAL BUSINESS CONCERN.—The term ‘rural business concern’ means—

“(A) a public, private, or cooperative for-profit or nonprofit organization;

“(B) a for-profit or nonprofit business controlled by an Indian tribe; or

“(C) any other person or entity that primarily operates in a rural area, as determined by the Secretary.

“(14) RURAL BUSINESS INVESTMENT COMPANY.—The term ‘rural business investment company’ means a company that—

“(A) has been granted final approval by the Secretary under subsection (d)(5); and

“(B) has entered into a participation agreement with the Secretary.

“(15) SMALLER ENTERPRISE.—

“(A) IN GENERAL.—The term ‘smaller enterprise’ means any rural business concern that, together with its affiliates—

“(i) has—

“(I) a net financial worth of not more than \$6,000,000, as of the date on which assistance is provided under this section to the rural business concern; and

“(II) except as provided in subparagraph (B), an average net income for the 2-year period preceding the date on which assistance is provided under this section to the rural business concern, of not more than \$2,000,000, after Federal income taxes (excluding any carryover losses); or

“(ii) satisfies the standard industrial classification size standards established by the Administrator of the Small Business Administration for the industry in which the rural business concern is primarily engaged.

“(B) EXCEPTION.—For purposes of subparagraph (A)(i)(II), if the rural business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the total of—

“(i) if the rural business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the product obtained by multiplying—

“(I) the net income (determined without regard to this subparagraph); by

“(II) the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

“(ii) the product obtained by multiplying—

“(I) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i); by

“(II) the marginal Federal income tax rate that would have applied if the rural business concern were a corporation.

“(b) PURPOSES.—The purposes of the Rural Business Investment Program established under this section are—

“(1) to promote economic development and the creation of wealth and job opportunities in rural areas and among individuals living in those areas by encouraging developmental venture capital investments in smaller enterprises primarily located in rural areas; and

“(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in rural areas, by authorizing the Secretary—

“(A) to enter into participation agreements with rural business investment companies;

“(B) to guarantee debentures of rural business investment companies to enable each rural business investment company to make developmental venture capital investments in smaller enterprises in rural areas; and

“(C) to make grants to rural business investment companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by rural business investment companies.

“(c) ESTABLISHMENT.—In accordance with this subtitle, the Secretary shall establish a

Rural Business Investment Program, under which the Secretary may—

“(1) enter into participation agreements with companies granted final approval under subsection (d)(5) for the purposes described in subsection (b);

“(2) guarantee the debentures issued by rural business investment companies as provided in subsection (e); and

“(3) make grants to rural business investment companies, and to other entities, under subsection (h).

“(d) SELECTION OF RURAL BUSINESS INVESTMENT COMPANIES.—

“(1) ELIGIBILITY.—A company shall be eligible to apply to participate, as a rural business investment company, in the program established under this section if—

“(A) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of such an entity;

“(B) the company has a management team with experience in community development financing or relevant venture capital financing; and

“(C) the company will invest in enterprises that will create wealth and job opportunities in rural areas, with an emphasis on smaller enterprises.

“(2) APPLICATION.—To participate, as a rural business investment company, in the program established under this section, a company meeting the eligibility requirements of paragraph (1) shall submit an application to the Secretary that includes—

“(A) a business plan describing how the company intends to make successful developmental venture capital investments in identified rural areas;

“(B) information regarding the community development finance or relevant venture capital qualifications and general reputation of the management of the company;

“(C) a description of how the company intends to work with community-based organizations and local entities (including local economic development companies, local lenders, and local investors) and to seek to address the unmet equity capital needs of the communities served;

“(D) a proposal describing how the company intends to use the grant funds provided under this section to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, as necessary, on the staff of the company or from an outside entity;

“(E) with respect to binding commitments to be made to the company under this section, an estimate of the ratio of cash to in-kind contributions;

“(F) a description of the criteria to be used to evaluate whether and to what extent the company meets the purposes of the program established under this section;

“(G) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

“(H) such other information as the Secretary may require.

“(3) STATUS.—Not later than 90 days after the initial receipt by the Secretary of an application under this subsection, the Secretary shall provide to the applicant a written report describing the status of the application and any requirements remaining for completion of the application.

“(4) MATTERS CONSIDERED.—In reviewing and processing any application under this subsection, the Secretary shall—

“(A) determine whether—

“(i) the applicant meets the requirements of paragraph (5); and

“(ii) the management of the applicant is qualified and has the knowledge, experience, and capability necessary to comply with this section;

“(B) take into consideration—

“(i) the need for and availability of financing for rural business concerns in the geographic area in which the applicant is to commence business;

“(ii) the general business reputation of the owners and management of the applicant; and

“(iii) the probability of successful operations of the applicant, including adequate profitability and financial soundness; and

“(C) not take into consideration any projected shortage or unavailability of grant funds or leverage.

“(5) APPROVAL; LICENSE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may approve an applicant to operate as a rural business investment company under this subtitle and license the applicant as a rural business investment company, if—

“(i) the Secretary determines that the application satisfies the requirements of paragraph (2);

“(ii) the area in which the rural business investment company is to conduct its operations, and establishment of branch offices or agencies (if authorized by the articles), are approved by the Secretary; and

“(iii) the applicant enters into a participation agreement with the Secretary.

“(B) CAPITAL REQUIREMENTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may approve an applicant to operate as a rural business investment company under this section and designate the applicant as a rural business investment company, if the Secretary determines that the applicant—

“(I) has private capital as determined by the Secretary;

“(II) would otherwise be approved under this section, except that the applicant does not satisfy the requirements of subsection (i)(3); and

“(III) has a viable business plan that—

“(aa) reasonably projects profitable operations; and

“(bb) has a reasonable timetable for achieving a level of private capital that satisfies the requirements of subsection (i)(3).

“(ii) LEVERAGE.—An applicant approved under clause (i) shall not be eligible to receive leverage under this section until the applicant satisfies the requirements of section 3602(i)(3).

“(iii) GRANTS.—An applicant approved under clause (i) shall be eligible for grants under subsection (h) in proportion to the private capital of the applicant, as determined by the Secretary.

“(e) DEBENTURES.—

“(1) IN GENERAL.—The Secretary may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any rural business investment company.

“(2) TERMS AND CONDITIONS.—The Secretary may make guarantees under this subsection on such terms and conditions as the Secretary considers appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

“(3) FULL FAITH AND CREDIT OF THE UNITED STATES.—Section 3901 shall apply to any guarantee under this subsection.

“(4) MAXIMUM GUARANTEE.—Under this subsection, the Secretary may—

“(A) guarantee the debentures issued by a rural business investment company only to the extent that the total face amount of outstanding guaranteed debentures of the rural business investment company does not exceed the lesser of—

“(i) 300 percent of the private capital of the rural business investment company; or

“(ii) \$105,000,000; and

“(B) provide for the use of discounted debentures.

“(f) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—

“(1) ISSUANCE.—The Secretary may issue trust certificates representing ownership of all or a fractional part of debentures issued by a rural business investment company and guaranteed by the Secretary under this section, if the certificates are based on and backed by a trust or pool approved by the Secretary and composed solely of guaranteed debentures.

“(2) GUARANTEE.—

“(A) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary considers appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Secretary or agents of the Secretary for purposes of this subsection.

“(B) LIMITATION.—Each guarantee under this paragraph shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

“(C) PREPAYMENT OR DEFAULT.—

“(i) IN GENERAL.—

“(I) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

“(II) REDUCTION OF GUARANTEE.—Subject to subclause (I), if a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest the prepaid debenture represents in the trust or pool.

“(ii) INTEREST.—Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Secretary only through the date of payment of the guarantee.

“(iii) REDEMPTION.—At any time during the term of a trust certificate, the trust certificate may be called for redemption due to prepayment or default of all debentures.

“(3) FULL FAITH AND CREDIT OF THE UNITED STATES.—Section 3901 shall apply to any guarantee of a trust certificate issued by the Secretary under this section.

“(4) SUBROGATION AND OWNERSHIP RIGHTS.—

“(A) SUBROGATION.—If the Secretary pays a claim under a guarantee issued under this section, the claim shall be subrogated fully to the rights satisfied by the payment.

“(B) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Secretary of the ownership rights of the Secretary in a debenture residing in a trust or pool against which 1 or more trust certificates are issued under this subsection.

“(5) MANAGEMENT AND ADMINISTRATION.—

“(A) REGISTRATION.—The Secretary shall provide for a central registration of all trust certificates issued under this subsection.

“(B) CREATION OF POOLS.—The Secretary may—

“(i) maintain such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this subtitle; and

“(ii) issue trust certificates to facilitate the creation of those trusts or pools.

“(C) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Secretary under this paragraph shall provide a fidelity bond or insurance in such amount as the Secretary considers to be necessary to fully protect the interests of the United States.

“(D) REGULATION OF BROKERS AND DEALERS.—The Secretary may regulate brokers and dealers in trust certificates issued under this subsection.

“(E) ELECTRONIC REGISTRATION.—Nothing in this paragraph prohibits the use of a book-entry or other electronic form of registration for trust certificates issued under this subsection.

“(g) FEES.—

“(1) IN GENERAL.—The Secretary may charge a fee that does not exceed \$500 with respect to any guarantee or grant issued under this section.

“(2) TRUST CERTIFICATE.—Notwithstanding paragraph (1), the Secretary shall not collect a fee for any guarantee of a trust certificate under subsection (f), except that any agent of the Secretary may collect a fee that does not exceed \$500 for the functions described in subsection (f)(5)(B).

“(3) LICENSE.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may prescribe fees to be paid by each applicant for a license to operate as a rural business investment company under this section.

“(B) USE OF AMOUNTS.—Fees collected under this paragraph—

“(i) shall be deposited in the account for salaries and expenses of the Secretary;

“(ii) are authorized to be appropriated solely to cover the costs of licensing examinations; and

“(iii) shall—

“(I) in the case of a license issued before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, not exceed \$500 for any fee collected under this paragraph; and

“(II) in the case of a license issued after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, be a rate as determined by the Secretary.

“(C) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in subparagraph (A) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(h) OPERATIONAL ASSISTANCE GRANTS.—

“(1) IN GENERAL.—In accordance with this subsection, the Secretary may make grants to rural business investment companies and to other entities, as authorized by this section, to provide operational assistance to smaller enterprises financed, or expected to be financed, by the entities.

“(2) TERMS.—Grants made under this subsection shall be made over a multiyear period (not to exceed 10 years) under such terms as the Secretary may require.

“(3) USE OF FUNDS.—The proceeds of a grant made under this subsection may be used by the rural business investment company receiving the grant only to provide operational assistance in connection with an equity or prospective equity investment in a business located in a rural area.

“(4) SUBMISSION OF PLANS.—A rural business investment company shall be eligible for a grant under this subsection only if the rural business investment company submits to the Secretary, in such form and manner as the Secretary may require, a plan for use of the grant.

“(5) GRANT AMOUNT.—

“(A) RURAL BUSINESS INVESTMENT COMPANIES.—The amount of a grant made under this subsection to a rural business investment company shall be equal to the lesser of—

“(i) 10 percent of the private capital raised by the rural business investment company; or

“(ii) \$1,000,000.

“(6) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a rural business investment company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to rural business investment companies under this section.

“(i) RURAL BUSINESS INVESTMENT COMPANIES.—

“(1) ORGANIZATION.—For purposes of this subsection, a rural business investment company shall—

“(A) be an incorporated body, a limited liability company, or a limited partnership organized and chartered or otherwise existing under State law solely for the purpose of performing the functions and conducting the activities authorized by this section; and

“(B)(i) if incorporated, have succession for a period of not less than 30 years unless earlier dissolved by the shareholders of the rural business investment company; and

“(ii) if a limited partnership or a limited liability company, have succession for a period of not less than 10 years; and

“(iii) possess the powers reasonably necessary to perform the functions and conduct the activities.

“(2) ARTICLES.—The articles of any rural business investment company—

“(A) shall specify in general terms—

“(i) the purposes for which the rural business investment company is formed;

“(ii) the name of the rural business investment company;

“(iii) the 1 or more areas in which the operations of the rural business investment company are to be carried out;

“(iv) the place where the principal office of the rural business investment company is to be located; and

“(v) the amount and classes of the shares of capital stock of the rural business investment company;

“(B) may contain any other provisions consistent with this section that the rural business investment company may determine appropriate to adopt for the regulation of the business of the rural business investment company and the conduct of the affairs of the rural business investment company; and

“(C) shall be subject to the approval of the Secretary.

“(3) CAPITAL REQUIREMENTS.—

“(A) IN GENERAL.—Each rural business investment company shall be required to meet the capital requirements as provided by the Secretary.

“(B) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this paragraph.

“(C) ADEQUACY.—In addition to the requirements of subparagraph (A), the Secretary shall—

“(i) determine whether the private capital of each rural business investment company is adequate to ensure a reasonable prospect that the rural business investment company will be operated soundly and profitably, and managed actively and prudently in accordance with the articles of the rural business investment company;

“(ii) determine that the rural business investment company will be able to comply with the requirements of this section;

“(iii) require that at least 75 percent of the capital of each rural business investment company is invested in rural business concerns;

“(iv) ensure that the rural business investment company is designed primarily to meet equity capital needs of the businesses in which the rural business investment company invests and not to compete with traditional small business financing by commercial lenders; and

“(v) require that the rural business investment company makes short-term non-equity investments of less than 5 years only to the extent necessary to preserve an existing investment.

“(4) DIVERSIFICATION OF OWNERSHIP.—The Secretary shall ensure that the management of each rural business investment company licensed after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 is sufficiently diversified from and unaffiliated with the ownership of the rural business investment company so as to ensure independence and objectivity in the financial management and oversight of the investments and operations of the rural business investment company.

“(j) FINANCIAL INSTITUTION INVESTMENTS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection and notwithstanding any other provision of law, the following banks, associations, and institutions are eligible both to establish and invest in any rural business investment company or in any entity established to invest solely in rural business investment companies:

“(A) Any bank or savings association the deposits of which are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), including an investment pool created entirely by such bank or savings association.

“(B) Any Farm Credit System institution described in subsection 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)).

“(2) LIMITATION.—No bank, association, or institution described in paragraph (1) may make investments described in paragraph (1) that are greater than 5 percent of the capital and surplus of the bank, association, or institution.

“(3) LIMITATION ON RURAL BUSINESS INVESTMENT COMPANIES CONTROLLED BY FARM CREDIT SYSTEM INSTITUTIONS.—If a Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) holds more than 25 percent of the shares of a rural business investment company, either alone or in conjunction with other System institutions (or affiliates), the rural business investment company shall not provide equity investments in, or provide other financial assistance to, entities that are not otherwise eligible to receive financing from the Farm Credit System under that Act (12 U.S.C. 2001 et seq.).

“(k) EXAMINATIONS.—

“(1) IN GENERAL.—Each rural business investment company that participates in the program established under this section shall be subject to examinations made at the direction of the Secretary in accordance with this subsection.

“(2) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—An examination under this subsection may be conducted with the assistance of a private sector entity that has the qualifications and the expertise necessary to conduct such an examination.

“(3) COSTS.—

“(A) IN GENERAL.—The Secretary may assess the cost of an examination under this

section, including compensation of the examiners, against the rural business investment company examined.

“(B) PAYMENT.—Any rural business investment company against which the Secretary assesses costs under this subparagraph shall pay the costs.

“(4) DEPOSIT OF FUNDS.—Funds collected under this subsection shall—

“(A) be deposited in the account that incurred the costs for carrying out this subsection;

“(B) be made available to the Secretary to carry out this subsection, without further appropriation; and

“(C) remain available until expended.

“(1) REPORTING REQUIREMENTS.—

“(1) RURAL BUSINESS INVESTMENT COMPANIES.—Each entity that participates in a program established under this section shall provide to the Secretary such information as the Secretary may require, including—

“(A) information relating to the measurement criteria that the entity proposed in the program application of the rural business investment company; and

“(B) in each case in which the entity under this section makes an investment in, or a loan or grant to, a business that is not located in a rural area, a report on the number and percentage of employees of the business who reside in those areas.

“(2) PUBLIC REPORTS.—

“(A) IN GENERAL.—The Secretary shall prepare and make available to the public an annual report on the programs established under this section, including detailed information on—

“(i) the number of rural business investment companies licensed by the Secretary during the previous fiscal year;

“(ii) the aggregate amount of leverage that rural business investment companies have received from the Federal Government during the previous fiscal year;

“(iii) the aggregate number of each type of leveraged instruments used by rural business investment companies during the previous fiscal year and how each number compares to previous fiscal years;

“(iv) the number of rural business investment company licenses surrendered and the number of rural business investment companies placed in liquidation during the previous fiscal year, identifying the amount of leverage each rural business investment company has received from the Federal Government and the type of leverage instruments each rural business investment company has used;

“(v) the amount of losses sustained by the Federal Government as a result of operations under this section during the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur as a result of the operations during the current fiscal year;

“(vi) actions taken by the Secretary to maximize recoupment of funds of the Federal Government expended to implement and administer the Rural Business Investment Program under this section during the previous fiscal year and to ensure compliance with the requirements of this section (including regulations);

“(vii) the amount of Federal Government leverage that each licensee received in the previous fiscal year and the types of leverage instruments each licensee used;

“(viii) for each type of financing instrument, the sizes, types of geographic locations, and other characteristics of the small business investment companies using the instrument during the previous fiscal year, in-

cluding the extent to which the investment companies have used the leverage from each instrument to make loans or equity investments in rural areas; and

“(ix) the actions of the Secretary to carry out this section

“(B) PROHIBITION.—In compiling the report required under subparagraph (A), the Secretary may not—

“(i) compile the report in a manner that permits identification of any particular type of investment by an individual rural business investment company or small business concern in which a rural business investment company invests; or

“(ii) release any information that is prohibited under section 1905 of title 18, United States Code.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period of fiscal years 2008 through 2017.”

“CHAPTER 3—GENERAL RURAL DEVELOPMENT PROVISIONS

“SEC. 3701. GENERAL PROVISIONS FOR LOANS AND GRANTS.

“(a) PERIOD FOR REPAYMENT.—Unless otherwise specifically provided for in this subtitle, the period for repayment of a loan under this subtitle shall not exceed 40 years.

“(b) INTEREST RATES.—

“(1) IN GENERAL.—Except as otherwise provided in this title, the interest rate on a loan under this subtitle shall be determined by the Secretary at a rate—

“(A) not to exceed a sum obtained by adding—

“(i) the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of the loan; and

“(ii) an amount not to exceed 1 percent, as determined by the Secretary; and

“(B) adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(2) WATER AND WASTE FACILITY LOANS AND COMMUNITY FACILITIES LOANS.—

“(A) IN GENERAL.—Notwithstanding any provision of State law limiting the rate or amount of interest that may be charged, taken, received, or reserved, except as provided in subparagraph (C) and paragraph (5), the interest rate on a loan (other than a guaranteed loan) to a public body or nonprofit association (including an Indian tribe) for a water or waste disposal facility or essential community facility shall be determined by the Secretary at a rate not to exceed—

“(i) the current market yield on outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for the loan, and adjusted to the nearest $\frac{1}{8}$ of 1 percent;

“(ii) 5 percent per year for a loan that is for the upgrading of a facility or construction of a new facility as required to meet applicable health or sanitary standards in—

“(I) an area in which the median family income of the persons to be served by the facility is below the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)); and

“(II) any areas the Secretary may designate in which a significant percentage of the persons to be served by the facilities are low income persons, as determined by the Secretary; and

“(iii) 7 percent per year for a loan for a facility that does not qualify for the 5 percent per year interest rate prescribed in clause (ii) but that is located in an area in a State in which the median household income of the persons to be served by the facility does not

exceed 100 percent of the statewide non-metropolitan median household income for the State.

“(B) HEALTH CARE AND RELATED FACILITIES.—Notwithstanding subparagraph (A), the Secretary shall establish a rate for a loan for a health care or related facility that is—

“(i) based solely on the income of the area to be served; and

“(ii) otherwise consistent with subparagraph (A).

“(C) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—

“(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding subparagraph (A), in the case of a direct loan for a water or waste disposal facility—

“(I) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest $\frac{1}{8}$ of 1 percent; and

“(II) in the case of a loan that would be subject to the 7 percent limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(3) INTEREST RATES ON BUSINESS AND OTHER LOANS.—

“(A) IN GENERAL.—Except as provided in paragraph (4), the interest rates on loans under sections 3501(a)(1) (other than guaranteed loans and loans as described in paragraph (2)(A)) shall be as determined by the Secretary in accordance with subparagraph (B).

“(B) MINIMUM RATE.—The interest rates described in subparagraph (A) shall be not less than the sum obtained by adding—

“(i) such rates as determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for rates comparable to the rates prevailing in the private market for similar loans and considering the insurance by the Secretary of the loans; and

“(ii) an additional charge, prescribed by the Secretary, to cover the losses of the Secretary and cost of administration, which shall be deposited in the Rural Development Insurance Fund, and further adjusted to the nearest $\frac{1}{8}$ of 1 percent.

“(4) INTEREST RATES ADJUSTMENTS.—

“(A) ADJUSTMENTS.—Notwithstanding any other provision of this subsection, in the case of loans (other than guaranteed loans) made or guaranteed under the authorities of this title specified in subparagraph (C) for activities that involve the use of prime farmland, the interest rates shall be the interest rates otherwise applicable under this section increased by 2 percent per year.

“(B) PRIME FARMLAND.—

“(i) IN GENERAL.—Wherever practicable, construction by a State, municipality, or

other political subdivision of local government that is supported by loans described in subparagraph (A) shall be placed on land that is not prime farmland, in order to preserve the maximum practicable quantity of prime farmlands for production of food and fiber.

“(ii) INCREASED RATE.—In any case in which other options exist for the siting of construction described in clause (i) and the governmental authority still desires to carry out the construction on prime farmland, the 2-percent interest rate increase provided by this paragraph shall apply, but that increased interest rate shall not apply where such other options do not exist.

“(C) APPLICABLE AUTHORITIES.—The authorities referred to in subparagraph (A) are—

“(i) the provisions of section 3502(a) relating to loans for recreational developments and essential community facilities;

“(ii) section 3601(e)(2)(A); and

“(iii) section 3601(c).

“(c) PAYMENT OF CHARGES.—A borrower of a loan made or guaranteed under this subtitle shall pay such fees and other charges as the Secretary may require, and prepay to the Secretary such taxes and insurance as the Secretary may require, on such terms and conditions as the Secretary may prescribe.

“(d) SECURITY.—

“(1) IN GENERAL.—The Secretary shall take as security for an obligation entered into in connection with a loan made under this subtitle such security as the Secretary may require.

“(2) LIENS TO UNITED STATES.—An instrument for security under paragraph (1) may constitute a lien running to the United States notwithstanding the fact that the note for the security may be held by a lender other than the United States.

“(3) MULTIPLE LOANS.—A borrower may use the same collateral to secure 2 or more loans made or guaranteed under this subtitle, except that the outstanding amount of the loans may not exceed the total value of the collateral.

“(e) LEGAL COUNSEL FOR SMALL LOANS.—In the case of a loan of less than \$500,000 made or guaranteed under section 3501 that is evidenced by a note or mortgage (as distinguished from a bond issue), the borrower shall not be required to appoint bond counsel to review the legal validity of the loan if the Secretary has available legal counsel to perform the review.

“SEC. 3702. STRATEGIC ECONOMIC AND COMMUNITY DEVELOPMENT.

“(a) PRIORITY.—In the case of any rural development program authorized by this subtitle, the Secretary may give priority to applications that are otherwise eligible and support strategic community and economic development plans on a multijurisdictional basis, as approved by the Secretary.

“(b) EVALUATION.—In evaluating strategic applications, the Secretary shall give a higher priority to strategic applications for a plan described in subsection (a) that demonstrate—

“(1) the plan was developed through the collaboration of multiple stakeholders in the service area of the plan, including the participation of combinations of stakeholders such as State, local, and tribal governments, nonprofit institutions, institutions of higher education, and private entities;

“(2) an understanding of the applicable regional resources that could support the plan, including natural resources, human resources, infrastructure, and financial resources;

“(3) investment from other Federal agencies;

“(4) investment from philanthropic organizations; and

“(5) clear objectives for the plan and the ability to establish measurable performance measures and to track progress toward meeting the objectives.

“SEC. 3703. GUARANTEED RURAL DEVELOPMENT LOANS.

“(a) IN GENERAL.—The Secretary may provide financial assistance to a borrower for a purpose provided in this subtitle by guaranteeing a loan made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency.

“(b) INTEREST RATE.—The interest rate payable by a borrower on the portion of a guaranteed loan that is sold by a lender to the secondary market under this subtitle may be lower than the interest rate charged on the portion retained by the lender.

“(c) MAXIMUM GUARANTEE OF 90 PERCENT.—Except as provided in subsections (d) and (e), a loan guarantee under this subtitle shall be for not more than 90 percent of the principal and interest due on the loan.

“(d) REFINANCED LOANS GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee 95 percent of—

“(1) in the case of a loan that solely refinances a direct loan made under this subtitle, the principal and interest due on the loan on the date of the refinancing; or

“(2) in the case of a loan that is used for multiple purposes, the portion of the loan that refinances the principal and interest due on a direct loan made under this subtitle that is outstanding on the date on which the loan is guaranteed.

“(e) RISK OF LOSS.—

“(1) IN GENERAL.—Subject to subsection (b), the Secretary may not make a loan under section 3501 or 3601 unless the Secretary determines that no other lender is willing to make the loan and assume 10 percent of the potential loss to be sustained from the loan.

“(2) EXCEPTION FOR NONPROFIT GROUPS.—Paragraph (1) shall not apply to a public body or nonprofit association, including an Indian tribe.

“SEC. 3704. RURAL DEVELOPMENT INSURANCE FUND.

“(a) DEFINITION OF RURAL DEVELOPMENT LOAN.—In this section, the term ‘rural development loan’ means a loan provided for by section 3501 or 3601.

“(b) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘Rural Development Insurance Fund’ that shall be used by the Secretary to discharge the obligations of the Secretary under contracts making or guaranteeing rural development loans.

“SEC. 3705. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

“(a) IN GENERAL.—The Secretary may designate additional areas as rural economic area partnership zones to be assisted under this chapter—

“(1) through an open, competitive process; and

“(2) with priority given to rural areas—

“(A) with excessive unemployment or underemployment, a high percentage of low-income residents, or high rates of outmigration, as determined by the Secretary; and

“(B) that the Secretary determines have a substantial need for assistance.

“(b) REQUIREMENTS.—The Secretary shall carry out those rural economic area partnership zones administratively in effect on the

date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 in accordance with the terms and conditions contained in the memoranda of agreement entered into by the Secretary for the rural economic area partnership zones.

“SEC. 3706. STREAMLINING APPLICATIONS AND IMPROVING ACCESSIBILITY OF RURAL DEVELOPMENT PROGRAMS.

“The Secretary shall expedite the process of creating user-friendly and accessible application forms and procedures prioritizing programs and applications at the individual level with an emphasis on utilizing current technology including online applications and submission processes.

“SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural responsibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

“(2) PARTNERSHIP.—The term ‘Partnership’ means the State Rural Development Partnership continued by subsection (b).

“(3) STATE RURAL DEVELOPMENT COUNCIL.—The term ‘State rural development council’ means a State rural development council that meets the requirements of subsection (c).

“(b) PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

“(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

“(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

“(A) to lead and coordinate the strategic operation and policies of the Partnership; and

“(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

“(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

“(A) to cooperate with States to implement the Partnership;

“(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

“(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

“(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

“(c) STATE RURAL DEVELOPMENT COUNCILS.—

“(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

“(2) COMPOSITION.—A State rural development council shall—

“(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

“(B) have a nonpartisan and nondiscriminatory membership that—

“(i) is broad and representative of the economic, social, and political diversity of the State; and

“(ii) shall be responsible for the governance and operations of the State rural development council.

“(3) DUTIES.—A State rural development council shall—

“(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

“(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

“(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

“(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

“(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

“(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

“(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

“(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

“(D) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

“(1) DETAIL OF EMPLOYEES.—

“(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

“(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

“(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

“(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

“(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

“(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

“(A) to support 1 or more specific program or project activities; or

“(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

“(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) FEDERAL AGENCIES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

“(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

“(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

“(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.

“CHAPTER 4—DELTA REGIONAL AUTHORITY

“SEC. 3801. DEFINITIONS.

“In this chapter:

“(1) AUTHORITY.—The term ‘Authority’ means the Delta Regional Authority established by section 3802.

“(2) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in—

“(A) acquiring or developing land;

“(B) constructing or equipping a highway, road, bridge, or facility; or

“(C) carrying out other economic development activities.

“(3) REGION.—The term ‘region’ means the Lower Mississippi (as defined in section 4 of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100-460)).

“SEC. 3802. DELTA REGIONAL AUTHORITY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the Delta Regional Authority.

“(2) COMPOSITION.—The Authority shall be composed of—

“(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

“(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

“(3) COCHAIRPERSONS.—The Authority shall be headed by—

“(A) the Federal member, who shall serve as—

“(i) the Federal cochairperson; and

“(ii) a liaison between the Federal Government and the Authority; and

“(B) a State cochairperson, who shall be—

“(i) a Governor of a participating State in the region; and

“(ii) elected by the State members for a term of not less than 1 year.

“(4) ALABAMA.—Notwithstanding any other provision of law, the State of Alabama shall be a full member of the Authority and shall be entitled to all rights and privileges that the membership affords to all other participating States in the Authority.

“(b) ALTERNATE MEMBERS.—

“(1) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be—

“(A) a resident of that State; and

“(B) appointed by the Governor of the State.

“(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

“(3) QUORUM.—A State alternate shall not be counted toward the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.

“(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any Authority member, shall be delegated to any person—

“(A) who is not an Authority member; or

“(B) who is not entitled to vote in Authority meetings.

“(c) VOTING.—

“(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.

“(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

“(A) a modification or revision of an Authority policy decision;

“(B) approval of a State or regional development plan; and

“(C) any allocation of funds among the States.

“(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

“(A) a responsibility of the Authority; and

“(B) conducted in accordance with section 3809.

“(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate member is an alternate.

“(d) DUTIES.—The Authority shall—

“(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

“(2) review, and where appropriate amend, priorities in a development plan for the re-

gion (including 5-year regional outcome targets);

“(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;

“(5) work with State and local agencies in developing appropriate model legislation;

“(6)(A) enhance the capacity of, and provide support for, local development districts in the region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(7) encourage private investment in industrial, commercial, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal or State cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Authority in carrying out duties of the Authority;

“(4) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of Authority business and the performance of Authority duties;

“(5) request the head of any Federal department or agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State department or agency or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State); or

“(C) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this chapter, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Administrative expenses of the Authority (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

“(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

“(B) by the States in the region participating in the Authority, in an amount equal to 50 percent of the administrative expenses.

“(2) STATE SHARE.—

“(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

“(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

“(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this chapter shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

“(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee, there is a financial interest of—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

“(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substan-

tial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

“(3) VIOLATION.—Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

“(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

“SEC. 3803. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

“(a) IN GENERAL.—The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 3809—

“(1) to develop the transportation infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

“(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

“(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

“(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

“(5) to otherwise achieve the purposes of this chapter.

“(b) FUNDING.—

“(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

“(A) entirely from appropriations to carry out this section;

“(B) in combination with funds available under another Federal or Federal grant program; or

“(C) from any other source.

“(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal and State resources in the region, Federal funds available under this chapter shall be focused on the activities in the following order or priority:

“(A) Basic public infrastructure in distressed counties and isolated areas of distress.

“(B) Transportation infrastructure for the purpose of facilitating economic development in the region.

“(C) Business development, with emphasis on entrepreneurship.

“(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

“SEC. 3804. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

“(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) the States or communities lack the economic resources to provide the required matching share; or

“(2) there are insufficient funds available under the applicable Federal law authorizing

the Federal grant program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations of any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region—

“(1) may increase the Federal share of the costs of a project under the Federal grant program to not more than 90 percent (except as provided in section 3806(b)); and

“(2) shall use amounts made available to carry out this chapter to pay the increased Federal share.

“(c) CERTIFICATIONS.—

“(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

“(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

“(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

“(2) CERTIFICATION BY AUTHORITY.—

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 3809 shall be—

“(i) controlling; and

“(ii) accepted by the Federal agencies.

“(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

“SEC. 3805. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

“(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ‘local development district’ means an entity that—

“(1) is—

“(A) a planning district in existence on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 that is recognized by the Secretary; or

“(B) if an entity described in subparagraph (A) does not exist—

“(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

“(ii) governed by a policy board with at least a simple majority of members consisting of elected officials or employees of a general purpose unit of local government who have been appointed to represent the government;

“(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

“(I) by the Governor of each State in which the entity is located; or

“(II) by the State officer designated by the appropriate State law to make the certification; and

“(iv)(I) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

“(II) a nonprofit agency or instrumentality of a State or local government;

“(III) a public organization established before December 21, 2000, under State law for creation of multi-jurisdictional, area-wide planning organizations; or

“(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

“(2) has not, as certified by the Federal co-chairperson—

“(A) inappropriately used Federal grant funds from any Federal source; or

“(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

“(1) IN GENERAL.—The Authority shall make grants for administrative expenses under this section.

“(2) CONDITIONS FOR GRANTS.—

“(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

“(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

“(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

“(1) operate as a lead organization serving multicounty areas in the region at the local level; and

“(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

“(A) are involved in multijurisdictional planning;

“(B) provide technical assistance to local jurisdictions and potential grantees; and

“(C) provide leadership and civic development assistance.

“SEC. 3806. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

“(a) DESIGNATIONS.—Each year, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

“(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty or unemployment;

“(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

“(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty or unemployment.

“(b) DISTRESSED COUNTIES.—

“(1) IN GENERAL.—The Authority shall allocate at least 75 percent of the appropriations made available under section 3813 for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

“(2) FUNDING LIMITATIONS.—The funding limitations under section 3804(b) shall not apply to a project providing transportation or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

“(c) NONDISTRESSED COUNTIES.—

“(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this chapter for a project located in a county designated as a nondistressed county under subsection (a)(2).

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 3805(b).

“(B) MULTICOUNTY PROJECTS.—The Authority may waive the application of the funding prohibition under paragraph (1) to a multicounty project that includes participation by a nondistressed county; or any other type of project if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

“(C) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

“(i) by the most recent Federal data available; or

“(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

“(d) TRANSPORTATION AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 3813 for transportation and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 3803(a).

“SEC. 3807. DEVELOPMENT PLANNING PROCESS.

“(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

“(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 3802(d)(2).

“(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

“(1) consult with—

“(A) local development districts; and

“(B) local units of government; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

“(d) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this chapter.

“(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

“SEC. 3808. PROGRAM DEVELOPMENT CRITERIA.

“(a) IN GENERAL.—In considering programs and projects to be provided assistance under this chapter and in establishing a priority ranking of the requests for assistance provided by the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall regional development;

“(2) the per capita income and poverty and unemployment rates in an area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

“(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) NO RELOCATION ASSISTANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no financial assistance authorized by this chapter shall be used to assist a person or entity in relocating from 1 area to another.

“(2) OUTSIDE BUSINESSES.—Financial assistance under this chapter may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

“(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this chapter only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this chapter, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this chapter.

“SEC. 3809. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate sub-regional plan that is proposed for development under this chapter shall be reviewed and approved by the Authority.

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this chapter shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

“(1) describes ways in which the project complies with any applicable State development plan;

“(2) meets applicable criteria under section 3808;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this chapter.

“(d) APPROVAL OF GRANT APPLICATIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 3802(c) shall be required for approval of the application.

“SEC. 3810. CONSENT OF STATES.

“Nothing in this chapter requires any State to engage in or accept any program under this chapter without the consent of the State.

“SEC. 3811. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—A recipient of Federal funds under this chapter shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

“SEC. 3812. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this chapter.

“SEC. 3813. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this chapter \$30,000,000 for each of fiscal years 2012 through 2017, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

“SEC. 3814. TERMINATION OF AUTHORITY.

“This chapter and the authority provided under this chapter expire on October 1, 2017.

“CHAPTER 5—NORTHERN GREAT PLAINS REGIONAL AUTHORITY**“SEC. 3821. DEFINITIONS.**

“In this chapter:

“(1) AUTHORITY.—The term ‘Authority’ means the Northern Great Plains Regional Authority established by section 3822.

“(2) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in—

“(A) implementing the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318);

“(B) acquiring or developing land;

“(C) constructing or equipping a highway, road, bridge, or facility;

“(D) carrying out other economic development activities; or

“(E) conducting research activities related to the activities described in subparagraphs (A) through (D).

“(3) REGION.—The term ‘region’ means the States of Iowa, Minnesota, Missouri (other than counties included in the Delta Regional Authority), Nebraska, North Dakota, and South Dakota.

“SEC. 3822. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the Northern Great Plains Regional Authority.

“(2) COMPOSITION.—The Authority shall be composed of—

“(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate;

“(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority; and

“(C) a member of an Indian tribe, who shall be a chairperson of an Indian tribe in the region or a designee of such a chairperson, to be appointed by the President, by and with the advice and consent of the Senate.

“(3) COCHAIRPERSONS.—The Authority shall be headed by—

“(A) the Federal member, who shall serve as—

“(i) the Federal cochairperson; and

“(ii) a liaison between the Federal Government and the Authority;

“(B) a State cochairperson, who shall be—

“(i) a Governor of a participating State in the region; and

“(ii) elected by the State members for a term of not less than 1 year; and

“(C) the member of an Indian tribe, who shall serve as—

“(i) the tribal cochairperson; and

“(ii) a liaison between the governments of Indian tribes in the region and the Authority.

“(4) FAILURE TO CONFIRM.—

“(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Authority may organize and operate without the Federal member.

“(B) TRIBAL COCHAIRPERSON.—In the case of the tribal cochairperson, if no tribal cochairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.

“(b) ALTERNATE MEMBERS.—

“(1) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

“(2) STATE ALTERNATES.—

“(A) IN GENERAL.—The State member of a participating State may have a single alternate, who shall be—

“(i) a resident of that State; and

“(ii) appointed by the Governor of the State.

“(B) QUORUM.—A State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

“(3) ALTERNATE TRIBAL COCHAIRPERSON.—The President shall appoint an alternate tribal cochairperson, by and with the advice and consent of the Senate.

“(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any member of the Authority, shall be delegated to any person who is not—

“(A) a member of the Authority; or

“(B) entitled to vote in Authority meetings.

“(c) VOTING.—

“(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

“(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

“(A) a modification or revision of an Authority policy decision;

“(B) approval of a State or regional development plan; and

“(C) any allocation of funds among the States.

“(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

“(A) a responsibility of the Authority; and

“(B) conducted in accordance with section 3830.

“(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal, State, or Indian tribe member for whom the alternate member is an alternate.

“(d) DUTIES.—The Authority shall—

“(1) develop, on a continuing basis, comprehensive and coordinated plans and programs for multistate cooperation to advance the economic and social well-being of the region and to approve grants for the economic development of the region, giving due consideration to other Federal, State, tribal, and local planning and development activities in the region;

“(2) review, and when appropriate amend, priorities in a development plan for the region (including 5-year regional outcome targets);

“(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, tribal, and local agencies, universities, regional and local development districts or organizations, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation for—

“(A) renewable energy development and transmission;

“(B) transportation planning and economic development;

“(C) information technology;

“(D) movement of freight and individuals within the region;

“(E) federally-funded research at institutions of higher education; and

“(F) conservation land management;

“(5) work with State, tribal, and local agencies in developing appropriate model legislation;

“(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;

“(7) encourage private investment in industrial, commercial, renewable energy, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal, State, or tribal cochairperson or any other member

of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, tribal, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

“(5) request the head of any Federal agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State agency, tribal government, or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government or tribal government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State);

“(C) any Indian tribe in the region; or

“(D) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) **FEDERAL AGENCY COOPERATION.**—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of a cochairperson, appropriate assistance in carrying out this chapter, in accordance with applicable Federal laws (including regulations).

“(g) **ADMINISTRATIVE EXPENSES.**—

“(1) **FEDERAL SHARE.**—The Federal share of the administrative expenses of the Authority shall be—

“(A) for each of fiscal years 2012 and 2013, 100 percent;

“(B) for fiscal year 2014, 75 percent; and

“(C) for fiscal year 2015 and each fiscal year thereafter, 50 percent.

“(2) **NON-FEDERAL SHARE.**—

“(A) **IN GENERAL.**—The non-Federal share of the administrative expenses of the Authority shall be paid by non-Federal sources in the States that participate in the Authority.

“(B) **SHARE PAID BY EACH STATE.**—The share of administrative expenses of the Authority to be paid by non-Federal sources in each State shall be determined by the Authority.

“(C) **NO FEDERAL PARTICIPATION.**—The Federal cochairperson shall not participate or vote in any decision under subparagraph (B).

“(D) **DELINQUENT STATES.**—If a State is delinquent in payment of the State's share of

administrative expenses of the Authority under this subsection—

“(i) no assistance under this chapter shall be provided to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) **COMPENSATION.**—

“(1) **FEDERAL AND TRIBAL COCHAIRPERSONS.**—The Federal cochairperson and the tribal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) **ALTERNATE FEDERAL AND TRIBAL COCHAIRPERSONS.**—The alternate Federal cochairperson and the alternate tribal cochairperson—

“(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate, shall perform such functions and duties as are delegated by the Federal cochairperson or the tribal cochairperson, respectively.

“(3) **STATE MEMBERS AND ALTERNATES.**—

“(A) **IN GENERAL.**—A State shall compensate each member and alternate representing the State on the Authority at the rate established by State law.

“(B) **NO ADDITIONAL COMPENSATION.**—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate member to the Authority.

“(4) **DETAILED EMPLOYEES.**—

“(A) **IN GENERAL.**—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, tribal, local, or intergovernmental agency from which the person was detailed; or

“(ii) the Authority.

“(B) **VIOLATION.**—Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

“(C) **APPLICABLE LAW.**—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) **ADDITIONAL PERSONNEL.**—

“(A) **COMPENSATION.**—

“(i) **IN GENERAL.**—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) **EXCEPTION.**—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) **EXECUTIVE DIRECTOR.**—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) **NO FEDERAL EMPLOYEE STATUS.**—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) **CONFLICTS OF INTEREST.**—

“(1) **IN GENERAL.**—Except as provided under paragraph (2), no State member, Indian tribe member, State alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee, there is a financial interest of—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State or the Indian tribe) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

“(2) **DISCLOSURE.**—Paragraph (1) shall not apply if the State member, Indian tribe member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, Indian tribe member, alternate, officer, or employee.

“(3) **VIOLATION.**—Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

“(j) **VALIDITY OF CONTRACTS, LOANS, AND GRANTS.**—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4) or subsection (i) of this chapter, or sections 202 through 209 of title 18, United States Code.

“SEC. 3823. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

“(a) **IN GENERAL.**—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

“(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

“(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

“(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

“(4) to establish a Regional Working Group on Agriculture Development and Transportation.

“(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

“(1) renewable energy development and transmission;

“(2) transportation planning and economic development;

“(3) information technology;

“(4) movement of freight and individuals within the region;

“(5) federally-funded research at institutions of higher education; and

“(6) conservation land management.

“SEC. 3824. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

“(a) IN GENERAL.—The Authority may approve grants to States, Indian tribes, local governments, and public and nonprofit organizations for projects, approved in accordance with section 3830—

“(1) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

“(2) to develop the transportation, renewable energy transmission, and telecommunication infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may be made only to States, Indian tribes, local governments, and nonprofit organizations);

“(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

“(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

“(5) to otherwise achieve the purposes of this chapter.

“(b) FUNDING.—

“(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

“(A) entirely from appropriations to carry out this section;

“(B) in combination with funds available under another Federal grant program; or

“(C) from any other source.

“(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal, State, and tribal resources in the region, Federal funds available under this chapter shall be focused on the following activities:

“(A) Basic public infrastructure in distressed counties and isolated areas of distress.

“(B) Transportation and telecommunication infrastructure for the purpose of facilitating economic development in the region.

“(C) Business development, with emphasis on entrepreneurship.

“(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

“SEC. 3825. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

“(a) FINDING.—Congress finds that certain States and local communities of the region may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) the States and communities lack the economic resources to provide the required matching share; or

“(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region—

“(1) may increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 3827(b)); and

“(2) shall use amounts made available to carry out this chapter to pay the increased Federal share.

“(c) CERTIFICATIONS.—

“(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

“(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

“(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

“(2) CERTIFICATION BY AUTHORITY.—

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 3830 shall be—

“(i) controlling; and

“(ii) accepted by the Federal agencies.

“(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

“SEC. 3826. MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.

“(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term ‘multistate and local development district or organization’ means an entity—

“(1) that—

“(A) is a planning district that is recognized by the Economic Development Administration of the Department of Commerce; or

“(B) is—

“(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

“(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

“(iii) a nonprofit agency or instrumentality of a State or local government;

“(iv) a public organization established before the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 under State law for creation of multijurisdictional, area-wide planning organizations;

“(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

“(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

“(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

“(A) inappropriately used Federal grant funds from any Federal source; or

“(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

“(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

“(2) CONDITIONS FOR GRANTS.—

“(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

“(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period of greater than 3 years.

“(3) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(c) DUTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

“(2) DESIGNATION.—The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.

“(d) NORTHERN GREAT PLAINS INC.—Northern Great Plains Inc., a nonprofit corporation incorporated in the State of Minnesota to implement the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318)—

“(1) shall serve as an independent, primary resource for the Authority on issues of concern to the region;

“(2) shall advise the Authority on development of international trade;

“(3) may provide research, education, training, and other support to the Authority; and

“(4) may carry out other activities on its own behalf or on behalf of other entities.

“SEC. 3827. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

“(a) DESIGNATIONS.—Each year, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

“(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

“(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

“(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

“(b) DISTRESSED COUNTIES.—

“(1) IN GENERAL.—The Authority shall allocate at least 50 percent of the appropriations made available under section 3834 for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

“(2) FUNDING LIMITATIONS.—The funding limitations under section 3825(b) shall not apply to a project to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

“(c) TRANSPORTATION, TELECOMMUNICATION, RENEWABLE ENERGY, AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 3834 for transportation, telecommunication, renewable energy, and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 3824(a).

“SEC. 3828. DEVELOPMENT PLANNING PROCESS.

“(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

“(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 3823(d)(2).

“(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

“(1) consult with—

“(A) multistate, regional, and local development districts and organizations; and

“(B) local units of government; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

“(d) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—The Authority and applicable multistate, regional, and local development districts and organizations shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this chapter.

“(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

“SEC. 3829. PROGRAM DEVELOPMENT CRITERIA.

“(a) IN GENERAL.—In considering programs and projects to be provided assistance under this chapter, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall multistate or regional development;

“(2) the per capita income and poverty and unemployment and outmigration rates in an area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

“(4) the importance of the project or class of projects in relation to other projects or

classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) NO RELOCATION ASSISTANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no financial assistance authorized by this chapter shall be used to assist a person or entity in relocating from 1 area to another.

“(2) OUTSIDE BUSINESSES.—Financial assistance under this chapter may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

“(c) MAINTENANCE OF EFFORT.—Funds may be provided for a program or project in a State under this chapter only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this chapter, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this chapter.

“SEC. 3830. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this chapter shall be reviewed by the Authority.

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this chapter shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

“(1) describes ways in which the project complies with any applicable State development plan;

“(2) meets applicable criteria under section 3829;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this chapter.

“(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 3822(c) shall be required for approval of the application.

“SEC. 3831. CONSENT OF STATES.

“Nothing in this chapter requires any State to engage in or accept any program under this chapter without the consent of the State.

“SEC. 3832. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of

the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—A recipient of Federal funds under this chapter shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

“(c) ANNUAL AUDIT.—The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

“SEC. 3833. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this chapter.

“SEC. 3834. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this chapter \$30,000,000 for each of fiscal years 2012 through 2017, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

“(c) MINIMUM STATE SHARE OF GRANTS.—Notwithstanding any other provision of this chapter, for any fiscal year, the aggregate amount of grants received by a State and all persons or entities in the State under this chapter shall be not less than ⅓ of the product obtained by multiplying—

“(1) the aggregate amount of grants under this chapter for the fiscal year; and

“(2) the ratio that—

“(A) the population of the State (as determined by the Secretary of Commerce based on the most recent decennial census for which data are available); bears to

“(B) the population of the region (as so determined).

“SEC. 3835. TERMINATION OF AUTHORITY.

“The authority provided by this chapter terminates effective October 1, 2017.

“Subtitle C—General Provisions

“SEC. 3901. FULL FAITH AND CREDIT.

“(a) IN GENERAL.—A contract of insurance or guarantee executed by the Secretary under this title shall be an obligation supported by the full faith and credit of the United States.

“(b) CONTESTABILITY.—A contract of insurance or guarantee executed by the Secretary under this title shall be incontestable except for fraud or misrepresentation that the lender or any holder—

“(1) has actual knowledge of at the time the contract of insurance or guarantee is executed; or

“(2) participates in or condones.

“SEC. 3902. PURCHASE AND SALE OF GUARANTEED PORTIONS OF LOANS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may purchase, on

such terms and conditions as the Secretary considers appropriate, the guaranteed portion of a loan guaranteed under this title, if the Secretary determines that an adequate secondary market is not available in the private sector.

“(b) MAXIMUM PAYMENT.—The Secretary may not pay for any guaranteed portion of a loan under subsection (a) in excess of an amount equal to the unpaid principal balance and accrued interest on the guaranteed portion of the loan.

“(c) SOURCES OF FUNDING.—The Secretary may use for the purchases—

“(1) funds from the Rural Development Insurance Fund with respect to rural development loans (as defined in section 3704(a)); and

“(2) funds from the Agricultural Credit Insurance Fund with respect to all other loans under this title.

“(d) SALE OF GUARANTEED LOANS.—

“(1) SALES.—

“(A) REGULATION.—

“(i) IN GENERAL.—The guaranteed portion of any loan made under this title may be sold by the lender, and by any subsequent holder, in accordance with such regulations governing the sales as the Secretary shall establish, subject to clauses (ii) and (iii).

“(ii) FEES TO BE PAID IN FULL.—All fees due the Secretary with respect to a guaranteed loan shall be paid in full before any sale.

“(iii) LOAN TO BE FULLY DISBURSED.—The loan shall be fully disbursed to the borrower before the sale.

“(B) POST-SALE.—After a loan is sold in the secondary market, the lender shall—

“(i) remain obligated under the guarantee agreement of the lender with the Secretary; and

“(ii) continue to service the loan in accordance with the terms and conditions of that agreement.

“(C) PROCEDURES.—The Secretary shall develop such procedures as are necessary for—

“(i) the facilitation, administration, and promotion of secondary market operations; and

“(ii) determining the increase of access of farmers to capital at reasonable rates and terms as a result of secondary market operations.

“(D) RIGHTS TO PREPAY.—This subsection does not impede or extinguish—

“(i) the right of the borrower or the successor in interest to the borrower to prepay (in whole or in part) any loan made under this title; or

“(ii) the rights of any party under any provision of this title.

“(2) ISSUE POOL CERTIFICATES.—

“(A) IN GENERAL.—The Secretary may, directly or through a market maker approved by the Secretary, issue pool certificates representing ownership of part or all of the guaranteed portion of any loan guaranteed by the Secretary under this title.

“(B) APPROVAL.—Certificates under subparagraph (A) shall be based on and backed by a pool established or approved by the Secretary and composed solely of the entire guaranteed portion of the loans.

“(C) GUARANTEE OF POOL.—On such terms and conditions as the Secretary considers appropriate, the Secretary may guarantee the timely payment of the principal and interest on pool certificates issued on behalf of the Secretary by approved market makers for purposes of this subsection.

“(D) LIMITATIONS.—A guarantee under subparagraph (C) shall be limited to the extent of principal and interest on the guaranteed portions of loans that compose the pool.

“(E) PREPAYMENT.—If a loan in a pool is prepaid, either voluntarily or by reason of default, the guarantee of timely payment of principal and interest on the pool certificates shall be reduced in proportion to the amount of principal and interest that the prepaid loan represents in the pool.

“(F) INTEREST ACCRUAL.—Interest on prepaid or defaulted loans shall accrue and be guaranteed by the Secretary only through the date of payment on the guarantee.

“(G) REDEMPTION.—During the term of the pool certificate, the certificate may be called for redemption due to prepayment or default of all loans constituting the pool.

“(H) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts that may be required to be paid under any guarantee of the pool certificates issued by approved market makers under this subsection.

“(I) FEES.—

“(i) IN GENERAL.—The Secretary shall not collect any fee for any guarantee under this subsection.

“(ii) SECRETARIAL FUNCTIONS.—Clause (i) does not preclude the Secretary from collecting a fee for the functions described in paragraph (3).

“(J) DEFAULT.—Not later than 30 days after a borrower of a guaranteed loan is in default of any principal or interest payment due for 60 days or more, the Secretary shall—

“(i) purchase the pool certificates representing ownership of the guaranteed portion of the loan; and

“(ii) pay the registered holder of the certificates an amount equal to the guaranteed portion of the loan represented by the certificate.

“(K) PAYMENT OF CLAIMS.—If the Secretary pays a claim under a guarantee issued under this subsection, the claim shall be subrogated fully to the rights satisfied by the payment, as may be provided by the Secretary.

“(L) APPLICATION OF LAWS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of the ownership rights of the Secretary in the portions of loans constituting the pool against which the certificates are issued.

“(3) DUTIES OF THE SECRETARY.—

“(A) IN GENERAL.—On the adoption of final rules and regulations, the Secretary shall—

“(i) provide for the central collection of registration information from all participating market makers for all loans and pool certificates sold under paragraphs (1) and (2), including, with respect to each original sale and any subsequent sale—

“(I) identification of the interest rate paid by the borrower to the lender;

“(II) the servicing fee of the lender;

“(III) disclosure of whether interest on the loan is at a fixed or variable rate;

“(IV) identification of each purchaser of a pool certificate;

“(V) the interest rate paid on the certificate; and

“(VI) such other information as the Secretary considers appropriate.

“(ii) before any sale, require the seller (as defined in subparagraph (B)) to disclose to each prospective purchaser of the portion of a loan guaranteed under this title and to each prospective purchaser of a pool certificate issued under paragraph (2) information on the terms, conditions, and yield of such instrument;

“(iii) provide for adequate custody of any pooled guaranteed loans;

“(iv) take such actions as are necessary, in restructuring pools of the guaranteed por-

tion of loans, to minimize the estimated costs of paying claims under guarantees issued under this subsection;

“(v) require each market maker—

“(I) to service all pools formed, and participations sold, by the market maker; and

“(II) to provide the Secretary with information relating to the collection and disbursement of all periodic payments, prepayments, and default funds from lenders, to or from the reserve fund that the Secretary shall establish to enable the timely payment guarantee to be self-funding, and from all beneficial holders; and

“(vi) regulate market makers in pool certificates sold under this subsection.

“(B) DEFINITION OF SELLER.—For purposes of subparagraph (A)(ii), if the instrument being sold is a loan, the term ‘seller’ does not include—

“(i) the person who made the loan; or

“(ii) any person who sells 3 or fewer guaranteed loans per year.

“(4) CONTRACT FOR SERVICES.—The Secretary may contract for goods and services to be used for the purposes of this subsection without regard to titles 5, 40, and 41, United States Code (including any regulations issued under those titles).

“SEC. 3903. ADMINISTRATION.

“(a) POWERS OF SECRETARY.—The Secretary may—

“(1)(A) administer the powers and duties of the Secretary through such national, area, State, or local offices and employees in the United States as the Secretary determines to be necessary; and

“(B) authorize an office to serve an area composed of 2 or more States if the Secretary determines that the volume of business in the area is not sufficient to justify separate State offices;

“(2)(A) accept and use voluntary and uncompensated services; and

“(B) with the consent of the agency concerned, use the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, territory, or political subdivision;

“(3) subject to appropriations, make necessary expenditures for the purchase or hire of passenger vehicles, and such other facilities and services as the Secretary may from time to time find necessary for the proper administration of this title;

“(4) subject to subsection (b), compromise, adjust, reduce, or charge-off debts or claims (including debts and claims arising from loan guarantees), and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, or successor agencies under this title, except for activities conducted under the Housing Act of 1949 (42 U.S.C. 1441 et seq.);

“(5) release mortgage and other contract liens if it appears that the mortgage and liens have no present or prospective value or that the enforcement of the mortgage and liens likely would be ineffectual or uneconomical;

“(6) obtain fidelity bonds protecting the Federal Government against fraud and dishonesty of officers and employees of the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service in lieu of faithful performance of duties bonds under section 14 of title 6, United States Code, but otherwise in accordance with the section;

“(7) consent to—

“(A) long-term leases of facilities financed under this title notwithstanding the failure of the lessee to meet any of the requirements of this title if the long-term leases are necessary to ensure the continuation of services for which financing was extended to the lessor; and

“(B) the transfer of property securing any loan or financed by any loan or grant made or guaranteed by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service under this title, or any other law administered by the Secretary, on such terms as the Secretary considers necessary to carry out the purpose of the loan or grant or to protect the financial interest of the Federal Government, provided that the Secretary shall document the consent of the Secretary for the transfer of the property of a borrower in the file of the borrower; and

“(8) notwithstanding that an area ceases, or has ceased, to be rural, in a rural area, or an eligible area, make loans and grants, and approve transfers and assumptions, under this title on the same basis as though the area still was rural in connection with property securing any loan made or guaranteed by the Secretary under this title or in connection with any property held by the Secretary under this title.

“(b) LOAN ADJUSTMENTS.—

“(1) NO LIQUIDATION OF PROPERTY.—The Secretary may not require liquidation of property securing any farmer program loan or acceleration of any payment required under any farmer program loan as a prerequisite to initiating an action authorized under subsection (a).

“(2) RELEASE OF PERSONAL LIABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may release a borrower or other person obligated on a debt (other than debt incurred under the Housing Act of 1949 (42 U.S.C. 1441 et seq.)) from personal liability with or without payment of any consideration at the time of the compromise, adjustment, reduction, or charge-off of any claim.

“(B) EXCEPTION.—No compromise, adjustment, reduction, or charge-off of any claim may be made or carried out after the claim has been referred to the Attorney General, unless the Attorney General approves.

“(3) RURAL ELECTRIFICATION SECURITY INSTRUMENTS.—In the case of a security instrument entered into under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), the Secretary shall notify the Attorney General of the intent of the Secretary to exercise the authority of the Secretary under paragraph (2).

“(c) SIMPLIFIED APPLICATION FORMS FOR LOAN GUARANTEES.—

“(1) IN GENERAL.—The Secretary shall provide to lenders a short, simplified application form for guarantees under this title of—

“(A) farmer program loans the principal amount of which is \$125,000 or less; and

“(B) business and industry guaranteed loans under section 3601(a)(2)(A) the principal amount of which is—

“(i) in the case of a loan guarantee made during fiscal year 2002 or 2003, \$400,000 or less; and

“(ii) in the case of a loan guarantee made during any subsequent fiscal year—

“(I) \$400,000 or less; or

“(II) if the Secretary determines that there is not a significant increased risk of a default on the loan, \$600,000 or less.

“(2) WATER AND WASTE DISPOSAL GRANTS AND LOANS.—The Secretary shall develop an application process that accelerates, to the

maximum extent practicable, the processing of applications for water and waste disposal grants or direct or guaranteed loans under section 3501(a)(1) the grant award amount or principal loan amount, respectively, of which is \$300,000 or less.

“(3) ADMINISTRATION.—In developing an application under this subsection, the Secretary shall—

“(A) consult with commercial and cooperative lenders; and

“(B) ensure that—

“(i) the form can be completed manually or electronically, at the option of the lender;

“(ii) the form minimizes the documentation required to accompany the form;

“(iii) the cost of completing and processing the form is minimal; and

“(iv) the form can be completed and processed in an expeditious manner.

“(d) USE OF ATTORNEYS FOR PROSECUTION OR DEFENSE OF CLAIMS.—The Secretary may use for the prosecution or defense of any claim or obligation described in subsection (a)(5) the Attorney General, the General Counsel of the Department, or a private attorney who has entered into a contract with the Secretary.

“(e) PRIVATE COLLECTION AGENCY.—The Secretary may use a private collection agency to collect a claim or obligation described in subsection (a)(5).

“(f) SECURITY SERVICING.—

“(1) IN GENERAL.—The Secretary may—

“(A) make advances, without regard to any loan or total indebtedness limitation, to preserve and protect the security for, or the lien or priority of the lien securing any loan or other indebtedness owing to or acquired by the Secretary under this title or under any other program administered by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service applicable program, as determined by the Secretary; and

“(B)(i) bid for and purchase at any execution, foreclosure, or other sale or otherwise acquire property on which the United States has a lien by reason of a judgment or execution arising from, or that is pledged, mortgaged, conveyed, attached, or levied on to secure the payment of, the indebtedness regardless of whether the property is subject to other liens;

“(ii) accept title to any property so purchased or acquired; and

“(iii) sell, manage, or otherwise dispose of the property in accordance with this subsection.

“(2) OPERATION OR LEASE OF REALTY.—Except as provided in subsections (c) and (e), real property administered under this title may be operated or leased by the Secretary for such period as the Secretary may consider necessary to protect the investment of the Federal Government in the property.

“(g) PAYMENTS TO LENDERS.—

“(1) REQUIREMENT.—Not later than 90 days after a court of competent jurisdiction confirms a plan of reorganization under chapter 12 of title 11, United States Code, for any borrower to whom a lender has made a loan guaranteed under this title, the Secretary shall pay the lender an amount estimated by the Secretary to be equal to the loss incurred by the lender for purposes of the guarantee.

“(2) PAYMENT TOWARD LOAN GUARANTEE.—Any amount paid to a lender under this subsection with respect to a loan guaranteed under this title shall be treated as payment towards satisfaction of the loan guarantee.

“SEC. 3904. LOAN MORATORIUM AND POLICY ON FORECLOSURES.

“(a) IN GENERAL.—In addition to any other authority that the Secretary may have to defer principal and interest and forgo foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made or guaranteed by the Secretary under this title, or under any other law administered by the Farm Service Agency, the Rural Utilities Service, the Rural Housing Service, or the Rural Business-Cooperative Service, and may forgo foreclosure of the loan, for such period as the Secretary considers necessary on a showing by the borrower that, due to circumstances beyond the control of the borrower, the borrower is temporarily unable to continue making payments of the principal and interest when due without unduly impairing the standard of living of the borrower.

“(b) INTEREST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may permit any loan deferred under this section to bear no interest during or after the deferral period.

“(2) EXCEPTION.—If the security instrument securing the loan is foreclosed, such interest as is included in the purchase price at the foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

“(c) MORATORIUM REGARDING CIVIL RIGHTS CLAIMS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, effective beginning on May 22, 2008, there shall be in effect a moratorium, with respect to farmer program loans made under subtitle A, on all acceleration and foreclosure proceedings instituted by the Department against any farmer who—

“(A) has pending against the Department a claim of program discrimination that is accepted by the Department as valid; or

“(B) files a claim of program discrimination that is accepted by the Department as valid.

“(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all farmer program loans made under subtitle A, B, or C for which loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

“(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer on the earlier of—

“(A) the date the Secretary resolves the claim; or

“(B) if the farmer appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

“(4) FAILURE TO PREVAIL.—If a farmer does not prevail on a claim of discrimination described in paragraph (1), the farmer shall be liable for any interest and offsets that accrued during the period that loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

“SEC. 3905. OIL AND GAS ROYALTY PAYMENTS ON LOANS.

“(a) IN GENERAL.—The Secretary shall permit a borrower of a loan made or guaranteed under this title to make a prospective payment on the loan with proceeds from—

“(1) the leasing of oil, gas, or other mineral rights to real property used to secure the loan; or

“(2) the sale of oil, gas, or other minerals removed from real property used to secure the loan, if the value of the rights to the oil,

gas, or other minerals has not been used to secure the loan.

“(b) APPLICABILITY.—Subsection (a) shall not apply to a borrower of a loan made or guaranteed under this title with respect to which a liquidation or foreclosure proceeding was pending on December 23, 1985.

“SEC. 3906. TAXATION.

“(a) IN GENERAL.—Except as provided in subsection (b), all property subject to a lien held by the United States or the title to which is acquired or held by the Secretary under this title (other than property used for administrative purposes) shall be subject to taxation by State, territory, district, and local political subdivisions in the same manner and to the same extent as other property is taxed.

“(b) EXCEPTIONS.—No tax shall be imposed or collected as described in subsection (a) if the tax (whether as a tax on the instrument or in connection with conveying, transferring, or recording the instrument) is based on—

“(1) the value of any notes or mortgages or other lien instruments held by or transferred to the Secretary;

“(2) any notes or lien instruments administered under this title that are made, assigned, or held by a person otherwise liable for the tax; or

“(3) the value of any property conveyed or transferred to the Secretary.

“(c) FAILURE TO PAY OR COLLECT TAX.—The failure to pay or collect a tax under subsection (a) shall not—

“(1) be a ground for—

“(A) refusal to record or file an instrument; or

“(B) failure to provide notice; or

“(2) prevent the enforcement of the instrument in any Federal or State court.

“SEC. 3907. CONFLICTS OF INTEREST.

“(a) ACCEPTANCE OF CONSIDERATION PROHIBITED.—No officer, attorney, or other employee of the Department shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this title other than such salary, fee, or other compensation as the officer, attorney, or employee may receive as the officer, attorney, or employee.

“(b) ACQUISITION OF INTEREST IN LAND PROHIBITED.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no officer or employee of the Department who acts on or reviews an application made by any person under this title for a loan to purchase land may acquire, directly or indirectly, any interest in the land for a period of 3 years after the date on which the action is taken or the review is made.

“(2) FORMER COUNTY COMMITTEE MEMBERS.—Paragraph (1) shall not apply to a former member of a county committee on a determination by the Secretary, prior to the acquisition of the interest, that the former member acted in good faith when acting on or reviewing the application.

“(c) CERTIFICATIONS ON LOANS TO FAMILY MEMBERS PROHIBITED.—No member of a county committee shall knowingly make or join in making any certification with respect to—

“(1) a loan to purchase any land in which the member, or any person related to the member within the second degree of consanguinity or affinity, has or may acquire any interest; or

“(2) any applicant related to the member within the second degree of consanguinity or affinity.

“(d) PENALTIES.—Any person violating this section shall, on conviction of the violation, be punished by a fine of not more than \$2,000 or imprisonment for not more than 2 years, or both.

“SEC. 3908. LOAN SUMMARY STATEMENTS.

“(a) DEFINITION OF SUMMARY PERIOD.—In this section, the term ‘summary period’ means the period beginning on the date of issuance of the preceding loan summary statement and ending on the date of issuance of the current loan summary statement.

“(b) ISSUANCE OF STATEMENTS.—On the request of a borrower of a loan made (but not guaranteed) under this title, the Secretary shall issue to the borrower a loan summary statement that reflects the account activity during the summary period for each loan made under this title to the borrower, including—

“(1) the outstanding amount of principal due on each loan at the beginning of the summary period;

“(2) the interest rate charged on each loan;

“(3) the amount of payments made on, and the application of the payments to, each loan during the summary period and an explanation of the basis for the application of the payments;

“(4) the amount of principal and interest due on each loan at the end of the summary period;

“(5) the total amount of unpaid principal and interest on all loans at the end of the summary period;

“(6) any delinquency in the repayment of any loan;

“(7) a schedule of the amount and date of payments due on each loan; and

“(8) the procedure the borrower may use to obtain more information concerning the status of the loans.

“SEC. 3909. CERTIFIED LENDERS PROGRAM.

“(a) CERTIFIED LENDERS PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall guarantee loans under this title that are made by lending institutions certified by the Secretary.

“(2) CERTIFICATION REQUIREMENTS.—The Secretary shall certify a lending institution that meets such criteria as the Secretary may prescribe in regulations, including the ability of the institution to properly make, service, and liquidate the loans of the institution.

“(3) CONDITION OF CERTIFICATION.—

“(A) IN GENERAL.—As a condition of the certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this section, using standards that are not less stringent than generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders.

“(B) MONITORING.—The Secretary shall, at least annually, monitor the performance of each certified lender to ensure that the conditions of the certification are being met.

“(4) EFFECT OF CERTIFICATION.—Notwithstanding any other provision of law:

“(A) AMOUNT OF LOAN GUARANTEE.—In the case of a loan made or guaranteed under subtitle A, the Secretary shall guarantee 80 percent of a loan made under this section by a certified lending institution as described in paragraph (1), subject to a determination that the borrower of the loan meets the eligibility requirements and such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title.

“(B) CERTIFICATIONS BY LENDING INSTITUTIONS.—In the case of loans to be guaranteed

by the Secretary under this section, the Secretary shall permit certified lending institutions to make appropriate certifications (as provided by regulations issued by the Secretary)—

“(i) relating to issues such as creditworthiness, repayment ability, adequacy of collateral, and feasibility of farm operation; and

“(ii) that the borrower is in compliance with all requirements of law, including regulations issued by the Secretary.

“(C) APPROVAL PROCESS.—

“(i) IN GENERAL.—The Secretary shall approve or disapprove a guarantee not later than 14 days after the date that the lending institution applies to the Secretary for the guarantee.

“(ii) DISAPPROVAL.—If the Secretary disapproves the loan application during the 14-day period, the Secretary shall state, in writing, all of the reasons the application was disapproved.

“(5) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this section affects the responsibility of the Secretary to certify eligibility, review financial information, and otherwise assess an application.

“(b) PREFERRED CERTIFIED LENDERS PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a Preferred Certified Lenders Program for lenders under this title who establish—

“(A) knowledge of, and experience under, the program established under subsection (a);

“(B) knowledge of the regulations concerning the guaranteed loan program; and

“(C) proficiency related to the certified lender program requirements.

“(2) REVOCATION OF DESIGNATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the designation of a lender as a Preferred Certified Lender shall be revoked at any time—

“(i) that the Secretary determines that the lender is not adhering to the rules and regulations applicable to the program; or

“(ii) if the loss experiences of a Preferred Certified Lender are excessive as compared to other Preferred Certified Lenders.

“(B) EFFECT.—A suspension or revocation under subparagraph (A) shall not affect any outstanding guarantee.

“(3) CONDITION OF CERTIFICATION.—As a condition of preferred certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders.

“(4) MONITORING.—The Secretary shall, at least annually, monitor the performance of each Preferred Certified Lender to ensure that the conditions of certification are being met.

“(5) EFFECT OF PREFERRED LENDER CERTIFICATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall—

“(i) guarantee 80 percent of an approved loan made by a certified lending institution as described in this subsection, subject to a determination that the borrower meets the eligibility requirements or such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title;

“(ii) permit certified lending institutions—

“(I) to make all decisions, with respect to loans to be guaranteed by the Secretary under this subsection relating to credit worthiness, the closing, monitoring, collection and liquidation of loans; and

“(II) to accept appropriate certifications, as provided by regulations issued by the Secretary, that the borrower is in compliance with all requirements of law or regulations promulgated by the Secretary; and

“(iii) be considered to have guaranteed 80 percent of a loan made by a preferred certified lending institution as described in paragraph (1), if the Secretary fails to approve or reject the application of such institution within 14 calendar days after the date that the lending institution presented the application to the Secretary.

“(B) REQUIREMENT.—If the Secretary rejects an application under subparagraph (A)(iii) during the 14-day period, the Secretary shall state, in writing, the reasons the application was rejected.

“(C) ADMINISTRATION OF CERTIFIED LENDERS AND PREFERRED CERTIFIED LENDERS PROGRAMS.—The Secretary may administer the loan guarantee programs under subsections (a) and (b) through central offices established in States or in multi-State areas.

“SEC. 3910. LOANS TO RESIDENT ALIENS.

“(a) IN GENERAL.—Notwithstanding the provisions of this title limiting the making of a loan to a citizen of the United States, the Secretary may make a loan under this title to an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(b) REGULATIONS.—

“(1) IN GENERAL.—No loan may be made under this title to an alien referred to in subsection (a) until the Secretary issues regulations establishing the terms and conditions under which the alien may receive the loan.

“(2) REQUIREMENT.—The Secretary shall submit the regulations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate at least 30 days prior to the date on which the regulations are published in the Federal Register.

“SEC. 3911. EXPEDITED CLEARING OF TITLE TO INVENTORY PROPERTY.

“(a) IN GENERAL.—The Secretary may employ local attorneys, on a case-by-case basis, to process all legal procedures necessary to clear the title to foreclosed properties in the inventory of the Department.

“(b) COMPENSATION.—Attorneys shall be compensated at not more than the usual and customary charges of the attorneys for the work.

“SEC. 3912. TRANSFER OF LAND TO SECRETARY.

“The President may at any time, in the discretion of the President, transfer to the Secretary any right, interest, or title held by the United States in any land acquired in the program of national defense and no longer needed for that purpose that the President finds suitable for the purposes of this title, and the Secretary shall dispose of the transferred land in the manner and subject to the terms and conditions of this title.

“SEC. 3913. COMPETITIVE SOURCING LIMITATIONS.

“The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department, relating to rural development or farmer program loans.

“SEC. 3914. REGULATIONS.

“The Secretary may issue such regulations, prescribe such terms and conditions for making or guaranteeing loans, security instruments, and agreements, except as oth-

erwise specified in this title, and make such delegations of authority as the Secretary considers necessary to carry out this title.”.

SEC. 6002. CONFORMING AMENDMENTS.

(a) Section 17(c) of the Rural Electrification Act of 1936 (7 U.S.C. 917(c)) is amended by striking paragraph (1) and inserting the following:

“(1) Subtitle B of the Consolidated Farm and Rural Development Act.”.

(b) Section 305(c)(2)(B)(i)(I) of the Rural Electrification Act of 1936 (7 U.S.C. 935(c)(2)(B)(i)(I)) is amended by striking “section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A))” and inserting “section 3701(b)(2) of the Consolidated Farm and Rural Development Act”.

(c) Section 306F(a)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 936f(a)(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) chapter 1 of subtitle B of the Consolidated Farm and Rural Development Act.”.

(d) Section 2333(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–2(d)) is amended—

(1) in paragraph (11), by adding “and” at the end;

(2) by striking paragraph (12); and

(3) by redesignating paragraph (13) as paragraph (12).

(e) Section 601(b) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)) is amended by striking paragraph (3).

(f) Section 602(5) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471(5)) is amended by striking “section 355(e)(1)(D)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(e)(1)(D)(ii))” and inserting “section 3409(c)(1)(A) of the Consolidated Farm and Rural Development Act”.

(g) Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(7)(A), by striking “section 371 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f)” and inserting “section 3424 of the Consolidated Farm and Rural Development Act”; and

(2) in subsection (n)(2), by striking “subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.)” and inserting “chapter 3 of subtitle A of the Consolidated Farm and Rural Development Act”.

(h) Section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(a)) is amended—

(1) in paragraph (1), by striking “section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”; and

(2) in paragraph (4), by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(i) Section 14204(a) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2008q–1(a)) is amended by striking “an entity described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a))” and inserting “an entity determined by the Secretary”.

(j) Section 607(c)(6) of the Rural Development Policy Act of 1972 (7 U.S.C. 2204b(c)(6)) is amended in the last sentence—

(1) by striking “, and” and inserting “and any”; and

(2) by striking “required under section 306(a)(12) of the Consolidated Farm and Rural Development Act”.

(k) Section 901(b) of the Agricultural Act of 1970 (7 U.S.C. 2204b–1(b)) is amended by striking “rural areas as defined in the private business enterprise exception in section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926)” and inserting “rural areas, as defined in section 3002 of the Consolidated Farm and Rural Development Act”.

(l) Section 14220 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2206b) is amended by striking “section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(m) Section 2501(c)(2)(D) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(c)(2)(D)) is amended by striking “sections 355(a)(1) and 355(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(a)(1))” and inserting “paragraphs (1) and (3) of section 3416(a) of the Consolidated Farm and Rural Development Act”.

(n) Section 2501A(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1(b)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(o) Section 7405(c)(8)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(8)(B)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(p) Section 1101(d)(2)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)(2)(A)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(q) Section 1302(d)(2)(A) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)(2)(A)) is amended by striking “section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(r) Section 2375(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6613(g)) is amended by striking “section 304(b), 306(a), or 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b), 1926(a), and 1932(e))” and inserting “subtitle B of the Consolidated Farm and Rural Development Act”.

(s) Section 226B(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(a)(1)) is amended by striking “section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(t) Section 196(i)(3)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)(3)(B)) is amended by striking “subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.)” and inserting “chapter 3 of subtitle A of the Consolidated Farm and Rural Development Act”.

(u) Section 9009(a)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(a)(1)) is amended by striking “section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(v) Section 9011(c)(2)(B)(v) of the Farm Security and Rural Investment Act of 2002 (7

U.S.C. 811(c)(2)(B)(v)) is amended by striking subclause (I) and inserting the following:

“(I) beginning farmers (as defined in accordance with section 3002 of the Consolidated Farm and Rural Development Act); or”.

(w) Section 7(b)(2)(B) of the Small Business Act (15 U.S.C. 636(b)(2)(B)) is amended by striking “section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961)” and inserting “section 3301 of the Consolidated Farm and Rural Development Act”.

(x) Section 8(b)(5)(B)(iii)(III)(bb) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(iii)(III)(bb)) is amended by striking “section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C.A. § 2003(e)(1))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(y) Section 10(b)(3) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(3)) is amended in the last sentence by striking “set out in the first clause of section 306(a)(7) of the Consolidated Farm and Rural Development Act” and inserting “given the term in section 3002 of the Consolidated Farm and Rural Development Act”.

(z) Section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2)) is amended by striking “section 343(a)(8) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(8))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(aa) Section 1238(2) of the Food Security Act of 1985 (16 U.S.C. 3838(2)) is amended by striking “section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))” and inserting “section 3002 of the Consolidated Farm and Rural Development Act”.

(bb) Section 5 of Public Law 91-229 (25 U.S.C. 492) is amended by striking “section 307(a)(3)(B) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343” and inserting “3105(b)(2) of the Consolidated Farm and Rural Development Act”.

(cc) Section 6(c) of Public Law 91-229 (25 U.S.C. 493(c)) is amended by striking “section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b)” and inserting “subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.)”.

(dd) Section 181(a)(2)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking “section 2009aa-1 of title 7, United States Code” and inserting “section 3801 of the Consolidated Farm and Rural Development Act”.

(ee) Section 515(b)(3) of the Housing Act of 1949 (42 U.S.C. 1485(b)(3)) is amended by striking “all the provisions of section 309 and the second and third sentences of section 308 of the Consolidated Farmers Home Administration Act of 1961, including the authority in section 309(f)(1) of that Act” and inserting “section 3401 of the Consolidated Farm and Rural Development Act”.

(ff) Section 517(b) of the Housing Act of 1949 (42 U.S.C. 1487(b)) is amended in the third sentence by striking “(7 U.S.C. 1929)” and inserting “under section 3401 of the Consolidated Farm and Rural Development Act”.

(gg) Section 3(8) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(8)) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) the Delta Regional Authority established under chapter 4 of subtitle B of the Consolidated Farm and Rural Development Act;”; and

(2) by striking subparagraph (D) and inserting the following:

“(D) the Northern Great Plains Regional Authority established under chapter 5 of subtitle B of the Consolidated Farm and Rural Development Act.”.

(hh) Section 310(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5153(a)) is amended by striking paragraph (4) and inserting the following:

“(4) Chapter 1 of subtitle B of the Consolidated Farm and Rural Development Act.”.

(ii) Section 582(d)(1) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 5154a(d)(1)) is amended by striking “section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a))” and inserting “section 3301(b) of the Consolidated Farm and Rural Development Act”.

(jj) Section 213(c)(1) of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8813(c)(1)) is amended in the first sentence by striking “section 309 of the Consolidated Farm and Rural Development Act or the Rural Development Insurance Fund in section 309A of such Act” and inserting “under section 3401 of the Consolidated Farm and Rural Development Act or the Rural Development Insurance Fund under section 3704 of that Act”.

(kk) Section 1323(b)(2) of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note) is amended—

(1) in subparagraph (A), by inserting “and” at the end;

(2) in subparagraph (B), by striking “; and” at the end and inserting a period; and

(3) by striking subparagraph (C).

Subtitle B—Rural Electrification

SEC. 6101. DEFINITION OF RURAL AREA.

Section 13(3) of the Rural Electrification Act of 1936 (7 U.S.C. 913(A)) is amended by striking subparagraph (A) and inserting the following:

“(A) any area described in section 3002(28)(A)(i) of the Consolidated Farm and Rural Development Act; and”.

SEC. 6102. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

Section 313A(f) of the Rural Electrification Act of 1936 (7 U.S.C. 940c-1(f)) is amended by striking “2012” and inserting “2017”.

SEC. 6103. EXPANSION OF 911 ACCESS.

Section 315(d) of the Rural Electrification Act of 1936 (7 U.S.C. 940e(d)) is amended by striking “2012” and inserting “2017”.

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking “loans and” and inserting “grants, loans, and”; and

(2) in subsection (b), by striking paragraph (3) and inserting the following:

“(3) RURAL AREA.—The term ‘rural area’ means any area described in section 3002 of the Consolidated Farm and Rural Development Act.”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “LOANS AND” and inserting “GRANTS, LOANS, AND”; and

(B) in paragraph (1), by inserting “make grants and” after “Secretary shall”;

(C) by striking paragraph (2) and inserting the following:

“(2) PRIORITY.—

“(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

“(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

“(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

“(I) certified by the affected community, city, county, or designee; or

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable; and

“(iii) provide equal consideration to all qualified applicants, including those that have not previously received grants, loans, or loan guarantees under paragraph (1).

“(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

“(i) with a population of less than 20,000 permanent residents;

“(ii) experiencing outmigration;

“(iii) with a high percentage of low-income residents; and

“(iv) that are isolated from other significant population centers.”; and

(D) by adding at the end the following:

“(3) GRANT AMOUNTS.—

“(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

“(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels;

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education;

“(IV) private entities; and

“(V) philanthropic organizations; and

“(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

“(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to

broadband service from any provider of broadband service (including the applicant).";

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking "loan or" and inserting "grant, loan, or";

(ii) by striking clause (i) and inserting the following:

"(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e).";

(iii) in clause (ii), by striking "a loan application" and inserting "an application"; and

(iv) in clause (iii)—

(I) by striking "the loan application" and inserting "the application"; and

(II) by striking "proceeds from the loan made or guaranteed under this section are" and inserting "assistance under this section is";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking "the proceeds of a loan made or guaranteed" and inserting "assistance"; and

(bb) by striking "for the loan or loan guarantee" and inserting "of the eligible entity";

(II) in clause (i), by striking "is offered broadband service by not more than 1 incumbent service provider" and inserting "are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)."; and

(III) in clause (ii), by striking "3" and inserting "2";

(ii) by striking subparagraph (B) and inserting the following:

"(B) ADJUSTMENTS.—

"(i) INCREASE.—The Secretary may increase the household percentage requirement under subparagraph (A)(i) if—

"(I) more than 25 percent of the costs of the project are funded by grants made under this section; or

"(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000.

"(ii) REDUCTION.—The Secretary may reduce the household percentage requirement under subparagraph (A)(i)—

"(I) to not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people; or

"(II) to not less than 18 percent, if the proposed service territory does not have a population in excess of 7,500 people."; and

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking "3" and inserting "2"; and

(II) in clause (i), by inserting "the minimum acceptable level of broadband service established under subsection (e) in" after "service to";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "loan or" and inserting "grant, loan, or"; and

(ii) in subparagraph (B), by adding at the end the following:

"(iii) INFORMATION.—Information submitted under this subparagraph shall be—

"(I) certified by the affected community, city, county, or designee; and

"(II) demonstrated on—

"(aa) the broadband map of the affected State if the map contains address-level data; or

"(bb) the National Broadband Map if address-level data is unavailable.";

(D) in paragraph (4)—

(i) by striking "Subject to paragraph (1)," and inserting the following:

"(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B).";

(ii) by striking "loan or" and inserting "grant, loan, or"; and

(iii) by adding at the end the following:

"(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).";

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking "loan or" and inserting "grant, loan, or"; and

(ii) in subparagraph (C), by inserting ", and proportion relative to the service territory," after "estimated number";

(F) in paragraph (6), by striking "loan or" and inserting "grant, loan, or";

(G) in paragraph (7), by striking "a loan application" and inserting "an application"; and

(H) by adding at the end the following:

"(8) TRANSPARENCY AND REPORTING.—The Secretary—

"(A) shall require any entity receiving assistance under this section to submit quarterly, in a format specified by the Secretary, a report that describes—

"(i) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

"(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—

"(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

"(II) the speed of broadband service;

"(III) the price of broadband service;

"(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

"(V) any other metrics the Secretary determines to be appropriate;

"(B) shall maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains, at a minimum—

"(i) a list of each entity that has applied for assistance under this section;

"(ii) a description of each application, including the status of each application;

"(iii) for each entity receiving assistance under this section—

"(I) the name of the entity;

"(II) the type of assistance being received;

"(III) the purpose for which the entity is receiving the assistance; and

"(IV) each quarterly report submitted under subparagraph (A); and

"(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

"(C) shall, in addition to other authority under applicable law, establish written pro-

cedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

"(i) recover funds from loan defaults;

"(ii) (I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

"(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

"(iii) consolidate and minimize overlap among the programs;

"(D) with respect to an application for assistance under this section, shall—

"(i) promptly post on the website of the Rural Utility Service—

"(I) an announcement that identifies—

"(aa) each applicant;

"(bb) the amount and type of support requested by each applicant; and

"(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

"(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

"(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

"(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

"(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

"(E) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.";

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

"(A) a 4-Mbps downstream transmission capacity; and

"(B) a 1-Mbps upstream transmission capacity.

"(2) ADJUSTMENTS.—

"(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

"(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.";

(6) in subsection (f), by striking "make a loan or loan guarantee" and inserting "provide assistance";

(7) in subsection (g), by striking paragraph (2) and inserting the following:

"(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient would be serving an area that is unserved; and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

(8) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking “loan and loan guarantee”;

(B) in paragraph (1)—

(i) by inserting “grants and” after “number of”; and

(ii) by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “loan”; and

(ii) in subparagraph (B), by striking “loans and” and inserting “grants, loans, and”;

(D) in paragraph (3), by striking “loan”;

(E) in paragraph (5), by striking “and” at the end;

(F) in paragraph (6), by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”; and

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

“(k) BROADBAND BUILDOUT DATA.—

“(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

“(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the ‘Administration’); and

“(B) not later than 30 days after the earlier of—

“(i) the date of completion of any project milestone established by the Secretary; or

“(ii) the date of completion of the project.

“(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

“(3) CORRECTIONS.—

“(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

“(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

“(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correct by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.”;

(11) subsection (l) (as redesignated by paragraph (9))—

(A) in paragraph (1)—

(i) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(ii) by striking “2012” and inserting “2017”; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) set aside at least 1 percent to be used for—

“(I) conducting oversight under this section; and

“(II) implementing accountability measures and related activities authorized under this section.”; and

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking “loan or” and inserting “grant, loan, or”; and

(B) by striking “2012” and inserting “2017”.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking “2012” and inserting “2017”.

(b) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note) is amended by striking “2012” and inserting “2017”.

SEC. 6202. RURAL ENERGY SAVINGS PROGRAM.

Subtitle E of title VI of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 424) is amended by adding at the end the following:

“SEC. 6407. RURAL ENERGY SAVINGS PROGRAM.

“(a) PURPOSE.—The purpose of this section is to create jobs, promote rural development, and help rural families and small businesses achieve cost savings by providing loans to qualified consumers to implement durable cost-effective energy efficiency measures.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) any public power district, public utility district, or similar entity, or any electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986, that borrowed and repaid, prepaid, or is paying an electric loan made or guaranteed by the Rural Utilities Service (or any predecessor agency);

“(B) any entity primarily owned or controlled by 1 or more entities described in subparagraph (A); or

“(C) any other entity that is an eligible borrower of the Rural Utility Service, as determined under section 1710.101 of title 7, Code of Federal Regulations (or a successor regulation).

“(2) ENERGY EFFICIENCY MEASURES.—The term ‘energy efficiency measures’ means, for or at property served by an eligible entity, structural improvements and investments in cost-effective, commercial technologies to increase energy efficiency.

“(3) QUALIFIED CONSUMER.—The term ‘qualified consumer’ means a consumer served by an eligible entity that has the ability to repay a loan made under subsection (d), as determined by the eligible entity.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Administrator of the Rural Utilities Service.

“(c) LOANS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make loans to eligible entities that agree to use the loan funds to make loans to qualified consumers for the purpose of implementing energy efficiency measures.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—As a condition of receiving a loan under this subsection, an eligible entity shall—

“(i) establish a list of energy efficiency measures that is expected to decrease energy use or costs of qualified consumers;

“(ii) prepare an implementation plan for use of the loan funds, including use of any interest to be received pursuant to subsection (d)(1)(A);

“(iii) provide for appropriate measurement and verification to ensure—

“(I) the effectiveness of the energy efficiency loans made by the eligible entity; and

“(II) that there is no conflict of interest in carrying out this section; and

“(iv) demonstrate expertise in effective use of energy efficiency measures at an appropriate scale.

“(B) REVISION OF LIST OF ENERGY EFFICIENCY MEASURES.—Subject to the approval of the Secretary, an eligible entity may update the list required under subparagraph (A)(i) to account for newly available efficiency technologies.

“(C) EXISTING ENERGY EFFICIENCY PROGRAMS.—An eligible entity that, at any time before the date that is 60 days after the date of enactment of this section, has established an energy efficiency program for qualified consumers may use an existing list of energy efficiency measures, implementation plan, or measurement and verification system of that program to satisfy the requirements of subparagraph (A) if the Secretary determines the list, plan, or systems are consistent with the purposes of this section.

“(3) NO INTEREST.—A loan under this subsection shall bear no interest.

“(4) REPAYMENT.—With respect to a loan under paragraph (1)—

“(A) the term shall not exceed 20 years from the date on which the loan is closed; and

“(B) except as provided in paragraph (6), the repayment of each advance shall be amortized for a period not to exceed 10 years.

“(5) AMOUNT OF ADVANCES.—Any advance of loan funds to an eligible entity in any single year shall not exceed 50 percent of the approved loan amount.

“(6) SPECIAL ADVANCE FOR START-UP ACTIVITIES.—

“(A) IN GENERAL.—In order to assist an eligible entity in defraying the appropriate start-up costs (as determined by the Secretary) of establishing new programs or modifying existing programs to carry out subsection (d), the Secretary shall allow an eligible entity to request a special advance.

“(B) AMOUNT.—No eligible entity may receive a special advance under this paragraph

for an amount that is greater than 4 percent of the loan amount received by the eligible entity under paragraph (1).

“(C) REPAYMENT.—Repayment of the special advance—

“(i) shall be required during the 10-year period beginning on the date on which the special advance is made; and

“(ii) at the election of the eligible entity, may be deferred to the end of the 10-year period.

“(7) LIMITATION.—All special advances shall be made under a loan described in paragraph (1) during the first 10 years of the term of the loan.

“(d) LOANS TO QUALIFIED CONSUMERS.—

“(1) TERMS OF LOANS.—Loans made by an eligible entity to qualified consumers using loan funds provided by the Secretary under subsection (c)—

“(A) may bear interest, not to exceed 3 percent, to be used for purposes that include—

“(i) to establish a loan loss reserve; and

“(ii) to offset personnel and program costs of eligible entities to provide the loans;

“(B) shall finance energy efficiency measures for the purpose of decreasing energy usage or costs of the qualified consumer by an amount that ensures, to the maximum extent practicable, that a loan term of not more than 10 years will not pose an undue financial burden on the qualified consumer, as determined by the eligible entity;

“(C) shall not be used to fund purchases of, or modifications to, personal property unless the personal property is or becomes attached to real property (including a manufactured home) as a fixture;

“(D) shall be repaid through charges added to the electric bill for the property for, or at which, energy efficiency measures are or will be implemented, on the condition that this requirement does not prohibit—

“(i) the voluntary prepayment of a loan by the owner of the property; or

“(ii) the use of any additional repayment mechanisms that are—

“(I) demonstrated to have appropriate risk mitigation features, as determined by the eligible entity; or

“(II) required if the qualified consumer is no longer a customer of the eligible entity; and

“(E) shall require an energy audit by an eligible entity to determine the impact of proposed energy efficiency measures on the energy costs and consumption of the qualified consumer.

“(2) CONTRACTORS.—In addition to any other qualified general contractor, eligible entities may serve as general contractors.

“(e) CONTRACT FOR MEASUREMENT AND VERIFICATION, TRAINING, AND TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary—

“(A) shall establish a plan for measurement and verification, training, and technical assistance of the program; and

“(B) may enter into 1 or more contracts with a qualified entity for the purposes of—

“(i) providing measurement and verification activities; and

“(ii) developing a program to provide technical assistance and training to the employees of eligible entities to carry out this section.

“(2) USE OF SUBCONTRACTORS AUTHORIZED.—A qualified entity that enters into a contract under paragraph (1) may use subcontractors to assist the qualified entity in carrying out the contract.

“(f) FAST START DEMONSTRATION PROJECTS.—

“(1) IN GENERAL.—The Secretary shall offer to enter into agreements with eligible entities (or groups of eligible entities) that have energy efficiency programs described in subsection (c)(2)(C) to establish an energy efficiency loan demonstration projects consistent with the purposes of this section.

“(2) EVALUATION CRITERIA.—In determining which eligible entities to award loans under this section, the Secretary shall take into consideration eligible entities that—

“(A) implement approaches to energy audits and investments in energy efficiency measures that yield measurable and predictable savings;

“(B) use measurement and verification processes to determine the effectiveness of energy efficiency loans made by eligible entities;

“(C) include training for employees of eligible entities, including any contractors of such entities, to implement or oversee the activities described in subparagraphs (A) and (B);

“(D) provide for the participation of a majority of eligible entities in a State;

“(E) reduce the need for generating capacity;

“(F) provide efficiency loans to—

“(i) in the case of a single eligible entity, not fewer than 20,000 consumers; or

“(ii) in the case of a group of eligible entities, not fewer than 80,000 consumers; and

“(G) serve areas in which, as determined by the Secretary, a large percentage of consumers reside—

“(i) in manufactured homes; or

“(ii) in housing units that are more than 50 years old.

“(3) DEADLINE FOR IMPLEMENTATION.—To the maximum extent practicable, the Secretary shall enter into agreements described in paragraph (1) by not later than 90 days after the date of enactment of this section.

“(4) EFFECT ON AVAILABILITY OF LOANS NATIONALLY.—Nothing in this subsection shall delay the availability of loans to eligible entities on a national basis beginning not later than 180 days after the date of enactment of this section.

“(5) ADDITIONAL DEMONSTRATION PROJECT AUTHORITY.—

“(A) IN GENERAL.—The Secretary may conduct demonstration projects in addition to the project required by paragraph (1).

“(B) INAPPLICABILITY OF CERTAIN CRITERIA.—The additional demonstration projects may be carried out without regard to subparagraphs (D), (F), or (G) of paragraph (2).

“(g) ADDITIONAL AUTHORITY.—The authority provided in this section is in addition to any other authority of the Secretary to offer loans under any other law.

“(h) EFFECTIVE PERIOD.—Subject to the availability of funds and except as otherwise provided in this section, the loans and other expenditures required to be made under this section shall be available until expended, with the Secretary authorized to make new loans as loans are repaid.

“(i) REGULATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate such regulations as are necessary to implement this section.

“(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

“(A) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of

proposed rulemaking and public participation in rulemaking; and

“(B) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’).

“(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

“(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), to the extent regulations are necessary to carry out any provision of this section, the Secretary shall implement such regulations through the promulgation of an interim rule.”.

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, beginning in fiscal year 2014, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$50,000,000, to remain available until expended.

SEC. 6204. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

SEC. 6205. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

“(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.”.

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking “2012” and inserting “2017”.

(b) DUTIES OF NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.—Section 1408(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(c)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4)(C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Secretary based on that consultation.”.

SEC. 7102. SPECIALTY CROP COMMITTEE.

Section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) is amended—

(1) in subsection (b)—

(A) by striking “Individuals” and inserting the following:

“(1) ELIGIBILITY.—Individuals”;

(B) by striking “Members” and inserting the following:

“(2) SERVICE.—Members”;

(C) by adding at the end the following:

“(3) DIVERSITY.—Membership of the specialty crops committee shall reflect diversity in the specialty crops represented.”;

(2) in subsection (c), by adding at the end the following:

“(6) Analysis of alignment of specialty crop committee recommendations with specialty crop research initiative grants awarded under section 412(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632).”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

“(d) CONSULTATION WITH SPECIALTY CROP INDUSTRY.—In studying the scope and effectiveness of programs under subsection (a), the specialty crops committee shall consult on an ongoing basis with diverse sectors of the specialty crop industry.”; and

(5) in subsection (f) (as redesignated by paragraph (3)), by striking “subsection (d)” and inserting “subsection (e)”.

SEC. 7103. VETERINARY SERVICES GRANT PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is

amended by inserting after section 1415A (7 U.S.C. 3151a) the following:

“SEC. 1415B. VETERINARY SERVICES GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) QUALIFIED ENTITY.—The term ‘qualified entity’ means—

“(A) a for-profit or nonprofit entity located in the United States that operates a veterinary clinic providing veterinary services—

“(i) in a rural area, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)); and

“(ii) in response to a veterinarian shortage situation;

“(B) a State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association;

“(C) a college or school of veterinary medicine accredited by the American Veterinary Medical Association;

“(D) a university research foundation or veterinary medical foundation;

“(E) a department of veterinary science or department of comparative medicine accredited by the Department of Education;

“(F) a State agricultural experiment station; and

“(G) a State, local, or tribal government agency.

“(2) VETERINARIAN SHORTAGE SITUATION.—The term ‘veterinarian shortage situation’ means a veterinarian shortage situation determined by the Secretary under section 1415A(b).

“(b) ESTABLISHMENT OF PROGRAM.—

“(1) COMPETITIVE GRANTS.—The Secretary shall carry out a program to make competitive grants to qualified entities that carry out programs or activities described in paragraph (2) for the purpose of developing, implementing, and sustaining veterinary services.

“(2) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant described in paragraph (1), a qualified entity shall carry out programs or activities that the Secretary determines will—

“(A) substantially relieve veterinarian shortage situations;

“(B) support or facilitate private veterinary practices engaged in public health activities; or

“(C) support or facilitate the practices of veterinarians who are participating in or have successfully completed a service requirement under section 1415A(a)(2).

“(c) AWARD PROCESSES AND PREFERENCES.—

“(1) APPLICATION, EVALUATION, AND INPUT PROCESSES.—In administering the grant program under this section, the Secretary shall—

“(A) use an appropriate application and evaluation process, as determined by the Secretary; and

“(B) seek the input of interested persons.

“(2) GRANT PREFERENCES.—In selecting recipients of grants to be used for any of the purposes described in paragraphs (2) through (6) of subsection (d), the Secretary shall give a preference to qualified entities that provide documentation of coordination with other qualified entities, with respect to any such purpose.

“(3) ADDITIONAL PREFERENCES.—In awarding grants under this section, the Secretary may develop additional preferences by taking into account the amount of funds available for grants and the purposes for which the grant funds will be used.

“(4) APPLICABILITY OF OTHER PROVISIONS.—Sections 1413B, 1462(a), 1469(a)(3), 1469(c), and

1470 apply to the administration of the grant program under this section.

“(d) USE OF GRANTS TO RELIEVE VETERINARIAN SHORTAGE SITUATIONS AND SUPPORT VETERINARY SERVICES.—A qualified entity may use funds provided by grants under this section to relieve veterinarian shortage situations and support veterinary services for the following purposes:

“(1) To assist veterinarians with establishing or expanding practices for the purpose of—

“(A) equipping veterinary offices;

“(B) sharing in the reasonable overhead costs of the practices, as determined by the Secretary; or

“(C) establishing mobile veterinary facilities in which a portion of the facilities will address education or extension needs.

“(2) To promote recruitment (including for programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.

“(3) To allow veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses described in 1415A(c)(5)) to attend training programs in food safety or food animal medicine.

“(4) To establish or expand accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs carried out in coordination with accredited colleges of veterinary medicine.

“(5) To assess veterinarian shortage situations and the preparation of applications submitted to the Secretary for designation as a veterinarian shortage situation under section 1415A(b).

“(6) To provide continuing education and extension, including veterinary telemedicine and other distance-based education, for veterinarians, veterinary technicians, and other health professionals needed to strengthen veterinary programs and enhance food safety.

“(e) SPECIAL REQUIREMENTS FOR CERTAIN GRANTS.—

“(1) TERMS OF SERVICE REQUIREMENTS.—

“(A) IN GENERAL.—Grants provided under this section for the purpose specified in subsection (d)(1) shall be subject to an agreement between the Secretary and the grant recipient that includes a required term of service for the recipient, as established by the Secretary.

“(B) CONSIDERATIONS.—In establishing a term of service under subparagraph (A), the Secretary shall consider only—

“(i) the amount of the grant awarded; and

“(ii) the specific purpose of the grant.

“(2) BREACH REMEDIES.—

“(A) IN GENERAL.—An agreement under paragraph (1) shall provide remedies for any breach of the agreement by the grant recipient, including repayment or partial repayment of the grant funds, with interest.

“(B) WAIVER.—The Secretary may grant a waiver of the repayment obligation for breach of contract if the Secretary determines that the grant recipient demonstrates extreme hardship or extreme need.

“(C) TREATMENT OF AMOUNTS RECOVERED.—Funds recovered under this paragraph shall—

“(i) be credited to the account available to carry out this section; and

“(ii) remain available until expended.

“(f) COST-SHARING REQUIREMENTS.—

“(1) RECIPIENT SHARE.—Subject to paragraph (2), to be eligible to receive a grant

under this section, a qualified entity shall provide matching non-Federal funds, either in cash or in-kind support, in an amount equal to not less than 25 percent of the Federal funds provided by the grant.

“(2) **WAIVER.**—The Secretary may establish, by regulation, conditions under which the cost-sharing requirements of paragraph (1) may be reduced or waived.

“(g) **PROHIBITION ON USE OF GRANT FUNDS FOR CONSTRUCTION.**—Funds made available for grants under this section may not be used—

“(1) to construct a new building or facility; or

“(2) to acquire, expand, remodel, or alter an existing building or facility, including site grading and improvement and architect fees.

“(h) **REGULATIONS.**—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for fiscal year 2013 and each fiscal year thereafter, to remain available until expended.”.

SEC. 7104. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURE SCIENCES EDUCATION.

Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(m)) is amended by striking “section \$60,000,000” and all that follows and inserting the following: “section—

“(1) \$60,000,000 for each of fiscal years 1990 through 2012; and

“(2) \$40,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7105. AGRICULTURAL AND FOOD POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in the section heading, by inserting “**AGRICULTURAL AND FOOD**” before “**POLICY**”;

(2) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “Secretary may” and inserting “Secretary shall, acting through the Office of the Chief Economist,”; and

(B) by inserting “with a history of providing unbiased, nonpartisan economic analysis to Congress” after “subsection (b)”;

(3) in subsection (b), by striking “other research institutions” and all that follows through “shall be eligible” and inserting “other public research institutions and organizations shall be eligible”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, with preference given to policy research centers having extensive databases, models, and demonstrated experience in providing Congress with agricultural market projections, rural development analysis, agricultural policy analysis, and baseline projections at the farm, multiregional, national, and international levels,” after “with this section”; and

(B) in paragraph (2) by inserting “applied” after “theoretical”; and

(5) by striking subsection (d) and inserting the following: “

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.”.

SEC. 7106. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS.

Section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “(or grants without regard to any requirement for competition)”;

(B) in paragraph (3), by striking “2012” and inserting “2017”; and

(2) in subsection (b)(1), by striking “(or grants without regard to any requirement for competition)”;

(3) in paragraph (3), by striking “2012” and inserting “2017”.

SEC. 7107. NUTRITION EDUCATION PROGRAM.

Section 1425(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(f)) is amended by striking “2012” and inserting “2017”.

SEC. 7108. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by striking the section designation and heading and all that follows through subsection (a) and inserting the following:

“SEC. 1433. APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

“(a) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated to support continuing animal health and disease research programs at eligible institutions such sums as are necessary, but not to exceed \$25,000,000 for each of fiscal years 1991 through 2017.

“(2) **USE OF FUNDS.**—Funds made available under this section shall be used—

“(A) to meet the expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the Act of March 4, 1940 (7 U.S.C. 331);

“(B) for administrative planning and direction; and

“(C) to purchase equipment and supplies necessary for conducting research described in subparagraph (A).”.

SEC. 7109. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking “2012” and inserting “2017”.

SEC. 7110. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

Section 1447B(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b-2(d)) is amended by striking “2012” and inserting “2017”.

SEC. 7111. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking “2012” and inserting “2017”.

SEC. 7112. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b) is amended by striking subsection (c) and inserting the following:

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2012; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7113. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended in each of subsections (a) and (b) by striking “2012” each place it appears and inserting “2017”.

SEC. 7114. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking “2012” and inserting “2017”.

SEC. 7115. SUPPLEMENTAL AND ALTERNATIVE CROPS.

(a) **AUTHORIZATION OF APPROPRIATIONS AND TERMINATION.**—Section 1473D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d) is amended—

(1) in subsection (a), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for fiscal year 2012; and

“(2) \$1,000,000 for each of fiscal years 2013 through 2017.”.

(b) **COMPETITIVE GRANTS.**—Section 1473D(c)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(1)) is amended by striking “use such research funding, special or competitive grants, or other means, as the Secretary determines,” and inserting “make competitive grants”.

SEC. 7116. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Section 1473F(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319i(b)) is amended by striking “2012” and inserting “2017”.

SEC. 7117. AQUACULTURE ASSISTANCE PROGRAMS.

(a) **COMPETITIVE GRANTS.**—Section 1475(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(b)) is amended in the matter preceding paragraph (1) by inserting “competitive” before “grants”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended to read as follows:

“SEC. 1477. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this subtitle—

“(1) \$7,500,000 for each of fiscal years 1991 through 2012; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017.

“(b) **PROHIBITION ON USE.**—Funds made available under this section may not be used to acquire or construct a building.”.

SEC. 7118. RANGELAND RESEARCH PROGRAMS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) \$10,000,000 for each of fiscal years 1991 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7119. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking “response such sums as are necessary” and all that follows and inserting the following: “response—

“(1) such sums as are necessary for each of fiscal years 2002 through 2012; and

“(2) \$20,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7120. DISTANCE EDUCATION AND RESIDENT INSTRUCTION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—

(1) COMPETITIVE GRANTS.—Section 1490(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(a)) is amended by striking “or noncompetitive”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363(c)) is amended by striking “such sums as are necessary” and all that follows and inserting the following: “to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990**SEC. 7201. BEST UTILIZATION OF BIOLOGICAL APPLICATIONS.**

Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended—

(1) by striking “\$40,000,000 for each fiscal year”; and

(2) by inserting “\$40,000,000 for each of fiscal years 2012 through 2017” after “chapter”.

SEC. 7202. INTEGRATED MANAGEMENT SYSTEMS.

Section 1627 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821) is amended by striking subsection (d) and inserting the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section through the National Institute of Food and Agriculture \$20,000,000 for each of fiscal years 2012 through 2017.”.

SEC. 7203. SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM.

Section 1628 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831) is amended by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2012 through 2017.”.

SEC. 7204. NATIONAL TRAINING PROGRAM.

Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended by striking subsection (i) and inserting the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out the National Training Program \$20,000,000 for each of fiscal years 2012 through 2017.”.

SEC. 7205. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended—

(1) by striking “such funds as may be necessary”; and

(2) by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) such sums as are necessary for each of fiscal years 1991 through 2012; and

“(2) \$1,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7206. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by inserting “and \$1,000,000 for each of fiscal years 2013 through 2017” before the period at the end.

SEC. 7207. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking “subsections (e) through (i) of”; and

(2) in subsection (b)(2)—

(A) by striking the first sentence and inserting the following:

“(A) IN GENERAL.—To facilitate the making of research and extension grants under subsection (d), the Secretary may appoint a task force to make recommendations to the Secretary.”; and

(B) in the second sentence, by striking “The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with each” and inserting the following:

“(B) COSTS.—The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with a”; and

(3) in subsection (e)—

(A) by striking paragraphs (1) through (5), (7), (8), (11) through (39), (41) through (43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

“(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.”;

(4) by striking subsections (f), (g), and (i);

(5) by inserting after subsection (e) the following:

“(f) PULSE HEALTH INITIATIVE.—

“(1) DEFINITIONS.—In this subsection;

“(A) INITIATIVE.—The term ‘Initiative’ means the pulse health initiative established by paragraph (2).

“(B) PULSE.—The term ‘pulse’ means dry beans, dry peas, lentils, and chickpeas or garbanzo beans.

“(2) ESTABLISHMENT.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012 and ending on September 30, 2017, the Secretary shall carry out a pulse crop health and extension initiative to address the critical needs of the pulse crop industry by developing and disseminating science-based tools and information, including—

“(A) research in health and nutrition, such as—

“(i) identifying global dietary patterns of pulse crops in relation to population health;

“(ii) researching pulse crop diets and the ability of the diets to reduce obesity and associated chronic disease (including cardiovascular disease, type 2 diabetes, and cancer); and

“(iii) identifying the underlying mechanisms of the health benefits of pulse crop consumption (including disease biomarkers, bioactive components, and relevant plant genetic components to enhance the health promoting value of pulse crops);

“(B) research in functionality, such as—

“(i) improving the functional properties of pulse crops and pulse fractions;

“(ii) developing new and innovative technologies to improve pulse crops as an ingredient in food products; and

“(iii) developing nutrient-dense food product solutions to ameliorate chronic disease and enhance food security worldwide;

“(C) research in sustainability to enhance global food security, such as—

“(i) plant breeding, genetics and genomics to improve productivity, nutrient density, and phytonutrient content for a growing world population;

“(ii) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

“(iii) improving nitrogen fixation to reduce the carbon and energy footprint of agriculture;

“(D) optimizing pulse cropping systems to reduce water usage; and

“(E) education and technical service, such as—

“(i) providing technical expertise to help food companies include nutrient-dense pulse crops in innovative and healthy foods; and

“(ii) establishing an educational program to encourage the consumption and production of pulse crops in the United States and other countries.

“(3) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

“(A) Federal agencies, including the Agricultural Research Service and the National Institute of Food and Agriculture;

“(B) National Laboratories;

“(C) institutions of higher education;

“(D) research institutions or organizations;

“(E) private organizations or corporations;

“(F) State agricultural experiment stations;

“(G) individuals; or

“(H) groups consisting of 2 or more entities or individuals described in subparagraphs (A) through (G).

“(4) RESEARCH PROJECT GRANTS.—

“(A) IN GENERAL.—In carrying out this subsection, the Secretary shall award grants on a competitive basis.

“(B) IN GENERAL.—The Secretary shall—

“(i) seek and accept proposals for grants;

“(ii) determine the relevance and merit of proposals through a system of peer review, in consultation with the pulse crop industry; and

“(iii) award grants on the basis of merit, quality, and relevance.

“(C) PRIORITIES.—In making grants under this subsection, the Secretary shall provide a higher priority to projects that—

“(i) are multistate, multiinstitutional, and multidisciplinary; and

“(ii) include explicit mechanisms to communicate results to the pulse crop industry and the public.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$25,000,000 for each of fiscal years 2013 through 2017.

“(g) TRAINING COORDINATION FOR FOOD AND AGRICULTURE PROTECTION.—

“(1) IN GENERAL.—The Secretary shall make grants and enter into contracts or cooperative agreements with eligible entities described in paragraph (2) for the purposes of establishing a Comprehensive Food Safety Training Network.

“(2) ELIGIBILITY.—

“(A) IN GENERAL.—For purposes of this subsection, an eligible entity is a multiinstitutional consortium that includes—

“(i) a nonprofit institution that provides administering food protection training; and

“(ii) 1 or more training centers in institutions of higher education that have demonstrated expertise in developing and delivering community-based training in food and agricultural safety and defense.

“(B) REQUIREMENTS.—To ensure that coordination and administration is provided across all the disciplines and provide comprehensive food protection training, the Secretary may only consider an entire consortium collectively rather than on an institution-by-institution basis.

“(C) MEMBERSHIP.—An eligible entity may alter the consortium membership to meet specific training expertise needs.

“(3) DUTIES OF ELIGIBLE ENTITY.—As a condition of the receipt of assistance under this subsection, an eligible entity, in cooperation with the Secretary, shall establish and maintain the network for an internationally integrated training system to enhance protection of the United States food supply, including, at a minimum—

“(A) developing curricula and a training network to provide basic, technical, management, and leadership training to regulatory and public health officials, producers, processors, and other agrifood businesses;

“(B) serving as the hub for the administration of an open training network;

“(C) implementing standards to ensure the delivery of quality training through a national curricula;

“(D) building and overseeing a nationally recognized instructor cadre to ensure the availability of highly qualified instructors;

“(E) reviewing training proposed through the National Institute of Food and Agriculture and other relevant Federal agencies that report to the Secretary on the quality and content of proposed and existing courses;

“(F) assisting Federal agencies in the implementation of food protection training requirements including requirements contained in the Agriculture Reform, Food, and Jobs Act of 2012, the FDA Food Safety Modernization Act (Public Law 111-353; 124 Stat. 3885), and amendments made by those Acts; and

“(G) performing evaluation and outcome-based studies to provide to the Secretary feedback on the effectiveness and impact of training and metrics on jurisdictions and sectors within the food safety system.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”;

(6) in subsection (h), by striking “2012” each place it appears and inserting “2017”;

(7) by redesignating subsection (j) as subsection (i); and

(8) in subsection (i) (as so redesignated), by striking “2012” and inserting “2017”.

SEC. 7208. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, education,” after “support research”;

(B) in paragraph (1), by inserting “and improvement” after “development”;

(C) in paragraph (2), by striking “to producers and processors who use organic methods” and inserting “of organic agricultural production and methods to producers, processors, and rural communities”;

(D) in paragraph (5), by inserting “and researching solutions to” after “identifying”; and

(E) in paragraph (6), by striking “and marketing” and inserting “, marketing, and food safety”;

(2) by striking subsection (e);

(3) by redesignating subsection (f) as subsection (e); and

(4) in subsection (e) (as so redesignated)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) \$16,000,000 for each of fiscal years 2013 through 2017.”; and

(B) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 7209. FARM BUSINESS MANAGEMENT.

Section 1672D(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f(d)) is amended by striking “such sums as are necessary to carry out this section.” and inserting the following: “to carry out this section—

“(1) such sums as are necessary for fiscal year 2012; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7210. REGIONAL CENTERS OF EXCELLENCE.

Subtitle H of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672D (7 U.S.C. 5925) the following:

“SEC. 1673. REGIONAL CENTERS OF EXCELLENCE.

“(a) ESTABLISHMENT.—The Secretary may prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding.

“(b) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))) that provide financial support to the regional center of excellence.

“(c) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

“(1) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

“(2) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

“(3) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

“(4) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

“(5) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine, and NLGCA Institutions).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7211. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended—

(1) by striking “is” and inserting “are”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(A) \$6,000,000 for each of fiscal years 1999 through 2012; and

“(B) \$5,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking “2012” and inserting “2017”.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

Section 103(a)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)(2)) is amended—

(1) by striking the paragraph designation and heading and inserting the following:

“(2) RELEVANCE AND MERIT REVIEW OF RESEARCH, EXTENSION, AND EDUCATION GRANTS.—

“(2) in subparagraph (A)—

(A) by inserting “relevance and” before “merit”; and

(B) by striking “extension or education” and inserting, “research, extension, or education”; and

(3) in subparagraph (B) by inserting “on a continuous basis” after “procedures”.

SEC. 7302. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking “2012” and inserting “2017”.

SEC. 7303. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking “such sums as may be necessary for each of fiscal years 1999 through 2012” and inserting “\$10,000,000 for each of fiscal years 2013 through 2017”.

SEC. 7304. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(d)) is amended by striking “section such sums as are necessary” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$3,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7305. SPECIALTY CROP RESEARCH INITIATIVE.

Section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632) is amended—

(1) in subsection (b)(3), by inserting “handling and processing,” after “production efficiency,”;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by inserting after subparagraph (C) the following:

“(D) consult with the specialty crops committee authorized under section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) during the peer and merit review process.”; and

(B) in paragraph (3), by striking “non-Federal” and all that follows through the end of the paragraph and inserting “other sources in an amount that is at least equal to the amount provided by a grant received under this section.”; and

(3) in subsection (h)—

(A) in paragraph (1)—

(i) by striking “(1) IN GENERAL.—Of the funds” and inserting the following:

“(1) MANDATORY FUNDING.—

“(A) IN GENERAL.—Of the funds”; and

(ii) by adding at the end the following:

“(B) SUBSEQUENT FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

“(i) \$25,000,000 for fiscal year 2013;

“(ii) \$30,000,000 for each of fiscal years 2014 and 2015;

“(iii) \$65,000,000 for fiscal year 2016; and

“(iv) \$50,000,000 for fiscal year 2017 and each fiscal year thereafter.”; and

(B) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 7306. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642(e)) is amended by striking “2012” and inserting “2017”.

SEC. 7307. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2012; and

“(2) \$3,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7308. AUTHORIZATION OF REGIONAL INTEGRATED PEST MANAGEMENT CENTERS.

Subtitle B of title VI of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7651 et seq.) is amended by adding at the end the following:

“SEC. 621. AUTHORIZATION OF REGIONAL INTEGRATED PEST MANAGEMENT CENTERS.

“(a) IN GENERAL.—There are established 4 regional integrated pest management centers (referred to in this section as the ‘Centers’), which shall be located at such specific locations in the north central, northeastern, southern, and western regions of the United States as the Secretary shall specify.

“(b) PURPOSES.—The purposes of the Centers shall be—

“(1) to strengthen the connection of the Department with production agriculture, research, and extension programs, and agricultural stakeholders throughout the United States;

“(2) to increase the effectiveness of providing pest management solutions for the private and public sectors;

“(3) to quickly respond to information needs of the public and private sectors; and

“(4) to improve communication among the relevant stakeholders.

“(c) DUTIES.—In meeting the purposes described in subsection (b) and otherwise carrying out this section, the Centers shall—

“(1) develop regional strategies to address pest management needs;

“(2) assist the Department and partner institutions of the Department in identifying, prioritizing, and coordinating a national pest management research, extension, and education program implemented on a regional basis;

“(3) establish a national pest management communication network that includes—

“(A) the agencies of the Department and other government agencies;

“(B) scientists at institutions of higher education; and

“(C) stakeholders focusing on pest management issues;

“(4) serve as regional hubs responsible for ensuring efficient access to pest management expertise and data available through institutions of higher education; and

“(5) on behalf of the Department, manage grants that can be most effectively and efficiently delivered at the regional level, as determined by the Secretary.”.

Subtitle D—Other Laws**SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.**

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “Act” and all that follows and inserting the following: “Act—

“(1) such sums as are necessary for each of fiscal years 1991 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended to read as follows:

“SEC. 532. DEFINITION OF 1994 INSTITUTIONS.

“In this part, the term ‘1994 Institutions’ means any 1 of the following:

“(1) Aaniiih Nakoda College.

“(2) Bay Mills Community College.

“(3) Blackfeet Community College.

“(4) Cankdeska Cikana Community College.

“(5) Chief Dull Knife Memorial College.

“(6) College of Menominee Nation.

“(7) College of the Muscogee Nation.

“(8) Comanche Nation College.

“(9) D-Q University.

“(10) Dine College.

“(11) Fond du Lac Tribal and Community College.

“(12) Fort Berthold Community College.

“(13) Fort Peck Community College.

“(14) Haskell Indian Nations University.

“(15) Ilisagvik College.

“(16) Institute of American Indian and Alaska Native Culture and Arts Development.

“(17) Keweenaw Bay Ojibwa Community College.

“(18) Lac Courte Oreilles Ojibwa Community College.

“(19) Leech Lake Tribal College.

“(20) Little Big Horn College.

“(21) Little Priest Tribal College.

“(22) Navajo Technical College.

“(23) Nebraska Indian Community College.

“(24) Northwest Indian College.

“(25) Oglala Lakota College.

“(26) Saginaw Chippewa Tribal College.

“(27) Salish Kootenai College.

“(28) Sinte Gleska University.

“(29) Sisseton Wahpeton College.

“(30) Sitting Bull College.

“(31) Southwestern Indian Polytechnic Institute.

“(32) Stone Child College.

“(33) Tohono O’odham Community College.

“(34) Turtle Mountain Community College.

“(35) United Tribes Technical College.

“(36) White Earth Tribal and Community College.”.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—

(1) IN GENERAL.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(A) in subsection (a)(2)(A)(ii), by striking “of such Act as added by section 534(b)(1) of this part” and inserting “of that Act (7 U.S.C. 343(b)(3)) and for programs for children, youth, and families at risk and for Federally recognized tribes implemented under section 3(d) of that Act (7 U.S.C. 343(d))”; and

(B) in subsection (b), in the first sentence by striking “2012” and inserting “2017”.

(2) CONFORMING AMENDMENT.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended in the second sentence by inserting “and, in the case of programs for children, youth, and families at risk and for Federally recognized tribes, the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)),” before “may compete for”.

(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking “2012” each place it appears in subsections (b)(1) and (c) and inserting “2017”.

(d) RESEARCH GRANTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended in the first sentence by striking “2012” and inserting “2017”.

(2) RESEARCH GRANT REQUIREMENTS.—Section 536(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking “with at least 1 other land-grant college or university” and all that follows and inserting the following: “with—

“(1) the Agricultural Research Service of the Department of Agriculture; or

“(2) at least 1—

“(A) other land-grant college or university (exclusive of another 1994 Institution);

“(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

“(C) cooperating forestry school (as defined in that section).”.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (d)(2) take effect on October 1, 2012.

SEC. 7403. RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking “2012” and inserting “2017”.

SEC. 7404. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.

Section 2 of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(11)(A), in the matter preceding clause (i), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(1) STREAMLINING GRANT APPLICATION PROCESS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to Congress a report that includes—

“(1) an analysis of barriers that exist in the competitive grants process administered by the National Institute of Food and Agriculture that prevent eligible institutions and organizations with limited institutional capacity from successfully applying and competing for competitive grants; and

“(2) specific recommendations for future steps that the Department can take to streamline the competitive grants application process so as to remove the barriers and increase the success rates of applicants described in paragraph (1).”

SEC. 7405. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM UNDER DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994.

Section 308(b)(6) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a note; Public Law 103-354) is amended by striking subparagraph (A) and inserting the following:

“(A) on September 30, 2017; or”.

SEC. 7406. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking “2012” and inserting “2017”.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95-306) is amended by striking “2012” and inserting “2017”.

SEC. 7407. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking “2012” each place it appears and inserting “2017”.

SEC. 7408. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM UNDER FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)(8)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) beginning farmers and ranchers who are veterans (as defined in section 101 of title 38, United States Code).”; and

(2) by redesignating subsection (h) as subsection (i);

(3) by inserting after subsection (g) the following:

“(h) STATE GRANTS.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) an agency of a State or political subdivision of a State;

“(B) a national, State, or regional organization of agricultural producers; and

“(C) any other entity determined appropriate by the Secretary.

“(2) GRANTS.—The Secretary shall use such sums as are necessary of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.”; and

(4) in subsection (i) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) \$17,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”; and

(B) in paragraph (2), by striking “2012” and inserting “2017”.

Subtitle E—Food, Conservation, and Energy Act of 2008**PART I—AGRICULTURAL SECURITY****SEC. 7501. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.**

Section 14112 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8912) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$2,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7502. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPARATION, AND RESPONSE.

Section 14113 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8913) is amended—

(1) in subsection (a)(2)—

(A) by striking “such sums as may be necessary”; and

(B) by striking “subsection” and all that follows and inserting the following: “subsection—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$15,000,000 for each of fiscal years 2013 through 2017.”; and

(2) in subsection (b)(2), by striking “is authorized to be appropriated to carry out this subsection” and all that follows and inserting the following: “are authorized to be appropriated to carry out this subsection—

“(1) \$25,000,000 for each of fiscal years 2008 through 2012; and

“(2) \$15,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7503. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

Section 14121(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8921(b)) is amended by striking “is authorized to be appropriated to carry out this section” and all that follows and inserting the following: “are authorized to be appropriated to carry out this section—

“(1) \$50,000,000 for each of fiscal years 2008 through 2012; and

“(2) \$15,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7504. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

Section 14122(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8922(e)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012, to remain available until expended; and

“(2) \$5,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”.

PART II—MISCELLANEOUS**SEC. 7511. GRAZINGLANDS RESEARCH LABORATORY.**

Section 7502 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 112 Stat. 2019) is amended by striking “for the 5-year period beginning on the date of enactment of this Act” and inserting “until September 30, 2017”.

SEC. 7512. BUDGET SUBMISSION AND FUNDING.

Section 7506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614c) is amended—

(1) in subsection (a)—

(A) by striking “(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term”; and inserting the following:

“(a) DEFINITIONS.—In this section:

“(1) COMPETITIVE PROGRAMS.—The term”; and

(B) by adding at the end the following:

“(2) COVERED PROGRAM.—The term ‘covered program’ means—

“(A) each research program carried out by the Agricultural Research Service or the Economic Research Service for which annual appropriations are requested in the annual budget submission of the President; and

“(B) each competitive program (as defined in section 251(f)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1))) carried out by the National Institute of Food and Agriculture for which annual appropriations are requested in the annual budget submission of the President.

“(3) REQUEST FOR AWARDS.—The term ‘request for awards’ means a funding announcement published by the National Institute of Food and Agriculture that provides detailed information on funding opportunities at the Institute, including the purpose, eligibility, restriction, focus areas, evaluation criteria, regulatory information, and instructions on how to apply for such opportunities.”; and

(2) by adding at the end the following:

“(e) ADDITIONAL PRESIDENTIAL BUDGET SUBMISSION REQUIREMENT.—

“(1) IN GENERAL.—Each year, the President shall submit to Congress, together with the annual budget submission of the President, the information described in paragraph (2) for each funding request for a covered program.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph includes—

“(A) baseline information, including with respect to each covered program—

“(i) the funding level for the program for the fiscal year preceding the year the annual budget submission of the President is submitted;

“(ii) the funding level requested in the annual budget submission of the President, including any increase or decrease in the funding level; and

“(iii) an explanation justifying any change from the funding level specified in clause (i) to the level specified in clause (ii);

“(B) with respect to each covered program that is carried out by the Economic Research Service or the Agricultural Research Service, the location and staff years of the program;

“(C) the proposed funding levels to be allocated to, and the expected publication date, scope, and allocation level for, each request for awards to be published under—

“(i) each priority area specified in section 2(b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(2));

“(ii) each research and extension project carried out under section 1621(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(a));

“(iii) each grant awarded under section 1672B(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(a));

“(iv) each grant awarded under section 412(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(b)); and

“(v) each grant awarded under 7405(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(1)); or

“(D) any other information the Secretary determines will increase congressional oversight with respect to covered programs.

“(3) PROHIBITION.—Unless the President submits the information described in paragraph (2)(C) for a fiscal year, the President may not carry out any program during the fiscal year that is authorized under—

“(A) section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b));

“(B) section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811);

“(C) section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b);

“(D) section 411 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631); or

“(E) section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

“(f) REPORT OF THE SECRETARY OF AGRICULTURE.—Each year on a date that is not later than the date on which the President submits the annual budget submission, the Secretary shall submit to Congress a report containing a description of the agricultural research, extension, and education activities carried out by the Federal Government during the fiscal year that immediately precedes the year for which the report is submitted, including—

“(1) a review of the extent to which those activities—

“(A) are duplicative or overlap within the Department of Agriculture; or

“(B) are similar to activities carried out by—

“(i) other Federal agencies;

“(ii) the States (including the District of Columbia, the Commonwealth of Puerto Rico and other territories or possessions of the United States);

“(iii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

“(iv) the private sector; and

“(2) for each report submitted under this section on or after January 1, 2013, a 5-year projection of national priorities with respect to agricultural research, extension, and education, taking into account both domestic and international needs.”.

SEC. 7513. NATURAL PRODUCTS RESEARCH PROGRAM.

Section 7525 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5937) is amended by striking subsection (e) and inserting the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$7,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 7514. SUN GRANT PROGRAM.

(a) IN GENERAL.—Section 7526 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114) is amended—

(1) in subsection (a)(4)(B), by striking “the Department of Energy” and inserting “other appropriate Federal agencies (as determined by the Secretary)”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “at South Dakota State University”;

(B) in subparagraph (B), by striking “at the University of Tennessee at Knoxville”;

(C) in subparagraph (C), by striking “at Oklahoma State University”;

(D) in subparagraph (D), by striking “at Oregon State University”;

(E) in subparagraph (E), by striking “at Cornell University”; and

(F) in subparagraph (F), by striking “at the University of Hawaii”;

(3) in subsection (c)(1)—

(A) in subparagraph (B), by striking “multistate” and all that follows through “technology implementation” and inserting “integrated, multistate research, extension, and education programs on technology development and technology implementation”;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “gasification” and inserting “bioproducts”; and

(ii) by striking “the Department of Energy” and inserting “other appropriate Federal agencies”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(D) in paragraph (1), by striking “in accordance with paragraph (2)”; and

(5) in subsection (g), by striking “2012” and inserting “2017”.

(b) CONFORMING AMENDMENTS.—Section 7526(f) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(f)) is amended—

(1) in paragraph (1), by striking “subsection (c)(1)(D)(i)” and inserting “subsection (c)(1)(C)(i)”; and

(2) in paragraph (2), by striking “subsection (d)(1)” and inserting “subsection (d)”.

Subtitle F—Miscellaneous

SEC. 7601. FOUNDATION FOR FOOD AND AGRICULTURE RESEARCH.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors described in subsection (e).

(2) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(3) FOUNDATION.—The term “Foundation” means the Foundation for Food and Agriculture Research established under subsection (b).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a nonprofit corporation to be known as the “Foundation for Food and Agriculture Research”.

(2) STATUS.—The Foundation shall not be an agency or instrumentality of the United States Government.

(c) PURPOSES.—The purposes of the Foundation shall be—

(1) to advance the research mission of the Department by supporting agricultural research activities focused on addressing key

problems of national and international significance including—

(A) plant health, production, and plant products;

(B) animal health, production, and products;

(C) food safety, nutrition, and health;

(D) renewable energy, natural resources, and the environment;

(E) agricultural and food security;

(F) agriculture systems and technology; and

(G) agriculture economics and rural communities; and

(2) to foster collaboration with agricultural researchers from the Federal Government, institutions of higher education, industry, and nonprofit organizations.

(d) DUTIES.—

(1) IN GENERAL.—The Foundation shall—

(A) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include agricultural research agencies in the Department, university consortia, public-private partnerships, institutions of higher education, nonprofit organizations, and industry, to efficiently and effectively advance the goals and priorities of the Foundation;

(B) in consultation with the Secretary—

(i) identify existing and proposed Federal intramural and extramural research and development programs relating to the purposes of the Foundation described in subsection (c); and

(ii) coordinate Foundation activities with those programs so as to minimize duplication of existing efforts;

(C) identify unmet and emerging agricultural research needs after reviewing the Roadmap for Agricultural Research, Education and Extension as required by section 7504 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614a);

(D) facilitate technology transfer and release of information and data gathered from the activities of the Foundation to the agricultural research community;

(E) promote and encourage the development of the next generation of agricultural research scientists; and

(F) carry out such other activities as the Board determines to be consistent with the purposes of the Foundation.

(2) AUTHORITY.—Subject to paragraph (3), the Foundation shall be the sole entity responsible for carrying out the duties enumerated in this subsection.

(3) RELATIONSHIP TO OTHER ACTIVITIES.—The activities described in paragraph (1) shall be supplemental to any other activities at the Department and shall not preempt any authority or responsibility of the Department under another provision of law.

(e) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—The Foundation shall be governed by a Board of Directors.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of appointed and ex-officio, nonvoting members.

(B) EX-OFFICIO MEMBERS.—The ex-officio members of the Board shall be the following individuals or designees:

(i) The Secretary.

(ii) The Under Secretary of Agriculture for Research, Education, and Economics.

(iii) The Administrator of the Agricultural Research Service.

(iv) The Director of the National Institute of Food and Agriculture.

(v) The Director of the National Science Foundation.

(C) APPOINTED MEMBERS.—

(i) IN GENERAL.—The ex-officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 15 individuals, of whom—

(I) 8 shall be selected from a list of candidates to be provided by the National Academy of Sciences; and

(II) 7 shall be selected from lists of candidates provided by industry.

(i) REQUIREMENTS.—

(I) EXPERTISE.—The ex-officio members shall ensure that a majority of the members of the Board have actual experience in agricultural research and, to the extent practicable, represent diverse sectors of agriculture.

(II) LIMITATION.—No employee of the Federal Government may serve as an appointed member of the Board under this subparagraph.

(III) NOT FEDERAL EMPLOYMENT.—Appointment to the Board under this subparagraph shall not constitute Federal employment.

(iii) AUTHORITY.—All appointed members of the Board shall be voting members.

(D) CHAIR.—The Board shall, from among the members of the Board, designate an individual to serve as Chair of the Board.

(3) INITIAL MEETING.—Not later than 60 days after the date of enactment of this Act, the Secretary shall convene a meeting of the ex-officio members of the Board—

(A) to incorporate the Foundation; and

(B) to appoint the members of the Board in accordance with paragraph (2)(C)(i).

(4) DUTIES.—

(A) IN GENERAL.—The Board shall—

(i) establish bylaws for the Foundation that, at a minimum, include—

(I) policies for the selection of future Board members, officers, employees, agents, and contractors of the Foundation;

(II) policies, including ethical standards, for—

(aa) the acceptance, solicitation, and disposition of donations and grants to the Foundation; and

(bb) the disposition of assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

(III) policies that would subject all employees, fellows, trainees, and other agents of the Foundation (including members of the Board) to the conflict of interest standards under section 208 of title 18, United States Code;

(IV) policies for writing, editing, printing, publishing, and vending of books and other materials;

(V) policies for the conduct of the general operations of the Foundation, including a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation; and

(VI) specific duties for the Executive Director;

(ii) prioritize and provide overall direction for the activities of the Foundation;

(iii) evaluate the performance of the Executive Director; and

(iv) carry out any other necessary activities regarding the Foundation.

(B) ESTABLISHMENT OF BYLAWS.—In establishing bylaws under subparagraph (A)(i), the Board shall ensure that the bylaws do not—

(i) reflect unfavorably on the ability of the Foundation to carry out the duties of the Foundation in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental agency or

program, or any officer or employee employed by or involved in a governmental agency or program.

(5) TERMS AND VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—The term of each member of the Board appointed under paragraph (2)(C) shall be 5 years.

(ii) PARTIAL TERMS.—If a member of the Board does not serve the full term applicable under clause (i), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(iii) TRANSITION.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

(B) VACANCIES.—Any vacancy in the membership of the Board shall be filled in the manner in which the original position was made and shall not affect the power of the remaining members to execute the duties of the Board.

(6) COMPENSATION.—Members of the Board may not receive compensation for service on the Board but may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(7) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting business of the Board.

(F) ADMINISTRATION.—

(1) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Board shall hire an Executive Director who shall carry out such duties and responsibilities as the Board may prescribe.

(B) SERVICE.—The Executive Director shall serve at the pleasure of the Board.

(2) ADMINISTRATIVE POWERS.—

(A) IN GENERAL.—In carrying out this section, the Board, acting through the Executive Director, may—

(i) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(ii) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define the duties of the officers, employees, and agents;

(iii) solicit and accept any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including such support from private entities;

(iv) prescribe the manner in which—

(I) real or personal property of the Foundation is acquired, held, and transferred;

(II) general operations of the Foundation are to be conducted; and

(III) the privileges granted to the Board by law are exercised and enjoyed;

(v) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of the department or agency in carrying out this section;

(vi) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

(vii) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(viii) enter into such contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

(ix) modify or consent to the modification of any contract or agreement to which the Foundation is a party or in which the Foundation has an interest;

(x) take such action as may be necessary to obtain patents and licenses for devices

and procedures developed by the Foundation and employees of the Foundation;

(xi) sue and be sued in the corporate name of the Foundation, and complain and defend in courts of competent jurisdiction;

(xii) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

(xiii) exercise such other incidental powers as are necessary to carry out the duties and functions of the Foundation in accordance with this section

(B) LIMITATION.—No appointed member of the Board or officer or employee of the Foundation or of any program established by the Foundation (other than ex-officio members of the Board) shall exercise administrative control over any Federal employee

(3) RECORDS.—

(A) AUDITS.—The Foundation shall—

(i) provide for annual audits of the financial condition of the Foundation; and

(ii) make the audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(B) REPORTS.—

(i) ANNUAL REPORT ON FOUNDATION.—

(I) IN GENERAL.—Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report for the preceding fiscal year that includes—

(aa) a description of Foundation activities, including accomplishments; and

(bb) a comprehensive statement of the operations and financial condition of the Foundation.

(II) FINANCIAL CONDITION.—Each report under subclause (I) shall include a description of all gifts or grants to the Foundation of real or personal property or money, which shall include—

(aa) the source of the gifts or grants; and

(bb) any restrictions on the purposes for which the gift or grant may be used.

(III) AVAILABILITY.—The Foundation shall—

(aa) make copies of each report submitted under subclause (I) available for public inspection; and

(bb) on request, provide a copy of the report to any individual.

(IV) PUBLIC MEETING.—The Board shall hold an annual public meeting to summarize the activities of the Foundation.

(ii) GRANT REPORTING.—Any recipient of a grant under subsection (d)(1)(A) shall provide the Foundation with a report at the conclusion of any research or studies conducted the describes the results of the research or studies, including any data generated.

(4) INTEGRITY.—

(A) IN GENERAL.—To ensure integrity in the operations of the Foundation, the Board shall develop and enforce procedures relating to standards of conduct, financial disclosure statements, conflict of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

(B) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(i) the individual;

(ii) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)) of that individual; or

(iii) a business organization or other entity in which the individual has an interest, including an organization or other entity with

which the individual is negotiating employment.

(5) **INTELLECTUAL PROPERTY.**—The Board shall adopt written standards to govern ownership of any intellectual property rights derived from the collaborative efforts of the Foundation.

(6) **LIABILITY.**—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(g) **FUNDS.**—

(1) **MANDATORY FUNDING.**—

(A) **IN GENERAL.**—On October 1, 2012, of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Foundation to carry out this section \$100,000,000, to remain available until expended under the conditions described in subparagraph (B).

(B) **CONDITIONS ON EXPENDITURE.**—The Foundation may use the funds made available under subparagraph (A) to carry out the purposes of the Foundation only to the extent that the Foundation secures an equal amount of non-Federal matching funds for each expenditure.

(C) **PROHIBITION ON CONSTRUCTION.**—None of the funds made available under subparagraph (A) may be used for construction.

(2) **SEPARATION OF FUNDS.**—The Executive Director shall ensure that any funds received under paragraph (1) are held in separate accounts from funds received from nongovernmental entities as described in subsection (f)(2)(A)(iii).

SEC. 7602. OBJECTIVE AND SCHOLARLY AGRICULTURAL AND FOOD LAW RESEARCH AND INFORMATION.

(a) **FINDINGS.**—Congress finds that—

(1) the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws (including regulations);

(2) objective, scholarly, and authoritative agricultural and food law research and information helps the farm, ranch, and forestry community contribute to the strength of the United States through improved conservation, environmental protection, job creation, economic development, renewable energy production, outdoor recreational opportunities, and increased local and regional supplies of food, fiber, and fuel; and

(3) the vast agricultural community of the United States, including farmers, ranchers, foresters, attorneys, policymakers, and extension personnel, need access to agricultural and food law research and information provided by an objective, scholarly, and neutral source.

(b) **PARTNERSHIPS.**—The Secretary, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research and information by entering into partnerships with institutions of higher education that have expertise in agricultural and food law research and information.

(c) **RESTRICTION.**—For each fiscal year, the Secretary shall use not more than \$1,000,000 of the amounts made available to the National Agricultural Library to carry out this section.

TITLE VIII—FORESTRY

Subtitle A—Repeal of Certain Forestry Programs

SEC. 8001. FOREST LAND ENHANCEMENT PROGRAM.

(a) **REPEAL.**—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is repealed.

(b) **CONFORMING AMENDMENT.**—Section 8002 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 16 U.S.C. 2103 note) is amended by striking subsection (a).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2012.

SEC. 8002. WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) **REPEAL.**—Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 8003. EXPIRED COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.

Section 18 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2112) is repealed.

SEC. 8004. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) **REPEAL.**—Section 8402 of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 1649a) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

SEC. 8005. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) **REPEAL.**—Section 303 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2012.

Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs

SEC. 8101. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

Section 2A(f)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(f)(1)) is amended by striking “2012” and inserting “2017”.

SEC. 8102. FOREST STEWARDSHIP PROGRAM.

Section 5(h) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(h)) is amended by striking “such sums as may be necessary thereafter” and inserting “\$50,000,000 for each of fiscal years 2013 through 2017”.

SEC. 8103. FOREST LEGACY PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended by striking subsection (m) and inserting the following:

“(m) **FUNDING.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2013 through 2017.

“(2) **ADDITIONAL FUNDING SOURCES.**—In addition to any funds appropriated for each fiscal year to carry out this section, the Secretary may use any other Federal funds available to the Secretary.”.

SEC. 8104. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

Section 7A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d) is amended by striking subsection (g) and inserting the following:

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 8105. URBAN AND COMMUNITY FORESTRY ASSISTANCE.

Section 9(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(i)) is amended by striking “such sums as may be

necessary for each fiscal year thereafter” and inserting “\$50,000,000 for each of fiscal years 2013 through 2017”.

Subtitle C—Reauthorization of Other Forestry-related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking “2012” and inserting “2017”.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704) is amended by striking subsection (d) and inserting the following:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated—

“(1) such sums as are necessary for each of fiscal years 1996 through 2012; and

“(2) \$10,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 8203. INSECT INFESTATIONS AND RELATED DISEASES.

(a) **FINDINGS AND PURPOSES.**—Section 401 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6551) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) through (12) as paragraphs (4) through (13), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) the mountain pine beetle is—

“(A) threatening and ravaging forests throughout the Western region of the United States, including Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, and South Dakota;

“(B) reaching epidemic populations and severely impacting over 41,000,000 acres in western forests; and

“(C) deteriorating forest health in national forests and, when combined with drought, disease, and storm damage, is resulting in extreme fire hazards in national forests across the Western United States and endangering the economic stability of surrounding adjacent communities, ranches, and parks;”;

and

(2) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) to provide for designation of treatment areas pursuant to section 405.”.

(b) **DESIGNATION OF TREATMENT AREAS.**—Title IV of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6551 et seq.) is amended—

(1) by redesignating sections 405 and 406 (16 U.S.C. 6555, 6556) as sections 406 and 407, respectively; and

(2) by inserting after section 404 (16 U.S.C. 6554) the following:

“SEC. 405. DESIGNATION OF TREATMENT AREAS.

“(a) **DESIGNATION OF TREATMENT AREAS.**—Not later than 60 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall designate treatment areas on at least 1 national forest in each State, if requested by the Governor of the State, that the Secretary determines, based on annual forest health surveys, are experiencing declining forest health due to insect or disease infestation.

“(b) **TREATMENT OF AREAS.**—The Secretary may carry out treatments to address the insect or disease infestation in the areas designated under subsection (a) in accordance with sections 104, 105, 106, and 401.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2013 through 2017.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 407 of the Healthy Forests Restoration Act of 2003 (as redesignated by subsection (b)(1)) is amended by striking “2008” and inserting “2017”.

SEC. 8204. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591) is amended by adding at the end the following:

“SEC. 602. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) CHIEF.—The term ‘Chief’ means the Chief of the Forest Service.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Bureau of Land Management.

“(b) PROJECTS.—The Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

“(c) LAND MANAGEMENT GOALS.—The land management goals of a project under subsection (b) may include—

“(1) road and trail maintenance or obliteration to restore or maintain water quality;

“(2) soil productivity, habitat for wildlife and fisheries, or other resource values;

“(3) setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat;

“(4) removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives;

“(5) watershed restoration and maintenance;

“(6) restoration and maintenance of wildlife and fish; or

“(7) control of noxious and exotic weeds and reestablishing.

“(d) AGREEMENTS OR CONTRACTS.—

“(1) PROCUREMENT PROCEDURE.—A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

“(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

“(3) TERM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41, United States Code.

“(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

“(4) OFFSETS.—

“(A) IN GENERAL.—The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

“(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as an offset under subparagraph (A)—

“(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

“(ii) may—

“(I) be determined using a unit of measure appropriate to the contracts; and

“(II) may include valuing products on a per-acre basis.

“(5) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b).

“(6) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

“(e) RECEIPTS.—

“(1) IN GENERAL.—The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

“(2) USE.—Monies from an agreement or contract under subsection (b)—

“(A) may be retained by the Chief and the Director; and

“(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

“(3) RELATION TO OTHER LAWS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

“(B) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et seq.) shall not apply to any agreement or contract under subsection (b).

“(f) COSTS OF REMOVAL.—Notwithstanding the fact that a contractor did not harvest the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

“(1) the Act of August 11, 1916 (16 U.S.C. 490); and

“(2) and the Act of June 30, 1914 (16 U.S.C. 498).

“(g) PERFORMANCE AND PAYMENT GUARANTEES.—

“(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103-2 and 28.103-3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

“(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director may—

“(A) collect any residual receipts under the Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et seq.); and

“(B) apply the excess to other authorized stewardship projects.

“(h) MONITORING AND EVALUATION.—

“(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring

and evaluation process that accesses the stewardship contracting projects conducted under this section.

“(2) PARTICIPANTS.—Other than the Chief and Director, participants in the process described in paragraph (1) may include—

“(A) any cooperating governmental agencies, including tribal governments; and

“(B) any other interested groups or individuals.

“(i) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on—

“(1) the status of development, execution, and administration of agreements or contracts under subsection (b);

“(2) the specific accomplishments that have resulted; and

“(3) the role of local communities in the development of agreements or contract plans.”.

(b) CONFORMING AMENDMENT.—Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) is repealed.

SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.

(a) DEFINITION OF ACREAGE OWNED BY INDIAN TRIBES.—Section 502(e)(3) of the Healthy Forests Restoration Act (16 U.S.C. 6572(e)(3)) is amended—

(1) in subparagraph (C), by striking “subparagraphs (A) and (B)” and inserting “clauses (i) and (ii)”;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately; and

(3) by striking “In the case of” and inserting the following:

“(A) DEFINITION OF ACREAGE OWNED BY INDIAN TRIBES.—In this paragraph, the term ‘acreage owned by Indian tribes’ includes—

“(i) land that is held in trust by the United States for Indian tribes or individual Indians;

“(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;

“(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;

“(iv) land that is held in fee title by an Indian tribe; or

“(v) land that is owned by a native corporation formed under section 17 of the Act of June 18, 1934 (commonly known as the ‘Indian Reorganization Act’) (25 U.S.C. 477) or section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607); or

“(vi) a combination of 1 or more types of land described in clauses (i) through (v).

“(B) ENROLLMENT OF ACREAGE.—In the case of”.

(b) CHANGE IN FUNDING SOURCE FOR HEALTHY FORESTS RESERVE PROGRAM.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended—

(1) in subsection (a), by striking “IN GENERAL” and inserting “FISCAL YEARS 2009 THROUGH 2012”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$9,750,000 for each of fiscal years 2013 through 2017.

“(c) ADDITIONAL SOURCE OF FUNDS.—In addition to funds appropriated pursuant to the authorization of appropriations in subsection (b) for a fiscal year, the Secretary may use such amount of the funds appropriated for that fiscal year to carry out the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) as the Secretary determines necessary to cover the cost of technical assistance, management, and enforcement responsibilities for land enrolled in the healthy forests reserve program pursuant to subsections (a) and (b) of section 504.”.

Subtitle D—Miscellaneous Provisions

SEC. 8301. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) 1890 WAIVERS.—Section 4 of Public Law 87-788 (commonly known as the “McIntire-Stennis Cooperative Forestry Act”) (16 U.S.C. 582a-3) is amended by inserting “The matching funds requirement shall not be applicable to eligible 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)) if the allocation is below \$200,000.” before “The Secretary is authorized” in the second sentence.

(b) PARTICIPATION.—Section 8 of Public Law 87-788 (commonly known as the “McIntire-Stennis Cooperative Forestry Act”) (16 U.S.C. 582a-7) is amended by inserting “the Federated States of Micronesia, American Samoa, the Northern Mariana Islands, the District of Columbia,” before “and Guam”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2012.

SEC. 8302. REVISION OF STRATEGIC PLAN FOR FOREST INVENTORY AND ANALYSIS.

(a) REVISION REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall revise the strategic plan for forest inventory and analysis initially prepared pursuant to section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to address the requirements imposed by subsection (b).

(b) ELEMENTS OF REVISED STRATEGIC PLAN.—In revising the strategic plan, the Secretary of Agriculture shall describe in detail the organization, procedures, and funding needed to achieve each of the following:

(1) Complete the transition to a fully annualized forest inventory program and include inventory and analysis of interior Alaska.

(2) Implement an annualized inventory of trees in urban settings, including the status and trends of trees and forests, and assessments of their ecosystem services, values, health, and risk to pests and diseases.

(3) Report information on renewable biomass supplies and carbon stocks at the local, State, regional, and national level, including by ownership type.

(4) Engage State foresters and other users of information from the forest inventory and analysis in reevaluating the list of core data variables collected on forest inventory and analysis plots with an emphasis on demonstrated need.

(5) Improve the timeliness of the timber product output program and accessibility of the annualized information on that database.

(6) Foster greater cooperation among the forest inventory and analysis program, research station leaders, and State foresters and other users of information from the forest inventory and analysis.

(7) Availability of and access to non-Federal resources to improve information analysis and information management.

(8) Collaborate with the Natural Resources Conservation Service, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, and United States Geological Survey to integrate remote sensing, spatial analysis techniques, and other new technologies in the forest inventory and analysis program.

(9) Understand and report on changes in land cover and use.

(10) Expand existing programs to promote sustainable forest stewardship through increased understanding, in partnership with other Federal agencies, of the over 10 million family forest owners, their demographics, and the barriers to forest stewardship.

(11) Implement procedures to improve the statistical precision of estimates at the sub-State level.

(c) SUBMISSION OF REVISED STRATEGIC PLAN.—The Secretary of Agriculture shall submit the revised strategic plan to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

TITLE IX—ENERGY

SEC. 9001. DEFINITION OF RENEWABLE CHEMICAL.

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15) respectively; and

(2) by inserting after paragraph (12) the following:

“(13) RENEWABLE CHEMICAL.—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.”.

SEC. 9002. BIOBASED MARKETS PROGRAM.

(a) IN GENERAL.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A)(i)—

(i) in subclause (I), by striking “and” at the end;

(ii) in subclause (II)(bb), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(III) establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts when the procuring agency is purchasing products, or purchasing services that include the use of products, that are included in a biobased product category designated by the Secretary.”; and

(B) in paragraph (3)—

(i) in subparagraph (B)—

(I) in clause (v), by inserting “as determined to be necessary by the Secretary based on the availability of data,” before “provide information”; and

(II) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively; and

(III) by inserting after clause (iv) the following:

“(v) require reporting of quantities and types of biobased products purchased by procuring agencies;

“(vi) focus on products that apply an innovative approach to growing, harvesting, procuring, processing, or manufacturing biobased products regardless of the date of entry of the products into the marketplace.”; and

(ii) by adding at the end the following:

“(F) REQUIRED DESIGNATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the Secretary shall begin

to designate intermediate ingredients or feedstocks and assembled and finished biobased products in the guidelines issued under this paragraph.”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the following:

“(B) AUDITING AND COMPLIANCE.—The Secretary may carry out such auditing and compliance activities as the Secretary determines to be necessary to ensure compliance with subparagraph (A).”; and

(B) by adding at the end the following:

“(4) ASSEMBLED AND FINISHED PRODUCTS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall begin issuing criteria for determining which assembled and finished products may qualify to receive the label under paragraph (1).”; and

(3) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (i), and (j), respectively;

(4) by inserting after subsection (c) the following:

“(d) OUTREACH, EDUCATION, AND PROMOTION.—

“(1) IN GENERAL.—The Secretary may engage in outreach, educational, and promotional activities intended to increase knowledge, awareness, and benefits of biobased products.

“(2) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may—

“(A) conduct consumer education and outreach (including consumer and awareness surveys);

“(B) conduct outreach to and support for State and local governments interested in implementing biobased purchasing programs;

“(C) partner with industry and nonprofit groups to produce educational and outreach materials and conduct educational and outreach events;

“(D) sponsor special conferences and events to bring together buyers and sellers of biobased products; and

“(E) support pilot and demonstration projects.”;

(5) in subsection (h) (as redesignated by paragraph (3))—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking “The report” and inserting “Each report under paragraph (1)”; and

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B)(ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(C) the progress made by other Federal agencies in compliance with the biobased procurement requirements, including the quantity of purchases made; and

“(D) the status of outreach, educational, and promotional activities carried out by the Secretary under subsection (d), including the attainment of specific milestones and overall results.”; and

(B) by adding at the end the following:

“(3) ECONOMIC IMPACT STUDY AND REPORT.—

“(A) IN GENERAL.—The Secretary shall conduct a study to assess the economic impact of the biobased products industry, including—

“(i) the quantity of biobased products sold;

“(ii) the value of the biobased products;

“(iii) the quantity of jobs created;

“(iv) the quantity of petroleum displaced;

“(v) other environmental benefits; and

“(vi) areas in which the use or manufacturing of biobased products could be more effectively used, including identifying any technical and economic obstacles and recommending how those obstacles can be overcome.

“(B) REPORT.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall submit to Congress a report describing the results of the study conducted under subparagraph (A).”.

(6) by inserting after subsection (g) (as redesignated by paragraph (3)) the following:

“(h) FOREST PRODUCTS LABORATORY COORDINATION.—In determining whether products are eligible for the ‘USDA Certified Biobased Product’ label, the Secretary (acting through the Forest Products Laboratory) shall—

“(1) review and approve forest-related products for which an application is submitted for the program;

“(2) expedite the approval of innovative products resulting from technology developed by the Forest Products Laboratory or partners of the Laboratory; and

“(3) provide appropriate technical assistance to applicants, as determined by the Secretary.”; and

(7) in subsection (j) (as redesignated by paragraph (3))—

(A) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2008 THROUGH 2012” after “FUNDING”;

(B) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”; and

(C) by adding at the end the following:

“(3) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2013 through 2017.

“(4) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$3,000,000 for each of fiscal years 2013 through 2017.”.

(b) CONFORMING AMENDMENT.—Section 944(c)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16253(c)(2)(A)) is amended by striking “section 9002(h)(1)” and inserting “section 9002(b)”.

SEC. 9003. BIOREFINERY, RENEWABLE CHEMICAL, AND BIOBASED PRODUCT MANUFACTURING ASSISTANCE.

(a) PROGRAM ADJUSTMENTS.—

(1) IN GENERAL.—Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(A) in the section heading, by inserting “, RENEWABLE CHEMICAL, AND BIOBASED PRODUCT MANUFACTURING” after “BIOREFINERY”;

(B) in subsection (a), in the matter preceding paragraph (1), by inserting “renewable chemicals, and biobased product manufacturing” after “advanced biofuels.”;

(C) in subsection (b)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(ii) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOBASED PRODUCT MANUFACTURING.—The term ‘biobased product manufacturing’ means development, construction, and retrofitting of technologically new commercial-scale processing and manufacturing equipment and required facilities that will be used to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.”; and

(D) in subsection (c)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(3) grants and loan guarantees to fund the development and construction of renewable chemical and biobased product manufacturing facilities.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2012.

(b) FUNDING.—Section 9003(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) MANDATORY FUNDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

“(i) \$100,000,000 for fiscal year 2013; and

“(ii) \$58,000,000 for each of fiscal years 2014 and 2015.

“(B) BIOBASED PRODUCT MANUFACTURING.—Of the total amount of funds made available for the period of fiscal years 2013 through 2015 under subparagraph (A), the Secretary use for the cost of loan guarantees under this section not more than \$25,000,000 to promote biobased product manufacturing.”; and

(2) in paragraph (2), by striking “2012” and inserting “2017”.

SEC. 9004. REPEAL OF REPOWERING ASSISTANCE PROGRAM AND TRANSFER OF REMAINING FUNDS.

(a) REPEAL.—Subject to subsection (b), section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) is repealed.

(b) USE OF REMAINING FUNDING FOR RURAL ENERGY FOR AMERICA PROGRAM.—Funds made available pursuant to subsection (d) of section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) that are unobligated on the day before the date of enactment of this section shall—

(1) remain available until expended;

(2) be used by the Secretary of Agriculture to carry out financial assistance for energy efficiency improvements and renewable energy systems under section 9007(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(a)(2)); and

(3) be in addition to any other funds made available to carry out that program.

SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

Section 9005(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(g)) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(2) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

“(3) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) is amended—

(1) by striking “(d) FUNDING.—Of the funds” and inserting “(d) FUNDING.—

“(1) FISCAL YEARS 2008 THROUGH 2012.—Of the funds”; and

(2) by adding at the end the following:

“(2) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2013 through 2017.

“(3) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

(a) PROGRAM ADJUSTMENTS.—

(1) IN GENERAL.—Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended—

(A) in subsection (b)(2)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

“(D) a council (as defined in section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451)); and”; and

(B) in subsection (c)—

(i) in paragraph (1)(A), by inserting “, such as for agricultural and associated residential purposes” after “electricity”;

(ii) by striking paragraph (3);

(iii) by redesignating paragraph (4) as paragraph (3);

(iv) in paragraph (3) (as so redesignated), by striking subparagraph (A) and inserting the following:

“(A) GRANTS.—The amount of a grant under this subsection shall not exceed the lesser of—

“(i) \$500,000; and

“(ii) 25 percent of the cost of the activity carried out using funds from the grant.”; and

(v) by adding at the end the following:

“(4) TIERED APPLICATION PROCESS.—

“(A) IN GENERAL.—In providing loan guarantees and grants under this subsection, the Secretary shall use a 3-tiered application process that reflects the size of proposed projects in accordance with this paragraph.

“(B) TIER 1.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is not more than \$80,000.

“(C) TIER 2.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is greater than \$80,000 but less than \$200,000.

“(D) TIER 3.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is equal to or greater than \$200,000.

“(E) APPLICATION PROCESS.—The Secretary shall establish an application, evaluation, and oversight process that is the most simplified for tier 1 projects and more comprehensive for each subsequent tier.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2012.

(b) FUNDING.—Section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(2) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(3) in the heading of paragraph (3), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”; and

(4) by adding at the end the following:

“(4) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.”

“(5) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$48,200,000 for each of fiscal years 2013 through 2017.”.

SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

Section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”;

(2) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2012” after “FUNDING”; and

(3) by adding at the end the following:

“(3) FISCAL YEARS 2013 THROUGH 2017.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2013 through 2017.”

“(4) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$26,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 9009. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended—

(1) in paragraph (1)(A), by striking “2012” and inserting “2017”; and

(2) in paragraph (2)(A), by striking “2012” and inserting “2017”.

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is amended to read as follows:

“SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) BCAP.—The term ‘BCAP’ means the Biomass Crop Assistance Program established under this section.

“(2) BCAP PROJECT AREA.—The term ‘BCAP project area’ means an area that—

“(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

“(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

“(C) is physically located within an economically practicable distance from the biomass conversion facility.

“(3) CONTRACT ACREAGE.—The term ‘contract acreage’ means eligible land that is covered by a BCAP contract entered into with the Secretary.

“(4) ELIGIBLE CROP.—

“(A) IN GENERAL.—The term ‘eligible crop’ means a crop of renewable biomass.

“(B) EXCLUSIONS.—The term ‘eligible crop’ does not include—

“(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.) or an amendment made by that title;

“(ii) any plant that is invasive or noxious or species or varieties of plants that credible risk assessment tools or other credible sources determine are potentially invasive, as determined by the Secretary in consultation with other appropriate Federal or State departments and agencies; or

“(iii) algae.

“(5) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ includes—

“(i) agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))); and

“(ii) land enrolled in the agricultural conservation easement program established under subtitle H of title XII of the Food Security Act of 1985.

“(B) EXCLUSIONS.—The term ‘eligible land’ does not include—

“(i) Federal- or State-owned land;

“(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.);

“(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

“(iv) land enrolled in the Agricultural Conservation Easement Program established under subtitle H of title XII of that Act; or

“(v) land enrolled in the conservation reserve program or the Agricultural Conservation Easement Program under a contract that will expire at the end of the current fiscal year.

“(6) ELIGIBLE MATERIAL.—

“(A) IN GENERAL.—The term ‘eligible material’ means renewable biomass harvested directly from the land, including crop residue from any crop that is eligible to receive payments under title I of the Agriculture Reform, Food, and Jobs Act of 2012 or an amendment made by that title.

“(B) INCLUSIONS.—The term ‘eligible material’ shall only include—

“(i) eligible material that is collected or harvested by the eligible material owner—

“(I) directly from—

“(aa) National Forest System;

“(bb) Bureau of Land Management land;

“(cc) non-Federal land; or

“(dd) land owned by an individual Indian or Indian tribe that is held in trust by the United States for the benefit of the individual Indian or Indian tribe or subject to a restriction against alienation imposed by the United States;

“(II) in a manner that is consistent with—

“(aa) a conservation plan;

“(bb) a forest stewardship plan; or

“(cc) a plan that the Secretary determines is equivalent to a plan described in item (aa) or (bb) and consistent with Executive Order 13112 (42 U.S.C. 4321 note; relating to invasive species);

“(ii) if woody eligible material, woody eligible material that is produced on land other than contract acreage that—

“(I) is a byproduct of a preventative treatment that is removed to reduce hazardous fuel or to reduce or contain disease or insect infestation; and

“(II) if harvested from Federal land, is harvested in accordance with section 102(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512(e)); and

“(iii) eligible material that is delivered to a qualified biomass conversion facility to be used for heat, power, biobased products, research, or advanced biofuels.

“(C) EXCLUSIONS.—The term ‘eligible material’ does not include—

“(i) material that is whole grain from any crop that is eligible to receive payments under title I of the Agriculture Reform, Food, and Jobs Act of 2012 or an amendment made by that title, including—

“(I) barley, corn, grain sorghum, oats, rice, or wheat;

“(II) honey;

“(III) mohair;

“(IV) oilseeds, including canola, crambe, flaxseed, mustard seed, rapeseed, safflower seed, soybeans, sesame seed, and sunflower seed;

“(V) peanuts;

“(VI) pulse;

“(VII) chickpeas, lentils, and dry peas;

“(VIII) dairy products;

“(IX) sugar; and

“(X) wool and cotton boll fiber;

“(ii) animal waste and byproducts, including fat, oil, grease, and manure;

“(iii) food waste and yard waste;

“(iv) algae;

“(v) woody eligible material that—

“(I) is removed outside contract acreage; and

“(II) is not a byproduct of a preventative treatment to reduce hazardous fuel or to reduce or contain disease or insect infestation;

“(vi) any woody eligible material collected or harvested outside contract acreage that would otherwise be used for existing market products; or

“(vii) bagasse.

“(7) PRODUCER.—The term ‘producer’ means an owner or operator of contract acreage that is physically located within a BCAP project area.

“(8) PROJECT SPONSOR.—The term ‘project sponsor’ means—

“(A) a group of producers; or

“(B) a biomass conversion facility.

“(9) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

“(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—

“(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

“(2) assist agricultural and forest land owners and operators with the collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

“(c) BCAP PROJECT AREA.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to a producer of an eligible crop in a BCAP project area.

“(2) SELECTION OF PROJECT AREAS.—

“(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that, at a minimum, includes—

“(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;

“(ii) a letter of commitment from a biomass conversion facility that the facility will use the eligible crops intended to be produced in the proposed BCAP project area;

“(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

“(iv) any other information about the biomass conversion facility or proposed biomass conversion facility that the Secretary determines necessary for the Secretary to be reasonably assured that the plant will be in operation by the date on which the eligible crops are ready for harvest.

“(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

“(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that those crops will be used for the purposes of the BCAP;

“(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

“(iii) the anticipated economic impact in the proposed BCAP project area;

“(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

“(v) the participation rate by—

“(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

“(II) socially disadvantaged farmers or ranchers;

“(vi) the impact on soil, water, and related resources;

“(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

“(I) agronomic conditions;

“(II) harvest and postharvest practices; and

“(III) monoculture and polyculture crop mixes;

“(viii) the range of eligible crops among project areas; and

“(ix) any additional information that the Secretary determines to be necessary.

“(3) CONTRACT.—

“(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

“(B) MINIMUM TERMS.—At a minimum, a contract under this subsection shall include terms that cover—

“(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

“(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

“(iii) the implementation of (as determined by the Secretary)—

“(I) a conservation plan;

“(II) a forest stewardship plan; or

“(III) a plan that is equivalent to a conservation or forest stewardship plan; and

“(iv) any additional requirements that Secretary determines to be necessary.

“(C) DURATION.—A contract under this subsection shall have a term of not more than—

“(i) 5 years for annual and perennial crops; or

“(ii) 15 years for woody biomass.

“(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

“(5) PAYMENTS.—

“(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

“(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an establishment payment under

this subsection shall be not more than 50 percent of the costs of establishing an eligible perennial crop covered by the contract but not to exceed \$500 per acre, including—

“(I) the cost of seeds and stock for perennials;

“(II) the cost of planting the perennial crop, as determined by the Secretary; and

“(III) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

“(ii) SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—In the case of socially disadvantaged farmers or ranchers, the costs of establishment may not exceed \$750 per acre.

“(C) AMOUNT OF ANNUAL PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

“(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

“(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;

“(II) an eligible crop is delivered to the biomass conversion facility;

“(III) the producer receives a payment under subsection (d);

“(IV) the producer violates a term of the contract; or

“(V) the Secretary determines a reduction is necessary to carry out this section.

“(D) EXCLUSION.—The Secretary shall not make any BCAP payments on land for which payments are received under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) or the agricultural conservation easement program established under subtitle H of title XII of that Act.

“(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

“(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

“(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

“(B) a person with the right to collect or harvest eligible material, regardless of whether the eligible material is produced on contract acreage.

“(2) PAYMENTS.—

“(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

“(i) collection;

“(ii) harvest;

“(iii) storage; and

“(iv) transportation to a biomass conversion facility.

“(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of up to \$1 for each \$1 per ton provided by the biomass conversion facility, in an amount not to exceed \$20 per dry ton for a period of 4 years.

“(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of an annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage, or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

“(e) REPORT.—Not later than 4 years after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives

and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

“(f) FUNDING.—

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$38,600,000 for each of fiscal years 2013 through 2017.

“(2) COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION PAYMENTS.—Of the amount made available under paragraph (1) for each fiscal year, the Secretary shall use not less than 10 percent, nor more than 50 percent, of the amount to make collection, harvest, transportation, and storage payments under subsection (d)(2).”

SEC. 9011. REPEAL OF FOREST BIOMASS FOR ENERGY.

Section 9012 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8112) is repealed.

SEC. 9012. COMMUNITY WOOD ENERGY PROGRAM.

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOMASS CONSUMER COOPERATIVE.—The term ‘biomass consumer cooperative’ means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.”

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) grants of up to \$50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

“(i) the purchase of biomass heating systems;

“(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

“(iii) the delivery and storage of biomass of heating products.”

(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking “A State or local government that receives a grant under subsection (b)” and inserting the following:

“(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1);” and

(2) by adding at the end the following:

“(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and non-profit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.”

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 9013(e) of the Farm Security and

Rural Investment Act of 2002 (7 U.S.C. 8113(e)) is amended by inserting before the period at the end “and \$5,000,000 for each of fiscal years 2013 through 2017”.

SEC. 9013. REPEAL OF RENEWABLE FERTILIZER STUDY.

Section 9003 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2096) is repealed.

TITLE X—HORTICULTURE

SEC. 10001. SPECIALTY CROPS MARKET NEWS ALLOCATION.

Section 10107(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622b(b)) is amended by striking “2012” and inserting “2017”.

SEC. 10002. REPEAL OF GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

Section 10403 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622c) is repealed.

SEC. 10003. FARMERS MARKET AND LOCAL FOOD PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in the section heading, by adding “AND LOCAL FOOD” after “MARKET”;

(2) in subsection (a)—

(A) by inserting “and Local Food” after “Market”;

(B) by striking “farmers’ markets and to promote”; and

(C) by inserting “and local food capacity development” before the period at the end;

(3) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The purposes of the Program are to increase domestic consumption of and access to locally and regionally produced agricultural products by developing, improving, expanding, and providing outreach, training, and technical assistance to, or assisting in the development, improvement and expansion of—

“(A) domestic farmers’ markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities; and

“(B) local and regional food enterprises that are not direct producer-to-consumer markets but process, distribute, aggregate, store, and market locally or regionally produced food products.”;

(4) in subsection (c)(1)—

(A) by inserting “or other business entity” after “cooperative”; and

(B) by inserting “, including a community supported agriculture network or association” after “association”;

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following:

“(e) PRIORITIES.—In providing grants under the Program, priority shall be given to applications that include projects that—

“(1) benefit underserved communities;

“(2) develop market opportunities for small and mid-sized farm and ranch operations; and

“(3) include a strategic plan to maximize the use of funds to build capacity for local and regional food systems in a community.”;

(7) in subsection (f) (as redesignated by paragraph (5))—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” after the semicolon at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) \$20,000,000 for each of fiscal years 2013 through 2017.”;

(B) by striking paragraphs (2) and (4);

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (1) the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—Of the funds made available to carry out the Program for each fiscal year, 50 percent shall be used for the purposes described in subsection (b)(1)(A) and 50 percent shall be used for the purposes described in subsection (b)(1)(B).

“(B) COST SHARE.—To be eligible to receive a grant for a project described in subsection (b)(1)(B), a recipient shall provide a match in the form of cash or in-kind contributions in an amount equal to 25 percent of the total cost of the project.”; and

(E) by adding at the end the following:

“(5) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount made available to carry out this section for a fiscal year may be used for administrative expenses.

“(6) LIMITATIONS.—An eligible entity may not use a grant or other assistance provided under the Program for the purchase, construction, or rehabilitation of a building or structure.”.

SEC. 10004. STUDY ON LOCAL FOOD PRODUCTION AND PROGRAM EVALUATION.

(a) IN GENERAL.—The Secretary shall—

(1) collect data on the production and marketing of locally or regionally produced agricultural food products;

(2) facilitate interagency collaboration and data sharing on programs related to local and regional food systems; and

(3) monitor the effectiveness of programs designed to expand or facilitate local food systems.

(b) REQUIREMENTS.—In carrying out this section, the Secretary shall, at a minimum—

(1) collect and distribute comprehensive reporting of prices of locally or regionally produced agricultural food products;

(2) conduct surveys and analysis and publish reports relating to the production, handling, distribution, retail sales, and trend studies (including consumer purchasing patterns) of or on locally or regionally produced agricultural food products;

(3) evaluate the effectiveness of existing programs in growing local and regional food systems, including—

(A) the impact of local food systems on job creation and economic development;

(B) the level of participation in the Farmers’ Market and Local Food Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), including the percentage of projects funded in comparison to applicants and the types of eligible entities receiving funds;

(C) the ability for participants to leverage private capital and a synopsis of the places from which non-Federal funds are derived; and

(D) any additional resources required to aid in the development or expansion of local and regional food systems;

(4) expand the Agricultural Resource Management Survey to include questions on locally or regionally produced agricultural food products; and

(5) seek to establish or expand private-public partnerships to facilitate, to the max-

imum extent practicable, the collection of data on locally or regionally produced agricultural food products, including the development of a nationally coordinated and regionally balanced evaluation of the redevelopment of locally or regionally produced food systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress that has been made in implementing this section and identifying any additional needs related to developing local and regional food systems.

SEC. 10005. ORGANIC AGRICULTURE.

(a) ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.—Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “and annually thereafter” after “this subsection”;

(B) in paragraph (1), by striking “and” at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

“(2) describes how data collection agencies (such as the Agricultural Marketing Service and the National Agricultural Statistics Service) are coordinating with data user agencies (such as the Risk Management Agency) to ensure that data collected under this section can be used by data user agencies, including by the Risk Management Agency to offer price elections for all organic crops; and”;

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) MANDATORY FUNDING.—In addition to any funds available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000, to remain available until expended.”; and

(C) in paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(ii) by striking “2012” and inserting “2017”.

(b) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

“(6) \$15,000,000 for each of fiscal years 2013 through 2017; and”;

(2) by adding at the end the following:

“(c) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—

“(1) IN GENERAL.—The Secretary shall modernize database and technology systems of the national organic program.

“(2) FUNDING.—Of the funds of the Commodity Credit Corporation and in addition to any other funds made available for that purpose, the Secretary shall make available to carry out this subsection \$5,000,000 in fiscal year 2013, to remain available until expended.

“(d) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(1) describes the efforts of the Secretary to ensure that activities conducted through commodity research and promotion programs adequately reflect the priorities of all members of the applicable orders; and

“(2) includes an assessment of the feasibility of establishing an organic research and promotion program, including any current barriers to establishment and challenges related to implementation.”.

SEC. 10006. FOOD SAFETY EDUCATION INITIATIVES.

Section 10105(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7655a(c)) is amended by striking “2012” and inserting “2017”.

SEC. 10007. COORDINATED PLANT MANAGEMENT PROGRAM.

(a) IN GENERAL.—Section 420 of the Plant Protection Act (7 U.S.C. 7721) is amended—

(1) by striking the section heading and inserting “**COORDINATED PLANT MANAGEMENT PROGRAM.**”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) NATIONAL CLEAN PLANT NETWORK.—

“(1) IN GENERAL.—The Secretary shall establish a program to be known as the ‘National Clean Plant Network’ (referred to in this subsection as the ‘Program’).

“(2) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services—

“(A) to produce clean propagative plant material; and

“(B) to maintain blocks of pathogen-tested plant material in sites located throughout the United States.

“(3) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material produced or maintained under the Program may be made available to—

“(A) a State for a certified plant program of the State; and

“(B) private nurseries and producers.

“(4) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

“(A) consult with—

“(i) State departments of agriculture; and

“(ii) land-grant colleges and universities and NLGCA Institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

“(B) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.”.

(b) FUNDING.—Subsection (f) of section 420 of the Plant Protection Act (7 U.S.C. 7721) (as redesignated by subsection (a)(1)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking “and each fiscal year thereafter.” and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$60,000,000 for each of fiscal years 2013 through 2016; and

“(6) \$65,000,000 for fiscal year 2017 and each fiscal year thereafter.”.

(c) REPEAL OF EXISTING PROVISION.—Section 10202 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761) is repealed.

(d) CLARIFICATION OF USE OF FUNDS FOR TECHNICAL ASSISTANCE.—Section 420 of the Plant Protection Act (7 U.S.C. 7721) (as amended by subsection (a)) is amended by adding at the end the following:

“(g) RELATIONSHIP TO OTHER LAW.—The use of Commodity Credit Corporation funds under this section to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).”.

SEC. 10008. SPECIALTY CROP BLOCK GRANTS.

Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended—

(1) in subsection (a)—

(A) by striking “subsection (j)” and inserting “subsection (l)”; and

(B) by striking “2012” and inserting “2017”; (2) by striking subsection (b) and inserting the following:

“(b) GRANTS BASED ON VALUE AND ACREAGE.—Subject to subsection (c), in the case of each State with an application for a grant for a fiscal year that is accepted by the Secretary of Agriculture under subsection (f), the amount of a grant for a fiscal year to a State under this section shall bear the same ratio to the total amount made available under subsection (l) for that fiscal year as—

“(1) the average of the most recent available value of specialty crop production in the State and the acreage of specialty crop production in the State, as demonstrated in the most recent Census of Agriculture data; bears to

“(2) the average of the most recent available value of specialty crop production in all States and the acreage of specialty crop production in all States, as demonstrated in the most recent Census of Agriculture data.”;

(3) by redesignating subsection (j) as subsection (l);

(4) by inserting after subsection (i) the following:

“(j) MULTISTATE PROJECTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Secretary of Agriculture shall issue guidance for the purpose of making grants to multistate projects under this section for projects involving—

“(A) food safety;

“(B) plant pests and disease;

“(C) crop-specific projects addressing common issues; and

“(D) any other area that furthers the purposes of this section, as determined by the Secretary.

“(2) FUNDING.—Of the funds provided under subsection (1), the Secretary of Agriculture may allocate for grants under this subsection, to remain available until expended—

“(A) \$1,000,000 for fiscal year 2013;

“(B) \$2,000,000 for fiscal year 2014;

“(C) \$3,000,000 for fiscal year 2015;

“(D) \$4,000,000 for fiscal year 2016; and

“(E) \$5,000,000 for fiscal year 2017.

“(k) ADMINISTRATION.—

“(1) DEPARTMENT.—The Secretary of Agriculture may not use more than 3 percent of the funds made available to carry out this section for a fiscal year for administrative expenses.

“(2) STATES.—A State receiving a grant under this section may not use more than 8 percent of the funds received under the grant

for a fiscal year for administrative expenses.”; and

(5) in subsection (l) (as redesignated by paragraph (3))—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) \$70,000,000 for fiscal year 2013 and each fiscal year thereafter.”.

SEC. 10009. RECORDKEEPING, INVESTIGATIONS, AND ENFORCEMENT.

The Organic Foods Production Act of 1990 is amended by inserting after section 2120 (7 U.S.C. 6519) the following:

“SEC. 2120A. RECORDKEEPING, INVESTIGATIONS, AND ENFORCEMENT.

“(a) RECORDKEEPING.—

“(1) IN GENERAL.—Except as otherwise provided in this title, all persons, including producers, handlers, and certifying agents, required to report information to the Secretary under this title shall maintain, and make available to the Secretary on the request of the Secretary, all contracts, agreements, receipts, and other records associated with the organic certification program established by the Secretary under this title.

“(2) DURATION OF RECORDKEEPING REQUIREMENT.—A record covered by paragraph (1) shall be maintained—

“(A) by a person covered by this title, except for a certifying agent, for a period of 5 years beginning on the date of the creation of the record; and

“(B) by a certifying agent, for a period of 10 years beginning on the date of the creation of the record.

“(b) CONFIDENTIALITY.—

“(1) IN GENERAL.—Subject to paragraph (2), and except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or made available by any person under this title, other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

“(2) ALLEGED VIOLATORS AND NATURE OF ACTIONS.—The Secretary may release the name of the alleged violator and the nature of the actions triggering an order, suspension, or revocation under subsection (e).

“(c) INVESTIGATION.—

“(1) IN GENERAL.—The Secretary may take such investigative actions as the Secretary considers to be necessary to carry out this title—

“(A) to verify the accuracy of any information reported or made available under this title; and

“(B) to determine, with regard to actions, practices, or information required under this title, whether a person covered by this title has committed, or will commit, a violation of any provision of this title, including an order or regulation promulgated by the Secretary.

“(2) INVESTIGATIVE POWERS.—The Secretary may administer oaths and affirmations, subpoena witnesses, compel attendance of witnesses, take evidence, and require the production of any books, papers, and documents that are relevant to the investigation.

“(d) UNLAWFUL ACT.—It shall be unlawful and a violation of this title for any person covered by this title—

“(1) to fail or refuse to provide, or delay the timely provision of, accurate information required by the Secretary under this section;

“(2) to violate—

“(A) an order of the Secretary;

“(B) a suspension or revocation of the organic certification of a producer or handler; or

“(C) a suspension or revocation of the accreditation of a certifying agent; or

“(3) to sell, or attempt to sell, a product that is represented as being organically produced under this title if in fact the product has been produced or handled by an operation that is not yet a certified organic producer or handler under this title.

“(e) ENFORCEMENT.—

“(1) ORDER.—The Secretary may issue an order to stop the sale of an agricultural product that is labeled or otherwise represented as being organically produced—

“(A) until the product can be verified—

“(i) as meeting the national and State standards for organic production and handling as provided in sections 2105 through 2114;

“(ii) as having been produced or handled without the use of a prohibited substance listed under section 2118; and

“(iii) as being produced and handled by a certified organic operation; and

“(B) if a person has committed an unlawful act with respect to the product under subsection (d).

“(2) CERTIFICATION OR ACCREDITATION.—

“(A) SUSPENSION.—

“(i) IN GENERAL.—The Secretary may suspend the organic certification of a producer or handler, or accreditation of a certifying agent, for a period not to exceed 30 days, and may renew the suspension for an additional period, under the circumstances described in clause (ii).

“(ii) ACTIONS TRIGGERING SUSPENSION.—The Secretary may take the suspension or renewal actions described in clause (i), if the Secretary has reason to believe that a person producing or handling an agricultural product, or a certifying agent, has violated or is violating any provision of this title, including an order or regulation promulgated under this title.

“(iii) CONTINUATION OF SUSPENSION THROUGH APPEAL.—If the Secretary determines subsequent to an investigation that a violation of this title by a person covered by this title has occurred, the suspension shall remain in effect until the Secretary issues a revocation of the certification of the person or of the accreditation of the certifying agent, covered by this title, after an expedited administrative appeal under section 2121 has been completed.

“(B) REVOCATION.—After notice and opportunity for an administrative appeal under section 2121, if a violation described in subparagraph (A)(ii) is determined to have occurred and is an unlawful act under subsection (d), the Secretary shall revoke the organic certification of the producer or handler, or the accreditation of the certifying agent.

“(3) VIOLATION OF ORDER OR REVOCATION.—A person who violates an order to stop the sale of a product as an organically produced product under paragraph (1), or a revocation of certification or accreditation under paragraph (2)(B), shall be subject to 1 or more of the penalties provided in subsections (a) and (b) of section 2120.

“(f) APPEAL.—

“(1) IN GENERAL.—An order under subsection (e)(1), or a revocation of certification or accreditation under subsection (e)(2)(B) shall be final and conclusive unless the affected person files an appeal of the order—

“(A) first, to the administrative appeals process established under section 2121(a); and

“(B) second, if the affected person so elects, to a United States district court as provided in section 2121(b) not later than 30 days after the date of the determination under subparagraph (A).

“(2) STANDARD.—An order under subsection (e)(1), or a revocation of certification or accreditation under subsection (e)(2)(B), shall be set aside only if the order, or the revocation of certification or accreditation, is not supported by substantial evidence.

“(g) NONCOMPLIANCE.—

“(1) IN GENERAL.—If a person covered by this title fails to obey an order, or a revocation of certification or accreditation, described in subsection (f)(2) after the order or revocation has become final and conclusive or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order, or the revocation of certification or accreditation.

“(2) ENFORCEMENT.—If the court determines that the order or revocation was lawfully made and duly served and that the person violated the order or revocation, the court shall enforce the order or revocation.

“(3) CIVIL PENALTY.—If the court finds that the person violated the order or revocation, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.”

SEC. 10010. REPORT ON HONEY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with affected stakeholders, shall submit to the Commissioner of Food and Drugs a report describing how an appropriate Federal standard for the identity of honey would promote honesty and fair dealing and would be in the interest of consumers, the honey industry, and United States agriculture.

(b) CONTENTS.—In preparing the report under subsection (a), the Secretary shall take into consideration the March 2006 Standard of Identity citizens petition filed with the Food and Drug Administration, including any current industry amendments or clarifications necessary to update that 2006 petition.

SEC. 10011. EFFECTIVE DATE.

This title and the amendments made by this title take effect on October 1, 2012.

TITLE XI—CROP INSURANCE

SEC. 11001. SUPPLEMENTAL COVERAGE OPTION.

(a) AVAILABILITY OF SUPPLEMENTAL COVERAGE OPTION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (3) and inserting the following:

“(3) YIELD AND LOSS BASIS OPTIONS.—A producer shall have the option of purchasing additional coverage based on—

“(A)(i) an individual yield and loss basis; or

“(ii) an area yield and loss basis;

“(B) an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis to cover all or a part of the deductible under the individual yield and loss policy, as authorized in paragraph (4)(C); or

“(C) a margin basis alone or in combination with—

“(i) individual yield and loss coverage; or

“(ii) area yield and loss coverage.”

(b) LEVEL OF COVERAGE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (4) and inserting the following:

“(4) LEVEL OF COVERAGE.—

“(A) DOLLAR DENOMINATION AND PERCENTAGE OF YIELD.—Except as provided in subparagraph (C), the level of coverage—

“(i) shall be dollar denominated; and

“(ii) may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation).

“(B) INFORMATION.—The Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

“(C) SUPPLEMENTAL COVERAGE OPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of the supplemental coverage option described in paragraph (3)(B), the Corporation shall offer producers the opportunity to purchase coverage in combination with a policy or plan of insurance offered under this subtitle that would allow indemnities to be paid to a producer equal to all or part of the deductible under the policy or plan of insurance, if sufficient area data is available (as determined by the Corporation).

“(ii) TRIGGER.—Coverage offered under this subparagraph shall be triggered only if the losses in the area exceed 10 percent of normal levels (as determined by the Corporation).

“(iii) COVERAGE.—Subject to the trigger described in clause (ii) and the deductible imposed by clause (iv), coverage offered under this subparagraph shall cover the first loss incurred by the producer, not to exceed the difference between—

“(I) 100 percent; and

“(II) the coverage level selected by the producer for the underlying policy or plan of insurance.

“(iv) DEDUCTIBLE.—Coverage offered under this subparagraph shall be subject to a deductible in an amount equal to—

“(I) in the case of a producer who participates in the agriculture risk coverage program under section 1105(c) of the Agriculture Reform, Food, and Jobs Act of 2012, 21 percent of the expected value of the crop of the producer covered by the underlying policy or plan of insurance, as determined by the Corporation; and

“(II) in the case of all other producers, 10 percent of the expected value of the crop of the producer covered by the underlying policy or plan of insurance, as determined by the Corporation.

“(v) CALCULATION OF PREMIUM.—Notwithstanding subsection (d), the premium shall—

“(I) be sufficient to cover anticipated losses and a reasonable reserve; and

“(II) include an amount for operating and administrative expenses established in accordance with subsection (k)(4)(F).”

(c) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

“(H) In the case of the supplemental coverage option authorized in subsection (c)(4)(C), the amount shall be equal to the sum of—

“(i) 70 percent of the additional premium associated with the coverage; and

“(ii) the amount determined under subsection (c)(4)(C)(v)(II) for the coverage to cover operating and administrative expenses.”

(d) CONFORMING AMENDMENT.—Section 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(F)) is amended by inserting “or authorized under subsection (c)(4)(C)” after “of this subparagraph”.

(e) **EFFECTIVE DATE.**—The Federal Crop Insurance Corporation shall begin to provide additional coverage based on an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis, not later than for the 2013 crop year.

SEC. 11002. PREMIUM AMOUNTS FOR CATASTROPHIC RISK PROTECTION.

Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended by striking subparagraph (A) and inserting the following:

“(A) In the case of catastrophic risk protection, the amount of the premium established by the Corporation for each crop for which catastrophic risk protection is available shall be reduced by the percentage equal to the difference between the average loss ratio for the crop and 100 percent, plus a reasonable reserve, as determined by the Corporation.”.

SEC. 11003. PERMANENT ENTERPRISE UNIT.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—The Corporation may pay a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).”.

SEC. 11004. ENTERPRISE UNITS FOR IRRIGATED AND NONIRRIGATED CROPS.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by adding at the end the following:

“(D) **NONIRRIGATED CROPS.**—Beginning with the 2013 crop year, the Corporation shall make available separate enterprise units for irrigated and nonirrigated acreages of crops in counties.”.

SEC. 11005. DATA COLLECTION.

Section 508(g)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)) is amended by adding at the end the following:

“(E) **SOURCES OF YIELD DATA.**—To determine yields under this paragraph, the Corporation—

“(i) shall use county data collected by the Risk Management Agency or the National Agricultural Statistics Service, or both; or

“(ii) if sufficient county data is not available, may use other data considered appropriate by the Secretary.”.

SEC. 11006. ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.

Section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)) is amended—

(1) in the matter preceding clause (i), by inserting “for the 2012 crop year or any prior crop year, or 70 percent of the applicable transitional yield for the 2013 or any subsequent crop year,” after “transitional yield”; and

(2) in clause (ii), by striking “60 percent of the applicable transitional yield” and inserting “the applicable percentage of the transitional yield described in this subparagraph”.

SEC. 11007. SUBMISSION AND REVIEW OF POLICIES.

Section 508(h)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking “(1) **IN GENERAL.**—” and inserting the following:

“(1) **SUBMISSION AND REVIEW OF POLICIES.**—

“(A) **SUBMISSIONS.**—In addition”; and

(3) by adding at the end the following:

“(B) **REVIEW.**—The Corporation shall review any policy developed under section 522(c) or any pilot program developed under section 523 and submit the policy or program to the Board under this subsection if the Corporation, at the sole discretion of the Corporation, finds that the policy or program—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form; and

“(iii) adequately protects the interests of producers.”.

SEC. 11008. BOARD REVIEW AND APPROVAL.

(a) **REVIEW AND APPROVAL BY THE BOARD.**—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (3) and inserting the following:

“(3) **REVIEW AND APPROVAL BY THE BOARD.**—

“(A) **IN GENERAL.**—A policy, plan of insurance, or other material submitted to the Board under this subsection shall be reviewed by the Board and shall be approved by the Board for reinsurance and for sale by approved insurance providers to producers at actuarially appropriate rates and under appropriate terms and conditions if the Board, at the sole discretion of the Board, determines that—

“(i) the interests of producers are adequately protected;

“(ii) the rates of premium and price election methodology are actuarially appropriate;

“(iii) the terms and conditions for the proposed policy or plan of insurance are appropriate and would not unfairly discriminate among producers;

“(iv) the proposed policy or plan of insurance will, at the sole discretion of the Board—

“(I) likely result in a viable and marketable policy that can reasonably attain levels of participation similar to other like policies or plans of insurance;

“(II) provide crop insurance coverage in a significantly improved form or in a manner that addresses a recognized flaw or problem in an existing policy; or

“(III) provide a new kind of coverage for a commodity that previously had no available crop insurance, or has demonstrated a low level of participation under existing coverage;

“(v) the proposed policy or plan of insurance will, at the sole discretion of the Board, not have a significant adverse impact on the crop insurance delivery system; and

“(vi) the proposed policy or plan of insurance meets such other requirements as are determined appropriate by the Board.

“(B) **PRIORITIES.**—

“(i) **ESTABLISHMENT.**—The Board, at the sole discretion of the Board, may—

“(I) annually establish priorities under this subsection that specify types of submissions needed to fulfill the portfolio of policies or plans of insurance to be reviewed and approved under this subsection; and

“(II) make the priorities available on the website of the Corporation.

“(ii) **PROCESS.**—

“(I) **IN GENERAL.**—Policies or plans of insurance that satisfy the priorities established by the Board under this subsection shall be considered by the Board for approval prior to other submissions.

“(II) **CONSIDERATIONS.**—In approving policies or plans of insurance, the Board shall—

“(aa) consider providing the highest priorities for policies or plans of insurance that address underserved commodities, including

commodities for which there is no insurance; and

“(bb) consider providing the highest priorities for existing policies for which there is inadequate coverage or there exists low levels of participation.

“(iii) **OTHER CRITERIA.**—The Board may establish such other criteria as the Board determines to meet the needs of producers and the priorities of this subsection, consistent with the purposes of this subtitle.”.

SEC. 11009. CONSULTATION.

Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

“(E) **CONSULTATION.**—

“(i) **REQUIREMENT.**—As part of the feasibility and research associated with the development of a policy or other material conducted prior to making a submission to the Board under this subsection, the submitter shall consult with groups representing producers of agricultural commodities in all major producing areas for the commodities to be served or potentially impacted, either directly or indirectly.

“(ii) **SUBMISSION TO THE BOARD.**—Any submission made to the Board under this subsection shall contain a summary and analysis of the feasibility and research findings from the impacted groups described in clause (i), including a summary assessment of the support for or against development of the policy and an assessment on the impact of the proposed policy to the general marketing and production of the crop from both a regional and national perspective.

“(iii) **EVALUATION BY THE BOARD.**—In evaluating whether the interests of producers are adequately protected pursuant to paragraph (3) with respect to a submission made under this subsection, the Board shall review the information provided pursuant to clause (ii) to determine if the submission will create adverse market distortions with respect to the production of commodities that are the subject of the submission.”.

SEC. 11010. BUDGET LIMITATIONS ON RENEGOTIATION OF THE STANDARD REINSURANCE AGREEMENT.

Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) is amended by adding at the end the following:

“(F) **BUDGET.**—

“(i) **IN GENERAL.**—The Board shall ensure that any Standard Reinsurance Agreement negotiated under subparagraph (A)(ii), as compared to the previous Standard Reinsurance Agreement—

“(I) to the maximum extent practicable, shall be budget neutral; and

“(II) in no event, may significantly depart from budget neutrality.

“(ii) **USE OF SAVINGS.**—To the extent that any budget savings is realized in the renegotiation of a Standard Reinsurance Agreement under subparagraph (A)(ii), and the savings are determined not to be a significant departure from budget neutrality under clause (i), the savings shall be used for programs administered or managed by the Risk Management Agency.”.

SEC. 11011. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

(a) **AVAILABILITY OF STACKED INCOME PROTECTION PLAN.**—The Federal Crop Insurance Act is amended by inserting after section 508A (7 U.S.C. 1508a) the following:

"SEC. 508B. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

"(a) AVAILABILITY.—Beginning not later than the 2013 crop of upland cotton, if practicable, the Corporation shall make available to producers of maximum eligible acres of upland cotton an additional policy (to be known as the 'Stacked Income Protection Plan'), which shall provide coverage consistent with the Group Risk Income Protection Plan (and the associated Harvest Revenue Option Endorsement) offered by the Corporation for the 2011 crop year.

"(b) REQUIRED TERMS.—The Corporation may modify the Stacked Income Protection Plan on a program-wide basis, except that the Stacked Income Protection Plan shall comply with the following requirements:

"(1)(A) Provide coverage for revenue loss of not more than 30 percent of expected county revenue, specified in increments of 5 percent.

"(B) The deductible is the minimum percent of revenue loss at which indemnities are triggered under the plan, not to be less than 10 percent of the expected county revenue.

"(C) Once the deductible is met, any losses in excess of the deductible will be paid up to the coverage selected by the producer.

"(2) Be offered to producers of upland cotton in all counties with upland cotton production—

"(A) at a county-wide level to the fullest extent practicable; or

"(B) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

"(3) Be purchased in addition to any other individual or area coverage in effect on the producer's acreage or as a stand-alone policy, except that if a producer has an individual or area coverage for the same acreage, the maximum coverage available under the Stacked Income Protection Plan shall not exceed the deductible for the individual or area coverage.

"(4) Establish coverage based on—

"(A) an expected price that is the expected price established under existing Group Risk Income Protection or area wide policy offered by the Corporation for the applicable county (or area) and crop year; and

"(B) an expected county yield that is the higher of—

"(i) the expected county yield established for the existing area-wide plans offered by the Corporation for the applicable county (or area) and crop year (or, in geographic areas where area-wide plans are not offered, an expected yield determined in a manner consistent with those of area-wide plans); or

"(ii)(I) the average of the applicable yield data for the county (or area) for the most recent 5 years, excluding the highest and lowest observations, from the Risk Management Agency or the National Agricultural Statistics, or both; or

"(II) if sufficient county data is not available, such other data considered appropriate by the Secretary.

"(5) Use a multiplier factor to establish maximum protection per acre (referred to as a 'protection factor') of not more than 120 percent.

"(6) Pay an indemnity based on the amount that the expected county revenue exceeds the actual county revenue, as applied to the individual coverage of the producer. Indemnities under the Stacked Income Protection Plan shall not include or overlap the amount of the deductible selected under paragraph (1).

"(7) To the maximum extent practicable, in all counties for which data are available, establish separate coverage for irrigated and nonirrigated practices.

"(8) Notwithstanding section 508(d), include a premium that—

"(A) is sufficient to cover anticipated losses and a reasonable reserve; and

"(B) includes an amount for operating and administrative expenses established in accordance with section 508(k)(4)(F).

"(c) RELATION TO OTHER COVERAGES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Stacked Income Protection Plan is in addition to all other coverages available to producers of upland cotton.

"(2) LIMITATION.—Acreage of upland cotton insured under the Supplemental Coverage Option shall not be eligible for the Stacked Income Protection Plan.

"(d) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Subject to section 508(e)(4), the amount of premium paid by the Corporation for all qualifying coverage levels of the Stacked Income Protection Plan shall be—

"(1) 80 percent of the amount of the premium established under subsection (b)(8)(A) for the coverage level selected; and

"(2) the amount determined under subsection (b)(8)(B) to cover administrative and operating expenses."

"(b) CONFORMING AMENDMENT.—Section 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(F)) (as amended by section 1101(d)) is amended by inserting "or under section 508B" after "subsection (c)(4)(C)".

SEC. 11012. PEANUT REVENUE CROP INSURANCE.

The Federal Crop Insurance Act is amended by inserting after section 508B (as added by section 1101(a)) the following:

"SEC. 508C. PEANUT REVENUE CROP INSURANCE.

"(a) IN GENERAL.—Effective beginning with the 2013 crop year, the Risk Management Agency and the Corporation shall make available to producers of peanuts a revenue crop insurance program for peanuts.

"(b) EFFECTIVE PRICE.—

"(1) IN GENERAL.—Subject to paragraph (2), for purposes of the policies and plans of insurance offered under subsections (a) and (b) of section 508, the effective price for peanuts shall be equal to the Rotterdam price index for peanuts, as adjusted to reflect the farmer stock price of peanuts in the United States.

"(2) ADJUSTMENTS.—

"(A) IN GENERAL.—The effective price for peanuts established under paragraph (1) may be adjusted by the Risk Management Agency and the Corporation to correct distortions.

"(B) ADMINISTRATION.—If an adjustment is made under subparagraph (A), the Risk Management Agency and the Corporation shall—

"(i) make the adjustment in an open and transparent manner; and

"(ii) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the reasons for the adjustment."

SEC. 11013. AUTHORITY TO CORRECT ERRORS.

Section 515(c) of the Federal Crop Insurance Act (7 U.S.C. 1515(c)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "Beginning with" and inserting the following:

"(2) FREQUENCY.—Beginning with"; and

(3) by adding at the end the following:

"(3) CORRECTIONS.—

"(A) IN GENERAL.—The Corporation shall establish procedures that allow an agent and

approved insurance provider within a reasonable amount of time following the applicable sales closing date to correct information regarding the entity name, social security number, tax identification number, or such other eligibility information as determined by the Corporation that is provided by a producer for the purpose of obtaining coverage under any policy or plan of insurance made available under this subtitle to ensure that the eligibility information is consistent with the information reported by the producer to the Farm Service Agency.

"(B) LIMITATION.—In accordance with the procedures of the Corporation, procedures under subparagraph (A) may include any subsequent correction to the eligibility information described in that subparagraph made by the Farm Service Agency if the corrections do not allow the producer—

"(i) to obtain a disproportionate benefit under the crop insurance program or any related program of the Department of Agriculture;

"(ii) to avoid ineligibility requirements for insurance; or

"(iii) to avoid an obligation or requirement under any Federal or State law."

SEC. 11014. IMPLEMENTATION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(1) in subsection (j), by striking paragraph (1) and inserting the following:

"(1) SYSTEMS MAINTENANCE AND UPGRADES.—

"(A) IN GENERAL.—The Secretary shall maintain and upgrade the information management systems of the Corporation used in the administration and enforcement of this subtitle.

"(B) REQUIREMENT.—

"(i) IN GENERAL.—In maintaining and upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purposes of this section.

"(ii) ACREAGE REPORT STREAMLINING INITIATIVE PROJECT.—As soon as practicable, the Secretary shall develop and implement an acreage report streamlining initiative project to allow producers to report acreage and other information directly to the Department."; and

(2) in subsection (k), by striking paragraph (1) and inserting the following:

"(1) INFORMATION TECHNOLOGY.—

"(A) IN GENERAL.—For purposes of subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than—

"(i)(I) for fiscal year 2013, \$25,000,000; and

"(II) for each of fiscal years 2014 through 2017, \$10,000,000; or

"(ii) if the Acreage Crop Reporting Streamlining Initiative (ACRSI) project is substantially completed by September 30, 2013, not more than \$15,000,000 for each of fiscal years 2014 through 2017.

"(B) NOTIFICATION.—Not later than July 1, 2013, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of the substantial completion of the Acreage Crop Reporting Streamlining Initiative (ACRSI) project."

SEC. 11015. APPROVAL OF COSTS FOR RESEARCH AND DEVELOPMENT.

Section 522(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)(2)) is amended by striking subparagraph (E) and inserting the following:

“(E) APPROVAL.—

“(I) IN GENERAL.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of the payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

“(I) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

“(II) at the sole discretion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

“(aa) in a significantly improved form or that addresses a unique need of agricultural producers;

“(bb) to a crop or region not traditionally served by the Federal crop insurance program; or

“(cc) in a form that addresses a recognized flaw or problem in the program;

“(III) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

“(IV) the proposed budget and timetable are reasonable, as determined by the Board; and

“(V) the concept proposal meets any other requirements that the Board determines appropriate.

“(ii) WAIVER.—The Board may waive the 50-percent limitation and, upon request of the submitter after the submitter has begun research and development activities, the Board may approve an additional 25 percent advance payment to the submitter for research and development costs, if, at the sole discretion of the Board, the Board determines that—

“(I) the intended policy or plan of insurance developed by the submitter will provide coverage for a region or crop that is underserved by the Federal crop insurance program, including specialty crops;

“(II) the submitter is making satisfactory progress towards developing a viable and marketable policy or plan of insurance consistent with section 508(h); and

“(III) the submitter does not have sufficient financial resources to complete the development of the submission into a viable and marketable policy or plan of insurance consistent with section 508(h).”.

SEC. 11016. WHOLE FARM RISK MANAGEMENT INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended by adding at the end the following:

“(18) WHOLE FARM DIVERSIFIED RISK MANAGEMENT INSURANCE PLAN.—

“(A) IN GENERAL.—The Corporation shall conduct activities or enter into contracts to carry out research and development to develop a whole farm risk management insurance plan, with a liability limitation of \$1,500,000, that allows a diversified crop or livestock producer the option to qualify for an indemnity if actual gross farm revenue is below 85 percent of the average gross farm revenue or the expected gross farm revenue that can reasonably be expected of the producer, as determined by the Corporation.

“(B) ELIGIBLE PRODUCERS.—The Corporation shall permit producers (including direct-to-consumer marketers, and producers servicing local and regional and farm identity-preserved markets) who produce multiple agricultural commodities, including specialty crops, industrial crops, livestock,

and aquaculture products, to participate in the plan in lieu of any other plan under this subtitle.

“(C) DIVERSIFICATION.—The Corporation may provide diversification-based additional coverage payment rates, premium discounts, or other enhanced benefits in recognition of the risk management benefits of crop and livestock diversification strategies for producers that grow multiple crops or that may have income from the production of livestock that uses a crop grown on the farm.

“(D) MARKET READINESS.—The Corporation may include coverage for the value of any packing, packaging, or any other similar on-farm activity the Corporation determines to be the minimum required in order to remove the commodity from the field.

“(E) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and feasibility of the research and development conducted under this paragraph, including an analysis of potential adverse market distortions.”.

SEC. 11017. STUDY OF FOOD SAFETY INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11016) is amended by adding at the end the following:

“(19) STUDY OF FOOD SAFETY INSURANCE.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

“(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

“(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

SEC. 11018. CROP INSURANCE FOR LIVESTOCK.

Section 522(c) of the Federal Crop Insurance Act (as amended by section 11016) is amended by adding at the end the following:

“(19) STUDY ON SWINE CATASTROPHIC DISEASE PROGRAM.—

“(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring swine producers for a catastrophic event.

“(B) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

SEC. 11019. MARGIN COVERAGE FOR CATFISH.

Section 522(c) of the Federal Crop Insurance Act (as amended by section 11017) is amended by adding at the end the following:

“(20) MARGIN COVERAGE FOR CATFISH.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to conduct research and development

regarding a policy to insure producers against reduction in the margin between the market value of catfish and selected costs incurred in the production of catfish.

“(B) ELIGIBILITY.—Eligibility for the policy described in subparagraph (A) shall be limited to freshwater species of catfish that are propagated and reared in controlled or selected environments.

“(C) IMPLEMENTATION.—The Board shall review the policy described in subparagraph (B) under subsection 508(h) and approve the policy if the Board finds that the policy—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form;

“(iii) adequately protects the interests of producers; and

“(iv) the proposed policy meets other requirements of this subtitle determined appropriate by the Board.”.

SEC. 11020. POULTRY BUSINESS DISRUPTION INSURANCE POLICY.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by sections 11016, 11017, and 11018) is amended by adding at the end the following:

“(21) POULTRY BUSINESS DISRUPTION INSURANCE POLICY AND CATASTROPHIC DISEASE PROGRAM.—

“(A) DEFINITION OF POULTRY.—In this paragraph, the term ‘poultry’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out—

“(i) a study to determine the feasibility of insuring commercial poultry production against business disruptions caused by integrator bankruptcy; and

“(ii) a study to determine the feasibility of insuring poultry producers for a catastrophic event.

“(C) BUSINESS DISRUPTION STUDY.—The study described in subparagraph (B)(i) shall—

“(i) evaluate the market place for business disruption insurance that is available to poultry producers;

“(ii) assess the feasibility of a policy to allow producers to ensure against a portion of losses from loss under contract due to business disruption from integrator bankruptcy; and

“(iii) analyze the costs to the Federal government of a Federal business disruption insurance program for poultry producers.

“(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of—

“(i) the study carried out under subparagraph (B)(i); and

“(ii) the study carried out under subparagraph (B)(ii).”.

SEC. 11021. CROP INSURANCE FOR ORGANIC CROPS.

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

“(D) ORGANIC CROPS.—

“(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture

under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.

“(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

“(I) the numbers and varieties of organic crops insured;

“(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;

“(III) the development of new insurance approaches relevant to organic producers; and

“(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.”.

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11018) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

SEC. 11022. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) in the subsection heading, by striking “Contracting”;

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking “may enter into contracts to carry out research and development to” and inserting “may conduct activities or enter into contracts to carry out research and development to maintain or improve existing policies or develop new policies to”;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “conduct research and development or” after “The Corporation may”;

(B) by striking subparagraph (B) and inserting the following:

“(B) CONSULTATION.—Before conducting research and development or entering into a contract under subparagraph (A), the Corporation shall follow the consultation requirements described in section 508(h)(4)(E).”;

(4) in paragraph (5), by inserting “after expert review in accordance with section 505(e) and procedures of the Board” after “approved by the Board”; and

(5) in paragraph (6), by striking “a pasture, range, and forage program” and inserting “policies that increase participation by producers of underserved agricultural commodities, including sweet sorghum, sorghum for biomass, specialty crops, sugarcane, and dedicated energy crops”.

(b) FUNDING.—Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (2)—

(A) by striking “(A) AUTHORITY.—” and inserting “(A) CONDUCTING AND CONTRACTING FOR RESEARCH AND DEVELOPMENT.—”;

(B) in subparagraph (A), by inserting “conduct research and development and” after “the Corporation may use to”;

(C) in subparagraph (B), by inserting “conduct research and development and” after “for the fiscal year to”;

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “to provide either reimbursement payments or contract payments”; and

(3) by striking paragraph (4).

SEC. 11023. PILOT PROGRAMS.

Section 523(a) of the Federal Crop Insurance Act (7 U.S.C. 1523(a)) is amended—

(1) in paragraph (1), by inserting “, at the sole discretion of the Corporation,” after “may”;

(2) by striking paragraph (5).

SEC. 11024. INDEX-BASED WEATHER INSURANCE PILOT PROGRAM.

Section 523(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1523(a)(2)) is amended—

(1) by striking “Under” inserting the following:

“(A) IN GENERAL.—Under”;

(2) by adding at the end the following:

“(B) INDEX-BASED WEATHER INSURANCE PILOT PROGRAM.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), the Corporation, at the sole discretion of the Corporation, may conduct a pilot program to provide financial assistance for producers of underserved crops and livestock (including specialty crops) to purchase an index-based weather insurance product from a private insurance company, subject to the requirements of this subparagraph.

“(ii) PAYMENT OF PREMIUM.—

“(I) IN GENERAL.—Subject to subclause (II) and clause (v), the Corporation may pay a portion of the premium for producers who purchase index-based weather insurance protection from a private insurance company for a crop and policy that is not reinsured under this subtitle, as determined by the Corporation.

“(II) CONDITION.—The premium assistance under subclause (I) shall not exceed 60 percent of the estimated premium amount, based on expected losses, representative operating expenses, and representative profit margins, as determined by the Corporation.

“(iii) ELIGIBLE PROVIDERS.—Before providing premium assistance to producers to purchase index-based weather insurance from a private insurance company pursuant to this subparagraph, the Corporation shall verify that the company has adequate experience—

“(I) to develop and manage the index-based weather insurance products, including adequate resources, experience, and assets or sufficient reinsurance to meet the obligations of the company under this subparagraph; and

“(II) to support and deliver the index-based weather insurance products.

“(iv) PROCEDURES.—The Corporation shall develop and publish procedures to administer the pilot program under this subparagraph that—

“(I) require each applicable private insurance company to report claim and sales data, and any other data the Corporation determines to be appropriate, to allow the Corporation to evaluate product pricing and performance;

“(II) allow the private insurance companies exclusive rights over the private insurance offered under this subparagraph, including rating of policies, protection of intellectual property rights on the product or policy, and associated rating methodology, for the period during which the companies are eligible under clause (iii); and

“(III) contain such other requirements as the Corporation determines to be necessary to ensure that—

“(aa) the interests of producers are protected; and

“(bb) the program operates in an actuarially sound manner.

“(v) FUNDING.—Of the funds of the Corporation, the Corporation shall use to carry out this subparagraph \$10,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.”.

SEC. 11025. ENHANCING PRODUCER SELF-HELP THROUGH FARM FINANCIAL BENCHMARKING.

(a) DEFINITION.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) FARM FINANCIAL BENCHMARKING.—The term ‘farm financial benchmarking’ means—

“(A) the process of comparing the performance of an agricultural enterprise against the performance of other similar enterprises, through the use of comparable and reliable data, in order to identify business management strengths, weaknesses, and steps necessary to improve management performance and business profitability; and

“(B) benchmarking of the type conducted by farm management and producer associations consistent with the activities described in or funded pursuant to section 1672D of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f).”.

(b) PARTNERSHIPS FOR RISK MANAGEMENT FOR PRODUCERS OF SPECIALTY CROPS AND UNDERSERVED AGRICULTURAL COMMODITIES.—Section 522(d)(3)(F) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(3)(F)) is amended by inserting “farm financial benchmarking,” after “management,”.

(c) CROP INSURANCE EDUCATION AND RISK MANAGEMENT ASSISTANCE.—Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (3)(A), by inserting “farm financial benchmarking,” after “risk reduction,”; and

(2) in paragraph (4), in the matter preceding subparagraph (A), by inserting “(including farm financial benchmarking)” after “management strategies”.

SEC. 11026. BEGINNING FARMER AND RANCHER PROVISIONS.

(a) DEFINITION.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) (as amended by section 11022(a)) is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) BEGINNING FARMER OR RANCHER.—The term ‘beginning farmer or rancher’ means a farmer or rancher who has not actively operated and managed a farm or ranch with a bona fide insurable interest in a crop or livestock as an owner-operator, landlord, tenant, or sharecropper for more than 5 crop years, as determined by the Secretary.”.

(b) PREMIUM ADJUSTMENTS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(E), by inserting “and beginning farmers or ranchers” after “limited resource farmers”;

(2) in subsection (e), by adding at the end the following:

“(8) PREMIUM FOR BEGINNING FARMERS OR RANCHERS.—Notwithstanding any other provision of this subsection regarding payment of a portion of premiums, a beginning farmer

or rancher shall receive premium assistance that is 10 percentage points greater than premium assistance that would otherwise be available under paragraphs (2) (except for subparagraph (A) of that paragraph), (5), (6), and (7) for the applicable policy, plan of insurance, and coverage level selected by the beginning farmer or rancher.”; and

(3) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking “or” at the end;

(ii) in clause (ii)(III), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(iii) if the producer is a beginning farmer or rancher who was previously involved in a farming or ranching operation, including involvement in the decisionmaking or physical involvement in the production of the crop or livestock on the farm, for any acreage obtained by the beginning farmer or rancher, a yield that is the higher of—

“(I) the actual production history of the previous producer of the crop or livestock on the acreage determined under subparagraph (A); or

“(II) a yield of the producer, as determined in clause (i).”; and

(B) in paragraph (4)(B)(ii) (as amended by section 11006)—

(i) by inserting “(I)” after “(ii)”;

(ii) by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(II) in the case of beginning farmers or ranchers, replace each excluded yield with a yield equal to 80 percent of the applicable transitional yield.”.

SEC. 11027. AGRICULTURAL MANAGEMENT ASSISTANCE, RISK MANAGEMENT EDUCATION, AND ORGANIC CERTIFICATION COST SHARE ASSISTANCE.

Section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) is amended by striking subsection (b) and inserting the following:

“(b) AGRICULTURAL MANAGEMENT ASSISTANCE, RISK MANAGEMENT EDUCATION, AND ORGANIC CERTIFICATION COST SHARE ASSISTANCE.—

“(1) AUTHORITY FOR PROVISION OF ASSISTANCE.—The Secretary shall provide assistance under this section as follows:

“(A) Provision of organic certification cost share assistance pursuant to section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523).

“(B) Activities to support risk management education and community outreach partnerships pursuant to section 522(d), including—

“(i) entering into futures or hedging;

“(ii) entering into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

“(iii) conducting any other activity relating to an activity described in clause (i) or (ii), including farm financial benchmarking, as determined by the Secretary.

“(C) Provision of agricultural management assistance grants to producers in States in which there has been traditionally, and continues to be, a low level of Federal crop insurance participation and availability, and producers underserved by the Federal crop insurance program, as determined by the Secretary, for the purposes of—

“(i) constructing or improving—

“(I) watershed management structures; or

“(II) irrigation structures;

“(ii) planting trees to form windbreaks or to improve water quality; and

“(iii) mitigating financial risk through production or marketing diversification or resource conservation practices, including—

“(I) soil erosion control;

“(II) integrated pest management;

“(III) organic farming; or

“(IV) to develop and implement a plan to create marketing opportunities for the producer, including through value-added processing.

“(2) PAYMENT LIMITATION.—The total amount of payments made to a person (as defined in section 1001(5) of the Food Security Act (7 U.S.C. 1308(5))) (as in existence before the amendment made by section 1603(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1730)) under paragraph (1) for any year may not exceed \$50,000.

“(3) FUNDING.—

“(A) IN GENERAL.—The Secretary shall carry out this subsection through the Commodity Credit Corporation.

“(B) FUNDING.—For each of fiscal years 2013 through 2017, the Commodity Credit Corporation shall make available to carry out this subsection \$23,000,000.

“(C) DISTRIBUTION OF FUNDS.—Of the amount made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

“(i) 50 percent to carry out paragraph (1)(A);

“(ii) 26 percent to carry out paragraph (1)(B); and

“(iii) 24 percent to carry out paragraph (1)(C).”.

SEC. 11028. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508(o) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is amended—

(1) in paragraph (1)(B), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(2) in paragraph (2)(A), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(i) a portion of crop insurance premium subsidies under this subtitle in accordance with paragraph (3);

“(ii) benefits under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

“(iii) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in paragraph (2)—

“(i) paragraph (2) shall apply to 65 percent of the applicable transitional yield; and

“(ii) the crop insurance premium subsidy provided for the producer under this subtitle shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(B) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this subsection, a producer may not substitute yields for the native sod acreage.”.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amended—

(1) in subparagraph (A)(ii), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(2) in subparagraph (B)(i), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(I) benefits under this section;

“(II) a portion of crop insurance premium subsidies under the Federal Crop Insurance

Act (7 U.S.C. 1501 et seq.) in accordance with subparagraph (C); and

“(III) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”; and

(3) by striking subparagraph (C) and inserting the following:

“(C) ADMINISTRATION.—

“(i) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in subparagraph (B)—

“(I) subparagraph (B) shall apply to 65 percent of the applicable transitional yield; and

“(II) the crop insurance premium subsidy provided for the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this paragraph, a producer may not substitute yields for the native sod acreage.”.

(c) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the cropland acreage in each county and State, and the change in cropland acreage from the preceding year in each county and State, beginning with calendar year 2000 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2014, and each January 1 thereafter through January 1, 2017, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each county and State.

SEC. 11029. TECHNICAL AMENDMENTS.

Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) through (11) as paragraphs (7) through (10), respectively.

SEC. 11030. GREATER ACCESSIBILITY FOR CROP INSURANCE.

(a) FINDINGS.—Congress finds that—

(1) due to changes in commodity and other agricultural programs made by the Agriculture Reform, Food, and Jobs Act of 2012, it is more important than ever that agricultural producers be able to fully understand the terms of plans and policies of crop insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(2) proposed reductions by the Secretary in the number of State and local offices of the Farm Service Agency will reduce the services available to assist agricultural producers in understanding crop insurance.

(b) REQUIREMENT FOR USE OF PLAIN LANGUAGE.—

(1) IN GENERAL.—In issuing regulations and guidance relating to plans and policies of crop insurance, the Risk Management Agency and the Federal Crop Insurance Corporation shall, to the greatest extent practicable, use plain language, as required under Executive Orders 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and 12988 (28 U.S.C. 519 note; relating to civil justice reform).

(2) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the efforts of the Secretary to accelerate compliance with the Executive Orders described in paragraph (1).

(c) **WEBSITE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers (as defined in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)), shall improve the existing Internet website through which agricultural producers in any State may identify crop insurance options in that State.

(2) **REQUIREMENTS.**—The website described in paragraph (1) shall—

(A) provide answers in an easily accessible format to frequently asked questions; and

(B) include published materials of the Department of Agriculture that relate to plans and policies of crop insurance offered under that Act.

(d) **ADMINISTRATION.**—Nothing in this section authorizes the Risk Management Agency to sell a crop insurance policy or plan of insurance.

SEC. 11031. GAO CROP INSURANCE FRAUD REPORT.

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

“(6) **GAO CROP INSURANCE FRAUD REPORT.**—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.”.

SEC. 11032. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) **LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**—

“(A) **DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.**—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)).

“(B) **LIMITATION.**—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

“(C) **APPLICATION.**—

“(i) **STUDY.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Government Accountability Office, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

“(I) the overall operations of the Federal crop insurance program;

“(II) the number of producers participating in the Federal crop insurance program;

“(III) the level of coverage purchased by participating producers;

“(IV) the amount of premiums paid by participating producers and the Federal Government;

“(V) any potential liability for participating producers, approved insurance providers, and the Federal Government;

“(VI) different crops or growing regions;

“(VII) program rating structures;

“(VIII) creation of schemes or devices to evade the impact of the limitation; and

“(IX) administrative and operating expenses paid to approved insurance providers and underwriting gains and loss for the Federal government and approved insurance providers.

“(ii) **EFFECTIVENESS.**—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

“(I) significantly increase the premium amount paid by producers with an average adjusted gross income of less than \$750,000;

“(II) result in a decline in the crop insurance coverage available to producers; and

“(III) increase the total cost of the Federal crop insurance program.”.

TITLE XII—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 12001. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.

(a) **OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.**—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in the section heading, by inserting “**AND VETERAN FARMERS AND RANCHERS**” after “**RANCHERS**”;

(2) in subsection (a)—

(A) in paragraph (2)(B)(i), by inserting “and veteran farmers or ranchers” after “ranchers”; and

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “and” at the end;

(II) in clause (ii), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(iii) \$5,000,000 for each of fiscal years 2013 through 2017.”; and

(ii) by adding at the end the following:

“(D) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017.”;

(3) in subsection (b)(2), by inserting “or veteran farmers and ranchers” after “socially disadvantaged farmers and ranchers”; and

(4) in subsection (c)—

(A) in paragraph (1)(A), by inserting “veteran farmers or ranchers and” before “members”; and

(B) in paragraph (2)(A), by inserting “veteran farmers or ranchers and” before “members”.

(b) **DEFINITION OF VETERAN FARMER OR RANCHER.**—Section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended by adding at the end the following:

“(7) **VETERAN FARMER OR RANCHER.**—The term ‘veteran farmer or rancher’ means a

farmer or rancher who served in the active military, naval, or air service, and who was discharged or released from the service under conditions other than dishonorable.”.

SEC. 12002. OFFICE OF ADVOCACY AND OUTREACH.

Section 226B(f)(3) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(f)(3)) is amended to read as follows:

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection—

“(A) such sums as are necessary for each of fiscal years 2009 through 2012; and

“(B) \$2,000,000 for each of fiscal years 2013 through 2017.”.

Subtitle B—Livestock

SEC. 12101. WILDLIFE RESERVOIR ZONOTIC DISEASE INITIATIVE.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

“SEC. 413. WILDLIFE RESERVOIR ZONOTIC DISEASE INITIATIVE.

“(a) **DEFINITION OF COVERED DISEASE.**—In this section, the term ‘covered disease’ means a zoonotic disease affecting domestic livestock that is transmitted primarily from wildlife.

“(b) **ESTABLISHMENT.**—There is established within the Department a wildlife reservoir zoonotic disease initiative to provide assistance through Coordinated Agricultural Project grants for research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for covered diseases.

“(c) **COVERED DISEASE.**—

“(1) **IN GENERAL.**—To be eligible for a grant under this section, an eligible entity shall conduct research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for covered diseases in—

“(A) a wildlife reservoir in the United States; or

“(B) domestic livestock or wildlife presenting a potential concern to public health.

“(2) **PRIORITY.**—In making grants under this section, the Secretary shall give priority to grants that address—

“(A) *Brucella abortus* (Bovine Brucellosis);

“(B) *Mycobacterium bovis* (Bovine Tuberculosis); or

“(C) other zoonotic disease in livestock that is covered by a high-priority research and extension initiative conducted under section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925).

“(d) **ELIGIBLE ENTITIES.**—The Secretary shall carry out the initiative established under subsection (b) through public scientific research consortia that may consist of members from—

“(1) Federal agencies;

“(2) National Laboratories;

“(3) institutions of higher education;

“(4) research institutions and organizations; or

“(5) State agricultural experiment stations.

“(e) **RESEARCH PROJECTS.**—In carrying out this section, the Secretary shall award grants on a competitive basis.

“(f) **ADMINISTRATION.**—

“(1) **IN GENERAL.**—In the case of grants awarded under this section, the Secretary shall—

“(A) seek and accept proposals for grants;

“(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103;

“(C) award grants on the basis of merit, quality, and relevance; and

“(D) manage the initiative established under subsection (b) using a Coordinated Agricultural Project format.

“(2) TERM.—The term of a grant under this section may not exceed 10 years.

“(3) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is not less than 25 percent of the amount provided by the Federal Government.

“(4) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

“(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for—

“(1) the construction of a new building or facility; or

“(2) the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2012 through 2017.

“(2) ALLOCATION.—Of the amount made available for a fiscal year under paragraph (1), the Secretary shall use not less than 30 percent of the amount for the fiscal year to carry out activities under each of subparagraphs (A) and (B) of subsection (c)(2).”.

SEC. 12102. TRICHINAE CERTIFICATION PROGRAM.

Section 10405(d)(1) of the Animal Health Protection Act (7 U.S.C. 8304(d)(1)) is amended in subparagraphs (A) and (B) by striking “2012” each place it appears and inserting “2017”.

SEC. 12103. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

Section 11013(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8322(d)) is amended by striking “2012” and inserting “2017”.

SEC. 12104. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“SEC. 209. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Agricultural Marketing Service (referred to in this section as the ‘Secretary’) shall establish a competitive grant program for the purposes of improving the United States sheep industry.

“(b) PURPOSE.—The purpose of the grant program shall be to strengthen and enhance the production and marketing of sheep and sheep products, including improvement of—

“(1) infrastructure;

“(2) business;

“(3) resource development; and

“(4) innovative approaches to solve long-term needs.

“(c) ELIGIBILITY.—The Secretary shall make grants under this section to 1 or more national entities the mission of which is consistent with the purpose of the grant program.

“(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,500,000 for fiscal year 2013, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 374 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) (as in existence on the day before the date of enactment of this Act) is—

(1) amended in subsection (e)—

(A) in paragraph (3)(D), by striking “3 percent” and inserting “10 percent”; and

(B) by striking paragraph (6); and

(2) redesignated as section 210 of the Agricultural Marketing Act of 1946; and

(3) moved so as to appear at the end of subtitle A of that Act (as amended by subsection (a)).

SEC. 12105. FERAL SWINE ERADICATION PILOT PROGRAM.

(a) IN GENERAL.—To eradicate or control the threat feral swine pose to the domestic swine population, the entire livestock industry, and the destruction of crops and natural plant communities and native habitats, the Secretary of Agriculture may establish a feral swine eradication pilot program.

(b) PILOT.—Subject to the availability of appropriations under this section, the Secretary may provide financial assistance for the cost of carrying out a pilot program—

(1) to study and assess the nature and extent of damage to the pilot area caused by feral swine;

(2) to develop methods to eradicate or control feral swine in the pilot area; and

(3) to develop methods to restore damage caused by feral swine.

(c) COORDINATION.—The Secretary shall ensure that the Natural Resource Conservation Service and the Animal and Plant Health Inspection Service coordinate to carry out the pilot program.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program under this section may not exceed 75 percent of the total costs of carrying out the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2013 through 2017.

Subtitle C—Other Miscellaneous Provisions

SEC. 12201. MILITARY VETERANS AGRICULTURAL LIAISON.

(a) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following:

“SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

“(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

“(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

“(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

“(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

“(3) serving as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

“(4) advocating on behalf of veterans in interactions with employees of the Department.

“(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

“(1) the conduct of regional research on the profitability of small farms;

“(2) the development of educational materials;

“(3) the conduct of workshops, courses, and certified vocational training;

“(4) the conduct of mentoring activities; or

“(5) the provision of internship opportunities.”.

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 4206(b)) is amended—

(1) in paragraph (8), by striking the “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.”.

SEC. 12202. INFORMATION GATHERING.

Section 1619(b)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791) is amended by adding at the end the following:

“(B) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of a State agency, political subdivision, or local governmental agency that is charged with implementing an agriculture or conservation program under State law, on request of the State agency, political subdivision, or local governmental agency, the information described in paragraph (2) shall be disclosed to the State agency, political subdivision, or local governmental agency if the Secretary determines that the State agency, political subdivision, or local governmental agency demonstrates that the disclosure is required for implementing the State program.

“(ii) RESTRICTION.—Any information disclosed to a State agency, political subdivision, or local governmental agency under clause (i) shall be—

“(I) used solely by the State agency, political subdivision, or local governmental agency; and

“(II) exempt from disclosure to the public, including under any State law that allows a citizen to petition a State agency for that information.”.

SEC. 12203. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

Section 14204(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2008q-1(d)) is amended to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2012; and

“(2) \$10,000,000 for each of fiscal years 2013 through 2017.”.

SEC. 12204. NONINSURED CROP ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

“(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

“(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

“(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter before clause (i), by striking “(except livestock)” and inserting “(except livestock and crops and grasses used for grazing)”;

(II) in clause (i), by striking “and” after the semicolon at the end;

(III) by redesignating clause (ii) as clause (iii); and

(IV) by inserting after clause (i) the following:

“(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and”; and

(ii) in subparagraph (B)—

(I) by inserting “(except ferns)” after “flood-risicultural”;

(II) by inserting “(except ferns)” after “ornamental nursery”; and

(III) by striking “(including ornamental fish)” and inserting “(including ornamental fish, but excluding tropical fish)”;

(2) in subsection (d), by striking “The Secretary” and inserting “Subject to subsection (1), the Secretary”;

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking “\$250” and inserting “\$260”; and

(B) in subparagraph (B)—

(i) by striking “\$750” and inserting “\$780”; and

(ii) by striking “\$1,875” and inserting “\$1,950”; and

(4) by adding at the end the following:

“(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

“(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

“(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

“(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

“(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

“(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the

production cycle for the crop that is, as applicable—

“(I) harvested;

“(II) planted but not harvested; or

“(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

“(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

“(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) a premium for the applicable crop year that is equal to—

“(i) the product obtained by multiplying—

“(I) the number of acres devoted to the eligible crop;

“(II) the yield, as determined by the Secretary under subsection (e);

“(III) the coverage level elected by the producer;

“(IV) the average market price, as determined by the Secretary; and

“(ii) 5.25-percent premium fee.

“(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).”.

(b) TERMINATION DATE.—

(1) IN GENERAL.—Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed

(2) ADMINISTRATION.—Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

SEC. 12205. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

Section 15751 of title 40, United States Code, is amended—

(1) in subsection (a), by striking “2012” and inserting “2017”; and

(2) in subsection (b)—

(A) by striking “Not more than” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than”; and

(B) by adding at the end the following:

“(2) LIMITED FUNDING.—In a case in which less than \$10,000,000 is made available to a Commission for a fiscal year under this section, paragraph (1) shall not apply.”.

SEC. 12206. CANADA GEESE REMOVAL.

(a) IN GENERAL.—On a determination by the Administrator of the Federal Aviation Administration that the population of Canada geese residing on land under the jurisdiction of the National Park Service that is located within 5 miles of any commercial airport poses a risk to flight safety, the Secretary (acting through the Administrator of the Animal and Plant Health Inspection Service), in consultation with the Secretary of the Interior and the Administrator of the Federal Aviation Administration, shall—

(1) by the first subsequent molting period for Canada geese that occurs after the date of enactment of this Act, publish a management plan that provides for the removal, by not later than 1 year after the date of publication, of all Canada geese residing on the applicable land; and

(2) as soon as practicable after the date of publication of the management plan under paragraph (1), commence removal of Canada geese from the applicable land.

(b) JFK INTERNATIONAL AIRPORT.—Not later than June 1, 2012, the Secretary (acting through the Administrator of the Animal and Plant Health Inspection Service) shall—

(1) issue a record of decision for the document entitled “Supplement to the Environmental Impact Statement Bird Hazard Reduction Program: John F. Kennedy International Airport”; and

(2) commence consultation with the Secretary of the Interior to complete the collection and removal of Canada geese from the applicable National Park Service land to ensure that the removal is completed by not later than August 1, 2012.

SEC. 12207. OFFICE OF TRIBAL RELATIONS.

(a) IN GENERAL.—Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (7 U.S.C. 3125a note; Public Law 103-354) the following:

“SEC. 309. OFFICE OF TRIBAL RELATIONS.

“The Secretary shall establish in the Office of the Secretary an Office of Tribal Relations.”.

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 12201(b)) is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the authority of the Secretary to establish in the Office of the Secretary the Office of Tribal Relations in accordance with section 309.”.

SEC. 12208. REPEAL OF DUPLICATIVE PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section are repealed.

(b) APPLICATION.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation, and Energy Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

SEC. 12209. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market.

SEC. 12210. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) **GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.**—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) **APPLICATIONS.**—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) **DEFINITION OF MAPLE SUGARING.**—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) **REGULATIONS.**—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2012 through 2015.

SEC. 12211. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking “1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010” and inserting “1990, 2000, or 2010 decennial census, and any area deemed to be a ‘rural area’ for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020”; and

(2) by striking “25,000” and inserting “35,000”.

SEC. 12212. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding “an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner,” after “stores,”.

SEC. 12213. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) **PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.**—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “SPONSORING OR EXHIBITING AN ANIMAL IN” and inserting “SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND”; and

(B) in paragraph (1)—

(i) in the heading, by striking “IN GENERAL” and inserting “SPONSORING OR EXHIBITING”; and

(ii) by striking “paragraph (2)” and inserting “paragraph (3)”; and

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) **ATTENDING OR CAUSING A MINOR TO ATTEND.**—It shall be unlawful for any person to—

“(A) knowingly attend an animal fighting venture; or

“(B) knowingly cause a minor to attend an animal fighting venture.”; and

(2) in subsection (g), by adding at the end the following new paragraph:

“(5) the term ‘minor’ means a person under the age of 18 years old.”.

(b) **ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.**—Section 49 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”;

(2) in subsection (a), as designated by paragraph (1) of this section, by striking “subsection (a),” and inserting “subsection (a)(1),”; and

(3) by adding at the end the following new subsections:

“(b) **ATTENDING AN ANIMAL FIGHTING VENTURE.**—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

“(c) **CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.**—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.”.

SEC. 12214. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(2) **CLERICAL AMENDMENT.**—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(b) **CONFORMING AMENDMENTS.**—

(1) **AVAILABILITY OF PAYMENTS TO CANDIDATES.**—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking “, section 9008(b)(3),”.

(2) **REPORTS BY FEDERAL ELECTION COMMISSION.**—Section 9009(a) of such Code is amended—

(A) by adding “and” at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) **PENALTIES.**—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) **AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.**—The second sentence of section 9037(a) of such Code is amended by striking “and for payments under section 9008(b)(3)”.

(c) **RETURN OF PREVIOUSLY SUBMITTED MONEY FOR DEFICIT REDUCTION.**—Any amount which is returned by the national committee of a major party or a minor party to the general fund of the Treasury from an account established under section 9008 of the Internal Revenue Code of 1986 after the date of the enactment of this Act shall be dedicated to the sole purpose of deficit reduction.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

SEC. 12215. REPORTS ON EFFECTS OF DEFENSE AND NONDEFENSE BUDGET SEQUESTRATION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to raise an equivalent level of savings between fiscal years 2013 and 2021.

(2) These savings are in addition to \$900,000,000,000 in deficit reduction resulting from discretionary spending limits established by the Budget Control Act of 2011.

(b) **REPORTS.**—

(1) **REPORT BY THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall report upon the impact of sequestration of funds with respect to a sequestration under paragraphs (7)(A) and (8) of section 251(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013, using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and estimates pursuant to a current rate continuing resolution for accounts not funded through an enacted appropriations measure for fiscal year 2013 as the levels to which the sequestration should be applied.

(B) **ELEMENTS.**—The report required by subparagraph (A) shall include the following:

(i) Each account that would be subject to such a sequestration.

(ii) Each account that would be subject to such a sequestration but subject to a special rule under section 255 or 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 (and the citation to such rule).

(iii) Each account that would be exempt from such a sequestration.

(iv) Any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as homeland security, food safety, and air traffic control activities.

(C) **CATEGORIZE AND GROUP.**—The report required under this paragraph shall categorize and group the listed accounts by the appropriations Act covering such accounts.

(2) **REPORT BY THE PRESIDENT.**—

(A) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act,

or by October 30, 2012, whichever is earlier, the President shall submit to Congress a detailed report on the sequestration required by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013.

(B) ELEMENTS.—The reports required by subparagraph (A) shall include—

(i) for discretionary appropriations—

(I) an estimate for each category, of the sequestration percentages and amounts necessary to achieve the required reduction; and

(II) an identification of each account to be sequestered and estimates of the level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions at the program, project, and activity level, using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and estimates pursuant to a current rate continuing resolution for accounts not funded through an enacted appropriations measure for fiscal year 2013;

(ii) for non-defense discretionary spending only—

(I) a list of the programs, projects, and activities that would be reduced or terminated;

(II) an assessment of the jobs lost directly through program and personnel cuts;

(III) an estimate of the impact program cuts would have on the long-term competitiveness of the United States and its ability to maintain its lead on research and development, as well as the impact on our national goal to graduate the most students with degrees in in-demand fields;

(IV) an assessment of the impact of program cuts to education funding across the country, including estimates on teaching jobs lost, the number of students cut off programs they depend on, and education resources lost by States and local educational agencies;

(V) an analysis of the impact of cuts to programs middle class families and the most vulnerable families depend on, including estimates of how many families would lose access to support for children, housing and nutrition assistance, and skills training to help workers get better jobs;

(VI) an analysis of the impact on small business owners' ability to access credit and support to expand and create jobs;

(VII) an assessment of the impact to public safety, including an estimate of the reduction of police officers, emergency medical technicians, and firefighters;

(VIII) a review of the health and safety impact of cuts on communities, including the impact on food safety, national border security, and environmental cleanup;

(IX) an assessment of the impact of sequestration on environmental programs that protect the Nation's air and water, and safeguard children and families;

(X) assessment of the impact of sequestration on the Nation's infrastructure, including how cuts would harm the ability of States and communities to invest in roads, bridges, and waterways;

(XI) an assessment of the impact on ongoing government operations and the safety of Federal Government personnel;

(XII) a detailed estimate of the reduction in force of civilian personnel as a result of sequestration, including the estimated timing of such reduction in force actions and the timing of reduction in force notifications thereof; and

(XIII) an estimate of the number and value of all contracts that will be terminated, re-

structured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts;

(iii) for direct spending—

(I) an estimate for the defense and non-defense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction;

(II) a specific identification of the reductions required for each nonexempt direct spending account at the program, project, and activity level; and

(III) a specific identification of exempt direct spending accounts at the program, project, and activity level; and

(iv) any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as—

(I) homeland security, food safety, and air traffic control activities;

(II) an assessment of the impact of cuts to programs that the Nation's farmers rely on to help them through difficult economic times; and

(III) an assessment of the impact of Medicare cuts to the ability for seniors to access care.

(3) REPORT BY THE SECRETARY OF DEFENSE.—

(A) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall report on the impact on national defense accounts as defined by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and estimates pursuant to a current rate continuing resolution for accounts not funded through an enacted appropriations measure for fiscal year 2013 as the levels to which the sequestration should be applied.

(B) ELEMENTS OF THE DEFENSE REPORTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of the impact on ongoing operations and the safety of United States military and civilian personnel.

(ii) An assessment of the impact on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C-1 through C-5).

(iii) A detailed estimate of the reduction in force of civilian personnel, including the estimated timing of such reduction in force actions and timing of reduction in force notifications thereof.

(iv) A list of the programs, projects, and activities of the Department of Defense that would be reduced or terminated and the expected savings for each program, project and activity.

(v) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(vi) An assessment of the impact on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, arising from sequestration.

NATIONAL APHASIA AWARENESS MONTH

Mr. WHITEHOUSE. I ask unanimous consent the Senate proceed to S. Res. 503, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 503) designating June 2012 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 503) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 503

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of, or reduction in, the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the "NINDS"), strokes are the third-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas strokes are a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are approximately 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer approximately 750,000 strokes per year, with about 1/3 of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire aphasia each year;

Whereas the people of the United States should strive to learn more about aphasia and to promote research, rehabilitation, and support services for people with aphasia and aphasia caregivers throughout the United States; and

Whereas people with aphasia and their caregivers envision a world that recognizes the "silent" disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2012 as "National Aphasia Awareness Month";

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study to find new solutions for people experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

SUPPORTING A MINUTE OF SILENCE AT THE 2012 OLYMPICS OPENING CEREMONY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 504, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 504) expressing support for the International Olympic Committee to recognize with a minute of silence at the 2012 Olympics Opening Ceremony the athletes and others killed at the 1972 Munich Olympics.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 504) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 504

Whereas, in September 1972, in the midst of the Munich Olympics, the core spirit of the Olympics was violated when members of the Black September Palestinian terrorist group murdered eleven members of the Israeli Olympic Team consisting of athletes, coaches, and referees;

Whereas one West German police officer was also killed in the terrorist attack;

Whereas the international community was deeply touched by the brutal murders at the Munich Olympics and memorials have been placed around the world, including in Rockland County, New York, United States; Manchester, United Kingdom; Tel Aviv, Israel; and Munich, Germany;

Whereas the International Olympic Committee has an obligation and the ability to fully and publicly promote the ideals embodied in the Olympic Charter, which states, "The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity."

Whereas no opening ceremonies of any Olympics since 1972 have marked an official recognition of the terrorist attack that brutally betrayed the vision of the Olympic Games; and

Whereas the London Olympic Games in 2012 will mark four decades since this act of terror took place without a full and public commemoration of the gravity of this tragic event for all Olympians and all humankind: Now, therefore, be it

Resolved, That the Senate—

(1) should observe a minute of silence to commemorate the 40th anniversary of the 1972 Munich Olympics terrorist attack and remember those who lost their lives;

(2) urges the International Olympic Committee to take the opportunity afforded by the 40th anniversary of the 1972 Munich Olympics terrorist attack to remind the world that the Olympics were established to send a message of hope and peace through sport and athletic competition; and

(3) urges the International Olympic Committee to recognize with a minute of silence at the 2012 Olympics Opening Ceremony those who lost their lives at the 1972 Munich Olympics in an effort to reject and repudiate terrorism as antithetical to the Olympic goal of peaceful competition.

ORDERS FOR TUESDAY, JUNE 26, 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the first hour of debate be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; further, that at 2:15 p.m. there be 6 hours 15 minutes of debate remaining postclosure on the motion to concur in the House message to accompany S. 3187, the FDA bill, with 2 hours under the control of Senator HARKIN, 4 hours under the control of Senator BURR, and 15 minutes under the control of Senator PAUL.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Under the previous order, the Senate will proceed to executive session at 11:30 a.m. tomorrow and vote on confirmation of the Rosenbaum nomination at noon. We also hope to complete action on the FDA bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come be-

fore the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:10 p.m. adjourned until Tuesday, June 26, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

KATHERINE POLK FAILLA, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE DENISE COTE, RETIRED.

TROY L. NUNLEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE GARLAND E. BURRELL, JR., RETIRING.

SHERI POLSTER CHAPPELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE GREGORY A. PRESNELL, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CLAYTON M. HUTMACHER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

UCHENNA L. UMEH

To be major

DANIEL X. CHOI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CATHERINE M. FAHLING

MATTHEW R. GRANT

DAWN D. HANKINS

SCOTT E. HARDING

DANIEL J. HIGGINS

KEVIN J. HUYSER

HEATHER E. LOBUE

LANCE E. MATHEWS

RICHARD J. McDERMOTT

WENDY L. SHERMAN

MARK D. STROUP

REBECCA R. VERNON

DAVID A. WHITEFORD

LE T. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LANCE A. AIUMOPAS

ANTHONY W. BELL

ALLAN S. BROCK

DAVID H. CAZIER

BRADLEY A. CLEVELAND

THOMAS F. COLLICK

MICHELLE L. CRAWFORD

PAUL A. DAWSON

JOHN S. FREDLAND

LORI M. GILL

TOBIN C. GRIFFETH

ANTHONY S. GUNN

MICHAEL A. HATTON

CRYSTAL D. HAYNES

FRANCIS D. HOLLIFIELD III

CANDACE L. HUNSTIGER

KEVIN C. INGRAM

ROBERT WILLIAM JARMAN

AARON G. LAKE

RYAN J. LAMBRECHT

MARK B. MCKIERNAN

TYLER E. MERKEL

JOHN E. OWEN

JOY L. PRIMOLI

JASON SCOTT ROBERTSON

TAMMIE L. SLEDGE

SHAUN S. SPERANZA

BRIAN M. THOMPSON

BRENDON K. TUKEY

TARA L. VILLENA

JOSHUA D. YANOV

FRANK YOON

ROBERT S. ZAUNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES H. ABBOTT
ALEXANDER L. ACKERMAN
MARK T. ADAMS
SEAN W. ADCOCK
EDUARDO D. AGUILAR
RICHARD M. AGUIRRE
JONATHAN E. AIRHART
ALAN P. ALBERT
WILLIAM P. ALCORN, JR.
BRIAN M. ALEXANDER
MATTHEW W. ALEXANDER
TRENTON R. ALEXANDER
CARLOS L. ALFORD
SCOTT M. ALFORD
BERNIE L. ALLEMEIER
MARK S. ALLEN
PAMELA A. ALLEY
RUSSELL P. ALLISON
ALAN S. ALSOP
KIMANI H. ALSTON
RICHARD C. ALTOBELLO
CARLOS X. ALVARADO
DAVID R. ANDERSON
JOSHUA C. ANDERSON
QUINTIN D. ANDERSON
SCOTT M. ANDERSON
MARK E. ANDREWS
CRAIG R. ANDRLE
JAVIER I. ANTUNA
DAVID K. ARAGON
JOHN M. ARELLANES
CLINTON J. ARMANI
DAVID J. ARMITAGE
HEATHER M. ARMSTRONG
FRANK S. ARNOLD
MICHELLE ARTOLACHIFE
MATTHEW M. ASHTON
ROBERT M. ATKINS
BRYAN C. AULNER
NEIL O. AURELIO
THOMAS D. AUSHERMAN
BRANDON J. AVELLA
RUSSELL J. AYCOCK
SHAWN R. AYERS
CHRISTOPHER L. AYRE
SOLOMON R. BAASE
BRIAN T. BACKMAN
DONNY LYNN BAGWELL
JESSE M. BAKER
KRISTEN D. BAKOTIC
DAVID A. BALDA
BRENT N. BALDWIN
ROBIN E. BALDWIN
LEE E. BALLARD, JR.
BRIAN P. BALLEW
DAVID M. BANKER
CHARITY A. BANKS
JOSEPH A. BANKS
MARK E. BARAN
MATTHEW R. BARFUSS
GARY L. BARKER
ZACHARY N. BARKER
CHARLES D. BARKHURST
AARON R. BARNES
JASON R. BARNES
JEFFREY A. BARNES
WILLIAM A. BARRON
DANIEL W. BARROWS
KARL A. BASHAM
CLAYTON MICHAEL BASKIN
ROGER W. BASS
PATRICK H. BAUM
STEVEN D. BAUMAN
IAN S. BAUTISTA
STEVEN M. BEATTIE II
JOHN R. BEATTY
BRANDON M. BEAUCHAN
CHANDRA MARIE BECKMAN
BECKY M. BEERS
BRYAN E. BEIGH
AARON J. BELL
CHRISTOPHER P. BELL
JASON B. BELL
RONALD B. BELLAMY
CASIMIRO BENAVIDEZ III
RODERICK L. BENNETT
TODD J. BENSON
CASSIUS T. BENTLEY III
SAMMUEL C. BERENGUER
DANIEL P. BERG
CHRISTEL R. BERGIN
DAVID J. BERKLAND
CHRISTOPHER D. BERNARD
MATTHEW O. BERRY
MATTHEW J. BERTSCH
JOHN R. BEURER
DAVID A. BICKERSTAFF
JOEL K. BIEBERLE
JOSEPH M. BIEDENBACH
LISA M. BIEWER
ERIC R. BIPPERT
DENNIS R. BIRCHENOUGH
PETER J. BIRCHENOUGH
MATTHEW J. BISSELL
ALLISON K. BLACK
BRETT T. BLACK
RICHARD E. BLAGG, JR.
ROBERT B. BLAKE
JACK A. BLALOCK
JAMES S. BLANCHARD

MATTHEW G. BLAND
JEFFREY A. BLANKENSHIP
DAVID B. BLAU
ANTHONY J. BLEVINS
EMIL L. BLISS
HEATHER BRANDT BOGSTIE
RYAN M. BOHNER
SCOTT A. BOLE
KEVIN P. BOLLINO
JOHN P. BORAH
MATTHEW R. BORGOS
JOHN F. BOROWSKI
JOY E. BOSTON
DOUGLAS J. BOUTON
TERRY J. BOWLES
AARON J. BOYD
TRAVIS J. BRABEC
DANIEL A. BRADFORD
MATTHEW S. BRADFORD
ERIN K. BRADLEY
HEATHER D. BRAGG
SEAN S. BRAMMER-HOGAN
MARVIN T. BRANAN
JAMISON D. BRAUN
ROBERT A. BRAXTON
KEVIN R. BRAY
SCOTT M. BREECE
EDWARD J. BRENNAN
MATTHEW SEAN BRENNAN
BRADLEY M. BREWINGTON
TY C. BRIDGE
MATTHEW H. BRIGGS
DEREK T. BRIGHT
JASON H. BRIGHTMAN
PAUL D. BRISTER
MARC A. BROCK
TONYA J. BRONSON
COREY M. BROUSSARD
ANGELIQUE P. BROWN
CORY L. BROWN
DANIEL J. BROWN
DOUGLAS A. BROWN
JAMES E. BROWN
JERRY R. BROWN
MATTHEW C. BROWN
MICHAEL L. BROWN
RENARDO M. BROWN
MICHELE A. BRUEMMER
DAWSON A. BRUMBELOW
PAUL W. BRYANT
JEFFREY H. BUCKLAND
GRANT C. BUCKS
JASON J. BUDNICK
CORY F. BULRIS
JEFFREY A. BURDETTE
CHAD N. BURDICK
JONATHAN E. BURDICK
CORNNELL A. BURGESS
VICTOR L. BURGOS, JR.
BRIAN J. BURKE
EDWARD A. BURKE
DAVID M. BURNETT
KENNETH R. BURTON, JR.
DEANO A. BUSCH
RICHARD J. BUSH
KATHLEEN D. BUSS
SCOTT D. BUSSANMAS
MATTHEW J. BUTLER
ANTHONY P. CALABRESE
AL J. CALDWELL II
BYRON J. CALHOUN
KATHERINE A. CALLAGHAN
RUSSELL C. CALLAWAY
BENJAMIN R. CAMERON
JASON A. CAMILLETTI
ELIZABETH A. CAMPBELL
JENNIFER M. B. CAMPBELL
NATHAN E. CAMPBELL
JAMES F. CAPLINGER
SOFIA E. CARABALLO GARCIA
TROY D. CARR
BRIAN C. CARROLL
JONATHAN T. CARTER
FREDERICK V. CARTWRIGHT
ANTHONY S. CARVER
BRENDAN K. CASEY
CHRISTOPHER R. CASSEM
DAVID P. CASSON
TONY CASTILLO
DAVID A. CASTOR
ALEXANDER CASTRO
ERICK J. CASTRO
RAYMOND E. CASTRO
BRIAN C. CHELLGREN
DOMINIC V. CHIAPUSIO
MARC A. CHIASSON
DAMON R. CHIDESTER
BRIAN S. CHOATE
CORY R. CHRISTOFFER
GEOFFREY I. CHURCH
JOHN J. CLAGNAZ
JOSEPH T. CLANCY
CHRISTOPHER G. CLARK
JAMES M. CLARK
ROBERT P. CLARK
STEVEN A. CLARK
CYNTHIA R. CLEFISCH
WILLIAM C. CLEMENTS
GEORGE W. CLIFFORD III
SUMMER A. CLOVIS
REBECCA ANN COBB
DANIEL J. CODDINGTON

DANIEL J. COE
RYAN M. COLBURN
MATTHEW W. COLDSNOW
ANTHONY R. COLE
MATTHEW F. COLEMAN
MICHAEL A. COLEMAN
ROLAND M. COLINA
BRIAN P. COLLINS
WILLIAM J. COLLINS
WILLIAM T. COLLINS
DANIEL S. COLLISTER
MICHAEL L. COLSON
NATHAN T. COLUNGA
LISA M. COMBS
KYLE M. CONE
SHAWN R. CONES
CORY A. COOK
RUSSELL P. COOK
WILLIAM C. COOK
HEATHER D. COOLEY
JAMES C. COOPER
JASON L. COOPER
PHILLIP M. CORBELL
DANIEL J. CORDES
CHRISTOPHER L. CORN
DANIEL L. CORNELIUS
JAMES RONALD COUGHLIN
LAUREN COURCHAINE
KARL K. COWART
LELAND K. COWIE
JOSEPH D. COX
RONALD S. CRABTREE
MARTIN H. CRAWFORD
RHONDA R. CRAWFORD
ROLANDIS J. CRAWL
WILLIAM J. CREEDEN
JOHN B. CREEL
SHANE M. CRIPPEN
LUTHER THOMAS CROSS
THOMAS A. CROSS
ERIC W. CROWELL
EDGARDO CRUZ VELEZ
GEORGE M. CUNDIFF, JR.
VINCENT J. DABROWSKI
PAUL G. DAMBRAUSKAS
ROBERT WILLIAM DAVIS
GEOFFREY D. DAWSON
RICHARD E. DAWSON
STEPHEN J. DAWSON
FLORIAN C. DE CASTRO
KENNETH L. DECKER, JR.
CONNIE R. DEIM
DANNY L. DEKINDER
JOHN F. DELAHANTY
CHERYL M. DELOUGHERY
BRIAN A. DENARO
MARC F. DESHAIES
DANIEL S. DEYOUNG
JOSE DIAZ DE LEON
JONATHAN R. DIAZ
BRIAN M. DICKENSON
DRU D. DICKERSON
JONATHAN M. DIETRICH
WADE E. DILLARD
NATHAN P. DILLER
IAN M. DINESEN
MICHAEL E. DINWIDDIE
NICHOLAS M. DIPOMA
MARK C. DMYTRYSZYN
BYRON W. DOBBS
ALAN F. DOCAUER
BRYAN C. DOCKTER
JAMES P. DOHERTY
MEGHAN B. DOHERTY
MICHAEL S. DOHERTY
JEFFREY J. DONATO
JEFFREY A. DONHAUSER
GARY L. DONOVAN
BRENT D. DORSEY
JASON C. DOSTER
HENRY J. DRAKE
KILE R. DREHER
ANDREW D. DRIES
STEVEN J. DRINNON
JOSHUA P. DROZ
SCOTT B. DUBSKY
KRISTIN N. DUBY
ERIK N. DUNN
TROY A. DUPONT
BRANDON C. DURANT
MICHAEL J. DURRAND
APRIL D. DWYER
MICHAEL T. DYE
WESLEY B. EAGLE
HEATHER E. EASTLACK
DANIEL A. EBERT
JOHN R. ECHOLS
BRYAN D. EDMUNDS
DIMEATRIUS A. EDWARDS
MATTHEW R. EDWARDS
JOSEPH J. EGRESSITS
KEVIN J. EHRLICH
DAVID A. EHRLICH
BRYAN A. ELDER
JONATHAN E. ELDRIDGE
JOSEPH S. ELKINS
CHAD R. ELLSWORTH
SARAH L. EMORY
ROXANE E. ENGELBRECHT
JOHN M. ENGESSER
MICHAEL J. ENGLEHARDT
KEITH E. ENGLIN

KIRBY M. ENSSER
 JOEL E. EPPLEY
 CHAD M. ERICKSON
 RAYMOND R. ERICKSON
 RICHARD D. ERKKILA
 MICHAEL A. EVANCIC
 JACK R. EVANS
 MICHAEL A. EVANS
 ROBERT E. EVERT
 JOSEPH R. EWING
 ELIZABETH J. EYCHNER
 EMILY E. FARKAS
 ERICKA S. FARMERHILL
 PATRICK F. FARRELL
 MARK J. FAULSTICH
 JAMES R. FEE, JR.
 JACK M. FELICI
 JAMES S. FERGUSON
 JAMES S. FERNANDEZ
 PAUL P. FIDLER
 ERIK J. FIEDERER
 PATRICK N. FIEG
 BRIAN A. FILLER
 JEFFREY A. FINDLEY
 JONATHAN S. FINDLEY
 DANIEL E. FINKELSTEIN
 SEAN M. FINNAN
 BRADY S. FISCHER
 GRANT A. FISH
 KEVIN D. FISHER
 BARY D. FLACK
 RYAN W. FLEISHAUER
 JASEM R. FLEMING
 LARRY B. FLETCHER, JR.
 NATHAN D. FLINT
 GARRY S. FLOYD
 ANDREW M. FOGARTY
 PHILIP M. FORBES
 CHRISTOPHER L. FORD
 JASON M. FORD
 JENNIFER S. FORD
 CHRISTOPHER D. FORREST
 LESLIE Y. FORRESTER
 RICHARD B. FOSTER
 WILLIAM W. FOSTER
 DOUGLAS J. FOWLER
 JOSEPH B. FRAMPTOM
 GREGORY G. FRANA
 BRYAN T. FRANCE
 KEITH G. FRANCIS
 NICOLE H. FRANCIS
 TYLER P. FRANDER
 JOSHUA N. FRANK
 NIKKI RENEE FRANKINO
 JERRY L. FRAZIER
 RYAN PAUL FRAZIER
 CHARLES M. FREEL
 JACOB A. FREEMAN
 MICHAEL A. FREEMAN
 PAUL B. FREEMAN
 WILLIAM K. FREEMAN
 HUGH J. FREESTROM
 MICHAEL R. FREIMARCK
 LUCAS A. FRICKE
 GEOFFREY S. FUKUMOTO
 BRANDON S. FULLER
 JASON S. FULLER
 NICOLE E. FULLER
 ERIC M. FURMAN
 JEAN JACQUES FUTEY
 JOSEPH D. GADDIS
 ALLISON M. GALFORD
 JOHN B. GALLEMORE
 JEFFREY M. GALLOWAY
 DANIEL A. GALLTON
 BRIAN J. GAMBLE
 FRED E. GARCIA
 RICARDO R. GARCIA
 MICHAEL L. GARGASZ
 TIMOTHY R. GARLAND
 JASON M. GARRISON
 ROBERT E. GARRISON
 DARIUS V. GARVIDA
 ERIC R. GAULIN
 JULIE M. GAULIN
 JEREMY D. GEASLIN
 JASON W. GEITGEY
 ALGERD A. GERALT
 MICHAEL P. GERANIS
 TREVOR F. GERSTEN
 JOHN F. GETGOOD
 MATTHEW C. GETTY
 JAMES B. GHERDOVICH
 AARON D. GIBSON
 JEREMY R. GILBERTSON
 MICHELLE E. GILLASPIE
 ADAM E. GIZELBACH
 ROSS K. GLEASON
 JASON R. GLOVER
 CHRISTOPHER R. GOAD
 PATRICK MICHAEL GODFREY
 TIMOTHY M. GONYEA
 BIRMANIA M. GONZALEZ
 GERARDO O. GONZALEZ
 MICHAEL P. GOOD
 DAVID P. GOODE
 VANCE GOODFELLOW
 JOHN T. GOODSON III
 RANDEL J. GORDON
 RYAN E. GORECKI
 MARK D. GOULD
 JAMES P. GOVIN

BRENT W. GRAHAM
 DAVID R. GRAHAM
 JONATHAN W. GRAHAM
 JORDAN G. GRANT
 TODD D. GRANT
 NICOLAUS P. GRAUER
 CHRISTOPHER P. GRAVES
 MYERS S. GRAY
 SCOTT A. GREATHOUSE
 MERRICK J. GREEN
 DONALD R. GREENE
 KARA M. GREENE
 MARC E. GREENE
 BRIAN JAMES GRETE
 JUSTIN T. GRIEVE
 ANDREW J. GRIFFIN
 GILBERT S. GRIFFIN
 MICHELLE L. GRIFFITH
 KEVIN S. GRISWOLD
 KIMBERLY L. GROVER
 EDWARD B. GRUNDEL
 LIZABETH M. GRUPE
 ERIN R. GULDEN
 EDWARD J. GUSSMAN
 JOHN M. GUSTAFSON
 JUNG H. HA
 CHARLES R. HAAG
 TROY L. HACKER
 MARK R. HADLEY
 MICHAEL J. HAGAN
 MARY C. HAGUE
 JOHN M. HALE
 RUSSELL J. HALL
 SCOTT J. HALL
 NILS E. HALLBERG, JR.
 DAN C. HAMAN
 JAMES R. HAMILTON
 CHRISTOPHER B. HAMMOND
 CARL E. HANEY
 JAMES R. HANFORD
 JONATHAN G. HANLEY
 MATTHEW L. HANNON
 ELIZABETH A. HANSON
 ROBERT W. HARDER
 TAMMY A. HARDER
 JAMES M. HARMON
 JASON C. HARRIS
 JOHN N. HARRIS
 JOSHUA J. HARTIG
 JASON W. HAVEL
 CHARLES H. HAWKINS
 CHRISTOPHER G. HAWN
 MATTHEW A. HAYDEN
 NEAL W. HAYES
 MICHAEL P. HEALY
 CLINTON M. HEATON
 CHRISTOPHER M. HEBER
 JOHN P. HEIDENREICH
 CHRISTOPHER C. HEIM
 DOUGLAS J. HELLINGER
 JAY C. HENNETTE
 ANDREW M. HENSON
 WILLIAM C. HEPLER
 JARED D. HERBERT
 JAIME I. HERNANDEZ
 WILLIAM R. HERSCH
 CHE S. HESTER
 MARK R. HEUSINKVELD
 JAMES V. HEWITT
 ALAN J. HIETPAS
 SCOTT R. HIGGINBOTHAM
 TIMOTHY J. HIGGINS
 DENNIS F. HIGUERA
 JAMES R. HILBURN
 JASON C. HILBURN
 JUSTIN M. HILL
 BRIAN O. HINKEN
 GARNER F. HIXSON, JR.
 JARRETT M. HLAVATY
 DANIEL S. HOADLEY
 VINCENT E. HODGES
 CALVIN C. HODGSON
 TIMOTHY J. HOFMAN
 GREGG J. HOLASUT
 RICHARD N. HOLIFIELD, JR.
 CHRISTOPHER C. HOLLAND
 JEFFREY G. HOLLAND
 CORY S. HOLLON
 DAVID M. HOLM
 PATRICE O. HOLMES
 TERRANCE J. HOLMES
 CHAD A. HOLT
 BRYAN K. HOLZEMER
 KEVIN D. HORNBERG
 THOMAS J. HORNIK
 JASON D. HORTON
 SEAN A. HOSEY
 ANDREW K. HOSLER
 TRAVIS G. HOWELL
 KEVIN S. HUBER
 BETH A. HUFFMAN
 JASON M. HUGHES
 JOSHUA F. HUGHES
 STEPHANI D. HUNSINGER
 RUSSELL T. HUNT
 SHANE M. HUPP
 MATTHEW S. HUSEMANN
 MATTHEW J. IMPERIAL
 WILLIAM E. IRVIN
 JACOB T. JACKSON
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TONYA D. YARBER
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JAMES G. YOUNG
LONI B. YU
ANGELENA R. YULEE-SMITH
JOHN F. ZOHN, JR.
MARIO F. ZUNIGA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 716:

To be colonel

KAREN A. BALDI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 716:

To be colonel

CHRISTOPHER W. SOIKA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LUIS A. RIVERABERRIOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KIMON A. NICOLAIDES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PENNY P. KALUA

JOSEPH A. TRINIDAD

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be full grade

MELINDA ASTRAN
JENNEFER A. KIERAN
SANDRA G. LAFON
JOHN A. LANG
THUC X. NGO
PRECIOSA P. PACIA-RANTAYO
PAULO B. PINHO
EVELYN M. RODRIGUEZ
ALLAN ROFFE
MARK J. ROSCHEWSKI
KEITH W. SIMPSON
MASIH M. SOLTANI
MARYSIA L. TAYLOR
MICHAEL D. W. YAO
KEVIN J. ZIMMERMAN

To be senior assistant grade

MARIAMA J. BAH-SOW
JASON B. BUENAVENTURA
NADIA HABAL
YOLANDRA E. HANCOCK-BOWMAN
DREW A. HARRIS
ABAYOMI HENDJE
JASON D. HIPPI
DAVID E. KAROL
AMARDEEP KAUR
MELISSA I. KYRIAKAKIS
LILI MEISAMY
NOELE P. NELSON
TIN H. NGUYEN
BRANDY L. PEAKER
RAJESH REDDY
MARK R. SCHECKELHOFF
HWA J. SONG
MICHAEL E. STITZER

To be assistant grade

GLORIA AIDOO
AMANDA N. A. AKOGERAM
SHANNON E. ALDRICH
ASHLEY R. ALLMAN
CHRISTOPHER L. ANDERSON
PRECIOUS R. ANTONIO
TRONG T. AO
NADEGE APOLEON
ALLEN O. APPELEGATE
CHRISTINE C. APRAEZ
KATHERINE V. ARLINGTON
ALEXANDRA H. ARMITAGE
OLUWASEUN A. ASANTE
BRIYITH K. AVALOS
STEPHANIE L. AVENT
TIANA M. BABB
CHERLILY L. BAILEY
AMY C. BAKER
KIMBERLY L. BAKER
ROBBI A. BAKER
MICHELE N. BALIHC
FRED O. BAMFO
DANIEL M. BANKEN

KEHINDE S. BANKOLE
STEPHANIE G. BANKSTON
WILLIAM T. BARKER
CHRISTOPHER E. BARNES
JULIO F. BARRERA-ORO
JEFFREY S. BARRON
TERI K. BARTOSOVSKY
JENNIFER K. BEAL
AMBER R. BEARDSLEE
MICHELLE BEGAY
NATALIE M. BEGAY
TIMOTHY R. BENAC
MELANIE C. BENJAMIN
ANDREW R. BERNARD
NAVDEEP BHANDARI
SARAH A. BILLETER
KEVIN B. BISHOP
CAITLIN D. BLANDFORD
DENNIS BOATENG
SELENA A. BOBULA
PELAYIA H. BOOSALIS
EILEEN T. BOSSO
JANA M. BROOKS
ANNA R. BROWN
DANICA J. BROWN
HASSAN A. BROWN
TAOFIK M. BROWN
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SHANON L. CASPERSON
MINDY CHANG
ANDREW M. CHARLES JR.
JA'NAY M. CHATMAN
TAHIR W. CHAUDHRY
PAUL M. CHEFOR
EVA W. CHEN
CARRIE A. CHIARENZA
EDMOND CHIN
LENA Y. CHOE
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HEATHER L. CLINE
KIRT D. CLINE
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CHUKWUEMEKA S. EGWIM
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LANCE A. FINNICAL
MIRAN H. FORSYTH
LARISSA N. FOSTER
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VIRGINIA L. FULFORD
EMILY M. GAFFNEY
ROSE A. GAIKOWSKI
TANGELA M. GAINES
RAY GARCIA JR.
JESSE R. GEFRON
STEVEN J. GERFIN

DANIEL P. GLAPA
KARLY A. GOMEZ
JESSE L. GOODMAN
CATHERINE A. GOULD
SHANON R. GOWER
NALANI T. GRACE
CANDICE A. GREENIDGE
MEGAN E. GROSHNER
BRANDIS J. HALL
KATHRYN E. HANLON
AMBER M. HANNA
STEPHANIE A. HANSEN
ROSS G. HANSON
VINCENT E. HARVILLE
JEANINE M. HATFIELD
MEGAN R. HAYDEN
ELSBETH N. HEARN
GEROME L. HENDERSON
SONJA L. HERSHFELD
ANDREW G. HICKEY
MARISA J. HICKEY
PATRICK M. HIGH
ELLIOTT R. HILL
LANNY L. HOBSON
MARCIA D. HOCUTT
AIMEE M. HOLLANDER
BROOKE E. HOOTS
CHARLES A. HOOTS
SHEILA M. HOUGHTON-ANTONUCCI
CORWIN D. HOWARD
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SAMUEL J. HUFF
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LINDSEY D. HUFFMAN
PETER T. HUGHES
KRISTEN N. HUMMEL
JOHN M. HUNT
LYNELLE A. HUNT
BRUCE I. HUTCHINS
HEATHER L. HUTCHINSON
BAO T. HUYNH
UBONG U. IBOK
TOBY J. IMLER JR.
JEANETTE T. INALDO
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DIVIVIAN JEROME-MCGUIRE
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JENNIFER C. JOHNSON
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HEATHER A. JOSEPH
KARALIN M. JOYCE
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JULIANE L. JONES-HARVEY
PHILIPPE P. KANE
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JIHYUN LAROSE
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SHELBY L. LEWIS
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SCOTT C. LIVINGSTON
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FOLAREMI K. LOFINMAKIN
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GREGORY A. LOOMIS
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WESTON W. LOVELL
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NEALI H. LUCAS
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AMBER LY
RICHARD A. LYGHTE
JOHN H. MACHIKAWA
KRISTINA R. MADULA
NNENNA K. MAKANJUOLA
KARINA N. MANCINI
MARIELY E. MANTEUFFEL
TAMEIKA L. MAPP
AMY L. MARIN
ELIZABETH R. MARKS
MARIELY MARQUEZ-LORENZO
NAHOMY M. MARRERO
JONI L. MARSAW
AISHA M. MARTIN
MILTON MARTINEZ

GARRETTE C. MARTIN-YEBOAH
THOMAS J. MARUNA
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MONICA L. MCKEE
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LESLIE A. MEYER
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ROWNA M. NICOLAS
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ZACHARY A. OLESZCZUK
OSAMEDE C. ONAGHISE
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EMILY Y. PAK
SARAH S. PAK
KATIE M. PALMER
ALISON J. PARK
JUN W. PARK
KIMBERLY S. PARR
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HARIDARSHAN PATEL
NAYAN J. PATEL
KIRBY PATMON
LORI M. PAYLOR
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MEGAN M. PEPPLE
DWAYNE D. PERRILLIAT
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DIANA L. PERRY
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JERRIS L. RAIFORD
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STEPHEN J. REIGSTAD
SUSAN RHEE
DIANE M. RICHARDSON
TARA A. RICHARDSON
KAREN Y. RIEDL-FIGUEROA
LESLIE A. RIVERA ROSADO
LAURETTE E. RIVERS
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DALE ROBERTSON
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DREW G. SWIGART
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NARISA A. TAPPITAKE
CHRISTA L. THEMANN
BEVERLY M. THOMAS-LEPAGE
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CHI-MING TU
LATASHA A. TURNER
JOHN M. VAN EYK
LOUIS D. VELASCO
ANAYA F. VICIL
PHUONG N. VO
MORGAN A. WALKER
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DAVID M. WHITE
CASSIE N. WILLIAMS
GLADYS A. WILLIAMS
KAREN S. WILSON
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TAKISHA M. WISEMAN
DIANA Y. F. WONG
JAY T. WONG
IN-CHUL YEH
YVON YEO
MAKSIM YERMAKOV
KIRSTEN A. YOHO
WILLIAM T. YOUNG
ELEANOR G. YU
NICHOLAS C. ZIELINSKI

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TIFFANIE A. ABRAJANO
ADLAIDE ADDAWOO
STACY E. ALLEN
TRACEY L. ALLEN
SAPHIRE S. ANDERSON
SUSAN A. ANDERSON
JUANITA A. APPLEWHITE
LILIANA ARANDA
RYAN W. AUTENRIETH
CHRISTOPHER A. AVERY
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SARAH H. BAILEY
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KARA G. P. HUFFAKER
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LISHUNDA D. PARK
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CHELSEA TRUE

EXTENSIONS OF REMARKS

IN RECOGNITION OF BOBBY MOSER
UPON HIS RETIREMENT AS THE
LONGEST-TENURED DEAN AT
THE OHIO STATE UNIVERSITY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2012

Mr. TIBERI. Mr. Speaker, I rise to recognize Bobby Moser upon his retirement from the position of vice president for Agricultural Administration and dean of the College of Food, Agricultural, and Environmental Sciences at The Ohio State University.

Since its inception, the United States has always been known for its institutions of higher education. Our universities and colleges represent some of the most well-known and respected schools in the world. In my opinion, these heavily lauded institutions remain only as successful as the administrators and professors who make up its faculty. Every American who has attended a school of higher learning can fondly remember one or more faculty members whose impact resonates with him or her today. We must not forget the role of educators and administrators whose unwavering efforts sometimes go unnoticed. It is because of the intelligence and hard work of these men and women that our schools stand today as some of the world's finest places of learning and educational development.

For over 20 years Bobby Moser has represented one such educator and administrator. Since his introduction to The Ohio State University, the College of Food, Agricultural, and Environmental Sciences has gone on to become a well-recognized and respected department nationwide. In light of his efforts, the college has seen an increase in grant awards, issuance of patents and donations. As an alumnus and a former member of the marching band at OSU, I can appreciate the efforts and impact of quality individuals like Bobby. Much of his career has remained dedicated to the development of this college and the students who have devoted themselves to Ohio's oldest and most reputable industry. I am proud to recognize the career of such a supreme leader at OSU and look forward to hearing of his future successes and contributions to our community.

On behalf of the citizens of Ohio's 12th Congressional District, I would like to thank Bobby Moser for his steadfast commitment to The Ohio State University.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2012

Mr. ANDREWS. Mr. Speaker, on rollcall No. 395, I mistakenly voted "nay" when I had intended to vote "yea."

HONORING THE MUTUAL
MUSICIANS FOUNDATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2012

Mr. CLEAVER. Mr. Speaker, I proudly rise today to acknowledge the Mutual Musicians Foundation for their tireless efforts in preserving Kansas City Jazz history. Jazz music has greatly influenced the history and culture of the United States and of Missouri's Fifth Congressional District, which I am honored to represent. Located in the heart of the historic 18th and Vine Jazz District, the Mutual Musicians Foundation continues to bring the nostalgia of early jazz to the forefront of the music scene for generations to come.

Originally home to the Colored Musicians Protective Local Union #627, the historic venue opened its doors in 1930. Established in 1917, Local Union #627, then known as the "Colored Musicians Union" operated as a social center, engagement clearinghouse, and as a vehicle for grievances against unfair practices from booking agents and band leaders. Some of jazz music's most influential musicians have walked through their doors, including Charlie Parker, Count Basie, Big Joe Turner, Hot Lips Page, and Mary Lou Williams.

In collaboration with the Historic Jazz Foundation, the Mutual Musicians Foundation has created an educational experience that will be relished for many generations to come. Through my support for congressional funding, the Film Archival Project has been made possible. This project will be beneficial in archiving historical photography, videos, and memorabilia of jazz music's most significant musicians. This project will also make the preservation of important film from jazz musicians possible.

Jazz has been played continuously at the Mutual Musicians Foundation since 1930, making it the longest running jazz location in the United States and in the world. Because it is the place where the Kansas City Style of jazz was born, it has been designated as a National Historic Landmark by the U.S. Department of the Interior.

Mr. Speaker, I ask that you and our colleagues in the House join me in honoring the Mutual Musicians Foundation for their years of

dedicated service to Kansas City's rich jazz community. Continuing to support such a worthy institution is not a duty, but instead an honor.

HONORING THE WORLD WAR II
VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2012

Mr. QUIGLEY. Mr. Speaker, I rise to honor the World War II veterans who traveled to Washington, DC, on June 19, 2012 with Honor Flight Chicago, a program that provides World War II veterans the opportunity to visit the World War II Memorial on The National Mall in Washington, DC. This memorial was built to honor their courage and service to their country.

The American Veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen who traveled here on June 19 answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men and women for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing gratitude.

Nick Angelopoulos, Olin Apgar, James E. Atkinson, Albert Augustyn, Douglas Babitzke, David Baruch, John M. Campbell, Lester Catlin, John Ciolek, Joseph T. Connelly, Edward W. Connelly, Peter J. Cortopassi, Eldon L. Cueno, Charlie L. Davis, Donald DeKraker, Thaddeus J. Dobrowolski, Francis Duffy, Ladimir F. Dvorak, Bernard Ellman, Melvin Elmhurst, Eugene T. Entrican, Peter Eugenius, Alfred Evinger, Robert M. Flynn, Charles Ford, Rogers P. Freedlund, Wilbur Lee German, Lawrence E. Gilford, Frank J. Gliwa, George Griner, Eugene E. Hainchek, Martin A. Halloran, Harold M. Halsten, William V. Hervoy, Elden E. Holzwart, Ernest Hoskins, Richard H. Hyde, David S. Jameson, Evert P. Johnson, Edward S. Killian, Edward Kozlow, Ralph H. Krichbaum, William E. Krueger, Clarence E. Kuhlman, Walter Leslie, Aaron H. Levin, Louis G. Limperes, Edmund Lozano, Frederick Ruiz Maravilla, Emil L. Marcotte, Donald J. Marsaglia, Henry Alvin Mathews, William McNabola, Robert A. Mortensen, Frank J. Muehlbauer, James M. Muirhead, John Mullen, Thomas J. Mulligan, Harold Nicodem, Lawrence E. Nielsen, John S. Opitz,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Robert D. Pasquale, Angelo J. Pasquesi, William Payne, Sr., Frederick Thomas Pennix, Joseph Persico, Edward Richards, Kenneth Richardt, Walter Schauer, Arthur Shapiro, Joseph W. Sheade, William S. Sherwood, William F. Shipp, Edward Skrapka, Donald Frank Slapak, Calvin Sleeman, Robert N. Smedberg, Arne Sorensen, Salvatore Sparacio, Donald F. Spitzer, Lyle Claude Springer, Robert Steege, Conrad L. Steindler, Lester Strejc, Evan B. Stubbs, Benjamin Sultz, Edward Telman, William L. Tiffin, Alexander T. Valos, Joseph J. Waickus, Reginald R. Watt, Bentley Weitzman, Bobby D. Whisler, Sidney Winters, Richard N. Wunderink.

OREGON HOME HEALTH CARE AND MEDICARE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2012

Mr. WALDEN. Mr. Speaker, I rise to address the House about an issue of particular importance to seniors and health care patients in Oregon's 70,000 square-mile Second District: access to home health care. Some counties in my largely rural district are without a single hospital or physician, meaning finding care can be difficult. Fortunately, however, each of the 20 counties in the district does have skilled, dedicated home health providers willing to care for those in need.

Ninety-six percent of all Medicare spending goes toward patients with more than one chronic disease, and sixty-six percent of the program's funds are used for those with five or more chronic conditions. With ten thousand new Medicare beneficiaries added every day, we must work to ensure the program's long-term sustainability.

Fortunately for Medicare, home health care providers go above and beyond to deliver high-quality, clinically effective, efficient care, and many medical treatments that were once offered in hospital or nursing home settings are now being safely and more cost-efficiently provided in patients' homes. Further, the home health and hospice industry helps fuel the economy with nearly 1.5 million jobs nationwide.

I have seen first-hand the compassionate and highly skilled care home health nurses provide to patients. My wife Mylene and I have seen it on a personal level with our own families, and talked to numerous Oregonians who are grateful for the opportunity to recover in their own home with their spouse and loved ones by their side.

In addition to being good for patients, home health is also good for federal taxpayers. When seniors choose home health, they stay in their own beds, pay their own utilities, do their own laundry, and provide for their own meals. This is also often supplemented by family members who help keep them safe and well in the place they most want to be—their home. When Medicare covers the costs of room and board and 24 hour care in more expensive institutional settings, taxpayers spend thousands of dollars they would otherwise save in home health settings.

Unfortunately, however, for the majority of compassionate, skilled home health providers truly dedicated to the patients they serve, a narrow sliver of operators are tarnishing their good work. MedPAC has found that a small number of bad actors in just 25 counties nationwide are disproportionately taking advantage of Medicare beneficiaries and taxpayers.

According to MedPAC's figures, the total number of home health providers in these top 25 highest spending counties rose from 290 in 2005 to 775 in 2009, an increase of over 167 percent. During this time, Medicare payments to these providers went from \$592 million to \$1.6 billion, a 163 percent increase in taxpayer spending.

In Oregon during that same time period, the total number of providers, as well as overall Medicare reimbursement, actually decreased. These figures confirm what many of us in Oregon have been saying for years: when it comes to waste, fraud, and abuse in the health care system, Oregon providers as a whole are not the problem.

So while no State is 100 percent without fault, and while every provider should make it their goal to act only in the best interest of their patients, these figures have shown us the main source of abuse. Therefore, any future home health proposal should target these higher spending counties rather than indiscriminately harming the good players in the industry. Isolating and rooting out fraud simply makes sense for providers, patients, and taxpayers.

Mr. Speaker, while we can always do more to ensure access to health care services in rural areas like Oregon's Second District, I take comfort in knowing that there are many home health providers willing to serve seniors in Oregon and elsewhere. Because of these dedicated providers, patients receive the care they need in the comfort of their homes, with their families and loved ones at their side.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE DAVE THOMAS FOUNDATION FOR ADOPTION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2012

Mr. TIBERI. Mr. Speaker, I rise to congratulate the Dave Thomas Foundation for Adoption on the occasion of its 20th anniversary.

The Foundation was established in 1992 by Dave Thomas as a public charity with one primary goal: to help every child in foster care find a loving, permanent family. Throughout its history, the Foundation has set forth on a mission of dramatically increasing the number of adoptions of waiting children.

For 20 years, the Dave Thomas Foundation for Adoption has committed itself to finding permanent families for the more than 100,000 children waiting in the United States foster care system.

The Dave Thomas Foundation for Adoption awards grants to public and private adoption agencies all across the country. Last year these grants totaled more than \$8 million and focused on supporting adoption professionals

who implement proactive, child-focused recruitment programs targeted exclusively on moving the longest-waiting children from foster care into adoptive families. This signature program is Wendy's Wonderful Kids (WWK).

The results from an empirical five-year case study on WWK were released in October, 2011. The research showed that children in the program are up to three times more likely to be adopted.

The Foundation also supports employers through the Adoption-Friendly Workplace program, is a founding member of National Adoption Day, and is a proud partner of the annual television special, A Home for the Holidays.

The Foundation is an accredited charity of the Better Business Bureau Wise Giving Alliance, Standards for Excellence certified, and has received the highest possible rating on Charity Navigator. The Foundation has helped more than 3,000 children find their forever families and provided information and support to tens of thousands of potential adoptive families.

For these reasons, I am proud to applaud the Dave Thomas Foundation for Adoption and its dedicated staff for their extraordinary contributions to the people of Ohio's 12th Congressional District and throughout the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 26, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 27

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider S. 2345, to amend the District of Columbia Home Rule Act to permit the Government of the District of Columbia to determine the fiscal year period, to make local funds of the District of Columbia for a fiscal year available for use by the District upon enactment of the local budget act for the year subject to a period of Congressional review, S. 2178, to require the Federal Government to expedite the sale of underutilized Federal

real property, S. 2170, to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act" to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title, S. 2234, to prevent human trafficking in government contracting, S. 2239, to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses, H.R. 915, to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and S. 3315, to repeal or modify certain mandates of the Government Accountability Office.

SD-342

Judiciary

To hold hearings to examine the nominations of Frank Paul Geraci, Jr., to be United States District Judge for the Western District of New York, Fernando M. Olguin, to be United States District Judge for the Central District of California, Malachy Edward Mannion, and Matthew W. Brann, both to be a United States District Judge for the Middle District of Pennsylvania, and Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission.

SD-226

Veterans' Affairs

To hold hearings to examine health and benefits legislation.

SD-124

10:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Derek J. Mitchell, of Connecticut, to be Ambassador to the Union of Burma, Department of State.

SD-419

2 p.m.

Foreign Relations

To receive a closed briefing on Syria.

SVC-217

3 p.m.

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 1897, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 2158, to establish the Fox-Wisconsin Heritage Parkway

National Heritage Area, S. 2229, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, S. 2267, to reauthorize the Hudson Valley National Heritage Area, S. 2272, to designate a mountain in the State of Alaska as Mount Denali, S. 2273, to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station, S. 2286, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 2316, to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the "Thomas P. O'Neill, Jr. Salt Pond Visitor Center", S. 2324, to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System, S. 2372, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 3300, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and S. 3078, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

SD-366

JUNE 28

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine innovative non-federal programs for financing energy efficient building retrofits.

SD-366

Foreign Relations

To hold hearings to examine The Law of the Sea Convention (Treaty Doc. 103-39), focusing on perspectives from business and industry.

SH-216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the need for privacy protections, focusing on industry self-regulation.

SR-253

Finance

To hold a joint hearing with the House Committee on Ways and Means to examine tax reform and the tax treatment of capital gains.

HVC-210

Judiciary

Business meeting to consider S. 285, for the relief of Sopuruchi Chukwueke, S. 1744, to provide funding for State courts to assess and improve the handling of proceedings relating to adult

guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons, and the nominations of Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, to be United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, and Danny Chappelle Williams, Sr., of Oklahoma, to be United States Attorney for the Northern District of Oklahoma, Department of Justice.

SD-226

2:15 p.m.

Indian Affairs

Business meeting to consider H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coshatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe, H.R. 1272, to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 1065, to settle land claims within the Fort Hall Reservation, S. 2389, to deem the submission of certain claims to an Indian Health Service contracting officer as timely, and S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine economic statecraft, focusing on embracing Africa's market potential.

SD-419

JULY 12

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

SENATE—Tuesday, June 26, 2012

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, You have been faithful to help us when we have lifted our hearts in prayer. Thank You for Your providential care of this legislative body. Open the eyes and hearts of our lawmakers so that they will know and do Your will. Lord, guide them in the way they should go, providing them with wisdom to solve challenging problems by depending on Your guidance. Help them to think of each other as fellow Americans seeking Your best for our Nation rather than enemy parties seeking to defeat each other. Replace distrust in each other with a deep commitment to creative compromise.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are currently considering the motion to con-

cur in the House message to accompany the FDA bill postcloture. We hope to work something out on that so that we can move to it early evening.

The first hour of debate this morning will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half.

At 11:30 the Senate will proceed to executive session to consider the nomination of Robin Rosenbaum to be a district judge for the Southern District of Florida.

At noon there will be a rollcall vote on confirmation of the Rosenbaum nomination.

The Senate will recess today from 12:30 to 2:15, as we normally do on Tuesdays, for our weekly caucus meetings.

At 2:15 there will be 6 hours 15 minutes remaining on the motion to concur in the House message with respect to the FDA bill. We hope that a significant amount of time can be yielded back and that we can complete action on the bill today.

There is an all-Senators briefing at 5 o'clock. We are going to continue—that time will run. We are not going to recess during that period of time. That will be in the classified room down in the Visitor Center.

We have accomplished a lot. Everyone knows how grateful I am to Senators STABENOW and ROBERTS for working their way and our way through that very difficult farm bill.

We are watching very closely the great work of Senator BOXER, Senator INHOFE, the Finance Committee, the Commerce Committee, and the Banking Committee on helping us work through the highway bill. There is a possibility that we can get that bill done. I think the chances today are better than 50-50 that we can get a bill done, but we are still looking at Speaker BOEHNER to help us get that over the finish line. So we will see what happens on that.

As I have indicated, the FDA bill—we will complete that tonight. That is a very important accomplishment for us.

We have the student loan issue, and we are working on that. We hope to get that done soon. I think there is a general feeling that we have worked out a compromise on that that is acceptable, with the help of Senator BAUCUS, Senator HARKIN, and others. JACK REED, of course, has led the charge on that for some time.

I have talked about the highway bill. We need to get that done.

The remaining issue is flood insurance, and we are doing fine on flood in-

surance, except I was told last night that one of the Republican Senators wants to offer an amendment—listen to this one—wants to offer an amendment on when life begins. I have been very patient in working with my Republican colleagues and allowing relevant amendments on issues, and sometimes we even do nonrelevant amendments but, really, on flood insurance, are we going to have to start dealing as we did with the highway bill for weeks and weeks with contraception? Now we have another person who wants to deal with when life begins.

I don't understand what this is all about, but I want everyone to know that this flood insurance bill is extremely important. The big pushers of this bill are Republican Senators, veteran Republican Senators, and they better work on their side of the aisle because I am not going to put up with that on the flood insurance bill.

I can be condemned by outside sources. My friends can say: Let him have a vote on it. There will not be a vote on that on flood insurance. We will either do flood insurance with amendments that deal with flood insurance or we will not do it. We will have an extension. After all of the work that has been put into this bill, this is ridiculous, that somebody says: I am not going to let this bill go forward unless I have a vote on when life begins. I am not going to do that, and I think I speak for the majority of Senators.

Now, if the Republicans will not stand up to the person who is going to do that, I am not going to. I have tried my best to deal with these issues that have nothing to do with a piece of legislation, but with the end of the month staring us in the face we have too many important things we have to do. Student loans will be doubled if we do not get that done. Flood insurance will disappear if we do not get it done. The highway program will disappear if we do not get it done. The FDA bill—it will create all kinds of problems, if we do not get that done.

I think this is outlandish. If somebody feels really moved upon to talk about when life begins, have them come and give a speech.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOOD AND DRUG ADMINISTRATION
SAFETY AND INNOVATION ACT—
Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 3187, an Act to amend the Federal Food and Drug and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the bill.

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 2461, to change the enactment date.

Reid amendment No. 2462 (to amendment No. 2461), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUTTING AMERICA TO WORK

Mr. MORAN. Mr. President, we have had a lot of news in Washington, DC, and across the country over the last few days. There was a decision from the Supreme Court regarding immigration laws in Arizona. We are expecting and anticipating a decision by the Supreme Court later this week regarding the Affordable Care Act. Front and center are issues that are important to the country.

We were successful last week in approving on the Senate floor a so-called farm bill, an agricultural bill that, again, has an impact upon many in our Nation. I want to make certain we don't lose sight of what remains and, in my view, what should be front and center.

All the things people ask government to do and all the things they want to accomplish in their own lives can only occur if there is a good and growing economy in the United States. So while I certainly would not call any of the other issues we are addressing here a distraction—they are all important—I

want to make certain my colleagues understand we have to come together to make certain that Americans, individuals across our country, can access a job, can feel secure in the job they already have, and can have a sense that they have a future where they are employed or that if there is a need for a change in job, that opportunity exists. Job creation is something the Federal Government cannot do in and of itself, but the decisions we make here affect very much whether the private sector can have a level of confidence in the general economy, a regulatory environment, and a Tax Code that is conducive toward the private sector, creating jobs in the United States economy.

This matters, certainly from my point of view as a Member of the Senate, in that with job growth, with a growing economy, we are better able to pay down our national debt. In my view, if we are going to get what I consider the most serious circumstance our country faces today—the deficit and the debt—under control, I don't foresee how that happens without a good growing economy, putting Americans to work.

Of course, from an individual's point of view, it is important as a component of our lives—something that is important to us, which is that we figure out how to earn a living, put food on the table, save for our kids' education, and save for retirement.

The issues being addressed in the Senate, across the country, and across the street at the U.S. Supreme Court matter so much. We must not and cannot lose sight of the fact that we have to create an environment where jobs are front and center. We know the economic statistics—the unemployment rate is 8.2 percent and has been above 8 percent now for a long time. The Presiding Officer in the Senate this morning and I have introduced legislation the primary function of which is to create an entrepreneurial environment where startup companies can grow and prosper, and, in the process, they can put people to work. It is growth that we need to continue to focus on. I appreciate the opportunity of working in that manner with the Senator from Delaware, Mr. COONS, and others, to see that we do that.

The topic I want to specifically address this morning is this. I was reading the Wall Street Journal last week, and this article caught my attention. I am of the view that for economic growth to occur—and especially in communities across Kansas, the State I represent—we are going to have to have strong and viable community banks. There is a regulatory environment that makes that much more difficult. The headline of the article the Wall Street Journal included that I want to speak about—at least briefly—this morning is this: "Small Banks Put Up 'For Sale' Sign."

The content of the article is very much about how small banks are now selling to other banks. The primary focus of this article is the reason that is happening—"a growing number of tiny community banks are deciding it's time to put out the 'for sale' sign . . . many executives of these small lenders are frustrated by costly new regulations."

It talks about banks in Iowa, in Ohio, in Texas, and it talks about a number of banks in which the bank or the individuals who own the bank never had an intention of selling. This was their livelihood and what they expected to pass on to the next generation, the next set of stockholders. Because of the regulatory environment, the article quotes them talking about how it is no longer any fun. A 66-year-old CEO is quoted as saying:

I don't run a bank anymore. I run around trying to react to regulation and, frankly, that's no fun. This is certainly important for the people who own and run a bank, but it matters in communities in my State that there is access to a local lender, a relatively small financial institution that knows its customers, and that the farmer, rancher, and small business person have the opportunity to develop a personal relationship with the individuals from whom they are borrowing money.

I know from my own circumstances of growing up and living in rural Kansas the likelihood of being able to get a loan from the community bank, the banker you know, who knows you, your ability, your creditworthiness, and your trustworthiness, is a pretty special relationship we have to be very careful we don't lose. If you are trying to borrow money from somebody you don't know, it is a different circumstance.

I want to highlight again this regulatory environment not just for banks but for all businesses in which the decisions are being made that they are not expanding—in this case, they are selling. The reality is that has consequences to every American and every American family. Job creation is going to be improved whenever we have a regulatory environment that encourages economic growth, not discourages it, and a regulatory environment that is certain. So much, particularly in the financial services industry, with banks and other financial lenders, the uncertainty exists in large part because of the passage of Dodd-Frank, and now its implementation, the uncertainty of whether more regulations are coming and what they are going to say and do, and they certainly can drive up the costs.

We certainly want to protect consumers, and we operate, in many instances, in a regulated environment. But these regulations need common sense and need to take into account the specific circumstances particularly of a small bank. My small banks in Kansas had virtually nothing to do

with the financial debacle of 2008. Yet they are burdened with the responsibility of complying with a huge new set of regulations that resulted from the efforts to address the financial crisis of 2008.

In fact, this article, again, points this out regarding the board meeting at this small bank:

The binder of information delivered to the bank's board before the last monthly meeting included 419 pages of information to be reviewed.

Banks more and more are having to put people on the payroll—compliance officers—as compared to those kinds of circumstances in which the bank is making loans. The cost of doing business and the cost of credit increases, and access to credit has diminished, and that is diminishing the chance for job creation.

One of the items under Dodd-Frank was the creation of the Consumer Financial Protection Bureau. This hit me while I was visiting one of my banks in Kansas. They told me the CFPB called and said they were sending 12 examiners and lawyers to come spend more than a month in this small bank, examining the bank. Again, these are banks that had little to do with the financial collapse of 2008. Almost without exception our community banks—certainly in Kansas—didn't make loans to people who were unlikely to repay the loans, and they didn't make loans to people who had no ability to repay the loans or without getting proper documentation and seeking the necessary creditworthiness of that borrower before making that decision. Yet the burden of these regulations falls directly upon them.

And while I guess I am speaking in support of trying to change this for the benefit of the bankers, who this is going to benefit, if we were to change the regulatory environment, is the person who wants to borrow money, who wants to buy an automobile or buy a home or who wants to buy a piece of commercial property. Yet they go to the banks in communities across Kansas and are told that because of the new regulatory environment, this is a loan we cannot make.

The Consumer Financial Protection Bureau, which has 12 examiners and 2 lawyers, is soon to visit a small bank in Kansas and intends to be there for more than a month. The regulations the Consumer Financial Protection Bureau—well, they haven't created their regulations yet. They are auditing a bank before their regulations are in place. My reaction, when the banker told me that, was I need to go back to Washington and see if I can do something, perhaps through the appropriations process. I am the ranking Republican member on the Appropriations subcommittee for financial institutions and financial services. I thought we need to rein in the CFPB through

the appropriations process to get them kind of within their sphere of where they belong, in a much more commonsense, less intrusive way.

It occurred to me that I don't have that ability. I can be a member of the Appropriations Committee and a Member of the Senate, and I can be the lead Republican on the subcommittee responsible for financial services, but because of the way the CFPB was created, its money is an automatic draft from the Federal Reserve. We, as Members of the Senate and Congress in general, have no input into the level of funding of an agency that will have a dramatic effect upon the financial institutions of this country and, therefore, the individuals, the consumers those financial institutions serve.

In addition to that, there is only one person who administers the program, who is the administrator of the Consumer Financial Protection Bureau. Unlike the CFTC and the SEC, where there is a commission and a board in which there is a collective decision made, there is only an administrator. I have introduced legislation and we have had this conversation on the floor before. I encourage my colleagues to look at this legislation that would reformulate the way the CFPB is managed and directed and would once again give Congress the opportunity to have input into how the CFPB functions.

I would never try to explain to Americans or to Kansans how great Congress does its job, but I do know the fact we are subject to election—the will of the people of America—every 6 years gives us the opportunity to have the input of the people into the administration and into the regulatory process that is so burdensome now upon so many businesses, including our financial institutions.

So my effort today is to highlight once again what we do in Washington, DC, and in this case particularly what the administration does today—what the Obama administration does today and what administrations have done in the past in regard to regulations—very much has a consequence upon whether Americans are going to live in a country with a growing economy in which there is a sense of security and people know what to expect or whether they are going to live in a country in which a business owner—a small business man or woman in Kansas or across the country—is holding back from hiring employees because they do not know what next is going to come from their own government in regard to regulations which are costly, drive up the cost of being in business, and reduce the chances of expansion in our economy, which reduce the chances that Americans can have good, solid employment opportunities.

I have two daughters graduating from college—one a couple of years ago and one this year—and the job market

certainly is important to me as a parent and the ability for a young American to find a job and to pursue that job so they are able to pay back the cost of their education. That is something we need to seriously take into account. While I assume we are going to have a conversation again in the Senate this week on the cost of borrowing money for students and student loan interest rates, we ought not forget the most important thing we can do to help our students once they graduate, which is to make sure the economy is such that employment opportunities are available. It doesn't matter what the interest rate is if they can't find a job.

So we need to make certain we fulfill our responsibilities to the American people to see that the economy and job creation is front and center for the benefit of every American and for the benefit of our country's deficit. It is so important we create a growing economy.

I, again, would highlight how important it is for us to get the regulations under control and particularly criticize the circumstance in which legislation that does not pass Congress somehow takes effect because the executive branch concludes they can do by Executive order or by rule or regulation what we refuse to do. It is time for Congress to reassert its role, and it is time to make certain that in pursuing that role we create an environment in which jobs are front and center and the American people can all pursue the American dream.

Mr. President, I appreciate the opportunity to address the Senate today, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

IMMIGRATION

Mr. KYL. Mr. President, I didn't hear all the remarks of my colleague from Kansas, but I think what I have to say will follow on directly.

I saw a prominent news magazine, the cover of which had a likeness of President Obama, and the title was "The Imperial Presidency" or "The Imperial President," and the theme of it was this President seems to believe that by Executive order or Executive action he can simply do what he wants to do irrespective of whether the Congress has passed a law authorizing it or has in some other way directed the President to carry out a particular policy.

When the President takes his oath of office to see that the laws of the country are faithfully executed, that is a requirement of his job. Our three-branch government has the legislative branch and the President jointly deciding what the law is to be, when Congress passes the law and the President signs it into law. It then has the President required to execute those laws.

Now, he doesn't do it personally, of course. He does it with the Department

of Justice. If it is something related to our national parks, then it would be the Department of the Interior, and so on. But the Department of Justice has a big role to play in this, as does the Department of Homeland Security in respect to immigration laws because the Department of Homeland Security has now taken over all of the immigration functions, and that relates to customs, to issuing visas and, of course, enforcing the laws against illegal immigration as well.

So it is not up to the Secretary of the Department of Homeland Security or the Attorney General or the President to decide whether to enforce a law of the country. That is their responsibility. Then the Supreme Court resolves differences about the meanings of the statutes, their application, and whether they are constitutional.

Earlier this week—yesterday—the Supreme Court determined the constitutionality of a law the State of Arizona had passed to deal with the problem of illegal immigration in my State of Arizona. It is a serious problem there. About half of all the people who cross the border do so in the Tucson sector, and the results of that on Arizona have been devastating over the years: the damage to the environment, creating forest fires; the problem of the people who try to cross the border in the summer and end up dying in the desert because of its very harsh environment; the people who are brought across the border by unscrupulous coyotes, they are called—the smugglers—who then badly mistreat them, hold them hostage from their families, perhaps in Mexico or Central America and brutally mistreat them in many cases; the problems of crime that law enforcement has to deal with, the hospitalization and medical treatment they are required to receive under the law. All of these things have had a dramatic negative impact on my State.

As a result, the State legislature said: To the extent the Federal Government is not enforcing the law in our State, we will try to help fill that gap in cooperation and coordination with the Federal Government. So they passed S.B. 1070. A key feature of that, which was the cooperation between law enforcement, was upheld by the Supreme Court. But what has been the Obama administration's reaction to that? The Obama administration has reacted by saying: Well, we don't like your ruling and, therefore, we are simply not going to cooperate with the State of Arizona as we have been in the past or any other State that has laws like Arizona, even if you, the Supreme Court, say it is constitutional.

The petulance and the arrogance of this are something the American people have to judge, but from a law enforcement perspective, to me, this suggests the administration is creating some very serious problems. It was one

thing for the administration to say, as they did last week, as to the 800,000 or 900,000 students primarily who came here because their parents brought them here illegally, we are going to find a way, in effect, to suspend their deportation so they can go to school or work here; we are just not going to apply the law to them. But it is quite another for it to say: By the way, we are going to treat all the other illegal immigrants here the same way—the 10 million to 12 million people who have been in the United States for a while, those who crossed the border some time ago.

In effect, that is what the administration has said. Even if local law enforcement, such as the Phoenix Police Department, has the right to stop someone they see weaving down the road in the manner of a drunk driver, and they stop that individual and determine they are driving while intoxicated and then ask to see their driver's license; and if the individual cannot produce an Arizona driver's license—which is already a violation of Arizona law today—but if, for example, the individual says: Here is my Matricula card from the Mexican Embassy, that may be reason for the officer to believe that individual is not here legally.

So in addition to driving while intoxicated and not having a valid Arizona driver's license, the police officer, who now has reason to believe that individual may not be an American citizen, ordinarily then would take that individual's name, call it in to a Federal database—I think it is up in Vermont or New Hampshire—and there is verification that either the individual is or is not in the United States legally. If the person is not here legally and hasn't been convicted or accused of a major crime, they are turned over to Immigration and Customs Enforcement, ICE, which is the part of Homeland Security that is supposed to take these illegal immigrants and decide what to do with them. In most cases, they are simply removed from the United States or deported.

But now the administration is saying we are not going to do that anymore. We don't even want to know whether the individual is an illegal immigrant. We are not going to check, and we are not going to allow you access to the database to check. Up to now, the Phoenix Police Department or the Maricopa County or Cochise County Sheriff could call up the database and say: We have the name of an individual; is this person legal.

The administration is now saying it is not even going to allow Arizona to check. So, Mr. President, this is a condition which cannot be allowed to stand. Where the administration is not enforcing the laws, the Congress is going to have to take what action we need to take to ensure the President enforces the laws, as he is sworn to do.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from North Dakota.

ANSWERING ALLEGATIONS

Mr. CONRAD. Mr. President, I rise today to answer allegations made by the Washington Post in a front-page story in yesterday's edition. Here is the story: "High-level Talks, then Changes to Holdings."

First, I want to say I have great respect for the Washington Post. In many ways, the Post is a national treasure. But even great newspapers make mistakes, and in yesterday's story they made assumptions that are simply wrong.

The story said my wife and I shifted savings in her retirement accounts from mutual funds to lower risk money market accounts on August 14, 2007. That is true. They showed we made those changes a day after a call from Treasury Secretary Hank Paulson to me. That is also true. But their suggestion the two are related is absolutely false.

They have made the same error in logic we studied in college. The case and faulty logic involved an observer who noted people were fainting and street pavement was melting. That led the observer to conclude that melting pavement caused people to faint. Of course, that was wrong. It was 106 degrees outside. The proper conclusion was that heat was causing the pavement to melt and people to faint. That error in logic was about causality, and that is precisely the error the Washington Post made in their story with respect to me.

What the Washington Post missed in their graphic—and to be fair to them, they largely had the correct context in the story. If you read the whole story, it was fairly balanced. What was not balanced was the graphics that accompanied that story.

Let me show the graphic. This is from the Washington Post of yesterday.

Here is a picture of me. Quite a nice picture. I appreciate that. It says:

Senator Conrad, Chairman of the Senate Budget Committee, was in contact with Paulson about the Nation's economy during the crisis.

That is true. They then show a timeline with only two points on the timeline. They show that on August 13 Secretary Paulson called me at 4:30, and they show the next day, August 14, that my wife and I shifted from her retirement accounts money from mutual funds to lower risk money market funds. That is true.

What they have not shown on the timeline is what was happening in the previous days. So let's go back to the Friday before. Here is what happened on the Friday before.

The Dow Jones Industrial Average dropped 200 points within minutes of the opening bell and closed the day

down nearly 400 points. That is not on the timeline of the Washington Post. If they were going to be fair—and I don't begrudge them writing the story. I think if I were the editor I would certainly have written the story too. It certainly has appeal. Here are Members of Congress talking to people in influential positions and then changing their holdings. But to be fair, they have to provide the context within which those decisions were made.

The context within which my wife and I made our decisions were pretty clear. The Friday before, the market dropped nearly 400 points.

What the Washington Post also didn't put in their timeline is their headline on that Friday. "Credit Crunch in U.S. Upends Global Markets." In that story the Friday before, they showed in the weeks leading up to our decision to diversify our investments in my wife's retirement account the market had dropped in 2 days more than 500 points, leading up then to the Friday where the markets dropped almost 400 points.

The Washington Post in their story also didn't put on the timeline what the headlines were in their own paper on the weekend leading up to our decision to make these changes.

This is just one of the headlines: "Looking for Footing on Shaky Ground," talking about the turmoil we saw globally. The truth is that what made my wife and me decide over the weekend to shift some of her retirement accounts from mutual funds to less risky money market accounts was what was happening in the markets themselves. That is what led us to make these decisions.

The Paulson call was not about markets. Notes from my staff indicate Secretary Paulson was calling a number of members about the importance of raising the debt ceiling. The Secretary of Treasury was not calling me to give me stock market tips. He wasn't talking to me about the stock market. He was talking to me about the need for a debt limit increase.

I wish to say clearly and unequivocally, to my friends at the Washington Post and anybody who read the story, the call from Secretary Paulson had nothing—nothing—do with my wife's and my decision over the weekend to shift some of her assets into less risky money market accounts. Those decisions had everything to do with what was happening in the marketplace itself, which was widely reported, even on the pages of the Washington Post. What was happening in the markets was readily available to every investor. We were not shifting my wife's retirement accounts based on some secret inside information.

The Washington Post headline: "Credit Crunch in U.S. Upends Global Markets." The stock market in 2 days, and the weeks leading up, dropped 500

points. On the Friday before the decisions we made over the weekend, the market dropped almost 400 points in 1 day. The Washington Post had a big story showing the Dow Jones industrial average dropped 200 points within minutes of opening and dropped almost 400 points for the day. Why didn't they put that in the timeline if they wanted to be fair? I didn't ask them not to run the story. I asked them to put in the context within which the decisions were made. Be fair.

The fact is there is nothing Mr. Paulson could have said to me about market risk that would have been more persuasive than the drop of almost 400 points in the market the previous Friday. That, along with the 500-point drop that had occurred several weeks before, provided all the motivation my wife and I needed to make a decision to move some of her retirement assets to lower risk investments.

To the Washington Post: I respect you. I have had a very good relationship with you for a long period of time. But your story was unfair to my family, it was unfair to me, and fundamentally it was unfair to your readers because the graphics you supplied with the story failed to provide a full or fair timeline and the full context that led to our decision. In fairness, if you read the whole story, much of the context is there. But the graphics—which, of course, is what most people are drawn to—have none of the context and don't have a timeline that in any way is fair.

Finally, I just wish to say, I am retiring. This is not going to affect me for the future. But the notion that Members of Congress should just stick with whatever investment decisions they made when they began investing or be accused of trading on insider information is, to me, absurd. Our trades should be public knowledge, and they are. How did the Washington Post know about these trades? Because my wife and I reported each and every one of them in our financial disclosure.

So trades of Members should be public—absolutely—and they are. The Washington Post and others should monitor for evidence of insider trading, and they do. But they should also provide context to their readers so they can fairly judge if any of us have taken action with our investments that are dishonorable. I have not, and that is the truth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

PRESCRIPTION DRUG EPIDEMIC

Mr. MANCHIN. Mr. President, since we first began consideration of the FDA bill, I have stood on this floor again and again to highlight the importance of an amendment I offered to this legislation that is very significant to my fellow West Virginians and all Americans.

This amendment would put tighter control on drugs containing a sub-

stance known as hydrocodone, a highly addictive prescription painkiller that is destroying communities across this country and leaving families devastated by abuse and addiction.

It was a proud moment for me when the Senate came together across party lines on May 23 and unanimously adopted my amendment to reclassify hydrocodone as a schedule II substance from a schedule III. In practical terms, this means those who are using hydrocodone for illegitimate reasons would have a harder time getting their hands on it.

I cannot tell you how much this amendment means to the people of West Virginia and to every law enforcement group fighting the war on drugs across this Nation who believe very strongly that access to hydrocodone would give them a powerful tool in combating prescription drug abuse. So it pains me to stand here following last night's vote to move forward with the passage of the FDA bill, which did not contain this important amendment. That is because the influence of special interest groups suppressed the voices of the people—not just in the State of West Virginia but in Delaware and all across the country—who are begging us to do something about the prescription drug abuse epidemic.

According to the White House Office of National Drug Control Policy, prescription drug abuse is the fastest growing drug problem in the United States, and it is claiming the lives of thousands of Americans every year. Prescription drugs are responsible for about 75 percent of all drug-related deaths in the United States and 90 percent in West Virginia. These narcotic painkillers claim the lives of more Americans than heroin and cocaine combined.

But the groups opposed to my amendment have a huge financial stake in keeping these pills as accessible as possible, and I understand that. That is why my amendment was stripped from the FDA bill we advanced last night.

High-powered and well-funded lobbyists may have gotten their victory this time around, but I can assure you I will not give up this fight. On a daily basis, I am hearing from my constituents in West Virginia and all around this country who are counting on us to do something about the prescription drug epidemic ravaging their communities.

Since I offered this amendment, I have heard from so many West Virginians who have seen a ray of hope because we might be able to do something about this problem. I will not pretend it will solve it completely, but it is sure a good step in the right direction. So I am coming to the floor to share the stories of the people of West Virginia, in the hopes of bringing people together around a solution to this terrible problem.

This is from Sheila from Charleston, who sent me this letter in support of

my amendment after losing a close family member:

Please continue to fight the drug companies and pharmacies regarding this issue. Our family in the last two months lost a beloved family member to prescription drug overdose. He was a promising young man that lost his life because of addiction to pain medication.

Our family continues to be devastated, wondering how did this happen. He came from a highly-educated family that was involved in his treatment and cared deeply for him. His family spent \$100,000+ in his recovery, but it was all too easy for him to obtain legal prescriptions.

What truly makes it more painful is he was showing signs of overcoming his five-year battle.

We are not blaming anyone but the system. We know we are each responsible for our own actions. I have thought for years that our health care system is far behind in technology and record keeping for doctor shopping and prescription dispensing. Please understand I am very much opposed to more government in our personal lives, however this is much needed in the medical arena.

Please continue to fight this enormous battle for us.

That letter could have come from our constituents or any Congressman's home district from anywhere in this great country. The fact is I don't know of a person—whether it be in the Senate, our colleagues in Congress or anywhere in America—who hasn't been affected by the abuse of legal prescription drugs used in the wrong way. It touches everyone's life. It is of epidemic proportion.

I have said it before, and I will say it again. I understand that limiting access to illegitimate uses of hydrocodone pills doesn't necessarily fit into the model of selling more product, but there are times when even the best business plan can be altered while staying successful. Certainly, one of those times is when the health of our country and the public good is at stake.

In fact, the Huntington Herald Dispatch, the second largest newspaper in my State, located right on the border between West Virginia and Ohio, describes why this amendment is so important.

Congress is missing out on an opportunity to close the spigot at least partway on the large volumes of commonly abused prescription drugs that flood the country and harm so many Americans.

In 2010, the most recent year for which data is available, a study showed there were 28,310 recorded instances of toxic exposures from hydrocodone. The same study showed that 24 million individuals have admitted to abusing hydrocodone drugs for nonmedical purposes—unbelievable.

A different study, put out by the Centers for Disease Control in November, showed that more than 40 people die every day from overdoses involving narcotic pain relievers such as hydrocodone. Isn't it worth doing something to get the pills out of the wrong hands?

My amendment may not have gone into this bill yesterday, but it is not going to go away—I think we all know that—and I am determined to see this through to the end.

While the people of West Virginia, Delaware, and elsewhere are disappointed in the outcome of the hydrocodone amendment, I do wish to highlight one measure that was included in the legislation that we are proud of and is important to me and everybody in this body. It would make the sale and distribution of synthetic marijuana and other synthetic substances, known as bath salts, illegal by placing them on the list of schedule I controlled substances under the Controlled Substances Act. These drugs are also taking a terrible toll on all our States, and I was proud to cosponsor this provision with my friend Senator SCHUMER. I want to thank Senator SCHUMER for his leadership in getting this passed.

Finally, I wish to close with one more story from my home State of West Virginia as a way to remind everyone what I am fighting for and why. This letter comes from Rebecca, a woman who started a group called Mothers Against Prescription Drug Abuse as a way to deal with the terrible realities that have accompanied her son's 5-year battle with prescription drug abuse:

Jamie was a great kid growing up. He played basketball, football, and baseball. When he was 14 years old his team won the state tournament and went all the way to Wisconsin to play in Regionals. Jamie was always helping others and had such a kind heart. . .

When Jamie got out of school he married his high school sweetheart and was employed in the mines.

After that he just went downhill. He began abusing prescription drugs. For two years I tried everything to get help for him and tried to get him to stop. Things only got worse. He lost his wife, his home, his truck and then his freedom.

My story is typical to so many families out there who are struggling with loved ones that are addicted. They just want someone to listen. They need to be able to reach out to someone who understands the nightmare that they go through daily, and know that they are not alone. The addict is not the only one who suffers. The family members carry around guilt, sadness, shame, anger, hopelessness, fear, anxiety, etc. . . . I could go on and on about how bad this experience has been for me and how it has not stopped.

I will continue to fight prescription drug abuse for as long as I have a breath in my body. I will not give up on my son or anyone else who is addicted. Things need to change within our system. We cannot continue to allow just anyone to have access to prescription pain medicine. Parents need to be educated while their children are still at home. Communities need to be aware of crimes (drug dealers) and report them. Doctors need to stop prescribing pain pills to people on the street, and they need to be held accountable.

What happened to our medical ethics when people who need pain medicine for a while are given strong addictive pain medicine, only to have to keep coming back to the doc-

tor over and over again for refills? Is it greed that is behind the beginning of this growing epidemic? Doctors definitely profit from the addict's return visits, as well as the pharmaceutical companies that make the medicine. We know there is a problem but what are people going to do about it? I am doing what I can, but is it enough? Will you help?

For Rebecca and all the other mothers, fathers, sisters, and brothers out there who are pleading for help, we owe it to them to get this amendment agreed to.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, the time until noon will be equally divided in the usual form.

Mr. LEAHY. Mr. President, the Republican efforts to shutdown Senate confirmations of qualified judicial nominees who have bipartisan support do not help the American people. This is a shortsighted policy at a time when the judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. Judicial vacancies during the last few years have been at historically high levels. Nearly one out of every 11 Federal judgeships is currently vacant. Their talk of shutting down confirmations for consensus and qualified circuit court nominees is not helping the overburdened Federal courts to which Americans turn for justice.

In a letter dated June 20, 2012, the president of the American Bar Association urged Senator REID and Senator MCCONNELL to work together to schedule votes on the nominations of William Kayatta, Judge Robert Bacharach and Richard Taranto, three consensus, qualified circuit court nominees awaiting Senate confirmation so that they may serve the American people. I ask unanimous consent that a copy of his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, IL, June 20, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the "Thurmond Rule," I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

Three of the four circuit court nominees pending on the Senate floor are consensus nominees who have received overwhelming approval from the Senate Judiciary Committee. Both William Kayatta, Jr. of Maine, nominated to the First Circuit, and Robert Bacharach of Oklahoma, nominated to the Tenth Circuit, have the staunch support of their Republican senators. Richard Taranto, nominated to the Federal Circuit, enjoys strong bipartisan support, including the endorsement of noted conservative legal scholars. All three nominees also have stellar professional qualifications and each has been rated unanimously "well-qualified" by the ABA's Standing Committee on the Federal Judiciary.

As you know, the "Thurmond Rule" is neither a rule nor a clearly defined event. While the ABA takes no position on what invocation of the "Thurmond Rule" actually means or whether it represents wise policy, recent news stories have cast it as a precedent under which the Senate, after a specified date in a presidential election year, ceases to vote on nominees to the federal circuit courts of appeals. We note that there has been no consistently observed date at which this has occurred during the presidential election years from 1980 to 2008. With regard to the past three election years, the last circuit court nominees were confirmed in June during 2004 and 2008 and in July during 2000. In deference to these historical cut-off dates and because of our conviction that the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary, we exhort you to schedule votes on these three outstanding circuit court nominees this month.

We also urge you to continue to work together to move consensus district court nominees to the floor for a vote throughout the rest of the session, lest the vacancy crisis worsens in the waning months of the 112th Congress. With five new vacancies arising this month and an additional five announced for next month, this is not just a possibility; it is a certainty, absent your continued commitment to the federal judiciary and steady action on nominees.

Thank you for your past efforts and for your consideration of our views on this important issue.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Mr. LEAHY. He writes:

Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the "Thurmond Rule," I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

He observes that "the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary."

There is no good reason that the Senate should not vote on consensus circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the Committee 2 months ago. This is the same person who Chief Justice John Roberts recommended to Kenneth Starr for a position in the Justice Department.

There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during Committee consideration, and also by the State's other Republican Senator, Senator INHOFE. Senator COBURN said that Judge Bacharach would make a great nominee for a Republican president. So why is the Republican leadership playing politics with his nomination?

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly 3 months ago, and is supported by conservatives such as Robert Bork and Paul Clement.

And the one circuit court nominee who was reported out of Committee with a split rollcall vote—Judge Patty Shwartz of New Jersey—should not have been controversial, as seen by the bipartisan support she has received from New Jersey's Republican Governor Chris Christie.

Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These are not controversial nominees. They are qualified and should be considered as consensus nominees and confirmed. Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond Rule.

It is hard to see how this new application of the Thurmond Rule is really

anything more than another name for the stalling tactics we have seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified, consensus nominees, just as we did up until September of the last two Presidential election years. I have yet to hear a good explanation why we cannot work to solve the problem of high vacancies for the American people. I will continue to work with the Senate leadership to try to confirm as many of President Obama's qualified judicial nominees as possible to fill the many judicial vacancies that burden our courts and the American people across the country.

Last week, I spoke about the announcement from Senate Republican leadership that they would be shutting down the confirmation process for qualified and consensus circuit court nominees for the rest of the year. As I noted, Senate Republicans have become the party of "no"—no help for the American people, no to jobs, no to economic recovery and no to judges to provide Americans with justice in their Federal courts. Although the public announcement that they would be blocking qualified and consensus circuit court nominees is recent, the truth is that Senate Republicans have been obstructing President Obama's judicial nominees since the beginning of his Presidency, beginning with their filibuster of his first nominee.

Senate Republicans used to insist that filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected, they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator Dick Lugar, the longest-serving Republican in the Senate. They delayed his confirmation for 5 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering nine of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the

Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for 3 months.

As a recent report from the non-partisan Congressional Research Service confirms, the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's circuit court nominees. This is the result of Republican foot dragging and obstruction. In most cases, Senate Republicans have been delaying and stalling for no good reason. How else do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99-0? And how else do you explain the needless obstruction of Judge Denny Chin of New York to the Second Circuit, who was filibustered for 4 months before he was confirmed 98-0?

The only change in their practices is that Senate Republicans have finally acknowledged that they are seeking to shut down the confirmation process for qualified and consensus circuit court nominees. Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and partisan filibusters, which were thankfully unsuccessful.

The American people need to understand that Senate Republicans are stalling and filibustering judicial nominees supported by their home State Republican Senators. Just consider the states I have already mentioned as having circuit nominees supported by their home State Republican Senators unnecessarily stalled—Indiana, North Carolina, Utah, South Carolina, Georgia, and Arizona. Just 2 weeks ago we needed to overcome a fil-

ibuster to confirm Justice Andrew Hurwitz of the Arizona Supreme Court to the Ninth Circuit despite the strong support of Senators JON KYL and JOHN MCCAIN.

This year started with the Majority Leader having to file cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Circuit even though he was strongly supported by his Republican home State Senator. And every single one of these circuit nominees for whom the Majority Leader was forced to file cloture this year was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy. So when I hear some Senate Republicans say they are now invoking the Thurmond Rule and have decided they are not going to allow President Obama's judicial nominees to be considered, I wonder how the American people are supposed to be able to tell the difference from how they have been obstructing for the last 3½ years.

Personal attacks on me, taking quotes out of context, trying to repackage their own actions as if following the Thurmond Rule or what they seek to dub the Leahy rule do nothing to help the American people who are seeking justice in our Federal courts. I am willing to defend my record but that is beside the point. The harm to the American people is what matters. Republicans are insisting on being the party of no even when it comes to judicial nominees who home State Republican Senators support.

As Chairman and when I served as the ranking member of the Judiciary Committee, I have worked with Senate Republicans to consider judicial nominees well into Presidential election years. I have taken steps to make the confirmation process more transparent and fair. I have ensured that the President consults with home State Senators before submitting a nominee. I have opened up what had been a secretive blue slip process to prevent abuses. All the while I have protected the rights of the minority, of Republican Senators. If Republicans want to talk about the Leahy rules, those are the practices I have followed. And I have been consistent. I hold hearings at the same pace and under the same procedures whether the President nominating is a Democrat or a Republican. Others cannot say that.

And what were the results? In the last two Presidential election years, we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004, at end of President Bush's first term, vacancies were reduced to 28, not the 74 at which they are today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies

and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed from June 1 to the Presidential election. In 2008, 22 nominees were confirmed between June 1 and the Presidential election. So far, since June 1 of this year, only 4 judges have been confirmed and all required the majority leader to file cloture to end Republican filibusters.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the committee that year. We have confirmed only two circuit court nominees that have been reported by the committee this year, and we had to overcome Republican filibusters in both cases. By this date in 2004 the Senate had already confirmed 35 of President Bush's circuit court nominees. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees—five fewer, 17 percent fewer—while higher numbers of vacancies remain, and yet the Senate Republican leadership demands an artificial shutdown on confirmation of qualified, consensus nominees for no good reason.

The nonpartisan Congressional Research Service recently released a report confirming that judicial nominees continue to be confirmed in the Presidential election years. The exceptions are when Republicans shut down the process because the President is a Democrat. In five of the last eight Presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. In the 1996 session, Senate Republicans did not allow any circuit court nominees to be confirmed at all. Vacancies at the end of the Clinton years stood at 75 at the end of 1996 and 67 at the end of 2000. The third exception was in 1988, at the end of President Reagan's Presidency, when vacancies were at 28. According to CRS, the Senate confirmed 32 judges after May 31 in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term. So far since May 31 of this year, only 4 judges have been confirmed and all required the Majority Leader to file cloture to end Republican filibusters.

In the past five Presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. That is what Senate Republicans are now seeking to do by blocking votes on William Kayatta, Judge Bacharach and Richard Taranto. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support

have been denied an up-or-down vote during Presidential election year by the Senate; all four were nominated by President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican Presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic Presidents. In the previous five Presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is a one-way street in favor of Republican Presidents' nominees.

Senate Republicans are fond of taking quotes of things I have said out of context. Look at what I have done. I have not filibustered nominees with bipartisan support after May of Presidential election years. As chairman of this committee, I have steadfastly protected the rights of the minority. I have done so despite criticism from Democrats. I have only proceeded with judicial nominations supported by both home State Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada, and Louisiana. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Republican Senators reversed themselves and withdrew their support for the nominee. I had to deny the Majority Leader's request to push a Nevada nominee through Committee because she did not have the support of Nevada's Republican Senator. I will put my record of consistent fairness up against that of any judiciary chairman and remind Senate Republicans that it is they who blatantly disregarded evenhanded practices when they were ramming through ideological nominations of President George W. Bush. They would proceed with nominations despite the objection of both home State Senators.

So those are the Leahy rules—respect for and protection of minority rights, increased transparency, consistency, and allowing for confirmations well into Presidential election years for nominees with bipartisan support.

Senate Republicans, on the other hand, have repeatedly asserted that the Thurmond Rule does not exist. For example, on July 14, 2008, the Senate Republican caucus held a hearing and said that the Thurmond Rule does not exist. At that hearing, the senior Senator from Kentucky, the Republican leader stated: "I think it's clear that there is no Thurmond Rule. And I think the facts demonstrate that." Similarly, the Senator from Iowa, my friend who is now serving as ranking member of the Judiciary Committee, stated that the Thurmond rule was in his view "plain bunk." He said: "The reality is that the Senate has never stopped confirming judicial nominees during the

last few months of a president's term." We did not in 2008 when we proceeded to confirm 22 nominees over the second half of that year.

We remain far behind in filling the judicial vacancies to provide the Federal judges that American people need to get justice in our Federal courts. A comparison of judicial vacancies during the first terms of President Bush and President Obama shows a stark contrast to the way in which we moved to reduce judicial vacancies during the last Republican presidency.

During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became chairman in the summer of 2001, there were 110 vacancies. As chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans and confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that presidential term, the Senate had acted to confirm 205 circuit and district court nominees. By June 2004 we had reduced judicial vacancies to 43 on the way to 28 that August.

By comparison, vacancies have long remained near or above 80 and while little comparative progress has been made during the 4 years of President Obama's first term. As contrasted to 43 vacancies in June 2004, there are still 74 vacancies in June 2012. If we could move forward to Senate votes on the 17 judicial nominees ready for final action, the Senate could reduce vacancies below 60 and make some progress. I noted last week that, compared to our progress under President Bush, we were 9 months later in confirming the 150th circuit or district judge to be appointed by President Obama. Another way to look at our relative lack of progress and the burden the Republican obstruction is placing on the American people seeking justice is to note that by mid-November 2002 we had reduced judicial vacancies to below where we are now with 74 vacancies. We effectively worked twice as efficiently and twice as fast. By that measure, the Senate is almost 20 months behind schedule. This is hardly then the time to be shutting down the process. In fact, when on November 14, 2002, the Senate proceeded to confirm 18 judicial nominees, vacancies went down to 60 throughout the country.

This is a true comparison of similar situations. The nonpartisan Congressional Research Service in its recent report likewise compares the first years of Presidential administrations. False comparisons are to take the end of a second term of a Presidency, when vacancies have already been significantly reduced and to contend that

confirmation numbers for that period can be fairly compared to the beginning of a Presidential term when vacancies are high.

Today, the Senate will vote on the nomination of Robin Rosenbaum to fill a judicial emergency vacancy in the U.S. District Court for the Southern District of Florida. Judge Rosenbaum has the "support of her home State Senators, Democratic Senator BILL NELSON and Republican Senator MARCO RUBIO. Her nomination was reported with near unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. Judge Rosenbaum was rated unanimously "well qualified" by the ABA Standing Committee on the Federal judiciary, the highest possible rating.

Judge Rosenbaum is currently a United States Magistrate Judge in the district in which she has been nominated, and has served in that position for almost 5 years. She previously served for 9 years as a Federal prosecutor, including 5 years as a chief of the economic crimes section. After graduating from law school, she spent four years as a trial attorney in the civil division of the U.S. Department of Justice before serving as staff counsel in the office of the independent counsel for the investigation of former U.S. Secretary of Commerce Ron Brown. Judge Rosenbaum clerked for Judge Stanley Marcus of the Eleventh Circuit Court of Appeals. She is a terrific nominee and she has my support.

Last week, the Judiciary Committee also voted Judge Brian Davis out of committee favorably for a judicial emergency vacancy in the Middle District of Florida. Judge Davis is an exceptional nominee with a distinguished career in public service. He has been a State court judge for 18 years, and has also served as a prosecutor for 9 years. The ABA Standing Committee on the Federal judiciary has unanimously rated Judge Davis well qualified to serve on the district court, its highest possible rating. Judge Davis was selected based on a nonpartisan judicial selection commission appointed by Senators NELSON and RUBIO, and both of the home State Senators have supported moving forward with consideration of this nomination. We should move to confirm him without delay so that he can get to work for the people of Florida.

After today's vote, we need to continue confirming nominees. At a time when judicial vacancies remained historically high for 3 years, with 30 more vacancies and 30 fewer confirmations than at this point in President Bush's first term, I would hope the Senate Republican leadership would reconsider and work with us on filling these long-standing judicial vacancies to help the

American people. We have well-qualified, consensus nominees with bipartisan support who can fill these vacancies. It is only partisan politics and continued tactics of obstruction that stand in the way.

Mr. GRASSLEY. Mr. President, I rise in support of the nomination of Robin S. Rosenbaum, to be U.S. district judge for the Southern District of Florida.

Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of a Presidential election year, we continue to confirm consensus district judge nominees. We have now confirmed 151 nominees of this President to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

I have heard some Members repeatedly ask the question, "What is different about this President that he has to be treated differently than all these other Presidents?" I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term the Senate confirmed a total of only 119 district and circuit court nominees. With Ms. Rosenbaum's confirmation today, we will have confirmed 32 more district and circuit nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today, we will exceed that number, as well. We have already confirmed 5 Circuit nominees, and this will be the 24th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

After graduating from the University of Miami School of Law in 1991, Judge Rosenbaum worked as a trial attorney for the Federal Programs Branch of the Department of Justice. Her practice involved defending the constitutionality of Federal statutes and agency programs. In September 1995, she joined the Independent Counsel Office's investigation of former U.S. Secretary of Commerce Ronald Brown. She served as staff counsel, participating in the criminal investigation and providing advice to other team members. Upon closure of the investigation, Judge

Rosenbaum joined the law firm of Holland & Knight LLP as an associate. While there, from 1996 to 1997, she worked on a variety of civil matters, including Federal employment law. Judge Rosenbaum then accepted a position as a law clerk for Judge Stanley Marcus on the U.S. Circuit Court of Appeals for the Eleventh Circuit, where she worked from January to October 1998.

After her clerkship, Judge Rosenbaum became an assistant U.S. attorney. She specialized in criminal prosecutions such as securities fraud, bank fraud, identity theft, tax fraud, telemarketing fraud, health care fraud, internet fraud, and computer crimes. In 2002, she became the chief of the Economic Crimes Section for the Central Division, Fort Lauderdale, which gave her supervisory responsibilities over 8 to 10 other assistant U.S. attorneys. She held that title until her appointment as a magistrate judge in 2007.

In 2007, the U.S. district judges for the Southern District of Florida appointed Judge Rosenbaum to be a U.S. magistrate judge. As magistrate judge in the District of Southern District of Florida, she manages all aspects of the pretrial process in civil and criminal cases: conducting evidentiary hearings, ruling on nondispositive motions, making reports and recommendations regarding dispositive motions, and issuing criminal complaints, search warrants, and arrest warrants.

The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Rosenbaum as "well qualified."

Mr. NELSON of Florida. Mr. President, our Nation faces an alarming judicial vacancy rate. I am grateful that today we will be voting to confirm U.S. Magistrate Judge Robin Rosenbaum to fill a judicial emergency in the Southern District of Florida for a Federal district judgeship. She earned her undergraduate degree at Cornell, her law degree from Miami. She began her legal career in the U.S. Attorney General's Honors Program where she worked as a trial attorney in the Federal Programs Branch of the Civil Division. She has worked in private practice at Holland & Knight and as a law clerk to Judge Stanley Marcus, U.S. Circuit Court Judge for the 11th Circuit Court of Appeals, and she has worked as an Assistant U.S. Attorney down in the Southern District of Florida.

Our State has a great tradition of bipartisan support for our Federal judicial nominees going back a couple of decades. Of course, through this judicial nominating commission, she has come forth with their stamp of approval. The two Senators from Florida agree. I am happy to recommend her to the Senate.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be U.S. District Judge for the Southern District of Florida.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. UDALL), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—92

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCaIn	Whitehouse
Crapo	McCasKill	Wicker
Durbin	McConnell	Wyden
Enzi	Menendez	

NAYS—3

DeMint	Lee	Paul
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NOT VOTING—5

Hatch	Rockefeller	Webb
Kirk	Udall (CO)	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be duly notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT OF 2012—Continued

The PRESIDING OFFICER. For the information of the Senate, cloture having been invoked on the motion to concur in the House amendment to S. 3187 yesterday, the motion to refer fell, being inconsistent with cloture.

Under the previous order, there will be 6 hours 15 minutes of debate, with 2 hours controlled by the Senator from Iowa, Mr. HARKIN; 4 hours controlled by the Senator from North Carolina, Mr. BURR; and 15 minutes controlled by the Senator from Kentucky, Mr. PAUL.

The Senator from Iowa.

Mr. HARKIN. Mr. President, again, we are on the Food and Drug Administration Safety and Innovation Act of 2012. As the chair just said, we have 6 hours 15 minutes of debate time. I am hopeful we don't utilize it all and that we can vote on this sometime later this afternoon.

We just considered this bill in the Senate a few weeks ago and passed it 96 to 1. Following the conference with the House, the House passed the bill unanimously last week. Today I trust that we will finish the job.

I am genuinely proud of this legislation. It will ensure that the FDA has the resources to speed market access to drugs and devices while continuing to ensure patient safety. For the first time, it will make new resources available to allow the FDA to clear its backlog of applications for generic drugs, which will help ensure that patients have access to less expensive medications. It will make sure the FDA has the funds to prevent there ever being a backlog in applications for biosimilars. These resources are vital to FDA's ability to do its job, to the medical products industry's ability to make these products and, most importantly, to patients who need both access to drugs and devices, and assurances that they are indeed safe.

This legislation has benefited from input from a diverse range of interested parties, Senators on both sides of the aisle, our colleagues in the House, industry stakeholders, consumer groups, and patient groups.

Over 1 year ago the parties started bringing policy ideas to the table. We worked together in bipartisan working groups to reach consensus on these policy measures. Where we could not achieve consensus, we didn't allow those differences to distract us from the critically important goal of producing a bill that could be broadly supported. As a result of this bipartisan process, we have a bill that advances our shared goals of patient safety, pa-

tient access, a well-functioning FDA, and strong and viable American businesses. We streamlined the device approval process while also enhancing patient protections. We modernized FDA's authority to ensure that drugs and drug ingredients coming to the United States from overseas are safe and to ensure that our domestic companies compete on a level field with foreign ones. We addressed the critical problem of drug shortages. We helped spur innovation and incentivized drug development for life-threatening conditions. We reauthorized and improved the incentives for studying drugs in children.

Finally, we increased accountability and transparency at FDA. So the bill strikes a balance. It will help keep our regulatory system in pace to adapt to technological and scientific advances. It will create the conditions to foster innovative advances in medical technologies. Again, it will do all of this without losing sight of the most important function of the FDA—ensuring patient safety.

So it has been a long road leading up to this moment. We have been working on this bill for well over 1 year and 3 or 4 months with the help of Senators on and off the committee.

Again, I thank my colleague, the ranking member of the Health Committee, Senator ENZI, for all of his diligent and hard work and that of his staff for helping to bring all the different parties together and making sure we had a consensus bill that responded to all of those inputs.

So we have had a great collaboration. I think we have an excellent bill. Again, I am hopeful we can have our comments and discussions this afternoon, but I urge all my colleagues to vote today to pass the FDA Safety and Innovation Act. It is critically important to the agency, the industry, and to the patients we get this done. This will be the final step.

As I said, the House passed it unanimously. If we pass it today, it can go to the President for his signature as soon as we pass it this afternoon.

Mr. President, I yield such time as he may consume to my good friend and colleague and ranking member, Senator ENZI.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman of the committee. I thank him for his kind words, but I also thank him for his leadership on this issue. We have had a great teamwork effort both between the Senators and between the staff. This isn't something that just came together a couple of weeks ago. This is something that has been worked on for about 1½ years, with pretty constant meetings on Fridays of all of the interested groups and then stakeholders. It takes a tremendous amount of work to put something

like this together and have it be in a bipartisan way like this. It is largely because it came to committee.

In committee we took a look at all of the amendments that were suggested, we got the people together who had very similar amendments, and they usually were able to work out something to satisfy everybody in that instance, and we came up with a bill. As Senator HARKIN mentioned, it passed 96 to 1. Anytime we get something to pass, it is kind of a landmark success. But when we get something that bipartisan, it is even more landmark.

We have been trying to get this bill wrapped up before the Supreme Court decision came out on health care. The reason we have been trying to do that is, who knows what it is going to say or what kind of ideas people will come up with when that happens. This is a group of 100 idea generators, so we wanted this cleared up by that time. We are on a path to get that done right now and a path that will keep the people employed who are taking a look at new drugs and devices and generics and biosimilars and continue to get those on the market so people will have the latest innovations.

One of the things we included in the bill was some use of foreign clinical trials if they were approved by the FDA, and that should even speed up the process. Of course, when we went to conference there were a lot of things people wanted to have that they brought up as amendments. It is very critical in the bill, and we get some of them and we don't get others.

I know Senator ALEXANDER played a huge role; he had seven items in the bill and we got six of them. Senator BURR had 12 items in the bill, and we got 11 of them. I have to mention, of course, that the one we did not get is a particularly important but particularly difficult issue that is going to take more time to get worked out. It is one that deals with drug distribution security, and that is something we cannot avoid. We have to do it. But it is going to take longer to work that out. It deserves some extra time and some more understanding on both sides of the aisle on that one and in a number of different States. It doesn't just involve the Senate; it doesn't just involve the drug companies; it also involves the whole chain that these things have to go through, including the local pharmacist whom we don't want to overload with work, and the people who have to transport these drugs whom we don't want to overload with work or make it extremely complicated when they cross different State lines and have to do different kinds of reporting.

Senator ISAKSON had four amendments, and we were able to get three of them. Senator PAUL had two, and we got one. Senator HATCH had six, and he got all of them. Senator MCCAIN had

two, and we got one. Senator ROBERTS had two, and we got both of those. Senator MURKOWSKI had two, and we got both of those. Senator KIRK had two, and we got one of those. Senator GRASSLEY had two, and we got one of those. Senator PORTMAN had two, and we got both of those. And Senator COBURN had two, and we got one of those. Senator CORKER had two, and we got both of those.

So there are a lot of things we did on the Senate side that became possible on the House side. There are a number of things they did on the House side that we couldn't agree with on this side either. But we did reach agreement—and we reached it in pretty much record time. We now have a bill that can go ahead and be passed and go to the President for signature to assure that the level of safety we have in our drugs not only continues but improves, and drugs can get on the market faster than they had before by streamlining the process and also making sure there are better foreign inspections so the ingredients that go into the drugs don't cause problems.

So this legislation reauthorizes the Food and Drug Administration's user fee program, and it ensures that Americans get better access to safe innovative medicines and medical devices. It will make significant changes. It will improve the FDA's review and approval of new drugs and devices.

Unfortunately, FDA's current process for reviewing and approving medical devices too often creates delay and unpredictability. This in turn threatens patient access to the best possible treatments for their conditions. In some cases, this has forced American patients to travel overseas to obtain access to lifesaving new devices that FDA has not approved in the United States.

The bill goes a long way toward solving these problems and makes the most significant changes to the law of governing FDA's review of devices in decades.

This bill will speed the approval of devices by reducing the redtape associated with the "least burdensome" standard that FDA uses to approve such devices. The bill will also make it easier for FDA to approve devices for patients with rare diseases who might not otherwise be able to have their conditions treated most effectively. It will also enable FDA to expedite safety determinations, to resolve appeals, and to improve their postapproval surveillance activities to detect problems as they occur. It is not good enough to get them approved, we also want them watched after they are approved, and this will do it.

The bill also contains important reforms to foster drug innovation and patient access to new therapies. It modernizes the accelerated approval pathway for drugs to reflect advances in

science over the past 20 years. It formalizes a new process to expedite the development and approval of breakthrough therapies. These changes are particularly important for patients with rare diseases where there are no therapies available, and it is not feasible or ethical to require large conventional clinical trials.

Nobody wants to be the one who is a test case when there might be something that would work for them, and there aren't the sizes of the populations to do the conventional clinical trial anyway. The patient community strongly supports these improvements because these will save lives.

The bill also contains important reforms that will help mitigate the problems associated with drug shortages. It will require better coordination within FDA as well as the other Federal agencies such as the DEA. It will also allow FDA to move faster, to take actions, and to address shortages through expedited reviews and approvals.

The bill also makes important changes to how FDA uses Risk Evaluation and Mitigation Strategies, REMS. REMS play a critical role in protecting patients and public health and this bill includes a provision that clarifies the process for modifying REMS—especially with regard to minor modifications.

The provision in the bill being passed today does not change Congress' expectation that a non-minor modification will generally be based on the best available science including an assessment demonstrating that the modification is necessary or appropriate. Nor does the clarification indicate that a modification should be approved if it would reduce the REMS' effectiveness in addressing the drug's known risks.

The bill follows what I call the 80 percent rule. When we focus on 80 percent of the issues on which we can reach agreement rather than focusing exclusively on the parts and the issues we can never resolve, we can achieve amazing results. Over 1 year ago staff began to work on identifying the 80 percent. A group of staff from Republican and Democratic offices on the Health, Education, Labor, and Pensions Committee began a series of standing meetings and proceeded to meet every week for several months. They met with stakeholders and discussed policy solutions that each member thought would solve the problem.

After much discussion of the benefits, costs, and possible unintended consequences, members agreed on a list of policy concepts. If there was not a consensus on a particular policy, it wasn't included. This is the 80 percent rule in action.

As this process has progressed, my staff also met with the Republican staff on the Health Committee for at least 2 hours every week to keep them informed and to seek their input. I also

personally met with the members of the committee before markup to ensure I understood their priorities.

This bill reflects the work of every member of the Health, Education, Labor, and Pensions Committee. All of them have at least one provision included in this legislation. Many members of the committee worked with us to find consensus measures that addressed their priorities as well.

As I mentioned, not everyone got everything they wanted. We did, however, find the 80 percent of each solution that we could all agree would help solve the problem, and the bill passed the committee by a voice vote. This legislation could be a model for how the process can and should work regardless of the political environment. We followed this model as we transitioned from the committee process to the Senate floor. We worked with members who filed amendments in committee to address some of the concerns in the manager's amendment. We also worked with Members who filed amendments on the Senate floor.

We did the same thing in our discussions with the House. You can see that the results are very positive. We preserved and we improved policies to foster drug innovation and patient access, and to promote accountability and transparency at the FDA. We also made significant improvements to the Senate's medical device reforms for startup and emerging growth companies, and with respect to the 510(k) process.

We thank Senator HARKIN for his tireless effort on this bill. I know he spent countless hours and attended dozens of meetings, working with Senators and stakeholders and advocates to address their concerns. This bill would not have had such broad bipartisan support without all of his work.

Senator HARKIN's staff has also worked tirelessly on this bipartisan bill. Their knowledge, professionalism, their graciousness were instrumental in addressing all of the issues in this bill. They worked many late evenings, they worked through weekends, they worked through countless working group discussions to be able to get the bill where it is today.

Specifically, I want to recognize Elizabeth Jungman, Bill McConagha, Kathleen Laird, and Kate Wise for all their work. I thank Pam Smith, Senator HARKIN's staff director, for her leadership getting this bill to the finish line. I especially want to recognize Jenelle Krishnamoorthy, whose organization and diplomatic skills helped us resolve the most difficult challenges and made sure that the priorities of all the members of the committee are reflected in the bill.

I also wish to thank the staffs of the Legislative Counsel, the Congressional Budget Office, and the Federal Drug

Administration for all of their technical assistance. Again, there are people in those groups who had to work through the weekends when we were finishing up.

Finally I would thank my staff—Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, Rob Walton, and my health policy director, Chuck Clapton.

I would be really remiss if I didn't thank my staff director Frank Macchiarola for his work on this bill, especially as the bill progressed through the HELP Committee, the Senate floor, and discussions with the House. My staff has been working around the clock for many days, for weeks, and for months. I sincerely appreciate their dedication to getting this bill passed and for helping to work with the 80-percent rule.

I urge my colleagues to support this bipartisan bill that makes important changes to the FDA and I ask them to support this process that expedites getting the conference done. We will have a real and meaningful impact on millions of American patients.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I wish to start off by thanking the chair and the ranking member for the great work they have accomplished with what has always been a very delicate piece of legislation. Their staffs have been tireless on both sides, trying to work out differences, and we would not be here today if it were not for their commitment to this legislation.

Let me say to the chair and the ranking member, I plan to go on for some time. If I were you, I would take the opportunity to leave for a while because I will go for an hour or two or maybe three. And it is not all going to pertain specifically to this legislation, but I have a lot to say because I have heard some of the opening statements. I have heard statements such as "our goal is to finish before the Supreme Court." I have a question: Why? Why a crucial piece of legislation that affects so many Americans and so many patients around the world—why did it have to be done before the Supreme Court? I am not sure anybody can give an answer, but somebody started that as a goal and it sort of was adopted.

I heard the legislation was accomplished at record speed. I don't see that as something to herald. Speed is indicative of something that we rushed our way through. I know on behalf of the chairman's staff and the ranking member's staff, they have been working on this for a long time. So has my staff. But from a standpoint of when we marked up the legislation and came to the floor—how fast we went to the floor—we did it because there was an understanding that we were going to try to hold the Senate product together.

I don't want to take issue with the numbers. I had two amendments that were dropped in conference so I am not sure how I had 12 and got 11 but, regardless, the question we are here to answer, the purpose of this legislation, is that this is supposed to drive innovation in America and bring lifesaving drugs, devices, and biologics to patients—here in America first, but around the country, around the world. That is the goal behind this legislation.

I have to take issue with my ranking member. I don't think the 80-percent rule applies to health care. I can't look at a patient and say: If we can get 80 percent of the right policy, I am going to feel good. If I am in the 20 percent that is left out, I am going to be really pissed off.

One of the reasons our health care costs are so high today is that we have been able to innovate as a country to where we maintain disease extremely well. But we are right on the cusp of being able to cure things such as breast cancer and diabetes. It is not going to be cheap. It is not going to be fast. You are not going to find it in the 80-percent category. You are going to find it in the 20-percent category. It is going to take a while. It is going to take people investing capital and companies that are committed to their shareholders that they are not going to have the returns because they are invested in something important and that is the long-term future of our country and our country's health.

That is what I see in a 5-year PDUFA bill. This is not a 1-year reauthorization of something. Granted, this is not a piece of legislation that this committee drafted from scratch. It is important that everybody understands that for this legislation, in the negotiations between drugs, devices, biologics, generics industry with the Federal Drug Administration, there is not a Member of Congress and no staff of Congress in the room as they negotiate what fees they are going to pay to the FDA to actually process their applications. So the focus of this committee was to look at what happened in the negotiations and try to figure out how could we make this bill better—how could we assure ourselves there was a level of transparency we could understand, that the negotiations they had entered into in fact benefited American patients.

If this doesn't benefit the health care costs and the health care of Americans, then we have missed the mark. The whole objective is to put America in a better position after the passage of this bill.

I will be boring because some of what I am going to talk about a lot of people in this institution know. But I am not sure the American people understand the background that is here. The Federal Drug Administration is responsible for assuring the safety and effi-

cacy and the security of human and animal medical products. One element of FDA's statutory mission is to promote the public health and the FDA accomplishes this mission in part by timely—timely—approving lifesaving, life-enhancing innovations that make medicine safer, more effective and in many cases more affordable.

FDA's broad regulatory authority crosses a range of products and has resulted in the agency overseeing products that amount to 25 cents of every dollar of the U.S. economy. Let me say that again. The FDA regulation extends to 25 cents of every dollar spent in the U.S. economy. Therefore, the FDA's review and decision process not only impacts our Nation's patients and innovators, their work has a significant impact on many sectors of our Nation's economy. As consumers and patients, the American people have serious interests in assuring that the FDA is accountable, transparent, efficient, and making sound decisions in as timely a fashion as possible.

You see, that is why I am on the floor today. If the goal is to have transparent, efficient, sound decisions in a timely fashion, you don't rush through it. You make sure that there is a matrix in place—not one that was designed by the agency and not one that was designed by the industry, but one that is designed by the body that is responsible to do oversight over Federal agencies, the Congress of the United States, the HELP Committee. It is our job. That is why concerns about timeliness and predictability of FDA's regulatory process must be taken seriously and they must be addressed.

Unfortunately, too often Congress is guilty of not paying close enough attention to how well things are working or not working at the FDA on behalf of the patients, the very people for whom the most is at stake. Every 5 years, drug and device industries negotiate their user fees that are then sent to Congress with the expectation that we will quickly act upon them to ensure the continuity of the agency. Let me assure you, this year is no exception. They dropped these agreements on Congress's lap and said: Would you pass these as quickly as you can with no changes? And to their credit, the chair and the ranking member said: No, Congress has a role to play. And staff has had tremendous input into what the final product was.

Unfortunately, rushing the bills through the House and the Senate has resulted in bipartisan track-and-trace provisions not being included in the bill we have before us today. As the ranking member said, I am very disappointed that these important bipartisan provisions were sacrificed as the expense to attain speed. I understand the difficulty of the lift. I acknowledge that to my colleagues and to their staff. But I also question how hard we

tried, on an issue that we knew going in was tough. There is no such thing as spending too much time when it comes to getting something as important as drug distribution security right.

I assure all my colleagues that my friend from Colorado, Senator BENNET, and I will continue to work together to get these important provisions done. I might add, I have had the commitment from the chair and the ranking member to work with us on other legislation to try to address this.

But let me say today, it will not be any easier than it is right now. It may be tougher then because this was a vehicle that had to go, therefore people would have swallowed a lot more that is in this bill.

As my colleagues know, FDA and industry tell us not to make any changes because it would "open up the agreement." Think about that. The industry and the FDA told Congress don't put anything else in here because we would consider that as opening up our agreement.

When did Congress become so irrelevant that a Federal agency would suggest that we not get involved? Yet it requires our passage for this to go in statute.

I have explained before, Congress is told to tiptoe around the agreements and we focus our efforts on the belt-and-suspenders policies to complement the agreement. This does not make for the most consistent and deliberative process in considering how Congress can work with FDA and industry to strengthen and improve FDA's drug and device work on behalf of our Nation's patients, but this is the process Members have to work within, which is why it is so important to assure that the right policy riders, including transparency and accountability, are included in the final package.

One thing that has been made quite clear over the past few years is the importance of FDA reporting on the right matrix. I can predict with some confidence, since this is a 5-year bill, we will be here 5 years from now and hopefully there will be at least one Member of the Senate who steps up and says: How did the FDA hold up against what they said they were going to do in the agreements?

That is at the heart of transparency and accountability. If we do not have a matrix established that everyone understands here is where we are and here is where we promised we would get to, then how in the world 5 years from now do we measure this? How do you know then that if you raise the user fees, that it is justified, that the beneficiary of it is the American patient? I am going to say that is candidly obvious to everybody listening. When drug companies, device companies, biologic companies, generic companies pay more money to get their application approved, who pays for it? The con-

sumers. The people who buy the drugs, use the devices, and buy the generics. This is the first time we have ever had a user fee for generic pharmaceuticals. Generics were called that because generics were created after the patent life expired so we could bring low-cost products to the market.

What are we doing? We are creating generic user fees which will raise the generic price for the American people. It may alter the fact whether it is cheaper for a person to pay for their generic prescription or whether it is cheaper to have their copayment do it on their insurance card. That is the reality of what we are dealing with. I am not suggesting it is bad, but why would we rush through it without understanding what the impact is? That is where we are today.

Reporting only on the negotiated user fees performance goals agreed to by the industry and the FDA has not provided a complete picture of how well the FDA is working to fulfill its mission on behalf of patients. The bottom line is what gets measured gets done. So it has to be measured.

In the Wall Street Journal op-ed earlier this year, former FDA Commissioner Andy von Eschenbach highlighted what is at stake if Congress does not get the user fee reauthorization package right and fix the underlying problems at the FDA. He writes:

The stakes couldn't be higher for our health. The U.S. biomedical industry is one of the crown jewels of the American economy. It employs about 1.2 million people directly and over five million throughout its supply chain, with a total output of \$519 billion in 2009 . . . Many of the firms are among the world's most innovative: From 2001 to 2010, the Milken Institute report shows, U.S.-based companies produced nearly 60% of the world's new medicines, up from 42% the previous decade.

But U.S. firms won't continue to lead unless the FDA retains its role as the world's "gold standard" for evaluating new medical products.

Many people establish the gold standard as being the hurdle they have to pass in order to be approved. The gold standard is also how difficult the process is that they have to go through, and will the capital be there to finance the research and development so approval is something they see as a light at the end of the tunnel. These all have to be weighed in the policies they put in place, and I will say we have come up somewhat short.

Last year the National Venture Capital Association released a report that underscores America's risk of losing its standing as the world leader in medical innovation. Their survey clearly showed that the FDA's regulatory challenges, the lack of regulatory certainty, the day-to-day unpredictability, and unnecessary delays are stifling investment in the development of lifesaving drugs and devices. Instead of deterring investment and innovation in

lifesaving treatments such as cardiovascular disease, diabetes, and cancer, we should accelerate it. Instead of deterring that capital to come in, we should be finding policies to accelerate that capital to chase cures in heart disease, diabetes and cancer and work with America's innovators on behalf of patients who are depending on the next breakthrough drug or device.

Our Nation's health care system is unsustainable. We all agree we must lower health care costs in America. Predictable regulatory pathways that facilitate innovative medical products that reach patients in as timely a manner as possible is key for lowering our health care costs. This survey is another serious call for the need to restore regulatory certainty and predictability at the FDA.

As we comb through this bill, we see the two amendments that were voted and accepted in the Senate markup of the bill were dropped and discarded because somebody was too concerned with requiring too many reports. There is a reason we get granular with what we put in legislation and, more important, what we require an agency to produce. Predictable regulatory pathways that facilitate innovative medical products reaching patients in a timely manner will lower our health care costs.

It is clear the FDA's global leadership in innovation is at risk. A 2011 report by the California Healthcare Institute and the Boston Consulting Group highlighted this point. The report found that in recent years the environment for medical innovation has deteriorated and the most critical factor has been the FDA, the Food and Drug Administration. Let me repeat that. The report found the environment for medical innovation has deteriorated and the most critical factor has been the Food and Drug Administration. The report states:

. . . for the Agency's policies and activities exemplify President Obama's critique of a regulatory system whose "rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs."

Now, all of a sudden, we are talking about a piece of legislation we have rushed through the process because we wanted to beat the Supreme Court decision on Thursday. We did it at an accelerated pace, faster than we have ever done through the Senate, and we realize this legislation affects the economy and jobs. It is not just about health care. It is not just about patients. It is about jobs.

Dr. David Gollaher, president and CEO of the California Healthcare Institute, raises a clear alarm in his report we should all heed. He concludes:

The result of uneven performance of the Agency has been to increase the risk associated with regulation, dampening investment in companies whose products face FDA regulation. Meanwhile, as global competition in

high-tech industries has intensified, other nations have adapted their regulatory systems to out-compete the FDA. The flight of medical technology product launches to European Union countries should be a serious cause of concern for policymakers and patient advocates alike.

What does that mean in layman's terms? We are losing them here and the EU is attracting them there. Why? Because their policies are easier to understand. It is not that their threshold for safety and efficacy is any lower, but they carry on an honest partnership with the applicants, and most will say dealing with the FDA is akin to inviting your worst relative to spend the week with you in your house.

Exporting lifesaving innovation overseas—and the jobs that come with it—will not help patients or our economy here at home. It erodes our Nation's standing as the global leader in medical innovation and results in America's patients having to wait longer for lifesaving therapies or jeopardizing their access to them at all.

I am not sure in America we ever thought we would go to another country where they had approved a new therapy we couldn't get in the United States, but I would be willing to bet that every family in America knows somebody who has gone outside the country to get some type of treatment or some type of dosage of something we haven't approved here, and one might think they are not safe or effective. The likelihood is that those products have never even applied for FDA approval. Why? Because the process has become so unpredictable and so expensive that a company has to justify the potential sales of a product to meet the billion-dollar cost just to get through the FDA application process.

Exporting lifesaving innovation overseas and the jobs that come with it will not help our patients and will not help the economy. It erodes the Nation's economy and results in America's patients having to wait longer. I just said it.

The FDA is supported by both user fees and taxpayer dollars, so Congress has a critical oversight role in ensuring that the FDA is meeting its requirements under the law. Moreover, as elected representatives of the American people, Congress institutionally has a duty to ensure that the FDA is broadly fulfilling its statutory mission and promoting the public health through its review and regulation on a range of medical products.

The reauthorization of the drug and device user fees agreement is an important opportunity for Congress to ensure that the FDA is fulfilling its mission. Why would we in any way water down the accountability and transparency if, in fact, we are the ones to ensure the FDA is fulfilling its mission? But closely examining these issues once every 5 years is not going to help address the underlying prob-

lems at the FDA that we all know must be fixed. The only way that is going to happen is with the FDA, Congress, patients, and innovators consistently working together with the right data points. The bottom line is we don't know what we don't measure. If we don't know it, how can we ensure that it is right?

Another report by the California Healthcare Institute and the Boston Consulting Group in 2012 underscores the importance of reliable data at the FDA and how FDA performance is a function of management. The report finds there would be great value in regularly gathering and analyzing the best possible data and updating performance metrics during this PDUFA cycle in order to track performance consistently and longitudinally with the goal of the most accurate possible measures of agency performance.

Do you sense a trend that every outside evaluation—not industry, not FDA, not Congress—of the user fee agreement is basically saying: Hey, Congress, don't miss this opportunity. If we want to track performance, then we have to set up the metrics and collect the data. Why in the world would we drop from the bill the transparency and accountability provisions that get the granular data we need to make this assessment? I guess we will never know.

Congressional oversight can help highlight the processes that are working well at the FDA, as well as reveal areas where the FDA needs to make improvements to ensure timely and predictable regulatory decisions on behalf of America's patients. Recently, the GAO reports over the past year have underscored these points and why the right metrics must be reported on to paint a full and complete picture. Now all of a sudden we have the General Accounting Office, the GAO, saying the same thing that all these third parties have said. Why? Because they are the ones we turn to when we want to ask them to do an evaluation of the FDA, and they are telling Congress: Hey, don't miss this opportunity to get this stuff in there. You actually can get the data we can't get because it is not in the statute.

Every 5 years when we pass the final user fee package, FDA's authority and responsibilities grow. Think about that. With more employees and higher costs, it seems like things would be getting better, but without the metrics, without the accountability, without transparency, we don't know. This bill is no exception. The FDA is going to get an unprecedented level of user fees and more new authority, billions in user fee dollars. With this unprecedented level of user fees, there must be unprecedented transparency, oversight, and accountability. It does not exist.

Let me be clear. There are good provisions in this bill that should help to

improve transparency, accountability, and regulatory certainty. However, throughout the committee's work on various issues, I repeatedly raised the point that if we did not fix the underlying issues at the FDA, the new responsibilities and expectations we are going to create with this bill would not achieve the desired outcome. Quite simply, that is why I am disappointed that some key transparency and accountability provisions included in the Senate bill did not survive the final bill. While key GAO reporting provisions may have been removed from the final bill, I wish to take this opportunity to inform my colleagues and the FDA that I personally intend to pursue this oversight analysis outside of this bill. Just because it is not in this bill does not mean I am going to go away.

What has happened is that speed has trumped policy—the attempt to speed through this bill, the attempt to get it done before the Supreme Court announces its decision on *ObamaCare*. I have yet to have anybody explain to me why we are benefited by moving this before the Supreme Court ruling. If somebody has a concern that there is something in the bill that might be affected by what the Supreme Court ruling is, would we not be smart to delay this until after the ruling to see if there is some adverse reaction to what we have done? If I thought there was any reason to do that, I would be on the Senate floor pleading with my colleagues today. But the truth is that there is nothing that will come out in the Supreme Court decision that will affect the user fee relationship between drugs, devices, biologics, generics, and the Food and Drug Administration. But somebody wanted to finish it, and they set that as the goal that everybody could see.

(Mr. FRANKEN assumed the chair.)

Mr. BURR. Because of the hard work of my colleagues on both sides of the aisle, the final bill includes new incentives intended to help spur the next generation of lifesaving antibiotics. This is a good thing, and my colleagues should be commended for their bipartisan work on this important issue.

Unfortunately, the requirement for the FDA to submit a strategy and implementation plan that would have helped to ensure greater regulatory certainty and predictability regarding FDA's work with antibiotics was not included in the final bill. Yet we have all watched stories on TV about a young lady who was attacked by a virus that has eaten her hands and her feet—an infection. What does she need? She needs a breakthrough in antibiotic therapy.

This was a real opportunity for us to send a message out there that not only are we committed to doing it, we are committed to setting up a regulatory structure that allows it to happen.

Carefully drafted GAO reporting requirements intended to help FDA and

Congress identify progress against regulatory challenges in this space have also fallen away. This had nothing to do with RICHARD BURR or MICHAEL BENNET, this was the General Accounting Office. Unfortunately, the reporting requirement that remains is not nearly as robust as the language passed by the Senate earlier this year. These requirements were intended to help identify and root out the regulatory challenges in this space to ensure that the incentives included in the final bill are as meaningful as possible and ultimately do achieve the goal of the next generation of novel antibiotics reaching patients. I cannot think of anything more important than for us to make sure.

I know the Presiding Officer comes from a State where devices are a key part of the economy.

Another reporting requirement that fell away is one my colleagues have heard me talk about a lot over the past year. The medical device user fee agreement includes reporting on the total time to decision in calendar days, not FDA days. This sounds a little bit like Disney World. What in the heck are FDA days? I know what calendar days are. Tomorrow is going to be one number higher than today, and yesterday was one number lower, and every 28 to 31 days, we switch and it becomes a new month and we start counting again. Not at the FDA. That is why it was important that calendar days be substituted for what we call FDA days at the FDA. Patients do not care about FDA days; patients care about how long it takes in calendar days for safe and effective products to reach them.

My colleagues may recall that last year the final Agriculture appropriations bill included a requirement for the FDA to report on calendar days because knowing the average number of calendar days it is taking FDA-approved therapies to reach patients is important for ensuring that we see the full picture of how well the FDA is working in a metric that the American people understand.

Last year, when the Senate considered the issue of counting calendar days for medical products, Dr. Paul Howard, a senior fellow and the director of the Manhattan Institute's Center for Medical Progress, described the importance of counting calendar days. He wrote:

The PDUFA clock stops when the FDA requests more information from the sponsor . . . so repeated requests for information from the FDA can significantly draw out the time before a product reaches the market, even if the agency completes its review within the specified PDUFA timeframe. . . . knowing actual calendar days that elapse from between the time that a sponsor submits an application to the time it is approved should give Congress some sense of how efficient—

How efficient—

the review process is. If the FDA is repeatedly asking for more information and lots of

time is added to the approval process, it has important implications for patients (who wait longer for new therapies) and investors (who may perceive the regulatory process as arbitrary and time consuming).

Here again, another independent analysis of what should be important to the American health care system and an assessment that calendar days are absolutely vital to Congress's ability to understand how long it really takes at the FDA. And we are not even the person trying to finance the breakthrough.

I appreciate that the final bill will now require more granular reporting with respect to the prescription drug user fee agreement, which is a good thing, but I am baffled that a reporting requirement which Congress has supported in the past and which was included for generic drugs was not included in the final bill.

Talking about calendar days, how in the world could calendar days be important enough to put in the generic bill part and dropped from everything else? Why? Because FDA did not want it. FDA has gotten used to that little stopwatch they have. When they ask you for a little more information, they reset it, so they get to start again.

My dear colleague TOM COBURN and I both are disappointed that a provision offered by him, and which I supported, was removed from the final bill.

I have talked about a number of things removed from the final bill. I am not sure how the ranking member gave me a number at the beginning that I had interest in 12 things and that I had 11 accepted. I cannot count them as I am going through my presentation, but I think I am on three or four that have been dropped.

The medical device user fee agreement includes the requirement for an independent assessment of FDA's management of devices. Unfortunately, the assessment included in the prescription drug user fee agreement and final bill will look at only one-third of the FDA's work with drugs. Let me say that again. The medical device user fee agreement includes the requirement for an individual assessment of FDA's management of devices. Unfortunately, the assessment included in the prescription drug user fee agreement and final bill will look at only one-third of the FDA's work with drugs. Calendar days apply in one section. Generic drugs do not apply, and devices, drugs, biologics. Now, all of a sudden, we have an independent assessment of FDA's management of the devices industry where we are only applying that to one-third of the area of drug evaluation and not to generics and not to biologics.

Senator COBURN's provision, which was first introduced in a bill Senator COBURN and I introduced, the PATIENTS' FDA Act, would have ensured an independent assessment of all of

FDA's drug work. Upon introduction of the PATIENTS' FDA Act, Dr. Paul Howard wrote that this provision was "perhaps the most important provision" because "the outcome of that review may or may not be welcome by the FDA—but it will force Congress to pay attention and highlight the FDA's importance as the gateway for medical innovation not just in the U.S., but for the world." Paul Howard is no relation to me. This is, again, an independent doctor who makes a comment on a provision in an obscure bill that was introduced in Congress, and he says "perhaps the most important provision." Yet it only applies now to one-third of the drug area, and all we wanted to do was to apply it to the whole thing. Not including this independent assessment is a missed opportunity for Congress, consumers, and patients to have a complete, independent, and objective look at FDA's management of its mission and resources with respect to drugs.

I understand that some of my colleagues are concerned about over-reporting, but I would come back to the basic point that you do not know what you do not measure. This is about how Congress and the FDA prioritize, and, given what is at stake, not including targeted reporting requirements that will help FDA to better achieve their mission on behalf of patients is a huge, huge missed opportunity. Why? Speed over policy.

I would also like to talk about a key provision in the Senate's upstream supply chain provisions that is not included in the final bill.

As many of my colleagues know, the globalization of the drug supply chain presents unique challenges in ensuring the safety of the drugs American patients receive. Quite a bit of time has understandably been devoted to this issue. Unfortunately, while the bill includes many bipartisan provisions that will help FDA better target inspections of drug facilities based on risk, the final bill falls short in addressing end-to-end supply chain security. That is sort of important. I think the American people sort of take for granted that we have that in place now.

In addition to not including bipartisan downstream provisions, the final bill does not include the Senate's bipartisan provision to accredit third-party auditors to conduct drug safety audits of drug establishments. To be clear, these third-party drug safety audits would not have replaced official FDA inspections, but they would have been an important risk-based tool for the FDA to leverage in taking steps to ensure a safer global prescription drug supply chain. I actually believe that America thinks we have that in place right now. Who could be opposed to such a commonsense solution? It was a bipartisan initiative. Was it the House that kicked it out? Was it the FDA that kicked it out? It really does not

matter. This was smart to have in the bill. The only conclusion I can come to is that speed trumps policy, that our quest to get this done quickly meant we did not look closely enough at the things we should have done and could have done and we did not do.

Now, the ranking member talked about my disappointment and his disappointment on the downstream drug distribution security. I want to take a brief moment and comment on downstream. I thank Senator BENNET, from the other side of the aisle. We worked together. And because of his hard work and dedication to this issue, I think I can say that we are both disappointed that the final bill does not include bipartisan provisions that we have been working on together for the past few months.

My colleagues all know why this is an important issue. It is important for America's patients and consumers.

I remain committed to establishing a workable and reasonable traceability system that strengthens the integrity of the pharmaceutical distribution supply chain. It is critical that we replace the current patchwork of inconsistent, inefficient, and costly State laws with a predictable, workable, and appropriate Federal standard. I am committed to getting this done.

As I said to the ranking member and the chair, it is not going to be easy. We knew that when we took this on. You can't do it fast. I did not know we had a stopwatch on how quickly we could get this bill through the Senate and how quickly we could get through conference and how quickly we could get it passed. I remind my colleagues that the current user fee agreement does not expire until later this year. It did not have to be done now, but it was. And for now 45 minutes I have pointed out things we could have done, should have done, and did not do, and it is embarrassing. This could have been done. This was the right vehicle to put this in because it was a must-pass piece of legislation.

Now let me, if I could, talk about some of the provisions Senator COBURN and I introduced in the PATIENTS' FDA Act. I am pleased we were able to find a bipartisan path forward on some of these provisions which will put in place an unprecedented level of transparency and accountability at the FDA.

While FDA should have already done many of the things that will now be explicitly required of them, by ensuring that we hold FDA accountable to measures and reports on specific requirements, there is a greater chance that they are going to actually get done. There is no certainty without congressional oversight. Greater transparency and accountability provisions included in the package today will help to ensure greater regulatory certainty and timely decisions on behalf of America's

patients, which is key to ensuring that America maintains its role as a world leader in medical innovation and that our patients have access to the most cutting-edge therapies in as timely a fashion as possible.

FDA will be required to develop a regulatory science strategy and implementation plan with clear priorities and report on the progress made in achieving these priorities in fiscal year 2014 and fiscal year 2016. The current FDA Commissioner has acknowledged that the FDA is relying on 20th-century regulatory science to evaluate 21st-century medical products.

Let me read that again. The current FDA Commissioner has acknowledged that the FDA is relying on 20th-century regulatory science to evaluate 21st-century medical products. Let's stop. Let's get this right. Even the Commissioner of the FDA is saying: You know what. We are not even in the same century in how we do what we are trying to accomplish. In other words, the products the FDA is required to regulate are advancing faster than the agency's ability to regulate them. I will be honest. That is a big problem.

Former FDA Commissioner von Eschenbach was right when he said that the FDA must be capable of ensuring that its reviewers know just as much about advances in emerging sciences as the creators of the products they regulate.

Listen, I will be the first to say that at the Food and Drug Administration we have some of the best and the brightest. They are some of the most dedicated Federal workers. They are some of the smartest folks I have ever seen. But they process approvals. They are not on a bench doing research and development. They do not understand how medicine and science have changed since they themselves left the bench. There is every reason to believe that people should be required to go back and be innovators and not necessarily make a lifetime of work as a reviewer at the FDA.

There has been much talk about regulatory science, but it is hard to tell if these efforts are targeted and achieving the desired results of helping the FDA to apply the most cutting-edge scientific tools in their research and their review of medical products. The agency must have clearly defined goals and metrics against which their progress will be tracked. This is the only way to ensure that the advances in regulatory science are being applied and that FDA is prepared to regulate the most novel and cutting-edge medical products ever created.

GAO has well documented FDA's management challenges. The user fee agreement included in the final bill will further increase these challenges by adding more than 1,200 new FDA FTEs, or employees, and further growing the scope of the agency's mission and regulatory responsibilities.

Many of the concerns about the lack of predictability and uncertainty at the FDA are symptoms of unaddressed, systemic management issues. This is the agency that regulates 25 cents of every dollar of our economy.

A February 2010 GAO report found that FDA does not fully use established practices for effective strategic planning and management. FDA agreed with the GAO recommendation to take several actions to improve FDA's strategic planning and management, such as the development of a strategic management plan and working to make FDA's performance measures more results-oriented. I cannot think of a business in America that does not do that today. However, 2½ years later, FDA has failed to adopt many of the key recommendations.

To address this concern, the final bill requires the FDA to submit to Congress a strategic integrated management plan with specific accountability metrics as recommended by the GAO. Even though the FDA admitted to the GAO, based on their recommendations, that they needed to do this and that they would do it, 2½ years later we are now putting it in statute in the user fee bill.

GAO has well documented FDA's challenges to sufficiently and successfully utilize its information technology process. GAO has also noted how these challenges undermine FDA's ability to use accurate and timely information to augment its regulatory mission. GAO reports in 2009 and 2012 found that the FDA has made mixed progress in establishing the IT management capabilities essential to supporting the FDA's mission. That is the information technology. So an agency that is on the cutting edge of medical approval in this country in 2009 and 2012 was found to have made mixed progress in establishing the management capabilities essential through technology to complete its mission.

A comprehensive IT strategy plan is vital for guiding and helping to coordinate the FDA's IT activities. A comprehensive IT strategy plan, including results-oriented goals and performance measures, is vital for guiding and helping to coordinate the FDA's IT activities, especially since the user fee agreement includes specific IT goals. The final bill requires the FDA to report on their progress in developing and implementing the comprehensive IT package called for by the GAO. To ensure further congressional oversight, GAO will report on the progress FDA makes on meeting the results-oriented goals and performance measures set out in the IT plan they submit to Congress.

Enhanced reporting requirements with respect to biosimilars and generic drugs include key reporting on clearing the backlog of generic applications and will also provide important transparency in the FDA's work and serve as

an early-warning indicator if the agreements are not being fulfilled.

I am also pleased we were able to find a path forward on important pro-patient provisions from the PATIENTS' FDA Act and provisions that will also reduce unnecessary regulatory burdens for innovators. I wish to thank my colleagues, Senators MIKULSKI, ALEXANDER, and HAGAN, for working with us to ensure that the unnecessary redtape does not get in the way of meeting patients' unique medical device needs.

The custom device provision in the bill provides an important path forward to ensure that doctors are able to meet patients' most unique medical device needs in as timely a manner as possible. The risk-benefit framework included in the user fee agreement and codified by the final bill will facilitate the balanced consideration of benefits and the risks of FDA's drug decision-making.

As innovators have increasingly turned to global markets and opportunities overseas, FDA's work with its global peer regulators has taken on an even greater significance. FDA's work with its global regulatory counterparts to encourage uniform clinical trials standards will optimize global clinical trials to ensure that the need to conduct duplicative clinical trials is minimized while FDA maintains the gold standard for approval.

I wish to thank Senator PAUL. I thank Senator PAUL for working with me to ensure that we have optimized global clinical trial work and that FDA works with global peer regulators as much as possible to reduce unnecessary regulatory hurdles.

Senator PAUL was a champion in the committee to say: Why don't we accept the data we get from trials in Europe for applications that are under review for approval in the United States? And the answer I gave him was that in 1997, when we wrote the food and drug cosmetic modernization bill, we gave FDA the authority to do that. And now some 15 years later it has never, ever, ever been used. As a matter of fact, the FDA will not even consult with a company that says: Tell us how we need to design our trial in Europe so you will accept our data. That has not happened. But you know what. It has to happen in the future if we want drugs to be cost-effective so people can afford them, if we want innovation to happen here as well as over there. If innovation and the place where it is ultimately approved is determined by whether you can recover the costs of your investment, I will assure you we are all going to shop somewhere else for our drugs, our devices, our biologics, and even our generics. It will not be here unless we learn how to share that data from continent to continent.

I wish to highlight some specific medical device regulatory improve-

ments. There may be any number of reasons a sponsor wants to conduct certain clinical studies that are not directly to the classification or approval of medical devices by the FDA. However, some sponsors have noted the tendency of the FDA to effectively pre-judge the approval of a medical device by basing its decision related to a request to conduct clinical investigations of a device on whether the FDA believes the clinical study will be adequate to support the ultimate classification or approval of a device. If the FDA approves the investigational use of a device only using the more narrow regulatory standard of device approval or classification, clinical research in the United States could be unduly restricted. The final bill would return the investigational device exemption approval process to the standard authorized by the statute, which is a good thing for both patients and for innovators.

The final bill will also improve regulatory certainty, transparency, and accountability with respect to medical devices by requiring FDA to provide a substantive summary of the scientific or regulatory rationale for significant decisions.

As many of my colleagues know, section 510(k) of the Food, Drug, and Cosmetic Act requires device manufacturers to notify FDA of their intent to market a medical device at least 90 days in advance.

Medical device manufacturers are required to submit a pre-market notification if they intend to introduce a device into commercial distribution for the first time or reintroduce a device that will be significantly changed or modified to the extent that its safety or effectiveness could be affected. Such change or modification could relate to the design, material, chemical composition, energy source, or manufacturing process. There are legitimate concerns about recent guidance issued by FDA that could significantly increase the regulatory burden related to 510(k) modifications without clear benefit to patients. The final bill will go a long way in restoring regulatory certainty and balance with respect to the 510(k) modification process by making it clear that the 1997 guidance remains the standard until FDA issues new guidance, with appropriate input from stakeholders, on this subject.

While I wish that we could have gone further to strengthen and improve the device third-party review and inspection programs, the final bill does reauthorize these programs and includes a provision from the PATIENTS' FDA Act to set forth a process for reaccreditation and reauthorization of third-party reviews. This is a first and important step in enhancing the third-party review program.

Another thing we placed in the 1997 act is the hope that we would see aca-

demia in America actually be approved as third party evaluators—not for heart stints or that class of device, but how about things such as Band-Aids? How about those things on which we should not waste an FDA reviewer's time? Couldn't the company contract with an academic institution to re-approve and recredit? FDA chose to do that in-house. This is the first important step to enhance the third party review program.

Next is affirming the "least burdensome" requirements.

Also, the final bill underscores the importance of the "least burdensome" requirements we put into the 1997 law to streamline the regulatory process and reduce burdens to improve patient access to medical devices.

A central purpose of the FDA Modernization Act of 1997, or FDAMA as I like to call it, was to ensure the timely availability of safe and effective new products that will benefit the public and that our nation continues to lead the world in new product innovation and development. The goal was to streamline the regulatory process and reduce burden to improve patient access to breakthrough technologies. This law required FDA to eliminate unnecessary burdens that may delay the marketing of beneficial new products, but the statutory requirements for clearance and approval remained the same. The sections of the statute that capture these provisions are commonly referred to as the "least burdensome" provisions.

For years, FDA included "least burdensome" language in guidance documents and letters. Yet, toward the end of 2009 the "least burdensome" language disappeared only to reappear after Congress expressed significant concern regarding FDA's failure to consistently apply these requirements in its work with medical devices.

The lack of consistent application of the "least burdensome" requirements has added to regulatory uncertainty and unnecessary regulatory burden in a manner completely inconsistent with the law. It is sad that Congress needs to reaffirm a provision that has been the law since 1997, but I thank Senators KLOBUCHAR and BENNET for working with me to underscore the importance of affirming the "least burdensome" requirements in the final bill.

The final bill restores a more appropriate balance to FDA's conflicts of interest rules. This is an issue on which many patient groups have weighed and many members have worked because of its importance to patients and, ultimately, overall confidence in FDA's Advisory Committees. Ensuring that the FDA has access to the most qualified experts is vital to ensuring FDA's scientific capabilities and confidence in its regulatory decisions. It is critical that patients have the benefit of the very best expertise when weighing decisions that impact patient access to

lifesaving products. Unfortunately, since 2007, increasingly complex and restrictive conflicts of interest rules have often resulted in the Agency being unable to consult with leading experts and difficulty in filling key advisory committee positions. These challenges are compromising the quality and timeliness of FDA's decision-making. The final bill should help to address these concerns and ensure FDA can draw upon the most knowledgeable experts.

Lastly, I'd like to highlight the Advancing Breakthrough Therapies for Patients Act, bipartisan legislation I was pleased to join Senators BENNET and HATCH in supporting because it will ensure patients have access to targeted, life-saving therapies as efficiently as possible. As former FDA Commissioner Von Eschenbach has rightly stated, "breakthrough technologies deserve a breakthrough in the way the FDA evaluates them." This legislation is supported by Friends of Cancer Research and the National Venture Capital Association.

Earlier this year, an op-ed penned by former FDA Commissioner, Dr. Mark McClellan, and Ellen Sigal of Friends of Cancer Research, noted how the sequencing of the human genome has helped to unlock an even greater understanding of disease at the molecular level, helping to make personalized medicine become a reality. They note two main goals of the breakthrough legislation: First, to reduce the total development time and cost of the most promising "breakthrough" treatments; and second, to minimize the number of patients that would be given a "control" regimen or a currently available treatment that doesn't work well. They are right to underscore that in order to fulfill the promise of "breakthrough" therapies and this legislation, the regulators at FDA must be fully engaged, working with sponsors early on in the development and review process once a product has received the breakthrough designation.

More than 45 organizations representing patients, advocates, physicians, caregivers, consumers and researchers have weighed in with Congress urging the Advancing Breakthrough Therapies for Patients Act to be included in the final user fee package because they recognize that employing such an "all hands on deck" approach at FDA for these therapies will ultimately result in the most efficient development program and help to ensure that the most promising new treatments reach patients as safely and efficiently as possible.

Many would argue that the modernization of the accelerated approval and fast track pathways have been a long time coming since Congress has not significantly updated either pathway since 1997. Earlier this year, Dr. Paul Howard in writing about the

breakthrough legislation noted that, "the most important section of the legislation may be the clause that requires the Secretary of HHS to commission an independent entity to assess the 'quality, efficiency, and predictability' of how FDA has applied the directives in the legislation no later than four years after the bill passes." He goes on to say "that may be the best way to ensure that we won't have to wait another 15 to 20 years to understand how well the FDA is utilizing the authority granted to it by Congress." Unfortunately, this independent assessment did not make it into the final bill. Speed trumps policy.

FDA faces unprecedented challenges today—challenges we could not have envisioned a generation ago. Yet FDA still regulates a decade ago, based on the commission. The agreements and many of the provisions in the final bill are intended to help address these challenges. Unfortunately, the final bill does not bring to bear all of the tools that could have been included to ensure the greatest certainty, transparency, and accountability for patients and taxpayers. This is a missed opportunity.

I ask my colleagues where we will be if the provisions enacted as part of this bill—like the breakthrough therapy provision—do not achieve their stated purposes? Where will we be if Congress does not do our part to ensure accountability on the part of the Agency by carrying out consistent congressional oversight? Where will America's patients be in five years? Will FDA's regulatory standard still be the global gold standard?

Will America still lead the world in innovation? Will the world's leading drug and device innovators choose to innovate in America, or continue the disturbing trend of exporting great innovation and good jobs overseas in the continued face of regulatory uncertainty?

There are good provisions in this final bill, but more work remains to be done. America's patients and innovators are counting on Congress to conduct the proper oversight in the months and years ahead to ensure that these user fee agreements, authorities, and new responsibilities are implemented and fulfilled consistent with the law. They are also counting on Congress to complete the unfinished business of doing all that we can to ensure that FDA fulfills its mission on behalf of America's patients and our Nation's global leadership in medical innovation is restored. I commit to my colleagues, constituents, and the FDA that I intend to complete the unfinished business before us here today.

Mr. President, you have been patient. At this time, I will yield to my colleague Senator PAUL. When he concludes, I will continue with the 2½ additional hours I have reserved.

The PRESIDING OFFICER. The Senator from Kentucky.

FOREIGN AID

Mr. PAUL. Mr. President, I am not a big fan of foreign aid. We have a lot of problems in our country. I don't see how we can send billions of dollars overseas when we have bridges falling down in our country. Two bridges in my State were impassable. One was hit by a boat and has been impassable for 6 months. We have another bridge that is over 50 years old that was shut down for emergency repairs, and traffic stacked up for miles. Yet we send billions of dollars overseas when we don't have enough to fix our own bridges. It doesn't make any sense. We borrow \$1 trillion a year from China to turn around and send it to some other country. It makes no sense.

I am not a big fan of sending our money overseas. But I am even less of a fan of sending our money to countries that don't seem to be our friends. Pakistan has worked with us on the war on terror. But recently Pakistan has chosen not to let any of our supplies—food and military supplies—traverse Pakistan. Recently, Pakistan has said we owe them \$3 billion. We are giving them \$2 billion a year, and they say we owe them \$3 billion that is not included in that. Recently, Pakistan also said they want to charge us \$5,000 per container of food that goes across their land.

For years bin Laden lived contentedly right in the middle of Pakistan underneath their noses. What is up with that? We are giving them \$2 billion a year and bin Laden was twiddling his thumbs there and they are not letting our supplies go across and they are demanding a past payment of \$3 billion for who knows what and we continue to pay them.

Recently, it has gotten even worse. Dr. Shakil Afridi is a doctor who helped us get bin Laden. Somehow his name was leaked. I don't know who leaked the name or if they were trying to puff themselves up and make themselves look as if they were strongly fighting terrorism, but by leaking Dr. Afridi's name, he is now in prison in Pakistan for 33 years.

Dr. Shakil Afridi is a Pakistani and they have put him in prison for 33 years. His life has been threatened. If he is released—which I hope he will be—his life has been threatened because his name is public. How did it become public? Somebody leaked his name. This is inexcusable. If this came from within our government, whoever leaked his name or this information should be held accountable. I mean put in prison in our country for leaking state secrets.

Dr. Afridi's name is now known in public, and he is being threatened, and his family is being threatened. Not only that, anybody around the world who wants to help us stop terrorism,

who is willing to stand and help America, is now threatened. Do you think people are going to want to help us if they know their names will be printed in the New York Times? We have to have things that we don't divulge about people who are helping us. But Dr. Afridi is in prison for 33 years, and I am going to do what I can to free him.

We should not send Pakistan any more money. I say stop immediately. I am not saying take a small amount out next year; I say don't send them one more penny this year or next year. Don't send any of the \$3 billion they want. We don't even have it to send to them. We have to borrow it from China. I would give them one chance. If they release Dr. Afridi, I would stand down.

My bill was blocked. I tried to have a vote on it last week, and the leadership said: No, you won't have that vote. But we have a process where if you get enough signatures from Senators, you can ask for a vote and get it. That is where we are now. I have enough signatures to have the vote.

I am going to be meeting with the Pakistani Ambassador, and meeting with President Obama's State Department, and what I will tell them is what I am telling you. This is not a secret. If Dr. Afridi is not successful with his appeal, which is coming up in the next 3 weeks, if he is not released and provided safe passage out of Pakistan, if he wishes, then I will have this vote. And I defy anyone in this body to stand here and vote to send U.S. taxpayer dollars to Pakistan when they are treating us this way. So we will have a vote in this body on ending all aid to Pakistan immediately if we don't get some results.

This doesn't mean I don't want to have diplomacy with Pakistan. Pakistan has been a friend over many years, and I see no reason to end that. Pakistan has many elements that are pro-Western and that want to engage in the world. I am all for that. But we shouldn't have to buy our friends. We shouldn't have to pay a ransom. We shouldn't have to lavish them with taxpayer dollars.

In fact, I think it encourages a disrespect when you give people so much money. Let's let them earn our respect. Let's work with them. Let's be friends with Pakistan. Let's have diplomatic ties to Pakistan. Let's try to help each other. Terrorism doesn't help Pakistan. They are threatened equally by it. I can list four Pakistani leaders who have been assassinated in the past 15 years. Why were they assassinated? Because of radical elements in their own country. So they should be with us in trying to stop extremism, on trying to stop this radicalism.

My words for the Senate today and for the American people are that I am watching out for your money. I realize

we have needs here at home that must come first, but also that I will force a vote on this. I am not going to send any more of your money or try not to let the Senate send any more of your money to Pakistan unless they are willing to cooperate, unless they are willing to be friends with America, unless they are willing to release the man who helped us get bin Laden.

I will ask for a vote, it will come in the next few weeks, and I will keep everyone in America up to date on this.

I thank the Senate for allowing me this time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I thank Senator PAUL for relinquishing the microphone, and just for the purposes of Members who are planning, I think we will be about another hour. We will know shortly, and I will put that word out, if in fact that is going to be the case, but I intend to make sure everybody is able to make a 5 o'clock briefing.

I have spent the first hour talking about the FDA user fee agreement bill, the history of it, what this bill did, and a lot about how this bill came up short. I would like to jog in a few different directions over the next period of time.

Of great interest to me, and great interest to a lot of Members, is the commitment we owe to our Nation's military heroes. Over four decades ago, at one of the two Marine Corps bases in America—Camp Lejeune in Jacksonville, NC—they experienced serious contamination of their water. That contamination is likely the worst environmental exposure incident on a domestic military installation in the history of the country, both in the magnitude of the population potentially exposed to volatile organic solvents and the duration of the contamination—estimated to be 30 years or longer, with hundreds of thousands of veterans, their families, along with civilian workers having cycled through Camp Lejeune from the busy years of World War II through the Vietnam conflict and into the mid 1980s as we rebuilt our modern military.

During these decades, unbeknownst to the base residents, the wells feeding the water supply on the base were drawing water from an aquifer contaminated with industrial chemicals that were dumped on the base, such as the degreasing solvent TCE, a known human carcinogen; and another carcinogen, benzene, from leaking underground fuel storage tanks; along with the dry cleaning solvent PCE; and a

third human carcinogen, vinyl chloride. The Navy and Marine Corps began to test some of the base wells in the 1980s to comply with Federal regulations and, apparently, to also locate the source of various contaminations, yet it would take several more years and numerous warning signs before the Navy finally decided it should shut the wells down in 1985 through 1987.

As we know now, the Navy and Marine Corps had specific regulations of their own to maintain safe drinking water and test for contaminants. Had they adhered to their regulations, the many years of problems at Camp Lejeune might have been avoided. It is also important to note the source of those contaminations should never have been in question, since Lejeune's drinking water was then and is now solely derived from the wells located within the perimeters of Camp Lejeune, NC.

In 1989, the EPA designated Camp Lejeune a Superfund site, and in 1991 the CDC, via its Agency for Toxic Substances and Disease Registry—or ATSDR—began a statutorily mandated study of the contamination. Those studies continue to this day, in large part because the Navy's records of the contamination were not completely turned over to the ATSDR until 2009 and 2010. Scientists at the ATSDR and others involved in the review of the Navy's records have stated the levels of certain contaminants recorded in well samples taken by the Navy were at such high levels they have never been seen before, and in many cases they far exceed what we now consider to be safe levels for drinking water.

The Veterans Administration is awarding disability benefits to Lejeune veterans on a case-by-case basis today, but that is a slow and unpredictable process, while many are suffering without adequate health care. It is my hope in the coming weeks we will finally pass critical legislation in this Congress to require the VA to take care of these veterans and their family members. Many of them are ill from exposure-related conditions and have no other means of getting health care. They are rightly looking to the VA and to the Congress for help. If we can get this legislation passed, it will be a starting point on the road to doing the right thing for those who have sacrificed so much for our Nation.

I think it is absolutely a crime that some 40 years later we haven't even completed the studies to understand the severity of the problems we have. I might add that some of the servicemembers and some of the family members who served at Camp Lejeune during this time are no longer with us. It may be hard to reconstruct exactly why, but I can assure you, when some estimate there are 10 times the number of male breast cancer cases from people who lived on that base during that

time, one might conclude it was a hotspot based upon its drinking water.

My hope is this Congress will move forward with a very small initial step, but also make a commitment to these family members and servicemembers to not quit until we do the right thing.

This week the Supreme Court is going to rule on the President's health care law. One would have to live under a rock not to realize it is going to happen Thursday morning at 10 o'clock. We have waited patiently every time the Supreme Court has rolled out their announcement for the last 3 weeks of cases they have decided as the Court comes to the end of their session this summer.

Two years ago, then-Speaker NANCY PELOSI told Americans, "We have to pass the bill so that you can find out what's in it." Let me repeat that: "We have to pass the bill so that you can find out what's in it." It seems fitting that we stop and take stock of what the American people have learned about the President's health care law over the past 2 years.

The American people have found they can't afford the President's health care law. The Medicare Chief Actuary, in his final estimate of the health care law, projected it will increase health care spending across the economy by \$311 billion. That is a 10-year number, but understand the President promised the health care law would reduce cost. It wasn't a goal. He promised it would reduce cost. Unfortunately, it has made things worse by increasing health care costs. And I think the estimate given by Medicare's Chief Actuary is probably a very conservative estimate—an increase of \$311 billion.

Growth in U.S. health care spending will almost double by 2014 due to the President's new law. This is at a time when we already are in a situation where we are on a financially unsustainable path. The predictions the President's health care law would increase insurance premiums are already being felt by the American people. Depending upon where you live, who you are an employee of, and whether you buy your own insurance depends on how hard you have been hit, but there is nobody in America who has not seen their premium go up since Congress passed this health care bill that was supposed to reduce the cost of health care.

The Congressional Budget Office estimated the new law will increase health insurance premiums by 10 to 13 percent. This means a family purchasing coverage on their own will have to pay \$2,100 a year more because of the President's health care law. And by the way, 10 to 13 percent is what many Americans have felt as an increase on an annual basis.

New taxes. New taxes on lifesaving drugs, devices, and health plans. Think about that, with the hour I just fin-

ished. I talked about the fact Congress needs to be focused on the efficiencies of government, and how we bring innovative products, devices, pharmaceuticals, biologics, and generics to the marketplace. Yet embedded into ObamaCare are new taxes on drugs, devices, and health plans.

The American people haven't felt this yet. At a time we are supposed to be passing legislation to bring down health care costs, not only does the Congressional Budget Office say this is going to increase premium cost, not only does the President's Chief Actuary—CMS is under the executive side of government, not under Congress's authority—say health care spending across the economy, based upon the health care law, is going to be \$311 billion, we have yet to kick in the new taxes on lifesaving drugs, devices, and health plans, which will drive up consumer cost and additionally drive up premium cost.

Just after passage of the new law in May 2010, the Director of the Congressional Budget Office said:

Rising health costs will put tremendous pressure on the Federal budget. In CBO's judgment, the health legislation enacted earlier this year does not substantially diminish that pressure.

The question is what were we thinking? And now we have the Supreme Court that will decide whether this is constitutional. CBO's latest long-term fiscal outlook notes that spending on health care has been growing faster than the economy for many years, posing challenges for Medicare, Medicaid, State and local government, and the private sector.

Sometimes this is missed by Members of Congress and our constituents. There is a tremendous cost that we shift to States and local governments depending upon how they share in the Medicaid State obligations for cost sharing. States are picking up a tremendous amount of additional cost because of the passage of the President's health care plan because we are doubling, through legislation, the amount of people who are on Medicaid.

So now you are going to get hit by the increase in your insurance premium; you are going to get hit by the increase in overall health care costs; you are going to get hit by the new taxes on lifesaving drugs, devices, and health care plans; and, oh, by the way, you are going to get hit in your State taxes because of the increased burden of Medicaid beneficiaries who are in part funded by the State and are going to now require States to find new ways to raise revenue, which is typically through our State taxes.

CBO was right to conclude that such rates of growth cannot continue indefinitely because total spending on health care would eventually account for all the country's economic output, which CBO concludes "is an impossible outcome."

We need real reform that actually lowers costs, not increases costs. We need real policy that institutes better outcomes, not rationing of care. The American people need to look at what the President promised when he created this legislation. He promised: If you like your plan, you get to keep it.

Unfortunately, the administration has estimated that up to 69 percent of all businesses could lose the ability to keep what they have as a result of the administration's grandfather health plan regulation. The former Director of CBO, Doug Holtz-Eakin, warned that the law "provides strong incentive for employers and their employees to drop employer-sponsored health insurance for as many as 35 million Americans."

Well, if employers drop their health care coverage, how can employees cash in on the President's promise to keep what they have?

Millions of seniors will lose access to their Medicare Advantage Plan. I am not quite there, but some of my colleagues have reached that magic number.

Do seniors not deserve choice? Is that what it is? Do we just want to give them one thing and no choice? The truth is we allowed—we didn't create it; the private sector created it, but we allowed the private sector to create Medicare choice years ago, and for many seniors they chose to take the private sector product. Why? Because it provided more coverage to them. It provided preventive care. They actually got covered physicals every year. In many cases they didn't have copayments. In many cases their prescriptions were covered long before we created Part D Medicare.

So what does the President's health care plan do? It tightens the requirements on Medicare Advantage to the point that some seniors who are on it today will lose it because it is no longer an option in the markets they live in. How in the world can someone do that and make the promise: If you like it, you get to keep it?

Health plans offered by religious-affiliated organizations will be compelled to offer products that violate the tenets of their faith—a new mandate that jeopardizes an employee's existing coverage and infringes on religious liberty. That is going into ground we have never entered, and I think there is a reason we have allowed people to hold to their moral standards they believe are important.

Then-Speaker of the House PELOSI said the health care law will create 4 million jobs—400,000 jobs almost immediately. Yet the Director of the Congressional Budget Office testified that the new law will reduce employment over the next decade by 800,000 jobs.

Think about that. Then-Speaker PELOSI said 4 million jobs—400,000 almost immediately—and the CBO Director testified we are going to lose

800,000. That is a difference of 4.8 million jobs in America.

The President said he was not going to touch Medicare. We heard that over and over. He said to seniors: I am not going to touch Medicare. He had already taken Medicare Advantage away as a choice, but he wasn't going to touch Medicare. The law took more than \$500 billion out of Medicare, a health care plan that today is not financially sustainable, and the President, in his health care legislation, shifted \$500 billion out of Medicare—not to put Medicare on a sustainable path but to fund new government programs the American people cannot afford.

Arbitrary cuts to providers that jeopardize access to care will not put Medicare on a sustainable path for current and future retirees. What does that mean? Doctor cuts. We cut the reimbursements to doctors, we cut the reimbursements to hospitals. We now have doctors who will not see Medicare beneficiaries. If you are 65 and you move to Raleigh, NC, the likelihood is you are not going to find a primary care doctor that is going to take you if you are on Medicare. To that person, to that senior, that is rationing. I don't care how you say it. And the reality is this bill caused that.

The President promised no family making less than \$250,000 a year will see any form of tax increase. I just covered a second ago that the new health care law is riddled with new taxes and penalties that directly fall on the middle class and will harm small businesses. New taxes on lifesaving drugs, devices, and health plans are all going to be passed on to consumers. It is disingenuous to say everybody in the system is not going to feel the effects of taxes. They might not be directly on us, but they are on the products that constitute our health care system. We should be advancing policies that help small business to thrive in America, not policies that increase health care costs. We should not be advancing policies that encourage innovators to export innovation and good-paying jobs overseas. We should be advancing policies that focus on helping to get our economy back on track.

Unfortunately, the President's health care law does just the opposite. According to the U.S. Chamber of Commerce Survey on Small Business, 74 percent of small businesses said the health care spending law makes it harder for their firms to hire new workers. Thirty percent said they are not hiring due to the law.

There is only one issue in America: How do we get the American people back to work right now? How do we turn this economy around right now? We can have all the cuts we want to have from the standpoint of spending. But unless we are willing to put Americans back to work and get them pro-

ductive and participating in the revenue collection of this country, we are not going to get on a pathway to financial sustainability.

This country wasn't created because people came here and said: Let's create a place called America where everything is free. It was created as an area of unlimited opportunity. That is why millions a year come here, for unlimited opportunity, not for unlimited handouts.

When de Tocqueville left the United States, he talked about "the greatest country in the world," and he defined it this way: the capacity of the American people to give of their time and their resources for people who are in need. He never mentioned State or Federal Government.

He talked about a responsibility of the American people to help somebody that was down on their luck, hungry, homeless. Do you know what. For those of us who are adults, it is our responsibility to set the example for the next generation to come and assume the same individual responsibility. But now it seems as though all we talk about is legislation that inserts the Federal Government or the State government or the local government in the place of what historically made this country great, which was our willingness to assume the responsibility ourselves.

Let me assure you, we shouldn't be surprised by the results of the assessment that the government running health care means job loss and increased costs. We have to make sure we provide more choice, not less choice. We have to get the American people engaged in negotiating their health care costs, not letting the Federal Government negotiate their health care costs.

I came here for the first time 18½ years ago. I worked for a company of 50 employees. I came to the U.S. House of Representatives and chose the same plan I had with that small employer in Winston-Salem, NC. The only difference was that when I got here, the Federal Government paid 75 percent where my employer had paid 75 percent. I paid 25 percent here; I paid 25 percent there. I got exactly the same plan and the same coverage. Everything was identical.

When I left Winston-Salem to become a Member of the U.S. House of Representatives, my cost of that health care plan was \$105. When the Federal Government got through negotiating my same health care plan, it went up to \$160. I knew on day one I did not want the Federal Government negotiating my health care because it meant higher prices and no change in coverage.

I think many Americans have realized that about ObamaCare. My hope and my plea and my prayers are that Thursday the Supreme Court nullifies this bill and this Congress is chal-

lenged with going back and step by step or in a comprehensive fashion write a health care bill that includes the participation of the American people and puts responsibility on everybody. Everybody in America should have the responsibility to pay something when they go in to access it. It doesn't matter whether it is private insurance, it doesn't matter whether it is Medicare, it doesn't matter whether it is Medicaid.

If we want to solve the financial hole we are in in this country, then we have to income-test everything that comes out of the Federal Government. It means people who have more pay more. It means people who have less pay something. But we have to be a country of unlimited opportunity and not of unlimited handouts.

A February 2012 Gallup survey found that 48 percent of small businesses are not hiring because of the potential cost of health care. Studies indicate that the law's innovative tax killing on medical devices could cost an additional 43,000 jobs in America. The President's health care bill is the wrong prescription for America.

Regardless of the Supreme Court's decision this week, it is clear: We must advance commonsense sustainable reforms that actually fulfill the promise to lower health care costs. Without that America should be outraged and, I believe, will be outraged.

Also in the news in the last several weeks is an issue that is somewhat personal to me as a member of the Senate Intelligence Committee, as a former member of the House Intelligence Committee, as one who has dealt with the work of the Intelligence Committee since the year 2000, and as one who lived up close and personal with everything that has happened since 9/11. We have seen an incredible spree of security leaks—leaks of classified and sensitive information.

When I go home on the weekends and there is a news report on something, my wife will look at me and say: Why is this reported? There is no reason for the American people or for anybody in the world to know about that.

I can tell you it was not that long ago that even if the press found out, they would never print it. Today, routinely there are leaks of classified and sensitive information. Recently there has been a series of articles published that have described, in some cases in extreme detail, highly classified unilateral and joint intelligence operations.

I am not talking about suggesting that it might be there without detail, I am talking about specifics of what happened. To describe these leaks as troubling and frustrating is an understatement. They are inexcusable by whomsoever. Our intelligence professionals, our allies, and, most importantly, the American people, deserve better than

what they have seen over the last several weeks. I am personally sick and tired of reading articles about sensitive operations based on "current and former U.S. officials—individuals who were briefed on the discussions—officials speaking on condition of anonymity to discuss the clandestine programs—a senior American officer who received classified intelligence reports—according to participants in the program—according to officials in the room—and individuals none of whom would allow their names to be used because the evidence remains highly classified and parts of it continue today."

That is the basis on which these front-page stories run. I am not confirming or denying that anything in it is accurate or inaccurate because as a member of the committee I sign an obligation that says no covert action will I even comment on. Any person who holds a secret compartmentalized clearance has an obligation to never acknowledge the existence of a program.

I asked, not long ago, was the drone program still a classified program? The answer I got is yes. But the White House Press Secretary for the last 3 weeks stood at the podium and talked about drone attacks—on a program that I technically cannot go out and acknowledge either exists or does not.

Our freedom, with understanding that politics trumps security, has reached a new level. It has to stop and it has to stop now. The unauthorized disclosure of classified intelligence at best violates trust and potentially damages vital liaison relationships and at worst it gets people killed. Clandestine operations are often, as I wrote with Senators COATS and RUBIO in the Washington Post, "highly perishable and they depend on hundreds of hours of painstaking work and the ability to get foreigners to trust our Government. I strongly believe that these leakers are also violating the trust of the most important constituency of all—the American people."

Even more troubling is that there appears to be a pattern to these stories and leaks, that they may be designed to make the administration look good on national security. It used to be that the good stuff was buried by the media and the worst was run. Not anymore. Truth be told, rarely have I seen a story that paints this administration in a bad light. Then, when we are about to, the administration invokes executive privilege. They can do that. That is OK. But there is a big difference between invoking executive privilege on not producing documents for Fast and Furious, and releasing classified information that puts at risk individuals who are embedded in terrorist organizations, who are doing their job to keep America safe.

This has crossed the line. I wish this administration was as concerned about

preventing leaks of classified information as it is about keeping a lid on the information Congress is asking for. As a member of the Senate Intelligence Committee I understand firsthand the grave importance of keeping information secure. The unauthorized and reckless disclosure of classified information undermines the hard work of our intelligence officers and puts lives at risk, and it jeopardizes our relationship with overseas partners. Congress's intelligence oversight committees will not tolerate it, nor should the American people.

Simply, I come to the floor today to deliver a message to those individuals who were briefed on the discussions, who were part of the program, who were in the room, who are speaking on condition of anonymity: Stop talking. Whatever agenda you have, I can assure you it is not worth the damage you are causing and the lives you are putting at risk. We cannot continue to tolerate leaks at any level or branch of government.

My colleagues and I are considering every available legislative option to ensure the security of the intelligence community operations and the people who support them. If you have access to classified information and are tempted to leak that information for whatever reason, I ask you to remind yourself what you may be hurting and what trust you are violating and, more importantly, keep your mouth shut.

The Intelligence Committees on both sides of the Hill I think will take action in their authorization bill to try to address a structure that brings a new level of oversight and hopefully prosecution to those who choose to leak secrets. In the interim, I am still considering the fact that for any person who openly talks about a program that is secret or compartmentalized, the day they say one word about that program they lose their top secret clearance. I would love to see them lose their pension but I understand how problematic that is. But at least we can stop the bleeding by taking away their access to the conversations or the meetings they happen to be a participant in or the information they happen to be entrusted with in a fashion that allows them to go out and publicly talk about that and jeopardize the lives of Americans, the lives of our partners and, more importantly, the security of the American people.

On August 5, 2011, Standard & Poor's downgraded the credit rating of the United States for the first time in our history and they cited out-of-control debt and lack of a serious plan to address it as its main reason. Nearly a year later the administration has done nothing to remedy this problem. As a matter of fact, sometime at the end of this year we are going to run out of our ability to borrow money. It is called the debt ceiling. I cannot tell you

today, because we are not told, whether that is going to happen in October, November, December, January—but it doesn't go much past the end of the first of the year. I sort of pity the next President, whoever that is. They are probably going to get inaugurated one day and the next day they are going to have to come to Congress and ask for a \$3 trillion increase in the national debt.

As difficult as it is for me to say, we are going to have to do it. The country has to have the capacity, the capabilities to borrow money to function. But you would think with this all known we would take the opportunity now to begin to change the grotesque spending habits, to begin to prioritize the investments we make, that we would attempt to reform the programs that cost us the most and lead to an unsustainable financial future for the United States—a country that will soon be \$17.8 trillion in debt, a debt I will not be here to pay back but my children and my grandchildren will.

You have to ask yourself as a parent: Is that fair? The answer is it is not. Instead of doing anything, last year the debt ceiling needed to be increased by \$2.1 trillion. We are about to blow through it. Why? Because we spend \$1 trillion more on an annual basis than what we collect. There is no business, no family, no institution in the world that could spend \$1 trillion more than they collect and be in business—nor can this country. The time is running out.

By the way, it is hard to put a calculation on \$1 trillion. What is \$1 trillion? It is 100 percent of the Federal investment in K-12 education, 100 percent of the Federal investment in higher education, it is 30 percent of the VA budget, it is 100 percent of the National Institutes of Health; it is 100 percent of the cost of the National Science Foundation, it is 100 percent of the Federal partnership with States and localities for infrastructure—bridges, roads, sidewalks. It is 100 percent of our national defense, it is all branches of the military, active and reserve, all bases of the military, domestic and foreign. It comes up to about \$942 billion. If you want to balance this year's budget you have to cut everything I just talked about and find \$60 billion more, just to balance this year's budget.

The take-away from this is we are not going to delete our national security. We are not going to decrease our investment in the National Institutes of Health, National Science Foundation. We are going to be a partner in K-12 and higher education. There are a lot of places we can cut and should prioritize and we can do it, but the take-away is we can't get there unless we are willing to reform entitlements, unless we are willing to look at where the majority of the money is spent. We cannot get there.

We have to do something. I tell you it starts with addressing the imbalance we have in spending and collection right now—not next year.

Consistent with this is the Senate still has not passed a budget. In fact, the President's own budget did not receive a single vote in Congress when we voted on it. I should not laugh. We are on track for another year with a \$1 trillion deficit. How could anyone run their company on an annual basis without a budget, without a financial roadmap as to what they do? But now, for over 1,000 days the U.S. Senate has not passed a budget. And the law says we have to do it. That is incredible. It is absolutely incredible. Over the last 3½ years we have added \$5 trillion to the national debt, more than in the previous 8 years combined, and current estimates by the CBO put Federal debt at 70 percent of our gross domestic product by the end of this year.

We are reaching irreversible levels of debt, as it relates to the size of our economy. It is unsustainable and it is dangerous for the fiscal health of our country. The status quo needs to change. Congress needs to address the impending fiscal cliff or risk another downgrade in the coming months.

We can accomplish this by passing a budget that moves us toward balance. We can accomplish this by reforming entitlements and not putting Band-Aids on issues for another time. Our debt will begin to decrease when we put the American people back to work and we get policies in place that encourage the investment of capital.

How about something novel? Why don't we reform our Tax Code? Give me the ability to go to a small business in North Carolina and tell them they are going to pay exactly the same thing GE pays. It is hard for me to explain how they pay 36 percent and GE paid nothing. I am not faulting GE, don't get me wrong. That is exactly what the Tax Code currently says. That doesn't make it right. It doesn't mean we have an obligation to leave it like that in the future. I look at it as an opportunity for us to bring equity. But as we bring equity, why don't we bring everybody's obligation—their rates—down. It is time for us to reform individual corporate taxes in America, to do away with loopholes and deductions, to flatten the rates for everybody, to broaden the participation by more Americans. Guess what. If we do that, we will be like a magnet for global capital. What does it take to create jobs in the United States? It takes an investment. Reform the Tax Code, flatten the rates, broaden the base, and we will attract capital that will flee to America and create jobs like we have never seen. At a time where the world continues to try to figure out how to get out of a hole, we have an option to do it.

I yield to the Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that Senator BURR have the time until 4:40 p.m.; that I be recognized for up to 5 minutes, following the remarks of Senator BURR; further, that after my remarks, all remaining time be yielded back, the motion to concur with an amendment be withdrawn, and the Senate proceed to vote on adoption of the motion to concur in the House amendment to 3187.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there objection? Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator from North Carolina.

Mr. BURR. I thank the Senator from Iowa. So I just gave us a recipe for solving our economic crisis in America. Some might say it will not work. I don't know. I think it will. I can say this. What we are doing is not working. We are not putting anybody back to work. We are still losing. My State of North Carolina has 9.4 percent unemployment. How long does it have to continue before we look at it and say this might be a systemic problem? Can we recover from this?

How many law school graduates can we look at this year where 60 percent of the class of graduates from the first of May to the end of June doesn't have a job? As a parent, I always thought the toughest job was to make sure my kids got in school and that they graduated in 4 years. Now the greatest burden on a parent is to make sure when they get out, they get a job that has a paycheck and maybe that check puts them in a situation where they are self-sustainable. That is not the promise we made to our kids and that ought to be the driving force behind every adult in this country demanding a change.

Most of our kids did exactly what we asked them to do—stay in school, make good grades, go to college, get a major. If they do that, they will be guaranteed a job and an unlimited future. Now the seniors who graduate from college who are not finding a job, their experience is being questioned by their little brother or sister at home who is struggling to get through high school and wondering why they want to do 6 more years of education if their older sibling can't find a job.

It doesn't have to be like this. All we have to do is muster up the backbone we need to pass legislation that creates the atmosphere for capital to be invested in job creation.

I am not rich, but I am getting tired of us dividing America in as many pieces as we can divide it. We already divide it based on political boundaries. Now we are trying to divide it on everything we can find. Yet for every politician when they give that big speech on TV, they boil it down to this is about America. But when we look at the campaign rhetoric out there, they

slice it and dice it and try to divide it in many ways. Let me assure everyone, we are not going to solve this if America doesn't solve it. It is not going to be solved in the Halls of Congress unless the American people demand it. It is not just one segment of America; it is all segments of America.

I talked about de Tocqueville's definition of the greatness of America earlier. He didn't point out some Americans who did it good or did it right. He looked at America as one.

As a matter of fact, when we look historically at this country—and I realize I only have a couple minutes left; I will be brief. When the Capitol dome was torn off and the new construction started, it was because of the wing we are currently in, the Senate, and the identical wing that was built on the House side. When those wings were added, architecturally, the dome that was on top of the Capitol was out of proportion, and that dome was called a Bulfinch dome. In about 1851 or 1852, they started building the dome we see today, made of 9 million pounds of cast iron. As that dome was about one-third of the way finished, Abraham Lincoln was President, and they could actually watch the Civil War battles across the Potomac on the other side of the river.

Then came the end of the war and Lincoln was President and had every right to be punitive to the South because they lost. I challenge everybody to go back and read Lincoln's speeches after the Civil War. Remember, the first action was to let every southerner go and keep their gun because he knew they needed to eat. In every speech President Lincoln gave after the end of that conflict where he could have in his remarks been punitive to the South, President Lincoln talked about one Nation, one people. As the leader of the United States, he understood his single job was to bring this country back together. Even though he probably had the greatest reason to draw division in America, he refrained from that temptation and spent all his time redefining what makes America great; that is, a united country of people.

In the temptation to win elections and the temptation to show the highlights or successes of one party over the other, I will conclude with this: As leaders in the country, we have a real opportunity to set by example how we go forward. Let's quit the political divisions. Let's start it with the two Presidential candidates. Don't slice and dice America to where it is that group against this group and that group. Let's realize if we want to change the direction of this country, somebody has to stand and bring America together. My belief is we need to do it now or there may not be another opportunity.

I can look at my good friend Senator HARKIN and myself and we are at an age where we are not going to drastically change the future. We made the

bed we are going to sleep in. But for our children and our grandchildren, the impact of what we do can drastically change the opportunities they have for a lifetime.

I would love to leave this institution believing we have had an impact that extends prosperity and opportunity for generations to come. But for a majority of the 2½-plus hours I have taken today, if we don't have the backbone to take it on, it is not going to happen. If we don't do it, nobody else will. Let's demand that the leadership we put in place is willing to show the leadership needed to bring this country back together for a common purpose. That purpose is to be a country of unlimited opportunities, where everybody is being treated fairly.

I thank the Presiding Officer for her attention.

I yield the floor.

NEW ANTIBIOTICS

Mr. MENENDEZ. Madam President, I ask to be recognized to engage in a colloquy with my good friend from Iowa, the Chairman of the HELP Committee, Senator HARKIN.

I want to thank the Chairman for his leadership on this bill, the Food and Drug Administration Safety and Innovation Act. This is a critically important piece of legislation and I am proud to support it. I wanted to ask the Senator to clarify something for me regarding language in the bill dealing with the development of new antibiotics. This bill contains language to incentivize the development of antibiotics, both for newly-discovered infections where antibiotics do not yet exist as well as for those resistant infections where currently available antibiotic treatments may no longer work. These incentives are available for qualified infectious disease products, that is, products intended to treat serious or life-threatening infections, including those caused by resistant gram positive pathogens and multi-drug resistant gram negative bacteria. It is my understanding that products intended to treat serious or life-threatening infections caused by gram negative anaerobic bacteria are also considered qualified infectious disease products, and therefore eligible for the incentives contained in this provision. Is that the case?

Mr. HARKIN. I thank my friend from New Jersey for the opportunity to clarify this point. The Senator is correct that this provision aims to provide incentives in the form of extended market exclusivity for certain antibacterial and antifungal drugs that treat serious or life-threatening infections. He is also correct that the list of qualified pathogens in the legislation is illustrative, and not exhaustive. Products intended to treat serious or life threatening infections caused by gram negative anaerobic bacteria would be qualified infectious disease

products and would therefore be eligible for the 5 years of extended market exclusivity.

Mr. MENENDEZ. I appreciate the Senator clarifying that point. As he knows, infections caused by gram negative anaerobic bacteria such as *Bacteroides* and *Garnerella* have a disproportionate impact on women of color and cause an increased risk of HIV infection and complications of pre-term labor. I am pleased that this bill takes the steps necessary to ensure treatments for these infections can come to market and help those in need. Again, I thank the Senator for his leadership on this bill and for clarifying this point today.

Ms. MIKULSKI. Madam President, I come to the floor to talk about antibiotic resistance, a public health threat to Americans across the country. I have heard first hand from hospitals, health care providers, public health officials, scientists, and life sciences companies in Maryland that we need new antibiotics in our arsenal. Bacteria, like viruses, are crafty and constantly evolving to thwart existing treatments. Everyday, Americans are infected by multi-drug resistant microbes.

In most instances, antibiotics, much like vaccines, are not meant to be used everyday to treat a condition for months, years, or a lifetime. You use antibiotics sparingly, so you do not build up resistance. Yet, drug development for these infectious pathogens can take just as long as developing any other drug whether it is for HIV, heart disease, or cancer. Because antibiotics are used for a short period of time, they are not really profitable to the companies investing the time and money to develop the product. There are not many small start-up companies or big pharma companies that want to take the risk. Research and development costs hundreds of millions of dollars, so these companies are reluctant to invest in a safe and effective drug that doctors are told to use sparingly. Bottom line, developing a next generation Viagra pill is far more profitable for shareholders.

So, House and Senate Republicans and Democrats came together and worked on a bipartisan bicameral solution to incent development of drugs to treat serious or life-threatening bacterial infections. We need to get more antibiotics in the drug development pipeline. We are running out of antibiotics to treat MRSA, tuberculosis, acute pelvic infections, complicated urinary tract infections, or complicated intra-abdominal infections. There are many anaerobic gram negative and anaerobic gram positive bacteria that are fatal, cause lifelong injuries, increase the transmission of HIV and other sexually transmitted diseases, or affect the reproductive and gastrointestinal tracts.

Title VIII of our bill, provides incentives for the development of antibiotics to treat serious or life-threatening infections, including infections where tolerance and resistance to existing antibiotics make them ineffective. We need to clear up infections that can cause poor outcomes for patients or negatively impact the public's health.

This bill will increase exclusivity for manufacturers that invest the time as well as the research and development dollars to bring new antibiotics to the market that knock out infections that cause pre-term labor or target bacterial infections in patients with unmet needs.

Mr. LEAHY. Madam President, I am pleased that Congress will finally send to the President the bipartisan Food and Drug Administration Safety and Innovation Act, FDASIA. This legislation previously received overwhelming support in the Senate and was passed by the House of Representatives by a voice vote just last week. This final action by the Senate will reauthorize the prescription drug user fee program and medical device user fee which are set to expire on October 1, 2012. It will also authorize two new provisions to allow the FDA to review and approve generic drugs and biosimilar drugs in a timely manner. Importantly, this bill includes several provisions that I have supported to prevent access to dangerous drugs.

Passage of the FDASIA will help stop drug shortages that affect thousands of Americans. I have heard from a number of Vermonters concerned about the uncertainty of availability of lifesaving drugs and devices. While the FDASIA will not stop all drug shortages, I hope it will give Vermonters who depend on these medications relief knowing more steps are being taken to ensure these shortages don't happen.

This legislation also includes an important provision I have been proud to author to address the problem of counterfeit drugs. In March, the Senate passed by unanimous consent bipartisan legislation that I introduced with Senator GRASSLEY to deter the sale of counterfeit drugs. The Counterfeit Drug Penalty Enhancement Act, S. 1886, has the support of groups such as the Alliance for Safe Online Pharmacies, the Easter Seals, and the U.S. Chamber of Commerce. The legislation is consistent with recommendations from the Intellectual Property Enforcement Coordinator and the administration's Counterfeit Pharmaceutical Interagency Working Group. I am pleased that a compromise version of this legislation will become law as part of S. 3187.

I am also glad that the final bill includes important provisions addressing the issue of synthetic drugs. These provisions correspond to three bills that the Senate Judiciary Committee passed last year—the Combating Dangerous Synthetic Stimulants Act, S.

409; the Combating Designer Drugs Act, S. 839; and the Dangerous Synthetic Drug Control Act, S. 605. I was glad to move these bills through the committee last year and to work to try to pass them in the full Senate. They address substances commonly known as “bath salts” and other synthetic drugs that have no legitimate use and can too easily be obtained under current law. Bath salts have resulted in a number of reports of individuals acting violently in the United States, including in Vermont, and have led to injuries to those using them and to others.

I thank Senators KLOBUCHAR, GRASSLEY, PORTMAN, and SCHUMER for their leadership on this issue. I was glad to be able to work with them and with Senator HARKIN to support including these important provisions in the FDA bill and keeping them there in negotiations with the House. It is good that we are able to make real progress in this area.

I am also glad that we are moving forward on this issue in a responsible way after appropriate consideration. Adding chemicals to schedule I of the Controlled Substances Act has serious consequences and is not a step that we should undertake without careful consideration. We will continue to study this issue and consult with the DEA, FDA, and others going forward.

I note also that Senator PAUL has expressed serious concerns about the mandatory minimum sentences contained in the Controlled Substances Act, mandatory sentences that are expanded every time we schedule new substances. I appreciate those concerns. As more and more of our criminal justice budget goes to housing more and more people in prison for ever longer periods of time, rather than supporting prevention programs and law enforcement which can more efficiently and effectively reduce crime, we have to rethink our reliance on mandatory minimum sentences, particularly for nonviolent drug offenses. In the future, I intend to work with Senator PAUL and others on this vital issue.

Finally, I am pleased that the final FDASIA includes language to protect the public's ability to access information under the Freedom of Information Act, FOIA. This bill will allow the Food and Drug Administration, FDA, to obtain important information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. This provision carefully balances the need for the government to keep some information confidential, with the need to ensure free flow of information in our democratic society. A number of Senators, including Senator HARKIN and Senator ENZI, and a number of open government

and consumer groups, including OpenTheGovernment.org and Public Citizen, worked with me to protect the public's access to FDA information in this bill.

Sending this legislation to the President's desk will save lives. The Senate's action will also mitigate the uncertainty facing the FDA should these user fees expire. I am pleased to support this legislation and urge other Senators to do so as well.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, we are about to move to a vote on the FDA reauthorization bill, a bill which I have said earlier we spent more than 1 year working on in committee. It has had a lot of input from Senators on all sides, including industry stakeholders and consumer groups. This is the result of a wide collaboration on all these issues.

I wish to respond to a couple things my friend from North Carolina—and he is my friend—said earlier about the amendment he was concerned about on the track-and-trace amendment. The Senator from North Carolina talked about speed. He said we were rushing this through. The vote in the Senate was 96 to 1. The House vote was unanimous. That doesn't happen if a bill is being rushed through. Anybody who tries to rush a bill is not going to get 96 votes in the Senate or a unanimous vote in the House.

Again, my friend questioned how hard we tried to get the track-and-trace provision included in the conference report. I might turn the question around and question how hard the Senator from North Carolina and the Senator from Colorado worked to get this included. We have been working on this bill for over 1 year. My friend, a good member of the committee, and his staff has been very much involved in many aspects of this bill. So I wonder why the amendment was dropped on our staff 1 day before filing the bill at the midnight hour. I might also point out that on September 14, 2011, our committee had a hearing on the supply chain issue. The record will show that I, the chairman, was the only one to raise the issue of track and trace at that hearing.

Two weeks before markup, Senator BURR and Senator COBURN introduced an FDA bill. Senator ENZI's staff and my staff worked for 2 weeks to incorporate elements of this bill into the reauthorization. These are elements of the bill that were introduced 2 weeks before by the Senator from North Carolina, Mr. BURR, and Senator COBURN. So our staff spent 2 weeks trying to incorporate elements into the bill, and they did. We did incorporate a lot of elements. I would point out there was nothing that mentioned track or trace that was in that bill that was introduced 2 weeks before.

Again, I just say, if this was so important, why wasn't it in their bill? If it was so important, why did they wait until Sunday evening at 6:20 p.m., the day before filing, to get the language? Again, who is trying to rush what? We did not try to rush anything, but when we get something dropped in our lap at 6:20 p.m. the night before the filing, it is hard to build a consensus, and that is what this bill is. We did go to conference on this, but this issue involves a lot of different players, and we could not get that consensus.

So I say to my friend from North Carolina, we are still working on this. We will work on it in good faith, but we have the State of California, we have the pharmaceutical manufacturers, we have drugstores, we have consumers, we have a lot of people out there who have something to say about this, and we have to build that coalition in order to get a good track-and-trace bill through.

We are now about to vote on the critical FDA bill reauthorizing user fees, modernizing FDA's authority in several meaningful and targeted ways, addressing the drug shortage problem, streamlining the device approval process, enhancing our global drug supply chain authority and all the while maintaining and improving patient safety. Because this bill will directly benefit patients and the U.S. biomedical industry, it is critically important to the agency, industry, and most important to patients that we get this done.

I urge my colleagues to vote for final passage and pass this bill. It is the same bill the House passed unanimously. Once it is done here, we can send it to the President and get it signed and move ahead with a good reauthorization of the Federal Food and Drug Administration.

The PRESIDING OFFICER. Under the previous order, the motion to concur with amendment No. 2461 is withdrawn.

The question is on agreeing to the motion to concur in the House amendment to S. 3187.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted “yea.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—92

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lugar	Warner
Crapo	Manchin	Webb
DeMint	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Feinstein	Merkley	

NAYS—4

Burr	Paul
Coburn	Sanders

NOT VOTING—4

Hatch	McCain
Kirk	Udall (CO)

The motion was agreed to.

Mr. HARKIN. Mr. President, today, with final passage of the FDA Safety and Innovation Act and the reauthorization of the FDA user fee agreements, we have helped both the FDA and the biomedical industry ensure that they can get needed medical products to patients quickly. This legislation, now headed to the President for his signature, will ensure that the FDA can swiftly approve drugs and medical devices, save biomedical industry jobs, protect patient access to new therapies, and preserve America's global leadership in biomedical innovation. It will keep patients safer by modernizing the FDA's inspection process for foreign manufacturing facilities, while also improving access to new and innovative medicines and devices. It will reduce drug costs for consumers by speeding the approval of lower cost generic drugs and help prevent and mitigate drug shortages.

Finally, by improving the way FDA does business, increasing accountability and transparency, U.S. companies will be better able to innovate and compete in the global marketplace.

With the FDA Safety and Innovation Act ready to be signed into law, we have taken an important step to improve American families' access to life-saving drugs and medical devices.

As I have said throughout this debate, the bipartisan process that produced this excellent bill has been a shining example of what can be achieved when we all work together in

good faith. I worked very closely with my colleagues on both sides of the aisle, as well as industry stakeholders, patient groups, and consumer groups, to solicit ideas and improvements on the critical provisions in this bill. We have a better product thanks to everyone's input.

My colleague, Ranking Member ENZI, deserves special recognition, and I extend my sincerest gratitude to him. Without his strong leadership and cooperation in this open bipartisan process, we would not have the exceptional consensus measure we have today. So I thank Senator ENZI for his partnership and collaboration throughout the past almost year and a half.

I wish to specifically thank the staff of Ranking Member ENZI, as they have devoted countless hours to working with my staff and others throughout this process to build consensus for this legislation.

I thank Frank Macchiarola, Chuck Clapton, Keith Flanagan, Melissa Pfaff, Grace Stuntz, Katy Spangler, and Roley Swinehart. I sincerely thank them for their tireless efforts and loyal commitment to this cause.

I also thank all of the HELP Committee members as well as other Senate Members and their staffs who were thoroughly engaged with this process from the beginning as part of the bipartisan working groups. Each of you has contributed significantly to this legislation, and I am sincerely grateful for your contribution.

I also recognize Chairman UPTON and Representative WAXMAN, as well as their staffs, who worked tirelessly to reconcile the differences between the Senate and House legislation.

Of course, I thank my own staff on the HELP Committee, who have spent many a night and weekend with Senator ENZI's staff, other Members' offices, and our colleagues in the House working to come to consensus on the critical policy issues in this legislation.

First of all, I thank our staff director Pam Smith, and I especially want to note the tremendous work done by Jenelle Krishnamoorthy through this last almost 15 months or more, for pulling people together and working on weekends. I don't know how she does it, and she still has time for the twins. It is remarkable, but she does it, and it is done remarkably well, and I thank Jenelle especially for her great leadership.

I also thank Elizabeth Jungman, Bill McConagha, Kathleen Laird, Dan Goldberg, Justine Sessions, Kate Frischmann, Elizabeth Donovan, Frank Zhang, and Evan Griffis.

I also thank our former staff director Dan Smith, who left the committee as staff director a couple of months ago, but he was very much involved in this until the time of his departure.

I also thank the Congressional Budget Office for their knowledgeable and

capable team that was willing to work around the clock sometimes to estimate the budgetary effect of the legislation.

We also owe our gratitude to the staff members in the Legislative Counsel's Office—specifically Stacy Kern-Scheerer and Kim Tambor. This bill is a result of tremendous effort by their team to draft and redraft provisions in this measure, as well as address technical issues well into the nights and over weekends. I thank them profusely for their dedication.

This bill's final passage is a victory for millions of Americans who need medicines or medical devices, a victory that would not have been possible without the dedicated work of our Senate family.

The PRESIDING OFFICER. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 341, S. 2237.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. REID. Mr. President, I made a commitment to proceed to a 5-year flood insurance bill following the farm bill. We have done that. It is the right thing to do. It is an extremely important piece of legislation. So I have lived up to that commitment. I had hoped the broad support we have for this extremely important bill would allow us to reach an agreement and finish the bill in a relatively short period of time.

As everyone knows, the senior Senator from Arkansas has had some issues with the bill. I have suggested that he have a vote. From talking to my Republican friends, they do not have a problem with that, giving him a vote. Unfortunately, as happens around here more often than I would like, we have not been able to reach agreement because a small group of Republicans is stopping us from doing this.

So my options are really very limited at this stage. I can file cloture and put at risk our ability to complete action on student loans and the Transportation bill. That is what it would do because if I file cloture, we will have to have a cloture vote on this on Thursday. And I would have to file cloture twice because there is the bill and there is the substitute, which everybody agreed was the right thing to do to move forward on the substitute. That is two votes, so at least 60 hours. The flood bill is a very important piece of legislation. It is not something we have to complete the day after tomorrow, but it is something we have to

complete a month from now. So do I file cloture and put at risk these important pieces of legislation, meaning the Transportation bill, the student loans—put everything at risk—or I can give supporters of this bill time to try to come to an agreement on limiting the number of amendments.

I really believe the right thing to do is to give the people who want this bill passed, Democrats and Republicans, people who support this extremely important piece of legislation, a day or two to figure out if they can get something done. I hope they can. I honestly do. So I am not filing cloture on this bill as I had really actually contemplated. I hope my Republican friends will work with us to get this bill done.

This is a bill that deals with flood insurance. I have spoken to a number of Republican Senators, including Senator VITTER, who is the person who has spoken out on this more than anyone else, and he acknowledges that there may be a few relevant amendments that we should have on this bill. I do not care. That is fine with me. Let's set up a list of amendments and finish this bill. So I hope we can get that done. I really do. We should not get in a legislative morass on a bill that is extremely important for the country no matter what part of the country you live in. The dry deserts of Nevada, this is an important piece of legislation; the wetlands of Florida and Louisiana, very important piece of legislation. So I hope we can get this done.

Let me just say another word or two. I am very pleased to say that we are close to an agreement to prevent student loan rates from doubling for 7 million young men and women. That would happen at the end of the week. So I appreciate the leadership of President Obama. He has pushed forward on this for a long time. He has given many public statements in this regard. He has been talking to students around the country. He was in New Hampshire yesterday talking to students. They waited in the rain to hear him talk. He has been working with leaders in Congress to ensure that students will not pay the extra \$1,000 to get a degree.

I would remind my colleagues, the Republicans, including the Speaker, my friend, were willing to give up on this issue a few weeks ago. We are not willing to give up on this issue. I am glad my Republican colleagues have agreed we should not give up on this issue. We do not want to let the rates double. Leader CANTOR even said Republicans were done legislating. Remember that? But with the President's leadership and our persistence and the help of my valiant Republican friends, we are going to be able, with a little bit of good luck, to protect 7 million students. I hope that is, in fact, the case.

I appreciate the diligent work of the chairman of our committee, Senator

HARKIN. Senator JACK REED has worked very hard on this, as have other Senators. I am leaving a few out, but I am certainly not doing that intentionally.

I hope everyone understands the legislative issues we have to work to toward the end of this week. I hope we can get it done. I hope we do not get trapped in one of these Senate procedural bogs where we are going to have to be here Friday, Saturday. You know, I hope we do not have to do that. There is no reason to. We can get all of our work done, but we do need a little bit of cooperation.

The PRESIDING OFFICER. The Senator from Tennessee.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. ALEXANDER. Mr. President, I congratulate Senators HARKIN and ENZI, their staffs, and all who worked for 15 months on this important piece of legislation. I have watched the Senate for a long time—first as a staff member and then as a Senator—and it has always been a little messy and complicated. There are always disagreements. That is the purpose of the Senate, to work out arguments. But over the last few months, this Senate has done a much better job of operating in the way the American people expect us to operate. We are all here to try to get results after we state our positions. This bill especially affects the health and safety of millions of Americans. Almost every American family buys the prescription drugs and medical devices we are talking about in this legislation. I am glad to see this happen for two reasons—one, because of the result, and two, because of the way the Senate has worked. It is a fine example of what I hope to see happen more often.

I also thank the majority leader, Senator REID, and the minority leader, Senator MCCONNELL, for creating an environment in which we could have a large number of amendments, debate, and discussion. I think we all appreciate that very much and want to create an environment in which they can provide that kind of leadership.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND GRANT UNIVERSITIES

Mr. ALEXANDER. Mr. President, on Monday, at the Library of Congress, was the 150th anniversary celebration of the creation of land-grant universities and the National Academy of Sciences. The assemblage also took a moment to throw a bouquet to Andrew Carnegie for founding so many free public libraries.

I am on the floor to ask this question: What was in the water in Washington, DC, 150 years ago, in 1862 and 1863? During the 2 years after the telegraph dispatched the Pony Express in 1861, Congress and President Lincoln

enacted the Morrill Act creating land-grant colleges, authorized the Transcontinental Railroad—reducing the time for getting from New York to San Francisco from 6 months to 6 days—as well as the National Academy of Sciences, and enacted the Homestead Act. They also agreed on a conscription law with teeth, a National Banking Act, establishing a national currency, a new internal revenue law, and created the Department of Agriculture. To top it off, on December 2, 1863 the last section of the Statute of Freedom was put in place on top of the Capitol dome, with a great celebration.

Mr. President, if I were the Republican national chairman, I might suggest that this transforming burst of governing was simply a matter of turning the government completely over to Republicans and sending home half of the Democrats. By the end of the 37th Congress in 1863, southern Democratic U.S. Senators could not obstruct any of these laws because their States had seceded from the Union and they could not to vote. According to the Senate Historian, that left 48 Senators voting at the end of that session—27 Republicans, 12 Democrats, and 9 Unionists, oppositionists, or Senators who called themselves the “know nothings.”

Perhaps this burst of governing came from the energy of a new political party or the brilliance of the new President, Abraham Lincoln, or maybe a Congress that was simply more efficient in those days. The Morrill Act that created land-grant colleges passed both the Senate and House in the same week, in June 1862. The President signed the bill into law 2 weeks later. The National Academy of Sciences was introduced on February 20, 1863. It passed the Senate and the House and was signed by the President all on the same day, March 3. Back in those days, the President would obligingly travel down Pennsylvania Avenue and sit in an office in the Capitol waiting for bills to be brought to him for signature.

Maybe it was a result of the state of the American condition at the time—the absence of a 24-hour media, special interest groups, and instant communication on the Internet. Or maybe it was that Members of Congress had more time to think great thoughts while traveling to the sessions. It would take Senator Sam Houston 6 weeks to travel from his home in Texas to occupy his Senate desk in Washington, DC.

There is no doubt it helped that there was a crisis, the Civil War. Americans have always risen to our best in the midst of a crisis. Making the crisis worse, many thought the new President was incompetent. In January 1863, former Supreme Court Justice Benjamin R. Curtis “reported general agreement on the utter incompetence of the President. He is shattered, dazed

and utterly foolish.” This is from David Herbert Donald’s book “Lincoln.” The editor of the Cincinnati Commercial was more explicit when he wrote that President Lincoln was “an awful, woeful ass. If Lincoln was not a damn fool, we could get along yet.” The President, in turn, considered many of his generals incompetent. And he and Mrs. Lincoln were suffering a personal crisis at the time, grieving the death of their son, Willie. The war crisis clearly helped to enact transforming legislation in 1862 and 1863. One impetus for passage of the law creating land-grant colleges was to provide military training.

Among the first assignments of the National Academy of Sciences was to find some way to protect the iron hulls of the Union Navy warships from corrosion.

GEN Grenville Dodge told President Lincoln that the Transcontinental Railroad was a “military necessity,” even though Representative Justin Morrill, a visionary in other matters, said he saw no need for the railroad to go further than the silver mines in Nevada because it would only be traveling through uninhabited territories.

The war caused the bickering Republicans, who remained in Congress, to pull together. The editor of the Chicago Tribune explained:

[If we fail], then all is lost. Union, party cause, freedom and abolition of slavery . . . let us first get the ship out of the breakers, then court martial the officers if they deserve it.

Mr. President, it helped to have a crisis.

Unfortunately, the formula for the passage of transforming legislation 150 years ago is not neatly explained as a crisis, plus a brilliant President, plus a high-minded Congress efficiently enacting big ideas developed in Washington, DC. The real story is much more American than that. As has usually been the case, these big American ideas came from outside Washington, they took a long time in coming, and enacting them into law was a long and messy process.

Jonathan Baldwin Turner’s address before the Illinois Teachers Institute in 1850 proposed the creation of an “industrial university” 12 years before enactment of the Morrill Act. Representative Morrill first introduced the idea in 1857. After much struggle, it passed in 1959, but President Buchanan vetoed it. Two years later, Morrill succeeded. And even though the obstructionist Southerners were gone, eastern and western Republicans argued vigorously over land grants, as well as where the new Transcontinental Railroad should go.

The roots of the National Academy of Sciences can be traced to a group of Cambridge scientists meeting in the 1850s or to earlier philosophical organizations before that or even all the way

back to Benjamin Franklin. California entrepreneurs and speculators and politicians—some of them were all three—were the ones who persisted in the 1850s until, in 1862, the Pacific Railroad Act became law.

So the formula for success for these transforming laws 150 years ago was typically American: big ideas bubbling up from around the country, plus entrepreneurial persistence, plus a crisis equals transforming results.

How does that formula apply today to improving the American condition? Well, to begin with, we have a handy crisis. Washington is borrowing 40 cents of every dollar it spends. By this rate, by 2025, every penny of tax revenue will go for Medicare, Medicaid, Social Security, and interest on the national debt, leaving nothing left—unless we borrow more—for national defense, national laboratories, national parks, research, or education. A second crisis, many fear, is that our country will be unable to compete in the future with the emerging Asian economies. So what transforming steps should the United States take to meet these new challenges?

My own view is that rather than creating new institutions, as America did in the 1850s and 1860s, it would be wiser for us to spend our time making the institutions we already have work.

Let me discuss just two examples—first, our basic governmental institutions. The new Foreign Minister of Australia, Bob Carr, a great friend of the United States, expressed recently in Washington, DC, that the United States is one budget deal away from reasserting its preeminence in the world. He means, of course, that the world is watching, actually hoping, that at the end of the year the United States will demonstrate that we actually can govern ourselves by resolving the fiscal mess we have in a way that reforms taxes, controls spending, and reduces debt. We do not need a new government to do this. We need for our newly elected President, whether his name be Romney or Obama, to lead.

President Lyndon B. Johnson’s Press Secretary, George Reedy, once defined Presidential leadership as seeing an urgent need, developing a strategy to meet that need, and persuading at least half the people that you are right.

We don’t need to change the rules of the United States Senate; we simply need a change in behavior—one that focuses less on playing games and more on getting results. The new Congress, next year’s Congress, whether it be Republican or Democratic, must make its goal to dispute, amend, debate, vote upon the President’s proposed agenda, and then help the President succeed, because if he succeeds our country succeeds.

We might well remember the words of that Chicago Tribune editorial writer in 1862 who said:

Let us first get the ship out of the breakers . . . then court martial the officers if they deserve it.

The second institutions we should refurbish and make work are our colleges and universities—all 6,000 of them, not just the land-grant universities that we celebrate this week. Again, we do not need new institutions; we need to reassert the greatness of the ones we have. Our universities, along with our national labs, are our secret weapons for innovation, and innovation is our secret weapon for producing 25 percent of all the money in the world for just 5 percent of the world’s population. The list of what it would take to strengthen our colleges and universities is short and mostly agreed upon. First, stop sending home every year 17,000 of the 50,000 international students who graduate from U.S. universities with advanced degrees in science, technology, engineering, and mathematics. Give them a green card and let them stay here to create jobs in the United States.

Next, double funding for advanced research, as the America COMPETES Act, which passed with huge bipartisan support in the Senate, has already authorized.

Third, repeal the Federal Medicaid mandates that force States to spend money on Medicaid that otherwise would go to higher education. This has resulted in dramatic decreases in State support and increases in tuition to try to maintain quality.

Next, while Congress is repealing the Medicaid mandates, it should literally cut in half the stack of regulations that hampers institutional autonomy and wastes dollars that should be spent on students and research.

Finally, the institutions themselves should look for ways to save money, such as full utilization of facilities during the summer, 3-year degrees for some students, and reforms to teacher tenure.

In the 1960s, Mitt Romney’s father, George Romney, offered this advice to the big three Detroit automobile manufacturers:

Nothing is more vulnerable than entrenched success.

The big three did not pay attention to that advice, and we see what happened. It is good advice for universities today.

In conclusion, I wish to say a word about the Carnegie libraries. My experience is that most ideas fail for lack of the idea; or to put it positively, that a great idea eventually carries itself into reality. Andrew Carnegie’s great idea was building public libraries. All of us know of their importance.

I remember when the New York Times wrote an article about me. They said, Mr. ALEXANDER grew up in a lower middle-class family at the edge of the Tennessee mountains. When I called home later that week to talk

with my mother, she was reading Thesalonians to gather strength for what she considered to be a slur on the family. She said to me: Son, we never thought of ourselves that way. You had a library card from the day you were 3 and a music lesson from the day you were 4. You had everything you needed that was important.

Andrew Carnegie's gift and the Federal laws 150 years ago creating land grant universities and the National Academy of Sciences and the transcontinental railroad and the Homestead Act all have this in common. They were not command-and-control Federal Government actions from Washington, DC. They were big ideas that, when implemented, empowered Americans to do things for themselves—to travel, to own a home, to educate themselves, and to learn by using a library.

For example, my empowered mother took me to the A. K. Harper Memorial Library in Maryville, TN, when I was 3 years old in order to get my library card. "Mrs. Alexander," the librarian said to her, "we don't give library cards to 3-year-olds." "Well, you should," she said to them. And they did.

So on this anniversary for the congressional enactment of transforming and empowering ideas, there should be more hope than despair. We still have most of the world's great universities. They still attract most of the brightest students from everywhere, insourcing brainpower and creating wealth.

According to a recent Harvard School of Business survey of 10,000 of its alumni on U.S. competitiveness, if you are in business in this country, it is still hard to beat America's entrepreneurial environment, proximity to customers, low levels of corruption, access to skilled labor, safety for people and property, and protection of intellectual property.

We have a remarkable system of government created by geniuses that many countries struggle to emulate. So why not celebrate this anniversary by taking steps to ensure that 25 or 50 or 100 years from now we have even more of the greatest universities in the world?

Let me read exactly what Australia's Foreign Minister, Bob Carr, a friend of the United States, said in his speech in April:

America could be one budget deal away, in the context of economic recovery, one budget deal away from banishing the notion of American declinism. Think about that, one budget deal, an exercise of statesmanship up the road, in the context of an economic bounce-back and all of a sudden, with energy independence crystallizing, with technological innovation, resurgence of American manufacturing, people who spoke about American decline could be revising their thesis.

So as we celebrate the transforming legislation of 150 years ago, why not take the advice of our friend from Australia? Why not take advantage of our opportunity at the end of this year to enact a budget that will reassert Americans' preeminence in the world?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

HONORING OUR ARMED FORCES

ARMY MASTER SERGEANT GREGORY CHILDS

Mr. BOOZMAN. Mr. President, as the son of a master sergeant in the Air Force, I grew up in a family that had values rooted in military tradition and patriotism. But you certainly don't have to be from a military family to love our country. We are encouraged to have a sense of American pride in our daily lives.

I remember reciting the Pledge of Allegiance and singing patriotic songs that reflect the love of our country. Students continue to do this and to learn these values passed down from generations of Americans before them. We have special days that recognize the people and symbols important to our country.

Two weeks ago, we celebrated Flag Day and next week we celebrate Independence Day. The 3 weeks between these patriotic holidays is known as Honor America Days. You most likely won't find these on your calendar, but Congress established these days and adopted it into the U.S. Code to encourage gatherings and activities that celebrate and honor our country.

While these days are not widely recognized, one of the ways Americans demonstrate our devotion to our country is by supporting our men and women in uniform. These troops have made enormous sacrifices to defend our country and our interests across the globe. These heroes are shining examples of the spirit, commitment, and bravery of our Nation.

During my time in Congress, I have had the opportunity to travel and meet with our troops across the globe and thank them personally for their sacrifices to make our world a better place. These men and women are always in my thoughts and prayers. I thank our military personnel and our veterans for their valued service and offer my sympathy to those families whose loved ones have given their all in defense of our Nation.

This includes the family of Arkansas soldier Army MSG Gregory Childs. Master Sergeant Childs died on May 4, 2012, while serving in Afghanistan in support of Operation Enduring Freedom. His family and the community of Warren, AR, paid their respects to Master Sergeant Childs, a father, a son, a brother and a friend, in a very moving ceremony.

Master Sergeant Childs graduated from Warren High School in 1992. He considered it an honor to serve his

country in the military. For 20 years he served his country in locations around the globe, from Bosnia, Germany, Colombia, and two tours in Afghanistan. He excelled through the ranks of the Non-Commissioned Officer Corps and earned one of the highest ranks he could attain.

I ask my colleagues to keep his family—especially his young daughter Kourtlan—and his friends in their thoughts and prayers during these difficult times. I humbly offer my appreciation and gratitude to this patriot for his selfless sacrifice.

As the home to literally thousands of active-duty military personnel and even more veterans, Arkansas has experienced more than its share of grief and sacrifice for loved ones who serve our country. Our State has a rich history of service to our Nation. Troops stationed in Arkansas have served our country honorably even before it was admitted to the Union. Our men and women have always been willing to do their part to serve and to protect. Our troops stationed in Arkansas and our military facilities at the Little Rock Air Force Base and the 188th Fighter Wing are some of the best assets in our military. Arkansans' active-duty personnel and National Guardsmen have time and again proven their dedication, perseverance, and commitment to excellence in defending this country.

As we plan our Independence Day celebrations, let us remember the service men and women who embody the ideals that make our country great. I know my fellow Arkansans share my gratitude and appreciation for our military personnel and their families who sacrifice at home while their loved ones are away.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

SYNTHETIC DRUG AND PDMP AMENDMENTS

Mr. PORTMAN. Mr. President, I rise to talk about a couple of amendments that were included in the legislation we voted on here this afternoon in the Senate. I am speaking of the Food and Drug Administration legislation. That legislation included two very important amendments that deal with combating legal drug abuse here in this country.

I want to start by thanking my colleagues, Senators SCHUMER, KLOBUCHAR, GRASSLEY, and ENZI, for helping to develop and promote this legislation over many months. The legislation addresses what is called synthetic drugs. I also want to thank them for helping see it through to passage as an amendment today.

Senator GRASSLEY actually shared with me a story a few weeks ago of a young man from Iowa, David Mitchell Rozga, an 18-year-old, who sadly took his life after using this synthetic drug known as K2, or spice. It is synthetic marijuana. He had purchased it legally at a local shopping mall.

In recent weeks, we have seen lots of news accounts of some of the savage acts committed by people high on these synthetic drugs, such as the widely reported cannibalism in Miami, FL. I saw today another horrible story about another man in Waco, TX. We have seen lots of deaths reported in my home State of Ohio due to synthetic drugs. Very recently we had a report of the Columbus, OH, police having to shoot two men who were high on what are called bath salts. One was shot fatally. There is synthetic marijuana out there, but also synthetic stimulants and synthetic hallucinogens. Unfortunately, people don't know they are dangerous because they are not illegal. So we need to act and act now, and we are doing so through this legislation today.

As I said, one of the drugs is called spice. It sounds like an ingredient you would find in a kitchen, something benign you would find on a shelf somewhere. The same with bath salts. Unfortunately, they are not benign at all. They are not what you think they are. They are dangerous compounds that can cause tremendous devastation, and we need to be sure we get the word out.

Users are led to believe they are getting a legal version of something that mimics marijuana, cocaine, LSD, or any other illegal street drug that is under what is called Schedule I of the Federal Food and Drug Administration. This means they are illegal drugs. But because these synthetic drugs are legal, again, users think they are safe. But they produce adverse reactions that are truly unexpected and sometimes bizarre. And like the street versions that are on Schedule I at the Federal level, the Drug Enforcement Agency and the FDA have both concluded none of these drugs has any currently accepted medical use in treatment in the United States.

It seems to me it is appropriate for us to list them under Schedule I. And again, that is what the Senate did today, following the House of Representatives. Because they are legal, they are accessible, particularly on the Internet. I have Googled a number of them, including K2, and it is alarming to see how easy it is to purchase them and how they are advertised. It is time to put them on Schedule I, just like street drugs, and by doing so we give the DEA the ability to prevent these drugs from being distributed or imported into the United States, and also allows them to pursue the manufacturers of these drugs.

A lot of families have suffered from synthetic drugs, and sometimes those families come to me. I have done a lot of work over the years in prevention and education of substance abuse. I started a coalition back home that continues to do great work in the greater Cincinnati area. I have been involved in encouraging community coa-

litions around the country, and I am hearing more and more about these synthetic drugs. Families come to me because they are hoping something positive will come out of the tragedies they have experienced; that the word will get out through these tragedies and other young people and adults won't lose their lives.

I heard one such story in the Senate about the family of Caleb Tanner Hixson in Riceville, TN.

Tanner was a student at Lee University in Cleveland, TN, majoring in exercise and health science. After graduating, he wanted to study for an advanced degree in physical therapy. Besides studying in that field, he was an avid athlete and outdoorsman. He had played competitive baseball his whole life, and he was also into hiking and canoeing. But all that promise was cut off on March 8 of this year when Tanner died as a result of a cardiac arrest after ingesting alcohol and a synthetic drug at a party in Chattanooga, TN. He was 22 years old. That drug is easily purchased on the Internet. In fact, it is identified on the Internet as being a "research chemical."

His cousin, Brandi White, was the one who told me about this incident on the Senate floor. Brandi actually works in the leadership office. I appreciated her sharing this story with me, and my heart goes out to her family. She said she called Tanner's mom to tell her about the legislation when we got it onto the bill, and she called her again today to tell her the legislation had passed. Although it is little comfort when you have lost a son, it is some comfort. I appreciate the fact that her family was willing to share that story so that other young people will not make that same mistake.

This legislation puts these dangerous drugs on what is called schedule I. We don't want one more young person to make one more bad decision and to die or have a serious health problem as a result of thinking these synthetic drugs are safe because Washington hasn't put them on the list to tell people they are unsafe.

If we want to do right by the safety and health of our children as well as our communities, closing this loophole, of course, was just something common-sense—and, by the way, something bipartisan, along the lines of what my colleague said earlier about how we ought to be operating in the Senate.

I am also proud to see bipartisan support for passage of another amendment today. This is legislation that I introduced with Senator WHITEHOUSE along with Congressman HAL ROGERS from Kentucky. This deals with the prescription drug problem we have. There is a prescription drug abuse problem throughout the country, but in Ohio we have been hit hard. One of the issues I found in going to a townhall in southern Ohio was the fact that the State

prescription drug monitoring programs couldn't communicate and operate across State lines.

I did a townhall where Director Gil Kerlikowse of the Office of National Drug Policy kindly came to Portsmouth, OH, about 1 year ago in July 2011, which is in southern Ohio on the banks of the Ohio River, an area that has been in the center of prescription drug abuse and interstate drug trafficking. It is also right across the river from Kentucky and right near West Virginia, so it is an interstate area.

Prescription drug abuse has devastated the county in which Portsmouth sits, Scioto County, as well as other counties in the area. But because of the hard work of family members, community leaders, and Federal, State, and local law enforcement, there has been some momentum and we are beginning to turn things around. Pill shops are being closed. One critical tool they told me they needed was prescription drug monitoring programs that could work across State lines. This is a database that a lot of States use to monitor prescription drug abuse so when someone goes to ask for a prescription, the person responsible for implementing the program or someone at a pharmacy or a doctor knows what prescriptions this person has already received. These are very effective programs.

Forty-eight States have them, one territory has it, and they work well within the State but they don't communicate well within the States, between each other. Again, in a place such as Scioto County, where we have interstate traffic, this legislation will now protect our community and ensure that if someone gets a prescription in Ohio and then goes across to Kentucky to fill it once they have reached their limit in Ohio, that there will be a monitoring program and a database available. So it succeeds by getting States' different programs to work together securely, reliably, and efficiently.

I would also like to thank the Alliance of States with Prescription Monitoring Programs, which has played a pivotal role in promoting national interoperability standards.

These are examples where the Senate acted to try to make our communities safer and to help ensure that young people can achieve their God-given potential. Working together, we have been able today to help ensure the health and well-being of our communities.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 46th anniversary of the enactment of the Freedom of Information Act, FOIA. The "right to know" is a cornerstone of our Democracy. For five decades, Americans have counted on FOIA to help shed light on the activities of their government.

As we reach this important milestone, there are many victories to celebrate. This week the Senate will enact the Food and Drug Administration Safety and Innovation Act, which includes important language that I helped craft to protect the public's ability to access information under FOIA. Section 710 of that bill will allow the Food and Drug Administration, FDA, to obtain information about drug inspections and drug investigations undertaken by foreign governments, while at the same time ensuring that the American public has access to information about potential health and safety dangers. I thank Senators HARKIN and ENZI and the many open-government and consumer groups—including OpenTheGovernment.org and Public Citizen—who worked with me to enact this FOIA provision.

Last year the Senate unanimously passed the Faster FOIA Act, a bill that I cosponsored with Republican Senator JOHN CORNYN. This legislation would create a bipartisan panel of government and outside experts to make recommendations on improving the FOIA process. Sadly, despite the overwhelming and bipartisan support for this good-government legislation, this bill has been languishing in the House of Representatives for almost a year.

During the 3 years since President Obama made a historic commitment to restoring the presumption of openness in our government, the Obama administration has also taken steps to strengthen FOIA. I especially want to commend the Office of Government Information Services—and the inaugural Director of the OGIS, Miriam Nisbet—for working with the Environmental Protection Agency and the Department of Commerce to develop an online FOIA Module designed to help agencies better meet their requirements under the FOIA. This new FOIA program reaffirms the President's commitment to transparency in our government and will make government information more accessible to the American people.

While these and other FOIA accomplishments give us good reasons to cel-

ebate, many other threats to the public's right to access information under FOIA remain. In the coming weeks the Senate is expected to consider several legislative exemptions to FOIA in relation to cybersecurity legislation. As this legislative process unfolds, I intend to work with Members on both sides of the aisle to ensure that the American public's ability to access information about threats to their health and safety in cyberspace is protected.

Securing our Nation's critical infrastructure information is a pressing national priority. So, too, is protecting the rights of Americans to know what their government is doing. We must strike a careful balance between security and openness in our cybersecurity policies. The anniversary of FOIA's enactment provides a timely reminder of just how important it is for the Congress to get that balance right.

As I have said many time before, open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that I will continue to work to fulfill FOIA's promise of openness in our government and that I join all Americans in celebrating the 46th anniversary of the Freedom of Information Act.

TRIBUTE TO THE U.S. ARMY INTELLIGENCE COMMUNITY

Mr. McCAIN. Mr. President, it is my distinct privilege to honor the outstanding men and women who have made lasting contributions to U.S. Army Intelligence over the years. On July 1, 2012, MG Gregg C. Potter, commanding general of the U.S. Army Intelligence Center of Excellence and Fort Huachuca, will officially recognize the 50th anniversary of the founding of the Military Intelligence Branch and the 25th anniversary of the Military Intelligence Corps at Fort Huachuca, AZ. This is a momentous occasion, and I congratulate all Army intelligence professionals—soldiers and civilians alike—on these distinguished achievements.

Timely and accurate intelligence information has always been critical to the success of our Armed Forces on the battlefield. Across all intelligence disciplines, Army intelligence professionals have collected, analyzed, and supplied this vital information to commanders at all levels—from the tactical to the strategic. The intelligence information they supplied has directly contributed to winning our Nation's wars and to saving lives. Army Intelligence professionals have carried out this mission with great courage, devotion, and skill since we declared our independence 236 years ago. We recognize this legacy and look forward to Army intelligence's continued success

and service to our country in the future.

Two critical events shaped the Military Intelligence Corps into the organization that exists today.

On July 1, 1962, the Secretary of the Army signed a general order authorizing the creation of the Army Intelligence and Security Branch. With this authorization, all Army intelligence soldiers, including regular Army and Reserve officers, were placed into a distinct branch. It ended the practice of detailing officers from other branches into intelligence positions and facilitated the professionalization of the intelligence field. By establishing a branch equal to all others, the Army recognized the critical importance of military intelligence.

On July 1, 1987, the Military Intelligence Corps was activated at Fort Huachuca. With the activation of the Corps, all Army intelligence professionals, regardless of their discipline, were symbolically bound together into one unified organization under the U.S. Army Regimental System. Since its activation, the unity of purpose and mission of the Military Intelligence Corps has remained vital to the success of the Army.

Today, the U.S. Army Intelligence Center of Excellence at Fort Huachuca is the home of military intelligence. Every year, the center trains approximately 20,000 students in the intelligence field, including initial military training, professional military education courses for all ranks and intelligence specialties, mobile training teams, and foreign military students.

I am immensely proud of the men and women in the U.S. Army intelligence community. They work tirelessly to protect our Nation and deserve our deepest gratitude for the sacrifices they have made. As indicated by their motto "Always Out Front," Military intelligence will remain a critical element of the readiness of our Armed Forces.

Again, congratulations on this proud occasion.

GUN SAFETY

Mr. LEVIN. Mr. President, our Nation reached an important milestone over the past few years. In 2010, according to a recent report by the Violence Policy Center, motor-vehicle-related fatalities dropped to their lowest level in decades, a 72 percent decrease in deaths per miles traveled from 1966 levels. But not all of the report's findings are encouraging. While our roads have become safer, other aspects of American life have become more dangerous. Over that same period, firearm-related deaths steadily increased around the country. In fact, in 2009, firearm-related fatalities exceeded motor vehicle fatalities in 10 States, and current trends indicate that firearm violence

statistics are only getting worse. Congress has the ability to protect lives with commonsense safety legislation, just as it did with motor vehicle safety measures. But it has recently lacked the will.

In the 1960s, this Nation confronted a public health crisis on its streets and highways. Over 40,000 people died from motor vehicle crashes in 1960 alone. A 1999 study by the Journal of the American Medical Association found that from 1960 to 1966 this crash death rate ballooned from 49.2 to 55 deaths per billion miles of travel. In response, Congress took action by creating the National Highway Traffic Safety Administration, NHTSA, which it charged with the responsibility of developing and implementing vehicle safety initiatives.

In the decades since, the NHTSA has spearheaded numerous efforts that have saved and will continue to save countless lives. Today, we take things like vehicle head rests, energy-absorbing steering wheels, shatter-resistant windshields, and seat belts for granted. We expect our roads to have clearly delineated lanes, guardrails, and adequate lighting. But many of these things would not exist if Congress hadn't taken action to protect the public from the dangers of unregulated motorways.

Just like congressional action made our roads safer, countless studies have shown that commonsense gun safety legislation would protect our homes, our schools, and our families from violence. According to the Centers for Disease Control, in 2009, guns killed more than 30,000 Americans and injured over 65,000. But despite these statistics, Congress has done little to address this public health crisis. Today, almost anyone, including convicted felons or the mentally ill, can walk into a gun show and buy a firearm from a private dealer without any background check. Others can walk into a gun shop and walk out with military-style assault weapons and high-capacity ammunition magazines, weapons with no sporting purposes.

Legislation has been introduced in this Congress that would address both of these issues and would make our society safer. I am a cosponsor of the Gun Show Background Check Act of 2011, S.35, and the Large Capacity Ammunition Feeding Devices Act, S.32, bills that would close this gun show loophole and prevent the sale of military-style ammunition cartridges. Congress should take up and pass these measures. We should act, like we did in the 1960s, to protect American lives with commonsense safety legislation. The price of doing nothing is just too high.

BRINGING JUSTICE TO UGANDA

Mr. COONS. Mr. President, the war crimes of Joseph Kony and the Lord's

Resistance Army, LRA, are well documented. For two decades, they have terrorized Uganda and its neighbors in central Africa, tearing apart families and demolishing whole villages. Their war crimes are unspeakable, and Joseph Kony and other leaders of the LRA must be held accountable.

As chair of the Senate Foreign Relations Subcommittee on African Affairs, I partnered with Senator JIM INHOFE to introduce S. Res. 402, a bipartisan resolution condemning the crimes against humanity committed by Joseph Kony and the LRA, supporting ongoing international efforts to remove Kony from the battlefield, and calling for the United States to continue to enhance its mobility, intelligence, and logistical support of regional forces protecting civilians and pursuing the LRA.

The most important thing about this resolution is not that it has earned the support of 46 Senators of both political parties nearly half the Senate. What is most important is that this resolution has earned the support of 215 citizen cosponsors, individual Americans who felt compelled to speak out against Joseph Kony and stand with the President and the international community in their work to bring Kony and his top lieutenants to justice.

In an unprecedented wave of grassroots engagement, thousands of young Americans were inspired to take action by a powerful video released earlier this year by Invisible Children, a California-based nonprofit organization. This video was viewed more than 100 million times in just under a week, making it the most viral video in history. Yet young people all over this country did more than just watch they took action. They called and wrote their elected officials, they posted on Facebook and Twitter, and their voices were heard.

Although many of us in the Senate have been working on issues related to Joseph Kony and the LRA for years, hearing directly from so many of our constituents has renewed our focus and our commitment. It has been decades since we have seen such intense engagement from young Americans on a humanitarian situation in Africa, making this a critical moment to recognize and sustain.

Mr. President, I ask that the CONGRESSIONAL RECORD reflect the names of each of the 215 Americans who have signed on to S. Res. 402 as citizen cosponsors and thank each of them for standing with members of Congress, the President, and the international community as we work toward bringing Joseph Kony and his top commanders to justice.

List of names: The List follows:

Eugene Kim, Diane Delaney, Richard Behenna, Joann O'Reilly, Wanda Miller, Michelle Comfort, Rachel Breaux, Kourtney Harper, Daimian Dunn, Mary

Claire Smith, Shea Grubbs, Tamara Kaiser, Shannon Wheeler, Sheila Janca, Laura Cordovano, Kenny Allen, Maureen Strazdus, Karen Gillis, Katie Nuber, Alex Gernert, Lucas Chizek, Susan Tuberville, Danielle Neuman, Greg Simpson, Lindsey Williams, Cydnie Daniel, Jan Carr, Sarah Langlois, Christine Turo-Shields, Heidi Nelson, Erin Kenna, Spenser Hooks, Emily Gneiser, John Parkhurst, Paul Claus, Diane Adams, Lindsay Katai, Andrew Towarnicky, Phillip Teel, Debra Niederschulte, Elana Katz, Priscilla Brown, Rachel Whisenant, Austin Martino, Cheree Miller, Briana Arensberg, Tiffany Luu, Mike Boucher, Abigail Rings, Nicholas Blake, Melanie Lopez, Emily Poley, Mary Louise Bannerman, Leah Schult, Sandi Jean, Stephanie Carroll, Gwyn Seltzer, Lillian Grace Walton, Jayme Collings, Angus Dupee, Karl Nielsen, G. Morgan Timmis, Christopher Walton, Andrya Ryan, Laura Vandivort, Mary Ann Mastrolillo, Lena Dupee, Nikkolette Dykstra, Anna Kuralt-Fenton, Paige Weber, Zachary Landrum, Kathy Stracke, Sara Schlusser, Carol Gernert, Emmanuel Ojobaro, Jessica Lapsley, Kara Sewall, Autumn Nyagaya, Daniel Sherier, Amber Gonzalez, Alice Jo Cargo, Jane Ziegler, Jane Coufal, Nicola Archibald, Victor Pulido-Rojas, Bailey Cox, Kevin Weidert, Nicole Tacker, William Mattheis, Jessica Nicholson, Connor Regan, Susan Bjelajac, Nicole Munger, Dave Stracke, Spencer Dove, Lynette Heinz, Adam Webb, Hillary Granier, Patricia Camacho, Janine Kramer, Tracy Frank, Ricky Hankies, Michelle Benzenhoefer, Susan Pullen, Sadie Stone, Dawn Hendrickson, Terie Fightmaster, Vickie Myers, Marcel Adams, Alicia McClain, Claire Whillans, Jordan Garrett, Sierra Stahl, Pedro Manancero, Andrea Timberlake, Jessie Garrett, Brynn Doherty, Brit-tany Dunn, C. Reid Johnson, Angela Underwood, Kate Haselhoff, Rebecca Dale, Grace Rogers, Allana Alexander, Andrew Stanek, Kevin Febus, Amy Gernert, Melissa Franklin, Erik Nielsen, Tyler McDaniel, Stephen Mulrine, Wendy Atkins, Samantha Foster, Dean Ober, Jade Thiraswas, Danielle Discepoli, Carolyn Hunter, Andrea Forney, Brenna Garman, Emily Dimaio, Christopher Kleinsmith, Andrew Bruner, Michele Widd-Williams, Mary Thomas, Lisa Dougan, Alejandra Rios-Gutierrez, Elena Adlon Place, Peter Moosman, Kaylee Galvez, Nicole Eneff, Annette Hearing, Nathan Keller, Eva Posner, Latrisha McGhee, Christina Harrington, Joshua Hampton, Noah Eckstein, D.J. Morgan, Maryanne Rieder, Katherine Sasser, Jaclyn Licht, Robin Uribe, Jonathan Main, Ian Koski, Kaitlyn Scott, Brett Stauner, Dawn La Bounty, Deepan Rajaratnam, Sarah Henn, Jaquelyn Musselman, Charles Coats, Vanessa Walters, Chelsie Asher, Daniel Underwood,

Chandler Kemp, Matthew Bowen, Margo Cowan, Joseph Denny, Harrison McIntosh, Drew McKinnie, Jesse Jimenez, Nancy Floeter, Kimberleigh Allen, Jamie McKay, Amos Allen, Toni Glaess, Shayleen Kurtz, Matthew Gaby, Lucas Neuman, Danny Couto, Kathleen Barnett, Debra Zens, Micah Aumen, Sarah Lake, Maxim Gantman, Jonathan Rakofsky, Noelle Quanci, Jordan Green, Neil-Brian Samen, Annamarie Reese, Jeffrey Man, Willard Williams, Tammy Brown, Noor Tozy, Daniel Smith, Grace Bennett, James Daley, Akshay Chalana, Leisa Thompson, Carol Maynard, Casey Gordon, Christopher Hays, Earnest Miller, Carol Lee Saffioti-Hughes, Alan Solinger, Carol Solinger, Peter Russell, Michael Reed, Zachary Patten, Dustin Davis.

ADDITIONAL STATEMENTS

SACO, MAINE

• Ms. COLLINS. Mr. President, today I wish to commemorate the 250th anniversary of the City of Saco, ME, one of the oldest communities in New England and one that exemplifies the determination and resiliency of its people. In 1617, 3 years before the Pilgrims landed at Plymouth, the English explorer Richard Vines established a test winter settlement along a sheltered cove on the coast of Maine. That settlement where the Saco River meets the sea, grew, prospered, and eventually was incorporated in 1762.

The name "Saco" is derived from the Abenaki word for "mouth of the tidal stream," and the sheltered cove, known today as Biddeford Pool, had been a thriving center of Native American villages and cultivated fields dating back to prehistoric times. Although some 37 English families—fishermen, traders, lumberjacks, and farmers—relocated there within 20 years of Mr. Vine's exploration, growth was stifled by frequent armed conflicts with the French during those early colonial times.

The conflicts subsided and in 1716 a young merchant named William Pepperrell purchased 5,000 acres along the Saco River for a lumber operation. The small village began to prosper. In 1752, Sir William Pepperrell, by then a war hero and the first person born in America to be made an English baronet, donated a parcel to be a village common, burial ground, and site for a meetinghouse. Ten years later, the settlers incorporated as the town of Pepperrellborough, in honor of their benefactor.

In 1805, the long name was replaced with the much shorter Abenaki word, but the vision and energy of William Pepperrell lived on. First with water power and then with steam, Saco and its sister city across the river, Bidde-

ford, became leading manufacturing centers of the industrial age in North America. At Saco Falls, 17 sawmills supplied Maine's shipbuilders. On Factory Island, Saco Iron Works opened in 1811, followed shortly by foundries, harness makers, and machine shops. With the arrival of the railroad came the great engine of the community's economy—vast, bustling textile mills.

That Saco is a city built by the skilled hands of past generations is evident in the fine architecture cherished by the residents of today. Nine properties are listed on the National Register of Historic Places, including the First parish Congregational Church, City Hall, and many homes in the Georgian, Federal, Greek Revival, and Victorian styles.

The decline of American manufacturing in the late 20th century presented Saco with one of the greatest challenges in its history. It is a challenge that is being met with the same strength demonstrated by its early settlers. The abandoned mills on Factory Island are undergoing a transformation with residential, educational, and business uses, bringing an economic renaissance to the downtown. Today, Saco is a center for tourism, education, and the arts. Its skilled workers keep the city on the forefront of high-tech manufacturing, including invaluable contributions to our Nation's security in the defense industry. A community that once used waterfalls to power sawmills now uses clean, renewable wind energy to light its beautiful passenger rail station.

Mr. President, the yearlong celebration now underway is not merely about the passing of time. It is about human accomplishment. We celebrate the people who for more than 2½ centuries have pulled together, cared for one another, and built a great community. Thanks to those who came before, Saco, ME, has a wonderful history. Thanks to those here today, it has a bright future.●

RECOGNIZING THE GEORGIA PEANUT COMMISSION

• Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD the 50th anniversary of the Georgia Peanut Commission.

In 1961, the Georgia Agricultural Commodity Commission for Peanuts was established under the Commodities Promotion Act. The Commission conducts programs in the areas of promotion, research and education, and it is funded by peanut producers.

Today, the Commission represents over 3,500 peanut farmers in our great State of Georgia who produce nearly half of our nation's peanuts. The Georgia peanut industry contributes an estimated \$2 billion to our State's economy and provides more than 50,000 jobs, making it a vital component to the citizens of our State.

Georgia peanuts are simply delicious, and the Georgia Peanut Commission sends my Senate office and other Georgia congressional offices lots of its signature little red bags of Georgia peanuts to give out to our constituents. In fact, the Georgia Peanut Commission distributes an impressive 2 million bags of Georgia peanuts far and wide each year.

I am proud to honor the Georgia peanut industry, which is critically important to our State and Nation, and I congratulate the Georgia Peanut Commission on its 50th anniversary.●

EUREKA, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the 125th anniversary of the founding of Eureka, SD. Eureka is a town with a remarkable history deeply intertwined with the State of South Dakota and the country at large.

At its founding in 1887, Eureka was merely the end of the line for one section of the Chicago, Milwaukee, and St. Paul Railroad, but its bountiful water supply and strategic location between Bismark, ND and Pierre, SD assured that within just 5 years it would become the largest primary wheat shipping point in the entire world. It also became a haven for ethnic Germans who fled the oppression of Czarist Russia, a cultural heritage which is proudly maintained today. During World War II, Eureka again proved its worth to the country, as its proud farmers worked hard to make sure America's Armed Forces overseas were well fed.

More modern town heroes include Kathryn Schulkoski, who served as the town's librarian for 42 years, and whose name is now borne by the library she dedicated her life to. The town has produced nationally known figures as well, including Al Neuharth, founder of USA Today, and Marlene Hagge, a founding member of the LPGA and inductee to the World Golf Hall of Fame.

Today, Eureka keeps its heritage alive with events such as the annual Schmeckfest, first started by the town's Germans from Russia chapter in 1987, which continues to be a major draw for visitors; the Eureka Pioneer Museum, which gives visitors a wonderful look at the town's history and features a famous 37 foot tall wheat stalk statue; and of course kuchen, the delicious pastry dish which, after successful lobbying by the town, became the official dessert of the State of South Dakota.

Eureka will celebrate its quasiquicentennial with carnivals, a parade, concerts, and a fireworks display over Lake Eureka. These events will bring the town's residents together and remind them of their long and rich history.

Once again, I congratulate Eureka on reaching this milestone and all it has

accomplished in the process. I also join its residents in believing that the town's best days lie ahead.●

ORIENT, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Orient, SD. Orient is a warm and tight knit community, and residents are proud of their town's legacy of accomplishment. The people of Orient will be celebrating the quasiquintennial anniversary of their community on the weekend of July 6-8.

Orient was founded when a small group of Civil War veterans moved westward in hopes of establishing their own town in the Dakota Territory. Having fought in the Battle of Gettysburg, they originally hoped to name their new home Gettysburg, but soon realized that a town by that name was located less than three miles east. Although the exact origins of the name Orient are unknown, it is believed that Donald McKary and L. J. Jones decided on the final name for the nascent town. Orient was officially recognized as a town on October 3, 1887.

Orient flourished as a result of the railroad that ran through the town at the time of its founding. In its first years as a small, vibrant community, it rightfully earned the nickname, "The Metropolis of the Great Ree Valley." Early Orient was home to its own literary society, singing school, attorney, drug store, and many other small businesses, including the town newspaper, "The Weekly Pioneer." The hardy community weathered many challenges, including fires, tornadoes, and some of the most severe blizzards in American history, but through these obstacles, Orient remained optimistic and determined.

Residents of Orient plan to commemorate their town's anniversary with a weekend of events, including a school reunion, parade, softball tournament, and dance. The celebration will also include digging up the 1987 Time Capsule, buried on the centennial anniversary of Orient's founding, as well as a reflection of "Life in Orient," which will bring together residents of the town from 25, 50, and 75 years ago.

Orient was founded by a coalition of veterans, dreaming of a friendly and energetic community they could call home. To this day, that legacy lives on, and towns like Orient represent the foundation of South Dakota, embodying the values our State holds dear. I am proud to congratulate the people of Orient on reaching this historic milestone.●

REMEMBERING OLIVER BROWN WOLF

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize

Oliver Phillip Brown Wolf, a World War II veteran of the Cheyenne River Sioux Tribe in South Dakota. Brown Wolf passed away on May 28, 2012. The community of Eagle Butte, SD and the Cheyenne River Indian Reservation has lost a war hero and friend.

Oliver Brown Wolf was born on February 4, 1924 in Ziebach County, SD. At the age of 18 years old, Oliver enlisted in the United States Army in 1943 and served during World War II. Brown Wolf was a part of the U.S. Army 42nd Infantry Division and served as infantry scout and was involved in the liberation of the Dachau Concentration Camp. Oliver received three Bronze Stars for his service in World War II and was honorably discharged in March of 1946.

Oliver Brown Wolf continued his service as an appointed tribal veterans service officer for the Cheyenne River Sioux Tribe, which he held for more than 25 years. Brown Wolf also was a member of the American Legion Post #308 and the Veterans of Foreign Wars. Oliver dedicated his life to ensuring that veterans received the honor and recognition that they deserved for their military service.

Throughout his life, Oliver was also committed to his culture and his family. Oliver was a member of many cultural organizations on the Cheyenne River Indian Reservation. He enjoyed sharing his Lakota way of life with the community. Oliver played a vital role in starting a cultural center and the International Sundance for the community.

Oliver Brown Wolf's family is very proud of his service to his country, tribe, and fellow veterans. This untiring service will surely be missed by those who had the opportunity to meet and work with Oliver. At the center of each Tribal community, strong leaders are present to provide guidance and advice, and the Cheyenne River Sioux Tribe certainly benefited from Oliver's contributions.●

TRIBUTE TO GARY AND MARSHA TANKENOFF

● Ms. KLOBUCHAR. Mr. President, today I wish to pay tribute to a truly remarkable couple from my home State of Minnesota, a husband and wife who have gone above and beyond in their dedication to the causes of justice, equality and opportunity.

Over the years, Gary and Marsha Tankenoff have poured their time and energy into a wide range of community-oriented causes, from religious organizations to educational institutions. The strength of their commitment to Tzedakah is matched only by the depth of their devotion to one another.

Through the Tankenoff Families Foundation, Gary and Marsha have touched the lives of countless Minneso-

tans. They are a shining example of the way we in Minnesota have always come together to lift up our neighbors in need.

As a family of strong Jewish faith, the Tankenoffs have been a driving force behind the Minneapolis Jewish Federation, the Jewish Community Relations Council and Herzl Camp. They are active members of Minnesota's Jewish community and tireless advocates for the core causes and values of their faith.

Minnesota is a more decent, inclusive, and forward thinking State because of people like Gary and Marsha Tankenoff.●

EUREKA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Eureka, SD. The town of Eureka will commemorate the 125th anniversary of its founding this year.

Platted on October 3, 1887, at the "end of the track," Eureka began as a railroad town. As was common in the area, Eureka was founded primarily by Russian-German immigrants, who learned to adapt and survive in the harsh and unsettled State of South Dakota. These steadfast settlers dealt with severe weather from blizzards to droughts.

With determination, the settlers built a strong agricultural economy. In the late 1890s, it was often called the Wheat Capital as it was one of the world's largest inland wheat centers. In 1892, more than 3,300 train cars of wheat from 35 elevators and warehouses were exported from Eureka. In 1977, a strain of wheat was even named Eureka in honor of the town. Today Eureka takes pride in its beautiful recreational opportunities and its active and engaged community.

Eureka has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Eureka on this landmark occasion and wish them continued prosperity in the years to come.●

FULTON, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Fulton, SD. The town of Fulton will commemorate the 125th anniversary of its founding this year.

Fulton sits in the northwest section of Hanson County and became a town in June of 1887. Originally part of the Great American Desert, Fulton began as a railroad town during the early days of Dakota Territory. The first settlers in Fulton withstood numerous hardships such as troublesome horse thieves, prairie fires, and the devastating blizzard of October 14, 1880, whose sudden and devastating force

tied up the railroad service and marooned every settlement in the area. Fulton prides itself on its excellent pheasant hunting and fertile farmland. The area was described by an early surveyor as "an attractive place to one seeking a good farm or a pleasant home," and Fulton still maintains that appearance today.

Fulton has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Fulton on this landmark occasion and wish them continued prosperity in the years to come.●

MONROE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Monroe, SD. The town of Monroe will commemorate the 125th anniversary of its founding this year.

First known as Warrington, Monroe was named after the fifth President of the United States, James Monroe. The first settlers, predominantly German and Dutch, came to Monroe to build a community for their children and future generations.

Most settlers lived in sod houses and relied on agriculture because the land was fertile. As did many young communities during that time, Monroe felt more than its fair share of hardships, including a fire that destroyed many businesses on Main Street in 1915. With hardships, there also came success. With community cooperation, the tenacious town rebuilt and now celebrates 125 years of hard work and dedication.

Monroe has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Monroe on this landmark occasion and wish them continued prosperity in the years to come.●

ORIENT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Orient, SD. The town of Orient will commemorate the 125th anniversary of its founding this year.

Orient was platted on October 3, 1887. Known as the southern terminus of the Roscoe and Orient branch of the Chicago, Milwaukee, and Saint Paul Railroad, Orient grew in the coal and lumber trade. As is the case with many South Dakota communities, Orient maintains ample opportunities for outdoor activities such as pheasant and duck hunting. Orient's close proximity to the Lake Louise recreational area provides its residents with beautiful hiking trails, camping areas, and fishing. The residents of Orient have built

a welcoming and close-knit community.

Orient has been a successful community for the past 125 years, and I am confident it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Orient on this landmark occasion and wish them continued prosperity in the years to come.●

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-102. A resolution adopted by the House of Representatives of the State of Alaska in support of providing TRICARE program health care benefits to United States Coast Guard and military retirees as promised; to the Committee on Armed Services.

HOUSE RESOLVE NO. 10

Whereas recruiting and maintaining a high-quality, all-volunteer, effective military force to safeguard national security is a primary goal of the United States Department of Defense; and

Whereas persons who volunteer for military service are at risk of mortal harm throughout the time they serve; and

Whereas the people of the state and nation rely on the men and women who serve in the military to execute faithfully that service; and

Whereas it is reasonable for the men and women who serve in the military to rely on promises made to them by the people of the state and nation; and

Whereas men and women who serve in the military and the United States Coast Guard have been promised they will receive military retiree health care benefits from the TRICARE program of the United States Department of Defense Military Health System (10 U.S.C. 55) after they perform 20 or more years of honorable military service; and

Whereas breaking that promise would be dishonorable; be it

Resolved that the House of Representatives supports providing to military retirees who have kept their oaths of office and served the people of the state and nation the TRICARE program health care benefits they were promised in exchange for that service without their being required to participate in health care programs that are more expensive to them than the TRICARE program and without their eligibility for TRICARE program health care benefits being made subject to means testing.

POM-103. A resolution adopted by the Senate of the State of Massachusetts supporting the inclusion of Taiwan in international organizations and agreements; to the Committee on Foreign Relations.

RESOLUTION

Whereas, Taiwan, a beacon of freedom and democracy in the Asia-Pacific region, held a successful general election on January 14, 2012, during which it elected a president, vice-president and members of its legislature; and

Whereas, the recently re-elected president Ma Ying-Jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of the people of Taiwan, pro-

mote Taiwan's international standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad and further improve relations between the United States and Taiwan; and

Whereas, the commonwealth has enjoyed an especially close relationship with Taiwan, marked by strong bilateral trade, educational and cultural exchange and scientific and technological development; and

Whereas, on November 12, 2011, United States President Barack Obama and the leaders of 8 Transpacific partnership countries announced the establishment of broad outlines for a 21st century Transpacific partnership agreement to forge close linkages among the partner countries' economies, enhance competitiveness and benefit consumers; and

Whereas, the latest data indicates that 8,797 companies exported goods from Massachusetts in 2009, rendering the Asia-Pacific market the Commonwealth's largest export market in the world; and

Whereas, thirteen billion dollars, or 50 percent, of Massachusetts' total exports went to markets in the Asia-Pacific region, supporting an estimated 134,000 jobs; and

Whereas, the United Nations framework convention on climate change is the world's leading response to global climate change and Taiwan has expressed a keen interest in being included in the convention's work and in contributing to the global effort addressing climate change; and

Whereas, Taiwan serves as a critical air transport hub in the Asia-Pacific region and the Taipei flight information region under Taiwan's jurisdiction covers an area of 176,000 square nautical miles, through which 1.35 million controlled flights pass each year; and

Whereas, the travelling public would benefit from the inclusion of Taiwan in the International Civil Aviation Organization; now therefore be it

Resolved, That the Massachusetts General Court hereby congratulates the people of Taiwan on their recent elections and further expresses its support for Taiwan's inclusion in international organizations and agreements; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth, to the Honorable Deval Patrick, Governor of the Commonwealth, to the Honorable Ma Ying-Jeou, president of Taiwan and to Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

POM-104. A concurrent resolution adopted by the Legislature of the State of Arizona opposing sections of the National Defense Authorization Act as being in violation of the limits of federal power; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1011

Whereas, the Congress of the United States passed the National Defense Authorization Act, 2011 Public Law 112-81, ("2012 NDAA") for fiscal year 2012 on December 15, 2011; and

Whereas, the President of the United States signed the 2012 NDAA into law on December 31, 2011; and

Whereas, section 1021 of the 2012 NDAA purports to authorize, but does not require, the President of the United States to use the armed forces of the United States to detain

persons the President suspects were part of, or substantially supported, Al-Qaeda, the Taliban or associated forces; and

Whereas, section 1021 of the 2012 NDAA purports to authorize, but does not require, the President of the United States, through the armed forces of the United States, to dispose of such detained persons according to the Law of War, which may include: (1) indefinite detention without charge or trial until the end of hostilities authorized by the 2001 Authorization for Use of Military Force Against Terrorists, 2001 Public Law 107-40; (2) prosecution through a military commission; or (3) transfer to a foreign country or foreign entity; and

Whereas, section 1021 of the 2012 NDAA seeks to preserve existing law and authorities pertaining to the detention of United States citizens, lawful resident aliens of the United States and any other person captured in the United States, but does not specify what such existing law or authorities are; and

Whereas, section 1021 of the 2012 NDAA purports to enlarge the scope of the persons the Office of the President may indefinitely detain beyond those responsible for the September 11, 2001 terrorist attacks, and those who harbored them, as purportedly authorized by the 2001 Authorization for Use of Military Force Against Terrorists, to now include “[a] person who was a part of or substantially supported Al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces”; and

Whereas, section 1022 of the 2012 NDAA requires the armed forces of the United States to detain, pending disposition according to the Law of War, any person involved in, or who provided substantial support to, terrorism or belligerent acts against the United States, and who is a member of Al-Qaeda or an associated force; and

Whereas, the exemption for citizens of the United States in section 1022 of the 2012 NDAA only exempts them from a requirement to detain and reads as follows, “The requirement to detain a person in military custody under this section does not extend to citizens of the United States”; and

Whereas, unlike section 1022 of the 2012 NDAA, section 1021 makes no specific exclusion for United States citizens and lawful resident aliens for conduct occurring within the United States; and

Whereas, the specific exclusion of application to United States citizens and lawful resident aliens contained in section 1022 of the 2012 NDAA, and the absence of such an exclusion in section 1021 of the NDAA, strongly implies that the provisions of section 1021 are intended to apply to all people, including United States citizens and lawful resident aliens, whether or not they are captured in the United States; and

Whereas, the Office of the President of the United States, under the administrations of both George W. Bush and Barack Obama, has asserted that the 2001 Authorization for the Use of Military Force Against Terrorists allows the Office of the President to indefinitely detain without charge persons, including United States citizens and lawful resident aliens, who are captured in the United States; and

Whereas, United States Senator Carl Levin declared on the floor of the United States Senate that the original 2012 NDAA provided that section 1021 (then section 1031 prior to

final drafting) specifically would not apply to United States citizens, but that the Office of the President of the United States had requested that such a restriction be removed from the 2012 NDAA; and

Whereas, during debate in the Senate and before the passage of the 2012 NDAA, United States Senator Mark Udall introduced an amendment intended to forbid the indefinite detention of United States citizens, which was rejected by a vote of 38-60; and

Whereas, United States Senator John McCain and United States Senator Lindsey Graham declared on the floor of the United States Senate that section 1021 of the 2012 NDAA authorized the indefinite detention of United States citizens captured within the United States by the armed forces of the United States; and

Whereas, United States Senator Lindsey Graham declared on the floor of the United States Senate that the United States homeland is now part of “the battlefield”; and

Whereas, policing the United States by the armed forces of the United States, as purportedly authorized by the 2012 NDAA, overturns the posse comitatus doctrine and is repugnant to a free society; and

Whereas, sections 1021 and 1022 of the 2012 NDAA, as they purport to authorize the detainment of persons captured within the United States without charge or trial, military tribunals for persons captured within the United States and the transfer of persons captured within the United States to foreign jurisdictions, violate the following rights enshrined in the Constitution of the United States:

Article I, section 9, clause 2 right to seek a writ of habeas corpus.

The First Amendment right to petition the government for a redress of grievances.

The Fourth Amendment right to be free from unreasonable searches and seizures.

The Fifth Amendment right to be free from charge for an infamous or capital crime until presentment or indictment by a grand jury.

The Fifth Amendment right to be free from deprivation of life, liberty or property without due process of law.

The Sixth Amendment right in criminal prosecutions to enjoy a speedy trial by an impartial jury in the state and district where the crime was allegedly committed.

The Sixth Amendment right to be informed of the nature and cause of the accusation.

The Sixth Amendment right to confront witnesses.

The Sixth Amendment right to counsel.

The Eighth Amendment right to be free from excessive bail and fines, and cruel and unusual punishment.

The Fourteenth Amendment right to be free from deprivation of life, liberty or property without due process of law.

Whereas, the members of the Legislature of Arizona have taken an oath to uphold the Constitution of the United States and the Constitution of the State of Arizona; and

Whereas, this Legislature opposes any and all rules, laws, regulations, bill language or executive orders that amount to an overreach of the federal government and that effectively take away civil liberties; and

Whereas, it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat, yet winning the war against terror cannot come at the great expense of mitigating basic, fundamental constitutional rights; and

Whereas, undermining our own constitutional rights serves only to concede to the

terrorists’ demands of changing the fabric of what made the United States of America a country of freedom, liberty and opportunity; therefore be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the Members of the Legislature condemn sections 1021 and 1022 of the 2012 NDAA as they purport to repeal posse comitatus and authorize the President of the United States to use the armed forces of the United States to police American citizens, to indefinitely detain persons captured within the United States without charge until the end of hostilities as purportedly authorized by the 2001 Authorization for Use of Military Force, to subject persons captured within the United States to military tribunals, and to transfer persons captured within the United States to a foreign country or foreign entity.

2. That the Members of the Legislature find that the enactment into law by the United States Congress of sections 1021 and 1022 of the National Defense Authorization Act of 2012 is inimical to the liberty, security and well-being of the people of Arizona and that those sections were adopted by Congress in violation of the limits of federal power in the United States Constitution.

3. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-105. A resolution adopted by the Legislature of Rockland County, New York, urging Algonquin Gas Transmission Corporation to prepare and submit to the Federal Energy Regulatory Commission (FERC) an additional means of access to the pipeline and facilities operating in and through Kakiat Park, and urging FERC to reject any application for expansion or modification of Algonquin’s facilities absent a plan for emergency access; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. RUBIO, and Mr. CARDIN):

S. 3341. A bill to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 505. A resolution congratulating His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman on being awarded the 2010 World Peace Prize; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 506. A resolution to authorize legal representation in *Bilbrey v. Tyler*; considered and agreed to.

By Mr. RUBIO (for himself and Mr. NELSON of Florida):

S. Res. 507. A resolution congratulating the Miami Heat for winning the National Basketball Association Championship; considered and agreed to.

By Mr. BLUNT (for himself, Mrs. MCCASKILL, and Mr. NELSON of Florida):

S. Res. 508. A resolution recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; considered and agreed to.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. Res. 509. A resolution recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game; considered and agreed to.

By Ms. MIKULSKI (for herself and Ms. MURKOWSKI):

S. Res. 510. A resolution designating the month of June 2012 as "National Cytomegalovirus Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 693

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 941

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 941, a bill to strengthen families' engagement in the education of their children.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint

coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Kansas (Mr. MORAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2036

At the request of Mrs. GILLIBRAND, the name of the Senator from Wisconsin (Mr. JOHNSON) was withdrawn as a cosponsor of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

At the request of Mrs. GILLIBRAND, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2036, *supra*.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2241

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2241, a bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes.

S. 2364

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2364, a bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3179

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3179, a bill to amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes.

S. 3199

At the request of Mr. SCHUMER, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3206

At the request of Mr. BOOZMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3206, a bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3270

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3270, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

S. 3274

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. 3280

At the request of Mr. JOHANNIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3308, a bill to amend title 38, United

States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S. 3328

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3328, a bill to provide grants for juvenile mentoring.

S. 3340

At the request of Mrs. MURRAY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 496

At the request of Mr. PRYOR, his name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. RUBIO, and Mr. CARDIN):

S. 3341. A bill to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise today along with my colleagues from Florida and Maryland, Senator RUBIO and Senator CARDIN, to introduce the Quadrennial Diplomacy and Development Review Act of 2012.

This legislation demonstrates Congress's commitment to strengthening the accountability and effectiveness of our foreign aid programs. With the United States facing critical for-

eign policy and development priorities worldwide, it is vital that we update our foreign aid programs to reflect the new challenges of the 21st century.

The first-ever quadrennial review on diplomacy and development provided an important roadmap for increasing the effectiveness and efficiency of our diplomatic and development agencies. I applaud Secretary Clinton for her leadership in bringing this valuable planning tool to the State Department.

The purpose of our bill is straightforward: In keeping with the practice of undertaking quadrennial reviews by various departments, including the Department of Defense, it creates the statutory basis for conducting periodically scheduled reviews to guide the mission of the State Department and USAID.

The Quadrennial Diplomacy and Development Review Act will strengthen our diplomacy and development efforts in several key ways. Let me cite just a few specifically:

First, this bill clarifies the measures by which we assess and evaluate our diplomacy and development efforts. Developing clear metrics will further the effective and results-oriented diplomacy and development efforts that I view as essential for protecting and advancing our national security interests.

Second, this bill will focus our diplomacy and development efforts in the most effective ways possible, getting the biggest bang for our scarce foreign assistance dollars.

Third, it will help ensure that Congress and the Administration, working together, can set clear priorities for diplomacy and development. As we face multiple crises and major challenges, setting priorities will be absolutely critical to our shared success going forward. We must continue to foster inclusive and sustainable economic growth and vibrant civil societies. We must also focus on areas where we have comparative strengths, including public health, humanitarian aid and food security.

Fourth, this bill will put our diplomacy and development efforts on a sustainable path. It streamlines the process for working with the Department of Defense and it will help us bring all the tools of the United States Government to bear in meeting the complex challenges of this new century.

Finally, we all know that we need to strengthen our professional diplomatic expertise and capacity, target our investments and untie the hands of our aid workers. The QDDR process and our bill provides the Secretary and President with a comprehensive and analytically sound basis for doing just that.

Returning diplomacy and development to their rightful place cannot be achieved through words alone. This legislation translates words into deeds. And if that helps promote U.S. national security interests and keeps us

safe, as I believe it will, then it's time and effort well spent.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—CONGRATULATING HIS HOLINESS DORJE CHANG BUDDHA III AND THE HONORABLE BENJAMIN A. GILMAN ON BEING AWARDED THE 2010 WORLD PEACE PRIZE

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 505

Whereas the World Peace Prize Awarding Council has recognized His Holiness Dorje Chang Buddha III (referred to in this preamble as "H.H. Dorje Chang Buddha III") for his devotion to an immensely wide scope of humanitarian activities directed at people from communities throughout the world;

Whereas, through his wisdom and benevolence, H.H. Dorje Chang Buddha III embraces people of all races, ethnicities, cultures, and religions through an approach of kindness, peace, and equality toward all people;

Whereas H.H. Dorje Chang Buddha III has received numerous awards, including the United States Presidential Gold Medal Award that the Chairman of the President's Advisory Commission on Asian Americans and Pacific Islanders presented on behalf of President George W. Bush to H.H. Dorje Chang Buddha III for the outstanding contributions of H.H. Dorje Chang Buddha III to the arts, medicine, ethics, Buddhism, spiritual leadership, and United States society;

Whereas the World Peace Prize Awarding Council has recognized The Honorable Benjamin A. Gilman for being a life-long champion of human rights who has fought world hunger, narcotics abuse, and narcotics trafficking;

Whereas The Honorable Benjamin A. Gilman has helped facilitate prisoner exchanges that have freed citizens of the United States who were being held in East Germany, Mozambique, Cuba, and several other countries; and

Whereas The Honorable Benjamin A. Gilman served 15 terms in the United States House of Representatives, during which time he served—

(1) as Chairman of the Committee on International Relations of the United States House of Representatives;

(2) as a congressional delegate to the United Nations under Ambassador Jeane Kirkpatrick;

(3) on the United States Commission on the Ukraine Famine; and

(4) as Chairman of the House Select Committee on Missing Persons in Southeast Asia: Now, therefore be it

Resolved, That the Senate—

(1) congratulates His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman on being awarded the 2010 World Peace Prize; and

(2) commends His Holiness Dorje Chang Buddha III and The Honorable Benjamin A. Gilman for their humanitarian contributions to society in the United States.

SENATE RESOLUTION 506—TO AUTHORIZE LEGAL REPRESENTATION IN BILBREY V. TYLER

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 506

Whereas, in the case of *Bilbrey v. Tyler*, No. 18C04-1111-SC-2209, pending in Delaware Circuit Court No. 4, Small Claims Division, in Muncie, Indiana, the plaintiff has sought testimony from former Senator Evan Bayh and an unnamed employee of his former Senate office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former Members and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Bayh and former employees of his Senate office in *Bilbrey v. Tyler* and related proceedings.

SEC. 2. Senator Bayh's former director of constituent services, Karen Railing, is authorized to submit a declaration in this case.

SENATE RESOLUTION 507—CONGRATULATING THE MIAMI HEAT FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 507

Whereas, on June 21, 2012, the Miami Heat defeated the Oklahoma City Thunder by a score of 121 to 106 in Miami, Florida, winning the second National Basketball Association (NBA) Championship in the history of the Miami Heat franchise;

Whereas, during the 2012 NBA Playoffs, the Heat defeated the New York Knicks, the Indiana Pacers, the Boston Celtics, and the Oklahoma City Thunder;

Whereas the Heat became the first team to win an NBA title after trailing in three different postseason series;

Whereas, after losing the first game of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 62-27 and the right to be named NBA champions;

Whereas LeBron James, who averaged 28.6 points during the Finals, was named the Most Valuable Player of the NBA Finals;

Whereas Dwyane Wade and Udonis Haslem have been integral players on both Miami Heat championship teams;

Whereas Chris Bosh returned from serious injury to contribute significantly to the team;

Whereas each member of the Miami Heat roster, including Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Eddy Curry, Terrel Harris, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Mike Miller, Dexter Pittman, Ronny Turiaf, and Dwyane Wade, played an essential role in bringing a second NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 17 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a second "white hot" NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2012 National Basketball Association Championship; and

(2) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

SENATE RESOLUTION 508—RECOGNIZING THE TEAMS AND PLAYERS OF NEGRO LEAGUE BASEBALL FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. BLUNT (for himself, Mrs. McCASKILL, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 508

Whereas, prior to 1947, Major League Baseball excluded African Americans from playing professional baseball, but could not suppress their desire to play the sport;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas, between 1920 and 1960, African Americans organized 6 separate baseball leagues, known collectively as the Negro Leagues;

Whereas the Negro Leagues included exceptionally talented athletes who played baseball at the sport's highest level;

Whereas, on May 20, 1920, the first Negro League, the Negro National League, played its first game;

Whereas, prior to the inclusion of African Americans in Major League Baseball, the Negro Leagues and their players were extraordinarily successful and popular throughout the United States;

Whereas the skills and abilities of players in the Negro Leagues contributed to the realization by Major League Baseball of the

need to integrate African Americans into the sport;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, to honor those who played in the Negro Leagues as a result of segregation in the United States;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of players in the Negro Leagues from 1920 through 1960;

Whereas there remains a need to preserve evidence of the honor, courage, sacrifice, and triumph in the face of segregation that African Americans displayed while playing in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the players in the Negro Leagues, as well as inform the public on the impact of segregation on the lives of those African-American players and their fans; and

Whereas the Negro Leagues Baseball Museum, through its invaluable resources, presents a great opportunity to teach children and others by providing on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved, That the Senate—

(1) honors the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation;

(2) supports the designation of the Negro Leagues Baseball Museum in Kansas City, Missouri, as "America's National Negro Leagues Baseball Museum", including the museum's future and expanded exhibits, collections library, archives, artifacts, and education programs;

(3) commends the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on the Nation;

(4) recognizes that the continued collection, preservation, and interpretation of the historical objects and other materials at the Negro Leagues Baseball Museum enhances the knowledge and understanding of the experience of African Americans during segregation;

(5) calls on every American to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations of Americans to understand the important issues surrounding the Negro Leagues, the role of the Negro Leagues in shaping Major League Baseball and the Nation, and how the sacrifices of Negro League players helped establish baseball as a national pastime of the United States.

SENATE RESOLUTION 509—RECOGNIZING MAJOR LEAGUE BASEBALL AS AN IMPORTANT PART OF THE CULTURAL HISTORY OF AMERICAN SOCIETY, CELEBRATING THE 2012 MAJOR LEAGUE BASEBALL ALL-STAR GAME, AND HONORING KANSAS CITY, MISSOURI, AS THE HOST CITY OF THE 83RD ALL-STAR GAME

Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted the following

resolution; which was considered and agreed to:

S. RES. 509

Whereas Major League Baseball's All-Star Game, the Midsummer Classic, occurs once a year between players from the American and National Leagues, allowing baseball fans, players, and managers to select players to represent each league;

Whereas the first All-Star Game, held as part of the 1933 World's Fair in Chicago, Illinois, at Comiskey Park was intended to be a one-time event, yet its widespread success led to the establishment of the game as an annual tradition;

Whereas the Major League Baseball All-Star Game showcases the best baseball players in the major leagues and all across the world, giving baseball fans the opportunity to select the starting players;

Whereas, since 1933, the Major League Baseball All-Star Game has taken place every year but one, 1945, in the midst of World War II;

Whereas the 83rd edition of the Major League Baseball All-Star Game for the 2012 season will be held on July 10, 2012, at Kauffman Stadium in Kansas City, Missouri, the home of the Kansas City Royals;

Whereas the event will mark the third time the All-Star Game has been played in Kansas City, with Kauffman Stadium, then named Royals Stadium, last hosting the event in 1973, the stadium's inaugural year;

Whereas the event was also held at Municipal Stadium in 1960, when it was the home of the Athletics;

Whereas the illustrious baseball history of Kansas City, Missouri, includes the Royals' 1985 World Series Championship, the contributions of Jackie Robinson, Buck O'Neil, and others to the Kansas City Monarchs, and Lou Gehrig's final three innings of play in a 1939 exhibition against the Kansas City Blues;

Whereas, as part of Major League Baseball's All-Star Summer celebration, Major League Baseball will host a number of events in the Greater Kansas City region leading up to the All-Star Game, benefitting the Kansas City community as a whole;

Whereas Major League Baseball and the Kansas City Royals will hold numerous charity events throughout the region, including an All-Star Game Charity 5K & Fun Run, with all Major League Baseball proceeds being donated equally between three cancer charities, Stand Up To Cancer, the Prostate Cancer Foundation and Susan G. Komen for the Cure, Greater Kansas City;

Whereas, as part of the All-Star Summer celebration, Major League Baseball will provide funding to help renovate two baseball fields owned by the Kansas City Missouri Parks and Recreation Department, Mulkey Square Park and Satchel Paige Stadium;

Whereas the fields will be used regularly by local Reviving Baseball in Inner Cities leagues and by Guadalupe Center Youth Baseball;

Whereas Kansas City, Missouri, has worked to preserve the history of the Negro Baseball Leagues by establishing the Negro Leagues Baseball Museum, and as part of the All-Star Game summer events, funding will be provided for a new traveling exhibit focusing on Negro League Players who, after Jackie Robinson broke the baseball color barrier, began participating in All-Star Games in 1949;

Whereas Kansas City, Missouri, known for world-class barbeque, rich jazz history, and a legacy of professional sports, including the Royals' 1985 World Series Championship, will play host to the 83rd All-Star Game, and will

be showcased in the forefront of baseball history as the All-Star Game is broadcast world wide; and

Whereas the 2012 Major League Baseball All-Star Game in Kansas City, Missouri, will be a unique and unforgettable experience for baseball fans across the State of Missouri and throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Kansas City, Missouri, as the host city for the 83rd Major League Baseball All-Star Game and supports efforts to achieve an unforgettable Midsummer Classic baseball experience for all fans; and

(2) recognizes Major League Baseball for sponsoring the All-Star Game and for its efforts in energizing the Kansas City community by hosting a number of baseball-related events that benefit numerous charities, focusing on fan appreciation and youth involvement, and emphasizing the continued appreciation of baseball as America's favorite pastime.

SENATE RESOLUTION 510—DESIGNATING THE MONTH OF JUNE 2012 AS "NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH"

Ms. MIKULSKI (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 510

Whereas congenital Cytomegalovirus (referred to in this preamble as "CMV") is the most common congenital infection in the United States, with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas, in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2012 as "National Cytomegalovirus Awareness Month" in order to raise awareness of the dangers of Cytomegalovirus (referred to in this resolution as "CMV") and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect that CMV can have on their children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2480. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

SA 2481. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2482. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2483. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2484. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2480. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY AND REPORT ON WAIVERS OF THE PROHIBITION ON DEVELOPMENT ON FILL IN V ZONES.

(a) DEFINITIONS.—In this section—

(1) the term "detrimental change in the effect of wave forces" means a significant increase in wave forces or transportation of shore materials; and

(2) the term "eligible area" means an area designated as Zone VI-30, VE, or V on a National Flood Insurance Program rate map.

(b) STUDY.—

(1) STUDY REQUIRED.—The Administrator shall conduct a study assessing the feasibility of granting a waiver of regulations of the Federal Emergency Management Agency (including any legislative proposals that may be necessary to enable the Administrator to grant a waiver) to a community—

(A) to allow new construction within an eligible area located seaward of the reach of the mean high tide if the community demonstrates that the new construction—

(i) will withstand wave forces, currents, and debris impact associated with the base flood; and

(ii) will not increase the elevation of the base flood at any point within the community or cause a detrimental change in the effect of wave forces on properties in the community;

(B) to allow new construction within an eligible area located seaward of the reach of the mean high tide if the community demonstrates that the new construction will not increase the water surface elevation of the base flood at any point within the community;

(C) to allow the use of fill for structural support of buildings within an eligible area if—

(i) the community demonstrates that the effect of the proposed fill will not increase the elevation of the base flood at any point within the community; and

(ii) a licensed engineer having sufficient qualifications and experience demonstrates that—

(I) the substrate on which the fill will be placed will not be eroded during the base flood predicted for the site of the buildings; and

(II) the placed fill is adequately protected from erosion during the base flood event; or

(D) to allow the use of fill for structural support of buildings within an eligible area if the community demonstrates that the effect of the proposed development will not increase the water surface elevation of the base flood at any point within the community.

(2) ADEQUATE PROTECTION OF FILL.—For purposes of paragraph (1)(C)(ii)(II), a licensed engineer shall demonstrate adequate protection of fill by calculations that the fill—

(A) will not settle below the elevation of the base flood; and

(B) will resist forces of scour, erosion, and differential settlement.

(3) ADDITIONAL CONSIDERATIONS.—The study required under paragraph (1) shall evaluate the appropriateness of limiting the waivers described in paragraph (1) to locations where—

(A) the main flooding source—

(i) is wave overtopping of the upland; and

(ii) is not surge inundation; and

(B) the breaking wave height in the base flood event is less than 10 feet.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results of the study under subsection (b).

(d) REVISIONS OF CERTAIN CITY ORDINANCES.—The Administrator may not require revisions to section 49.70.400(f)(6) of the Code of Ordinances of the City and Borough of Juneau, Alaska as a condition of continued participation in the National Flood Insurance Program before the date that is 1 year after the date on which the Administrator submits the report under subsection (c).

SA 2481. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike line 19 and all that follows through page 8, line 11, and insert the following:

"(A) any residential property which is not the primary residence of an individual; or

"(B) any business property; and"; and

On page 12, lines 1 and 2, strike "(A) through (E)" and insert "(A) and (B)".

SA 2482. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. _____. FINANCIAL HARDSHIP WAIVER.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by this Act, is amended by adding at the end the following:

"(j) FINANCIAL HARDSHIP WAIVER.—

"(1) WAIVER.—Notwithstanding subsection (e)(2), the Administrator shall establish a risk premium rate for a policyholder with respect to a property described in subparagraph (B), (C), or (E) of section 1307(a)(2) that is equal to the risk premium rate that would have applied to the property if the Administrator were not required to increase risk premium rates under subsection (e)(2), if the Administrator determines that an increase in the risk premium rate under subsection (e)(2) would cause undue financial hardship for the policyholder.

"(2) CONSIDERATIONS.—In making a determination under paragraph (1) with respect to a policyholder, the Administrator shall take into consideration the cost of living in the area where the property is located."

SA 2483. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 7 and 8, insert the following:

(3) CLIMATE SCIENCE.—The term "climate science"—

(A) means natural climate variability; and

(B) does not include the study of anthropogenic climate change.

On page 50, beginning on line 24, strike "and the potential" and all that follows through "warming" on page 51, line 2.

SA 2484. Mr. BARRASSO (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, strike line 8 and all that follows through page 45, line 10.

On page 50, strike line 19 and all that follows through page 51, line 2, and insert the following:

related hazards; and

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet

during the session of the Senate on June 26, 2012 at 10 a.m., to conduct a committee hearing entitled "Empowering and Protecting Servicemembers, Veterans and Their Families in the Consumer Financial Marketplace: A Status Update."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 26, 2012, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 26, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Prohibiting the Use of Deceptive Practices and Voter Intimidation Tactics in Federal Elections: S. 994."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 26, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Sergio Perez, Peter Bautz, Bill McConaughay, and Sean O'Connor of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING ROTARY INTERNATIONAL

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 434, S. Res. 473.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 473) commending Rotary International and others for their efforts to prevent and eradicate polio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 473) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 473

Whereas polio is a highly infectious disease that primarily affects children and for which there is no known cure;

Whereas polio can leave survivors permanently disabled from muscle paralysis of the limbs and occasionally leads to a particularly difficult death through the paralysis of respiratory muscles;

Whereas polio was once one of the most dreaded diseases in the United States, killing thousands annually in the late 19th and early 20th centuries and leaving thousands more with permanent disability, including the 32nd President of the United States, Franklin Delano Roosevelt;

Whereas severe polio outbreaks in the 1940s and 1950s caused panic in the United States, as parents kept children indoors, public health officials quarantined infected individuals, and the Federal Government restricted commerce and travel;

Whereas 1952 was the peak of the polio epidemic in the United States, with more than 57,000 people affected, 21,000 of whom were paralyzed and 3,000 of whom died;

Whereas safe and effective polio vaccines, including the Inactivated Polio Vaccine (commonly known as "IPV"), developed in 1952 by Jonas Salk, and the Oral Polio Vaccine (commonly known as "OPV"), developed in 1957 by Albert Sabin, rendered polio preventable and contributed to the rapid decline of polio incidence in the United States;

Whereas polio, a preventable disease that the United States has been free from since 1979, still needlessly lays victim to children and adults in several countries where challenges such as active conflict and lack of infrastructure hamper access to vaccines;

Whereas the eradication of polio is the highest priority of Rotary International, a global association that was founded in 1905 in Chicago, Illinois, is currently headquartered in Evanston, Illinois, and has 1,200,000 members in more than 170 countries;

Whereas Rotary International and its members (commonly known as "Rotarians") have contributed more than \$1,000,000,000 and volunteered countless hours in the global fight against polio;

Whereas the Federal Government is the leading public sector donor to the Global Polio Eradication Initiative and provides technical and operational leadership to this global effort through the work of the Centers for Disease Control and the United States Agency for International Development;

Whereas Rotary International, the World Health Organization, the United States Government, the United Nations Children's Fund (commonly known as "UNICEF"), and the Bill and Melinda Gates Foundation have joined together with national governments to successfully reduce cases of polio by more than 99 percent since 1988, from 350,000 reported cases in 1988 to fewer than 700 reported cases in 2011;

Whereas polio was recently eliminated in India and is now endemic only in Nigeria, Pakistan, and Afghanistan; and

Whereas the eradication of polio is imminently achievable and will be a victory shared by all of humanity: Now, therefore, be it

Resolved, That the Senate—

(1) commends Rotary International and others for their efforts in vaccinating chil-

dren around the world against polio and for the tremendous strides made toward eradicating the disease once and for all;

(2) encourages the international community of governments and non-governmental organizations to remain committed to the elimination of polio; and

(3) encourages continued commitment and funding by the United States Government to the global effort to rid the world of polio.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. I ask unanimous consent the Senate proceed to immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 506, S. Res. 507, S. Res. 508, S. Res. 509, and S. Res. 510.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this resolution, S. Res. 506, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, concerns a request for representation in a pro se civil action pending in Indiana small claims court. In this action, the plaintiff seeks damages from a former Member of the Indiana House of Representatives arising out of plaintiff's efforts to obtain Social Security benefits. Plaintiff has issued trial subpoenas to former Senator Evan Bayh and an unnamed employee of his former Senate office for testimony arising out of their Senate duties.

This resolution would authorize the Senate Legal Counsel to represent Senator Bayh and employees of his former Senate office in this case to seek to quash the subpoenas on the ground that the Senator and his former staff lack personal knowledge of the relevant events and other legal bases. The resolution would also authorize the former constituent services director for Senator Bayh to submit a declaration in support of the motion to quash attesting that she has no knowledge of anyone in the former Senator's office who has any information relevant to this case.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 506

To authorize legal representation in *Bilbrey v. Tyler*

Whereas, in the case of *Bilbrey v. Tyler*, No. 18C04-1111-SC-2209, pending in Delaware Circuit Court No. 4, Small Claims Division, in Muncie, Indiana, the plaintiff has sought testimony from former Senator Evan Bayh and an unnamed employee of his former Senate office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent former Members and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Bayh and former employees of his Senate office in *Bilbrey v. Tyler* and related proceedings.

SEC. 2. Senator Bayh's former director of constituent services, Karen Railing, is authorized to submit a declaration in this case.

S. RES. 507

Congratulating the Miami Heat for winning the National Basketball Association Championship

Whereas, on June 21, 2012, the Miami Heat defeated the Oklahoma City Thunder by a score of 121 to 106 in Miami, Florida, winning the second National Basketball Association (NBA) Championship in the history of the Miami Heat franchise;

Whereas, during the 2012 NBA Playoffs, the Heat defeated the New York Knicks, the Indiana Pacers, the Boston Celtics, and the Oklahoma City Thunder;

Whereas the Heat became the first team to win an NBA title after trailing in three different postseason series;

Whereas, after losing the first game of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 62-27 and the right to be named NBA champions;

Whereas LeBron James, who averaged 28.6 points during the Finals, was named the Most Valuable Player of the NBA Finals;

Whereas Dwyane Wade and Udonis Haslem have been integral players on both Miami Heat championship teams;

Whereas Chris Bosh returned from serious injury to contribute significantly to the team;

Whereas each member of the Miami Heat roster, including Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Eddy Curry, Terrel Harris, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Mike Miller, Dexter Pittman, Ronny Turiaf, and Dwyane Wade, played an essential role in bringing a second NBA Championship to Miami;

Whereas Erik Spoelstra and his assistant coaches Bob McAdoo, Keith Askins, Ron Rothstein, David Fizdale, Chad Kammerer, Octavio De La Grana, Bill Foran, as well as trainers Jay Sabol, Rey Jaffet, and Rob Pimental, worked with the Miami Heat players and maintained a standard of excellence;

Whereas owner Micky Arison has built a first-class sports franchise and provided unwavering commitment to bringing another championship to the city of Miami;

Whereas, over his 17 seasons with the Miami Heat, team President Pat Riley has provided the team with an unprecedented level of dedication and leadership; and

Whereas the Miami Heat brought the city of Miami, the State of Florida, and their fans around the world a second "white hot" NBA Championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Miami Heat on its victory in the 2012 National Basketball Association Championship; and

(2) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Miami Heat, Micky Arison;

(B) the President of the Miami Heat, Pat Riley; and

(C) the coach of the Miami Heat, Erik Spoelstra.

S. RES. 508

Recognizing the teams and players of Negro League Baseball for their achievements, dedication, sacrifices, and contributions to baseball and the Nation

Whereas, prior to 1947, Major League Baseball excluded African Americans from playing professional baseball, but could not suppress their desire to play the sport;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas, between 1920 and 1960, African Americans organized 6 separate baseball leagues, known collectively as the Negro Leagues;

Whereas the Negro Leagues included exceptionally talented athletes who played baseball at the sport's highest level;

Whereas, on May 20, 1920, the first Negro League, the Negro National League, played its first game;

Whereas, prior to the inclusion of African Americans in Major League Baseball, the Negro Leagues and their players were extraordinarily successful and popular throughout the United States;

Whereas the skills and abilities of players in the Negro Leagues contributed to the realization by Major League Baseball of the need to integrate African Americans into the sport;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, to honor those who played in the Negro Leagues as a result of segregation in the United States;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of players in the Negro Leagues from 1920 through 1960;

Whereas there remains a need to preserve evidence of the honor, courage, sacrifice, and triumph in the face of segregation that African Americans displayed while playing in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the players in the Negro Leagues, as well as inform the public on the impact of segregation on the lives of those African-American players and their fans; and

Whereas the Negro Leagues Baseball Museum, through its invaluable resources, presents a great opportunity to teach children and others by providing on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved, That the Senate—

(1) honors the teams and players of Negro League Baseball for their achievements,

dedication, sacrifices, and contributions to baseball and the Nation;

(2) supports the designation of the Negro Leagues Baseball Museum in Kansas City, Missouri, as "America's National Negro Leagues Baseball Museum", including the museum's future and expanded exhibits, collections library, archives, artifacts, and education programs;

(3) commends the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on the Nation;

(4) recognizes that the continued collection, preservation, and interpretation of the historical objects and other materials at the Negro Leagues Baseball Museum enhances the knowledge and understanding of the experience of African Americans during segregation;

(5) calls on every American to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations of Americans to understand the important issues surrounding the Negro Leagues, the role of the Negro Leagues in shaping Major League Baseball and the Nation, and how the sacrifices of Negro League players helped establish baseball as a national pastime of the United States.

S. RES. 509

Recognizing Major League Baseball as an important part of the cultural history of American society, celebrating the 2012 Major League Baseball All-Star Game, and honoring Kansas City, Missouri, as the host city of the 83rd All-Star Game

Whereas Major League Baseball's All-Star Game, the Midsummer Classic, occurs once a year between players from the American and National Leagues, allowing baseball fans, players, and managers to select players to represent each league;

Whereas the first All-Star Game, held as part of the 1933 World's Fair in Chicago, Illinois, at Comiskey Park was intended to be a one-time event, yet its widespread success led to the establishment of the game as an annual tradition;

Whereas the Major League Baseball All-Star Game showcases the best baseball players in the major leagues and all across the world, giving baseball fans the opportunity to select the starting players;

Whereas, since 1933, the Major League Baseball All-Star Game has taken place every year but one, 1945, in the midst of World War II;

Whereas the 83rd edition of the Major League Baseball All-Star Game for the 2012 season will be held on July 10, 2012, at Kauffman Stadium in Kansas City, Missouri, the home of the Kansas City Royals;

Whereas the event will mark the third time the All-Star Game has been played in Kansas City, with Kauffman Stadium, then named Royals Stadium, last hosting the event in 1973, the stadium's inaugural year;

Whereas the event was also held at Municipal Stadium in 1960, when it was the home of the Athletics;

Whereas the illustrious baseball history of Kansas City, Missouri, includes the Royals' 1985 World Series Championship, the contributions of Jackie Robinson, Buck O'Neil, and others to the Kansas City Monarchs, and Lou Gehrig's final three innings of play in a 1939 exhibition against the Kansas City Blues;

Whereas, as part of Major League Baseball's All-Star Summer celebration, Major League Baseball will host a number of events

in the Greater Kansas City region leading up to the All-Star Game, benefitting the Kansas City community as a whole;

Whereas Major League Baseball and the Kansas City Royals will hold numerous charity events throughout the region, including an All-Star Game Charity 5K & Fun Run, with all Major League Baseball proceeds being donated equally between three cancer charities, Stand Up To Cancer, the Prostate Cancer Foundation and Susan G. Komen for the Cure, Greater Kansas City;

Whereas, as part of the All-Star Summer celebration, Major League Baseball will provide funding to help renovate two baseball fields owned by the Kansas City Missouri Parks and Recreation Department, Mulkey Square Park and Satchel Paige Stadium;

Whereas the fields will be used regularly by local Reviving Baseball in Inner Cities leagues and by Guadalupe Center Youth Baseball;

Whereas Kansas City, Missouri, has worked to preserve the history of the Negro Baseball Leagues by establishing the Negro Leagues Baseball Museum, and as part of the All-Star Game summer events, funding will be provided for a new traveling exhibit focusing on Negro League Players who, after Jackie Robinson broke the baseball color barrier, began participating in All-Star Games in 1949;

Whereas Kansas City, Missouri, known for world-class barbeque, rich jazz history, and a legacy of professional sports, including the Royals' 1985 World Series Championship, will play host to the 83rd All-Star Game, and will be showcased in the forefront of baseball history as the All-Star Game is broadcast world wide; and

Whereas the 2012 Major League Baseball All-Star Game in Kansas City, Missouri, will be a unique and unforgettable experience for baseball fans across the State of Missouri and throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Kansas City, Missouri, as the host city for the 83rd Major League Baseball All-Star Game and supports efforts to achieve an unforgettable Midsummer Classic baseball experience for all fans; and

(2) recognizes Major League Baseball for sponsoring the All-Star Game and for its efforts in energizing the Kansas City community by hosting a number of baseball-related events that benefit numerous charities, focusing on fan appreciation and youth involvement, and emphasizing the continued appreciation of baseball as America's favorite pastime.

S. RES. 510

Designating the month of June 2012 as "National Cytomegalovirus Awareness Month"

Whereas congenital Cytomegalovirus (referred to in this preamble as "CMV") is the most common congenital infection in the United States, with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas, in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2012 as "National Cytomegalovirus Awareness Month" in order to raise awareness of the dangers of Cytomegalovirus (referred to in this resolution as "CMV") and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect that CMV can have on their children.

ORDERS FOR WEDNESDAY, JUNE 27, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use until later in the day; that the majority leader be recognized; and that the first hour of debate be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we will continue to debate the flood insurance bill tomorrow. I hope we can come to an agreement to complete action on that bill. We will also consider the transportation bill and the student loan extension before the recess later this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned, until Wednesday, June 27, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 26, 2012:

THE JUDICIARY

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

HOUSE OF REPRESENTATIVES—Tuesday, June 26, 2012

The House met at noon and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 26, 2012.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 25, 2012 at 2:51 p.m.:

That the Senate passed S. 3240.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

In this moment of prayer, please grant to the Members of this people's House the gifts of wisdom and discernment that, in their words and actions, they will do justice, love with mercy, and walk humbly with You.

In this most auspicious week of issues in our Nation's Capital, send Your Spirit of peace and good will, that we all might find in one another our common future.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON H.R. 6020, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2013

Mrs. EMERSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-550) on the

bill (H.R. 6020) making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

THE FATE OF THE AFFORDABLE CARE ACT AWAITS THE SUPREME COURT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, here we are, 32 hours away from the Supreme Court's decision on the Affordable Care Act. No one has a clear idea of what their decision will be. We've worked hard in preparing for any decision that might come from the Supreme Court, and their announcement will certainly be watched by all.

As the chairman of the Congressional Health Caucus, I've held a series of policy forums to discuss the future of health care in this country. Today we heard from Dr. John Goodman, president and CEO of the National Center for Policy Analysis in Dallas. Dr. Goodman has put a considerable amount of time into how to craft health care policy that will be beneficial to all Americans without the burdensome law that we currently have.

Additionally, doctors in Dallas convened with four Members of Congress earlier this month. They produced a set of principles that I will provide for the RECORD. I encourage people to spend some time and look at those, and understand that we have to have health care in this country that's patient-centered, doctor-led, and most of all, we keep the government out of the way.

ARIZONA IMMIGRATION RULING IS A HUGE VICTORY FOR AMERICAN JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, the Supreme Court upheld section 2(b), or the "Check Your Papers" provision, of the Arizona immigration law. This requires the police to check the immigration status of persons whom they detain before releasing. Upholding this provision represents a victory for States that are protecting their citizens to retain jobs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Columbia business leader Chip Prezioso is correct: A country without borders is no longer a country.

The Obama administration has actively prevented States like Arizona and South Carolina from promoting their citizens to keep jobs from competing illegal aliens. The Federal Government has good immigration laws, but Attorney General Eric Holder has refused to enforce them.

As a former immigration attorney, I know we welcome legal immigration. Arizona and South Carolina took proactive steps to ensure that State law enforcement officials are empowered to keep jobs for Americans, instead of illegal aliens.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

VOICE OF TEXAS, JAMES: MR. PRESIDENT, FOLLOW THE CONSTITUTION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, like many Americans, my neighbors are concerned with the President's refusal to follow the Constitution.

James from Kingwood, Texas, wrote me this:

When, as an officer on activity duty, I took an oath to support and defend the Constitution. I honored and still honor that oath because I believe in this country and in the constitutional form of government.

As near as I can see, the President is not enforcing the laws he is required to do. If a military officer were found selectively performing his duty, he would be court-martialed, discharged, and dismissed from the service, as he should be.

Sir, how long does the President get to thumb his nose at the Constitution and at Congress? The Congress must take action now to support the Constitution, or we won't have a Constitution.

Mr. Speaker, James is correct. The President is not supposed to make law by Executive edict from the palace of the White House, nor is the President to willfully refuse to enforce laws. Both actions are a violation the supreme law of the land, the Constitution.

And that's just the way it is.

HOUSE GOP JOBS PLAN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the facts don't lie. President Obama's policies have failed the American people and are making the economy worse. Since the President took office, unemployment has been above 8 percent for 40 months, gas prices have doubled, and the number of Americans having to rely on food stamps has climbed to an

all-time high while the number of new business startups has dropped to a 17-year low.

Our national debt has surpassed \$15 trillion, greater than our entire economy, and the CBO has projected that 2012 will bring the fourth \$1 trillion deficit in a row.

Because the President cannot run on his record, he has, regrettably, turned to the politics of envy and division. House Republicans, though, have a plan for America's job creators to help turn this economy around.

It's time for the President and Senate Democrats to stop blocking our jobs bills and help us put Americans back to work.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:45 p.m. today.

Accordingly (at 2 o'clock and 9 minutes p.m.), the House stood in recess.

□ 1448

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 2 o'clock and 48 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ENABLING ENERGY SAVING INNOVATIONS ACT

Mr. WHITFIELD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4850) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enabling Energy Saving Innovations Act".

SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

Section 342(f) of the Energy Policy and Conservation Act (42 U.S.C. 6313(f)) is amended—

(1) in paragraph (1), by striking "paragraphs (2) through (5)" and inserting "paragraphs (2) through (6)"; and

(2) by adding at the end the following new paragraph:

"(6) INNOVATIVE COMPONENT TECHNOLOGIES.—Subparagraph (C) of paragraph (1) shall not apply to a walk-in cooler or walk-in freezer component if the component manufacturer has demonstrated to the satisfaction of the Secretary that the component reduces energy consumption at least as much as if such subparagraph were to apply. In support of any demonstration under this paragraph, a manufacturer shall provide to the Secretary all data and technical information necessary to fully evaluate its application."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentlewoman from Florida (Ms. CASTOR) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the Enabling Energy Saving Innovations Act, H.R. 4850, which was introduced by Representative ADERHOLT of Alabama. This bill fixes a problem with section 312 of the Energy Independence and Security Act of 2007 relating to newly manufactured walk-in coolers and walk-in freezers. The legislation resolves a problem by providing the Secretary of Energy authority to waive certain component specifications of section 312, so long as the manufacturer demonstrates that that product meets or exceeds DOE energy-efficiency standards.

I would urge all Members to support this commonsense piece of legislation, and I reserve the balance of my time.

□ 1450

Ms. CASTOR of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the ranking member of the Energy and Commerce Committee asked me to convey that he has no objection to the bill. Mr. ADERHOLT's bill provides the flexibility for walk-in coolers and walk-in freezers to meet the applicable energy-efficiency standards with technologies other than foam insulation. The bill ensures that the alternative technology reduces energy consumption at least as much as the insulation that is currently required. We think this is a reasonable approach, encourage Members to support the bill, and I reserve the balance of my time.

Mr. WHITFIELD. Madam Speaker, at this time I would like to yield 6 minutes to the gentleman from Alabama (Mr. ADERHOLT), who is the author of this legislation.

Mr. ADERHOLT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, when Congress passed the Energy Independence and Security Act in December 2007, it inadvertently did not allow a procedure for technologies which may provide greater energy efficiencies than even what is

required in the bill. The legislation before us this afternoon simply makes a small change in relation to walk-in coolers and freezers.

Section 312 of the Energy Independence and Security Act regulates the efficiency standards of walk-in coolers and freezers. The section mandates that cooler and freezer doors meet a certain R-value as a measurement of their ability to retain temperature and use less energy. The problem is that an R-value is a measurement based primarily on the thickness of foam. Therefore, requiring products to meet an R-value prohibits technologies that are just as efficient, but utilize alternative materials or technologies.

These types of statutes typically provide the Department of Energy with a waiver authority. This bill simply provides the Department of Energy with the authority to waive the R-value requirement if they determine a product meets or exceeds the desired energy-efficiency goals. This bill is supported by the American Council for an Energy Efficient Economy. Furthermore, we have spoken with officials at the Department of Energy who recognize the need to consider the energy savings of nonfoam products.

Madam Speaker, this situation offers a prime example of how making an adjustment in a government regulation can maintain standards and at the same time allow flexibility for businesses and retailers to purchase superior products to enable their businesses to use less energy and therefore save more money. The law as it currently stands is preventing this mutually beneficial transaction from taking place. Furthermore, without a waiver authority, the law will continue to limit future innovations in this important sector. It would be, as if in the 1950s, Congress had mandated that the record industry only use a certain type of vinyl. Therefore, there would be no cassette tapes, CDs, or iPods.

With this simple bill, Congress can fix this oversight, allowing more eco-friendly innovations and a freer marketplace. This is one way we as Representatives can help continue to create an environment for economic growth. For those reasons, this bill enjoys wide bipartisan support, and I urge a "yes" vote on H.R. 4850.

Ms. CASTOR of Florida. Madam Speaker, if the other side of the aisle has no further speakers, then I'm prepared to yield back.

Mr. WHITFIELD. We have no further speakers.

Ms. CASTOR of Florida. I urge a "yes" vote on the bill, and I yield back the balance of my time.

Mr. WHITFIELD. Madam Speaker, I just want to thank the gentlelady from Florida and the ranking member for working with us on this legislation. I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 4850.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

Mr. WHITFIELD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5625) to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Collinsville Renewable Energy Promotion Act".

SEC. 2. REINSTATEMENT OF EXPIRED LICENSES AND EXTENSION OF TIME TO COMMENCE CONSTRUCTION OF PROJECTS.

Subject to section 4 of this Act and notwithstanding the time period under section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 10822 and 10823, the Federal Energy Regulatory Commission (referred to in this Act as the "Commission") may—

(1) reinstate the license for either or each of those projects; and

(2) extend for 2 years after the date on which either or each project is reinstated under paragraph (1) the time period during which the licensee is required to commence the construction of such projects.

Prior to reaching any final decision under this section, the Commission shall provide an opportunity for submission of comments by interested persons, municipalities, and States and shall consider any such comment that is timely submitted.

SEC. 3. TRANSFER OF LICENSES TO THE TOWN OF CANTON, CONNECTICUT.

Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision thereof, if the Commission reinstates the license for, and extends the time period during which the licensee is required to commence the construction of, a Federal Energy Regulatory Commission project under section 2, the Commission shall transfer such license to the town of Canton, Connecticut.

SEC. 4. ENVIRONMENTAL ASSESSMENT.

(a) DEFINITION.—For purposes of this section, the term "environmental assessment" shall have the same meaning as is given such term in regulations prescribed by the Council on Environmental Quality that implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) ENVIRONMENTAL ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete an environmental assessment for Federal Energy Regulatory Commission projects

numbered 10822 and 10823, updating, to the extent necessary, the environmental analysis performed during the process of licensing such projects.

(c) COMMENT PERIOD.—Upon issuance of the environmental assessment required under subsection (b), the Commission shall—

(1) initiate a 30-day public comment period; and

(2) before taking any action under section 2 or 3—

(A) consider any comments received during such 30-day period; and

(B) incorporate in the license for the projects involved, such terms and conditions as the Commission determines to be necessary, based on the environmental assessment performed and comments received under this section.

SEC. 5. DEADLINE.

Not later than 270 days after the date of enactment of this Act, the Commission shall—

(1) make a final decision pursuant to paragraph (1) of section 2; and

(2) if the Commission decides to reinstate 1 or both of the licenses under such paragraph and extend the corresponding deadline for commencement of construction under paragraph (2) of such section, complete the action required under section 3.

SEC. 6. PROTECTION OF EXISTING RIGHTS.

Nothing in this Act shall affect any valid license issued by the Commission under section 4 of the Federal Power Act (16 U.S.C. 797) on or before the date of enactment of this Act or diminish or extinguish any existing rights under any such license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Connecticut (Mr. MURPHY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5625, which was introduced by Representative MURPHY of Connecticut. This legislation would provide the Federal Energy Regulatory Commission with limited authority to reinstate two terminated hydroelectric licenses and transfer them to a new owner, the town of Canton, Connecticut.

The licenses are associated with the Upper and Lower Collinsville dams on the Farmington River in Connecticut. Both projects are under one megawatt each, and I urge all Members to support this legislation, and I reserve the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield myself such time as I may consume, and I would like to thank the chairman for his assistance and leadership in bringing this bill forward today.

This legislation before us, as Chairman WHITFIELD stated, is pretty simple. It will allow FERC the permissive authority to allow several communities in my district to operate two very small hydroelectric dams as municipal power sources. The Upper and Lower Collinsville dams have been dormant along Connecticut's Farmington

River since the 1960s. The licenses that were fairly recently previously issued by FERC to operate both small dams are currently inactive. This legislation would allow FERC the opportunity to reinstate them and transfer them to the town of Canton, Connecticut, for operation.

These two small dams are already a beloved and long-standing symbol of the Farmington Valley's rich history. Today, however, we can help make them a symbol of the valley's future as well—retrofitting them to provide clean energy to power thousands of homes and businesses.

This legislation was the product of a sustained and collaborative process with State and local stakeholders, FERC, and river protection organizations. The bill provides for an additional comment period on any FERC licensing action, as well as on the licenses' environmental provisions—ensuring that public input is respected and the river's health is protected.

While we work to enact policies that will accelerate our transition to energy independence, we shouldn't neglect these smaller projects that can begin that process right here and now, and this bill represents that kind of opportunity.

This isn't the first time we've considered this bill in this Chamber. Identical legislation passed the House by voice vote on June 16, 2010. However, the Senate didn't take up the bill that year. As such, I'm hopeful we can muster the same bipartisan spirit today and again pass this noncontroversial energy legislation.

Again, I'd like to thank Chairman WHITFIELD, as well as Chairman UPTON and Ranking Members WAXMAN and RUSH and their staffs, for helping bring this legislation to the floor today. We do this institution credit with this kind of bipartisan legislation. Again to the chairman, I appreciate it, and I reserve the balance of my time.

Mr. WHITFIELD. Madam Speaker, we have no further speakers, so at this time I would just thank the gentleman from Connecticut for bringing this legislation to our attention. I appreciate his patience. It took us a little while to get it to the floor, but I do urge its passage, and I yield back the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 5625.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITFIELD. Madam Speaker, I ask unanimous consent that all Members be allowed to revise and extend their remarks and insert extraneous material on H.R. 4850 and H.R. 5625.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1500

NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION AND SAFETY OF MARITIME NAVIGATION ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5889) to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012".

TITLE I—SAFETY OF MARITIME NAVIGATION

SEC. 101. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking "a ship flying the flag of the United States" and inserting "a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)";

(B) in paragraph (1)(A)(ii), by inserting "including the territorial seas" after "in the United States"; and

(C) in paragraph (1)(A)(iii), by inserting "by a United States corporation or legal entity," after "by a national of the United States";

(2) in subsection (c), by striking "section 2(c)" and inserting "section 13(c)";

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c):

"(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

"(1) 'applicable treaty' means—

"(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

"(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

"(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

"(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

"(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

"(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

"(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

"(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

"(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

"(2) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

"(3) 'biological weapon' means—

"(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

"(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

"(4) 'chemical weapon' means, together or separately—

"(A) toxic chemicals and their precursors, except where intended for—

"(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

"(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

"(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

"(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

"(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

"(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

"(5) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(6) 'explosive material' has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

"(7) 'infrastructure facility' has the meaning given the term in section 2332f(e)(5) of this title;

"(8) 'international organization' has the meaning given the term in section 831(f)(3) of this title;

"(9) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense

or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(10) ‘national of the United States’ has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(11) ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

“(12) ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

“(13) ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

“(14) ‘place of public use’ has the meaning given the term in section 2332f(e)(6) of this title;

“(15) ‘precursor’ has the meaning given the term in section 229F(6)(A) of this title;

“(16) ‘public transport system’ has the meaning given the term in section 2332f(e)(6) of this title;

“(17) ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

“(18) ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

“(19) ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(20) ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(21) ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

“(22) ‘toxic chemical’ has the meaning given the term in section 229F(8)(A) of this title;

“(23) ‘transport’ means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

“(24) ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.”; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are under-

stood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master’s intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master’s possession that pertains to the alleged offense.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”.

SEC. 102. NEW SECTION 2280a OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following new section:

“§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this section or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth

in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

“(E) attempts to do any act prohibited under subparagraphs (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2), shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) **THREATS.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited in subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) **EXCEPTIONS.**—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) **CIVIL FORFEITURE.**—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) **APPLICABLE PROCEDURES.**—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following new item:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

SEC. 103. AMENDMENTS TO SECTION 2281 OF TITLE 18, UNITED STATES CODE.

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by inserting after subsection (d) the following:

“(e) **EXCEPTIONS.**—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

SEC. 104. NEW SECTION 2281a OF TITLE 18, UNITED STATES CODE.

(a) **IN GENERAL.**—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following new section:

“§ 2281a. Additional offenses against maritime fixed platforms

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraphs (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) **THREAT TO SAFETY.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited in subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform lo-

cated on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) **EXCEPTIONS.**—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) **DEFINITIONS.**—In this section—

“(1) ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

“(2) ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following new item:

“2281a. Additional offenses against maritime fixed platforms.”

SEC. 105. ANCILLARY MEASURE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2280a (relating to maritime safety),” before “2281”, and by striking “2281” and inserting “2281 through 2281a”.

TITLE II—PREVENTION OF NUCLEAR TERRORISM

SEC. 201. NEW SECTION 2332i OF TITLE 18.

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

“§ 2332i. Acts of nuclear terrorism

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—Whoever knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act, shall be punished as prescribed in subsection (c).

“(2) **THREATS.**—Whoever, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished

as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Whoever attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Whoever violates this section shall be fined not more than \$2,000,000 and shall be imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(2) ‘device’ means:

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment;

“(3) ‘international organization’ has the meaning given that term in section 831(f)(3) of this title;

“(4) ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(5) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(6) ‘nuclear facility’ means:

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

“(7) ‘nuclear material’ has the meaning given that term in section 831(f)(1) of this title;

“(8) ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“(9) ‘serious bodily injury’ has the meaning given that term in section 831(f)(4) of this title;

“(10) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title;

“(12) ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States;

“(13) ‘vessel’ has the meaning given that term in section 1502(19) of title 33; and

“(14) ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

“2332i. Acts of nuclear terrorism.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

SEC. 202. AMENDMENT TO SECTION 831 OF TITLE 18 OF THE U.S. CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as (4) through (9);

(2) by inserting after paragraph (2) the following:

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”;

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5)”;

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7)”;

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8)”;

(2) in paragraph (2), by striking “(8)” and inserting “(9)”;

(c) in subsection (c)—

(1) in subparagraph (2)(A), by adding after “United States” the following: “or a stateless person whose habitual residence is in the United States”;

(2) by striking paragraph (5);

(3) in paragraph (4), by striking “or” at the end;

(4) by inserting after paragraph (4), the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”.

(d) by redesignating subsections (d) through (f) as (e) through (g), respectively;

(e) by inserting after subsection (c):

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) the term ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title; and

“(12) the term ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5889, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I introduced this legislation to implement certain provisions of four multilateral counterterrorism treaties that will make America and the world safer.

The significance of this legislation and the bipartisanship demonstrated to get this bill to the House floor is evidenced by those who have joined me as original cosponsors—Judiciary Committee Ranking Member JOHN CONYERS, Crime Subcommittee Chairman JIM SENSENBRENNER, and Crime Subcommittee Ranking Member BOBBY SCOTT.

Terrorism and the proliferation of weapons of mass destruction do not recognize international boundaries. The treaties that this legislation relates to are important tools in the fight against terrorism. Each one builds on an existing treaty to which the United States is a party. Implementation of these treaties will enhance the national security of the United States.

This legislation modernizes and strengthens the international counterterrorism and counterproliferation legal framework. The treaties in this legislation complement important U.S. priorities to prevent nuclear terrorism, counterproliferation of weapons of mass destruction, and counterterrorism initiatives.

Acceptance of these treaties will reinforce the United States' leadership role in promoting these and other counterterrorism treaties and will likely prompt other countries to join. The treaties are widely supported by the U.S. Departments of State, Justice, and Defense. This legislation strengthens current law and related jurisdictional provisions.

Acceptance of the underlying treaties benefits the United States in many ways. For example, parties to the underlying treaties are required to criminalize certain acts committed by persons who possess or use radioactive material or a nuclear device, and parties are obligated to extradite or prosecute alleged offenders.

As they relate to maritime terrorism, the underlying treaties would treat vessels and fixed maritime platforms as a potential means of conducting terrorism activity and not just as objects of terrorist activity.

The previous administration strongly supported approval of these agreements, which have already received Senate advice and consent. The current administration wants to advance this legislation so that the United States maintains its leadership role in counter-nuclear proliferation efforts and terrorism prevention.

Advancing this legislation strengthens international cooperation and information sharing as it relates to international terrorism and proliferation of weapons of mass destruction.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Speaker, the four treaties underlying this legislation are the cornerstones of an important effort to update international law for the post-September 11 era.

Two of the treaties, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention for the Physical Protection of Nuclear Material, require party nations to better protect nuclear materials and to punish acts of nuclear terrorism.

The two other treaties, amendments to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms, address the use of ships and fixed platforms in terrorist attacks, as well as the transport of weapons, weapons delivery systems, and terrorist fugitives by sea.

The United States signed these treaties in 2005. The Senate passed resolutions of advice and consent on all four in 2008. In an era where we increasingly rely on our allies to combat terrorism, these new treaty obligations are also plain common sense. Members of this committee have been committed to their ratification from the very start.

We disagreed with the administration's original legislative proposal only where it asked for far more than was necessary to implement these treaties. Fortunately, after many months of discussion, we have arrived at language that implements these treaties without making unnecessary and needlessly controversial changes to the Federal Criminal Code.

H.R. 5889 represents true bipartisan consensus and has the full support of the Obama administration. I look forward to its passage here in the House, to its ultimate passage in the Senate, and to our diplomatic corps filing letters of ratification after all these years.

I want to thank Chairman SMITH and Chairman SENSENBRENNER both for holding a hearing in the Crime Subcommittee on this important legislation in October of last year, and for their collaboration with Crime Subcommittee Ranking Member BOBBY SCOTT to work out our concerns with the administration.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H.R. 5889, "The Nuclear Terrorism Conventions, Safety of Maritime Navigation Act."

As the Ranking Member of the Homeland Security Committee, Subcommittee on Transportation Security and Infrastructure, I am

well-aware of the gravity of nuclear terrorism conventions. It must be noted that Americans may disagree on a lot of things—something that is reflected in this body every day—but when it comes to securing our Homeland—we generally have come together.

By imposing fines and punishment on onerous acts, this bill will hopefully serve as a deterrent to those who seek to commit such acts. It also prevents the transport of certain materials which, in their ordinary course are not those which would be transported outside of certain commercially permitted uses.

H.R. 5889 would implement four multilateral counterterrorism treaties. The bill was introduced on June 5, 2012 by Representative LAMAR SMITH, Committee Chairman, with Representatives JOHN CONYERS, JR. Committee Ranking Member; BOBBY SCOTT Crime Subcommittee Ranking Member; and F. JAMES SENSENBRENNER, JR., Crime Subcommittee Chairman, as original cosponsors. H.R. 5889 has bipartisan support and is the result of extensive negotiations with the Administration, the State Department, and the Department of Justice. I appreciate the work of my colleagues on this legislation and look forward to the enactment of more bi-partisan legislation in the near future.

The Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on this proposal on October 4, 2011. As I recall, witnesses included representatives from the Department of Justice and the Department of State.

A. GENERAL BACKGROUND

This legislation is designed to implement four multilateral counterterrorism treaties, each an update to existing international law. The four treaties include:

The International Convention for the Suppression of Acts of Nuclear Terrorism ("NTC"), which requires party nations to criminalize acts of terrorism involving radioactive material. The NTC entered into force on July 7, 2007. Of the thirteen multilateral counterterrorism treaties now in force, it is the only one that the United States has yet to ratify. Moreover, it is the first treaty of its kind adopted after the attacks of September 11, 2001, and thus has symbolic importance.

An amendment to the Convention on the Physical Protection of Nuclear Material ("CPPNM"), which creates new security requirements for the use and storage of nuclear materials used for domestic purposes. The amendment will not take effect until it is ratified by two-thirds of the parties to the CPPNM. U.S. ratification will likely create some momentum towards final entry into force.

The 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ("SUA Protocol"), which addresses the use of ships in terrorist attacks, as well as the transport of weapons, weapons delivery systems, and terrorist fugitives by sea. The SUA protocol requires twelve ratifications to enter into force; so far, only eleven nations have ratified the 2005 changes.

The 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms ("Fixed Platform Protocol"), which mirrors the SUA Protocol with respect to offshore platforms. The Fixed Platform Protocol cannot

take effect until the SUA Protocol amendment enters into force.

The United States signed all four agreements in 2005, and the Senate passed resolutions of advice and consent for all four treaties on September 25, 2008.

In the words of the Department of State's witness, Thomas M. Countryman, at an earlier hearing this session, "First, the proposed implementing legislation will ensure that the United States complies with our international obligations under each treaty to criminalize certain conduct and establish criminal jurisdiction over that conduct. The criminal offenses covered under these treaties are serious offenses involving nuclear terrorism, WMD proliferation, maritime terrorism, and unlawful maritime transport of WMD and their delivery systems. There is international consensus that countries should cooperate in the prevention, investigation, and prosecution of these offenses. The proposed implementing legislation will both fill gaps within U.S. law and facilitate international cooperation with foreign partners under the framework of these treaties."

Second, the proposed implementing legislation is modeled after legislation passed by Congress to implement earlier counterterrorism treaties. Most recently, in 2002 Congress passed legislation to implement two treaties which focused on terrorist bombings and terrorist finance. The form of the proposed legislation tracks that which has been successfully used in the past. Indeed, the proposed legislation for the 2005 SUA Protocols itself amends legislation originally passed by Congress to implement the SUA Convention and Fixed Platforms Protocol. Just as the 2005 SUA Protocols amend those earlier treaties, so would the proposed legislation amend U.S. law implementing those treaties."

According to the Department of Justice, the United States cannot ratify these four agreements until Congress has amended the federal criminal code to bring it into line with these new treaty obligations. Early this Congress, the Obama Administration submitted a legislative proposal to Congress to implement these changes. This proposal was substantially identical to two earlier proposals in the 110th and 111th Congresses.

At the October 2011 Subcommittee hearing, members questioned the apparent over breadth of the Administration's proposed legislation. Several provisions seemed completely outside the scope of the requirements of the treaties, e.g., an expansion of the scope of conduct subject to the death penalty, new wiretap predicates, and authorization for the President to conduct similar agreements in the future without congressional approval. With the full cooperation of the Majority, Committee staff negotiated implementing legislation that does not include these troubling provisions.

The Obama Administration has also indicated its official support for the bill. And I too will support this measure and look forward to receiving timely official reports as we attempt to secure our navigable waterways and prevent acts of terrorism.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5889, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

STRENGTHENING AND FOCUSING ENFORCEMENT TO DETER ORGANIZED STEALING AND ENHANCE SAFETY ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4223) to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety Act of 2012" or the "SAFE DOSES Act".

SEC. 2. THEFT OF MEDICAL PRODUCTS.

(a) **PROHIBITED CONDUCT AND PENALTIES.**—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"§ 670. Theft of medical products

"(a) PROHIBITED CONDUCT.—Whoever, in, or using any means or facility of, interstate or foreign commerce—

"(1) embezzles, steals, or by fraud or deception obtains, or knowingly and unlawfully takes, carries away, or conceals a pre-retail medical product;

"(2) knowingly and falsely makes, alters, forges, or counterfeits the labeling or documentation (including documentation relating to origination or shipping) of a pre-retail medical product;

"(3) knowingly possesses, transports, or traffics in a pre-retail medical product that was involved in a violation of paragraph (1) or (2);

"(4) with intent to defraud, buys, or otherwise obtains, a pre-retail medical product that has expired or been stolen;

"(5) with intent to defraud, sells, or distributes, a pre-retail medical product that is expired or stolen; or

"(6) attempts or conspires to violate any of paragraphs (1) through (5); shall be punished as provided in subsection (c) and subject to the other sanctions provided in this section.

"(b) AGGRAVATED OFFENSES.—An offense under this section is an aggravated offense if—

"(1) the defendant is employed by, or is an agent of, an organization in the supply chain for the pre-retail medical product; or

"(2) the violation—

"(A) involves the use of violence, force, or a threat of violence or force;

"(B) involves the use of a deadly weapon;

"(C) results in serious bodily injury or death, including serious bodily injury or death result-

ing from the use of the medical product involved; or

"(D) is subsequent to a prior conviction for an offense under this section.

"(c) CRIMINAL PENALTIES.—Whoever violates subsection (a)—

"(1) if the offense is an aggravated offense under subsection (b)(2)(C), shall be fined under this title or imprisoned not more than 30 years, or both;

"(2) if the value of the medical products involved in the offense is \$5,000 or greater, shall be fined under this title, imprisoned for not more than 15 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 20 years; and

"(3) in any other case, shall be fined under this title, imprisoned for not more than 3 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 5 years.

"(d) CIVIL PENALTIES.—Whoever violates subsection (a) is subject to a civil penalty in an amount not more than the greater of—

"(1) three times the economic loss attributable to the violation; or

"(2) \$1,000,000.

"(e) DEFINITIONS.—In this section—

"(1) the term 'pre-retail medical product' means a medical product that has not yet been made available for retail purchase by a consumer;

"(2) the term 'medical product' means a drug, biological product, device, medical food, or infant formula;

"(3) the terms 'device', 'drug', 'infant formula', and 'labeling' have, respectively, the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act;

"(4) the term 'biological product' has the meaning given the term in section 351 of the Public Health Service Act;

"(5) the term 'medical food' has the meaning given the term in section 5(b) of the Orphan Drug Act; and

"(6) the term 'supply chain' includes manufacturer, wholesaler, repacker, own-labeled distributor, private-label distributor, jobber, broker, drug trader, transportation company, hospital, pharmacy, or security company."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding after the item relating to section 669 the following:

"670. Theft of medical products."

SEC. 3. CIVIL FORFEITURE.

Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "670," after "657,".

SEC. 4. PENALTIES FOR THEFT-RELATED OFFENSES.

(a) **INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.**—Section 659 of title 18, United States Code, is amended by adding at the end of the fifth undesignated paragraph the following: "If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater."

(b) **RACKETEERING.**—

(1) **TRAVEL ACT VIOLATIONS.**—Section 1952 of title 18, United States Code, is amended by adding at the end the following:

"(d) If the offense under this section involves an act described in paragraph (1) or (3) of subsection (a) and also involves a pre-retail medical product (as defined in section 670), the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under subsection (a) is greater."

(2) **MONEY LAUNDERING.**—Section 1957(b)(1) of title 18, United States Code, is amended by adding at the end the following: "If the offense involves a pre-retail medical product (as defined

in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this subsection is greater.”

(c) **BREAKING OR ENTERING CARRIER FACILITIES.**—Section 2117 of title 18, United States Code, is amended by adding at the end of the first undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.”.

(d) **STOLEN PROPERTY.**—

(1) **TRANSPORTATION OF STOLEN GOODS AND RELATED OFFENSES.**—Section 2314 of title 18, United States Code, is amended by adding at the end of the sixth undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.”.

(2) **SALE OR RECEIPT OF STOLEN GOODS AND RELATED OFFENSES.**—Section 2315 of title 18, United States Code, is amended by adding at the end of the fourth undesignated paragraph the following: “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.”.

(e) **PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.**—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 670 of title 18, United States Code, that involve pre-retail medical products.

SEC. 5. AMENDMENT TO EXTEND WIRETAPPING AUTHORITY TO NEW OFFENSE.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (s) as paragraph (t);

(2) by striking “or” at the end of paragraph (r); and

(3) by inserting after paragraph (r) the following:

“(s) any violation of section 670 (relating to theft of medical products); or”.

SEC. 6. REQUIRED RESTITUTION.

Section 3663A(c)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(iv) an offense under section 670 (relating to theft of medical products); and”.

SEC. 7. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses under section 670 of title 18, United States Code, as added by this Act, section 2118 of title 18, United States Code, or any another section of title 18, United States Code, amended by this Act, to reflect the intent of Congress that penalties for such offenses be sufficient to deter and punish such offenses, and appropriately account for the actual harm to the public from these offenses.

(b) **REQUIREMENTS.**—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately reflect—

(A) the serious nature of such offenses;

(B) the incidence of such offenses; and

(C) the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider establishing a minimum offense level under the Federal sentencing guidelines and policy statements for offenses covered by this Act;

(3) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4223, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Large-scale medical product theft is a significant problem in today's society. Medical products require special care and maintenance. When medical products are stolen, thieves resell them. When these drugs are not stored or handled properly, they can lose their effectiveness and cause further injury to medical patients.

Current law does not recognize the added importance of medical products. These products are often essential to a person's health and can be lifesaving.

Under federal law, those who steal a truck full of insulin intended for diabetics would be sentenced to the same extent as those who steal a truck full of car tires.

In 2009, an organized ring of criminals stole 129,000 vials of insulin worth approximately \$11 million in North Carolina. A few months later, the FDA received a report that some of the vials had been reintroduced into the supply chain when a diabetic patient reported to a medical center in Houston, Texas, with an adverse reaction after use of insulin from the stolen lot.

The FDA issued a warning that the insulin had likely not been kept refrigerated correctly and could still be in the market. The spoiled product was ultimately found in pharmacies in 17 states. At least 2 additional patients experienced adverse reactions. While some arrests have been made, over 125,000 vials of insulin still remain unaccounted for.

Shipments of drugs that treat kidney failure, ADHD, schizophrenia, rheumatoid arthritis and ovarian cancer were stolen in three separate incidents between 2008 and 2009.

The prescription drugs, worth over \$3 million, were taken during a distribution center break-in and in two separate trailer break-ins. The FBI made an arrest in only one of the three incidents, and the criminal was convicted.

H.R. 4223, the SAFE DOSES Act, modernizes and strengthens the criminal code in order to deter and punish those who steal pre-retail medical products. Enhanced penalties not only make people think twice before they steal medical shipments, but also provide law enforcement agencies with the tools they need to obtain cooperation to bring down criminal organizations.

The SAFE DOSES Act enables authorities to better target the multi-dimensional criminal enterprises that carry out these thefts and recognizes the health risks created by the improper care and handling of sensitive medical products.

This bipartisan bill helps to ensure that life-saving drugs remain in the hands of those trained to handle them, and do not continue to pose a threat to public safety. I commend Crime Subcommittee Chairman SENSENBRENNER for his work on this legislation and urge my colleagues to join me in support of this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Crime Subcommittee of the Judiciary Committee and a former chairman of the Judiciary Committee, and also the sponsor of this legislation.

Mr. SENSENBRENNER. I thank the gentleman from Texas for yielding me this time.

I introduced H.R. 4223, the SAFE DOSES Act, to address the problem of medical cargo theft across the United States. Medical cargo theft poses significant health risks to patients who have no reason to know that their medicines have been stolen and improperly cared for before being sold back into the legitimate supply chain.

Stolen medical cargo can kill or injure those patients that need reliable, safe medicines.

□ 1510

Sophisticated and enterprising criminal organizations are stealing large quantities of medical products and selling them via the wholesale market into legitimate pharmacies and hospitals. They are putting patient safety at risk because improperly cared-for medical products can be ineffective or harmful, and such damaged products are often impossible for health care professionals to identify.

High-value pharmaceuticals, including treatments for serious diseases, are frequent targets. Unfortunately, these high-value items are the very type of sensitive products that need the most careful handling and temperature control. Many medical products can become ineffective if stored at the wrong

temperature, even for a brief time. Yet, under current law, the theft of life-saving medical supplies is treated the same as the theft of perfume or stereo equipment.

The criminal organizations hijack tractor-trailers at truck stops, break into warehouses and evade alarm systems, forge shipping documents, produce high-quality counterfeit labels with altered expiration dates and lot numbers, and otherwise thwart the intense security measures used by the industry. Some employ sophisticated surveillance equipment and techniques in order to learn exactly when and where they can steal the particular shipments they want.

For example, in March 2010, over \$75 million of prescription drugs, including treatments for cancer, heart disease, and neurological disorders such as depression, ADHD, and schizophrenia, were stolen from a warehouse in Enfield, Connecticut. The burglary was one of the largest pharmaceutical heists in history. The criminals broke into the secure facility on the weekend by cutting a hole in the roof, then rappelling into the storage area. They disabled the alarm system and loaded dozens of crates onto a tractor-trailer.

Experts have said that this heist shared many traits with warehouse thefts of pharmaceuticals last year in Richmond, Virginia; Memphis, Tennessee; and Olive Branch, Mississippi. Those thieves also cut through ceilings and sometimes used trapeze-style rigging to get inside and to disable the main and backup alarms. In some cases, they sprayed dark paint on the lenses of security cameras; in others, they removed disks from the security recording devices.

This bill increases sentences for theft, transportation, and storage of medical product cargo; enhances penalties for the “fences” who knowingly obtain stolen medical products for resale into the supply chain; increases sentences when injury or death results from the ingestion of a stolen substance or when the defendant is employed by an organization in the supply chain; provides law enforcement with such tools as wiretaps; and provides restitution to victims injured by stolen medical products.

The legislation is supported by the Coalition for Patient Safety and Medicine Integrity, a group of pharmaceutical, medical device, and medical products companies whose purpose is to protect patients from the risks posed by stolen and improperly handled medical products reentering the legitimate supply chain. Members of the Coalition include Abbott and Eli Lilly, GlaxoSmithKline, Johnson & Johnson, Novartis, Novo Nordisk, Sanofi, and PhRMA. The bill is also supported by the Association of Community Cancer Centers, the Healthcare Distribution Management Association, the National

Council for Community Behavioral Healthcare, and the National Fraternal Order of Police.

The companion bill in the other body, Senate 1002, was reported by voice vote from the Senate Judiciary Committee in March.

I urge my colleagues to support this commonsense, bipartisan legislation to give law enforcement agencies and prosecutors the additional tools they need to confront this growing problem.

Mr. JOHNSON of Georgia. Madam Speaker, I yield myself such time as I may consume.

H.R. 4223 is intended to address the problem of large-scale medical product theft. I think we will all agree that this crime poses substantial risks to the public.

For instance, in North Carolina, in 2009, over 120,000 vials of insulin were stolen and subsequently reintroduced back into the supply chain to be used by unsuspecting patients.

Patients should be able to rely on their medications to be safe, effective, and unadulterated, and we certainly need to treat it as a significant crime when criminals steal shipments of drugs. Large-scale medical product theft is a serious problem that merits a serious solution.

I commend my colleagues on the House Judiciary Committee for making important changes to this bill. The manager’s amendment adopted at markup clarified that the mens rea applies only to conduct in which the perpetrator knows that the product involved is a medical product that is stolen, expired, or not yet released to the public.

I also believe that the correct reading of this bill, consistent with the general presumption that the mens rea element in a statute applies to all other nonjurisdictional elements, is that a defendant would have to know that the product is a pre-retail medical product in order to be convicted.

While I note these important issues, I want to raise a note of concern about the approach of increasing penalties as a way of addressing crime. Stealing cargo from a warehouse is already illegal, of course. The penalty is a fine and up to 10 years in prison.

H.R. 4223 creates a new crime for theft of preretail medical products and a new code section, 18 U.S.C. Section 670. Section 670 would increase the penalties to up to 30 years in prison in some cases if the stolen goods are preretail medical products.

However, I’m heartened that this bill does not include mandatory minimum sentences, and there will be an intelligent, deliberative process to set sentencing guidelines by the U.S. Sentencing Commission.

As the House moves to adopt this bill today, I want to emphasize that it is also important that we do what we know works best to deter crime, and

that is to increase the likelihood that perpetrators will be caught and convicted.

We heard from a witness at the hearing on this bill that increased investigation and enforcement would have a greater deterrent effect than increased penalties. I agree, and this bill was amended at markup to include a provision directing the Attorney General to give increased priority to efforts to investigate and prosecute preretail medical theft offenses.

Finally, we want to encourage the industry to exhaust all reasonable means of preventing these thefts from their properties and other facilities along the transit route.

The April 2011 edition of *Fortune* Magazine included an article entitled, “Drug Theft Goes Big.” The article reports that the thieves who committed the largest prescription drug theft in history did so by cutting through the tar roof of Eli Lilly’s Connecticut warehouse and sliding down ropes. Security was so lax that the thieves were able to pull their own tractor-trailer up to the loading dock and spend a couple of hours loading the stolen goods.

In a similar event several months ago, thieves broke into a GlaxoSmithKline warehouse by coming through the roof. While none of this in any way shields or excuses the perpetrators of these crimes, clearly, these examples point to the need for more security.

Government and industry should work together at all points along the factory-to-retail chain to prevent and detect such thefts. I’m aware that industry and government regulatory authorities are working toward these ends, and I would hope that work will continue so that we will have a comprehensive effort to address this type of crime.

Madam Speaker, I yield back the balance of my time.

□ 1520

Mr. SMITH of Texas. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 4223, the “Safe Doses Act of 2012” which amends Title 18, United States Code, to prohibit theft of medical products, and for other purposes.

More specifically, this bill will prohibit theft of pre-retail products such as drugs, medical devices and infant formula. Likewise, it forbids one from alternating labels of pre-retail medical products, transporting stolen or counterfeit medical products and purchasing or distributing expired medical products with the intent to deceive others and passing such products off as authentic.

Due to the increased activity in counterfeit drugs it is critical that Congress lay down harsher parameters so that potential criminals are faced with more deterrents should they consider participating in such behavior.

As a Representative from Houston, Texas, it is of grave concern that consumers and law

enforcement officials are protected given the proximity of Texas to the Mexican border. It is not inconceivable that crime syndicates operating on both sides could cause significant problems by stealing drugs and selling them in Mexico.

The theft of large scale medical products has become a growing concern; thus, this legislation aims to toughen the penalties for individuals who place thousands of lives in danger by stealing large quantities of medical products and re-introducing such products in the legitimate supply chain including pharmacies and hospitals.

This bill is encouraged by pharmaceutical companies after instances of fraud appeared within the industry. According to an FDA affidavit, in 2009, a truck containing over 120,000 vials of insulin was stolen in North Carolina. After being improperly stored the product was illegally resold into distribution by wholesalers reaching medical centers in many other states including my state of Texas.

While some diabetic patients reported the drugs after usage and noticing poor blood sugar control, the actual amount of innocent people who received the spoiled product in pharmacies in 17 states is unknown. It was determined that the insulin was purchased from a national distribution company only one day after the medication was reported stolen. While some arrests were made in relation to this incident, over 125,000 vials of insulin were never located.

Incidents such as these are ones which this bill is intended to prevent. Serious public health and safety implications arise based on the improper care of medical products which may be both ineffective and harmful to unsuspecting patients.

Currently, title 18 of the United States Code sets forth penalties of a fine and/or imprisonment of no more than 10 years for involvement in such crimes. While I am not quick to increase sentences, keeping one imprisoned after they have served their time, I am of the belief that consumers purchasing medicine should be able to do so with the confidence that what they are paying for is real and safe. Thus those criminals that take actions to threaten the life of another by engaging in the transportation of counterfeit drugs should be locked up.

Despite the lack of evidence supporting the contention that offenders are less likely to engage in such deviant behavior once they are aware of Federal laws increasing fines and longer penalties, I support this bipartisan measure to help ensure that our everyday Americans in need of medication are not falling prey to criminals intending to defraud them of necessary medical products.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I rise in support of H.R. 4223, the Safe Doses Act. I am proud to join my colleagues on both sides of the aisle in supporting this important legislation.

H.R. 4223 addresses a difficult issue in the pharmaceutical supply chain: the theft of medical products. While this body last week passed important legislation to protect consumers from counterfeit drugs, there remains a real risk from stolen medical goods.

This is a not a hypothetical exercise, it is a real problem. Criminal organizations who steal

medical products are not concerned with storing these materials properly, or ensuring that they are only sold with a doctor's prescription.

Let me give one brief, but telling example: In 2009, 128,000 vials of insulin were stolen in North Carolina. Beyond the \$11 million monetary cost of this theft, there was a human cost as well.

These vials were reintroduced into the supply chain after being improperly stored. The vials found their way to pharmacies in 17 different states, and at least two individuals suffered potentially fatal blood sugar levels before the FDA was able to alert the public to this danger.

H.R. 4223 is a simple and sensible way to give law enforcement and prosecutors a stronger set of tools to go after criminal organizations that are brazenly stealing vital medication and devices. I further note that, beyond bipartisan support this measure has received, the Safe Doses Act passed both the House Judiciary and Senate Judiciary Committees unanimously.

I encourage all of my colleagues to support this legislation, clean up the pharmaceutical supply chain, and protect their constituents.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4223, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC SAFETY OFFICERS' BENEFITS IMPROVEMENTS ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4018) to improve the Public Safety Officers' Benefits Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Public Safety Officers' Benefits Improvements Act of 2012".

SEC. 2. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking "and" at the end;

(B) in paragraph (27), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(28) the term 'hearing examiner' includes any medical or claims examiner.";

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking "follows:" and all that follows and inserting the following: "follows (if the payee indicated is

living on the date on which the determination is made)—

"(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

"(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

"(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

"(4) if there is no surviving spouse of the public safety officer and no surviving child—

"(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

"(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

"(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

"(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.";

(B) in subsection (b)—

(i) by striking "direct result of a catastrophic" and inserting "direct and proximate result of a personal";

(ii) by striking "pay," and all that follows through "the same" and inserting "pay the same";

(iii) by striking "in any year" and inserting "to the public safety officer (if living on the date on which the determination is made)";

(iv) by striking "in such year, adjusted" and inserting "with respect to the date on which the catastrophic injury occurred, as adjusted";

(v) by striking "to such officer";

(vi) by striking "the total" and all that follows through "For" and inserting "for"; and

(vii) by striking "That these" and all that follows through the period, and inserting "That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.";

(C) in subsection (f)—

(i) in paragraph (1), by striking "as amended (D.C. Code, sec. 4-622); or" and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking "Such beneficiaries shall only receive benefits under such section 8191 that" and inserting "such that beneficiaries shall receive only such benefits under such section 8191 as"; and

(II) by striking the period at the end and inserting "or"; and

(iii) by adding at the end the following:

"(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).";

(D) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(E) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(B) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”; and

(4) in section 1203 (42 U.S.C. 3796a-1)—

(A) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(B) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(B) in paragraph (3)—

(i) in the matter preceding clause (i)—

(I) by inserting “or permanently and totally disabled” after “deceased”; and

(II) by striking “death” and inserting “fatal or catastrophic injury”; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking “post-mortem” each place it appears and inserting “post-injury”; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(D) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;”; and

(E) in paragraph (9)—

(i) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”; and

(ii) in subparagraph (B)(ii), by striking “or” after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(iv) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(8) in section 1212 (42 U.S.C. 3796d-1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(ii) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(B) in subsection (c)—

(i) in the subsection heading, by striking “DEPENDENT”; and

(ii) by striking “dependent”;

(9) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d-2(b)), by striking “dependents” each place it appears and inserting “person’s”;

(10) in section 1216 (42 U.S.C. 3796d-5)—

(A) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(B) by striking “dependents” each place it appears and inserting “a person”; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(b) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 3796c-1(a)) is

amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”; and

(2) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.

The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 3796c-1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 3796c-1)) may be accepted by the Bureau as *prima facie* evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.”.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or

ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(2) **HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.**—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4018, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

H.R. 4018, the Public Safety Officers' Benefits Improvements Act of 2012, amends an existing program within the Justice Department that administers benefits to certain public safety officers killed or disabled in the line of duty.

I commend Representative MICHAEL FITZPATRICK for his leadership on this issue and am pleased to be a cosponsor of this legislation.

The bill makes changes to the class of beneficiaries as well as some common-sense, cost-saving reforms to the program.

Congress originally passed the Public Safety Officers' Benefits Act, PSOB, in 1976. This program evolved from concern that State and local public safety officers and their families were not being provided with adequate death benefits. And that the low level of benefits might impede recruitment efforts and impair morale.

Originally, the PSOB program provided only death benefits to the survivors of officers killed in the line of duty. It was later expanded to provide benefits to officers disabled in the line of duty and education benefits to the spouses and children of officers killed or disabled in the line of duty.

Congress has amended the PSOB program many times since its inception. Some of the changes have resulted in inconsistencies within the law or have unintentionally resulted in a delay in the PSOB benefit process.

For example, each PSOB claimant must be examined by an impartial medical examiner who then advises the Justice Department regarding their decision to award benefits. But the PSOB statute and its regulations require that the medical examiner be hired from the city where the officer was killed or injured.

This causes significant delays and adds expense in processing PSOB claims and in administering the overall program.

The Department spends significant time and resources to find a medical professional who is familiar with the PSOB program and its requirements. That medical professional must also be available and agree to perform the necessary medical exam. This process can take weeks, if not months, to complete.

This bill provides a solution to this inefficiency. It allows the Department to develop and draw from a pool of trusted, qualified medical professionals to perform the necessary examinations across the country. This is similar to how the PSOB program authorizes their hearing examiners.

This simple change saves valuable time and taxpayer dollars. It also ensures that the public safety officers and their families receive these much-needed benefits more quickly.

H.R. 4018 also clarifies who are eligible beneficiaries when an officer is killed in the line of duty. Currently, the payment of benefits is often postponed, sometimes for years, while the issue of who is the proper beneficiary is litigated.

This bill creates a new category of beneficiaries, "adult children of deceased public safety officers," to clarify eligible beneficiaries in certain cases where there are none. These cases include when a public safety officer's children are all adults, there is no surviving spouse, no applicable designation of beneficiary is on file with the public agency, and the officer's parents are deceased.

The PSOB benefits can currently be awarded to police officers, firefighters, chaplains or certain members of a rescue squad or ambulance crew who serve a public agency.

But PSOB benefits are not currently authorized for volunteer emergency medical personnel. This bill fixes this inequity in a narrow way that when combined with savings from other efficiencies made by the bill, does not result in additional expense to the taxpayer.

I urge my colleagues to join me in support of this bill.

Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), who is the sponsor of this legislation.

Mr. FITZPATRICK. Thank you, Chairman SMITH, for your time and your support and your leadership on this significant reform legislation. Your staff has been wonderful to work with. I'd like to give special recognition to Caroline Lynch and Art Baker, both of whom did a fantastic job on this bill.

Madam Speaker, I rise to urge my colleagues to support these needed reforms to the Public Safety Officers' Benefits Program. The Public Safety Officers' Benefit Act created the program in 1976 to provide benefits to the families of those first responders who die or become disabled in the line of duty.

For the past 35 years, Congress has affirmed its support for the program and these benefits. Now we have the opportunity, through needed reforms, to make the PSOB program even better. This bill corrects a tragic oversight in current law that unfairly excludes certain first responders.

My inspiration for this bill, Madam Speaker, is Daniel McIntosh. "Danny Mac," as he was known to his family and his friends, was a veteran of the Bensalem Emergency Medical Services. Dan served numerous other Bucks County communities both as a paramedic and as a volunteer firefighter since 1993. He was a volunteer firefighter for the Point Pleasant Fire Company and had achieved life member status. He was a member of the Nottingham Fire Department, a newly sworn police officer for the Hulmeville Police Department, and was a TAC Medic for the Bucks County SWAT Team and for the Bucks County Hazardous Materials SWAT Team. As we can see, Dan's life was dedicated to public service, and he gave his life doing what he loved.

Danny suffered a fatal heart attack while in the performance of his duties as a member of the Bensalem Rescue Squad. Because the entity that he was working with was a nonprofit emergency medical service provider, his family has been denied the PSOB benefit. This is unfair treatment for those who put themselves in harm's way in service to their communities. This bill would change that and ensure that families like Danny's receive the benefits they deserve.

I recognize and I thank the McIntosh family for the sacrifice that they made to our community. I also recognize the legacy of Dale Long, a Vermont EMT, who was killed in an ambulance accident in 2009 and whose life has motivated companion PSOB reform in the Senate. I am proud to sponsor this legislation for them and for the loved ones of first responders all across our great country.

Finally, Madam Speaker, this bill includes numerous taxpayer protections and streamlines the delivery of benefits. Many of us came to Congress on the promise to make government more efficient and more effective, and this bill would do just that. Members supporting this legislation will be able to report to their constituents that not only are they being good stewards of the taxpayer dollars but that they are also improving a program that provides widely supported benefits to our Nation's first responders.

At this time, Madam Speaker, I note the support of many organizations for the bill, including the American Ambulance Association, the National Association of Emergency Medical Technicians, the National Fraternal Order of Police, the National Association of Police Organizations, as well as several rescue squads from across my home State of Pennsylvania.

I want to again thank Chairman SMITH and Ranking Member CONYERS for their leadership and for their support for this very important piece of reform legislation. I urge my colleagues to support it as well.

Mr. JOHNSON of Georgia. Madam Speaker, I yield myself such time as I may consume.

H.R. 4018, the Public Safety Officers' Benefits Improvements Act, appropriately expands the scope of this important program to better assist our public safety officers and their families. The PSOB program has been an important means of supporting our public safety officers since 1976, when the authorizing legislation was enacted.

Initially, the program provided death benefits for certain officers, but it has since been expanded to apply to a wide range of those who protect us to now include Federal, State and local police officers, firefighters, public rescue squads, ambulance crews, and chaplains of those agencies.

The PSOB program currently provides death benefits in the form of a onetime financial payment to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a personal injury sustained in the line of duty. The program also provides financial assistance to help pay higher education costs for the spouses and children of public safety officers for whom PSOB death or disability benefits have been paid.

This bill extends the coverage of the program to members of nonprofit rescue squads and ambulance crews who suffer fatal or catastrophic injury as a result of their performances of certain specified public safety activities within their specific lines of duty. The bill also extends the coverage to vascular ruptures in addition to the existing coverage of heart attacks and strokes occurring during non-routine line-of-duty activities.

H.R. 4018 also includes a number of other provisions clarifying the inconsistencies that have arisen due to prior amendments to the PSOB Act, and it makes the administration of the program more efficient so that these officers may more quickly obtain the benefits they and their families deserve.

Our public safety officers willingly undergo long hours and often dangerous conditions to protect all of us, and we all know that they are not compensated at a level commensurate with the dangers they face and the importance of the services that they provide. When they die or become disabled because they are acting to help us, providing these benefits is the right thing to do. I hope this bill will make this program work even better during those unfortunate instances when it is necessary.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 4 minutes to the gentleman from Texas, Judge POE, who is a member of the Judiciary Committee.

Mr. POE of Texas. I would like to thank the chairman for the time.

I especially want to thank Representative FITZPATRICK from Pennsylvania for introducing this important legislation, which makes improvements and reforms the Public Safety Officers' Benefits Program.

This program is intended to expedite the processing of claims and expand coverage to include some nonprofit emergency personnel who are currently not covered by this important program.

The reason H.R. 4018 is important is that 72 police officers were killed by perpetrators in 2011, and that number represents a 25 percent increase from the previous year and a 75 percent increase from 2008.

One of these 72 was 38-year-old Houston police officer George Will. He was killed by an out-of-control drunk driver. Officer Will was investigating an accident. The drunk driver comes barreling, out of control, down the freeway. Officer Will sees him coming and pushes a witness out of the way so that witness to the first accident wouldn't be hit. While doing so, the drunk driver ran over and killed Officer Will. He left behind a wife, two stepchildren; and the wife he left behind was pregnant. Also in 2011, a total of 61 on-duty firefighters were killed in the United States.

So, in 1 year, that's 133 families who don't have a father or a mother anymore.

□ 1530

And the last thing these families should have to worry about after facing the loss of a father or mother first responder is financial instability.

Madam Speaker, in my career as a judge and a former prosecutor in Houston, I knew a lot of first responders. Some of them were later killed in public service to our communities. Our Nation's police, firefighters, and EMS workers are our true national treasures. They are the ones that run into burning buildings when everybody else runs out of those burning buildings. They are the ones that put their lives on the line every day to keep us safe and protect our communities. They go into the shadows and dark corners of our society looking for do-bads, outlaws, and social misfits. This work, Madam Speaker, is dangerous.

When these Americans wake up every day, they need to be able to focus on the duty they have before them, and they need to know that if, God forbid, something happens to them on their duty shift, that their family will be taken care of.

For all these reasons, I support H.R. 4018. I urge my colleagues to support it. And once again, I thank the gentleman from Pennsylvania for this legislation.

And that's just the way it is.

Mr. SMITH of Texas. Madam Speaker, I understand that the gentleman from Georgia has yielded back his

time; if so, I yield back the balance of my time as well.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 4018, the "Public Safety Officers' Benefits Improvements Act of 2012," which would modify the Public Safety Officers' Benefits Act (PSOBA) of 1976 which currently provides benefits payments to certain survivors of public safety officers who are killed or permanently and totally disabled in the line of duty. Under current law, the families of public safety officers who have died as a result of injuries sustained in the line of duty are eligible for a one-time payment of about \$320,000. Public safety officers who have been permanently disabled are eligible for the same payment, but this payment is subject to the availability of appropriated funds.

As a Ranking Member of the Homeland Security Committee, Subcommittee on Transportation Security and Infrastructure, I am well aware that there are currently gaps in the laws as it pertains to those safety officers who put their lives on the line but may not have the high profiles of police officers or firefighters. Nevertheless, for those unsung heroes and faithful men and women who continually place their own well being in danger for the sake of saving the lives of strangers, this bill is a mere step in the right direction by expanding the types of benefits available to their families when serious injuries or deaths occur.

H.R. 4018 narrows the eligibility of members of rescue squads or ambulance crews for benefits under the PSOB program; as a result, some individuals would no longer receive benefits that they could receive under current laws.

The bill prevents individuals from receiving certain benefits under the program if they receive payments from the September 11th Victim Compensation Fund of 2001. Likewise, this legislation would make many technical and administrative changes that aim to expedite the processing of claims for benefits.

Over the years the Public Safety Officers' Benefits Act has been amended to expand the scope of the definitions "member of a rescue squad or ambulance crew" and "public safety officer." This definition now includes an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew that is a public agency of a nonprofit entity serving the public that is officially authorized or licensed to engage in rescue activity or to provide emergency medical services and that is officially designated as a prehospital emergency medical response agency.

The Act provides death benefits in the form of a single financial payment to eligible survivors of public safety officers whose death is the direct and proximate result of a personal injury during the performance of duty. Additionally the Act provides for financial assistance to help pay higher education costs for the children and spouses of public safety officers for whom disability benefits have been paid.

This bill is needed to efficiently support the families devastated by death or catastrophic injuries sustained while acting in the official capacity of a public safety officer's job. It is my hope that by supporting this bill Congress can

come together to better accommodate, acknowledge and assist the brave public safety officers who sustain injuries while serving members of their communities across this great country.

Mr. WELCH. Madam Speaker, I submit the attached June 19, 2012 letter from Chuck Canterbury, National President of the National Fraternal Order of Police, in regards to H.R. 4018, the Public Safety Officers' Benefits Improvements Act of 2012.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, June 19, 2012.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. LAMAR S. SMITH,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMEN: I am writing this letter on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 4018, the "Public Safety Officers' Benefits (PSOB) Improvements Act," introduced by Representative Michael G. Fitzpatrick (R-PA), and S. 1696, the Senate companion bill introduced by Chairman Leahy. It is our understanding that both committees have agreed to compromise language and we are pleased to offer our support for this bipartisan, bicameral bill.

The legislation, which has received a neutral score from the Congressional Budget Office (CBO), will reduce claims processing delays, reduce administrative costs, and make explicit that beneficiaries of Federal death or disability benefits must offset one award with another. The legislation as crafted and considered by the Judiciary Committees in both chambers is widely supported in the law enforcement and public safety community.

It was distressing in the extreme to learn that further action on the legislation is being deliberately blocked by Senator Thomas A. Coburn, MD (R-OK), who has taken his anti-public safety agenda to new lows by calling for the repeal of the PSOB program or to at least restrict it to Federal officers. The FOP views this not as a politician embracing the principle of federalism, but as a transparently cynical and cowardly ploy to place even greater strain between law enforcement and other public safety officers that serve on the local and State level and their colleagues employed by the Federal government. When a police officer puts himself in harm's way, he does not stop to think about jurisdiction. He does not ask the offender if he is committing a local, State or Federal crime. He acts in the best interest of the safety of those he has sworn to protect. A family that loses a loved one in the line of duty should not just be left adrift, their sacrifice ignored because their loved one was a local firefighter or State Trooper and not a Federal agent.

Since Senator Coburn was sworn in as a U.S. Senator, seventeen police officers have been killed in the line of duty in Oklahoma. Seventeen families lost a son, father or brother, and I am sure some or all of these families relied on the PSOB program to help them through the financial hardships they faced after the loss of their loved one. Senator Coburn would punish the families of the fallen—the heroes who put their life on the line and paid the ultimate price.

I know both of you reject Senator Coburn's call for the repeal of the PSOB program, and I commend you both for your constant support of the program and of the rank-and-file officers that protect our homes and neigh-

borhoods. The legislation will improve the ability of the PSOB Office to process death and disability claims more swiftly and efficiently, providing the families of our fallen with the help they need. On behalf of the more than 330,000 members of the Fraternal Order of Police, I thank you both for your dedication and outstanding leadership on this issue. If I can be of any further assistance on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTEBURY,
National President.

Mr. HOLT. Madam Speaker, I rise today in strong support of H.R. 4018, the Public Safety Officers' Benefits Improvements Act, of which I am a cosponsor, and I thank my colleague from across the Delaware River, Mr. FITZPATRICK, for his work on this extremely important issue.

During the early morning hours of August 28, 2011, as Central New Jersey was bearing the brunt of Tropical Storm Irene, the Princeton First Aid and Rescue Squad was called to investigate a vehicle submerged in raging floodwaters with the occupants possibly trapped inside. Michael Kenwood, a 39-year-old volunteer emergency medical and rescue technician, entered the water tied to his partner in an attempt to reach the stranded vehicle. The two quickly realized that the current was too strong and tried to turn back, but Michael lost his footing and was sucked into the current. When he was pulled from the water, Michael was unconscious and not breathing. Michael died later that day, leaving behind a wife, Beth, and 3-year-old daughter, Laney. The submerged car turned out to be empty.

Michael's death was a tragedy. But what compounded this tragic situation was the fact that, under current law, Michael's family was not eligible for federal death benefits because he was a volunteer member of a non-profit organization. This is just wrong. Michael's sacrifice would be no different if he had been a member of a paid fire department or EMS agency, and federal law should treat it as such. When he was called to enter those floodwaters, Michael did not stop to think, "I don't get paid for this; should I do this?" He answered the call just like thousands upon thousands of others do each and every day, risking their lives in the service of others, regardless of whether or not they are paid.

This legislation would expand federal benefit programs for the women and men who volunteer for fire departments and rescue squads and are injured or killed in the line of duty. Quite simply, it is the right thing to do. I am glad to see this bill being brought to the floor and I urge my colleagues to support it here today.

Last Saturday, Michael's name was added to the National EMS Memorial in Colorado Springs, Colorado. I would ask that my colleagues join me in remembering Michael's sacrifice, and those made by the other police officers, firefighters, and emergency medical responders who put their lives on the line each and every day to protect ours.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4018, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, shall be known and designated as the "Sergeant Richard Franklin Abshire Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Richard Franklin Abshire Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3412, introduced by the gentleman from Louisiana (Mr. BOUSTANY), would designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the Sergeant Richard Franklin Abshire Post Office Building. This bill was introduced on November 14, 2011, and was

reported from the Committee on Oversight and Government Reform on February 7.

Sergeant Richard Franklin Abshire was born on October 20, 1944, in Louisiana and served in the United States Marine Corps. Sergeant Abshire was awarded the Navy Cross for extraordinary heroism while serving as a platoon sergeant with Company G, Second Battalion, Fourth Marines, Ninth Marine Amphibious Brigade, in connection with operations against the enemy in the Republic of Vietnam on May 2, 1968.

Sergeant Abshire's unit and a sister company launched a coordinated attack against a well entrenched North Vietnamese Army force occupying the village of Dinh To, Quang Tri Province. By his superb leadership, courageous fighting and selfless devotion to duty, Sergeant Abshire inspired all who observed him and upheld the highest traditions of the United States Marine Corps and the United States Naval Service. He gallantly gave his life for his country. Sergeant Abshire died on May 2, 1968.

Madam Speaker, Sergeant Richard Franklin Abshire is a very worthy designee of this postal facility naming. I urge all Members to join me in support of this bill, and I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I'm pleased to join my colleagues in consideration of H.R. 3412, to designate the facility of the U.S. Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the Sergeant Richard Franklin Abshire Post Office Building.

As was mentioned, Sergeant Richard Abshire served as the platoon sergeant with Company G, Second Battalion, Fourth Marines, Ninth Marines Amphibious Brigade, during the Vietnam War.

As was also mentioned, he was in a heavy firefight. Upon entering the village, Sergeant Abshire and his unit came under heavy enemy fire. The heavy small arms and automatic weapons fire halted the company, and Sergeant Abshire was directed to establish a defensive position with advantageous firing positions.

As the hostilities increased, it became apparent that the Vietnamese were preparing to launch a counter-attack. Sergeant Abshire exposed himself to enemy fire to deploy the grenades that temporarily disoriented the enemy.

Returning to his unit, Sergeant Abshire moved along the line, shouting words of encouragement, and directing his unit's fire. The sergeant then provided covering fire as his unit pulled back. After expending his remaining ammunition, he attempted to rejoin

his unit when he was mortally wounded in the head by a burst of enemy fire. Sergeant Abshire was posthumously awarded the Navy Cross for his heroic actions leading his unit and ensuring their return to safety.

Madam Speaker, if anyone deserves a postal facility named after them, it is Sergeant Abshire.

I urge the passage of the bill, and I reserve the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I yield 5 minutes to my neighbor from the east, from the great State of Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend from Texas for yielding time to me, and I thank the committee for bringing this resolution to the House floor today.

Madam Speaker, I rise in support of H.R. 3412, to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the Sergeant Richard Franklin Abshire Post Office Building, and I want to thank the Oversight and Government Reform Committee for bringing this bill to the floor.

Today, it is really an honor for me to stand here today to celebrate the life of United States Marine Corps Sergeant Richard F. Abshire, an extraordinary hero of the Vietnam War. A native of Abbeville, Louisiana, in my district, the heart of Cajun country, Sergeant Abshire graduated from Abbeville High School in 1962 and then attended the University of Southwestern Louisiana in Lafayette, my hometown.

Serving in Vietnam from December 1967 until May 1968, a young Sergeant Abshire had given over 3 years of service to his country in the Marine Corps. On May 2, 1968, while serving in Quang Tri Province in the Republic of Vietnam, Sergeant Abshire led a coordinated attack against an entrenched North Vietnamese force in the village of Dinh To.

Under heavy small arms and automatic weapon fire, Sergeant Abshire displayed extraordinary valor and leadership in leading his men to safety, sacrificing himself in the process.

□ 1540

Upon entrance to the village of Dinh To, Sergeant Abshire's men began sustaining heavy losses from the better positioned North Vietnamese troops. Acting quickly, the sergeant directed his men to establish a defensive perimeter, aiming a heavy volume of fire into the enemy emplacements. Then realizing the enemy was preparing a counterattack, Sergeant Abshire quickly obtained a number of hand grenades from his fellow marines. Navigating the fiery open terrain while selflessly exposing himself to enemy fire, Abshire threw several grenades toward the enemy, disrupting their attack. Returning to his men, Sergeant Abshire

moved from position to position, shouting encouragement and directing fire.

Upon realizing they were dangerously low on ammunition, Abshire directed his men to fall back while he resolutely provided cover fire until they could reach safety. After expending the last of his ammunition, Sergeant Abshire was mortally wounded by a burst of enemy fire, laying down his life for his fellow marines and his country.

Sergeant Abshire's actions are an inspiration to the marines he fought beside and the country he fought for. Because of his heroic actions, he was posthumously awarded the Navy Cross for his bravery in a combat zone. Shortly after Sergeant Abshire's death, his mother received the Navy Cross for gallantry on his behalf in Lafayette, Louisiana, from Brigadier General Walter S. McIlhenny.

Today I join the town of Abbeville in honoring this fallen hero with the dedication of their post office to the name of Sergeant Richard Franklin Abshire for his extraordinary valor in battle. As we honor Sergeant Abshire today, we must also recognize our present-day heroes serving around the globe, those who have fallen and those who continue to fight for our freedoms. We thank you as well as the families of all of our Armed Forces.

I ask my colleagues to support this bill.

Mr. CLAY. Madam Speaker, I have no further speakers. I urge passage of H.R. 3412, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I join with the gentleman from Louisiana and the gentleman from Missouri in urging all of my colleagues and House Members to support the passage of H.R. 3412, renaming and creating the Sergeant Richard Franklin Abshire Post Office.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3412.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SPC NICHOLAS SCOTT HARTGE
POST OFFICE

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass

the bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPC NICHOLAS SCOTT HARTGE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, shall be known and designated as the "SPC Nicholas Scott Hartge Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "SPC Nicholas Scott Hartge Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Madam Speaker, I yield myself as much time as I may consume.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and to place extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. H.R. 3501, introduced by the gentleman from Indiana (Mr. STUTZMAN), would designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the SPC Nicholas Scott Hartge Post Office. This bill was introduced on November 18, 2011, and was reported favorably from the Committee on Oversight and Government Reform on February 7.

Nicholas Hartge grew up in Rome City, Indiana, and during high school decided to serve his country by joining the military. Nicholas served in the Third Platoon in Charlie Company in the First Infantry Division, and his company was deployed to Iraq in August of 2006. Nicholas' commanding officer, Commander Michael Baka, took note of the young man's character and aptitude and helped him begin the process of applying to West Point. While the prospect of becoming an officer thrilled Specialist Hartge, he never deviated from his devotion to his fellow soldiers.

On May 14, 2007, Specialist Hartge's unit came under heavy attack. While maneuvering through enemy fire, the

Humvee carrying the specialist was struck by a roadside bomb. Nicholas Hartge received a Commendation Medal for outstanding achievement in the capture of Abu Hassan, a known IED facilitator in Baghdad. He was posthumously awarded the Bronze Star for his heroic actions on the day that he was killed.

Madam Speaker, Specialist Nicholas Scott Hartge is a very worthy and appropriate designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I rise to join my colleagues in the consideration of H.R. 3501, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the SPC Nicholas Scott Hartge Post Office.

The measure before us was first introduced on November 18 by my colleague Representative MARLIN STUTZMAN, and in accordance with the committee's requirements, this bill is cosponsored by all members of the Indiana delegation and was reported out of the committee by unanimous consent on February 7, 2012.

Nicholas Hartge was adamant about joining the military after the profound personal effect that the September 11 attacks had on him. He enlisted in the Army before graduating from East Noble High School in Kendallville, Indiana, in 2005. In August of 2006, he was deployed and stationed in Baghdad.

On May 14, 2007, Hartge was killed when the vehicle he was riding in came in contact with an improvised explosive device. Four other soldiers on patrol with Hartge sustained burn wounds on as much as 70 percent of their bodies from the attack.

Nicholas Scott Hartge made the ultimate sacrifice for his country, and his dedication and courage are a testament to the men and women of the United States Armed Forces. For this reason, the post office in Rome City, Indiana, should be named in his honor. And I ask that we pass the underlying bill to honor the service, sacrifice, and valor of Specialist Nicholas Scott Hartge.

Madam Speaker, I reserve the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I would like to yield 5 minutes to my distinguished colleague and friend from the State of Indiana.

Mr. STUTZMAN. I thank the gentleman from Texas as well as the gentleman from Missouri for their support today and for the committee supporting H.R. 3501. I would also like to thank each of the members of the Indiana delegation for their sponsorship of this bill as well.

Madam Speaker, I rise today in support of H.R. 3501, to designate the facil-

ity of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the SPC Nicholas Scott Hartge Post Office.

Growing up in Rome City, Indiana, Nicholas served his community with a smile. A Boy Scout, paperboy, wrestler, and member of the marching band, his cheerful manner and work ethic were contagious.

Nicholas decided to enlist in the Army during his junior year of high school. His loving mother, Lori, proudly tells the story of her patriotic son who was so eager to serve his country that a freight train couldn't stop him.

Only a week after graduating, Nicholas left for boot camp at Fort Benning, Georgia. Nicholas chose to serve in the infantry. In August of 2006, he and his unit, First Battalion, 26th Infantry, Brigade Combat Team, First Infantry Division, were deployed to Iraq.

Far from the safety of his Indiana home, Specialist Hartge patrolled the streets of Adhamiyah, a neighborhood in east-central Baghdad. Despite his age, Nicholas' determination and attitude set him apart.

□ 1550

Members of the 3rd Platoon in Charlie Company knew they could depend on him. In the midst of a war zone, Nicholas served with distinction and earned the respect of his fellow soldiers and commanders. His gifts and strengths were known to those he served with. With the goal of attending West Point, he worked with his commanding officer to prepare himself for the challenges ahead.

During a leave, Specialist Hartge came home and took the SAT test in preparation for West Point. Although he could have taken a different path, Nicholas' devotion to his unit led him to put his pursuit of the academy on hold until he finished his combat tour. Putting aside his own safety, he returned to Iraq to serve alongside his unit.

On May 14, 2007, his patrol came under heavy attack. While navigating through intense fire, his Humvee hit a roadside bomb. Specialist Hartge lost his life in that attack. Specialist Hartge was awarded the Bronze Star for his final act of heroism.

Hoosiers in Rome City and Americans across the country enjoy our freedoms because heroes like Nicholas and his family have paid the dearest price. We can never take that fact lightly.

Madam Speaker, Specialist Hartge lost his life serving the country he loved. Renaming the post office of the community that loves and remembers him is a small, but important, gesture to recognize this young man.

I urge my colleagues to support this legislation.

Mr. CLAY. Madam Speaker, I have no further requests for time. I urge

passage of H.R. 3501, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I urge all Members to support the passage of H.R. 3501, honoring Specialist Nicholas Scott Hartge; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3501.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, shall be known and designated as the "First Sergeant Landres Cheeks Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "First Sergeant Landres Cheeks Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. H.R. 3772, introduced by the gentleman from Mississippi (Mr. THOMPSON), would designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the First Sergeant Landres Cheeks Post Office Building. This bill was introduced on January 13 and was reported from the Committee on Oversight and Government Reform with a favorable report on February 7.

Sergeant Cheeks served in the United States Army Medical Corps for 30 years, serving in World War II in Germany and France and also in the Vietnam war. He is a decorated serviceman, having received numerous distinctions, including the National Defense Medal, the Army Commendation Medal, Vietnam Service Medal, Army Occupational Medal of Germany, the Bronze Star Medal, the World War II Victory Medal, and the American Campaign Medal.

Beyond military service, Sergeant Cheeks was a role model in his community in Mississippi, serving with numerous community organizations, including the Madison County Union for Progress as chairman. The Union for Progress is a private organization that helps citizens seek and secure employment. He also served on the board of directors of the Canton Housing Authority.

Cheeks was married for 66 years and raised six sons and three daughters. Six of his children followed in his footsteps and served this country in the military.

Madam Speaker, First Sergeant Landres Cheeks is a worthy designee of this postal naming. I urge all Members to join me in support of this bill, and I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I join my colleagues in the consideration of H.R. 3772, a bill to designate the facility of the U.S. Postal Service at 150 South Union Street in Canton, Mississippi, as the First Sergeant Landres Cheeks Post Office Building.

The measure was first introduced on January 13, 2012, by my colleague, Representative BENNIE THOMPSON. In accordance with committee requirements, the bill is cosponsored by all members of the Mississippi delegation and was reported out of the committee by unanimous consent on February 7, 2012.

Madam Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Madam Speaker, today, I rise in support of my bill, H.R. 3772, which seeks to designate the United States postal facility located at 150 South Union Street in Canton, Mississippi, as the

First Sergeant Landres Cheeks Post Office.

I introduced this bill to bring recognition to the outstanding works and commitment of Retired First Sergeant Landres Cheeks to both the United States of America and to the city of Canton, Mississippi. I'm pleased to have my colleagues in the Mississippi delegation join me as original cosponsors: Congressmen HARPER, PALAZZO, and NUNNELEE.

First, Sergeant Cheeks has been a true patriot of our country and an integral part of his community for more than 60 years. He's dedicated his life, after serving our country for three decades, to giving back to the citizens of Canton. His mission to economically empower, inspire, and motivate the people of Canton has proved him to be an invaluable asset to the community.

Sergeant Cheeks served the United States Army Medical Corps for 30 years, participating in Germany and France during World War II and the Vietnam war. He's a decorated serviceman, having received the National Defense Medal, Army Commendation Medal, Vietnam Service Medal, Vietnam Campaign Medal, Army Occupational Medal of Germany, Bronze Star Medal, World War II Victory Medal, American Campaign Medal, and a Good Service Conduct Medal.

In 2001, he was awarded the Blue Cross Blue Shield Ageless Hero Award. This honor is given in celebration of the spirit and vitality of our Nation's seniors aged 65 and over who have proven themselves exemplary in the areas of community involvement, creativity, good neighboring, love of learning, new beginning and vitality. Sergeant Cheeks has proven himself to be a role model of his community.

After having been honorably discharged from the military, it was later discovered that Sergeant Cheeks had contacted agent orange and developed post-traumatic stress syndrome. Nevertheless, Sergeant Cheeks persevered and began actively assisting the people of Canton with searches for employment and with formulating and sponsoring extracurricular activities for the youth of Canton.

Not only is Sergeant Cheeks committed to economic quality and bettering the community, but he's also committed to civic engagement and involvement. He currently sits on the Voter Registration Committee and serves as chairman of the membership of the Canton branch of the NAACP.

Sergeant Cheeks has been a pillar in his community more than half a century and has served our country honorably. I cannot find anyone nobler or better suited to have a building named in their honor.

Madam Speaker, the House Government and Oversight Reform Committee reported First Sergeant Landres Cheeks Post Office Building favorably

by voice vote on February 7. I urge my colleagues to support this necessary bipartisan and noncontroversial bill, which will bring much deserved and appropriate recognition to a true patriot and outstanding member of society.

Mr. CLAY. Madam Speaker, we have no further requests for time. I think my friend and colleague from Mississippi has sufficiently given us the reasons why this House should adopt this resolution, and I yield back the balance of my time.

Mr. FARENTHOLD. I urge my colleagues to support renaming the postal facility at 150 South Union Street in Canton, Mississippi, the First Sergeant Landres Cheeks Post Office Building and support the passage of H.R. 3772.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3772.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1600

REVEREND ABE BROWN POST OFFICE BUILDING

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVEREND ABE BROWN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, shall be known and designated as the "Reverend Abe Brown Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Reverend Abe Brown Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gen-

tleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

H.R. 3276, introduced by the gentleman from Florida (Ms. CASTOR), would designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office Building. This bill was introduced on October 27, 2011, and reported from the Committee on Oversight and Government Reform with a favorable recommendation on February 7, 2012.

Reverend Brown served the Tampa Bay community for years. He was the beloved pastor of the First Baptist Church of College Hill, Hillsborough County public schools educator, football coach, dean of the Chamberlain High School, and founder of Prison Crusade Ministries, later renamed Abe Brown Ministries. He was the dean of students at Chamberlain when Congresswoman CASTOR attended school there. Sadly, Reverend Brown passed away on Saturday, September 11, 2010, at the age of 83.

Reverend Abe Brown is a very worthy designee of this postal facility naming, and I urge my colleagues to support this bill. I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I am pleased to join my colleagues in the consideration of H.R. 3276, a bill to designate the facility of the U.S. Postal Service on Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office Building. This bill meets the requirements of our committee.

At this time, I would like to yield to the gentleman from Florida (Ms. CASTOR) such time as she may consume.

Ms. CASTOR of Florida. Madam Speaker, I thank my colleague from Missouri and also my colleague from Texas. I rise in strong support today of H.R. 3276, a bill to name the post office located at 2810 East Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office. I introduced this bill to honor the life and the accomplishments of the late Reverend

Abe Brown. Reverend Abe Brown was an educator and a pastor, and he devoted his entire life to helping others, whether it was in the classroom, in the guidance office, on the football field, in church, or through his ongoing ministries.

Reverend Brown was a Tampa native. He was a 1946 graduate of the great Middleton High School and a 1950 graduate of Florida A&M University. He came home after he graduated from A&M and started work at Hillsborough County public schools. He worked for the school district for 38 years—as a teacher, coach, dean of students, and an administrator.

As an educator and a coach, he promoted 16 athletes to professional football. He loved football. These professional players attribute their success in life and not just on the football field to the firm foundation and inspirational teachings of their beloved Middleton High School coach, Reverend Abe Brown.

I had the honor of attending Hillsborough's Chamberlain High School when Reverend Brown served as the dean of students before he retired in 1988, and he was tough. He was tough on the outside, but inside he had a heart of gold. Reverend Brown also served as the pastor for the First Baptist Church of College Hill for many years.

His deep and abiding faith called him to found the Prison Crusade Ministries, which was renamed the Reverend Abe Brown Ministries, Inc., a nonprofit organization that enables offenders, ex-offenders, their families, and others at risk to achieve productive and spiritually fulfilling lives. It has made a real difference throughout the Tampa Bay area.

Reverend Brown continued his social outreach, and in 1991 he received nationwide coverage and honor through an article in the Reader's Digest regarding his active establishment and implementation of an effort to stop drug street sales in Tampa's College Hill community.

Reverend Brown passed away in September 2010 after serving the Tampa Bay area in many capacities for many years.

With the help of the East Tampa community, we fought to keep this particular post office open last summer. It was considered for closure, but it is a real focal point for the East Tampa community, and it is a very busy branch. So I look forward to dedicating this station to Reverend Abe Brown, as does our entire community. He was a role model for young people and an inspiration for our entire community. He selflessly devoted his life to others and, instead of abandoning those who had lost their way, he worked tirelessly to help them get back on track.

I thank the entire Florida delegation who sponsored this legislation on a bipartisan basis, I thank the committee, the ranking member and the chair, and I ask my colleagues to support H.R. 3276 in honor of Reverend Brown's selfless service to the Tampa Bay community.

Mr. CLAY. Madam Speaker, I thank the gentlewoman from Florida, and I ask that we pass the underlying bill without reservation to recognize Reverend Abe Brown's contributions, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I was moved by the recollections of the gentlelady from Florida of Reverend Abe Brown, and I am confident that my colleagues will join me in supporting the bill, H.R. 3276, renaming the post office at 2810 East Hillsborough Avenue in Tampa, Florida, as the Reverend Abe Brown Post Office Building, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3276.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROMOTING DEVELOPMENT OF SOUTHWEST DISTRICT OF COLUMBIA WATERFRONT

Mr. FARENTHOLD. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 5, after line 10, add the following:

SEC. 4. PROJECT FOR NAVIGATION, WASHINGTON CHANNEL, DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia, as authorized by the Act of August 30, 1935 (chapter 831; 49 Stat. 1028), and described in subsection (b), is deauthorized.

(b) DESCRIPTION OF PROJECT.—The deauthorized portion of the project for navigation is as follows: Beginning at Washington Harbor Channel Geometry Centerline of the 400-foot-wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the

Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the United States Army Corps of Engineers, Baltimore district, July 2007; thence departing the aforementioned centerline traveling the following courses and distances: N. 40 degrees 10 minutes 45 seconds E., 200.00 feet to a point, on the outline of said 400-foot-wide channel thence binding on said outline the following 3 courses and distances: S. 49 degrees 49 minutes 15 seconds E., 1,507.86 feet to a point, thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17 feet to a point, thence; S. 11 degrees 27 minutes 04 seconds E., 363.00 feet to a point, thence; S. 78 degrees 32 minutes 56 seconds W., 200.00 feet to a point binding on the centerline of the 400-foot-wide main navigational channel at computed Centerline Station No. 65+54.31, coordinates North 438923.9874, East 1306159.9738, thence; continuing with the aforementioned centerline the following courses and distances: N. 11 degrees 27 minutes 04 seconds W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29 degrees 44 minutes 42 seconds W., 2,015.56 feet to a point, Centerline Station No. 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds W., 1,472.26 feet to the point of beginning, the area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Madam Speaker, I yield myself such time as I may consume.

I will keep my comments brief. Back in December, the House unanimously approved the base text of the legislation before us today, H.R. 2297. H.R. 2297 was approved in order to update zoning laws to allow the District of Columbia the flexibility to sell or lease real property in the Southwest waterfront to a private sector developer. There is currently a \$2 billion redevelopment plan pending to renovate this area, which is only a stone's throw from the U.S. Capitol building.

□ 1610

On March 29, the Senate unanimously approved this legislation with an amendment, which is what brings us here today.

The Senate amendment also concerns the development of the Southwest waterfront. It deauthorizes a portion of a 77-year-old navigation project in the waterway, essentially transferring jurisdiction from the U.S. Army Corps of Engineers to the District of Columbia

in order for the redevelopment project to move forward to help spur economic development in the Southwest waterfront area here in Washington, DC.

The Army Corps of Engineers has reported no concerns with this transfer. In addition, Madam Speaker, the Senate's language is identical to that of a bill the House unanimously approved last Congress.

The last point I will make is, according to the CBO, there is no budgetary cost associated with the bill now before us.

I'd like to thank the ranking member, Ms. NORTON, for working with us on this legislation and the Senate for including this important amendment.

I urge my colleagues to support this measure, and I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the full committee, Mr. ISSA, and the chair of the subcommittee, Mr. GOWDY, for working closely with our side on this bill so that we could get it to the floor today. I also thank the ranking member of the full committee, Mr. CUMMINGS, and Mr. DAVIS, the subcommittee ranking member, for their very important consultation.

H.R. 2297, which was introduced by my friend and colleague, Congresswoman NORTON, will allow development of the waterfront area in Southwest Washington, DC. The bill makes technical changes concerning land owned on the Southwest waterfront by the District of Columbia since the early 1960s. The legislation that transferred the land to the District contained restrictions typical of the pre-Home Rule period.

H.R. 2297 updates that obsolete legislation to allow for the highest and best use of the land. The restrictions serve no Federal purpose. However, the unintended effect was to make a wasted asset of land that could be productive and revenue- and jobs-producing. The relevant Federal agencies have been consulted on H.R. 2297 and have raised no objections. The bill will allow mixed-use development on the waterfront for the first time. It will create jobs and raise local revenue at a time when they are needed most.

The Federal Government has no interest in the Southwest waterfront other than the Maine lobster memorial and the Titanic memorial, which the District and the National Park Service have worked together to preserve.

Madam Speaker, the bill expands the types of goods that can be sold at the fish market on the waterfront in a market well known in the region. This is a noncontroversial bill that removes out-of-date restrictions and involves no cost to the Federal Government.

At this time, I'd like to yield to the gentlewoman from the District of Columbia (Ms. NORTON) for such time as she may consume.

Ms. NORTON. Madam Speaker, I have only brief remarks because I want to associate myself with the remarks of the gentleman from Texas and the gentleman from Missouri and to thank them for bringing this bill forward. Special thanks are due to Chairman DARRELL ISSA and Ranking Member CUMMINGS for their considerable assistance on this bill, and for two other good friends, Representative GOWDY, the chairman of the subcommittee, and Representative DAVIS, ranking member of the subcommittee.

The bill essentially incorporates technical changes for land that has been owned for almost 50 years by the District of Columbia, but land transferred in bills during the so-called pre-Home Rule period often contained language that is obsolete today and prevents the highest and best use.

Last Congress, the smaller part of this bill, the Washington Channel bill, was passed unanimously in committee and on the House floor. The channel part of the bill had to be updated because the channel was established in the 1800s, when the District of Columbia was a major port. This section allows the District now to use the waterfront for today's boating and other water activities.

All the relevant agencies—and I appreciate the work of the Coast Guard and the Navy—have signed off on this bill. I particularly appreciate the work of the gentleman from Texas and the gentleman from Missouri in bringing this bill forward, and Chairman ISSA and ranking member CUMMINGS of the Oversight and Government Reform bill, once again, and its subcommittee leadership as well.

Mr. CLAY. I urge passage of the bill, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I join with my colleagues in urging support of this bipartisan economic growth and jobs bill. It will create a vital new area in what is developing as a vibrant part of the District of Columbia.

I urge my colleagues to support H.R. 2297, and I yield back the balance of my time.

Mr. ISSA. Madam Speaker, I include the attached exchange of letters between Chairman JOHN MICA of the Committee on Transportation and Infrastructure and myself on the Senate amendment to H.R. 2297.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, June 25, 2012.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning the Senate amendment to H.R. 2297. There are certain provisions in the legislation which fall within the jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of the Senate amendment to H.R. 2297,

the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 26, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in the Senate amendment to H.R. 2297, "To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes," and your willingness to forego consideration of the Senate amendment to H.R. 2297 by your committee.

I agree that the Transportation and Infrastructure Committee has a valid jurisdictional interest in certain provisions of the Senate amendment to H.R. 2297, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the Senate amendment to H.R. 2297.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2297.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SECURING MARITIME ACTIVITIES THROUGH RISK-BASED TARGETING FOR PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4251) to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Maritime Activities through Risk-based Targeting for Port Security Act" or the "SMART Port Security Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is the following:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

- Sec. 101. Updates of maritime operations coordination plan.
- Sec. 102. U.S. Customs and Border Protection Office of Air and Marine Asset Deployment.
- Sec. 103. Cost-benefit analysis of co-locating operational entities.
- Sec. 104. Study of maritime security redundancies.
- Sec. 105. Acquisition and strategic sourcing of marine and aviation assets.
- Sec. 106. Port security grant program management.
- Sec. 107. Port security grant funding for mandated security personnel.
- Sec. 108. Interagency operational centers for port security.
- Sec. 109. Report on DHS aviation assets.
- Sec. 110. Small vessel threat analysis.
- Sec. 111. U.S. Customs and Border Protection workforce plan.
- Sec. 112. Integrated cross-border maritime operations between the United States and Canada.
- Sec. 113. Training and certification of training for port security.
- Sec. 114. Northern border unmanned aerial vehicle pilot project.
- Sec. 115. Recognition of port security assessments conducted by other entities.
- Sec. 116. Use of port security grant funds for replacement of security equipment or facilities.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

- Sec. 201. Strategic plan to enhance the security of the international supply chain.
- Sec. 202. Customs-Trade Partnership Against Terrorism.
- Sec. 203. Recognition of other countries' trusted shipper programs.
- Sec. 204. Pilot program for inclusion of non-asset based third party logistics providers in the Customs-Trade Partnership Against Terrorism.
- Sec. 205. Transportation Worker Identification Credential process reform.
- Sec. 206. Expiration of certain transportation worker identification credentials.
- Sec. 207. Securing the Transportation Worker Identification Credential against use by unauthorized aliens.
- Sec. 208. Report on Federal transportation security credentialing programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) FUNCTION.—The term "function" includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) **LOCAL GOVERNMENT.**—The term “local government” means—

(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and

(C) a rural community, unincorporated town or village, or other public entity.

(5) **PERSONNEL.**—The term “personnel” means officers and employees.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(7) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(8) **TERRORISM.**—The term “terrorism” has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(9) **UNITED STATES.**—The term “United States”, when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

SEC. 101. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.

(a) **IN GENERAL.**—Not later than July 1, 2014, the Secretary shall submit to the appropriate congressional committees a maritime operations coordination plan for the coordination and co-operation of maritime operations undertaken by the agencies within the Department. Such plan shall update the maritime operations coordination plan released by the Department in July 2011, and shall address the following:

(1) Coordination of planning, integration of maritime operations, and development of joint situational awareness of any office or agency of the Department with responsibility for maritime homeland security missions.

(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

(3) Leveraging existing departmental coordination mechanisms, including the Interagency Operational Centers, as authorized under section 70107A of title 46, United States Code, the U.S. Customs and Border Protection Air and Marine Operations Center, the U.S. Customs and Border Protection Operational Integration Center, and other regional maritime operational command centers.

(4) Cooperation and coordination with other agencies of the Federal Government, and State and local agencies, in the maritime environment, in support of maritime homeland security missions.

(5) Work conducted within the context of other national and Department maritime security strategic guidance.

(b) **ADDITIONAL UPDATES.**—Not later than July 1, 2019, the Secretary, acting through the Department’s Office of Operations Coordination and Planning, shall submit to the appropriate congressional committees an additional update to the maritime operations coordination plan.

SEC. 102. U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF AIR AND MARINE ASSET DEPLOYMENT.

(a) **IN GENERAL.**—Any new asset deployment by the U.S. Customs and Border Protection’s Office of Air and Marine, following the date of the enactment of this Act, shall, to the greatest extent practicable, occur in accordance with a risk-based assessment that considers mission needs, performance results, threats, costs, and any other relevant factors identified by the Secretary. Specific factors to be included in such assessment shall include, at a minimum, the following:

(1) Mission requirements that prioritize the operational needs of field commanders to secure the United States border and ports.

(2) Other Department assets available to help address any unmet border and port security mission needs.

(3) Risk analysis showing positioning of the asset at issue to respond to intelligence on emerging terrorist and other threats.

(4) Cost-benefit analysis showing the relative ability to use the asset at issue in the most cost-effective way to reduce risk and achieve mission success.

(b) **CONSIDERATIONS.**—An assessment required under subsection (a) shall consider applicable Federal guidance, standards, and agency strategic and performance plans, including the following:

(1) The most recent Departmental Quadrennial Homeland Security Review, and any follow-up guidance related to such Review.

(2) The Department’s Annual Performance Plans.

(3) Department policy guiding use of integrated risk management in resource allocation decisions.

(4) Department and U.S. Customs and Border Protection Strategic Plans and Resource Deployment Plans.

(5) Applicable aviation guidance from the Department, including the DHS Aviation Concept of Operations.

(6) Other strategic and acquisition guidance promulgated by the Federal Government as the Secretary determines appropriate.

(c) **AUDIT AND REPORT.**—The Inspector General of the Department shall biennially audit the deployment of new assets within U.S. Customs and Border Protection’s Office of Air and Marine and submit to the appropriate congressional committees a report on the compliance of the Department with the requirements of this section.

SEC. 103. COST-BENEFIT ANALYSIS OF CO-LOCATING OPERATIONAL ENTITIES.

(a) **IN GENERAL.**—For all locations in which U.S. Customs and Border Protection’s Office of Air and Marine operates that are within 25 miles of locations where any other Department agency also operates air and marine assets, the Secretary shall conduct a cost-benefit analysis to consider the potential cost of and savings derived from co-locating aviation and maritime operational assets of the different agencies of the Department. In analyzing the potential cost savings achieved by sharing aviation and maritime facilities, the study shall consider at a minimum the following factors:

(1) Potential enhanced cooperation derived from Department personnel being co-located.

(2) Potential cost of, and savings derived through, shared maintenance and logistics facilities and activities.

(3) Joint use of base and facility infrastructure, such as runways, hangars, control towers, operations centers, piers and docks, boathouses, and fuel depots.

(4) Short term moving costs required in order to co-locate facilities.

(5) Acquisition and infrastructure costs for enlarging current facilities as needed.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report summarizing the results of the cost-benefit analysis required under subsection (a) and any planned actions based upon such results.

SEC. 104. STUDY OF MARITIME SECURITY REDUNDANCIES.

The Comptroller General of the United States shall by not later than 1 year after the date of enactment of this Act—

(1) conduct a review of port security and maritime law enforcement operations within the Department to identify initiatives and programs with duplicative, overlapping, or redundant goals and activities, including the cost of such duplication; and

(2) submit to the appropriate congressional committees a report on the findings of the study, including—

(A) recommendations for consolidation, elimination, or increased cooperation to reduce unnecessary duplication found in the study; and

(B) an analysis of personnel, maintenance, and operational costs related to unnecessarily duplicative, overlapping, or redundant goals and activities found in the study.

SEC. 105. ACQUISITION AND STRATEGIC SOURCING OF MARINE AND AVIATION ASSETS.

(a) **IN GENERAL.**—Before initiating the acquisition of any new boat or aviation asset, the Secretary shall coordinate across the agencies of the Department, as appropriate, to—

(1) identify common mission requirements before initiating a new acquisition program; and

(2) standardize, to the extent practicable, equipment purchases, streamline the acquisition process, and conduct best practices for strategic sourcing to improve control, reduce cost, and facilitate oversight of asset purchases prior to issuing a Request for Proposal.

(b) **ESTABLISHMENT OF AVIATION AND MARITIME COORDINATION MECHANISM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a coordinating mechanism for aviation and maritime issues, including issues related to the acquisition, administration, operations, maintenance, and joint management across the Department, in order to decrease procurement and operational costs and increase efficiencies.

(c) **SPECIAL RULE.**—For the purposes of this section, a boat shall be considered any vessel less than 65 feet in length.

SEC. 106. PORT SECURITY GRANT PROGRAM MANAGEMENT.

(a) **DETERMINATION OF APPLICATIONS.**—Section 70107(g) of title 46, United States Code, is amended

(1) by striking “Any entity” and inserting the following:

“(1) **IN GENERAL.**—Any entity”; and

(2) by adding at the end the following:

“(2) **DETERMINATION.**—Notwithstanding any other provision of law, the Secretary shall, not later than 60 days after the date on which an applicant submits a complete application for a grant under this section, either approve or disapprove the application.”.

(b) **ADMINISTRATION OF COST SHARE DETERMINATIONS.**—Section 70107(c)(2) of title 46, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) **HIGHER LEVEL OF SUPPORT REQUIRED.**—If the Secretary or the Secretary’s designee determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary or the Secretary’s designee may approve grants under this section for that project with a matching requirement other than that specified in paragraph (1).”; and

(2) by inserting after subparagraph (C) the following:

“(D) **COST SHARE DETERMINATIONS.**—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for a matching requirement waiver under this paragraph the Secretary shall either approve or disapprove the application.”.

(c) **ADMINISTRATION.**—Section 70107(i) of title 46, United States Code, is amended by adding after paragraph (4) the following:

“(5) **RELEASE OF FUNDS.**—To the maximum extent practicable, the Secretary shall complete all necessary programmatic reviews and release grant funds awarded under this section to the appropriate entity not later than 180 days after the date on which an applicant submits a complete application.

“(6) **PERFORMANCE PERIOD.**—The Secretary shall utilize a period of performance of not less than 3 years for expenditure of grant funds awarded under this section.

“(7) **EXTENSION DETERMINATIONS.**—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for an extension of the period of performance for a grant, the Secretary shall either approve or disapprove the application.”.

SEC. 107. PORT SECURITY GRANT FUNDING FOR MANDATED SECURITY PERSONNEL.

Section 70107(b)(1) of title 46, United States Code, is amended by striking the period and inserting the following: “, including overtime and backfill costs incurred in support of other expenditures authorized under this subsection, except that not more than 50 percent of amounts received by a grantee under this section for a fiscal year may be used under this paragraph.”.

SEC. 108. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) **PARTICIPATING PERSONNEL.**—Section 70107A(b)(1)(B) of title 46, United States Code, is amended—

(1) by inserting “, not less than part-time representation from U. S. Customs and Border Protection and U.S. Immigration and Customs Enforcement,” after “the Coast Guard”; and

(2) by striking “the United States Customs and Border Protection, the United States Immigration and Customs Enforcement,”.

(b) **ASSESSMENT.**—Not later than one year after the date of enactment of this Act the Secretary (as that term is used in that section) shall transmit to the appropriate congressional committees an assessment of—

(1) interagency operational centers under such section and the implementation of the amendments made by this section;

(2) participation in such centers and by Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities, including joint daily operational coordination, training and certifying of non-Federal law enforcement personnel, and joint training exercises;

(3) deployment of interoperable communications equipment under subsection (e) of such section, including—

(A) an assessment of the cost-effectiveness and utility of such equipment for Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities;

(B) data showing which Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities are utilizing such equipment;

(C) an explanation of the process in place to obtain and incorporate feedback from Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities that are utilizing

such equipment in order to better meet their needs; and

(D) an updated deployment schedule and life cycle cost estimate for the deployment of such equipment; and

(4) mission execution and mission support activities of such centers, including daily coordination activities, information sharing, intelligence integration, and operational planning.

SEC. 109. REPORT ON DHS AVIATION ASSETS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that analyzes and compares the costs, capabilities, and missions of different aviation assets, including unmanned aerial vehicles, utilized by the Department to assess the relative costs of unmanned aerial vehicles as compared to manned aerial vehicles, and any increased operational benefits offered by unmanned aerial vehicles as compared to manned aviation assets.

(b) **REQUIRED DATA.**—The report required under subsection (a) shall include a detailed assessment of costs for operating each type of asset described in such report, including—

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

(5) costs associated with the acquisition of each type of such asset; and

(6) any other relevant costs necessary to provide a holistic analysis and to identify potential cost savings.

SEC. 110. SMALL VESSEL THREAT ANALYSIS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report analyzing the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel to attack United States vessels, ports, or maritime interests.

SEC. 111. U.S. CUSTOMS AND BORDER PROTECTION WORKFORCE PLAN.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan for optimizing staffing levels for U.S. Customs and Border Protection personnel to carry out the mission of the Department, including optimal levels of U.S. Customs and Border Protection staffing required to conduct all border security functions.

(b) **CONSIDERATION OF PRIOR STAFFING RESOURCES.**—The staffing plan required under subsection (a) shall consider previous staffing models prepared by the Department and assessments of threat and vulnerabilities.

SEC. 112. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

(a) **IN GENERAL.**—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

“SEC. 432. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

“(a) **AUTHORIZATION.**—The Secretary is authorized to establish an Integrated Cross-Border Maritime Operations Program to coordinate maritime security operations between the United States and Canada (in this section referred to as the ‘Program’).

“(b) **PURPOSE.**—The Secretary, acting through the Commandant of the Coast Guard, shall administer the Program in a manner that results in a cooperative approach between the United States and Canada to strengthen border security and detect, prevent, suppress, investigate, and respond to terrorism and violations of law related to border security.

“(c) **TRAINING.**—The Secretary, acting through the Commandant of the Coast Guard, in consultation with the Secretary of State, may—

“(1) establish, as an element of the Program, a training program to create designated maritime law enforcement officers;

“(2) conduct training jointly with Canada, including training—

“(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada, to enhance border security;

“(B) on the integration, analysis, and dissemination of port security information between the United States and Canada;

“(C) on the respective policy, regulatory, and legal considerations related to the Program;

“(D) on the use of force and maritime security;

“(E) in operational procedures and protection of information and other sensitive information; and

“(F) on preparedness and response to maritime terrorist incidents.

“(d) **COORDINATION.**—The Secretary, acting through the Commandant of the Coast Guard, shall coordinate the Program with other similar border security and antiterrorism programs within the Department.

“(e) **MEMORANDA OF AGREEMENT.**—The Secretary may enter into any memorandum of agreement necessary to carry out the Program.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section there is authorized to be appropriated to the Secretary \$2,000,000 for each of fiscal years 2013 and 2014.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following new item:

“Sec. 432. Integrated cross-border maritime operations between the United States and Canada.”.

SEC. 113. TRAINING AND CERTIFICATION OF PERSONNEL FOR PORT SECURITY.

(a) **USE OF PORT SECURITY GRANT FUNDS.**—Section 70107(b)(8) of title 46, United States Code, is amended to read as follows:

“(8) The cost of training and certifying a law enforcement officer employed by a law enforcement agency under section 70132 of this title.”.

(b) **MATCHING REQUIREMENT.**—Section 70107(c)(2)(C) of such title is amended to read as follows:

“(C) **TRAINING AND CERTIFICATION.**—There are no matching requirements for grants under subsection (a) to train and certify law enforcement personnel under section 70132 of this title.”.

(c) **CREDENTIALING STANDARDS, TRAINING, AND CERTIFICATION.**—Section 70132 of such title is amended as follows:

(1) In the section heading, by striking “**for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo**” and inserting “**of maritime law enforcement personnel**”.

(2) By amending subsection (a) to read as follows:

“(a) **STANDARDS.**—The Commandant of the Coast Guard shall establish standards for training, qualification, and certification of a law enforcement officer employed by a law enforcement agency, to conduct or execute, pursuant to a cooperative enforcement agreement, maritime security, maritime law enforcement, and maritime surge capacity activities.”.

(3) In subsection (b)(1), by amending subparagraphs (A) and (B) to read as follows:

“(A) after notice and opportunity for public comment, may develop and publish training curricula for the standards established under subsection (a); and

“(B) may—

“(i) test and deliver training for which the curriculum is developed under subparagraph (A);

“(ii) enter into an agreement under which any Federal, State, local, tribal, or private sector entity may test and deliver such training; and

“(iii) accept the results of training conducted by any Federal, State, local, tribal, or private sector entity under such an agreement.”.

(4) By striking subsection (b)(2) and inserting the following:

“(2) Any training developed under paragraph (1) after the date of enactment of the SMART Port Security Act shall be developed in consultation with the Federal Law Enforcement Training Center.”.

(5) In subsection (b)(4)—

(A) by inserting after “any moneys,” the following: “other than an allocation made under the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.)”; and

(B) by striking “training of personnel to assist in the enforcement of security zones and limited access areas” and inserting “training and certifying personnel under this section”.

(6) By striking subsection (c) and inserting the following:

“(c) **CERTIFICATION OF PERSONNEL.**—The Commandant of the Coast Guard may issue a certificate to law enforcement officer employed by a law enforcement agency, who has successfully completed training that the Commandant has developed under this section.”.

(7) By adding at the end the following:

“(d) **TACTICAL TRAINING FOR LAW ENFORCEMENT PERSONNEL.**—The Commandant of the Coast Guard may make such training developed under this section available to law enforcement officers employed by a law enforcement agency, on either a reimbursable or a non-reimbursable basis, if the Commandant determines that—

“(1) a member of the Coast Guard is unable or unavailable to undertake tactical training the authorization of which had been previously approved, and no other member of the Coast Guard is reasonably available to undertake such training;

“(2) the inability or unavailability of Coast Guard personnel to undertake such training creates training capacity within the training program; and

“(3) such training, if made available to such law enforcement officers, would contribute to achievement of the purposes of this section.”.

(d) **CONFORMING AMENDMENT.**—Chapter 701 of such title is amended—

(1) by striking the heading for subchapter II and inserting the following:

“Subchapter II—Port Security Training and Certification”; and

(2) in the table of sections at the beginning of the chapter—

(A) by striking the item relating to the heading for subchapter II and inserting the following:

“SUBCHAPTER II—PORT SECURITY TRAINING AND CERTIFICATION”; AND

(B) by striking the item relating to section 70132 and inserting the following:

“70132. Credentialing standards, training, and certification of maritime law enforcement personnel.”.

(e) **TECHNICAL CORRECTIONS.**—Chapter 701 of such title is amended—

(1) by moving sections 70122, 70123, 70124, and 70125 so as to appear at the end of subchapter I of such chapter;

(2) in the table of sections at the beginning of the chapter, in the item relating to section 70107A, by adding at the end a period; and

(3) by striking the heading for section 70124 and inserting the following:

“§ 70124. Regulations”.

SEC. 114. NORTHERN BORDER UNMANNED AERIAL VEHICLE PILOT PROJECT.

(a) **RESEARCH AND DEVELOPMENT.**—The Secretary shall research and develop technologies to allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of security-related surveillance or of safety for all national airspace system users.

(b) **PILOT PROJECT.**—No later than 180 days after the date of enactment of this Act, the Secretary shall commence a pilot project in segregated airspace along the northern border to conduct experiments and collect data in order to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

SEC. 115. RECOGNITION OF PORT SECURITY ASSESSMENTS CONDUCTED BY OTHER ENTITIES.

Section 70108 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(f) **RECOGNITION OF ASSESSMENT CONDUCTED BY OTHER ENTITIES.**—

“(1) **CERTIFICATION AND TREATMENT OF ASSESSMENTS.**—For the purposes of this section and section 70109, the Secretary may treat an assessment conducted by a foreign government or international organization as an assessment by the Secretary required by subsection (a), if the Secretary certifies that the assessment was conducted in accordance with subsection (b).

“(2) **AUTHORIZATION TO ENTER INTO AGREEMENTS OR ARRANGEMENTS.**—The Secretary may enter into an agreement or arrangement with a foreign government or international organization, under which—

“(A) such government or organization may, on behalf of the Secretary, conduct an assessment required under subsection (a), or share with the Secretary information pertaining to such assessments; and

“(B) the Secretary may, on behalf of such foreign government or organization, conduct an assessment described in subsection (a), or share with such foreign government or organization information pertaining to such assessments.

“(3) **LIMITATIONS.**—Nothing in this subsection—

“(A) requires the Secretary to recognize an assessment that a foreign government or an international organization conducts pursuant to this subsection; or

“(B) limits the discretion or ability of the Secretary to conduct an assessment under this section.

“(4) **NOTIFICATION.**—Not later than 30 days before entering into an agreement or arrangement with a foreign government under paragraph (2), the Secretary shall notify the appropriate congressional committees of the proposed terms of such agreement or arrangement.”.

SEC. 116. USE OF PORT SECURITY GRANT FUNDS FOR REPLACEMENT OF SECURITY EQUIPMENT OR FACILITIES.

Section 70107(b)(2) of title 46, United States Code, is amended by inserting “(including replacement)” after “acquisition”.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

Section 201 of the SAFE Port Act (6 U.S.C. 941) is amended—

(1) by amending subsection (b) to read as follows:

“(b) **REQUIREMENTS.**—The strategic plan required under subsection (a), and any updates to the strategic plan required under subsection (g), shall—

“(1) identify and address gaps and unnecessary redundancies or overlaps in the roles, responsibilities, or authorities of the agencies responsible for securing the supply chain, including—

“(A) any unnecessary redundancies or overlaps in Federal transportation security credentialing programs; and

“(B) any unnecessary redundancies or overlaps in Federal trusted shipper or trusted trader programs;

“(2) review ongoing efforts to align activities throughout the Federal Government to—

“(A) improve coordination among the agencies referred to in paragraph (1);

“(B) facilitate the efficient flow of legitimate commerce;

“(C) enhance the security of the international supply chain; or

“(D) address any gaps or overlaps described in paragraph (1);

“(3) identify further regulatory or organizational changes necessary to—

“(A) improve coordination among the agencies referred to in paragraph (1);

“(B) facilitate the efficient flow of legitimate commerce;

“(C) enhance the security of the international supply chain; or

“(D) address any gaps or overlaps described in paragraph (1);

“(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

“(5) build on available resources and consider costs and benefits;

“(6) recommend additional incentives for voluntary measures taken by private sector entities to enhance supply chain security, including additional incentives for such entities participating in the Customs-Trade Partnership Against Terrorism in accordance with sections 214, 215, and 216;

“(7) consider the impact of supply chain security requirements on small- and medium-sized companies;

“(8) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

“(9) provide updated protocols for the expeditious resumption of the flow of trade in accordance with section 202;

“(10) review and address implementation of lessons learned from recent exercises conducted under sections 114 and 115, and other international supply chain security, response, or recovery exercises that the Department participates in, as appropriate;

“(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs;

“(12) be informed by technologies undergoing research, development, testing, and evaluation by the Department; and

“(13) expand upon and relate to existing strategies and plans for securing supply chains, including the National Response Plan, the National Maritime Transportation Security Plan, the National Strategy for Maritime Security, and the eight supporting plans of such National Strategy for Maritime Security, as required by Homeland Security Presidential Directive 13.”;

(2) in subsection (g)—

(A) in the heading for paragraph (2), by striking “FINAL” and inserting “UPDATED”; and

(B) by adding at the end the following new paragraphs:

“(3) **FINAL REPORT.**—Not later than two years after the date on which the update of the strategic plan is submitted under paragraph (2), the Secretary shall submit to the appropriate congressional committees a report that contains a further update of the strategic plan.

“(4) **IMPLEMENTATION PLAN.**—Not later than one year after the date on which the final update of the strategic plan is submitted under paragraph (3), the Secretary shall submit to the appropriate congressional committees an implementation plan for carrying out the strategic plan.”; and

(3) by adding at the end the following new subsection:

“(h) **THREAT ASSESSMENT.**—In developing the reports and implementation plan required under subsection (g), the Secretary shall take into account an assessment of the current threats to the global supply chain.”.

SEC. 202. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) **UNANNOUNCED INSPECTIONS.**—Section 217(a) of the SAFE Port Act (6 U.S.C. 967(a)) is amended—

(1) by striking “If at any time” and inserting the following:

“(1) **FAILURE TO MEET REQUIREMENTS.**—If at any time”; and

(2) by inserting after paragraph (1), as redesignated, the following new paragraph:

“(2) **UNANNOUNCED INSPECTIONS.**—The Secretary, acting through the Commissioner, may conduct an unannounced inspection of a C-TPAT participant’s security measures and supply chain security practices if the Commissioner determines, based on previously identified deficiencies in security measures and supply chain security practices of the C-TPAT participant, that there is a likelihood that such an inspection would assist in confirming the security measures in place and further the validation process.”.

(b) **PRIVATE SECTOR INFORMATION SHARING ON SECURITY AND TERRORISM THREATS.**—Subsection (d) of section 216 of the SAFE Port Act (6 U.S.C. 966) is amended to read as follows:

“(d) **PRIVATE SECTOR INFORMATION SHARING ON SECURITY AND TERRORISM THREATS.**—

“(1) **IN GENERAL.**—The Secretary shall promote information sharing, as appropriate, between and among the Department and C-TPAT participants and other private entities regarding—

“(A) potential vulnerabilities, attacks, and exploitations of the international supply chain; and

“(B) means and methods of preventing, responding to, and mitigating consequences from the vulnerabilities, attacks, and exploitations described in subparagraph (A).

“(2) **CONTENTS.**—The information sharing required under paragraph (1) may include—

“(A) the creation of classified and unclassified means of accessing information that may be used by appropriately cleared personnel and that will provide, as appropriate, ongoing situational awareness of the security of the international supply chain; and

“(B) the creation of guidelines to establish a mechanism by which owners and operators of international supply chain infrastructure may report actual or potential security breaches.”.

SEC. 203. RECOGNITION OF OTHER COUNTRIES’ TRUSTED SHIPPER PROGRAMS.

Section 218 of the SAFE Port Act (6 U.S.C. 968) is amended by adding at the end the following new subsection:

“(j) **RECOGNITION OF OTHER COUNTRIES’ TRUSTED SHIPPER PROGRAMS.**—Not later than 30 days before signing an arrangement between the United States and a foreign government providing for mutual recognition of supply chain security practices which might result in the utilization of benefits described in section 214, 215, or 216, the Secretary shall—

“(1) notify the appropriate congressional committees of the proposed terms of such arrangement; and

“(2) determine, in consultation with the Commissioner, that the foreign government’s supply

chain security program provides comparable security as that provided by C-TPAT.”.

SEC. 204. PILOT PROGRAM FOR INCLUSION OF NON-ASSET BASED THIRD PARTY LOGISTICS PROVIDERS IN THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a pilot program to determine whether allowing non-asset based third party logistics providers that arrange international transportation of freight to participate in the Customs-Trade Partnership Against Terrorism program, as described in section 211 of the SAFE Port Act (6 U.S.C. 961), would enhance port security, combat terrorism, prevent supply chain security breaches, or meet the goals of the Customs-Trade Partnership Against Terrorism established pursuant to section 211 of the SAFE Port Act (6 U.S.C. 961).

(b) **REQUIREMENTS.**—

(1) **VOLUNTARY PARTICIPATION.**—Participation by non-asset based third party logistics providers that arrange international transportation of freight taking part in the pilot program shall be voluntary.

(2) **MINIMUM NUMBER.**—The Secretary shall ensure that not fewer than five non-asset based third party logistics providers that arrange international transportation of freight take part in the pilot program.

(3) **DURATION.**—The pilot program shall be conducted for a minimum duration of one year.

(c) **REPORT.**—Not later than 180 days after the conclusion of the pilot program, the Secretary shall submit to the appropriate congressional committees a report on the findings and any recommendations of the pilot program concerning the participation in the Customs-Trade Partnership Against Terrorism of non-asset based third party logistics providers that arrange international transportation of freight to combat terrorism and prevent supply chain security breaches.

SEC. 205. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

(a) **SENSE OF CONGRESS.**—To avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is the sense of Congress that it is urgent that the Transportation Worker Identification Credential (in this section referred to as the “TWIC”) application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs.

(b) **TWIC APPLICATION REFORM.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall reform the process for the enrollment, activation, issuance, and renewal of a TWIC to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 206. EXPIRATION OF CERTAIN TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.

(a) **IN GENERAL.**—A valid Transportation Worker Identification Credential required under part 101.514 of title 33, Code of Federal Regulations, that was issued before the date of enactment of this Act shall not expire before the earlier of—

(1) the deadline for full implementation of a final rule issued by the Secretary for electronic readers designed to work with Transportation Worker Identification Credentials as an access control and security measure issued pursuant to the advanced notice of proposed rulemaking published March 27, 2009 (74 Fed. Reg. 58), as established by the final rule; or

(2) June 30, 2014.

(b) **REVOCATION AUTHORITY NOT AFFECTED.**—This section shall not be construed to affect the authority of the Secretary to revoke a Transportation Worker Identification Credential—

(1) based on information that the holder is not qualified to hold such credential; or

(2) if the credential is lost, damaged, or stolen.

SEC. 207. SECURING THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL AGAINST USE BY UNAUTHORIZED ALIENS.

(a) **PROCESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process to ensure, to the maximum extent practicable, that an individual who is not lawfully present in the United States cannot obtain or continue to use a Transportation Worker Identification Credential (in this section referred to as the “TWIC”).

(2) **COMPONENTS.**—In establishing the process under subsection (a), the Secretary shall—

(A) publish a list of documents that will identify non-United States citizen TWIC applicants and verify their immigration statuses by requiring each such applicants to produce a document or documents that demonstrate—

(i) identity; and

(ii) proof of lawful presence in the United States; and

(B) establish training requirements to ensure that trusted agents at TWIC enrollment centers receive training to identify fraudulent documents.

(b) **EXPIRATION OF TWICs.**—A TWIC expires on the date of its expiration, or in the date on which the individual to whom such a TWIC is issued is no longer lawfully present in the United States, whichever is earlier.

SEC. 208. REPORT ON FEDERAL TRANSPORTATION SECURITY CREDENTIALING PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that identifies unnecessary redundancies or overlaps in Federal transportation security credentialing programs, including recommendations to reduce or eliminate such redundancies or overlaps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

At the outset, Madam Speaker, I would like to thank Chairman MILLER for her hard work on this bipartisan legislation.

After the attacks of September 11, Congress recognized the importance of securing our Nation’s ports. The SMART Port, building on the work of

the SAFE Port Act from 2006, addresses new maritime security challenges as the Department's port and maritime security mission continues to evolve and grow. This legislation accomplishes this by using a risk-based framework, enhancing security measures overseas before threats reach our shores, fostering a collaborative environment between Customs and Border Patrol and the U.S. Coast Guard in sharing port security duties and leveraging our trusted allies.

This bill would extend the validity of the TWIC cards, currently set to begin expiring later this year, until the Department of Homeland Security releases the TWIC Reader Rule, which has been delayed over and over again.

This bill is the result of more than a year of close congressional oversight and scrutiny through hearings held by the Subcommittee on Border and Maritime Security. It's a good bill. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of H.R. 4251, the SMART Port Security Act, and yield myself such time as I may consume.

Madam Speaker, I'm pleased that the House is meeting today to consider H.R. 4251, the SMART Port Security Act. This bill includes a number of Democratic-sponsored provisions aimed at improving our Nation's maritime security.

Representative LORETTA SANCHEZ authored a provision to strengthen the integrity of the TWIC program. Representative LAURA RICHARDSON authored language to allow port operators to use their grant funds for security provided by local law enforcement. Representative CLARKE of Michigan authored a provision relating to northern border security.

□ 1620

H.R. 4251 also includes language modeled after a bill I introduced, H.R. 1105, to relieve the Nation's port and transportation workers from the hassle and expense of renewing their 5-year TWIC cards, given that DHS has not done its job to fully implement this security program.

Specifically, section 206 of this bill will relieve current TWIC holders, the men and women who work in our ports, from being required to secure new identification cards beginning in October 2012, given that DHS has not even issued a draft rule for biometric readers.

For the full security potential of the TWIC program to be realized, there must be readers installed at ports to match the biometric cards with the individuals presenting them. Since 2007, over 2.1 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and crimi-

nal background checks and paid a \$132.50 fee to secure TWICs.

Since H.R. 4251 was considered by the full committee, DHS has taken positive steps to address the upcoming TWIC renewal predicament. Specifically, DHS recently announced that, starting this August, workers will be eligible for a 3-year TWIC renewal card at a discounted rate and with fewer visits to the enrollment center. While this is a positive development, more must be done.

The bill before us today allows workers to continue to use their TWICs for the next 2 years, while providing an incentive for DHS to move forward on readers as soon as possible.

I insert into the RECORD a letter we received today from Transportation Trades Department, AFL-CIO, expressing their support for this bill and the provisions making commonsense changes to the TWIC program.

TRANSPORTATION TRADES
DEPARTMENT, AFL-CIO,
Washington, DC, June 26, 2012.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to express our support for H.R. 4251, the SMART Port Security Act, offered by Rep. Candice Miller (R-MI), which will be voted under suspension later today.

The SMART Port Security Act, among other things, makes needed reforms to the Transportation Worker Identification Credential (TWIC) program enrollment, activation, issuance and renewal process. Specifically, this legislation postpones the requirement of workers to renew TWIC cards in the absence of Department of Homeland Security (DHS) final regulations mandating biometric card readers.

Since the TWIC program began, over two million workers have fulfilled their obligation to enroll in the TWIC program, incurring the significant cost and time commitment to comply with the program. However, DHS has yet to issue a final rule on the biometric readers, rendering the expensive biometric component of the TWIC cards virtually useless. Despite the readers not being in place, workers will have to renew their TWIC cards beginning in October, 2012. This legislation would spare workers the financial and procedural burden of renewing their application until DHS puts the infrastructure in place to make the program fully functional.

This legislation also includes language which ensures that workers are only required to make one in-person visit to an enrollment center either for a first enrollment or a renewal. This will lift a logistical burden for workers, many of whom may be hundreds of miles away from a TWIC enrollment facility while on the job.

Transportation workers have been asked for too long to bear the financial burden of supporting a program that is incomplete and ineffective. I urge all Members to vote for H.R. 4251.

Sincerely,

EDWARD WYTKIND,
President.

With that, Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield as much time as she may consume to the author of the bill,

the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly want to thank the chairman for his support of the bill, and I thank the gentleman for yielding the time as well.

Madam Speaker, I rise today in support of H.R. 4251. I'm absolutely convinced that the bill before the House today, the SMART Port Act, will tangibly enhance the Nation's maritime security.

We spend a lot of time, as a Nation, and as a Congress, focusing on security threats at the southern border and on the northern border, but sometimes we also need to remember that we have a very long maritime border that deserves our attention as well.

A major disruption at one of the Nation's ports, especially a terrorist attack, is a high-consequence event that has the potential to cripple the global supply chain and could severely damage our economy. We simply cannot afford to ignore threats to our Nation's maritime security.

To that end, SMART Port builds on the work of the 2006 SAFE Port Act to enhance risk-based security measures overseas before the threat reaches our shore. It emphasizes a stronger collaborative environment between the Customs and Border Protection and the Coast Guard in sharing port security duties, and it leverages the maritime security work of our trusted allies.

If we learned anything after 9/11, it's that we need to move from the need-to-know information to the need-to-share information. The Department of Homeland Security components with shared jurisdiction must cooperate in maritime operations and form partnerships with State and local law enforcement agencies in order to improve the Nation's maritime security.

What happens in our waterways and ports affects the entire Nation, so it is incumbent on us to realize that maritime security is not the province simply of the government alone. Leveraging partnerships with private industry, as well as our international partners, is common sense; and trusted-shippers programs, like the Customs Trade Partnership Against Terrorism, or the C-TPAT, where companies who make significant investments in their security, reduces the amount of resources that CBP needs to spend on looking at cargo shipments that we know the least about.

Our trusted allies, like Canada and the European Union, have programs similar to C-TPAT in place, and this bill supports the concept of mutual recognition where the Secretary can accept other countries' trusted-shipper programs when they provide an equal level of security. And not only does this save CBP inspectors from the

added burden of having to verify companies who participate in both programs. It also really expedites commerce across our borders, and we really need to do that because of limited use of taxpayer dollars, certainly. And so it makes fiscal sense, as well, to do that.

The American port worker, truck driver, and others who make port operations run smoothly are another critical maritime security layer. They're all required to obtain the TWIC cards that the ranking member just mentioned here, and the chairman as well. These individuals have complied with the law. They've done their part. They've purchased a TWIC card. In many cases they've traveled long distances to go to the enrollment center, maybe not once but twice, and undergone the background check. But the problem is that the United States Government has not done its part.

The Department of Homeland Security has yet to release the TWIC reader rule, meaning that the biometric information embedded on the card validating the worker's identity just isn't being confirmed. And in reality, because of that, the TWIC card has become little more than an expensive "flash pass."

This bill will extend the validity of TWIC cards until the government upholds its end of the bargain and puts out a reader rule. The Coast Guard and TSA must produce the TWIC reader rule which is necessary to give American workers and port facilities certainty after years of delay.

As well, we should be cognizant of the fact that CBP and the United States Coast Guard cannot intrusively scan every truck, every cargo container or bulk shipment that comes into American ports. It's certainly cost prohibitive, but it would also cripple the just-in-time delivery system that the industry relies on to keep American commerce running.

Instead, I believe that the security of the supply chain is maximized through the use of a risk-based methodology, which is a key element in this bill. Smart, cost effective choices have to be made that maximize our resources while ensuring the security of our ports and, by that, our extension of our way of life.

This bill, Madam Speaker, is a step toward smarter security that encourages DHS to become more efficient, better integrated, and more closely coordinated amongst its component industry and international partners.

Again, I want to thank the chairman, Chairman KING, for his support of this bill, and Ranking Member THOMPSON of the full committee, and certainly my counterpart on the subcommittee as well, Ranking Member CUELLAR.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as she may consume to the gentleman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of the SMART Port Security Act, H.R. 4251. I'm a proud cosponsor of Chairwoman MILLER's legislation and commend her for her efforts on this important issue to our Nation.

At a time when media reports assume that Congress doesn't work together, I'm pleased to note that I've been able to work with Chairwoman MILLER and the committee in a bipartisan fashion to have two of my bills incorporated into the SMART Port Security Act.

As the senior member of the Homeland Security Committee, and the Representative of a district neighboring the ports of both Long Beach and Los Angeles, the largest in this country, I have made port security a priority of mine.

Ports are the first line of defense at our sea borders and serve vital national interests by supporting the mobilization and deployment of U.S. troops, facilitating the flow of trade, and supporting our economy. Ninety-five percent of all goods entering or exiting our country go through our Nation's ports, and 45 percent of those actually go through the community I represent.

In the next 20 years, U.S. overseas trade is expected to double; and in light of the terrorist attacks on September 11 in 2001, heightened awareness about the vulnerability of all modes of transportation to terrorist acts are a priority of us on this committee.

Included in the SMART Port Security Act are two pieces of legislation I authored, Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act. Both of these bills involve the use of existing port security grant funds.

The Port Security Grant Program provides funding to port authorities, facility operators, and State and local government agencies so that they can provide security services to our ports. However, prior to my introduced legislation, port security grant funds could not be used to fund statutorily mandated personnel costs.

My Port Security Boots on the Ground Act, which was incorporated into H.R. 4251, corrects this inconsistency between Port Security Grant programs and other grant funding programs. To prevent the possibility of waste, fraud and abuse, the amount of security personnel costs awarded are limited to 50 percent of the total grant amount in any fiscal year.

□ 1630

The Maritime Transportation Security Act and the SAFE Port Act authorize funds to identify vulnerabilities in port security and to ensure compliance with mandated port security plans. My legislation made these funds workable and removed government red tape from State, local, and government entities.

I thank Chairwoman MILLER for including my Port Security Boots on the Ground Act in this important legislation.

The second inclusion that also should be highlighted is the Port Security Equipment Improvement Act, which was accepted by unanimous consent as an amendment to H.R. 4251 during the full committee markup. The Port Security Equipment Improvement Act gives recipients of Port Security Grant Program funds the flexibility in determining whether it is more cost effective to repair or replace security equipment.

I have personally heard from many port authorities in my district and from those surrounding my area about their frustrations of not being given the opportunity to purchase newer and improved security equipment. This will give the recipients of the Port Security Grant Program funds the ability to fix or replace defective security equipment, thereby making the best use of limited resources.

I appreciate Congresswoman CANDICE MILLER for working with me and for having both of my bills, the Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act, included in the SMART Port Security Act legislation before us today. I look forward to continuing to work with the chairwoman, the committee and staff on protecting our ports. I urge my colleagues on both sides of the aisle to join us in supporting the SMART Port Security Act.

Mr. KING of New York. Madam Speaker, I have no further requests for time. If the gentleman from Mississippi has no further speakers, I am prepared to close once he does.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no further requests for time, and I am prepared to close.

I would note that my support for the SMART Port Security Act is rooted in not only the improvements in the TWIC Program but also in what it seeks to do in order to improve the coordination and cooperation between DHS's maritime components and strengthened procurement practices. This bill is the result of a bipartisan effort to strengthen the security of America's ports and waterways and to ensure that the Department of Homeland Security's maritime security efforts are as effective and efficient as practicable.

With that, Madam Speaker, I urge the passage of H.R. 4251, and I yield back the balance of my time.

Mr. KING of New York. Madam Speaker, in closing, the SMART Port Security Act makes needed improvements to the TWIC program and supports security grants. It also encourages both the CBP and the Coast Guard to reduce redundancies and overlap, which will save taxpayer dollars.

I ask my colleagues to support the bill, and I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I rise today to provide some additional views on H.R. 4251, the "SMART Port Security Act." I strongly support many of the provisions in this bill, which will streamline and strengthen our Nation's port security. In particular, I am pleased to see that this bill makes needed reforms to the Transportation Worker Identification Credential (TWIC) program by streamlining and reforming the process of enrolling, issuing, and renewing worker credentials. This legislation will spare workers the financial and procedural burden of renewing their application until the Department of Homeland Security issues a final rule on biometric readers and implements the infrastructure needed to make the program fully functional.

I want to express my concern about the possible consequences of Section 114 of the bill, which would create a new pilot program aimed at accelerating the deployment of medium-sized unmanned aircraft along the northern border. While improving our Nation's surveillance capabilities along our border is a laudable goal, law enforcement and border security officials have a responsibility to ensure that any use of drone technology in domestic airspace does not unnecessarily or illegally invade the privacy of ordinary citizens who happen to live close to the border.

This legislation and the recent reauthorization of the Federal Aviation Administration are both components of a significant recent legislative effort aimed at significantly loosening regulations and other legal barriers that have, until now, limited the deployment of drones domestically. Before this technology is deployed along the border and elsewhere within the United States, Congress must put in place commonsense protections that ensure that the privacy and due process rights of Americans are protected. For example, drones should not be deployed for open ended surveillance or law enforcement purposes. If a drone will intrude on reasonable privacy expectations, a warrant should be required. Legal protections should be put in place that clearly outline how personally identifiable information is collected and retained by a drone program. The process by which our country develops these policies and protections should be transparent and include all stakeholders.

This technology has the capacity to dramatically change the character of public life in our country. We must ensure that a legal structure is put in place that will allow us to reap the benefits of this technology, while still preserving the freedoms and values that make our country great.

Mr. KING of New York. Madam Speaker, I am submitting the following letter exchange for the RECORD between myself and Chairman DAVE CAMP of the House Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN KING: I am writing to you concerning the bill H.R. 4251, the "Securing Maritime Activities through Risk-based Targeting for Port Security Act." This legisla-

tion includes several provisions in section 201 that pertain to the jurisdiction of the Committee on Ways & Means with respect to Customs and Border Protection's mission of facilitating the efficient flow of legitimate commerce.

The Committee recognizes the importance of H.R. 4251 and the need to move expeditiously. Therefore, the Committee is willing to forego action on the bill with the understanding that by doing so, the Committee is not in any way prejudiced with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

In addition, I appreciate your agreement that the Ways & Means Committee be included within the definition of "appropriate congressional committees" so that it will receive the implementation and strategic plans required in section 201 of the bill.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4251, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record.

Sincerely,

DAVE CAMP,

Chairman, Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

Washington, DC, June 28, 2012.

Hon. DAVE CAMP,

Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 4251, the "SMART Port Security Act of 2012." I acknowledge that by forgoing action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I agree that the Committee on Ways and Means is considered to be an "appropriate congressional committee" in regards to the certain reports required by section 201 in H.R. 4251.

I will include our letters on H.R. 4251 in the Congressional Record, and I appreciate your cooperation regarding this legislation.

Sincerely,

PETER T. KING,

Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4251, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

GAUGING AMERICAN PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules

and pass the bill (H.R. 4005) to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gauging American Port Security Act" or the "GAPS Act".

SEC. 2. STUDY, REPORT, AND PLAN TO ADDRESS GAPS IN PORT SECURITY.

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act the Secretary of Homeland Security shall—

(1) *conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and*

(2) *include in such report a prioritization of such gaps and a plan for addressing them.*

(b) *FORM.*—The report required under subsection (a) shall be submitted in classified form but shall contain an unclassified annex.

SEC. 3. INFORMATION SHARING.

The Secretary of Homeland Security shall, in accordance with rules for the handling of classified information, share, as appropriate, with designated points of contact from Federal agencies and State, local, or tribal governments, and port system owners and operators, relevant information regarding remaining gaps in port security of the United States, prioritization of such gaps, and a plan for addressing such gaps. In the event that a designated point of contact does not have the necessary security clearance to receive such information, the Secretary shall help expedite the clearance process, as appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 4005, the Gauging American Port Security Act, or GAPS Act, is a commonsense bill that requires the Secretary of Homeland Security to determine if appropriate security measures to protect the Nation's ports are in place or if gaps in the security of U.S. ports exist. A lot of emphasis and attention is focused on our northern and southern land borders; however, it is important not to forget our largest border, the maritime border.

While DHS employs a layered approach to maritime and port security

based on risk, it is important to examine whether gaps in the current risk-based approach exist which may have a detrimental impact on the security of our Nation's ports and global supply chain.

While DHS has come a long way in articulating the need for greater maritime cooperation through its Maritime Operations Coordination Plan and similar Interagency Operations Centers and other regional operational centers, this bill will ensure that gaps in port security are identified, allowing DHS to better execute its risk-based approach to maritime and port security.

I would like to especially thank Congresswoman JANICE HAHN for her work on this bill. I would also like to thank the contributions of the committee, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4005, the Gauging American Port Security Act.

This bill, authored by Representative JANICE HAHN, who is a member of the Committee on Homeland Security, would require the Secretary of Homeland Security to conduct a study of the gaps in port security in the United States. The study, which will be submitted to Congress, must set forth the prioritization of those security gaps and a plan for addressing them.

Finally, the bill would require the Secretary of Homeland Security to share relevant port security information, as appropriate, with Federal, State and local government partners, as well as with those port owners and operators who are involved in protecting ports.

Given the importance of America's ports and waterways to our Nation and its economy, they are an attractive target for terrorists and criminals. The impact of a terrorist attack on a major port would be catastrophic—with massive economic losses in addition to the probable loss of life. By requiring a comprehensive assessment of port security vulnerabilities and a plan for addressing them, we will be one step closer to making our ports and our Nation more secure.

With that, Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), who is co-chair of the Port Security Caucus, along with Congresswoman HAHN.

Mr. POE of Texas. I thank the gentleman from New York for yielding and for his work on this legislation.

I also want to thank subcommittee Chairwoman MILLER for her work on this legislation. Both see the need to fix the gaps that are in our port security.

I want to thank the gentlelady from California (Ms. HAHN), who introduced

this legislation. We are both alumni from the same school. I'm sure you've heard of it, Abilene Christian University in West Texas. The closest port to Abilene, I guess, is a boat dock at Fort Phantom Lake, if you want to call that a port.

But anyway, this bill is a good example of bipartisan work—of both sides of the House—on an issue that is important to all of us: security. This means national security and port security.

Congresswoman HAHN and I recently founded the Congressional Ports Caucus to raise awareness about ports in Congress and in our Nation. She represents west coast ports, and I represent ports in southeast Texas, on the gulf coast. We saw a need for a national discussion about ports because of their importance to the Nation and to our economy. Since we both have ports in our backyards, that is the reason the caucus was formed. We have over 65 Members in both parties from all regions across the United States. Some Members don't even have ports in their districts, but all see that ports are a national security issue.

One discussion we hope to continue through the caucus is the need to ensure that our ports are safe and secure. In meeting with industry groups and administration officials, it became evident to us that an updated plan on how ports should remain operational in the event of an attack really doesn't exist. There are gaps in our port security. The GAPS Act is an important step in addressing this existing problem in port security.

Any attack on our Nation's ports would be detrimental to the economy because ports play a large role in facilitating the flow of commerce. Most of the products in our stores arrive through ports and then are transported by other means to stores throughout the Nation. A crisis event causing a port to shut down would greatly affect our national commerce—money would be lost; businesses would lose revenue; and people would be out of work.

□ 1640

Both the chairman and ranking member of the Homeland Security Committee support this legislation, and I'm grateful for that. I urge all of our colleagues on both sides of the aisle to support this legislation. Port security is not a partisan issue; it's a national security issue that we all should be concerned about.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield such time as she may consume to the gentlewoman from California, a member of the Committee on Homeland Security and the original sponsor of H.R. 4005, Ms. HAHN.

Ms. HAHN. Madam Speaker, I would like to begin by recognizing and thanking Chairman KING and Ranking Member THOMPSON for their continued leadership on this incredibly important issue.

The lessons of 9/11 have taught us we must be continuously vigilant and proactive in seeking out and preventing our country's most pressing threats. That's why, after 9/11, this Congress strengthened what proved to be one of our Nation's biggest security threats up to that point: aviation security. And while I applaud the great strides we've made in aviation security, we have not made the same level of improvements in port security.

This was such a priority for me when I came to Congress last summer that, at my very first Homeland Security hearing focusing on the 9/11 Commission's recommendations to Congress, I asked Lee Hamilton, the vice chairman of the 9/11 Commission, What should Congress be doing to improve security at our Nation's ports? He responded by saying, My judgment would be that we have not focused enough on ports.

This lack of focus on our ports not only jeopardizes our national security, but our economic security as well. The U.S. ports remain one of our country's greatest economic resources, as they provide our Nation with the link to the rest of the world and the global economy. Each day, U.S. ports move both imports and exports, totaling some \$3.8 billion worth of goods, through all 50 States. Additionally, ports move 99 percent of overseas cargo volume by weight and generate \$3.95 trillion in international trade.

However, port security does much more than protect American commerce; it also protects American jobs. According to the American Association of Port Authorities, the U.S. port industry supports 13.3 million jobs and accounts for more than \$649 billion in personal income. That's why I was pleased to cofound the bipartisan Congressional PORTS Caucus with my good friend and fellow alumnus, TED POE, in order to ensure that Congress recognizes the vital role ports play in our national economy and the importance of keeping them competitive and secure.

Despite all this, ports have failed to garner the attention I think they deserve. For instance, in the U.S., tens of thousands of ships each year make over 50,000 calls on U.S. ports. The volume of traffic gives terrorists opportunities to smuggle themselves or their weapons into the United States with little risk of detection. According to a recent CRS report, a 10- to 20-kiloton weapon detonated in a major seaport would kill 50,000 to 1 million people and would result in direct property damage of \$50 billion to \$500 billion, losses due to trade disruption of \$100 billion to \$200 billion, and indirect costs of \$300 billion to \$1.2 trillion.

Congress attempted to address this issue by passing the SAFE Port Act in 2006 and the 9/11 Commission Act of 2007, which specifically required that 100 percent of the cargo coming into

our ports be scanned by this summer. Unfortunately, DHS has made little progress in achieving this goal and does not plan to implement it. In fact, we've recently learned that DHS has only been scanning about 3 percent to 5 percent of all the cargo imported into our United States.

Now, while the feasibility of scanning 100 percent of incoming cargo may be a legitimate concern, there certainly needs to be improvement from where we are now. Whether it's increasing the number of Customs and Border Protection officers or investing in proven cargo scanning technology, there needs to be a plan for effectively and efficiently scanning our Nation's cargo.

Another major vulnerability is the threat posed to vessels during their voyage at sea. For example, cargo is often checked either before it's shipped or after it reaches our shore. However, there has not been much light shed on the specific threats that exist between a vessel's point of origin and its point of destination.

We also need to know more information about how fast a port could recover in the event of a terrorist attack or a national disaster if that did occur at one of our ports.

Without resolving these issues, we risk putting our economy and the safety of the American people at risk.

As a Member whose district borders one of the largest port complexes in the country, I understand the unique security challenges that ports pose to our economic and national security. My district borders the port complex of Los Angeles-Long Beach, which is responsible for approximately 44 percent of all the goods that flow into this country and 20 percent of the Nation's GDP.

During a 10-day lockout in 2002, which arose because of a dispute between labor and management officials, closure of the west coast ports cost the United States between \$1 billion to \$2 billion a day. If an attack were to occur there, it would be economically debilitating not only for my district, but for the entire country, as well.

While DHS has made a number of positive steps in strengthening port security and resiliency, the lack of attention on these vital issues creates a huge problem for securing our ports. We cannot begin to come up with an effective solution without first knowing the extent of the actual problem.

The economic importance of our Nation's ports, combined with the existing port security loopholes, is why I introduced the GAPS Act. This bill will require the Secretary of the Department of Homeland Security to conduct a classified study of the potential gaps in port security and ensure that the Department develops a comprehensive plan for addressing these vulnerabilities. By focusing on the specific dangers that threaten our port security,

we can begin, I believe, to develop effective solutions to ensure that our Nation is prepared.

Again, I want to thank Chairman KING and Ranking Member THOMPSON for their leadership on this issue, my Congressional PORTS Caucus co-founder, TED POE, for recognizing the importance of our ports.

I would like to point out that this bill went through regular order and is supported by both Democrats and Republicans on an issue that I know we all care about. I urge my colleagues to support this important bipartisan legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers. If the gentleman from New York has no more speakers, then I am prepared to close.

Mr. KING of New York. This bipartisan bill is a good bill. I urge my colleagues to support it. It builds very strongly on the initial port security bill of 2006 that was sponsored by Mr. LUNGREN, who is here today, and Jane Harman, who was also in Congress at that time. It was a very good bill. This adds to it, improves on it, and it keeps up with the changes in the times.

I urge its adoption, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, our Nation's ports are as diverse as the people they serve. The importance of this infrastructure to the global supply chain cannot be overstated.

Enactment of H.R. 4005 will help ensure that our limited security resources can be targeted to those threats that put our ports at the greatest risk.

With that, Mr. Speaker, I urge the passage of H.R. 4005, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to support H.R. 4005, the "Gauging American Port Security" or GAPS Act. This act will direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States as well as provide plans to address them.

As a senior Member of the Homeland Security Committee, I know that the threats against the nation are constantly changing and ever present. Ensuring the safety and security of our ports is a measure that will directly address some of these threats and maintain the economic well-being of our port system.

Over 11 million cargo containers arrive in our ports each year, bringing in imports from across the world. By placing these additional measures on the Department of Homeland Security, we are enabling ports to conduct business without fear that these daily imports are a threat to national security. As a representative from the 18th Congressional District of Houston, I represent one of the world's busiest ports. Houston is linked to 1,053 ports in 203 countries through about 100 steamship lines. The ship channel is a part of the Gulf Intracoastal Waterway, which is a very busy

barge traffic lane. Houston is also one of only eight U.S. cities to have a regional office of the U.S. Export-Import Bank.

The Port of Houston is essential to regional economic stability. A 2012 study by Martin Associates reports the port helps provide 1,026,820 jobs throughout Texas, which is an increase of 785,000 jobs in its 2007 study. The port brings in more than \$178.5 billion a year, including over \$4.5 billion in state and local tax revenues.

In addition, the Port of Houston also boasts the nation's largest petrochemical complex. Houston is known as a gateway for cargo traveling to the West and Midwest regions of our nation.

Although the Port is integral to Houston's development, as well as to the nation's economic development, its financial strength is not possible without strong security measures in place.

The heavy traffic flow of imports and exports that come through the port each day can leave room for drug trafficking and terrorists activities to take place. Although the Port of Houston, and ports across the U.S. boasts that they are secure and in line with nationally mandated security measures, it is my hope that the GAPS act will address any and all individual security shortcoming that each port may face that make them vulnerable to attacks against the Homeland.

The Port of Houston and the majority of ports across the nation have a remarkable track record of accomplishments that I hope to see continue. But their economic success and efficiency will only be hindered without additional security measures in place. This is why I urge my colleagues to support the provisions of H.R. 4005.

Ms. CLARKE of New York. Mr. Speaker, I rise in support of H.R. 4005—"Gauging American Port Security Act" also known as the "GAPS Act." I would like to thank Congresswoman JANICE HAHN from California for her diligent work on this bill. I would also like to thank the efforts of the Committee on Homeland Security. This bill requires the Homeland Security Department, within one year of enactment, to conduct a study of the remaining gaps in port security in the United States and submit a classified report to Congress prioritizing these gaps and a plan to address them.

As a New York City Member on the House Homeland Security Committee, I understand how important border security is and how threats to our national security need to be reduced. I will continue to work to ensure that our nation is better prepared to terrorist attacks at our ports.

Ports are important to American commerce and a way to connect us to the rest of the world. We have more than 11 million cargo containers arrive in U.S. ports every year and we need to ensure that our ports are secure for this part of commerce.

Congress needs to continue to focus on improving security on our borders, land and port. I fully believe that this is a step to improving our port security and H.R. 4005 will help the Homeland Security Department to come up with a plan that will help with these challenges at our ports. This plan will address threats we face at maritime borders by closing the gaps

in our security at our Nation's ports. The benefit of this legislation will greatly outweigh the cost. It is a way for us to adequately invest in our response capacities and security to safeguard our citizens and economy.

So today, I urge my colleagues to support this bill.

The SPEAKER pro tempore (Mr. FITZPATRICK). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4005, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1650

AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2012

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1447) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Security Stakeholder Participation Act of 2012".

SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44946. Aviation Security Advisory Committee

"(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an advisory committee to be known as the Aviation Security Advisory Committee.

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Committee shall be consulted by and advise the Assistant Secretary on aviation security matters, including the development and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

"(B) RECOMMENDATIONS OF WORKING GROUPS.—Recommendations agreed upon by the working groups established under this section shall be approved by the Advisory Committee for transmission to the Assistant Secretary.

"(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

"(A) reports on matters identified by the Assistant Secretary; and

"(B) reports on other matters identified by a majority of the members of the Advisory Committee.

"(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its working groups, for the preceding year.

"(c) MEMBERSHIP.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Assistant Secretary shall appoint the members of the Advisory Committee.

"(B) COMPOSITION.—The membership shall consist of individuals representing not more than 27 member organizations. Each organization shall be represented by one individual (or the individual's designee).

"(C) REPRESENTATION.—The membership shall include representatives of air carriers, all cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, aircraft manufacturers, airport operators, general aviation, privacy, the travel industry, and the aviation technology security industry, including biometrics.

"(2) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove the member for cause at any time.

"(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

"(4) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

"(d) AIR CARGO SECURITY WORKING GROUP.—

"(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an air cargo security working group to provide recommendations on air cargo security issues, including the implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

"(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding air cargo security to the Advisory Committee for inclusion in the annual report. The submissions shall include recommendations to improve the Administration's cargo security initiatives established to meet the requirements of section 44901(g).

"(3) MEMBERSHIP.—The working group shall—

"(A) include members of the Advisory Committee with expertise in air cargo operations; and

"(B) be cochaired by a Government and industry official.

"(e) GENERAL AVIATION SECURITY WORKING GROUP.—

"(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a general aviation working group to provide recommendations on transportation security issues for general aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

"(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding aviation security at general aviation airports to the Advisory Committee for inclusion in the annual report.

"(3) MEMBERSHIP.—The working group shall—

"(A) include members of the Advisory Committee with expertise in general aviation; and

"(B) be cochaired by a Government and industry official.

"(f) PERIMETER SECURITY WORKING GROUP.—

"(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an airport perimeter security working group to provide recommendations on airport perimeter security and access control issues.

"(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding improving perimeter security and access control procedures at commercial service and general aviation airports to the Advisory Committee for inclusion in the annual report.

"(3) MEMBERSHIP.—The working group shall—

"(A) include members of the Advisory Committee with expertise in airport perimeter security and access control issues; and

"(B) be cochaired by a Government and industry official.

"(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or its working groups.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Aviation Security Advisory Committee to be established under subsection (a).

"(2) ANNUAL REPORT.—The term 'annual report' means the annual report required under subsection (a).

"(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration).

"(4) PERIMETER SECURITY.—The term 'perimeter security'—

"(A) means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal; and

"(B) includes the fence area surrounding an airport, access gates, and access controls."

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"44946. Aviation Security Advisory Committee."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2012. I commend Ranking Member THOMPSON for his dedicated work in this area.

The FAA established the Aviation Security Advisory Committee in 1989 following the bombing of Pan American World Airways Flight 103. When TSA was created, the sponsorship of ASAC transferred to TSA, and it continued to provide a mechanism for industry and other outside stakeholders to inform the Federal Government's decisionmaking on aviation security matters.

Despite its important contributions to security, TSA allowed the ASAC's charter to expire. Last year, TSA revived the ASAC with the strong support of industry. Homeland Security Secretary Napolitano subsequently appointed 24 new ASAC members.

H.R. 1447 simply codifies the ASAC, which exists today, and ensures that it remains intact, providing necessary stakeholder guidance to TSA. It establishes important working groups focused on air cargo, general aviation, and airport perimeter security, all of which have unique challenges that require a collaborative effort to solve.

In these difficult economic times, it is essential for TSA to get the input of stakeholders on security procedures and technology to ensure that it is spending its limited resources on initiatives that will enhance security for the traveling public without compromising the freedom of people and goods to move freely.

I urge the adoption of this bipartisan bill, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1447, the Aviation Security Stakeholder Participation Act. Mr. Speaker, effective coordination between stakeholders and their regulators is critical to the implementation of policies that work. To that end, we have the responsibility to ensure that policy is informed by the realities on the ground. Arguably, nowhere is the need for policy coordination more important than at our Nation's airports.

Given that the aviation sector remains an attractive target for terror-

ists, the difference between a security policy that works and one that does not can be all that stands between life and death.

That is why I introduced H.R. 1447, the Aviation Security Stakeholder Participation Act. This legislation will ensure that the voices of those subject to policies and protocols put in place by TSA are heard and their recommendations are considered. It does so by directing the TSA to establish an Aviation Security Advisory Committee.

For years, such an advisory committee existed and worked effectively with TSA on matters such as aviation security methods, equipment, and procedures. For instance, in 2003, the ASAC's cargo working group, which included the Cargo Airline Association, made recommendations that formed the basis of TSA's program for 100 percent screening of air cargo. Unfortunately, during the last administration, the charter for this advisory committee was allowed to lapse, and the committee ceased operations.

While I am pleased that in response to my bill, the Obama administration reestablished this committee on its own authority, I strongly believe that it is critical that the Aviation Security Advisory Committee be codified in law to ensure that TSA's aviation security policy continues to be informed by the private sector. That is why my bill would, for the first time, establish the Aviation Security Advisory Committee in statute and require representatives from up to 27 member organizations participate.

I introduced H.R. 1447 in April of 2011, with the ranking member of the Transportation Security Subcommittee of the Committee on Homeland Security, Representative JACKSON LEE. It was favorably reported on a bipartisan basis in November 2011.

TSA has the responsibility to secure the American public from threats posed to our transportation sector. However, it cannot do so in a vacuum. TSA must leverage technical and operational expertise from our Nation's airports to deliver a collaborative and robust security system across our aviation sector. Strong partnerships with aviation stakeholders are critical to informing aviation security policy.

Just last month, the committee received testimony from the Airport Minority Advisory Council about arbitrary limitations set forth by TSA on the issuance of airport worker badges to airport-based small businesses, like newsstands, coffee, and souvenir shops. Since then, TSA has committed to reevaluate the policy and work with the private sector to address the concerns raised.

This is just one example of how a TSA policy—developed without input from the advisory committee—was not informed by economic realities. Now

TSA is in the position of having to revisit this and other ill-informed policies to ensure that they enhance security in a manner that does not unduly burden the private sector.

My bill also directs the administrator of TSA to establish three targeted working groups to address the unique homeland security challenges related to air cargo security, general aviation security, and perimeter security.

Mr. Speaker, all of us have a stake in ensuring the security of our Nation. Let us pass this bill so that stakeholders who are expected to comply with the policies and procedures developed by TSA have a seat at the table. That way, we can be confident that TSA's policies are both effective from the security standpoint and address the economic and commercial realities of our Nation's airports.

Before reserving the balance of my time, Mr. Speaker, I would like to engage in a brief colloquy with the gentleman from New York, the chairman of the Committee on Homeland Security, Mr. KING.

Mr. Speaker, as this bill has made its way to the House floor, the chairman and I have been engaged in ongoing dialogue over how to strike the right balance on who should be represented on the Aviation Security Advisory Committee. I am dedicated to ensuring that the voices of passengers and small and minority-owned businesses impacted by TSA's policies, procedures, and regulations are heard. It is important persons representing those groups have a seat at the table when TSA makes decisions that affect both passengers' rights and businesses' bottom line.

With that, Mr. Speaker, I yield to the gentleman from New York for his assurance that as this bill continues its movement through the legislative process, he will work with me to ensure these important populations are included in this Aviation Security Advisory Committee legislation.

Mr. KING of New York. Mr. Speaker, I thank the ranking member for yielding.

I agree to work with him moving forward to ensure that this issue is addressed in a manner to ensure this participation.

Mr. THOMPSON of Mississippi. I thank the gentleman from New York for his commitment.

I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I have no further requests for time. If the gentleman from Mississippi has, no further requests for time, I am prepared to close, once the gentleman does.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time. Since the gentleman from New York is prepared to close, I also am prepared to close.

I would like to express my gratitude to all the members of the Committee on Homeland Security for their unanimous support of this legislation when it was considered by the committee last September.

□ 1700

While the Committee on Homeland Security has not been as active on the legislative front as I had hoped it would be this Congress, I am pleased that several discrete bills introduced by both Democrats and Republicans have received bipartisan support on the House floor during the last month.

Mr. Speaker, I urge all my colleagues to vote "aye" on the Aviation Security Stakeholder Participation Act, and I yield back the balance of my time.

U.S. TRAVEL ASSOCIATION,
June 25, 2012.

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Washington, DC.

Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN KING AND RANKING MEMBER THOMPSON: On behalf of the U.S. Travel Association, I write in strong support of H.R. 1447, the "Aviation Security Stakeholder Participation Act of 2011", which is on the House of Representatives suspension calendar for tomorrow, June 26.

As you know, H.R. 1447 reconstitutes and codifies the Aviation Security Advisory Committee (ASAC), provides the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) with an updated vision for engaging aviation security stakeholders and, importantly, updates the categories of organizations considered for ASAC membership. The bill will help to strengthen aviation security, assist in the development of a more efficient passenger screening process, and enhance the existing relationship between TSA and the travel industry.

Restarting the ASAC was a key recommendation of our report on aviation security, titled "A Better Way", which sets out a clear path for improving the TSA passenger screening process.

Thank you for your support of this legislation, and we look forward to working with you on the many aviation security issues facing our nation's commercial aviation passengers.

Sincerely,

ROGER J. DOW,
President and CEO.

JUNE 25, 2012.

Hon. BENNIE THOMPSON,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the members of the Cargo Airline Association, I am writing to thank you for the introduction of H.R. 1447, the Aviation Stakeholder Participation Act. This Bill would require the re-establishment of an Aviation Security Advisory Committee (ASAC) to facilitate communications between the Transportation Security Administration (TSA) and the aviation industry.

Historically, the ASAC formed the basis of major initiatives, with industry members working closely with Government Agencies to address a variety of security-related

issues. These issues have been traditionally discussed in various Working Groups established under the ASAC umbrella. A prime example of the utility of this structure was the establishment of three air cargo Working Groups formed to develop proposed new regulations to address air cargo security threats after the September 11, 2001, attacks. The recommendations of these Working Groups eventually formed the basis of an entirely new TSA air cargo regulatory scheme. Unfortunately, the ASAC charter expired several years ago and today no government-industry advisory committee exists.

H.R. 1447 would correct this problem and contains a mandate, not only for ASAC itself, but also for various Working Groups that would address the key issues of the day. This re-establishment of ASAC is long overdue and we support your efforts. Please do not hesitate to contact us if you have any questions.

Sincerely yours,
STEPHEN A. ALTERMAN,
President.

AIRPORTS COUNCIL INTERNATIONAL,
June 25, 2012.

Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the Airports Council International—North America (ACI-NA), which represents 334 local, regional, and state governing bodies that own and operate commercial airports throughout the United States, I am pleased to offer our endorsement of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2011.

Airport operators have long advocated for the Transportation Security Administration (TSA) to re-establish the Aviation Security Advisory Committee (ASAC). The ASAC allowed aviation stakeholders, including airport operators to advise TSA on aviation security policies, programs, rulemakings and security directives pertaining to aviation security. H.R. 1447 would allow the ASAC once again to provide valuable input into TSA's proposed rules, security directives and aviation security programs which help protect airports, airlines and their passengers.

Again, thank you for your continued support of airport operators and on recognizing the value of having stakeholder input into aviation security programs and TSA regulations. We look forward to working with you on the passage of H.R. 1447.

Sincerely,
GREG PRINCIPATO,
President, Airports Council
International—
North America.

Mr. KING of New York. Mr. Speaker, the private sector is a vital partner in transportation security, and the ASAC ensures that industry has a seat at the table as the government works to make our homeland more secure.

I urge the adoption of this bipartisan bill, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1447, "Aviation Security Stakeholder Participation Act of 2011." Currently the Transportation Security Administration's (TSA's) Aviation Security Advisory Committee advises the Assistant Secretary of Homeland Security on issues related to aviation security. This bill:

(1) authorizes the existence of the Aviation Security Advisory Committee,

(2) ensures key stakeholders with first knowledge of the security challenges our aviation system faces have a voice when TSA is considering implementing security policies and

(3) establishes specific working groups to address cargo, perimeter and general aviation.

I firmly believe that more can be done to protect and improve upon the security of our Nation's airways which is why I have consistently introduced legislation to improve our Nation's defense against security threats. The District I represent in Houston, Texas is home to two of the world's busiest airports, and the Johnson Space Center. Air transportation in the Houston metro area is about 30% above the national average and in Texas, the aviation industry employs nearly 200,000 people. We need to ensure that all cargo flight operations are secure, protect aircraft from laser attacks, and implement a threat-based security system.

Because of the necessity of H.R. 1447's implications, it already has the support of the U.S. Travel Association, Cargo Airline Association and the Airports Council International—North America. In addition it has received the unanimous support of the Committee on Homeland Security.

Mr. Speaker, these entities and the Homeland Security Committee recognize it is imperative to continue to ensure to strengthen the aviation industry's effort to make sure all travelers and cargo are safe traveling within and through the United States.

Enhanced security protects our economic interests: air cargo is over a \$60 billion industry, and according to the International Air Transport Association, transports 35% of the value of goods traded globally. More importantly, implementing this bill will protect our citizens. Well trained employees and representatives are essential in recognizing suspicious activity and people that want to endanger our travelers.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2011, which amongst other things amends title 49 of the United States Code to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee (ASAC).

The Federal Aviation Administration (FAA) established the ASAC in 1989 following the bombing of Pan American World Airways Flight 103. When the Transportation Security Administration (TSA) was established, the sponsorship of the ASAC transferred to TSA. Despite significant contributions to TSA policy-making, particularly with respect to air cargo security, and strong support from aviation security stakeholders who participated in the ASAC, TSA allowed the ASAC's charter to expire.

H.R. 1447 provides for the establishment of an ASAC to assist and make recommendations to the TSA Assistant Secretary on aviation security matters, including the development and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security. Within the Advisory Committee are three subcommittees: (1) an air cargo security working group, (2) a general aviation working group, and (3) an airport perimeter security working group.

U.S. and industry stakeholders have expressed frustration about the level of dialogue with TSA about the threat of potential attacks. The lack of communication between TSA and stakeholders makes our aviation industry vulnerable to threats such as Yemen insurgents shipping explosive devices on our passenger and cargo airplanes. H.R. 1447 provides us with the tools to reopen these lines of communication between air carriers to aircraft manufacturers from aviation technology security industries to labor organizations.

Mr. Speaker, as a member of the Committee on Homeland Security, I fought for and strongly supported legislation that protects our homeland and our people. I will continue to support legislation that enables us to stay ahead of any potential threat. That is why I support H.R. 1447, the Aviation Security Stakeholder Participation Act of 2011, and urge my colleagues to do likewise.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1447, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5843) to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY.

Section 2008(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(2)) is amended by inserting "training conducted in conjunction with a national laboratory or research facility and" after "including".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, introduced by Mr. LUNGREN, is a simple statutory clarification that allows State and local governments and emergency management officials to use existing FEMA State Homeland Security Grant Program and Urban Area Security Initiative funds to work with national labs where appropriate.

H.R. 5843 amends the Homeland Security Act of 2002 by inserting a clarification into the "allowable use" section of the Homeland Security Grant Program section. Clarifying this "allowable use" under the grants program will allow these State and local first responders to leverage the expertise at national labs for research and training purposes.

This is a simple, solid, good government measure that will help maximize the use of limited Federal grant dollars. This bill will allow State and local officials to cut through FEMA red tape, which makes it harder for first responders to work with the Federal national labs and make the best decisions for their homeland security needs. This bill will eliminate hoops that State and locals have to go through to gain access to this expertise and training.

Mr. Speaker, I thank the gentleman from California (Mr. LUNGREN) for his work on this issue and so many others on the committee.

I urge passage of the bill. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm perplexed that the House is considering H.R. 5843 today. I cannot understand why this bill is on the schedule. It was introduced just over a month ago and has not been vetted by the committee. Why are we giving expedited attention to a bill that has just two cosponsors, both of whom are Republican? Whatever the problem it purports to solve has not been the subject of so much as a Member-level briefing, let alone a hearing or a markup.

Section 208(a)(13) of the Homeland Security Act already allows the Department to approve the spending of grant funds on training by national labs. Without so much as a hearing where the committee can take testi-

mony on this matter, it is hard to justify taking up precious House floor time on this bill, especially in a week where we must take urgent action on Pell Grants and highway funding. So instead, I choose to use this time to discuss the dwindling Federal support for homeland security activities, a far more timely concern for State, local, and tribal authorities than H.R. 5843.

In the wake of the September 11 attack, as a government, we committed to safeguarding our homeland by building and preserving preparedness capabilities. Yet since the beginning of the 112th Congress, that commitment seems to have dangerously wavered.

In just 2 short years, vital Homeland Security Grant Programs have been significantly cut, and, as a result, the level of preparedness fostered by the programs, such as the Urban Areas Security Initiative, Port Security Grant Program, Transit Security Grant Program, and the Metropolitan Medical Response System, have been undermined. Given that the authorizations for many of these targeted programs are expiring, a far better use of our time would be to reauthorize the Transit Security Grant Program or the Metropolitan Medical Response program.

Mr. Speaker, before I reserve my time, I would note for the record that there are two other much more plausible candidates for consideration by the full House that were introduced by the gentleman from California. One addressed the cybersecurity threat and was ordered reported in April. The other authorizes DHS's chemical facility security program and is pending on the Union Calendar.

Mr. Speaker, speaking of the Union Calendar, I would also note that this bill is receiving expedited consideration while four measures ordered reported by the Committee on Homeland Security remain on the Union Calendar without action.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I am proud, at this time, to yield such time as he may consume to the distinguished gentleman from California (Mr. LUNGREN), who is chairman of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies; and during his time on the committee has contributed as much as, if not more than, any other Member, and, in fact, returned to Congress for the purpose of doing all he could to enhance our homeland security.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I might say that this should not be a surprise bill to anybody. This is actually a part of the authorization bill that we already worked on. It has come about as a result of the fact of complaints from local jurisdictions that

they were unable to utilize funds in a way that they thought was most effective.

This bill would simply permit recipients of certain FEMA grants to use this funding for training and exercises conducted in conjunction with a national lab or Federal research facility. There's no additional cost. The CBO report shows there's no additional cost. In other words, the bill expands the allowable use of FEMA grants and ensures that emergency managers, first responders, and local governments can use these grant dollars to leverage the expertise of our national labs and research facilities.

We have had plenty of hearings on the viability of our national labs and research facilities and the fact that we need to leverage more, in these tough budget times, their expertise to help us come up with solutions and prepare, among others, first responders to the challenges that we face in these times. With fewer grant dollars available, it's important that State and local governments be able to use them for the greatest public benefit.

As we all know, State and local governments everywhere are also operating under severe budget limitations, and increasing the allowable use of FEMA grants helps these cash-strapped governments to address their emergency needs. Using our existing national assets for training and research is another way to efficiently leverage the scientific expertise available at these facilities.

I just want to correct the record. This is not just cosponsored by two other Members, both of whom are Republicans. It is cosponsored by Representative STARK from California and Representative LUJÁN from New Mexico. In addition, on the Republican side, Mr. TURNER from New York, Mr. LONG from Missouri, Mr. MARINO from Pennsylvania, Mr. BILIRAKIS from Florida, and Mr. KING from New York.

□ 1710

We have heard not only from entities in the State of California, but I believe also in New York and New Jersey about concerns that they were unable to use their grants in the most efficient way, and absent a clarification of statutory language, FEMA was not going to allow them to participate in this way.

Now, some would ask what examples might we have of how these funds might be used. I will just use my home State of California. The Naval Postgraduate School, which is a Federal entity in Monterey, provides unique training to State and local officials through its Center for Homeland Defense and Security. The Lawrence Livermore Laboratory is a government-owned, contract-operated facility managed through a contract between the Laboratory Board of Governors and DOE's National Nuclear Security Ad-

ministration. These national labs can provide a myriad of research and technical support to programs that support State and local emergency responders, things such as risk analysis and security systems evaluation. And just another example, the Navy Space and Naval Warfare Systems Command in San Diego has substantial capability and interest in helping emergency responders with communications and nuclear detention.

So we are responding in as quick a fashion as we can to complaints that we've heard from local jurisdictions that they were unable to use their FEMA grants in the most effective way in leveraging, as I say, the expertise, the unique expertise of national labs and Federal research facilities. That is the purpose of this legislation. It is a very simple, a one-sentence clarification of the underlying statute. I would hope that we have unanimous support for this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I'm prepared to close. I don't have any more speakers.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, Mr. KING had to leave, and I ask unanimous consent that I control the time of Representative KING.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, we owe it to our Nation's first responders to ensure that they have the resources needed to perform their jobs and to get it right when we alter the allowable uses for those funds. Getting it right in this body requires deliberation and debate in the committee of jurisdiction.

Unfortunately, Mr. Speaker, the bill we are considering today failed to receive such deliberation or debate. Therefore, it is hard to say whether it is responsive to the needs of first responders. What I can say for a fact is reauthorizing key Homeland Security grant programs would bolster preparedness and be responsive to the needs of our first responders.

And with that, Mr. Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a simple bill responding to a simple problem. Actually, this bill undoes redtape that ought not to be there. It leverages the best assets of the Federal Government, working with our first responders in our local communities in ways that they asked us to try and deal with the problem. It's not a fancy bill. It is a simple bill. It is straightforward. And, therefore, I ask for a unanimous vote on this from my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr.

KING) that the House suspend the rules and pass the bill, H.R. 5843.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

TRANSPORTATION WORKER IDENTIFICATION PROCESS REFORM ACT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3173) to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) United States workers employed at nearly 2,600 marine facilities and onboard nearly 13,000 United States-flag vessels are required to carry a Transportation Worker Identification Credential (TWIC) under the Maritime Transportation Security Act of 2002 (MTSA). Department of Homeland Security (DHS) regulations require merchant mariners who hold a Coast Guard-issued Merchant Mariner Credential (MMC) and individuals who require unescorted access to secure areas of MTSA-regulated vessels and facilities to carry a TWIC.

(2) To date, nearly two million transportation workers have applied for and received a TWIC. Applicants must pay \$132.50 to obtain the TWIC, and make two or more trips to an enrollment center to apply for, and then to pick up and activate, their TWIC.

(3) A TWIC is valid for a maximum of five years, at which time the cardholder must request issuance of a new card. This process requires workers to make an additional two or more trips to the enrollment center and again pay \$132.50 to receive a new card.

(4) In addition to the cost of the card, workers face the burden of making two or more time-consuming and often expensive round trips to a TWIC enrollment center. In many instances, the nearest enrollment center is hundreds of miles from a worker's home.

(5) The TWIC enrollment process requiring two or more round trips to an enrollment center is not mandated by statute or by regulation. The process is driven by a DHS policy decision to align the requirements for TWIC issuance with standards for Personal Identity Verification (PIV) for Federal employees and contractors. These standards are contained in Federal Information Processing Standard Publication 201 (FIPS-201).

(6) While DHS has made the policy decision to generally align the TWIC enrollment process with the FIPS-201 standard, the Department may elect to deviate from this standard in instances where it believes an alternative approach is more appropriate for the TWIC program.

(7) Unlike other Government-issued credentials that adhere to the FIPS-201 standard, the TWIC is effectively a work permit for a highly-mobile private sector workforce.

(8) Possession of a TWIC does not allow a TWIC holder to gain unescorted access to secure areas of MTSA-regulated vessels and facilities unless the TWIC holder is authorized to do so under a Coast Guard-approved vessel or facility security plan.

(9) DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment and issuance that does not require applicants to make multiple trips to a TWIC enrollment center.

(10) Other secure Government-issued identity documents, including United States passports, can be distributed to applicants by mail.

(11) Congress mandated the issuance of a final rule setting forth requirements for TWIC biometric readers no later than two years after the TWIC pilot began, which would have been August 2010; such a final rule has to date not been issued.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is urgent that the TWIC application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs;

(2) the Secretary of Homeland Security should promulgate final regulations that require the deployment of TWIC readers as soon as practicable, in order to ensure the TWIC program realizes its intended security purpose; and

(3) funds, which have been awarded under the Port Security Grant Program for the purpose of funding TWIC projects, shall not expire before the issuance of the final TWIC reader rule.

SEC. 3. TWIC APPLICATION REFORM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3173 requires the Secretary of Homeland Security to reform the process for issuing the Transportation Worker Identification Credential, known as TWIC, to require not more than one in-person visit to an enrollment center except in cases with extenuating circumstances. The need for more than one trip to an enrollment center is not mandated by statute or regulation, but currently by DHS policy. Given that other very important security documents are mailed to people, including the U.S. passport, there is no doubt that the Federal Government can develop secure procedures for delivering TWIC documents to workers.

DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment to ease the burden on transportation workers. The Secretary of Homeland Security should reform the TWIC process before the end of 2012 when the first TWICs issued in 2007 will need to be renewed and allow applicants to complete the process in only one in-person visit.

I would like to thank Congressman STEVE SCALISE for the commonsense bill and urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3173, and I yield myself such time as I may consume.

Mr. Speaker, this measure directs the Department of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential, or TWIC, to require not more than one in-person visit to an enrollment center to obtain a credential. I am proud to be an original cosponsor of this bill.

Since the inception of the TWIC program in 2007, mariners and other transportation workers have had to make at least two trips to a TWIC enrollment center to enroll and activate their cards. In contrast, other federally issued secure identity documents, such as passports and merchant mariner credentials, are mailed to the applicants. It is unreasonable to continue to require workers to take off from work to make a second trip to the nearest TWIC enrollment center, which in some cases is hundreds of miles away, to obtain their credential. The bill before us today would simply treat TWICs like those other federally issued identity documents.

In response to this legislation and concern expressed by worker representatives and Members of Congress, including me, the Obama administration recently announced a new option for port and transportation security work-

ers who, starting this fall, will need to renew their expiring TWIC cards. Under this new option, TWIC holders may renew their cards for 3 years at a reduced rate of \$60 and go to the enrollment center just once.

I'm pleased that the administration heard us on this issue because these changes should help lessen the burden of our Nation's 2.1 million port and transportation security workers, as DHS moves toward issuance of a final rule for biometric readers for the TWICs.

Despite these improvements, H.R. 3173 is still very necessary, as the recently announced option only applies to renewals, not first-time applicants, and there are no guarantees that it will remain in effect for the duration of the program.

Passage of H.R. 3173 will be an important step forward in reforming a cumbersome bureaucratic process and providing relief for the more than 2 million transportation workers.

I urge my colleagues to give H.R. 3173 their support, and I reserve the balance of my time.

□ 1720

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it's my pleasure to yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. SCALISE), the author of the bill.

Mr. SCALISE. I want to thank the gentleman from California for yielding. I also want to thank Chairman KING of New York, as well as Ranking Member THOMPSON of Mississippi, for cosponsoring this commonsense legislation.

What we're trying to do is reform a process that was started back in 2006 that really has created a lot of complications for our transportation workers. What we're talking about is 2 million Americans not only across the country, but some who work around the globe that are required by Federal law to have these Transportation Worker Identification Credentials not only to perform their jobs, but even to get promoted.

So as these cards come up, whether you're applying for them for the first time or trying to get them renewed, you have to not only make one, but two in-person visits. When we talk about these visits, in many cases people have to take a day off of work for the first, and then another day off of work for the second visit because this is a card that they're required to have if they're going to be able to work in the transportation industry.

The rule that was put in place by TSA really is unworkable and doesn't really make sense, especially as we're talking about safety. It has nothing to do with safety. It's just a rule that they came up with that we recognize, number one, it's not in law, but it's something that we recognize, especially as we talk to our constituents

who work in the transportation industry throughout the country, that this is creating tremendous burdens on our employees who have to actually miss work and miss pay that goes along with it.

So we're talking about something that affects people's jobs and their careers and, in fact, in some cases has limited their ability to get promotions.

I want to read parts of a letter that I received from Andrew Drury, who is an assistant cargo mate aboard the USS *Mount Whitney*. He's in the Merchant Marines, and this has been a problem to him. He wrote in to our office as he heard we were addressing this issue.

He's a graduate of the Citadel and is employed by Military Sealift Command, a company that is tasked with supplying the U.S. Navy with anything from bombs, bullets, fuel and provisions to our Armed Forces. He works throughout Europe and Africa. He writes to say: "Due to my long tours of duty overseas,"—his TWIC card has since expired, and—"I am not allowed to advance in rank or position without the current TWIC credential."

He goes on to write: this means that anybody who currently works overseas has to take time off from work and fly back to the States twice. This is very expensive, time consuming, stressful, and "because I live on a ship that constantly moves around is logistically impossible. Sir, I am writing you in hope that there is something you could do for my fellow Merchant Mariners and me in this precarious situation."

So as we see that 2 million of our workers across the globe are facing this problem, this is a commonsense reform that actually puts some new reforms in place and puts some new rules in place that says you still make that first trip; but just like a passport, you shouldn't have to be required to take time off from work to go back a second time.

Again, I appreciate over 40 cosponsors in a bipartisan way that have signed onto this. I would urge approval of this legislation.

Mr. THOMPSON of Mississippi. I yield myself such time as I may consume.

Mr. Speaker, with more than 40 bipartisan cosponsors, passage of this measure will make a strong statement of support for reform of the TWIC issuance process and American workers. I compliment the gentleman from Louisiana for introducing this legislation.

I encourage passage of H.R. 3173, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nearly 2 million transportation workers have applied for and received a TWIC. The goal of this bill is to limit the red tape involved in the

TWIC process so we can focus on the work of this Nation while being as secure as possible.

The Secretary needs to reform the Transportation Workers Identification Credential enrollment and renewable process so that our workers are not burdened with increased and unnecessary bureaucracy.

As with the previously considered bill, this is an attempt by those of us in the Congress to try and get rid of some unnecessary red tape. It in no way undercuts the security of our Nation. As a matter of fact, it improves it because it gets rid of a burden on people that is totally without merit.

So I ask my colleagues to support its passage, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3173, "to reform the process for enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require not more than one in-person visit to a designated enrollment center." This legislation removes economic tensions placed on workers due to unnecessary commutes to an enrollment center. The TWIC serves as a vital security measure that ensures that individuals who pose a threat do not gain unescorted access to secure areas of the Nation's maritime transportation system. Without a doubt, it is a necessary precaution for the protection of the America's assets. However, the current system for the acquirement of a TWIC is inefficient, superfluous, and costly for American transportation workers.

In addition to the \$129.75 that transportation employees must pay every 5 years to obtain the TWIC, they must also make two or more trips to an enrollment center to obtain it. In most cases, the nearest enrollment center is hundreds of miles away from the worker's home. With national gas prices averaging nearly \$4 a gallon, any mode of transportation chosen by the worker can quickly become pricey.

This bill seeks to eliminate the pointless red-tape in the attainment of a TWIC, in which millions of Americans are subject to hefty transportation costs to travel back and forth to the enrollment centers to obtain their TWIC.

Mr. Speaker, as you are aware, many of our fellow Americans face tough economic situations. It truly is imperative to remove this excess and unnecessary burden placed on the American workers.

As a Member of the Committee of Homeland Security, ensuring the protection of our interests from domestic threats is one of my top priorities. Although TWIC does just that, I feel that we must also endeavor to protect the interest of our own citizens. It simply just is not an economically viable option to expect our transportation workers to pay for two or more round trip journeys for the TWIC. To avoid imposing these unnecessary burdens on United States workers, it is imperative that Congress enact this legislation.

This bill passed unanimously out of the Homeland Security Committee with broad bipartisan support. I believe this is because H.R. 3173 is the text-book example of a win-win sit-

uation; there are no foreseen negative consequences to the enactment of this bill. It will simply allow our American transportation workers to breathe a little easier.

This reform of the TWIC Application system will make a huge impact on transportation workers and their families. Because of it, millions of people will not lose money and precious time with loved ones by making unnecessary trips to TWIC enrollment centers.

I strongly urge my colleagues to join me in supporting H.R. 3173, The TWIC Application Reform.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 3173, which directs the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance of renewal of a Transportation Worker Identification Credential, TWIC, to require, in total, not more than one in-person visit to a designated enrollment center.

The TWIC program was established to ensure all individuals who require admittance into secure areas of regulated maritime facilities and vessels are properly vetted and do not pose a threat to maritime and supply chain security. Current TWIC requirements require that applicants go to an enrollment center twice to complete the application and confirm the biometric information embedded into the card.

Mr. Speaker, I believe that this is an onerous burden for workers in the maritime industry, such as merchant vessel operators and truck drivers, who must obtain the credential for employment. Individuals in need of a TWIC card often work long hours with little down time. Many cannot afford to take extended periods of time off to go to an enrollment center, in some cases located hundreds of miles away, on two different occasions.

I believe that the Secretary of Homeland Security should reform the TWIC process before the end of 2012, when the TWICs first issued in 2007 will need to be renewed allowing applicants to complete the process with only one in-person visit. I urge Members of Congress to support H.R. 3173, to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of the TWIC program.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 3173, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 5973, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 697 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 697

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5973) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 169C. The amendment specified in section 3 of this resolution shall be considered as adopted in the House and in the Com-

mittee of the Whole. During consideration of the bill for further amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill, as amended, back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. The amendment referred to in section 2 of this resolution is as follows: insert before section 418 the caption "Spending Reduction Account".

SEC. 4. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

□ 1730

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 697 provides for an open rule providing for consideration of two bills, H.R. 5973, which is a bill making appropriations for fiscal year 2013 for Agriculture, Rural Development, Food and Drug Administration and related agencies, and H.R. 5972, the fiscal year 2013 Transportation, Housing and Urban Development and Related Agencies Appropriations Act.

Mr. Speaker, House Republicans are offering yet another open rule, something that our liberal Democrat colleagues gleefully denied this House when they held the gavel. Once again, House Republicans continue our commitment to an open appropriations process in which all Members from both parties have an opportunity to influence the final legislative product.

In fact, this rule represents the eleventh open rule the Rules Committee has reported to the House thus far in the 112th Congress, which is in stark contrast to the 111th, in which the House considered a grand total of zero open rules.

I want to thank my colleagues from the Appropriations Committee for their leadership and hard work in pro-

ducing the two bills referenced in this rule. H.R. 5973 includes \$19.4 billion in discretionary funding, which represents a cut of \$365 million below last year's level. H.R. 5972 provides a total of \$51.6 billion in discretionary spending for the departments and agencies funded in the bill for fiscal 2013, which is a level representing \$3.9 billion below last year's level.

While my liberal colleagues would undoubtedly prefer to borrow and spend more and continue to ignore the dire fiscal realities of our country, House Republicans remain committed to reining in wasteful spending, even if it involves making difficult and sometimes unpopular decisions in order to save our country from fiscal ruin.

The simple truth is we cannot afford to fund every program at the bloated levels that, for many years, kept political promises but, in the end, hurt the fiscal stability of our country. It would be unconscionable to continue indebting future generations to creditors like China without working to reduce Federal spending, which is the real driver of our deficit.

These are important bills, Mr. Speaker, and I'm proud that House Republicans, led by our esteemed Rules Committee Chairman DREIER, have embraced an open process to consider this legislation. We welcome the support of our Democrat colleagues on final passage of the underlying legislation.

At this time, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from North Carolina, Dr. FOXX, for yielding me the customary 30 minutes.

Mr. Speaker, before I begin, I just would like to point out to my colleagues that I don't want them to be under the misimpression that somehow this Republican leadership is somehow conducting an open and transparent process. At last count, they have given us 41 completely closed rules, and that's not even getting into the number of structured rules we've had. So I would be a little bit more humble before I would brag about the open process in this House.

I rise in opposition to this rule, which combines two unrelated appropriations bills, Transportation, Housing and Urban Development and the Agriculture appropriations bills. And this rule also concedes that the House Republicans will not finish all their appropriation bills on time.

Under the House rules, the House cannot adjourn for more than 3 days in a row in July unless all the appropriation bills are finished. Section 4 in this rule is an admission that the Republican leadership hasn't met this threshold.

Mr. Speaker, I also oppose this rule because Republican budget caps have

made it impossible to bring appropriations bills to the floor that meet the needs of our country. Rather than a balanced, fair approach to control our Federal deficit, Republicans have launched an all-out assault against middle-income families and those who are struggling in poverty. Rather than asking Donald Trump to pay one penny more in taxes, the Republicans are pursuing an agenda that would decimate food stamps, that turns Medicare into a voucher program, that goes after student loans. I could go on and on and on. Everything that they bring to this floor lowers the quality of life and the standard of living for the people in this country.

This Congress should be about lifting people up, not putting people down. And yet, the bills that get brought to this floor, time and time again, are all about putting the American people down.

Not only is the underlying Transportation appropriations bill underfunded, but we're considering it while the ninth—the ninth—extension of the surface transportation bill, the bill that funds our roads and bridges, is on the verge of expiring, and the summer construction season quickly moves towards a close.

We need a transportation bill, and we would have one, Mr. Speaker, if the Republican leadership would simply accept the bipartisan Senate bill. Instead, the Republican leadership has decided to play politics by including unrelated provisions like the construction of the Keystone pipeline in a bill meant to build and repair America's roads and bridges, in a bill that would have put thousands and thousands and thousands of Americans to work on these critical projects.

I had the honor of hosting Transportation Secretary Ray LaHood, a former Republican Member of this body, in my congressional district yesterday. Secretary LaHood made it clear that Congress needs to get its act together and pass a transportation bill. Rather than more recesses, I would say to my friends, we ought to stay here and not leave until we get this bill passed.

Instead, this transportation appropriations bill is, essentially, a shell full of placeholder language waiting for the authorization bill to be finished. This is not a way to legislate.

My friends on the other side of the aisle like to say, where are the jobs? Well, I'll tell you where the jobs are. They're in this transportation bill that they are holding up, that they are holding hostage. You want to put Americans back to work? Pass this bill.

I'm also deeply disappointed, Mr. Speaker, that this is the second year in a row that the appropriations bill fails to fund the Sustainable Communities initiative, which brings together the Department of Transportation, HUD,

and EPA to develop effective models of integrated planning and promote economic development in metropolitan areas across the country. We should be pursuing the smart, holistic approaches to urban planning and improvement encouraged by the Sustainable Communities initiative, and this bill doesn't do that.

I also have concerns with the project-based Section 8 funding level included in the THUD legislation, and with proposals to short-fund project-based contracts. Short-funding does not reduce Federal expenditures, but instead shifts the cost to the next fiscal year. In fact, according to the National Housing Trust, short-funding can increase financing costs because of the uncertainty it creates among lenders and investors. Short-funding is a direct result of the need to conform to the Ryan budget, and I hope that the Senate's funding level is adopted during this conference, if they ever do have a conference.

The sad reality, Mr. Speaker, is that of these two appropriations bills, the Transportation, Housing and Urban Development appropriations is the better one. And this Agriculture appropriations bill is, to put it nicely, not where it needs to be. It is woefully inadequate in several places, and it continues a pattern set by this Republican leadership of trying to undermine the Wall Street reforms made under Dodd-Frank and to dismantle the antihunger safety net.

This bill decimates funding for the Commodity Futures Trading Corporation, one of the key regulators of the financial services industry. In fact, the bill cuts funding for the CFTC by 41 percent, a cut that will drastically reduce CFTC's ability to oversee an industry that continues to take risky gambles, as evidenced by J.P. Morgan's recent loss of \$2 billion. The Republican leadership, once again, would rather allow Wall Street to run amok instead of providing proper oversight so that Americans on Main Street don't get taken to the cleaners.

Also not surprising is this Republican leadership's continued assault on the hungry in America. Over the past 18 months, the Republican leadership has pushed two plans to block grant SNAP, formerly known as food stamps, dramatically cut WIC funding in last year's Agriculture appropriations bill, and brought a reconciliation bill to the floor that would cut \$36 million from SNAP, the most effective and efficient Federal antihunger program we have in this country.

□ 1740

Of course, we are still anticipating a farm bill from the Agriculture Committee that will cut at least \$14 billion from this program. Also, while this bill funds WIC at \$6.9 billion, it is still \$119 million short of President Obama's request.

In essence, this bill is gambling that food prices and participation will stabilize and not continue to rise. Yet just as concerning is the lack of set-asides for breast-feeding counselors, electronic benefit cards and infrastructure. These provisions were included in the President's request and also in the Senate bill. They should not be excluded from the House version.

The other problem with the WIC language is the provision dealing with white potatoes. For the first time, Congress is mandating that white potatoes be included in the WIC food package. This is unprecedented and is deeply troubling. Congress has never, until now, interfered with the science of the WIC food package. This food package was specifically designed by the Institute of Medicine to provide the necessary nutrients through specific foods that are often not consumed, for a variety of reasons, by low-income pregnant women and their newborns, infants and young children. Like the effort to treat pizza as a vegetable, this is clearly done on behalf of industry. It does not belong in this bill.

This bill also cuts the Commodities Supplemental Food Program below the President's request. This program provides food to seniors across the country, but the funding level in this bill is so inadequate that it will actually result in 55,000 fewer seniors being served. That's 55,000 fewer low-income seniors on fixed incomes who will have food taken away from them simply because this committee decided that tightening our Nation's fiscal belt should mean less food for elderly in America instead of fewer profits for the wealthy.

The Agriculture appropriations bill doesn't spare international food aid from drastic cuts either. This bill cuts title II PL480 by 22 percent, or \$316 million, under FY12 levels and \$250 million below the President's FY13 request. These dramatic cuts would result in decreases in emergency services to between 6 million and 8 million vulnerable people, some of whom are already on the brink of starvation. They also weaken the funding for programs that fight long-term hunger and that build the capacity of people to withstand new emergencies. For example, it was the Food for Peace development programs in Ethiopia that helped keep communities from falling into famine and to withstand the shock of last year's drought, saving the American taxpayer hundreds of millions of dollars.

Not only are these cuts unconscionable, but they are unwise because they will ultimately lead to future costs should there be widespread hunger, famine or civil unrest that requires American assistance. Mr. Speaker, we need to do better. We must do better. We need a surface transportation bill that actually puts Americans back to work.

I again ask my Republican friends to stop holding the Senate bill hostage. Bring it to the floor. Let us have an up-or-down vote on it. Let us pass it and get people back to work. We need to ensure that Wall Street doesn't, once again, run unchecked; and we need to guarantee that we don't let Americans go hungry during these difficult economic times. The Republican agenda is quite contrary to where I think the majority of Americans are, and we're seeing that agenda—that radical right-wing agenda—at work in these appropriations bills.

I will just close with this, Mr. Speaker:

My colleagues on the other side like to talk about numbers all the time while I like to talk about people. I got elected to Congress to help people. As I said at the beginning of my remarks, the agenda by this Republican majority is all about putting people down. We should be about lifting people up in this country. We can meet our budgetary challenges without lowering the standard of living for the people of this country.

With that, I urge my colleagues to reject this rule, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from North Carolina for yielding time.

I am very pleased to speak in favor of the rule on H.R. 5972, the fiscal year 2013 Transportation, Housing and Urban Development appropriations bill.

I want to thank the chairman and ranking member of the Rules Committee for their assistance in moving this important bill forward. I also want to thank Chairman ROGERS and Ranking Member DICKS for their commitment to moving appropriations bills through the House so that we can fund America's priorities while demonstrating the committee's proven record of cutting waste, fraud, and abuse.

In particular, I want to thank THUD Ranking Member JOHN OLVER for his assistance in crafting this legislation. This is his last THUD bill before retiring at the end of this year.

The Transportation and HUD bill represents responsible choices for our Nation's most pressing housing and transportation needs. This bill's allocation of \$51.6 billion is almost \$4 billion below fiscal year 2012 and is almost \$2 billion below the President's request. The bill also reflects the budget resolution passed by the House.

The bill is largely free of authorizations, leaving that important work to the Transportation and Infrastructure and Financial Services Committees. As the amendments to the THUD bill are rolling in, we are seeing a very familiar

theme—authorizing provisions. There are a multitude of issues, especially in the transportation title and the housing title, that very desperately needed to be considered and acted upon by the authorizing committees of jurisdiction. A number of Members have good ideas for improving these programs, and the authorizers need to have the opportunity to turn these ideas into law.

The Appropriations Committee can only deal with existing law, so I would urge my colleagues with amendments that are out of order to please bring these issues to the relevant chairmen, and let's improve the underlying statutes. We can't make these authorizing changes on this appropriations bill.

I urge my colleagues to support the rule. I look forward to the general debate on the Transportation and HUD bill and to a very speedy amendment process.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the ranking member of the Appropriations Subcommittee on Agriculture, the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding.

I rise in strong opposition to the \$19.405 billion allocation that our Subcommittee on Agriculture and Food and Drug Administration-related agencies received, but I rise in support of the rule for moving this process forward with a great floor debate.

The allocation given to our committee is \$1.7 billion, or 8 percent, below what the President requested; and it is \$365 million, or 1.8 percent, below what we enacted in the House last year, in 2012.

Chairman KINGSTON, my colleague on the Republican side of the aisle and chair of our committee, does a great job. He has talked about how we have savings that have been found and that, in tough budgetary times, everybody has got to tighten his belt. We all know that, but it's about the cost of tightening those belts and about those who depend on those programs which, in many ways, are their survival. I feel several programs have been cut so deeply that people will either be unable or will have difficulty in performing the duties of those programs.

This bill slashes Food for Peace by 22 percent. Let me be crystal clear about what this cut means. Mr. MCGOVERN just spelled it out very clearly. It's the wrong thing to do. It means 6 million to 8 million people will face starvation—6 million to 8 million people. Cutting food aid only increases the need to bump up other, more costly efforts later on. It means that 44,000 Americans who produce that food could be losing their jobs. Those include farmers, the shippers of food, processors, port workers, and merchant mariners, who ship it across the seas.

In another example, 41 percent is being cut from the Commodity Futures

Trading Commission—41 percent. That's misguided and shows a lack of understanding of its oversight responsibilities. A failure to fund robust oversight will only hurt American taxpayers. The CFTC is charged with the oversight of unregulated swaps at \$300 trillion a year—\$300 trillion of these swaps—and it is grossly unregulated.

This regulatory oversight protects the American taxpayer and reckless Wall Street behavior that caused the 2008 financial crisis. We all know that reckless Wall Street behavior led to the collapse of the housing market, which is still dragging down economic growth in all of our communities across America. We in Congress need to restore the people's confidence in our ability to govern and to regulate Wall Street and to benefit Main Street. We in Congress need to restore the CFTC funding.

Remember, too, that the FDA, which is the Food and Drug Administration, oversees 80 percent of our Nation's food supply, including food for more than 3,000 facilities in 200 countries around the world.

□ 1750

I appreciate the effort here to bump up food safety modernization implementation. However, the total Food and Drug Administration is funded at \$16 million under what we gave them last year, and \$31 million below what was requested for this year.

As you know, in addition to overseeing most of our food supply, it is responsible for the safety of drugs and medical devices, many of which are imported to the United States.

In closing, I do think that Chairman KINGSTON made a good effort in crafting this bill, given the allocation he had to deal with. I support this rule and continue to work with him as we move forward on this bill. Let's have a good hearty debate and adopt some amendments to correct it.

Ms. FOXX. Mr. Speaker, one of the bills that will seek consideration under this open rule is H.R. 5973, which primarily funds agriculture and nutrition programs. The legislation contains discretionary funding, as well as required mandatory funding for food and nutrition programs within the Department of Agriculture. This includes funding for the special Supplemental Nutrition Assistance Program for Women, Infants, and Children, or WIC, the food stamp, or Supplemental Nutrition Assistance Program, SNAP, and the child nutrition programs.

The bill provides \$6.9 billion in discretionary funding for WIC, which, contrary to what liberals suggest, is \$303.5 million above last year's level. This program provides supplemental nutritional foods needed by pregnant and nursing mothers, babies, and young children. Language is included for oversight and monitoring requirements

to ensure the proper use of taxpayer dollars, as well as food price tracking to ensure necessary resources continue serving those eligible for program benefits.

The bill provides for \$19.7 billion in required mandatory funding outside of the discretionary funding jurisdiction of the Appropriations Committee for child nutrition programs, which is \$1.5 billion above last year's level. The bill provides for \$80 billion in required mandatory spending, which is, again, outside of the discretionary funding jurisdiction of the Appropriations Committee, for SNAP, the food stamp program. This is \$408 million below last year's level.

Since food stamps or SNAP spending is driven by program participation, the spending is called mandatory. This legislation also includes new stringent reporting requirements to help weed out and eliminate waste, fraud, and abuse in the program, such as a requirement for States to include the fraud hotline number on all EBT cards, a directive that the Secretary of Agriculture ban fraudulent vendors, and a requirement for States to share data with enforcement agencies.

The legislation includes \$996 million for food safety and inspection programs, which is equal to the President's budget request, and a decrease of \$9 million below last year's level. These mandatory inspection activities, which play a significant role in maintaining the safety and productivity of the country's \$832 billion meat and poultry industry, help maintain critical meat, poultry, and egg product inspection and testing activities and support the implementation of a poultry inspection program to improve safety and inspection efficiency. This voluntary inspection program is expected to reduce government costs by \$85 million to \$95 million over 3 years and reduce costs to private businesses by a total of \$250 million.

The FDA receives a total of almost \$2.5 billion in discretionary funding in the bill, representing a 0.7 percent or \$16.3 million reduction below last year's level. Total funding for the FDA, including user fees, is \$3.8 billion.

These are just some of the priorities outlined in the underlying legislation. I look forward to hearing from committee leaders, who will provide further discussion of various elements of the legislation at the time the bill is debated.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, before I yield to the gentlewoman from Connecticut, I just want to yield myself such time as I may consume just to make a point here.

I think it's important for us not to try to fool anybody by saying that we are adequately living up to the challenge of combating hunger and food in-

security in this country, because I will say to the gentlelady that there are 49 million Americans who would disagree with you. There are 49 million Americans who are hungry in our country, the richest country on the planet. Seventeen million of them are children.

Among the many things that are cut in this Agriculture appropriations bill is the Commodity Supplemental Food program. The cut in that alone would throw 55,000 seniors off of food assistance.

We can talk about that we're trying to do the best we can, but let's not say that somehow we're doing something we're not. We are not meeting the challenge of ending hunger and food insecurity in America. Not by a long shot. That's one of the frustrating things about this appropriations process—that the very programs to help people get out of poverty, to get on their feet again, are being slashed. You are balancing the budget on the backs of hungry people while you ask Donald Trump not to pay one penny more in taxes. I think that's unfair, and that's why, I think, this whole process is unfair.

At this point, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule and the underlying Agriculture-FDA appropriations bill.

It does not meet our responsibilities to the American people. This bill's allocation is \$1.7 billion below the President's request. The lower allocation represents a breaking of the bipartisan agreement we made last August. It will have a dramatic impact on the fundamental American priorities embodied in this bill, especially in the critical areas of financial protection, nutrition, food safety, and antihunger programs.

I would like to submit this letter from the United States Conference of Catholic Bishops for the RECORD, a letter that speaks out against the inadequate funding for nutrition and antihunger programs in this appropriations bill.

Nearly half of the babies born in the United States every year participate in the Women, Infants, and Children feeding program. It is a short-term intervention that can help provide a lifetime of good nutrition and health behaviors. And yet at a time of great need, the bill underfunds WIC by \$119 million.

The Food and Drug Administration is the cornerstone of our food and product safety system, and yet this bill rescinds \$47.7 million in previous funding and displaces the agency's vital mission: protecting the health of Americans at risk.

The bill cuts the Food for Peace program. Because of this cut, at least 6.6 million fewer hungry people around the globe will be fed. Already, 300 children

perish every hour of every day because of hunger and related causes. Ronald Reagan correctly called Food for Peace "an instrument of American compassion," and we should support it.

We know for a fact that the risky behavior in derivative markets that precipitated the 2008 financial meltdown is still happening. We've seen it with MF Global and J.P. Morgan. Americans want more accountability from Wall Street and less speculation erratically driving up oil prices. And yet, this bill funds the Commodity Futures Trading Commission at \$25 million less than 2012 and the full \$128 million—41 percent. This is quite simply setting the commission up for failure.

We have a lot of work to do to fix this bill. We must ensure that the fundamental priorities of the people that we represent—like preserving fair markets, improving nutrition, ensuring food and consumer safety—are upheld.

I urge my colleagues to oppose this rule.

I might add that in the State of Connecticut, in the Third Congressional District, one out of seven individuals is food insecure. What does food insecurity mean? It means they don't know where their next meal is coming from.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield an additional 1 minute to the gentlewoman from Connecticut.

Ms. DELAURO. We have 49 million people in this Nation who are going to bed hungry every night in the richest country in the world. It is inconceivable that we would cut back on food and nutrition programs when the Nation is suffering from the most serious economic recession it is having, and that we would cut back on food stamps.

We have cut back on school breakfast programs, school lunch programs, The Emergency Food Assistance program, the Commodity Supplemental Food program. And while the richest people in this Nation are having three squares a day or better, let's get our priorities straight. Let's focus on the people that we have come here to represent. Oppose this rule and oppose this bill.

UNITED STATES CONFERENCE
OF CATHOLIC BISHOPS,
Washington DC, June 26, 2012.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the United States Conference of Catholic Bishops, we wish to address the moral and human dimensions of the FY 2013 Agriculture Appropriations legislation. The bishops' conference urges you to resist significant cuts to both domestic and international food aid and conservation and rural development programs. Major reductions at this time of economic turmoil and rising poverty will hurt hungry, poor and vulnerable people in our nation and around the world.

In *For I Was Hungry and You Gave Me Food*, the bishops wrote, "The primary goals of agricultural policies should be providing

food for all people and reducing poverty among farmers and farm workers in this county and abroad." Adequate nutrition is essential to protect human life and dignity. We urge support for just and sufficient funding for agriculture policies that serve hungry, poor and vulnerable people while promoting good stewardship of the land and natural resources. In our soup kitchens and on our parish doorsteps, we see the faces of poor and hungry people every day. As a faith community, we feed those without work, pregnant women and children and seniors on a limited income. The Catholic community at home and abroad includes farmers, ranchers, farmworkers and business owners who grow food, care for the land and help rural communities prosper.

The bishops' conference acknowledges the difficult challenges that Congress, the Administration and government at all levels face to match scarce resources with growing needs. A just spending bill cannot rely on disproportionate cuts in essential services to poor and vulnerable persons; it requires shared sacrifice by all.

As pastors and teachers, we believe these are economic, political and moral choices with human consequences. Our bishops' conference has offered several moral criteria to help guide difficult budgetary decisions:

Every budget decision should be assessed by whether it protects or threatens human life and dignity.

A central moral measure of any budget proposal is how it affects "the least of these" (Matthew 25). The needs of those who are hungry and homeless, without work or in poverty should come first.

Government and other institutions have a shared responsibility to promote the common good of all, especially ordinary workers and families who struggle to live in dignity in difficult economic times.

We address the following programs as they reflect a priority for poor and hungry people and promote good stewardship:

DOMESTIC PROGRAMS

WIC: The Women, Infants, and Children nutrition program is fully funded at \$7.04 billion in the President's FY 2013 budget. With record high child poverty (1 in 5 children), a cut to this program would harm some of the most vulnerable people in our country.

TEFAP: The Emergency Food Assistance Program receives appropriations funding for food storage and distribution grants in local communities. Cuts to the program could force some of our parishes and other charities to turn away hungry people when they continue to need our help.

SNAP: The Supplemental Nutrition Assistance Program (formerly food stamps), received a \$2 billion cut made to the reserve fund in the 2010 child nutrition bill. Restoration of funding is necessary as families continue to struggle with joblessness and poverty.

CSFP: The Commodity Supplemental Food Program provides food assistance to low-income seniors, pregnant and breastfeeding women and infants and children. Adequate funding is needed to help faith communities and other charities provide food packages to hungry people in their local communities. Reductions will result in a loss of food for thousands of low-income seniors.

CSP: Adequately fund the Conservation Stewardship Program to help farmers conserve and care for farm land for future generations. Strong conservation programs are necessary to promote good stewardship of creation and provide needed support to family farms.

VAPG: Maintain current funding for the Value Added Producer Grants program to help farmers and ranchers develop new farm and food-related businesses to increase rural economic opportunity and help farm and ranch families thrive. In addition, restore funding for the Rural Micro-entrepreneur Assistance Program (RMAP)—which was eliminated in the FY 2012 funding bill—to help small businesses develop and grow in rural communities.

INTERNATIONAL PROGRAMS

Food for Peace: The President's Budget proposal calls for a 4.5% cut to the Title II Food Aid program from the FY 2012 appropriated levels, which is a 20% cut from the FY 2010 level. Such substantial cuts over just two years will undoubtedly lead to an unacceptable loss of life for those in dire circumstances.

Safe Box: Congress must protect Title II Food Aid funds to development programs by preserving the "safe box" provision. Programs funded through the safe box help chronically hungry communities build lasting agricultural capacity that minimizes the impact of severe weather and other catastrophes.

Local and Regional Purchase: Direct funds to the Local and Regional Procurement (LRP) of food commodities. As demonstrated in the pilot program funded by the 2008 Farm Bill, LRP can reduce the cost of food assistance, shorten delivery times, and improve overall response for both emergency and development programs.

202e Funds: Increase the amount of cash resources in the Title II program. The distribution of food alone is not enough to stimulate sustainable development. Agencies like Catholic Relief Services use these funds to operate nutrition education programs that save the lives of mothers and children and for agricultural programs that increase the quality and amount of food that poor farmers produce. Increasing cash resources would also reduce the need to sell U.S. food in developing countries to generate cash to support such programs (monetization).

PRIORITIES AND SUBSIDIES

The bishops' conference supports farm safety net programs such as crop insurance and disaster assistance that are targeted to the needs of small to medium sized farmers and ranchers. Savings should be used to fund hunger and nutrition programs that serve people in need.

At a time of great competition for agricultural resources and budgetary constraints, the needs of those who are hungry, poor and vulnerable should come before assistance to those who are relatively well off and powerful. With other Christian leaders, we urge the committee to draw a "circle of protection" around resources that serve those in greatest need and to put their needs first even though they do not have powerful advocates or great influence. The moral measure of the agriculture appropriations process is how it serves "the least of these." We urge you to protect and fund programs that feed hungry people, help the most vulnerable farmers, strengthen rural communities and promote good stewardship of God's creation.

Sincerely yours,

MOST REVEREND STEPHEN
E. BLAIRE,
*Bishop of Stockton,
Chairman, Com-
mittee on Domestic
Justice and Human
Development.*

MOST REVEREND RICHARD

E. PATES,
*Bishop of Des Moines,
Chairman, Com-
mittee on Inter-
national Justice and
Peace.*

□ 1800

Ms. FOXX. Mr. Speaker, the other bill that will benefit from consideration under this open rule is H.R. 5972, which provides funding aimed at supporting a vibrant and safe transportation infrastructure while making the difficult decisions needed to balance the budget.

The bill includes \$17.6 billion in discretionary appropriations for the Department of Transportation for fiscal year 2013. This is \$69 million below last year's level. The bill designates \$39.1 billion from the highway trust fund for the Federal highway program, which is the same level provided last year.

However, the committee recognizes that since the highway program still requires reauthorization and the funding level provided in the bill may change upon the enactment of a highway authorization bill for the next fiscal year, the Appropriations Committee is prepared to support a differing highway trust fund spending level should a new multiyear authorization bill be enacted.

Included in the legislation is \$12.6 billion for the Federal Aviation Administration, which is \$91 million above last year's level. The bill provides nearly \$1 billion for the FAA's Next Generation Air Transportation System, otherwise known as NextGen, allowing the FAA to move forward with the next step in modernizing the Nation's air control and airport system. The bill also supports operations and staffing, which will help ease congestion and reduce delays for travelers in U.S. airspace while rejecting the administration's proposals for new aviation fees.

The legislation contains funding for the various transportation safety programs and agencies within the Department of Transportation. This includes \$776 million in both mandatory and discretionary funding for the National Highway Traffic Safety Administration, representing a reduction of \$23.8 million below last year; \$551 million for the Federal Motor Carrier Safety Administration, representing a reduction of \$2.6 million below last year; and \$177 million for the Pipeline and Hazardous Materials Safety Administration, which is \$4 million above last year's level.

The legislation includes a total of \$33.6 billion to the Department of Housing and Urban Development, which is \$3.8 billion below last year's level. The bill wastes no funding on any new, unauthorized "sustainable," "livable," or "green" community development programs. \$26.3 billion is included in the bill for public and Indian housing, representing an increase of \$759 million above last year's level.

Within this total, the bill provides funding to renew benefits for every single individual and family currently receiving assistance and ensures that no critical benefits are eliminated or canceled. The bill also fully funds the President's request for veterans' housing at \$75 million and Native American block grants at \$650 million.

Housing programs within the bill are funded at \$9.3 billion, representing a reduction of \$361 million below last year's level and \$49 million below the request. Within this total, the bill provides sufficient funding for the most vulnerable populations, including \$165 million for housing for the disabled, an increase of \$15 million over last year, and \$425 million for housing for the elderly, again, an increase of \$50 million above last year.

These are just some of the priorities outlined in the underlying legislation. Again, I look forward to hearing from committee leaders who will provide further discussion of the various elements of the legislation.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, this rule allows Members to go home to their districts, even if we don't address the doubling of student loan interest rates that are about to hit people across the country and even if we don't hammer out a deal to fund our transportation programs and create jobs, notwithstanding the fact that our infrastructure is crumbling.

If we defeat the previous question, I will offer an amendment to the rule to say that the House cannot adjourn at the end of this week until we finish our business.

And to discuss this amendment, I would yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today to oppose the rule because we are set to adjourn this week without finishing our critical work on transportation.

We need a long-term surface transportation bill that puts Americans back to work. Mr. Speaker, this House only builds roads in order to find cans to kick down those roads. We cannot have a "big league" economy with "little league" infrastructure in this country. We need a long-term investment to repair our roads, bridges, and highways, and to maintain our transit systems.

Leaders of our country have always recognized this fact. Three years after Lewis and Clark left for the West, President Jefferson secured funding for the Cumberland Road. If Jefferson recognized the importance that transportation can have in linking this country, uniting the States in a shared economy and trade, surely we can show that same recognition today by staying here to ensure that the work of job creation is done. The question before us is

whether this body recognizes that transportation projects create jobs and set the stage for economic growth.

A bipartisan bill passed out of the Senate. It was forged out of compromise. It is a bipartisan solution. It means immediate job creation. It means jobs for private sector contractors, laborers, and engineers.

A conference committee is meeting right now to bring us a long-term authorization to create real jobs. We should not adjourn without a long-term, robust, and bipartisan investment in transportation and jobs.

I urge my colleagues to vote against this rule so we can finish this work.

Ms. FOXX. Mr. Speaker, my colleagues are talking about the fact that we are going to have a district work period next week. The district work period is because next week we are celebrating the signing of the Declaration of Independence, one of the most important holidays in this country.

Our colleagues across the aisle want to create more dependence in this country. They are as far away from the Founders of this country as you can be in terms of what makes this country unique and what makes it so great.

We don't need more dependence in this country, Mr. Speaker. We need to celebrate what makes this country great, what makes us unique. It's the independence of this country and the independence of citizens and their ability to take care of themselves and to personally take care of each other and not continue to look to the nanny state that our friends would create and have tried to create over the years.

These are very difficult times, Mr. Speaker. We all know that. But it's important that the American people understand that House Republicans have repeatedly worked to find common ground with the President and Senate Democrats and have passed several bipartisan bills that would improve this economy which has been so damaged by the policies of the left and this President.

Several proposals supported even by the President have passed the House and have been signed into law, including trade pacts, a bipartisan veterans hiring bill, and a repeal of the IRS withholding tax on job creators. But the President's own job council has embraced many of the job proposals advocated by Republicans but ignored by the President himself.

The simple truth is that President Obama's attempt supported by our colleagues on the other side of the aisle, and by them only, to stimulate the economy by growing government has failed.

But you don't have to take my word for it, Mr. Speaker. Just look at the facts: The recent jobs report showed that the U.S. gained only 69,000 jobs in the month of May.

May marked the 40th consecutive month that the unemployment rate

has remained above 8 percent, repudiating the administration's pledge that unemployment would remain below 8 percent if the Democrat 2009 stimulus plan became law. Lest we forget, it was the Obama administration which claimed unemployment would be below 6 percent today if the \$1.178 trillion Democrat "stimulus" was signed into law.

At the current rate of job growth, if the United States continues to struggle under the failed policies that have produced the "Obama economy" and adds only 69,000 jobs each month in the future, it would take a total of 10 years and 5 months—until June 2018—to regain all the jobs lost during the latest recession, which is longer than the 8 years it took to regain the jobs lost during the Great Depression.

□ 1810

But even these figures, Mr. Speaker, hide the fact that the rate of underemployment, or real unemployment, which counts those who want to work but have stopped searching in this economy and those who are forced to work part-time because they cannot find full employment, is 14.5 percent or higher.

Also troubling is the realization that since 2008, which is the year President Obama was elected, median family income has declined by \$1,154, falling to its lowest level since 1996. As of March 2012, the number of Americans receiving food stamps was 46.4 million, which is the third most in any month in history and up 80,000 from February. Today, 15 percent of Americans receive food stamps, representing an increase of 45 percent since President Obama took office.

Mr. Speaker, our colleagues on the other side of the aisle want to continue the failed policies they began in 2007 and instituted for 4 years and worked with President Obama for 2 years on. Fortunately, Mr. Speaker, House Republicans are working to improve the dismal conditions imposed by the liberal regime that dominated Washington, D.C., for far too long.

I reserve the balance of my time.

Mr. MCGOVERN. Let me just say I hope that the gentlelady wasn't implying that somehow the Federal Government doesn't have a role in investing in our national highway infrastructure. Dwight Eisenhower, a Republican, I should remind the gentlelady, understood the importance of having a national highway program.

As has been pointed out by a number of our speakers on the Democratic side, our infrastructure is aging and is falling apart, and we're not going to be able to compete in this global economy unless we make the proper investments. And by making the proper investments, we are not only helping our economy; we are putting people back to work. We are putting people back to

work. And yet the Republican leadership of this House is holding hostage a transportation bill that passed the Senate that would put countless people back to work, which passed overwhelmingly in the Senate by 74 votes—overwhelmingly in the Senate. We can't get that brought up on the House floor for a vote.

The Republicans, I would say, Mr. Speaker, I think are intentionally running out the clock. I think it's a cynical attempt to hold everything up, to not invest in our economy, to slow down economic growth. Hopefully, I think, in their minds, they hope that it will win them the election. I think it's a cynical way to do politics. We ought to be on this floor helping the American people.

And, yes, the 4th of July is a great time for us to celebrate our country, but a lot of Americans are not going to celebrate because they're out of work. And we have the ability to put them back to work. Yet my friends on the other side of the aisle are holding hostage the very bill that could put countless Americans back to work.

At this time I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 4 days, the subsidized Stafford student loan interest rate is going to double from 3.4 percent to 6.8 percent. Despite the fact that that looming deadline which affects over 7 million college students all across America is staring us in the face, what we are debating here today is a rule which allows the House to go into recess for the 10th week since January, which is part of this rule.

The good news is that a couple of hours ago it was reported that the Senate and Republican leadership have actually agreed upon a settlement of this issue which would allow the 3.4 percent rate to be extended for 1 year. But I would note that MITCH MCCONNELL, who's the minority leader for the Republican Party, said that:

Final approval of student loan legislation, which would prevent rates on Federal Stafford loans from doubling to 6.8 percent, depends on House Republicans.

The fact of the matter is we have no idea whether or not the House Republican leadership is going to agree to this compromise which the Senate leadership reached a few hours ago, because all we're debating here today is another adjournment or recess motion before the House. The fact of the matter is it is time for us to focus on this issue which the President on January 25 challenged Congress to act on.

I started this countdown chart at day 110. We are now down to the final hours before the interest rates double, which will cost thousands of dollars in more interest costs to college students across America, unless we act. The fact

of the matter is that the House Republican bill that they rushed to the floor without a subcommittee, without a markup, was completely rejected by Republicans in the Senate. We now have the glimmer of a deal, a compromise. We should not be debating another adjournment resolution for the 10th week of recess this year until we get this work done.

There are millions of college students all across America who are waiting for us to get this issue resolved so that they can plan their budget for the next fall semester. And the fact that we're here again with another adjournment resolution with the most unproductive Congress in recent memory is ridiculous. We should reject this rule. Let's focus on getting the work done that the American people are counting on.

Ms. FOXX. I need to remind my colleague across the aisle we're not debating an adjournment resolution here today. I also need to remind my colleague across the aisle that it was the Democrats that set this student loan problem up. They made promises in 2006 to the American people they couldn't keep; and so they set up a time bomb, actually, so that the interest rates on the student loans would go back up because, again, they made promises they couldn't keep about lowering the rate of interest.

It affects a very small number of students, and it only affects them when they graduate from college, Mr. Speaker. If the Obama economy weren't so lousy and only 50 percent of the students graduating were getting jobs, it really wouldn't be that big an issue because it's a very small amount of money to the students. And if they had jobs, they wouldn't be quite so concerned about it. They only have to pay those loans back after they graduate because we're subsidizing interest while they are in school.

So I think our colleagues don't really want to go in that direction and talk about blaming Republicans for this mess with student loans, since they created it. And if the students were getting jobs, most of them wouldn't be as concerned about it as they are now.

Also, on the transportation bill that our colleagues tout so well, again, it fits right into their philosophy of borrow, borrow, borrow; spend, spend, spend. It is not a responsible bill because the Republican bill would stay within the limits of the revenue that we get from the highway trust fund. But they just want to borrow from the general fund and make our situation worse.

Mr. Speaker, it seems clear to everyone except the liberal leadership that job creators are bogged down by overly burdensome Federal regulations that prevent job creation and hinder economic growth. These regulations are particularly damaging for the real job

creators in the country: small business owners. The Federal Government may create jobs, but they are not sustainable jobs, and they are a drag on the economy.

However, House Republicans recognize the need to remove onerous, redundant Federal regulations that are so harmful to small businesses and impede private sector investment and job creation. In order to ease the regulatory burden on the economy and to promote job creation, House Republicans have worked to advance legislation to rein in the unaccountable Federal regulatory apparatus and continue to pursue innovative initiatives such as my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act, which would help improve transparency and accountability by disclosing costs to Federal mandates that would otherwise remain hidden from public scrutiny.

House Republicans appreciate that America's Tax Code has grown overly complicated and cumbersome, filled with loopholes and giveaways and is fundamentally unfair. That's why the House Republican plan for America's job creators recognizes the need to eliminate the special interest tax breaks that litter the Tax Code and reduce our overall tax rate to no more than 25 percent for business and individuals, including small business owners. This would make the Tax Code flatter, fairer, and simpler. Commonsense changes to the Tax Code would ensure that everyone pays his or her fair share, lessens the burden on families, generates economic expansion, and creates jobs by making Americans more competitive.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise to urge a "no" vote on the previous question so that an amendment to the rule can be offered.

Mr. Speaker, we just heard about what makes this country great. Well, I think what makes this country great is the education of our people.

□ 1820

We know that having a good education is key to achieving the American Dream and key to keeping our country competitive. We all know that because the folks in this Chamber know the importance of a college education. Most people here have gone to college. But there are millions of young adults who are slowly seeing that opportunity evaporate with tuition skyrocketing.

Students from across my district in San Diego are struggling, and they tell me that every day. Some are doing a delicate balancing act of providing for their families while taking on a full academic course load. And others,

quite frankly, are just scraping by each semester. An additional burden of \$1,000 in interest payments is no trifling matter for these students. And yet, we see that partisan games have led to gridlock on this issue.

College students know that if they miss deadlines, there are consequences. And for Congress, there should be consequences, too. Well, Mr. Speaker, the clock is running out, and I urge my colleagues, please, support a solution that gives students and families the relief that they desperately need.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me this time.

I think most Americans would agree, irrespective of which party they are in, that it would be a good idea to put Americans back to work building our highways and our bridges and our transportation systems, and do it now.

I think most Americans would agree that doubling interest rates on student loans would be disastrous for people struggling to get a college education.

I think most Americans would agree that if the other body passed a transportation bill by three-quarters of the Members voting for it, Republican and Democrat, it would be a good idea to take that bill up here.

I think most Americans would agree that if the Republican and Democratic leadership in the other body reached an agreement on a way to keep the student loan rates low and not add to the deficit by paying for it, it would be a really good idea to bring the bill up here.

The unfortunate thing for the House and for the country is that the only people who don't seem to be a part of that consensus are the Republican Members of the House of Representatives. No matter if the Senate Republicans say it's okay, and the Senate Democrats say it's okay, and the President says it's okay, and the House Democrats say it's okay, and more importantly, if the American people say it's okay, it somehow isn't usually okay with them.

So what Mr. MCGOVERN is saying is this: until we keep the student loan rates low, and until we pass a jobs bill to put people back to work on transportation, let's not take our 10th week of paid vacation this year. I think that's a pretty reasonable thing to do. So voting "no" on the previous question says let's get our work done before we go home and take our 10th week of vacation for the year. Vote "no."

Ms. FOXX. Mr. Speaker, I don't know about my colleagues across the aisle, it's not a paid vacation for me. I go home and spend time with my constituents and hear from them what's of concern. Maybe they're on vacation,

but I know the people on our side of the aisle are not on vacation. They're working hard for the American people, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentlelady how many more speakers she has on her side?

Ms. FOXX. We are prepared to close when the gentleman is prepared to close.

Mr. MCGOVERN. I'm prepared to close. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, our job should be to help improve the quality of life for the citizens that we represent. We ought to be investing in our economy at this very difficult time. That's why we are urging the House Republicans to join with the Senate Republicans and the Senate Democrats and the House Democrats in bringing a highway bill to the floor so we can provide some certainty to our States, so there can be more investments in infrastructure, so there can be more jobs created. That would give the American people a little something to celebrate.

We are urging my colleagues on the Republican side here in the House to join with us in making sure that interest rates on student loans don't double for a great number of young people in this country who are trying to get an education. My colleague from North Carolina would have us believe that it is no big deal. Well, it is a big deal. It's a big deal to those students and to their families. It is a big deal to those of us on this side of the aisle. And maybe that's one of the differences between the two parties. We believe college education ought to be affordable, and no one should not go to college because they can't afford the education.

Mr. Speaker, I ask unanimous consent to insert the text of an amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, the amendment basically says we're not going home, we're not leaving this place until we do our work because part of our job, I would say to my colleague from North Carolina, is not just going home and meeting with our constituents and marching in parades. Part of our job is to pass legislation that is important to the people we represent.

This highway bill is important to putting people back to work. My friends on the other side of the aisle have dragged their feet and dragged their feet and dragged their feet. I

think it is unconscionable. We are running out of time. We need to start doing the people's business here. And if that means that we have to stay through the weekend, we should stay through the weekend. If we have to stay through next week, we should stay through next week. But we ought to do something meaningful.

Our job should not be about lowering the quality of life for people, and that is my problem with the appropriations process that my colleagues have pursued in this House. It is all about putting all of the burden of balancing our budget on middle-income families and on those who least can afford it. Donald Trump is not asked to pay one penny more.

Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question, and I urge a "no" vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, again, next week is the Fourth of July. We are going to be celebrating Independence Day, and I would like to say that I don't believe the job of the Federal Government is to provide things to citizens but to preserve our liberty, and that's what next week should be reminding us of.

Mr. Speaker, House Republicans are aware of the clear mandate the American people gave us. Our charge is to reduce the crushing debt that our country is currently carrying. According to the Senate Budget Committee, debt grew four times faster under President Obama than Clinton or Bush, with President Obama already having amassed more debt since taking office than did President Bush during his entire two terms in office. Today, the national debt is over \$15 trillion, which amounts to nearly \$48,000 for every man, woman and child in America.

It's clear without a change in leadership in the White House and Senate, the legacy we are apt to leave our children and grandchildren will be a crushing debt burden and a weaker, less secure, and less prosperous Nation. This is simply unacceptable.

The Federal Government's current budget deficits are simply unsustainable. During these tough economic times, American families are getting by on less, and the government should do the same.

When the Democrat elites were in the majority, they pushed a job-killing agenda starting with the \$1 trillion failed stimulus package, followed by a massive job-killing tax hike in the form of cap-and-trade, then the job-killing ObamaCare, all the while leaving our country with record debts and deficits as unemployment skyrocketed. Recognizing that government has gotten too expensive, Republicans are here to stop the senseless Obama spending binge. That's why I urge my colleagues to support this rule and the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 697 OFFERED BY
MR. MCGOVERN OF MASSACHUSETTS

Strike section 4 and insert the following:

SEC. 4. Except as specified in section 5, it shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

SEC. 5. It shall not be in order to consider a concurrent resolution providing for adjournment on Friday, June 29, 2012, unless the Majority Leader and Minority Leader jointly certify to the Speaker in writing that the Congress has cleared for presentment to the President measures that will:

- prevent the doubling of interest rates on student loans; and
- reauthorize Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the mo-

tion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 697 will be followed by 5-minute votes on adoption of the resolution, if requested; the motion to instruct on H.R. 4348 offered by the gentleman from Maryland (Mr. HOYER); and the motion to instruct on H.R. 4348 offered by the gentlewoman from Tennessee (Mrs. BLACK).

The vote was taken by electronic device, and there were—yeas 226, nays 168, not voting 38, as follows:

[Roll No. 412]

YEAS—226

Adams	Brown (GA)	DesJarlais
Aderholt	Buchanan	Dold
Alexander	Bucshon	Dreier
Amash	Buerkle	Duffy
Amodei	Burgess	Duncan (SC)
Austria	Calvert	Duncan (TN)
Bachmann	Camp	Ellmers
Bachus	Canseco	Emerson
Barietta	Cantor	Farenthold
Bartlett	Capito	Fincher
Barton (TX)	Carter	Fitzpatrick
Bass (NH)	Cassidy	Fleischmann
Benishke	Chabot	Fleming
Berg	Chaffetz	Flores
Biggart	Coble	Forbes
Bilbray	Coffman (CO)	Fortenberry
Bilirakis	Cole	Fox
Bishop (UT)	Conaway	Franks (AZ)
Black	Cravaack	Frelinghuysen
Blackburn	Crawford	Gallegly
Bonner	Crenshaw	Gardner
Bono Mack	Culberson	Garrett
Boustany	Davis (KY)	Gerlach
Brady (TX)	Denham	Gibbs
Brooks	Dent	Gibson

Gingrey (GA)	Mack	Rokita
Gohmert	Manzullo	Rooney
Goodlatte	Marchant	Ros-Lehtinen
Gosar	Marino	Roskam
Gowdy	McCarthy (CA)	Ross (FL)
Granger	McCaul	Royce
Graves (GA)	McClintock	Runyan
Graves (MO)	McCotter	Ryan (WI)
Griffin (AR)	McHenry	Scalise
Griffith (VA)	McKeon	Schilling
Grimm	McKinley	Schmidt
Guinta	McMorris	Schock
Guthrie	Rodgers	Schweikert
Hall	Meehan	Scott (SC)
Hanna	Mica	Scott, Austin
Harper	Miller (FL)	Sensenbrenner
Harris	Miller (MI)	Sessions
Hartzler	Miller, Gary	Shimkus
Hastings (WA)	Mulvaney	Shuler
Hayworth	Murphy (PA)	Shuster
Heck	Myrick	Simpson
Hensarling	Neugebauer	Smith (NE)
Herger	Noem	Smith (NJ)
Herrera Beutler	Nugent	Smith (TX)
Huelskamp	Nunes	Southerland
Hultgren	Nunnelee	Stearns
Hunter	Olson	Stutzman
Hurt	Palazzo	Terry
Issa	Paul	Thompson (PA)
Jenkins	Paulsen	Thornberry
Johnson (OH)	Pearce	Tiberi
Johnson, Sam	Petri	Tipton
Jones	Pitts	Turner (OH)
Kelly	Platts	Upton
King (IA)	Poe (TX)	Walberg
King (NY)	Pompeo	Posey
Kingston	Posey	Walden
Kinzinger (IL)	Price (GA)	Walsh (IL)
Kline	Quayle	Webster
Labrador	Reed	West
Lance	Rehberg	Westmoreland
Lankford	Reichert	Whitfield
Latham	Renacci	Wilson (SC)
LaTourrette	Ribble	Wittman
Latta	Rigell	Wolf
LoBiondo	Rivera	Womack
Long	Roby	Woodall
Lucas	Roe (TN)	Yoder
Luetkemeyer	Rogers (AL)	Young (AK)
Lummis	Rogers (KY)	Young (IN)
Lungren, Daniel E.	Rogers (MI)	
	Rohrabacher	

NAYS—168

Andrews	Cummings	Johnson, E. B.
Baca	Davis (CA)	Kaptur
Baldwin	Davis (IL)	Keating
Barber	DeFazio	Kildee
Barrow	DeGette	Kind
Bass (CA)	DeLauro	Kissell
Becerra	Deutch	Kucinich
Berkley	Dicks	Langevin
Berman	Dingell	Larsen (WA)
Bishop (GA)	Doggett	Larson (CT)
Bishop (NY)	Donnelly (IN)	Lee (CA)
Bonamici	Doyle	Levin
Boren	Edwards	Lipinski
Boswell	Ellison	Loeb
Brady (PA)	Eshoo	Lowey
Braley (IA)	Farr	Lujan
Brown (FL)	Fattah	Lynch
Butterfield	Filner	Maloney
Capps	Frank (MA)	Markey
Capuano	Fudge	Matheson
Cardoza	Garamendi	Matsui
Carnahan	Gonzalez	McCarthy (NY)
Carney	Green, Al	McCollum
Carson (IN)	Green, Gene	McDermott
Castor (FL)	Grijalva	McGovern
Chandler	Hahn	McIntyre
Chu	Hanabusa	McNerney
Cicilline	Heinrich	Michaud
Clarke (MI)	Higgins	Miller (NC)
Clay	Himes	Miller, George
Cleaver	Hinchey	Moore
Clyburn	Hinojosa	Moran
Cohen	Hirono	Murphy (CT)
Connolly (VA)	Hochul	Nadler
Conyers	Holt	Napolitano
Cooper	Honda	Oliver
Costa	Hoyer	Owens
Costello	Israel	Pallone
Courtney	Jackson Lee	Pascarella
Critz	(TX)	Pastor (AZ)
Cuellar	Johnson (GA)	Pelosi

Perlmutter
 Peters
 Peterson
 Pingree (ME)
 Polis
 Price (NC)
 Quigley
 Rahall
 Reyes
 Richardson
 Richmond
 Ross (AR)
 Rothman (NJ)
 Roybal-Allard
 Ruppertsberger
 Rush

NOT VOTING—38

Ackerman
 Akin
 Altmire
 Blumenauer
 Burton (IN)
 Campbell
 Clarke (NY)
 Crowley
 Diaz-Balart
 Engel
 Flake
 Gutierrez
 Hastings (FL)
 Holden

□ 1856

Mr. HOLT changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 166, not voting 37, as follows:

[Roll No. 413]

AYES—229

Adams
 Aderholt
 Alexander
 Amash
 Amodei
 Austria
 Bachmann
 Bachus
 Barletta
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Calvert
 Camp
 Canseco

Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Van Hollen
 Visclosky
 Scott, David
 Serrano
 Sewell
 Sherman
 Sires
 Slaughter
 Smith (WA)
 Speier

Sánchez, Linda
 T.
 Stivers
 Sullivan
 Towns
 Tsongas
 Turner (NY)
 Velázquez
 Wasserman
 Schultz
 Wilson (FL)
 Woolsey
 Rangel
 Young (FL)

Herrera Beutler
 Huelskamp
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (OH)
 Johnson, Sam
 Jones
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kline
 Labrador
 Lance
 Lankford
 Latham
 LaTourette
 Latta
 LoBiondo
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan

NOES—166

Andrews
 Baca
 Baldwin
 Barber
 Barrow
 Bass (CA)
 Becerra
 Berkley
 Berman
 Bishop (GA)
 Bishop (NY)
 Bonamici
 Boren
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chu
 Cicilline
 Clarke (MI)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Critz
 Cuellar
 Guthrie
 Hall
 Hanna
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling

Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Palazzo
 Paul
 Paulsen
 Pearce
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (FL)
 Royce

Sewell
 Sherman
 Sires
 Slaughter
 Smith (WA)
 Speier
 Stark

NOT VOTING—37

Ackerman
 Akin
 Altmire
 Blumenauer
 Burton (IN)
 Campbell
 Clarke (NY)
 Crowley
 Diaz-Balart
 Engel
 Flake
 Gutierrez
 Herger

Holden
 Huizenga (MI)
 Jackson (IL)
 Johnson (IL)
 Jordan
 Lamborn
 Landry
 Lewis (CA)
 Lewis (GA)
 Lofgren, Zoe
 Meeks
 Neal
 Pence

□ 1903

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Maryland (Mr. HOYER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 172, nays 225, answered “present” 1, not voting 34, as follows:

[Roll No. 414]

YEAS—172

Altmire
 Andrews
 Baca
 Baldwin
 Barber
 Barrow
 Bass (CA)
 Bass (NH)
 Becerra
 Berkley
 Berman
 Biggert
 Bishop (GA)
 Bishop (NY)
 Bonamici
 Boren
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Castor (FL)
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clay
 Cleaver

Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Critz
 Cuellar
 Cummings
 Davis (CA)
 Davis (IL)
 DeGette
 DeLauro
 Deutch
 Dicks
 Dingell
 Doggett
 Dold
 Doyle
 Edwards
 Ellison
 Eshoo
 Farr
 Fattah
 Filner
 Fudge
 Garamendi
 Gibson
 Gonzalez
 Green, Al
 Green, Gene

Grijalva
 Hahn
 Hanabusa
 Hastings (FL)
 Heinrich
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holt
 Honda
 Hoyer
 Israel
 Jackson Lee
 Johnson (GA)
 Johnson, E. B.
 Jones
 Kaptur
 Keating
 Kildee
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lipinski
 Loeb sack

Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascarell

NAYS—225

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishkek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen

Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schneider

Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Visclosky
Walberg

ANSWERED “PRESENT”—1

DeFazio

NOT VOTING—34

Ackerman
Akin
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Frank (MA)
Gutierrez

Holden
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Rangel

Sánchez, Linda
T.
Stivers
Sullivan
Townes
Tsongas
Turner (NY)
Velázquez
Wasserman
Schultz
Wilson (FL)
Woolsey

McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Poe (TX)
Pompeo
Posey

Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—194

Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Brady (IA)
Brown (FL)
Burgess
Butterfield
Camp
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo

Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hultgren
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
Loeb sack
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney

□ 1909
So the motion to instruct was re-
jected.

The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

The SPEAKER pro tempore. The un-
finished business is the vote on the mo-
tion to instruct on H.R. 4348 offered by
the gentlewoman from Tennessee (Mrs.
BLACK) on which the yeas and nays
were ordered.

The Clerk will redesignate the mo-
tion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The
question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 201, nays
194, not voting 37, as follows:

[Roll No. 415]

YEAS—201

Adams
Aderholt
Amash
Amodei
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Calvert
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway

Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta

Guthrie
Hall
Harris
Hartzer
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Kelly
King (IA)
Kingston
Kline
Labrador
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino

McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stutzman
Terry

Watt Welch Wolf
Waxman West Yarmuth

NOT VOTING—37

Ackerman	Gutierrez	Roybal-Allard
Akin	Holden	Sánchez, Linda
Alexander	Jackson (IL)	T.
Bachus	Johnson (IL)	Stivers
Blumenauer	Jordan	Sullivan
Burton (IN)	Lamborn	Towns
Campbell	Landry	Tsongas
Clarke (NY)	Lewis (CA)	Turner (NY)
Crowley	Lewis (GA)	Velázquez
Diaz-Balart	Lofgren, Zoe	Wasserman
Engel	Meeks	Schultz
Flake	Neal	Wilson (FL)
Frank (MA)	Rangel	Woolsey

□ 1916

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent yesterday for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted “no” on rollcall votes 412, 413 and 415 and “yes” on rollcall vote 414.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday June 26, 2012 I had obligations that necessitated my attention in Philo, Illinois and missed votes on Ordering the Previous Question, H. Res. 697 the Rule providing for Consideration of H.R. 5972 and H.R. 5973, Representative HOYER's Motion to Instruct Conferees on H.R. 4348, and Representative BLACK's Motion to Instruct Conferees on H.R. 4348.

Had I been present, I would have voted “aye” on the Previous Question and H. Res. 697. I would have voted “nay” on Representative HOYER's Motion to Instruct Conferees on H.R. 4348. Finally, had I been present I would have voted “aye” on Representative BLACK's Motion to Instruct Conferees on H.R. 4348.

PERSONAL EXPLANATION

Mr. DIAZ-BALART of Florida. Mr. Speaker, due to inclement weather, my flight was delayed and I was unable to cast the following votes. If I had been present, I would have voted as follows: rollcall vote 412, I would have voted “yea”; rollcall vote 413, I would have voted “yea”; rollcall vote 414, I would have voted “nay”; rollcall vote 415, I would have voted “yea.”

ELECTING MEMBERS TO CERTAIN
STANDING COMMITTEES OF THE
HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 707

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Barber.

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Barber.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NOTICES OF INTENTION TO OFFER
MOTION TO INSTRUCT CON-
FEREES ON H.R. 4348, SURFACE
TRANSPORTATION EXTENSION
ACT OF 2012, PART II

Ms. HAHN. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Ms. Hahn moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to agree to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment.

Mr. CRITZ. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Critz moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to resolve all issues and file a conference report not later than June 28, 2012.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, during the consideration of the Domestic Energy and Jobs Act of 2012 I was unavoidably detained on business in the district; and I would like to place in the RECORD the following statements regarding the amendments:

The Hastings amendment, “no.”
The Waxman amendment, “yes.”
The Connolly amendment, “no.”
The Gene Green amendment, “yes.”
The Rush amendment, “yes.”
The Holt amendment, “yes.”
The Lewis amendment, “yes.”
The Amodei amendment, “no.”
The Markey amendment, “yes.”
The Landry amendment, “yes.”
The Rigell amendment, “no.”
The Holt amendment, “yes.”
The Wittman amendment, “no.”
The Bass amendment, “yes.”
The Capps amendment, “yes.”
The Speier amendment, “yes.”
The DeLauro amendment, “yes.”
The Democratic motion to recommit, “yes.”

Passage, “no.”

Below are the descriptions of the amendments to H.R. 4480 that were voted on this past Thursday, when I was absent from votes.

Hastings (WA) Manager's Amendment (Roll 392)—Overturns the EPA designation of the Colville River in Alaska as an Aquatic Resource of National Importance and requires additional right of ways in the National Petroleum Reserve Alaska (NPR-A); makes technical changes.

Waxman Amendment (Roll 393)—Provides that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health.

Connolly Amendment (Roll 394)—Defines the term “public health” in the Clean Air Act as the health of humans, not corporations.

Gene Green Amendment (Roll 395)—Strikes section 206 of the bill, which would fundamentally change the way the Clean Air Act establishes national ambient air quality standards for smog. Instead of the standards being health-based, section 206 would have them be set based on the potential cost of pollution controls.

Rush Amendment (Roll 396)—Provides that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years.

Holt Amendment (Roll 397)—Seeks to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold.

Connolly/Lewis (GA) Amendment (Roll 398)—Clarifies that the section requiring a \$5,000 protest fee shall not infringe upon the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances.

Amodei Amendment (Roll 399)—Prohibits the Secretary of the Interior from considering merging of the Bureau of Land Management (BLM) and the Office of Surface Mining, Reclamation and Enforcement (OSM).

Markey Amendment (Roll 400)—Prohibits oil and gas produced under new leases authorized by this legislation from being exported to foreign countries, ensuring American resources remain here to benefit American consumers.

Landry Amendment (Roll 401)—Would increase future federal deficits by raising the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from \$500 million to \$750 million, awarding these 4 Gulf States another \$6 billion in addition to the \$150 billion they will already receive under current law.

Rigell Amendment (Roll 402)—Requires Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the Amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations.

Holt Amendment (Roll 403)—Ends free drilling in the Gulf of Mexico by requiring oil companies to pay royalties on previously royalty-free leases in order to receive new leases on public lands.

Wittman/Rigell Amendment (Roll 404)—Would establish a new regulatory program and waive environmental review for the Bureau of Ocean Energy Management (BOEM) to approve temporary infrastructure, such as towers or buoys, to test and develop offshore wind power in the Outer Continental Shelf.

Bass (CA) Amendment (Roll 405)—Requires the newly created interagency committee to analyze how to protect American consumers from gasoline price spikes by reducing America's dependence on oil.

Capps Amendment (Roll 406)—Removes the requirements in Title II of the bill to conduct an analysis, issue a report, and delay rules if the Secretary of Energy determines that the analyses are "infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful."

Speier Amendment (Roll 407)—Strikes language in the underlying legislation that would require drilling permits to be deemed approved a 60 day deadline, which could expose public lands to undue risk.

DeLauro/Markey/Frank Amendment (Roll 408)—Would require \$128 million received from the sale of new leases issued pursuant to this legislation to be made available to fully fund the Commodity Futures Trading Commission to limit Wall Street speculation in energy markets.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. LATHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5972, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5972.

The Chair appoints the gentleman from Washington (Mr. HASTINGS) to preside over the Committee of the Whole.

□ 1921

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing

and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I yield myself such time as I may consume.

Mr. Chairman, I'm pleased to present the fiscal year 2013 Transportation, Housing and Urban Development appropriations bill to the House.

Before we get to the bill, I'd like to take a moment to congratulate my colleague and ranking member of this subcommittee, JOHN OLVER, for his many years of service. As many of you may know, Mr. OLVER is retiring at the end of this Congress. I have to say he'll be sorely missed by all of us. This is a better bill because of his relentless quest for knowledge about its programs. I thank you, JOHN OLVER, for your service, not just to this institution, but to the Nation. Thank you very, very much. You're a great, great partner. You'll be missed.

The bill before the committee today is a balanced proposal on how to allocate \$51.6 million among Federal housing and transportation programs across the Nation. Continuing our commitment to reduce government spending, our allocation is almost \$4 billion below fiscal year 2012 and almost \$2 billion below the President's request. The bill also reflects the budget resolution that was passed by the House.

Mr. Chairman, we had to make some hard choices on funding levels for the agencies in this bill. We dedicated ourselves to this task while recognizing the serious fiscal constraints that the Nation faces. We also kept this bill largely free of authorizations, leaving that important work to the Transportation and Infrastructure and Financial Services Committees. We also rejected many new unauthorized programs that were proposed by the President. For transportation programs, this bill focuses on programs most critical to public safety and economic growth.

We fully fund FAA safety programs and provide \$1 billion to advance the Next Generation of air traffic control. We also fund programs to support growth in commercial space and unmanned aerial systems, which will play key roles in keeping these U.S. industries on the global cutting edge. This bill rejects new fees on air passengers proposed by the President that would harm our economy at this time.

This bill funds highway and transit programs consistent with last year's

levels but contingent upon reauthorization. Fortunately, Mr. Chairman, it appears that there's a positive movement on the transportation bill. Again this bill funds highways and transit consistent with last year's level but, again, contingent on reauthorization.

The bill cuts the Amtrak operating subsidy by \$116 million below last year and does not fund the President's request for high-speed rail. However, the bill does provide \$500 million in authorized funds to fix existing infrastructure on public passenger lines. This will immediately create jobs, as the CBO has scored it with an almost 80 percent outlay rate in the first year. We believe this is a better alternative to the administration's high-speed rail proposal.

For housing programs, this bill fully funds renewals of the section 8 vouchers, serving about 2.2 million families. We also provide \$75 million for 10,000 new VASH vouchers. Those are for the homeless vets. We fully fund the budget request in that item. The bill matches the President's request for \$8.7 billion for Project-Based Rental Assistance. The CDBG is funded at a \$3.4 billion level, and HOME is funded at \$1.2 billion.

I'd like to close by saying we tried to be balanced in our approach with this bill, but we did reject broad, new, unauthorized programs requested by the President. We also do not include other authorizing provisions requested by other Members out of deference to the ongoing work of both the T&I and Financial Services Committees.

I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure to see the Transportation, Housing and Urban Development and Related Agencies appropriations bill for fiscal year 2013 considered on the House floor this year. And I thank Chairman LATHAM, first, for his kind words, but also for maintaining an inclusive committee process as this bill was prepared. He has been a good partner for the past 4 years, and I value our relationship.

I also want to recognize the hard work of the committee staff, specifically, on the majority side: Dena Baron, Doug Disrud, Sara Peters, Mike Friedberg, Brian Barnard, and Doug Bobbitt. And on the minority side: Kate Hallahan, Joe Carlile, and Blair Anderson.

Chairman LATHAM and I are lucky to have such dedicated staff who work amiably and respectfully together. They have spent many late nights putting this bill together, and we would not be here today without their hard work.

Mr. Chairman, the Republican leadership's decision to ignore last summer's Budget Control Act agreement has left

this bill with an inadequate allocation to properly fund our transportation and housing investment needs. The resulting artificially low allocation forced Chairman LATHAM to make unnecessary and destructive trade-offs.

Specifically, I have concerns that the Ryan budget forces us to accept the administration's proposal to fund project-based section 8 contracts for less than a full year. This does not shrink the program nor reduce the deficit. It simply pushes the costs down the road and increases uncertainty for private business owners.

I'm also disappointed that this bill does not fund the sustainable communities initiative.

□ 1930

However, within the constraints forced upon him, I recognize that Chairman LATHAM has put forward a respectable bill that contains a number of bright spots, including increases for Amtrak, CDBG, the HOME program, and housing for the elderly, for which he should be commended. I hope that as the process moves forward and we receive a real allocation, that these increases will be preserved and that the holes can be addressed.

Unfortunately, I am concerned that the House Republican leadership's decision to underfund this bill is not an isolated incident, but is symptomatic of an ideology that does not understand the value of infrastructure investment.

This strategy is wrong for America.

Last year, the leaders of the U.S. Chamber of Commerce and the AFL-CIO, not usually bedfellows, agreed that we must have greater investment in our Nation's infrastructure in order to create jobs and to be competitive in the global economy.

A modern, well-maintained transportation network is absolutely necessary for our economy to grow and the country to prosper.

The breadth of direct and indirect influence of our transportation networks on the economy is staggering. Our auto manufacturing industry, its enormous parts supplier base, the national network of gas stations and its complex distribution system, and the oil industry all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to labor pools.

Furthermore, every good produced or consumed in the U.S. must be transported via our network of roads, rails,

and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Yet, report after report indicates that we are falling behind. The American Society of Civil Engineers infrastructure report card gave us a "D" and estimated that more than a \$2 trillion investment is needed. DOT's most recent "Conditions and Performance Report" indicates that there is an annual investment gap of \$27 billion just to maintain our current system of highways and bridges in a state of good repair, and a much larger gap to expand the system to meet the needs of the growing population.

The United States has the largest economy in the world, yet the World Economic Forum's most recent ranking drops America's infrastructure quality to 23rd in the world.

The reason for our infrastructure decline is simple. We are not raising enough revenue to fund our infrastructure needs. In 2000, the highway and mass transit accounts raised \$35 billion. By 2011, they only raised \$37 billion. When you factor in inflation, we are raising 20 percent fewer dollars for our transportation infrastructure than we did 10 years ago. This is unsustainable. During the same period, the U.S. population grew 10 percent to 309 million people; 65 percent of them live in metropolitan areas having populations greater than 500,000 people.

Our largest 50 metropolitan areas have more than 1 million in population; 13 of them, all cities in the sunbelt such as Dallas, Houston, Orlando, Phoenix, and Charlotte, grew more than 25 percent in one single decade, the last decade. Such burgeoning communities need a massive, timely expansion of both highway and transit facilities in order to ensure that rapid population growth doesn't choke their economies with congestion.

In contrast, 22 of those 50 largest areas, all older mature metropolitan areas, including Boston, New York, Philadelphia, Cleveland, Pittsburgh, Chicago and Los Angeles, are growing slower than the national average; but their built-out highway, transit, and commute rail systems are deteriorating and need a massive, timely program of rehabilitation to simply reach a state of good repair.

Our rural areas face an even worse problem. The number of counties in rural America that are losing population is rising rapidly. With that comes disinvestment in education, health care, and public infrastructure of all shades. Yet virtually the entire rural road system must be maintained in a state of good repair or our rural areas will become ever greater pockets of poverty.

If we are to meet these changing population demographics and provide a transportation system that functions

as a sound foundation and not a hindrance on our economy, Congress must find the means and grow the political courage to raise revenue.

The current debate on the surface authorization does not accomplish that. In fact, the present gridlock of debate is only effective at slowing economic growth and keeping America's unemployment high. That cannot be America's goal.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I am proud to yield 5 minutes to the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this bill. This is the sixth bill that we've considered on the House floor, which means the House is nearly halfway done with its appropriations bills for fiscal year 2013. The Appropriations Committee has considered 11 of the 12 annual bills so far this year, in record time. I'm proud of our quick and thorough progress, and also that we have been able to work in regular order, which has been the goal of this committee from the git-go last January.

The other commitment this committee made at the beginning of the Congress was to reduce discretionary spending wherever we can. In the past two fiscal years, we've cut spending by more than \$95 billion and are on our way to continue reductions for a third year in a row.

I've said it before, Mr. Chairman, but this is a historic accomplishment—a record for spending reductions that this Nation has not seen since at least World War II.

The fiscal year 2013 Transportation, Housing and Urban Development Appropriations bill continues this downward trajectory, cutting \$4 billion from last year's level, bringing us to the lowest level of spending for this bill since 2009.

The \$15.6 billion included in this bill funds Department of Transportation agencies like the FAA, the Federal Railroad Administration, the National Highway Traffic Safety Administration, as well as critical Housing and Urban Development programs.

Within the Department of Transportation, the bill targets funds towards programs that improve the reliability, efficiency, and safety of our Nation's transportation system. This includes reducing congestion and delays for air travelers by providing nearly \$1 billion for the FAA's NextGen program, carefully funding Amtrak to help build rail bridges and tunnels, and supporting construction at airports across the Nation.

These smart investments in America's infrastructure will help create an environment that supports job creation and spurs economic growth.

Overall, funding for the Department of Housing and Urban Development is cut by \$3.8 billion compared with last year, but we took careful steps to ensure that this reduction didn't unfairly displace our most vulnerable populations, including persons with disabilities and the elderly.

The funding in this section of the bill prioritizes the most beneficial and cost-effective programs. We are providing section 8 vouchers for 2.2 million families—fully funding the President's request—and keeping our veterans with roofs over their heads.

We also increased funding for the Community Development Block Grant program. Throughout the bill, the chairman of the subcommittee has made policy reforms and conditions that will ensure greater efficiency and less waste.

□ 1940

The safe and responsible shepherding of taxpayer dollars is important government-wide, particularly when dealing with our Nation's infrastructure and housing.

We help guarantee that taxpayer dollars aren't slipping through the cracks by implementing strict oversight and eliminating wasteful, unnecessary programs. To this end, we provided no funding for the President's High-Speed Rail program, the unauthorized and expensive Choice Neighborhoods program, or the extraneous TIGER grants program, among other uneconomical and unnecessary initiatives. Furthermore, the bill rejects the administration's attempted accounting tricks that would enact new fees on air travelers.

There are still several moving parts in this section of the bill as we await reauthorization for the highway trust fund and its mass transit account. The committee stands ready to adjust the bill, as needed, if a multiyear authorization should be enacted.

In closing, I want to take a moment to extend my thanks and congratulations to Chairman LATHAM, Ranking Member OLVER, and the entire subcommittee for their expert work on this bill. I also want to thank the staff for both the majority and the minority; without them, the bill would not be here.

As many of you know, this is Ranking Member OLVER's final THUD appropriations bill before he retires. His leadership and his expertise, his work on this committee, and his contribution to the House as a whole are incomparable, and we will certainly miss the gentleman a great deal. Congratulations, Mr. OLVER, for a great career in this body.

Mr. Chairman, I urge my colleagues to support this bill. It smartly focuses on our key infrastructure priorities, supports a more responsible and slimmed down housing department,

and holds the line on discretionary spending to a more sustainable level.

Mr. OLVER. Mr. Chairman, first I want to thank the chairman of the Appropriations Committee for his kind words as well.

Now I will yield 3 minutes to the gentlelady from Ohio (Ms. KAPTUR), who is a member of the subcommittee.

Ms. KAPTUR. I thank Ranking Member OLVER, the gentleman from Massachusetts, for recognizing me today.

First, I would like to share my appreciation for all of the work that Congressman OLVER has dedicated his life to throughout his two-decade-long career with intelligence, integrity, and honor. More recently, I would like to take a moment to recognize the work he has done the past 4 years as both chair and ranking member of the very productive, bipartisan Transportation, Housing and Urban Development Subcommittee. His presence, his experience, his moderation, his knowledge, his collegiality, and his genius will certainly be missed, and we thank him for his phenomenal service to our country.

With that, I applaud the work that both he and Chairman LATHAM have done with the subcommittee FY 2013 legislation. Unfortunately, their sense of necessary bipartisanship does not extend to the leadership of this House.

I must reference the beginning of the appropriations process and the leadership's misguided decision to undermine the Budget Control Act of 2011. The result of our negotiations last summer created a bipartisan agreement, with discretionary programs having a spending cap of \$1.047 trillion. However, the Republican leadership reneged on that deal, leaving us with \$19 billion less for discretionary programs essential for the American public and the American economy during this crucial moment of economic recovery.

Despite the fact that they pulled the rug out from under the committee, on transportation, Amtrak is actually funded somewhat above the fiscal year 2012 level. You know, America has 300 million people today, a little bit over that. By 2050 she will have 500 million people. We simply need leadership in this country to know that we have to meet the needs of a new day. This bill moves us in that direction.

The legislation also provides renewal of housing contracts for every eligible individual and family currently receiving them, though for two-thirds of them, they will not get the full year renewal. This is not the moment to undermine our Nation's housing market further.

Local community programs like CDBG and HOME are funded at less than adequate levels, but we did the best we could with the allocation. An important program, the HUD-Veterans Affairs Supportive Housing program, is fully funded at \$75 million, which will provide housing vouchers for over

10,000 veterans, most of them homeless across our country.

Again, I want to thank Chairman LATHAM and Ranking Member OLVER, as well as the full committee Chairman ROGERS and Ranking Member DICKS for their work. This bill is constrained by budget realities that continue to reward Wall Street insiders at the expense of the middle class and the poor. I alone can't change that, but this bill demonstrates that the Appropriations Committee does its work of maintaining a stable Federal Government as fundamental to a stable society in this great Nation.

Mr. LATHAM. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I now yield 3 minutes to the gentlewoman from California (Ms. LEE), who is a member of the Appropriations Committee.

Ms. LEE of California. Mr. Chairman, first, let me thank our ranking member for yielding. But also, I want to thank yourself and our subcommittee chair and the entire staff for their tireless effort to bring this appropriations bill to the floor.

I also want to say to the ranking member, Mr. OLVER, that I will miss your thoughtfulness. I will miss your real clarity of purpose on all of the issues. I will miss your attention to detail and the bipartisan spirit that you bring to this Appropriations Committee. I just have to say I wish you the best, as you close this chapter of your life and begin the next chapter, but I'm going to miss you deeply—as we've heard tonight and we will hear until you begin this next chapter. So thank you again so much for your service. And most importantly, I just want to thank you for your friendship.

Yes, as a member of the Appropriations Committee, I really understand the constraints which we have been working under, but I cannot support the inadequate sub-allocation in this bill.

Mr. Chairman, this bill does not meet the basic responsibilities that we have to the American people. It shortchanges key housing and transportation initiatives which would rebuild America and put construction workers back on the job. And in a time of great need, this bill does not include a single dollar for the TIGER grant program.

Like many communities across the Nation, including in my home district, especially in my city of Oakland, California, we continue to struggle with high unemployment and crumbling infrastructure. Smart investments in infrastructure, such as TIGER grants, create jobs and fix our infrastructure.

Tonight, Congresswoman MAXINE WATERS will offer an amendment to add \$500 million in TIGER funding. I'm very proud to cosponsor this amendment. I appreciate Congresswoman WATERS bringing this forward because

this is a very important amendment for us to support. So I hope all Members will support that \$500 million increase in TIGER funding.

In addition to shortchanging our transportation needs, this bill fails to invest in our Nation's critical affordable housing stock. I know the chairman and Mr. OLVER remember in committee I tried to begin the debate on increasing the project-based section 8 voucher program because landlords and developers and tenants are going to be shortchanged if we don't fix this. Hopefully, that amount will be increased in the Senate.

Now, in the middle of a housing emergency, gutting support for affordable housing for our Nation's seniors, the disabled, families and children, that's just plain wrong. Republicans supported bailouts to Wall Street, but even the smallest programs to help families on Main Street like Choice Neighborhoods and Sustainable Communities, those initiatives are completely zeroed out.

This bill fails to fund the National Affordable Housing Trust Fund, which Senator SANDERS and myself initiated when we both were on the Banking Committee many years ago.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield an additional minute to the gentlewoman.

Ms. LEE of California. Thank you very much.

This bill, as I said a minute ago, this fails to fund the National Affordable Housing Trust Fund—very important initiative. Senator SANDERS and myself, we initially put forth this idea when we were both on the Banking Committee. This was an excellent idea, it was an excellent bill, it was an excellent program which would build the desperately needed housing. It would create thousands of construction jobs, which would of course boost the entire economy.

□ 1950

This bill that we're debating tonight does not fund that, and that is really too bad. The American people need Congress to invest in our Nation's infrastructure. We cannot build a strong and prosperous Nation if our roads and bridges are crumbling beneath our feet. We cannot build a strong economy if we leave millions of Americans in poverty at the risk of homelessness and struggling to find a good-paying job.

So I urge Members to oppose this bill. But again, I want to thank the chairman and the ranking member for working on the subcommittee bill in the spirit of bipartisanship. But I think it just falls short for many of us to support.

Mr. LATHAM. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the chairman of the full committee, of the subcommittee, both chair and ranking member.

I do too want to take a moment to thank the ranking member for his long service to this Nation. As he has been a member of the Appropriations Committee, we can count his work inside this House. But I really think the American people, Mr. OLVER, owe you a moment of gratitude for the work and commitments that you've shown in making sure that those who need help can get help, and I want to pay tribute to you this evening.

I also want to indicate that we understand that we are living in difficult times. But I raise concerns about funding, living in the fourth largest city in the Nation, where we see enormous congestion, and the importance of transit dollars; \$900 million, fortunately, came to Houston after a long, long wait to build a light-rail system. Those dollars need to continue.

Housing plays a very important role. In the city of Galveston, for example, they have been the recipient of \$700 million after Hurricane Ike to use for the restoration of private housing, infrastructure and, of course, public housing. To cut those lines of funding will, in essence, impact communities around the Nation that are impacted by disaster. Losing the full funding of the TIGER grant—and I support the gentlelady from California, Ms. WATERS' amendment to restore those dollars—they create jobs.

So it is important, as we look at this bill, that we look at it from the perspective of solving the hurt of Americans who've been impacted by disaster, of improving mobility, ensuring that we put Americans back to work with funding for transportation and the infrastructure. I cite Galveston in particular because there is a conflict going on with respect to the importance of public and private housing.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE of Texas. The situation in Galveston resulted from a unique impact of Hurricane Ike. Mr. Chairman, most think that the surge would come from the larger body of water, but the surge came from the bay and really impacted low-income individuals who didn't have any flood insurance or had already paid for their house, it had been in their families for years. And through the largesse of the Congress and HUD, a \$700 million package was presented to restore that area and those houses and those families, many of whom I visited in tents.

We have a situation where there's a misunderstanding of the value of those Federal funds, but we do have those Federal funds; and it is in tribute to

this Congress, and I want to see funds for public housing, for affordable housing continue.

With that, I would hope that we have an opportunity in the conference or have an opportunity to restore the funds that have had to be cut, because they create jobs, they provide a lifeline for those impacted by disaster, and they create the mobility and infrastructure rebuild that America needs.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, again, I want to congratulate my good friend, Mr. OLVER, and second what he said. The staff on both sides does an outstanding job for this subcommittee and for the country. It's a marvel to watch them work together and to come to this bill.

So with that, Mr. Chairman, I yield back the balance of my time.

Ms. BONAMICI. Mr. Chair, I rise to urge my colleagues to work together to pass a comprehensive transportation bill before current law expires at the end of this week. The First District of Oregon is home to some of the country's most innovative thinkers, many of whom work at the technology giant Intel. Unfortunately, one of the biggest challenges of their workday often comes before it even starts, and continues after it ends: it is their commute. The roads leading to the "Silicon Forest," as the technology cluster in Oregon is known, can back up for miles—a good sign for the economy, but bad for our transportation infrastructure.

The City of Hillsboro is home to many innovative tech companies. When the City applied for a TIGER grant to improve mobility and reduce congestion in the Silicon Forest, I supported their application. Infrastructure investments like this make it easier for people to get to work and they facilitate efficient transport of goods to market. This project wasn't selected by the Department of Transportation, but the application highlighted an important point. Investing in our transportation infrastructure is an economic multiplier. Not only do we employ hard-working Americans by building and maintaining infrastructure, we also improve the productivity and vibrancy of the workers who rely on the infrastructure to get to their workplace every morning.

Infrastructure improvements are important for safety as well. The Portland metro area is nationally renowned as a bike-friendly community, and our companies attract highly qualified employees in part because of the safe, multimodal transportation network in our region. Maintaining this infrastructure is critical to continuing to bring new businesses into our communities; investment in infrastructure will help to keep our roads and transportation routes safe.

So now, even though virtually every elected official talks about jobs as a first priority, somehow this transportation bill is stalling. We all agree that passing a surface transportation bill will create jobs. Let's do what is best for our constituents and pass a bill that keeps our construction workers on the job, reduces congestion for our commuters, and supports our struggling economy.

Ms. RICHARDSON. Mr. Chair, this week, the House is scheduled to consider H.R. 5972, the Transportation & Housing and Urban Development (THUD) Appropriations Act for Fiscal Year 2013. This bill funds the agencies that address our nation's housing and transportation needs, and is one of the most important pieces of legislation the House will consider this year. The THUD bill represents a tremendous opportunity to improve our economic competitiveness and ensure the wellbeing of working Americans, and I rise to offer some preliminary observations on the bill that will be debated over the next several days.

I serve as a proud Member of the House Committee on Transportation and Infrastructure, and my home district is home to some of the busiest freeways, railways and ports in the country. I also have the privilege of representing many economically disadvantaged individuals who benefit from the fair housing initiatives and grant programs covered in this bill.

I have long advocated, and will continue to advocate, on behalf of the 37th Congressional District of California for an enlightened transportation policy that will position the United States to compete and win in the global economy of the 21st Century. Since many amendments will have to be considered before the vote on final passage, I am reserving my final judgment as to how I will cast my vote. Nevertheless, I would like to take a moment to commend Mr. LATHAM and Mr. OLVER, the Chair and Ranking Member of the Subcommittee, for their work, including nine major funding requests that I submitted to the Committee in the bill reported to the House. Specifically the bill includes the following:

Community Development Block Grant (CDBG) Program. CDBG is the centerpiece of the federal governments efforts to help more than 1200 cities, counties and states meet the needs of their low and moderate-income people and communities. It revitalizes communities—with proven results. CDBG helps fund a wide range of activities including housing investments, public infrastructure improvements, public services, and local economic development projects where the private market is absent. The Committee recommended \$3.344 billion, which was \$44 million above my request.

Fair Housing Initiatives Program. FHIP is a competitive grant program and is the primary source of funding for fair housing education and enforcement activities at the local level. Local fair housing organizations funded by FHIP protect the housing rights of the public and educate people about their fair housing rights. The program is vital given the extreme fragility that currently exists in the housing market. The Committee met my request by continuing funding at the FY12 level of \$42.5 million.

Tenant Based Rental Assistance Program. HUD's Section 8 programs help low-income elderly, families with children, and people with disabilities secure and maintain decent, affordable homes. In both urban and rural communities, Section 8 rental assistance provides the foundation for millions of individuals and families to live with dignity, maintain steady work, and improve the lives of their children. The

Committee recommended approximately \$19.1 billion for this program, or \$60 million above my request.

Community Planning and Development from the Department of Housing and Urban Development. HUD's The Office of Community Planning and Development (CPD) seeks to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expand economic opportunities for low and moderate income persons. The primary means towards this end is the development of partnerships among all levels of government and the private sector, including for-profit and non-profit organizations. The Committee recommended \$103.5 million. Although this was slightly below my request, it exceeded the FY12 level of funding by \$3.5 million.

Indian Community Development Block Grant. The Indian Community Development Block Grant (ICDBG) program provides competitive grants to Indian tribes and Alaska Native villages for housing, community facilities, and economic development. ICDBG funds community infrastructure like roads and sewer systems that improve the quality of available housing units while making new housing more affordable and accessible. The Committee met my request of \$60 million.

Native American Housing Block Grants. Indian Housing Block Grants go directly to tribally designated housing entities (TDHEs) for housing development, housing services for eligible families, crime prevention and safety, and demonstration projects that provide creative approaches to solving affordable housing shortages. TDHEs must submit an Indian Housing Plan each year they receive funding, followed by an end-of-year Annual Performance Report to report on progress towards meeting their goals. The Committee recommended \$650 million for these grants, thereby meeting my request.

HUD-VASH Program. HUD-VASH is the only program that supports the permanent housing and rehabilitation of homeless veterans. HUD-VASH is a joint HUD and VA initiative that provides specially designated Section 8 "Housing Choice" vouchers, case management, and supportive services to homeless veterans. Vouchers are used to assist with the payment of rent for veterans and their families. The goal of the program is to support veterans' permanent housing in the community. The Committee's recommendation was equal to my request of \$75 million.

Maritime Security Program. The Maritime Security Program ensures that the United States has the U.S.-flag commercial sealift capability and trained U.S. citizen merchant mariners available to crew the government and privately-owned vessels needed by the Department of Defense in time of war or other international emergency. The Committee matched my request of \$184 million, which increased funding over FY12 levels by \$10 million.

Housing for the Elderly (Section 202) Capital Advance Program. Capital advances finance construction, rehabilitation, or acquisition of structures that will serve as supportive housing for very low-income elderly persons. Section 202 provides rent subsidies for projects to help keep them affordable for these

vulnerable populations. We recommend reinstating funding to allow affordable special needs housing developers to provide supportive housing options for the elderly, particularly within AANHPI enclaves. The Committee exceeded my request for funding by allocating \$425 million.

Mr. Chair, I again extend my sincere thanks to Chairman LATHAM and Ranking Member OLVER for their careful consideration of my appropriations requests. While I reserve my final judgment on this bill, I do believe that the full funding of these programs and departments will make a real difference in boosting the economy and improving the lives of vulnerable communities.

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 5972. While this is not a perfect bill, it will fund important transportation and housing projects creating well-paying jobs across this country.

I am pleased that this bill provides a much-needed increase to Amtrak, which will greatly help Amtrak accommodate growing ridership and develop intercity passenger rail. It also continues to invest in the FAA's NextGen air traffic control modernization effort, which will help to keep our public airspace safe and reduce flight times. The Community Development Block Grants program is also fully funded helping local governments to address housing and social service issues unique to their communities. It also fully funds the Veterans Affairs Supportive Housing program, providing the nearly 70,000 homeless veterans with long-term housing when they need it.

However, I want to express my deep disappointment that this bill does not provide any funding to high speed intercity passenger rail or the TIGER program. Both of these programs have proven to be successful and play an integral role in bringing our infrastructure in to the 21st Century. At a time when you have labor and business—the U.S. Chamber of Commerce and AFL-CIO—calling for stronger investment in our infrastructure, it is short-sighted that we not provide this necessary funding. We cannot continue to compete with our neighbors abroad if we are not improving and growing our infrastructure. My colleagues in the House, on the left and the right, have called for a jobs package and this funding could have been that first step.

I am disappointed at the lack of funding for critical housing programs. This bill drastically cuts funds to the Project-Based Section 8 voucher program that provides rental assistance to approximately 1.2 million low-income families. Furthermore, there is no funding for programs that would help rebuild blighted communities. Not only would eliminating blight and rebuilding neighborhoods create jobs, but they would also rejuvenate communities in areas like Southeast Michigan that were hit so hard by the collapse of the housing market and the economic recession.

Taken as a whole Mr. Chair, H.R. 5972 will make needed investments in our transportation and housing infrastructure, but more must be done. As our bridges, roads, sewers, buildings, and neighborhoods crumble, we cannot afford to underfund critical programs that rehabilitate and rebuild. We cannot move in to the 21st century with 20th century investments. I call on my colleagues to pass a

strong surface transportation reauthorization that will fix this oversight of needed funding and put Americans across the country back to work bettering our neighborhoods and communities.

Ms. FUDGE. Mr. Chair, I rise today to address the dire need to provide resources to repair our nation's infrastructure and put Americans back to work.

One of the best ways to create jobs today is to invest in American transportation and infrastructure through the fiscal year 2013 Transportation-Housing and Urban Development Appropriations bill.

According to the Federal Highway Administration, approximately 35,000 jobs are created for every \$1 billion spent on highway and bridge construction. If Congress can spend a billion dollars each month fighting wars in Iraq and Afghanistan, then we should be able to invest in America's workforce and infrastructure.

The very foundation of America, our infrastructure, is crumbling beneath our feet. The current condition of the infrastructure in the U.S. earns a grade of "D".

One-third of our roads are in poor, mediocre or fair condition and nearly 70,000 of our bridges are structurally deficient.

China and India have outpaced the U.S. with respect to infrastructure spending. Among developed countries, we rank 23rd in the world, behind South Korea, Taiwan and Barbados.

Now is not the time to short change our future; now is the time to repair our infrastructure.

In addition to repairing America's infrastructure, it is imperative that I address the lack of funding for housing in the Transportation-Housing and Urban Development Appropriations bill. Allowing drastic cuts in the HUD budget squanders the opportunity to create jobs and address the nation's affordable housing needs.

Simply stated, vulnerable Americans will lose their housing if Congress passes this bill in its current form. This bill will "short fund" project-based Section 8 contracts, which will force HUD to straddle fiscal years to shift costs from FY2013 to FY2014 and beyond. Because contracts are currently funded for 12 months, the proposed \$1.1 billion in "savings" will have to be made up in the next fiscal year.

If the funds are not replenished in fiscal year 2014 and beyond, the consequences will be dire:

- 1.3 million families, 53 percent of whom are elderly or disabled, face losing their housing;
- 100,000 jobs will be in jeopardy;
- \$460 million in local tax receipts could be lost; and

- \$13.6 billion in Federal Housing Authority insured debt will be at risk.

If funding for contract renewals under the Tenant Based Rental Assistance program is not increased, 58,000 low-income households will lose rental assistance in fiscal year 2013.

The reality is that millions of low-income families, who need a strong safety net, are assisted by HUD to help them through difficult times. By eliminating this funding, we are pulling the safety net from underneath them allowing more Americans to fall into poverty and homelessness.

I urge my colleagues to oppose this Appropriations bill.

Mr. RUPPERSBERGER. Mr. Chair, I rise to note a provision in H.R. 5972, the Transportation-HUD Appropriations legislation for FY2013 which appears to have been accepted with virtually no debate and contains even less merit.

H.R. 5972 contains a provision redirecting funds from the Maglev Deployment Program to other programs. Section 154 reads—

SEC. 154. The unobligated balance of funds provided under sections 1101(a)(18) and 1307 of Public Law 109–59 shall be used for the elimination of hazards at railway highway crossings described in section 104(d)(2) of title 23, United States Code, to remain available until expended.

In a statement in support of this amendment, the claim was made that these "unobligated funds" were somehow lying dormant on the projects they were intended to support. In my opinion, and weighing the available facts, that was not an accurate statement. While one may sympathize with the need for safe grade crossings, the United States already has a well funded program to meet these needs.

The Maglev Deployment Program (MDP) was authorized for far different purposes—to promote leading-edge high speed rail/technologies. And as is the case with all major multistate undertakings, the planning processes that precede construction take time and coordination to complete. Under the Federal Railroad Administration's program for the MDP, a feasibility study must have been completed, followed by detailed environmental review—either a full-scale Environmental Impact Statement (EIS) or a phased approach, requiring a Tier 1 EIS followed by a Tier 2 EIS.

Anyone who has observed the NEPA process knows that it sometimes proceeds in fits-and-starts. And even if it appears that at times not much is happening, these detailed planning phases sometimes take years to accomplish. The funds in question date to SAFETEA-LU, passed in 2005, and the SAFETEA-LU Technical Corrections, passed in 2008.

As the result of these two statutes, the Federal Railroad Administration issued a Notice of Funds Availability or NOFA, in 2008, inviting applications for a portion of these funds. Applications were due in early 2009. Several projects applied competitively, and the Administration deliberated carefully over the applications. Two projects which had applied were awarded funds; the Atlanta-Chattanooga and Pittsburgh projects.

The FRA advised a third project applicant, a route from Baltimore to Washington, DC, that there was a deficiency in Maryland state law that prevented FRA from awarding funds. Far from standing still, my State of Maryland worked to cure that deficiency, and last year repealed the offending section of its state law, with the Governor's support. Since then, various stakeholders have been working with the Congress to ensure that SAFETEA-LU provisions were carried over in the Surface Transportation reauthorization legislation, which was passed by a bipartisan vote in the House after a conference with the Senate. Thus, I am pleased to report my understanding that the Maglev Program was preserved, and, in fact, maglev was specifically advanced in various sections of H.R. 4348, Moving Ahead for Progress in the 21st Century, or "MAP-21".

We can understand from this congressional action that there remains broad support for the program, its promise for the future, and the need for our nation to pursue, not curtail, next generation high speed rail technology. The remaining projects, I am told, have been striving in good faith to complete their required planning phases. Indeed, one project has been working with the FRA to obligate its funds even as Congress voted to approve the MAP-21 conference report.

Mr. Chair, the Congress as a whole authorized and funded the Maglev Deployment Program in 1998 and 2005 and 2008. My State of Maryland competed successfully to become one of the original seven maglev programs, and then on the basis of the merits of our Feasibility Study, one of two projects was down-selected for further work. We are pledged to continuing that work, and have acted in our state in the good-faith knowledge that those funds were secure.

For that reason, I would like to urge the sponsors of the relevant language to look elsewhere for funds for their initiatives, and I stand ready to work with the leadership of the House and of the Committee to return the MDP funds to their historic purpose, to help build infrastructure and to promote economic revitalization.

Ms. MCCOLLUM. Mr. Chair, I rise today in opposition to H.R. 5972, the Transportation, Housing and Urban Development Appropriations Act for fiscal year 2013. This legislation underfunds needed investments in America's transportation system and seriously undercuts needed public housing programs, a vital part of our country's safety net.

The House Republican's "highways only" mentality is revealed in H.R. 5972, which significantly cuts funding for transit and, once again, eliminates all funding for high speed rail. Communities in the East Metro are working hard to advance new transit corridors in our region including Gateway, Robert Street, Rush Line, Riverview and Red Rock. The Republicans' proposed cuts to federal matching-funds would stop most of these projects in their tracks, resulting in the loss of thousands of construction jobs and billions of dollars in new economic development. Eliminating high-speed rail funding risks losing a new high speed link between Chicago and the Twin Cities at St. Paul's Union Depot.

In addition, I am concerned with the House Republicans' refusal to fund the TIGER Discretionary Grant program. This program helps states and local governments construct major infrastructure projects. It is hugely popular across the country and has helped to transform communities since it was first established in the 2009 Recovery Act. A \$35 million TIGER grant is helping restore the historic Union Depot in Lowertown St. Paul into a modern, multi-modal transportation hub. This project alone has created 3,000 jobs and opens to the public this fall. In addition, the City of St. Paul received a TIGER planning grant to better integrate biking and walking into the local transportation system. Last year, Minneapolis received a \$10 million TIGER grant to construct the new Interchange station

near Target Field. The TIGER program is vitally important to modernizing our region's infrastructure. That is why I offered an amendment to H.R. 5972 with Congresswoman MAXINE WATERS of California to restore the TIGER program to the bill. Unfortunately, my Republican colleagues rejected this \$500 million investment in American infrastructure and jobs. Overall, the transportation provisions of this bill ignore the needs of the communities I represent. H.R. 5972 would cost my community thousands of jobs and reverse years of work by business, government and citizen-leaders in my District to build new and needed infrastructure.

H.R. 5972 also seriously underfunds critical housing programs that provide shelter for our country's most vulnerable, including low-income families, seniors and the disabled. The inadequate funding in this bill for Project Based Section 8 vouchers could jeopardize housing for 3,000 families in my District. The cuts to McKinney-Vento Homelessness Grants would eliminate beds for homeless individuals and families in Minnesota. These cuts have real, human costs. Fewer people will find a warm, safe place to sleep. Fewer people will be able to overcome the most difficult times in their lives and get back on their feet. In my district there is a young man, a veteran of Iraq and Afghanistan, who is struggling with profound PTSD and now facing homelessness. The instability of homelessness makes it much harder for him to get the treatment he needs and begin the process of recovery. This young man pledged his life to his country when we needed him. Now, he needs us.

This bill does not represent my priorities or the priorities of the Minnesotans I am proud to represent.

I urge my colleagues to oppose H.R. 5972.

Ms. ROYBAL-ALLARD. Mr. Chair, I regretfully rise in opposition to the FY13 Transportation Housing and Urban Development Appropriations Bill. I would like to extend my appreciation to Chairman LATHAM and Ranking Member OLVER for their hard work on this bill. They were forced to make difficult decisions due to the low allocation that the Ryan Budget provided. Regrettably, this violation of the Budget Control Act, which was agreed to last year, led to devastating cuts to the Housing and Urban Development housing assistance program.

At a time when so many Americans have lost their homes or are struggling to keep them, this bill falls far short of meeting our nation's housing needs.

This is especially true for those who have fallen on hard times and those who are the poorest and most vulnerable among us.

By systematically underfunding HUD's three major rental assistance programs: Housing Choice vouchers, Public Housing and Section 8 Project-based Rental Assistance this bill increases the chances of greater homelessness in our country especially for those already living in unstable housing conditions.

My home state is a perfect example of how the deep cuts to housing assistance in this bill will negatively impact those with the greatest housing needs.

California has an estimated shortage of 1.6 million affordable rental units and an average wait of 37 months for HUD-assisted housing.

Further reducing funding for affordable housing will only increase the number of extremely low income households who are living in unstable housing situations, paying the majority of their incomes towards rent and who remain at risk of becoming homeless.

Nationally it puts at risk the approximately 4.5 million low income families who depend on HUD programs for their housing needs, more than half of which include seniors and persons with disabilities.

The FY13 THUD bill underfunds Housing Choice vouchers by as much as \$440 million, which translates into 55,000 vouchers for low income families in FY13. That's 55,000 families with an average annual income of \$12,568 that will lose access to affordable housing.

Project-Based Rental Assistance is also underfunded and the legislation would only extend year-long contracts to certain property owners, leaving investors, owners and tenants uncertain about the future of the program. The consequence of this uncertainty could be fewer owners renewing their contracts and a reduction in the number of Section 8 units available to low-income families.

The bill continues to woefully underfund public housing. Capital funding for public housing has been shortchanged for the past decade, and without an increase, 1.1 million low income households will continue to be exposed to deteriorating living conditions and potential safety hazards.

This legislation also weakens federal efforts to assist those already homeless by underfunding Homeless Assistance Grants by more than \$200 million. This means fewer permanent housing units, which have been shown to prevent homelessness and are less costly than the alternative of providing emergency shelter and services. For example, the Economic Roundtable found that individuals who are homeless in Los Angeles utilize an average of \$34,000 a year in county services (not including costs to the city, state or federal government) and that once permanently housed that number drops to \$14,000 (including housing capital, federal rental assistance and services).

Now is the time to protect low income families by prioritizing funding for affordable housing during these tough economic times. Unfortunately this bill falls short in that regard and puts far too many families in jeopardy of finding themselves without a safe and affordable home to call their own.

I regret that in good conscience I cannot support this bill.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in section 3 of House Resolution 697 is adopted. During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5972

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$108,277,000, of which not to exceed \$2,635,000 shall be available for the immediate Office of the Secretary; not to exceed \$992,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed \$19,615,000 shall be available for the Office of the General Counsel; not to exceed \$11,248,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$12,825,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,601,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$27,095,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,034,000 shall be available for the Office of Public Affairs; not to exceed \$1,701,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,539,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,875,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$15,117,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, strike "not to exceed".

Page 3, line 11, after "Secretary" insert "(except for the Office of Small and Disadvantaged Business Utilization)".

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, again, as I rise to my feet, I do want to acknowledge both the staffs of the chairman of the subcommittee and the ranking member of the subcommittee for working with my office.

And I again want to acknowledge the ranking member, Mr. OLIVER, again for his service to the Nation, but also for the times that he has worked with Members over the years and for his commitment, again, to the most vulnerable.

This is a bill that really addresses the needs of Americans in their most deepening and expanded need, as I said earlier, mobility, housing, so crucial, infrastructure, and the ability to create jobs and to do good in our municipalities and rural areas. But it is also an opportunity to build capacity, to grow jobs and to build small businesses. And I know that firsthand, working consistently throughout a number of appropriations bills and authorization bills and as a ranking member on the Subcommittee on Transportation Security. In addition to our main task is to look to the needs and help build capacity in America's small businesses.

My amendment will ensure the necessary funds that are appropriated specifically for the Office of Small and Disadvantaged Business Utilization and the Minority Business Resource Center cannot be used by the Secretary for any other purpose.

Small businesses, women-owned businesses, minority-owned businesses represent more than the American Dream. They represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, provide three out of four new jobs in this country; and allocation reduction directly undermines the importance of small businesses, including women-owned businesses and minority-owned businesses to the success of our economy.

Mr. Chairman, many of our utilization, or the utilization of Federal funds, going to our local transit agency, for example, in the instance of Houston Metro, the structure of receiving the funds is something called "design build." Many around the country are using that format, which means that the corporation or the retained contractor has overriding control over the distribution of those funds in the construction of that light rail.

I celebrate light rail. I celebrate the importance of light rail and have done so for the time that I've had the privilege of serving Houston and the 18th Congressional District. But in this instance, it's important to note that in the course of the design build for Houston Metro and HRT, they have dropped their commitment to small minority- and women-owned businesses.

□ 2000

What did I say?

Dropped the commitment—dropped it poorly, dropped it with a negative impact, dropped it impacting women-owned businesses and minority-owned businesses. We've got to get back in

order to be able to show that the utilization of those businesses creates jobs. Small businesses have lost an estimated \$13.8 billion in business opportunity because they cannot fairly compete for Federal contracts because larger companies are allowed to bundle contracts. In essence, HRT has self-performed instead of sharing those dollars.

The Department of Transportation created the Office of Small and Disadvantaged Business Utilization, OSDBU, as part of the Small Business Act because it recognizes the threat big businesses pose to small business success. Since the OSDBU's creation, it has been a voice for small business and disadvantaged business, ensuring these businesses are provided with the maximum ability to participate in the agency's contracting selection process for contract and subcontract jobs.

These office divisions are numerous. Each of the offices impacts America's entrepreneurs and business ventures in several key ways. For instance, the Women's Procurement Assistance Committee provides women-owned businesses with best practices of business growth and increases awareness of opportunities.

I met on the job, Mr. Chairman, a woman who had taken over the business of her husband, who had died of cancer. She had a household to lead, and she was trying to do this kind of construction work. At the time, she had been given by HRT safety work, just holding up a sign. I'm glad because of the encouragement, the utilization of this particular office, our office pushing, that she now is more advanced in the contract that she is securing. But it has to be encouraged.

This amendment is to ensure that we don't leave out small disadvantaged, women-owned and minority-owned businesses. The office's short-term lending program is able to give qualifying small businesses loans with competitive interest rates for DOT contracts and subcontracts.

In conjunction with the OSDBU, the Minority Business Resource Center is responsible for promoting the use of small businesses. My home State of Texas was chosen as the headquarters for the OSDBU gulf region. In my home city of Houston, Texas, there are more than 60,000 women-owned businesses and more than 60,000 African American-owned businesses and thousands of other businesses—Asian and Latino.

I am asking my colleagues to support this amendment because it is an amendment that ensures that we put minority-, women-owned and disadvantaged small businesses to work under this legislation.

Mr. Chair, I rise today to offer my amendments to "the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year (FY) 2013." My amendments will assure the necessary funds that are appropriated specifically for the

Office of Small and Disadvantaged Business Utilization and the Minority Business Resource Center cannot be used by the Secretary for another purpose, thereby protecting the funds for their intended use.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. An allocation reduction directly undermines the importance of small businesses including women-owned business and minority-owned business to the success of our economy.

Small businesses have lost an estimated \$13.8 billion in business opportunity because they could not fairly compete for federal contracts because larger companies are allowed to bundle contracts.

The Department of Transportation created the Office of Small and Disadvantaged Business Utilization (OSDBU) as part of the Small Business Act because it recognizes the threat big businesses pose to small business success.

Since the OSDBU's creation, it has been a voice for small and disadvantaged business, ensuring these businesses are provided with the maximum ability to participate in the agency's contracting selection process for contract and subcontract jobs.

These office divisions are numerous; each of the offices impacts America's entrepreneurs and business ventures in several key ways. For instance, its Women's Procurement Assistance Committee (WPAC) provides women-owned businesses with best practices for business growth and increases awareness of the opportunities these businesses have to participate in transportation-related contracts and subcontracts.

The office's short term lending program is able to give qualifying small business loans with competitive interest rates for DOT contracts and subcontracts.

In conjunction with the OSDBU, the Minority Business Resource Center is responsible for promoting the use of small businesses in prime and subcontracting opportunities in accordance with Federal laws, regulations and policy.

Through its funding, the Center is able to offer several professional development services, including: market research, business training, counseling, technical assistance, and access to capital for transportation related projects.

My home state of Texas was chosen as the headquarters for the OSDBU gulf region program.

In my home city of Houston, Texas there are more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

The OSDBU supports qualifying businesses who attempt to secure contracts and subcontracts with the DOT. In addition, its women internship program sponsors 12 schools in the gulf region women's internship program.

Shifting funds for the OSDBU and the Minority Business Resource Center will hinder its ability to continue fair hiring practices, which will in turn affect small businesses' ability to secure top contracts, provide employment opportunities in their community and ultimately survive in the business world.

This will send the message that Congress is more concerned with the strength of big business, than assisting the DOT in partnering with everyday American business men and women who take pride in their companies, and only aspire to positively empower their communities and create economic stability in the nation. For these reasons and more I urge my colleagues to protect funds for the DOT's budget for the Minority Business Resource Center and the OSDBU.

Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

A major strength of small businesses is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to meet local needs.

There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America Online; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses.

It is equally important that we work towards ensuring that ALL small businesses receive the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy.

Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans and programs.

Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

I have worked hard to help small business owners to fully realize their potential. That is why I support my amendments which will ensure funding directed to entrepreneurial development offices and centers, such as the office of the Small Disadvantage Business Utilization and the Minority Business Resource Center are remained in tact. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004, the Small Business Administration (SBA) set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

FACTS: SMALL BUSINESS ARE IMPORTANT BECAUSE THEY:

- (1) Represent 99.7 percent of all employer firms,
- (2) Employ just over half of all private sector employees,
- (3) Pay 44 percent of total U.S. private payroll,
- (4) Generated 64 percent of net new jobs over the past 15 years,
- (5) Create more than half of the nonfarm private gross domestic product (GDP),
- (6) Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers),
- (7) Are 52 percent home-based and 2 percent franchises,
- (8) Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007,
- (9) Produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Mr. LATHAM. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we will be more than happy to accept the amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman for accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$10,000,000, to remain available through September 30, 2014.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 6, after the first dollar amount, insert "(reduced by \$5,000,000)".

Page 35, line 7, after the dollar amount, insert "(increased by \$5,000,000)".

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, my amendment underscores the point that we need to be doing more, not less, to combat the dangerous habit of distracted driving on our Nation's roadways.

Earlier this evening, we voted on a motion to instruct conferees on the highway bill to reject the Senate's bipartisan proposal to partner with the States on prevention strategies, and the bill before us now provides no additional funds to address what Transportation Secretary LaHood has identified as an epidemic in this country. Traffic accidents caused by distracted driving are on the rise in communities everywhere in this country.

In my home county, our police department in Fairfax County reported a 48 percent increase in the number of citations issued for distracted driving in the last year. A recent study by Virginia Tech Transportation Institute points out 80 percent of all crashes and 65 percent of all near crashes have involved driver distraction. Nationally, the Department of Transportation reports that more than 416,000 people were injured in distracted driving accidents in 2010. Tragically, Mr. Chairman, 3,100 of those people were killed.

According to a recent AAA Foundation for Traffic Safety survey, 94 percent of respondents recognized the risks of talking, texting, or emailing while driving and said such activities are unacceptable. And 87 percent said they supported laws against reading, typing, or sending text messages while driving. Yet more than one-third of those same drivers reported they still

read or send texts or email while driving. In fact, the National Highway Traffic Safety Administration estimates that more than 100,000 drivers are texting and that more than 600,000 are using their cell phones at any given time on our Nation's roadways.

Sending or receiving texts diverts one's attention from the road for an average of 4.6 seconds. While that may not seem like a long time, at 55 miles per hour, it is the equivalent of driving the length of a football field without paying attention to the road. A report from the University of Utah goes so far as to say that using a cell phone to talk or text delays a driver's reaction time just as much as having a blood alcohol level of .08, the legal limit.

I congratulate the 39 States, the District of Columbia, and Guam for taking steps to ban text messaging for all drivers, but the force of these laws varies. In my home State of Virginia, for example, it is a secondary offense, so drivers cannot be pulled over or cited unless they're breaking some other law deemed more serious. That's why we need to beef up prevention efforts, particularly among younger drivers, Mr. Chairman.

I hosted a teen driving summit when I was chairman of Fairfax County a few years ago. Distracted driving is the number one killer of teen drivers in America. Alcohol-related accidents among teens has, thankfully, dropped. Teenage traffic fatalities have remained virtually unchanged, however, as a result of the growth of accidents caused by the distraction from texting or talking on the phone. What is shocking is that 35 percent of teens who talk or text while they're behind the wheel actually do not think they'll get hurt.

I hear my colleagues talk about their support for traffic safety and about efforts to discourage distracted driving, but I don't see any tangible actions to address this challenge in each of our communities.

In his blueprint for ending distracted driving, Secretary LaHood endorses efforts to work with the automakers to apply technology being marketed to block cells while one is in motion or to improve crash warning and driver monitoring systems to prevent accidents caused by distracted driving. The Secretary has also proposed partnering with States on tougher prevention efforts and public awareness campaigns.

Mr. Chairman, in today's mobile device-driven society, distracted driving is quickly becoming our greatest obstacle to ensuring safety on our Nation's roadways, and it will only get worse. I urge my colleagues to support this simple amendment. It's a modest transfer of funds from an administrative account to increase distracted driving research and prevention efforts. This will save lives.

Recently, there was a tragic accident in Iowa of a young lady who was driv-

ing while texting, which caused an accident and a fatality. In my home county of Fairfax, when I was chairman, I remember having to talk to the grieving parents of a young woman who had been texting while driving and who wrapped herself around a tree and died a few short blocks from her home. Looking in the face of a parent and having to explain why that could have been prevented is something I hope none of my colleagues ever have to do. I plead with my colleagues on the other side to accept this amendment and to save teenage lives.

I yield back the balance of my time.

Mr. LATHAM. I rise in opposition to this amendment.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, it takes \$5 million from the DOT's Financial Management Capital account and puts it in Operations for Vehicle Safety. Let me say that there is no guarantee that DOT will use this money as the gentleman has talked about.

□ 2010

There's no dedication of funds here, obviously.

First, this would eliminate half of the funds the DOT has to make sure its financial systems are current. I don't need to tell anyone here how critical it is that DOT's financial systems, which govern the accurate disbursement of many billions of dollars each year, need to be kept in a good working state.

Second, this would increase the vehicle safety portion of NHTSA's operations. We're already giving this account \$12 million more than last year, after it was frozen for the last 3 years straight. We simply don't need that additional increase.

Again, with these funds, there's no way to dedicate them to distracted driving.

With that, Mr. Chairman, I would urge a "no" vote, and I yield back the balance of my time.

Mr. OLIVER. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. Mr. Chairman, I find it a little bit difficult here where we're taking from one place and putting it into another place. I don't dispute what the chairman has said about not being certain that the money will be used for the right purpose at that point; however, the place where the offset is being made from the Financial Management Capital program under DOT, that amount leaves that account with the same amount that was in the account in 2012. That should not be a particularly onerous change on that score.

On the other hand, the issue that the gentleman from Virginia has raised,

the issue of the distracted driving and how important it is, we are just losing a lot of young people to distracted driving. There seems to be no sense that being on a cell phone or an iPad or some other of the common IT programs that are now available, working with that doesn't seem to lead to any sense that their driving capacity has been impaired.

In 2010, NHTSA estimated that more than 3,000 people were killed and more than 400,000 were injured in distracted driving crashes. Secretary LaHood has made the elimination of distracted driving one of his key safety priorities and has requested funding in each of the last three budgets to do that. It seems to me, with the sense that NHTSA views this issue of 3,000 killed, as they say, in 2010, 2 years ago already, and more than 400,000 injured and the Secretary's very strong interest in the distracted driving issue, that this would be a perfectly reasonable thing to do.

With that, I will support the gentleman from Virginia's amendment, and I yield the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, \$6,000,000, to remain available through September 30, 2014.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,773,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 22, after the dollar amount, insert "(reduced by \$389,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$389,000)".

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment is very straightforward. It would simply reduce the

overall funding for the Office of Civil Rights within the Department of Transportation by \$389,000.

This office is one of 13 in the underlying bill which are slated to receive increases for administrative expenses, despite the fiscal emergency that we're currently facing. The passage of this amendment would simply bring this account back to fiscal year 2012 levels.

I see my good friend from Texas, SHEILA JACKSON LEE. She knows we have fought together very hard for civil rights and civil liberties here in this House, in committee as well as on the floor, and believe very strongly that we need to protect our civil liberties and our civil rights. But the simple truth is that we're broke as a Nation, and this amendment would just simply keep funding at the current level instead of raising it. It would just turn it back—what's proposed in the underlying bill—to the current level of spending, but not reduce any functions of this office. It would not prohibit this office from doing any of its work. It would help, in a small way, to put us back into a more realistic fiscal state as a Nation because, Mr. Chairman, we just have to stop spending money that we don't have.

It's across the board. Every bureau, every office, every bit of the Federal Government needs to not have increases in their costs to the taxpayer, not have further borrowing of money that we just don't have. We've just got to stop spending money we don't have. This simple amendment keeps funding at our current level. That's all it does.

With that, I urge support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman for yielding.

My good friend from Georgia knows we've had a lot of opportunities to work together on many different issues. It seems as if he is raising an issue that would have a sense of agreement, but I have to reluctantly and vigorously oppose the gentleman's amendment.

The Office for Civil Rights in the Department of Transportation losing the amount of money that he has suggested will deprive that office of viable and important staff and resources for compliance.

Frankly, this agency governs billions of dollars of Federal dollars. In addition, it governs actions that deal with accommodations, the utilization of dollars for small, minority, and disadvantaged businesses. The civil rights section has been a section that has ensured that the Federal dollars in trans-

portation are used in a way that is not discriminatory.

I don't believe, in 2012, we need to be rising to eliminate opportunity. We need to expand opportunity. The civil rights section of the Department of Transportation has always been a consistent and efficient subsection of the agency that has been the guidepost of ensuring that our Federal dollars are used appropriately as it relates to Native Americans, used appropriately as it relates to Latinos, African Americans, Caucasians. It is a civil rights office that balances and ensures nondiscrimination, including nondiscrimination against the disabled.

□ 2020

And, frankly, I believe that because of the massiveness of that responsibility—particularly as we look at the needs of the disabled in transportation resources or transportation utilization—that it is crucial that we do not cut to the existing amount of dollars. This is not a lot.

So the impact is greater than what the gentleman believes he will have because he suggests that it is a small amount. It is a great impact. And I would ask the gentleman to consider this amendment as one that has a far-reaching impact and that at this point we do not want to make a statement that civil rights and the equal accommodations that are necessary and the utilization of Federal dollars is acceptable, meaning discrimination is acceptable. Nondiscrimination being, if you will, limited by the funding that has been cut through this amendment. I would ask that our colleagues oppose the amendment.

Mr. OLVER. Reclaiming my time at this point, I strongly oppose this amendment.

I think that in this instance, we should understand that the major task of the Office of Civil Rights is to ensure that discrimination doesn't occur in the implementation of DOT programs.

The chairman of the subcommittee has already carefully weighed the needs of the office and made, I think, a responsible judgment as to the correct funding amount. I urge Members to oppose the amendment.

I yield back the balance of my time. Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Before yielding to the gentleman, just let me make a quick statement here.

Just so everybody knows, the increase that's in the bill is a simple increase for inflation to pay for costs such as the GSA rent and one extra compensable workday. Transportation is important to all parts and all people in America.

I just don't think this is the right cut to make in this kind of a bill. And I

think we should always keep in mind that on our allocations, we have written the total appropriation bills to the 1028 number, rather than 1047. This bill already cuts about \$4 billion under last year's funding level.

So with that, I stress my opposition to the amendment, and I would gladly yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman from Iowa for yielding.

I believe in "equal under the law." We all ought to be considered equal, no matter what color our skin is, no matter who the fathers of our own families are, et cetera. I think everybody should be treated equally under the law.

And, certainly, as I stated—I apologize if the gentlelady from Texas thought that I was insinuating that she would agree with this amendment, because I never had any dreams that she would, frankly.

But with that, I'm introducing a lot of amendments to this bill to reduce administrative expenses and salaries for many, many of the different pieces of this underlying bill. And this is just one of many. But I'm convinced that I need to withdraw this amendment.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$8,000,000.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, after line 6, insert the following:

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$500,000,000, to remain available through September 30, 2014: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the

Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than \$120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to \$20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

Ms. WATERS (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Iowa reserves a point of order.

The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chair, I thank my colleagues BETTY MCCOLLUM, BARBARA LEE, EMANUEL CLEAVER, KAREN BASS, LAURA RICHARDSON, BOBBY RUSH, and DORIS MATSUI all for cosponsoring this amendment. Our amendment will provide \$500 million for the TIGER program, which creates jobs through investments in transportation infrastructure.

The economy is struggling to recover from the recession. The unemployment rate has remained above 8 percent na-

tionally for 40 straight months and is even higher in minority communities and in many areas of the country. Meanwhile, the American Society of Civil Engineers' "2009 Report Card for America's Infrastructure" estimated that there is a \$549.5 billion shortfall in investments in roads and bridges and an additional \$190.1 billion shortfall in investments in transit.

TIGER, formally known as Transportation Investment Generating Economic Recovery, is a nationwide competitive grant program that creates jobs by funding investments in transportation infrastructure by States, local governments, and transit agencies. TIGER funds projects that will have a significant impact on our Nation's highway and transit infrastructure.

TIGER could finance a wide variety of innovative highway, bridge, and transit projects in urban and rural communities all across this country, provided there is sufficient funding. One such project is the Crenshaw/LAX transit corridor in Los Angeles County, a light-rail project that will run through my district. TIGER grants could be used to finance stations along this corridor in the communities of Leimert Park and Westchester, thereby ensuring that these communities have access to light rail.

According to Transportation Secretary Ray LaHood:

These are innovative 21st-century projects that will change the U.S. transportation landscape by strengthening the economy and creating jobs, reducing gridlock and providing safe, affordable, and environmentally sustainable transportation choices.

TIGER received an appropriation of \$500 million in fiscal year 2012, and the President requested \$500 million for the program in funding year 2013. Unfortunately, THUD does not include any funding for TIGER. Our amendment would create jobs by funding TIGER at the requested level without cutting funding for other programs.

Last week, I introduced H.R. 5976, the TIGER Grants for Job Creation Act, which would provide a supplemental emergency appropriation of \$1 billion over the next 2 years for the TIGER program; and 44 of my colleagues have already cosponsored this bill.

So I would ask my colleagues to take a look at what is happening in our economy. I think we can all agree this economy needs stimulating. And certainly I'm not talking about stimulating just for stimulating's sake. I'm talking about stimulating for job creation and for the repair of the infrastructure of this country.

We have too many bridges that have been rated unsafe. We saw what happened in Minnesota just a couple of years ago when the bridge fell; and I want to tell you, when the bridges start to fall and the infrastructure simply disintegrates, we're all going to sit

around and scratch our heads and say how sorry we are. We're going to go to our constituents and tell them, We will never let it happen again. We have the opportunity to get in the forefront of providing this stimulus to our economy and creating jobs.

Our constituents want to work. They want jobs. So I would urge my colleagues to support the TIGER amendment, invest in our crumbling infrastructure, and create good jobs in communities across the United States.

I would yield the balance of my time to the gentlelady from Ohio.

□ 2030

Ms. KAPTUR. I thank the gentlelady for yielding.

I rise in support of the Waters TIGER grant amendment. I agree with the gentlelady that there's no stronger job creator than investment in transportation: Bridges, transit systems, overpasses, passenger rail, port development. It makes America more efficient, and it makes us more competitive. And there's never been a more critical moment than now to do it.

As kids, we used to sing this song:

London bridge is falling down, falling down. London bridge is falling down. One, two, three, we all fall down.

Well, we saw what happened in Minnesota when that bridge fell down.

In Cleveland, the Inner Belt Bridge project did not receive the \$125 million needed to continue to replace the aging I-90 bridge. The current bridge is being used well beyond its intended lifespan, and is the same design as the bridge that collapsed in Minneapolis in 2007.

In NW Ohio, there is a smaller project in need of funding. McCord Road in Holland, Ohio is the site of Norfolk Southern's main line and Amtrak. Two high school students from Springfield High School were involved in a tragic accident there in 2009—one lost their life and one was permanently injured, having lost a leg.

The McCord Road project requested just \$10 million. However, it did not receive funding with this round of TIGER grants.

There are thousands more projects like this across the Nation, both large and small, but all in great need of investment from the federal government.

I urge my colleagues to support this funding for National Infrastructure Investments. Let's build America's homeland forward and put America to work in the process.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore it violates clause 2 of rule XXI.

The rule states, in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment gives affirmative direction in effect and imposes additional duties.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I rise to speak on the point of order.

The CHAIR. The gentlewoman from California is recognized.

Ms. WATERS. In the limited time that we have to speak on these important issues, I have tried to point out the high unemployment in this country and how we can put Americans to work repairing crumbling roads and building transit facilities across our great country. I don't see any need to have to expand on this anymore. I think the point is perfectly clear that we need to fund this TIGER grant.

With the economy still struggling to recover from the recession and millions of Americans looking for work, we should not be arguing about offsets. TIGER has always been funded through the appropriations process. TIGER was first created—

The CHAIR. The gentlewoman will suspend. The gentlewoman must speak to the point of order.

Ms. WATERS. A point of order has been raised because there is no offset. And I agree there is no offset. But I make the point that we have such a critical need for jobs and investment in our infrastructure and this economy that we should not stop this from going forward simply because of the offset. We can afford to fund investment in this country.

That's my opposition to the point of order.

The CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. First of all, I want to congratulate the gentlelady from California for an insightful amendment, and I understand the dilemma that the chairman of the subcommittee is in. But what I would suggest is that we are in such a crisis as relates to both jobs and the needs of urban America, rural America, that the point of order should be waived. And it can be waived. We have waived points of order on a number of occasions. In this instance, I think we have a moment when you have zeroed out for whatever the purposes or reasons for zeroing out, and there's not even minimal amounts of money in the TIGER funding. None at all.

Having just left my district on this past Friday, receiving \$15 million in TIGER grants, the first that the city of Houston, the fourth-largest city in the Nation, has ever received, but in that granting there were urban and rural grantees that were able to create jobs.

The CHAIR. The gentlewoman will suspend. The gentlewoman must confine her remarks to the point of order.

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman.

And so my argument would be that because of the economic crisis, this is

warranting a waiver of the point of order so the gentlelady's amendment can go forward: \$500 million that will be utilized to create jobs to rebuild urban and rural America.

I would ask that the point of order be waived.

The CHAIR. Does any other Member wish to be heard on the point of order?

Ms. KAPTUR. I rise to speak against the point of order.

The CHAIR. The gentlewoman from Ohio is recognized.

Ms. KAPTUR. I wish to say it's amazing what we can find money for and what we can't find money for. When Wall Street came in here, in a flash in a weekend, \$700 billion walked out the door—a thousand times more than the gentlelady is asking for. And it would seem to me that with this point of order, there's never been a more critical time in our country to waive it in order to do the job of America.

I mentioned the Minneapolis bridge that collapsed. Well, I can tell you we have one in Cleveland that's ready to do the same. It's the same design.

What could be more important than investing in this country, creating jobs, and meeting these unmet national needs. In western Ohio, we have McCord Road, the site of a major Norfolk Southern mainline in Amtrak, and young people were killed there at grade. And now they delayed that project decades rather than doing the kind of grade crossing that's needed.

Mr. Chairman, you can talk about points of order, but the most important point of order is keep the Nation in order. And I think the most important way we can do that is to keep this transportation funding flowing, making our Nation more competitive, creating jobs, and leaving a legacy to the future better than we found it. So I strongly support the gentlelady's amendment and object to the point of order and ask, along with my colleagues, that it be waived.

The CHAIR. Does any other Member wish to speak on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction to the Secretary of Transportation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$174,128,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated

in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, sub-activity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$418,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$21,955,000.

In addition, for administrative expenses to carry out the guaranteed loan program, \$867,388.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,234,000, to remain available until September 30, 2014: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$114,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 23, after the dollar amount, insert “(reduced to \$0)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$114,000,000)”.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. If the House is to live up to the promises the Republican majority made to the American people to bring spending under control, some tough choices are going to have to be made. This amendment, however, is not one of them. This is about the easiest choice that the House could possibly make to put an end to the so-called “Essential Air Service” that lavishly subsidizes some of the least essential air services in the country.

This program shells out nearly \$200 million a year, including \$114 million of direct taxpayer subsidies, to support empty and near-empty flights from selected airports in tiny communities, most of which are just a few hours’ drive from major airports. A reporter recently investigating this waste took one of these flights from Ely, Nevada, and was the only passenger on that flight. Our constituents paid \$1.8 million for this air service that carried just 227 passengers during the entire year. Ely is a 3½-hour drive from Salt Lake City International Airport.

Thief River Falls, Minnesota, is considered an Essential Air Service airport, despite the fact that it’s just a 1 hour and 9 minutes drive to Grand Forks International Airport in North Dakota. Hagerstown is just 75 miles from Baltimore, but subsidizing their air flights is considered an “essential air service.”

Now it’s true there are a few tiny communities in Alaska—like Kake’s 700 hearty souls—that have no highway connections to hub airports, but they’ve got plenty of alternatives. In the case of Kake, Alaska, they enjoy year-round ferry service to Juneau. In addition, Alaska is well served by a thriving general aviation market and the ubiquitous bush pilot.

Rural life has both great advantages and great disadvantages, but it is not the job of hardworking taxpayers who choose to live elsewhere to level out the differences.

□ 2040

Apologists for this wasteful spending tell us it is an important economic driver for these small towns—and I’m sure that’s so. Whenever you give away money, the folks you’re giving it to are always better off. But the folks you’re taking it away from are always worse off to exactly the same extent. Indeed, it is economic drivers like this that have driven Greece’s economy right off a cliff.

An airline so reckless with its funds as to manage its affairs in such a ludicrous way would quickly bankrupt itself. As we can plainly see, the same principle holds true for governments.

This was a temporary program set up when we deregulated commercial aviation during the Carter administration. It was supposed to last a few years to give rural communities a chance to adjust. That was 34 years ago.

In 2010, in one of the most decisive congressional elections in American history, voters entrusted the House to Republicans with a crystal clear mandate: Stop wasting our money.

Last year, the House responded to this mandate by voting to eliminate Essential Air Service subsidies in the FAA reauthorization bill. So what’s the response of the House Appropriations Committee? They do not eliminate funding for this wasteful program. They do not reduce funding for it. No, they increase funding by 11 percent in a single year to a new historic high.

Mr. Chairman, our Nation is borrowing 40 cents of every dollar that it is spending. It has lost its AAA credit rating. Its taxpayers are exhausted. Its treasury is empty. Our children are staggering under a mountain of debt that will impoverish them for years to come, and yet the House Appropriations Committee, in defiance of last year’s decision by the House to eliminate this program, has just voted a double-digit percentage increase for a program that flies near empty planes across the country.

I think we can do better than that. I offer instead this amendment to stop fleecing taxpayers for this expensive folly. I believe that House Republicans will ultimately prove themselves worthy of the trust the American people have given them in this perilous hour in our Nation’s history. I believe that House Republicans can summon the fortitude to save our country from financial wreck and ruin. And I offer this amendment to put that day to a modest test.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I think what we have is a rather classical kind of situation. The gentleman from California, I suspect, has no Essential Air Service site in his district, but there are 100 communities, more than 100 communities around the country, some of them in very isolated circumstances. I don’t know about the situation in the case of the one from Baltimore, but it must be somebody who is on the east shore and gets Essential Air Service out of Cambridge, Maryland, or some other place like that, that is of great significance to them and might be of some significance to the person who represents that eastern shore of Maryland.

He uses several times in several ways the example of Alaska. Alaska happens to be a territory with huge distances

and relatively unpopulated, and they don’t have any roads in much of Alaska and so the only way they can get in and out is by air, or maybe in the wintertime by dog sled. So I think it is really presumptuous of the gentleman from California to attack all of this program of essential air services covering services in a lot of the rural parts of this country.

I have none in my district. Many of the urban areas obviously do not have any in their area. But the Montanas and the much more rural States, elsewhere in the mountain States and so on, there are numerous of them that use the Essential Air Service, and I think that the idea of simply zeroing this one out, in a petulance almost, is really quite inappropriate.

So I strongly oppose the amendment and hope that Members will not agree to this amendment.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The Essential Air Service program ensures that small and rural communities have access to the national air transportation system. This program plays a key role in the economic development of many rural communities by ensuring that air service continues. Does the program need reform? Absolutely. That’s why last year we capped the program to existing communities and have removed the requirement that larger and more expensive planes must be used in the program.

In addition, the authorizers instituted a \$1,000 per passenger subsidy cap and limited participation in the program to communities that have more than 10 enplanements per day.

This amendment would be devastating to at least 150 rural communities. In places like Iowa, it plays an essential role as far as the economic development of those communities.

With that, Mr. Chairman, I urge defeat of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. McCLINTOCK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Ms. BASS of California. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. BASS of California. I rise to commend Congresswoman MAXINE WATERS

for offering her TIGER grant amendment. The Transportation Investment Generating Economic Recovery, or TIGER, grant program invests in innovative road, rail, transit, and port projects.

Projects funded through TIGER strengthen the economy, create jobs, reduce traffic, and provide safe, affordable, and environmentally sustainable transportation choices. TIGER delivers projects faster and saves taxpayer dollars by reducing construction costs.

In my Los Angeles district, TIGER has provided significant opportunity. In fact, TIGER has provided resources for the Crenshaw/LAX Transit Corridor project, a light rail line that will connect key communities to the Los Angeles International Airport.

I look forward to continue working with my respected colleague, MAXINE WATERS, to advocate for a comprehensive and community-valued Crenshaw/LAX Transit Corridor project that will include a station at Vernon Avenue in the historic Leimert Park Village, a neighborhood which serves as the central arts and cultural hub of Los Angeles County's African American community.

The TIGER grant program is critical to the success of the Crenshaw/LAX light rail line, as well as many projects like it throughout the country.

I am sorry that the amendment was ruled out of order. I think that that was a mistake on our part.

I yield back the balance of my time.

The CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—OFFICE OF THE
SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 103. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 104. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to

record the decisions and actions of each meeting.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,718,000,000, of which \$4,682,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,513,850,000 shall be available for air traffic organization activities; not to exceed \$1,255,000,000 shall be available for aviation safety activities; not to exceed \$16,700,000 shall be available for commercial space transportation activities; not to exceed \$573,591,000 shall be available for finance and management activities; not to exceed \$60,064,000 shall be available for NextGen and operations planning activities; and not to exceed \$298,795,000 shall be available for staff offices: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from

States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$10,350,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

□ 2050

AMENDMENT OFFERED BY MR. CLARKE OF
MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 18, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 9, line 25, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 10, line 3, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 49, line 9, after the dollar amount, insert "(increased by \$10,000,000)".

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes on his amendment.

Mr. CLARKE of Michigan. Mr. Chairman, my amendment would add \$10 million to the Federal Transit Administration's formula and bus grants. I do this to give our elderly and physically disabled a chance to get around their community.

Many of our disabled and elderly aren't working. They don't have the money to afford a car, to afford car insurance, especially in the city of Detroit where insurance rates are really prohibitive for many people. This allocation of an additional \$10 million would provide the elderly and our citizens who are physically disabled with the mobility that they need to enjoy their lives, and I urge your support.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I must insist on my point of order.

The amendment proposes to amend portions of the bill that have not been read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment does not propose to transfer funds among objects in the bill, as required by clause 2(f).

I ask for a ruling of the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

The gentleman from Michigan is recognized on the point of order.

Mr. CLARKE of Michigan. Mr. Chairman, I would request that the bill be read, to the extent that the gentleman had an issue about the bill not being read.

The CHAIR. Does the gentleman ask unanimous consent to reach ahead in the reading to allow the en bloc amendment?

Mr. CLARKE of Michigan. I do, Mr. Chairman.

The CHAIR. Is there objection to the request of the gentleman from Michigan?

Mr. LATHAM. I object.

The CHAIR. Objection is heard.

Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentleman from Michigan proposes also another kind of change in the bill, namely, increasing a limitation on obligations from the Highway Trust Fund, it may not avail itself of clause 2(f) to address portions of the bill not yet read. Therefore, the amendment is not in order and the point of order is sustained.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, I rise today in support of the Waters-McColum-Lee-Cleaver-Bass-Richardson-Rush-Matsui amendment which, unfortunately, was not found in order. I would hope that the Members here, the leadership, would reconsider that decision.

I'm strongly in support of seeking to restore the \$500 million for an additional year of the widely popular and highly successful, might I say, TIGER grant program.

As a member of the Committee on Transportation and Infrastructure and as a Representative of one of the most transportation-intensive infrastructure districts in the country, I know how important it is to maintain an efficient transportation infrastructure that will help our country remain competitive globally, throughout this country and in the world.

The TIGER program enables DOT to use a rigorous process to select projects with exceptional benefits to explore ways to deliver projects faster and to save on construction costs. It also enables us to make investments in our Nation's infrastructure and to make communities more livable and sustainable.

The 2012 TIGER IV program received 703 grant applications, requesting a total of \$10.2 billion from all 50 States, including the U.S. territories and the District of Columbia. The first three TIGER programs received nearly 2,250

applications, requesting more than \$95 billion.

Now, some might say certainly we must have our financial house in order and we have to really look at how we spend the dollars that are available. But I would argue before the committee today that TIGER grants was actually a program that was used, it was well monitored. The programs were brought forward, and they were done at a benefit not only for the funding initially of those programs, but for the jobs that they provided as well.

Clearly, there is a need for additional investment in our country's infrastructure. We have reports in my area, for example, in California of many of the roads and the highways where we receive a D grade due to the lack of the quality of infrastructure in our community.

Of the 47 projects that were funded in the most recent round of TIGER grants, nearly 16 percent went specifically to port infrastructure, according to the American Association of Port Authorities, which calculated \$69.7 million would be directed to the ports.

Funding these projects is crucial to the U.S. port facilities. It supports 13.3 million jobs and accounts for \$3.15 trillion in business activity that by having better roads and infrastructure we can continue, and the TIGER grants help us to do that.

In addition to restoring the full \$500 million for the TIGER program, I believe that the conference report that comes before this body should contain the Senate's MAP-21 National Freight program and the Projects of National and Regional Significance program.

Since coming to Congress, I have advocated for a National Freight program and policy, and that's why I introduced H.R. 1122, the Freight FOCUS Act. The Freight FOCUS Act establishes the Office of Freight Planning and Development within the Department of Transportation to coordinate a national freight policy. By creating a national freight advisory committee, private and public sector entities would have direct input into funding priorities and planning.

The National Freight program would provide over \$2 billion a year to upgrade our Nation's goods movement system. That equates to \$336 million to the State of California, alone, over 2 years for freight infrastructure upgrades. These funds are critical to areas like mine, a district where over 40 percent of our entire Nation's cargo goes through the Port of Los Angeles and Long Beach and, ultimately, through my district.

In addition to MAP-21, which would authorize \$1 billion for the Projects of National and Regional Significance, according to the Bloomberg Government report, the cost of congestion to the trucking industry totalled \$23 billion in 2010, almost a quarter of the

cost of congestion to the entire economy.

Investing in key intermodal links, such as the Gerald Desmond Bridge, which was a project that was funded through the Projects of National Significance, these links and the jobs that are associated to them are vital to us moving goods throughout this country.

Without programs like TIGER and PNRs, critical infrastructure like the Gerald Desmond Bridge—that has a diaper underneath it catching concrete, which Chairman MICA visited and saw himself—these types of bridges would continue to crumble and put a vital link to our Nation's largest seaports to consumers at risk.

I would like to encourage my colleagues to accept, even though it's been initially found out of order, to reconsider that effort, and hope, as we go forward, there will be a greater precedence, as the committee report comes out, for the National Freight program and the Projects of Regional Significance. I look forward to the decision and support in the future.

I yield back the balance of my time.

Mr. CLARKE of Michigan. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Mr. Chairman, I do understand the procedural limitations raised by the gentleman from Iowa on my amendment. My goal here was to provide those citizens with physical disabilities some way to get around their community because, many times, even if they can afford to buy a vehicle or auto insurance, they may not be able to drive that vehicle.

I look forward to working with the subcommittee chair, the gentleman from Iowa, on other ways that we could better serve our citizens who are elderly and who have physical disabilities.

Mr. LATHAM. If the gentleman would yield, I would just say that I would hope the authorizers come back with a robust number for you, and that we'll be happy to try to work with the gentleman.

Mr. CLARKE of Michigan. Thank you very much. I yield back the balance of my time.

□ 2100

The Acting CHAIR (Mrs. ROBY). The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing

of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,749,596,000 of which \$480,000,000 shall remain available until September 30, 2013, and of which \$2,269,596,000 shall remain available until September 30, 2015: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2014 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2014 through 2018, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(INCLUDING RESCISSION OF FUNDS)
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2015: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That, of the unobligated balances from prior year appropriations available under this heading, \$26,183,998 are rescinded.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,400,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2013, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of

the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project that the Administrator determines is a successive phase of a multi-phased construction project for which the project sponsor received a grant in Fiscal Year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$105,000,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, and not less than \$29,300,000 shall be available for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL
AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2013.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2013, any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of

the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking "benefit." and inserting "benefit, with the maximum allowable local cost share capped at "20 percent."

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

Contingent upon reauthorization, not to exceed \$392,855,251, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Contingent upon reauthorization, none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$39,143,582,670 for Federal-aid highways and highway safety construction programs for fiscal year 2013: *Provided*, That within the \$39,143,582,670 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for

transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2013: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$39,882,583,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL
HIGHWAY ADMINISTRATION

SEC. 120. Contingent upon reauthorization, the following authorities shall apply for fiscal year 2013:

(a) The Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate

amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; section 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that

the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2013; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND
PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$244,144,000, to be derived from the Highway Trust Fund (other

than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$244,144,000, for “Motor Carrier Safety Operations and Programs” of which \$8,543,000, to remain available for obligation until September 30, 2015, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 29, 2013 on the agency’s ability to meet its requirement to conduct compliance reviews on mandatory carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$307,000,000, for “Motor Carrier Safety Grants”; of which \$212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$30,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; and \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28.

Mr. LATHAM (during the reading). Madam Chairman, I ask unanimous consent that the remainder of the bill through page 34, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$152,000,000, of which \$20,000,000 shall remain available through September 30, 2014.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, \$122,360,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of \$122,360,000, of which \$118,244,000 shall be for programs authorized under 23 U.S.C. 403, and of which \$4,166,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the \$122,360,000 obligation limitation for operations and research, \$20,000,000 shall remain available until September 30, 2014 and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided further*, That \$10,000,000 of the total obligation limitation for operations and research in fiscal year 2013 shall be applied toward unobligated balances of contract authority provided in prior Acts for carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code.

AMENDMENT OFFERED BY MR. BRALEY OF IOWA

Mr. BRALEY of Iowa. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 16, after the dollar amount, insert “(reduced by \$10,000,000) (increased by \$10,000,000)”.

Page 35, line 21, after the dollar amount, insert “(reduced by \$10,000,000) (increased by \$10,000,000)”.

Page 35, line 22, after the dollar amount, insert “(reduced by \$10,000,000) (increased by \$10,000,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BRALEY of Iowa. Madam Chair, I want to make a specific point of emphasizing that I’m offering this amendment in honor of one of the gentleman from Iowa’s constituents, a young, 7-year-old girl named Kadyn Halverson who, on May 10 of 2011, was struck and killed by a pickup truck while exiting a school bus.

And this particular section of the bill deals with the report language that talks about, among other things, the

ability to talk about safety and pupil transportation relating to the National Highway Transportation Safety Administration. So to understand the purpose behind this amendment, it's important to know how this tragedy happened.

This young girl was crossing the street to board her school bus. The bus had its red lights flashing. The stop arm was activated, and a pickup truck traveling at 60 miles an hour struck and killed her. The driver tested positive for marijuana and later pleaded guilty to vehicular homicide and has been sentenced to 15 years in prison.

Now, this is one isolated incident in my home State, but statistics show that 13 million violations occur in this country every year of vehicles passing stopped school buses. It's obvious we have a serious problem, and my amendment would use this funding for the purpose of working with States to create tougher sanctions and tougher enforcement to reduce this alarming problem of people violating the law and passing stopped school buses.

The intent of my amendment is to require the National Highway Traffic Safety Administration, otherwise known as NHTSA, to prioritize at least \$10 million for school bus safety work and, specifically, to work with State and local law enforcement to improve enforcement of State law concerning illegally passing stopped school buses.

My amendment would ensure that we are enforcing the laws on the books pertaining to stopping those school buses. It's a part of an ongoing effort to provide safety to kids who are going to school and returning every day; 13 million violations a year is way too many. We have an obligation to work with States. My amendment would do that by directing NHTSA to use this opportunity to help those States become more effective in preventing these tragedies.

It wasn't the only one that has become of significance in my State in the past year; 11-year-old Justin Bradfield of Janesville, Iowa, was tragically killed in 2011 after being struck by a school bus. That's why earlier this year I introduced Kady's Act in the House. The bill would encourage States to toughen their penalties for those found guilty of passing a stopped school bus.

I am honored to have the subcommittee chairman as a cosponsor of that legislation. I hope that my colleagues will support this amendment, and I urge them to work to pass both these bills to make it safer for our kids to get to school and back.

With that, I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I appreciate the intent of the amendment of the gentleman

from Iowa. The gentleman introduced legislation that would require States to enact harsher penalties for reckless drivers who pass stopped school buses, and this amendment complements that legislation and, I think, sends a very, very important message.

The legislation named in memory of the little girl the gentleman spoke about from Iowa who was killed so tragically, this is extremely important, I think, to raise the profile. I would hope that the authorizing committee in conference on the highway bill would take this into consideration and act on this very provision.

As a cosponsor of the act, I commend the gentleman's effort and would accept the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$501,828,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of \$501,828,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$25,328,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Contingent upon reauthorization, notwithstanding section 402(g) of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$184,000,000, of which \$20,360,000 shall remain available until expended.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 4, after the dollar amount, insert "(reduced by \$5,404,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$5,404,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment would simply reduce funding for administrative expenses within the Federal Railroad Administration by \$5,404,000.

This office is one of 13 in the underlying bill which is slated to receive increases for administrative expenses, despite the fiscal emergency that we're facing as a Nation. This, like many of the amendments that I'm bringing, would just reduce funding back to current levels, back to the FY12 levels.

We have many sections of this bill that are slated to be increased. But as we face an economic emergency as a Nation, as we're spending money that we don't have—40 cents of every dollar we're spending is being borrowed—we just have to stop the outrageous spending that's going on here in Washington.

This amendment would simply bring the administrative expenses for the Federal Railroad Administration back to current levels. It would not reduce the functions of the administration. It would just keep funding at the current levels.

It makes sense to just stop increasing, so I urge support of my amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I must oppose the gentleman's amendment. This would not allow the Federal Railroad Administration to hire additional safety inspectors and fully implement the risk reduction program.

□ 2110

These investments have a proven record in reducing the number of crashes on our Nation's railways.

While we appreciate the gentleman's concern over the debt, this is an arbitrary way to budget, and it negates months of work on this committee to try and determine the proper funding levels for these different functions. The bill already cuts \$4 billion from 2012, which is a very fiscally responsible level, so I would urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$35,500,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, such authority to exist as long as any such direct loan or loan guarantee is outstanding: *Provided*, That, pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2013.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$350,000,000, to remain available until expended: *Provided*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than

60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2013 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall provide semi-annual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2012 performance improvement plan: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2014 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$1,452,000,000, to remain available until expended, of which not to exceed \$271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That of the amounts made available under this heading, not less than \$50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: *Provided further*, That after an initial distribution of up to \$200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That of the amounts made available under this heading, not less than \$500,000,000 shall be made available to fund high priority state-of-good-repair intercity infrastructure projects on infrastructure owned by the Corporation or States for the benefit of existing intercity passenger rail services: *Provided further*, That of the amount provided under the preceding proviso, \$80,000,000 may be used to subsidize operating losses of the Corporation only after receiving and reviewing a grant request justifying the Federal support to the Secretary's satisfaction: *Provided further*, That such projects shall only include capital projects within the meaning of Section 24401(2)(A) of Title 49, United States Code: *Provided further*, That the Secretary shall approve funding for these projects only after receiving and reviewing a grant request for each project developed by Amtrak in conjunction with any state partners: *Provided further*, That the Federal share payable of the costs for such a project shall not exceed 80 percent: *Provided further*, That at least 30 days prior to the obligation of funds for such a project, the Secretary shall provide to the House and Senate Committees on Appropriations written notification of the approval of the project: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, Except as otherwise provided herein, none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That except as otherwise provided herein, none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2013 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110-432, the Secretary may retain up to an additional \$3,000,000 of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110-432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

NEXT GENERATION HIGH-SPEED RAIL
(RESCISSION)

Of the funds made available for Next Generation High Speed Rail, as authorized by sections 1103 and 7201 of Public Law 105-178, \$1,973,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM
(RESCISSION)

Of the funds made available for the Northeast Corridor Improvement Program, as authorized by Public Law 94-210, \$4,419,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS—FEDERAL
RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: *Provided*, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days of waiving such cap and delineate the reasons for such waiver.

SEC. 154. The unobligated balance of funds provided under sections 1101(a)(18) and 1307 of Public Law 109-59 shall be used for the elimination of hazards at railway-highway crossings described in section 104(d)(2) of title 23,

United States Code, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$100,000,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2014 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2014.

Mr. LIPINSKI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. I rise to engage in a colloquy with my good friend from Iowa, the distinguished chairman, Mr. LATHAM.

First, I would like to acknowledge the difficult and challenging job the chairman has had in crafting this bill. I would also like to acknowledge all of the work of Ranking Member OLVER, not just this year but in years past here in Congress, and especially as head of this committee.

In 2008, Congress passed a mandate requiring commuter and freight railroads to implement Positive Train Control by 2015. While PTC provides a very significant safety improvement, it is also very costly. The Federal Railroad Administration has estimated that the total cost for PTC will be \$13.2 billion industrywide.

In recognizing the cost when we were working on the bill in order to implement the mandate, I was able to add language authorizing the Rail Safety Technology Grant program at \$50 million per year. Since the program was authorized, however, Congress has only appropriated \$50 million for 1 year.

This mandate is especially hard on commuter railroads. In the Chicago region, Metra serves approximately 300,000 commuters every weekday. Metra estimates that PTC will cost \$200 million, an amount the agency will struggle to afford. There are many other commuter railroads in this country facing similar situations and needing some help in implementing this safety technology.

Yet, in recognizing the difficult choices the chairman has had to make on this bill, I will not offer an amendment. I would ask, as this bill moves forward to conference and in future appropriations bills, that we work together to find some level of Federal support to help defray the costs for our Nation's railroads in order to implement PTC.

With that, I yield to Chairman LATHAM.

Mr. LATHAM. I thank the gentleman for his hard work in this area and for

his efforts on the Transportation Committee.

Commuter railroads are an extremely important mode of transportation and are critical to many of our regional economies. I would be more than happy to work with the gentleman on ways to address the PTC funding issues as we go to conference and in the future.

Mr. LIPINSKI. In reclaiming my time, I thank the gentleman, and I look forward to working with him on this funding issue.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 16, after the dollar amount, insert "(reduced by \$1,287,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$1,287,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. My amendment would reduce funding for the administrative expenses within the Federal Transit Administration by \$1,287,000.

This office is one of 13 in the underlying bill which is slated to receive increases for administrative expenses despite the dire fiscal environment we have in our Nation, but we've got to stop the outrageous spending that government has been doing.

The passage of my amendment would simply bring the funding level for these administrative expenses that are within the Federal Transit Administration back to the level of this year. It would just reduce the increase back to current levels.

I urge the support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. From what I understand of this amendment, the gentleman from Georgia is now removing a little over \$1 million, \$1,300,000 or thereabouts, from the \$100 million that is assigned by Mr. LATHAM's bill for the administrative expenses of the FTA.

As I pointed out in my opening statement, 65 percent of all of our population in this country—and it's going up every census—is now living in metropolitan areas with populations of greater than a half a million people. The remarkable thing about this is that, among the 50 largest metropolitan areas, there is a 25 percent increase every decade in their populations.

Georgia has one of those major population areas—the whole Atlanta area—which is also growing by more than 25 percent every decade, but the gentleman is trying to constrain the dollars of the FTA, which is the agency

that provides the development of transit services for all of these major metropolitan areas around the country.

I think that this is an exceedingly modest increase that has been proposed. Virtually everybody has metropolitan areas that are in need of this enormous increase in investments for transit services, for public transportation services, whether they be by commuter rail or by light rail—any one of those programs.

□ 2120

I just think that this is an exceedingly short-sighted amendment to be trying to impose upon the FTA, which has increased its total services to the urban parts of the country. Year after year, the number of grants that are being given out, the amount of the administration of those grants goes up, and it must continue to go up if we're going to continue to have growth in population, which we expect is going to continue at roughly 10 percent per decade, as it has in the last decade.

I strongly oppose this amendment and urge a "no" vote on the amendment. I think that it is clearly a counterproductive thing to be doing, no matter what our economic times may look like at the present time.

We have to get back to a growth program in this country. We have to get back to building more infrastructure and to administrate through the FTA the programs by which those infrastructure improvements get made in all of the metropolitan areas that are growing around the country.

With that, I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I rise to oppose the gentleman's amendment.

This is a minor 1.3 percent increase over the prior year with all of the increase going to uncontrollable costs, such as additional compensable workday, rent and IT maintenance costs. Further, we've already rejected \$66 million of funds for new activities requested in the President's budget.

This is also one mode where we shouldn't cut funds. The FTA staffing has increased only 19.7 percent over the last 20 years, yet FTA funding has increased by 129 percent, and the number of grants that FTA administers and oversees has increased 118 percent. I'm not sure cutting S&E funding is the right thing to do in an agency that oversees this much of the Federal funds. We're talking about 0.0005 percent, the full-time equivalent for every thousand dollars that the grants are doled out.

I thank the gentleman for his interest in reducing spending. I would say we've already cut \$66 million, and I will

oppose any effort to reduce FDA's oversightability.

Again, I would ask for a "no" vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

FORMULA AND BUS GRANTS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, funds available in fiscal year 2013 for the implementation or execution of transit formula and bus grant programs authorized under title 49, United States Code, as amended by such authorization, shall not exceed total obligations of \$8,360,565,000 from the Mass Transit Account of the Highway Trust Fund.

(LIQUIDATION OF CONTRACT AUTHORITY)
(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, \$9,400,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund, for payment of obligations incurred in carrying out mass transit programs authorized under title 49, United States Code, as amended by such authorization.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, \$44,000,000, to remain available until expended: *Provided*, That \$6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$3,000,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$20,000,000 is available to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,816,993,000, to remain available until expended, of which \$127,566,794 shall be available to carry out section 5309(e) of such title.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Sec-

retary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of title VI of Public Law 110-432 (112 Stat. 4968) for fiscal year 2013.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 18, after the dollar amount, insert "(reduced to \$0)".

Page 150, line 9, after the dollar amount, insert "(increased by \$150,000,000)".

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. It is the desire of this House and Members of this side of the aisle that we put an end to earmarks, and yet some might say that in this bill there contains \$150 million solely for the benefit of one particular project, the Washington Metropolitan Area Transit Authority, or WMATA.

This is just one-tenth of the \$1.5 billion that Congress intends to spend on the D.C. metro system over a 10-year period. This may not be considered your average earmark. The Heritage Foundation has dubbed this—according to Heritage—"the largest earmark in American history."

Why? Well, the amendment before us is simple. It would eliminate the subsidy to WMATA that has been received since 2008. At a time of record budget deficits and debt, the American people cannot afford to provide a special subsidy, especially when it takes into consideration the fact that the D.C. metro area already receives funds from several different Federal transit programs. And given the performance of this agency, I really find it amazing. I find it astounding that this year the American people should be expected to give them another \$150 million of their hard-earned money.

In addition to the daily service interruptions, the lax management, and the generally poor performance that we're all familiar with, Metro has a significant record of wasteful spending. In 2005, The Washington Post reported that Metro spent \$382 million to rebuild cars only to have them break down more often than those that weren't overhauled. The Post also pointed out that when senior agency attorneys wanted two new window offices, they spent \$270,000 just to accommodate them. Why not? It's just taxpayer dollars from across the rest of this country.

Earlier this year, it was reported that the Office of the Inspector General uncovered several personnel and unwarranted expenses on Metro's credit card, such as \$2,000 worth of gift cards, three camcorders valued at \$700, and even \$180 just for headphones alone.

Madam Chair, we cannot afford to keep pouring our money into an Agency that clearly hasn't done its job of cleaning its own house.

Finally, it is curious to note that the \$150 million this bill provides for is \$15 million more than the President requested in his budget. Do we really want to be out-spending the President of the United States in this area?

Finally, hardworking taxpayers should not be forced to subsidize a transportation system that has basically failed over the years to get its own fiscal house in order. We owe it to the American people to do better than that.

With that, I yield back the balance of my time.

Mr. OLVER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

□ 2130

Mr. OLVER. Madam Chairwoman, the amendment that is offered here in this instance is really quite a curious one, it seems to me.

The gentleman offering the amendment is from New Jersey, the largest overall metropolitan system, with its commuter rails, with its expansions needed, always repairing, always upgrading, always expanding the systems that serve the whole New York metropolitan area. It serves northern New Jersey, which partly serves people in his district.

Now, the amendment that is being proposed is an amendment that affects WMATA, the Washington/Virginia/Maryland metropolitan area, which is our sixth largest metro area, with somewhat over 5 million people. I don't know exactly—although my staff here is trying to figure it out—how many riders there are on WMATA each year.

The expenditure under consideration of \$150 million a year was fully authorized by the PRIIA Act in 2008, signed by President Bush at that time. And this is about the third or fourth year of the \$150 million guarantee, the commitment in the authorizing bill to do the \$150 million per year in the whole system, no specific place, not in a specific congressional district, though there are several congressional districts in which WMATA functions. And it's matched dollar for dollar. It's 50 percent matching moneys. Maryland, Virginia, and D.C. have to match the \$150 million along the way.

We do have, occasionally, safety problems. We have had some crashes here in Washington and some people who have been injured or killed in those crashes.

And I find it really quite curious that the gentleman from New Jersey would be trying to take away the money that is fully authorized—

Mr. GARRETT. Will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT. I find it odd that I am in the position here of actually defending the President of the United States and defending what his recommendations are in this area, but I will gladly do so.

The President suggested that, with all of those factors that you have just played out taken into consideration, it was his opinion that we should not be spending this full amount of money. It was President Obama's suggestion that we actually curtail the money.

Mr. OLVER. Yes.

Reclaiming my time, it has been the position of our subcommittee looking at, realizing that the authorization in the PRIIA Act and the commitments that had been made to this metropolitan area, which many of us and many of our staff use for transportation. We have had serious safety problems, and a serious need has been shown through those safety problems for an upgrading of the equipment and systems that we use in this area.

So I think it is certainly my position, and I think it is the chairman of the subcommittee's position, that this is a choice well made, critically made, with critical thought to why this was being done for the safety of the people using the WMATA public transportation system all over Maryland, D.C., and northern Virginia.

Mr. GARRETT. If the gentleman will yield, then the question is: Are you suggesting that the President does not care for the safety of this administration? Are you suggesting that the President—

Mr. OLVER. I'm not suggesting any such thing.

I am suggesting that this is a legislative position, that this should be done, that it has been agreed to be done.

I now have the number of riders. We had 217 million riders in the WMATA system in 2011. That's a huge number of riders, and they deserve some consideration for the safety of the WMATA system.

I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This language came about as a result of our former colleague from Virginia, Tom Davis.

There are many ideas behind it. I didn't know the amendment was coming up. I think that is part of the problem around here with the prefiling. It would be nice to let Members know what is coming up so they know. But I did see it, so I ran over.

One, the number of Federal employees. This serves the Pentagon. It serves most of the Federal agencies in the government. But if you looked at the

Metro today, most of the people riding it today were tourists from New Jersey and from Texas and from other places like that around.

When you look at Metro with regard to the inauguration and many of the other events, that was the whole concept, that the administration, both Republican and Democrat—and this was a Republican amendment offered by Congressman Tom Davis to have this funding over a period of, I think, if my memory serves me, over a period of 10 years.

So I rise in strong opposition to the Garrett amendment and ask that Congress maintain the integrity of what Congressman Davis and many other Congresses have done in the past.

Mr. GARRETT. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. GARRETT. I understand all the points that you raise as far as who is using the system, New Jersey people and New York people. But I can make that exact same argument about the New York/New Jersey metropolitan area and our transit area as well, and we don't have a \$150 million extra earmark in for our area.

Already, the D.C. metro area is getting \$1.5 billion from Congress, from the U.S. taxpayers from Colorado to Oklahoma to Tennessee for this system, and now they're getting \$150 million more. But all the tourists that come up from all over the United States to visit my metropolitan area in New York/New Jersey, we're not getting an extra \$150 million, and we have the same exact concerns as far as safety and maintenance and the rest.

So the constituents in my area are saying, Why is it that only the constituents down here get this extra earmark and we don't see the same thing for other metropolitan areas?

I thank the gentleman for yielding.

Mr. WOLF. I thank the gentleman.

This is the Nation's Capital. We are the Nation's Capital. People from all over the world come here.

And I want to be sure—things are thrown around on this floor many times that are not accurate. A large proportion of the New York system was paid for with Federal taxpayer money.

This was the agreement that was made by the Government Operations Committee, I think, in conjunction with Congressman Davis, Congressman HOYER, and others a number of years ago. Congressman Davis is no longer here, but that was the whole sentiment with regard behind it.

So I urge Members to vote "no" on the Garrett amendment and yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. Madam Chairwoman, I understand that since I claimed the time in opposition, I retain, then, the right to strike the last word, so I have struck the last word. Thank you very much.

Just to continue this one, New York, at the present time, is benefiting from enormous additional investments in two major projects. One reaches out into Long Island, the so-called East Side Access project, which you wouldn't know or care, perhaps, much about because it reaches to all the population out on Long Island—to the east, to that direction for you, to the east—and the Second Avenue Subway.

□ 2140

So that New York system has those two very large programs. Each one of them is about \$2 billion. That's \$2 billion going on concurrently with what this 10-year program is for the maintenance of the system here in Washington, when we have had clear evidence of safety difficulties and equipment difficulties that had not been taken into account. We were not putting enough investment into the maintenance of the Washington system.

And to add to the gentleman from Virginia's comment about this, our constituents from every district all over the country come to Washington and deserve to have a really good public transportation system in Washington. So it is in all of our interests to make certain that that system is up to snuff on safety and the equipment is in good repair. So I have no apology whatsoever for supporting this one, and would strongly urge that we defeat this amendment.

I yield back the balance of my time.
Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, I want to be sure to point out to the House that the account is authorized. Under the Passenger Rail Improvement Act, in order for the metropolitan D.C. area to receive the funds, Virginia, Maryland, and the District of Columbia have to match the money, which certainly helps. And I also note that the committee has included language, which is very important, that the Federal Government cannot provide more than 60 percent for the first time. That's important that the local communities do their fair share.

All of the money in the Passenger Rail Improvement Act for the D.C. area has to be used for safety and capital improvements only. They can use the money only to buy new cars and equipment to improve the safety of the system. And as my good friend from New Jersey has pointed out, if there's clearly evidence, apparently, of misuse of the funds, the inspector general can certainly investigate that and even

bring criminal charges against those responsible for using the funds for a purpose other than that authorized by the Passenger Rail Improvement Act.

I think it's also important to point out that the bill, overall, cuts New Starts funding by \$419 million and cuts the request for administrative funding for the FTA by \$66 million.

These bills that Chairman ROGERS has presided over that all of us on Appropriations have worked so hard on, for the first time we've got a whole series of bills reducing spending year after year. There's much, much more to do. And while I'm certainly in philosophical agreement with the gentleman's amendment, because of the careful balance the bill strikes in funding an authorized program, it can only be used for a limited purpose that must be matched, and the committee would like to ask for a "no" vote on the gentleman's amendment.

Mr. GARRETT. Will the gentleman yield?

Mr. CULBERSON. I am happy to yield to my good friend from New Jersey.

Mr. GARRETT. I will just make three quick points. One is, again, it is really odd that here I stand with you next to the microphone and that I am actually defending the more conservative position and actually defending the position of the President of the United States, who says we should be spending less money.

Secondly, in a time when we all said, Let's eliminate earmarks, here we have, as Heritage says, the largest earmark in American history. Because this is not simply an issue of saying that this program has a safety need and no one else does. If it wasn't a grant application process where New York, New Jersey, or any other system around the country could have applied and say, Our safety needs are X times high or less than Washington, D.C., maybe there wouldn't be a concern. But that's not the case here.

All the other metropolitan transit systems in the country aren't being weighed as far as what their safety needs or what their maintenance needs are. It just simply made a decision here that Washington, D.C., and the congressional districts that it contains around it somehow or another merit greater service than do the other ones in Chicago or New York or New Jersey, what have you. I think that's where the difficulty lies.

Mr. CULBERSON. If I could reclaim my time, the gentleman and I worked together arm-in-arm on so many good conservative causes, and in this one area we do have a slight disagreement. I would point out that the statute requires that the metropolitan Washington transit entity has to submit a grant application. Under the law, they can't just automatically access these funds. They have to submit a grant ap-

plication that complies with all the Federal Transit Administration's requirements. They have to demonstrate that the money will be used for the narrow purposes authorized by the act for safety and capital improvements, and they must comply with all of the other requirements that every other transit entity in the Nation complies with.

For all those reasons, to keep the careful balance the committee has struck, the overall reduction in funding, the committee would ask for a "no" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. GARRETT. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL
TRANSIT ADMINISTRATION
(INCLUDING RESCISSION OF FUNDS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2015, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2012, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 165. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1.5 percent of the

amount made available to carry out section 5316 of title 49, United States Code: *Provided*, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 166. Notwithstanding any other provision of law, none of the funds made available in this Act shall be available to carry out 49 U.S.C. 5309(m)(6)(B) and (C).

SEC. 167. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 168. The Secretary shall conduct a formal adjudication in accordance with section 554 of title 5, United States Code, requiring any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then granted an exception from such part in this fiscal year to present evidence why it cannot come into compliance with such part: *Provided*, That any determination arising from the adjudication shall be sent to the House and Senate Committees on Appropriations for consideration: *Provided further*, That this section shall be obviated if there is an arrangement between such transit agency and charter bus providers that the Secretary considers appropriate in accordance with section 5323(d) of title 49, United States Code.

SEC. 169. For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169A. Of the funds made available for the Formula Grants program, as authorized by Public Law 97-424, as amended, \$70,867,394 are hereby permanently rescinded: *Provided*, That of the funds made available for the Formula Grants program, as authorized by Public Law 91-43, as amended, \$699,307 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Formula Grants program, as authorized by Public Law 95-599, as amended, \$928,838 are hereby permanently rescinded: *Provided further*, That of the funds made available for the University Transportation Research program, as authorized by Public Law 91-453, as amended, and by Public Law 102-240, as amended, \$292,554 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Job Access and Reverse Commute program, as authorized by Public Law 105-178, as amended, \$14,661,719 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Capital Investment Grants program, as authorized by Public Law 105-178, as amended, \$11,429,055 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Research, Training, and Human Resources program, as authorized by Public Law 95-599, as amended, \$247,579 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Interstate Transfer Grants program, as authorized by 23 U.S.C. 103(e)(4), \$2,661,568 are

hereby permanently rescinded: *Provided further*, That of the funds made available for the Washington Metropolitan Area Transit Authority, as authorized by section 14 of Public Law 96-184, as amended, and by Public Law 101-551, as amended, \$523,000 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Urban Discretionary Grants program, as authorized by Public Law 88-365, as amended, \$578,353 are hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 169B. None of the funds in this Act may be available to advance a new fixed guideway capital project to final design or a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of Montrose Boulevard or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

SEC. 169C. Notwithstanding any other provision of law, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, shall be treated as an associated capital maintenance item for purposes of grants made under section 5307 of title 49, United States Code, in fiscal year 2013. Amounts made under this heading shall be limited to \$100,000,000.

POINT OF ORDER

Mr. DUNCAN of Tennessee. Madam Chairwoman, I rise to raise a point of order against section 169C.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DUNCAN of Tennessee. Madam Chairwoman, I raise a point of order against section 169C on page 56, lines 10 through 16. This section violates clause 2(b) of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

I would also note that the issue of when transit agencies can use Federal transit funds for operating expenses is part of conference negotiations on the highway bill, which hopefully will be resolved by the end of this week. The conference report will include a better, more targeted policy on this issue.

I request a ruling in favor of this point of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make

such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$33,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$184,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$145,753,000, of which \$11,500,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$2,400,000 shall remain available through September 30, 2014 for Student Incentive Program payments at State Maritime Academies, and of which not less than \$14,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$4,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, \$3,750,000 shall be paid to the appropriation for "Operations and Training", Maritime Administration.

□ 2150

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 7, after the dollar amount, insert "(reduced by \$10,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$10,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment would reduce funding for the administrative expenses for the Maritime Guaranteed Loan program by \$10,000. That's all. It doesn't sound like much, but it freezes spending at the current levels.

I believe very firmly that we ought to cut spending in this House. We've cut our MRAs, our own operating accounts for our own administrative expenses by 11 percent. What this amendment does, it freezes at the current fiscal year '12 levels. It is a minor amount of money to most folks, but still, \$10,000 is a lot of money to this old Georgia boy.

So I urge adoption of my amendment, and I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would just accept the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall be available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime

Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106-398. Nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 16 U.S.C. 5405(c), section 3502, or otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION
OPERATIONAL EXPENSES
(PIPELINE SAFETY FUND)
(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$23,030,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,500,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 25, after the first dollar amount, insert "(reduced by \$1,670,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$1,670,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, this, like many amendments I'm offering tonight, would freeze spending at the FY12 levels. We've just got to stop spending money we don't have, Madam Chairman.

I recommend adoption of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. What we are talking about here is pipeline safety inspectors. The increase in pipeline safety inspectors, and the agency is Pipeline and Hazardous Materials Safety Administration, that organization has, over the last few years, had an ever-increasing responsibility.

Just about 18 months ago, we had a Pacific Gas and Electric pipeline that ruptured in San Bruno, California. The ensuing fire and explosion leveled some 35 homes and killed eight people. The National Transportation Safety Board's investigation found that Pacific Gas and Electric's poor quality control and integrity management systems contributed to the cause of the pipeline rupture. It is a prime example of why we need strong enforcement and oversight of the Nation's ever-expanding, really already vast, but ever-expanding pipeline system.

Now, section 31 of the Pipeline Safety Reauthorization bill enacted on January 3 of this year authorized 10 additional pipeline inspection and enforcement personnel if the Pipeline and Hazardous Materials Safety Administration had filled all 135 of its existing positions by a certain deadline.

We need to be doing more rather than less on pipeline safety, and so I oppose this amendment very strongly.

I yield back the balance of my time. Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in strong opposition to this amendment.

This program was authorized just last year. The funds that are being cut here are for safety inspectors, and we've had explosions in Iowa.

The gentleman referred to very tragic pipeline explosions elsewhere around the country. We have seen a number of these explosion incidents. We simply cannot compromise safety in this regard. It's a small increase and consistent with the authorization that was just passed by this Congress.

I can tell you from personal experience, in a little town of Alexander, about 5 miles outside of town, it's been several years ago, but a pipeline exploded, and basically we had to evacuate about a 15-mile area, and it was a huge issue. Fortunately, no one was killed in that explosion.

But I'll just say that this is a very important function and that we need to have these inspectors. We need to have a focus on pipeline safety. And so again, I would recommend a "no" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$42,546,000, of which \$1,725,000 shall remain available until September 30, 2015: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for

travel expenses incurred in performance of hazardous materials exemptions and approval functions.

PIPELINE SAFETY
(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)
(PIPELINE SAFETY DESIGN REVIEW FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$111,252,000, of which \$18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2015; and of which \$90,679,000 shall be derived from the Pipeline Safety Fund, of which \$48,191,000 shall remain available until September 30, 2015; and of which \$2,000,000, to remain available until expended, shall be derived as provided in this Act from the Pipeline Safety Design Review Fund, as authorized in 49 U.S.C. 60117(n): *Provided*, That not less than \$1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2014: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2013 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY
ADMINISTRATION
RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$13,500,000: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$84,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: *Provided further*, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and the

Office of Inspector General: *Provided further*, That: (1) the Inspector General shall have the authority to audit and investigate the Metropolitan Washington Airports Authority (MWAA); (2) in carrying out these audits and investigations the Inspector General shall have all the authorities described under section 6 of the Inspector General Act (5 U.S.C. App.); (3) MWAA Board Members, employees, contractors, and subcontractors shall cooperate and comply with requests from the Inspector General, including providing testimony and other information; (4) The Inspector General shall be permitted to observe closed executive sessions of the MWAA Board of Directors; (5) MWAA shall pay the expenses of the Inspector General, including staff salaries and benefits and associated operating costs, which shall be credited to this appropriation and remain available until expended; and (6) if MWAA fails to make funds available to the Inspector General within 30 days after a request for such funds is received, then the Inspector General shall notify the Secretary of Transportation who shall not approve a grant for MWAA under section 47107(b) of title 49, United States Code, until such funding is made available for the Inspector General.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$31,250,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2013, to result in a final appropriation from the general fund estimated at no more than \$30,000,000.

AMENDMENT OFFERED BY MR. BROWN OF
GEORGIA

Mr. BROWN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 11, after the dollar amount, insert "(reduced by \$1,940,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$1,940,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROWN of Georgia. Madam Chair, my amendment will reduce funding for salaries and expenses for the Surface Transportation Board by \$1,940,000. This office is one of 13 in the underlying bill which would receive increases for administrative expenses in this underlying bill. Passage of my amendment would simply bring funding levels back to current levels, fiscal year 2012.

Madam Chair, we are spending money we don't have. We have reduced our own operating expenses as Members of the House by 11 percent, over 11 percent, and this amendment would just freeze—would prevent any increase in the salaries and expenses for the Surface Transportation Board—to this year's level.

□ 2200

We've got to be fiscally responsible, Madam Chairman, as a Nation. We've got to stop the outrageous spending that's going on here in Washington. And this doesn't even stop it; this just freezes it at the current levels.

This, hopefully, is going to put a little spotlight on the fact that we need to stop spending money we don't have, stop borrowing 40 cents on every dollar the Federal Government spends. My amendment would just freeze spending at the current levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I accept the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—DEPARTMENT OF
TRANSPORTATION

SEC. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety

inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings "National Infrastructure Investments" in this Act: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming ac-

tion shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

This title may be cited as the "Department of Transportation Appropriations Act, 2013".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, \$518,068,000, of which not to exceed \$3,572,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,206,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; not to exceed \$1,711,000 shall be available for the Office of Hearings and Appeals; not to exceed \$705,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$47,627,000 shall be available for the Office of the Chief Financial Officer; not to exceed \$95,102,000 shall be available for the Office of the General Counsel; not to exceed \$2,400,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed \$3,502,000 shall be available for the Office of Public Affairs; not to exceed \$247,535,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed \$47,500,000 shall be available for the Office of Field Policy and Management; not to exceed \$16,563,000 shall be available for the Office of the Chief Procurement Officer; not to exceed \$3,127,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed \$1,404,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed \$2,360,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed \$4,884,000 shall be available for the Office of Strategic Planning and Management; and not to exceed \$38,870,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*,

That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: *Provided further*, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: *Provided further*, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

AMENDMENT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 19, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 72, line 3, after the dollar amount, insert "(reduced by \$2,000,000)".

Page 72, line 8, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 72, line 20, after the dollar amount, insert "(reduced by \$3,000,000)".

Page 102, line 2, after the first dollar amount, insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Chair, this is a straightforward amendment to increase funding for the HUD Housing Counseling Assistance Program.

As we all know, the foreclosure crisis continues to ravage our families in many parts of the country. This is a problem in my home State of California, but also in many other States. Nevada, Florida, Ohio, Illinois, and Georgia all have foreclosure rates well above the national average.

There are many efforts aimed at solving this crisis, but local housing counseling agencies have proven to be among the most effective tools we have to help struggling families stay in their homes during these tough times. These local nonprofits are filled with dedicated staff who work tirelessly to help homeowners make informed decisions and stay in their homes. They provide a wide range of free counseling services, including post-purchase counseling, renter counseling, reverse mortgage counseling for senior homeowners, and counseling for homeless individuals and families seeking shelter. And they depend on Federal funding from

HUD's Housing Counseling Assistance Program to provide these services.

Every dollar allocated to these local organizations helps to ensure that all homeowners in financial distress may have a trusted third-party resource to turn to free of charge. Recognizing the value and effectiveness of housing counselors, Congress more than doubled funding for this critical program from 2007 to 2010 to help combat the rapidly expanding foreclosure crisis, and that money was money well spent.

Local counseling agencies used the funding to create jobs by hiring additional counselors and expanding their services to meet the rapidly growing demand created by the recession. Sadly, however, funding for Housing Counseling Assistance was abruptly eliminated in FY 2011. This was a devastating blow to these local organizations, resulting in layoffs and, more important, elimination of a valuable and much needed service to homeowners who are in trouble. Thankfully, we were able to restore some of this funding last year, and I thank the chairman and the Appropriations Committee for maintaining last year's funding level in the bill before us.

But, frankly, this is not enough. The foreclosure crisis is far from over, and the need for this funding has never been greater.

Just last month, one in every 639 houses nationwide received a foreclosure notice. That's why my amendment would increase funding for HUD Housing Counseling Assistance by \$10 million, matching the President's request of \$55 million.

The amendment is fully paid for with a \$10 million reduction in the administration's operations and management account. This additional funding will make a tremendous difference in the lives of middle class Americans in my district and across this country who are desperately trying to stay afloat.

In my district on the central coast of California, where the foreclosure rate remains well above the national average, every little bit makes such a difference. I know my local housing counselors, like SurePath Financial, like People's Self-Help Housing and Cabrillo Economic Development, they're going to be able to help many more of my constituents with this extra funding.

I know some States have been harder hit than others by the foreclosure crisis, but the benefits of counseling extend to all homeowners, not just those facing foreclosure. In a recently released study, HUD examined both families seeking to purchase their first homes and those struggling to prevent foreclosure. In the pre-purchase counseling study, HUD found that of those participants that became homeowners, all but one of them remained current on their mortgage payments after 18 months. This study shows that housing

counseling is not only helping address the current foreclosure crisis, it's also helping prevent future crises by helping homeowners find mortgages that they can afford and fully understand.

When homeowners understand their mortgage and properly plan, they're much more likely to make their payments on time and avoid foreclosure in the future. The Housing Counseling Assistance Program helps to make that happen.

This program has broad national support from respected nonprofits like Catholic Charities, National Council on Aging, and the National Council of La Raza, and for-profit industry groups like the Mortgage Bankers Association. And it should have broad bipartisan support here in the House as well.

I'm willing to bet that most of my colleagues in this House have referred constituents in need of help to their local housing counseling agencies. I know I certainly have. I have no reservations about referring my constituents to local HUD-certified housing counselors because I know they will receive excellent advice and guidance. But as the foreclosure crisis has dragged on, demand for help has far exceeded the resources available. My amendment will not immediately solve this enormous program, but it will certainly help.

This shouldn't be a partisan issue. I know we must make tough choices to balance our budget, but we must also make smart choices. Voting for my amendment is a smart choice. It's also the right choice for Americans who are still struggling to stay afloat. So I urge my colleagues to support our local housing counselors and vote "yes" on my amendment.

Madam Chair, I yield back the balance of my time.

Mr. LATHAM. Madam Chairwoman, I rise in opposition to the gentlelady's amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, again, I oppose the gentlelady's amendment.

This bill provides \$45 million for housing counseling—the same as last year and \$45 million more than in fiscal year 2011.

HUD just reorganized into the new Office of Housing Counseling. I would say that before we give additional resources to HUD's Housing Counseling, we need to make sure HUD has the capability to effectively implement this program. I think they ought to be able to walk before they run here.

Housing Counseling agencies are still complaining of the painstaking bureaucracy involved in applying and receiving these funds. On the other hand, people could get housing counseling from many government sources, including NeighborWorks.

□ 2210

NeighborWorks gets funding out the door quickly, has extensive metrics ensuring the proper use of the funds. We increased NeighborWorks by \$10 million over last year.

We need HUD to do this thing right. So until they can prove to us they could, taking funding from HUD's salaries and expenses would not be an effective use of government resources.

Again, Madam Chair, I would urge a "no" vote.

I yield back the balance of my time. Mr. OLVER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I am inclined to support the amendment that the gentlewoman from California has proposed, recognizing that the request on the part of the administration was for \$55 million, and that it's an interesting juxtaposition, because the HUD counseling programming, the request is for \$55 million. The request for the National Reinvestment Corporation, that's NeighborWorks, which does also counseling, that request was for \$213 million, for a total of \$268 million.

The other body, in the legislation that they put forward, with a much larger allocation than we had in our budget because of the position on what the discretionary expenditure limits would be on the House side, the other body gave 55, the President's request, but also gave 215 for the National Reinvestment Corporation's account, which put them on the other body's side account, to \$2 million above.

In the wisdom of the chairman, on the House side, in our bill, we have \$10 million less for the HUD Department's program, but \$10 million more for the National Reinvestment Corporation's program. To my view, it doesn't make much difference there, but I will support the gentlewoman from California for her passion on this one.

I think it is certainly very clear that if the economy recovers, more Americans are going to be buying homes and that it is crucial that we have programs in place in both of those locuses that ensure that homeowners and new homeowners and people who are prospective homeowners do not repeat the same mistakes that led us into the financial crisis in the first place.

So I think it's a small difference, but I'm going to support the gentlewoman's amendment; and I hope the amendment will be adopted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 19, after the dollar amount, insert “(reduced by \$24,437,268)”.

Page 71, line 20, after the dollar amount, insert “(reduced by \$168,491)”.

Page 71, line 21, after the dollar amount, insert “(reduced by \$56,887)”.

Page 71, line 23, after the dollar amount, insert “(reduced by \$80,708)”.

Page 71, line 25, after the dollar amount, insert “(reduced by \$33,255)”.

Page 72, line 2, after the dollar amount, insert “(reduced by \$2,246,566)”.

Page 72, line 3, after the dollar amount, insert “(reduced by \$4,485,961)”.

Page 72, line 5, after the dollar amount, insert “(reduced by \$113,208)”.

Page 72, line 7, after the dollar amount, insert “(reduced by \$165,189)”.

Page 72, line 8, after the dollar amount, insert “(reduced by \$11,676,226)”.

Page 72, line 10, after the dollar amount, insert “(reduced by \$2,240,575)”.

Page 72, line 11, after the dollar amount, insert “(reduced by \$781,277)”.

Page 72, line 13, after the dollar amount, insert “(reduced by \$147,501)”.

Page 72, line 15, after the dollar amount, insert “(reduced by \$66,227)”.

Page 72, line 17, after the dollar amount, insert “(reduced by \$111,321)”.

Page 72, line 18, after the dollar amount, insert “(reduced by \$230,378)”.

Page 72, line 20, after the dollar amount, insert “(reduced by \$1,833,498)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$24,437,268)”.

Mr. GOSAR (during the reading). Madam Chair, I ask unanimous consent that the reading of the amendment be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. Madam Chair, I rise today in support of my amendment to H.R. 5972, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act for the Fiscal Year of 2013.

The purposes of my amendment are straightforward and simple. First, the amendment aims to hold one particular Federal agency accountable for its terrible mismanagement of resources, the Department of Housing and Urban Development, or HUD.

Second, the amendment saves over \$24 million in taxpayer dollars during these trying economic times. I was perturbed to read that Appropriations Committee Report numbered 112-541 as it related to HUD's administrative operations and management. I will read an excerpt from page 71 here:

While the Committee appreciates the expanded Congressional Budget Justifications the Department submitted, the committee is appalled with the quality of the information the Department and administration provide throughout the year to explain and to justify their budget requests. HUD does not have adequate knowledge of the number of people it takes to implement a program. Further, the information HUD provides is often wrong, contains mathematical errors, and calls into question HUD's entire Congressional Budget Justification and the Department's competence in managing its resources.

On the following page, the report goes on to show that HUD cannot account for much of its data regarding salary and benefit levels for its employees. HUD also violated the Anti-Deficiency Act multiple times in FY 2011, in which the Department hired more people than it had resources to pay.

Let me say that I do appreciate the committee's awareness of the situation and its desire to lower funding levels in this bill, as compared to last year's levels. But I believe that HUD's administrative, operations and management resources can and should be reduced to FY 2008 levels. This is a reasonable level of funding that allowed them to do their job during very troubling economic times. Unfortunately, we still live in such times; and that fact, combined with their negligence, means that they must operate with less. Business incompetence isn't an answer and cannot be rewarded within any budget.

For these reasons, I ask each Member of the House to support my amendment to the underlying bill. This is a win-win for the American taxpayer. You can cast a vote to hold government accountable and reduce the deficit, and you have the ability. Join me in supporting this commonsense amendment.

I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I'm very pleased that you've read our comments about HUD and the management problems that they've had down there. Obviously, they've got a long way to go. They are making some real strides and improvement. We worked closely with the Secretary to try and have some management involved finally.

But this amendment arbitrarily cuts S&E budgets to the 2008 levels. Just so everybody knows, we have already reduced funding by over \$14 million from last year in this account. We've met the budget resolution levels and cut overall in the bill almost \$4 billion from last year's appropriated levels.

While, again, we really appreciate the concern over the debt, this is really an arbitrary way to budget, unfortunately, and negates the months of work the committee has done in determining proper levels as far as funding.

But, again, I would love to have you read, again, the committee's comments

because it has been an extraordinary problem at the Department. Again, they are making progress, not fast enough for any of us, and we have already, in the bill, cut \$14 million from last year.

So with that, Madam Chair, I would urge a “no” vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GOSAR. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. NADLER

Mr. NADLER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 71, line 19, after the dollar amount insert “(reduced by \$2,000,000)”.

Page 72, line 20, after the dollar amount insert “(reduced by \$2,000,000)”.

Page 88, line 23, after the dollar amount insert “(increased by \$2,000,000)”.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chair, before I get to the substance of the amendment, I cannot allow the occasion to pass because it may be my last comment on the floor on this bill, and the occasion is that this is the last time this bill will be shepherded by the gentleman from Massachusetts (Mr. OLVER), who's the ranking member and former chairman of the subcommittee, and who's done a wonderful job and has been a help to all of us and a help on amendments like this. And I just wanted to say that I regret that he will not be shepherding next year's bill and in the future.

Mr. LATHAM. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman.

□ 2220

Mr. LATHAM. Due to the hour of the evening, we will accept the amendment. We don't need a lot of discussion. We want to get on with the series of votes, so we will gladly accept the amendment.

Mr. NADLER. Let me describe it in one sentence.

This amendment increases the HOPWA, which is the Housing Opportunities for Persons with AIDS, by \$2 million. It offsets it with a harmless offset.

I appreciate the cooperation, and I yield back the balance of my time.

Madam Chair, HOPWA is a national safety net for people battling HIV/AIDS, providing housing support through competitive and formula grants to all fifty states, the District of Columbia, Puerto Rico and the Virgin Islands since 1992. At any given time, one-third to one-half of all Americans with HIV/AIDS are either homeless or in imminent danger of losing their homes. Research shows that stable housing leads to better health outcomes for those living with HIV. Inadequate or unstable housing is not only a barrier to effective treatment, but also puts people with HIV/AIDS at risk of premature death from exposure to other diseases, poor nutrition, stress, and lack of medical care. Housing interventions are critical in our continued fight against HIV/AIDS, and even modest investments in stable housing programs saves federal and state tax dollars.

It is because of the important and unique role HOPWA plays in battling AIDS that the program enjoys broad bipartisan support, and it's why I'm offering an amendment today that would restore \$2 million to the program.

Unfortunately, this year's Transportation-HUD appropriations bill would fund the HOPWA program at \$330 million—yet another cut to this successful program, this time in the amount of \$2 million, and the third cut it's received in three years.

While the loss of another \$2 million for HOPWA this year may seem small by federal budgeting standards, it is far from inconsequential. By restoring just \$1 million to the HOPWA program, we can help provide stable, affordable housing for approximately 171 households grappling with HIV/AIDS. If you support my amendment, which would restore \$2 million to the program and would maintain flat funding from FY12 to FY13, more than 340 households will have the guarantee of secure housing for another year.

Let me repeat that: my amendment only seeks to maintain FY12 funding levels. \$332 million is far from what's needed to help every household eligible for the program, but for those 350 households it means everything.

To protect these households in need while adhering to House rules, my amendment is budget neutral reducing funding for the Chief Information Officer by \$2 million. I support the work of the Chief Information Officer and believe that our constituents should know about, and can gain access to, the panoply of HUD-sponsors programs designed to help them and their families. But even after my amendment, the Chief Information Officer would still have almost \$37 million to do its work. At a time when all families are struggling, those living with HIV/AIDS are particularly at risk. Nothing can be more important than keeping people in their homes and helping those struggling with disease to have a fighting chance. For me, the choice is simple, and I urge my colleagues to join me in supporting my amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

PROGRAM OFFICE SALARIES AND EXPENSES
PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, \$206,500,000.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. CONNOLLY of Virginia.

An amendment by Mr. MCCLINTOCK of California.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Mrs. CAPPs of California.

An amendment by Mr. GOSAR of Arizona.

First amendment by Mr. BROUN of Georgia.

Second amendment by Mr. BROUN of Georgia.

Fourth amendment by Mr. BROUN of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 222, not voting 35, as follows:

[Roll No. 416]

AYES—175

Altmire	Connolly (VA)	Green, Gene
Andrews	Cooper	Grijalva
Baca	Costa	Hahn
Baldwin	Costello	Hanabusa
Barber	Courtney	Hastings (FL)
Barrow	Cuellar	Heinrich
Bass (CA)	Davis (CA)	Herrera Beutler
Becerra	Davis (IL)	Higgins
Berkley	DeFazio	Himes
Berman	DeGette	Hinchev
Bishop (GA)	DeLauro	Hinojosa
Bishop (NY)	Dent	Hirono
Blumenauer	Deutch	Hochul
Bonamici	Dicks	Holt
Boswell	Dingell	Honda
Brady (PA)	Doggett	Hoyer
Braley (IA)	Dold	Israel
Brown (FL)	Donnelly (IN)	Jackson Lee
Butterfield	Doyle	(TX)
Capps	Duncan (TN)	Johnson (GA)
Capuano	Edwards	Johnson, E. B.
Cardoza	Ellison	Jones
Carnahan	Eshoo	Kaptur
Carney	Farr	Keating
Carson (IN)	Fattah	Kildee
Castor (FL)	Filner	Kind
Chandler	Fitzpatrick	Kissell
Chu	Frank (MA)	Kucinich
Cicilline	Fudge	Langevin
Clarke (MI)	Garamendi	Larsen (WA)
Clay	Gerlach	Larson (CT)
Cleaver	Gibson	Lee (CA)
Clyburn	Gonzalez	Levin
Cohen	Green, Al	Lipinski

Loeb sack
Lowey
Lujan
Lynch
Maloney
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarell

Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)

Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—222

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)

Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McKinley

McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)

Thornberry	Walsh (IL)	Wolf
Tiberi	Webster	Womack
Tipton	West	Woodall
Turner (OH)	Westmoreland	Yoder
Upton	Whitfield	Young (FL)
Walberg	Wilson (SC)	Young (IN)
Walden	Wittman	

NOT VOTING—35

Ackerman	Johnson (IL)	Sánchez, Linda
Akin	Lamborn	T.
Bilirakis	Lewis (CA)	Stivers
Clarke (NY)	Lewis (GA)	Sullivan
Conyers	Lofgren, Zoe	Towns
Crowley	Markey	Tsongas
Cummings	McCarthy (NY)	Turner (NY)
Engel	Meeks	Velázquez
Flores	Myrick	Wasserman
Gingrey (GA)	Pelosi	Schultz
Gutierrez	Peterson	Woolsey
Holden	Rangel	Young (AK)
Jackson (IL)		

□ 2246

Messrs. HUIZENGA of Michigan, BILBRAY, and ROSS of Florida changed their vote from “aye” to “no.”

Ms. HERRERA BEUTLER and Mr. PLATTS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 238, not voting 30, as follows:

[Roll No. 417]

AYES—164

Adams	Coffman (CO)	Gowdy
Amash	Conaway	Graves (GA)
Austria	Connolly (VA)	Green, Gene
Bachmann	Culberson	Griffith (VA)
Bachus	Davis (KY)	Grimm
Barber	Denham	Guinta
Barrow	Dent	Hanna
Barton (TX)	DesJarlais	Harris
Biggart	Doggett	Hastings (WA)
Bilbray	Dold	Hensarling
Bilirakis	Dreier	Herger
Bishop (UT)	Duncan (SC)	Himes
Black	Duncan (TN)	Huizenga (MI)
Blackburn	Fincher	Hultgren
Boustany	Flake	Hunter
Brady (TX)	Fleischmann	Hurt
Broun (GA)	Fleming	Issa
Buchanan	Flores	Jenkins
Bucshon	Forbes	Johnson, Sam
Buerkle	Fox	Jones
Burton (IN)	Frank (MA)	Jordan
Camp	Franks (AZ)	Kingston
Campbell	Frelinghuysen	Kinzinger (IL)
Canseco	Gardner	Kline
Cantor	Garrett	Labrador
Cassidy	Gerlach	Lance
Chabot	Gingrey (GA)	Landry
Chaffetz	Gohmert	Lankford
Coble	Goodlatte	Latta

LoBiondo	Paulsen	Scott (SC)
Long	Pence	Scott, Austin
Lungren, Daniel	Petri	Sensenbrenner
E.	Poe (TX)	Sessions
Mack	Polis	Smith (NJ)
Manzullo	Pompeo	Smith (TX)
Marchant	Posey	Southerland
McCarthy (CA)	Price (GA)	Stearns
McCaul	Quayle	Stutzman
McClintock	Reed	Terry
McCotter	Reichert	Thornberry
McHenry	Renacci	Tiberi
McIntyre	Ribble	Turner (OH)
Meehan	Rigell	Upton
Mica	Roe (TN)	Walberg
Miller (FL)	Rohrabacher	Walden
Miller (MI)	Rokita	Walsh (IL)
Miller, Gary	Rooney	Webster
Mulvaney	Roskam	West
Murphy (PA)	Ross (FL)	Westmoreland
Neugebauer	Royce	Whitfield
Nugent	Rush	Wilson (SC)
Nunes	Ryan (WI)	Wittman
Nunnelee	Scalise	Woodall
Olson	Schmidt	Yoder
Paul	Schweikert	Young (IN)

NOES—238

Aderholt	Donnelly (IN)	Levin
Alexander	Doyle	Lipinski
Altmire	Duffy	Loebsock
Amodei	Edwards	Lowey
Andrews	Ellison	Lucas
Baca	Ellmers	Luetkemeyer
Baldwin	Emerson	Luján
Barletta	Eshoo	Lummis
Bartlett	Farenthold	Lynch
Bass (CA)	Farr	Maloney
Bass (NH)	Fattah	Marino
Becerra	Filner	Matheson
Benishek	Fitzpatrick	Matsui
Berg	Fortenberry	McCarthy (NY)
Berkley	Fudge	McCollum
Berman	Gallagher	McDermott
Bishop (GA)	Garamendi	McGovern
Bishop (NY)	Gibbs	McKeon
Blumenauer	Gibson	McKinley
Bonamici	Gonzalez	McMorris
Bonner	Gosar	Rodgers
Bono Mack	Granger	McNerney
Boren	Graves (MO)	Michaud
Boswell	Green, Al	Miller (NC)
Brady (PA)	Griffin (AR)	Miller, George
Braley (IA)	Grijalva	Moore
Brooks	Guthrie	Moran
Brown (FL)	Hahn	Murphy (CT)
Butterfield	Hall	Nadler
Calvert	Hanabusa	Napolitano
Capito	Harper	Neal
Capps	Hartzler	Noem
Capuano	Hastings (FL)	Olver
Cardoza	Hayworth	Owens
Carnahan	Heck	Palazzo
Carney	Heinrich	Pallone
Carson (IN)	Herrera Beutler	Pascarell
Carter	Higgins	Pastor (AZ)
Castor (FL)	Hinchey	Pearce
Chandler	Hinojosa	Pelosi
Chu	Hirono	Perlmutter
Cicilline	Hochul	Peters
Clarke (MI)	Holt	Pingree (ME)
Clay	Honda	Pitts
Cleaver	Hoyer	Platts
Clyburn	Huelskamp	Price (NC)
Cohen	Israel	Quigley
Cole	Jackson Lee	Rahall
Conyers	(TX)	Rehberg
Cooper	Johnson (GA)	Reyes
Costa	Johnson (OH)	Richardson
Costello	Johnson, E. B.	Richmond
Courtney	Kaptur	Rivera
Cravaack	Keating	Roby
Crawford	Kelly	Rogers (AL)
Crenshaw	Kildee	Rogers (KY)
Critz	Kind	Rogers (MI)
Cuellar	King (IA)	Ros-Lehtinen
Davis (CA)	King (NY)	Ross (AR)
Davis (IL)	Kissell	Rothman (NJ)
DeFazio	Kucinich	Roybal-Allard
DeGette	Langevin	Runyan
DeLauro	Larsen (WA)	Ruppersberger
Deutch	Larson (CT)	Ryan (OH)
Diaz-Balart	Latham	Sanchez, Loretta
Dicks	LaTourette	Sarbanes
Dingell	Lee (CA)	Schakowsky

Schiff	Simpson	Tonko
Schilling	Sires	Van Hollen
Schock	Slaughter	Visclosky
Schrader	Smith (NE)	Walz (MN)
Schwartz	Smith (WA)	Walters
Scott (VA)	Speier	Watt
Scott, David	Stark	Waxman
Serrano	Sutton	Welch
Sewell	Thompson (CA)	Wilson (FL)
Sherman	Thompson (MS)	Wolf
Shimkus	Thompson (PA)	Womack
Shuler	Tierney	Yarmuth
Shuster	Tipton	Young (FL)

NOT VOTING—30

Ackerman	Lamborn	Stivers
Akin	Lewis (CA)	Sullivan
Burgess	Lewis (GA)	Towns
Clarke (NY)	Lofgren, Zoe	Tsongas
Crowley	Markey	Turner (NY)
Cummings	Meeks	Velázquez
Engel	Myrick	Wasserman
Gutierrez	Peterson	Schultz
Holden	Rangel	Woolsey
Jackson (IL)	Sánchez, Linda	Young (AK)
Johnson (IL)	T.	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2251

MR. CONNOLLY of Virginia changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 243, not voting 29, as follows:

[Roll No. 418]

AYES—160

Adams	Campbell	Garrett
Alexander	Canseco	Gibbs
Amash	Cassidy	Gingrey (GA)
Bachmann	Chabot	Gohmert
Barletta	Chaffetz	Goodlatte
Barrow	Coble	Gosar
Barton (TX)	Coffman (CO)	Gowdy
Benishek	Conaway	Graves (GA)
Biggart	Costa	Graves (MO)
Bilbray	Cravaack	Griffin (AR)
Bishop (UT)	Denham	Guinta
Black	DesJarlais	Guthrie
Blackburn	Duffy	Hall
Bonner	Duncan (SC)	Harris
Bono Mack	Duncan (TN)	Hartzler
Boustany	Emerson	Hensarling
Brady (TX)	Farenthold	Herger
Brooks	Fincher	Huelskamp
Broun (GA)	Flake	Huizenga (MI)
Buchanan	Fleischmann	Hultgren
Bucshon	Fleming	Hunter
Buerkle	Flores	Hurt
Burgess	Fox	Jenkins
Burton (IN)	Franks (AZ)	Johnson (OH)
Camp	Gardner	Johnson, Sam

Jones	McMorris	Rokita	Runyan	Shuler	Van Hollen	Gerlach	Lowey	Rothman (NJ)
Jordan	Rodgers	Rooney	Ruppersberger	Shuster	Visclosky	Gibson	Luján	Roybal-Allard
Kelly	Mica	Roskam	Rush	Simpson	Walden	Gonzalez	Lynch	Runyan
King (IA)	Miller (FL)	Ross (FL)	Ryan (OH)	Sires	Walz (MN)	Green, Al	Maloney	Ruppersberger
Kingston	Miller (MI)	Royce	Sanchez, Loretta	Slaughter	Waters	Green, Gene	Matheson	Rush
Kinzinger (IL)	Mulvaney	Ryan (WI)	Sarbanes	Smith (NJ)	Watt	Grijalva	Matsui	Ryan (OH)
Kline	Murphy (PA)	Scalise	Schakowsky	Smith (WA)	Waxman	Hahn	McCarthy (NY)	Sanchez, Loretta
Labrador	Neugebauer	Schmidt	Schiff	Speier	Webster	Hanabusa	McCollum	Sarbanes
Lance	Noem	Schweikert	Schilling	Stark	Welch	Hastings (FL)	McDermott	Schakowsky
Landry	Nugent	Scott (SC)	Schock	Sutton	Whitfield	Heck	McGovern	Schiff
Lankford	Nunes	Scott, Austin	Schrader	Thompson (CA)	Wilson (FL)	Heinrich	McIntyre	Schrader
Latta	Nunnelee	Sensenbrenner	Schwartz	Thompson (MS)	Wittman	Higgins	McNerney	Schwartz
LoBiondo	Olson	Sessions	Scott (VA)	Thompson (PA)	Wolf	Himes	Michaud	Scott (VA)
Long	Palazzo	Smith (NE)	Scott, David	Thornberry	Womack	Hinchey	Miller (NC)	Scott, David
Luetkemeyer	Paul	Smith (TX)	Serrano	Tierney	Yarmuth	Hinojosa	Miller, George	Serrano
Lummis	Paulsen	Southerland	Sewell	Tipton	Young (FL)	Hirono	Moore	Sewell
Lungren, Daniel E.	Pearce	Stearns	Sherman	Tonko		Hochul	Moran	Sherman
Mack	Pence	Stutzman	Shinkus	Turner (OH)		Holt	Murphy (CT)	Shuler
Manzullo	Petri	Terry				Honda	Nadler	Sires
Marchant	Poe (TX)	Tiberi				Hoyer	Napolitano	Slaughter
Marino	Pompeo	Upton	Ackerman	Lewis (CA)	Sullivan	Israel	Neal	Smith (WA)
Matheson	Posey	Walberg	Akin	Lewis (GA)	Towns	Jackson Lee	Oliver	Speier
McCarthy (CA)	Price (GA)	Walsh (IL)	Clarke (NY)	Lofgren, Zoe	Tsongas	(TX)	Owens	Stark
McClintock	Quayle	West	Crowley	Markey	Turner (NY)	Johnson (GA)	Pallone	Sutton
McCotter	Renacci	Westmoreland	Cummings	Meeks	Velázquez	Johnson, E. B.	Pascrell	Thompson (CA)
McHenry	Ribble	Wilson (SC)	Engel	Myrick	Wasserman	Jones	Pastor (AZ)	Thompson (MS)
McIntyre	Roe (TN)	Woodall	Gutierrez	Peterson	Schultz	Kaptur	Pelosi	Tierney
McKinley	Rogers (MI)	Yoder	Holden	Rangel	Woolsey	Keating	Perlmutter	Tonko
	Rohrabacher	Young (IN)	Jackson (IL)	Sanchez, Linda	Young (AK)	Kildee	Peters	Turner (OH)
			Johnson (IL)	T.		Kind	Pingree (ME)	Turner (OH)
			Lamborn	Stivers		Kissell	Pollis	Van Hollen

NOT VOTING—29

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2255

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 218, not voting 30, as follows:

[Roll No. 419]

AYES—184

Aderholt	Deutch	Kucinich	Andrews	Capuano	Cuellar
Altire	Diaz-Balart	Langevin	Baca	Cardoza	Davis (CA)
Amodi	Dicks	Larsen (WA)	Bachmann	Carnahan	Davis (IL)
Andrews	Dingell	Larson (CT)	Baldwin	Carney	DeFazio
Austria	Doggett	Latham	Barber	Carson (IN)	DeGette
Baca	Dold	LaTourette	Barrow	Castor (FL)	DeLauro
Bachus	Donnelly (IN)	Lee (CA)	Barton (TX)	Chandler	Dent
Baldwin	Doyle	Levin	Bass (CA)	Chu	Deuch
Barber	Dreier	Lipinski	Becerra	Cielline	Dicks
Bartlett	Edwards	Loebsack	Berkley	Clarke (MI)	Dingell
Bass (CA)	Ellison	Lowey	Berman	Clay	Doggett
Bass (NH)	Ellmers	Lucas	Bilbray	Cleaver	Donnelly (IN)
Becerra	Eshoo	Luján	Billrakis	Clyburn	Doyle
Berg	Farr	Lynch	Bishop (UT)	Coble	Edwards
Berkley	Fattah	Maloney	Black	Coffman (CO)	Ellison
Berman	Filner	Matsui	Blackburn	Cohen	Eshoo
Bilirakis	Fitzpatrick	McCarthy (NY)	Bonner	Connolly (VA)	Farr
Bishop (GA)	Forbes	McCaul	Bono Mack	Conyers	Fattah
Bishop (NY)	Fortenberry	McCollum	Boustany	Cooper	Filner
Blumenauer	Frank (MA)	McDermott	Brady (TX)	Costa	Fitzpatrick
Bonamici	Frelinghuysen	McGovern	Brooks	Costello	Frank (MA)
Boren	Fudge	McKeon	Broun (GA)	Courtney	Fudge
Boswell	Gallegly	McNerney	Buchanan	Critz	Garamendi
Brady (PA)	Garamendi	Meehan	Bucshon		
Braley (IA)	Gerlach	Michaud	Buerkle		
Brown (FL)	Gibson	Miller (NC)	Burgess		
Butterfield	Gonzalez	Miller, Gary	Burton (IN)		
Calvert	Granger	Miller, George	Calvert		
Cantor	Green, Al	Moore	Camp		
Capito	Green, Gene	Moran	Campbell		
Capps	Griffith (VA)	Murphy (CT)	Canseco		
Capuano	Grijalva	Nadler	Cantor		
Cardoza	Grimm	Napolitano	Capito		
Carnahan	Hahn	Neal	Carter		
Carney	Hanabusa	Oliver	Cassidy		
Carson (IN)	Hanna	Owens	Chabot		
Carter	Harper	Pallone	Chaffetz		
Castor (FL)	Hastings (FL)	Pascrell	Cole		
Chandler	Hastings (WA)	Pastor (AZ)	Conaway		
Chu	Hayworth	Pelosi	Cravaack		
Cielline	Heck	Perlmutter	Crawford		
Clarke (MI)	Heinrich	Peters	Crenshaw		
Clay	Herrera Beutler	Pingree (ME)	Culbertson		
Cleaver	Higgins	Pitts	Davis (KY)		
Clyburn	Himes	Platts	Denham		
Cohen	Hinchey	Polis	DesJarlais		
Cole	Hinojosa	Price (NC)	Diaz-Balart		
Connolly (VA)	Hirono	Quigley	Dold		
Conyers	Hochul	Rahall	Dreier		
Cooper	Holt	Reed	Duffy		
Costello	Honda	Rehberg	Duncan (SC)		
Courtney	Hoyer	Reichert	Duncan (TN)		
Crawford	Israel	Reyes			
Crenshaw	Issa	Richardson			
Critz	Jackson Lee	Richmond			
Cuellar	(TX)	Rigell			
Culbertson	Johnson (GA)	Rivera			
Davis (CA)	Johnson, E. B.	Roby			
Davis (IL)	Kaptur	Rogers (AL)			
Davis (KY)	Keating	Rogers (KY)			
DeFazio	Kildee	Ros-Lehtinen			
DeGette	Kind	Ross (AR)			
DeLauro	King (NY)	Rothman (NJ)			
Dent	Kissell	Roybal-Allard			

NOES—218

Adams	Ellmers	Kinzinger (IL)
Aderholt	Emerson	Kline
Alexander	Farenthold	Labrador
Altire	Fincher	Lance
Amash	Flake	Landry
Amodi	Fleischmann	Lankford
Austria	Fleming	Latham
Bachus	Flores	LaTourette
Barletta	Forbes	Latta
Bartlett	Fortenberry	LoBiondo
Bass (NH)	Fox	Long
Benish	Franks (AZ)	Lucas
Berg	Frelinghuysen	Luetkemeyer
Bilbray	Gallegly	Lummis
Bilirakis	Gardner	Lungren, Daniel E.
Bishop (UT)	Garrett	Mack
Black	Gibbs	Manzullo
Blackburn	Gingrey (GA)	Marchant
Bonner	Gohmert	Marino
Bono Mack	Goodlatte	McCarthy (CA)
Boustany	Gosar	McCaul
Brady (TX)	Gowdy	McClintock
Brooks	Granger	McCotter
Broun (GA)	Graves (GA)	McHenry
Buchanan	Graves (MO)	McKeon
Bucshon	Griffin (AR)	McKinley
Buerkle	Griffith (VA)	McMorris
Burgess	Grimm	Rodgers
Burton (IN)	Guinta	Meehan
Calvert	Guthrie	Mica
Camp	Hall	Miller (FL)
Campbell	Hanna	Miller (MI)
Canseco	Harper	Miller, Gary
Cantor	Harris	Mulvaney
Capito	Hartzler	Murphy (PA)
Carter	Hastings (WA)	Neugebauer
Cassidy	Hayworth	Noem
Chabot	Hensarling	Nugent
Chaffetz	Herger	Nunes
Cole	Herrera Beutler	Nunnelee
Conaway	Huelskamp	Olson
Cravaack	Huizenga (MI)	Palazzo
Crawford	Hultgren	Paul
Crenshaw	Hunter	Paulsen
Culbertson	Hurt	Pearce
Davis (KY)	Issa	Pence
Denham	Jenkins	Petri
DesJarlais	Johnson (OH)	Pitts
Diaz-Balart	Johnson, Sam	Jordan
Dold	Jordan	Kelly
Dreier	Kelly	King (IA)
Duffy	King (IA)	King (NY)
Duncan (SC)	King (NY)	Pompeo
Duncan (TN)	Kingston	Posey
		Price (GA)

Adams	Blackburn	Canseco
Alexander	Bono Mack	Cassidy
Amash	Boustany	Chabot
Bachmann	Brady (TX)	Chaffetz
Barrow	Brooks	Coble
Bartlett	Broun (GA)	Coffman (CO)
Barton (TX)	Buchanan	Conaway
Bass (NH)	Buschon	Cravaack
Benishak	Buerkle	Culberson
Bilbray	Burgess	Denham
Billirakis	Burton (IN)	DesJarlais
Bishop (UT)	Camp	Dreier
Black	Campbell	Duffy

Duncan (SC)	King (IA)	Reichert	McCollum	Quigley	Shuler	Cantor	Hunter	Pitts
Duncan (TN)	Kingston	Renacci	McDermott	Rahall	Shuster	Cassidy	Hurt	Poe (TX)
Ellmers	Kline	Ribble	McGovern	Reed	Simpson	Chabot	Issa	Polis
Emerson	Labrador	Rigell	McIntyre	Rehberg	Sires	Chaffetz	Jenkins	Pompeo
Farenthold	Lance	Roe (TN)	McKeon	Reyes	Slaughter	Coble	Johnson (OH)	Posey
Fincher	Landry	Rogers (MI)	McKinley	Richardson	Smith (WA)	Coffman (CO)	Johnson, Sam	Price (GA)
Flake	Lankford	Rohrabacher	McNerney	Richmond	Speier	Conaway	Jones	Quayle
Fleischmann	Latta	Rokita	Meehan	Rivera	Stark	Cravaack	Jordan	Reichert
Fleming	LoBiondo	Rooney	Michaud	Roby	Sutton	Crawford	King (IA)	Renacci
Flores	Long	Roskam	Miller (NC)	Rogers (AL)	Terry	Culberson	Kingston	Ribble
Forbes	Luetkemeyer	Ross (FL)	Miller, George	Rogers (KY)	Thompson (CA)	Denham	Kinzinger (IL)	Rigell
Fortenberry	Lummis	Royce	Moore	Ros-Lehtinen	Thompson (MS)	DesJarlais	Kline	Roe (TN)
Fox	Mack	Rush	Moran	Ross (AR)	Thompson (PA)	Dreier	Labrador	Rogers (MI)
Franks (AZ)	Manzullo	Ryan (WI)	Murphy (CT)	Rothman (NJ)	Tierney	Duffy	Lance	Rohrabacher
Gardner	Marchant	Scalise	Nadler	Roybal-Allard	Tonko	Duncan (SC)	Landry	Rokita
Garrett	Marino	Schilling	Napolitano	Runyan	Turner (OH)	Duncan (TN)	Lankford	Rooney
Gibbs	Matheson	Schmidt	Neal	Ruppersberger	Van Hollen	Ellmers	Latta	Roskam
Gingrey (GA)	McClintock	Schweikert	Oliver	Ryan (OH)	Visclosky	Emerson	LoBiondo	Ross (FL)
Gohmert	McCotter	Scott (SC)	Owens	Sanchez, Loretta	Walz (MN)	Farenthold	Long	Royce
Goodlatte	McHenry	Scott, Austin	Pallone	Sarbanes	Walters	Fincher	Luetkemeyer	Ryan (WI)
Gosar	McMorris	Sensenbrenner	Pascrell	Schakowsky	Watt	Flake	Lummis	Scalise
Gowdy	Rodgers	Sessions	Pastor (AZ)	Schiff	Waxman	Fleischmann	Lungren, Daniel	Schilling
Graves (GA)	Mica	Shinkus	Pearce	Schock	Welch	Fleming	E.	Schmidt
Graves (MO)	Miller (FL)	Smith (NE)	Pelosi	Schrader	Whitfield	Flores	Mack	Schweikert
Griffin (AR)	Miller (MI)	Smith (NJ)	Perlmutter	Schwartz	Wilson (FL)	Forbes	Manzullo	Scott (SC)
Griffith (VA)	Miller, Gary	Smith (TX)	Peters	Scott (VA)	Wolf	Fortenberry	Marchant	Scott, Austin
Guinta	Mulvaney	Southerland	Pingree (ME)	Scott, David	Womack	Fox	Marino	Sensenbrenner
Guthrie	Murphy (PA)	Stearns	Platts	Serrano	Yarmuth	Franks (AZ)	Matheson	Sessions
Hanna	Neugebauer	Stutzman	Polis	Sewell		Gardner	McCarthy (CA)	Shinkus
Hartzler	Noem	Thornberry	Price (NC)	Sherman		Garrett	McClintock	Smith (NE)
Heck	Nugent	Tiberi				Gibbs	McCotter	Smith (NJ)
Hensarling	Nunes	Tipton	Ackerman	Lewis (CA)	Sullivan	Gingrey (GA)	McHenry	Smith (TX)
Herger	Nunnelee	Upton	Akin	Lewis (GA)	Towns	Gohmert	McIntyre	Southerland
Herrera Beutler	Olson	Walberg	Clarke (NY)	Lofgren, Zoe	Tsongas	Goodlatte	McMorris	Stearns
Huelskamp	Palazzo	Walden	Crowley	Markley	Turner (NY)	Gosar	Rodgers	Stutzman
Huizenga (MI)	Paul	Walsh (IL)	Cummings	Meeks	Velázquez	Gowdy	Mica	Terry
Hultgren	Paulsen	Webster	Engel	Myrick	Wasserman	Graves (GA)	Michaud	Thornberry
Hunter	Pence	West	Gutierrez	Peterson	Schultz	Graves (MO)	Miller (FL)	Tipton
Hurt	Petri	Westmoreland	Holden	Rangel	Woolsey	Griffin (AR)	Miller (MI)	Upton
Issa	Pitts	Wilson (SC)	Jackson (IL)	Sánchez, Linda	Young (AK)	Griffith (VA)	Miller, Gary	Walberg
Jenkins	Poe (TX)	Wittman	Johnson (IL)	T.		Guinta	Mulvaney	Walden
Johnson (OH)	Pompeo	Woodall	Lamborn	Stivers		Guthrie	Murphy (PA)	Walsh (IL)
Johnson, Sam	Posey	Yoder				Hall	Neugebauer	Webster
Jones	Price (GA)	Young (FL)				Hanna	Noem	West
Jordan	Quayle	Young (IN)				Harper	Nugent	Westmoreland

NOES—230

Aderholt	Conyers	Harris
Altmire	Cooper	Hastings (FL)
Amodel	Costa	Hastings (WA)
Andrews	Costello	Hayworth
Austria	Courtney	Heinrich
Baca	Crawford	Higgins
Bachus	Crenshaw	Himes
Baldwin	Critz	Hinche
Barber	Cuellar	Hinojosa
Barletta	Davis (CA)	Hirono
Bass (CA)	Davis (IL)	Hochul
Becerra	Davis (KY)	Holt
Berg	DeFazio	Honda
Berkley	DeGette	Hoyer
Berman	DeLauro	Israel
Biggart	Dent	Jackson Lee
Bishop (GA)	Deutch	(TX)
Bishop (NY)	Diaz-Balart	Johnson (GA)
Blumenauer	Dicks	Johnson, E. B.
Bonamici	Dingell	Kaptur
Bonner	Doggett	Keating
Boren	Dold	Kelly
Boswell	Donnelly (IN)	Kildee
Brady (PA)	Doyle	Kind
Braley (IA)	Edwards	King (NY)
Brown (FL)	Ellison	Kinzinger (IL)
Butterfield	Eshoo	Kissell
Calvert	Farr	Kucinich
Cantor	Fattah	Langevin
Capito	Filner	Larsen (WA)
Capps	Fitzpatrick	Larson (CT)
Capuano	Frank (MA)	Latham
Cardoza	Frelinghuysen	LaTourette
Carnahan	Fudge	Lee (CA)
Carney	Gallegly	Levin
Carson (IN)	Garamendi	Lipinski
Carter	Gerlach	Loeb
Castor (FL)	Gibson	Loeb
Chandler	Gonzalez	Lowey
Chu	Granger	Lucas
Ciçilline	Green, Al	Luján
Clarke (MI)	Green, Gene	Lungrén, Daniel
Clay	Grijalva	E.
Cleaver	Grimm	Lynch
Clyburn	Hahn	Maloney
Cohen	Hahn	Matsui
Cole	Hanabusa	McCarthy (CA)
Connolly (VA)	Harper	McCarthy (NY)

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn

Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markley
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda
T.
Stivers

Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman
Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2307

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 215, not voting 29, as follows:

[Roll No. 422]

AYES—188

Adams	Berg	Brooks
Alexander	Bilbray	Broun (GA)
Amash	Bilirakis	Buchanan
Bachmann	Bishop (UT)	Bucshon
Bachus	Black	Buerkle
Barrow	Blackburn	Burgess
Bartlett	Bonner	Burton (IN)
Barton (TX)	Bono Mack	Camp
Bass (NH)	Boustany	Campbell
Benishek	Brady (TX)	Canseco

NOES—215

Aderholt	Cleaver	Garamendi
Altmire	Clyburn	Gerlach
Amodel	Cohen	Gibson
Andrews	Cole	Gonzalez
Austria	Connolly (VA)	Granger
Baca	Conyers	Green, Al
Baldwin	Cooper	Green, Gene
Barber	Costa	Grijalva
Barletta	Costello	Grimm
Bass (CA)	Courtney	Hahn
Becerra	Crenshaw	Hanabusa
Berkley	Critz	Hastings (FL)
Berman	Cuellar	Hastings (WA)
Biggart	Davis (CA)	Hayworth
Bishop (GA)	Davis (IL)	Heinrich
Bishop (NY)	Davis (KY)	Higgins
Blumenauer	DeFazio	Himes
Bonamici	DeGette	Hinche
Boren	DeLauro	Hinojosa
Boswell	Dent	Hirono
Brady (PA)	Deutch	Hochul
Braley (IA)	Diaz-Balart	Holt
Brown (FL)	Dicks	Honda
Butterfield	Dingell	Hoyer
Calvert	Doggett	Israel
Capito	Dold	Jackson Lee
Capps	Donnelly (IN)	(TX)
Capuano	Doyle	Johnson (GA)
Cardoza	Edwards	Johnson, E. B.
Carnahan	Ellison	Kaptur
Carney	Eshoo	Keating
Carson (IN)	Farr	Kelly
Carter	Fattah	Kildee
Castor (FL)	Filner	Kind
Chandler	Fitzpatrick	King (NY)
Chu	Frank (MA)	Kissell
Ciçilline	Frelinghuysen	Kucinich
Clarke (MI)	Fudge	Langevin
Clay	Gallegly	Larsen (WA)

Larson (CT)	Pascarell	Schwartz	Chabot	Hunter	Pompeo	Matsui	Platts	Shuler
Latham	Pastor (AZ)	Scott (VA)	Chaffetz	Hurt	Posey	McCarthy (CA)	Polis	Shuster
LaTourette	Pelosi	Scott, David	Coble	Issa	Price (GA)	McCarthy (NY)	Price (NC)	Simpson
Lee (CA)	Perlmutter	Serrano	Conaway	Johnson (OH)	Quayle	McCaul	Quigley	Sires
Levin	Peters	Sewell	Crawford	Johnson, Sam	Renacci	McCollum	Rahall	Slaughter
Lipinski	Pingree (ME)	Sherman	Culberson	Jones	Ribble	McDermott	Reed	Smith (NJ)
Loeb sack	Platts	Shuler	DesJarlais	Jordan	Rigell	McGovern	Rehberg	Smith (WA)
Lowe y	Price (NC)	Shuster	Duffy	King (IA)	Roe (TN)	McIntyre	Reichert	Speier
Lucas	Quigley	Simpson	Duncan (SC)	Kingston	Rogers (MI)	McKeon	Reyes	Stark
Lujan	Rahall	Sires	Duncan (TN)	Kline	Rohrabacher	McKinley	Richardson	Sutton
Lynch	Reed	Slaughter	Ellmers	Labrador	Rokita	McNerney	Richmond	Terry
Maloney	Rehberg	Smith (WA)	Emerson	Lance	Rooney	Meehan	Rivera	Thompson (CA)
Matsui	Reyes	Speier	Farenthold	Landry	Roskam	Mica	Roby	Thompson (MS)
McCarthy (NY)	Richardson	Stark	Fincher	Lankford	Ross (FL)	Michaud	Rogers (AL)	Thompson (PA)
McCaul	Richmond	Sutton	Flake	Latta	Royce	Miller (NC)	Rogers (KY)	Tiberi
McCollum	Rivera	Thompson (CA)	Fleischmann	Long	Ryan (WI)	Miller, Gary	Ros-Lehtinen	Tierney
McDermott	Roby	Thompson (MS)	Fleming	Luetkemeyer	Scalise	Miller, George	Ross (AR)	Tipton
McGovern	Rogers (AL)	Thompson (PA)	Fox	Lummis	Schilling	Moore	Rothman (NJ)	Tonko
McKeon	Rogers (KY)	Tiberi	Franks (AZ)	Mack	Schmidt	Moran	Roybal-Allard	Turner (OH)
McKinley	Ros-Lehtinen	Tierney	Garrett	Manzullo	Schwartz	Murphy (CT)	Runyan	Upton
McNerney	Ross (AR)	Tonko	Gibbs	Marchant	Schweikert	Murphy (PA)	Ruppersberger	Van Hollen
Meehan	Rothman (NJ)	Turner (OH)	Gingrey (GA)	McClintock	Scott (SC)	Nadler	Rush	Visclosky
Miller (NC)	Roybal-Allard	Van Hollen	Gohmert	McCotter	Scott, Austin	Napolitano	Ryan (OH)	Walz (MN)
Miller, George	Runyan	Visclosky	Goodlatte	McHenry	Sensenbrenner	Neal	Sanchez, Loretta	Waters
Moore	Ruppersberger	Walz (MN)	Gosar	McMorris	Sessions	Olson	Sarbanes	Watt
Moran	Rush	Waters	Gowdy	Rodgers	Smith (NE)	Olver	Schakowsky	Waxman
Murphy (CT)	Ryan (OH)	Watt	Graves (GA)	Miller (FL)	Smith (TX)	Owens	Schiff	Webster
Nadler	Sanchez, Loretta	Waxman	Graves (MO)	Miller (MI)	Southerland	Pallone	Schock	Welch
Napolitano	Sarbanes	Welch	Griffin (AR)	Mulvaney	Stearns	Pascarell	Schrader	West
Neal	Schakowsky	Wilson (FL)	Griffith (VA)	Neugebauer	Stutzman	Pastor (AZ)	Schwartz	Whitfield
Olver	Schiff	Wolf	Hall	Noem	Thornberry	Pearce	Scott (VA)	Wilson (FL)
Owens	Schock	Womack	Hanna	Nugent	Walberg	Pelosi	Scott, David	Wittman
Pallone	Schrader	Yarmuth	Hartzler	Nunes	Walsh (IL)	Perlmutter	Serrano	Wolf
			Heck	Nunnelee	Westmoreland	Peters	Sewell	Womack
			Hensarling	Palazzo	Wilson (SC)	Pingree (ME)	Sherman	Yarmuth
			Herger	Paul	Woodall	Pitts	Shimkus	Young (FL)
			Herrera Beutler	Paulsen	Yoder			
			Huelskamp	Pence	Young (IN)			
			Huizenga (MI)	Petri				
			Hultgren	Poe (TX)				

NOT VOTING—29

Ackerman	Lewis (CA)	Sullivan
Akin	Lewis (GA)	Towns
Clarke (NY)	Lofgren, Zoe	Tsongas
Crowley	Markey	Turner (NY)
Cummings	Meeks	Velázquez
Engel	Myrick	Wasserman
Gutierrez	Peterson	Schultz
Holden	Rangel	Woolsey
Jackson (IL)	Sánchez, Linda	Young (AK)
Johnson (IL)	T.	
Lamborn	Stivers	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2310

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the fourth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 265, not voting 29, as follows:

[Roll No. 423]

AYES—138

Adams	Benishak	Brooks
Amash	Bishop (UT)	Broun (GA)
Bachmann	Black	Bucshon
Barrow	Blackburn	Buerkle
Bartlett	Bono Mack	Burton (IN)
Barton (TX)	Boustany	Campbell
Bass (NH)	Brady (TX)	Canseco

NOES—265

Aderholt	Cohen	Guinta
Alexander	Cole	Guthrie
Altmire	Connolly (VA)	Hahn
Amodei	Conyers	Hanabusa
Andrews	Cooper	Harper
Austria	Costa	Harris
Baca	Costello	Hastings (FL)
Bachus	Courtney	Hastings (WA)
Baldwin	Cravaack	Hayworth
Barber	Crenshaw	Heinrich
Barletta	Critz	Higgins
Bass (CA)	Cuellar	Himes
Becerra	Davis (CA)	Hinchey
Berg	Davis (IL)	Hinojosa
Berkley	Davis (KY)	Hirono
Berman	DeFazio	Hochul
Biggert	DeGette	Holt
Bilbray	DeLauro	Honda
Bilirakis	Denham	Hoyer
Bishop (GA)	Dent	Israel
Bishop (NY)	Deutch	Jackson Lee
Blumenauer	Diaz-Balart	(TX)
Bonamici	Dicks	Jenkins
Bonner	Dingell	Johnson (GA)
Boren	Doggett	Johnson, E. B.
Boswell	Dold	Kaptur
Brady (PA)	Donnelly (IN)	Keating
Braley (IA)	Doyle	Kelly
Brown (FL)	Dreier	Kildee
Buchanan	Edwards	Kind
Burgess	Ellison	King (NY)
Butterfield	Eshoo	Kinzingler (IL)
Calvert	Farr	Kissell
Camp	Fattah	Kucinich
Cantor	Filner	Langevin
Capito	Fitzpatrick	Larsen (WA)
Capps	Flores	Larson (CT)
Capuano	Forbes	Latham
Cardoza	Fortenberry	LaTourette
Carnahan	Frank (MA)	Lee (CA)
Carney	Frelinghuysen	Levin
Carson (IN)	Fudge	Lipinski
Carter	Gallely	LoBiondo
Cassidy	Garamendi	Loeb sack
Castor (FL)	Gardner	Lowey
Chandler	Gerlach	Lucas
Chu	Gibson	Lujan
Cicilline	Gonzalez	Lungren, Daniel
Clarke (MI)	Granger	E.
Clay	Green, Al	Lynch
Cleaver	Green, Gene	Maloney
Clyburn	Grijalva	Marino
Coffman (CO)	Grimm	Matheson

NOT VOTING—29

Ackerman	Lewis (CA)	Sullivan
Akin	Lewis (GA)	Towns
Clarke (NY)	Lofgren, Zoe	Tsongas
Crowley	Markey	Turner (NY)
Cummings	Meeks	Velázquez
Engel	Myrick	Wasserman
Gutierrez	Peterson	Schultz
Holden	Rangel	Woolsey
Jackson (IL)	Sánchez, Linda	Young (AK)
Johnson (IL)	T.	
Lamborn	Stivers	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2315

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Mr. LATHAM. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEST) having assumed the chair, Mrs. ROBY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. LATHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 27, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6617. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Duane D. Thiessen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6618. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John M. Bird, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6619. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral James W. Houck, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6620. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles B. Green, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6621. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Gary L. North, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6622. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis J. Hejlik, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6623. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on Special Compensation for Members for the Uniformed Services with Catastrophic Injuries or Illnesses Requiring Assistance in Everyday Living Fiscal Year 2012 Report to Congress; to the Committee on Armed Services.

6624. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6625. A letter from the Assistant Secretary, Department of Defense, transmitting a draft of proposed legislation; to the Committee on Foreign Affairs.

6626. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determination related to Serbia under section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. F,

P.L. 112-74); to the Committee on Foreign Affairs.

6627. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, October 1, 2011 — March 31, 2012; to the Committee on Oversight and Government Reform.

6628. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6629. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2012 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

6630. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta; to the Committee on Oversight and Government Reform.

6631. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6632. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6633. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6634. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6635. A letter from the Staff Director, Sentencing Commission, transmitting the Commission's report entitled, "2011 Annual Report and Sourcebook of Federal Sentencing Statistics", pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

6636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1066; Directorate Identifier 2011-NM-050-AD; Amendment 39-16917; AD 2012-01-05] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6637. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2012-0534; Directorate Identifier 2012-CE-015-AD; Amendment

39-17053; AD 2012-10-04] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6638. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0998; Directorate Identifier 2011-NM-046-AD; Amendment 39-17042; AD 2012-09-07] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6639. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model [Docket No.: FAA-2011-1169; Directorate Identifier 2010-NM-050-AD; Amendment 39-17040; AD 2012-09-05] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6640. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0384; Directorate Identifier 2010-NM-058-AD; Amendment 39-17041; AD 2012-09-06] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0993; Directorate Identifier 2011-NM-018-AD; Amendment 39-17043; AD 2012-09-08] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airways V-10, V-12, and V-508 in the Vicinity of Olathe, KS [Docket No.: FAA-2012-0055; Airspace Docket No. 11-ACE-12] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rock Springs, WY [Docket No.: FAA-2010-0131; Airspace Docket No. 12-ANM-2] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Freer, TX [Docket No.: FAA-2011-0904; Airspace Docket No. 11-ASW-12] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Red Cloud, NE [Docket No.: FAA-2011-0426; Airspace Docket No. 11-ACE-7] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Leesville, LA [Docket No.: FAA-2011-0608; Airspace Docket No. 11-ASW-6] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Houston, MO [Docket No.: FAA-2011-0903; Airspace Docket No. 11-ACE-20] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; New Philadelphia, OH [Docket No.: FAA-2011-0607; Airspace Docket No. 11-AGL-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eldon, MO [Docket No.: FAA-2011-1104; Airspace Docket No. 11-ACE-21] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Branson West, MO [Docket No.: FAA-2011-0749; Airspace Docket No. 11-ACE-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Monahans, TX [Docket No.: FAA-2011-1400; Airspace Docket No. 11-ASW-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pender, NE [Docket No.: FAA-2011-1103; Airspace Docket No. 11-ACE-14] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Maryville, MO [Docket No.: FAA-2011-0434; Airspace Docket No. 11-ACE-9] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Baraboo, WI [Docket No.: FAA-2011-1403; Airspace Docket No. 11-AGL-29] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6655. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Springhill, LA [Docket No.: FAA-2011-0847; Airspace Docket No. 11-ASW-11] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6656. A letter from the Secretary, Department of Energy, transmitting a report entitled, "Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2010 and 2011"; jointly to the Committees on Energy and Commerce and Science, Space, and Technology.

6657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-

45), a copy of Presidential Determination No. 2012-08 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 5, 2011 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. EMERSON: Committee on Appropriations. H.R. 6020. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-550). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 5889. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes (Rept. 112-551). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN:

H.R. 6018. A bill to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE of Texas (for herself, Mr. SMITH of Texas, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. HAHN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6019. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the use of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying and to reauthorize the Juvenile Accountability Block Grants program; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 6021. A bill to amend part E of title IV of the Social Security Act to require States to follow certain procedures in placing a child who has been removed from the custody of his or her parents; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself, Mr. CARDOZA, and Mr. COSTA):

H.R. 6022. A bill to amend the Federal Crop Insurance Act to expand coverage under plans of insurance available under such Act to include losses to an insured commodity when, as a result of a federally-imposed quarantine, the commodity must be destroyed, and for other purposes; to the Committee on Agriculture.

By Mr. DEFAZIO:

H.R. 6023. A bill to restrict conflicts of interest on the boards of directors of Federal reserve banks, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY (for himself and Mrs. NAPOLITANO):

H.R. 6024. A bill to authorize development of hydropower and efficiencies at existing Bureau of Reclamation facilities; to the Committee on Natural Resources.

By Mrs. MILLER of Michigan (for herself and Mr. FLAKE):

H.R. 6025. A bill to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHMOND:

H.R. 6026. A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf of Mexico to Baton Rouge, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SIRES (for himself, Ms. HAHN, and Mr. MANZULLO):

H.R. 6027. A bill to provide for universal intercountry adoption accreditation standards, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALSH of Illinois:

H.R. 6028. A bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. RIVERA, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. WEST, and Mr. DEUTCH):

H. Res. 703. A resolution congratulating the Miami Heat on their 2012 National Basketball Association Championship; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Ms. SCHAKOWSKY, Mr. RUSH, Mr. HINCHEY, Mr. GRIJALVA, Ms. NORTON, Ms. SPEIER, Ms. LEE of California, Ms. MCCOLLUM, Mr. FILNER, Mr. OLVER, Mr. BERMAN, Mr. MORAN, Ms. MOORE, Mr. COHEN, Mr. SCHOCK, Mr. JACKSON of Illinois, and Mr. MCGOVERN):

H. Res. 704. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. HUNTER, Mr. JONES, Mr. POSEY, Ms. JENKINS, Mr. FORTENBERRY, Mr. COBLE, Mr. FILNER, Mr. SCHILLING, Mr. MCCOTTER, Ms. KAPTUR, Mr. WOLF, Mr. RYAN of Ohio, and Mr. LOESACK):

H. Res. 705. A resolution expressing support for the designation of a "Buy American Week"; to the Committee on Energy and Commerce.

By Mr. ISSA:

H. Res. 706. A resolution authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas; to the Committee on Rules.

By Mr. LARSON of Connecticut:

H. Res. 707. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 6018.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Ms. JACKSON LEE of Texas:

H.R. 6019.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mrs. EMERSON:

H.R. 6020.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law" In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States" Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. CONYERS:

H.R. 6021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. MCNERNEY:

H.R. 6022.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. DEFazio:

H.R. 6023.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Article 5

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.

By Mr. MARKEY:

H.R. 6024.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mrs. MILLER of Michigan:

H.R. 6025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. RICHMOND:

H.R. 6026.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. SIREs:

H.R. 6027.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. WALSH of Illinois:

H.R. 6028.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CHANDLER.
H.R. 24: Mr. CHANDLER.
H.R. 139: Mr. DOGGETT.
H.R. 300: Mr. CAPUANO.
H.R. 324: Mr. STIVERS.
H.R. 329: Mr. CHANDLER.
H.R. 459: Mr. SESSIONS, Mr. ADERHOLT, Mr. RENACCI, and Mr. REYES.
H.R. 561: Mr. HASTINGS of Florida.
H.R. 640: Mr. HOLT.
H.R. 679: Ms. SLAUGHTER.
H.R. 687: Mr. RANGEL, Mr. SABLON, and Mr. AKIN.
H.R. 694: Mr. BOSWELL, Mr. COLE, and Ms. EDWARDS.
H.R. 718: Ms. RICHARDSON.
H.R. 719: Mr. GALLEGLEY.
H.R. 733: Mr. SHERMAN, Mr. NUNNELEE, Mr. BONNER, Mr. KELLY, and Mr. DAVID SCOTT of Georgia.
H.R. 750: Mr. HENSARLING.
H.R. 812: Ms. BONAMICI and Mr. CHANDLER.
H.R. 860: Mr. FLORES, Mr. GUTHRIE, and Ms. WILSON of Florida.
H.R. 881: Mr. STEARNS.
H.R. 890: Mr. BILIRAKIS and Mr. WAXMAN.
H.R. 941: Mr. COHEN.
H.R. 965: Mr. RUSH.
H.R. 1092: Mr. CHANDLER.
H.R. 1167: Mr. HENSARLING.
H.R. 1206: Mr. GOHMERT.
H.R. 1351: Mrs. MILLER of Michigan.
H.R. 1370: Mr. MCCAUL and Ms. BUERKLE.
H.R. 1386: Ms. BONAMICI, Mr. HANNA, and Mr. LYNCH.
H.R. 1404: Ms. SLAUGHTER, Mr. JOHNSON of Georgia, Mr. GUTIERREZ, and Ms. WILSON of Florida.
H.R. 1464: Mr. BARTLETT.
H.R. 1475: Mr. STARK.
H.R. 1490: Mr. PEARCE.
H.R. 1519: Mr. HOLDEN.
H.R. 1585: Mr. MCCLINTOCK.
H.R. 1588: Mr. BUTTERFIELD.
H.R. 1681: Mr. CLAY.
H.R. 1737: Mr. MCCLINTOCK.
H.R. 1842: Ms. BORDALLO.
H.R. 1860: Ms. JACKSON LEE of Texas and Mr. CHABOT.
H.R. 2030: Mr. FARR.
H.R. 2077: Mr. KINZINGER of Illinois and Mr. NUNNELEE.
H.R. 2299: Mr. AUSTIN SCOTT of Georgia.
H.R. 2312: Mr. LOBIONDO.
H.R. 2353: Mr. CLAY.
H.R. 2437: Mr. RUNYAN.
H.R. 2499: Mr. CASSIDY, Ms. SLAUGHTER, and Ms. EDWARDS.
H.R. 2579: Mrs. HARTZLER.
H.R. 2649: Mrs. BLACKBURN and Mr. ROE of Tennessee.
H.R. 2696: Mr. COHEN.
H.R. 2697: Ms. SLAUGHTER.
H.R. 2706: Mr. KISSELL.
H.R. 2718: Mr. DOLD.
H.R. 2722: Mr. HINCHEY, Mr. GRIJALVA, Ms. KAPTUR, Ms. WOOLSEY, Mr. COSTELLO, Ms. SUTTON, Mr. DEFazio, Mr. GARAMENDI, and Mr. CLARKE of Michigan.
H.R. 2730: Mr. CHABOT, Mr. FILNER, and Ms. RICHARDSON.
H.R. 2746: Mr. DAVID SCOTT of Georgia and Ms. SCHAKOWSKY.
H.R. 2794: Mr. MEEKS, Mr. BERMAN, and Mr. DAVIS of Illinois.
H.R. 2866: Mr. CARSON of Indiana.
H.R. 2899: Mr. DIAZ-BALART.
H.R. 2962: Mr. JOHNSON of Ohio, Mr. RYAN of Ohio, and Mr. ROE of Tennessee.
H.R. 2969: Mr. JOHNSON of Ohio and Mrs. DAVIS of California.
H.R. 2997: Mr. CUELLAR.
H.R. 3036: Ms. MCCOLLUM.
H.R. 3057: Mr. OWENS.
H.R. 3187: Mrs. EMERSON, Ms. LINDA T. SANCHEZ of California, Mrs. MILLER of Michigan, Mr. COSTELLO, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. WALDEN, Mr. LATHAM, Mr. JONES, Mr. COBLE, Mr. BONNER, and Mr. LUCAS.
H.R. 3197: Mr. DICKS, Mr. LARSEN of Washington, Mr. McDERMOTT, Mr. REICHERT, and Mr. HASTINGS of Washington.
H.R. 3264: Mr. MCCLINTOCK and Mr. CASSIDY.
H.R. 3341: Mr. HIMES.
H.R. 3395: Mr. MCKINLEY and Mr. ROGERS of Alabama.
H.R. 3429: Mr. KISSELL and Mr. NUNNELEE.
H.R. 3444: Mr. FLAKE.
H.R. 3485: Mr. HIGGINS.
H.R. 3497: Mr. PENCE and Ms. SUTTON.
H.R. 3510: Mr. STARK and Mr. CALVERT.
H.R. 3594: Mr. BENISHEK.
H.R. 3596: Ms. CASTOR of Florida.
H.R. 3627: Mr. RYAN of Ohio and Mr. HINCHEY.
H.R. 3643: Mrs. BLACKBURN, Mr. SCHWEIKERT, and Mr. NEUGEBAUER.
H.R. 3658: Mr. RIBBLE, Mr. SENSENBRENNER, Mr. TERRY, Mr. SMITH of New Jersey, Mr. PETRI, Mr. ROHRBACHER, Mr. CLARKE of Michigan, Mr. DAVIS of Kentucky, and Mr. REYES.
H.R. 3816: Mr. BOSWELL.
H.R. 4010: Mr. WATT.
H.R. 4066: Mrs. BONO MACK.
H.R. 4103: Mr. PETERS.
H.R. 4122: Mr. STARK.
H.R. 4154: Ms. WOOLSEY, Mr. KEATING, and Mr. CLARKE of Michigan.
H.R. 4160: Mr. GARRETT.
H.R. 4169: Mr. DEUTCH.
H.R. 4173: Ms. ZOE LOFGREN of California.
H.R. 4180: Mr. WOODALL and Mr. JOHNSON of Ohio.
H.R. 4215: Mr. WEST.
H.R. 4235: Mr. KING of New York and Mr. OWENS.
H.R. 4271: Mr. CLAY.
H.R. 4279: Mr. COHEN.
H.R. 4286: Mr. REYES.
H.R. 4287: Mr. COHEN, Mrs. EMERSON, Ms. SLAUGHTER, and Mr. PETERS.
H.R. 4296: Mr. KISSELL.
H.R. 4304: Mrs. LUMMIS.
H.R. 4317: Mr. ANDREWS.
H.R. 4323: Mrs. BLACKBURN.
H.R. 4367: Mr. BISHOP of Georgia, Mr. PERLMUTTER, and Ms. TSONGAS.

H.R. 4390: Mr. RUSH.
 H.R. 4396: Mr. PEARCE.
 H.R. 4403: Mr. DUNCAN of South Carolina.
 H.R. 4405: Mr. DOGGETT.
 H.R. 4631: Mr. KELLY.
 H.R. 4816: Mr. BRADY of Pennsylvania.
 H.R. 4965: Mr. DUNCAN of South Carolina.
 H.R. 5542: Ms. SCHWARTZ, Mr. KUCINICH, and Mr. RYAN of Ohio.
 H.R. 5684: Mr. LEVIN.
 H.R. 5749: Mr. McDERMOTT.
 H.R. 5796: Mr. CLYBURN, Mr. AKIN, and Mr. JOHNSON of Ohio.
 H.R. 5817: Mr. GRAVES of Missouri.
 H.R. 5822: Ms. BUERKLE.
 H.R. 5837: Mr. MEEKS, Mr. NADLER, and Mrs. LOWEY.
 H.R. 5843: Mr. KING of New York, Mr. LONG, Mr. TURNER of New York, Mr. LUJÁN, and Mr. STARK.
 H.R. 5845: Ms. BERKLEY and Mr. JOHNSON of Ohio.
 H.R. 5850: Mr. TURNER of New York.
 H.R. 5865: Mr. SHERMAN and Mr. RYAN of Ohio.
 H.R. 5892: Mr. PLATTS and Mr. LUJÁN.
 H.R. 5910: Mr. CARNEY, Mr. COBLE, and Mr. NEUGEBAUER.
 H.R. 5925: Mr. YODER, Mr. TIPTON, Mrs. HARTZLER, and Mr. SCHILLING.
 H.R. 5932: Mrs. ELLMERS and Mr. HARRIS.
 H.R. 5939: Mr. FRANKS of Arizona, Mr. GRIJALVA, Mr. SCHWEIKERT, Mr. BARBER, Mr. FLAKE, and Mr. QUAYLE.
 H.R. 5943: Mr. HIGGINS, Mr. ROSS of Arkansas, Mr. GIBSON, and Mr. MURPHY of Connecticut.
 H.R. 5960: Mrs. NAPOLITANO and Mr. COSTA.
 H.R. 5962: Mr. NADLER, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. MORAN, Mr. KIND, Mr. MICHAUD, and Ms. SLAUGHTER.
 H.R. 5976: Mr. PETERS, Ms. CHU, and Mr. BLUMENAUER.
 H.R. 5978: Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. CLEAVER, and Mr. FRANK of Massachusetts.
 H.R. 6003: Ms. CHU, Mr. DAVIS of Illinois, and Mr. CARSON of Indiana.
 H.R. 6015: Mr. COHEN, Mr. FATTAH, and Ms. SLAUGHTER.
 H.R. 6016: Mr. GUINTA, Mr. WALSH of Illinois, Ms. BUERKLE, Mr. GOSAR, Mr. GOWDY, Mr. LANKFORD, Mr. FARENTHOLD, Mr. MARINO, Mr. BARLETTA, Mr. THOMPSON of Pennsylvania, Mr. BENISHEK, and Mr. McHENRY.
 H.J. Res. 97: Mr. COHEN.
 H.J. Res. 103: Mr. ROGERS of Alabama.
 H. Con. Res. 115: Mr. AUSTIN SCOTT of Georgia.
 H. Con. Res. 129: Mr. NUNNELEE, Mr. CARSON of Indiana, Ms. SLAUGHTER, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. RYAN of Ohio, Mr. JONES, Mr. JORDAN, Mr. FILNER, Mr. RUSH, Mr. LATHAM, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. SCHILLING, Mr. LONG, Mrs. CHRISTENSEN, Mr. COURTNEY, and Mr. NUGENT.
 H. Res. 51: Mr. CLAY.
 H. Res. 134: Mr. CARDOZA.
 H. Res. 153: Mr. CLAY.
 H. Res. 193: Ms. BUERKLE.
 H. Res. 334: Mr. CLAY.
 H. Res. 397: Mr. PAUL and Ms. WILSON of Florida.
 H. Res. 589: Mr. CLAY.
 H. Res. 623: Mrs. BLACK.
 H. Res. 663: Ms. SCHAKOWSKY.
 H. Res. 669: Mr. WEST.
 H. Res. 674: Mr. HINCHEY.
 H. Res. 687: Mr. SCHOCK and Ms. SLAUGHTER.
 H. Res. 701: Mrs. EMERSON.
 H. Res. 702: Mrs. EMERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5972

OFFERED BY: MR. NADLER

AMENDMENT NO. 3: Page 75, line 7, after the dollar amount, insert “(increased by \$460,000,000)”.

Page 75, line 14, after the dollar amount, insert “(increased by \$460,000,000)”.

H.R. 5972

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 4: Page 90, line 12, before the period insert the following:

Provided further, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))

H.R. 5972

OFFERED BY: MR. BACHUS

AMENDMENT NO. 5: Page 92, line 16, before the period insert the following:

Provided further, That of the total amount provided under this heading, up to \$200,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.) related to disaster relief, long-term recovery, restoration of housing and infrastructure, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: *Provided further*, That such disaster relief funds shall be awarded only to States and units of general local government that were awarded funds under section 239 of Public Law 112-55 (125 Stat. 703), shall be awarded directly to such States and units of general local government at the discretion of the Secretary, and shall be awarded in accordance with such formula or requirements as the Secretary shall establish, except that such formula or requirements shall give preference to awards based on a county's unmet housing needs for renter occupied units: *Provided further*, That prior to the obligation of such disaster relief funds a grantee shall submit a plan to the Secretary detailing the proposed use of all such funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That such disaster relief funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That such disaster relief funds allocated under this heading shall not be considered relevant to the other non-disaster formula allocations under this heading: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation of such disaster relief funds for administrative costs: *Provided further*, That in administering such disaster relief funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements

related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of the HOME Investment Partnerships Act: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to HOME Investment Partnerships Act no later than 5 days before the effective date of such waiver

H.R. 5972

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 6: Page 71, line 19, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 72, line 3, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 72, line 8, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 72, line 20, after the dollar amount, insert “(reduced by \$3,000,000)”.

Page 102, line 2, after the first dollar amount, insert “(increased by \$10,000,000)”.

H.R. 5972

OFFERED BY: MR. TURNER OF OHIO

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

H.R. 5972

OFFERED BY: MR. POSEY

AMENDMENT NO. 8: At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used for the for the international highway technology scanning program, a program within the international highway transportation outreach program under section 506 of title 23, United States Code.

H.R. 5972

OFFERED BY: MR. DENHAM

AMENDMENT NO. 9: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used for high-speed rail in the State of California or for the California High-Speed Rail Authority.

H.R. 5972

OFFERED BY: MS. WATERS

AMENDMENT NO. 10: Page 4, after line 2, insert the following:

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$500,000,000, to remain available through September 30, 2014: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for

funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than \$120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the

minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to \$20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 11: Page 90, line 15, after the dollar amount, insert “(reduced to \$0)”.

Page 150, Line 9, after the dollar amount, insert “(increased by \$6,000,000)”.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 12: Page 89, line 13, after the dollar amount, insert “(reduced to \$0)”.

Page 89, line 15, after the dollar amount, insert “(reduced by \$3,344,000,000)”.

Page 89, line 24, after the dollar amount, insert “(reduced by \$60,000,000)”.

Page 90, line 2, after the dollar amount, insert “(reduced by \$3,960,000)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$3,404,000,000)”.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 13: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used for the Third Street Light Rail Phase 2 Central Subway project in San Francisco, California.

H.R. 5972

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to administer any provision of law that requires that financial assistance for Federal-aid highway and highway safety construction projects be withheld from a State that has in effect a law or an order that limits the amount of money an individual, who is doing business with a State agency with respect to a Federal-aid highway project, may contribute to a political campaign.

H.R. 5972

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 15: Page 90, line 12, before the period insert the following:

: *Provided further*, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))

EXTENSIONS OF REMARKS

HONORING THE NATIONAL BLACK HOME EDUCATORS

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. CASSIDY. Mr. Speaker, I rise today in honor of the National Black Home Educators, which is located in Louisiana's Sixth Congressional District. This week they celebrate their annual banquet marking twelve years of service both locally and nationally.

Founded in July 2000, the National Black Home Educators supports families who are actively involved in their children's education. The NBHE is comprised of more than 5,000 families, organizations, and companies which offer services, tools and resources to assist in children's education. The NBHE assists and equips families to best educate children at home while empowering children, with the support of their families, to achieve academic excellence. NBHE acts as a cornerstone in the homeschooling community by facilitating a supportive environment for all black home educators through field trips, meetings, and conferences.

Mr. Speaker, I heartily commend the National Black Home Educators in their success and efforts in supporting and facilitating parents who are whole-heartedly invested in their children's education. The National Black Home Educators are an important asset to Louisiana's Sixth Congressional District as well as the rest of the nation. I wish them continued success in their mission to promote and support the homeschooling community.

RECOGNIZING THE SERVICE OF POLICE CHIEF RICHARD J. BRADY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Richard J. Brady, Montgomery County, Pennsylvania on his retirement after his outstanding service and career in law enforcement, most recently as Chief of Police of Montgomery Township. Chief Brady has served with the Montgomery Township Police Department since 1970. He rose through the ranks from patrol officer to Detective (1976), Detective Sergeant (1980), Deputy Chief of Police, and finally was promoted to Chief of Police in 1982. As Chief, Richard Brady presided over the Department's growth from 11 officers in 1982 to its current compliment of 36 officers. Chief Brady established the Department's Special Operations Unit and helped to usher in a new era of technological crime-fighting devices including: computers in patrol

cars, live scan fingerprinting, photo imaging, video arraignment, and in-car video systems. Under Chief Brady's leadership, the Montgomery Township Police Department became just the 22nd police department in the state to be awarded P.L.E.A.C. Accreditation status by the Pennsylvania Chiefs of Police Association.

Chief Brady is a member in good standing of many law-enforcement commissions and organizations including: Pennsylvania Municipal Officers Education and Training Commission, Advisory Committee on Wrongful Convictions, Montgomery County Emergency Medical Services Advisory Council, Montgomery County Child Death Review Team, Montgomery County Community College Municipal Police Academy Advisory Committee, and the U.S. Congress' National Children's Study. Chief Brady also serves as the Vice Chairman of the Montgomery County Local Emergency Preparedness Council and on the Board of Directors of the Volunteer Medical Service Corps of Lansdale.

Mr. Speaker, in light of his years of exemplary service to his community and litany of sterling accomplishments too long to record, I ask that my colleagues join me today in recognizing Chief Richard J. Brady for his invaluable contributions to the quality of life of the citizens of Montgomery Township, Montgomery County, Pennsylvania.

LETTER OF COMMENDATION HONORING CONNECTICUT STATE REP. MARIE LOPEZ KIRKLEY-BEY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. LARSON of Connecticut. Mr. Speaker, on June 14th, Connecticut State Representative Marie Lopez Kirkley-Bey received a Community Service Award during the 14th anniversary celebration of Hartford Communities That Care, a local non-profit organization dedicated to strengthening families, and developing youth leaders across the greater Hartford area.

I was proud to present the following letter of commendation to Ms. Kirkley-Bey in recognition of her efforts:

JUNE 13, 2012.

DEAR REPRESENTATIVE KIRKLEY-BEY: I would like to commend you for your dedication to making Connecticut and the City of Hartford better places to live and work, and to recognize your numerous accomplishments and awards during your ten-term service in the Connecticut House of Representatives.

Your strong work ethic and commitment to giving back to Connecticut is perfectly illustrated in your journey to becoming Deputy Speaker and a leader on a number of

State Legislatures and Committees. You built your career from the ground up, calling on your inner strength and motivation to advance from an entry-level job with Aetna, to management positions, and finally to the House of Representatives, all the while remembering your roots, hardships, and concerns in order to empathize with and better assist your constituents. Your negotiation skills and relationship with your constituents will be missed.

With a focus on quality of life issues, you were able to address the needs of Connecticut's most vulnerable citizens, namely homeless and unemployed mothers, children and seniors. In a time when a quality education is more difficult to attain due to rising costs, your work on increasing access to and quality of education served as a crucial step to helping Hartford residents become more self-sufficient. Your success in working toward this goal is best portrayed in the Temporary Assistance to Needy Families (TANF) legislation, which continues to help single parents find a balance between work, education and raising a family.

Additionally, I appreciate your commitment to rejuvenating Hartford's appearance and work and enrichment opportunities. By negotiating the contract compliance portion of the Adriaen's Landing Bill, you ensured that Hartford-based minority contractors and laborers were employed, while your contributions to the Project Labor Agreement (PLA) enabled non-union minority contractors to receive fairer contracts. Finally, the creation of the Construction Jobs Funnel re-emphasized your commitment to the community and education. You recognized that in order to be employed, people need to know and have confidence in certain basic job skills. These three initiatives truly helped better Hartford.

I applaud your hard work, time and dedication in pursuit of a better Hartford and Connecticut and wish you the best of luck in your future endeavors.

All the Best,

JOHN B. LARSON,
Member of Congress.

ENTREPRENEUR DAY IN KC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GRAVES of Missouri. Mr. Speaker, please join me as I rise today to recognize June 26th as Entrepreneur Day in Kansas City.

The Greater Kansas City Chamber of Commerce and the Kauffman Foundation have a unique vision to make Kansas City America's Most Entrepreneurial City. In turn, they are hosting One Week KC, a nine-day celebration of innovators and job creators in our region that will encourage community entrepreneurs to come together, get inspired, learn and connect.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The final day of this celebration, June 26th, will be known as Entrepreneur Day at the K. Over 40 local mayors from both Missouri and Kansas will attend this event at Kauffman Stadium to declare June 26th as Entrepreneur Day in their cities. Entrepreneurs are the foundation of the American economy, and I applaud our local leaders for recognizing and encouraging entrepreneurship in our region.

Mr. Speaker, I ask that you join me in the celebration of Kansas City's entrepreneurs. I commend the Greater Kansas City Chamber of Commerce and the Kauffman Foundation for leading the initiative to make Kansas City America's Most Entrepreneurial City, and I look forward to demonstrating the strength of entrepreneurship in our region to the rest of the nation.

HONORING MARTIN J. INGRAM

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. TURNER of New York. Mr. Speaker, I rise to honor my friend and neighbor Martin J. Ingram, who is retiring after more than 34 years of federal service.

Marty spent 30 years with the Air Force on active duty and with the Air National Guard and Air Force Reserve. He was a rescue helicopter pilot in the USAF Air Rescue Service, served as mission commander on multiple types of rescue aircraft and held key management positions as Instructor Pilot, Helicopter Flight Commander and Wing Chief of Safety. In May and June of 1996, he also flew combat support operations for Operation Provide Comfort in Turkey and northern Iraq.

In his civilian career, Marty flew as First Officer aboard Sikorsky S-61 helicopters for New York Airways, which included rooftop landings at the famed heliport atop the Pam Am Building. He holds an Airline Transport Pilot Rating in multi-engine and rotary aircraft, including the Boeing 747, Grumman Gulfstream G-II and Sikorsky SK-61 and SK-58 aircraft. He is a certified flight instructor in single and multi-engine aircraft and instruments, and is a certified Dispatcher and Flight Engineer with a Turbojet rating.

Marty began working with the Federal Aviation Administration in 1978 as an Air Traffic Controller at New York Center in Ronkonkoma, Long Island. In 1984, he launched his Flight Standards Service career by becoming an Aviation Safety Inspector (Operations) at the Farmingdale Flight Standards District Office (FSDO). He later served as a General Aviation and Air Carrier Safety Inspector, Principal Operations Inspector, and was Manager of the Charlotte FSDO and Executive Officer for the Southern Region Flight Standards Division. He is retiring as the Assistant Manager for the FAA Eastern Region Flight Standards Division at John F. Kennedy Airport in New York City.

I would like to offer a heartfelt "Thank You" to Marty for his military service to our country, a public service career well spent and all that he has done to keep our airlines and passengers safe over the years. I wish him many successful, happy and healthy years to come.

A TRIBUTE TO WALTER J. ZABLE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. ISSA. Mr. Speaker, I rise today to recognize the life of Walter J. Zable upon his passing. Mr. Zable was a leader, job creator, and a great contributor to the San Diego community.

In 1951, Mr. Zable formed the Cubic Corporation in Southern California. Today it employs over 8,000 people worldwide in the field of defense systems, mission support services and transportation systems for government and commercial customers. Mr. Zable served as the chairman, president, and CEO of the corporation for five decades.

Prior to forming Cubic, Mr. Zable attended the College of William and Mary in Williamsburg, Virginia studying physics and mathematics while enjoying football. It is during this time that he married his beloved wife, Betty.

Excelling in football, he played on scholarship at William and Mary and credited the sport to helping him get through the Great Depression. Mr. Zable later played professional football with the Richmond Arrows and the New York Giants. Multiple sports awards followed, including the 1962 Sports Illustrated Silver Anniversary All-American Team. Today, the William and Mary football stadium bears the Zable name.

Mr. Zable began putting his engineering skills to work in the early 1940s in Southern California. His drive and determination led to the creation of Cubic Corporation. Regular growth has led the company to great success including worldwide offices and the public trading of its stock on the NYSE.

Our military relies on the work of Cubic as a provider of realistic combat training systems, cyber technologies, asset tracking solutions, and defense electronics. Many of the world's public transportation systems rely on Cubic for collection systems and services.

At the age of 97, Mr. Zable's passing marks a lifetime of great accomplishments. His legacy lives on in the continued achievement of the Cubic Corporation and his personal philanthropy. In 1971, he established the San Diego Chapter of the National Football Foundation and College Hall of Fame (NFFCHF). NFFCHF assists student athletes in achieving their full individual potential.

Mr. Zable is an example of the American Dream fulfilled. Through hard work, dedication, and a deep sense of community, he lived a full and inspiring life. Today we remember his contributions to San Diego and our country.

RECOGNIZING HEATH HAWKS STATE CHAMPIONSHIP WIN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. HALL. Mr. Speaker, I rise today in recognition of the Rockwall Heath Hawk's baseball team which brought home the title of

"State Champions" this year in the University Interscholastic League Class 4A Texas baseball championship. Led by Coach of the Year Greg Harvey, the Heath Hawks had an exceptional season and playoff run before achieving victory over Cleburne for a 10-1 win for the state title. After making regional finals the past two years, this year is a culmination of the hard work and dedication of these young men.

The Heath Hawks' record testifies they are successful competitors, but what makes them great is their work ethic, teamwork, and good attitude. These admirable character traits will carry these men far in life.

The seniors in every team hold a special responsibility, and the eleven graduating seniors on this team should be congratulated for the leadership they provided throughout the season. Seniors Jovan Hernandez and Jake Thompson were specifically recognized this year for their skill and leadership. Jovan Hernandez was named State Tournament MVP and All-District Pitcher of the Year. Jake Thompson was named All-District MVP and was drafted in the Major League's second round by the Detroit Tigers as their first pick.

I am proud of Coach Harvey, his aide, and the Heath Hawks baseball team for their accomplishment in achieving the State Championship. I look forward not only to cheering for the Heath Hawks in the future, but to cheering on the men of this year's team as they pursue their goals in the years to come. I have every confidence that they will succeed.

Mr. Speaker, I ask those here to join me in honoring Texas State Champions, the Heath Hawks, and in wishing them success in their future endeavors.

IN RECOGNITION OF GERTRUDE KNOWLTON

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to honor Gertrude Knowlton of Oak Bluffs, Massachusetts, who celebrated her 100th birthday this year.

Gertrude was born on January 13, 1912. The youngest of four children, she grew up in the greater Boston area. She lived and raised her family there, eventually relocating to Southborough. In 1990, she moved to Martha's Vineyard with her daughter and has lived on the island ever since. There, Gertrude enjoys displaying her watercolor paintings in local fairs, as well as reading new bestsellers as soon as they arrive in the local library. Even as a centenarian, she has maintained a very active and busy life on the Vineyard.

Born just months before the Titanic sank and Fenway Park opened, Gertrude's story is truly a living history of major American events. She has lived through two world wars, Prohibition and the Depression, the Cold War and the Civil Rights Movement. She recalls seeing five-cent silent movies and attending big-band concerts led by Guy Lombardo and Rudy Vallee. She remembers being voted "best dancer" in high school and of dressing in the flapper style of the 1920s as a teenager. During World War II, she worked at a drugstore

lunch counter in Milford. Gertrude grew up in a time before automobiles or airplanes were commonplace and before most people had landlines or radios in their homes, but lived to see a man walk on the moon and the establishment of instant worldwide connectivity through the Internet.

Gertrude raised six children—five of her own as well as a teenage girl who she took in—and has seen her family grow by four generations. She has three surviving children, thirteen grandchildren, twenty-eight great grandchildren and four great-great grandchildren. Gertrude believes that the secret to living to the age of 100 is always to have a good attitude toward life, and I couldn't agree more.

Mr. Speaker, I am proud to honor Gertrude Knowlton as she celebrates this joyous occasion. She is an extraordinary member of our

community and I ask that my colleagues join me in wishing her many more years of health and happiness.

FINANCIAL NET WORTH DECLARATION

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2012, a matter of public record. I have filed similar statements for each of the thirty-three preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at \$1,350,288). Ratio of assessed to market value: 100% (Unencumbered): \$ 1,364,555.00.

Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered): \$139,600.00.

Undivided 25/44ths interest in single family Residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of \$1,465,700: \$ 832,784.09.

Total real property: \$ 2,336,939.09.

Common & preferred stock	# of shares	\$ per share	Value
Abbott Laboratories, Inc.	12200	61.29	\$747,738.00
Alcatel-Lucent	135	2.27	306.45
Allstate Corporation	370	32.92	12,180.40
AT&T	6752.771461	31.23	210,889.05
JP Morgan Chase	4539	45.98	208,703.22
Benton County Mining Company	333	0.00	0.00
BP PLC	3604	45.00	162,180.00
Centerpoint Energy	300	19.72	5,916.00
Chenequa Country Club Realty Co.	1	0.00	0.00
Comcast	634	30.01	19,026.34
Darden Restaurants, Inc.	2160	51.16	110,505.60
Discover Financial Services	156	33.34	5,201.04
Dun & Bradstreet, Inc.	1250	84.73	105,912.50
E.I. DuPont de Nemours Corp.	1200	52.90	63,480.00
Eastman Chemical Co.	540	51.69	27,912.60
Eastman Kodak	1080	0.32	345.60
El Paso Corp.	150	29.51	4,426.50
Exxon Mobil Corp.	9728	86.73	843,709.44
Frontier Comm.	470.451694	4.17	1,961.78
Gartner Inc.	651	42.64	27,758.64
General Electric Co.	15600	20.07	313,092.00
General Mills, Inc.	5760	39.45	227,232.00
GenOn Energy	236	2.08	490.88
Hospira	1220	37.39	45,615.80
Imation Corp.	99	6.19	612.81
Kellogg Corp.	3200	53.63	171,616.00
Merck & Co., Inc.	8203	38.40	314,995.20
3M Company	2000	89.21	178,420.00
Medco Health Solutions, Inc.	8218	71.85	590,463.30
Monsanto Corporation	2852.315	79.76	227,500.64
Moody's	5000	42.10	210,500.00
Morgan Stanley	312	19.64	6,127.68
NCR Corp.	68	27.71	1,884.28
Newell Rubbermaid	1676	17.81	29,849.56
JP Morgan Cash	345.12	1.00	345.12
PG & E Corp.	175	43.41	7,596.75
Pfizer	30415	22.65	688,899.75
Century Link (Formerly Qwest)	95	38.65	3,671.75
Sandusky Voting Trust	26	1.00	26.00
Solutia	72	27.94	2,011.68
Tenneco Inc.	182	37.15	6,761.30
Unisys, Inc.	16	19.72	315.52
US Bancorp	3081	31.68	97,606.08
Verizon	1796.367277	38.23	68,675.12
Vodafone Group PLC	323	27.67	8,937.41
Wisconsin Energy	2044	35.18	71,907.92
Total common & preferred stocks & bonds			\$5,833,307.72

Life insurance policies	Face \$	Surrender \$
Northwestern Mutual #4378000 ...	12,000.00	102,638.40
Northwestern Mutual #4574061 ...	30,000.00	246,909.07
Massachusetts Mutual #4116575 ...	10,000.00	14,830.32
Massachusetts Mutual #4228344 ...	100,000.00	386,190.35
American General Life Ins. #5-1607059L	175,000.00	42,706.25
Total life insurance policies		\$793,274.39

Bank & IRA accounts	Balance
JP Morgan Chase Bank, checking account	\$20,610.04
JP Morgan Chase Bank, savings account	41,468.07
M&I Bank, checking account	7,726.64
Burke & Herbert Bank, Alexandria, VA, checking account	1,481.66
JP Morgan, IRA accounts	151,175.38
Total bank & IRA accounts	222,461.79

Miscellaneous	Value
2007 Chevrolet Impala	\$8,174.00
1994 Cadillac Deville—retail value	1,678.00
1996 Buick Regal—retail value	2,006.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	180,000.00
Stamp collection (estimated)	150,000.00
Deposits in Congressional Retirement Fund	214,651.34
Deposits in Federal Thrift Savings Plan	431,418.50

Miscellaneous	Value
Traveler's checks	7,800.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	5,000.00
20 ft. Pontoon boat & 40 hp Mercury outboard motor (estimated)	8,000.00
Total miscellaneous	1,009,727.84
Total assets	10,195,710.83

Liabilities: None.
Net worth: \$10,195,710.83.

STATEMENT OF 2011 TAXES PAID

Federal Income Tax	\$130,442.00
Wisconsin Income Tax	44,972.00
Menomonee Falls, WI Property Tax	2,379.00
Chenequa, WI Property Tax	22,126.00
Alexandria, VA Property Tax	13,476.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sen-

senbrenner III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, on June 21, 2012, I was unavoidably

absent for rollcall votes 408, 409, 410, and 411.

Had I been present, I would have voted "yea" on rollcall No. 408, the amendment to fully fund the Commodity Futures Trading Commission to limit speculation in energy markets.

I oppose the irresponsible H.R. 4480. I would have voted "yea" on rollcall No. 409, and I would have voted "no" on rollcall No. 410.

Finally, had I been present, I would have voted "no" on rollcall No. 411, the motion to instruct transportation conferees to supersede the EPA's authority to permit coal waste disposal sites.

HONORING LIEUTENANT COMMANDER STEPHANIE MORRISON, U.S. COAST GUARD, FOR HER SERVICE AS DEPUTY LIAISON TO THE HOUSE OF REPRESENTATIVES

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. LARSEN of Washington. Mr. Speaker, I rise today to recognize the service, dedication and professionalism of Lieutenant Commander (LCDR) Stephanie Morrison, who has served as the Coast Guard's Deputy Liaison to the House of Representatives from August 2009 through June 2012. The consummate professional, LCDR Morrison exemplified the Coast Guard's motto "Semper Paratus" or Always Ready, as she coordinated staff and Member briefings, worked with Committee staff and Coast Guard leadership to prepare for critical operations, acquisitions, and policy hearings, and helped respond to hundreds of constituent issues from around the country. She was an integral part of the Coast Guard's Congressional Affairs team that supported my Subcommittee's efforts in the passage of the Coast Guard Authorization Act of 2010, and has continued to be an invaluable resource as we move forward to support the Coast Guard's vital recapitalization and modernization efforts during the 112th Congress. In addition to her numerous duties and responsibilities here in Washington, D.C., LCDR Morrison also deployed to the Gulf Coast in the Spring of 2010 during the Deepwater Horizon oil spill response, where she assisted numerous congressional staff and Members of Congress with detailed briefings and site visits, which were vital to Congress' ability to execute its oversight responsibilities during this tragic event.

As the Ranking Member of the Coast Guard and Maritime Transportation Subcommittee, I am honored to represent the fine women and men of the United States Coast Guard not only from my District, but everyone who has accepted the challenge and endured the sacrifice necessary to serve. The men and women who serve as Congressional Liaisons take on a particularly difficult challenge; one which can easily be overlooked but is nonetheless as important to the success of the Coast Guard as the cutter and aircraft crews

who protect our waterways every day. I would like to thank LCDR Morrison for her dedication and service in this challenging position. She has been a tremendous help to me and my staff, and I wish her well as she transitions to her new assignment as the Chief of Waterways Management at Coast Guard Sector Baltimore.

HEALTHCARE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. BURGESS. Mr. Speaker, I would like to submit the following:

DALLAS HEALTHCARE POLICY CONFERENCE

Congressman Pete Sessions, Congressman Michael Burgess, MD, Congressman John Fleming, MD, and Congressman Bill Cassidy, MD.

STATEMENT OF PRINCIPLES

Safety Net

We support a healthcare safety net, which guarantees all Americans access to healthcare that is consistently and adequately funded by a rational system that ensures coverage regardless of employment or economic status to encourage maximum participation by physicians. Funding for this safety net should be government subsidized without mandates.

Patient/Doctor Relationship

The sanctity of the patient-physician relationship must be the foundation of healthcare in America and is the product of every individual's right to choose. This bond is freely chosen and based upon mutual trust, informed consent, and privileged confidentiality involving every citizen. This sacred trust must not be violated.

Personal Responsibility

In order to have a sustainable healthcare system every patient has to have a personal investment in the cost and maintenance of their care. The patient should be empowered to responsibly choose the best use of their health care resources.

Choice (Physicians and Patients)

Patients are entitled to the maximum possible freedoms in choosing how to care for themselves and their families. Physicians and healthcare professionals are entitled to the maximum possible freedoms in choosing how they provide care for their patients, manage their practice, and compete in the market.

Privacy (Digital and EMR)

Privacy must stand at the core of the trusted and inviolable patient/physician relationship in order to maximize the quality of care we provide our patients. Patient's personal information, particularly digital, must be protected. That information must be owned by the patient. It is the only the patients' to share with their informed consent and must be protected from all third parties including the government.

Patient Ownership/Portability

Health insurance may be purchased across state lines consistent with interstate commerce. Each American deserves the opportunity to own their individual healthcare policy with guaranteed renewability and community rating that is appropriate for

their family needs, not contingent upon a specific job, and irrevocable except by personal choice or cases of fraud.

Payment and Price Transparency

Transparency should be encouraged by all those who participate in the healthcare marketplace. It is the patient's right to know the cost of care and the payment provided by insurance or government. It is the core of the free market for consumers and professionals to know the true costs and prices of all goods and services provided.

Funding (Premium Support/Defined Contributions)

Individual citizens should be permitted to own a Health Liberty Account (HLA) that may receive defined contributions from employer or government, or a tax-deductible contribution from any source, that is dedicated to the purchase of healthcare coverage and payment for healthcare services. Those unable to fund their own HLA would be eligible for adequate funding for annual healthcare coverage with a defined contribution from the government.

Tax Parity (Deductions)

The purchase of health benefits are should be tax deductible whether purchased by the employer or individual, regardless of income. Charitable healthcare should be a tax deductible item by the physician.

Fraud, Waste and Abuse (Inefficiency)

Physicians are committed to protecting the taxpayers by stopping fraud (e.g. phantom billing, home health, and medical equipment fraud) and considering methods to accomplish this goal, including smart cards. Physicians are committed to strengthening and reinvigorating the peer review system. Physicians and their professional scientific organizations should continue to seek efficiencies by eliminating wasteful healthcare spending that does not improve outcomes.

Liability Reform

The fear of lawsuits drives up the cost of medical care due to the practice of defensive medicine. Tort reform will lower inefficient spending and help to ease the upward pressure on healthcare costs. Examples of such reforms include caps on non-economic damages and the formation of expert medical panels to evaluate and when indicated compensate significant adverse outcomes to eliminate costly litigation.

THE TEN CANNOTS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday at the Patriotic Sunday service of Grace Baptist Church in West Columbia, South Carolina, Dr. Bill Egerdahl, the Church's Pastor quoted an extraordinary pamphlet which has real meaning today:

"In 1916, a minister and outspoken advocate for liberty, William J. H. Boetcker, published a pamphlet entitled 'The Ten Cannots':"

You cannot bring about prosperity by discouraging thrift.

You cannot strengthen the weak by weakening the strong.

You cannot help the poor man by destroying the rich.

You cannot further the brotherhood of man by inciting class hatred.

You cannot build character and courage by taking away man's initiative and independence.

You cannot help small men by tearing down big men.

You cannot lift the wage earner by pulling down the wage payer.

You cannot keep out of trouble by spending more than your income.

You cannot establish security on borrowed money.

You cannot help men permanently by doing for them what they will not do for themselves.

Simply put, the central government cannot give to anybody what it does not first take from somebody else."

CONGRATULATING THERESA LOU BOWICK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Theresa Lou Bowick, BSN, RN upon the realization of her vision and to recognize her for her dedication to the Rochester, New York community.

July 7, 2012 will mark the official kick off of the Conkey Cruisers, a free neighborhood "biking to better health" program that will journey throughout the northeast crescent of Rochester, otherwise known as the Conkey-Clifford Neighborhood. The Conkey Cruisers is an official 501(c)(3) non-profit organization that has singlehandedly unified an inner city neighborhood by addressing two important factors: crime and health.

Just one year ago, Ms. Bowick was out running in her neighborhood when she had two disturbing encounters. First, a young boy called out to her, "Hey, lady! Are you on probation?" He assumed that Ms. Bowick was running from the police, as he apparently had little understanding of any other reason for running in that particular neighborhood. Soon after, an older man accused Ms. Bowick of being an undercover cop, boldly stating, "She is the police, because nobody exercises in this neighborhood!"

These encounters inspired Ms. Bowick to start an exercise program in the Conkey-Clifford Neighborhood. The program advocates "Getting fit, one street, one person, one bike at a time." As a registered nurse, Ms. Bowick understands the health benefits of regular exercise, particularly at a time when our nation is experiencing an epidemic of obesity. Her efforts are getting an entire neighborhood up and moving, all the while restoring safety and a sense of home back to the residents.

The signature black, yellow and white Conkey Cruiser t-shirts can now be seen daily on the streets of Conkey Avenue, as neighbors both young and old exercise on their bikes. Beginning July 7th, youth from the Conkey-Clifford neighborhood will participate in the six-week, five days a week free Conkey Cruisers program, which provides an introduction to safe bicycling and healthy eating, as well as an opportunity to earn President Obama's Active Lifestyle Award.

I am proud that such dedicated individuals call my district home, and that they have committed themselves to improving their neighborhoods, increasing safety, and pursuing health for all of our residents. I ask my colleagues to join me in honoring Theresa Lou Bowick and the Conkey Cruisers.

IN RECOGNITION OF STEVEN ROLLINS

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Stephen Rollins upon his retirement after twenty-five years of public service as Town Administrator and Town Manager of Hanover.

Mr. Rollins' career in public service began in 1973 when he worked for the Illinois Department of Local Government Affairs following his graduation from The University of Vermont. Since then, he has proved himself to be an innovative and efficient administrator in a variety of public service roles. He was a leader in the centralization of the Hanover town government, and was instrumental in streamlining the town's process for grants and expenditures. Mr. Rollins has received national recognition for his work on Hanover's health plan and local praise for his simplification of the town's yearly budget.

As town administrator, Mr. Rollins demonstrated his flexibility and leadership ability. Not only were these characteristics seen in the day-to-day operations of local government, but they were also evident in crisis situations—perhaps, most memorably, when Hanover's town hall was severely damaged in a fire. As de facto contractor overseeing the town hall's renovations, Mr. Rollins repeatedly demonstrated his ability to improvise and assume unconventional roles when necessary. It was therefore very fitting when he was given the title of Town Manager in August of 2010, and became the town's first person to occupy this position. In his role as a representative of Hanover, Mr. Rollins typified the best of what the town has to offer. Always putting the community first, he dedicated his career to making local government work for the people.

Mr. Speaker, I am proud to honor Stephen Rollins on this remarkable occasion. I ask that my colleagues join me in wishing him a wonderful retirement and many years of happiness, as well as in thanking him for working tirelessly to build the town of Hanover into the beautiful community we know today.

THE INTRODUCTION OF THE REHAB AND AHMED AMER FOSTER CARE IMPROVEMENT ACT OF 2012

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. CONYERS. Mr. Speaker, today, I introduced the Rehab and Ahmed Amer Foster

Care Improvement Act of 2012. The Act will enhance the existing federal policy of encouraging state foster care programs to place children in the care of willing and able relatives.

This legislation accomplishes that goal by requiring States that receive federal funding for foster care programs to add certain procedural enhancements to their foster care programs so as to ensure a more fair placement decision-making process.

Specifically, my bill requires that, within 90 days after a State makes a foster care placement decision, the State must provide notice of such decision to the following affected parties:

- the child's parents;
- relatives who have informed the State of their interest in caring for the child;
- the guardian;
- the guardian ad litem of the child;
- the attorney for the child;
- the attorney for each parent of the child;
- the prosecutor involved; and
- the child if he or she is able to express an opinion regarding placement.

Additionally, States must establish procedures that:

- allow any of the parties who receive notice of the State's placement decision to request, within five days after receipt of the notice, documentation of the reasons for the State's decision;

- allow the child's attorney to petition the court involved to review the decision; and

- require the court to commence such review within seven days after receipt of the petition and conduct such review on the record.

The harrowing story of Rehab and Ahmed Amer of Dearborn, Michigan prompted me to craft this bill.

In 1985, the Amers lost two of their children to Michigan's foster care system after Rehab had been subject to criminal charges related to the death of her two-year-old son Samier, who died because of head injuries resulting from a fall in a bathtub.

Although Rehab had been acquitted in August 1986 of any criminal wrongdoing in connection with Samier's death, the State refused to return the Amers' other two children to them and, in fact, removed a third child from the Amers' custody four months after Rehab's acquittal.

As a temporary alternative, Rehab's brother petitioned to be a foster parent to the Amers' three children, but was denied his petition even though he had previously served as a foster parent for other children.

It is important to note that the Amers are Muslim. Nevertheless, the State, rather than placing the Amers' children with a foster family of the same faith and cultural background, sent them to live with an evangelical Christian family, which re-named the Amers' children—Mohamed Ali, Sueheir, and Zinabe—with Christian names and raised them as Christians.

Today, only the oldest of the Amers' three living children, Mohamed Ali, now known as Adam, communicates with them.

In reaction to the Amers' story, Michigan enacted what became known as the Amer Law. That law requires foster care placement agencies in Michigan to consider and give special preference for relatives when making a foster care placement decision.

The Amer Law is consistent with federal foster care policy, which also seeks to give preference to a child's relatives and, for Native American children, a family of the same cultural background as the child, when making placement decisions.

The Amer Law, however, has several provisions that go beyond current federal law to ensure due process. In sum, this law gives parents, relatives, guardians, and the child in certain cases additional procedural rights, including the right to written notice and an explanation of a placement decision. In addition, it authorizes judicial review of a placement decision by a foster care agency.

My legislation simply adds these enhanced due process features of the Amer Law to existing federal foster care law.

The best interests of the child should always be the overriding consideration when making foster care placement decisions. That standard, however, should also require foster care agencies to give special preference to placing a child with relatives, where the child can be raised in the same culture or religion as his or her own, all other things being equal.

I thank Rehab and Ahmed Amer for bringing this issue to light and for their tireless efforts to make the foster care placement process fairer for everyone, first in Michigan, and, now, nationally.

HONORING GUS MACHADO FOR HIS DEDICATION TO THE SOUTH FLORIDA COMMUNITY

HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. RIVERA. Mr. Speaker, I rise to honor the outstanding accomplishments of Mr. Gus Machado, who exemplifies the virtues of hard work, dedication, and contribution to the community.

Mr. Machado was born in Cuba, and came to the United States when he was only fifteen years old where he studied at the Edwards Military Institute in North Carolina and Greenville College before working for the Caterpillar Tractor Company in Illinois.

In 1956, he moved to Miami with no more than a few thousand dollars. He used the money to get started in the automotive business by investing in a gas station and sending used cars to Cuba until Castro established himself as the nation's dictator and targeted free enterprise. Nevertheless, Mr. Machado persevered by refocusing his business operations to the Cuban exile community in South Florida. He began concentrating on the retail aspect of car sales and utilized his keen insight to business to identify and cater to the emerging demands of the market. For example, in 1973, he began a business that exported vehicles to Puerto Rico to fulfill the high demand in the area. Soon after, the only other General Motors distributor in Puerto Rico closed down, leaving Mr. Machado as the main dealer in the market.

Throughout the following years, his business endeavors multiplied and he established himself as one of the most successful automotive

dealers in the country. In 1984, he purchased a Ford dealership in Hialeah and quickly became the #1 Ford dealer in Miami-Dade County.

Today, Mr. Gus Machado is one of the most respected and successful car dealers in the country. When the recession hit, the future of the auto industry looked very grim. Like many other Americans, Mr. Machado's business faced unprecedented hardship. Nevertheless, he took a bold risk by expanding his domain and buying another Ford dealership in Kendall. Like many of his other ventures, this too proved fruitful. He continues to provide his services to the community, and has been honored with countless awards for his work, including the Ford Motor company's highest honor, the President's Award.

Furthermore, Mr. Machado has established himself as one of the most generous philanthropists in South Florida. His endeavors include the establishment of the Gus Machado Family Foundation, which provides hundreds of children with backpacks and school supplies every year, and the founding of the Gus Machado Classic Charity Golf Tournament benefiting the American Cancer Society, among many, many others.

Mr. Machado has also worked hard to promote the transition to democracy in his native Cuba, the most oppressive nation in the Western Hemisphere. His dedication to the cause of liberty and freedom is truly remarkable.

Due to his hard work, his ambition, and his generosity, Mr. Machado embodies the American Dream. He is a model citizen for aspiring businessmen and civic leaders because he reminds us of what it truly means to be an American.

However, I doubt that he could have made it this far without the support of his wonderful family and particularly his loving wife Lilliam who has organized many charitable events in our community.

On June 29th, the community will show its appreciation by dedicating "Gus Machado Way" in his honor. On behalf of the South Florida community, I thank Mr. Machado for everything he has done for this community, and I take great pride in being a part of this celebration.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,782,570,144,097.96. We've added \$5,155,693,095,184.88 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

Forty-nine years ago today, John F. Kennedy delivered his Ich bin ein Berliner speech in West Berlin. At that time, America had the economic security to challenge her communist foe. We must rid ourselves of this crippling debt.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Austin N. Krohne for achieving the rank of Eagle Scout.

For his Eagle Scout project, Austin coordinated an oyster reef restoration project to benefit marine flora and fauna, and to improve water quality within the Indian River Lagoon. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Austin has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

IN RECOGNITION OF THE PATRIOT LEDGER'S 175TH ANNIVERSARY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to celebrate the 175th birthday of The Patriot Ledger, the long-standing newspaper of record for Massachusetts' South Shore communities.

Headquartered and published in Quincy since its inception, The Patriot Ledger is one of Massachusetts' oldest local daily newspapers and serves twenty-six communities on the South Shore with approximately 55,000 residents in its circulation. Founded on January 7, 1837, the paper was originally known as the Quincy Patriot and was once the hometown newspaper of President John Quincy Adams. When Adams was serving in the House of Representatives following his presidency, he frequently wrote letters to the editor regarding the many issues that the House was facing at the time, such as the abolishment of slavery, the admission of Texas as a state, and the heated debates that Members of Congress often had with one another. The Patriot Ledger has served as a trusted chronicler of local and national news ever since, and it continues to be one of the region's most popular daily papers.

In addition to providing important and reliable news to the South Shore every day, The Patriot Ledger has frequently been at the forefront of many aspects of newspaper production and technology. In the 1950's, experimentation by the paper's printing staff led to the development of the first practical photo-typesetting machine, an innovation that attracted the attention of newspaper executives around the world. The paper was also among the first in the nation to establish zoned editions for local news and advertising, and it paved the way in establishing many other modern features of the print news industry. Such features

pioneered by The Patriot Ledger include the use of 35-millimeter photography, the transmission of daily editions to the printer via facsimile, the use of a computer editing system, and the installation of a two-way radio system for spot news coverage. While many newspapers struggle with the technological advancements of the twenty-first century, The Patriot Ledger continues to grow and move forward.

As a result of its excellence in reporting and its frequent innovation, The Patriot Ledger has been the recipient of many awards throughout its 175-year tenure. It was named as the New England Press Association's Newspaper of the Year in 2005 and 2006, and won the title of the New England Newspaper Association's Newspaper of the Year in 2007. Among the awards The Patriot Ledger received in 2011 were seven national journalism awards from Suburban Newspapers of America and six additional awards from the New England Associated Press News Executives Association. Already this year, the paper has been awarded two national prizes from the Society of American Business Editors and Writers, including the General Excellence award for the paper's business section. Notably, The Patriot Ledger was the only daily paper with a circulation of less than 100,000 to be recognized.

Mr. Speaker, it brings me great pride to honor The Patriot Ledger as the newspaper celebrates 175 years of publication. I fondly remember reading it when I was young and look forward to reading it for many more years to come. I urge my colleagues to join me in recognizing this great paper that has long been woven into the fabric of our country's history.

COMMENDING ROTARY INTERNATIONAL AND OTHERS FOR THEIR EFFORTS TO PREVENT AND ERADICATE POLIO

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to commemorate Rotary International and others for their efforts in vaccinating children around the world against polio. I also rise to encourage continued commitment and funding by the U.S. Government to the global effort to eradicate polio. In this regard, I want to thank Senator DICK DURBIN for his leadership in bringing this timely resolution to the Senate.

Polio is a highly infectious disease that primarily affects children and for which there is no known cure. It can leave survivors permanently disabled or paralyzed. Eradication of polio is a high priority for Rotary International, whose membership extends across the country and in more than 170 countries. I am proud to represent the Rotarians of the 7th congressional district of Washington, who have generously given their time and financial support to the global fight against polio.

The U.S. Government is the leading public sector donor to the Global Polio Eradication Initiative. The Centers for Disease Control and the United States Agency for International De-

velopment have been at the forefront in the U.S. Government's work to eradicate polio both nationally and internationally. Polio is now endemic only in Afghanistan, Nigeria, and Pakistan.

Over the past week, it has become more difficult for international organizations to distribute polio vaccines to children in Pakistan. There is a critical lesson for the U.S. Government to learn. When humanitarian workers are used for intelligence collecting purposes, as we saw in Dr. Shakil Afridi's case, it erodes trust and undermines legitimate humanitarian work.

The immediate and long-term consequences of the CIA's ill-conceived project with Dr. Afridi are grave. The immediate consequence of Dr. Afridi's bogus vaccination program run by the CIA was that the Pakistani Taliban in northern Waziristan have since used it as an excuse to ban polio vaccinations to 161,000 children. The long-term impact is that it will be fodder for conspiracy theorists that American espionage is everywhere and that medical programs could have sinister motives.

The tragic impact of CIA's operation is that thousands of Pakistan's children who could have been vaccinated will suffer or die from polio.

As we recognize our achievements in eradicating polio, I urge my colleagues to look at countries where polio is still endemic and work to ensure that intelligence agencies are not using medical workers as tools to collect information.

CONGRATULATING GALVESTON BAY FOUNDATION ON THEIR 25TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor the Galveston Bay Foundation for their 25 years of dedication and continual service to preserving, protecting, and enhancing Galveston Bay and its surrounding communities.

Since 1987, the Galveston Bay Foundation has demonstrated a lasting commitment to the conservation of our environment and community through the institution of essential and effective environmental programs. These programs continue to collectively improve the environment and well-being throughout our community. In doing so, the foundation has established a reputation of unyielding excellence and as a result earned accolades such as the Texas Environmental Excellence Award, a 5-Star Award from the Environmental Protection Agency, and many more.

Through conscious action the Galveston Bay Foundation continues to promote environmental responsibility and provide a safe coastal environment that enhances the welfare of the community, economy, and environment. The continuous service of the Galveston Bay Foundation has made an enduring impact on our community and for their continued efforts I am proud to support the Galveston Bay Foundation.

I congratulate the board of trustees, staff, and volunteers at the Galveston Bay Foundation for all of their hard work and dedication to the conservation of the Galveston Bay and surrounding communities.

COMMENDING THE TRANSNATIONAL GENOMICS RESEARCH INSTITUTE

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. GOSAR. Mr. Speaker, I join with my colleagues from Arizona to commend the Transnational Genomics Research Institute for a decade of biomedical research success.

TGen was founded in Arizona in 2002 to leverage new scientific discoveries from the mapping of the human genome, and its establishment promptly accelerated the state into the era of genomics and personalized medicine.

Significant to TGen's establishment was the confluence of support from all sectors of the state to attract this new institute to base its operations in Arizona as well as recruit the renowned geneticist, Dr. Jeffrey Trent to lead it, and position the state as a worldwide leader in bioscience and medical discovery. Academic, business, philanthropic and government leaders all joined forces in a statewide campaign within a matter of months to strategically assemble the necessary support. The members of Arizona's delegation also rallied behind this collective vision.

What most excited Arizona leaders was the vision put forth by Dr. Jeff Trent, to accelerate and translate scientific discovery into more immediate and effective benefits for patients, all made possible with the new information from the human genome and rapidly developing technology.

It was on this day ten years ago, June 26, 2002, with high expectations and hopes, that Governor Hull and state leaders announced the successful launch of TGen and the genomics era in Arizona. A decade of exciting growth and new research discoveries has since transpired, with TGen's rising tide lifting all boats.

Investment into TGen and the biosciences spurred growth across the state, catalyzing the launch of the Critical Path Institute and Bio5 in southern Arizona, to ASU's Biodesign Institute and a northern Phoenix bio campus, and TGen North and expansion of W.L. Gore in northern Arizona. The bioindustry has flourished over the past ten years, even during economic downturns, becoming a significant high-performing sector of the Arizona economy.

For patients, TGen is offering hope where there had been none with novel treatments offered only in Arizona. By partnering with clinical entities like the Mayo Clinic and Scottsdale Healthcare, TGen is focusing on utilizing genomic analyses to improve and customize patient treatments. Patients with pancreatic cancer and rare diseases like basal cell carcinoma are finding answers to their treatment struggles, improving quality of patient lives

and allowing more years to spend with loved ones. Whether it's sequencing anthrax or the plague, investigating H1N1 or Valley Fever; finding new clues to triple-negative breast cancer or Alzheimer's disease; or, leading new collaborative research partnerships addressing pediatric and canine cancers, TGen's research has made substantial inroads over the past ten years.

More than a decade ago, the mapping of human genome represented a challenge to the world to make use of this new knowledge for the benefit of humankind. Arizona answered this challenge and now TGen is leading the model to fuse modern medicine with the power of translational research to fuel the next wave of treatments for all manner of human diseases.

As the tenth-year anniversary of TGen's launch is celebrated today, I applaud Dr. Trent and the scientists at TGen for their unwavering commitment to make a difference for patients and lead innovative research for Arizona into the next decade.

CELEBRATING THE 25TH ANNIVERSARY OF THE ROLLING THUNDER DEMONSTRATION RUN

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. WEST. Mr. Speaker, it is my honor to recognize the 25th Anniversary of the Rolling Thunder Demonstration Run, held annually over Memorial Day weekend in Washington, DC.

Rolling Thunder was founded in 1987 by Vietnam veterans Ray Manzo, Walt Sides, John Holland and Ted Sampley to bring attention and awareness to unaccounted for servicemen and women at the conclusion of the Vietnam War.

Exercising their First Amendment rights under the United States Constitution to assemble, these proud veterans organized a motorcycle rally to take place in our Nation's Capital to ensure that we, as a nation, demand a full accounting of our members of the armed forces held as Prisoners of War (POW's) and those still Missing in Action (MIA's).

This moving tribute to our American war heroes started in 1988 when an estimated 3,000 to 5,000 bikers rode in the streets surrounding the United States Capitol, to bring awareness to the POW/MIA issue.

Over the last 25 years, their efforts to increase the awareness of the POW/MIA issue and honoring all military veterans has grown; so have the days since the last soldier left Vietnam.

Over Memorial Day 2012, on the 25th Anniversary Rolling Thunder Run, an estimated 1.3 million people and 500,000 motorcycles participated making it the largest one-day event in our Nation's Capital, and one of the largest one-day events in the world.

Mr. Speaker, as this dome of the United States Capitol stands as a beacon of liberty, freedom and democracy throughout the world, it is only fitting for the last quarter century that

the men and woman who have ridden their motorcycles in the shadow of this building send a message from our shores and beyond that our American POW's/MIA have served honorably and will never be forgotten.

I would like to add my voice in commending Rolling Thunder for their efforts to honor America's POW's/MIA's, and also raise awareness around the issues facing the brave men and women who have served and currently serve in this nation's military.

RECOGNIZING JOANNE LANE FOR HER ACHIEVEMENTS AS A UNITED HEALTH FOUNDATION DIVERSE SCHOLAR

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Joanne Lane for her achievements and for being named a United Health Foundation Diverse Scholar.

As a student in Diagnostic Imaging and Radiology at Tacoma Community College, it is evident that Joanne is dedicated to her education in the health care field and to improving the quality of care patients receive. She is learning how best to learn and carefully meet individual patients' emotional, physical, and cultural needs. Joanne has shown great enthusiasm toward offering patients the best medical treatment regardless of their gender, race, religion, sexual orientation, or income, and she will undoubtedly apply these beliefs as she prepares to begin her career.

Joanne has used the United Health Foundation Diverse Scholars Initiative to devote her time to her rigorous course work. She has learned new skills through interactions with a variety of people and has gained a new appreciation for people from different backgrounds. In an ever-changing field, Joanne's adaptability gives her the skills to learn continuously evolving methods for helping her future patients.

The United Health Foundation Diverse Scholars Initiative helps increase the number of students from multicultural backgrounds in higher education working towards degrees and careers in the health care sector. Since 2007, more than \$3.5 million in scholarship funds have been awarded to high-achieving and promising students. Students like Joanne will help to increase cultural relevance in health care and improve the care of all patients, including those from underrepresented populations.

Mr. Speaker, it is with great pleasure that I recognize Joanne Lane. Her dedication to patient care will undoubtedly lead her to great success in her career and to the improved wellbeing of her community and all of those who call it home.

CONGRATULATING TGEN ON THEIR 10TH ANNIVERSARY

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. FRANKS of Arizona. Mr. Speaker, I join my colleagues from Arizona in commending the Translational Genomics Research Institute (TGen) for a decade of biomedical research success.

TGen was founded in Arizona in 2002 to leverage new scientific discoveries from the mapping of the human genome, and its establishment promptly accelerated the state into the era of genomics and personalized medicine.

Mr. Speaker, significant to TGen's establishment was the confluence of support from all sectors of the state to attract this new institute to base its operations in Arizona, as well as recruit the renowned geneticist Dr. Jeffrey Trent to lead it, and position the state as a worldwide leader in bioscience and medical discovery. Academic, business, philanthropic, and government leaders all joined forces in a statewide campaign to strategically assemble the necessary support.

What most excited Arizona leaders was the vision put forth by Dr. Jeff Trent, to accelerate and translate scientific discovery into more immediate and effective benefits for patients, all made possible with the new information from the human genome and rapidly developing technology.

Mr. Speaker, it was on this day ten years ago, June 26, 2002, with high expectations and hopes, that Governor Hull and state leaders announced the successful launch of TGen and the genomics era in Arizona. A decade of exciting growth and new research discoveries has since transpired.

Investment into TGen and the biosciences spurred growth across the state, catalyzing the launch of the Critical Path Institute and Bio5 in southern Arizona, Arizona State University's Biodesign Institute, a northern Phoenix bio campus, TGen North and the expansion of W.L. Gore in northern Arizona. The bioindustry has flourished over the past ten years, even during economic downturns, becoming a significant high-performing sector of the Arizona economy.

For patients, TGen is offering hope where there had been none, with novel treatments offered only in Arizona. By partnering with clinical entities like the Mayo Clinic and Scottsdale Healthcare, TGen is focusing on utilizing genomic analyses to improve and customize patient treatments. Patients with pancreatic cancer and rare diseases like basal cell carcinoma are finding answers to their treatment struggles, improving quality of patient lives and allowing more years to spend with loved ones. Whether it's sequencing anthrax or the plague, investigating H1N1 or Valley Fever; finding new clues to triple-negative breast cancer or Alzheimer's disease; or, leading new collaborative research partnerships addressing pediatric and canine cancers, TGen's research has made substantial inroads over the past ten years.

More than a decade ago, the mapping of the human genome represented a challenge

to the world to make use of this new knowledge for the benefit of humankind. Arizona answered this challenge and now TGen is a leading model for fusing modern medicine with the power of translational research to fuel the next wave of treatments for all manner of human diseases.

Mr. Speaker, as the tenth-year anniversary of TGen's launch is celebrated today, I applaud Dr. Trent and the scientists at TGen for their unwavering commitment to make a difference for patients and lead innovative research for Arizona into the next decade.

IN RECOGNITION OF STEVEN
PATRICK MOYNIHAN

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Steven Patrick Moynihan for being awarded a James Madison Fellowship.

This extremely competitive fellowship is directed toward current and prospective teachers of American history and civic studies, and it supports such individuals as they study the principles of the Constitution of the United States. Founded by Congress in 1986 and named in honor of the fourth president of the United States—the credited “Father of our Constitution and Bill of Rights,” the award aims to recognize distinguished teachers and to strengthen their knowledge of the origins and progression of American constitutional governance.

This year, only 58 fellowships were awarded and Mr. Moynihan, a teacher at Barnstable High School in Hyannis, Massachusetts, was selected for one among the applicants from across the nation. The James Madison Fellowship will fund up to \$24,000 of Mr. Moynihan's course of study toward an advanced degree.

Mr. Speaker, it always brings me great pride to honor a dedicated and deserving teacher, such as Steven Patrick Moynihan. I congratulate him for being awarded a James Madison Fellowship and urge my colleagues to join me in recognizing the importance of this award and of Mr. Moynihan's service to the students of Barnstable.

COMMENDATION OF MR. DONALD
PATA

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Mr. Donald Pata, a physics teacher at Grosse Pointe North High School (Grosse Pointe North), for receiving the 2011 Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST).

The PAEMST is awarded annually to outstanding K-12 science and mathematics teachers across America. After an initial state-level selection process, the PAEMST winners

are chosen by a panel of distinguished scientists, mathematicians, and educators. Mr. Pata, the only teacher to receive the PAEMST from Michigan this year, is a Grosse Pointe native. He graduated from Wayne State University with a Bachelor's degree in Chemistry and later returned to get a teaching certificate and Masters Degree in Physics Education.

Shortly after earning his undergraduate degree, Mr. Pata joined the Peace Corps and taught biology, chemistry, physics, and mathematics in Ghana. Mr. Pata later returned to Grosse Pointe and began teaching a wide range of physics classes at Grosse Pointe North, including conceptual physics and AP Physics. He also serves as the Science Department Chairperson and is the faculty advisor for the school district's FIRST Robotics Team.

Mr. Pata appreciates the value of effective teaching. Mr. Pata creates a positive “hands-on” classroom atmosphere where students feel free to contribute to discussion and construct their own knowledge. He leads by example and empowers his students to achieve their highest potential. Mr. Pata seeks out opportunities to develop his knowledge of teaching methodology and physics, and travels across the United States attending advanced physics teaching workshops and classes.

As a member of the House of Representatives Committee on Science, Space, and Technology, I know how important it is to have dedicated, innovative, and engaged science teachers working in our schools. Mr. Pata is teaching our children to think creatively, be open to new ideas, and embrace scientific and technological change.

I recognize Mr. Pata as a leader in science education in Metro Detroit and thank him for his commitment to his students and community.

THE TEXAS AGGIES—NO ONE
QUITE LIKE 'EM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. POE of Texas. Mr. Speaker, the sun was lazily rising on the horizon. It was around breakfast time on a stunning Sunday morning. It was quiet, peaceful, calm. People felt secure. There was a small tropical breeze as the American flag was being raised on a nearby flagpole.

Suddenly over the horizon, a large formation of aircraft darkened the glistening sky. They broke formation and dove down from the sky, unleashing a fury of deadly, devastating bombs and torpedoes on a quiet place called Pearl Harbor in the Pacific Ocean. It was on that day, 70 years ago, when sailors, soldiers, airmen, and marines saw war declared on America. It was December 7, 1941.

Over 5,000 miles away from terror stood a small, quiet town covered in maroon décor known as College Station, Texas. College Station is not only home to Texas A&M University's Fightin' Texas Aggies, but also to the patriotic Corps of Cadets. Around campus you can spot the Corps of Cadets marching in

sync wearing the uniform that matches their rank whether it is brown leather boots or trousers made of serge material.

December usually holds a brisk chill in the air in College Station, but the Texas sun kept the weather from being unbearable. Word traveled fast of chaos on the Pacific as America became engaged in another world war. Aggie tradition tells us that on that day teenagers turned soldiers when the entire 1942 junior class enlisted into the war along with half of their senior level comrades. They were all volunteers. They stood together as Aggies, brothers, Texans and Americans. They stood shoulder to shoulder and raised their right hands in unison and swore to defend their homeland. College Station became an image in a rear view mirror as pens and pencils were traded for guns and ammo. They left Texas to go fight on small islands in the Pacific, brutal deserts in North Africa and bloody beaches in Italy and France.

The year 1942 was also the time of the most well-known Aggie Muster under the command of General George Moore during World War II. Aggie Muster is on April 21st which also happens to be San Jacinto Day, the day Texas won independence at the battle of San Jacinto in 1836. Amid fierce enemy fire, General Moore and 25 fellow Aggies mustered in the trenches and caves on Corregidor in the Philippines. A war correspondent observed the make-shift ceremony and the world was introduced to the Aggie spirit. Every one of those Aggies were either killed or captured by the Japanese. Four years later when the Americans returned with Gen. McArthur and retook the island the Aggies mustered again. When I went to the Philippines recently, I saw a photo of those returning Aggies on the fortress wall of the Malinta Tunnel on Corregidor.

According to Aggie Muster tradition, “if there is an A&M man in one hundred miles of you, you are expected to get together, eat a little, and live over the days you spent at the A&M College of Texas.” During times of war, Muster is especially poignant. Texas A&M has produced more officers in the United States military than even West Point. It has the distinction, other than West Point, of having more Medal of Honor recipients than any other university in the United States. When General George Patton was in Europe going into combat in the Third Army, he made a comment about the Texas Aggies and the soldiers that he had under his command. He said, “Give me an army of West Point graduates and I will win a battle. You give me a handful of Texas Aggies, and I will win the war.”

The Aggies' long tradition of duty and service to our great nation dates back to their beginning, to the days when A&M was an all-male military academy. Texas A&M trained nearly 4,000 troops during World War I and over 20,000 Aggies served in World War II, 14,000 as officers. World War II was hard. Millions served in uniform overseas; millions served on the home front; all sacrificed for the cause of America. Many of them gave their lives all over the globe in places known only to God.

The Aggie band doesn't play an Aggie “Fight Song”. There is no such thing. The band plays the “Aggie War Hymn”, quite a different concept. The “Aggie War Hymn” was

written by Aggie Marine J.V. "Pinky" Wilson while standing guard on the Rhine River during World War I. It remains the most recognizable school war hymn across the country—probably the world.

Today, Muster is observed in more than 400 places worldwide and this year's "Roll Call of the absent" honored 970 people around the world, including those remarkable young men and women who gave their lives for our country in lands far far away. While Muster is a time to honor those that have died, it also is a time when Aggies, young and old, come together to reconnect and celebrate a way of life known only to those that proudly hail from Aggieland.

Muster means different things to different people. Every Aggie will tell you something different, something personal about what it means to them as an Aggie. One thing that is consistent in every answer is their dedication to tradition. It is the rich heritage of tradition that sets Texas A&M apart from all the rest. It is the Corps, the Aggie War Hymn, the 12th Man, Midnight Yell, Bonfire, Texas State pride and as much as it pains me to say it—it's TU. It's the Fightin' Texas Aggie Band, Silver Taps and "Hallabaloo, Canek, Canek." It's the Junction Boys, Howdy, Gig'em, Reveille, the Dixie Chicken and of course, the ring. But above all else—it's Muster.

Most of the junior class of '42 who fought in World War II have died as with most of the veterans of World War II. But, in Texas we remember them all this July 4th. Seventy years after, when America called they all answered to the sound of reveille.

There is nothing quite like an Aggie. Gig 'Em.

And that's just the way it is.

IN RECOGNITION OF THOMAS AND CAROLYN SMITH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 50th wedding anniversary of Thomas Reeves and Carolyn Finley Smith.

Thomas Reeves Smith was born on October 31, 1939, in Lineville, Alabama to John William and Velma Reeves Smith. His wife, Carolyn Finley Smith, was born on October 8, 1940, in Anniston, Alabama to Claude and Nile Finley. Dr. and Mrs. Smith were married on June 23, 1962 at First United Methodist

Church of Weaver. Together they raised two children, Alicia Ann Smith Simmons, married to Steve Anson Simmons, and Thomas Reeves Smith, Jr., married to Jill Valocik Smith. They have three grandchildren, Lindsey Marie Smith, Thomas Reeves Smith, III and Mia Liane Smith.

Tom is a retired Methodist minister and retired Colonel in the United States Army for which he served as a Chaplain in Viet Nam and throughout the U.S. and Europe during his career of service. Carolyn worked in civil service, for government contractors and in higher education throughout her career.

Tom and Carolyn are active members of First United Methodist Church of Anniston in Anniston, Alabama. On June 23, 2012, a reception was held in honor of their 50th wedding anniversary with approximately 300 of their friends and family members in attendance. I salute this lovely couple on the 50th year of their life together and join their family in honoring them on this special occasion.

RECOGNIZING THE 10TH ANNIVERSARY OF TGEN'S LAUNCH IN ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I join with my colleagues from Arizona to commend the Translational Genomics Research Institute ("TGen") for a decade of biomedical research success.

TGen was founded in Arizona in 2002 to leverage new scientific discoveries from the mapping of the human genome, and its establishment promptly accelerated the state into the era of genomics and personalized medicine.

Significant to TGen's establishment was the confluence of support from all sectors of the state to attract this new institute to base its operations in Arizona as well as recruit the renowned geneticist Dr. Jeffrey Trent to lead it, and position the state as a worldwide leader in bioscience and medical discovery. Academic, business, philanthropic and government leaders all joined forces in a statewide campaign within a matter of months to strategically assemble the necessary support. The members of Arizona's congressional delegation also rallied behind this collective vision.

What most excited Arizona leaders was the vision put forth by Dr. Trent, to accelerate and translate scientific discovery into more imme-

diate and effective benefits for patients, all made possible with the new information from the human genome and rapidly developing technology.

It was on this day ten years ago, June 26, 2002, with high expectations and hopes, that Governor Hull and state leaders announced the successful launch of TGen and the genomics era in Arizona. A decade of exciting growth and new research discoveries has since transpired, with TGen's rising tide lifting all boats.

TGen has kept its promise to the State of Arizona to invigorate and diversify the economy. Beyond growth in TGen's operational impact, TGen has also been instrumental in the creation and expansion of commercial businesses. Investment into TGen and the biosciences has spurred economic growth across the state, including the establishment of such bio centers as the Critical Path Institute and Bio5 in southern Arizona, and ASU's Bio-design Institute. The bioindustry has flourished over the past ten years, even during economic downturns, becoming a significant high-performing sector of the Arizona economy.

For patients, TGen is offering hope where there had been none with novel treatments offered only in Arizona. By partnering with clinical entities like the Mayo Clinic and Scottsdale Healthcare, TGen is focusing on utilizing genomic analyses to improve and customize patient treatments. Patients with pancreatic cancer and rare diseases like basil cell carcinoma are finding answers to their treatment struggles, and through its work, TGen is improving the quality of patient lives and allowing more years to spend with loved ones. Whether it's sequencing anthrax or the plague, investigating H1N1 or Valley Fever, finding new clues to triple-negative breast cancer or Alzheimer's disease, or leading new collaborative research partnerships addressing pediatric and canine cancers, TGen's research has made substantial inroads over the past ten years.

More than a decade ago, the mapping of human genome represented a world challenge to make use of this new knowledge for the benefit of humankind. Arizona answered this challenge, and now TGen is leading the model to fuse modern medicine with the power of translational research to fuel the next wave of treatments for all manner of human diseases.

As the tenth-year anniversary of TGen's launch is celebrated today, I applaud Dr. Trent and the scientists at TGen for their unwavering commitment to make a difference for patients and lead innovative research for Arizona into the next decade.

SENATE—Wednesday, June 27, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father in Heaven, we proclaim Your greatness for what You have done, are doing, and will do. Thank You for Your generosity to us. Lord, we are grateful to live in a nation where we can worship You in spirit and truth according to the dictates of our conscience. Thank You for protecting this land we love, for guiding its leadership, and for abiding in us by Your Holy Spirit.

Give our Senators this day the wisdom to take advantage of the opportunities You give to make a substantive difference in a needy world. Use them to alleviate the suffering of the marginalized and to cause justice to roll down like waters and righteousness like a mighty stream. Give our lawmakers today a deeper reverence for You.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Madam President, the next hour will be equally divided, with the majority controlling the first half and Republicans controlling the final half. We will continue to debate flood insurance. I hope we can reach an agreement to complete action on this bill. We also need to consider the transportation and the student loan extensions before the end of this week.

There are a lot of things going on on Capitol Hill today. We have been in touch with the Speaker's office. Our staffs have been meeting. When we come to these kinds of bills, the Finance Committee is extremely important. And Senator BAUCUS and I have had many meetings with him and conversations with him. The Senator is key to getting everything done. He is needed on the highway bill, he is needed on the flood insurance bill, and he is needed in student loans. He realizes that and has a tremendous obligation and burden to bear, but he always comes through. He has a good relationship with his counterpart in the House, DAVID CAMP.

I am cautiously optimistic we can end this week tomorrow even, with a little bit of luck, but we may not be able to. We have to see what happens in the next 24 hours, which will be key.

IMMIGRATION REFORM

Monday's U.S. Supreme Court decision striking most of the unconstitutional Arizona immigration law reaffirms something most of us already knew: the onus is on Congress to repair our broken system. No one denies that the system is broken. But in the 40 hours since the Supreme Court's ruling, Republicans have engaged in revisionist history to explain why it has taken so long to fix it.

Here are the facts. When Democrats brought a comprehensive immigration reform bill to the floor in 2007, Republicans filibustered the legislation. This legislation was led by Senator MCCAIN and Senator Kennedy, among others. The Republicans filibustered this legislation even though Republican President Bush supported it. They twice fili-

bustered the DREAM Act, which would allow children brought to the United States by their parents to go to college, serve in the military, and work toward citizenship.

Democrats have done everything that is humanly possible to pass comprehensive immigration reform. We have been trying to do it for years. Two Congresses ago, we spent more time on immigration on the floor than any other issue, and we were spending that time because we were being slow-walked by the Republicans.

The Republicans are divided on this issue; we are not. Ninety percent of Democrats support comprehensive immigration reform and, of course, the DREAM Act. Everytime Democrats offer to work together on comprehensive immigration reform, even bringing to the floor bipartisan ideas originally proposed by Republicans, the other side finds an excuse not to support the change.

On the floor today is the senior Senator from Illinois, the assistant majority leader. He was one of the pushers of the DREAM Act. He had with him two Republican Senators who were pushing just as hard, but those two Senators have disappeared in supporting the legislation. Yet Republicans blame Democrats for inaction. Well, they cannot have it both ways—they cannot blame Democrats for not passing a bipartisan immigration bill when they are the ones who blocked the bill.

Moving forward, Congress has two things in its favor. Thanks to President Obama's decisive action, the specter of deportation no longer hangs over the heads of 800,000 young men and women brought to the country as children. And the Supreme Court offered yet another affirmation that a long-term fix for a broken immigration system must come from Congress and not from the States.

Now is not the time for Republicans to continue this harangue that they have had: It is not our fault. It is time for them to work with us for a reasonable solution, one that continues to secure our borders, punishes unscrupulous employers who exploit immigrants and undercut American wages, improves our dysfunctional legal immigration system, and finally requires the 11 million people who are undocumented to register with the government, pay fines, taxes, learn English, and then they do not go to the front of the line, they go to the back of the line. They do this in order to change their status. If my Republican colleagues truly care about changing the status quo, they should step forward

now and work with Democrats, not criticize from the sidelines. Unfortunately, Republicans who once favored a permanent solution for America's broken immigration system are deserting efforts to find common ground.

The only decisive Republican voice on this issue today seems to be from Mitt Romney, who has called the unconstitutional Arizona law the "model for the Nation." That is what he said. He has also promised to veto the DREAM Act. He said that, I didn't. Democrats believe that the kind of institutionalized racism in the Arizona law is hardly the "model for reform" in a country that stands for liberty and justice for all. We believe upstanding young people who have never known any home but the United States of America should be able to go to college, fight for their country, and contribute to society, not face deportation. But at least we know where Mitt Romney stands on those issues, even if we disagree with him. He is for vetoing the DREAM Act, and he believes the Arizona law is the "model" for our country. That is really too bad.

As long as Republicans remain unwilling to vote for comprehensive, bipartisan immigration reform, we will remain at an impasse. I want my Republican colleagues to know this: As soon as they are willing to join us to craft a commonsense legislative solution that is tough, fair, and practical, we are ready to join them.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. DURBIN. Let me follow up on what the majority leader spoke to on the issue of immigration because this is the right time to bring it up.

I had several meetings yesterday that were as touching emotionally as anything I have witnessed as a Senator. They were students who came from all over the United States of America to walk peacefully in front of the Supreme Court. They were DREAMers, undocumented students who have attended schools or are attending colleges and schools in America. They are not asking for special treatment, they are asking for a

chance—a chance to earn their way into the only country they have ever called home.

These poor kids out there literally have no country. They were brought here to the United States as babies and infants. They did not have a choice in the matter. They were packed into a car or onto a bus. They grew up in America. As Senator MENENDEZ from New Jersey often says—he comes to the floor and reminds us that these kids put their hands on their hearts and they pledge allegiance to flags every day. They only know one national anthem: America's. They are just asking for a chance to be part of this country.

Eleven years ago, I introduced a bill called the DREAM Act. It was a bipartisan bill, as Senator REID said. Senator ORRIN HATCH of Utah was my co-sponsor. In fact, we had words over who would be the lead sponsor. I bowed in his direction because he was the chairman of the Senate Judiciary Committee. I felt, well, that will help us pass the bill. Sadly, today there are only a handful of Republican Senators who will even vote for it and virtually none who openly sponsor it at this moment. What has happened in 11 years? These kids have not changed. Their problems are the same. The country has not changed; it is still a nation of immigrants. Yet the Republican Party has decided it has no use for this approach. There are exceptions. I thank those exceptions.

Senator DICK LUGAR of Indiana, a courageous man, 2 years ago wrote a letter with me to President Obama asking him to give temporary protected status to the DREAM Act students. I called Senator LUGAR the morning of that announcement, on June 15, to thank him for his courage. It is rare, and it should be recognized. In his case, I believe it will be recognized by many.

Senator LISA MURKOWSKI of Alaska voted with me on the DREAM Act. That was a courageous move on her part. I thanked her for it. She is a very independent person. She said that there are Hispanics in Alaska—though you may not think it—and they are watching this carefully and closely.

Let me also salute Senator MARCO RUBIO. Some of my colleagues have criticized him for what he said about the DREAM Act. I have not. I am glad he is trying. I need Republican votes to break the Republican filibuster on the DREAM Act. MARCO RUBIO came to my office and offered a good-faith effort to do it. I told him: I will stand by you. I think what you are trying to achieve is not what I want completely, but it is on the path to that goal. Let's work on it together.

He tried. I salute him for trying. I hope he will try again.

I look at the situation in this country today on immigration and wonder,

can this Congress come together on a bipartisan basis and even honestly debate the issue? That is a challenge we should face because the problem is out there.

The other day my friend—and he is my friend—Senator MCCAIN of Arizona came to the floor and talked about border problems in Arizona. It is a legitimate concern in his State and the border States. But I also would call to his attention an article I read this morning in the National Journal Daily that was written by Major Garrett. It talks about what we have done on the borders of America. Now, I was one of those who thought we were going overboard—too many agents, too much money, too many different ideas.

But I bought into it and said if we have to do this first, let's do it. Even if it is more than I think is necessary, let's do it to prove our bona fides in terms of wanting to stop illegal immigration. Here is what Major Garrett wrote in the National Journal Daily:

After President George W. Bush's attempt at comprehensive immigration reform failed, Congress adopted a default presumption in favor of spending more every year on border control. From 2008 to 2012, Congress devoted \$17.8 billion for U.S. Border Patrol agents and equipment. From 2006 to 2012, the number of Border Patrol agents has increased 73 percent (from 12,350 agents to 21,370). The number of agents assigned to the nation's Southwest border increased 67 percent (from 11,032 to 18,415).

The House Homeland Security spending bill for fiscal 2013 devotes \$11.7 billion to Customs and Border Patrol, \$77 million more than President Obama requested. It also pegs spending for ICE (Immigration Control Agency) at \$5.8 billion, a \$142 million increase over Obama's budget request.

The nation now has more Border Patrol agents and ICE detention beds (34,000) than at any time in history. For context, Border Patrol apprehensions totaled 340,252 in fiscal 2011. That's down 53 percent from 2008 (due in part to the recession and lack of available work). But that number of apprehensions was one-fifth the 2000 total.

Criminal and noncriminal deportations are also up. Way up. This, too, is a bipartisan achievement.

He goes on to cite numbers showing that the Obama administration has deported more in the name of prioritizing deportations than even the Bush administration.

So to those who say we need to get tough at the border and tough in terms of deportation, I say the evidence is there. In fact, it is overwhelming that we have done that. My challenge back to them is: Now can we talk about what to do about the 10 million or 11 million Americans living here who are in questionable status or undocumented? Can we come up with a reasonable approach that is fair to them, to their families, to the Nation, and to the workers of this country? I think we can and we should. Why else are we elected if we don't face an issue like that?

The State of Arizona basically lost in the U.S. Supreme Court this week. Out

of four major provisions in the law, three were stricken, and one was put on probation. The Supreme Court said we are going to watch you, Arizona, and if you do this wrong, we will be back. In fairness to Arizona, their argument is that until there is a national immigration law, we are going to take matters in our own hands. The Supreme Court said: Not so fast. And that doesn't absolve us from our responsibility to Arizona and other States.

We have to move together to get this done. I have been listening carefully, and I know where President Obama is on this issue. I sat a few feet away from him in this Chamber working on comprehensive immigration reform with Senators Obama, MCCAIN, and Specter, trying to get this done. I know it was a genuine effort. I don't know where Governor Romney stands. He said he would veto the DREAM Act. Is that the starting point of his immigration policy? I hope not. I hope he will reconsider that. I hope he will say—as I hope others will say—what the President did in granting temporary renewable protected status to these DREAM students is going to be the standard until we pass a permanent law. That is only fair. Looking in the eyes of those students yesterday, I have to tell you that is our responsibility—to do the humane, just thing.

I will close because I see my colleague from Rhode Island on the floor, and he wants to speak in morning business. I got started in this journey because of a young lady named Theresa Lee. She was a Korean living in Chicago, who was from a very poor family and decided that her only ticket to a future was the piano. She became an accomplished pianist, to the point where she was seeking admission to Juilliard in the State of New York, and the Manhattan Conservatory, and only when it called for a Social Security number did she realize she had a problem.

She had been brought here at the age of 2 from Brazil, where she was born, by her Korean parents, and they never filed a paper. She called our office and we found out there was no recourse for her, no place to turn. The law said leave the country for 10 years and apply to come back in. That isn't fair. So she went on to school at Manhattan Conservatory of Music to study piano. Two families—the Foreman family and the Harris family—in Chicago paid for her education because they believed in this young girl.

There is a happy ending to her story. She not only graduated from the Manhattan Conservatory of Music, she played in Carnegie Hall. She had her debut concert there and is now studying for a PhD in music at the Manhattan Conservatory. She married a young man, and she is now a citizen. She could have been lost. Her talents could have been lost to this country if the

law had been followed 11 years ago as it was written. She was given a chance and proved she was a person of quality who had something to give back to this great Nation with her musical skills and, ultimately, her talents in writing and teaching music.

It is a great story and a lesson for all of us about the DREAM Act and what it needs to be. I urge my colleagues, many of whom have turned a blind eye to this, to meet these young people, look them in the eye, and they will come to know this isn't just a legal issue, this is a human issue that will define us not only as a Congress but as a Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, before I embark on my own remarks, let me say how pleased I am to have a chance to follow the Senator from Illinois. I have had the chance to preside in the Senate, as the Senator from New York is doing now, on several occasions, and to be present on the floor on other occasions when Senator DURBIN has come to the floor to speak about the DREAM Act and his passion for the opportunity it provides to young people who are in this country through no fault of their own, who know no other home in the world, and who will one day be great Americans—people who will be leaders and performers and experts and scientists and provide great value to our country—I am delighted he is doing it again. His persistence matches his passion. And, finally, with the President's decision the other day, it is beginning to reap some rewards. I hope there is more to come in the future.

Madam President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENVIRONMENTAL HEALTH

Mr. WHITEHOUSE. Madam President, I will speak on carbon pollution and the damage we are doing to our world. As I try to point out every week—and last week I was not able to, but Senator KERRY made a wonderful, marvelous, very compelling speech on this subject. We have kept the floor busy every week between the two of us. I hope other Senators will join us more and more.

This is an issue we have to address. It is a disgrace, frankly, that this is one of the very few buildings in this country in which climate denial is still happening wholesale. Here and the boardroom of ExxonMobil are probably the two holdout locations.

I want to address a few things that happened this week. I want to begin by correcting an error I made in remarks last week when I came to the floor and spoke in favor of EPA's mercury and air toxic standards for powerplants.

This is very important to Rhode Island, as we are a downwind State—as is a good deal of New York—and we are bombarded by Midwestern powerplants that, frankly, deliberately send polluted air into the atmosphere through high smokestacks so that it will land elsewhere. Guess what. We are the elsewhere.

We were about to vote on a resolution that would have avoided these standards and put Rhode Island at considerable peril. It would have gone so far as to bar the EPA from ever issuing a similar rule. It would have had a lasting, as well as damaging, effect. It was a reckless proposal. I am pleased we defeated it in the Senate.

During my remarks about this rule, I discussed the health hazards that mercury pollution poses for the people of my Rhode Island, the pollution that comes out of these tall smokestacks, very often with no scrubbers of any kind, and which spews right out and comes to Rhode Island in the form of ozone, which causes us to have “bad air days,” where children, people with breathing difficulties, and old folks have to stay indoors. They are basically kept prisoners indoors because of out-of-State polluters who won't clean up their act. The other thing is mercury and mercury poisoning, which is serious in my State.

The Rhode Island Department of Health warns that “high-risk” populations—pregnant women, women who may become pregnant, and small children—should not eat any freshwater fish in Rhode Island because of the danger of mercury poison and mercury contamination. That is sadly correct. I also said that the health department warns that no one should ever eat any of the fish caught in three bodies of water in Rhode Island—the Quinick Reservoir, Wincheck Pond, and Yawgoog Pond. That sadly is also true.

Finally, I said the health department suggests that anyone who catches freshwater fish in Rhode Island should limit their intake to one serving of this fish a month to protect their health from mercury contamination. In fact, it is more nuanced than that. The health department has issued different warnings for the general population depending on the body of water. So it is not always true that anybody who catches freshwater fish should limit it to one serving a month. I suggest Rhode Islanders consider consulting the health department's Web site, where the agency lists fish advisories by pond and river. That way they can make an informed decision for themselves and their families as to where and when fish are safe to eat.

It doesn't obviously change the larger point that mercury contamination is a continuing public health problem in Rhode Island, and one we can do little about without EPA defending us, because in these other States it is a great

deal for them to be able to poison our State's water but get cheaper power in their States because they don't force their utilities to put scrubbers on and to keep themselves operating at appropriate levels of pollution control.

On that same front, this was a good news week from the EPA. They have fought hard to show that carbon dioxide is in fact a pollutant under the Clean Air Act. That case was taken all the way to the Supreme Court, and the Court agreed that could be the case if the EPA determined those greenhouse gases might "reasonably be anticipated to endanger public health or welfare." The EPA went forward and, in 2009, they made this endangerment finding. There have been delays along the way, but I won't get into the history of that rule under the Bush administration now.

The EPA made that endangerment finding and promulgated three additional rules, which are the tailpipe rule, which sets greenhouse gas emissions for motor vehicles; the timing rule, which clarifies when the stationary sources are required to meet pollution standards for greenhouse gases; third is the tailoring rule, which limits the application of this rule to the big polluters so that you are not going after small or inconsequential sources, you are targeting the folks who are putting out tons of pollution.

That was a very good day. The DC Circuit decision was quite strong. I will take a moment to read some of it into the RECORD:

Industry Petitioners also assert that the scientific evidence does not adequately support the Endangerment Finding. As we have stated before in reviewing the science-based decisions of agencies such as EPA, "[a]lthough we perform a searching and careful inquiry into the facts underlying the agency's decisions, we will presume the validity of agency action as long as a rational basis for it is presented."

They went on to say this:

The body of scientific evidence marshaled by EPA in support of the Endangerment Finding is substantial. EPA's scientific evidence of record included support for the proposition that greenhouse gases trap heat on earth that would otherwise dissipate into space; that this "greenhouse effect" warms the climate; that human activity is contributing to increased atmospheric levels of greenhouse gases; and that the climate system is warming.

Based on this scientific record, EPA made the linchpin finding: in its judgment, the "root cause" of the recently observed climate changes is "very likely" the observed increase in anthropogenic greenhouse gas emissions.

And they continue below:

Relying again upon substantial scientific evidence, EPA determined that anthropogenically induced climate change threatens both public health and public welfare. It found extreme weather events, changes in air quality, increases in food-borne and waterborne pathogens, and increases in temperature are likely to have adverse health effects. The record also supports EPA's conclusion that

climate change endangers human welfare by creating risk to food production and agriculture, forestry, energy, infrastructure, ecosystems, and wildlife. Substantial evidence further supported EPA's conclusion that the warming resulting from the greenhouse gas emissions could be expected to create risks to water resources and in general to coastal areas—

Such as my home State of Rhode Island, I will interject—

as a result of expected increase in sea level. Industry Petitioners do not find fault with much of the substantial record EPA amassed in support of the Endangerment Finding—

Nor could they, I would interject—

rather, they contend that the record evidences too much uncertainty to support that judgment. But the existence of some uncertainty does not, without more, warrant invalidation of an endangerment finding.

As we have stated before, "Awaiting certainty will often allow for only reactive, not preventive, regulation. This language [in the Clean Air Act describing endangerment findings] requires a precautionary, forward-looking scientific judgment about the risks of a particular air pollutant, consistent with the Clean Air Act's "precautionary and preventive orientation."

So here we have three judges of the rather conservative District of Columbia Court of Appeals throwing out all of the challenges to the endangerment findings—the "tailpipe" rule, the "timing" rule, and the "tailoring" rule—and recognizing that although there may be some doubt on the fringes, there is plenty of evidence for reasonable people to take sensible precautions and to do what is right.

As I have said before in other speeches, there is a strategy that is being pursued by the polluting industries, and it is to create enough doubt not to affect what is really happening out there but to affect public judgment; to put enough propaganda into the system that people think: Oh, maybe we shouldn't be so sure about this.

The context I put that doubt in is how prudent a parent would be for the care of a child. The statistics are that 97 percent of practicing climate scientists acknowledge climate change is happening, that we are causing it with carbon pollution, and we have to get serious about it—97 percent.

So translate that to your own life as a parent. Your child has symptoms, doesn't look right, and you go to the doctor. The doctors says: I am pretty sure she has this condition and she needs treatment.

The treatments may be a little unpleasant, a little expensive, so you want to be careful and you decide to get a second opinion. You go to another doctor, and the doctor says the exact same thing. But you have a friend who is a doctor, and so you decide to get a third opinion. You go to your friend and you get a third opinion. At that point most prudent parents would probably act.

What the polluting industry and the people who support them in this Cham-

ber expect us to do is to act like that parent except go to 100 doctors, get 99 second opinions, and then, when only three of them say your kid is OK, don't worry about it, you don't need to do a thing, or there is some doubt about what the disease is, even though 97 percent of those doctors say, yes, she is sick, you better get her this treatment—and ignore the 97 percent. Listen to the 3 percent. No decent parent would do that. In fact, you would probably lose your right to continue to be a parent for your child in those circumstances if the child welfare agency became aware of the kind of risk you were putting your child in in those circumstances. But that is the way they want us to behave in this institution.

I am at a loss for a word to describe what kind of logic it is that would be appropriate to the dignity and decorum of this particular Chamber.

There is a magazine—a rather conservative magazine—called *The Economist*. It is hardly associated with liberal or environmental causes. It is a world magazine. They have just done a special that is called "The Vanishing North," about what is happening in the Arctic. In the summary of the report, they say:

The Arctic's glaciers, including those of Greenland's vast ice cap, are retreating. The land is thawing: the area covered by snow in June is roughly a fifth less than in the 1960s. The permafrost is shrinking. Alien plants, birds, fish and animals are creeping north: Atlantic mackerel, haddock and cod are coming up in Arctic nets. Some Arctic species will probably die out.

It is a stunning illustration of global warming, the cause of the melt. It also contains grave warnings of its dangers. The world would be mad to ignore them.

It is printed in England, so "mad" has the English sense of the word "insane."

The report continues:

The main reason appears to be a catalytic warming effect, triggered by global warming. When snow or ice melt, they are replaced by darker melt-water pools, land or sea. As a result, the Arctic surface absorbs more solar heat. This causes local warming, therefore more melting, which causes more warming, and so on. This positive feedback shows how even a small change to the Earth's systems can trigger much greater ones.

The report continues:

The worry that needs to be taken most seriously is climate change itself. The impact of the melting Arctic may have a calamitous effect on the planet. It is likely to disrupt oceanic circulation—the mixing of warm tropical and cold polar waters, of which the gulf stream is a part—and thawing permafrost will lead to the emission of masses of carbon dioxide and methane, and thus further warming. It is also raising sea levels. The Greenland ice sheet has recently shed around 200 gigatonnes of ice a year, a four-fold increase on a decade ago. If the warming continues, it could eventually disintegrate, raising the sea level by seven meters.

The ocean State of Rhode Island could ill-afford a sea-level rise of 7 meters.

Many of the world's biggest cities—

And the Senator from New York, who is presiding, represents one of the world's biggest—

would be inundated long before that happened.

That is from the summary of The Economist report. If I go into the actual report itself, there are a few other compelling parts, speaking to the Arctic.

The summer sea ice is at its lowest level for at least 2,000 years. Six of the hottest years on record—going back to 1880—have occurred since 2004. . . . The last time the polar regions were significantly warmer was about 125,000 years ago. This transformation is in fact happening faster than anyone had predicted. According to an authoritative 2011 assessment for the Arctic Council, "it is now becoming very clear that the cryosphere—

That is the frozen part of the Arctic—

is changing rapidly and that neither observations nor models are able to tell the full story."

This is not without cost. Further quoting from The Economist:

The World Bank estimates the cost of adapting to climate change between 2010 and 2050 at \$75 billion-\$100 billion a year; other estimates are higher.

Here is what they conclude:

Sooner or later such arithmetic is going to force governments to get serious about dealing with climate change. It is already clear what is required; policies to put an appropriate price on carbon emissions through a tax or market-based system, that is sufficient to persuade polluters to develop and adopt cleaner technologies. These are already available, and so is the ingenuity needed to force down their costs and bring them to market.

But then, in a sentimental closing, the article concludes:

But the Arctic will nonetheless be radically changed. . . . This much is already inevitable.

So the denial that continues in this body continues to have a high price. As I have pointed out, the science on this is neither new nor questionable. The scientist Tyndall, back at the time of the Civil War, first determined that a carbon CO₂ blanket creates a warming effect. That was nearly 150 years ago. So there is nothing new about this.

The fringe scientists who are used by the polluters to create this doubt for propaganda purposes are indeed a fringe, as this resounding decision from the U.S. District Court shows. The perils our planet is facing are manifesting themselves now in the Arctic. As one of the scientists said in The Economist report—and I will have to paraphrase because I don't have the quote in front of me—when you get up here, Greenland, Norway, the Arctic, climate change is not a theory, it is an observation. It is what is happening around us. It is happening in the polar regions because they are more vulnerable, but we are seeing it everywhere.

Wildfires tear through the West, Florida is beaten under unprecedented

levels of rainstorms, and insurance companies across the country are predicting even worse storms. The biggest insurers and reinsurers came to Washington to join with environmental Senators to say: You have to do something about this. This is really coming.

These aren't liberals, these aren't environmentalists, these aren't people from the Sierra Club. These are the flinty-eyed accountants of the major international insurance and reinsurance companies, and their warnings deserve listening to.

My time has expired, Madam President. I yield the floor at this point, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. THUNE. Madam President, I come to the floor today to talk about our economy, the threat of the pending fiscal cliff, and the need to address the challenges we face.

Two years ago last week, the Obama administration hailed the advent of the "Summer of Economic Recovery." The President claimed, "The economy is headed in the right direction." Vice President BIDEN confidently predicted the creation of 250,000 to 500,000 new jobs a month. Meanwhile, Treasury Secretary Tim Geithner published an op-ed in the New York Times boldly entitled, "Welcome to the Recovery."

Well, 2 years later, Madam President, Americans are still waiting for the recovery. Today's jobs figures are well below the 250,000 to 500,000 jobs per month Vice President BIDEN forecasted.

This year, the economy created a dismal 77,000 jobs in April and just 69,000 jobs in May—less than half the 150,000 jobs that are needed each month just to keep up with population growth.

Unemployment—which the White House predicted would shrink below 6 percent by April of 2012—has remained at or above 8 percent for 40 straight months.

Looking at the facts, it is clear the private sector is not doing fine. In fact, the President's economic policies have made the economic situation in this country worse. The President seems to prefer more stimulus spending from Washington, DC, but the President's \$831 billion in stimulus money has not led to the job creation he claimed it would. Under this administration, there has been a record 4 years with deficits over \$1 trillion. The Federal Government now borrows roughly 40 cents out of every \$1 it spends.

The fact is we do not need more government spending that explodes the na-

tional debt. Instead, we need to cut reckless government spending and tackle the mounting debt crisis through tax entitlement reform.

If we don't take action soon, our country could end up in the kind of financial disaster that Greece and Spain are now facing. The economic situation in Europe is a clear warning sign for our country that if we don't get on a sustainable fiscal path, we will face a similar fiscal crisis.

Our children and grandchildren should not have to pay for Washington's inability to stick to a budget. We owe it to the next generation to leave the country better than we found it. Yet it has now been over 3 years since the Senate last passed a real budget.

In part because of the Senate's failure to pass a balanced budget, we face a pending fiscal cliff that must be addressed before the end of the year. Financial markets and job creators are going to react to the uncertainty coming out of Washington. We need to act now, rather than kick the can down the road to a lameduck session of Congress at a time when it will be very difficult to make these types of decisions, where things are going to be rushed and Members are not going to have an opportunity to focus in a thoughtful way on the right solutions for this country's future.

One aspect of the fiscal cliff we are talking about is the pending \$1.2 trillion sequestration scheduled to go into effect on January 2, 2013. I, along with Senator SESSIONS and others, have pushed for more transparency from the administration as to how they plan to implement sequestration, a provision that was adopted just last week as part of the farm bill. This information is critical so Congress and the American people have a full understanding of sequestration's impact. If Congress is going to consider delaying or replacing the defense sequester, we need this information in order to make those decisions.

House Republicans passed a bill last month that replaces the defense sequester scheduled to go into effect next year, and it does so by finding savings elsewhere in the Federal Government. Yet the administration continues to stonewall requests by Congress to help us better understand where the planned sequester cuts will take place.

On the tax side, a family of four earning \$50,000 per year would see their tax bill increase by \$2,200 next year, according to the House Ways and Means Committee and the Joint Committee on Taxation.

The Joint Committee on Taxation also estimates that nearly 1 million business owners would face higher taxes if the top two tax rates increase. Yet not one vote has been scheduled in the Senate to prevent this "taxmageddon."

In contrast, House Republican leaders have a different view, and it is expected the House will consider an extension of the current tax rates next month which will then come to the Senate.

The economy continues to grow at a very slow rate. Unemployment remains above 8 percent. Congress must get to work to jump-start our economy and put this country on a sustainable fiscal path. We need to act now rather than to kick the can down the road.

To put a fine point on that, we already know the fiscal cliff we will run into at the end of the year is going to have a profound impact on the economy next year because the Congressional Budget Office and other analysts have looked at it and determined it could cost us as much as 1.3 percent of economic growth in the first half of next year—which, translated into actual jobs numbers, is about 1.3 million jobs that would be lost—because of this fiscal cliff, if it is not dealt with.

But there is also a more immediate concern. That is the uncertainty created by the fiscal cliff. Decisions that are being made right now by people across this country, by job creators, small businesses, and investors are shaped by and based upon the fiscal cliff that is going to occur at the end of the year. The Congressional Budget Office has also suggested this is not only something that is going to have an impact down the road, but it also could have an impact right now as the economy contracts as a result of that uncertainty and investors and small businesses and job creators take their capital and keep it on the sidelines as opposed to putting it to work creating jobs and growing their businesses. The Congressional Budget Office has suggested it could cost us one-half percent of economic growth, not next year but this year.

That is why it is so important we work together to address the fundamental issues that are going to impact this economy before the end of this year. As I said, we have to address the rates. The rates that are going to expire at the end of the year include the marginal income tax rates, the dividend rates, the capital gains rate, estate taxes, and all kinds of other provisions in tax law that expire at the end of this year. If one is a small business or an investor and they are thinking that starting January 1 of next year they are going to be facing a massive tax increase, obviously, they are going to think long and hard about putting their capital to work now to create jobs and grow the economy.

In fact, I think for many small businesses, as they look at the circumstances they find themselves in, they are faced not only with the fiscal cliff, the potential tax increases, but also a massive amount of regulation that makes it more difficult and more expensive for them to create jobs.

Those are the issues we should be focused on because the most important thing we could be doing right now is getting the economy growing and expanding again and creating jobs for American workers. That is not going to happen if we don't take steps to avert what is clearly a terrible disaster waiting in the future with the fiscal cliff and all the tax increases that are going to occur at the end of the year.

The Joint Committee on Taxation has said 53 percent of passthrough income would face higher taxes on January 1 of next year. That is all the S corporations, all the small businesses, all the folks out there in our economy, the entrepreneurs, who are the people we rely upon to get our economy going again and to put people back to work. They are looking at those types of tax increases, starting January 1 of next year, that are going to make it very difficult for them to make the investments that are necessary to get this economy growing at a rate that will generate the kind of job creation that will get Americans back to work, that will get this unemployment rate back down, and start creating confidence in the American public about the future of our economy.

I would close by again saying this is not something we can afford to kick down the road. We have done that for way too long. We have a massive problem ahead of us with regard to entitlement spending which has to be addressed in the form of entitlement reform. We need to reform our Tax Code to make it more simple, more clear and more fair and to create a more competitive Tax Code with the countries around the world with which we have to compete. We need to do something about this burden of regulation being placed upon our businesses, which is making it more difficult for them to compete in the world marketplace and certainly making it more difficult for them in the near term to do what is necessary to get jobs created in this country and get Americans back to work.

I hope we can do that. It would be my expectation that the Senate, if and when the House passes legislation to extend the tax rates—which I am told they are going to do sometime next month. I hope the Democratic majority in the Senate will take that up and that we will put a bill on the President's desk that will provide the kind of certainty that is necessary for our small businesses and our job creators as they look at the future that will enable them to move forward with those investments, put their capital to work, and put American workers back to work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, I would like to compliment my colleague

from South Dakota for his commitment and continuing focus on jobs and the economy and the impact it has on our Nation and our future.

I come, as I have week after week, with a doctor's second opinion about the health care law—which is, in many ways, directly tied to the economy and the economic situation that my colleague from South Dakota was commenting on.

We have seen continual unemployment of over 8 percent—now 8.2 percent—with people graduating from college who can't find work are going back to live with their parents. It is because the President focused on a health care law—and the Supreme Court will rule on it tomorrow, but he focused on that instead of focusing on what people at home are concerned about: jobs and the economy, getting the economy moving again and bringing the economy back to health. A healthy economy is what people were looking for.

I come to the floor to talk a bit about things that have happened since the health care law was passed, because President Obama and Democrats repeatedly promised the health care law would do several things.

One, they said it would make health insurance more affordable, and they also said it would help create jobs for millions of Americans—millions of Americans, they said.

In fact, after the Senate completed passage of the health care law, Majority Leader REID said: "This of course is a health bill." He said, "It's also a jobs bill." He went on. He said it was also an economic recovery bill. He said it was a deficit-reduction bill. He said it was an antidiscrimination bill. He said it was truly a bill of rights. He went on to say: "And now it is the law of the land." An economic recovery bill, he said; a jobs bill, he said.

Former Speaker NANCY PELOSI added: "It's about jobs." She said: "In its life, health care reform would create 4 million jobs—400,000 jobs almost immediately." That has not happened—another broken promise to the American people.

That is why I have come to the floor week after week to point out issues with this health care law, which I continue to believe is bad for patients, bad for the providers, the nurses and the doctors who take care of those patients, and terrible for taxpayers.

One of the key components of the health care law that the President promised would help create jobs was what he referred to as the small employer health insurance tax credit. Back in April of 2010, the President said: "This health care tax credit is pro-jobs, it is pro-business, and it starts this year." In essence, the credit was supposed to offset the cost of health insurance for small businesses so they could provide insurance to their employees.

The President's Council of Economic Advisers made some estimates. They estimated that about 4 million—4 million—small businesses, they said, would be eligible for the credit. The administration was so proud of the initiative that they sent out millions of postcards to small businesses. I believe they actually never read it, didn't understand it, didn't understand how it worked, because SUSAN COLLINS, the Senator from Maine, stood on the floor of the Senate and said:

Look at how it really works. It is not going to work the way you have described it.

But, no, this administration that knows better than anyone, they were so proud of the initiative, they sent out millions of postcards. According to the IRS, 4.4 million postcards were sent out. Who paid for it? The taxpayers. Do you remember them? They are the people at home, where only one in three of them thinks the country is heading in the right direction, and so many of them believe the tax dollars they send to Washington are not being used well.

The White House ignored them and urged small businesses to look at the tax credit criteria and to take advantage, they said, of the credit that would be available.

So what has been the response across the country of the over 4 million small businesses that received the postcards saying, Hey, look what we are doing for you.

According to the nonpartisan Government Accountability Office, only about 170,300 employers were able to claim the credit, not 4 million. No. Of these 4 million that got the postcards, how many were able to take full advantage of the credit? Only 28,000. In other words, the credit only benefited about 4 percent of the businesses that the President promised to help. Ninety-six percent of the businesses that the President promised to help got nothing. Only 4 percent of the businesses were able to benefit at all, and even a smaller number than that were able to take full advantage.

The Wall Street Journal analyzed this issue in a recent article. The article featured Michael Griffin, the owner of a small advertising agency in St. Louis, MO. Michael had this to say about the tax credit the President promised and held up as some wonderful thing he was doing:

You're penalized for giving people a higher wage and more professional opportunity.

Is that what the Democrat's believe, that we should penalize businesses for giving people a higher wage and more professional opportunity?

Michael went on to say:

I appreciate any kind of tax reduction, but I can certainly not applaud a reduction that limits growth and the opportunity for employers to pay more to their employees. But that is exactly what this tax credit did. It limits the growth of a company, and it limits the opportunity for employers to pay more to their employees.

Mr. Griffin is not the only small business owner who has had problems with this tax credit, this big promise by the President. Jeffrey Berdahl, an accountant from Allentown, PA, spoke to the Associated Press about this very issue. He described the calculations required for the tax credit as "mind-numbing."

People pass laws here. I wonder if they read them or understand the implications. I believe they do not. He described what this Congress passed, what the President touts, as mind-numbing and also pointed out that for many of his clients—this accountant's clients—he said the money they received from the tax credit was offset by the money they had to pay their accountants to try to figure out if they could receive any of these credits.

In this same AP article, Terry Gutierrez from Raleigh, NC, stated, "In some cases, it's [the tax credit] more hassle than it's worth."

The GAO—the Government Accountability Office—confirmed these experiences in their report. They found that many small businesses are deterred from claiming the credit. Why? Because, like so much that has come out as part of this health care law, it is so complex. The report highlighted the fact that it requires 15 separate calculations. The President sends out a postcard to 4.4 million people, paid for by the taxpayers, to say: You may get a tax credit. Ninety-six percent of the people who get the postcard end up with nothing. Why? Did anybody look at this? There are 15 separate calculations and 7 separate worksheets just to calculate the amount of the credit.

The GAO was told by tax preparers that it would take their clients anywhere from 2 to 8 hours or possibly longer to gather the necessary information to just start to calculate the credit. On top of this, they found that tax preparers spent in general 3 to 5 hours calculating the credit. This from a postcard from the President that says he is going to do things for you? This is not the kind of help from Washington that small businesses are looking for or want or deserve. The American people deserve better.

For all of this trouble, GAO determined that the average amount claimed per small business across the country is less than \$3,000—\$2,700 is the average amount claimed. It is clear that this policy is just another broken promise of the President's health care law.

Since the President recently said that the private sector is doing fine—we remember it; we have seen him from the White House giving a speech saying the private sector is doing fine—the ineffectiveness of his small business tax credits may not bother him one bit but it does bother most Americans. As I speak with my neighbors across Wyoming, I know the truth of their lives is very much different from what the President may believe.

Many Americans are also concerned about the fact that bureaucrats at the Internal Revenue Service seem to benefit the most from the tax provisions in the law. According to the Inspector General for Tax Administration, the IRS will need nearly 1,300 new Federal employees in 2012 to implement the President's health care law. That is what they are asking for—1,300 new Federal employees for the IRS.

In a report issued on June 14 of this year, just a week or two ago, the inspector general pointed out that enforcing the small business health insurance tax credit, he said, is one of the reasons why the Agency must expand. They need 1,300 new Federal employees so they can put forward and deal with this so-called tax credit that only 4 percent of the people whom the President said it would help have actually received any credit. And the amount they received is so very low that for most of them it was not worth even doing the paperwork.

While the President and Washington Democrats may believe that adding employees to the IRS is the key to job creation, I respectfully disagree. The private sector is not fine, and the government does not need to get any bigger. This is why I have fought and will continue to fight to replace the President's health care law with real reforms that will improve competition, increase consumer choice, and lower the cost of care for all Americans. That is what this was all supposed to be about in the first place—patient-centered care; giving people the care they need from a doctor they choose, not that the government chooses, not that the insurance company chooses, but that they choose, at lower cost.

That is why I come to the floor week after week with a doctor's second opinion about a health care law at a time that I still believe the health care law that the Supreme Court will rule on tomorrow is one that is bad for patients, bad for providers—the nurses and doctors who take care of those patients—and it is terrible for our taxpayers.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3342

Mrs. HUTCHISON. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3342) to improve information security, and for other purposes.

Mrs. HUTCHISON. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be read by title for a second time on the next legislative day.

Mrs. HUTCHISON. Madam President, I rise today because we have introduced a new version of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information and Technology Act of 2012, a bill known as the SECURE IT Act.

Senator MCCAIN and I, along with Senators CHAMBLISS, GRASSLEY, MURKOWSKI, COATS, BURR, and JOHNSON, are reintroducing the SECURE IT Act after making improvements and clarifications in response to constructive feedback we received from the first bill we introduced.

We are employing rule XIV on this bill because it is clear it will not receive the benefit of the traditional committee process, and the majority leader has indicated he intends to debate this issue on the Senate floor in July. What those of us who are cosponsors of this bill are trying to do is have our version of a cybersecurity bill on the floor, introduced, so that everyone will be able to see it. Then, when the Senate turns to this issue, we will be able to see the differences between the bills.

The sponsors of our bill include eight ranking members of committees and subcommittees that have jurisdiction over cybersecurity. We have combined our expertise to develop a balanced piece of legislation that we believe will greatly enhance our country's cybersecurity of the infrastructure that could be affected. We believe it is now time for Congress to act. The Nation faces an evolving array of threats from hackers, criminal groups, and terrorists who seek to sabotage networks, gain access to sensitive government information, and steal valuable intellectual property.

SECURE IT is centered on consensus items. It sets aside controversial provisions that are of questionable value at this time, and we believe our bill can pass both Chambers. It offers a balanced approach that will significantly advance cybersecurity in both the public and private sectors by focusing on four issues and areas on which we believe everyone can agree: first, to facilitate sharing of cyber-threat information among private sector entities, and to and from the government; second, to better secure Federal networks, including requiring Federal contractors to notify the Federal agencies of cyber attacks that would threaten government networks; third, to strengthen the ability to prosecute cyber crime; and fourth, to prioritize cybersecurity research and development so that our

Nation will continue to lead the world in this area.

Let me start with No. 1, facilitate sharing of cyber-threat information.

SECURE IT helps the private sector combat cyber attacks by breaking down barriers to sharing information about threats and vulnerabilities. Currently, antitrust laws and liability concerns inhibit private companies from exchanging information that we believe is necessary to defend against and respond to cyber threats.

I was talking to someone last night who is in the high-tech Internet field. There are great concerns about their company calling a competitor and saying: We are seeing signs of a possible threat here, and we wanted to share what the type of red flag we are seeing is so that you would be able to check your networks to see if you are getting the same thing.

These are two competitors, but this is not an anticompetitive situation. It is not something that should not be, we believe, subject to antitrust. They are still competitors, but everybody wants security for all of our networks in this country against any kind of intervention, whether it is criminal or foreign intelligence.

Our bill's liability protection and limited antitrust exemptions will allow these companies to rapidly respond so that they do not have to go to a lawyer and say: Would it be anticompetitive if we called our competitor and started sharing this information right away?

So it needs to be timely, fast, and safe. Those are the criteria.

Sharing should be a two-way street. Our bill sets up a framework that promotes timely sharing of classified, declassified, and unclassified information by the Federal Government with trusted private sector entities, while allowing private sector companies to share cyber-threat information with the government.

Since the introduction of SECURE IT, we have been working with stakeholders in all of the areas of infrastructure and Internet access to make a number of improvements and clarifications to the bill. I am pleased that we introduced the bill early, that we got the feedback from the different stakeholders and we have now been able to make adjustments to provisions that would help the bill but also protect privacy and preserve the issue we are trying to address, which, of course, is safety and cybersecurity.

We tightened the definition of what information is shared. We refined the process for sharing it. This will ensure that only essential information is shared and that it is handled appropriately. For example, it is vital that Federal agencies be informed if their systems are compromised. Our bill requires Federal contractors to coordinate with their supervisory agencies and to notify them of significant cyber

incidents that would impede their mission. We have added explicit and strong privacy protections and increased oversight throughout our revised bill. At every stage of information sharing, there are statutory safeguards that will ensure cyber-threat information is handled in a manner that will protect the privacy and civil liberties of all Americans while preserving the ability to address cyber threats that could affect them as well as other members of the public.

No. 2, secure Federal networks. The government needs to do a much better job of securing its own networks. To address this problem, SECURE IT provides necessary reforms to the Federal Information Security Management Act by modernizing the way the government monitors and mitigates its own cyber-risks. SECURE IT requires agencies to use automated realtime network monitoring by upgrading their current primarily paper-based reporting. Our revisions also ensure that agencies will be continuously updating their technologies to prevent and remediate significant cyber incidents.

No. 3, we facilitate the prosecution of cyber crime. We update the Federal criminal statutes and streamline existing confusing penalties to facilitate the prosecution of cyber criminals. No. 4, cybersecurity research and development is essential to harness innovation and to train IT professionals to counter future attacks.

If we focus on these four areas, we believe we can significantly improve the cybersecurity of our country by facilitating the sharing of cyber-threat information in the private sector, securing Federal networks, strengthening criminal penalties for cyber crimes and prioritizing cybersecurity research and development.

Equally important is what our bill does not do. Secure IT does not give the Department of Homeland Security open-ended power to regulate networks for infrastructure that it deems to be critical. It does not give them the power to determine what is critical infrastructure. Instead, we take a different approach that is not heavy-handed and regulatory. It sets up a true partnership between the public and private sector to combat these cyber threats.

We will not improve this country's cybersecurity by creating an adversarial system based on a regulatory compliance structure. We believe subjecting industry to more regulation from an agency that is ill-equipped to understand the private sector system will ultimately erode the ability of business to provide effective, nimble, and innovative responses to cyber threats.

Diverting precious resources from security and innovation to regulatory compliance could ultimately harm security, not improve it, which is why we

are taking the different approach from the more heavy-handed regulatory approach of the other bill sponsored by my colleagues. We do not want Americans to be fooled into a false sense of security by imposing an unproven prescriptive regulatory framework that no agency could effectively implement, and that we do not think that the Department of Homeland Security could implement. I encourage my colleagues on both sides of the aisle to join us in supporting the SECURE IT Act of 2012. I will just reiterate again that our bill is sponsored by Senator MCCAIN and myself, Senator CHAMBLISS, Senator GRASSLEY, Senator MURKOWSKI, Senator COATS, Senator BURR, and Senator JOHNSON of Wisconsin, all of whom are either ranking members of full committees or subcommittees that have a jurisdiction in this area. We have worked very hard with all of the different interest groups, including privacy groups, the groups that handle the private sector networks, and the groups that are Federal contractors to assure we are doing the best balanced approach that can possibly be done to take the next step with a bill we believe we can pass not only in the Senate, but also the House and then to the President. I believe he will sign it because it is a major first step forward.

I thank the chair.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I want to indicate, while listening to the remarks of the Senator from Texas about the introduction of a bill apparently on cybersecurity, how critically important that is to the country. I am a relatively new member of the Intelligence Committee, but if there is anything I have learned, it is what a major threat this is to our country and how critically important it is we address it. So I commend the Senator from Texas for her leadership and I appreciate that she and her colleagues have taken this step of actually introducing legislation.

Mrs. HUTCHISON. Madam President, I thank the Senator from North Dakota. I appreciate very much that the Senator is on the Intelligence Committee and that he knows the sensitivities and all of the stakeholders we must work with in order to do the right thing for our country, both in the private sector as well in our government infrastructure. As always, the Senator from North Dakota is a person who is a visionary and one who looks out for the best interest of our country, and I hope we come together on this bill.

Mr. CONRAD. I thank the Senator. I look forward to reviewing her proposal and, hopefully, together we can find a way to get something passed that will further protect our country.

THE ECONOMY

Mr. CONRAD. Madam President, I come to the floor today to talk about

the state of our economy, where we have come from, where we are headed, and the critical challenges facing our Nation. I want to go back and remind people of where we have come from. I think it is very important to put in context the circumstances we now confront.

First of all, the economic crisis of 2008 and 2009 was the worst recession since the Great Depression. By the way, this was not the creation of Barack Obama. He inherited this mess, and he has done quite a good job of getting us moving in a better direction, but more of that later.

In the fourth quarter of 2008—that is the last quarter before this President took office—the economy was actually shrinking at a rate of almost 9 percent. In the first month of 2009, we lost 800,000 jobs. The housing market was in crisis, home building and sales were plummeting, we faced record foreclosures, and the financial market crisis was threatening global economic collapse.

In fact, I will never forget being called to a meeting in the Capitol in the fall of 2008, and I was the last one to arrive. It was the leaders of the House and the Senate, Republicans and Democrats, and there was the Chairman of the Federal Reserve and the Secretary of the Treasury in the Bush administration telling us they were going to take over AIG the next morning. They told us if they did not, there would be a financial collapse in this country within days. I have to say, that gets your attention. But those were the circumstances that were being confronted in late 2008.

Since that time, we have seen a dramatic improvement. Here is the economy in the fourth quarter of 2008 before President Obama took office, shrinking at a rate of almost 9 percent. In the subsequent quarters it continued to shrink until it began to get better in late 2009, frankly, because of the stimulus and TARP that helped start to turn our country around.

Since that time we have had consistent growth in the economy—not as robust as we would like but nonetheless consistent growth. It was a rather remarkable turnaround given how serious the economic downturn was. We also see the same pattern with respect to the private sector jobs picture.

Again in January 2009, in 1 month alone we lost more than 800,000 jobs, and those were private sector jobs—more than 800,000 jobs in a month. Again, in 2009 things began to turn and we got back to growing jobs. In fact, we have had about 4½ million jobs in the private sector created since the turnaround began. Again, job growth was not as robust as we would like, but nonetheless it was quite a remarkable turnaround from where it was.

What we have seen in looking at previous crises is that economic recovery

is shallower and takes much longer after a financial crisis. So we can't compare this to the garden variety of recessions we faced since World War II. I think we have had eleven recessions since World War II, but this went far beyond a typical recession. This was enormous damage to the financial sector. In looking back, historically, here is what Dr. Reinhart of the Peter Peterson Institute for International Economics and Dr. Vincent Reinhart of the American Enterprise Institute have found in their research:

Real per capita GDP growth rates are significantly lower during the decade following severe financial crises . . . In the ten-year window following severe financial crises, unemployment rates are significantly higher than in the decade that presided the crisis.

That is the circumstance we are in. That is not the fault of President Obama. He inherited this mess. The fact is after a financial crisis, if we look back historically, it takes up to 10 years to recover. For those who say, well, the Federal Government response didn't work or that it hasn't made any difference, I don't think that is true. I don't think that will stand up to scrutiny.

Two of the most distinguished economists in the country, Alan Blinder, who was a former Vice Chairman of the Federal Reserve, and Mark Zandi, who was actually one of the economic advisers to the JOHN MCCAIN campaign, said:

We find that its effects—

Talking about the Federal Government's actions to deal with the crisis—on real GDP, jobs, and inflation are huge, and probably averted what could have been called Great Depression 2.0.

They went on to say:

. . . When all is said and done, the financial and fiscal policies will have cost taxpayers a substantial sum, but not nearly as much as most had feared and not nearly as much as if policymakers had not acted at all. If the comprehensive policy responses saved the economy from another depression, as we estimate, they were well worth their cost.

Madam President, here are two of the most distinguished economists in the country telling us that had we not taken the actions that the Federal Government did, we would have had a depression. They also looked at what would have happened without the Federal response on the jobs front.

Here is what they found running their econometric models. The green line is the response with the Federal response, the red line is what they estimate would have happened without the Federal response. We can see they find a difference of 8 million jobs. In other words, we have 8 million more jobs than we would have otherwise had had the Federal Government done nothing.

I just say this to my colleagues who say, well, the stimulus and TARP didn't work because we are not growing

as rapidly as we would like. Let's think back. What was happening when those steps were taken? The economy wasn't growing; the economy was shrinking. We weren't getting more jobs; we were losing jobs at a record rate. So to those who say none of these Federal actions were successful, I say I don't think that is what the record shows.

I think what the record shows is they didn't accomplish all we would like, but they really led to quite a dramatic turnaround from the worst recession since the Great Depression. Here are the positive signs we see now that are facts. They are not projections; they are facts. We have had 27 consecutive months of private sector job growth. We have had 11 consecutive quarters of real GDP growth. The unemployment rate is down from the 2009 peak. Manufacturing has expanded for 34 consecutive months. The U.S. auto manufacturers have returned to profitability. And State revenues are now showing signs of improvement.

So, again, this isn't political talk. These are facts, and facts matter. The facts demonstrate there has been quite a remarkable turnaround. Again, these aren't projections; these are facts. These are things that have occurred.

If we then compare the U.S. performance to other countries with which we compete, we can see the United States has done the best in terms of the comparisons here. Some developing nations have certainly done better than we have, but if we look at the developed world, the United States is doing the best. This chart shows our economic performance, the top line, which is far better than the eurozone, all the European countries, which is the green line. Japan is the red line and we are doing much better than them. We are doing much better than the United Kingdom. If we look at how well we have done compared to the rest of the world, we are doing much better, at least in terms of the developed nations.

We know Europe has gone in a somewhat different direction. They have imposed austerity without regard to growth policies. Here are the headlines from the International Herald Tribune: "Austerity Is Strangling Europe." I pulled out a paragraph because I think it speaks very well of what has been the effect of the European strategy:

The direction of European economic and financial policy must change, away from pure austerity toward growth. Greece, Ireland, Portugal, Italy and Spain have made substantial progress in stabilizing their finances. But the economic and political situation in these countries shows that austerity alone is not the way to resolve the crisis. On the contrary, there is a danger of half-strangling national economies with a strict policy of austerity. We would therefore be well advised to cushion harsh austerity measures with programs for growth.

I believe there is a lesson in that for us as well. I am an unvarnished deficit hawk. I have been my entire career. I

have called repeatedly for us to get our fiscal house in order. I believe it is imperative that we do that, but it is also imperative to recognize that we don't impose austerity on a weak and struggling economy. We would only make things worse. Getting back on a more sustainable financial path has to be done in a measured way. Absolutely, we need a long-term plan to take on our deficits and debt. I have made that speech 500 times. Absolutely, that has to be done. But that has to be done in a phased way, and the austerity should not be imposed until we are on a stronger growth path. I think economic history tells us that, and that is a lesson we need to learn.

What is holding back the U.S. economy from a stronger recovery? Well, we have identified these elements: No. 1, the European debt/financial crisis has thrown a cloud over global markets, and they are still our biggest trading partners. So a chilling of economic activity in Europe has had an adverse effect on our own economic performance.

No. 2, the Iran/Middle East situation has threatened to disrupt oil supplies. That creates uncertainty, because we know the Straits of Hormuz would close, prices would jump, economic activity would weaken, and we would be hurting. That has led companies, even though they have \$2 trillion on their balance sheets, to be very cautious about expanding their investment and expanding their hiring.

Federal, State, and local government cutbacks have also created economic drag. I will go to that issue in a moment.

The political deadlock on fiscal issues here in Congress has also created uncertainty, and we face, of course, the threat from the fiscal cliff. The fiscal cliff is the fact that at the end of this year, all of the Bush tax cuts are going to expire, which means an automatic tax increase for virtually every American. We also face additional spending cuts, including \$1.2 trillion from the so-called sequester, evenly shared between defense and nondefense. That would reduce demand. That would further reduce economic growth. Also, of course, the housing market continues to pose a threat, at least in many parts of the country. Certainly in Nevada, Arizona, Florida, and in parts of California, the housing market crisis still leaves an overhang.

I thought this article in the New York Times on Saturday, May 5, was very interesting. I think if we gave a quiz to the American people listening to the debates here, they would conclude that government has gotten bigger and bigger during the Obama administration, but that is not true. A previous President said "facts are stubborn things," and these are facts. If we take State, local, and Federal Government and we combine them, the gov-

ernment is getting smaller in the United States. In fact, again, I pulled out a paragraph:

For the first time in 40 years, the government sector of the American economy has shrunk during the first three years of a presidential administration. Spending by the Federal Government, adjusted for inflation, has risen at a slow rate under President Obama. But that increase has been more than offset by a fall in spending by State and local governments, which have been squeezed by weak tax receipts.

In the first quarter of this year, the real gross domestic product for the government—including State and local governments as well as Federal—was 2 percent lower than it was 3 years earlier, when Barack Obama took office, in early 2009.

All the talk we hear on this floor about the exploding size of government is bloviation. It is bloviation. Let's get real. The government in the United States is shrinking. Facts are stubborn things.

This is what is happening to the U.S. Government workforce under this President. Obama took office in January of 2009. This chart shows millions of Federal, State, and local employees. We had more than 22.5 million Federal, State, and local employees. Look what has happened. Do we have more employees in government today than when President Obama took office or do we have less? We have less, and we have a lot less. This chart shows very clearly the number of employees has gone down dramatically—dramatically—during the years of this administration. Facts are stubborn things.

What is underlying our current weakness? Well, before the Budget Committee, we had Dr. Joel Prakken, the chairman of Macroeconomic Advisers. This is the testimony he gave earlier this year:

The No. 1 problem that [small businesses] say they have to deal with right now is lack of demand.

Are my colleagues paying attention? Can we pass a quiz? What is the problem? The problem is a lack of demand. Further tax increases or further spending cuts will only weaken demand in the short term. So we have to be paying attention to what we do here.

Some of our colleagues say, Let's slash spending some more, make government even smaller. Guess what that will do to demand? It will weaken it. That will make the economic recovery even more tepid, even weaker. That is not the answer. Yes, it is absolutely the case over the longer term. We have to be aggressive at reducing spending and reforming entitlements and reforming the tax system. I have been part of virtually every effort here to do that. I was part of Bowles-Simpson and part of the group of six. I am actually actively engaged in that effort now. We have to be able to walk and chew gum at the same time. What we need to understand is we need a two-step strategy: strengthen growth in the short

term, and then pivot and deal with our deficits and debt over the longer term. We cannot get confused about this and think the answer is to impose immediate austerity now. We have already imposed a fair amount of austerity, which I will get into in a minute, with the budget cuts that were included in the Budget Control Act passed last year.

I want to repeat the testimony of Dr. Prakken:

The No. 1 problem that [small businesses] say they have to deal with right now is lack of demand. They do not say access to capital. They do not say burden of regulation. They say their order books are thin.

I say to my colleagues, let's pay attention to what the problem is: weak demand. We have to take steps to strengthen demand in the short term while at the same time putting in place a longer term plan to get us back on track with our Nation's finances.

One reason we have a weak demand is we have made weak investments in infrastructure. Look at where we are compared to our global competitors. China is investing 9 percent of their GDP on infrastructure. Europe is spending 5 percent, and here we are at 2.4 percent. One of the reasons we have a weak recovery is we are not investing sufficiently in roads, bridges, airports, rail, and, as a result, our infrastructure across America is becoming second rate. That is about as clear as it can be.

I hear my colleagues say: Well, our problem is the Senate has not passed a budget in over 1,000 days. Sometimes I wonder if our colleagues pay very close attention to what they are voting on here, because last year, instead of a budget resolution we passed the Budget Control Act—a law. What is the difference between a resolution and a law? I think any high school student could tell us a resolution is weaker than a law. Yet our colleagues continue to come to the floor and complain and say we have not passed a resolution in more than 1,000 days. That is true. What we did do is pass a law called the Budget Control Act. We passed it last year with an overwhelming vote here in the U.S. Senate—a bipartisan vote. It also passed in the House of Representatives and was signed into law by the President.

A budget resolution never even goes to the President. A budget resolution is purely a congressional document. So a law is stronger than any resolution, and it is true, we didn't pass a budget resolution last year, we passed a law called the Budget Control Act. That law, in part, said:

The allocations, aggregates, and spending levels set in subsection (b)(1) shall apply in the Senate in the same manner as for a concurrent resolution on the budget.

That is about as clear as it can be. The Budget Control Act says that the spending levels will apply in the same manner as a budget resolution.

So all these speeches that have been given—oh, we have not had a budget resolution in a thousand days—is not telling people the rest of the story. Instead of a budget resolution, we passed a budget law called the Budget Control Act.

What did that law do? One of the things it did was cut spending \$900 billion over the next 10 years. I can tell you, it put in place 10 years of spending caps—10 years of spending caps. A typical budget resolution only deals with 1 year. The Budget Control Act—the law we passed last year—put in place 10 years of spending caps, saving \$900 billion.

In addition, it said: We are going to create a special committee to deal with the entitlement programs and the tax system. We are going to say to that special committee: If you can come to an agreement, you will not face a filibuster. You will not face delays, you will be able to bring that proposal right to the floor of the Senate and get a vote.

They further said: But if you do not agree, there will be another \$1.2 trillion of spending cuts imposed. Of course, we all know now the special committee could not agree. So that additional \$1.2 trillion of spending cuts is now the law of the land, on top of the \$900 billion of spending cuts that was in the Budget Control Act as well.

So let's do the math: \$900 billion of discretionary savings in the Budget Control Act, plus this sequester—the \$1.2 trillion of additional spending cuts focused on defense and nondefense spending—for a total of \$2.1 trillion of spending cuts that were in the Budget Control Act passed last year that is now the law of the land. That is the biggest spending cut package in the history of the United States.

I think facts are stubborn things, and we need to remind our colleagues of what the facts are.

Here is another unfortunate fact: We are borrowing almost 40 cents of every \$1 we spend. We can do that for a while. We cannot do it endlessly. We are borrowing almost 40 cents of every \$1 we spend, so we have to deal with that.

What does it mean in terms of our debt? This is what is happening to our debt: Gross debt as a percentage of our gross domestic product under what is called the CBO alternative fiscal scenario—that is their prediction of what we might do here—shows the gross debt of the United States is going to be 104 percent of our gross domestic product at the end of this year—104 percent of our gross domestic product. It shows, if we do not do anything, that is going to go up to 119 percent. Our gross debt will be 119 percent of the size of our economy by 2022 if we do not do anything.

That is not a path we should allow to be followed. Why not? Because the best economic analysis that has been done,

by Reinhart and Rogoff, "Growth in a Time of Debt," found that once we get a gross debt of more than 90 percent of our GDP, our future economic prospects are diminished. It does not happen all at once. It is not like falling off a cliff when we get to gross debt that is 90 percent of our GDP. It is more like a long, slow decline in terms of our future economic prospects.

So here is what they concluded after studying 200 years' of economic history, 44 different countries:

We examine the experience of 44 countries spanning up to two centuries of data on central government debt, inflation and growth. Our main finding is that across both advanced countries and emerging markets, high debt/GDP levels (90 percent and above)—

Again, this is gross debt, when we get to a gross debt of 90 percent or more.

are associated with notably lower growth outcomes.

So this is not just about numbers on a page. This is about future economic prospects, future economic opportunity, future job prospects, that the future wealth of a nation is hurt when they get to a gross debt of more than 90 percent of their GDP.

The previous chart I showed is that we will be at 104 percent of GDP at the end of this year. So absolutely we have to focus on deficits and debt. But we should not lose sight of the fact that we cannot pivot and do that when the economy is weak or we will make the economy even weaker. So the initial steps we need to take are to strengthen growth. At the same time, we ought to put in place a plan that gets us back on track fiscally that deals with this debt problem for the longer term because this is not a matter of we get to this point and fall off the cliff. It does not work that way.

What is critically important is that we adopt the right economic policies now to strengthen the economy, to lift growth, but at the same time to put in place a longer term plan that deals with deficits and debt.

As shown on this chart here is where we are headed if we fail to act. This is according to the Congressional Budget Office. It is nonpartisan. We have gross debt that I was referencing before: 104 percent. Look at this and you will say: Gee, it is not 104 percent on this chart. That is because this is not gross debt. This is debt held by the public, which most economists like to talk about. I talk about the gross debt because gross debt includes what we owe to the trust funds, and the work of Reinhart and Rogoff focused on gross debt. So if we are going to compare ourselves to the research they did, we have to be talking about gross debt.

This is debt held by the public, and this is what CBO says is going to happen to debt held by the public if we fail to act: We are going to have a debt more than 200 percent of GDP. That is

the track we are on. So, hey, we have to sober up. We need a plan that gets us back on track.

When we analyze how we got in this situation, what is critical is that we look at spending and revenue because it is that mismatch which leads to deficits. It is when we are spending more than we are taking in. It is when our outlays are greater than our revenues that we have deficits. It is the accumulation of deficits that is the debt. Right. The debt is adding up all the deficits over all these years.

The red line on this chart shows the spending of the United States. The green line shows the revenue. What jumps out at you is that spending is near a 60-year high. That is not surprising because we just had the biggest economic downturn since the Great Depression.

What happens when we have a strong economic downturn? What we call the automatic stabilizers kick in to prevent us from going into a depression. What are the automatic stabilizers? Things such as unemployment insurance, spending on food stamps, other things that are done to prevent going from a recession into a depression. Those things kicked in, and the result is—and, of course, we had TARP and we had stimulus, which I have already demonstrated worked actually quite effectively. Without them, the best economists in the country tell us we would have been in a depression.

Spending is near a 60-year high. But look at revenue. Revenue is near a 60-year low. Low revenue, high spending, big deficits, big additions to debt. That is what is happening to us. We can see, the spending has come back somewhat now. Revenue has improved somewhat. So things are starting to get better, but we still have a big gap and a deficit of \$1.2 trillion for this year—staggering. That over time has to be addressed.

The Budget Control Act we passed last year—the law our friends over there say: Oh, you have not passed a budget resolution for a thousand days. Wow. Did they forget they voted on a law called the Budget Control Act that cut spending by the biggest amount in the history of the United States?

Look what has happened to discretionary spending. Under the Budget Control Act, discretionary spending is going to go to a historic low. So all this talk about the runaway spending around here—yes, spending went up when we had a deep economic decline in order to prevent that decline from becoming even worse and becoming a depression. But do you know what. We have already taken steps to rein that spending back in the future in the Budget Control Act.

Look how it is going to do it. We saw, back in 1968, discretionary spending—in Federal spending there are two kinds of spending. There is mandatory

spending—things such as Social Security, Medicare, that is mandatory spending; that is things such as education, law enforcement, parks. And back in 1968, 13.6 percent of budget outlays went to discretionary spending.

In 2012, even after this uptick, we are still far below where we were in 1968. Only 8.4 percent of budget outlays are going to discretionary spending. But look what happens under the Budget Control Act. Discretionary spending, as a share of the total budget, will drop to less than 5 percent. We have not been there going way back. That is a historic low.

So those who say, well, we have runaway spending, nothing has been done about it, they have not done their homework, and they, obviously, have not paid attention to the laws that have been passed. The Budget Control Act that passed last year is taking us to spending for discretionary programs that is a historic low.

Where is the spending going up? Well, it is those mandatory accounts. That is where the spending is going up. Of course, as shown on this chart, this is the picture on Social Security. Again, this goes back to 1972. Social Security was 3.3 percent of GDP. Here we are in 2012 and it is up to well over 5 percent of GDP. It is headed for over 6 percent of GDP as the baby boomers retire. That is not a projection. The baby boomers have been born. They are alive today. They are going to retire. I am a baby boomer. I see a number of others in front of me in the Chamber. That is not a projection. That is baked in the cake. So we know we have gone in 1972 from Social Security being 3.3 percent of GDP to being 6 percent of GDP. That is not because we have had increases in the program; it is because we have increases in the number of people who are eligible for the program.

The same is true in other mandatory parts of the budget.

Here is Medicare. Medicare, Medicaid, and other Federal health spending—if we added it all up in 1972—was 1.1 percent of GDP. In 2050, we expect that to increase to 12.4 percent of GDP. So if we are looking for where the spending is really increasing, it is certainly not in the domestic accounts. That has gone down as a share of GDP.

For Social Security, we have seen an increase because of increased people eligible because of the baby boom generation. But the big place we have seen an explosion is in the health care accounts.

Now, that is not because of the law that was passed—what some people call ObamaCare. That has nothing to do with this. This is long-term trends because of the increase in the cost of medicine and because of the baby boom generation.

That is where we see a large increase in Federal spending. We are seeing

Medicare enrollment soaring. Back in 1970, there were 20 million people eligible for Medicare. In 2085, it is going to be 115 million. So a key reason we are seeing increases in costs in the so-called mandatory programs is a dramatic increase in the number of people who are eligible. That is no fault of the program. That is a demographic reality, and we have to cope with this reality.

If we are going to have a Medicare Program that gives an assurance that people in their senior years have medical treatment available to them, we have to deal with this reality of a dramatic increase in the number of people who are eligible for Medicare.

An aging population is the primary driver of Medicare, Medicaid, and Social Security cost growth—an aging population. The world is changing. As a population, we have a much bigger group that is eligible for these programs—Social Security, Medicare, Medicaid. It is absolutely essential that those programs be maintained in order for our seniors to have a comfortable retirement and in their aging years to have security.

That is the genius of Social Security and Medicare and Medicaid. They have transformed lives for people in their senior years. But we also have this reality to confront that because we have a growing number—because of the baby boom generation the costs to the Federal Government are swelling. Again, it is not on discretionary spending. That part of the budget, as I have demonstrated, is going down as a share of the economy. It is in these areas where our budget is sensitive to the growing number of people eligible for Social Security, Medicare, and Medicaid.

Interestingly enough, the Medicare trustees say the health care reform law passed has reduced long-term Medicare costs. I hear people, especially our friends on the other side, say the law we have passed has increased these costs. That is not what the Medicare trustees have found. The Medicare trustees have said the “projected Medicare costs over 75 years are substantially lower than they otherwise would be because of provisions in the ‘Affordable Care Act’ or ACA.”

Our colleagues say they want to repeal the Affordable Care Act. They are talking about making the situation worse, not according to KENT CONRAD but according to the Medicare trustees. The Medicare trustees—I wish to repeat this—said the “projected Medicare costs over 75 years are substantially lower than they otherwise would be because of provisions in the Affordable Care Act. . . .”

So our colleagues who are lining up to say they want to repeal the affordable care act are lining up to increase Medicare costs. By the way, they are lining up to increase the debt because the Congressional Budget Office has

told us that in the first 10 years of the affordable care act, it saves more than a hundred billion dollars in the deficit, but in the second 10 years, it saves well over \$1 trillion on deficits and debt.

Let me repeat that. The Congressional Budget Office tells us the affordable care act, which some of our colleagues are lining up to repeal, will reduce deficits and debt in the second 10 years by well over \$1 trillion. So my friends who are lining up—they want to repeal the affordable care act—they are lining up to increase Medicare costs. They are lining up to increase the debt of the United States, according to the Congressional Budget Office, which is nonpartisan.

This is what the Medicare trustees project in terms of reduction in Medicare costs. The percent change in average per beneficiary cost from 2001 to 2011 was up 94 percent. From 2011 to 2021, they predict it will go up 37 percent, a dramatic slowing of the rise in costs because of the affordable care act.

We also hear colleagues on the other side say the answer to this deficit and debt situation is to have further tax cuts that primarily benefit the wealthiest among us. Really? I have just shown a chart that showed our revenue is near a 60-year low. So does digging the hole deeper make much sense before we start to fill it in? I do not think so.

We hear our colleagues say: If we look in the last 40 years, revenue has been about 18 percent of GDP. That is true. But you know what, the five times we have balanced the budget since 1969 the revenue has not been at 18 percent of GDP. The revenue has been at 19.7 percent of GDP, 19.9 percent, 19.8 percent, 20.6 percent, 19.5 percent of GDP. So these friends who say they want to balance the budget, let's study their numbers. It does not add up. It does not add up.

They want to cut the revenue, which already is near a 60-year low—cut it some more. They say: Sometimes it is going to get back toward historic average. That is not going to cut it, because we can see the times we have balanced the budget, the revenue has not been at 18 percent of GDP. Right now, it is at less than 16 percent. Revenue has been about 20 percent of GDP. I do not know what could be more clear; that we need tax reform in this country. The Tax Code is out of date. It is inefficient. It is hurting U.S. global competitiveness. Complexity imposes a significant burden on individuals and businesses. The expiring provisions create uncertainty and confusion. We are hemorrhaging revenue to the tax gap, the tax havens, to abusive tax shelters.

I have shown on this floor many times a picture of a little five-story house called Ugland House. Ugland House—I am going to put it up in just 1 minute—claims to be the home to

8,000 companies. They all say they are doing business out of this little five-story building. Really? Is that what they are doing? We will talk about that in a moment.

But we are hemorrhaging revenue to the tax gap, the tax havens, to abusive tax shelters. We need to restore fairness. The current system is contributing to growing income inequality. I do not know how anybody can deny this. We have seen a dramatic growth in income inequality in our country.

One of the reasons is we have a Tax Code which favors those at the very top, at least some of them. Very interesting because not all people at the top pay a lot of taxes. Some people at the top and some companies pay nothing, even though they are highly profitable. That is not fair. It is not right. It is hurting the country.

Our long-term fiscal imbalance must be addressed. Revenue must be part of the solution. Martin Feldstein, a distinguished conservative economist—nobody ever accused Martin Feldstein of being a liberal—said this:

Cutting tax expenditures is really the best way to reduce government spending. . . . [E]liminating tax expenditures does not increase marginal tax rates or reduce the reward for saving, investment or risk-taking. It would also increase the overall economic efficiency by removing incentives that distort private spending decisions. And eliminating or consolidating the large number of overlapping tax-based subsidies would also greatly simplify tax filing. In short, cutting tax expenditures is not at all like other ways of raising revenue.

In this case, I think Martin Feldstein has it about right. One way we can raise additional revenue is to reform the current tax system, making our system more competitive and at the same time raising additional revenue that can be used to help reduce the deficit, along with reform of entitlement programs, along with additional spending restraint.

These tax expenditures go overwhelmingly to the top 1 percent. Here is the increase in aftertax income from tax expenditures. We can see the middle quintile. They get \$3,200 a year of value. But look at the top 1 percent. The top 1 percent get over $\frac{3}{4}$ million a year in benefits from tax expenditures. Overwhelmingly, those tax expenditures that are now costing us \$1.2 trillion a year are going to the wealthiest among us.

I have nothing against wealth or people who succeed—all for it. I am for there being a fair distribution of the burden of raising the revenue necessary to support the country, and this is not fair. It is not fair when the top 1 percent get $\frac{3}{4}$ million in value every year from these tax expenditures. That gets almost no attention.

This is the picture I was talking about. This is a little building in the Cayman Islands, a five-story building called Ugland House. Now, 18,857 com-

panies call this building home. Truly. That is the most efficient building in the world. Can you imagine all these companies doing business out of that little building, 18,857 companies? Are they truly doing business out of that little building? The only business they are doing out of there is monkey business, and the monkey business they are doing is to avoid the taxes they legitimately owe in this country. That is what is going on in this building in the Cayman Islands, the avoidance of taxes, legitimate taxes in this country. There is a reason there are some very large companies that even though they are hugely profitable pay absolutely nothing in taxes. That is not right. That is not fair. It should be stopped. Our colleagues on the other side, they do not want to stop it. They are against it. In fact, they have taken a pledge that they will not increase tax revenues by closing down this kind of tax dodge. They have taken a pledge not to do anything about it. Virtually every Republican has taken a pledge that this would be a tax increase to shut down this kind of tax dodge. That is not right.

When we look at the longer term deficit and debt problem—I have tried to be clear—what we need to do is a two-step approach. The first step, we need more economic growth. We need things to support this economic recovery. We need more investment certainly in infrastructure where we are falling badly behind. But we also need a comprehensive long-term plan to get us back on track, to face up to these deficits and debt. What is the best way to do that? Here is what the American people say: We need a balanced approach.

Some people say cut spending. That is where 17 percent of the American people are. Some say increase taxes. That is where 8 percent of the American people are. But 62 percent of the American people say we have to do some of both. We have to cut spending. We have to raise revenue. We ought to have a balanced plan.

So that is what the American people are telling us. Interestingly enough, that is what the President's fiscal commission concluded, the Bowles-Simpson Commission. I was a member of it. There were 18 members, and 11 supported the recommendations of the commission—5 Democrats, 5 Republicans, and 1 Independent. That is as bipartisan as you can get. We took that balanced approach.

We reformed the revenue system to have a more fair tax system and shut down abusive tax havens and loopholes but also had further savings on the spending side of the equation.

On this chart is an overview of the budget plan I developed based on the fiscal commission's plan: \$5.4 trillion in deficit reduction over 10 years; lowers deficit to 1.4 percent of GDP in 2022,

which is around 10 percent of GDP; stabilizes gross debt by 2015; reduces discretionary spending to 4.8 percent of GDP by 2022, which has already been done; builds on health care reform savings; calls for Social Security reform, with the savings to be used only to extend the life of Social Security itself.

Social Security was not part of the deficit reduction plan because Social Security has not been a contributor to building the deficit and debt. We also know Social Security is in trouble. Its solvency is in question. We recommended that any changes to Social Security be purely for the purpose of extending the life of Social Security itself given the incredibly important role it plays in our country.

We also included fundamental tax reform to raise revenue and to go after these tax havens, these abusive tax shelters, and, yes, to ask the wealthiest among us, some of whom—not all—have gotten away with paying very little, to pay their fair share.

This is what would happen to the deficit as a percentage of GDP under that plan. You can see on this chart that it would be reduced dramatically—from 7.6 percent of GDP this year to 1.4 percent of GDP by 2021, really dramatic reductions as a percentage of GDP by 2016. This chart is what would happen to the debt. Instead of it continuing to grow to more than 119 percent of GDP by 2022, that debt would be at 93 percent of GDP by 2022. In the near term, debt would go up some more, absolutely, because we have to deal with this economic weakness, but over the full 10 years of the plan, the debt would be brought under control and be brought down somewhat.

Those are the elements of the plan. I say to my colleagues that we have to find a way to come together. It is important to the country that we do. I am retiring at the end of this year, but I hope we can find a way to reform the tax system and make it more fair, reform entitlements in recognition that the baby boom generation is upon us. They are going to retire, and they are putting stress on these programs. These programs are critically important to life in America—certainly the lives of our senior citizens. And we are going to have to do more about the discretionary accounts because, as I have indicated, they have already been hit repeatedly, and we are headed for a share of our budget going to the discretionary accounts that are a record low. I personally don't believe going back and cutting them more, beyond what has already been done in the Budget Control Act passed last year, is a winning strategy.

I think this is an important and defining moment in this country's history. These are problems that are real. Certainly, to the millions of people who are without a job, we have an absolute obligation to do everything we

can to strengthen this economy. We also have an absolute obligation to take on this debt threat because that hangs over the country as well.

We can do this. We have done it before. In the Clinton administration, we got back to balanced budgets and strong economic growth, with the creation of more than 20 million jobs, and a country that was prospering and doing better than any competitor on the face of the globe. We can do it. I believe we will.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, the American people are angry because they are living through the worst recession since the Great Depression. Unemployment is not 8.2 percent; real unemployment is closer to 15 percent. Young people who are graduating from high school and college are going out into the world, and they want to become independent and create jobs. There are no jobs. There are workers out there—and I am sure you know them—who are 50, 55 years old who intended to work out the remainder of their work lives, and suddenly they got pink slips and their self-esteem was destroyed. They will never have another job again, and they are worried about retirement security.

What the American people are angry about is that they understand they did not cause this recession. Teachers did not cause this recession. Firefighters and police officers, who are being attacked daily by Governors all over this country, did not cause this recession. Construction workers did not cause this recession. This recession was caused by the greed, recklessness, and illegal behavior of the people on Wall Street.

What these people on Wall Street did was spend billions of dollars trying to deregulate Wall Street, and they got their way. Five billion dollars in 10 years is what they spent. And then they were able to merge investment banks with commercial banks with insurance companies, and they got everything they wanted. They said: Get the government off the backs of Wall Street. They got it. The end result was that they plunged this country into the worst recession since the Great Depression.

Four years after the financial crisis caused by JPMorgan Chase, Bank of America, Goldman Sachs, and the other huge financial institutions, one might have thought that perhaps they learned something, that maybe the lesson of the great financial crisis was that you cannot continue to maintain the largest gambling casino in the history of the world. But apparently they have not learned that lesson. They are back at it again. We have recently seen the \$2 billion or \$3 billion gambling losses at JPMorgan Chase.

What we need from Wall Street if we are going to put people back to work is investment in the productive economy. Small and medium-sized businesses all over this country need affordable loans, and that is what financial institutions should be doing. They should be helping us create jobs, expand businesses, not continuing to engage in their wild and exotic gambling schemes.

When we talk about why the American people are angry, they are angry because they understand that Wall Street received the largest taxpayer bailout in the history of the world. But it was not just the \$700 billion that Congress approved through TARP. As a result of an independent audit that some of us helped to bring about in the Dodd-Frank bill, we learned that the Federal Reserve provided a jaw-dropping \$16 trillion in virtually zero-interest loans to every major financial institution in this country, the central banks all over the world, to large corporations in America and, in fact, even wealthy individuals. What the American people are saying is that if the Fed can provide \$16 trillion to large financial institutions, why can't they begin to move to protect homeowners, unemployed workers, and the middle class of this country?

The American people are looking around them. They are angry not just because unemployment is high, they are angry not just because millions of people have lost their homes and life savings, they are angry because they understand that the middle class of this country is collapsing, poverty is increasing, while at the same time the people on top are doing phenomenally well. The taxpayers bailed out Wall Street, and Wall Street recovers, Wall Street does well, but now we have kids in this country graduating college deeply in debt, can't find a job, and we have older workers losing their jobs, and people are saying: What is going on in America?

I believe the American people ultimately are angry because they are looking at this great country—a country for which many of our veterans fought and died—and what they are seeing is this Nation is losing its middle class, losing its democratic values, and, in fact, is moving toward an oligarchic form of government, where a handful of billionaires control the economic and political life of this Nation.

In the United States today, we have the most unequal distribution of wealth and income since the 1920s. You are not going to see what I am talking about now on Fox or NBC or CBS, but it is important that we discuss this issue because it is one of the most important issues facing America.

Today, the wealthiest 400 individuals in America own more wealth than the bottom half of America, 150 million people—400 to 150 million. Today—and

this is really quite amazing—the six heirs to the Walmart fortune—the Walmart company started by Sam Walton, his children—one family now owns more wealth than do the bottom 30 percent of the American people. One family owns more wealth than the bottom 30 percent or 90 million Americans. Today, the top 1 percent owns 40 percent of all of the wealth in America. The top 1 percent owns 40 percent of all the wealth in America.

What do we think the bottom 60 percent of the American people own? I ask this question a lot around Vermont. I have a lot of meetings. I say that the top 1 percent owns 40 percent, and people say: That is not good, but we understand that.

Then I ask: What about the bottom 60 percent?

Maybe they own 15 or 20 percent, they say.

The answer is that they own less than 2 percent—less than 2 percent. So you have the bottom 60 percent of the American people owning less than 2 percent of the wealth, and the top 1 percent owns 40 percent of the wealth.

Here is another astounding fact. We don't see it much in the media and many colleagues don't talk about it too often, but, incredibly, the bottom 40 percent of the American people own three-tenths of 1 percent of the wealth in this country.

I know we have some of my colleagues coming up and saying: Look, not everybody in America is paying taxes. You have millions of people not paying any taxes.

No kidding. Well, they don't have any money. All of the money is on the top.

According to a new study from the Federal Reserve, the median net worth for middle-class families dropped by nearly 40 percent from 2007 to 2010, primarily because of the plummeting value of homes. That is the equivalent of wiping out 18 years of savings for the average middle-class family.

I have talked about distribution of wealth. That is what you accumulate in your lifetime. Let me say a word about income, which is what we earn in a year. The last study that was done on income distribution was done recently. This is what it told us, and this is literally quite hard to believe. The last study on income distribution showed us that between the years 2009 and 2010, 93 percent of all new income created in the previous year went to the top 1 percent. Ninety-three percent of all the new income created between 2009, 2010—the last information we had—went to the top 1 percent, while the bottom 99 percent had the privilege of enjoying the remaining 7 percent. In other words, the wealthiest people in this country are becoming phenomenally wealthier, the middle class is disappearing, and poverty is increasing.

When we talk about an oligarchic form of government, what we are talk-

ing about is not just a handful of families owning entire nations, we are also talking about the politics of the nation. As a result of this disastrous Citizens United decision, which is now 2 years of age—one of the worst decisions ever brought about by the Supreme Court of this country and a decision they just reaffirmed a few days ago with regard to Montana—what the Supreme Court has done is to say to the wealthiest people in this country: OK. You own almost all the wealth of this Nation. That is great. Now we are going to give you an opportunity to own the political life of this Nation, and if you are getting bored by just owning coal companies and casinos and manufacturing plants, you now have the opportunity to own the U.S. Government.

So we have people such as the Koch brothers and Sheldon Adelson—the Koch brothers are worth \$50 billion. That is what they are worth. They are worth \$50 billion and they have said they are prepared to put \$400 million into this campaign to defeat Obama, to defeat candidates who are representing working families. Sheldon Adelson, who is only worth \$20 billion—he is kind of a pauper—is willing to spend what it takes to buy the government. If we look at it, that ain't a bad deal. If someone is worth \$50 billion and they spend \$1 billion or \$2 billion, they can buy the U.S. Government. That is a pretty good investment, and that is what they are about to do.

On the one hand, we have a grossly unequal distribution of wealth in income. These guys control the economy. We have the six largest financial institutions in this country that have assets equivalent to two-thirds of the GDP of America—over \$9 trillion—and these six financial institutions write half the mortgages and two-thirds of the credit cards in America. That is a huge impact on the economy. But that is not enough for these guys. The top 1 percent own 40 percent of the wealth—not enough for these guys. Now they have the opportunity to buy the U.S. Government.

So that is where we are. In my view, working families all over this country are saying enough is enough. They want this Congress to start standing for them and not just the millionaires and the billionaires who are spending unbelievable sums of money in this campaign. It seems to me what we have to do is start listening to the needs of working families—the vast majority of our people—and not just the people who make campaign contributions.

I know that is a very radical idea. I do know that. But it might be a good idea to try a little bit to reaffirm the faith of the American people in their Democratic form of government. We could let them know just a little bit that maybe we are hearing their pain—their unemployment, their debt, the

fact they are losing their houses, the fact they do not have any health care, the fact they can't afford to send their kids to college. Maybe, just maybe, we ought to listen to them before we go out running to another fundraising event with millionaires and billionaires.

I do know, however, that is a radical idea. So let's talk about what we can actually do for the American people. In the midst of this terrible recession, where real unemployment is closer to 15 percent if you include those folks who have given up looking for work and those people working part-time when they want to work full time, we know the fastest way to create decent-paying jobs is to rebuild our crumbling infrastructure.

I see the Senator from Minnesota has taken the chair and is now presiding, and I don't know about Minnesota, but I do know in Vermont many of our bridges are in desperate need of repair, our roads are in need of repair, and our rail system is falling further and further behind Europe and China. We have water systems that desperately need repair, wastewater plants, and we have schools that need repair. We can put millions of people back to work making our country more competitive and more efficient by addressing our infrastructure crisis. Let's do it.

It is beyond my comprehension why we can't even get a modest transportation bill. I know Chairwoman BOXER and Senator INHOFE are working on a modest transportation bill, but we can't even get that through the House. In fact, we have to do a lot more than that, but at least they are making the effort.

At a time when we spend some \$300 billion a year importing oil from Saudi Arabia and other foreign countries, at a time when this planet is struggling with global warming and all the extreme weather disturbances we see, and the billions of dollars we are spending in response to these extreme weather disturbances, we need to move toward energy independence. We need to reverse greenhouse gas emissions. In other words, we need to transform our energy system away from fossil fuel into energy efficiency and into sustainable energies, such as wind, solar, geothermal, and biomass. When we do that, we also create a substantial number of decent-paying jobs.

By the way, in the midst of a very competitive global economy, what we should not be doing is laying off teachers and childcare workers. We should be investing in education, not laying off those people who are educating our kids.

I know there is a lot of discussion on the floor with regard to the national debt—almost \$16 trillion—and the deficit—over \$1 trillion. That is a serious issue and we have to deal with it. But my view is a little different than many

of my colleagues in terms of how we deal with it.

I think most Americans understand the causation of the deficit crisis; that is, President Bush went to war in Iraq and he went to war in Afghanistan, and he just forgot something. We all have memory lapses, don't we? We go shopping and we forget to buy the milk or the bread. He had a memory lapse. He forgot to pay for those wars—a couple trillion dollars' worth. He forgot to pay for them. To all of our deficit hawks out here, all those folks who say we have to cut food stamps, we have to cut education, we have to cut health care—oh, two wars, \$2 trillion, \$3 trillion, \$4 trillion? Hey, no problem, no problem at all.

For the first time, as I understand it, in the history of this country, we went to war—which is an expensive proposition—and at the same time not only did we not raise the money to pay for the war, we went the other way and decided to give huge tax breaks, including to the wealthiest people in this country. We spent trillions going to war and we gave tax breaks to the wealthiest people in this country. That begins to add up. That is called creating a deficit.

Then, on top of that, because of the greed and the recklessness and illegal behavior on Wall Street, which drove us into this recession—and when you are in a recession and people are unemployed and small businesses go under, less revenue is coming into the Federal Treasury. If we are spending a whole lot, less revenue is coming in, so you have a deficit crisis.

Some of my Republican friends say—and some Democrats say—maybe we should have paid for the war. Yes, you are right. Maybe we shouldn't have given those tax breaks to the rich. Maybe you are right. But be that as it may, we are where we are and we need deficit reduction and we know how to do it. We are going to cut Social Security.

My friends back home, when you hear folks talking about Social Security reform, hold on to your wallets because they are talking about cuts in Social Security—nothing more, nothing less. I don't know about Minnesota, Mr. President, but in Vermont no one has heard of the concept of chained CPI. I have asked them, and they do not know what chained CPI is, which is what they are trying to pass here. It is this belief—and senior citizens back home will start laughing when I say this—that COLAs for Social Security are too high. Seniors back home are scratching their heads, saying: Wait. We just went through 2 years when my prescription drug costs went up, my health care costs went up and I got zero in COLA and there are people in Washington—Republicans, some Democrats—who think I got too much in COLA? What world are these people living in? That is the reality.

So some of the folks here want to pass something called a chained CPI, which, if it were imposed—and I will do everything I can to see it does not get imposed—would mean seniors between the ages of 65 and 75 would lose about \$550 a year. Then, when they are 85 and they are trying to get by on \$13,000 or \$14,000 a year, it will cost them about 1,000 bucks a year. That is what some of our colleagues want to do—virtually all the Republicans want to do it and some Democrats want to do it as well. I am going to, as chairman of the Defend Social Security Caucus, do everything I can to prevent that.

They also want to cut Medicare and Medicaid. We have 50 million people without any health insurance at all, we have people paying huge deductibles, Medicaid covering nursing home care, and they want to cut Medicare and Medicaid. They have the brilliant idea, some of them, that maybe we should raise the retirement age for Medicare from 65 to 67. Tell me about somebody in Minnesota who is 66 and is diagnosed with cancer, and if we do what the Republicans want us to do in the House, which is to create a voucher plan for Medicare, we would give that person a check for, I don't know, \$7,000, I think, or \$8,000, and we would say: Go out to the private insurance market, anyone you want, here is your \$7,000 or \$8,000—remember, they are suffering with cancer—and go get your insurance. I guess that would last them maybe 1 or 2 days in the hospital is what it would do. But that is the Republican plan.

I agree that deficit reduction is a real issue, and I think we have to deal with it. But we are not, if I have anything to say about it, going to deal with it on the backs of the elderly, the children, the sick, the poor, and the hungry. The way we deal with deficit reduction in a responsible way, in a fair way, is to look to the billionaires in this country who are doing phenomenally well and make the point that Warren Buffett made, that there is something a little absurd about millionaires and billionaires today, in the midst of the deficit crisis, paying the lowest tax rates they have paid in decades. Yes, we are going to have to ask the wealthiest people in this country to start paying their fair share of taxes.

I saw a piece in the paper the other day which was quite incredible. Rich people, apparently, are giving up their citizenship. They are leaving America and going abroad. These great lovers of America who made their money in this country, when we ask them to start paying their fair share of taxes, start running abroad. We have 19-year-old kids who have died in Iraq and Afghanistan who went abroad not to escape taxes; they are working-class kids who died in wars. Now the billionaires want to run abroad in order to avoid paying their fair share of taxes. What patriotism; what love of country.

We have to deal with deficit reduction, but we don't have to cut Social Security, we don't have to cut Medicare, we don't have to cut Medicaid, and we don't have to cut education. We can ask the wealthiest people, the millionaires and billionaires, to start paying their fair share of taxes. We can end these outrageous corporate loopholes Senator CONRAD talked about. He showed a picture of a building in the Cayman Islands where there are 18,000 corporations using the same postal address in order to avoid paying their taxes. We are losing about \$100 billion a year. We have large corporations making billions, and paying, in some cases, nothing in taxes. That is the way to get to deficit reduction, not on the backs of people who are already hurting.

We are at a very difficult moment in American history. We are in the process of losing the great middle class. We are seeing more of our people being poor. We are seeing savage attacks being waged against the elderly in terms of cuts in Social Security and Medicare, attacks against those who get sick in terms of going after Medicaid and Medicare.

I think what the American people are saying is enough is enough. This great country belongs to all of us. It cannot continue to be controlled by a handful of billionaires who apparently want it all.

I cannot understand why people who have billions of dollars are compulsively driven for more and more. When is enough enough? How many children in this country have got to go hungry? How many people have got to die because they don't go to a doctor because you want to avoid paying your taxes? That is not what America is about. That is not what people fought and died to create.

We have a fight on our hands. The job of the Senate is to represent the middle-class working families of this country, all of the people, and not just the superrich. I hope we can begin to do that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WESTERN WILDFIRE POLICY

Mr. TESTER. Mr. President, I rise today to make sure that Congress is aware of what is happening across the American West. Some 32,000 people

were just evacuated from their homes in Colorado. In Utah and New Mexico, hundreds of homes have been destroyed or are under threat. In my State of Montana, five counties are in states of emergency as seven major fires rage across the State. We have evacuated over 200 homes in Helena alone, with plumes of smoke billowing behind the State capitol. The Signal Peak coal mine in eastern Montana has been evacuated and fires that threaten it have burned nearly 60,000 acres in less than a day. Experts on the ground are saying they have never seen conditions like these so early in the fire season, with wildfires burning through beetle-killed areas with increasing speed. These beetle-killed areas are areas that are dead due to pine bark beetle infestations. The trees are dead and dry and they explode when they catch on fire.

Yesterday, wind gusted up to 55 miles per hour, grounding aircraft and preventing them from attacking the fires early. But the conditions for these wildfires did not happen overnight. The problem is the dry climate, the lack of preparation, and lack of resources available to contain these fires.

I first want to express my sincerest appreciation to the brave firefighters battling these blazes. On behalf of Montanans and folks across the West, I want to thank you for all you do. Firefighters risk their lives every day for folks they have never met. We owe you our respect and our gratitude, and my thoughts and prayers are with you.

We also owe them the resources they need to efficiently fight these fires and we owe them the policies that will best benefit the landscape they are working so hard to protect. Forest Service fire officials say there are three parts to preventing and controlling wildfires. The first is reducing hazardous fuels, especially in the wildland-urban interface. The second is protecting towns with community wildfire plans and implementing defensible space around structures. And the third is we must provide and be ready with the resources to fight fires once they have started.

Yet Congress has consistently reduced the resources set aside for the Forest Service to proactively reduce the risk presented by fires. Hazardous fuels reduction funding has declined over the past few years, and this year the administration proposed to continue reducing these funds. The House of Representatives is also failing to give the Forest Service the tools it needs to address this growing problem by playing politics that will prevent solutions that will improve the health of the exact forests where these fires are raging in Montana and Colorado.

For 4 years I have worked to pass a forest management bill that would reduce these trees that are providing dangerous fuel for two of these fires in Montana. Additionally, the Senate cre-

ated the FLAME wildfire account to specifically put money aside for this exact kind of emergency situation. Yet this year the President's budget reduces the FLAME account by nearly \$½ billion.

We have been robbing this account to keep the Forest Service afloat, but the Forest Service has still lost nearly 40 percent of its purchasing power over the last 20 years as the number, cost, and frequency of these fires increased. Back in 2000, not that long ago, there were more than 40 forest firefighting planes. Today there are 10, and 9 of them are from a fleet of planes used during the Korean war.

This spring I asked the Chief of the Forest Service if we were ready in case of a bad fire season this year. He admitted that the Forest Service did not have the resources to deal with an above-average fire year.

This issue will not go away when the fire season comes to an end. With large parts of the West getting hotter and drier over the past few decades, our efforts to improve forest health and give the firefighters the resources they need cannot stop when the weather gets cold. We need to commit to providing proper resources to the firefighters who are protecting our communities, and we also need to provide the Forest Service and the Bureau of Land Management with the tools and resources they need to prevent catastrophic wildfires in the first place.

Some of us have been talking about hazardous fuel reduction in western forests before today, but it has fallen on deaf ears. Now I ask you to heed the call on you to provide the necessary resources. Montanans and folks all across the West are evacuating their homes. Firefighters are risking their lives. We need to step up and help them today and we need to responsibly invest in resources and land management policies that will make a difference in the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

The Senator from Arkansas.

FLOOD INSURANCE

Mr. PRYOR. Mr. President, I rise today to discuss the National Flood Insurance Program and the status of the bill that is in the Senate today. This is a bill the Banking Committee has been working on, and we certainly appreciate the chairman and ranking member and all of the members of the Banking Committee for working on this very important piece of legislation.

I will note that when the bill came through the Banking Committee, the chairman and ranking member asked that no amendments be offered and that these be handled on the Senate floor at a later time. Here we are today, and it is time for us to handle those amendments and those changes to this very important piece of legislation. Unfortunately, we hear rumors that in the House and the various negotiations going on with the Transportation bill—as well as the student loan bill—they are trying to include the flood insurance bill with those. I think that is a tragic mistake. I think that endangers the very high chances of those two bills passing the Senate.

In fact, what endangers the passage is the national flood insurance bill needs work. We need to let the Senate work on it. We need to let the Senate be the Senate and offer amendments and debate, and we need to bring this bill to a final vote. But we also need the opportunity, as Senators, to offer amendments to this very important piece of legislation.

I just want to say the fundamental problem—and it is not only me—many of us have with this very important legislation deals with flood insurance. Insurance is a concept that should be based on risk. Flood insurance has always been based on risk. In fact, if you talk to any private insurance company, that is what they are doing. They manage risk, they assess risk, and they look at risk. They are looking at the chances of something going wrong and some damages occurring, and the third party, the insurance company, pays for those damages and makes people whole.

Well, flood insurance is no different. It has never been any different. For years and years the private sector offered flood insurance. Now I think the Federal Government is the only one offering it in the whole country. There may be a few isolated areas where they do offer it, but I think the private sector has gotten out of the flood insurance business because of the enormous costs when there is a flood. They basically priced themselves out of the market because the premiums don't cover the payouts now. Nonetheless, the risk has always been fundamental to the whole concept of insurance.

This bill changes that. This bill says if someone lives behind a levee or near a dam or some other flood-control structure, then they are going to have a requirement to purchase flood insurance regardless of the risk. If they live behind a levee, near a dam, or some other flood-control structure and they are in the 100-year floodplain, they are going to be required to purchase flood insurance. It is not based on risk. It is a per se mandatory requirement based on location. I am not sure if we can find anything in the insurance world equivalent to this.

Certainly, I think it is bad public policy. There are many reasons it is bad public policy. But the most important reason is we are going to be requiring millions and millions of Americans to purchase flood insurance in areas that will never flood. They will never need it. The reason they will never need it is because they are protected by levees and dams and other flood-control structures. Those structures work.

I will give an example in a minute of the Mississippi River and tributary system. Before I give that example, let me say those structures work. When floods happen, those areas that would otherwise flood don't flood. This bill treats those areas as if there are no levees at all or infrastructure there to protect people.

Senator DURBIN has told me the story of an area on the St. Louis side of Illinois—down in the southern area of Illinois, southwest of where they have had flooding. The people locally raised their taxes so they could build levees and design those levees and maintain those levees so that flooding will never happen again. They have done this. They have taken responsibility.

Unfortunately, this bill would say they are going to have to pay twice. They are going to have to pay their taxes to build and maintain those levees, and their people are going to be required to purchase flood insurance. This is flood insurance they will never need or ever use. If they live behind a certified levee—and there are ways for levees to be decertified. If a levee is not safe or up to standards, it should be decertified. But when someone lives behind a certified levee or dam or some other flood structure that will prevent flooding, the Congress should recognize that fact and not require people to purchase flood insurance.

Let me go to this map. Some people may not realize they have levees in their State. This map shows there are levees in basically every State of the Union. For our visual purposes, we did not put Hawaii and Alaska on this map because it would take up so much space. But they have levees as well. Every dark green area shows counties where there are levees. That doesn't mean, obviously, that every single person in that county is protected by that levee, but there are levees in that county. We can see there are levees coast to coast in this country. I don't know if all 50 States have one. There may be one or two that don't, but basically they are everywhere. They are all over the country. These levees work.

Let me talk for a moment about the Corps of Engineers. Everybody here knows I have had occasions where I have criticized the Corps of Engineers when I didn't agree with what they did or when they didn't do something right or they did something I thought was dumb or whatever the case may be. But on this issue, none of us should have

any criticism of the U.S. Army Corps of Engineers because they know how to do a lot of things, and one of the things they know how to do is how to design, build, and maintain levees.

This map shows they have something called the Mississippi River and tributary system, and that is up and down the Mississippi with some of the tributaries going up and down the Mississippi. The Corps of Engineers, which designs and builds and maintains those MR&T levees—and this is a very important point—have never failed. They have been around since 1928 with zero failure. Not one time have they failed.

Nonetheless, this legislation that may be included in this package that is coming over from the House is going to require millions and millions of Americans who live behind the safest levees in the world to buy flood insurance for no reason. They are never going to flood. As long as we have the MR&T and as long as the Corps of Engineers is designing and maintaining these, we are going to get a big return on our investment.

In fact, the return on our investment for the MR&T is something like \$35 to \$1. We get a huge return. For every dollar we put in, we save \$35 based on that investment. The MR&T has prevented \$478 billion—with a “b”—worth of property damage in this country. That is \$478 billion in savings, and we are going to require all those people to buy flood insurance. The Congress is going to enter into a legal fiction. They are going to pretend as if those levees are not even there. If people are in the 100-mile flood zone, they don't get any benefit from the fact that they live behind this levee system.

Let me say one more thing about the MR&T levee; that is, it not only is the safest in the world, it is the envy of the world. The Corps of Engineers travels around the world, and the world travels to the United States of America to see the levee system and the locks and dams and the other flood-control structures the U.S. Army Corps of Engineers has built on our rivers. They are the model that other countries are trying to follow. Why are they the model? Because they work. They design them right, build them right, and maintain them right.

Again, we get \$35 to \$1. For every \$1 we put in, we get a \$35 return on that investment. There are over 4.1 million people protected just by the MR&T. That is a small fraction of what the Corps of Engineers does. Again, there are 4.1 million people protected by the MR&T.

Over half the U.S. population lives somewhere near a levee. We don't know exactly how FEMA will administer this law because we don't know exactly what is going to come out of the House, if it does pass. But I can guarantee what is going to happen is very simple. As soon as this takes effect, we are

going to have thousands and thousands of people calling us, e-mailing us, and writing us. They will be saying: Why is the Congress making my mortgage payment go up? Because that is how this is going to work. Those lenders and the Federal Government are going to require that people purchase flood insurance.

Again, we don't know the exact numbers because we don't know how this is going to be structured or how it is going to be applied just yet. Our best guesstimate is the average homeowner in this country is going to owe somewhere between \$1,000 to \$2,000 a year. It is not a one-time deal, but \$1,000 to \$2,000 a year in flood insurance that they will never need and they will never use. For some people that will be \$100 or more a month. Of course, it depends on their house and on a lot of other circumstances, but that is serious money for people especially if we are requiring them to spend that for no good reason at all.

Let me just talk about the Mississippi River and tributary system again for a moment.

Everybody remembers that last year we had the potential of horrendously bad flooding in the midsection of the country. There is no doubt that our levees in Arkansas were stressed. Even the Mississippi River and tributary system levee was stressed last year; there is no question about it. There is a reason for that. In 2011, we saw the flood of record on the Mississippi River. Some people are saying it is actually the 500-year flood. These levees can be built to withstand up to 500-year floods. Some people are saying this was the 500-year flood. That hasn't been certified yet, but certainly there was a huge amount of water flowing through the Mississippi River. It was in every station on the Mississippi from Cairo, IL, to Natchez, MS. They broke the record last year—every single station. And here is the key: Not one levee broke. The biggest flood we have ever had, and not one levee broke.

The Senate bill will say that even though those levees don't break, even though they are the best in the world, even though they can withstand the 500-year flood, we are going to make those people buy flood insurance. I don't think that is right. I don't think that is fair. I think the people should be outraged if we make that requirement on them. That infrastructure last year prevented \$110 billion in damages—in one flood, in one spring, \$110 billion worth of damages. It protected 10 million acres of land up and down the Mississippi River. So 10 million acres and nearly 1 million structures were spared because of MR&T. We did not lose one life, no flooding where it was not supposed to flood.

My colleagues will remember last year they blew the levee at Birds Point, by design. That is part of the

levee system. When the water gets so high and so enormous, we start to get these 500-year levels, they build these safety valves up and down the river. They had to use one last year. They blew the levee at Birds Point in Missouri. It worked exactly as it was supposed to work. I know the farmers up there weren't real happy, but they understood the risks of where they live and how that works. That has been the deal up there for a long time. They blew that levee. The water spilled into there. It took pressure off the river and off the levees. That is what happened, and it works.

Let me show my colleagues this chart. This is sort of an artist's rendering, if you will, of the levee. There is a lot of science and engineering that goes into these levees. The flood of 1927 is so famous because it did change everything in this country. For the first time ever, the Federal Government took responsibility for levees up and down the Mississippi River and took it in a national way and created a national system.

By the way, there is a great book by John Barry called "Rising Tide." If my colleagues haven't read it, it is worth reading. It is a good book about the flooding of 1927. That is the flood everybody talks about because back then we had a very inadequate levee system. There were floods all up and down the whole Mississippi River Valley, the whole watershed. I think it started raining that year on Christmas Eve of 1926, or somewhere in there, and it basically rained every day through Easter. It rained and rained and rained and rained through that area, and we didn't have the flood control to protect it. We had some levees, but they weren't scientifically done and they weren't engineered properly. They weren't big enough or strong enough. After that flood, the U.S. Government took over. So the levee system on the MR&T goes back to 1928, the year after this 1927 flood.

Anyway, the way a levee works is they design most levees—kind of the standard design—for a 100-year flood. That means there is a 1-percent chance every year that we are going to get to a certain level. Once every 100 years, that is what it is going to do, a 1-percent chance. We can see the way the MR&T is built, that isn't the half of it, because they actually built beyond the 500-year flood. In 1937, we saw a much bigger flood than the 1927 flood, but guess what. The levee system worked. They had it built and completed and it worked. It did great.

Levees are very important. We may not think they are very exciting, we may not think they make a lot of headlines, but they work. We can see an example right here. Here is a rural area, a farmland area, protected by a levee, right there. We see a lot of water down here, but there is no water over here,

and that is exactly the way they are supposed to work, and they do work.

The point is the Senate bill would say even though we have this levee, these people living over here are going to have to buy flood insurance. It is not going to flood. It is never going to flood there. We have it protected. But they are going to have to buy flood insurance. It is generally unfair and it is not right and we should not do that to our people.

Let me say a few other words here before I move on. This map right here I think says a lot. This is the one I started with. We really do have levees everywhere, all around the country. There are 881 counties that have levees. Those counties contain more than 50 percent of the population of the United States. So, again, this legislation that is now trying to be attached to whatever vehicle is coming back through is going to adversely affect about half of the U.S. population in one way or the other.

Also, if someone lives in an area that has levees, they can forget about economic development—just forget about it. Once they start doing this and saying everybody has to have flood insurance living in this flood plain—even though it is not going to flood, we are still going to require that—forget about economic development. It is going to be extremely difficult for people to stay there and to have insurance in those areas.

This bill that came out of the Banking Committee I think is a good bill. I think we need to do it. We need to pass it. I am not trying to slow it down at all. In fact, I started this week thinking that we would have a chance to vote on the bill this week, that we would have a chance to debate the bill and offer amendments to the bill. I understand now there are some non-germane, nonrelevant amendments to the legislation. I think that is unfortunate. Hopefully, we can work through that. But I have an amendment that is very germane. In fact, at one point we had to change the language because the Senator from Alabama wanted to do a substitute, so we have changed our language. We still think we have anywhere from 13 to 15 cosponsors on my amendment. Senator HOEVEN and many others have joined me—again, about 13 to 15 Senators. In addition, after checking with Senate offices, we have about 50 votes that we know of. I am counting 51. We have about 20 offices that are looking at it that may be leaning toward voting for it, but they haven't committed to saying yes.

I think it is very likely, if we allow the Senate to be the Senate, we will take care of the problem in this Banking Committee bill. I think we can do that. I think we can have that vote. I think the Pryor-Hoeven amendment carries the day. I don't know that. We don't know until we debate and get in

here and have a vote and see how it goes. I think right now what we need to do is let the Senate be the Senate and let the Senate debate, let the Senate argue. We fuss with each other sometimes, I know that, but let's have a vote on this amendment. I think there are well over 50 votes in this Chamber right now to take these provisions—it is section 107—out of this legislation and leave in a couple of studies. We think it is fine to have studies. We think we should study this. That is good. Again, we are not trying to slow this down. We are not trying to bury our head in the sand saying we don't think there is any risk at all. So let's study it, let's look at it, and let's see what makes sense.

I will tell my colleagues what doesn't make sense. It doesn't make sense to ignore the best levee system in the world.

Let me also say this: There are several levees around the country that are not done by the Corps of Engineers. They don't have the kind of resources and expertise the Corps brings to building levees and flood control. We need to acknowledge that. There are levees in this country that should be decertified; they don't meet the standards; they maybe weren't built correctly and/or they haven't been maintained correctly. We have to maintain these levees carefully. We have to trim the vegetation. We have to be watching for things such as sand boils and structural defects. We need to go in and make adjustments from time to time. It is the reality of operating a system of levees. Honestly, there are places around the country where that hasn't been done. Those levees should not be certified unless they are repaired and brought up to standards. And the people behind those levees don't have real flood protection, so maybe they should pay for insurance. I am not opposed to that. I think they probably should. I think that is what these studies will help us sort out: How do we draw that line? How do we make that decision? Why don't we take a little time to study this and try to make sure we get this policy right so we are not charging the people for insurance they will never need?

Let me also say we do have several others here in the Senate who are for this. They have been very supportive from the very beginning. I have several colleagues I wish to thank publicly. I think some do want to come over and talk about this development today, where we may not get a chance to vote on the amendment. Pretty much everybody, almost without exception, maybe one or two exceptions, but almost without exception, pretty much everybody who was with the original amendment is going to stick with this amendment, even though it is structured a little differently because it amends the substitute and it also leaves in these

two studies, but that is fine. We have never had a problem with the two studies. Again, if we adopt the Senate bill, the Senate proposal, if it comes over from the House without us having a chance to even offer our amendment, I think we are negating a very wise investment we have made around the country in the levees that the Corps of Engineers has built for us.

It is not logical that we would not consider the actual risks involved and where people live. It is not logical that we would pretend these levees aren't even there. It doesn't make sense. It doesn't make sense in any way, shape, or form, and that is what we are being denied today as Senators. We should have a chance to look at this legislation, open it and read it, to pick at it, to find things we don't agree with, ask questions about it. Certainly I have gone through here. My colleagues can see that I have highlighted this bill and I have written on it and made notes in the margin and have questions about it. I am trying to do what Senators should do. We should work on legislation, be very constructive, if we have problems with it, try to get it amended, try to convince our colleagues that our arguments should carry the day and that we should prevail and that we should amend legislation.

We all recognize the Banking Committee has worked very hard on this issue. We appreciate the chairman and the ranking member for their hard work and the hard work of all their staff. They have been great. But since the bill did not get amended in the committee, it ought to at least have a chance to be amended on the Senate floor, especially when there is at least one amendment where it looks as though well over 50 Senators support that amendment. It would be an injustice if this provision was not included in what is coming over from the House. As I said before, it also endangers the passage of the surface transportation bill as well as the student loan provisions that are very popular with people. I think we have plenty of votes to pass both of those, but if the cost of that means—if the tradeoff for that means we are going to be charging people for flood insurance they don't need—it is mandatory now. This is not an option. It is mandatory. They have to buy flood insurance. I do not think that is a tradeoff we should make.

Also, I was talking to someone earlier, and they said: We need student loans. I agree with that. I am all for lowering the rate of student loans. But I can guarantee it is going to be less money out of pocket for people on the student loans than it is to be buying this flood insurance every year—no doubt about that—because this stuff is very expensive and the difference in the student loans is not going to be \$1,000 or \$2,000 a year. The difference in student loans is maybe going to be a

few hundred dollars a year. It is significant and it helps and we want people to go to college—and I am all for that—but this is the pocketbook issue: the fact that we are going to be requiring people to purchase insurance they do not need.

So what my amendment does is remove the mandatory language in section 107. It basically says people are not going to be required to purchase flood insurance just merely because they live behind a levee or near a dam or some other flood control structure.

As I said, right now the way the banking bill is drafted, it is a *per se* requirement based on location, not based on risk. It is based on location.

Let me also say something about the Senator from Alabama. He reached an agreement with one of the Senators from Mississippi, and I appreciate that. That amendment does make the bill a little better—it does—because the way the bill was originally structured, it did not matter if someone lived in a 100-year floodplain or a 500-year floodplain, it did not matter; they were going to buy that insurance.

What Senator COCHRAN of Mississippi was able to work out was to at least restrict it to a 100-year floodplain. That is good. It is an improvement. But the fundamental principle still applies: We are requiring people to purchase insurance they are never going to need because they are protected by the levees.

With that, I know we have some other Members who want to come over and speak. I think what I will do right now is yield the floor and await my colleagues to come over.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the bill to reauthorize the National Flood Insurance Program may be included in a package we will consider tomorrow—the package of bills that might include the Transportation bill and the student loan bill as well.

The National Flood Insurance Program needs to be addressed, and part of the new reauthorization makes significant changes and necessary improvements in the program.

I do want to join my colleague Senator PRYOR from Arkansas in raising concerns about one particular section in the bill. It creates a burden for many people across the United States—in Illinois, in Arkansas, in Pennsylvania, in California, and other places. It is called section 107. It deals with mandatory insurance coverage areas. It redefines special flood hazard areas.

Under section 107(B), everyone in the United States living behind a levee, near a dam or near any other flood control structure—a so-called residual risk area—will be required to purchase flood insurance—everyone. FEMA estimates that well over 50 percent of America's population lives near a levee. Senator PRYOR has a very revealing map of the United States. We have a lot of waterways and a lot of levees. There are levees in 881 counties throughout the United States. As many as 800,000 people in my State of about 12.5 million live in these areas.

Many people living near a levee do not even realize it because the levees work. They have never had a flood. But under this provision, they are still required to buy insurance.

The same holds true for people living near dams. There are nearly 1,400 dams in Illinois alone. Think of how many people live near those dams nationwide. Those people would also be required to purchase flood insurance under this provision.

Under this section of the bill, the mandatory purchase requirement would apply to people living in residual risk areas regardless of the status of the flood control structure. That is where I take exception to this approach. So even in communities where levees and dams have been certified safe—in many cases by the U.S. Army Corps of Engineers—the people living behind those levees would have to purchase flood insurance.

Let me give one specific example that I think is illustrative of the unfairness. The people in these so-called residual risk areas already pay for their flood control structures in one way or another.

Take the Metro East area, where I grew up, across the river from St. Louis on the Mississippi River—St. Claire, Monroe, and Madison Counties. The community agreed in that area to raise taxes on themselves to pay for improvements to the levees. In other words, they were not pointing to Washington, saying: Come in and fix our levees. They said: We will take on the responsibility, and we will pay for it.

Thanks to the leadership of the Metro East levee district and people such as Les Stermann, with the Southwestern Illinois Flood Prevention District Council; Alan Dunstan, board chairman of Madison County; Mark Kern, board chairman of St. Claire County; and, of course, my friend, Congressman JERRY COSTELLO in the House of Representatives, Metro East raised the money to improve its levees to ensure they would be recertified as safe by FEMA.

They are doing the right thing. They are accepting responsibility, and they are paying for it. People in communities across the country are paying to make sure their levees are sound and they will not have to worry about a flood.

Yet under this bill's mandatory purchase requirement, as it is written and as I understand it, they also will be forced to pay for flood insurance. If they had done nothing, they would face the flood insurance premium. They did the responsible thing, and they are still being charged.

Not only are they paying higher taxes to strengthen their levees, they will pay for flood insurance for floods that are not likely to ever happen—precisely because of the improvements they are making to those levees which protect them.

To add insult to injury, if these areas are mapped into a special flood hazard area, the communities will have to pass an ordinance that FEMA requires for participation in the flood insurance program. This ordinance will restrict land use. In many cases, these ordinances diminish property values and reduce the number of jobs in the area.

My colleague Senator COCHRAN of Mississippi worked with Senator SHELBY of Alabama in the Banking Committee to develop a compromise to this section. The compromise is a move in the right direction, I will concede, but it does not go far enough to help the people living near flood control structures.

The new section 107 strikes the language restricting land use in residual risk areas, but it does not remove the mandatory flood insurance purchase requirement. The new language only delays that requirement until FEMA can develop a new way to measure each levee's and dam's strength and efficiency—but then the people who live in these areas will be forced to buy insurance.

Adding up to 50 percent of the U.S. population into the National Flood Insurance Program, simply because they live near a flood control structure, I think does not take into account the actual reality on the ground what is being done, what has been done to keep the area safe. I support my colleague, Senator PRYOR of Arkansas. He wanted to strike section 107 to this bill. It is unreasonable to expand flood hazard areas to include communities in which people are already paying to prevent flooding.

Chairman TIM JOHNSON of the Senate Banking Committee and ranking Republican Senator DICK SHELBY put together a strong bill with many important reforms. But the residual risk title is bad for communities such as Metro East in Illinois, and I hope the committee will either modify or drop this provision.

Let me close my remarks by saying that Senator PRYOR has been an extraordinary leader on this issue. We have talked about it. I have been happy to join him. I don't know if, when the final bill package comes before us, we will have our chance to vote up or down or offer the Pryor amendment,

which I support. But at the end of day, this is fundamentally unfair, although it will not take place, if it goes unchanged, for several years. In the meantime, if the bill passes with this provision, I can assure my colleagues—and I think Senator PRYOR would agree with me—we are not going to quit on this issue. We are going to demand basic fairness for those people across America who are struggling in this economy and now face the prospect of dramatically increasing flood insurance premiums.

I think there is a way to do this that is responsible, that recognizes when people do what is right and families and communities step up to their responsibility, and I do not believe the Shelby-Cochran amendment does that. I hope we will have a chance to revisit this soon.

I thank Senator PRYOR for his leadership.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. First, let me thank my colleague and friend from Illinois for his comments and his insights. He is fighting hard for his people in Illinois. We have similar stories in our State, and my guess is that virtually every Senator who is a Member of this body has a similar story where the people in these areas with levees are taxing themselves. They are taking on the responsibility to protect their property and their communities from floods.

There is no doubt at all that these folks who live behind levees are in a better position than folks who are not behind levees, and the Flood Insurance Program should recognize that fact. In listening to Senator DURBIN a few moments ago, I had a thought, and that is, if we are going to do this, if we are going to select the people in these darker areas on this map and we are going to say: Hey, just because you live in an area that has a levee, you are going to have to pay more, is not fair.

I would prefer that we just make everybody pay. Why don't we make every mortgage owner in the country pay for this? Why don't we just say: Look, if you have a mortgage, you are going to have to pay \$5 a month, or whatever the number is, just to help subsidize everybody else.

That is a fairer way to do it. Why are we singling out people who live behind levees and dams and have other flood-control infrastructure there? It makes no sense. In fact, those people are more protected than other people.

I know that in the Banking Committee the Presiding Officer had an amendment he was interested in that dealt with the people who have existing mortgages. In effect, when you sign a mortgage, it is maybe a 30-year contract, 15-year contract—however long your mortgage is—and pretty much what you bargain for is what you bargain for. And it changes the equation

right now if suddenly, because you live in a certain area, you are going to have to now pay an additional \$100, \$200 a month for flood insurance. That totally changes the equation for people. We shouldn't do that.

I know the Senator from Oregon offered or talked about an amendment in the committee to say that these new laws, these new regs should not apply to folks with existing mortgages because it is not what they bargained for. I think there is value in that. I think we ought to talk about that. But there again, if some of these folks get their way around here, we are not going to have a chance to have that discussion and offer that amendment.

But the Pryor amendment actually covers that situation the Senator from Oregon has been concerned about because what we do is we say: Do these studies. There are two studies that we include. They are also in section 107 of the bill. Do those two studies. Give this some time. And let's analyze it and look at it and figure out the best way forward. But in the meantime, we are not going to charge people with existing mortgages or people who are trying to get mortgages today—we are not going to charge them unfairly, we are not going to single them out merely because they happen to live in a place that has a levee or a dam or some other flood-control structure.

I know we have others who are coming over soon to discuss this. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. HOEVEN. Madam President, I rise to discuss national flood insurance today.

Flood insurance is vitally important to our Nation. It is vitally important to my home State of North Dakota, and I know it is vitally important to our sister State of Minnesota, which the Presiding Officer represents.

Last year, in 2011, flooding in North Dakota included flooding in the Red River Valley, which is the Red River of the north. That included both sides of the border, North Dakota and Minnesota as well.

We also had flooding in the James River Valley, in the Cheyenne River Valley, and in the Missouri River Valley. Also, the Little Missouri River flooded in the very western part of our State. We had ongoing flooding in Devil's Lake, and we had flooding in the Souris River Valley.

In fact, when the Souris River flooded, one of the communities that was

flooded was Minot and the surrounding area. Minot is a community of about 40,000 people. It is growing rapidly. I think it is the eighth fastest growing community under 50,000 in the country now. So it is a rapidly growing, dynamic community of 45,000 people, and last year we had to evacuate 12,000 people from their homes. More than 4,000 homes were destroyed or severely damaged. FEMA, of course, has been in there helping. It is FEMA's third largest housing effort in its history. The largest housing effort was after Hurricane Katrina. The second largest housing effort was after Hurricane Ike. And the third largest housing effort for FEMA in history is in response to the flooding in Minot, ND.

So in my State we understand flooding, we understand the challenge, and we strongly support reauthorizing the national flood insurance legislation. There is no question. However, we need to get it right. We need to get it right, and there are some important policy implications in the bill that are being put forward in the package that we likely will be voting on, along with the highway bill, as well as student loans.

So we are looking at a package that includes reauthorization of national flood insurance, a package that addresses the interest rate on student loans—something I absolutely believe we need to do—and also a package that includes the highway legislation.

But there is policy that is being inserted into the flood insurance bill that involves something called residual risk. It is a new policy, and we haven't carefully considered it. We haven't voted on it, and we need to. We need to vote on this policy provision.

In fact, the flood insurance bill that was passed in the House did not include this residual risk provision. It was not included in the House package, but now we are looking at a package including all three of these large pieces of legislation—the highway bill, student loans, and national flood reauthorization—and we have this new residual risk policy in there. That is not the approach we should take, and that is what I am here to address along with my esteemed colleague Senator PRYOR from Arkansas.

I want to thank him for his leadership on this issue. In fact, Senator PRYOR and myself have an amendment which would specifically address this issue. This issue is in section 107 of the national flood insurance legislation, and that is exactly what we address, and I think we address it the right way. So it is very important that we have an opportunity to vote on this important issue.

So let me talk about it in just basic, straightforward, commonsense terms.

The concept is residual risk. What we are saying is we need to have a separate vote on residual risk. That needs to be struck from the flood insurance

reauthorization. We can study it and evaluate it. Then once we have had an opportunity to adequately both understand it and debate it, we can make a determination about how best to proceed. But it should not be included as part of this comprehensive legislation along with the other legislation in the package.

So residual risk. Let's say we have two individual homeowners: one who lives just outside the 100-year flood plain, thanks to natural geography, and a second individual who lives within the flood plain but behind dikes, levees, or other infrastructure that is federally certified and constructed to protect residents against a 100-year flood event. Let me repeat that: That is federally certified by the court and constructed to protect residents against a 100-year flood event.

Under the flood insurance legislation as it is currently written, the resident behind the certified flood protection will be required by Federal law to buy flood insurance. But the one living outside the 100-year flood plain would not, even though they have essentially identical risk. So in short form the individual behind the certified dike or levee is required to buy flood insurance. The other individual, who is in essentially the same situation but by natural topography or natural geography rather than certified protection, that individual is not required to purchase flood insurance. One is protected by the natural landscape, the other is protected by good, solid engineering and an understanding of the risk involved and what it takes to protect against flooding, but only one of them has to buy flood insurance. That is not fair.

Homeowners and businesses are already paying for flood protection through the infrastructure they have elected to build to protect themselves and their property. So they are already paying for it when they build that certified infrastructure. Nobody is more aware of their flood risk than individuals in those situations, whether it is their home or their business.

Communities that have already invested in flood protection infrastructure now in essence are going to be in a situation where they are paying twice for flood protection. Yet the Johnson-Shelby substitute would force those communities to pay essentially every year for that flood protection. They would first pay for the infrastructure they have already paid for through their local taxes and again, then, each year through a government-mandated insurance purchase of flood insurance.

Further, Federal, State, and local governments invest billions of dollars nationwide in flood protection infrastructure. In my home State of North Dakota, communities such as Minot, Fargo, Bismarck, Mandan, Jamestown,

and others are all working with the local, State, and Federal Government to build and/or fortify literally hundreds of millions of dollars' worth of flood protection. This substitute amendment will ignore that. In essence, this is not a good return on investment for the American taxpayer.

The mandatory flood insurance purchase will have a harmful effect economically on communities already contending with flood risk or, worse, communities already in a flood recovery mode. A mandate to buy flood insurance will discourage businesses from building or rebuilding in an area certifiably protected with flood protection. That will reduce a community's revenue base and impede new opportunities to create jobs and economic activity often in a community already struggling to recover its economic base.

Additionally, the substitute amendment requires both mandatory insurance purchased for people behind certified flood control infrastructure and, at the same time, a study on the very same policy it intends to implement. We shouldn't be enacting a provision into law until we understand its implications and its consequences.

The Pryor-Hoeven amendment allows the study to move forward, but it removes the mandatory insurance purchase requirement. We should determine more about how it impacts individuals and communities before this new mandate is considered. We have to keep in mind that we are talking about a policy change that affects millions of people across the country.

If we look at this chart, all these dark green areas represent counties throughout this country with levees. So we are talking about millions of people who are currently protected with levees. In the case that they have certified levees right now, they are not required to purchase flood insurance. But with this vote on the whole package, if we don't address residual risk in the way that I have put forward, that changes. All of them then become subject to purchasing flood insurance.

I submit that there are a lot of mayors, city council members, and county commission members who would like to know if there is going to be a policy change where they are now going to be required to purchase flood insurance before that happens. Keep in mind, working with the Federal Government at the State and local level, they have built flood protection. That flood protection has been certified. Whether they made special assessments to do it or whether they have a tax base to do it or however they do it, they have gone out and told the people in their communities: Look, we are going to build this flood protection. You are going to pay to build that flood protection. And we are going to do that so once constructed, you are, A, protected, and, B, you will not have to buy

flood insurance along with your home mortgage.

That is what people expected. That is what is in place. My simple point is, before we change that, we better go out and talk to them. We better go out and tell them. We better go out and say: You know the way flood insurance works? It is going to change. When you were told that if you built that flood protection, you would not have to buy flood policies, that is now going to change; in fact, you will have to buy a policy under this residual risk, under this new approach.

My point is that we have to make sure people understand that, and we have to understand the ramifications and how it is going to work before we make this change. That is why it is so important that we get a chance to vote on this amendment and address it. Again, as I have said, our amendment makes sure we study the issue. We make sure that FEMA and the Corps are in a position to actually do the analysis and determine whether it works or what the ramifications are, at least, of putting it into place before we put a mandate like that into effect.

Again, as we go forward with this package that will include national flood insurance, that will include the highway bill, that will include reducing the rate on student loans, we have to make sure we have an opportunity to address this issue. It is not only basic fairness in terms of how the Senate works, but it is also a fundamental issue of making sure we are letting our constituents know—the mayors out there, the county commissioners, the city commissioners, and the citizens themselves who have counted on flood insurance working a certain way and who have built flood protection, certified flood protection, paid to build certified flood protection—that there may be a change coming and give them a chance to weigh in.

We have to make sure what we do is not only something we have communicated to the citizens we represent but that it is absolutely fair, that it makes sense, and that it is consistent, that it treats individual who are in like circumstances, whether it is true natural topography or whether through certified flood protection—if they are in a similar or same circumstance, they need to be treated consistently in order for the legislation to be fair.

I urge my colleagues to support our effort to get a vote on the Pryor-Hoeven amendment so we can properly address this issue.

I yield the floor. I note that my colleague from the great State of Pennsylvania, Senator TOOMEY, is here. I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Madam President, I rise to address the same topic that has been under discussion this afternoon by

Senator PRYOR, Senator HOEVEN, and others. I strongly share the concern they have registered. I believe we have seriously flawed legislation in the form of this flood insurance reauthorization bill, and I think we are kind of compounding our problem by apparently inserting this into a transportation conference report rather than doing what we ought to do in the Senate, which is to have a debate about flood insurance.

This easily qualifies as a sufficiently important and substantive topic that we ought to bring it to the floor under regular order and consider the underlying policy, including the profound change in policy that is contemplated by the underlying bill and a very important amendment on which Senators PRYOR and HOEVEN have provided the leadership and of which I am a cosponsor, which I think absolutely deserves a vigorous debate and I would like to see passed.

One of the many concerns I have about what we are doing now is we are taking this flood insurance bill and apparently some are considering this bill to be at least a partial offset to some of the expenditures contemplated in the Transportation bill. For the life of me, I can't understand how this could possibly be a legitimate offset for spending. If it is a legitimate offset for spending, then that means it is net new revenue. But we are told this bill is supposed to be actuarially sound. It is supposed to be revenue neutral. The premiums being charged for this flood insurance are supposed to just equal out the payments that will have to be made in honoring claims against this fund. So I don't understand how that nets out to a source of net revenue that can be spent somewhere else. How many times can we spend the same money? The insurance premiums that are collected are supposed to be collected to honor the liabilities the Federal Government is taking on by virtue of this program, so how can it also go to pay for transportation projects? I don't understand that.

I also think there is a real fundamental problem that Senators PRYOR and HOEVEN have addressed, and that is the huge expansion of this mandate. We have in this underlying bill a Federal mandate that forces people to buy homeowner's insurance, and it forces a new category of people to buy homeowner's flood insurance, and the new category is those people who live behind a levee or a dam.

A lot of folks have contributed a lot of money over many years to building levees and dams precisely so that they would be protected from the risk of floods. In fact, that works every day all across America. Yet we are going to ask those people to also pay as though there were no levee there. This strikes me as a profoundly flawed approach. It completely ignores the investments

these communities have made for years, and in the process it discourages future flood-mitigation measures. It discourages the maintenance of existing levees and dams. It discourages the building of additional ones. I think this is a bad idea. It is bad to create these kinds of incentives.

I will say candidly that this disproportionately has an adverse effect on States that have over the years a long history of building levees and dams. Pennsylvania would certainly be among those States. If you look at this map, it shows the counties in which there are levees and dams, and almost the entire Commonwealth of Pennsylvania is shaded in because we have levees and dams all across the Commonwealth. They work and they hold and people have invested to have that security, that protection.

Frankly, there are a lot of communities that would like to have additional levees and dams to have more protection than they have today. What this measure would do is it would say: Don't do that. What good does it do? You are still going to have to pay for flood insurance. I think this is a badly flawed approach.

Let me say once again that there is something very wrong with this process. This is a big deal. To ask 1 million to 2 million additional new Pennsylvanians—not to ask, to force them into a program where they would be forced to buy an insurance product whether they want it or not—by the way, nothing stops them from voluntarily choosing to purchase flood insurance, but that is not what this bill is about; the bill is about forcing them to buy this product. To think we are going to create this huge new mandate on what could be 2 million Pennsylvanians alone and many more millions across the country, to do it without a full debate on the Senate floor, without the opportunity to consider this legislation, without the opportunity to consider and debate and vote on amendments, I think is a big mistake.

I urge my colleagues to take a look at this map and to consider strongly insisting that the transportation conference report not include this legislation and that we proceed under regular order to debate a very important measure, which would be the reauthorization of the Flood Insurance Program.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, let me thank all my colleagues who have come here today to talk about this issue. It turns out we have had two Democrats and two Republicans. We may have more on the way. I know of at least one or two others who may be on the way.

I would like to say thank you to them for their assistance here, but also, more importantly, I thank them

for doing a great job representing their States well. When you look at their States and the number of levees they have in their States, the number of people who will be adversely impacted by this, this is a very significant piece of legislation. It deserves debate.

I do not like the fact that somewhere in this building, behind closed doors, people are trying to negotiate this legislation into a larger package. We should let the Senate be the Senate. We should bring the National Flood Insurance Program bill to the floor by regular order, we should debate it, we should offer amendments, and we should vote on those amendments and vote on final passage. We should not have any funny business. This is an important piece of legislation, but right now the funny business with this legislation is not the fact that there may be an extraneous amendment or two that are totally unrelated to the subject matter; the funny business right now is that they are trying to jam this down the throats of other Senators, especially when they know that there is an amendment that is relevant, that is germane, that is in order, and that amendment would probably get well over 50 votes. They are thwarting the will of the Senate if they include this in the legislation.

I implore my colleagues who are involved in this conference effort to try to bring the surface transportation bill, which I support, and try to bring the student loan bill, which I support—try to bring those bills to the floor. I implore them to not include the offending language of section 107. If they do, I want to state my intention to object to that language when it comes here to the Senate. That is not a very pleasant prospect because that means the House may have to stay longer, and the Senate may have to stay longer. This is completely avoidable.

I think if we have a mechanism in place where we can either take this legislation, the flood insurance legislation, up tomorrow and dispense with it—and pass it, I hope; amend it and pass it, I hope—and/or if we could file cloture if there are problems with extraneous amendments—we could file cloture more or less, say, tomorrow, and then after the Fourth of July recess where we will be back home in our home States, we could take it up the first day or two when we get back.

There are ways to do this. We have to remember that this legislation—excuse me—this law does not expire until the end of July. We have 2 or 3 extra weeks here. It is not going to expire this weekend. We have another month that we can do this, and sometimes things in the Congress take time, we understand that. I would rather do it sooner rather than later. I would rather get it all done tomorrow. But I do not want this included in some larger package where we do not have a chance to offer the Pryor-Hoeven amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I would like to join with Senator PRYOR in this objection. He clearly laid out a path to resolve the situation, and that is to have a vote on the amendment we put forward. There are other ways to resolve it as well. We have made that very clear.

Look, this is a clear case where, in order to make a policy change of that magnitude, it needs to be properly discussed, properly debated, and certainly voted on.

This is a situation where we clearly laid out any number of ways to resolve the issue, but this legislation, section 107 that Senator PRYOR referred to, should not be included in this legislation. If it is, then I will seek to join Senator PRYOR in his objection.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mr. DURBIN. Mr. President, politicians are used to waiting in nervous anticipation for certain events; specifically, their own elections and the elections of their friends. But it is an interesting feeling in this town today—in Washington, DC—awaiting the nervous anticipation of the Supreme Court decision tomorrow. It is a decision which will address the affordable care act. And this affordable health care act may be one of the most significant measures I have ever been asked to vote on as a Member of Congress.

Tomorrow the U.S. Supreme Court will hand down its decision on the affordable care act. It could be one of the most consequential decisions handed down by the Court in my tenure in Congress, and maybe even longer. It is consequential not just because of the politics of Washington. No, the decision will have consequences which will affect the lives of millions of Americans across the country.

First, some basic facts. According to the nonpartisan Congressional Budget Office, the affordable care act will reduce the deficit over the next 10 years by over \$200 billion; then, another \$1 trillion in the second decade. This is an important measure to reduce health care costs, reduce government outlays, and reduce the deficit. So the decision of the Court will have an impact on that particular element.

The law does a number of specific things to reduce health care costs while saving lives. Because of the af-

fordable care act, preventive services for many Americans are now free. In my home State of Illinois, last year 1.3 million people on Medicare—that is about 10 percent of our population—and 2.4 million people with private health insurance received preventive care at no cost. This is important, because preventive services such as mammograms and cholesterol screenings can help lower costs, prevent illness, and save lives. On the subject of prevention, the law provides help for States with their prevention programs—programs, for example, that try to discourage kids from smoking; programs that detect and treat diabetes at an early stage; heart disease, arthritis, and so many other areas that can be treated successfully if there are preventive efforts.

Another reason this law is important is because of lifetime limits. Before this law was enacted, insurance companies routinely told families: Sorry, you hit your limit. We are not going to pay for any more of your chemotherapy or your premature baby's illness. People did not know there was a limit until it was too late. The law changed that.

Because of this law, 4.6 million people in my State, Illinois—4.6 million—got the care they needed last year without having to worry about the insurance companies cutting them off, saying they reached their limit.

In these tough economic times many young adults are having trouble finding work. Another thing this bill did was to extend the coverage of family health insurance to cover those through the age of 25. Because of the affordable care act, parents can keep their kids under their policy until the young people reach the age of 26. Across the country 2.5 million young adults, including 102,000 in my State of Illinois, have been able to stay on their parents' insurance plan.

The law also requires companies to spend more of their money on actual health care. One might think that is obvious, but it turns out it is not. The law says insurance companies have to spend at least 85 percent of their premiums on health care rather than spend it on advertising, overhead, or executive compensation.

Mr. President, \$61 million has been returned in my State to over 300,000 people in the form of rebates because of this "medical loss ratio"—85 percent to be spent on health care. That is money that flows back to families and individuals and businesses.

The affordable care act has had a profound impact on seniors and those living with disabilities. Because of this law, seniors and those living with disabilities on the Medicare Program in Illinois have saved more than \$155 million on prescription drugs. Seniors taking their medicine as they are supposed to are likely to stay healthy longer and be less of a cost to the system and lead more independent and stronger lives.

We have talked and talked in this Senate about how we need to help seniors afford to buy prescription drugs. We know this bill that will be decided by the Supreme Court tomorrow has been closing the doughnut hole that was created by Medicare Part D. When we passed the affordable care act, we did something about it.

Illinois seniors saved \$155 million because the affordable care act was signed into law. By 2020—if the Supreme Court does not strike this law or this provision—the doughnut hole will be fully closed and seniors will not have to worry anymore about that gap in coverage that eats into their savings.

I have been working for years to help small businesses find ways to afford health care for their employees. I introduced a bill in 2009 with the help of the small business community and the insurance industry that would allow small businesses to work together in a health care exchange. The affordable care act built on that principle and improved it dramatically.

The new health care law provides a tax break for small businesses that are doing the right thing and buying health insurance for their employees. So far, across the country, more than 228,000 businesses have taken advantage of this new tax credit and saved \$278 million.

For those who say the affordable care act really has not helped small business, here is proof otherwise.

Another 30 million people who have no health care coverage today will be covered when the affordable care act is implemented. By 2019, 15 million of those will be able to participate in Medicaid, and the States will not be left on the hook. The affordable care act provides help to the States for the first several years.

The affordable care act provides much needed assistance to community health centers—centers such as the Erie Family Health Center in Chicago. In fact, because of a \$650,000 grant from the Department of Health and Human Services, Erie is going to open a new health center in Evanston—one that is desperately needed.

So these are but a few of the reasons the Supreme Court, I hope, will uphold this law to continue to help move us toward a day when the rate of growth in the cost of health care is brought under control. We have a long way to go, but this bill is a step forward. For those who have campaigned from one side of America to the other, saying they would eliminate the affordable care act, which they derisively call ObamaCare, let me tell them: There are real people in Illinois and across the Nation who have benefited from this act and will in the future.

Now is the time for us to work together to improve the act where it needs improvement but to use it as the

basis for building a future of security and quality health care for all Americans.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTENTION TO OBJECT

Mr. GRASSLEY. Mr. President, I intend to object to proceeding to the nominations of Mark J. Mazur, to be an Assistant Secretary of the Treasury and Matthew S. Rutherford to be an Assistant Secretary of the Treasury.

My support for the final confirmation of these nominees will depend on both Treasury and Internal Revenue Service responses to questions I have posed regarding their implementation of the tax whistleblower program. I rewrote the statute in 2006 to encourage whistleblowing on big-dollar tax cheats. However, nearly six years since those changes were enacted, Treasury has yet to issue much needed regulations and IRS has paid less than a half dozen awards under the new program.

I have sent several letters to Secretary Geithner and Commissioner Shulman to get to the bottom of this. Our staffs have been meeting, including most recently on June 26, 2012. I understand that Secretary Geithner and Commissioner Shulman intend to provide written responses to my questions. Until I receive those responses, I will object to proceeding with the nominations of Mr. Rutherford and Dr. Mazur.

VOTE EXPLANATION

Mr. MCCAIN. Mr. President, I fully support the passage of S. 3187, the Food and Drug Administration, FDA, Safety and Innovation Act. This important piece of legislation reauthorizes and establishes important user fee agreements for drugs, devices, generic drugs and biosimilar biological products. Furthermore, the bill improves the medical device approval process and modernizes FDA's global drug supply chain authority to ensure that the drug manufacturing process is safer.

The legislation also contains provisions to incentivize development of pediatric drugs and devices, spur innovation of new drug therapies for life-threatening medical conditions, mitigate drug shortages, and improve agency accountability and transparency in the drug and device approval process.

Unfortunately, Mr. President, I was necessarily absent from the Senate and, therefore, unable to cast my vote in support of this bill.

TRIBUTE TO MONTFORD POINT MARINES

Mr. BROWN of Ohio. Mr. President, it is my privilege to honor the Montford Point Marines, who today will be collectively decorated with the Congressional Gold Medal.

The Montford Point Marines served our country bravely during World War II, despite being segregated from their fellow servicemembers. In 1942, President Roosevelt directed that African Americans be recruited into the Marine Corps. These men were not sent to the traditional Marine recruit depots of Parris Island or San Diego. Instead, they were segregated and trained at Montford Point in Camp Lejeune, NC. Collectively, these Marines—who became known as the “Montford Point Marines”—served in the Pacific Theater as part of the 51st and 52nd Marine Defense Battalions, and with various Depot and Ammunition Companies.

The Defense Battalions saw action against surviving Japanese troops on the captured island of Guam, while the Depot and Ammunition Companies participated in the fighting at Saipan, Tinian, Guam, Peleliu, Iwo Jima, and Okinawa. Their jobs consisted of loading and unloading supplies, resupplying frontline units, and evacuating the dead and wounded—sometimes under heavy enemy fire. All together, the Depot and Ammunition Companies suffered seven killed and 78 wounded. Of the nearly 20,000 African-American Marines in World War II, about 13,000 served overseas. In July 1948, President Harry S. Truman issued his executive order ending military segregation. In September 1949, Montford Marine Camp was deactivated, ending 7 years of segregation.

The commitment and sacrifice of African-American servicemembers during World War II is embodied in the lives of two cousins, Howard and Kenneth Tibbs. Howard served this Nation as one of the Tuskegee Airmen. I had the privilege of honoring him in 2007 when the Congressional Gold Medal was awarded to the Tuskegee Airmen. Today, I am able to honor his cousin, Kenneth Tibbs, who served as a Montford Point Marine. Kenneth was born on May 30, 1925, in Lancaster, OH, and served from 1943 to 1944 as part of the 20th Marine Depot Company. Ultimately, PFC Kenneth Tibbs was killed in action during the invasion of Saipan. He was his unit's only fatality.

Private Tibbs and all of the Montford Point Marines exemplified the qualities for which the Montford Point Marines are so admired. Our Nation is indebted to him and his fellow Marines for their sacrifice. Not only did they contribute to the America's victory in the Pacific, but they did so within a highly segregated military. Many went on to serve in Korea and Vietnam, alongside their white counterparts. Montford Point Marine Edgar Huff became the first African-American in the

United States Marine Corps to be promoted to the rank of Sergeant Major. His brother-in-law, Gilbert "Hashmark" Johnson, also served at Montford Point and earned the rank of Sergeant Major. Today, Montford Point's Camp Johnson at Camp Lejeune is named after him. I am proud to have been an original cosponsor of the 2006 House Resolution 80 to honor these Marines, and it is my privilege to recount their legacy today in the United States Senate.

I proudly celebrate the life and sacrifice of PFC Kenneth J. Tibbs, and all Montford Point Marines, on the occasion of this award of the Congressional Gold Medal.

MORRILL ACT 150TH ANNIVERSARY

Mr. WARNER. Mr. President, this year marks the 150 anniversary of the Morrill Act of 1862, which led to the creation of our Nation's land-grant universities. In 1862, there were only six engineering or agricultural colleges in the entire United States. By 1880, there were 85, and by 1917 the total number had grown to 126. Two outstanding universities from Virginia are the beneficiaries of this legislation and carry on important traditions as land-grant universities: Virginia Tech and Virginia State University.

Founded in 1872 as an agricultural and mechanical land-grant college, Virginia Tech is the oldest land-grant college in the Commonwealth. Today, the school has the largest full-time student population in Virginia and the largest number of degree offerings of any Virginia university. As a leading research institution, Virginia Tech prepares its students to make an impact in the fields of technology and agriculture, among many others. Virginia Tech graduates have a positive impact everyday on the Commonwealth and on our country.

Virginia State University, founded in 1882, is the country's first fully State-supported 4-year historically black college and also a Virginia land-grant institution. Throughout the school's history, it has enriched the lives of its students and faculty as well as its surrounding community and indeed the entire Commonwealth. Virginia State University's leadership in providing an expansive academic program, a variety of student organizations, and a devotion to community service makes the school a model for historically black colleges across the nation.

Both of these superb academic institutions demonstrate exceptional leadership in the agricultural and mechanical arts in line with the original intent of the Morrill Act. As we remember the creation of this landmark legislation, Virginia Tech and Virginia State University stand as shining examples of its continued legacy. I am

pleased to join my colleagues in celebrating the sesquicentennial of the Morrill Act.

TRIBUTE TO POET LAUREATE NATASHA TRETHEWEY

Mr. WICKER. Mr. President, I rise today to commend the accomplishments of an extraordinary Mississippian. Natasha Trethewey, a native of Gulfport, Mississippi, has been named the United States Poet Laureate. I join my fellow Mississippians and fellow Americans in celebrating Ms. Trethewey, a Pulitzer Prize-winning poet, for receiving our country's highest distinction in the field of poetry.

This honor is the first of its kind for my State, but literary excellence is not new to Mississippi. Our great State has a rich literary history because of Mississippians like William Faulkner, Eudora Welty, and Tennessee Williams, who have paved the way for Ms. Trethewey's success in literature.

At the young age of 46, Ms. Trethewey has proven herself to be a talented and accomplished American writer. A prolific artist, she explored the aftermath of Hurricane Katrina in her nonfiction work, "Beyond Katrina: A Meditation on the Mississippi Gulf Coast."

Our incoming Poet Laureate has captured the hearts and minds of her colleagues and peers, earning her a fan base across our State and Nation. Librarian of Congress James Billington is among those captivated by Ms. Trethewey's brilliance. In 2004, at the National Book Festival, Dr. Billington described Ms. Trethewey as an American who is "absolutely unique." Today, I am proud to repeat Dr. Billington's praise for this gifted Mississippian.

Natasha Trethewey is not only a leader in her field but also a teacher for this Nation's future leaders. She is the Charles Howard Candler Professor of English and Creative Writing at Emory University and is the Louis D. Rubin Writer-in-Residence for 2012 at Hollins University. She received her Pulitzer Prize in Poetry in 2007 for her 2006 work, *Native Guard*. In the past year, Ms. Trethewey was named the Poet Laureate of Mississippi, an esteemed position my State is proud for her to hold.

Mr. President, I have the highest admiration for this accomplished poet, author, and Mississippian. I know that my fellow Mississippians share this pride in Ms. Trethewey's work and national recognition. I am honored to congratulate Natasha Trethewey on her appointment as the 2012 United States Poet Laureate.

ADDITIONAL STATEMENTS

TRIBUTE TO L.L.BEAN

• Ms. COLLINS. Mr. President, today I wish to congratulate the men and women of L.L.Bean as they celebrate their 100th anniversary. This legendary Maine company is one of America's most inspiring family business success stories and one of my State's most cherished institutions.

Many L.L.Bean customers know the story of the company's origin. Leon Leonwood Bean was an avid Maine outdoorsman who was tired of cold, wet feet while hunting or fishing. In 1912, he invented the Maine Hunting Shoe, a boot with leather uppers and a thick rubber sole. His fellow outdoorsmen liked the boot and a business was born.

The second, less-known part of the story really tells the tale. The rubber bottoms of those shoes separated from the leather tops and 90 of the first 100 pairs were returned. Although it nearly put him out of business, L.L. kept his word and refunded the purchase price. He borrowed more money, corrected the problem and, with undiminished confidence, mailed more brochures. L.L. had learned the value of personally testing his products, of honest advertising based on firm convictions and of keeping the customer satisfied at any cost.

Leon Leonwood Bean founded his business on his personal guarantee of "100 percent satisfaction in every way." In all the years since, that promise has been kept. Whether seeking expert advice, making a purchase, or exchanging or returning a product, generations of customers have found L.L.Bean to be a place where that first commitment to customer satisfaction still resonates.

Today, L.L.Bean is one of the world's most respected retailers, with sales exceeding \$1.5 billion. From the flagship store in Freeport, ME, to dozens of stores and outlets throughout the United States, more than 11 million people visit L.L.Bean stores each year. The company's famous catalogues are sent to 160 countries, and its Internet presence leads the industry. In its first century, the company has grown from a one-room operation selling a single product to a global enterprise providing some 4,900 year-round jobs, and that figure typically doubles during peak holiday season.

In addition to its remarkable retail success, L.L.Bean remains true to its origins as a manufacturer. In Brunswick and Lewiston, ME, more than 435 skilled workers craft such iconic products as the Maine Hunting Shoe, the L.L.Bean Boot and the Boat and Tote Bag. Leon Leonwood Bean made 100 pairs of boots in his first production run in 1912. Last year, Maine workers produced more than 400,000 pairs.

When the man *TIME* magazine called "The Merchant of the Maine Woods"

passed away in 1967, leadership of the company was passed on to his grandson, Leon Gorman.

Soon after becoming president, Leon introduced the stakeholder concept, which clearly linked L.L.Bean's success as a business to key stakeholders—customers, employees, shareholders, vendors, communities and the natural environment. In his 30 years as president, Leon Gorman led L.L.Bean from a \$4.75 million catalog company to an over-one-billion-dollar multi-channel enterprise. Leon firmly established L.L.Bean as a leader in the outdoors industry, offering high-quality equipment and apparel, backed by world-class service and products guaranteed to last.

It is fitting that L.L.Bean is celebrating its centennial with special projects that advance the company's guiding principles. These include the Million Moment Mission, in which L.L.Bean will contribute \$1 to the National Park Foundation for every outdoor moment shared by customers up to a total of \$1 million, and a commitment of an additional \$1.5 million at the local and State levels to encourage our young people to discover the outdoors.

I am often asked what L.L.Bean means to our State. As one of Maine's largest employers, the company certainly means a great deal to the thousands who work there. L.L.Bean offers careers with opportunities for advancement in a respectful, positive environment. The spin-off benefits to other Maine industries, including product vendors and business suppliers, are enormous. The continued commitment to Maine-made products—wreaths, maple syrup, mustard, furniture, running shoes, slippers, in addition to the company's famous tote bags and boots—sustains a great many businesses and households throughout our State.

Certainly, the sales, revenue, and growth numbers are impressive. Even more impressive is the fact that this family company succeeds in a modern, global economy with the timeless values that foster dedicated employees and loyal customers. It is a pleasure to congratulate the people of L.L.Bean on this centennial and to thank them for their contributions to our Nation and to the great State of Maine.●

TRIBUTE TO ALEXANDER PAGOULATOS

● Mr. LAUTENBERG. Mr. President, today I wish to recognize Alexander Pagoulatos, an impressive young New Jerseyman who recently graduated West Point as the class of 2012's valedictorian. Hailing from Basking Ridge, NJ and a 2008 graduate of Ridge High School, Alex has strong roots in the Garden State. As a young man, he was well known for excelling on Ridge

High's Varsity fencing team, as well as his dedicated service to his church and greater community. And when Alex applied through my office for a nomination to the United States Military Academy at West Point during his senior year, his outstanding record and bright future made it an easy choice.

At West Point, Alex continued to make us proud. As an economics major, he achieved the highest grade point average possible, the result of earning numerous A-pluses. This accomplishment is all the more impressive when one considers that he also minored in environmental engineering. For his success both in and out of the classroom, Alex earned awards of all kinds. This May, Alex graduated at the top of his class academically, physically, and overall, receiving his diploma as the class of 2012's valedictorian.

Alex's service to his Nation didn't end that Saturday at Michie Stadium. Upon graduation, Alex received his commission as a 2nd Lieutenant in the United States Army. Following his training at Fort Benning, he will deploy to Vicenza, Italy as a member of the 173rd Airborne Brigade Combat Team.

As a former soldier and a veteran of World War II, I commend Alex for his service to our Nation and recognize the sacrifices he is making in the name of that service. He has made my State of New Jersey extremely proud and I know he will continue his commitment to excellence in the Army. We all owe Alex an incredible debt of gratitude and I know that the people of New Jersey, and indeed Americans across our country are thankful for his dedicated service to our country and look forward to his future achievements.●

RECOGNIZING MAINE DAYBOAT SCALLOPS

● Ms. SNOWE. Mr. President, throughout the 112th Congress, I have consistently implored my colleagues to remember the value of our Nation's small businesses. These firms are uniquely equipped to devise and implement innovative business plans and strategies that are needed to strengthen challenged industries, and do so regularly. Nowhere is this more prevalent than in my home state of Maine. Today I rise to recognize and commend a newly founded small business, Maine Dayboat Scallops located in Bath, ME, and its owner Togue Brawn.

Ms. Brawn has more than two decades of rich and varied experience working in Maine's fishing and service sectors. She has, among other things, sold Bait Cups invented by her father; worked at Portland's Harbor fish market; sold space at domestic and international commercial fishing trade shows; served at the Portland Old Port's Fore Street and J's Oyster restaurants; worked on a number of fish-

eries research projects; served at the Maine Department of Marine Resources; and founded her own business.

During her tenure with the Department of Marine Resources, Ms. Brawn took a special interest in working to address the serious challenges facing Maine's scallop fisheries, which had become significantly depleted. By virtue of her knowledge, experience, and close ties with those involved in the industry, Ms. Brawn was keenly aware of the nature of the challenge facing the State: in order to advance the long-term health of the industry, scallop fishing had to be further curtailed, but doing so would impose significant additional burdens on hardworking Maine fishermen. Like many entrepreneurs, Ms. Brawn developed a creative plan to help address a serious problem, and acted upon it.

In order to help smaller scale scallop fishermen support themselves and their families as industry output declined, she founded a company to sell their scallops at more lucrative prices by leveraging the unique quality of their freshly caught product. Many dining establishments purchase scallops harvested by large vessels that spend significant periods of time at sea before returning to port. These scallops are certainly of high quality, but they are not as fresh as those harvested by smaller boats that return to port daily. By marketing the scallops caught by fishermen who conduct day-long trips, and delivering them within 24 hours of their being harvested, Maine Dayboat Scallops has succeeded in providing local establishments with a fresher product, and increasing the profit margins of the fishermen with whom it does business.

Maine Dayboat Scallops and Ms. Brawn exemplify the unique effects that small businesses have on Maine's economy. At a time when our Nation faces significant economic challenges, it is inspiring to know that entrepreneurs such as Ms. Brawn continue to draw upon their experience, ingenuity, and energy to develop new businesses that operate to increase the profitability of some of our most crucial and challenged industries. I applaud Ms. Brawn and offer Maine Dayboat Scallops my best regards for their future success.●

PIERPONT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Pierpont, SD. The town of Pierpont will commemorate the 125th anniversary of its founding this year.

The town was founded in 1887 when the Chicago, Milwaukee, and St. Paul Railroad Company was persuaded by area farmers to build a side track to what is now Pierpont. Though much has changed since 1887, Pierpont still relies heavily on agriculture, and area farmers remain a driving force in the community and economy.

Located in Day County, Pierpont has a very proud history and heritage. However, Pierpont residents are also always looking forward and trying to better their community for future generations. They have a reputation for organizing new events to draw visitors to the Pierpont area. This creative and hard-working spirit is certainly something that should make the entire town proud.

The citizens of Pierpont are also incredibly dedicated and devoted to their families, friends, neighbors, and anyone just passing through. They are always ready to lend a hand, a welcome smile, and help out whenever a need arises. This spirit of stewardship makes it easy to see why so many will be attending Pierpont's 125th anniversary celebration this July.

Pierpont has been a tight-knit community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Pierpont on this landmark occasion and wish them continued prosperity in the years to come.●

75TH ANNIVERSARY OF REPTILE GARDENS

● Mr. THUNE. Mr. President, today I recognize Reptile Gardens in Rapid City, SD and congratulate the men and women who have educated the public about wildlife in the State for 75 years with the world's largest reptile zoo. Reptile Gardens was founded in 1937 by Earl Brockelsby, a man renowned for his love and passion for reptiles.

Since its inception, Reptile Gardens has drawn tourists from across the Midwest and the Nation and entertained many with alligator wrestling, exotic bird shows, and snake shows. Reptile Gardens houses many rare species of reptiles and amphibians. Through 75 years of business, Reptile Gardens has seen its Sky Dome set on fire, a flood in 1977 and dwindling numbers due to World War II, and has overcome these obstacles through the strength and determination of its employees.

I would like to commend the men and women at Reptile Gardens for providing the State with 75 years of education and entertainment.●

RECOGNIZING MICHAEL P. JOLIN

● Mr. WHITEHOUSE. Mr. President, earlier this month the Rhode Island Bar Association honored CPT Michael P. Jolin, Esq., with its Victoria M. Almeida Servant Leader Award. I am proud to join in congratulating Mike for this well-deserved distinction.

Mike Jolin has served his country and the people of Rhode Island with competence, courage, and compassion throughout his career. When I was

Rhode Island attorney general, I appointed Mike as special assistant attorney general. He went on to serve as the deputy chief of Legal Services for the Rhode Island Department of Business Regulation. In both roles he performed admirably, upholding the laws of our State and protecting our citizens.

Meanwhile, Mike worked with neighbors and local officials in Pawtucket to maintain standards in the city's rental properties and protect tenants' rights as chair of the Pawtucket Nuisance Task Force, and to promote broadly shared economic empowerment for the residents of the Woodlawn neighborhood as a member of the board of the Woodlawn Community Development Corporation. He also served ably on the board of City Arts, helping to bring art education to the children of Providence.

In the U.S. Army Reserve and Rhode Island National Guard, Mike served as a judge advocate, performing critical legal, administrative, ethical, and regulatory operations and analysis. He was responsible for the creation of the Rhode Island National Guard's first full-time legal assistance program as well as the Rhode Island Bar Association's U.S. Armed Forces Legal Project. These two programs have provided high-quality and often free legal services to hundreds of Rhode Island service men and women, veterans and their families.

Even after deploying to Afghanistan in support of Operation Enduring Freedom with Combined Joint Interagency Task Force 435, Mike remained closely involved with the Armed Forces Legal Project, working from abroad to help address the unmet legal needs of Rhode Island's military women and men.

Now back on American soil, Mike continues to serve Rhode Island, conducting outreach to the veteran and military communities in my Rhode Island office and helping constituents connect with resources of the federal government.

The creed of one of our Armed Forces' special operations units says, "I do not advertise the nature of my work, nor seek recognition for my actions." Mike's work exemplifies this spirit, demonstrating the understanding that mission success absolutely depends on the individual successes of those around him.

On behalf of all the staff in my Providence and Washington offices, I commend CPT Michael P. Jolin, Esq.—in the words of the Victoria M. Almeida Servant Leader Award citation—for his clear demonstration of "the principles and values of servant leadership" and for being "a beacon of light and hope to others by illuminating the path to greater justice for all." We are lucky to have him as part of our team—as are the people of Rhode Island.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4223. An act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4850. An act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

H.R. 5625. An act to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4223. An act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes; to the Committee on the Judiciary.

H.R. 4850. An act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals; to the Committee on Energy and Natural Resources.

H.R. 5625. An act to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3342. A bill to improve information security, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-6651. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0993)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6652. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1066)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6653. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0184)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6654. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0042)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6655. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; International Aero Engines AG Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2019-1100)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6656. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0251)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6657. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1416)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6658. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0105)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6659. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1321)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6660. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1327)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6661. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0218)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6662. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes" (RIN2120-AA64) (Docket No. FAA-2011-0044) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6663. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Burkhardt GROB Luft- und Raumfahrt GmbH Powered Sailplanes": (RIN2120-AA64) (Docket No. FAA-2012-0324) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6664. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sigma Aero Seat Passenger Seat Assemblies, Installed on, but not Limited to, ATR-GIE Avions de Transport Regional Airplanes" (RIN2120-AA64) (Docket No. FAA-2012-0334), received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6665. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1095)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6666. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1323)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6667. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Airplanes” (RIN2120-AA64) (Docket No. FAA-2012-0041) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6668. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0036)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6669. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes;" (RIN2120-AA64) (Docket No. FAA-2011-1413)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6670. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0250)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6671. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1410)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6672. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2012-0417)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6673. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Area Navigation (RNAV) Route Q-130; UT" ((RIN2120-AA66) (Docket No. FAA-2012-0438)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6674. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area R-2502E; Fort Irwin, CA" ((RIN2120-AA66) (Docket No. FAA-2012-0461)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6675. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted

Area R-2917, De Funiak Springs, FL" ((RIN2120-AA66) (Docket No. FAA-2012-0226)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6676. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Amdt. No. 500" (RIN2120-AA63) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6677. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drivers of CMVs: Restricting the Use of Cellular Phones" (RIN2126-AB29) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6678. A communication from the Associate Division Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 12 and 90 of the Commission's Rules Regarding Redundancy of Communications Systems: Backup Power Private Land Mobile Radio Services: Selection and Assignment of Frequencies, and Transition of the Upper 200 Channels in the 800 MHz Band to EA Licensing" (DA 11-1838) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6679. A communication from the Associate Division Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Emergency Alert System: Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief Randy Gehman Petition for Rulemaking" (FCC 12-41) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6680. A joint communication from the Secretary of Defense and the Chairman of the Joints Chiefs of Staff, transmitting a request relative to limiting the size of Congressional delegations visiting Afghanistan for the period of July through September 2012; to the Committee on Armed Services.

EC-6681. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Updates to Wide Area Workflow" ((RIN0750-AH40) (DFARS Case 2011-D027)) received in the Office of the President of the Senate on June 25, 2012; to the Committee on Armed Services.

EC-6682. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; New Qualifying Country—Czech Republic" ((RIN0750-AH75) (DFARS Case 2012-DO43)) received during adjournment of the Senate in the Office of the President of the Senate on June 22, 2012; to the Committee on Armed Services.

EC-6683. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Shipping Instructions" ((RIN0750-AH53) (DFARS Case 2011-D052)) received in the Office of the President of the Senate on June 25, 2012; to the Committee on Armed Services.

EC-6684. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management; Core Principles and Other Requirements for Designated Contract Markets; Correction" (RIN3038-0092, -0094) received in the Office of the President of the Senate on June 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6685. A communication from the President of the United States, transmitting, pursuant to law, a report on the declaration of a national emergency relative to the threat posed to the United States by the risk of nuclear proliferation created by the accumulation in the Russian Federation of a large volume of weapons-usable fissile material; to the Committee on Banking, Housing, and Urban Affairs.

EC-6686. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13219 of June 26, 2001, with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC-6687. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-6688. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-6689. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Lending Limits" (RIN1557-AD59) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6690. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Listing Standards for Compensation Committees" (RIN3235-AK95) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6691. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report on the competitiveness of the export financing services for the period from January 1, 2011 through December 31, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-6692. A communication from the Senior Vice President and Chief Accounting Officer,

Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-6693. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2011 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6694. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Alternatives to the Use of External Credit Ratings in the Regulations of the OCC" (RIN1557-AD36) received during adjournment of the Senate in the Office of the President of the Senate on June 22, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6695. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-6696. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, two reports relative to a vacancy in the Department in the position of Assistant Secretary for Policy Development and Research, received during adjournment of the Senate in the Office of the President of the Senate on June 22, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6697. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6698. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2011 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6699. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Enforcement Policy Revision" (NRC-2011-0176) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Environment and Public Works.

EC-6700. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-6701. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2011; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2165. A bill to enhance strategic cooperation between the United States and Israel, and for other purposes (Rept. No. 112-179).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin):

S. 3342. A bill to improve information security, and for other purposes; read the first time.

By Ms. KLOBUCHAR (for herself and Ms. SNOWE):

S. 3343. A bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. WHITEHOUSE, and Mr. BLUMENTHAL):

S. 3344. A bill to increase immunization rates; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. KERRY):

S. 3345. A bill to provide for research and education to improve screening, detection and diagnosis of prostate cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mr. HELLER):

S. 3346. A bill to provide for certain land conveyances in the State of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio:

S. 3347. A bill to require reports on countries with which the United States negotiates trade agreements, to establish terms for future trade agreements, and to enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 3348. A bill to amend title 38, United States Code, to improve the multifamily transitional housing loan program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED:

S. 3349. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRANKEN (for himself and Mr. BLUMENTHAL):

S. 3350. A bill to make improvements to the Fair Debt Collection Practices Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRANKEN:

S. 3351. A bill to amend the American Recovery and Reinvestment Act with respect to the privacy of protected health information;

to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 511. A resolution commending the Pacific Lutheran University Lutes Softball Team for winning the 2012 National Collegiate Athletic Association Division III Softball Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 512. A resolution recognizing the 100th anniversary of Rice University; considered and agreed to.

By Mr. RUBIO (for himself, Mrs. MCCASKILL, Mr. MCCAIN, Mr. KERRY, Mr. DEMINT, Mr. NELSON of Florida, Mr. JOHANNES, Mr. UDALL of New Mexico, Ms. AYOTTE, Mr. WARNER, Mr. HELLER, Mr. BOOZMAN, and Mr. CASEY):

S. Con. Res. 50. A concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multi-stakeholder governance model under which the Internet has thrived; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 387

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 693

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 1096

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1301

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1809

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1809, a bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 2050

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2050, a bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes.

S. 2065

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2065, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees.

S. 2085

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2085, a bill to strengthen employee cost savings suggestions programs within the Federal Government.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2239

At the request of Mr. NELSON of Florida, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Missouri (Mrs. McCASKILL) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 3049

At the request of Mr. BEGICH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3049, a bill to amend title 39, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws admin-

istered by the Secretary of Veterans Affairs.

S. 3202

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3202, a bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3274

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. 3320

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3320, a bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands.

S. 3340

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. WHITEHOUSE, and Mr. BLUMENTHAL):

S. 3344. A bill to increase immunization rates; to the Committee on Finance.

Mr. REED. Mr. President, I am pleased to be joined by Senators DURBIN, TIM JOHNSON, WHITEHOUSE, and BLUMENTHAL in the introduction of the Immunization Improvements Act. This legislation builds on my longstanding work, including several provisions I authored in the Affordable Care Act, to improve vaccination rates and population-based immunity.

Our introduction of this legislation is particularly timely given a recent report cited in yesterday's Wall Street Journal revealing the number of deaths globally as a result of the H1N1 flu pandemic in 2009 and 2010. The analysis found that the number of deaths from H1N1 to be 15 times the original reports, up from 18,500 to 280,000 cases. In the United States, the estimates are more than triple the original cases, from 8,500 to nearly 30,000.

Two provisions of the legislation we are introducing today are based on efforts underway in Rhode Island to improve vaccination rates against seasonal influenza and pneumonia. Specifically, it would authorize a five-state demonstration project that allows the state to purchase certain vaccines and distribute them free of charge to physicians for administration in seniors, who are at the highest risk of death from these preventable diseases. In addition to increasing vaccination rates, this model has limited the cost and administrative burden for providers and reduced the cost of vaccines to the Federal government.

The legislation would also require hospitals and long-term care facilities to report on influenza vaccination rates of health care workers with direct patient contact, the population most likely to spread the flu to ill patients that may be too weak to fight it. In Rhode Island, simply requiring health care facilities to report on health care worker influenza vaccinations has resulted in improved rates.

The Immunization Improvements Act would also update the allowable vaccine administration fees to providers

who vaccinate uninsured and underinsured children, as well as include a recommendation made by both the Medicare Payment Advisory Commission and the Government Accountability Office to shift vaccine coverage in Medicare from Part D to Part B.

While there are many diseases and conditions that we have yet to prevent, there are those for which we already have vaccines. We must do more to ensure that these vaccines are available and accessed to protect the health of Americans.

This legislation has been endorsed by Every Child By Two, the Immunization Action Coalition, Partnership for Prevention, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, and Trust for America's Health. I look forward to working with my colleagues to see these provisions enacted.

By Mrs. BOXER (for herself and Mr. KERRY):

S. 3345. A bill to provide for research and education to improve screening, detection and diagnosis of prostate cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to introduce the Prostate Cancer Detection Research and Education Act. This important legislation addresses the urgent need for the development of new technologies to detect and diagnose prostate cancer, and for the education of our fathers, brothers, and sons about the dangers of this deadly disease.

Prostate cancer is the second most common cancer in men, and is the second leading cause of cancer related deaths in men, with 240,000 new cases and 28,000 prostate cancer related deaths predicted in 2012.

Unfortunately, current screening techniques for prostate cancer result in some false-negative reassurances and false-positive alarms. In addition, the prostate is one of the last organs in a human body where biopsies are performed blindly, which can miss cancer even when multiple samples are taken.

Prostate Cancer Detection Research and Education Act brings together a Advisory Council of experts to evaluate the current science and outline a path forward to the ultimate goal—developing a reliable test or tests that can detect prostate cancer and diagnose how severe the cancer is.

The Prostate Cancer Detection Research and Education Act will mirror the investment the Federal government made in advanced imaging technologies, which led to life-saving breakthroughs in detection, diagnosis and treatment of breast cancer. This bill directs the Secretary of the Department of Health and Human Services, HHS, to use the plan developed by the Advisory Council to coordinate and

intensify federal research to develop and validate an accurate test for prostate cancer.

The Prostate Cancer Detection Research and Education Act would also create a national campaign conducted through HHS to increase awareness about the need for prostate cancer screening, and the development of better screening techniques. Since African American men are 56 percent more likely to develop prostate cancer compared with Caucasian men and nearly 2.5 times as likely to die from the disease, this campaign will work with the Offices of Minority Health at HHS and the Centers for Disease Control and Prevention to ensure that this effort will reach the men most at risk from this disease.

Government investment in coordinating research and education could be key to diagnosing prostate cancer earlier and more accurately. We need to strengthen our efforts to bring the tools doctors use to fight this disease into the 21st century. I urge my colleagues to join me in supporting this effort, and cosponsoring this legislation.

By Mr. REID (for himself and Mr. HELLER):

S. 3346. A bill to provide for certain land conveyances in the State of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my colleague Senator HELLER to introduce the Las Vegas Valley Public Lands and Tule Springs Fossil Beds National Monument Act of 2012. This legislation will designate the Tule Springs Fossil Beds National Monument in southern Nevada, expand the Red Rock Canyon National Conservation Area, set aside lands for the expansion of Nevada institutions of higher education, and make thousands of acres available for private development and job creation in the Las Vegas valley.

I am proud to lead the introduction of this important bill, which has been years in the making. The hallmark component of this legislation is the establishment of the Tule Springs Fossil Bed National Monument. The proposed monument is supported by the cities of Las Vegas and North Las Vegas, Clark County, the Governor of Nevada, the State of Nevada's Division of State Parks, the National Parks Conservation Association, Protectors of Tule Springs, and thousands of Nevadans.

By designating the Tule Springs area a national monument managed by the National Park Service, we will conserve, protect and enhance this unique and nationally important resource. Nevadans, tourists, scientists, and school children will visit the monument to enjoy its scientific, educational, scenic and recreational values for decades to come.

The proposed monument is located in the northern part of the Las Vegas Valley, bounded by the Desert National Wildlife Refuge, the Red Rock National Conservation Area, and the Spring Mountain National Recreation Area. The Tule Springs area is recognized as having the largest assemblage of Ice Age fossils in the Southwest.

Over 400 paleontological sites have been discovered, providing a record of human activity dating back 11,000 years ago. Scientists have uncovered fossils of the giant Columbian mammoth, ground sloths the size of small cars, the American lion, and camelops. These great prehistoric mammals called North Las Vegas home for thousands of years.

Efforts to protect the paleontological treasures contained within the Las Vegas Wash began early last century. In 1933, the first fossil expedition in Tule Springs unearthed prehistoric bones that became known as "Tule the Baby Mammoth." In 1962, scientists conducted the famous "big dig," employing radiocarbon dating for the first time in the United States, which in turn dated Ice Age fossils from 23,800 to 28,000 years old. Despite this significant concentration of important fossil resources in the proposed monument, only a fraction of the area has been studied. Many more prehistoric treasures will be found in the decades to come.

The proposed Tule Springs Fossil Beds National Monument is the product of many years of work. Recognizing the threats to the area from off-road vehicles, vandalism, and dumping, a coalition of environmentalists, tribes, academics, and retired Park Service employees formed in the mid-2000s to seek federal protection for Tule Springs.

The Protectors of Tule Springs collected over 10,000 signatures, and local and national conservation groups launched a campaign to garner public support for adding the site to the National Parks System. In 2010, a Park Service reconnaissance report commissioned at the request of members of the Nevada congressional delegation found the site suitable for inclusion in the Park System.

The monument will also benefit the local economy. Proponents of the monument estimate that it will generate tens of millions of dollars for the regional economy within the early years of operation, bringing tourists and researchers from around the world to visit this one-of-a-kind place to explore fascinating natural history.

The stakeholder agreement to establish the proposed monument includes making a modest amount of public lands available for private development in the Las Vegas Valley, and the designation of two 640 acre job creation zones for the cities of Las Vegas and North Las Vegas for master planned commercial development.

Furthermore, the legislation makes land available for the future expansion of campuses within the Nevada System of Higher Education, while increasing the size of the Red Rock National Conservation Area. It conveys land to Clark County for flood control for the future Ivanpah Valley Airport, it expands the Metro Police Training Facility by 80 acres to enhance public safety and the facility's security, and allows the U.S. Forest Service to remedy mistaken trespass situations in the Spring Mountains area. Finally, it conveys 1,200 acres to Clark County to establish an off-highway vehicle recreation park, and designates public lands surrounding the park as an off-highway vehicle recreation area to help keep riders off of sensitive lands and habitat.

The Las Vegas Valley Lands and Fossil Beds National Monument Act is an ambitious piece of legislation, built on years of stakeholder input. It provides for balanced development and job creation within the Las Vegas Valley, while protecting vital natural and scientific resources that should be made more accessible for the public's enjoyment and education.

By making long-term and forward-looking improvements to public land management and stewardship in the Las Vegas Valley, I believe we have crafted a bill that will serve the best interests of Nevadans.

I look forward to working with my colleagues to move this important legislation through the legislative process.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Las Vegas Valley Public Land and Tule Springs Fossil Beds National Monument Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Tule Springs Fossil Beds National Monument.
- Sec. 3. Transfer of land to Red Rock Canyon National Conservation Area.
- Sec. 4. Conveyance of Bureau of Land Management land to North Las Vegas.
- Sec. 5. Conveyance of Bureau of Land Management land to Las Vegas.
- Sec. 6. Expansion of conveyance to Las Vegas Metropolitan Police Department.
- Sec. 7. Spring Mountains National Recreation Area withdrawal.
- Sec. 8. Southern Nevada Public Land Management Act of 1998 amendments.
- Sec. 9. Conveyance of land to the Nevada System of Higher Education.
- Sec. 10. Land conveyance for Southern Nevada Supplemental Airport.
- Sec. 11. Sunrise Mountain Instant Study Area release.

Sec. 12. Nellis Dunes Off-Highway Vehicle Recreation Area.

SEC. 2. TULE SPRINGS FOSSIL BEDS NATIONAL MONUMENT.

(a) **FINDINGS.**—Congress finds that—

(1) since 1933, the Upper Las Vegas Wash has been valued by scientists because of the significant paleontological fossils demonstrative of the Pleistocene Ice Age that are located in the area;

(2) in 2004, during the preparation of the Las Vegas Valley Disposal Boundary Final Environmental Impact Statement, the Bureau of Land Management identified sensitive biological, cultural, and paleontological resources determined to be worthy of more evaluation with respect to the protective status of the resources;

(3) the Upper Las Vegas Wash contains thousands of Pleistocene mammal fossils of national importance, including Columbian mammoth, ground sloth, American lion, camels, and horse fossils;

(4) in addition to Joshua trees and several species of cacti, the Las Vegas buckwheat, Merriam's bearpoppy, Las Vegas bearpoppy, and the halfring milkvetch are 4 unique and imperiled plants that are supported in the harsh desert environment of Tule Springs;

(5) the area provides important habitat for threatened desert tortoise, endemic poppy bees, kit foxes, burrowing owls, phainopepla, and a variety of reptiles;

(6) in 2010, a National Park Service reconnaissance survey of the area determined that the area likely contains the longest continuous section of Pleistocene strata in the desert southwest, which span multiple important global climate cooling and warming episodes;

(7) the Upper Las Vegas Wash is significant to the culture and history of the native and indigenous people of the area, including the Southern Paiute Tribe;

(8) despite the findings of the studies and recommendations for further assessment of the resources for appropriate methods of protection—

(A) the area remains inadequately protected; and

(B) many irreplaceable fossil specimens in the area have been lost to vandalism or theft; and

(9) designation of the Upper Las Vegas Wash site as a National Monument would protect the unique fossil resources of the area for present and future generations while allowing for public education and continued scientific research opportunities.

(b) **DEFINITIONS.**—In this section:

(1) **COUNCIL.**—The term “Council” means the Tule Springs Fossil Beds National Monument Advisory Council established by subsection (f)(1).

(2) **COUNTY.**—The term “County” means Clark County, Nevada.

(3) **LOCAL GOVERNMENT.**—The term “local government” means the City of Las Vegas, City of North Las Vegas, or the County.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Monument developed under subsection (d)(3).

(5) **MAP.**—The term “Map” means the map entitled “North Las Vegas Valley Overview” and dated June 26, 2012.

(6) **MONUMENT.**—The term “Monument” means the Tule Springs Fossil Beds National Monument established by subsection (c)(1).

(7) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(8) **QUALIFIED ELECTRIC UTILITY.**—The term “qualified electric utility” means any public or private utility determined by the Secretary to be technically and financially capable of developing the transmission line.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **STATE.**—The term “State” means the State of Nevada.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—In order to conserve, protect, interpret, and enhance for the benefit of present and future generations the unique and nationally important paleontological, scientific, educational, and recreational resources and values of the land described in this subsection, there is established in the State the Tule Springs Fossil Beds National Monument.

(2) **BOUNDARIES.**—The Monument shall consist of approximately 22,650 acres of public land in the County within the boundaries generally depicted on the Map.

(3) **MAP; LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare an official map and legal description of the boundaries of the Monument.

(B) **LEGAL EFFECT.**—The map and legal description prepared under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct any clerical or typographical errors in the legal description or the map.

(C) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—The map and legal description prepared under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the National Park Service.

(4) **MINOR BOUNDARY ADJUSTMENTS.**—The Secretary may make minor boundary adjustments to the Monument to include additional public land adjacent to the Monument, if, after the date of enactment of this Act—

(A) additional paleontological resources are discovered on the adjacent public land; and

(B) a Federal agency, State agency, and local government requests that the adjacent public land be included in the Monument to promote the consistent management of resources.

(5) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary may acquire land or interests in land within or adjacent to the boundaries of the Monument by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency.

(B) **LIMITATION.**—Land or interests in land that are owned by the State or a political subdivision of the State may be acquired under subparagraph (A) only by donation or exchange.

(6) **WITHDRAWALS.**—Subject to valid existing rights and subsection (e), any land within the Monument or any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(7) **EFFECT ON OVERFLIGHTS.**—Nothing in this Act or the management plan developed for the Monument restricts or precludes—

(A) overflights (including low-level military and law enforcement overflights) over land in the Monument, including military, law enforcement, commercial, and general aviation overflights that can be seen or heard in the Monument; or

(B) the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Monument.

(d) ADMINISTRATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the approximately 22,650 acres of public land depicted on the Map as “Tule Springs Fossil Bed National Monument” is transferred from the Director of the Bureau of Land Management to the Director of the National Park Service.

(2) MANAGEMENT.—The Secretary shall—

(A) allow only such uses of the Monument that—

(i) are consistent with this section; and
(ii) the Secretary determines would further the purposes of the Monument; and

(B) manage the Monument—

(i) in a manner that conserves, protects, interprets, and enhances the resources and values of the Monument; and
(ii) in accordance with—

(I) this section;

(II) the provisions of laws generally applicable to units of the National Park System (including the National Park Service Organic Act (16 U.S.C. 1 et seq.)); and
(III) any other applicable laws.

(3) BUFFER ZONES.—The establishment of the Monument shall not—

(A) lead to the creation of express or implied protective perimeters or buffer zones around or over the Monument;

(B) preclude disposal of public land adjacent to the boundaries of the Monument, if the disposal is consistent with other applicable law;

(C) preclude an activity on, or use of, private land adjacent to the boundaries of the Monument, if the activity or use is consistent with other applicable law; or

(D) directly or indirectly subject an activity on, or use of, private land, to additional regulation, if the activity or use is consistent with other applicable law.

(4) AIR AND WATER QUALITY.—Nothing in this Act alters the standards governing air or water quality outside the boundary of the Monument.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan that provides for the long-term protection and management of the Monument.

(B) COMPONENTS.—The management plan—

(i) shall, consistent with this section and the purposes of the Monument—

(I) describe the resources at the Monument that are to be protected;

(II) describe the appropriate uses and management of the Monument;

(III) allow for continued scientific research at the Monument; and

(IV) include a travel management plan that may include existing public transit; and

(ii) may—

(I) incorporate any appropriate decisions contained in an existing management or activity plan for the land designated as the Monument under subsection (c)(1); and

(II) use information developed in any study of land within, or adjacent to, the boundary of the Monument that was conducted before the date of enactment of this Act.

(C) PUBLIC PROCESS.—In preparing the management plan, the Secretary shall—

(i) consult with, and take into account the comments and recommendations of, the Council;

(ii) provide an opportunity for public involvement in the preparation and review of the management plan, including holding public meetings; and

(iii) consider public comments received as part of the public review and comment process of the management plan.

(6) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(A) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and appropriate public and private entities to carry out subparagraph (A).

(e) RENEWABLE ENERGY TRANSMISSION FACILITIES.—

(1) IN GENERAL.—On receipt of a complete application from a qualified electric utility, the Secretary, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), shall issue to the qualified electric utility a 400-foot right-of-way for the construction and maintenance of high-voltage transmission facilities depicted on the Map as “Renewable Energy Transmission Corridor”.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The high-voltage transmission facilities shall—

(i) be used—

(I) primarily, to the maximum extent practicable, for renewable energy resources; and
(II) to meet reliability standards set by the North American Reliability Electric Corporation, the Western Electricity Coordinating Council, or the public utilities regulator of the State; and

(ii) employ best management practices identified as part of the compliance of the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to limit impacts on the Monument, including impacts to the viewshed.

(B) CAPACITY.—The Secretary shall consult with the qualified electric utility that is issued the right-of-way under paragraph (1) and the public utilities regulator of the State to seek to maximize the capacity of the high-voltage transmission facilities.

(3) TERMS AND CONDITIONS.—The issuance of a notice to proceed on the construction of the high-voltage transmission facilities within the right-of-way under paragraph (1) shall be subject to terms and conditions that the Secretary (in consultation with the qualified electric utility), as part of the compliance of the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), determines appropriate to protect and conserve the resources for which the Monument is managed.

(4) EXPIRATION OF RIGHT-OF-WAY.—The right-of-way issued under paragraph (1) shall expire on the date that is 15 years after the date of enactment of this Act if construction of the high-voltage transmission facilities described in paragraph (1) has not been initiated by that date, unless the Secretary determines that it is in the public interest to continue the right-of-way.

(f) TULE SPRINGS FOSSIL BEDS NATIONAL MONUMENT ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—To provide guidance for the management of the Monument, there

is established the Tule Springs Fossil Beds National Monument Advisory Council.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall consist of 13 members, to be appointed by the Secretary, of whom—

(i) 1 member shall be a member of, or be nominated by, the County Commission;

(ii) 1 member shall be a member of, or be nominated by, the city council of Las Vegas, Nevada;

(iii) 1 member shall be a member of, or be nominated by, the city council of North Las Vegas, Nevada;

(iv) 1 member shall be a member of, or be nominated by, the tribal council of the Las Vegas Paiute Tribe;

(v) 1 member shall be a representative of the conservation community in southern Nevada;

(vi) 1 member shall be a representative of, or be nominated by, the Director of the Bureau of Land Management;

(vii) 1 member shall be a representative of, or be nominated by, the Director of the United States Fish and Wildlife Service;

(viii) 1 member shall be a representative of, or be nominated by, the Director of the National Park Service;

(ix) 1 member shall be a representative of Nellis Air Force Base;

(x) 1 member shall be nominated by the State;

(xi) 1 member shall reside in the County and have a background that reflects the purposes for which the Monument was established; and

(xii) 2 members shall reside in the County, both of whom shall have experience in the field of paleontology, obtained through higher education, experience, or both.

(B) INITIAL APPOINTMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the initial members of the Council in accordance with subparagraph (A).

(3) DUTIES OF THE COUNCIL.—The Council shall advise the Secretary with respect to—

(A) the preparation and implementation of the management plan; and

(B) other issues related to the management of the Monument (including budgetary matters).

(4) COMPENSATION.—Members of the Council shall receive no compensation for serving on the Council.

(5) CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall elect a Chairperson from among the members of the Council.

(B) LIMITATION.—The Chairperson shall not be a member of a Federal or State agency.

(C) TERM.—The term of the Chairperson shall be 3 years.

(6) TERM OF MEMBERS.—

(A) IN GENERAL.—The term of a member of the Council shall be 3 years.

(B) SUCCESSORS.—Notwithstanding the expiration of a 3-year term of a member of the Council, a member may continue to serve on the Council until—

(i) the member is reappointed by the Secretary; or

(ii) a successor is appointed.

(7) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(B) APPOINTMENT FOR REMAINDER OF TERM.—A member appointed to fill a vacancy on the Council—

(i) shall serve for the remainder of the term for which the predecessor was appointed; and

(ii) may be nominated for a subsequent term.

(8) **TERMINATION.**—Unless an extension is jointly recommended by the Director of the National Park Service and the Director of the Bureau of Land Management, the Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. TRANSFER OF LAND TO RED ROCK CANYON NATIONAL CONSERVATION AREA.

(a) **DEFINITIONS.**—In this section:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Red Rock Canyon National Conservation Area established by the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.).

(2) **MAP.**—The term “map” means the map entitled “North Las Vegas Valley Overview” and dated June 26, 2012.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) **TRANSFER OF LAND TO CONSERVATION AREA.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall add to, and administer as part of, the Conservation Area, in accordance with the laws (including regulations) applicable to the Conservation Area, the land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—The land referred to in paragraph (1) consists of approximately 1,530 acres of land managed by the Bureau of Land Management described on the map as “Additions to Red Rock NCA”.

(3) **MANAGEMENT PLAN.**—Not later than 2 years after the date on which the land is acquired, the Secretary shall update the management plan for the Conservation Area to reflect the management requirements of the acquired land.

(4) **MAP AND LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) **MINOR ERRORS.**—The Secretary may correct any minor error in—

- (i) the map; or
- (ii) the legal description.

(C) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND TO NORTH LAS VEGAS.

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “North Las Vegas Valley Overview” and dated June 26, 2012.

(2) **NORTH LAS VEGAS.**—The term “North Las Vegas” means the city of North Las Vegas, Nevada.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) **CONVEYANCE.**—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements

of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to North Las Vegas, without consideration, all right, title, and interest of the United States in and to the land described in subsection (c).

(c) **DESCRIPTION OF LAND.**—The land referred to in subsection (b) consists of land managed by the Bureau of Land Management described on the map as the “North Las Vegas Job Creation Zone”.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) **MINOR ERRORS.**—The Secretary may correct any minor error in—

- (A) the map; or
- (B) the legal description.

(3) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(e) **USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.**—

(1) **IN GENERAL.**—North Las Vegas may sell, lease, or otherwise convey any portion of the land described in subsection (c) for nonresidential development.

(2) **METHOD OF SALE.**—The sale, lease, or conveyance of land under paragraph (1) shall be carried out—

- (A) through a competitive bidding process; and
- (B) for not less than fair market value.

(3) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale, lease, or conveyance of land under paragraph (1) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2345; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045).

(f) **USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.**—

(1) **IN GENERAL.**—North Las Vegas may retain a portion of the land described in subsection (c) for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing written notice of the election to the Secretary.

(2) **REVOCATION.**—If North Las Vegas retains land for public recreation or other public purposes under paragraph (1), North Las Vegas may—

- (A) revoke that election; and
- (B) sell, lease, or convey the land in accordance with subsection (e).

(g) **ADMINISTRATIVE COSTS.**—The Secretary shall require North Las Vegas to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (c).

(h) **REVERSION.**—

(1) **IN GENERAL.**—If any parcel of land described in subsection (c) is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under subparagraph (f) by the date that is 30 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(2) **INCONSISTENT USE.**—If North Las Vegas uses any parcel of land described in subsection (c) in a manner that is inconsistent with this section—

- (A) at the discretion of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under subparagraph (A), North Las Vegas shall sell the parcel of land in accordance with this section.

SEC. 5. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND TO LAS VEGAS.

(a) **DEFINITIONS.**—In this section:

(1) **LAS VEGAS.**—The term “Las Vegas” means the city of Las Vegas, Nevada.

(2) **MAP.**—The term “map” means the map entitled “North Las Vegas Valley Overview” and dated June 26, 2012.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to Las Vegas, without consideration, all right, title, and interest of the United States in and to the land described in subsection (c).

(c) **DESCRIPTION OF LAND.**—The land referred to in subsection (b) consists of land managed by the Bureau of Land Management described on the map as “Las Vegas Job Creation Zone”.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) **MINOR ERRORS.**—The Secretary may correct any minor error in—

- (A) the map; or
- (B) the legal description.

(3) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(e) **USE OF LAND.**—

(1) **IN GENERAL.**—Las Vegas may sell, lease, or otherwise convey any portion of the land described in subsection (c) for nonresidential development.

(2) **METHOD OF SALE.**—The sale, lease, or conveyance of land under paragraph (1) shall be carried out, after consultation with the Las Vegas Paiute Tribe—

- (A) through a competitive bidding process; and
- (B) for not less than fair market value.

(3) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale, lease, or conveyance of land under paragraph (1) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2345; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045).

(f) **USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.**—

(1) **IN GENERAL.**—Las Vegas may retain a portion of the land described in subsection (c) for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing written notice of the election to the Secretary.

(2) **REVOCATION.**—If Las Vegas retains land for public recreation or other public purposes under paragraph (1), Las Vegas may—

- (A) revoke that election; and
- (B) sell, lease, or convey the land in accordance with subsection (e).

(g) **ADMINISTRATIVE COSTS.**—The Secretary shall require Las Vegas to pay all survey costs and other administrative costs necessary for the preparation and completion of

any patents for, and transfers of title to, the land described in subsection (c).

(h) REVERSION.—

(1) IN GENERAL.—If any parcel of land described in subsection (c) is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under subsection (f) by the date that is 30 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(2) INCONSISTENT USE.—If Las Vegas uses any parcel of land described in subsection (c) in a manner that is inconsistent with this section—

(A) at the discretion of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under subparagraph (A), Las Vegas shall sell the parcel of land in accordance with this section.

SEC. 6. EXPANSION OF CONVEYANCE TO LAS VEGAS METROPOLITAN POLICE DEPARTMENT.

Section 703 of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282; 116 Stat. 2013) is amended by inserting before the period at the end the following: “and the parcel of land identified as ‘Conveyance to Las Vegas for Police Shooting Range Access’ on the map entitled ‘North Las Vegas Valley Overview’, and dated June 26, 2012, for the development of an access road and parking facilities”.

SEC. 7. SPRING MOUNTAINS NATIONAL RECREATION AREA WITHDRAWAL.

Section 8 of the Spring Mountains National Recreation Area Act (16 U.S.C. 460hhh-6) is amended—

(1) in subsection (a), by striking “for lands described” and inserting “as provided”; and

(2) by striking subsection (b) and inserting the following:

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (a), W½ E ½ and W ½ sec. 27, T. 23 S., R. 58 E., Mt. Diablo Meridian is not subject to withdrawal under that subsection.

“(2) EFFECT OF ENTRY UNDER PUBLIC LAND LAWS.—Notwithstanding paragraph (1) of subsection (a), the following are not subject to withdrawal under that paragraph:

“(A) Any Federal land in the Recreation Area that qualifies for conveyance under Public Law 97-465 (commonly known as the “Small Tracts Act”) (16 U.S.C. 521c et seq.), which, notwithstanding section 7 of that Act (16 U.S.C. 521i), may be conveyed under that Act.

“(B) Any Federal land in the Recreation Area that the Secretary determines to be appropriate for conveyance by exchange for non-Federal land within the Recreation Area under authorities generally providing for the exchange of National Forest System land.”.

SEC. 8. SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998 AMENDMENTS.

Section 4 of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2344; 116 Stat. 2007) is amended—

(1) in the first sentence of subsection (a), by striking “dated October 1, 2002” and inserting “dated June 26, 2012”; and

(2) in subsection (g), by adding at the end the following:

“(5) Notwithstanding paragraph (4), subject to paragraphs (1) through (3), Clark County may convey to a unit of local government or regional governmental entity, without consideration, land located within the Airport

Environs Overlay District (as of the date of enactment of [this paragraph]) if the land is used for a public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the ‘Recreation and Public Purposes Act’) (43 U.S.C. 869 et seq.), provided that if the conveyed land is used for a purpose other than a public purpose, paragraph (4) would apply to the conveyance.”.

SEC. 9. CONVEYANCE OF LAND TO THE NEVADA SYSTEM OF HIGHER EDUCATION.

(a) DEFINITIONS.—In this section:

(1) BOARD OF REGENTS.—The term “Board of Regents” means the Board of Regents of the Nevada System of Higher Education.

(2) CAMPUSES.—The term “Campuses” means the Great Basin College, College of Southern Nevada, and University of Las Vegas, Nevada, campuses.

(3) FEDERAL LAND.—The term “Federal land” means each of the 3 parcels of Bureau of Land Management land identified on the maps as “Parcel to be Conveyed”, of which—

(A) approximately 40 acres is to be conveyed for the College of Southern Nevada;

(B) approximately 2,085 acres is to be conveyed for the University of Nevada, Las Vegas; and

(C) approximately 285 acres is to be conveyed for the Great Basin College.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Nevada.

(6) SYSTEM.—The term “System” means the Nevada System of Higher Education.

(b) CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.—

(1) CONVEYANCES.—

(A) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1(c) of the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869(c)) and subject to all valid existing rights, the Secretary shall—

(i) not later than 180 days after the date of enactment of this Act, convey to the System, without consideration, all right, title, and interest of the United States in and to—

(I) the Federal land identified on the map entitled “Great Basin College Land Conveyance” and dated June 26, 2012, for the Great Basin College; and

(II) the Federal land identified on the map entitled “College of Southern Nevada Land Conveyance” and dated June 26, 2012, for the College of Southern Nevada, subject to the requirement that, as a precondition of the conveyance, the Board of Regents shall, by mutual assent, enter into a binding development agreement with the City of Las Vegas that—

(aa) provides for the orderly development of the Federal land to be conveyed under this subclause; and

(bb) complies with State law; and

(ii) not later than 180 days after the receipt of certification of acceptable remediation of environmental conditions existing on the parcel to be conveyed for the University of Nevada, Las Vegas, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land identified on the map entitled “North Las Vegas Valley Overview” and dated June 26, 2012 for the University of Nevada, Las Vegas, if the area identified as “Potential Utility Schedule” on the map is reserved for use for a potential future 400-foot utility corridor of certain rights-of-way for transportation and public utilities.

(B) PHASES.—The Secretary may phase the conveyance of the Federal land under sub-

paragraph (A)(ii) as remediation is completed.

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of the conveyance under paragraph (1)(A), the Board of Regents shall agree in writing—

(i) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(ii) to use the Federal land conveyed for educational and recreational purposes;

(iii) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the Federal land on or before the date of enactment of this Act by the United States or any person; and

(iv) to assist the Bureau of Land Management in providing information to the students of the System and the citizens of the State on—

(I) public land (including the management of public land) in the Nation; and

(II) the role of the Bureau of Land Management in managing, preserving, and protecting the public land in the State.

(B) AGREEMENT WITH NELLIS AIR FORCE BASE.—

(i) IN GENERAL.—The Federal land conveyed to the System under [paragraph (1)(A)(ii)] shall be used in accordance with the agreement entitled the “Cooperative Interlocal Agreement between the Board of Regents of the Nevada System of Higher Education, on Behalf of the University of Nevada, Las Vegas, and the 99th Air Base Wing, Nellis Air Force Base, Nevada” and dated June 19, 2009.

(ii) MODIFICATIONS.—Any modifications to the agreement described in clause (i) or any related master plan shall require the mutual assent of the parties to the agreement.

(iii) LIMITATION.—In no case shall the use of the Federal land conveyed under paragraph (1)(A)(ii) compromise the national security mission or aviation rights of Nellis Air Force Base.

(3) USE OF FEDERAL LAND.—

(A) IN GENERAL.—The System may use the Federal land conveyed under paragraph (1)(A) for—

(i) any purpose relating to the establishment, operation, growth, and maintenance of the System; and

(ii) any uses relating to the purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(B) OTHER ENTITIES.—The System may—

(i) consistent with Federal and State law, lease, or otherwise provide property or space at, the Campuses, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the System or to any community located in southern Nevada;

(ii) allow any other communities in southern Nevada to use facilities of the Campuses for educational and recreational programs of the community; and

(iii) in conjunction with the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County plan, finance (including through the provision of cost-share assistance), construct, and operate facilities for the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County on the Federal land conveyed for educational or recreational purposes consistent with this subsection.

(4) REVERSION.—

(A) IN GENERAL.—If the Federal land or any portion of the Federal land conveyed under

paragraph (1)(A) ceases to be used for the System, the Federal land, or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

(B) UNIVERSITY OF NEVADA, LAS VEGAS.—If the System fails to complete the first building or show progression toward development of the University of Nevada, Las Vegas campus on the applicable parcels of Federal land by the date that is 50 years after the date of receipt of certification of acceptable remediation of environmental conditions, the parcels of the Federal land described in subsection (a)(3)(B) shall, at the discretion of the Secretary, revert to the United States.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 10. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(A) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Clark County, Nevada.

(2) MAP.—The term “Map” means the map entitled “Land Conveyance for Southern Nevada Supplemental Airport” and dated June 26, 2012.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(B) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the land described in subsection (c).

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106-362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

(C) DESCRIPTION OF LAND.—The land referred to in subsection (b) consists of the approximately 2,320 acres of land managed by the Bureau of Land Management and described on the map as the “Conveyance Area”.

(D) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare an official legal description and map of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 11. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE.

(A) FINDING.—Congress finds that for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in Clark County, Nevada, administered by the Bureau of Land Management in the Sunrise Mountain Instant Study Area has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(C) POST RELEASE LAND USE APPROVALS.—Recognizing that the area released under subsection (b) presents unique opportunities for the granting of additional rights-of-way, including for high voltage transmission facilities, the Secretary of the Interior may accommodate multiple applicants within a particular right-of-way.

SEC. 12. NELLIS DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.

(A) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the city of North Las Vegas, Nevada.

(2) COUNTY.—The term “County” means Clark County, Nevada.

(3) ECONOMIC SUPPORT AREA.—The term “Economic Support Area” means the land identified on the map as the “Economic Support Area”.

(4) FEDERAL LAND.—The term “Federal land” means the approximately 1,211 acres of Federal land in the County, as depicted on the map.

(5) MAP.—The term “map” means the map entitled “Nellis Dunes Off-Highway Vehicle Recreation Area” and dated June 26, 2012.

(6) NELLIS DUNES RECREATION AREA.—The term “Nellis Dunes Recreation Area” means the Nellis Dunes Off-Highway Vehicle Recreation Area identified on the map as “Nellis Dunes OHV Recreation Area”.

(7) NET PROCEEDS.—The term “net proceeds” means the amount that is equal to the difference between—

(A) the amount of gross revenues received by the County from any activities at the Economic Support Area; and

(B) the total amount expended by the County for capital improvements to each of the Economic Support Area and the Nellis Dunes Recreation Area, provided that the capital improvements shall not exceed 80 percent of the total gross proceeds.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) STATE.—The term “State” means the State of Nevada.

(B) CONVEYANCE OF FEDERAL LAND TO CLARK COUNTY, NEVADA.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the parcels of Federal land.

(2) USE OF FEDERAL LAND.—

(A) IN GENERAL.—The parcels of Federal land conveyed under paragraph (1)—

(i) shall be used by the County—

(I) to provide a suitable location for the establishment of a centralized off-road vehicle recreation park in the County;

(II) to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial services that directly support a centralized off-road vehicle recreation area and County park; and

(III) to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles in areas that have been identified by the Federal Government, State government, or County government as containing environmentally sensitive land; and

(ii) shall not be disposed of by the County.

(B) REVERSION.—If the County ceases to use any parcel of the Federal land for the purposes described in subparagraph (A)(i) or subparagraph (C)—

(i) title to the parcel shall revert to the United States, at the option of the United States; and

(ii) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(C) RENEWABLE AND SOLAR ENERGY.—The Federal land conveyed to the County under paragraph (1) and the land conveyed to the County under section 1(c) of Public Law 107-350 (116 Stat. 2975) may be used for the incidental purpose of generating renewable energy and solar energy for use by the Clark County Off Highway Vehicle Recreation Park, the shooting park authorized under Public Law 107-350 (116 Stat. 2975), and the County.

(D) CONSULTATION WITH THE SECRETARY OF THE AIR FORCE.—

(i) RESTRICTION.—Any project authorized under subparagraph (C) shall not interfere with the national security mission of Nellis Air Force Base (or any military operation).

(ii) CONDITION.—Before the construction of any proposed project under subparagraph (C), the project proponent shall consult with the Secretary of Defense (or a designee).

(E) FUTURE CONVEYANCES.—Any future conveyance of Federal land for addition to the Clark County Off Highway Vehicle Park or the Nellis Dunes Recreation Area shall be subject to—

(i) the binding interlocal agreement under paragraph (3)(B); and

(ii) the aviation easement requirements under paragraph (6).

(F) MANAGEMENT PLAN.—The Secretary, in consultation with the Secretary of the Air Force and the County, may develop a special management plan for the Federal land—

(i) to enhance public safety and safe off-highway vehicle recreation use in the Nellis Dunes Recreation Area;

(ii) to ensure compatible development with the mission requirements of the Nellis Air Force Base; and

(iii) to avoid and mitigate known public health risks associated with off-highway vehicle use in the Nellis Dunes Recreation Area.

(3) ECONOMIC SUPPORT AREA.—

(A) DESIGNATION.—There is designated the Economic Support Area.

(B) INTERLOCAL AGREEMENT.—

(i) IN GENERAL.—Before the Economic Support Area may be developed, the City and County shall enter into an interlocal agreement regarding the development of the Economic Support Area.

(ii) LIMITATION OF AGREEMENT.—In no case shall the interlocal agreement under this subparagraph compromise or interfere with

the aviation rights provided under paragraph (6) and subsection (c)(4).

(C) USE OF PROCEEDS.—Of the net proceeds from the development of the Economic Support Area, the County shall—

(i) annually deposit 50 percent in a special account in the Treasury, to be used by the Secretary for the development, maintenance, operations, and environmental restoration and mitigation of the Nellis Dunes Recreation Area; and

(ii) retain 50 percent, to be used by the County—

(I) to pay for capital improvements [that are not covered by subsection (a)(6)(B)]; and

(II) to maintain and operate the park established under paragraph (2)(A)(i)(I).

(4) AGREEMENT WITH NELLIS AIR FORCE BASE.—

(A) IN GENERAL.—Before the Federal land may be conveyed to the County under paragraph (1), the Clark County Board of Commissioners, the Bureau of Land Management, and Nellis Air Force Base shall enter into an interlocal agreement for the Federal land and the Nellis Dunes Recreation Area—

(i) to enhance safe off-highway recreation use; and

(ii) to ensure that development of the Federal land is consistent with the long-term mission requirements of Nellis Air Force Base.

(B) LIMITATION.—The use of the Federal land conveyed under paragraph (1) shall not compromise the national security mission or aviation rights of Nellis Air Force Base.

(5) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance of Federal land under paragraph (1), the Secretary may require such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(6) AVIATION EASEMENT.—

(A) IN GENERAL.—Each deed entered into for the conveyance of the Federal land shall contain a perpetual aviation easement reserving to the United States all rights necessary to preserve free and unobstructed overflight in and through the airspace above, over, and across the surface of the Federal land for the passage of aircraft owned or operated by any Federal agency or other Federal entity.

(B) REQUIREMENTS.—Each easement described in subparagraph (A) shall include such terms and conditions as the Secretary of the Air Force determines to be necessary to comply with subparagraph (A).

(c) DESIGNATION OF THE NELLIS DUNES NATIONAL OFF-HIGHWAY VEHICLE RECREATION AREA.—

(1) IN GENERAL.—The approximately 10,000 acres of land identified as “Nellis Dunes” in the Bureau of Land Management Resource Management Plan shall be known and designated as the “Nellis Dunes Off-Highway Vehicle Recreation Area”.

(2) MANAGEMENT PLAN.—The Director of the Bureau of Land Management may develop a special management plan for the Nellis Dunes Recreation Area to enhance the safe use of off-highway vehicles for recreational purposes.

(3) EXCLUSION FROM NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Nellis Dunes Recreation Area shall not be considered a unit of the National Landscape Conservation System.

(4) AVIATION RIGHTS.—The aviation rights described in subsection (b)(6) shall apply to the Nellis Dunes Recreation Area.

(d) WITHDRAWAL AND RESERVATION OF LAND FOR NELLIS AIR FORCE BASE.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this subsection—

(A) the Federal land and interests in the Federal land identified on the map as “Land to be withdrawn for Nellis Air Force Base” are withdrawn from all forms of appropriation under the general land laws, including the mining, mineral leasing, and geothermal leasing laws; and

(B) jurisdiction over the land and interest in land withdrawn and reserved by this subsection is transferred to the Secretary of the Air Force.

(2) RESERVATION.—The land withdrawn under paragraph (1) is reserved for use by the Secretary of the Air Force for—

(A) the enlargement and protection of Nellis Air Force Base; or

(B) other defense-related purposes consistent with the purposes of this subsection.

(3) CHANGES IN USE.—The Secretary of the Air Force shall consult with the Secretary before using the land withdrawn and reserved by this subsection for any purpose other than the purposes described in subsection (b)(2).

(4) EASEMENT.—The United States reserves—

(A) a right of flight for the passage of aircraft in the airspace above the surface of the Federal land conveyed to the County; and

(B) the right to cause in the airspace any noise, vibration, smoke, or other effects that may be inherent in the operation of aircraft landing at, or taking off from, Nellis Air Force Base.

By Mr. DURBIN:

S. 3348. A bill to amend title 38, United States Code, to improve the multifamily transitional housing loan program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR PAYMENT BY SECRETARY OF VETERANS AFFAIRS OF GUARANTEES FOR LOANS GUARANTEED BY SECRETARY FOR MULTIFAMILY TRANSITIONAL HOUSING PROJECTS.

Section 2053 of title 38, United States Code, is amended by striking subsection (a) and inserting the following new subsection (a):

“(a)(1) Notwithstanding any other provision of law, the Secretary may, for any loan guaranteed under this subchapter, pay the guarantee, in part or in full, if the loan is not in default. Such guarantee payment may include amounts necessary to extinguish the loan and pay all prepayment premiums and transaction costs.

“(2) The Secretary may forgive, waive, release, or discharge a borrower's liability to the Secretary with respect to a loan or a guarantee for the loan for any loss resulting from a payment made under paragraph (1).

“(3) The amount resulting from a decision of the Secretary to forgive, waive, release, or discharge any repayment obligation owed by the borrower to the Secretary with respect to a loan guaranteed by the Secretary under this subchapter for a multifamily transitional housing project—

“(A) shall not be included in the borrower's gross income;

“(B) shall be treated as an amount not derived from a Federal grant for purposes of subsection (d)(5)(A) of section 42 of the Internal Revenue Code of 1986;

“(C) shall not otherwise reduce the borrower's depreciable basis or eligible basis (for purposes of such section 42) of such housing project.”.

By Mr. REED:

S. 3349. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Zero Tolerance for Veteran Homelessness Act. This bill enhances and expands the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of becoming homeless.

It is one of our Nation's great tragedies that on any given night, according to estimates by the Department of Veterans Affairs, more than 67,000 veterans are homeless. The Department further estimates that about 145,000 veterans experience homelessness each year and that nearly 1/5th of all homeless people in the United States are veterans. These numbers are expected to climb as our service members who have fought in Iraq and Afghanistan return home to face tough economic conditions.

Indeed, some veterans return from deployments to discover that the skills they have honed in their military service can be difficult to transfer to jobs in the private sector. Others struggle with physical or mental wounds of war. Still others return to communities that lack safe, affordable housing.

Our veterans have made great sacrifices to serve our country, and it is especially important to honor our commitment to them. The Department of Veterans Affairs is certainly a part of that commitment, providing benefits, medical care, support, and a sense of community to homeless veterans. However, a number of other federal agencies provide service to veterans, including the Department of Housing and Urban Development, and this legislation builds on that existing infrastructure.

Many programs through HUD and the VA are already helping homeless veterans with transitional housing, health care and rehabilitation services, and employment assistance. However, a more comprehensive and coordinated approach would strengthen these programs and help prevent more at-risk veterans from becoming homeless.

First, this legislation would make it easier for non-profits to apply for capital grants through the VA's grants and per diem program to build transitional housing and other facilities for veterans. This would streamline the process for non-profit organizations to be able to use financing from other sources to break ground on new housing construction. This is particularly important in the current economy, when non-profits are stretched and have to be more creative than ever to fund new capital projects.

Second, the Zero Tolerance for Veterans Homelessness Act would create a Special Assistant for Veterans Affairs within HUD. The Special Assistant would ensure that veterans have access to HUD's existing programs and work to remove any barriers. The Special Assistant would also serve as a liaison between HUD and the VA, helping to connect and coordinate the services the two departments provide.

Additionally, this legislation recognizes the need to measure progress of efforts to combat homelessness. The bill would require the Secretary of Veterans Affairs to analyze existing programs and develop a comprehensive plan with recommendations on how to end homelessness among veterans. Establishing a plan with appropriate benchmarks will enable the VA to more easily track progress towards this important goal.

Only by working together, across the federal government and in partnership with non-profits and local housing authorities, will we be able to comprehensively help homeless veterans and reach those in danger of becoming homeless. We owe it to our veterans to ensure that they and their families have safe, affordable places to live and to provide the services and benefits they have earned. The nation's brave veterans deserve nothing less.

I am pleased that provisions from this bill, which follows on legislation I introduced last Congress, have been included in comprehensive legislation that is moving through the Veterans Affairs Committee. I hope my colleagues will join in supporting these important efforts.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 511—COMMENDING THE PACIFIC LUTHERAN UNIVERSITY LUTES SOFTBALL TEAM FOR WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III SOFTBALL CHAMPIONSHIP

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 511

Whereas, on May 21, 2012, the Pacific Lutheran University Lutes (referred to in this preamble as "the PLU Lutes") Softball Team defeated the Linfield College Wildcats by a score of 3-0 to win the National Collegiate Athletic Association Division III Softball Championship;

Whereas this victory is the first softball championship for Pacific Lutheran University in its history, as well as its first national championship since 1999;

Whereas the PLU Lutes Softball Team finished the 2012 season with a record of 45 wins and 11 losses, breaking the record at Pacific Lutheran University for most wins in a season;

Whereas the PLU Lutes Softball Team also broke the school record for most runs scored and most total bases in a season;

Whereas senior pitcher Stacy Hagensen was named the tournament's Most Outstanding Player by allowing only 3 hits and giving up no runs;

Whereas the team members and coaches of the PLU Lutes Softball Team have set an example of leadership for women in collegiate athletics;

Whereas PLU Lutes Softball Team head coach Erin Van Nostrand, associate head coach Greg Seeley, and assistant coaches Tiffany McVay, Dena Harkovitch, and Dena Slye led the team to the championship with their leadership and winning philosophy;

Whereas the PLU Lutes Softball Team exemplifies the mission of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (referred to in this preamble as "Title IX"), which Congress enacted to ensure that gender discrimination did not interfere with educational opportunities;

Whereas the passage of Title IX has led to a 574 percent increase in female participation in college sports and a 1,000 percent increase in female participation in high school sports;

Whereas, before Title IX, only 2 percent of the college students participating in sports were female;

Whereas, in 2001, 43 percent of the college students participating in sports were female;

Whereas, by a 3-1 ratio, female athletes perform better in school and have higher graduation rates than females who do not participate in sports;

Whereas student-athletes have higher annual graduation rates than their classmates who do not participate in sports; and

Whereas the success of the 2012 PLU Lutes Softball Team demonstrates the accomplishments that a team can achieve when each player adopts a teamwork mentality: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Pacific Lutheran University Lutes (referred to in this resolution as the "PLU Lutes") Softball Team for winning the 2012 National Collegiate Athletic Association Division III Softball Championship;

(2) recognizes the people of Washington State for their support of the PLU Lutes Softball Team;

(3) honors the achievements of every player, coach, and support staff who was instrumental in the success of the PLU Lutes Softball Team during the 2012 season; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the PLU Lutes Softball Team.

SENATE RESOLUTION 512—RECOGNIZING THE 100TH ANNIVERSARY OF RICE UNIVERSITY

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 512

Whereas Rice University is celebrating its 100th year as a renowned research university advancing education in the arts, humanities, and sciences;

Whereas the William Marsh Rice Institute for the Advancement of Literature, Science, and Art, named for its benefactor William Marsh Rice and now known as Rice University, was inaugurated on October 12, 1912, in Houston, Texas;

Whereas the first president of Rice University, Edgar Odell Lovett, set forth an ambitious vision for a prestigious research university;

Whereas Rice University is a leading institution of higher education, ranked among the top 20 universities in the United States by U.S. News & World Report every year since the rankings began in 1983;

Whereas Rice University is dedicated to keeping high quality education affordable through generous financial aid programs and ranks among the 10 best value private colleges by Princeton Review;

Whereas Rice University plays a leading role in research in many fields, including nanotechnology, space, cellular technology, bioinformatics, energy, health, and the environment;

Whereas Rice University has invaluable contributed to space exploration, becoming the first university in the United States to create a department dedicated to space exploration and donating the land now home to the Johnson Space Center of the National Aeronautics and Space Administration;

Whereas the groundbreaking discovery of buckminsterfullerene, referred to as "buckyballs", on the campus of Rice University in 1985 launched the new field of fullerene chemistry, helped launch the new scientific field of nanotechnology, earned two Rice University professors, Dr. Richard Smalley and Dr. Robert Curl, the Nobel Prize in Chemistry, and is now leading to life-saving and life-enhancing breakthroughs in medicine, transportation, energy, the environment, defense, and many other endeavors;

Whereas Nobel Prize recipient Dr. Richard Smalley of Rice University played a significant role in forming The Academy of Medicine, Engineering, and Science of Texas, an organization for the Texas members of the National Academies and the first organization in Texas dedicated to building collaboration among Texas's most distinguished scientific, academic, and corporate minds in research and public policy;

Whereas the goal of Rice University is to prepare its students to succeed in a highly competitive and complex world, and many of its alumni have distinguished themselves in their service and contributions to the United States;

Whereas Rice University is one of three Texas universities to be chosen as a member of the Association of American Universities, and the only private university in Texas that is a member of that association;

Whereas Rice University is fortunate to have exceptionally fine trustees, administrators, and faculty members who have placed emphasis on inspiring students to succeed in the arts, humanities, and sciences;

Whereas the contributions of Rice University and its alumni have enriched the history of the United States and the world in the arts, humanities, sports, and sciences; and

Whereas the success of Rice University is the result of a united effort by many resourceful and dedicated individuals, and all who are associated with the preservation of the great traditions of Rice University deserve to be proud of their accomplishments: Now, therefore, be it

Resolved, That the Senate recognizes the 100th anniversary of Rice University and expresses gratitude to the university for its innumerable contributions to higher education and the United States.

SENATE CONCURRENT RESOLUTION 50—EXPRESSING THE SENSE OF CONGRESS REGARDING ACTIONS TO PRESERVE AND ADVANCE THE MULTISTAKEHOLDER GOVERNANCE MODEL UNDER WHICH THE INTERNET HAS THRIVED

Mr. RUBIO (for himself, Mrs. McCASKILL, Mr. MCCAIN, Mr. KERRY, Mr. DEMINT, Mr. NELSON of Florida, Mr. JOHANNES, Mr. UDALL of New Mexico, Ms. AYOTTE, Mr. WARNER, Mr. HELLER, Mr. BOOZMAN, and Mr. CASEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 50

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content;

Whereas the position of the United States Government has been and is to advocate for

the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2485. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

SA 2486. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1940, supra; which was ordered to lie on the table.

SA 2487. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1940, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2485. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ____ . FACILITIES IN COASTAL HIGH HAZARD AREAS.

(a) **DEFINITIONS.**—In this section—

(1) the term “coastal high hazard area” has the same meaning as in section 9.4 of title 44, Code of Federal Regulations, or any successor thereto;

(2) the term “eligible entity” means an entity that receives a contribution under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);

(3) the term “essential to a community’s recovery” means, with respect to a structure or facility, that the structure or facility is associated with the basic functions of a local government, including public health and safety, education, law enforcement, fire protection, and other critical government operations; and

(4) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) **REGULATIONS.**—

(1) **SUBSTANTIAL IMPROVEMENTS.**—Notwithstanding section 9.4 of title 44, Code of Federal Regulations, an action relating to a structure or facility located in a coastal high

hazard area for which an eligible entity received a contribution under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) shall be deemed to be a “substantial improvement” for purposes of such part 9 if—

(A) the action involves the replacement of a structure or facility that—

(i) was located in the coastal high hazard area before the incident that caused the structure or facility to be totally destroyed; and

(ii) is essential to a community’s recovery from a major disaster;

(B) there is no practicable alternative to locating a replacement structure or facility in the coastal high hazard area;

(C) the replacement structure or facility conforms to the most recent Flood Resistant Design and Construction standard issued by the American Society of Civil Engineers, or any more stringent standard approved by the Administrator; and

(D) the eligible entity develops evacuation and emergency response procedures to reduce the risk of loss of human life and operational disruption from a flood.

(2) **RELOCATION.**—

(A) **RELOCATION REQUIRED.**—The amendments under paragraph (1) shall provide that if the Administrator determines that there is a practicable alternative to the original site of a structure or facility described in paragraph (1) that is outside the coastal high hazard area and that provides better protection against the flood hazard or other hazards associated with coastal high hazard areas, the replacement structure or facility shall be relocated to the alternative site.

(B) **RELOCATION.**—If a replacement structure or facility is relocated under subparagraph (A), the original site for the destroyed structure or facility shall be deed restricted in conformance with part 80 of title 44, Code of Federal Regulations.

(C) **NO RELOCATION.**—If a replacement structure or facility is rebuilt at the same location, the eligible entity shall set aside an alternative parcel of land in the coastal high hazard area of equal or greater size, to be deed restricted in conformance with part 80 of title 44, Code of Federal Regulations, that the Administrator determines—

(i) provides better protection against floods; or

(ii) promotes the restoration of natural and beneficial functions of coastal floodplains, including protection to endangered species, critical habitat, wetlands, or coastal uses.

(3) **APPLICABILITY.**—This section shall apply with respect to any major disaster or emergency declared on or after the date of enactment of this Act.

SA 2486. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

In section 140, strike subsection (d) and insert the following:

(d) **FUNDING.**—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out subsections (a), (b), and (c) of this section.

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Not earlier than 90 days and not later than 180 days after the date on which the Administrator submits the report required under subsection (c), the Administrator shall establish a pilot program (referred to in this subsection as the “program”) to provide means-tested, targeted assistance through vouchers or subsidies for the purchase of flood insurance to individuals who are economically distressed and cannot afford flood insurance coverage.

(2) ELIGIBILITY.—

(A) IN GENERAL.—The Administrator shall establish appropriate criteria under which an individual may qualify for a voucher or subsidy under the program.

(B) INCOME REQUIREMENTS.—The criteria established under subparagraph (A) shall specify that an individual is not eligible for a voucher or subsidy under the program if—

(i) the annual adjusted gross income of the household of the individual is greater than 80 percent of the area median income, as determined by the Secretary of Housing and Urban Development; or

(ii) the individual does not reside in an area that is subject to the mandatory purchase requirements under sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4016).

(3) VOUCHERS AND SUBSIDIES.—

(A) ADJUSTMENT OF AMOUNT.—The Administrator may adjust the amount of a voucher or subsidy provided to an individual under the program based on the level of financial need of the household of the individual, including by establishing a tiered system, sliding scale, or standard of affordability that evaluates the cost of flood insurance coverage as a percentage of the adjusted gross income of a household.

(B) LIMITATION.—The amount of a voucher or subsidy provided to an individual under the program may not exceed the cost of flood insurance coverage for the individual under the National Flood Insurance Program.

(4) USE OF VOUCHERS AND SUBSIDIES.—The Administrator may not provide a voucher or subsidy under the program to an individual to pay for flood insurance coverage under the National Flood Insurance Program for—

(A) any property that is not the primary residence of the individual;

(B) any business property; or

(C) any real property purchased by the individual after the date of enactment of this Act.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Administrator may take all necessary and appropriate action to carry out the program, including entering into agreements with other Federal agencies, agencies or instrumentalities of State, local, or special-purpose local governments, or private or nonprofit organizations to carry out the program.

(B) REQUESTS FOR INFORMATION.—Notwithstanding any other provision of law, the Administrator may request information from the Secretary of the Treasury, the Social Security Administration, or a State agency in order to verify information relating to the income of—

(i) an individual seeking to participate in the program; and

(ii) the household of an individual seeking to participate in the program.

(6) FUNDING.—

(A) SOURCE OF FUNDING.—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), the Administrator may use amounts of the National Flood Insurance Fund not otherwise obligated to carry out the program.

(B) TOTAL AMOUNT OF FUNDING.—The total amount of the vouchers and subsidies provided under the program for a fiscal year may not exceed \$10,000,000.

(C) OFFSETS.—Notwithstanding any other provision of this title or the amendments made by this title, the Administrator may not increase risk premium rates for flood insurance coverage under the National Flood Insurance Program to offset amounts expended by the Administrator to carry out the program.

(7) REPORT.—Not later than 3 years after the date on which the Administrator establishes the program, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that evaluates the performance and outcomes of the program.

(8) SUNSET.—On and after September 30, 2017, the Administrator may not provide a voucher or subsidy to any individual under the program.

SA 2487. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

After section 141, insert the following:

SEC. 142. IMPACTS OF FLOODPLAIN MANAGEMENT REQUIREMENTS IN AGRICULTURAL AREAS AND RURAL COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) AGRICULTURAL AREA.—The term “agricultural area” means an area in which substantially all of the land use is agricultural.

(3) PROGRAM.—The term “program” means the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(4) RURAL COMMUNITY.—The term “rural community” means a community located in an area in which a substantial portion of the economy, currently is and historically was, based on agricultural production.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) TASK FORCE.—The term “task force” means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator and the Secretary shall jointly establish a task force that shall conduct a study to analyze the challenges faced by agricultural areas and rural communities designated as areas having special flood hazards for purposes of the program.

(c) MEMBERSHIP.—The task force shall consist of 13 members, of whom—

(1) 2 shall be the Administrator and the Secretary, or designees; and

(2) 11 shall be appointed jointly by the Administrator and the Secretary from individuals who are 1 of the following:

(A) A member or representative of—

(i) a farm or agricultural organization;

(ii) the insurance, banking, or financial industry; or

(iii) a floodplain management or flood control organization.

(B) A landowner or farmer.

(C) An elected official representing an agricultural area or rural community.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the task force shall submit to the Committees on Financial Services and Agriculture of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Agriculture, Nutrition, and Forestry of the Senate a report regarding the study conducted under subsection (b).

(2) REQUIREMENTS.—The report shall include any recommended changes to the program to strengthen the economic viability and vitality of agricultural areas and rural communities, including an analysis of and recommendations regarding—

(A) the impacts of program building restrictions on the agricultural economy;

(B) legislative changes to the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) (including regulations), that might mitigate the impacts identified;

(C) the feasibility, advantages, and disadvantages of the establishment of a new program flood zone for agricultural areas and rural communities;

(D) options for lower-cost flood insurance under the program in agricultural areas and rural communities and the financial implications to the program if such insurance were offered; and

(E) impacts, if any, of the program on the total acreage of land used for agricultural purposes.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; dated June 27, 2012.

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Mark J. Mazur, to be an Assistant Secretary of the Treasury; dated June 27, 2012.

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Matthew S. Rutherford, to be an Assistant Secretary of the Treasury; dated June 27, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 27, 2012, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 27, 2012, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 27, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 27, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on June 27, 2012. The Committee will meet in room SD-124 of the Dirksen Senate Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on June 27, 2012, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. PRYOR. Mr. President, I ask unanimous consent that Jesse Ervin-Combs be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE PACIFIC LUTHERAN UNIVERSITY LUTES
SOFTBALL TEAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 511, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 511) commending the Pacific Lutheran University Lutes Softball Team for winning the 2012 National Collegiate Athletic Association Division III Softball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed

to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 511) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 511

Whereas, on May 21, 2012, the Pacific Lutheran University Lutes (referred to in this preamble as "the PLU Lutes") Softball Team defeated the Linfield College Wildcats by a score of 3-0 to win the National Collegiate Athletic Association Division III Softball Championship;

Whereas this victory is the first softball championship for Pacific Lutheran University in its history, as well as its first national championship since 1999;

Whereas the PLU Lutes Softball Team finished the 2012 season with a record of 45 wins and 11 losses, breaking the record at Pacific Lutheran University for most wins in a season;

Whereas the PLU Lutes Softball Team also broke the school record for most runs scored and most total bases in a season;

Whereas senior pitcher Stacy Hagensen was named the tournament's Most Outstanding Player by allowing only 3 hits and giving up no runs;

Whereas the team members and coaches of the PLU Lutes Softball Team have set an example of leadership for women in collegiate athletics;

Whereas PLU Lutes Softball Team head coach Erin Van Nostrand, associate head coach Greg Seeley, and assistant coaches Tiffany McVay, Dena Harkovitch, and Dena Siye led the team to the championship with their leadership and winning philosophy;

Whereas the PLU Lutes Softball Team exemplifies the mission of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (referred to in this preamble as "Title IX"), which Congress enacted to ensure that gender discrimination did not interfere with educational opportunities;

Whereas the passage of Title IX has led to a 574 percent increase in female participation in college sports and a 1,000 percent increase in female participation in high school sports;

Whereas, before Title IX, only 2 percent of the college students participating in sports were female;

Whereas, in 2001, 43 percent of the college students participating in sports were female;

Whereas, by a 3-1 ratio, female athletes perform better in school and have higher graduation rates than females who do not participate in sports;

Whereas student-athletes have higher annual graduation rates than their classmates who do not participate in sports; and

Whereas the success of the 2012 PLU Lutes Softball Team demonstrates the accomplishments that a team can achieve when each player adopts a teamwork mentality: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Pacific Lutheran University Lutes (referred to in this resolution as the "PLU Lutes") Softball Team for winning the 2012 National Collegiate Athletic Association Division III Softball Championship;

(2) recognizes the people of Washington State for their support of the PLU Lutes Softball Team;

(3) honors the achievements of every player, coach, and support staff who was instrumental in the success of the PLU Lutes Softball Team during the 2012 season; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the PLU Lutes Softball Team.

RECOGNIZING THE 100TH ANNIVERSARY OF RICE UNIVERSITY

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 512 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 512) recognizing the 100th anniversary of Rice University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 512) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 512

Whereas Rice University is celebrating its 100th year as a renowned research university advancing education in the arts, humanities, and sciences;

Whereas the William Marsh Rice Institute for the Advancement of Literature, Science, and Art, named for its benefactor William Marsh Rice and now known as Rice University, was inaugurated on October 12, 1912, in Houston, Texas;

Whereas the first president of Rice University, Edgar Odell Lovett, set forth an ambitious vision for a prestigious research university;

Whereas Rice University is a leading institution of higher education, ranked among the top 20 universities in the United States by U.S. News & World Report every year since the rankings began in 1983;

Whereas Rice University is dedicated to keeping high quality education affordable through generous financial aid programs and ranks among the 10 best value private colleges by Princeton Review;

Whereas Rice University plays a leading role in research in many fields, including nanotechnology, space, cellular technology, bioinformatics, energy, health, and the environment;

Whereas Rice University has invaluable contributed to space exploration, becoming the first university in the United States to create a department dedicated to space exploration and donating the land now home to the Johnson Space Center of the National Aeronautics and Space Administration;

Whereas the groundbreaking discovery of buckminsterfullerene, referred to as "buckyballs", on the campus of Rice University in 1985 launched the new field of fullerene chemistry, helped launch the new scientific field of nanotechnology, earned two Rice University professors, Dr. Richard

Smalley and Dr. Robert Curl, the Nobel Prize in Chemistry, and is now leading to life-saving and life-enhancing breakthroughs in medicine, transportation, energy, the environment, defense, and many other endeavors;

Whereas Nobel Prize recipient Dr. Richard Smalley of Rice University played a significant role in forming The Academy of Medicine, Engineering, and Science of Texas, an organization for the Texas members of the National Academies and the first organization in Texas dedicated to building collaboration among Texas's most distinguished scientific, academic, and corporate minds in research and public policy;

Whereas the goal of Rice University is to prepare its students to succeed in a highly competitive and complex world, and many of its alumni have distinguished themselves in their service and contributions to the United States;

Whereas Rice University is one of three Texas universities to be chosen as a member of the Association of American Universities, and the only private university in Texas that is a member of that association;

Whereas Rice University is fortunate to have exceptionally fine trustees, administrators, and faculty members who have placed emphasis on inspiring students to succeed in the arts, humanities, and sciences;

Whereas the contributions of Rice University and its alumni have enriched the history of the United States and the world in the arts, humanities, sports, and sciences; and

Whereas the success of Rice University is the result of a united effort by many resourceful and dedicated individuals, and all who are associated with the preservation of the great traditions of Rice University deserve to be proud of their accomplishments: Now, therefore, be it

Resolved, That the Senate recognizes the 100th anniversary of Rice University and ex-

presses gratitude to the university for its innumerable contributions to higher education and the United States.

ORDERS FOR THURSDAY, JUNE 28, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the first hour of debate be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we will continue to debate the flood insurance reauthorization bill tomorrow. We will also await House action on the transportation bill. We need to consider the student loan extension before the end of the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before

the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:20 p.m., adjourned until Thursday, June 28, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

WILLIAM R. BROWNFIELD, OF TEXAS
KRISTIE ANNE KENNEY, OF THE DISTRICT OF COLUMBIA
THOMAS ALFRED SHANNON, JR., OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. HOWARD D. STENDAHL

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES O. BARCLAY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DONALD M. CAMPBELL, JR.

House of Representatives—Wednesday, June 27, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NUGENT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 27, 2012.

I hereby appoint the Honorable RICHARD B. NUGENT to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

COMPANION CARE WORKERS BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Rising health care costs remain a top concern for many Americans, particularly the Baby Boomers heading off into retirement and individuals with disabilities. However, one service in particular—home companion care—has come under attack from the Department of Labor and faces a sharp rise in costs. Currently, the Fair Labor Standards Act provides exemptions for home care workers. And for more than four decades now, the exemption has helped seniors and individuals with disabilities maintain access to affordable in-home care.

Companion care workers play a crucial role for those who desire to remain independent, performing a range of everyday tasks like helping to prepare meals, opening the mail, providing light housekeeping, and even offering someone to talk with, which is immensely helpful. However, the greatest service these individuals play is providing families with a sense that mom or dad or their loved ones are not alone when we need to be away.

But in December of 2011, the Department of Labor introduced a proposal championed by President Obama to remove the companionship exemption from the Fair Labor Standards Act, a move which would virtually eliminate the current exemption. On top of that, it will raise costs for businesses and families and lead to reduced hours for home companion care workers. Even the Department estimates the cost of companion care under the proposed rule may increase by up to \$2.3 billion over the first 10 years. It will be families and seniors and the disabled that will struggle to pay these costs out of their own pockets. These changes run in stark contrast to what Congress intended when it first established this important exemption nearly four decades ago. While I recognize the delivery of services has evolved over the years, the need to maintain access to affordable in-home care has not.

Seniors and the disabled in my home State of Michigan have been devastated by the fallout from this flawed policy. In 2006, Michigan made similar changes to the State law that the Department of Labor is currently considering. This was confirmed by a constituent in my home State who testified that his home companion care business, employees, and clients are worse off since the change went into effect. Seniors, those with disabilities, and their families are often unable to pay higher prices for the overtime requirement, forcing them to take on different caregivers throughout the day. This disruption to their schedule takes away the certainty of working with trusted caregivers. Many seniors and individuals with disabilities are then left with no choice but to leave their own homes because of the cost.

In response, I have introduced two bills to ensure seniors and individuals with disabilities keep their access to affordable companion care. Both bills will also prevent the Federal Government from interfering with decisions that should be made by families. The first bill, H.R. 5969, the Ensuring Access to Affordable and Quality Companion Care Act, will clarify that home caregivers employed by a third-party employer or living with the individuals receiving care continue to be exempt from the requirements of the Fair Labor Standards Act. The second, H.R. 5970, The Protecting in-Home Care From Government Intrusion Act, will stop the Secretary of Labor from finalizing or enforcing a proposed rule that severely narrows the Fair Labor Stand-

ards Act exemption for in-home caregivers.

If the Obama administration's proposal is not stopped, home care workers will lose hours and possibly their jobs. Seniors and those with disabilities will lose affordable care they want and need. This is simply a risk that we cannot afford to take.

TRANSPORTATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. There's a transportation agreement rumored to be in the works that would be shortsighted in the extreme if these rumors prove to be accurate. Our problem was created because for years Congress and the last two administrations have been unwilling to deal meaningfully with the large gap of funding for transportation created because we rely on an outmoded funding system based on the number of gallons of fuel consumed. With more efficient gas and diesel vehicles augmented by more hybrids, plug-in hybrids, and electric cars, the transportation trust fund is locked into an inevitable downward spiral. Like the looming Social Security deficit, the longer we wait, the worse it will get.

Not this year, but over the next few years, we should temporarily increase and then replace the gas tax with a system that is based on the amount of road use. The new legislation should be laying the foundation for this transition. Unfortunately, it doesn't.

The rumored agreement would also take us backward on enabling alternative modes of transportation. In the last 20 years of transportation reform we've used enhancement funding to get more out of the transportation projects. These include long-neglected and wildly popular bike and pedestrian safety programs such as Safe Routes to School. In a recent Princeton survey, 83 percent of the public wanted these programs maintained or the funding increased. They place an emphasis on intermodalism so that transportation modes work together and minimize direct conflict between truckers, rail, and commuters that can paralyze not just transportation but transportation planning.

From what I hear, efforts to provide incentives to "fix it first" are being undercut. It's never as popular to maintain what you've got in face of the drumbeat of a few focused special interests for a new particular project.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But “fixing it first” creates more transportation jobs, provides more safety, alleviates congestion and pollution, and has more overall economic impact. And it, of course, alleviates long-term pressure to create more roads that we can’t adequately maintain.

The bill before us also misses an opportunity to reform the system to have more performance-based environmental protections. We absolutely can make the process work better and faster. But the answer is not to gut the protections, which will only create more conflict and ultimately more delays. Projects take more time when they’re not done right, when citizens are not involved with the plan, and the myriad of interests aren’t working together. Involving the public in the planning process works.

I’ll never forget a conversation with a very conservative Republican mayor of Phoenix, who told me that it was only when they got the citizens working together on a balanced transportation program of transit and roads that they were able to get the resources and the momentum to go forward.

I will be extremely disappointed if the legislation shatters the coalition that I have been working for years to develop for the big picture, the big programs, and proper funding that’s going to be necessary if we’re going to be successful. It will be wrong if we have a scaled-down 2-year extension that will make it harder to give the American public what they need, adequate resources that are sustainable over time, more economic opportunity, and more construction and maintenance employment.

A good transportation program will protect the environment, enhance the quality of life, making our communities more livable and our families safer, healthier and more economically secure.

□ 1010

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, it has been very interesting the last couple of weeks. I have been listening to my colleagues on both sides talking about the debt, the deficit, spending, cutting, all of this, going on and on. Then I got to thinking, and I heard about this book and I went out and bought the book. The book title is “Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban,” by Douglas Wissing. The book is a must-read for the American people.

I want to share a synopsis of this book:

With the vague intention of winning hearts and minds in Afghanistan, the U.S. Government has mismanaged billions of development and logistics dollars, bolstered the drug trade, and dumped untold millions into Taliban hands.

That is the sobering message of this scathing critique of our war effort in Afghanistan by investigative journalist Douglas Wissing. According to Wissing, America has already lost the war. It draws on the voices of hundreds of combat soldiers, ordinary Afghans, private contractors, aid workers, international consultants, and government officials. From these contacts, it became glaringly clear, as the author details, that American taxpayer dollars have been flowing into Taliban coffers.

Mr. Speaker, I would like to read to you a critique of the book given by former State Department foreign service officer Peter van Buren:

Sober, sad, and important, “Funding the Enemy” peels back the layers of American engagement in Afghanistan to reveal its rotten core: that United States’ dollars meant for the country’s future instead fund the insurgency and support the Taliban. Paying for both sides of the war ensures America’s ultimate defeat.

Mr. Speaker, I bring this to the floor for this reason: I continue to be amazed that both sides want to continue to spend \$10 billion a month in Afghanistan. It is borrowed money from the Chinese, and there is no concern. We just spend more and more money to support President Karzai, who is a corrupt leader. And as this book says, have the American taxpayer bankroll the Taliban.

The American people have said in poll after poll: Bring our troops home now. As many as 72 to 73 percent of the American people say bring our people home now. Our soldiers have won the war. Bin Laden is dead; al Qaeda is dispersed.

I hope that Members of Congress will find the time to read this book, and I hope the American people will read this book and be outraged, as I am outraged, how our taxpayers are funding the Taliban so they can kill Americans.

Wake up, Congress. Let’s get together and bring our troops home from Afghanistan and do what’s right for the American people. But more importantly, do what’s right for our men and women in uniform.

Mr. Speaker, I close by asking God to please bless our men and women in uniform, to please bless the families of our men and women in uniform. And God, within Your loving arms, hold the families who’ve given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate, my friends on both sides, that we will do what is right in the eyes of God. And I ask God to bless President Obama that he will do what is right in the eyes of God. And I will ask three times, God please, God please, God please continue to bless America.

ARIZONA IMMIGRATION POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. This week, the U.S. Supreme Court declared the immigration policy of the State of Arizona, a policy that Mitt Romney has called “a model for America,” to be largely unconstitutional. I applaud the Court for stating that immigration enforcement is a Federal responsibility.

The “show me your papers” law allows police to demand that individuals prove that they are legally in this country. This law is not just a problem for people who are undocumented. It’s not just a problem for immigrants. It’s not just a problem for anybody who looks like they might have come to America from somewhere else. It’s a problem for every American who cares about freedom. It’s a problem for all of us who believe no person should be treated as a suspect based on how they look, their accent, or the spelling of their name.

In Arizona today, all that stands between you and a legal nightmare is whether a police officer feels there is a reasonable suspicion to inquire about your country of origin. Yet Arizona politicians will tell you, with a straight face no less, that they can apply this law without using racial profiling, without assuming that someone named Gutierrez isn’t less likely to be in this country legally than someone named Smith.

That’s an amazing skill. Maybe with practice, we can all become like Arizona politicians and police officers who are able to telepathically determine who to accuse of not belonging in America.

But let’s take a quiz together this morning and learn how to pick out the suspect. Here are two journalists, Geraldo Rivera and Ted Koppel.

At a traffic stop, to the untrained eye, we might guess that Geraldo Rivera, for some reason that clearly has nothing to do with the way he looks, might not be from America. Geraldo Rivera’s mustache wouldn’t confuse an Arizona law enforcement professional. They would know that Geraldo Rivera was born in Brooklyn, New York, and that Ted Koppel was born in Europe, in England, where his parents moved to flee from Hitler and Nazi Germany.

Round two, this for our young fans of C-SPAN. This is Justin Bieber and Selena Gomez. These young people have overcome their very different national origins and become apparently a happy couple. I’m sure Justin helped Gomez learn all about American customs and feel more at home in her adopted country. Oh, wait a minute. I’m sorry, because I’m not a trained Arizona official, I somehow got that backwards. Actually, Ms. Gomez, of Texas, has helped Mr. Bieber, of Canada, learn about his adopted country.

Justin, when you perform in Phoenix, remember to bring your papers.

The next round shows how tricky Arizona's game of pick out the immigrant is to play. Here are two basketball superstars. Neither one is Latino. That's confusing already. You have to dig deeper to figure out who isn't the real American. So let's consider their names—Jeremy Lin and Tony Parker. Clearly, "Lin" sounds kind of foreign while "Tony Parker" sounds American to me. But I'm not an Arizona police officer who would know that Jeremy Lin was born in Los Angeles, and Tony Parker—oops—Europe, Belgium. Wrong once again.

Finally, here's just one more.

In case the Supreme Court ever wants to meet in Phoenix to consider its ruling about Arizona's "show me your papers" law, if these two Justices step out to Starbucks, which one do you think is likeliest to be a suspect, the Anglo male or the Latina? Neither is an immigrant, but Antonin Scalia's father came through Ellis Island from Italy, and Sonia Sotomayor is a proud Puerto Rican with generations of U.S. citizen ancestors.

We could play this game all day, but the point is simple. The idea that any government official can determine who belongs in America and who doesn't simply by looking at them is completely ridiculous, unfair, and un-American, and yet this absurdity is the law of Arizona.

The Court signaled that it will be watching this law closely, and it should, because we count on the Court to protect our liberties, not restrict them.

□ 1020

Because, in America, people should always be judged by their actions. No person, not one, should be judged by the way they look, the sound of their voice, or the pronunciation of their last name—not in Arizona, not anywhere, not ever.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

AMERICAN CENTER FOR THE CURES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, as the Supreme Court is about to rule on the health care law, Americans all across the country are focusing again on health care.

Health care makes up about one-fifth of the United States' economy, and it is increasingly taking up a larger share of our Federal budget, so it's important that we look to implement strategies that bend the cost curve down.

Scientific research over the years has enhanced our understanding of disease

and has continuously led to many breakthrough treatments. However, it is critical that we emphasize not just treatment, but specifically cures for diseases as well.

Last year, the United States Government spent just under \$32 billion to help the National Institutes of Health carry out its critical mission: seeking fundamental knowledge about the nature and behavior of living systems, applying that knowledge to enhance health, lengthen life, and reduce the burdens of illness and disability.

The NIH, Mr. Speaker, has earned a proud reputation for its research and has made a positive impact in the health care world. I'm a firm supporter of the NIH, and I spoke this past March to the House Budget Committee about the importance of funding NIH's mission. However, I also believe that we can always do more with the resources that we have and believe that we should refocus a portion of our health care resources toward a new mission. One idea that has been brought to me is a center that concentrates exclusively on eliminating diseases rather than continuing the practice of just treating diseases.

This center, known as the American Center for Cures, would be a public-private partnership that utilizes the resources of the government with the creativity and accountability of the private sector to find cures for the diseases that in some way affect almost everyone on the planet—diabetes, Alzheimer's, Parkinson's, just to name a few.

By bringing our Nation's best and brightest minds together, from business boardrooms to scientists from around the world, the center would singularly devote its efforts to curing diseases by establishing renewed lines of communication amongst the world's most reputable scientists, funding collaborative research, unblocking bottlenecks in clinical research, facilitating speedy clinical trials, and ensuring that the research performed remains focused on outcomes and results.

In addition to promoting the United States as the leading place for innovations and pioneering medical research, finding cures to some of mankind's deadliest diseases would also have global implications. The money saved by not having to dedicate it to treating or managing a disease could be freed up and invested in education, infrastructure, and deficit reduction, and we would be able to further help raise the standards of living for everyone in developing nations and around the globe.

During these difficult fiscal times, Mr. Speaker, here in our own country we have to start thinking differently. Today, we spend approximately \$235 billion annually on treating diabetes alone. Think about the cost if we add Alzheimer's and Parkinson's. If the American Center for Cures could find a

cure, think about the possibilities. Think about the good we could do, for instance, with 235 billion extra dollars right here. That's what we spend in our country. Think about what gets spent all around the globe.

We need to start thinking differently, Mr. Speaker. Change is hard, and change in Washington is even harder, but I believe that we have an obligation, as stewards of our taxpayers' hard-earned money, not only to effectively allocate their tax dollars in a manner that produces results, but change the way that we look at all the possibilities for our future. This mission could impact not just every American life, but every human on the planet.

ATTORNEY GENERAL HOLDER CONTEMPT VOTE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, let me first thank my colleagues in the Congressional Black, Hispanic, and Asian Pacific American Caucuses for coming to the floor to denounce the deeply partisan and divisive effort by congressional Republicans to hold Attorney General Holder in contempt. We need to be doing what the American people elected us to do, and that is to create jobs and to get our economy back on its feet.

This contempt vote stands in stark contrast to our duties in Congress. We should be devoting our time to creating jobs, addressing our Nation's neglected infrastructure, and ensuring that student loan rates don't balloon starting next week.

Too many hardworking American families are looking for their next paycheck, and yet this Tea Party-led Republican Congress is wasting precious legislative time and energy on a purely partisan effort to generate conflict where none exists.

The Republicans' claims against Attorney General Holder defy belief. The simple fact is the Bush administration developed the inappropriate tactics, and once this Justice Department, under President Obama, learned about it, Attorney General Holder stopped the program—stopped it.

So instead of handling our Nation's priorities, this Tea Party-led Republican Congress is choosing to stick its head in the sand, ignoring the wide range of documents and open cooperation provided by the Justice Department but now engage in a game of political theater with no regard for struggling families across America.

The true motivation behind this contempt resolution is simple: As Leader PELOSI remarked last week, this is really about suppressing voter turnout.

The National Rifle Association, unfortunately, has insisted that their supported Members of Congress vote for it or face political peril.

Let me tell you, these Tea Party Republicans don't like it when their ideological efforts to prevent people from voting get blocked by the Justice Department doing its job—and that's defending the Constitution of the United States. They know they can't win in judicial courts and they cannot win in the court of public opinion, so instead they're doing all they can to undermine the Justice Department by dragging Attorney General Holder through the mud, making endless demands, changing the goal posts, and monopolizing his time so that they can continue their efforts to undermine the democratic process. And they're asking for information that would violate the law. Furthermore, this is unprecedented. The House has never voted to hold an Attorney General in contempt.

Mr. Speaker, the American people are sick and tired of seeing these Tea Party Republicans pursue a senseless and destructive agenda. There's a reason that Congress has the lowest approval rating in history, and it has everything to do with efforts like this—a contempt vote that does nothing to improve the economy, does nothing to create jobs, and does nothing to strengthen our middle class or to help those trying to raise themselves out of poverty.

We need to invest in transportation, in education, and in ensuring above all that jobs and jobs and more jobs are added to our economic recovery. We only have a matter of weeks before Congress effectively shuts down for the August recess, and we cannot waste any more time doing anything other than putting Americans back to work. Jobs should be our number one priority, our number two priority, and our number three priority.

So I join my colleagues in the tricaucuses calling for an end to this useless path of petty politics. Let us work during the remainder of time we have this congressional session to do the work that we were sent here to do. No more political witch hunts, no more political fishing expeditions, no more excuses. It's time to get back to work.

IMMIGRATION POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. BARLETTA) for 5 minutes.

Mr. BARLETTA. Mr. Speaker, 2 weeks ago, two new words were added to the American immigration policy: "Prosecutorial discretion."

Homeland Security Secretary Janet Napolitano recently ordered Immigration and Customs Enforcement officials to not deport certain classes of aliens who are in the country illegally.

Instead, these illegal aliens will be given 2-year work permits that can be renewed indefinitely. The reason Secretary Napolitano and President Obama have given the American people for this de facto amnesty program is prosecutorial discretion.

The Secretary and the President claim that the Department of Homeland Security personnel can use their discretion to decide what individuals they can and cannot deport. But in Federal immigration law, this discretion does not exist. Congress took it away from the executive branch in 1996 when it passed the Illegal Immigration Reform and Immigrant Responsibility Act.

□ 1030

The law requires, and I will repeat that, this law requires immigration officials to address illegal aliens when they become aware that they are in the country illegally. It clearly spells out the actions that must be taken by Federal officials.

In fact, according to one of the Nation's leading experts on immigration, Congress, frustrated at the time because the Clinton administration was using it to let thousands of illegal aliens remain in the United States, wrote the law to remove that discretion. In other words, the discretion that President Obama and Secretary Napolitano claim they use no longer exists because Congress deliberately eliminated it in 1996. By stating they still have it, President Obama and Secretary Napolitano are actually ordering Federal immigration officials to break the law.

Since the executive branch is citing a privilege that no longer exists in ordering Federal immigration officials to break the 1996 immigration act which was passed by Congress and signed into law, today, I'm calling on the Judiciary and Homeland Security Committees to hold hearings to investigate the legality of this decision to use so-called "prosecutorial discretion."

Just this week we heard from the United States Supreme Court that because the Federal Government writes immigration laws, State laws must work in harmony with the Federal Government. In striking down part of Arizona's S.B. 1070, the High Court's majority said that Federal law shall be the supreme law of the land when laws do not work in harmony with the Federal scheme or when Federal law is explicit. Well, in this case, the law is very clear: there is no prosecutorial discretion.

Now, Mr. Speaker, my district in Pennsylvania has one of the highest unemployment rates in the State, and our country is still reeling from one of the worst recessions we have ever faced. The Department of Homeland Security's unlawful action could have grave consequences on our labor force

and on our economy, both at the local and national levels.

Additionally, allowing individuals with forged documents to remain in this country could pose a serious threat to our homeland security.

Let me also state that I am troubled by the expansion of the authority of the President that he believes he has. In the past, President Obama clearly stated he had to follow existing immigration laws. During a town hall meeting with Univision in March 2011, he said:

America is a Nation of laws, which means I, as the President, am obligated to enforce the law. I don't have a choice about that.

During that same town hall meeting, President Obama also said:

There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system, that for me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as President.

So what changed? In the last 15 months, did Congress grant the President new powers? I don't remember doing that. Fifteen months ago, President Obama said he can't ignore congressional mandates. But suddenly, 2 weeks ago, he can? Again, I ask, what changed?

I'm concerned President Obama overstepped his constitutional authority in this case, just as he did in claiming executive privilege in Operation Fast and Furious. That's why these two committees must hold formal hearings and investigate this claim of discretion and the unilateral rewriting of Federal immigration policy.

THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, the centerpiece of President Obama's 2008 Presidential campaign was the promise of health care reform. He told us, time and time again, that every President has seen the urgency of reform, that all of them had attempted reform, and none succeeded.

President Obama reminded us of the fact that having more than 40 million uninsured Americans is unacceptable. It is not only bad for the individual, but it is for the American economy. It is bad for hospitals who absorb the loss for these indigent patients or shift the costs to other patients.

During the campaign, the President went on to painfully highlight the unfair practices of some insurance companies in making people think they have quality insurance policies, when, in fact, in many instances, it is not worth the paper it is written on.

After fierce debate, and after the right-wing Tea Party instilled unfounded fear in the hearts of good

Americans, the Congress passed the Affordable Care Act, and it is good policy for the American people. But there are those who have exploited the legitimacy of the Affordable Care Act, and now we await a ruling from the Supreme Court on the act's constitutionality.

Should the Supreme Court decide to undermine the most vital provision of the law, the individual mandate, one thing will be clear: it would be an act of judicial activism and judicial overreach, placing the Court firmly in the role of Congress.

Precedent for the Affordable Care Act already exists. Social Security is a program which all Americans are required to pay into and to participate. Car insurance is mandated in almost every State; yet the Supreme Court is on precipice of possible unfastening the linchpin that makes true health care reform attainable.

Such a decision would confiscate benefits that the public and businesses largely support. Lifetime coverage limits could be re-imposed on 100 million Americans. Seventeen million children with preexisting conditions could lose insurance coverage, and 6 million young adults may be forced off their parents' insurance plans.

Preservation of this law means 40 million uninsured Americans will be insured. It creates state-run health exchanges to give consumers maximum choice when selecting a policy, and it contains skyrocketing costs in medical care. The Affordable Care Act will lower insurance premiums driven by uncompensated care for the uninsured, saving the average family in North Carolina \$1,400 a year.

Mr. Speaker, the Affordable Care Act has already paid great dividends in my district. Under the law, 94,000 seniors have received Medicare preventive services without paying a dime. More than 5,000 young adults have health insurance when they previously did not. About 400 small businesses received tax credits to expand care to their employees; 34,000 children with preexisting health conditions can no longer be denied.

As a policy-maker representing 700,000 people, I hope the act will remain intact. As a former judge, I hope the Supreme Court recognizes the impact an unfavorable decision will have on the role of Congress.

We cannot let the perfect, Mr. Speaker, be the enemy of the good. We should explore ways to improve upon the law instead of ways to further deny Americans access to affordable health care.

AMERICA'S FOREIGN POLICY OF MISCHIEF AND INTERVENTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

Mr. PAUL. Mr. Speaker, last week I introduced legislation, H.R. 5993, that

would prohibit the President from providing military or paramilitary aid of any sort to any faction in the internal fighting in Syria. Unfortunately, it appears that the administration is already very much involved in supporting the overthrow of the Assad government.

There's nary a whimper of criticism in Congress over our growing involvement in the civil war in Syria. The only noise we hear from Congress, and repeated in the media, is the complaint that we're not doing enough and that immediate, direct U.S. military action must be taken.

Tragically, our political leaders show both bad judgment and short memories when it comes to the downside of our foreign policy of mischief and intervention. Our compulsion to engage ourselves in every conflict around the world is dangerous to our national security.

In dealing with Syria, the administration pretends to pursue diplomacy and provide humanitarian assistance to the people. In reality, the U.S. Government facilitates weapons transfers to the rebels who are demanding immediate regime change.

My goal is to stop our dangerous participation in the violence in Syria; yet evidence mounts that we're already deeply involved, with no expectation that the administration will back away from military engagement.

□ 1040

Recent reports indicate that the U.S. is providing logistics and communication assistance to the rebel forces. Assistance in getting arms to the rebels through surrogates is hardly a secret. Cooperating with the rebels' propaganda efforts has been reported and is used to prepare the American people for our coming involvement.

There is every reason to expect that the well-laid plans to, once again, coordinate a favorable regime change will end badly. Even the strongest supporters of our direct and immediate military involvement in Syria admit that the rebel forces are made up of many groups, including al Qaeda, and no one is sure to whom the assistance should be given. All they claim is the need for the immediate removal of Assad.

This policy is nothing new, and too often in our recent history our assistance with dollars and weapons used to overthrow a government ends up with the weapons being used, instead, against us. The blow-back from our policy of intervention has caused a great deal of harm to us since World War II:

Propping up the Shah in Iran for 26 years was a powerful factor in motivating radical Islamists to eventually overthrow the Shah in 1979. The hostages taken at the U.S. Embassy at that time was as a consequence of our putting the Shah into power in 1953;

In working with the mujahadeen in the 1980s, our CIA supported radical Islam in an effort to combat communist occupation in Afghanistan. Later, this led to the radical Islamists' hatred being turned against us over our occupation and interference in Muslim countries;

The \$40 billion given to Egypt for over 30 years to prop up the Mubarak dictatorship and to buy an unstable peace with Israel has ended with what appears to be the takeover of Egypt by the Muslim Brotherhood. They may well turn Egypt into a theocratic Islamic state unless our CIA is able to, once again, gain control. Al Qaeda now has a presence in parts of Egypt and has been involved in the bombing of the pipelines carrying gas to Israel. This is hardly a policy that is enhancing Israel's security.

What are the possible unintended consequences of this policy if we foolishly escalate the civil war in Syria?

The worst scenario would be an all-out war in the region involving Russia, the United States, Israel, Iran, Turkey, and others. The escalating conflict could rapidly make containment virtually impossible.

Chaos in this region could encourage the Kurds in Syria, Iraq, Turkey, and Iran to decide it's an opportunity to move on their long-sought-after goal of establishing a Kurdish state. Significant hostilities in the region would jeopardize the free flow of oil from the Middle East, causing sharp increases in the price of oil. The already weak economy of the West would suffer immensely. Some will argue erroneously that a major war would be beneficial to the economy and distract the people from their economic woes.

War, however, is never an economic benefit, although many have been taught that for many decades. If liberty and prosperity are to be our goals, peace is a necessary ingredient of that process.

PARTISAN ACRIMONY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Tomorrow will be a peculiar day in Washington and in American politics.

Republicans will denounce ideas that they enthusiastically supported until those ideas became associated somehow with the Obama administration. We expect to hear the ruling on the individual mandate across the street at the Supreme Court. The individual mandate was the centerpiece of Republican health care proposals until the Obama administration embraced it. Then the Republicans decided it was an outrageous infringement on personal liberty.

Here in this Chamber, we will debate Operation Fast and Furious. Most

Democrats, including me, don't really even quite get what the supposed scandal is about, but have always thought that gun sales in large quantities to drug cartels was just generally a bad idea. For Republicans, on the other hand, the gun sales that were part of Operation Fast and Furious appear to be the only gun sales they've ever had a problem with. We will also have a 180-degree reversal on the issue of information that Congress can require as part of our oversight powers.

I was an Oversight Subcommittee chairman for 4 years. I believe congressional oversight is an important check on the executive branch of government, an established, important part of our Republic system of checks and balances. I support investigations that might make an administration of my own party look foolish or worse. I want people who have the power of government, of either party, to be accountable for their decisions. I want them to pause over how they will explain their decisions in public; and if they can't explain them, maybe they shouldn't do it. Congressional oversight exposes and deters abuses of power and garden-variety stupidity of which there is plenty in the public sector, in the private sector, and in all activities in which human beings are involved.

But the courts have also recognized that uninhibited, candid discussions improve decisions. Decisions are less likely to be stupid when they are carefully discussed, and the courts protect the privacy of some discussions within the executive branch to further the goal of fewer stupid decisions. The courts recognize a strong privilege for discussion between the President and his top advisers and a lesser privilege, a qualified privilege, for other debates within the executive branch.

When I was an Oversight Subcommittee chairman, I read many of the court decisions that discussed those privileges. Anyone who says that the law is clear, in that what is privileged and what is not is well defined, is misinformed or dishonest.

Five years ago, the Democratic majority disagreed with a Republican President over whether information we sought as part of our oversight powers was privileged. There was plenty of partisan acrimony at the time, but we found a simple solution. We filed a lawsuit to ask a judge to decide whether we were entitled to the testimony and the documents that we had subpoenaed. The Bush administration argued that the court shouldn't decide the case. The judge disagreed. The judge said that enforcing subpoenas and deciding what testimony or documents are privileged is something courts do every day. Judges expect lawyers to make careful, calm arguments based on the law and the facts; and they have little patience for tedious, dishonest talking points or personal attacks.

The debate here tomorrow will not even remotely resemble a legal argument in court. So we could go now to a court to clarify the law. I would support that. Many Democrats would support that—but no. Instead, House Republicans are going to force a vote to prosecute the Attorney General for the crime of taking a plausible position on uncertain legal issues. Instead of asking for a careful, calm decision by a judge on a legal issue, House Republicans are choosing an intemperate, acrimonious debate here in this Chamber over legal issues about which few Members have the first clue.

Why? The only possible reason is that House Republicans just like partisan acrimony.

HONORING THE LIFE OF SPECIALIST JARROD LALLIER, AN AMERICAN HERO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. McMORRIS RODGERS) for 5 minutes.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today with a heart full of sadness and sorrow to honor the life of Specialist Jarrod Lallier.

Jarrod was a proud member of the prestigious 82nd Airborne Division, serving his first tour in Afghanistan. He was a graduate of Mead High School and a lifelong resident of Spokane, Washington. He was an athlete, a son, a brother, and an American hero.

Jarrod was just 20 years old when he lost his life last week in Afghanistan. He was just 20 years old when men in Afghan police uniforms turned their weapons on his unit and robbed him of his life. He was just 20 years old when he said goodbye to his family forever.

He would have celebrated his 21st birthday this week.

But since he is not here to do that, I want to celebrate the life he lived and the country he served.

Today, we celebrate a man who dreamed of serving America since he was young. We celebrate a man who fought for America, who protected America, who defended America. We celebrate a man who died in the name of American freedom.

Today, my thoughts and prayers and gratitude are with Specialist Jarrod Lallier and with all those who will carry on his legacy forever: his father, Gary; his mother, Kim; his sister, Jessica; and his brother, Jordan.

May God bless this great American hero, his family, and all the brave men and women who have answered America's call to freedom.

□ 1050

THE PATHWAY OF CONTEMPT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, this is a solemn place and a solemn moment when Members come to express their views.

A previous speaker drew us to heroes, and we thank those who have served us in the United States military. This morning I draw us toward constitutional and congressional responsibility. It is all intertwined in the honor that we have in serving in this august institution entrusted to us by the American public, our individual constituents.

I first suggest that earlier this week the Supreme Court established the superiority of the United States Government in immigration reform. In all of the points that were brought by the State of Arizona, two-thirds were rejected under the understanding and the law that the United States Government is in charge of immigration enforcement, immigration benefits, and that we should do our job.

For the one provision that remained standing—and as the ranking member formally of the Immigration Subcommittee and on Homeland Security, I see this every day. Having just come from Arizona, I have seen the good work Congressman GRIJALVA and Congressman PASTOR and others are doing. I know that we are working to ensure the safety of the border, but I also recognize the need for the dignity of human beings. I fight for the dignity.

Congress should get out of the way in terms of being in the midst of confusion and stand in the way and close the gap on immigration reform. The only provision left standing was a provision that the Court warned the State that if they engage in racial profiling, that too may be proven unconstitutional.

Law enforcement officers have always had the right in a legitimate stop to ask for the credentials of anyone they stop. The question is now burdening those officers to see who they stop and why they stop. Again, I speak to the issue of congressional responsibility.

Now I come to the act that is going to take place tomorrow, and a number of us are writing the Speaker and asking and imploring him, as Speaker Newt Gingrich did in 1998, refusing to bring forward a contempt charge against Janet Reno that was pointedly personal. We suggest now that there is much work to be done. As my colleague indicated, this case could be taken to the courts to determine what documents should be brought in.

In addition, the work has not been completed. Kenneth Melson, who headed the ATF, has never been allowed to speak before the committee to explain that he never told any of the officials, including the Attorney General, about the intricacies of Fast and Furious. The former Attorney General, who has appeared before the Judiciary Committee on a number of times, I know that he would not in any way flee from

coming and telling what he knew. General Mukasey, he has not been asked.

There have been 7,600 documents presented to the Oversight Committee, but yet we will be on the floor tomorrow in a purely personal relating of why Attorney General Holder, a life-long law enforcement officer, the senior officer of the United States, the one who has come riding in and helping the most vulnerable in the United States, those who cannot get to vote, the disabled, and others who have been denied by the oppressive rules that have been passed by many States.

Thank God for the Federal Government and the attorney general of the United States. If it had not been for him, I would not be standing here because I would have still been bent down in the Deep South with hoses on top of me because the General of the United States in the 1960s and the Department of Justice came in and helped Dr. Martin Luther King after Bull Connor turned those hoses on in Birmingham.

Tomorrow we malign the very officer that has come to the aid of any American, those whose homes are being foreclosed. This General led a massive settlement to be able to stand and to be able to provide for the most vulnerable of Americans.

Congress has the responsibility of creating jobs, of passing an important transportation HUD bill that will provide housing and rebuilding of our highways and freeways. Tomorrow we will stop and pause and begin to call each other names and to take a man whose very life has been in public service, who has led the Department of Justice with dignity and respect, who has answered questions, who has prepared, who has appeared before us with a demeanor that is respective of his position. All I ask is that we not bring this to the floor and cooler heads will come and sit down and resolve the remaining documents.

For the love of this Nation, for the patriotism and the honor of serving in the United States Congress, I beg of this Speaker and this House: Do not go down the pathway of contempt. I beg of you to raise this House to a level of dignity.

THERE GOES THE RULE OF LAW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I appreciate the comments of my friend from Texas. We do have some disagreements, but I want to go back to the issue of jobs.

People are hurting. Without jobs, the unemployment has been higher than the President said it would ever get if we would just simply give him about a trillion dollars to give away to his friends, that that would make it all better. Well, it didn't.

What we've seen over and over from this administration is a complete disregard for the rule of law. When you look at all the people who have been drawn into this country illegally, in violation of our immigration laws—even though there is no country in the world that allows the immigration that this country does and the wide open gates that we do. But we do have parameters.

We've been told there may be a billion, billion and a half people who want to come to this country. If they did all at once, they would overwhelm us, and there would be no country for others to come to.

Why do so many want to come here? It's because we've always had regard for the rule of law. When there were those who would ignore the rule of law and put partisan and personal benefit above the law, eventually they had to account. Some have gotten away, but this country has done a better job of being fair across the board than any other country in history. That's why so many want to come here, because we've had more jobs, a better economy, and made more advancements than any country in history.

Yet, on the issue of immigration, this President stands up and announces we're going to ignore the law, just as he did on marriage. There is a proper law that was signed into law by President Bill Clinton, enacted by Congress, upheld, and he says we're going to ignore that because we don't like it. There goes the rule of law.

When it comes to ObamaCare, we've passed this law. But you know what? So many of the people that pushed this through and rammed it down the throats of America, they're asking for waivers and they're good friends, so we're going to give them waivers so they can ignore the rule of law.

How about the auto bailout? Ignored. The bankruptcy law? It ignored the Constitution and took away dealerships and gave them to others. This was a place where the rule of law was completely ignored.

Then this President stands up and says: Not only are we going to ignore the rule of law, duly passed law, but as I speak, I will create law. I now speak into effect new work visas and work permits that have never existed. But just as the ancient pharaohs or the leaders of the ancient world, as I speak, so it must be. I'm speaking into effect new work permits. I'm speaking into effect an ignoring of the laws that were duly passed. I'm speaking into effect a chance to give them jobs that Americans are hurting and trying to get.

We also have an Attorney General who was not only asked about Fast and Furious, he was asked about Justice Kagan on the Supreme Court: Are you aware of any instances during Justice Kagan's tenure as Solicitor General of the United States in which information

related to patient protection and affordable care and/or litigation related thereto was related or provided? He refused to answer.

When did your staff begin removing Solicitor General Kagan from meetings in this matter? On what basis did you take this action? On what other matters was such action taken?

□ 1100

Look, the rule of law required that when it turned out there were possibly thousands of abuses of the national security letter in a Republican administration, I picked up the phone, called the chief of staff of my President, and said, This is unforgivable. We need a new Attorney General. Where is my friend across the aisle who will step up and say, the rule of law is too important?

We have Justice Kagan, who is ignoring law 28 U.S.C. 455 that says, You must disqualify yourself in any case in which your impartiality might reasonably be questioned. It must be reasonably expected that either she ignored the law, did not do her job as Solicitor General, was totally negligent, or she did her job, and she should not have sat on this case. She should have disqualified.

I beg and plead for my colleagues across the aisle to step up, as I did when the Attorney General was responsible for presiding over an injustice, and call for her resignation. It is contemptuous of Congress.

SOME DAYS ARE BETTER THAN OTHERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, U2 has a song, "Some Days Are Better Than Others." The lyrics go something like this:

Some days are dry. Some days are leaky. Some days come clean. Other days are sneaky. Some days take less, but most days take more. Some slip through your fingers and onto the floor.

Well, Mr. Speaker, today it is certainly threatening to slip through onto the floor. The House is apparently preparing for an unprecedented floor vote to hold a sitting Attorney General, the Nation's chief law enforcement officer, in contempt. The path that has led us to this sorry day is so long, so bizarre, so tortuous, so fantastical, so unbelievable that it stretches the imagination of individuals to try to make some sense out of our actions.

The Oversight Committee started out investigating the so-called "gun walking" which was initiated under the Bush administration. The Department of Justice produced thousands of pages of documents. The Attorney General testified nine times, and the committee found no wrongdoing by the Attorney General.

So the committee majority turned its attention to a February 4, 2011, letter sent by the Department of Justice to Senator GRASSLEY, initially denying allegations of gun walking. The DOJ acknowledged the errors in the letter to Senator GRASSLEY and provided more than 1,300 pages of internal documents showing how the letter came to be drafted. The documents demonstrated that the staff did not intentionally mislead Congress but relied on assurances from ATF leaders and officials in Arizona who ran the operation.

Did the committee call the head of the ATF, Ken Melson, to testify as to how this happened, as Democratic members of the committee requested? The answer is no. Did the committee call former Attorney General Mukasey, who was briefed on the botched effort to coordinate arms interdiction with Mexico in 2007? The answer is no.

Instead, the majority members demanded more internal deliberative documents from the Department of Justice after the Grassley letter had been sent. Instead, the committee leadership made an ever-escalating series of allegations regarding the involvement of the White House, documented in YouTube videos and news clips viewed on the Internet, which were subsequently withdrawn. The committee leadership has refused the Attorney General's offer to resolve the conflict.

The President has now claimed executive privilege over a very narrow group of documents from the Department of Justice in response to Chairman ISSA's threat to hold the Attorney General in contempt of Congress. This is the first time the President has claimed executive privilege, in sharp contrast to recent previous Presidents who used the claim on numerous occasions in similar circumstances.

Should the House continue to pursue this irresponsible action, it is likely that it would lead to many years of judicial action and would, of course, further poison the highly charged partisan atmosphere leading up to the elections and critical decisions regarding the Federal budget and all of the other things that we really seriously need to deal with.

So I join with others who are asking the Speaker, who are imploring this House not to take such an irresponsible vote, not to take an irresponsible action, but to sit with the Attorney General, and let's resolve the conflict between the House and the executive branch. That's what reasonable people would do.

DARK MONEY DONORS, SHOW YOURSELVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA) for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, money has taken over our political process.

Big corporations and high-rolling political schemers tell us everything is still mom and apple pie, and there's nothing to worry about.

But some of us have seen the effects of these hidden million-dollar dark money donations. We've seen the ads that tell you what to think and who to vote for, without telling you who's talking. We've seen the multimillion-dollar lawsuits that help elite corporate interests, without explaining who's paying the bill. We've seen more and more elections bought and paid for by the only people who can afford it. And those people are not us.

It's time to start naming names and asking why these people won't tell us who they are. We must start to fight back and ask them what they have to hide.

A front group called the National Federation of Independent Business is suing to block the Affordable Care Act. The president of the group says he's doing this to help small businesses. When I and my colleague Representative KEITH ELLISON wrote him a letter, asking him who his members are, he refused to answer. We asked him who gave him several recent million-dollar-plus donations that have helped fund the lawsuit; he refused to answer. We asked him why Karl Rove's Crossroads GPS political group gave him \$3.7 million just when he initiated the lawsuit; he refused to answer. And he thinks that's good enough. Well, it's not.

NFIB has never liked answering questions. In 2006, according to an article in the Nashville Scene, the organization claimed 600,000 member businesses nationwide. Today on its Web site, it claims about 300,000. But when we asked NFIB to disclose where its money comes from, instead of providing us the courtesy of a written response, the group told the press that its membership has been growing by leaps and bounds since the lawsuit began. It described shrinking by 50 percent as big, new expansion, and it said new members had made small donations that covered the cost of this complex lawsuit before the Supreme Court.

In other words, NFIB won't tell us the truth about who it represents or how big it is. What does it have to hide?

Our democracy has always been about people. It's been about individuals and families making choices about who represents their interests. It's about what kind of country we want to live in, not about what kind of country the very wealthy want to choose for us.

Today, as we prepare for the Supreme Court ruling on the Affordable Care Act, millions of Americans with pre-existing health conditions, with sick children, with long-term medical needs, and with no insurance stand together on one side. A front group with bottomless pockets that won't explain its motives sits on the other.

Mr. Speaker, this is not what our democracy is supposed to be about. Our Founding Fathers did not believe wealth makes a man more important than his neighbor. They didn't believe money is more important than the dignity of the individual. They didn't believe that any company or any organization is entitled to a special set of rules. And they certainly didn't believe that an incorporated business entity is the same thing as a human being.

There is no reason we have to accept the choices that the very, very wealthy few in this country are making for the rest of us. Today we stand up to be counted, and we demand that dark money donations come to light; that anyone who wants to influence our democracy step forward and state his name for the record and be honest and transparent with the American people.

□ 1110

Democracy is not for sale, and an election should not be an auction. I'm proud to be on the floor today and say that I am on the side of people that want disclosure, want fair elections, and are tired of the influence of dark money in our collective democracy.

I challenge those front groups to "put up" or "shut up." Tell us who's funding you and what you really want. It's about 4 months and a little more time until America elects a new Congress and a President. Let the voters decide. They know where I stand. And we want these front groups to tell us where they stand, where they get their money, who they are, and who they represent.

The American people in this great democracy of ours should make the choice whether we like it or not. The influence by a very few secretive groups that are fronting for others should not be the ones that decide who represents the American people, who will run this country, and who will set the priorities for this country.

IN OPPOSITION TO THE HOLDER CONTEMPT RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA) for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong opposition to this resolution to hold in contempt Attorney General of the United States Mr. Eric Holder. This contempt resolution does no good in moving along the investigation of the gun-walking operations across our borders nor in the investigation of the death of Border Patrol Agent Brian Terry, whose killing was associated with the recovery of two firearms linked with Operation Fast and Furious.

Last year, the House Oversight Committee initiated an investigation into allegations of this operation in the Bureau of Alcohol, Tobacco, and Firearms

and Explosives, or ATF, field division in Arizona. Over the past year, the committee has extended its investigation by requesting thousands of pages of documents from the Department of Justice and interviewing about two dozen officials. In response, the Department has made extraordinary attempts, in my opinion, to accommodate these requests by submitting over almost 8,000 pages of documents. Attorney General Holder has also testified before the committee about nine times on this matter.

But the current contempt debate has lost its focus. This debate is no longer about gun-walking and Operation Fast and Furious. Having already discovered that Fast and Furious was the fourth in a series of gun-walking operations run by ATF's Phoenix field division in Arizona, dating back from the time of former President George W. Bush's administration, and finding no evidence of wrongdoing on the part of the Attorney General, the committee is now turning their focus to a single letter sent by the Department of Justice's Office of Legislative Affairs to Senator GRASSLEY on February 4, 2011, which initially denied allegations of gun-walking.

The Department has acknowledged that its letter was inaccurate and has formally withdrawn the letter. The Department has also turned over 1,300 pages of internal deliberative documents relating to how it was drafted, showing that staffers who drafted the letter relied on inaccurate assurances from ATF leaders and officials in Arizona who ran the operation. Again, the focus has shifted from the real matter of investigation and bringing justice to Agent Brian Terry's family.

During the 16-month investigation, the committee refused all Democratic requests for key witnesses and hearings, as well as requests to interview any Bush administration appointees. For example, the committee refused a public hearing with Ken Melson, the head of ATF, as well as a hearing or even a private meeting with former Attorney General Mukasey.

Attorney General Holder has worked in good faith, in my opinion, Mr. Speaker, to respond to the committee's requests and even met with the bipartisan leaders from both Chambers last week, offering to provide additional documents regarding the Fast and Furious initiative. His offer was rejected, and even yet the committee has continue to move the goal posts by demanding additional internal deliberative documents from after the February 4 letter that is now in question.

Mr. Speaker, this resolution is the concluding step of what has turned out to be, in my opinion, an unfair process of defaming a public servant who has thus far made all good-faith efforts to cooperate with the Oversight Committee.

Mr. Speaker, to suggest that today's debate and deliberations on this proposed contempt resolution against Attorney General Holder is a profound example of democracy at its best may also be considered a sad day—a sad day for our Nation and a recognition of the fact that there has been a failure of the system to function properly.

I would respectfully urge the Speaker not to bring this resolution to the floor and allow the leadership of both sides of the Oversight Committee not to give up, and continue the dialogue, continue the deliberation, and not to question the motives and integrity of our colleagues on the committee, but solve the problem that is before us today, Mr. Speaker.

WORLD REFUGEE DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Today, Mr. Speaker, I rise to give a special tribute to those fathers and their families who have come to America as refugees, escaping the harsh political and economic conditions in their home countries. On June 20, we celebrated World Refugee Day. Like many of our forefathers, refugees came to America hoping for a better life. Refugees receive sanctuary in the United States because they are in harm's way, they cannot return home safely, and they have nowhere else to turn.

For generations, we have resettled millions of refugees from all over the world. They have come from many backgrounds and ethnicities. America has offered sanctuary to countless Jews, Eastern Europeans, and many others displaced during World War II. We have welcomed people from Cuba, Vietnam, and other Asian countries who were fleeing repressive regimes.

In my home State of Georgia, I have seen how refugees have become an asset, contributing to the local economy and to the local culture. According to data from the Matching Grant Program, on average, 85 percent of refugee families in Georgia are self-sufficient 180 days after arrival.

Many Americans know the remarkable story of the Lost Boys of Sudan. Thousands of Sudanese boys were displaced and separated from their families during the second Sudanese civil war between 1983 and 2005. They traveled by foot for weeks and sometimes years to refugee camps in Ethiopia and Kenya just to survive. Their resilience and hard work should be an example for us all.

Defying all odds, these young men pursued their dream of getting an education in America and grew to become productive members of my congressional district in Scottdale and Clarkston, Georgia. Nonprofit organizations such as Refugee Family Serv-

ices and RRSIA, located in my district, provide refugees with the resources they need to become self-sufficient and adapt to life here in America.

Thanks to services provided by these organizations, Ram, a young man who grew up in a Nepali refugee camp, was awarded a prestigious Gates Millennium Scholarship, a full 4-year scholarship to any college in the country. Ram chose to remain close to his family in Georgia, and he is attending Georgia Tech and plans to become a doctor.

So as we celebrate and recognize World Refugee Day this month, let us take a moment to think of those refugees, and let us recognize those organizations and volunteers working tirelessly every day helping refugees build a better future for generations to come. Let us also be proud as Americans for following our age-old tradition of welcoming those who have lost almost everything, but have found in our great country a promise for a better tomorrow.

□ 1120

Moreover, let us celebrate the generosity of the American people who have granted to refugees the best gift of all—freedom and hope.

So I ask all of my colleagues not to cut funding for refugees just to score cheap political points. Let us instead embrace refugees. Except for Native Americans, we are all descendants of progenitors who came here under some form of duress. Let us uphold our better nature of compassion and kindness that lies at the heart of who we are as Americans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

As the energy and tensions of the Second Session gather, may there be peace among the Members of the people's House. Grant that all might be confident in the mission they have been given and buoyed by the spirit of our ancestors who built our Republic

through many trials and contentious debates. May all strive with noble sincerity for the betterment of our Nation.

Many centuries ago, You blessed Abraham for his welcome to strangers by the oaks of Mamre. Bless this Chamber this day with the same spirit of hospitality, so that all Americans might know that in the people's House all voices are respected, even those with whom there is disagreement.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. COFFMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. COFFMAN of Colorado led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

OUR NATION IS ANXIOUSLY AWAITING DECISION ON OBAMACARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Americans will find out what we've been anxiously awaiting for the past 2 years: whether or not the government health care takeover bill is constitutional. Tomorrow, at 10 a.m., people across the Nation will be closely watching and listening as the Supreme Court delivers its opinion.

In efforts to rally her party for ObamaCare, former House Speaker NANCY PELOSI outraged Americans at a press conference by stating, "We have to pass the bill so we can find out what's in it." The American people now know this bill, and they overwhelmingly disapprove of this bill, which the National Federation of Independent Business reveals will destroy 1.6 million jobs.

It is my hope that the Supreme Court will side with the best interests of the

American people and overturn the job-destroying, out-of-control spending, and overreaching government health care takeover bill, which will hurt senior citizens with waiting lists, rationing, and denial of service.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations, Tom Rice of Myrtle Beach.

OPPOSING CONTEMPT CITATION AGAINST THE HONORABLE ERIC H. HOLDER, JR., ATTORNEY GEN- ERAL OF THE UNITED STATES

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, tomorrow we risk bringing dishonor to this House.

For Members who revere Congress as the legislative branch of government, the majority's irresponsible and unprecedented contempt vote is just another sad chapter in our recent institutional decline. I implore my colleagues to give careful consideration as to whether we truly want the 112th Congress to become the first in history to hold a sitting Cabinet member in contempt of Congress.

Do we really want our legacy to be establishing one of the most partisan House of Representatives of all time, so clouded in judgment, so besotted with rancor and partisanship, that we are incapable of addressing vital separation of powers conflicts in a serious and fair fashion?

Further negotiations with the Department of Justice and the Attorney General are clearly available if we want a solution. I urge my colleagues to join me in restoring honor and dignity to this House by opposing the nuclear option: a contempt citation.

SMALL BUSINESS LENDING FOR JOBS ACT OF 2012

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. An important part of the continued viability of our Nation's small businesses is their access to capital. To foster this access, we need to provide community financial institutions with responsible regulatory relief so they can increase lending to small businesses.

That is why, today, I have introduced the Small Business Lending for Jobs Act of 2012. This bipartisan legislation will allow community banks to spread losses in commercial real estate over a 7-year period. This will allow banks to retain more capital and use these funds to make new loans to small businesses in their communities.

The bill also establishes a dual mission for Federal banking regulators and the Consumer Financial Protection Bureau, mandating these entities promote credit availability so long as that credit is provided in a safe and sound manner. This will bring a greater balance to banking regulations. A dual mission will lead to regulators factoring in the impact on banks, communities, and customers in making their decision.

I urge my colleagues to support the bipartisan Small Business Lending for Jobs Act of 2012.

AMERICA'S CUP

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to recognize the work being done in my home State of Rhode Island as we host the final leg of the inaugural America's Cup World Series, an incredible boost to our tourism economy and a great moment for our State.

Teams of competitors and spectators from around the world have come to Newport for the America's Cup World Series, which according to some estimates is expected to bring in \$70 million for our State's economy.

Although Newport hosted the America's Cup from 1930 to 1983, this marks the first time in history that America's Cup races are actually being held inside Narragansett Bay.

The opportunity to host a leg of this year's America's Cup not only provides a source of real economic benefit for our State, but also an intangible level of pride for all Rhode Islanders.

Thank you to the organizers for their hard work. I wish the competitors good luck, and to all those likely to benefit from the enormous economic impact of these events, much success.

BAXTER BOMB SQUAD RECOGNITION

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I rise today to honor the members of the Mountain Home High School FIRST Robotics team, first known as the "Baxter Bomb Squad," who recently won the For Inspiration and Recognition of Science and Technology championship. The team was made up of 22 students and 14 adults, including several pairs of father-and-son teams.

Together they spent hundreds of hours building a robot, which competed in the Rebound Rumble, a basketball-inspired game. The team competed in front of an audience of 30,000 people and against more than 400 other teams.

The Baxter Bomb Squad has been competing for 17 years, and for the very first time this year, they won the

championship. They were sponsored by local businesses, including Baxter Healthcare and Mountain Home High School.

The For Inspiration and Recognition of Science and Technology championship has helped influence thousands of students throughout the country to pursue higher education in engineering and related scientific fields. Students who participated in this competition are 50 percent more likely to attend college and twice as likely to major in science and engineering.

Congratulations to the Baxter Bomb Squad. Best of luck for years to come.

ORAL CHEMOTHERAPY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, every day more and more cancer patients across the country are denied coverage for smart drugs because insurance companies refuse to cover them.

A resident in my district called my office last month to say that her insurance company refused to cover an oral chemotherapy drug she was prescribed to fight her cancer because her policy only covered generic drugs.

Madam Speaker, the insurance paradigm has not kept pace with the science, and this is unacceptable. That is why I have introduced H.R. 2746, the Cancer Drug Coverage Parity Act, to mandate parity in coverage for all forms of chemotherapy, whether they're administered orally or through the vein.

I urge colleagues to support this legislation because cancer treatment should be determined by a physician, not by arbitrary and outdated insurance policies.

□ 1210

REAL HEALTH CARE REFORM

(Mr. BROWN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Georgia. Madam Speaker, more than 2 years ago, the President signed into law one of the most egregious attacks upon our freedom that this Nation has ever seen. Two years later, almost 60 percent of the American people still want to see ObamaCare repealed before the price of their health care goes up even more than it already has. Believe me, if we let this law take effect as planned, costs will skyrocket, and millions of Americans will lose their insurance altogether.

On top of restrictive mandates, higher taxes, Medicare cuts, and more government overreach, ObamaCare is flat out unconstitutional. We simply can-

not force the American people to buy health insurance if they don't want it. I'm hopeful that tomorrow the Supreme Court will do its job and apply the Constitution as our Founding Fathers intended.

I look forward to repealing ObamaCare and getting started on real health care reform, as soon as the court reaches a decision.

POLITICAL VENDETTA

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, with so few days left in this legislative session, this is a time when we could be talking about how to help create jobs, improve education, and lower the deficit. That is surely what the American people really care about.

Instead, the greatest deliberative body in the world is quarreling about bringing a contempt charge to the floor of Congress against the Attorney General. It has never happened before. And let's be clear: it's not about finding the truth or creating reforms or finding out how gun walking started. We know how that started—it started under the Bush administration.

What this is about is just the Republican leadership pursuing single-mindedly a political vendetta, a political obsession. Like Ahab going after the great white whale, they are hoping to spill political blood.

This is the type of gamesmanship and partisanship that understandably makes the American people lose faith in their Congress and in their leaders.

Tomorrow, if it comes to the floor, vote "no" and let's get back to work on the real problems.

A FAST AND FURIOUS ATTACK

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, tomorrow the House is intending to vote on the contempt of our outstanding Attorney General, Eric Holder. It's because the Republicans have been obsessed with Fast and Furious.

Fast and Furious was a plan that went awry. It was started by the Bush administration, and it went awry. It was fatally flawed, and it resulted in the tragic death of a border agent. But nothing in this resolution will get to the bottom of it, and nothing will change it.

The fact is Fast and Furious is misnamed. Fast and furious is what the Republicans—starting with Senator MITCH MCCONNELL—have been doing since President Obama was elected. In a fast and furious way they've tried to do everything they can to taint the President of the United States and to taint anybody associated with him.

That's what they are doing with Eric Holder. They want to blemish him and blemish the President.

Their fast and furious attack on the health care bill, which will save lives in America, and on this administration, is shameful. We should be creating jobs, helping the middle class, and putting America on the road to recovery. Instead, what we've been doing is a fast and furious attack on this administration.

A POLITICAL WITCH HUNT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, while we have decried bullying in our schools, unfortunately it's going on right here in this House.

Tomorrow, the Issa resolution holding our Attorney General in contempt is to come to the floor, and I urge my colleagues to put an end to this totally politically inspired attack on Attorney General Holder and President Obama's administration.

Thousands of documents have been produced, many interviews have been held, and Mr. Holder has testified before Congress nine times on the operation Fast and Furious, which was started in Arizona no less, and under President Bush's administration. Democrats were not allowed one witness or a hearing that would have made this a fair, balanced, and likely closed investigation.

At the end of this extreme, unprecedented, partisan attack on the current administration, which is what it's all about and what can only be called a political witch hunt, what you will find in Attorney General Eric Holder is an intelligent, competent, patriotic, dedicated, and humble public servant who is upholding the integrity of his office and serving this country with honor.

Madam Speaker, I urge the House not to sully the history and decorum of this body with this first-ever vote to hold a sitting Attorney General in contempt.

SHAMEFUL

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Madam Speaker, tomorrow this House is about to do something unprecedented and unwarranted. Motivated solely by politics, the leadership of this House is planning to smear a dedicated public servant.

For the first time in our history, they are planning to hold the Attorney General of the United States in contempt of Congress. This is shameful. Not even during the nakedly partisan speakership of Newt Gingrich has this House even considered such a resolution. But even more shameful is that

they are ignoring the real issue, the easily available assault weapons and the gun related violence that continues unabated in this country.

Madam Speaker, they need to put aside politics and start caring about the safety of all of our citizens.

INVEST IN JOBS AND OUR INFRASTRUCTURE

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, I live in the Village of Cos Cob, Connecticut, where years ago a major bridge spanning the Mianus Harbor on Route 95 fell into the Mianus Harbor, killing a number of people, devastating the quality of life in the area, and hurting businesses up and down the coastline.

It fell into Mianus Harbor because we failed to invest in our transportation infrastructure. We failed to do something that we all understand is critical to our economy and just plain good sense.

On June 30, thousands of projects—like keeping the Mianus Harbor Bridge intact—will come to a halt because this House will not approve a reauthorization of the transportation bill. That's bad economics. It's bad for jobs, and it's bad for safety.

What do we do? Seventy-four Senators, lots of Republicans, and lots of Democrats, passed a 2-year bill that would keep the funding going and preserve or save or create 2 million jobs. But not in this House. No. In this House we've got to get the President to approve Keystone. We should do that, but let's do it separately and invest in jobs and our infrastructure.

RECOGNIZING THE VALUE OF THE AFFORDABLE CARE ACT

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, tomorrow the United States Supreme Court is expected to rule on the constitutionality of the Affordable Care Act.

Let us all step back and recognize those portions that people like. These are the highlights: For seniors, it closes the infamous doughnut hole for prescription drugs. This means, to date, about 5.3 million seniors have experienced savings of \$3.7 billion. That doughnut hole will close completely by the year 2020.

For women, we no longer are going to suffer the discrimination against us. Ninety percent of the plans today charge more for women than they do for men for the same process. In 2014, this stops. Women can no longer be discriminated against for what they call preexisting conditions. Do you know

what these preexisting conditions are? Breast cancer, C-section and childbirth, pregnancy, victims of domestic abuse.

And there will be a ban on maximum coverage in your lifetime for medical care. You will no longer need to have a referral to go see an OB/GYN. Children will also benefit.

Madam Speaker, let's all recognize the value of the Affordable Care Act.

WE HAVE TO PUT OUR HEADS TOGETHER

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Madam Speaker, if you know you're approaching a cliff, wouldn't you take steps to avoid it?

Consumer confidence is flagging. It's flagging in part because some Members of the House have taken to brandishing the debt ceiling as a weapon designed to undercut economic growth. That just isn't responsible.

We have to put our heads together now to find a responsible way to cut spending and increase revenues rather than play the blame game. We cannot allow this year's approaching fiscal crisis to go the way of the budget supercommittee. That means both parties must find common ground. I know that's what San Diegans expect.

It is critical that we deal with our real problems. Those who are underemployed need jobs, doctors facing reimbursement cuts must be paid, and everything cannot be paid for on the backs of the middle class.

□ 1220

WELCOMING HIS HOLINESS, HAZRAT MIRZA MASROOR AHMAD TO THE CAPITOL

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Madam Speaker, it is my honor today to welcome to the House of Representatives His Holiness, Hazrat Mirza Masroor Ahmad. He is with us today in the gallery. His Holiness is the worldwide spiritual leader of the Ahmadiyya Muslim community, which has tens of millions of adherents around the world in 190 countries and tens of thousands of adherents here in the United States.

Today at a historic event in the Gold Room of the Rayburn Building, we recognized His Holiness' commitment to world peace, to brotherhood, to justice, and to religious freedom. I am proud to join with my colleague from California, ZOE LOFGREN, and others in introducing a resolution today in honor of His Holiness' visit here to our Nation's

Capitol. In the United States, the Ahmadi community is one of the oldest and most organized Islamic communities.

I also want to take this opportunity to recognize two distinguished leaders from Los Angeles, Dr. Asif Mahmood and Kareem Ahmed, who are also in the gallery here and who show such leadership of the Muslim community in the Los Angeles area.

It is my honor to recognize His Holiness, to invite him to be with us here in the people's House. And I want to commend the Ahmadi motto: "Love for all. Hatred for none."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ROSELEHTINEN). Members should not refer to occupants of the gallery. In addition, the Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of its proceedings is in violation of the rules of the House.

CAP STUDENT LOAN INTEREST RATES

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Madam Speaker, I will say to the American people, to the over 1 million online supporters of my legislation to forgive student loans, I want to thank you all for creating a national movement, a movement so strong that we are now demanding that this House and this Congress do something to cap student loan interest rates. But we can't give up. We can't stop there. We've got to cut this debt to bring people hope and to create jobs.

NATIONAL DAIRY MONTH

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, every year, California dairies produce over 17 billion pounds of milk products that provide families with affordable, nutrient-rich products that we consume. California is the Nation's top milk-producing State, and much of the production takes place in the San Joaquin Valley, which I represent a part of. Many of these dairies in my district have been passed down from generation to generation, including the one that I grew up on in Kearney Park, near Fresno, California.

Over the last few years, dairy producers have seen milk prices continue to drop and feed prices increase and even skyrocket. In the coming weeks, the Ag Committee is slated to begin consideration of the 2012 farm bill. It is

my hope that we can find a way to bring more certainty in prices and prevent extreme market volatility to help our producers across the country stay afloat.

As National Dairy Month comes to a close, I would like to commend our dairymen and -women for the work they do every day on the farm, 365 days a year, that allows families nationwide to enjoy the nutritious, cost-effective food that they are putting on our tables.

40TH ANNIVERSARY OF THE MUNICH VICTIMS

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, several weeks ago, my friend from New York, Congressman HANNA, and I sent a bipartisan letter to the International Olympic Committee, asking them to hold a moment of silence during the opening ceremonies of this year's Olympic Games in commemoration of the victims of the 1972 Munich massacre.

On September 5, 1972, 2 weeks after the start of the Olympic games in Munich, members of a Palestinian terrorist group, Black September, broke into the Olympic Village. Eleven Israelis were killed in that massacre. Now, 40 years later, in London, we are convening another Olympic ceremony. We asked the International Olympic Committee to recognize this 40-year anniversary, and the response we got was, No.

That is the wrong response, Madam Speaker. We, again, on a bipartisan basis, appealed to the International Olympic Committee in London, when these Olympics begin, to commemorate those Israelis who were massacred, which fits the ideals of the Olympics and, that is, international friendship and fraternity.

Eleven lives were lost. We should remember them in London when the Olympics convene.

STOP STUDENT LOAN INTEREST RATES FROM DOUBLING

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Madam Speaker, today I rise to draw attention to the fact that there are only 4 days left until Federal student loan interest rates double. On July 1, the interest rate for 7 million students could rise to 6.8 percent. Failure to act and to act now would add \$6.3 billion to students' debt burdens in 1 year alone.

Frankly, Madam Speaker, this rise in rates would happen at a time when our young people can least afford it. Our young people who are recent college graduates have the highest unemployment rate of any age group in the Nation, and more of them are graduating with debt than ever before. In fact, two-thirds of the class of 2010 graduated with student loan debt.

Madam Speaker, this is a real problem. It should be solved now, and it shouldn't be solved on the backs of the working class and the poor. I urge my colleagues to join me and do the right thing. Let's stop the interest rates from doubling before it's too late.

PUBLIC SAFETY OFFICERS' BENEFITS IMPROVEMENTS ACT OF 2012

The SPEAKER pro tempore (Mr. MCCLINTOCK). Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and passing the bill (H.R. 4018) to improve the Public Safety Officers' Benefits Program, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. LATHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5972 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5972.

Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) kindly take the chair.

□ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Ms. ROS-LEHTINEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 26, 2012, the amendment offered by the gentleman from Georgia (Mr. BROUN) had been disposed of, and the bill had been read through page 74, line 6.

Mr. LATHAM. Madam Chair, I submit the following for the RECORD.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses.....	102,481	110,450	108,277	+5,796	-2,173
Immediate Office of the Secretary.....	(2,618)	---	(2,635)	(+17)	(+2,635)
Immediate Office of the Deputy Secretary.....	(984)	---	(992)	(+8)	(+992)
Office of the General Counsel.....	(19,515)	---	(19,615)	(+100)	(+19,615)
Office of the Under Secretary of Transportation for Policy.....	(10,107)	---	(11,248)	(+1,141)	(+11,248)
Office of the Assistant Secretary for Budget and Programs.....	(10,538)	---	(12,825)	(+2,287)	(+12,825)
Office of the Assistant Secretary for Governmental Affairs.....	(2,500)	---	(2,601)	(+101)	(+2,601)
Office of the Assistant Secretary for Administration.....	(25,469)	---	(27,095)	(+1,626)	(+27,095)
Office of Public Affairs.....	(2,020)	---	(2,034)	(+14)	(+2,034)
Office of the Executive Secretariat.....	(1,595)	---	(1,701)	(+106)	(+1,701)
Office of Small and Disadvantaged Business Utilization.....	(1,369)	---	(1,539)	(+170)	(+1,539)
Office of Intelligence, Security, and Emergency Response.....	(10,778)	---	(10,875)	(+97)	(+10,875)
Office of the Chief Information Officer.....	(14,988)	---	(15,117)	(+129)	(+15,117)
Research and Development.....	---	13,670	---	---	-13,670
National Infrastructure Investments.....	500,000	500,000	---	-500,000	-500,000
Livable Communities Initiative.....	---	5,000	---	---	-5,000
Financial Management Capital.....	4,990	10,000	10,000	+5,010	---
Cyber Security Initiatives.....	10,000	6,000	6,000	-4,000	---
Office of Civil Rights.....	9,384	9,773	9,773	+389	---
Transportation Planning, Research, and Development....	9,000	10,000	8,000	-1,000	-2,000
Working Capital Fund.....	(172,000)	---	(174,128)	(+2,128)	(+174,128)
Minority Business Resource Center Program.....	922	1,285	1,285	+363	---
(Limitation on guaranteed loans).....	(18,367)	(21,955)	(21,955)	(+3,588)	---
Minority Business Outreach.....	3,068	3,234	3,234	+166	---
Payments to Air Carriers (Airport & Airway Trust Fund)	143,000	114,000	114,000	-29,000	---
Rescission of excess compensation for general aviation operations.....	-3,254	---	---	+3,254	---
Total, Office of the Secretary.....	779,591	783,412	260,569	-519,022	-522,843
Federal Aviation Administration					
Operations.....	9,653,395	9,718,000	9,718,000	+64,605	---
Air traffic organization.....	(7,442,738)	---	(7,513,850)	(+71,112)	(+7,513,850)
Aviation safety.....	(1,252,991)	---	(1,255,000)	(+2,009)	(+1,255,000)
Commercial space transportation.....	(16,271)	---	(16,700)	(+429)	(+16,700)
Finance and management.....	(582,117)	---	(573,591)	(-8,526)	(+573,591)
Human resources programs.....	(98,858)	---	---	(-98,858)	---
Staff offices.....	(200,286)	---	(298,795)	(+98,509)	(+298,795)
NextGen.....	(60,134)	---	(60,064)	(-70)	(+60,064)
Facilities and Equipment (Airport & Airway Trust Fund)	2,730,731	2,850,000	2,749,596	+18,885	-100,404
Research, Engineering, and Development (Airport & Airway Trust Fund).....	167,556	180,000	175,000	+7,444	-5,000
Rescission.....	---	-26,184	-26,184	-26,184	---
Subtotal.....	167,556	153,816	148,816	-18,740	-5,000
Grants-in-Aid for Airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....	(3,435,000)	(3,400,000)	(3,400,000)	(-35,000)	---
(Limitation on obligations).....	(3,350,000)	(3,350,000)	(3,350,000)	---	---
Administration.....	(101,000)	(103,000)	(105,000)	(+4,000)	(+2,000)
Airport Cooperative Research Program.....	(15,000)	(15,000)	(15,000)	---	---
Airport technology research.....	(29,250)	(29,300)	(29,300)	(+50)	---
Small community air service development program...	(6,000)	---	---	(-6,000)	---
Chapter 471 reform obligation limitation reduction (legislative proposal).....	---	(-926,000)	---	---	(+926,000)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Aviation Insurance Revolving Fund (Sec. 117).....	---	-1,000	---	---	+1,000
Total, Federal Aviation Administration.....	12,551,682	12,720,816	12,616,412	+64,730	-104,404
Appropriations.....	(12,551,682)	(12,747,000)	(12,642,596)	(+90,914)	(-104,404)
Rescissions.....	---	(-26,184)	(-26,184)	(-26,184)	---
Limitations on obligations.....	(3,350,000)	(2,424,000)	(3,350,000)	---	(+926,000)
Total budgetary resources.....	(15,901,682)	(15,144,816)	(15,966,412)	(+64,730)	(+821,596)
Federal Highway Administration					
Limitation on Administrative Expenses.....	(412,000)	(437,780)	(392,855)	(-19,145)	(-44,925)
Federal-Aid Highways (Highway Trust Fund):					
(Liquidation of contract authorization).....	(39,882,583)	(42,569,000)	(39,882,583)	---	(-2,686,417)
(Limitation on obligations).....	(39,143,583)	(41,830,000)	(39,143,583)	---	(-2,686,417)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Emergency Relief (disaster relief category).....	1,662,000	---	---	-1,662,000	---
Total, Federal Highway Administration.....	1,662,000	---	---	-1,662,000	---
Disaster relief category.....	(1,662,000)	---	---	(-1,662,000)	---
Limitations on obligations.....	(39,143,583)	(41,830,000)	(39,143,583)	---	(-2,686,417)
Exempt contract authority.....	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources.....	(41,544,583)	(42,569,000)	(39,882,583)	(-1,662,000)	(-2,686,417)
Federal Motor Carrier Safety Administration					
Motor Carrier Safety Operations and Programs (Highway Trust Fund)(Liquidation of contract authorization)...	(247,724)	(250,000)	(244,144)	(-3,580)	(-5,856)
(Limitation on obligations).....	(247,724)	(250,000)	(244,144)	(-3,580)	(-5,856)
Motor Carrier Safety Grants (Highway Trust Fund)					
(Liquidation of contract authorization).....	(307,000)	(330,000)	(307,000)	---	(-23,000)
(Limitation on obligations).....	(307,000)	(330,000)	(307,000)	---	(-23,000)
CVISN contract authority (Sec. 131).....	1,000	---	---	-1,000	---
Rescission of contract authority.....	-1,000	---	---	+1,000	---
Total, Federal Motor Carrier Safety Administration.....	---	---	---	---	---
Limitations on obligations.....	(554,724)	(580,000)	(551,144)	(-3,580)	(-28,856)
Total budgetary resources.....	(554,724)	(580,000)	(551,144)	(-3,580)	(-28,856)
National Highway Traffic Safety Administration					
Operations and Research (general fund).....	140,146	---	152,000	+11,854	+152,000
Vehicle Safety.....	---	188,000	---	---	-188,000
Operations and Research (Highway Trust Fund)					
(Liquidation of contract authorization).....	(109,500)	(150,000)	(122,360)	(+12,860)	(-27,640)
(Limitation on obligations).....	(109,500)	---	(122,360)	(+12,860)	(+122,360)
Highway Safety Research and Development					
(Limitation on obligations).....	---	(150,000)	---	---	(-150,000)
Subtotal.....	249,646	338,000	274,360	+24,714	-63,640
Highway Traffic Safety Grants (Highway Trust Fund)					
(Liquidation of contract authorization).....	(550,328)	(643,000)	(501,828)	(-48,500)	(-141,172)
(Limitation on obligations).....	(550,328)	(643,000)	(501,828)	(-48,500)	(-141,172)
Highway safety programs (23 USC 402).....	(235,000)	(317,500)	(235,000)	---	(-82,500)
Occupant protection incentive grants(23 USC 405)	(25,000)	(40,000)	(25,000)	---	(-15,000)
Safety belt performance grants (23 USC 406).....	(48,500)	---	---	(-48,500)	---
Distracted driving prevention.....	---	(50,000)	---	---	(-50,000)
State traffic safety information system					
improvement(23 USC 408).....	(34,500)	(34,500)	(34,500)	---	---
Impaired driving countermeasures (23 USC 410)...	(139,000)	(139,000)	(139,000)	---	---
Grant administration.....	(25,328)	(18,000)	(25,328)	---	(+7,328)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
High visibility enforcement.....	(29,000)	(37,000)	(29,000)	---	(-8,000)
Child safety and booster seat grants.....	(7,000)	---	(7,000)	---	(+7,000)
Motorcyclist safety.....	(7,000)	(7,000)	(7,000)	---	---
Total, National Highway Traffic Safety Administration.....	140,146	188,000	152,000	+11,854	-36,000
Limitations on obligations.....	(659,828)	(793,000)	(624,188)	(-35,640)	(-168,812)
Total budgetary resources.....	(799,974)	(981,000)	(776,188)	(-23,786)	(-204,812)
Federal Railroad Administration					
Safety and Operations.....	178,596	196,000	184,000	+5,404	-12,000
Offsetting fee collections (legislative proposal).....	---	-40,000	---	---	+40,000
Direct appropriation.....	178,596	156,000	184,000	+5,404	+28,000
Railroad Research and Development.....	35,000	35,500	35,500	+500	---
System Preservation.....	---	1,546,000	---	---	-1,546,000
Network Development.....	---	1,000,000	---	---	-1,000,000
National Railroad Passenger Corporation:					
Operating Grants to the National Railroad Passenger Corporation.....	466,000	---	350,000	-116,000	+350,000
Capital and Debt Service Grants to the National Railroad Passenger Corporation.....	952,000	---	1,452,000	+500,000	+1,452,000
Subtotal.....	1,418,000	---	1,802,000	+384,000	+1,802,000
Next Gen High Speed Rail Service (rescission).....	---	-1,973	-1,973	-1,973	---
Northeast Corridor Improvement Program (rescission)...	---	-4,419	-4,419	-4,419	---
Total, Federal Railroad Administration.....	1,631,596	2,731,108	2,015,108	+383,512	-716,000
Federal Transit Administration					
Administrative Expenses.....	98,713	---	100,000	+1,287	+100,000
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	(9,400,000)	---	(9,400,000)	---	(+9,400,000)
(Limitation on obligations).....	(8,360,565)	---	(8,360,565)	---	(+8,360,565)
Rescission of prior year contract authority.....	---	-72,496	-72,496	-72,496	---
Research and Technology Deployment.....	---	120,957	---	---	-120,957
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization).....	---	(9,500,000)	---	---	(-9,500,000)
(Limitation on obligations).....	---	(4,759,372)	---	---	(-4,759,372)
Transit Expansion and Livable Communities (liquidation of contract authorization).....	---	(1,500,000)	---	---	(-1,500,000)
(limitation on obligations).....	---	(212,185)	---	---	(-212,185)
Capital Investment Grants.....	---	2,235,486	---	---	-2,235,486
Operations and Safety.....	---	166,000	---	---	-166,000
Administrative programs.....	---	(129,700)	---	---	(-129,700)
Rail transit safety programs.....	---	(36,300)	---	---	(-36,300)
Research and University Research Centers.....	44,000	---	44,000	---	+44,000
Bus and Rail State of Good Repair (liquidation of contract authorization).....	---	(1,500,000)	---	---	(-1,500,000)
(limitation on obligations).....	---	(3,207,000)	---	---	(-3,207,000)
Capital Investment Grants.....	1,955,000	---	1,816,993	-138,007	+1,816,993
Rescission.....	-58,500	-11,429	-11,429	+47,071	---
Subtotal.....	1,896,500	-11,429	1,805,564	-90,936	+1,816,993

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Washington Metropolitan Area Transit Authority					
Capital and Preventive Maintenance.....	150,000	135,000	150,000	---	+15,000
Rescission.....	---	-523	-523	-523	---
Subtotal.....	150,000	134,477	149,477	-523	+15,000
University Transportation Research (rescission).....					
Job Access and Reverse Commute Grants (rescission)....	---	-293	-293	-293	---
Research, Training and Human Resources (rescission)...	---	-14,662	-14,662	-14,662	---
Interstate Transfer Grants (rescission).....	---	-248	-248	-248	---
Urban discretionary accounts (rescission).....	---	-2,662	-2,662	-2,662	---
Urban discretionary accounts (rescission).....	---	-578	-578	-578	---
Total, Federal Transit Administration.....	2,189,213	2,554,552	2,008,102	-181,111	-546,450
Appropriations.....	(2,247,713)	(2,657,443)	(2,110,993)	(-136,720)	(-546,450)
Rescissions.....	(-58,500)	(-30,395)	(-30,395)	(+28,105)	---
Limitations on obligations.....	(8,360,565)	(8,178,557)	(8,360,565)	---	(+182,008)
Total budgetary resources.....	(10,549,778)	(10,733,109)	(10,368,667)	(-181,111)	(-364,442)
Saint Lawrence Seaway Development Corporation					
Operations and Maintenance (Harbor Maintenance Trust Fund).....	32,259	33,000	33,000	+741	---
Maritime Administration					
Maritime Security Program.....	174,000	184,000	184,000	+10,000	---
Operations and Training.....	156,258	146,298	145,753	-10,505	-545
Rescission.....	-980	---	---	+980	---
Ship Disposal.....	5,500	10,000	4,000	-1,500	-6,000
Assistance to Small Shipyards.....	9,980	---	---	-9,980	---
Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses.....	3,740	3,750	3,750	+10	---
Rescission.....	-35,000	---	---	+35,000	---
Subtotal.....	-31,260	3,750	3,750	+35,010	---
Total, Maritime Administration.....	313,498	344,048	337,503	+24,005	-6,545
Pipeline and Hazardous Materials Safety Administration					
Operational Expenses:					
General Fund.....	20,721	20,408	22,391	+1,670	+1,983
Pipeline Safety Fund.....	639	639	639	---	---
Pipeline Safety information grants to communities.	(1,000)	(1,000)	(1,500)	(+500)	(+500)
Subtotal.....	21,360	21,047	23,030	+1,670	+1,983
Hazardous Materials Safety.....	42,338	50,673	42,546	+208	-8,127
Pipeline Safety:					
Pipeline Safety Fund.....	90,679	150,500	90,679	---	-59,821
Oil Spill Liability Trust Fund.....	18,573	21,510	18,573	---	-2,937
Pipeline Safety Design Review Fund (leg. proposal)	---	4,000	2,000	+2,000	-2,000
Subtotal.....	109,252	176,010	111,252	+2,000	-64,758
Subtotal, Pipeline and Hazardous Materials Safety Administration.....	172,950	247,730	176,828	+3,878	-70,902
Pipeline safety user fees.....	-91,318	-151,139	-91,318	---	+59,821
Special permit and approval fees (leg. proposal).....	---	-12,000	---	---	+12,000
Pipeline Safety Design Review fee (leg. proposal).....	---	-4,000	-2,000	-2,000	+2,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency Preparedness Grants:					
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)	---	---
(Emergency preparedness fund).....	(188)	(188)	(188)	---	---
Total, Pipeline and Hazardous Materials Safety Administration.....	81,632	80,591	83,510	+1,878	+2,919
Research and Innovative Technology Administration					
Research and Development.....	15,981	---	13,500	-2,481	+13,500
Office of Inspector General					
Salaries and Expenses.....	79,624	84,499	84,499	+4,875	---
Surface Transportation Board					
Salaries and Expenses.....	29,310	31,250	31,250	+1,940	---
Offsetting collections.....	-1,250	-1,250	-1,250	---	---
Total, Surface Transportation Board.....	28,060	30,000	30,000	+1,940	---
=====					
Total, title I, Department of Transportation..	19,505,282	19,550,028	17,634,203	-1,871,079	-1,915,823
Appropriations.....	(17,942,016)	(19,685,493)	(17,769,670)	(-172,346)	(-1,915,823)
Rescissions.....	(-97,734)	(-62,971)	(-62,971)	(+34,763)	---
Disaster relief category.....	(1,662,000)	---	---	(-1,662,000)	---
Rescissions of contract authority.....	(-1,000)	(-72,496)	(-72,496)	(-71,496)	---
Limitations on obligations.....	(52,068,700)	(53,805,557)	(52,029,480)	(-39,220)	(-1,776,077)
Total budgetary resources.....	(71,573,982)	(73,355,583)	(69,663,683)	(-1,910,299)	(-3,691,900)
=====					
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Management and Administration					
Administration, Operations and Management.....	537,789	532,546	518,068	-19,721	-14,478
Program Office Salaries and Expenses:					
Public and Indian Housing.....	200,000	211,634	206,500	+6,500	-5,134
Community Planning and Development.....	100,000	103,882	103,500	+3,500	-382
Housing.....	391,500	398,832	396,500	+5,000	-2,332
Policy Development and Research.....	22,211	21,394	22,326	+115	+932
Fair Housing and Equal Opportunity.....	72,600	74,296	72,904	+304	-1,392
Office of Healthy Homes and Lead Hazard Control...	7,400	6,816	6,816	-584	---
Subtotal.....	793,711	816,854	808,546	+14,835	-8,308
Total, Management and Administration.....	1,331,500	1,349,400	1,326,614	-4,886	-22,786
Public and Indian Housing					
Tenant-based Rental Assistance:					
Renewals.....	17,242,351	17,237,948	17,237,948	-4,403	---
Tenant protection vouchers.....	75,000	75,000	75,000	---	---
Administrative fees.....	1,350,000	1,575,000	1,575,000	+225,000	---
Family self-sufficiency coordinators.....	60,000	---	60,000	---	+60,000
Veterans affairs supportive housing.....	75,000	75,000	75,000	---	---
Sec. 811 mainstream voucher renewals.....	112,018	111,335	111,335	-683	---
Transformation initiative (transfer out).....	---	(-25,000)	---	---	(+25,000)
Subtotal (available this fiscal year).....	18,914,369	19,074,283	19,134,283	+219,914	+60,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Advance appropriations.....	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances.....	-4,000,000	-4,000,000	-4,000,000	---	---
Total, Tenant-based Rental Assistance appropriated in this bill.....	18,914,369	19,074,283	19,134,283	+219,914	+60,000
Public Housing Capital Fund.....	1,875,000	2,070,000	1,985,000	+110,000	-85,000
Transformation initiative (transfer out).....	---	(-10,350)	---	---	(+10,350)
Public Housing Operating Fund.....	3,961,850	4,524,000	4,524,000	+562,150	---
Transformation initiative (transfer out).....	---	(-22,620)	---	---	(+22,620)
Choice neighborhoods.....	120,000	150,000	---	-120,000	-150,000
Transformation initiative (transfer out).....	---	(-750)	---	---	(+750)
Family Self-Sufficiency.....	---	60,000	---	---	-60,000
Native American Housing Block Grants.....	650,000	650,000	650,000	---	---
Transformation initiative (transfer out).....	---	(-3,250)	---	---	(+3,250)
Native Hawaiian Housing Block Grant.....	13,000	13,000	---	-13,000	-13,000
Transformation initiative (transfer out).....	---	(-65)	---	---	(+65)
Indian Housing Loan Guarantee Fund Program Account.....	6,000	7,000	6,000	---	-1,000
(Limitation on guaranteed loans).....	(360,000)	(900,000)	---	(-360,000)	(-900,000)
Transformation initiative (transfer out).....	---	(-35)	---	---	(+35)
Native Hawaiian Loan Guarantee Fund Program Account.....	386	1,000	---	-386	-1,000
(Limitation on guaranteed loans).....	(41,504)	(107,000)	---	(-41,504)	(-107,000)
Housing Certificate Fund (rescission).....	-200,000	---	---	+200,000	---
Total, Public and Indian Housing.....	25,340,605	26,549,283	26,299,283	+958,678	-250,000
Community Planning and Development					
Housing Opportunities for Persons with AIDS.....	332,000	330,000	330,000	-2,000	---
Transformation initiative (transfer out).....	---	(-1,650)	---	---	(+1,650)
Community Development Fund.....	2,948,090	2,948,090	3,404,000	+455,910	+455,910
Indian CDBG.....	60,000	60,000	---	-60,000	-60,000
Sustainable housing and communities.....	---	100,000	---	---	-100,000
Capacity building.....	---	35,000	---	---	-35,000
Disaster relief.....	300,000	---	---	-300,000	---
(Disaster relief category).....	100,000	---	---	-100,000	---
Subtotal.....	3,408,090	3,143,090	3,404,000	-4,090	+260,910
Transformation initiative (transfer out).....	---	(-15,715)	---	---	(+15,715)
Community Development Loan Guarantees (Section 108):					
(Limitation on guaranteed loans).....	(240,000)	(500,000)	---	(-240,000)	(-500,000)
Credit subsidy.....	5,952	---	6,000	+48	+6,000
HOME Investment Partnerships Program.....	1,000,000	1,000,000	1,200,000	+200,000	+200,000
Transformation initiative (transfer out).....	---	(-5,000)	---	---	(+5,000)
Self-help and Assisted Homeownership Opportunity Program.....	53,500	---	60,000	+6,500	+60,000
Homeless Assistance Grants.....	1,901,190	2,231,000	2,000,000	+98,810	-231,000
Transformation initiative (transfer out).....	---	(-11,155)	---	---	(+11,155)
Total, Community Planning and Development.....	6,700,732	6,704,090	7,000,000	+299,268	+295,910
Housing Programs					
Project-based Rental Assistance:					
Renewals.....	9,050,672	8,440,400	8,440,400	-610,272	---
Contract administrators.....	289,000	260,000	260,000	-29,000	---
Subtotal (available this fiscal year).....	9,339,672	8,700,400	8,700,400	-639,272	---
Transformation initiative (transfer out).....	---	(-19,000)	---	---	(+19,000)
Advance appropriations.....	400,000	400,000	400,000	---	---
Less appropriations from prior year advances.....	-400,000	-400,000	-400,000	---	---
Total, Project-based rental assistance appropriated in this bill.....	9,339,672	8,700,400	8,700,400	-639,272	---

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	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Housing for the Elderly.....	374,627	475,000	425,000	+50,373	-50,000
Transformation initiative (transfer out).....	---	(-2,375)	---	---	(+2,375)
Housing for Persons with Disabilities.....	165,000	150,000	165,000	---	+15,000
Transformation initiative (transfer out).....	---	(-750)	---	---	(+750)
Housing Counseling Assistance.....	45,000	55,000	45,000	---	-10,000
Transformation initiative (transfer out).....	---	(-275)	---	---	(+275)
Rental Housing Assistance.....	1,300	---	---	-1,300	---
Rent Supplement (rescission).....	-231,600	---	---	+231,600	---
Manufactured Housing Fees Trust Fund.....	6,500	8,000	4,000	-2,500	-4,000
Offsetting collections.....	-4,000	-4,000	-4,000	---	---
Subtotal.....	2,500	4,000	---	-2,500	-4,000
Total, Housing Programs.....	9,696,499	9,384,400	9,335,400	-361,099	-49,000
Appropriations.....	(9,932,099)	(9,388,400)	(9,339,400)	(-592,699)	(-49,000)
Rescissions.....	(-231,600)	---	---	(+231,600)	---
Offsetting collections.....	(-4,000)	(-4,000)	(-4,000)	---	---
Federal Housing Administration					
Mutual Mortgage Insurance Program Account:					
(Limitation on guaranteed loans).....	(400,000,000)	(400,000,000)	(400,000,000)	---	---
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts.....	-4,427,000	-9,676,000	-9,676,000	-5,249,000	---
Proposed offsetting receipts (HECM) (Sec. 210).....	-286,000	-170,000	-170,000	+116,000	---
Additional offsetting receipts (Sec. 238).....	-59,000	---	---	+59,000	---
Administrative contract expenses.....	207,000	215,000	215,000	+8,000	---
Transformation initiative (transfer out).....	---	(-1,075)	---	---	(+1,075)
Working capital fund (transfer out).....	(-71,500)	(-71,500)	(-71,500)	---	---
General and Special Risk Program Account:					
(Limitation on guaranteed loans).....	(25,000,000)	(25,000,000)	(25,000,000)	---	---
(Limitation on direct loans).....	(20,000)	(20,000)	(20,000)	---	---
Offsetting receipts.....	-400,000	-588,000	-588,000	-188,000	---
Total, Federal Housing Administration.....	-4,965,000	-10,219,000	-10,219,000	-5,254,000	---
Government National Mortgage Association					
Guarantees of Mortgage-backed Securities Loan					
Guarantee Program Account:					
(Limitation on guaranteed loans).....	(500,000,000)	(500,000,000)	(500,000,000)	---	---
Administrative expenses (legislative proposal).....	19,500	21,000	20,500	+1,000	-500
Offsetting receipts (legislative proposal).....	-100,000	-100,000	-100,000	---	---
Offsetting receipts.....	-521,000	-647,000	-647,000	-126,000	---
Offsetting receipts (Sec. 238).....	-5,000	---	---	+5,000	---
Proposed offsetting receipts (HECM) (Sec. 210).....	-24,000	-23,000	-23,000	+1,000	---
Total, Gov't National Mortgage Association....	-630,500	-749,000	-749,500	-119,000	-500
Policy Development and Research					
Research and Technology.....	46,000	52,000	52,000	+6,000	---
Fair Housing and Equal Opportunity					
Fair Housing Activities.....	70,847	68,000	68,000	-2,847	---
Transformation initiative (transfer out).....	---	(-205)	---	---	(+205)
Office of Lead Hazard Control and Healthy Homes					
Lead Hazard Reduction.....	120,000	120,000	120,000	---	---
Transformation initiative (transfer out).....	---	(-600)	---	---	(+600)
Management and Administration					
Working Capital Fund.....	199,035	170,000	175,000	-24,035	+5,000
(By transfer).....	(71,500)	(71,500)	(71,500)	---	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
 APPROPRIATIONS BILL, 2013 (H.R. 5972)
 (Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General.....	124,000	125,600	125,600	+1,600	---
Transformation Initiative.....	50,000	---	50,000	---	+50,000
(By transfer).....	---	(119,870)	---	---	(-119,870)
Total, Management and Administration.....	373,035	295,600	350,600	-22,435	+55,000
(Grand total, Management and Administration)...	(1,704,535)	(1,645,000)	(1,677,214)	(-27,321)	(+32,214)
General Provisions					
Rescission of prior-year advance.....	-650,000	---	---	+650,000	---
=====					
Total, title II, Department of Housing and Urban Development.....	37,433,718	33,554,773	33,583,397	-3,850,321	+28,624
Appropriations.....	(39,841,318)	(40,362,773)	(40,391,397)	(+550,079)	(+28,624)
Rescissions.....	(-431,600)	---	---	(+431,600)	---
Disaster relief category.....	(100,000)	---	---	(-100,000)	---
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,400,000)	---	---
Rescissions of prior year advances.....	(-650,000)	---	---	(+650,000)	---
Offsetting receipts.....	(-5,822,000)	(-11,204,000)	(-11,204,000)	(-5,382,000)	---
Offsetting collections.....	(-4,000)	(-4,000)	(-4,000)	---	---
(by transfer).....	71,500	191,370	71,500	---	-119,870
(transfer out).....	-71,500	-191,370	-71,500	---	+119,870
(Limitation on direct loans).....	(70,000)	(70,000)	(70,000)	---	---
(Limitation on guaranteed loans).....	(925,641,504)	(926,507,000)	(925,000,000)	(-641,504)	(-1,507,000)
=====					
TITLE III - OTHER INDEPENDENT AGENCIES					
Access Board.....	7,400	7,400	7,400	---	---
Federal Maritime Commission.....	24,100	26,000	25,000	+900	-1,000
Amtrak Office of Inspector General.....	20,500	22,000	25,000	+4,500	+3,000
National Transportation Safety Board.....	102,400	102,400	102,400	---	---
Neighborhood Reinvestment Corporation.....	215,300	213,000	225,300	+10,000	+12,300
United States Interagency Council on Homelessness.....	3,300	3,600	3,300	---	-300
=====					
Total, title III, Other Independent Agencies....	373,000	374,400	388,400	+15,400	+14,000
=====					
Grand total (net).....	57,312,000	53,479,199	51,606,000	-5,706,000	-1,873,199
Appropriations.....	(58,156,334)	(60,422,666)	(58,549,467)	(+393,133)	(-1,873,199)
Rescissions.....	(-529,334)	(-62,971)	(-62,971)	(+466,363)	---
Disaster relief category.....	(1,762,000)	---	---	(-1,762,000)	---
Rescissions of contract authority.....	(-1,000)	(-72,496)	(-72,496)	(-71,496)	---
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,400,000)	---	---
Rescissions of prior year advances.....	(-650,000)	---	---	(+650,000)	---
Offsetting receipts.....	(-5,822,000)	(-11,204,000)	(-11,204,000)	(-5,382,000)	---
Offsetting collections.....	(-4,000)	(-4,000)	(-4,000)	---	---
(Limitation on obligations).....	(52,068,700)	(53,805,557)	(52,029,480)	(-39,220)	(-1,776,077)
(by transfer).....	71,500	191,370	71,500	---	-119,870
(transfer out).....	-71,500	-191,370	-71,500	---	+119,870
Total budgetary resources.....	(109,380,700)	(107,284,756)	(103,635,480)	(-5,745,220)	(-3,649,276)
Discretionary total.....	(55,550,000)	(53,479,199)	(51,606,000)	(-3,944,000)	(-1,873,199)

□ 1230

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 6, after the dollar amount, insert “(reduced by \$6,500,000)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$6,500,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. My amendment would reduce the proposed funding for salaries and expenses of the Office of Public and Indian Housing by \$6.5 million. This is one of 13 offices which would receive increases for administrative expenses in the underlying bill.

Madam Chairman, we're in an economic emergency as a Nation. We're broke. We absolutely must stop spending money that we don't have. We're borrowing 40 cents or more on every dollar that the Federal Government expends. Raising the funding for the Office of Public and Indian Housing by \$6.5 million while we're broke makes no fiscal sense to me.

This particular increase is among the highest for all the offices funded under this legislation. My amendment would simply freeze funding for this office for this next year. Passage of my amendment would bring this account back to this year's FY 2012 levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairman, I rise to oppose the gentleman's amendment.

It's a good talking point, reducing administration accounts that received increases. We've scrubbed these accounts. We've held hearings, asked questions, and made recommendations about what should be funded rather than looking at an arbitrary number. The bill cuts \$4 billion from fiscal year 2012, which is a fiscally responsible level.

I would urge a “no” vote, and I yield back the balance of my time.

Mr. OLIVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. The amendment that has been offered removes a 3 percent increase in the administrative account for the Office of Public and Indian Housing. I rise to oppose the amendment.

In this instance, the cuts in the Office of Public and Indian Housing cover a number of things, including the

VASH program. We're adding \$75 million for additional VASH vouchers—veterans' homelessness vouchers—and that has to be administered. The arbitrary \$6.5 million simply does not help with that effort. It hurts that effort.

The Office also implements the operating and capital funds for public housing and the Native American housing grants. All of these require either layoffs, removal of people, because the salaries and expenses of the Office are subject to normal increases, small increases year by year for salaries for people in those places, and they are clearly going to end up having to reduce the number of personnel while they're administering more, and particularly the housing and the homeless program for veterans.

So on that basis, I think this is an unwise reduction and one that is unjustified as well as unwise, and I would urge a “no” vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, \$103,500,000.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 9, after the dollar amount, insert “(reduced by \$3,500,000)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$3,500,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. My amendment would reduce the proposed funding for salaries and expenses for the Office of Community Planning and Development by \$3.5 million.

This amendment, like the ones I presented last night and the one I just presented, would freeze the funding for these offices. I've heard my good friend from Iowa and my good friends on the other side talk about how the underlying bill has cut expenses for this whole underlying bill, but here in the House of Representatives, we've reduced our expenses by over 11 percent. It seems to me that it just makes fiscal

sense to freeze funding for these offices in the underlying bill and not raise them.

We're in an economic emergency as a Nation. We are spending money that we simply do not have. We've got to stop the outrageous spending that's going on here in Washington, and I'm just asking a simple thing: let's freeze all of these offices at the current year's levels for 1 more year. Hopefully, next year we'll have policy put in place that will increase our economy and start creating jobs here in this Nation, but we're not doing that this year with this administration and the policies that we see in the other body on the other side of the Hill.

So let's just freeze the expenses of this office, and I'm proposing to freeze the expenses of virtually all the offices in this bill—most of them, anyway—and my amendment would bring the spending level that's proposed back to the current spending level of 2012.

When families and businesses get overextended, they don't continue to raise their spending levels, and we should not be raising this one either. My amendment would just freeze it at the current spending levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. OLIVER. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. This amendment again, as the gentleman has said, is an amendment that would freeze at the level of the 2012 funding here for salaries and expenses of the Office of Community Planning and Development.

Now, this office, it turns out, administers and implements the CDBG program, which in the bill, as presented by my chairman, is increased substantially—several hundred million dollars in the CDBG program—and increases the funding for the HOME program, which had been held at a much lower level in last year's program. In both of those cases, they were considerably lower.

□ 1240

And just last night, we added an amendment to increase the funding for HPWA, Helping Persons With AIDS, one of those vulnerable populations that we have, and our housing programs—as with veterans who are homeless, others who are homeless, those who are vulnerable such as those living with AIDS—have proven to be rather strong programs that have strong support.

Furthermore, already, across the board in HUD, there has been a reduction in personnel services and in the salaries and expenses of \$20 million already compared with last year's overall within HUD. So this is a duplicate and hitting at vulnerable populations that

we do not want to or should not want to be reducing. The reduction again requires that there be some reduction in personnel because people's salaries go up. They go up because people get a COLA, or a cost-of-living increase, of some sort with their salaries, or they move up in their category because of longevity. So it ends up putting people who have jobs out of work and reducing the personnel to provide service to the American people and slows down the work of the offices in all these places where I think we all have a stake in making certain that they are efficiently implemented.

So I would urge a "no" vote on the amendment, and I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I rise in opposition to the amendment. We went through the hearing process. We have worked on these numbers to, number one, stay within our allocation, which we have done—we are actually cutting \$4 billion in this bill—but also to prioritize. There's no one more sensitive about hardworking taxpayer dollars than I am. But the fact of the matter is, this is an absolutely critical function. The increase that is here is extremely important so that these programs are carried out properly without waste, fraud, and abuse.

For that reason, I would again urge a "no" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROWN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

HOUSING

For necessary salaries and expenses of the Office of Housing, \$396,500,000, of which at least \$8,200,000 shall be for the Office of Risk and Regulatory Affairs.

AMENDMENT OFFERED BY MR. BROWN OF GEORGIA

Mr. BROWN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 12, after the first dollar amount, insert "(reduced by \$5,000,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$5,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROWN of Georgia. Madam Chair, my amendment would reduce the proposed funding for salaries and expenses of bureaucrats here in Washington at the Office of Housing by \$5 million. That's absolutely correct.

This amendment, as well as all of my amendments, will not cut the programs. It will not cut the programs one iota. What this does is it reduces the salaries.

I just heard my good friend from Massachusetts talking about Federal bureaucrats getting raises. I have frozen the salaries of people who work for me, and I know many Members of Congress have, for the last 2 years. Why should we be giving Federal bureaucrats more money when the American people are not getting raises? It makes no sense to me, particularly as we are in an economic emergency. We are spending money we don't have. We have to stop the outrageous spending that's going on here in Washington. Enough is enough. And raising this office, as well as all these offices, above the 2012 makes no economic sense to me whatsoever. Let's be fiscally responsible.

My good friend from Iowa, who I have the utmost respect for, has done a tremendous job in this bill, and I do appreciate the tremendous hard work that he and his committee has done. And I appreciate the \$4 million that they've cut. But why raise the salaries of Federal bureaucrats?

My amendment would simply reduce the proposed funding back to the 2012 levels. I urge support of my amendment, and I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I again rise in opposition to the gentleman's amendment. There are some factors that we need to take into consideration. For one thing next year, next fiscal year, we have an additional compensable day which has to be paid for. We have GSA that has raised rents. We have already cut \$14 million out of salaries and expenses, so we would not be able to meet our requirements. We are not giving Federal employees raises, but there are additional costs that come into play because of rents, because of the additional day that our Federal workers will be working next year. And for those reasons—and again, I want to reiterate, we have cut \$14 million out of this account—I would just urge a "no" vote.

I yield back the balance of my time.

Mr. OLIVER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. In this instance, it is again a case of freezing a salaries and

expenses account at the previous year's level. But this one has an interesting sidelight in that, in the legislation that we have before us, we have adopted a Presidential recommendation for a partial-year funding for project-based section 8 vouchers, which is going to cause considerable additional administration than the usual program of doing full-year continuation of those voucher programs. There is going to be much uncertainty if this goes on all the way to adoption. There would be much uncertainty for the people who are the owners and providers of that housing, and probably some loss in actual affordable housing available under the project-based section 8 program. So this is a case where they need that assistance. This is where we administer the housing programs for the elderly and disabled, the so-called 202 programs and 811, chapters 202 and chapter 811 for elderly and disabled people, as well as housing counseling assistance.

In addition, we have the Federal Housing Administration, which is having a much larger level of activity as we are trying to dig out of the foreclosure crisis from the past, and that agency needs to have personnel that are qualified and able to do the right job.

So again here—and by the way, I made an error in my previous comments when I said there was a reduction across the board for HUD. What I should have indicated was that it was a reduction in the salaries and expenses account over a period of time going back to 2010 of \$20 million across the programs of salaries and expenses within HUD over that time.

□ 1250

So I made a mistake saying it was a \$20 million reduction in 1 year. But for all those reasons, I urge a "no" vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROWN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, \$22,326,000.

AMENDMENT OFFERED BY MR. BROWN OF GEORGIA

Mr. BROWN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 16, after the dollar amount, insert “(reduced by \$115,000)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$115,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chairman, again I rise to propose an amendment just to freeze the salaries of this Office of Policy Development and Research by a mere \$115,000.

Madam Chairman, I hear colleagues around here talking as if millions of dollars, tens of millions—hundreds of millions of dollars is nothing. Well, most of my constituents at home in Georgia, most Americans think that \$1 million is a lot of money, and I certainly think \$1 million is a lot of money. But we have proposed, in this underlying bill, to raise the administrative expenses and salaries.

My good friend from Massachusetts, in the previous amendment, said we need to increase the salaries of the bureaucrats. I hope my good friend from Iowa (Mr. LATHAM), when he stood up on the last amendment saying that we weren't going to increase salaries of Federal bureaucrats, is factual. I hope that that goes in the RECORD and it becomes true that we're not going to raise the salaries of Federal bureaucrats.

But they're proposing raising the administrative expenses and salaries in all of these offices, so I'm proposing just to freeze these expenses for 1 more year. Let's bring this account back down to this current year's levels of spending.

We cannot continue on this road.

Madam Chairman, I'm a medical doctor. As a medical doctor, part of my medical practice for many years has been involved in treating addictions, drug and alcohol addictions. In addiction medicine, we have a saying: When there's no denial, there's no addiction.

Congress and government have a spending addiction. It's a spending addiction, and there's a tremendous amount of denial here in this city—in all branches of government, actually. We need to face the fact: We're broke as a Nation. We've got to stop the outrageous spending.

I'm proposing just a mere \$115,000 to freeze the expenses for this office and salaries for this office for 1 more year. I don't think that's too much for me to ask. I don't think that's too much for the American taxpayer, the hard-working American taxpayer to ask for us to freeze the salaries of these bureaucrats here in Washington and freeze their expenses for 1 more year—not only for this amendment, but for the amendments that I've already presented and the ones that I will present. Let's freeze this spending for 1 more year, keep it at the FY 2012 levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chairperson, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. The gentleman from Georgia just wants to freeze everything. But our personnel, in an agency like this, they are subject to the civil service laws, to the personnel laws under OPM, and they are assigned in grades and then steps. They add several steps as they gain seniority and go from step 1 to step 7, and then they may sit for a while. But you end up with people—unless you're really trying to put people out of work. Unless you're trying to put people out of work—and there's no reason to do that for this kind of an agency at all—then there has to be a slow, small increase for those people who move from step to step along the salary scale.

So this is an amendment that would essentially cause disruption in the processing and in the personnel system for the agency, which has lots of work to do. We should be worrying about how to get productivity in the processing rather than about trying to jigger and freeze a step system's pay scale for the people who do the work at these agencies.

I again urge that this amendment not be adopted, and I yield back the balance of my time.

Mr. NADLER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chairman, I rise to disagree with the rhetoric and the mythology propounded here by the gentleman from Georgia.

The mythology is that we have a tremendous spending binge that we must reduce, that the country is broke, and it's broke because we're spending much too much money and we've got to reduce the spending. It's simply not true.

Twelve years ago, in 2000, we were looking at a \$5.6 trillion surplus over the next 10 years. The Chairman of the Federal Reserve Board, Alan Greenspan, testifying in favor of President Bush's tax reductions, said we have to reduce taxes, because if we don't, we will pay off the entire national debt by 2012 and that would be a bad thing, for some reason which I won't go into now. He thought it would be a bad thing if we paid off the entire national debt.

The entire debate between the two candidates, Bush and Gore, then was: What should we do with this \$5.6 trillion surplus.

How did we change from a \$5.6 trillion surplus to the budget deficits we have right now? Not by increasing spending. If you look at the spending amount other than military, if you look at the discretionary spending of the Federal Government other than military, adjusted for inflation and

population growth, it has not increased by a nickel since 2001, not by a nickel.

What has changed? What has changed to create the deficit? Because if you want to solve the deficit, you have to know what created it to undo it. What has changed to create the deficit is several things:

One, 40 percent of the deficit is caused by the Bush tax cuts, which will expire at the end of the year unless we change that. Forty percent of the current and anticipated deficits were caused by the Bush tax cuts of 2001 and 2003;

Second, two unfunded wars in Iraq and Afghanistan—the first time in American history we fought major wars without increasing taxes to pay for them;

Third, aside from the wars, completely aside from the wars, we have doubled Pentagon spending since 2001 in real terms; and

Finally, we have a depression, or a recession. When you have a recession that started in 2007 or 2008, tax receipts go down. Expenses on things like food stamps and unemployment insurance goes up. That's when you should run a deficit. You should run a surplus in good times; you should run a deficit during a depression or recession in order to stimulate the economy and get it back up.

If we want to deal with the deficit—and we should deal with the deficit—we shouldn't reduce necessary government spending and certainly not nickel-and-dime step pay increases for Federal employees. If we want to reduce the deficit, we should undo most of the Bush tax cuts for the rich, because most of the Bush tax cuts went to rich people and to very large corporations. We are only collecting about 14 or 15 percent of GDP in taxes this year.

□ 1300

The normal range is between 19 and 21 percent. And I say “normal,” meaning the entire post-World War II period ranges between 18 or 19 and 22 percent. We're collecting 14 or 15 percent in the last couple of years because, one, the recession, and, two, because we greatly reduced effective taxes on multinational corporations and on rich people.

We used to have in this country, under President Reagan, 25 different tax brackets. Someone making \$5 million paid a higher tax rate than someone making \$1 million, who paid a higher tax rate than someone making \$250,000 and so forth. Now, the highest tax rate kicks in at below \$250,000, and someone making \$250 million pays no higher tax rate than someone making \$175,000 or \$200,000. There's something very wrong with that.

So if we want to deal with the deficit, deal not with the nonexistent problem, which is the huge nonexistent spending surge that didn't occur. And we have great needs in this country. We have to

fix our highways, our roads, our bridges, our hospitals, our broadband. We have to invest so this country will be economically competitive, and our schools and our teachers and our cops and all of these things.

If you want to fix the deficit, don't shortchange what we should be doing to invest in this country. Get rid of the Bush tax cuts, or most of them, or get rid of those portions of the Bush taxes that went to rich people, high-income people and to big corporations. Make corporations, the large corporations, pay an effective tax rate again, instead of a large number of our top corporations paying zero dollars in taxes.

Reduce the Pentagon budget, which we can do. We no longer need all those troops in Germany to protect against a Soviet tank invasion, which is not likely to occur since the Soviets don't exist anymore. That's what we ought to be doing.

But the key thing is don't have this mythology that we have greatly expanded Federal spending over the last 10 years, or even over the last 3 years, which is simply not the case.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, \$72,904,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 19, after the dollar amount, insert "(reduced by \$304,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$304,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, again I rise just to freeze the funding for salaries and office expenses for the Office of Fair Housing and Equal Opportunity by a meager \$304,000. If we cannot cut out \$115,000 or \$304,000, what are we going to cut?

And as my friend from Massachusetts already said, actually, on two of my amendments, that it's to increase salaries of Federal bureaucrats. We've got to freeze the salaries of these bureau-

crats. We've got to be fiscally responsible.

My amendment doesn't cut any program, doesn't cut any service, doesn't cut out any part of the necessary aspects of the Federal Government. All it does is it freezes the salaries and the expenses of this office, as the other amendments would do. It freezes it at this year's levels. Doesn't even go backwards, freezes it at this year's levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. OLIVER. I rise in opposition.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. Madam Chair, now at this point we have—I think this is the last of this group of amendments that have been proposed in this area, in essence. And when you put them together, because one was for \$6.5 million, one was for about \$5 million, then there were a couple that were a little—there was one that was a little over \$1 million and then a couple that were smaller—the sum total of people who will be taken out of the—who this would require, the freeze, in that way, would require that some number around 200-or-so employees would be put out of positions.

Now, the gentleman from Georgia thinks that, well, they're Federal bureaucrats; but they're providing a service. In this instance, it is the service in the Office of Fair Housing and Equal Opportunity, which has a budget, total budget, of \$70-million-or-so. And this 300,000 is only a couple of percent out of it.

Most of the salaries and expenses, most of these agencies that he has been affecting are mostly done in salaries and expenses of the operation of the office. But they all provide a public service to people. In this instance, it's the Office of Fair Housing and Equal Opportunity.

Well, it ensures that Americans have the same right, that all Americans have the same right to housing and investigates instances where those rights have been violated. So we are, in every instance of them, and we dealt with a couple of similar ones last night before in the other department under this bill—they only serve to slow down the effective operation of those offices to provide services across the whole gamut of things which have been given to them to do, whether it be public housing, whether it be the Veterans Administration program, here the Fair Housing Administration program, the FHA, the housing for elders, housing for disabled people. All of them are the same ilk. There's no reason to do anything other than the same thing that we have done in the past. And so I'm urging, again, a "no" vote on this.

I yield back the balance of my time;

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I understand the gentleman, and I appreciate the fact that he wants to cut spending. We have, in fact, in this bill cut the spending from the request \$1.4 million on this particular line item in the budget.

The fact of the matter is, Madam Chair, we have additional rent that we have to pay. We have an extra day of work for the Federal workers next year that we have to pay. So there's not going to be any increase. It's basically going to maintain where we are in this function.

But, again, we have already cut from the President's request, \$1.4 million. And there are additional costs we're going to incur just to stay even from last year. So with that, I would urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, \$6,816,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$15,134,283,000, to remain available until expended, shall be available on October 1, 2012 (in addition to the \$4,000,000,000 previously appropriated under this heading that became available on October 1, 2012), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2013: *Provided*, That amounts made available under this heading are provided as follows:

(1) \$17,237,948,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2013 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and

by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period, with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That up to \$75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency, that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers; and (4) for adjustments in the allocations for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs as a result of participation in the Small Area Fair Market Rent demonstration: *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary;

(2) \$75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safe-

ty risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, \$10,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)); *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) \$1,575,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster-related vouchers, Veterans Affairs Supportive Housing vouchers, and other special purpose incremental vouchers: *Provided*, That no less than \$1,525,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2013 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$111,335,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) The Secretary shall separately track all special purpose vouchers funded under this heading.

AMENDMENT NO. 3 OFFERED BY MR. NADLER

Mr. NADLER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 75, line 7, after the dollar amount, insert "(increased by \$460,000,000)".

Page 75, line 14, after the dollar amount, insert "(increased by \$460,000,000)".

Mr. LATHAM. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

□ 1310

Mr. NADLER. Madam Chairman, we spend a lot of time talking about how we need to do more with less. The reality is that, all too often, we do less with less. This is the unfortunate reality facing our rental assistance programs if the House-proposed funding levels are enacted.

The Housing Choice Voucher program, more commonly known as section 8, provides rental assistance to over 2 million households with very

low incomes. Half of these households are of seniors or people with disabilities. Most of the rest are of families with children.

Experts agree with HUD's assessment of section 8. It is a cost-effective means of delivering decent, safe, and affordable housing to low-income families in the private market. Because of the widely accepted success of the program, section 8 has enjoyed bipartisan support for many years.

Despite agreement among policy experts and politicians, section 8 funding levels continue to come up short of the actual need. The National Low Income Housing Coalition found that, according to the latest census data, for every 100 households with extremely low incomes, only 30 rental units are affordable and available. Three-quarters of renters with extremely low incomes pay housing costs that exceed half of their incomes, placing them at a high risk of housing instability and homelessness. Yet, because of limited funds, only one in four eligible families receives rental assistance.

Without increasing funds beyond what is included in this bill for the section 8 program, an estimated 58,000 low-income families will lose their existing rental assistance next year, putting these families at risk of homelessness. Even the more conservative estimate of the section 8 budget shortfall by the OMB finds that 30,000 low-income families will be at risk of losing their current vouchers and, therefore, of losing their homes.

With housing instability and homelessness comes the destabilizing of families and the possible long-term negative impacts on kids. That's why I'm offering this amendment.

This amendment would increase funding for section 8 voucher renewals by \$460 million to cover the actual costs of ensuring that existing vouchers will continue and that no family will lose an existing section 8 voucher. This does not increase the number of vouchers, though I would love to do that, but it does ensure that no families would lose their currently existing section 8 vouchers.

Additionally, by funding section 8 at the figures necessary to continue existing vouchers, we can make sure that it would be unnecessary for HUD to implement its proposal for \$75 minimum rent even if that \$75 exceeds the normal section 8 rental limit of 30 percent of income. To most of us here, \$75 may not seem like a lot of money as it's a meal for two in many Washington and New York City restaurants, but for 500,000 of the poorest HUD-assisted families, families who have annual incomes of less than \$3,000—that's around \$250 a month—\$75 is a lot of money. For 400,000 HUD-assisted families, \$75 minimum would be a 50 percent rent increase from what they're paying now, leaving these families with less money

for food, transportation, and other basic necessities. We're talking about families with annual incomes of \$2,000 or \$2,500 annually.

Madam Chairman, our first objective must be to prevent further hardship to the poorest people in our country and to prevent additional potential homelessness among vulnerable low-income families. To do this, we must ensure that we do not lose current section 8 assistance and that we do not impose a new minimum rent that could be way beyond 30 percent of income for people earning \$2,000 and \$2,500. This amendment is necessary in order to do that, so I urge my colleagues to support my amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. LATHAM. Madam Chairman, I insist on the point of order.

The amendment proposes a net increase in budget authority in the bill.

The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states:

It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.

The amendment proposes a net increase in budget authority in the bill in violation of such section.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

The gentleman from New York is recognized.

Mr. NADLER. Madam Chairman, the necessity for this amendment is undeniable.

The hardship and the suffering this budget would cause without this amendment, by imposing minimum rentals way beyond 30 percent of income on people with incomes of \$2,000 to \$2,500 annually, is undeniable. That this Congress should do such a thing is regrettable, to put it mildly.

I understand the rule. The rule would require an offset of an equal amount of money; but in this overly restrictive bill to start with, there is no way of finding such an offset of that amount of money without hurting people in an equal fashion in other ways. So that says that we have a choice of really injuring "these" people or of really injuring "those" people. It's not an acceptable choice. I understand the rule. That is regrettable.

I hope that as we progress with this budget that we can find a way of finding the funds that we have in this amendment for this purpose so that we do not injure all of these thousands and thousands of very low-income people.

The Acting CHAIR. The gentleman from Iowa makes a point of order that the amendment offered by the gen-

tleman from New York violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

HOUSING CERTIFICATE FUND (RESCISSION)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading, "Annual Contributions for Assisted Housing", and the heading "Project-Based Rental Assistance", for fiscal year 2013 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts previously recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount permanently cancelled is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$1,985,000,000, to remain available until September 30, 2016: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2013 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared

emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2013: *Provided further*, That of the total amount provided under this heading \$50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to \$5,000,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2013 to public housing agencies that are designated high performers.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 84, line 19, after the dollar amount, insert “(reduced by \$110,000,000)”.

Page 150, line 9, after the dollar amount, insert “(increased by \$110,000,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chairman, the underlying bill is suggesting that Congress allot an increase of \$110 million in Federal funding for the Public Housing Capital Fund from this fiscal year, from fiscal year 2012.

My amendment would simply freeze funding at our current level and reduce the proposed funding by \$110 million. We've got to stop spending. That's what all my efforts are geared towards. We can continue to perform the necessary functions of the Federal Government for those who need it. My amendment would just freeze the proposed increase in funding so that we keep it at this current year's level.

I urge my colleagues to support this very simple amendment, which would save over \$110 million for the hard-working taxpayers of America.

I yield back the balance of my time.

Mr. OLIVER. Madam Chairwoman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. The amendment that the gentleman from Georgia has now offered has to do with the Public Housing Capital Fund.

The public housing infrastructure currently has an estimated \$26 billion of maintenance backlog. In fact, capital repairs accumulate at the rate of something over \$3 billion a year, which is considerably higher than \$1.9 billion that is contained in this—\$1.985 billion that's contained in this bill. So what we are doing is, year by year, continuing to provide maintenance funding: the replacement of utilities, the replacement of appliances, as well as such simple maintenance as painting if it's needed, and so on.

□ 1320

In our more than a million housing units, in the 3,500 or so of our total housing authorities around the country, we are steadily putting these in a situation where we're building a further capital maintenance backlog gap year by year by year.

This is never a wise thing to do when it's at the extent that we are presently doing it. But the \$110 million at least is a little bit better than not having the \$110 million, which would be an even greater increase in the backlog gap that we have for maintenance, repair, and upgrading of our housing units.

All of those housing units are intended to last for many years and be used long into the future. If we don't maintain them properly in a reasonable way, then eventually we will lose those units. It is much more expensive to replace the units with new units than it is to maintain them in a proper way.

I urge a “no” vote on this amendment so that we do not continue to dig our hole deeper on the maintenance needs for the stock of housing that we have in our 3,500 public housing authorities around the country.

With that, I yield back the balance of my time.

Mr. DUNCAN of Tennessee. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DUNCAN of Tennessee. Madam Chairwoman, I rise in support of this amendment. This is a \$110 million increase in spending, and it is simply too much under the circumstances.

I want to first of all, though, certainly commend Chairman LATHAM and all those who have worked on this bill because the material that has been provided to our office said that this bill overall contains a 7.1 percent decrease in funding, which I think is the biggest cut of any appropriations bill that we've dealt with so far. I also want to commend and salute the gentleman from Georgia for trying even harder to rein in spending, because I think almost everyone on both sides of the aisle knows that we have to reduce spending and we have to do more than we've been doing.

This \$110 million increase is double the rate of inflation. The amendment by the gentleman from Georgia does not reduce the funding of this agency. It just holds it at the same level. We've cut our own budgets, Madam Chairwoman, for the last couple of years. We've tried to cut many other things. But megabillions have been poured into this program over the last 10 or 15 years. Even with the gentleman's amendment, this fund will still get \$1.765 billion. I can tell you most people around the country think that's an awful lot of money.

I rise in support of this amendment. I certainly hope that if this amend-

ment does not pass, that we will at least pass the much smaller cut in the gentleman's next amendment. But I think this is a good amendment.

We have to get serious about cutting spending when we're facing a national debt of over \$16 trillion, which is going much higher and much faster. Unless we want this country to become a gigantic Greece and have the problems that we're seeing all over the world, then we've got to do more than we're doing.

So I rise in support of the gentleman's amendment, and I yield back that balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairman, I rise in opposition to the amendment.

We have been fiscally responsible in this bill by reducing the public housing capital fund by \$85 million below the budget request, and we're hearing that this funding level will be a challenge because there's a backlog. Madam Chairman, of over \$25 billion in capital projects. However, this does represent one of the toughest choices we've had to make to meet our allocation in this bill. A deeper cut to this account will merely defer projects to future years and I believe will cost more money in the future by running up the cost of those projects in the years ahead.

With that, I would urge a “no” vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. BROUN of Georgia. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chairman, I was going to introduce another amendment to this same program which would have been a decrease of just 10 percent of the increase. As I see things going on here today, we can't even cut out \$115,000. Cutting out \$11 million, I'm sure, is out of the question for my colleagues.

Madam Chair, we've just got to stop this outrageous spending here in Washington. So I'm not going to offer the other one. I would anticipate a point of order being brought against it, and rightfully so. So I'm not going to introduce that amendment.

I just ask my colleagues—and I hope that they hear from Americans all over this country—to stop the spending.

With that, I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

PUBLIC HOUSING OPERATING FUND

For 2013 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,524,000,000: *Provided*, That in determining public housing agencies', including Moving to Work agencies', calendar year 2013 funding allocations under this heading, the Secretary may, contingent on authorization, take into account the impact of changes in minimum rents, flat rents, and medical expense thresholds on public housing agencies' formula income levels.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 86, line 12, after the dollar amount, insert "(reduced by \$562,150,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$562,150,000)".

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chairwoman, the underlying bill increases funding for the public housing operating fund by over \$500 million for fiscal year 2013.

My amendment would simply return the funding back to this year from the proposed levels. It's a \$500 million increase at a time when our Nation is broke and American taxpayers are struggling to put food on their tables and looking for jobs.

It is imperative that we look for commonsense cuts wherever we can, and this is one of those. It's a lot of money, \$500 million. Some would say it's a very small amount compared to the overall funding level proposed in this bill, but it's still \$500 million. We just have to stop spending money that we don't have.

I urge my colleagues to support this very simple amendment that would save over \$500 million, and I yield back the balance of my time.

Mr. LATHAM. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I do rise in opposition to the gentleman's amendment. This is an amendment that on face value is somewhat confusing, shall we say.

While it appears that there is a large increase in this account when it says \$562 million over last year, this account is approximately level funded from last year because last year we went in and took \$500 million out of reserve funds of the public housing authorities that were sitting there that were unexpended balances.

□ 1330

Those reserves are no longer there. So what we're having to do in this bill basically to stay virtually even is to have the \$562 million over last year.

This fund provides many of the necessary operating and maintenance activities for our housing authorities, including health, safety, and sanitation. Our funding levels for public housing build in savings from reform proposals that we urge the authorizers to complete before we go to a final conference on this bill. Again, in this entire bill, while you talk about the highway bill, financial services doing their work, but that would be extremely helpful if, in fact, we had authorizations that would actually limit spending and that we could follow.

But again, I just wanted to reiterate: We used \$500 million a year ago out of the funds that were available, sitting there idle. So what, in fact, this does is basically even from last year. While it appears to be a large increase, it, in fact, is not because the use of those funds from last year, the reserve funds.

I believe we are providing a responsible level of funding for this program. And again, I want to reiterate, Madam Chairman, we are cutting about \$4 billion in this appropriation bill—I think the gentleman earlier mentioned that's the largest percentage cut of any bill so far on the floor. But this particular issue, this particular amendment would be extremely devastating because of funding issues in the reserve account that we used last year. With that, I would urge a "no" vote on the amendment.

I yield back the balance of my time.

Mr. OLVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I'm not sure I have anything much to add to what my chairman has said, other than to just point out, if you look back at the number of dollars that were assigned for the fiscal year '11 bill, that was over \$4.6 billion. So in 2012, the amount of money brought that down to under \$4 billion. The \$500-plus million that the gentleman from Iowa had pointed out was part of the reserves that were taken from those housing authorities around the country that had substantial reserves. So that has been done. That was a one-shot kind of a deal. And now the funding has to go back to something that is in line with the yearly fundings, going back to a period of time of well into a decade ago, that were on a different guide path. So this is just returning to that.

It is at the President's request. It's below the amount that has been granted in the other body's allocation. They had a larger allocation in their numbers for it. This particular account is well below ours. It's \$70 million or so

below what has been provided by the chairman in the mark for this year.

So I think this is entirely appropriate, given the size of the maintenance gaps and the need to keep maintaining your facilities, your housing quality so that you don't end up losing that or ending up with much higher expense for replacement. I urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to remain available until September 30, 2017: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$2,000,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$20,000,000: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of enactment of this Act.

AMENDMENT OFFERED BY MS. HANABUSA

Ms. HANABUSA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 88, after line 2, insert the following:

NATIVE HAWAIIAN HOUSING BLOCK GRANT
(INCLUDING TRANSFER OF FUNDS)

For the Native Hawaiian Housing Block Grant program, as authorized under title

VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), \$13,000,000, to remain available until expended, which amount shall be derived by transfer from the amount provided in this title under "Management and Administration—Administration, Operations, and Management" for the Office of the Chief Human Capital Officer.

Mr. LATHAM. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HANABUSA. My amendment inserts the amount of \$13 million for the Native Hawaiian housing block grant. This is in line with the President's budget. The President provided for the same amount and states that the Native Hawaiian block grant that is authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, easier called NAHASDA. The block grant authorizes an annual grant to the Department of Hawaiian Home Lands for housing and housing-related assistance.

Madam Chair, let us understand the significance of this block grant to this Congress and the Nation. In 1921, the Congress passed into law the Hawaiian Homes Commission Act. Congress recognized that it was necessary to return Native Hawaiians to their land to support self-sufficiency, and the preservation of their values, traditions, and culture.

Madam Chair, in 1893, when the queen was overthrown, Hawaii was a vibrant, modern nation. And what happened after the overthrow resulted in the need—and Congress saw the need—to look at the return of Native Hawaiians to their lands.

In essence, a trust relationship was created by the creation of the Hawaiian Homes Commission Act. The Hawaiian Homes Commission Act made very clear that only Hawaiians of 50 percent blood quantum qualify, that the lands could only be leased, not owned, and it also restricted the ability to mortgage and have occupancy restrictions as well.

This block grant assists in fulfilling the special trust relationship which was created and acknowledged in the Hawaiian Homes Commission Act. It assures the return to the land of Native Hawaiians, which was the concern of Congress. If this provision is authorized and people vote for it, what it will do is it will permit the existing and ongoing projects, along with those planned, to be competed with the ultimate goal of putting Native Hawaiians on the land, which was the purpose of the trust relationship that we created in the Hawaiian Homes Commission Act of 1921.

Madam Chair, I yield back the balance of my time.

POINT OF ORDER

Mr. LATHAM. Madam Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Madam Chairman, the amendment proposes to appropriate funds for a program that has not been authorized. The amendment, therefore, violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member seek to be heard on the point of order?

The gentlewoman from Hawaii is recognized.

Ms. HANABUSA. Madam Chair, I understand the point of order that has been raised. But let me, with all due respect, say that when we look at the language of any rule—the language that is, I guess, suspect here is not previously authorized by law—in fact, as stated by the President, as well as in my amendment, this provision has been authorized by law, and it is found in NAHASDA, title VIII.

□ 1340

When we look at the wording "not previously authorized," the technical argument may be that it was authorized at some point in time and then expired in 2005. However, that is not what the rule says. The rule says: not previously authorized. And this has been previously authorized.

In the recent United States Supreme Court case of *Lamie v. U.S. Trustee*, it's very clear. And we can borrow from the Supreme Court when it gives its opinion as to what it means. The plain language is what controls in any interpretation of any statute or any rule. It is clearly plain language that what is being referred to here is the fact that it was not previously authorized. And it has been previously authorized.

In addition to that, I would also like to say that there is an exception to this rule that says that you can continue appropriations for public works and objects that are already in progress. And to that, Madam Chair, I point out that, as we have said, this money is used for the return of the Native Hawaiians to the lands, and it includes, of course, construction and public works.

They are projects ongoing that need this money in Kakaina, Waimanalo; Piilani Mai ke kai, phase II in Anahola on the island of Kauai; Laiopua on the Big Island on the Kona side; Lalamilo, Waimea; Kanehili, Kapolei; and East Kapolei, II, also in Kapolei, Kapolei being on the island of Oahu.

So on this point of order, Madam Speaker, I believe that it has been misinterpreted. The words are "not pre-

viously authorized." And in addition to that, this specific provision has been authorized. In addition to that, the exception is for public works projects in progress. And the public works projects are the ones that I have listed, which as we know, is the object of the grant of the Native Hawaiian Housing Block Grant.

The Acting CHAIR. Does any other Member seek to be heard on the point of order?

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Madam Chair, I will insist on my point of order. The fact of the matter is this program is not currently authorized. There are no ongoing public works in progress.

So, once again, I would insist on my point of order.

The Acting CHAIR. The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law.

Having reviewed the amendment and entertained arguments on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. In response to one of the specific arguments, an authorization that has lapsed does not qualify under the rule.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$633,000,000: *Provided further*, That up to \$750,000 of this amount may be used for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$330,000,000, to remain available until September 30, 2014, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2015: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,404,000,000, to remain available until September 30, 2015, unless otherwise specified: *Provided*, That of the total amount provided, \$3,344,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That \$60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety: *Provided further*, That none of the funds made available under this heading may be used for grants for the Economic Development Initiative ("EDI") or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

AMENDMENT OFFERED BY MR. CHAFFETZ

Mr. CHAFFETZ. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 89, line 13, after the dollar amount, insert "(reduced by \$396,000,000)".

Page 89, line 15, after the dollar amount, insert "(reduced by \$396,000,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$396,000,000)".

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. I first want to applaud and thank the committee for their work. They've reached the laudable goal of reducing the overall expenditures by \$4 billion. And that is much appreciated and noted. I just happen to think we can do just a little bit better.

I'm looking at the committee report regarding the committee's recommendation on the Community Development Fund, specifically the Community Development Block Grants. And I read:

"This is \$396 million above both fiscal year 2012 and the budget request."

So you have the President making a budget request, and you have last year's expenditures. What this amendment does is reduces by \$396 million to get it back to where we were. Again, I think the President is even also on the same page.

Now, Madam Chair, we have to recognize what a dire financial strait we're in in this country. We have to understand that we have a multitribillion-dollar challenge. We talk about a trillion with a capital T and it's hard to get

your arms around it. But if you were to spend a million dollars a day everyday, it would take you almost 3,000 years to get to \$1 trillion.

So when we're racking up a trillion-plus-dollar deficit each year, when our national debt at the end of this year will approach \$16 trillion, when we're spending more than \$600 million a day in interest on our national debt, we're going to have to cut some spending.

To actually bring back and reduce this to the proper level, I think would be more appropriate. I encourage my colleagues to support this amendment. It returns the funding to the fiscal year 2012 level. Again, as the committee report says, this is \$396 million above both fiscal year 2012 and the budget request. I think this is reasonable. I hope the committee would find a place where we can join on this, and I yield back the balance of my time.

Mr. OLVER. Madam Chairwoman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chair, this is an amendment that would take a huge chunk out of the CDBG program. This is one of the areas in which I have been particularly, I thought, most commendable about what the chairman's mark is in the bill for the CDBG.

The CDBG is a hugely popular program in communities around the country. We have, as I have mentioned in my opening remarks at the beginning of this bill, 65 percent of our population living in communities in metropolitan areas with over half a million people, and close to 90 percent of our people live in communities with over 50,000 people. It's roughly around 50,000 people that are entitlement communities and get an amount of money that they may use in a flexible kind of a way in their cities and towns of large size, and can directly get that money to use for things that they need in their cities. Their cities and towns have suffered greatly in the Great Recession that we have had before us, and they have housing needs which are very substantial.

Now I would point out to the gentleman from Utah that the amount for the CDBG program as proposed by Chairman LATHAM I am commending him for and strongly support his allocation for this. The amount that he has provided in this bill within the allocation and with the \$4 billion reduction that the bill entails is below the number that CDBG was given all the way back in 2008. It has varied up and down, depending upon the allocations and depending upon what has gone on. But this one still is below. And I strongly support it and would urge that it be maintained.

And by the way, about 20 percent of the whole amount goes directly to States, which then can use it in a dis-

cretionary way in groups of smaller communities. So it actually gets into rural areas and small communities—in communities like those of the chairman of the Appropriations Committee, whose district has no community larger than about 15,000 people. But his district manages to get a considerable amount of money through the State of Kentucky for the congressional district.

□ 1350

So it is something that goes to everybody in their districts in a flexible way for things that are eligible under the law.

But when it is being used for the development of housing, then it ends up clearly directly providing for jobs. If it's used in the way of social services through nonprofit organizations, again it is providing jobs for people who are doing great service for our population. So I'm a strong supporter of this.

I certainly urge that the amendment be defeated, and I will stop there because other people wish to speak, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chair, I rise in strong opposition to this amendment. I will be brief because I know we have many more amendments to consider, but I want to focus on this one because I think this proposal to cut the Community Development Block Grant program by \$396 million is particularly ill-advised, and I suspect Members on both sides of the aisle will understand that and will agree. We are all, after all, hearing from our mayors and from our local communities with great regularity that CDBG is money well spent.

First of all, this program has been much better funded in past years. Even with the increase in the current bill, for which we commend the chairman, even with that, the funding is much less than could be utilized.

We know the CDBG program has some very strong virtues. One of them is flexibility and community self-determination in terms of how this money is spent, how it is applied, and the kind of leverage that this money represents, for bringing forth participation and funding from other sources.

This is a program that has stood the test of time, that has strong bipartisan support in this Chamber and across the country. So I think the notion that we would cut back this appropriation by hundreds of millions of dollars is most unwise, and I urge defeat of the amendment.

I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I rise in opposition to the amendment.

The Community Development Block Grant program is very important to cities and States across the country. There is a great deal of local control in this program. Communities use the block grants to meet local needs such as building water and sewer infrastructure, community centers, housing for low-income families, and other development important to their local communities. Although the bill increases the funding, this funding level is still well below what it was in fiscal year 2010. The bill actually is \$1.046 billion below the level of 2010, to be exact.

Madam Chair, as we were going through this bill, we had many Members on both sides of the aisle, Republicans and Democrats, request additional funding for these grants. For many Members, there is strong constituent support for these programs. We have seen individual cases of abuse, not unlike a lot of other government programs, but really the way to fix those reforms, and we're not going to do it through the appropriations process, is through the authorizers, to have them do their work and make sure that these programs are well run, that they're focused and they actually do what the intention is.

Again, I want everybody to understand that we are actually below fiscal year 2010 levels on a very, very important program, and I would recommend and urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MCCLINTOCK. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 89, line 13, after the dollar amount, insert "(reduced to \$0)".

Page 89, line 15, after the dollar amount, insert "(reduced to \$0)".

Page 89, line 24, after the dollar amount, insert "(reduced to \$60,000,000)".

Page 90, line 2, after the dollar amount, insert "(reduced to \$3,960,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$3,404,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Chair, this amendment finishes the good work begun by the gentleman from Utah on

the previous amendment. It saves \$3.4 billion by eliminating all funding for the Community Development Block Grant program.

This program was created in 1974 with the stated objective of eliminating blight and providing affordable housing, but in the nearly four decades since then, it has degenerated into a Federal slush fund for pet projects of local politicians and politically connected businesses. It is plagued by profligate waste and outright fraud.

This is an unauthorized expenditure. The legal authority for it expired back in 1994, 18 years ago, and Congress has not bothered to renew it ever since, but we keep shoveling money at it year after year. Madam Chair, \$3.5 billion averages to almost \$50 from the earnings of a family of four, and they have a right to know where their \$50, taken from their family budgets, is going.

Senator COBURN gave some examples in his Back to Black report: Summit County, Ohio, spent \$100,000 of CDBG funds to create a doggie daycare and kennel last year, and Nyack, New York, directed \$10,000 of CDBG funds to Amazing Grace Circus in 2009 to put on "A Day At the Circus."

CDBG funds are being spent creating a "hip" atmosphere for employees of an L.A. architectural firm, providing decorative sidewalks in a wealthy Virginia community, and upgrading Victorian cottages in Alabama. Indeed, some communities use these funds to pay off Federal loans they've taken out on projects that are now defaulting because they've utterly failed to produce all of the benefits they've promised.

Even in the best of circumstances, these are all projects that exclusively benefit local communities or private interests and ought to be paid for exclusively by those local communities or private interests. They are of such questionable merit that no city council is willing to face its constituents and say, This is how we have spent your local taxes. But they are more than happy to spend somebody else's Federal taxes, so we end up robbing St. Petersburg to pay St. Paul for projects so dubious that the purported beneficiaries won't pay for them.

And that's all before we discuss the realm of fraud. This program is replete with individuals directing six-figure sums to their personal bank accounts or political activities. The Office of Management and Budget has repeatedly branded this program as "ineffective." That's its official designation for government programs that cannot ascertain how their funds are spent. HUD's own inspector general found that, in a relatively short 2-year time-span, over 150 criminal indictments were issued for false claims, bribery, fraudulent contracts, theft, embezzlement, or corruption in connection with this program.

This a slush fund that cries for abolition, and it should be one of the first

places that we look to bring spending under control and stop wasting our constituents' money. Once again, though, this unauthorized program is not targeted for elimination by the Appropriations Committee. It is not even targeted for a token reduction in spending. As we just discussed, the Appropriations Committee proposes spending \$400 million more than we spent last year, indeed, \$400 million more than even the President requested.

Now, let's be very clear on this. The House Appropriations Committee, with a Republican majority that has a clear mandate to stop wasting money, is about to appropriate \$400 million more than requested by the most spendthrift administration in our Nation's history on a program with no Federal nexus, with a solid history of fraud, and that funds the most unworthy of local projects and special interest handouts.

□ 1400

The rules of the House were specifically written to prevent this type of unauthorized expenditure, and they provide for a point of order to be raised if it's included in an appropriations bill. That is exactly what we have here. But, alas, that rule is routinely waived when these measures are brought to the floor, making this amendment necessary.

Madam Chairwoman, this is another critical test of the Republican majority's intention to stand by the promises it made to the American people in the most dangerous fiscal crisis in our Nation's history. I pray that we rise to the occasion.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. FORTENBERRY). The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I believe, with the offering of this amendment, we are in great need of a reality check in this Chamber. After all, it was President Nixon, and it was a strong, bipartisan majority, with the Republicans playing a leading role, that first initiated the Community Development Block Grant programs, and I assume that this amendment will be rejected today by that same kind of bipartisan coalition.

The whole idea of the CDBG program was to get away from inflexible, one-size-fits-all approaches to urban development. The whole idea was to get away from top-down bureaucratic direction. CDBG was designed to empower communities, to give them flexibility, to maximize the possibility for leverage of private sector funds, to let the community determine its own projects and its own priorities.

All of us have experience with this program, I dare say. My experience has

been that the bang for the buck from CDBG is virtually unmatched in any other Federal program. Housing rehabilitation, for example, is one of the main uses in many communities of CDBG funds. What you're doing with housing rehabilitation is not building public housing from scratch. You're not totally developing new neighborhoods, but you're taking houses that are likely to deteriorate, where a relatively small investment can rehab those houses, can salvage those houses, and can make quality housing available more widely in the community.

Another major use of CDBG funds is infrastructure. How many Habitat for Humanity communities have been built across our country with CDBG funds furnishing the basic infrastructure, and from there the volunteer efforts take off?

The gentleman sponsoring this amendment made the incredible statement that these are projects that communities wouldn't undertake on their own. On the contrary, no CDBG project is going to be undertaken without community participation, financial and otherwise, without community self-determination that this is a priority.

So there's an air of unreality about this debate. These are programs that maximize the values that many of our colleagues profess—self-determination, flexibility, leveraging of private funds. They're programs that have stood the test of time. And we, in this bill, should be proud to appropriate CDBG funds, because we know these funds will have great multiplier effects throughout this country. So I very strongly urge colleagues to reject this amendment.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise to oppose the amendment—the same, basically, that I said before: we are below fiscal year 2010 levels. Certainly, I believe the authorizing committee must set very strict parameters as to how these dollars should be used, but we are below fiscal year 2010, and I would urge a “no” vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED
BY MR. DIAZ-BALART

Mr. DIAZ-BALART. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 90, line 12, before the period insert the following:

Provided further, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Florida is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Chairman, I recognize that this amendment is subject to a point of order, but I'd like to discuss what this amendment is attempting to address.

As we all know, the Community Development Block Grant program, which is known as the CDBG grant program, is one of the most widely utilized sources of assistance by local governments. These block grants are intended to address housing, community development and economic development needs as determined by local officials.

This amendment, Mr. Chairman, is very straightforward. It simply gives greater flexibility to the local communities and the cities and the counties, et cetera, for part of their CDBG funding. It increases the cap of what is known as public services expenditures from the current 15 percent up to 25 percent.

Now, public services, in reference to this legislation, deals with issues like child care, senior services, disabled services, educational programs, medical services, transportation services, domestic violence, crime prevention, food banks, and others.

The current 15 percent public service cap was enacted into statute over 30 years ago; and it, frankly, just doesn't reflect the reality of today. We all acknowledge, obviously, the tremendous fiscal challenges that we are facing here in Congress, that our country is facing; but we also acknowledge, Mr. Chairman, the challenges that our local communities are facing.

CDBG public services funds have really played a key role in providing crucial aid to our most at-risk, our most vulnerable populations, especially during difficult times like these. The restrictive and, frankly, outdated cap has denied many communities, Mr. Chairman, the option of providing their residents with the most basic services within the framework of the existing CDBG program. So this amendment provides flexibility to local leaders to meet certain unique challenges.

Now, I want to make something very clear: this amendment does not in-

crease or decrease CDBG funds, does not change the formula, and does not require those communities that are entitled to use more of their funds on public services. It simply grants those cities and counties greater flexibility in their usage of certain CDBG funds. Let me mention that my colleague, Congresswoman ROS-LEHTINEN, has a standalone piece of legislation that I'm honored to be a cosponsor of.

It's imperative that the authorizing committee, the Financial Services Committee, work to update the CDBG program—for a lot of reasons. I also need to mention that Chairman LATHAM is well aware of these concerns. I want to thank him and his staff for really trying to accommodate us on this issue, but unfortunately we were not able to do it at this time for a number of different reasons. I'd like to continue to work with Chairman LATHAM and the Financial Services chairman, Chairman BACHUS, on finding real solutions that will give local communities flexibility to meet their unique challenges and to make sure that those funds are well utilized.

Mr. Chairman, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to support the Diaz-Balart amendment and to draw attention to a crisis that will soon hit the city of Miami and many other cities throughout south Florida, our State of Florida, and indeed throughout the Nation.

We are all aware of the difficult funding decisions that will need to be made by many departments and programs. Programs like the Community Development Block Grant may see overall reductions because of the sad realities of the current budget constraints and in the interest of fiscal responsibility. However, because of an arbitrary Community Development Block Grant expenditure cap, countless vulnerable citizens in the city of Miami and throughout the United States will lose their only means of sustenance.

□ 1410

This amendment is not about increased funding, Mr. Chairman, nor is it about changing the overall formula of the Community Development Block Grant. It is simply about providing greater flexibility to cities on how they allocate their CDBG funds. Currently, only 15 percent of Community Development Block Grant funds can go toward public services.

Now, what are public services? Well, they include food for senior citizens, the disabled, the homeless, the abused, or neglected children. They also may be used for child care, for health services, for job training services.

The city of Miami, which I am proud to represent, currently provides these vital services, especially meals, through the current Community Development Block Grant public services. But, because of the overall decrease in CDBG allocations, many disadvantaged men, women, and children will be without the vital support that they deserve and need.

This amendment is simply a painless solution to this development, allowing cities the flexibility they need in how they expand their CDBG funds. It would allow up to 25 percent of CDBG funds to go to public services, a position that has been endorsed by the U.S. Conference of Mayors and the National League of Cities.

The current 15 percent public service expenditure cap was enacted with the original statute over 30 years ago. It does not reflect the evolution of this program, nor the necessity to provide flexibility to local leaders on how funds should be expended during this time of belt tightening. The current restrictive and outdated limit has denied many communities the option of providing their residents with the most basic and necessary services within the framework established by the program.

CDBG public services have played a key role in providing crucial aid to our most at-risk and vulnerable constituents, especially during this enduring recession. Cities across our country have had to do more with less, and this amendment will help them accomplish just that.

I wish to thank Chairman LATHAM and his staff for working with Congressman DIAZ-BALART and me on trying to give this flexibility through the proper channel to our local leaders.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. LATHAM. I do.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I just want to make the point that I want to continue to work with these two great Members from Florida. It is a real problem for the community, and I will do everything possible to try to be of assistance with addressing this real problem for them.

With that, I yield to the gentleman from Miami.

Mr. DIAZ-BALART. Thank you, Mr. Chairman. I, again, want to thank you and your staff, who have been great on this issue, understanding the problem.

At this time I would ask unanimous consent, Mr. Chairman, to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Mr. SARBANES. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Subcommittee on Transportation, HUD, and Related Agencies, Mr. LATHAM, and also with Mr. WOLF on the Driver Alcohol Detection System for Safety, or DADSS.

I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I would be glad to engage in a colloquy with the gentleman from Maryland (Mr. SARBANES) and the gentleman from Virginia (Mr. WOLF).

Mr. SARBANES. I thank the chairman. As the gentlemen are aware, the National Highway Transportation Safety Administration, NHTSA, has been working on a public-private research program known as the Driver Alcohol Detection System for Safety, or DADSS, that would develop a passive technology to detect if a driver's blood alcohol content is above the legal limit.

I would urge the chairman to consider funding for the DADSS program as this bill moves forward, and I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman from Maryland, and rise to support his initiative.

Mr. Chairman, too many times a mother or a father or a loved one has gotten that dreaded call in the middle of the night that someone has been killed in an accident involving a drunk driver. And I appreciate my friend from Maryland raising the DADSS program, and also urge my good friend, the chairman, to look at this program as the bill moves forward.

Mr. SARBANES. I yield to the gentleman from Iowa.

Mr. LATHAM. I thank the gentlemen from Maryland and Virginia. I appreciate their taking the time to raise this very important issue. I will be mindful of their concerns as the process moves forward.

Mr. SARBANES. I appreciate it, Mr. Chairman.

I yield back the balance of my time.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY DEVELOPMENT LOAN GUARANTEES
PROGRAM ACCOUNT

For the cost of guaranteed loans, \$6,000,000, to remain available until September 30, 2014, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$244,000,000, notwithstanding any aggregate limitation on outstanding obligations guar-

anteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

AMENDMENT NO. 11 OFFERED BY MR.
MC CLINTOCK

Mr. McCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 90, line 15, after the dollar amount, insert "(reduced to \$0)".

Page 150, line 9, after the dollar amount, insert "(increased by \$6,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, this amendment eliminates funding for the Community Development loan guarantee program. Like the Community Development Block Grants that we just discussed, these loan guarantees support strictly local projects that have no Federal nexus.

Now, unlike the House Appropriations Committee, President Obama has requested no taxpayer subsidies for this program, and that's a pretty profound statement. Remember, this is the same President who had no problem placing billions of taxpayer dollars at risk for failed schemes like Solyndra, for which he was soundly and rightly criticized by many in this House.

But even the architect of the Solyndra fiasco is unwilling to risk taxpayer money on this loan guarantee program, so, enter the House Appropriations Committee that apparently has money to burn.

What are the recent projects funded by these loan guarantees? Well, \$7 million went to the city of Hartford to buy a 393-room Hilton Hotel; \$15 million went to build a movie studio in Norristown, Pennsylvania; a \$10 million loan to Bass Pro Shops to redevelop the Memphis Pyramid.

Now, why would we put our taxpayers' money at risk for these ventures? Obviously, private investors were unwilling to risk their own money. Obviously, President Obama sees these loans as far riskier than anything that he's loaned in the Solyndra fiasco. But we're about to put our constituents' hard-earned money at risk to prop up these projects.

Now, when Bass Pro Shops takes \$10 million to redevelop the Memphis Pyramid, will this mean more jobs in Memphis? Well, yes. And will it mean precisely that many fewer jobs in other regions as, once again, we take from one community to give to another? Unfortunately, the answer is yes to that question as well.

My amendment simply takes taxpayer exposure to these risky loans down to the level of fiscal restraint proposed by the least fiscally restrained President in the history of our

Nation. I'd invite my Republican colleagues on the Appropriations Committee to follow.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, here we have kind of the yang that went with the yin. The gentleman's amendment here a few minutes ago, the last one that he offered, was \$3.5 billion, and taking that out of this allocation.

□ 1420

In this case, it's a \$6 million amount. That's about 5,000 times as much as the six. The first was 5,000 times as much as this one. Maybe I'm off by an order of magnitude. I'm not quite sure.

The gentleman from California has pointed out that the President did not want to do this at all. Well, actually, the President had asked the committee to create a user fee to pay for this rather than the mechanism by which this really very small program—this \$6 million program of loan guarantees—has been functioning, which was to pay for any risk involved. The gentleman is claiming, if there were any serious risk, that it should be paid for out of the subsequent years' allocations under CDBG.

It turns out, for those places that would use this program, the loan guarantee program, there has never been a penny lost of the Federal taxpayers on any of the section 108 projects that we have issued in this program, and there have been a number of them. It actually is one of the most flexible. The Community Development loan guarantee program is exceedingly flexible and very creative. It has been used to create larger projects, projects that create jobs and that may be part of the revitalization of a whole target area, and it always ends up bringing in substantial additional private investment into the neighborhood.

So it's creating jobs. It is used often for the reuse of old factory buildings that are no longer viable in the forms that they were. Particularly in my part of the country, it has been used in that kind of a way—and successfully—to make a project that may turn out to be housing, that may turn out to be a business incubator or whatever. This is a very flexible program and one that the Federal taxpayer has never lost money on.

The creation of jobs and the development of new businesses that come into a place that may be part of a development of this sort is what gives us a robust economy. A robust economy is the best way we have of reducing the deficit because you can end up cutting and cutting and cutting programs, and if you do not end up creating jobs in the long run, you're simply not going to re-

turn to a robust economy. I think we know that.

So I rise in opposition to this amendment. I think it is a counterproductive thing to do. It's very small. It has never lost any money. It operates quite well. The chairman, with my assent—though he didn't need my assent—certainly left it in there. I support his position very strongly, and I urge the defeat of this amendment.

I yield back the balance of my time.

Mr. WOMACK. I move to strike the last word.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WOMACK. Mr. Chairman, I also oppose the amendment.

The Community Development Block Grant program is very important to cities and States throughout our country. As a former mayor, I can attest to the fact of the impact the Community Development Block Grants have on our local communities. This year, we had many Members, both Republicans and Democrats, request funding for CDBG programs. For many Members, there is strong constituent support for the program.

The section 108 CDBG loan guarantee is a good community development tool because it does something that we should be interested in doing, and that is leveraging funding. With only \$6 million provided in the bill, HUD is able to make nearly a quarter of a billion dollars in loan guarantees for community development. So it's a small amount of Federal money that creates a pretty significant impact. Now, if a fee is warranted, we would encourage the authorizing committee to enact legislation to create a fee and lower the cost of the program.

So I urge a "no" vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,200,000,000, to remain available until September 30, 2015: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: *Provided*

further, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement, shall be repaid: *Provided further*, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: *Provided further*, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: *Provided further*, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: *Provided further*, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it has staff with demonstrated development experience: *Provided further*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 91, line 7, after the dollar amount, insert "(reduced by \$200,000,000)".

Page 150, line 9, after the dollar amount insert "(increased by \$200,000,000)".

Mr. FLAKE (during the reading). I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment would cut \$200 million from the HOME Investment Partnership and transfer the savings to the deficit reduction account. This simply takes the level of funding to where it was last year.

We are often told we need to cut spending. I think we need to. Yet, with this program, we're actually increasing the funding from \$1 billion to \$1.2 billion, so it's about a 20 percent increase. This is the largest Federal block grant to State and local governments, designed exclusively to create affordable housing for low-income households.

In 2011, a nationwide investigation by The Washington Post described the program as:

a dysfunctional system that delivers billions of dollars to local housing agencies with few rules, safeguards or even a reliable way to track projects.

This was The Washington Post saying this. It wasn't some conservative Republicans. This was The Washington Post. According to The Post:

These lapses have led to widespread misspending and delays in a two-decade-old program meant to deliver decent housing to the working poor. Nearly 700 projects awarded \$400 million have been idling for years while the U.S. Department of Housing and Urban Development has largely looked the other way. It does not track the pace of construction, and it often fails to spot defunct deals. Instead, they're trusting local agencies to police projects.

Again, that was a quote from the investigation.

In 2009–2010, HUD's Office of Inspector General came out with reports that questioned not only HUD's ability to monitor these HOME project funds but also whether the program was in compliance with its own rules. In addition, several Members of Congress have acknowledged concerns about HUD's ability to ensure that HOME funds are used in a way that produce the program's intended results.

The full Financial Services Committee has held congressional hearings in response to these concerns. In a spending bill just last year, Congress included language that placed additional restrictions on the use of HOME funds for FY12. The problem is those are the funds that are being implemented now. We don't even know if they're following the guidelines and are doing what we asked them to do. Yet here we're appropriating \$200 million more to them rather than saying, Hey, we wanted you to do these things. Let's check and see if you've done them before we award you with more money.

It's difficult to evaluate these projects when they haven't been done yet. That's the reason we ought to cut back and simply go level with the funding of last year. Again, it's not a cut from last year. It's level funding from last year. It's the least we can do when running these kinds of deficits and when we have this kind of debt and when we've found massive, massive problems with this program.

□ 1430

The remedy isn't to award a 20 percent increase. If anything, we ought to be cutting the program. I'm simply saying with this amendment, let's take it back to where it was last year. What is the point of oversight that we exercise here in Congress if we exercise that oversight, we find problems, we ask for a remedy, and then we award money before we even see if the remedy was actually entered into? We have oversight here. We have the power of the purse. Let's use it.

This program is troubled. It has problems. It's not just people on one side of

the aisle that recognize that. The Congress as a whole does. So why in the world are we awarding 20 percent more funding this year than we had last year? This amendment would take it back to last year's funding level.

I urge its adoption, and I yield back the balance of my time.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. BROWN of Florida. I rise today to speak on the Transportation and Housing and Urban Development appropriations bill on the floor.

First off, I want to say that whether it's the mayor of Jacksonville, Florida; Orlando; California; or Texas, every single mayor that I've talked to—Democrats or Republicans—support Community Development Block Grants and are very concerned with what we're doing here and making sure that we send funds that they can decide how the community is to use the funds to meet their needs.

In addition, I want to talk about transportation. I've been on the Transportation Committee for the entire 20 years that I've been here in Congress, and transportation has always been bipartisan. It did not matter who the President was, and it did not matter who the Speaker was. In fact, when Newt Gingrich was the Speaker and President Clinton was the President, the House passed the transportation bill over both of them and funded the Transportation Committee for 6 years.

This House has not been able to pass a transportation bill. For the first time, you see people who really don't want to put America to work because the Transportation Committee is the committee that put the American people to work. When you look at the engineers or architects, they rate America as a "D minus," as far as our infrastructure is concerned. Yet you have people that do not want to put the American people back to work.

In my home State of Florida, we received close to \$3 billion for a high-speed train from Orlando to Tampa. What did we do? We sent it back. Eighteen States have our money, and they are putting people to work. We're talking about transportation money.

When you have people with other agendas besides putting people to work, that is a real problem in the area of transportation. We know that for every \$1 billion we invest, it generates 44,000 permanent jobs. Yet you have people in this House with a different agenda, and their agenda has nothing to do with jobs and putting people to work. It is a sad state of affairs. But I've often said you can fool some of the people some of the time, but you can't fool all of the people all of the time.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment that is ostensibly before us.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, we were talking about the amendment that the gentleman from Arizona has offered, and he has offered an amendment that would take \$200 million out of the HOME Investment Partnership program as recommended by Chairman LATHAM and the subcommittee and through the procedures of the subcommittee and the full committee actions before coming to the floor.

I rise in strong opposition to this amendment. There have been some controversies with the HOME Investment Partnership program; but there were statutory changes last year, and HUD is now in the process of finishing the rule to go along with those statutory changes. So those reforms are now basically in place.

To my understanding, at least, there has been no instance of our actual loss of money from the HOME Partnership program at any time, but there have been projects that have been stalled. This is one of the few programs that we have in this bill that actually results in the construction of housing. Most affordable housing projects use multiple sources to complete a development, and occasionally it is possible that the private development monies don't materialize to a project that has been approved for the HOME Partnership program. If that happens, then HUD takes the money back and uses it someplace else. It doesn't in any way end up resulting in a loss to the taxpayers of the country.

The HOME program is, as I say, one of the few programs that actually funds newly constructed housing under this legislation. These funds are used. They provide needed jobs in our communities; they ease the unemployment in the construction sector; they produce housing; and they don't end up costing the taxpayers any money.

To the degree that that is followed and we can produce housing, then I am certainly in favor of it and strongly support Chairman LATHAM's assignment of the additional money. I would point out that the level of the funding at the level that has been recommended by the Appropriations Committee and by the subcommittee that Mr. LATHAM chairs, that the amount of money that has been assigned is below the amount that was assigned 5 years ago for the 2008 budget.

We have been through ups and downs on this one over time, and I certainly would urge a "no" vote on the gentleman's amendment.

With that, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting Chair. The gentlewoman from Ohio is recognized for 5 minutes.

□ 1440

Ms. KAPTUR. I rise to associate myself with the remarks of our esteemed ranking member, JOHN OLVER of Massachusetts, and rise to oppose Mr. FLAKE's proposal.

Now, if Mr. FLAKE came to the floor and cut money from well-larded Arizona projects, I might ponder that type of amendment—but I don't support cuts in HOME. With the devastation that's occurred across our housing market, we shouldn't harm housing for sure. But, if he would take the money to balance the budget from the subsidized Central Arizona Water Project, or if he would take the funds from the major Federal monuments that are stacked wall-to-wall in his State of Arizona, or if he would take the funds from all the defense facilities that help to employ and hold up the economy of his State—those might be worthy of debate.

It's very interesting where he cuts money from—from among the poorest areas in this country, some of the most devastated parts of America that are trying to rebuild themselves. It's very curious to me when he proposes amendments, whether it be this one or other ones in subcommittee, he always leaves his home turf sacrosanct.

Mr. FLAKE. Would the gentlewoman yield?

Ms. KAPTUR. Yes. I would be interested in the gentleman's response.

Mr. FLAKE. I thank the gentlewoman from Ohio.

For all I know, this cuts money from my district as well. I have not discriminated in where I have taken money from. I think everybody who has followed the process over the past several years knows that.

With regard to the Central Arizona Project, Arizona repays the Federal Government to the tune of about \$55 million a year, still after all these years. The fact that we are 83 percent publicly owned in Arizona means that our local communities have to run their facilities and run their services on just a narrow sliver of private land.

Ms. KAPTUR. Reclaiming my time, all those loans were subsidized and capital was made available at very favorable terms compared to my region of America that paid its own way. Just look where federal dollars flow to Arizona—if one looks at the defense bases across northern Ohio, we don't have anything like Arizona has. Defense dollars flow heavily to Arizona. Or, if we look at the kinds of subsidies we are providing for water in the West—The Central Arizona project or for Bureau of Land Management projects, for all of the investments that have been made to allow Arizona to even get water, federal funds have built Arizona—and then to say to the part of the country that said, Well, we want the West to develop. So we're going to help you out. But now you say, No, no,

no, no. Now we're going to take money away from Cleveland and Toledo and Detroit and Pittsburgh and Philadelphia and Chicago and Milwaukee—all of the places that taxed themselves for the development of the modern West.

So I would say to the gentleman, I think the answer to the problem we have is economic growth, and we have to invest in that. The housing sector has been dead in the water since 2008, largely because of the nonregulation of the Bush administration during those years when the Wall Street house of cards and derivatives were created. So let's look at what happened back then.

But, please, don't take it out of the hides of the most stressed communities in America that, despite all the odds, are in the process of reinvesting and rebuilding themselves to fuel recovery.

So I just want to associate myself with the remarks of the gentleman from Massachusetts (Mr. OLVER). Oppose the Flake amendment. Support programs that will help the revitalization of the housing sector of this country.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. BACHUS

Mr. BACHUS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 92, line 16, before the period insert the following:

Provided further, That of the total amount provided under this heading, up to \$200,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.) related to disaster relief, long-term recovery, restoration of housing and infrastructure, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: *Provided further*, That such disaster relief funds shall be awarded only to States and units of general local government that were awarded funds under section 239 of Public Law 112-55 (125 Stat. 703), shall be awarded directly to such States and units of general local government at the discretion of the Secretary, and shall be awarded in accordance with such formula or requirements as the Secretary shall establish, except that such formula or requirements shall give preference to awards based on a county's unmet housing needs for renter occupied units: *Provided further*, That prior to the obligation of

such disaster relief funds a grantee shall submit a plan to the Secretary detailing the proposed use of all such funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That such disaster relief funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That such disaster relief funds allocated under this heading shall not be considered relevant to the other non-disaster formula allocations under this heading: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation of such disaster relief funds for administrative costs: *Provided further*, That in administering such disaster relief funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of the HOME Investment Partnerships Act: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to HOME Investment Partnerships Act no later than 5 days before the effective date of such waiver

Mr. DIAZ-BALART. Mr. Chairman, I reserve a point of order on the Bachus amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Let me acknowledge the point of order is due to be granted.

I am, however, here to ask for the cooperation of the appropriating committee as we move forward on addressing a problem that we found as a result of the many tornadoes that devastated our country last year. And I will use an example from the city of Tuscaloosa.

In the aftermath of the tornado that struck Tuscaloosa on April 27, HUD came in and calculated the loss of residences and rental units. Part of their charge was to replace the critical needs. However—and I will just use one census tract as an example—they came into a census tract that includes University Boulevard, which is a census tract made up almost entirely of rental units. However, according to HUD's calculation, they came in and they simply surveyed the owner-occupied units. Now, there were 23 owner-occupied units that were destroyed in the census tract, but there were 440 rental units that were destroyed in this same tract. So almost all the loss of property was rental units. It left the city of Tuscaloosa, a university town, woefully inadequate in its number of rental units.

In their calculation, they only take the owner-occupied units, and they extrapolate from that what they consider the number of rental units to be in that same census tract. Well, you can't really base a calculation of how many rental units there are based on how many owner-occupied dwellings there are. And to tell you how much they missed it, they calculated that there were no rental units destroyed, which is obviously a tremendous miscalculation.

So we've offered an amendment today which essentially will say that you have to consider—and your survey must include—both owner-occupied units and rental units and that you must calculate both of them, not simply the owner-occupied units.

HUD's model, in short, needs to be changed. We believe that our authorizing committee will correct this in future cases, but there's an urgent need to replace the rental housing that was lost in last year's tornadoes throughout the Nation. And my amendment simply creates a mechanism to do so and directs HUD to develop a formula for distributing assistance to communities that have already suffered damage. This will restore what we think is fairness and a more correct calculation.

With that, I yield back the balance of my time.

Thank you for allowing me to explain the purpose of the amendment that my colleague Congresswoman TERRI SEWELL and I are proposing.

Communities in the State of Alabama and other states are still recovering from the devastating tornadoes of April 27, 2011.

A critical issue is replacing rental housing that was destroyed by the tornadoes. Rental housing is an important and affordable option for individuals and families, especially in larger cities.

Unfortunately, the methodology used by the Department of Housing and Urban Development to award recovery assistance may be weighted—in some cases—against rebuilding rental housing.

To provide an example, according to a study by the office of Mayor Walt Maddox, one census tract in Tuscaloosa sustained tornado damage to 463 housing units: 23 owner-occupied units and 440 rental units. Rather than document the actual damage and distribute recovery aid accordingly, HUD used a mathematical model to calculate the damage.

The result is that only 2.2% of the units in this devastated neighborhood were deemed to have been severely damaged. None of the rental properties were included in the formula, regardless of their damage.

This bureaucratic discrepancy has put Tuscaloosa and other communities at an unfair disadvantage when it comes to receiving funding for the restoration of their rental housing stock.

HUD's model needs to be changed. We are working to correct it for future cases, but there is an urgent need to replace the rental housing that was lost during last year's tornadoes.

Our amendment creates a mechanism to do that. It directs HUD to develop a formula for distributing assistance to communities that have already suffered damage. This will help restore fairness and promote the continued recovery of our communities from some of the most devastating tornadoes in the history of the State of Alabama and our nation.

POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

The Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction to the Secretary of Housing and Urban Development.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Ms. SEWELL. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Alabama is recognized for 5 minutes.

Ms. SEWELL. Mr. Chairman, I understand the point of order; but I rise today in support of this amendment by my fellow colleague from Alabama, which adds critical funding to assist communities devastated as a result of last year's severe weather.

This bipartisan amendment would add \$200 million to the underlying bill and direct it towards communities that received CDBG disaster assistance in FY 2012. Prior to awarding of these new funds, this amendment directs HUD to establish a formula of funding that would give preference to applicants based on a county's unmet housing need, including renter-occupied units.

Currently, there is still an ongoing and urgent need for housing options, particularly rental units, across several parts of my district as well as my colleague's district. This amendment would help communities like Tuscaloosa, Alabama, receive adequate funds to help repair and rebuild the rental housing units that were destroyed by the April 27 tornadoes. This would help to provide rental housing units that will provide critical shelter for women, children, and families.

□ 1450

A recent report released by HUD estimated that the amount of unmet housing needs for Tuscaloosa County alone would exceed \$56 million. Most of this figure was associated with unmet rental housing need.

The devastation and destruction that was caused by the April tornadoes across the State of Alabama is still

being felt, especially in places that already have economically disadvantaged areas. This amendment would provide the additional funds needed for these affected areas to continue their efforts toward full recovery.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$60,000,000, to remain available until September 30, 2015: *Provided*, That of the total amount provided under this heading, \$20,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity-building activities: *Provided further*, That \$5,000,000 shall be made available for capacity-building activities for national organizations with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes: *Provided further*, That no funds made available for capacity building activities under this heading in this Act or any prior Act may be set-aside, reserved, or awarded in connection with the Department's demand-response initiative, described in section V(A)(3)(d) of the Notices of Funding Availability for fiscal years 2010, 2011, and 2012: *Provided further*, That notwithstanding any requirement in any Notice of Funding Availability, grant application, grant agreement, or work plan, any unexpended amounts provided under this heading for capacity building activities in fiscal years 2010, 2011, 2012, and 2013 may not be used in connection with such demand-response initiative or any similar initiative, unless a grantee, in its sole discretion, decides to undertake or continue such a project: *Provided further*, That prior to undertaking, or asking others to undertake, any further demand-response or similar place-based initiatives, the Department shall submit for Congressional approval in its operating plan and budget proposal a detailed justification of such initiative, including how it fits within the Department's overall capacity building efforts, why it is consistent with authorizing legislation, and how the Department plans to implement it effectively.

HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, \$2,000,000,000, of which \$1,995,000,000 shall remain available until September 30, 2015, and of which \$5,000,000 shall remain available

until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That not less than \$286,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That not less than \$1,650,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to \$6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That all funds awarded for supportive services under the continuum of care program and the rural housing stability assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2013: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the emergency solutions grant program within 60 days of enactment of this Act.

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 94, line 19, after each of the first and second dollar amounts, insert "(increased by \$5,000,000)".

Page 95, line 4, after the dollar amount, insert "(increased by \$5,000,000)".

Page 110, line 9, after the dollar amount, insert "(reduced by \$5,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. I offer this amendment on behalf of citizens who feel that they have no voice in this Congress; people who have given up hope altogether. These are citizens who earn money by scavenging through alleys to find empty bottles and cans and get their return deposits. They survive by rummaging through garbage dumpsters to find food to eat. These

are citizens who have no place to live. They're on the street.

According to the Detroit Rescue Mission Ministries, every night in the city of Detroit there are nearly 20,000 people who are in need of shelter and who are homeless. Nearly a quarter of these people are children. And what is perhaps most tragic is that many of these citizens—and I have spoken to them as I have seen them in the alleys—are men who have sacrificed themselves and proudly served this country in the military. Many of the homeless in the city of Detroit are veterans.

Some of the folks on the street I know personally. I grew up with them. They need help. They need substance abuse treatment. They need a place to stay. And in Detroit, because of the housing crisis, because foreclosures forced many people out of their homes, we also have many apartment buildings that are now vacant—vacant, but could be rehabilitated and renovated to provide a home to our veterans who are currently on the street.

This amendment that I offer will add \$5 million to homeless assistance grants to provide our homeless veterans with a home, but also with the hope and dignity that all Americans deserve.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would just tell the gentleman that we accept your amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CLARKE).

The amendment was agreed to.

Mr. LATHAM. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 134, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The text of that portion of the bill is as follows:

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$8,300,400,000, to remain available until expended, shall be available on October 1, 2012 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2012), and \$400,000,000, to remain available until expended, shall be available on October 1, 2013: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts),

for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed \$260,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing,

\$425,000,000 to remain available until September 30, 2016: *Provided*, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That, notwithstanding any other provision of law, in this fiscal year and hereafter, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 Project Rental Assistance Contract that requires surplus project funds to be deposited in an interest-bearing residual receipts account and be remitted to the Secretary upon termination of the contract, shall be remitted to the Secretary and deposited in this account upon termination of such contract, to be available until expended for capital advances and other eligible assistance for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$165,000,000 to remain available until September 30, 2016: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$45,000,000, including up to \$2,500,000 for administrative contract services: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their

financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$4,000,000, to remain available until expended, which is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2013 so as to result in no fiscal year 2013 appropriation from the general fund estimated and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2013 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2014: *Provided*, That during fiscal year 2013, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$215,000,000, to remain available until September 30, 2014, of which up to \$71,500,000 may be transferred to and merged with the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2012, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238

and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed \$25,000,000,000 in total loan principal, any part of which is to be guaranteed: *Provided*, That during fiscal year 2013, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE

ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2014: *Provided*, That \$20,500,000 shall be available for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments will and do exceed \$155,000,000,000 on or before April 1, 2013, an additional \$100 for necessary salaries and expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, \$52,000,000, to remain available until September 30, 2014: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development

Act of 1987, as amended, \$68,000,000, to remain available until September 30, 2014, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That, of the funds made available under this heading, \$300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND
HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$120,000,000, to remain available until September 30, 2014: *Provided*, That up to \$10,000,000 of that amount shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided further*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, \$45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the third proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION
WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related

maintenance activities, \$175,000,000, to remain available until September 30, 2014: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: *Provided further*, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$125,600,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, \$50,000,000 to remain available until September 30, 2015: *Provided*, That with respect to amounts made available under this heading for research, evaluation and program metrics or program demonstrations, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project.

GENERAL PROVISIONS—DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance

with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2013 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Sections 203 and 209 of division C of Public Law 112-55 (125 Stat. 693-694) shall apply during fiscal year 2013 as if such sections were included in this title, except that during such fiscal year such sections shall be applied by substituting “fiscal year 2013” for “fiscal year 2011” and “fiscal year 2012”, each place such terms appear.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2013 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly

reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. The President's formal budget request for fiscal year 2014, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 210. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 211. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2013 and 2014, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The net dollar amount of Federal assistance provided to the transferring project shall remain the same as the receiving project or projects.

(3) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(4) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(5) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(6) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(7) The Secretary determines that this transfer is in the best interest of the tenants.

(8) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(9) If the transferring project meets the requirements of subsection (d)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(10) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

(e) The Secretary shall publish by notice in the Federal Register the terms and conditions, including criteria for HUD approval, of transfers pursuant to this section no later than 30 days before the effective date of such notice.

SEC. 212. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)

SEC. 213. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 214. The funds made available for Native Alaskans under the heading "Native

American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-g), the Secretary of Housing and Urban Development may, until September 30, 2013, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z-20).

SEC. 216. Notwithstanding any other provision of law, in fiscal year 2013, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 217. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

SEC. 218. During fiscal year 2013, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of

the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. Notwithstanding any other provision of law, the recipient of a grant under section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 220. The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 221. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 222. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 223. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading “Administration, Operations, and Management” as well as each account receiving appropriations for “Program Office Salaries and Expenses” within the Department of Housing and Urban Development.

SEC. 224. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 225. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2013 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2013 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 226. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or \$5,000,000, whichever is less, of the funds appropriated for any office funded under the heading “Administration, Operations, and Management” to any other office funded under such heading: *Provided*, That no appropriation for any office funded under the heading “Administration, Operations, and Management” shall be increased or decreased by more than 5 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary is authorized to transfer up to 5 percent or \$5,000,000, whichever is less, of the funds appropriated for any account funded under the general heading “Program Office Salaries and Expenses” to any other account funded under such heading: *Provided further*, That no appropriation for any account funded under the general heading “Program Office Salaries and Expenses” shall be increased or decreased by more than 5 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary may transfer funds made available for salaries and expenses between any office funded under the heading “Administration, Operations, and Management” and any account funded under the general heading “Program Office Salaries and Expenses”, but only with the prior written approval of the House and Senate Committees on Appropriations.

SEC. 227. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a “program of the Department of Housing and Urban Development” under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 228. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) may be used by any public housing agency for any amount of salary, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2013.

SEC. 229. Paragraph (1) of section 242(i) of the National Housing Act (12 U.S.C. 1715z-7(i)(1)) is amended by striking “July 31, 2011” and inserting “July 31, 2016”.

SEC. 230. Subsection (d) of section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a) is amended to read as follows:

“(d) GUARANTEE FEE.—The Secretary shall establish and collect, at the time of issuance

of the guarantee, a fee for the guarantee of loans under this section, in an amount not exceeding 3 percent of the principal obligation of the loan. The Secretary may also establish and collect annual premium payments in an amount not exceeding 1 percent of the remaining guaranteed balance (excluding the portion of the remaining balance attributable to the fee collected at the time of issuance of the guarantee). The Secretary shall establish the amount of the fees and premiums by publishing a notice in the Federal Register. The Secretary shall deposit any fees and premiums collected under this subsection in the Indian Housing Loan Guarantee Fund established under subsection (i)."

SEC. 231. (a) Subsection (b) of section 225 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12755) is amended by inserting at the end the following sentence: "Such 30 day waiting period is not required if the grounds for the termination or refusal to renew involve a direct threat to the safety of the tenants or employees of the housing, or an imminent and serious threat to the property (and the termination or refusal to renew is in accordance with the requirements of State or local law)."

(b) Section 231 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12771) is amended—

(1) in subsection (b) by striking "make such funds available by direct reallocation" and all that follows through "were recapitulated" and inserting "reallocate the funds by formula in accordance with section 217(d) of this Act (42 U.S.C. 12747(d))"; and

(2) by striking subsection (c).

SEC. 232. Notwithstanding Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), amounts made available in prior appropriations Acts under the heading "Revitalization of Severely Distressed Public Housing (HOPE VI)" or under the heading "Choice Neighborhoods Initiative" may continue to be provided as assistance pursuant to such Section 24.

SEC. 233. The proviso under the "Community Development Fund" heading in Public Laws 109-148, 109-234, 110-252, and 110-329 which requires the Secretary to establish procedures to prevent duplication of benefits and to report to the Committees on Appropriations on all steps to prevent fraud and abuse is amended by striking "quarterly" and inserting "annually".

The Acting CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 234. Title II of division K of Public Law 110-161 is amended by striking the item related to "Flexible Subsidy Fund".

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 134, after line 14, insert the following new section:

SEC. 235. Notwithstanding the 13th proviso of the second undesignated paragraph under the heading "Community Planning and Development—Community Development Fund" in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 218) and section 1497(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-

203; 124 Stat. 2209), a State or unit of general local government in a State may use not more than 75 percent of any amounts made available from a grant under such second undesignated paragraph or under such section 1497 for the purpose set forth in section 2301(c)(4)(D) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301 note), at the sole discretion of the State or unit of general local government.

Mr. LATOURETTE (during the reading.) I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. I thank the gentleman for reserving the point of order. I think when I'm done consuming my 5 minutes, he will perhaps relent and think that that's a bad idea.

The Neighborhood Stabilization Fund has been a valuable tool all across America in helping to revitalize neighborhoods. I would suggest it has one fatal flaw. There are some homes in every community in America, whether it's Detroit, Los Angeles, Cleveland, where I'm from, where some homes just aren't coming back, and you can't revitalize the neighborhoods until you tear those houses down and start afresh.

One of the difficulties with the Neighborhood Stabilization Fund is it restricts the ability for a local community to use those funds to demolish homes. I will tell you from touring a number of these properties in my good friend MARCIA FUDGE's district on the east side of Cleveland, these are firetraps, these are ratttraps. The last two Cleveland police officers who have been injured in the line of duty have been injured as they entered a dilapidated home. We toured one home in fact where the expression "everything but the kitchen sink" didn't apply because people had actually taken the kitchen sink, the toilet, the wiring, the gutters, and all of the copper.

Cities are stepping up all across the country to take care of this problem. In the State of Ohio, our Attorney General has devoted \$75 million from the settlement with the top five big banks to this purpose. Mayor Jackson in Cleveland has expended a considerable amount of money. And Ms. FUDGE and I have introduced legislation that would authorize bonds through the Department of Treasury to supplement the great work that land banks all across this country are doing.

But because that bill languishes in the Ways and Means Committee, this simple amendment would give increased flexibility to communities that want to take grants that they've re-

ceived from the Federal Government to stabilize their neighborhoods to give them the opportunity to use them for demolition if they reach the conclusion that in order to protect the neighbors in that neighborhood who are paying their taxes or keeping up their house, who are paying their mortgage but whose property values continue to plummet because they have this eyesore next door, that if the mayor of Cleveland or the mayor of Toledo or the mayor of Los Angeles reaches the conclusion that it's better in that instance to rip that house down and start over and work with the land banks that are popping up all across the country, they do that.

So, Mr. Chairman, I would respectfully ask for passage of this amendment.

I yield back the balance of my time.

□ 1500

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order, but I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I just want to tell the gentleman from Ohio that I have really no problem with the intent of his amendment, that I think he is talking about something that is very real to a lot of folks.

My understanding is that waivers that have been asked for have all been accepted in the past, and the Secretary has said that if there's a waiver needed, that they would be glad to oblige. But having said that, I just want the gentleman to know that the reason why I must insist on the point of order is simply for consistency on the bill. We have struck on point of order every other authorizing language that has come before the subcommittee or to the floor today. So with that, while I share his concerns that he has stated, I must insist on my point of order.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment waives existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. LATOURETTE. I do, Mr. Chairman.

The Acting CHAIR. The gentleman from Ohio is recognized on the point of order.

Mr. LATOURETTE. Mr. Chairman, I thank my great friend from Iowa for those kind words. I know his heart is in the right place, even if his legislative initiatives at this moment are not.

A lot of people don't realize the history of rule XXI. I've had great conversations in the past with the prior Parliamentarians, the last two, Mr. Sullivan and Charlie—I can't remember Charlie's last name. We talked about the notion of equity. We're not only bound by the rules of the House, but just like in courts all across the country, the Chair has the power of equity in his possession.

Rule XXI has its origins in 1844 when John Quincy Adams, the only President of the United States to come back and serve in the House of Representatives, decided that the appropriations process was bogging down and, therefore, we should have rule XXI to prohibit authorizing on appropriations bills. It was designed to keep the appropriators from poaching on the territory of the authorizing committees.

We don't have that here. The chairman of the authorizing committee was just here, Mr. BACHUS. He doesn't have any problem with this. The only person who is raising the point of order and has a problem with this is the distinguished subcommittee chair of the Appropriations Committee. So that's my first argument on equity.

Secondly, because I had some spare time today, I also looked at the precedents of the House, and I would suggest to the Chair that this is a matter of first impression. The last time that this came to the attention of the Parliamentarian was in 2006. And, sadly, there is a big problem with getting the CONGRESSIONAL RECORD online, but we did get the previous one, which was in 1995 when the gentlelady from Missouri at the time, Ms. Danner, whom many of us remember, was attempting to make a provision in order on the Transportation, it wasn't Transportation-HUD at that time, it was the Transportation appropriations bill. And in construing the context of clause 2, rule XXI, the Chair at that time indicated that what she was attempting to do is—we have out of the highway trust fund, 2.8 cents goes to transit. That yields a certain amount of money, and she was attempting to wall off \$26 million to go specifically to additional transit projects. The Chair in that instance specifically, and I think correctly, found that you cannot mandate or limit the discretion of the Secretary or another Federal official, nor can you mandate that money be used in a certain way that's not contemplated by the law. As a matter of fact, in section 1057 of the House manual that we all revere here very much, it cites the indications where this has been considered before.

The common theme with all of them is that the person offering the amendment or the Appropriations Committee attempting to implement the policy was attempting to mandate action on the part of a Federal official or mandate that money be spent in a certain way.

I brought up the June 9, 2006, ruling by the Chair, which occurs on page 10673, for those who may be following this at home, and in that instance the offending language was that the statement could not say that not less than a certain sum would be expended on that particular purpose.

This amendment was very carefully crafted. As the Chair, I know being a student of the law and parliamentary procedure, will note that we don't have the words "not less than," it's "not more than." Already the existing legislation, the Dodd-Frank Act, contemplates that States who receive—so there's no change in the Federal appropriation. If the city of Cleveland gets a \$100,000 neighborhood stabilization fund, they get to spend it. It doesn't change. There's no Federal involvement after that. It's then up to Mayor Jackson to figure out how to expend it.

This expands the contemplated purpose of that that says a portion is already permitted to be used for demolition. This just says "not more than." It's not a limitation. It just is increased flexibility for the communities that have received these grants. And honest to gosh, you know, with all of the problems that we have around this place, to go back and violate the spirit of John Quincy Adams' understanding of why we needed rule XXI, to prevent State and local communities from having the flexibility to demolish homes where fires are occurring, where people are selling drugs, where people are being murdered, is really beyond me.

So I appeal to the Chair not only based upon the precedents of the House, but upon the inherent authority of the Chair to exercise equity and understand that there might be a "t" not crossed or an "i" not dotted in this particular instance, but the equitable arguments are on the side of this amendment, and I respectfully ask the Chair to overrule the point of order.

Ms. KAPTUR. Mr. Chairman, I wish to speak to the point of order.

The Acting CHAIR. The gentlewoman from Ohio is recognized.

Ms. KAPTUR. Normally I enjoy working on a bipartisan basis, especially with our good colleague from eastern Ohio (Mr. LATOURETTE) and so in a way I reluctantly rise in opposition to his proposal.

Let me mention that in a way we're into quite a 200-year extensive history of the rules of the House, but in essence the legislation as enacted works. Every single community that I represent that has ever asked HUD for any type of waiver, if the percentage was operating in there to their detriment, it has been granted. And so I think the legislation as is works. It keeps the focus on reinvestment. But if a mayor or if a council wants to use more of their funds for demolition, they merely ask HUD. And, quite frankly, HUD acts in quite an expeditious manner. So I

think in a way this is a solution in search of a problem.

I think the gentleman, we welcome his concern about the neighborhoods of this country that have been devastated by the Wall Street-induced housing crisis and lack of regulation here in Washington, but I really don't think it is necessary, and I would support the subcommittee chair and ranking member in their concern by raising a point of order here.

I've expressed my interest in working with the gentleman on any community that you may represent that's facing this situation because every single one that we've had come to us, we have resolved with HUD's full cooperation. So I would support the subcommittee chair's invoking of a point of order on this amendment.

The Acting CHAIR. The Chair is prepared to rule.

The Chair finds that this amendment explicitly supersedes existing law, namely, the American Recovery and Reinvestment Act of 2009. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. BASS of New Hampshire). The Clerk will report the amendment.

The Clerk read as follows:

Page 134, after line 14, insert the following new section:

SEC. 235. Notwithstanding any other provision of the United States Housing Act of 1937 (42 U.S.C. 1437f et seq.), any amounts made available under this title under the heading "Public Housing Operating Fund" and allocated to a public housing agency for activities under section 9(e)(1) of the Act (42 U.S.C. 1437g(e)(1)), and any public housing operating reserve amounts for a public housing agency, may be used by such agency for any eligible activities under section 9(d)(1), in addition to the other purposes for which the amounts may be used under such heading: *Provided*, That an activity funded pursuant to this section shall be subject to the requirements otherwise governing activities under such section 9(d)(1).

Mr. PRICE of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the amendment be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to offer an amendment that is of great importance to some of

the strongest and best-managed housing authorities in our country.

Currently, housing authorities in our districts receive Federal funds through two distinct streams. One funds day-to-day operations, and the other provides capital funds for construction projects and important modernizations to our Nation's housing stock. Both streams are currently underfunded, not only in this bill but also in the fiscal 2013 administration request.

□ 1510

Now, I believe it's prudent to maintain these two distinct funding streams, but some of our housing authorities do need additional flexibility in tough funding years. Currently, some well-performing housing authorities, like the Raleigh Housing Authority in my district, have created efficiencies in their operating budget and pinched pennies in every way imaginable.

Unfortunately, in order to reallocate these operations savings to urgent capital needs, they have to go through a very cumbersome and cost-ineffective program, that is, HUD's Operating Fund Financing Program. This program requires authorities to go through a financial middleman rather than just letting authorities use their operating funds and savings directly. This process costs unneeded interest payments and it adds unnecessary red tape.

While I hope that our authorizers will be able to improve and streamline this process, I propose that this committee allow housing authorities to use unused operating funds for capital projects directly without having to go through the Operating Fund Financing Program.

My amendment is narrow in scope as it's targeted to 2013 funds and existing reserves only. It's not prospective.

This stopgap solution would provide flexibility for housing authorities, incentivize the wise spending of operating dollars, and help clear up the public housing capital improvement backlog at a time when the construction industry is still reeling from the recession. This amendment would be a win for Americans who need public housing and a win for Americans who are looking for jobs.

This is not a new endeavor for the Transportation and Housing Appropriations bill; indeed, it's a continuation of the public housing operating fund off-set discussion that we held last year.

However, I understand that there is a point of order. So I will register the hope that the authorizers can conclude their work to address this issue before the end of the year.

I yield back the balance of my time.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment waives existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? Seeing none, the Chair is prepared to rule.

The Chair finds that this amendment explicitly supersedes existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman and Members, I rise in opposition to this underlying bill, the Republican Transportation, Housing and Urban Development appropriations bill for the coming fiscal year, commonly referred to as THUD. This bill drastically underfunds critical transportation, infrastructure, and housing programs.

First, on transportation, the American Society of Civil Engineers' 2009 report for America's infrastructure estimated that there is a \$549.5 billion shortfall in investments in roads and bridges, and an additional \$190.1 billion shortfall in investments in transit. Yet this bill provides no funds for the Transportation Investment Generating Economic Recovery program, better known as TIGER.

Now, TIGER would finance a wide variety of innovative highway, bridge, and transit projects in urban and rural communities across the country, provided there is sufficient funding. One such project is the Crenshaw/LAX Transit Corridor in Los Angeles County, a light-rail project that will run through my district. TIGER grants could be used to finance stations along this corridor in the communities of Leimert Park and Westchester, thereby ensuring that these communities have access to light-rail.

Last week, I introduced H.R. 5976, the TIGER Grants for Job Creation Act, which would provide a supplemental emergency appropriation of \$1 billion over the next 2 years for the TIGER program, and 48 of my colleagues have already cosponsored the bill.

Last night, I offered an amendment to fully fund TIGER at the requested level, without cutting funding for other programs. Representatives BETTY MCCOLLUM, BARBARA LEE, EMANUEL CLEAVER, KAREN BASS, LAURA RICHARD-

SON, BOBBY RUSH, and DORIS MATSUI joined me in offering this amendment. The Republicans objected to this amendment to their appropriations bill because it was not in order under their rule. So this bill has no funding for this critical program to create jobs by rebuilding our crumbling infrastructure.

Why did we have so much support on this legislation? Why do we have so many people who are signing on to basically beg for TIGER funding? It is because TIGER funding will create millions of jobs. It's because jobs are needed so desperately in this economy. It is because not only will we create millions of jobs, our infrastructure is in great disrepair. We have bridges that have been designated as unsafe. We have roads, we have water projects, we have all kinds of infrastructure needs that are unmet. This is the least that the American public could expect.

This transportation bill has been waited on in many communities across this country. People thought when we passed this bill that we truly were going to expand job opportunities, that we truly were going to repair the infrastructure, but we find that this bill does not do this.

But in addition to the disappointment that we are all experiencing because of the objection to repair of the infrastructure and job creation, we find that the same thing is happening in housing. We bemoan the fact that our veterans are homeless and they are on the streets, and that our shelters are all full, and that when we go into many of these communities—not only in our inner cities, but in our rural areas also—we find that people are not only sleeping on the streets, but under these bridges that are in great disrepair.

This legislation cuts money from the homeless program. This will cut \$231 million in homeless assistance grants compared to the President's budget request. At this level, HUD would be unable to fund all renewals of existing grants, jeopardizing assistance to approximately 25,000 of our most vulnerable citizens.

This bill provides less than \$2 billion for the Public Housing Capital Fund, despite a \$30 million backlog of needed repairs. This is a huge cut, even when compared to funding during the Bush administration. In fact, in fiscal year 2008, the capital account received \$2.4 billion in funding. This underfunding means that we will continue to lose public housing units as they fall into disrepair and long-term capital needs are neglected.

The people who are serviced by this account are vulnerable, and so I would simply ask that this be given some real consideration and yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, Americans need to know that Tea Party Republican obstructionism has brought us to the brink of yet another manufactured crisis.

We have less than 2 days to pass critical highway and student loan bills that will keep Americans on the job and prevent student loan rates from doubling. Yet Tea Party Republicans are wasting time on frivolous amendments and on a purely meritless, political, and partisan vote to hold the Attorney General in contempt.

Reports indicate that bipartisan Senate leadership has reached a deal on student loans and the highway bill as well, a deal which is now being blocked in the House by the Tea Party Republicans. This is not governing, ladies and gentlemen; it's Tea Party gridlock.

Americans long for a Congress that is capable of honest debate and compromise in solving the important issues of the day. That's what the Founders and the Framers intended of us.

It's been over 100 days since the Senate passed a bipartisan highway bill with 74 votes. While the House Tea Party Republicans quibble, they put 1.9 million jobs at risk.

□ 1520

Mr. Chairman, if the Tea Party Republicans prevent a deal on student loans, over 7.4 million students will see their interest rates double, costing students \$6 billion.

They brought us to the brink of a government shut down in February of 2011. Last summer they brought the country to the brink of default and caused the first downgrade in the history of the United States of our credit rating. This year, they opposed the middle class tax cut, and they have successfully ignored and blocked the President's job act.

Mr. Chairman, we should listen to the American people, not the big-dollar corporate backers of the Tea Party. I, myself, never knew that any of the real Tea Partiers of 1776 were millionaires or even wealthy. They were people like the working people of today. We call them the middle class.

Today, we are debating cut after draconian cut to our Nation's transportation and housing programs, which impact and hurt the middle class. These cuts put good, middle class jobs at risk. They make it harder for small businesses to operate, and they cause harm to low-income Americans who are struggling to put food on the table and a roof over their heads.

The Tea Party-millionaire Republicans will spend all week circling the toilet bowl drain and debating these amendments that have no chance of becoming law, when we should be lowering student loan rates and passing a long-term highway bill.

Mr. Chairman, this is a great country, but how long can we withstand the

best efforts of this millionaire Tea Party Republican Congress to bring America to its knees?

I yield back the balance of my time.

Mr. CARSON of Indiana. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. CARSON of Indiana. Mr. Chairman, it is no secret to anyone in this Chamber that the American people are unhappy with Congress. In fact, our approval ratings could only be described as terrible. As much as television personalities might like to analyze why, I don't think it's difficult to understand. Time and time again, Mr. Chairman, our work ignores their priorities.

Now, under Republican leadership, we have spent months arguing over eliminating regulations, shrinking government, and crippling the Obama administration. Yet since the lowest point of economic downturn in 2008, the American people have cared mostly about two things: good jobs and stable housing. These are issues that have hit the African American community especially hard, which is why I come to the floor today with several of my colleagues from the Congressional Black Caucus.

Today, Mr. Chairman, unemployment among African Americans is above 13 percent, much higher than the national average. Concerns about stable housing are really nothing new, but they have been especially difficult since the start of our recession. In fact, 42 percent of homeless families with children are African American. So we were all glad to see the House take up the Transportation-HUD bill this week. We hoped to see some relief for our struggling communities.

But sadly, this bill falls short. It fails to adequately fund project-based section 8 rental assistance for low-income families. That means over 1.2 million families, Mr. Chairman, would be at risk of losing their homes. These are primarily seniors, families with children, and people with disabilities, including many who are in the great Hoosier State in my district.

The bill cuts homeless assistance grants, leaving an estimated 25,000 people without the assistance they need to get back on their feet. It entirely eliminates the Choice Neighborhoods program. In Indianapolis, we need these funds to rebuild blighted public housing projects, improve economic development and job opportunities in surrounding neighborhoods for low-income families.

It also eliminates the Sustainable Communities, which coordinates Federal, State and local public housing investments, helping communities make the best with limited funding.

I also want to add that I plan to strongly oppose any amendment that makes it harder to enforce the Fair

Housing Act. Congress should not restrict HUD's work to end housing discrimination, intentional or unintentional.

These cuts, Mr. Chairman, strike at the very heart of what my constituents care about, having a stable place for their families to live and stay.

Over the last several months, Mr. Chairman, there has been one topic we have all agreed on, transportation projects equal jobs. Now, sadly, this bill defunds some of our most important job-creating programs. It eliminates funding for TIGER grants, which have put thousands of people to work across this country. My district received one of these grants to construct our great cultural trail. Many of my constituents worked to construct this trail, and today it is absolutely revitalizing neighborhoods and growing businesses and creating long-term job opportunities.

This bill also eliminates funding for high-speed rail, which early estimates predict could have created thousands of jobs in the great Hoosier State. Now, of course, there are other issues; but there are too many to name at this time.

But in talking today, Mr. Chairman, I simply want to express my disappointment. This week we are finally considering the one bill each year that must address top priorities for all Americans, jobs and housing. Instead, we're cutting programs.

My question to these people is, Mr. Chairman, and those obstructionists, what are you expecting our communities to do?

These are programs that work. They employ our constituents, Mr. Chairman, and they also improve our society.

I yield back the balance of my time.

Ms. CLARKE of New York. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CLARKE of New York. Mr. Chairman, here we are once again. We find ourselves debating a bill that is under veto threat due to the Republicans my-way-or-the-highway posture.

Mr. Chairman, last month saw the largest drop in construction jobs in 2 years, workers who joined the more than 2.2 million construction workers who are out of work.

However, instead of providing certainty to our Nation's construction workers by investing in the TIGER program and light-speed rail, the Republican majority has actually zeroed these programs out completely. Apparently, the majority seems to only believe in certainty when it means historically low tax rates for multi-millionaires and billionaires.

Mr. Chairman, the majority's lack of investment in our Nation's infrastructure is bad enough. Unfortunately, it

gets even worse. At a time when the need for HUD programs is growing, this bill drastically undercuts homeless assistance grants, putting 25,000 Americans at risk of losing assistance. It jeopardizes assistance to homeowners attempting to stay in their homes and actually zeroes out the Choice Neighborhoods program. Why?

Mr. Chairman, why we would essentially eliminate a program that improves economic development and viability and job opportunities for our Nation's most vulnerable is beyond my ability to comprehend.

Mr. Chairman, the American people have made it abundantly clear that the number one priority of the 112th Congress ought to be job creation.

□ 1530

By bringing this bill to the floor, the majority is saying to the American people, not only doesn't their unemployed status or opinions matter, but don't expect any relief from this Republican-led Congress as our Nation struggles to cope with the worst economic downturn since the Great Depression.

Mr. Chairman, this is just totally unbelievable. I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2013".

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$25,000,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 135, line 9, after the dollar amount, insert "(reduced by \$900,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$900,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment would reduce the

proposed funding for salaries and expenses for the Federal Maritime Commission by \$900,000. This is not a cut. This is just to keep those salaries at what they are, to cap it at the 2012 levels. This is one of 13 offices that would receive increases for salaries or administrative expenses in the underlying bill.

I urge the support of my amendment, which would just freeze these salaries.

I yield back the balance of my time.

Mr. LATHAM. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, the Federal Maritime Commission is responsible for resolving disputes between shippers—both foreign and domestic—and the public, protecting consumers from unfair business practices, and monitoring ocean transportation and trade.

The increase in this account has to do with the annualization of already onboard personnel and of the increases in the claims and the workload of the Federal Maritime Commission. To reduce this account, you will affect the backlog of cases and claims, thus costing businesses, exporters, and ports time and money while they wait for the FMC to adjudicate their claims.

Usually, we are in the business of trying to reduce backlogs and delays in doing business. With that, I would urge a "no" vote on this amendment.

I yield back the balance of my time.

Mr. OLIVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. I will be very brief.

I merely want to concur in the position of the chairman of the subcommittee, and I urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$25,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amend-

ed (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2014, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2014 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$102,400,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD

REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$145,300,000: *Provided*, That in addition, \$80,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC") shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing

Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate

Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 137, line 13, after the dollar amount, insert "(reduced by \$12,300,000)".

Page 150, line 9, after the dollar amount, insert "(increased by \$12,300,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Funding for the Neighborhood Reinvestment Corporation is over \$12 million higher than what the President's budget request was. Now, the President and I don't typically see eye to eye on most spending issues, but I am proud to support his requested level of funding for the Neighborhood Reinvestment Corporation.

By supporting my amendment, why don't we show the American people that we are serious about our Nation's fiscal crisis and that both parties are capable of working together by setting the funding back to the President's requested funding level for the Neighborhood Reinvestment Corporation, which would save the American taxpayers over \$12 million.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This is one of those cases in which we've gone back and forth here today with the gentleman from California. This must be the eighth or ninth of these, and it's hard to find ways of being very creative or original about what you're saying.

The interesting thing here is that, for some of the time, the gentleman has been going back to whatever we had done several years ago, going back arbitrarily to some point in the past. Here, of course, he is supporting the President's position. I was not aware that the gentleman from California supported the President's position in much of anything.

Mr. LATHAM. If the gentleman would yield, the gentleman is from Georgia.

Mr. OLVER. Excuse me. Thank you very much.

Please forgive me. You don't even look alike. I think I was mistaking you for a different member of the California delegation.

I thank the gentleman from Iowa for correcting me.

In any case, I rise in opposition to this amendment. The gentleman's amendment would take the position of this subcommittee down by \$12.3 million. Basically, the position of the sub-

committee has been that we are providing a little bit more for the NeighborWorks program than the President requested and that we are providing a little bit less for the HUD Counseling program than the President requested. Together, though, they would be about the same.

NeighborWorks, which is what the Neighborhood Reinvestment Corporation's common name is, is a major non-profit organization that operates all over the country. It has affiliates in 50 States, and I'm sure it has an affiliate somewhere in the gentleman's district. The NeighborWorks program is a group that we relied on very heavily to do counseling during the very height of the foreclosure crisis 3 or 4 years ago. We relied on it to go out there and actually contract with and manage the process of providing counseling to hundreds of thousands of people who were engaged in or who were subject to foreclosure.

So we on our side, on this side—in this branch at least—have felt that NeighborWorks has been a very good organization, which is in large part why we have given them a little bit more and why we have given a little bit less to the HUD program.

We argued the HUD program last night. They leverage something close to \$4 billion in direct investments to serve low- and moderate-income families through all of their affiliates in all the work that they do. It's a very, very good and reliable organization that we've come to value very highly.

They also administered this Foreclosure Mitigation Counseling program, which gives targeted assistance to families at risk of losing their homes. The gentleman seems to cut this account because it is above the President's request, but I think I have explained that we're slightly above on this one and slightly below on the other one.

Again, I would say I was not aware that the gentleman from Georgia—I went to California again, didn't I?—was such a fan of the President's request numbers, that he valued them so highly. I believe—and I think that my chairman believes—that NeighborWorks is deserving of this small increase, and I believe that Chairman LATHAM has thoughtfully targeted resources in this area. I hope the amendment will be defeated, and I urge the Members to vote "no."

I yield back the balance of my time.

□ 1540

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the gentleman's amendment.

NeighborWorks really is a program that has some metrics in place to make

sure that the dollars are used correctly in a proper way. In Iowa and across the country, about every dollar that goes through NeighborWorks leverages \$48 in non-Federal direct investment because of it.

I just want to reiterate that we've gone through every line in this appropriations bill, tried to make decisions that would increase growth, job creation, tried to do the very best job we could. We've looked at every area. There are some priorities of things that actually work that we've tried to sustain funding for.

I just don't want folks to forget overall in this bill, we are nearly \$4 billion below last year's funding level. That's a cut of \$4 billion. It's \$2 billion below the President's request. I think, as one gentleman here today stated, this is the largest percentage reduction of any appropriation bill yet to come to the floor. We're trying to be fiscally responsible, to actually prioritize spending in this bill to things that actually work.

With that, Mr. Chairman, I would urge a "no" vote on this amendment, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I would like to rise in opposition to this amendment and to say to the gentleman from Georgia that I don't really know where you might live in Georgia, but imagine neighborhoods in our country where there is no private lender with competitive rates; imagine neighborhoods that are crammed at the edges with payday lenders who are more than willing to bilk people who have checks to cash, maybe even Social Security checks, and they charge them royally for that; imagine a neighborhood where there is no church-run credit union, maybe a multilingual neighborhood with no lending arm of any reputable institution. If there is somebody in the neighborhood willing to make a loan, such as a loan shark, they charge fees. Imagine the trouble that a family can get into. Imagine how difficult it is in those neighborhoods to accumulate capital to make a loan because everything is being taken out by predatory practices and nothing is put back in.

NeighborWorks is one of the few institutions in this country that has proven itself and works in exactly those kinds of neighborhood. NeighborWorks tries to save families and give them a chance to get on the ladder up to opportunity. Particularly during this time, when we know we've had the largest transfer of wealth in American history from Main Street to Wall Street. NeighborWorks is a lifeline. People have had their equity taken away, including in neighbor-

hoods like I'm talking about, where people were beginning to own their own homes for the first time, where they needed financial counseling, mortgage counseling, advice on if you're going to buy a home, what a reasonable down payment is, based on how much do they earn. People need sound advice on mortgages—that you shouldn't pay more than this out of your check so you don't get in trouble. People need advice as they try to find reputable people to repair their homes so they get a decent price on their roof and gutters—it all seems so simple if you live in the suburbs, and you've got enough money, and the region is not disinvested, and you're not living at the edge.

NeighborWorks is one of those programs that is needed, particularly at this time in our country with the housing market being in the condition that it is. With the enormous challenges facing built communities in the built environment in city after city, NeighborWorks serves community after community, both urban and rural. It's amazing what's happened even to rural small towns in this country and their emptying out that is really historic in nature.

A program like NeighborWorks has proven itself time and again. It pays back to the American people their equity not being lost, in helping capital accumulate in some of the most forgotten corners of this country, and with their staff that are highly trained and highly reputable.

I would not want to be without NeighborWorks in Ohio, not in the housing situation that we're facing today. I'm not sure about Georgia. But I would bet in Atlanta they value NeighborWorks if they have one, and I assume that they do. But you have to imagine yourself living in a place like you may not know. And for the American Dream to happen, organizations like NeighborWorks are absolutely essential.

I oppose the gentleman's amendment. I think it may be well intentioned, but I think it's going to achieve exactly the wrong result. I think Chairman LATHAM of the full committee and Ranking Member OLVER have reached an accommodation here to help our housing market recover in some of the most forgotten places and not to have any more hemorrhaging of equity and investment capital across this country. I urge a no vote on the Broun Amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. Broun).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. Broun of Georgia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. LATOURETTE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I was on the floor about a half an hour ago and went back to my office stunned by the defeat at the hands of Mr. LATHAM and his point of order and the ruling of the Parliamentarian and the Chair at the time and the interesting comments from my friend from western Ohio, who I trust, after she has the opportunity to meet with Mr. Rokakis and Mr. KILDEE in Michigan and Cleveland, will have a different view on whether or not the Neighborhood Stabilization fund, without additional resources to demolish homes, is working well.

When I got back to the office, I turned on the television and I saw—I like a good Republican bashing as much as other folks, but a string of speakers came to the microphone and just bashed the lack of a Republican plan on transportation.

I'm not going to go back to 1844, but I am going to go back to September of 2009, the last bill, SAFETEA-LU, expired in September of 2009. In September of 2009—people who know the answer, you can shout it out—the President of the United States was a Democrat, Barack Obama, who is currently the President today. The majority leader in the United States Senate—shout it out if you know it—was HARRY REID, a Democrat of Nevada. The Speaker of the House was the first woman-elected Speaker in the history of the United States, NANCY PELOSI of California.

The Democratic Party controlled all three levers of the Federal Government. They had in position as the chairman of the Transportation Infrastructure Committee a gentleman who has forgotten more about transportation than most of us will ever learn, Jim Oberstar of Minnesota. Mr. Oberstar prepared a 6-year fully funded, robust Federal transportation 6-year reauthorization. He was not allowed by the leadership within the Democratic Party to bring that bill forward.

So for people to come to the floor and say that Mr. LATHAM is not doing his job, this negotiation that is going on on the transportation authorization currently is somehow a failure of Republican leadership, I say get up and look in the mirror. You have to take a look at the fact that everybody is responsible for this mess, and everybody knows that you don't fix the Nation's infrastructure unless you provide the necessary resources to fund the trust fund. Both parties are guilty of being absent without leave, but to blame it

and to hang it on the Republican Party is worse than nonsense. It completely ignores historical fact.

One other factoid about the President of the United States, President Obama. He has become the first President since Dwight Eisenhower to not send up his vision of a comprehensive transportation reauthorization bill. A lot of people in this House weren't even born when Dwight Eisenhower was the President of the United States, but he became the first President. And our good friend and former colleague, Mr. LaHood, who is the Secretary of Transportation, he would come before the subcommittee year after year after year and had no ideas, no gas tax, no vehicle miles traveled, no idea how we're going to replenish the highway trust fund until this year. Until this year, he came and said: I've got this brainy idea. We're going to fund it with OCO, the overseas contingency account, that the United States has used to support our troops in conflicts around the world.

It was worse than fiction; it was a fantasy. And he knew it, but he delivered it with a straight face. I give him a lot of credit for that. But to come to the floor and attempt to hang this around the Republicans for failing to lead on transportation is laughable. Ours is the party of Teddy Roosevelt and the Panama Canal, Abraham Lincoln and the transcontinental railroad, Dwight Eisenhower and the interstate highway system. Ronald Reagan and George Bush all supported working wages to build our infrastructure.

□ 1550

We will not take a back seat, nor will we be criticized by a party that completely failed in its mandate given to them in the election of 2008 to do a single thing, to employ people in the transportation sector and to move this country forward.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

UNITED STATES INTERAGENCY COUNCIL ON
HOMELESSNESS
OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$3,300,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2013 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any

program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;
- (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;
- (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or
- (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2013 from appropriations made available for salaries and expenses for fiscal year 2013 in this Act, shall remain available through September 30, 2014, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2013. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay

the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 148, line 11, after “entity will”, insert “ensure that domestic content makes up 85 percent of all steel, iron, and manufactured goods, including rolling stock, and”.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Iowa reserves a point of order.

The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, we just heard a rather strong plea from one of my Republican colleagues about the transportation program and whether Democrats and Republicans should continue to fight about who did what when or didn't do it.

This amendment is something that we all ought to agree to. This amendment is something that both Democrats and Republicans should be supporting. This amendment is about American jobs—not foreign jobs, not about shifting our jobs overseas, but rather about bringing those jobs back home. This amendment is about making it in America. This amendment is about no longer allowing our tax money to be spent on foreign-made equipment but, rather, to require that our tax money be spent on American-made equipment so that there will be American jobs.

This is not a Republican or a Democratic issue. This is an all-American issue. This is about making it in America. It simply says that the current 60 percent requirement is insufficient and that we ought to have a higher requirement of 85 percent. And I will argue strongly—and I think correctly—that 85 percent is achievable.

I'll give two examples: In a recent contract for the new BART trains, the Bay Area Rapid Transit trains, one bidder—a French company, Alstom—said that they could build those trains at 95 percent. A second bidder—foreign, Bombardier—said they would do it at

66 percent. Unfortunately, BART decided to go with the 66 percent because it was a couple of percentage points cheaper. \$1 billion in American jobs were lost.

Within a month after that, Los Angeles wanted to build some new transit cars. Siemens said they could build those transit cars at 85 percent American content. They lost that bid to a Korean company because there was a couple of percentage points difference. Again, millions of American jobs, millions of dollars spent overseas, and American jobs lost.

It's time for us to bring the jobs home. It's time for us to onshore. It's time for us to make it in America. And it's time for us, as Democrats and Republicans, to do just that. And that's what this amendment does.

I suspect it will be ruled out of order. What a shame. What a shame that we cannot stand here on the floor, amend a bill that's going to, over time, spend \$60 billion, and not require that that money, our tax money, be spent in America.

What's wrong with making it in America? Oh, I suppose it has to do with some point of order. Do you think the American public really wants to hear a point of order? Or do they want to hear about American-made equipment and American jobs? No. We'll do a point of order, which I will appeal and probably lose. And thousands upon thousands of American jobs will be lost because of a point of order rather than for this House to stand up and say, We're going to make it in America. We're going to spend our tax money on American jobs, on American-made equipment.

So give me your point of order, and let's see what the American public has to say about your point of order.

I yield back the balance of my time

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, we had a markup this morning in Appropriations, and I supported an amendment about American content. And I believe that this is probably a very, very good amendment.

To be consistent—and I have raised points of order against some things that I support today, one offered by my good friend from Ohio, and other amendments that I would otherwise be supportive of if they were not breaking precedent to the rules of the House.

With that, Mr. Chairman, I insist on my point of order.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

“An amendment to a general appropriation bill shall not be in order if changing existing law.”

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to speak on the point of order?

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. On the point of order, I thank the chairman for his thoughts on the issue. But for his consistency, I cannot thank him. I think I understand that we seem to operate on rules, unless we don't want to operate on those rules.

I understand that the chairman is interested in this issue and has worked, as chairman of the subcommittee, to try to raise the level of American-made, and I thank him for that.

We have an opportunity here to really take this issue up and put aside the rules and do what's good for America. This is about billions and billions of dollars and hundreds of thousands of jobs. We ought to put it aside, put aside the consistency and deal with American jobs.

I don't know what my opportunity will be to overrule the point of order. But I'm going to do everything I possibly can to see that we have American-made jobs and that we spend our tax money on American-made equipment.

I do understand the chairman's position and the bind that he's in. But sometimes consistency doesn't lead to the right result.

□ 1600

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 3, language in an appropriation bill that is subject to a point of order under clause 2 of rule XXI but is permitted to remain, such as by waiver in House Resolution 697, may be modified by germane amendment that does not contain additional legislation.

Section 412 of the bill constitutes legislation in violation of clause 2 of rule XXI that has been permitted to remain. The amendment by the gentleman from California would expand section 412 by imposing on entities by the bill an additional restriction on expenditure of funds in the bill, to wit: that 85 percent of a certain class of goods be procured domestically. That expansion constitutes additional legislation.

The point of order is sustained.

Mr. GRAVES of Missouri. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRAVES of Missouri. I have an amendment that would prohibit funds

from being used to enforce congressionally mandated Temporary Flight Restrictions, or TFRs, for sports stadiums. These permanent TFRs, to be quite honest with you, are impractical, they're ineffective, and they create serious problems for hundreds of thousands of pilots, countless air shows, aerial surveyors, and a whole lot of other small businesses and individuals that utilize aviation.

In 2004, Congress mandated the FAA to impose permanent TFRs in the airspace above and around sports stadiums with a seating capacity greater than 30,000. Think of these as restricted airspace bubbles that basically extend 3,000 feet high and they have a 3½ mile-wide radius that is in effect 1 hour prior to the event to 1 hour just after the event. And in any given year, there are roughly 3,000 of these stadium TFRs.

Now, proponents of these claim that they bolster national security and mitigate an aerial threat. I can't help but absolutely laugh at that assertion. First, there's absolutely no realtime mechanism or capability to prevent an aerial attack originating within or outside the 3½ miles at 3,000 feet above ground level, and the logic would apply even if the restrictions were expanded exponentially. In fact, if you take a jet traveling at 500 miles an hour, it's just going to take a few seconds to penetrate that TFR to reach that stadium. It's also very convenient that the proponents of these TFRs are exempt from the restrictions that they successfully sought after.

The bottom line is the FAA doesn't want or need these congressionally mandated TFRs. In fact, the FAA publicly stated they would not issue these TFRs absent the congressional mandate, but, rather, they would use their existing authority to coordinate with local law enforcement to issue them on a case-by-case basis. That's what we're trying to get at.

Mr. Chairman, I'd just like to reiterate these stadium TFRs do nothing to improve security. And I would yield time to anybody out there, any Member, that would like to try and make the argument while keeping a straight face that they do improve security.

These TFRs are about banner towers, which is to prevent what sports groups call "guerilla advertisers," from operating within the airspace around these stadiums. That's all this is about. And what was Congress's solution? We simply gave complete control of the airspace to sports teams and exempted them from their own restrictions. And I think that's wrong.

In light of the fact that I would like to solve this issue eventually instead of trying to ram an issue through or try to push something through that could fail or be passed, I'd rather come up with a good piece of legislation that actually solves the problem and addresses

some of the concerns. That's basically what I was trying to do.

Mr. LATHAM. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman.

Mr. LATHAM. I thank the gentleman for his comments today. He has been a tremendous advocate for this position. We have talked on many occasions about this particular subject. He is working very hard to resolve the issue.

I would hope that we could have some public hearings and actually get input to make sure that we make the right decisions, and I certainly would want to work with the gentleman to make sure that we do get a full hearing on this issue, that everything can be brought to light, and we're all concerned about homeland security, safety issues, all those things. I think the gentleman makes a very, very good point, and would just offer to do everything we can to work with him.

Mr. GRAVES of Missouri. I want to thank the chairman for the comments and look forward to working on this. I think this is an issue that we can solve and an issue that we can fix ultimately for all those pilots out there and the folks that are concerned.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 416. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 417. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority respon-

sible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SPENDING REDUCTION ACCOUNT

SEC. 418. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Sixth amendment by Mr. BROWN of Georgia.

Seventh amendment by Mr. BROWN of Georgia.

Eighth amendment by Mr. BROWN of Georgia.

Ninth amendment by Mr. BROWN of Georgia.

Tenth amendment by Mr. BROWN of Georgia.

Eleventh amendment by Mr. BROWN of Georgia.

Twelfth amendment by Mr. BROWN of Georgia.

Thirteenth amendment by Mr. BROWN of Georgia.

Fourteenth amendment by Mr. BROWN of Georgia.

An amendment by Mr. CHAFFETZ of Utah.

Second amendment by Mr. MCCLINTOCK of California.

Amendment No. 11 by Mr. MCCLINTOCK of California.

An amendment by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BROWN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the sixth amendment offered by the gentleman from Georgia (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 256, not voting 8, as follows:

[Roll No. 424]

AYES—168

Adams	Bachmann	Barton (TX)
Akin	Barrow	Benishke
Amash	Bartlett	Bilbray

Bilirakis
Black
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Conaway
Cravaack
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie

NOES—256

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carnahan

Hall
Hanna
Harris
Hartzler
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Renacci
Ribble
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Myrick
Neugebauer
Nugent
Nunnelee
Olson
Palazzo
Paul
Paulsen

Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Upton
Walberg
Walsh (IL)
Webster
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt

Honda
Hoyer
Hunter
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)

Engel
Gohmert
Jackson (IL)
Johnson, E. B.
Lewis (CA)
Mack

NOT VOTING—8

□ 1636

Ms. SEWELL, Ms. LORETTA SANCHEZ of California, Mr. PERLMUTTER, Mrs. NAPOLITANO, Messrs. CARTER, CRENSHAW, COFFMAN of Colorado, Mrs. BONO MACK, and Messrs. ELLISON and HUNTER changed their vote from “aye” to “no.” Messrs. TERRY and ISSA changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the seventh amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 240, not voting 14, as follows:

[Roll No. 425]

AYES—178

Adams
Akin
Amash
Amodei
Bachmann
Barrow
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Goodlatte

NOES—240

Calvert
Capito
Capps
Capuano
Carnahan
Carnahan
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney

Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Palazzo
Paul
Paulsen
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stutzman
Terry
Thornberry
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack

Lofgren, Zoe
Lowey
Lucas
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nunes
Oliver
Owens
Pallone
Pascarelli
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Rosen (CA)
Rover (AL)
Rover (KY)
Ros-Lehtinen

Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—14

Andrews
Bass (CA)
Cantor
Engel
Gohmert

Jackson (IL)
Johnson, E. B.
Lewis (CA)
Mack
Pence

Schrader
Stivers
Sullivan
Thompson (MS)

□ 1640

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the eighth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 248, not voting 10, as follows:

Adams
Akin
Amash
Amodei
Bachmann
Barrow
Bartlett
Barton (TX)
Benishak
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte

Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hanna
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem

Nugent
Nunnelee
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Terry
Thornberry
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

AYES—174

NOES—248

Grijalva
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack

Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nunes
Oliver
Owens
Pallone
Pascarelli
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger

Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Smith (VA)
Southernland
Speier
Stark
Sullivan
Sutton
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—10

Andrews
Conyers
Gohmert
Hall

Jackson (IL)
Johnson, E. B.
Lewis (CA)
Mack

Stivers
Thompson (MS)

□ 1644

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the ninth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 229, not voting 10, as follows:

[Roll No. 427]

AYES—193

Adams Gosar Myrick
Akin Gowdy Neugebauer
Amash Graves (GA) Noem
Amodei Graves (MO) Nugent
Bachmann Griffin (AR) Nunnelee
Barrow Griffith (VA) Olson
Bartlett Grimm Palazzo
Barton (TX) Guinta Paul
Benishek Guthrie Paulsen
Bilbray Hanna Pearce
Bilirakis Harris Pence
Bishop (UT) Hartzler Perlmutter
Black Hensarling Petri
Blackburn Herger Pitts
Bonner Herrera Beutler Poe (TX)
Bono Mack Huelskamp Polis
Boustany Huizenga (MI) Pompeo
Brady (TX) Hultgren Posey
Brooks Hunter Price (GA)
Broun (GA) Hurt Quayle
Buchanan Issa Reichert
Bucshon Jenkins Renacci
Buerkle Johnson (IL) Ribble
Burgess Johnson (OH) Rigell
Calvert Johnson, Sam Roe (TN)
Camp Jones Rogers (MI)
Campbell Jordan Rohrabacher
Canseco King (IA) Rokita
Cantor Kingston Rooney
Cassidy Kinzinger (IL) Roskam
Chabot Kissell Ross (FL)
Chaffetz Kline Royce
Coble Labrador Ryan (WI)
Coffman (CO) Lamborn Scalise
Cole Lance Schilling
Conaway Landry Schweikert
Cravaack Lankford Scott (SC)
Culberson Latta Scott, Austin
DeFazio LoBiondo Sensenbrenner
Denham Long Sessions
Dent Luetkemeyer Shimkus
DesJarlais Lummis Shuster
Dreier Lungren, Daniel Smith (NE)
Duffy E. Smith (NJ)
Duncan (SC) Lynch Smith (TX)
Duncan (TN) Manzullo Southernland
Ellmers Marchant Stearns
Emerson Marino Stutzman
Farenthold Matheson Sullivan
Fincher McCarthy (CA) Terry
Fitzpatrick McCaul Thornberry
Flake McClintock Upton
Fleischmann McCotter Walberg
Fleming McHenry Walden
Flores McIntyre Walsh (IL)
Forbes McMorris Webster
Fortenberry Rodgers West
Foxy McNeerney Westmoreland
Franks (AZ) Meehan Whitfield
Gallegly Mica Wilson (SC)
Gardner Miller (FL) Wittman
Garrett Miller (MI) Woodall
Gibbs Miller, Gary Yoder
Gingrey (GA) Mulvaney Young (FL)
Goodlatte Murphy (PA) Young (IN)

NOES—229

Ackerman Braley (IA) Costello
Aderholt Brown (FL) Courtney
Alexander Butterfield Crawford
Altmire Capito Crenshaw
Andrews Capps Critz
Austria Capuano Crowley
Baca Cardoza Cuellar
Bachus Carnahan Cummings
Baldwin Carney Davis (CA)
Barber Carson (IN) Davis (IL)
Barletta Carter Davis (KY)
Bass (CA) Castor (FL) DeGette
Bass (NH) Chandler DeLauro
Becerra Chu Deutch
Berg Cicilline Diaz-Balart
Berkley Clarke (MI) Dicks
Berman Clarke (NY) Dingell
Biggart Doggett
Bishop (GA) Cleaver Dold
Bishop (NY) Clyburn Donnelly (IN)
Blumenauer Cohen Doyle
Bonamici Connolly (VA) Edwards
Boren Conyers Ellison
Boswell Cooper Engel
Brady (PA) Costa Eshoo

Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Renacci
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lujan
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nunes
Oliver
Owens
Pallone
Pascarelli
Pastor (AZ)
Pelosi
Peters
Peterson
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—10

Burton (IN) Johnson, E. B.
Gohmert Lewis (CA)
Hall Mack
Jackson (IL) Schmidt

□ 1648

Mr. CUMMINGS changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the tenth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 247, not voting 7, as follows:

[Roll No. 428]

AYES—178

Adams Gowdy Nugent
Akin Graves (GA) Nunnelee
Amash Graves (MO) Olson
Amodei Griffin (AR) Palazzo
Bachmann Griffith (VA) Paul
Barrow Grimm Paulsen
Bartlett Guinta Pearce
Barton (TX) Guthrie Pence
Benishek Hall Petri
Bilbray Hanna Pitts
Bilirakis Harris Poe (TX)
Bishop (UT) Hartzler Polis
Black Hensarling Pompeo
Blackburn Herger Posey
Bonner Herrera Beutler Price (GA)
Bono Mack Huelskamp Quayle
Boustany Huizenga (MI) Renacci
Brady (TX) Hultgren Ribble
Brooks Hunter Rigell
Broun (GA) Hurt Roe (TN)
Buchanan Issa Rogers (MI)
Bucshon Jenkins Rohrabacher
Buerkle Johnson (IL) Rokita
Burgess Johnson (OH) Rooney
Burton (IN) Johnson, Sam Roskam
Camp Jones Ross (FL)
Campbell Jordan Royce
Canseco King (IA) Ryan (WI)
Cassidy Kingston Scott
Chabot Kinzinger (IL) Scallise
Chaffetz Kline Schilling
Coble Labrador Schmidt
Conaway Lamborn Schweikert
Cravaack Lance Scott (SC)
Culberson Landry Scott, Austin
Denham Lankford Sensenbrenner
DesJarlais Latta Sessions
Dreier LoBiondo Shuster
Duffy Long Smith (NE)
Duncan (SC) Luetkemeyer Smith (NJ)
Duncan (TN) Lummis Smith (TX)
Ellmers Manzullo Southerland
Emerson Marchant Stearns
Farenthold Marino Stutzman
Fincher Matheson Sullivan
Fitzpatrick McCarthy (CA) Terry
Flake McCaul Thornberry
Fleischmann McClintock Upton
Fleming McHenry Walberg
Flores McIntyre Walsh (IL)
Forbes McMorris Webster
Fortenberry Rodgers West
Foxy Mica Westmoreland
Franks (AZ) Miller (FL) Whitfield
Gardner Miller (MI) Wilson (SC)
Garrett Miller (MI) Wittman
Gibbs Mulvaney Woodall
Gingrey (GA) Myrick Yoder
Goodlatte Neugebauer Young (FL)
Gosar Noem Young (IN)

NOES—247

Ackerman Capito Cuellar
Aderholt Capps Cummings
Alexander Capuano Davis (CA)
Altmire Cardoza Davis (IL)
Andrews Carnahan Davis (KY)
Austria Carney DeFazio
Baca Carson (IN) DeGette
Bachus Carter DeLauro
Baldwin Castor (FL) Dent
Barber Chandler Deutch
Barletta Chu Diaz-Balart
Bass (CA) Cicilline Dicks
Bass (NH) Clarke (MI) Dingell
Becerra Clarke (NY) Doggett
Berg Clay Dold
Berkley Cleaver Donnelly (IN)
Berman Clyburn Doyle
Biggart Coffman (CO) Edwards
Bishop (GA) Cohen Ellison
Bishop (NY) Cole Engel
Blumenauer Connolly (VA) Eshoo
Bonamici Conyers Farr
Boren Cooper Fattah
Boswell Costa Filner
Brady (PA) Costello Frank (MA)
Braley (IA) Courtney Frelinghuysen
Brown (FL) Crawford Fudge
Butterfield Crenshaw Gallegly
Calvert Critz Garamendi
Cantor Crowley Gerlach

Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch

NOT VOTING—7

Gohmert
Jackson (IL)
Johnson, E. B.

Lewis (CA)
Mack
Stivers

Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

Adams
Akin
Amash
Amodei
Austria
Bachmann
Barrow
Bartlett
Barton (TX)
Benishke
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Conaway
Cravack
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Elmiers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gardner
Garrett
Gibbs

[Roll No. 429]

AYES—169

Gingrey (GA)
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Myrick

Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Ribble
Rigell
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
McCarthy (NY)
McCollum
McDermott
McGovern

Bass (CA)
Conyers
Gohmert
Gonzalez
Jackson (IL)

NOT VOTING—13

Johnson, E. B.
Lewis (CA)
Mack
Meeks
Schakowsky

Sanchez, Loretta
Sarbanes
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Southernland
Speier
Stark
Sutton
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Reyes
Richardson
Richmond
Rivers
Robby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Young (AK)

□ 1655

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the eleventh amendment offered
by the gentleman from Georgia
(Mr. BROUN) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic device,
and there were—ayes 169, noes 250,
not voting 13, as follows:

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Bachus
Baldwin
Barber
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan

NOES—250

Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated against:

Ms. SCHAKOWSKY. Mr. Chair, on rollcall
No. 429, had I been present, I would have
voted “no.”

AMENDMENT OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the twelfth amendment offered
by the gentleman from Georgia (Mr.
BROUN) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

□ 1652

The vote was taken by electronic device, and there were—ayes 160, noes 264, not voting 8, as follows:

[Roll No. 430]

AYES—160

Adams	Graves (GA)	Nunnelee
Akin	Graves (MO)	Olson
Amash	Griffin (AR)	Palazzo
Bachmann	Griffith (VA)	Paul
Barrow	Grimm	Paulsen
Bartlett	Guinta	Pearce
Barton (TX)	Guthrie	Pence
Benishek	Hall	Perlmutter
Bilbray	Hartzler	Petri
Bishop (UT)	Hensarling	Pitts
Black	Herger	Poe (TX)
Blackburn	Huelskamp	Pompeo
Boustany	Huizenga (MI)	Posey
Brady (TX)	Hultgren	Price (GA)
Brooks	Hunter	Quayle
Broun (GA)	Hurt	Ribble
Buchanan	Issa	Rigell
Buerkle	Jenkins	Roe (TN)
Burgess	Johnson (IL)	Rogers (MI)
Burton (IN)	Johnson (OH)	Rohrabacher
Camp	Johnson, Sam	Rokita
Campbell	Jones	Rooney
Canseco	Jordan	Roskam
Cantor	King (IA)	Ross (FL)
Cassidy	Kingston	Royce
Chabot	Kinzinger (IL)	Ryan (WI)
Chaffetz	Kline	Scalise
Coble	Labrador	Schilling
Conaway	Lamborn	Schmidt
Culberson	Lance	Schweikert
Denham	Landry	Scott (SC)
DesJarlais	Lankford	Scott, Austin
Dreier	Latta	Sensenbrenner
Duffy	Long	Sessions
Duncan (SC)	Luetkemeyer	Smith (NE)
Duncan (TN)	Lummis	Smith (TX)
Ellmers	Manzullo	Stearns
Emerson	Marchant	Stutzman
Farenthold	Marino	Sullivan
Fincher	McCaul	Terry
Flake	McClintock	Thornberry
Fleischmann	McCotter	Upton
Fleming	McHenry	Walberg
Flores	McIntyre	Walsh (IL)
Forbes	McMorris	West
Fortenberry	Rodgers	Westmoreland
Fox	Mica	Whitfield
Franks (AZ)	Miller (FL)	Wilson (SC)
Gardner	Miller (MI)	Wittman
Garrett	Mulvaney	Woodall
Gingrey (GA)	Myrick	Yoder
Goodlatte	Neugebauer	Young (FL)
Gosar	Noem	Young (IN)
Gowdy	Nugent	

NOES—264

Ackerman	Butterfield	Crowley
Aderholt	Calvert	Cuellar
Alexander	Capito	Cummings
Altmire	Capps	Davis (CA)
Amodei	Capuano	Davis (IL)
Andrews	Cardoza	Davis (KY)
Austria	Carnahan	DeFazio
Baca	Carney	DeGette
Bachus	Carson (IN)	DeLauro
Baldwin	Carter	Dent
Barber	Castor (FL)	Deutch
Barletta	Chandler	Diaz-Balart
Bass (CA)	Chu	Dicks
Bass (NH)	Cicilline	Dingell
Becerra	Clarke (MI)	Doggett
Berg	Clarke (NY)	Dold
Berkley	Clay	Donnelly (IN)
Berman	Cleaver	Doyle
Biggart	Clyburn	Edwards
Bilirakis	Coffman (CO)	Ellison
Bishop (GA)	Cohen	Engel
Bishop (NY)	Cole	Eshoo
Blumenauer	Connolly (VA)	Farr
Bonamici	Conyers	Fattah
Bonner	Cooper	Filner
Bono Mack	Costa	Fitzpatrick
Boren	Costello	Frank (MA)
Boswell	Courtney	Frelinghuysen
Brady (PA)	Cravaack	Fudge
Braley (IA)	Crawford	Gallegly
Brown (FL)	Crenshaw	Garamendi
Bucshon	Critz	Gerlach

Gibbs	Maloney	Rush
Gibson	Markey	Ryan (OH)
Gonzalez	Matheson	Sánchez, Linda
Granger	Matsui	T.
Green, Al	McCarthy (CA)	Sanchez, Loretta
Green, Gene	McCarthy (NY)	Sarbanes
Grijalva	McCollum	Schakowsky
Gutierrez	McDermott	Schiff
Hahn	McGovern	Schock
Hanabusa	McKeon	Schrader
Hanna	McKinley	Schwartz
Harper	McNerney	Scott (VA)
Hastings (FL)	Meehan	Scott, David
Hastings (WA)	Meeks	Serrano
Hayworth	Michaud	Sewell
Heck	Miller (NC)	Sherman
Heinrich	Miller, Gary	Shimkus
Herrera Beutler	Miller, George	Shuler
Higgins	Moore	Shuster
Himes	Moran	Simpson
Hinchee	Murphy (CT)	Sires
Hinojosa	Murphy (PA)	Slaughter
Hirono	Nader	Smith (NJ)
Hochul	Napolitano	Smith (WA)
Holden	Neal	Southland
Holt	Nunes	Speier
Honda	Oliver	Stark
Hoyer	Owens	Sutton
Israel	Pallone	Thompson (CA)
Jackson Lee	Pascrell	Thompson (PA)
(TX)	Pastor (AZ)	Tiberi
Johnson (GA)	Pelosi	Tierney
Kaptur	Peters	Tipton
Keating	Peterson	Tonko
Kelly	Pingree (ME)	Towns
Kildee	Platts	Tsongas
Kind	Polis	Turner (NY)
King (NY)	Price (NC)	Turner (OH)
Kissell	Quigley	Van Hollen
Kucinich	Rahall	Velazquez
Langevin	Rangel	Visclosky
Larsen (WA)	Reed	Walden
Larson (CT)	Rehberg	Walz (MN)
Latham	Renacci	Wasserman
LaTourette	Reyes	Schultz
Lee (CA)	Richardson	Waters
Levin	Richmond	Watt
Lewis (GA)	Rivera	Waxman
Lipinski	Roby	Webster
LoBiondo	Rogers (AL)	Welch
Loeb sack	Rogers (KY)	Wilson (FL)
Lofgren, Zoe	Ros-Lehtinen	Wolf
Lowe	Ross (AR)	Womack
Lucas	Rothman (NJ)	Woolsey
Lujan	Roybal-Allard	Yarmuth
Lungren, Daniel	Runyan	Young (AK)
E.	Ruppersberger	
Lynch		

NOT VOTING—8

Gohmert	Johnson, E. B.	Stivers
Harris	Lewis (CA)	Thompson (MS)
Jackson (IL)	Mack	

□ 1658

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the thirteenth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 249, not voting 11, as follows:

[Roll No. 431]

AYES—172

Adams	Graves (GA)	Neugebauer
Amash	Graves (MO)	Noem
Amodei	Griffin (AR)	Nugent
Austria	Griffith (VA)	Nunnelee
Bachmann	Grimm	Olson
Barrow	Guinta	Palazzo
Barton (TX)	Guthrie	Paul
Benishek	Hall	Paulsen
Berg	Hanna	Pearce
Bilbray	Hartzler	Pence
Bilirakis	Heck	Petri
Bishop (UT)	Hensarling	Pitts
Black	Herger	Poe (TX)
Blackburn	Herrera Beutler	Polis
Bono Mack	Huelskamp	Pompeo
Boustany	Huizenga (MI)	Posey
Brady (TX)	Hultgren	Price (GA)
Brooks	Hunter	Quayle
Broun (GA)	Hurt	Reichert
Buchanan	Issa	Renacci
Bucshon	Jenkins	Ribble
Buerkle	Johnson (IL)	Roe (TN)
Burgess	Johnson (OH)	Rogers (MI)
Burton (IN)	Johnson, Sam	Rohrabacher
Camp	Jones	Rokita
Campbell	Jordan	Rooney
Canseco	King (IA)	Roskam
Cantor	Kingston	Ross (FL)
Cassidy	Kline	Royce
Chabot	Labrador	Ryan (WI)
Chaffetz	Lamborn	Scalise
Conaway	Lance	Schilling
Culberson	Landry	Schmidt
Denham	Lankford	Schweikert
DesJarlais	LoBiondo	Scott (SC)
Dreier	Long	Scott, Austin
Duffy	Luetkemeyer	Sensenbrenner
Duncan (SC)	Lummis	Sessions
Duncan (TN)	Lungren, Daniel	Smith (NE)
Ellmers	E.	Smith (NJ)
Emerson	Manzullo	Smith (TX)
Farenthold	Marchant	Southernland
Fincher	Marino	Stearns
Fitzpatrick	Matheson	Stutzman
Flake	McCarthy (CA)	Sullivan
Fleischmann	McCaul	Thornberry
Fleming	McClintock	Upton
Flores	McCotter	Walberg
Fortenberry	McHenry	Walden
Fox	McIntyre	Walsh (IL)
Franks (AZ)	McMorris	Webster
Gardner	Rodgers	Westmoreland
Garrett	Meehan	Whitfield
Gibbs	Mica	Wilson (SC)
Gingrey (GA)	Miller (FL)	Woodall
Goodlatte	Miller (MI)	Yoder
Gosar	Mulvaney	Young (FL)
Gowdy	Myrick	Young (IN)

NOES—249

Ackerman	Calvert	Crawford
Aderholt	Capito	Crenshaw
Alexander	Capps	Critz
Altmire	Capuano	Crowley
Andrews	Cardoza	Cuellar
Baca	Carnahan	Cummings
Bachus	Carney	Davis (CA)
Baldwin	Carter	Davis (IL)
Barber	Castor (FL)	Davis (KY)
Barletta	Chandler	DeGette
Bartlett	Chu	DeLauro
Bass (CA)	Cicilline	Dent
Bass (NH)	Clarke (MI)	Deutch
Becerra	Clarke (NY)	Diaz-Balart
Berkley	Clay	Dicks
Berman	Cleaver	Dingell
Biggart	Clyburn	Doggett
Bishop (GA)	Coble	Dold
Bishop (NY)	Coffman (CO)	Donnelly (IN)
Blumenauer	Cohen	Doyle
Bonamici	Cole	Edwards
Bonner	Connolly (VA)	Ellison
Boren	Conyers	Engel
Boswell	Cooper	Eshoo
Brady (PA)	Costa	Farr
Braley (IA)	Costello	Fattah
Brown (FL)	Courtney	Filner
Butterfield	Cravaack	Forbes

Frank (MA) Lowey
 Frelinghuysen Lucas
 Fudge Lujan
 Gallegly Lynch
 Garamendi Maloney
 Gerlach Markey
 Gibson Matsui
 Gonzalez McCollum
 Granger McDermott
 Green, Al McGovern
 Green, Gene McKeon
 Grijalva McKinley
 Gutierrez McNerney
 Hahn Meeks
 Hanabusa Michaud
 Harper Miller (NC)
 Harris Miller, Gary
 Hastings (FL) Miller, George
 Hastings (WA) Moore
 Hayworth Moran
 Heinrich Murphy (CT)
 Higgins Murphy (PA)
 Himes Nadler
 Hinchey Napolitano
 Hinojosa Neal
 Hirono Nunes
 Hochul Oliver
 Holden Owens
 Holt Pallone
 Honda Pascrell
 Hoyer Pastor (AZ)
 Israel Pelosi
 Jackson Lee Perlmutter
 (TX) Peters
 Johnson (GA) Peterson
 Kaptur Pingree (ME)
 Keating Platts
 Kelly Price (NC)
 Kildee Quigley
 Kind Rahall
 King (NY) Rangel
 Kinzinger (IL) Reed
 Kissell Rehberg
 Kucinich Reyes
 Langevin Richardson
 Larsen (WA) Richmond
 Larson (CT) Rigell
 Latham Rivera
 LaTourette Roby
 Latta Rogers (AL)
 Lee (CA) Rogers (KY)
 Levin Ros-Lehtinen
 Lewis (GA) Ross (AR)
 Lipinski Rothman (NJ)
 Loebsack Roybal-Allard
 Lofgren, Zoe Runyan

NOT VOTING—11

Akin Jackson (IL) McCarthy (NY)
 Carson (IN) Johnson, E. B. Stivers
 DeFazio Lewis (CA) Thompson (MS)
 Gohmert Mack

□ 1702

Mr. POLIS changed his vote from “no” to “aye.”

The amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the fourteenth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 10, as follows:

[Roll No. 432]

AYES—172

Adams Gingrey (GA) Noem
 Akin Goodlatte Nugent
 Amash Gosar Nunnelee
 Amodei Gowdy Olson
 Austria Graves (GA) Palazzo
 Bachmann Graves (MO) Paul
 Barrow Griffith (AR) Paulsen
 Bartlett Griffith (VA) Pearce
 Benishek Grimm Pence
 Bilbray Guinta Petri
 Bishop (UT) Guthrie Pitts
 Black Hall Poe (TX)
 Blackburn Harris Pompeo
 Bonner Hartzler Posey
 Bono Mack Hensarling Price (GA)
 Boustany Herger Quayle
 Brady (TX) Huelskamp Renacci
 Brooks Huizenga (MI) Ribble
 Broun (GA) Hultgren Rigell
 Buchanan Hunter Roe (TN)
 Bucshon Hurt Rogers (MI)
 Buerkle Issa Rohrabacher
 Burgess Jenkins
 Burton (IN) Johnson (OH)
 Camp Johnson, Sam
 Jones
 Jordan
 King (IA) Ryan (WI)
 Kingston Scalise
 Cassidy Kinzinger (IL) Schilling
 Chabot Kline Schmidt
 Chaffetz Labrador Schweikert
 Coble Lamborn Scott (SC)
 Coffman (CO) Lance Scott, Austin
 Conaway Cravaack Sensenbrenner
 Culberson Latta Sessions
 Denham Long Shimkus
 DesJarlais Luetkemeyer Smith (NE)
 Dreier Lummis Smith (NJ)
 Duffy Manzullo Smith (TX)
 Duncan (SC) Marchant Southerland
 Duncan (TN) Marino Stearns
 Elmers Matheson Stutzman
 Emerson McCarthy (CA) Sullivan
 Farenthold McCaul Terry
 Fincher McClintock Thornberry
 Fitzpatrick McCotter Upton
 Flake McHenry Walberg
 Fleischmann McMorris Walden
 Fleming Rodgers Walsh (IL)
 Flores Mica Westmoreland
 Forbes Miller (FL) Wilson (SC)
 Foxx Miller (MI) Wittman
 Franks (AZ) Mulvaney Woodall
 Gardner Murphy (PA) Yoder
 Garrett Myrick Young (FL)
 Gibbs Neugebauer Young (IN)

NOES—250

Ackerman Calvert Crowley
 Aderholt Capps Cuellar
 Alexander Capuano Cummings
 Altmire Cardoza Davis (CA)
 Andrews Carnahan Davis (IL)
 Baca Carney Davis (KY)
 Bachus Carson (IN) DeFazio
 Baldwin Carter DeGette
 Barber Castor (FL) DeLauro
 Barletta Chandler Dent
 Barton (TX) Chu Deutch
 Bass (CA) Cicilline Diaz-Balart
 Bass (NH) Clarke (MI) Dicks
 Becerra Clarke (NY) Dingell
 Berg Clay Doggett
 Berkley Cleaver Dold
 Berman Clyburn Donnelly (IN)
 Bigbert Cohen Doyle
 Bishop (GA) Cole Edwards
 Bishop (NY) Connolly (VA) Ellison
 Blumenauer Conyers Engel
 Bonamici Cooper Eshoo
 Boren Costa Farr
 Boswell Costello Fattah
 Brady (PA) Courtney Filner
 Braley (IA) Crawford Fortenberry
 Brown (FL) Crenshaw Frelinghuysen
 Butterfield Critz Fudge

Gallegly Garamendi
 Gerlach Lynch
 Gibson Maloney
 Gonzalez Markey
 Granger Matsui
 Green, Al McCarthy (NY)
 Green, Gene McCollum
 Grijalva McDermott
 Gutierrez McGovern
 Hahn McIntyre
 Hanabusa McKeon
 Hanna McKinley
 Harper McNerney
 Hastings (FL) Meehan
 Hastings (WA) Meeks
 Hayworth Michaud
 Heck Miller (NC)
 Heinrich Miller, Gary
 Herrera Beutler Miller, George
 Higgins Moore
 Himes Moran
 Hinchey Murphy (CT)
 Hinojosa Nadler
 Hirono Napolitano
 Hochul Neal
 Holden Nunes
 Holt Oliver
 Honda Owens
 Hoyer Pallone
 Israel Pascrell
 Jackson Lee Pastor (AZ)
 (TX) Pelosi
 Johnson (GA) Perlmutter
 Kaptur Peters
 Keating Peterson
 Kelly Pingree (ME)
 Kildee Platts
 Kind Polls
 King (NY) Price (NC)
 Kissell Quigley
 Kucinich Rahall
 Langevin Rangel
 Larsen (WA) Reed
 Larson (CT) Rehberg
 Latham Reichert
 LaTourette Reyes
 Lee (CA) Richardson
 Levin Richmond
 Lewis (GA) Rivera
 Lipinski Roby
 LoBiondo Rogers (AL)
 Loebsack Rogers (KY)
 Lofgren, Zoe Ros-Lehtinen
 Lowey Ross (AR)
 Lucas Rothman (NJ)
 Lujan Roybal-Allard Young (AK)

NOT VOTING—10

Bilirakis Johnson (IL) Stivers
 Frank (MA) Johnson, E. B. Thompson (MS)
 Gohmert Lewis (CA)
 Jackson (IL) Mack

□ 1705

So the amendment was rejected.
 The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHAFFETZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 267, not voting 8, as follows:

[Roll No. 433]

AYES—157

Adams
Akin
Amash
Amodel
Bachmann
Bartlett
Barton (TX)
Benishek
Bilbray
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Denham
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gardner
Garrett
Gibbs

Gingrey (GA)
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Long
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)

Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Rigell
Roby
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Simpson
Smith (NE)
Smith (TX)
Stearns
Stutzman
Sullivan
Thornberry
Upton
Walden
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (IN)

NOES—267

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Bartletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan

Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart

Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins

Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowe
Lucas
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan

Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nugent
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Townes
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Frank (MA)
Gohmert
Jackson (IL)

Johnson, E. B.
Lewis (CA)
Mack

Stivers
Thompson (MS)

□ 1710

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 80, noes 342, not voting 10, as follows:

[Roll No. 434]

AYES—80

Akin
Amash
Bachmann
Bartlett
Black
Blackburn
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chabot
Chaffetz
Coble
Conaway
Culberson
Denham
Duncan (SC)
Duncan (TN)
Flake
Fleischmann
Fleming
Flores
Foxy
Franks (AZ)
Garrett

Gosar
Gowdy
Graves (GA)
Harris
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Labrador
Lamborn
Landry
Long
Lummis
Manzullo
McCaul
McClintock
McHenry
Mulvaney
Neugebauer
Nunes
Nunnelee

Olson
Paul
Pence
Petri
Pompeo
Posey
Price (GA)
Quayle
Rohrabacher
Rokita
Royce
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Stearns
Stutzman
Sullivan
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder

NOES—342

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodel
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Bartletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Forbes
Fortenberry
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves (MO)
Green, Al

Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Forbes
Fortenberry
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves (MO)
Green, Al

Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Hultgren
Hurt
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack

Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel E.
Lynch
Maloney
Marchant
Marino
Markley
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Oliver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi

Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano

Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Frank (MA)
Gohmert
Gutierrez
Jackson (IL)

Johnson, E. B.
Lewis (CA)
Mack
Miller (FL)

Stivers
Thompson (MS)

□ 1713

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Chair, on rollcall No. 434, had I been present, I would have voted “aye.”

AMENDMENT NO. 11 OFFERED BY MR. MC CLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 300, not voting 9, as follows:

[Roll No. 435]

AYES—123

Adams
Akin
Amash
Amodei
Bachmann
Bartlett
Barton (TX)
Benishek
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Duncan (SC)
Duncan (TN)
Emerson
Fincher
Flake
Fleischmann
Fleming
Flores
Fox
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Goodlatte

Gosar
Gowdy
Graves (GA)
Graves (MO)
Hall
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Long
Lummis
Manzullo
Marchant
Thornberry
McCaul
McClintock
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Mulvaney
Murphy (PA)
Neugebauer

Nunes
Nunnelee
Olson
Paul
Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Royce
Ryan (WI)
Calise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Stearns
Stutzman
Thornberry
Upton
Walberg
Walden
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—300

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barietta
Barrow
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter

Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards

Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono

Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel E.
Lynch
Maloney
Marino
Markley
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Oliver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Bass (CA)
Frank (MA)
Gohmert

Jackson (IL)
Johnson, E. B.
Lewis (CA)

Mack
Stivers
Thompson (MS)

□ 1717

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 242, not voting 12, as follows:

[Roll No. 436]

AYES—178

Adams Gosar Neugebauer
 Akin Gowdy Noem
 Amash Granger Nugent
 Amodei Graves (GA) Nunes
 Bachmann Graves (MO) Nunnelee
 Bachus Griffin (AR) Olson
 Bartlett Griffith (VA) Owens
 Barton (TX) Grimm Palazzo
 Benishek Guinta Paulsen
 Bilbray Guthrie Pearce
 Bilirakis Hall Pence
 Bishop (UT) Harris Petri
 Black Hartzler Pitts
 Blackburn Hensarling Poe (TX)
 Bono Mack Herger Pompeo
 Boustany Herrera Beutler Posey
 Brady (TX) Hochul Price (GA)
 Brooks Huelskamp Quayle
 Broun (GA) Huizenga (MI) Reichert
 Buchanan Hultgren Renacci
 Buerkle Hunter Ribble
 Burgess Hurt Rigell
 Burton (IN) Issa Roby
 Camp Jenkins Roe (TN)
 Campbell Johnson (IL) Rogers (MI)
 Canseco Johnson (OH) Rohrabacher
 Cantor Johnson, Sam Rokita
 Carter Jones Rooney
 Cassidy Jordan Ross (FL)
 Chabot King (IA) Royce
 Chaffetz Kingston Ryan (WI)
 Coble Kline Scalise
 Coffman (CO) Labrador Schmidt
 Conaway Lamborn Schweikert
 Cravaack Lance Scott (SC)
 Culberson Landry Scott, Austin
 Denham Lankford Sensenbrenner
 DesJarlais Latta Sessions
 Dreier Lipinski Shimkus
 Duffy Long Simpson
 Duncan (SC) Luetkemeyer Smith (NE)
 Duncan (TN) Lummis Smith (TX)
 Ellmers Lungren, Daniel Southernland
 Emerson E. Stearns
 Farenthold Manzullo Stutzman
 Fincher Marchant Terry
 Fitzpatrick Marino Thornberry
 Flake Matheson Upton
 Fleischmann McCarthy (CA) Walberg
 Fleming McCaul Walden
 Flores McClintock Walsh (IL)
 Forbes McHenry Webster
 Fortenberry McMorris West
 Foxx Rodgers Westmoreland
 Franks (AZ) Mica Wilson (SC)
 Gardner Miller (FL) Wittman
 Garrett Miller (MI) Woodall
 Gibbs Mulvaney Yoder
 Gingrey (GA) Murphy (PA) Young (FL)
 Goodlatte Myrick Young (IN)

NOES—242

Ackerman Capps Davis (IL)
 Aderholt Capuano Davis (KY)
 Alexander Cardoza DeFazio
 Altmire Carnahan DeGette
 Andrews Carney DeLauro
 Austria Carson (IN) Dent
 Baca Castor (FL) Deutch
 Baldwin Chandler Diaz-Balart
 Barber Chu Dicks
 Barletta Cicilline Dingell
 Barrow Clarke (MI) Doggett
 Bass (CA) Clarke (NY) Dold
 Bass (NH) Clay Donnelly (IN)
 Becerra Cleaver Doyle
 Berkley Clyburn Edwards
 Berman Cohen Ellison
 Biggert Cole Engel
 Bishop (GA) Connolly (VA) Eshoo
 Bishop (NY) Conyers Farr
 Blumenauer Cooper Fattah
 Bonamici Costa Filner
 Bonner Costello Frelinghuysen
 Boren Courtney Fudge
 Boswell Crawford Gallegly
 Brady (PA) Crenshaw Garamendi
 Braley (IA) Critz Gerlach
 Brown (FL) Crowley Gibson
 Butterfield Cuellar Gonzalez
 Calvert Cummings Green, Al
 Capito Davis (CA) Green, Gene

Grijalva McCollum Sánchez, Linda
 Gutierrez McCotter T.
 Hahn McDermott Sanchez, Loretta
 Hanabusa McGovern Sarbanes
 Hanna McIntyre Schakowsky
 Harper McKeon Schiff
 Hastings (FL) McKinley Schilling
 Hastings (WA) McNehey Schock
 Hayworth Meehan Schrader
 Heck Meeks Schwartz
 Heinrich Michaud Scott (VA)
 Himes Miller (NC) Scott, David
 Higgins Miller, Gary Serrano
 Hinojosa Miller, George Sewell
 Hirono Moore Sherman
 Holden Moran Shuler
 Holt Murphy (CT) Shuster
 Honda Nadler Sires
 Hoyer Napolitano Slaughter
 Israel Neal Smith (NJ)
 Jackson Lee Oliver Smith (WA)
 (TX) Pallone Speier
 Johnson (GA) Pascarell Stark
 Kaptur Pastor (AZ) Sullivan
 Keating Pelosi Sutton
 Kelly Perlmutter Thompson (CA)
 Kildee Peters Thompson (PA)
 Kind Peterson Tiberi
 King (NY) Pingree (ME) Tierney
 Kinzinger (IL) Platts Tipton
 Kissell Polis Tonko
 Kucinich Price (NC) Towns
 Langevin Quigley Tsongas
 Larsen (WA) Rahall Turner (NY)
 Larson (CT) Rangel Turner (OH)
 Latham Reed Van Hollen
 LaTourette Reyes Velázquez
 Lee (CA) Richardson Visclosky
 Levin Richmond Walz (MN)
 Lewis (GA) Rivera Wasserman
 LoBiondo Rogers (AL) Schultz
 Loeb sack Rogers (KY) Waters
 Lofgren, Zoe Ros-Lehtinen Watt
 Lowey Roskam Waxman
 Lucas Ross (AR) Welch
 Lujan Rothman (NJ) Whitfield
 Lynch Roybal-Allard Wilson (FL)
 Maloney Runyan Wolf
 Markey Ruppersberger Womack
 Matsui Rush Woolsey
 McCarthy (NY) Ryan (OH) Yarmuth
 Young (AK)

NOT VOTING—12

Berg Jackson (IL) Paul
 Bucshon Johnson, E. B. Rehberg
 Frank (MA) Lewis (CA) Stivers
 Gohmert Mack Thompson (MS)

□ 1720

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LATHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. BASS of New Hampshire, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 24 minutes p.m.), the House stood in recess.

□ 2015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WEST) at 8 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF HOUSE REPORT 112-546 AND ACCOMPANYING RESOLUTION, AND PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 706, AUTHORIZING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-553) on the resolution (H. Res. 708) relating to the consideration of House Report 112-546 and an accompanying resolution, and providing for consideration of the resolution (H. Res. 706) authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas, which was referred to the House Calendar and ordered to be printed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. NUGENT). Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5972.

Will the gentleman from Florida (Mr. WEST) kindly take the chair.

□ 2017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WEST (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 11 printed in the CONGRESSIONAL RECORD offered by the gentleman from California (Mr. MCCLINTOCK) had been disposed of and the bill had been read through page 150, line 9.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. I want to begin by thanking the committee for its extraordinarily hard work in identifying ways to cut spending.

All of us hear from our constituents. They want us to reduce what the Federal Government spends, to be wise and proper stewards of the Federal taxpayer dollar. All too often, they look at Washington and they see a monument to waste of the American taxpayer dollar.

Mr. Chairman, for the legislation that is in front of us, the fiscal year 2013 proposed funding level is \$51.6 billion, which is \$1.9 billion below the President's request. I think it is admirable that we have saved nearly \$2 billion below the President's request. However, we know that there is much more work that can be done, that should be done, that must be done. Therefore, my 1 percent across-the-board spending reduction amendment will save taxpayers an additional \$516 million.

□ 2020

That is \$516 million that our children and our grandchildren will not have to pay back with interest.

I'm fully aware of the strong opposition that many appropriators have for these across-the-board spending cuts. When I've offered these cuts, I have been told that "the cuts of this magnitude, quite honestly, go too deep." I've also heard that these 1 percent spending reductions would be "very damaging to our national security and to things that are important to life and property."

However, the taxpayers are demanding that the bureaucracy do what they are doing and save a penny on a dollar. Our Governors are quite active in this arena. Of course, we have heard from former Governor Mitt Romney, Governor Chris Christie, Governor Rick Perry, Governor Mitch Daniels, Governor Brian Schweitzer, Governor Chris Gregoire, just to name a few of our State executives. In the chairman's home State of Iowa, former Democratic Governor Chet Culver issued a 10 percent across-the-board spending reduction.

These across-the-board spending cuts are used around our country in a bipartisan fashion, and the reason they are

is because they work. They work. This is how you get results, by actually cutting into the baseline and reducing the outlays of government. They are effective because they cut spending within each agency and force each agency to do a review and find the waste and find ways to preserve those precious dollars that are coming from the taxpayers.

Admiral Mullen made the statement that "the greatest risk to our Nation's security is our Nation's debt." Mr. Chairman, we all know that. The American people know this. They have grown ill and fatigued with what they see as waste of their money here in Washington because this government never satisfies its appetite for the taxpayers' dollar. Because of that, because they think they can go to the well and ask for more, because they think they can go to the presses and print those dollars, they don't do the hard work of prioritizing. That is what we're to do here in this House.

In that spirit of forcing the actions of prioritizing, forcing the actions of the bureaucracy, having to save one penny on a dollar so that our children and grandchildren are not paying that back with interest, that is the reason that I bring these amendments. It's important because right now we're borrowing 40 cents of every dollar that we spend. We cannot afford this. It is incumbent upon us to make certain that we do the hard work, that we cut a little more, that we make the demands on the bureaucracy that our constituents are making on their businesses and on their family budgets. It is time for us to save just a penny on a dollar, make the cut, do it for our children and future generations.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I strongly oppose this amendment.

This amendment indiscriminately cuts programs in transportation and housing without any thought to the relevant merits of the programs contained in this bill. For instance, they would result in fewer air traffic controllers, fewer pipeline safety inspectors that ensure that accidents do not occur, fewer vouchers for homeless veterans. It would reduce salaries and expense accounts for all the departments. In some of the agencies, salaries and expenses are almost everything in the agency. You would do the same thing for all the capital accounts, the construction accounts, since this is basically an infrastructure bill that has a lot of capital expenditures. All of this would be done across the board.

More generally, investments in our transportation and housing infrastructure will be reduced and the associated

jobs will be lost. From the amendment itself, there will be public jobs lost. Also, there will be jobs lost because of the loss in infrastructure, which is important to this country and very critical.

I want to point out that the sponsor of this legislation is again reneging on her word. She voted for last summer's Budget Control Act that set this year's spending limits. The Ryan budget broke that agreement and lowered spending levels. The sponsor's amendment breaks the agreement again by reducing discretionary funding even further.

I strongly urge Members to oppose this amendment, and I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word, please.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I commend the gentlewoman from Tennessee for her persistence and for all of her work as far as trying to get a handle on the spending.

I would just like to make a couple of points.

She mentioned that we're \$2 billion below the President's request. We're actually almost \$4 billion below last year's spending in this bill. We have the largest decrease, percentage-wise, of any of the appropriation bills. We have worked very hard to craft a bill that actually enacted those types of spending cuts but also funded the high-priority items that are in this bill. It's with reluctance I oppose her amendment.

I will just say that we're within the 302(b) allocations that were in the Ryan budget. That was really the debate then as to what funding levels to be at.

There are some very important infrastructure issues that would be harmed by this when we look at the highway trust fund funding that would be cut. Of course, that would also include transit programs, veterans homeless vouchers. We have done everything we could to try to have a balanced bill that actually created priorities after having many hearings and working through this bill on a line-by-line basis. I'm not sure that an across-the-board cut that cuts everything arbitrarily is the way to go.

Certainly, we're all very concerned about the budget, but with reluctance, I oppose this amendment.

Mr. Chairman, I am glad to yield some time to the gentlelady.

Mrs. BLACKBURN. I thank the chairman for yielding, and as I said at the beginning, I applaud the committee for the good work they have done.

I think when you're broke, though, that what we have to do is say now is the time to make further cuts. And to the ranking member, it's not indiscriminate. This is the way our Governors have found to arrive at balancing a budget. It's looking at every

agency and saying get in there, do the heavy lift and find this. The result we want is to preserve the foundation of this great Nation for our children and grandchildren.

Are you saying that salaries and expenses are more important than the future of these children who are going to have to pay this debt back with interest, \$16 trillion worth of debt and growing, and you've got to pay it back?

□ 2030

My two grandchildren, my children, is it fair to look at them and say, You're going to spend over half of what you earn? I know that it is tough.

As the gentleman inferred, I'm at it again. Yes, you're right, Mr. Chairman. I am at it again. And let me tell you something. I am going to be at it again and again and again, just as I have every single year that I have been a Member of this House because preserving the firm financial footing of this Nation is work, coming at it again and again and again until we get the job done.

It has worked for our cities. It has worked for our counties. It has worked for our States. It will work for this Nation that is so richly blessed. It means that we have to have titanium backbones to get the job done.

I thank the chairman for yielding.

Mr. LATHAM. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used for the Third Street Light Rail Phase 2 Central Subway project in San Francisco, California.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment forbids further Federal expenditures for the Central Subway project in San Francisco. This project is a 1.7-mile subway that is estimated to cost \$1.6 billion. And these cost estimates continue to rise. In fact,

its baseline budget has more than doubled in 9 years and shows no sign of slowing. The current estimate brings the cost to nearly \$1 billion per mile. That's about five times the cost per lane-mile of Boston's scandalous Big Dig.

Now, it was supposed to link local light rail and bus lines with CalTrain and Bay Area Rapid Transit, but it's so badly designed that it bypasses 25 of the 30 light-rail and bus lines that it crosses. To add insult to insanity, it dismantles the seamless light rail to BART connection currently available to passengers at Market Street, requiring them, instead, to walk nearly a quarter mile to make the new connection. Experts estimate it will cost commuters between 5 and 10 minutes of additional commuting time on every segment of the route.

The Wall Street Journal calls it "a case study in government incompetence and wasted taxpayer money." And they're not alone. The civil grand jury in San Francisco has vigorously recommended the project be scrapped, warning that maintenance costs alone could ultimately bankrupt San Francisco's Muni. The former chairman of the San Francisco Transportation Agency has called it "one of the costliest mistakes in the city's history." Even the sponsors estimate that it will increase ridership by less than 1 percent, and there is vigorous debate that this project is far too optimistic.

I think Margaret Okuzumi, the executive director of the Bay Rail Alliance, put it best when she said:

Too many times, we've seen money for public transit used to primarily benefit people who would profit financially, while making transit less convenient for actual transit riders. Voters approve money for public transit because they want transit to be more convenient and available. It would be tragic if billions of dollars were spent on something that made Muni more time consuming, costly, and unable to sustain its overall transit service.

Mr. Chairman, this administration is attempting to put Federal taxpayers—that's our constituents—on the hook for nearly \$1 billion of the cost of this folly through the New Starts program. That's more than 60 percent of the entire project. We have already squandered \$123 million on it that we don't have. This amendment forbids another dime of our constituents' money being wasted on this boondoggle.

Now, Mr. Chairman, you may be wondering, well, why should your constituents pay nearly \$1 billion for a purely local transportation project in San Francisco that is opposed by a broad bipartisan coalition of San Franciscans, including the Sierra Club, Save Muni—which is a grassroots organization of Muni riders—the Coalition of San Francisco Neighborhoods, and three of the four local newspapers serving San Francisco. Why, indeed. Excuse me, I don't have an answer to that question.

But those who vote against this amendment had better have one when their constituents ask what in the world were you thinking.

I yield back the balance of my time.

Mr. OLIVER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. Mr. Chairman, from the looks of it, the gentleman from California has quite a fight going on with the Sierra Club, with three of the four major newspapers—I don't know which ones they are exactly. I didn't know there were four major newspapers in San Francisco. Most places these days, if they have one, they're doing very well—and with the State legislature in California as well.

I strongly oppose this amendment. And, frankly, I am disappointed by what it represents. This project, I think, is a perfect—well, maybe not perfect—is a very good example of the types of infrastructure projects our major urban areas need to remain economically strong, provide job creation now, and critical access to jobs in the future.

Six of the 50 largest metropolitan areas in this country—those with a population over 1 million—exist in the State of California. California also happens to have five additional ones which have 500,000 to 1 million in population. Seven of those 11 are growing by more than 25 percent per year. And these are exactly the sort of places—all of them—they are places that need investment, continued investment, and continued assistance from the Federal Government.

They are putting a major amount of money into our authorization plans, which we extend and are still under extension. And I think most people here hope and understand that we need to have a reauthorization sometime within the next few days, probably, and that the program in California is one that is fully authorized and ready to go.

Population density in the area that is involved in this particular program is over 50,000 people per square mile. Ultimately, the project will tie together one of the fastest-growing sections of San Francisco with one of the densest neighborhoods in the Nation and will provide key regional connections with other transit systems, including commuter rail and future high-speed rail programs.

The project has been thoroughly reviewed by the FTA and the State of California. Local authorities determined that it was of high value. In addition, the chairman included \$100 million in the underlying bill as an acknowledgement that this project is moving and will improve transportation and create construction jobs in

the Bay Area. The Bay Area needs construction jobs as well as we need construction jobs in every part of this Nation in order to have a robust economy.

I have a press release, which arrived today, just to add to the game. The California Transportation Commission unanimously approved the commitment of \$61 million in State high-speed rail connectivity funds for the Central Subway Project, this very project, this very day.

□ 2040

I also have here with me the editorial from the San Francisco Examiner—I'm not sure whether that's one of your major newspapers in the area or not—in support of this program.

I understand that the sponsor might not support public transportation, but when he singles out one project of many that received a high rating, it's hard not to wonder if his opposition is not based on some kind of internal politics and not on sound policy.

I oppose this amendment, and I yield back the balance of my time.

[From the Examiner, June 14, 2012]

CENTRAL SUBWAY NEEDS MONEY TO FULFILL POTENTIAL

It is time for everyone to get onboard with the Central Subway project—the largest Muni project in recent years.

This week, the excavation of nearly a full block in San Francisco began as construction workers started ripping up the streets around Fourth and Bryant. The project is for a launch box," the staging ground for next year, when two massive hole-boring machines will ultimately serve as the tunnel for the new Central Subway line.

If you believe the naysayers, this tunneling is the beginning of a train to nowhere or a multimillion-dollar project that utterly lacks funding and will result in a train line without riders.

None of this is true.

The Central Subway is the second phase of the T-Third Street route, a 5.1-mile light-rail line that has done much good by connecting downtown with the southeastern neighborhoods of The City. The entire project germinated from the Embarcadero Freeway teardown after the 1989 Loma Prieta earthquake. The compromise for not rebuilding the freeway was to plan for this new transit line.

The Central Subway project will extend the T-Third Street line 1.7 miles through the South of Market neighborhood, with stops at Moscone Center and Union Square, and end in Chinatown. The project will tie together one of the fastest-growing sections of The City with one of the densest neighborhoods in the nation. The ridership projections for the project, which opponents say are too low to justify the \$1.6 billion cost, are for the small section of line itself. The opponents point to one number—35,000 riders in 2020. But the true ridership number is for the entire T-Third Street line, which is projected to be about 65,000 by 2030.

It is true that the San Francisco Municipal Transportation Agency is moving ahead with this project without full federal funding. The work has been going on for some time, such as the moving of utilities that are in the way of tunneling. In these days of tight federal funding, when the present Congress is in the

hands of tea party ideologues who want to kill public works projects that aren't car-oriented, the only way to prove a project is worthy of federal funding is having it shovel ready—or in this case, bore-ready.

But since the SFMTA has done so much to prove it is fully invested in this project, we are confident that the subway line is going to be fully financed. The Federal Transit Administration is expected to provide the final \$942 million by the end of the month. This funding will be enough to complete the tunnel bore.

The SFMTA does not exactly have a proactive reputation. But in this case, it should be applauded for continuing to push ahead with a major construction project, even if the last bit of money is not quite yet secured. This money has been crawling through the pipeline for years.

The Central Subway line will be a major asset to San Francisco, and local and federal officials need to present a united front to finalize the funding as soon as possible.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Secretary of Transportation to research or implement a distance-based fee system, commonly referred to as Vehicle Miles Traveled, that would levy a fee on a vehicle user based on the distance traveled.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. I rise today in support of my amendment, which would prohibit the utilization of funds by the Secretary of Transportation to research or implement a distance-based fee system, commonly referred to as vehicle miles traveled, or VMT, that would levy a fee on a surface transportation vehicle user based on the distance traveled.

Mr. Chair, it is no secret that our current highway trust fund system is going bankrupt. The Federal gas tax designed to support this fund finds itself increasingly unable to pay for better roads, bridges, and rail due to several factors:

People are driving less due to a weak economy and high gas prices;

The creation of more fuel-efficient cars allows people to fill up less frequently at the pump;

And let's not forget about how Congress has been raiding the gas tax proceeds for decades to fund alternative transportation activities that in no way help maintain and improve roads and bridges we drive, such as building bike paths and planting flowers.

There is an important need to come up with new, better ideas on how to appropriately fund our highway trust fund system. However, I am here to tell you today that the concept of using a vehicle miles traveled fee system is not one of those better ideas.

Requiring people to pay for the miles they travel each year is not acceptable on a number of levels:

A VMT tax would be expensive to implement because every car would need to be fitted with a device that both records the miles driven and transmits the information to a government database. This complicated system would cost millions of dollars to install these devices in new vehicles, and it would cost many millions more if older vehicles and motorcycles are expected to be retrofitted with these devices;

The cost required to administer this taxation is expensive and inefficient, especially compared to the Federal gas tax, which provides an inexpensive form of taxation that is collected directly from refineries and importers;

Further, the requirement of an electronic mileage-tracking device to be installed in all cars also poses a significant privacy concern and a severe threat to our private information should one of these systems be hacked or corrupted. The potential for privacy abuse is a hazard waiting to happen. Government databases have already been compromised in the past, and this government system would be no exception;

Finally, the VMT tax would impose a "regressive tax" that would hit constituents in rural districts like Minnesota's Eighth Congressional District, the district that I represent, harder than any others. My constituents often have to drive many miles more than urban counterparts to perform the same daily tasks, like going to work, grocery shopping, dropping the kids off at school, and making deliveries for their small businesses. My constituents are already struggling to make ends meet with the current gas prices. Penalizing them for nothing more than living in a rural area will put them over the edge.

In sum, the VMT tax would produce a strongly negative reaction from the public—and for good reason. Americans don't like paying for the gas tax, and they are sure going to be even more unhappy about having to deal with an administrative and privacy nightmare that VMT promises. Therefore, I urge my colleagues to join me in support of my amendment, which would prevent the Secretary of Transportation from using funds to research or implement this harmful fee.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would like to join with the gentleman here in support of this amendment. I would like to make a couple of points.

If you represent a rural district, this is an enormous issue. Oftentimes, on average, jobs will pay less in urban areas to begin with. On average, a lot of these folks have to drive long distances to work. We've got people in my district today that drive 50 and 60 miles one way to their job every day, and this would be an enormous hardship on these folks.

I would also add that the Secretary of Transportation and the administration, 2 years ago when we were trying to get a highway bill done, the administration took this off the table. They said, We're not going to do this. And so I don't see why the Secretary would need to do research or any kind of means of implementation if, in fact, they so strongly oppose this type of taxation.

So for several different reasons, I commend this gentleman on this amendment and rise in its support.

I yield back the balance of my time.

Mr. OLVER. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I oppose this amendment strongly, but not because I like a VMT, particularly, and not that I do not understand that in rural areas this can be very burdensome. However, we have to have additional revenue. The reason our infrastructure is in decline is simple: We're simply not raising enough revenue.

We haven't decided how to raise revenue to fund our infrastructure needs. Yet we have report after report from the American Society of Civil Engineers with an infrastructure report card that gives us a D, estimating that more than \$2 trillion in investment is needed in our system, a gap of at least \$27 billion each year, from the DOT's own most recent conditions and performance report. There is a \$27 billion per year gap just to maintain the current system of highways and bridges in a state of good repair.

□ 2050

The gas tax has not been raised since 1993. The total amount of revenue that was raised 10 years ago is only a couple of billion dollars lower than it is now 10–11 years later. We know that the vehicles that are being produced now, correctly, and we must do this, are more efficient than they were earlier and so gasoline tax doesn't bring in as much money. That's fine, but you still have to have the revenue to build a

transportation infrastructure program that is going to be good that will keep the economy of the country strong. Every good and every product of this country has to move along an efficient transportation system covering all of our modes of transportation and has to be kept up, in good repair.

And for the major population growth which continues at 10 percent every decade with all these major metropolitan areas going up and up and up in population, you have to have a lot of new infrastructure built and you have to maintain the old infrastructure in the older communities or everybody is going to be behind. Even the rural areas, even though many of them, and in the gentleman's poor part of the country, there are States where more than half, several States, at least 10 States that have more than half of all of their counties losing population. But to allow the infrastructure, the highway system to fall apart in those places, means you doom those areas to an economic future which is going to be very bleak, indeed.

So the amendment, it's unfortunate because we are probably going to have to use different kinds of money-raising mechanisms in different parts of the country. This one makes it not possible for the administration to even think about using the vehicle miles tax even in the urban, major urban areas of the country.

In any case, I oppose the amendment. I know quite well what the result of my opposition is going to be, but I think ultimately, we somehow have to gain the courage and the will to raise the revenue that is necessary in order to keep our economy strong.

The transportation system in its totality represents close to 25 percent of the whole economy in this country. You cannot have a viable, robust economy with the jobs that we need if we do not figure out how to do what's needed in all parts of the country. So I oppose the amendment.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Iowa.

Mr. LATHAM. And I appreciate what the gentleman, my good friend from Massachusetts, is talking about. I think you clearly remember the testimony from Secretary LaHood before the subcommittee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GRIFFITH of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. I yield to Chairman LATHAM.

Mr. LATHAM. I thank the gentleman very much. I just want to talk about the subject that the gentleman from Massachusetts brought up.

The Secretary of Transportation came before the subcommittee. We were talking about the difficulty we were having as far as trying to write an appropriation bill with no new authorization. The Secretary on several different occasions said he would not entertain and they would strongly oppose both an increase in the gas tax and vehicle miles driven, and I'm sure that the gentleman from Massachusetts remembers that testimony very clearly.

I would just suggest that maybe someone should talk to the administration about finding sources for funding because the Secretary has taken every possibility off of the table to fund a new highway bill. And now we're apparently looking at a reauthorization that's finding other unique ways of funding rather than user fees or gas tax or miles driven or registration fees, whatever, they have taken off the table. So I would suggest the gentleman from Massachusetts would maybe visit with Mr. LaHood at the Transportation Department.

Mr. OLVER. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentleman from Massachusetts.

Mr. OLVER. I would like to continue this conversation for another moment or two, and that will save me time rather than having to figure out how to get my own time, Mr. Chairman. Somewhere along the way, it will come back to me. But in the midst of the discussion, I'm not likely to come up with it very easily.

In any case, I recognize exactly what the chairman of the committee is saying. It will be interesting to see what the authorizers come up with. I hope you had some ideas as to what they are going to do because the position that I am taking of the need for the infrastructure development in this country, both state of good repair, just repairing it, keeping it going, and then the additional infrastructure that is needed because of growth of populations, that is there and we must solve the problem. And it's not just the executive's problem, it's not just our problem, it's a problem for all of us, and this takes one piece, one possible piece out of the mix that could be part of the mix, simply takes it off the table, and that I object to. As somebody that is not going to be here next year when you may have to come up with a solution, I object to that being taken off the table. I oppose the amendment.

Mr. CRAVAACK. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. I thank the gentleman for yielding.

Sir, I can give you my commitment that I believe in a robust transportation system within the United States. We need it for economy and commerce, we understand that. But

definitely, the VMT is a toxic part of this puzzle that we just can't use. I look forward to finding other alternatives to be able to fund the robust transportation system that I believe the United States needs. I thank the gentleman very much for his comments.

Mr. GRIFFITH of Virginia. I yield back the balance of my time, Mr. Chairman.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I will be brief. I wish the gentleman from Minnesota great luck in solving this one. I am so happy for the people on that side of the aisle who must be just ecstatic—ecstatic—that they have a President who will take all of these things off the table. But what are you going to do when you have to have jobs and a robust economy in this largest economy in the world?

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to my chairman. Mr. LATHAM. You will remember also, during the hearings with the Secretary, I asked that very question of the Secretary. You're taking gas tax, vehicle miles traveled off the table, let's find a way to do this.

He said: Well, we need to sit down at the table and discuss this.

I said: Mr. Secretary, you're at a table. I'll be glad to come around and sit with you, and we'll discuss it. You come up with some ideas. And he came up with zero ideas, if you'll remember that.

Mr. OLVER. Reclaiming my time, at my age, I can't remember what happened several days ago, and that is quite some time ago. But, you know, it will slowly come back. Eventually, it slowly comes back.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

□ 2100

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used in furtherance of the implementation of the European Union greenhouse gas emissions trading scheme for aviation activities established by European Union Directive 2008/101/EC.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. Mr. Chairman, I rise in strong support of this bipartisan amendment.

This amendment is a simple one. It prohibits the use of taxpayer funds in furtherance of the implementation of the European Union's Emissions Trading Scheme.

Starting in January, the European Union began to unilaterally apply the Emissions Trading Scheme, ETS, to civil aviation operators landing or departing from one of the EU member states.

Under the Emissions Trading Scheme, EU member states will require international carriers and operators to pay emission allowances—and in some cases penalties—for carbon emissions resulting from their operations. The EU's Emissions Trading Scheme will apply to the entire length of the flight, including those flights outside the European airspace.

For instance, for a flight leaving Los Angeles for London, taxes would be levied not only for the portion of the flight over the United Kingdom, but also for portions of the flight over the United States and international waters.

Despite serious legal issues and objections by a majority of the international community, including the United States, India, Russia, China, and the International Civil Aviation Organization, the EU is pressing ahead with its plans. Russia, China, and India are taking very clear actions in opposition of EU's emission scheme. China and India have directed their air carriers not to comply with the EU's ETS requirements. China has delayed Airbus orders, India is threatening in-kind retaliation, and Russia is threatening to deny airspace access to European air carriers.

The European Union's unilateral application of the Emissions Trading Scheme onto U.S. operators without the consent of the United States Government raises significant legal concerns under international law, including violations of the Chicago Convention and the U.S.-EU Air Transport Agreement.

The Emissions Trading Scheme will actually harm efforts to reduce global aviation emissions. By taking money away from the airline industry that would otherwise be invested in NextGen technologies and the purchase of new aircraft—two proven methods for improving environmental performance—the EU is siphoning scarce money to be used as each member state sees fit.

A better approach to address aviation's impact on global emissions is to work with the international civil aviation community through the U.N. International Civil Aviation Organization, ICAO, to establish consensus-driven initiatives to reduce emissions. However, because the EU has made no effort to delay or retract the illegal Emissions Trading Scheme, this amendment is necessary to ensure that

American taxpayer dollars will not be used to further the Europeans' unilateral and questionable scheme.

Last October, the House passed H.R. 2954, which directs the Secretary of Transportation to prohibit U.S. carriers from participating in the Europeans' illegal scheme. A companion bill has been introduced in the Senate. It is my hope that the Senate will move quickly towards its passage. That legislation, along with this amendment to the Transportation appropriations for fiscal year 2013, will send a very strong message to our European friends that an illegal and unilateral action to address aviation emissions is not the proper course of action to deal with this issue. This must be a consensus-driven solution, not an international mandate.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I thank the distinguished gentleman, the Chairman, for the time, and let me just rise in strong support of this amendment.

This, I think, is one of the most outrageous, offensive taxes that I've ever heard of. The idea of taxing U.S. travelers from any point in the United States just because they're traveling to a destination in Europe is simply outrageous. It's going to be devastating to U.S. carriers, and it's something that we have got to put a stop to.

Like the gentleman talked about the international community's strong opposition, I think on a bipartisan basis everyone is opposed to this. It is, again, a far overreach. It is something that is unnecessary. It is simply wrong.

I really appreciate the gentleman's work on this to have this amendment brought forward as at least a first step in stopping this very, very, I think, egregious new tax.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the European Union has implemented an emissions trading regimen as a means of reducing greenhouse gas emissions 20 percent below 1990 levels. They are not succeeding very much. They are putting in a fairly hard effort to do that, but the greenhouse gas emissions continue to go up. The CO₂ percentage in the atmosphere is now, in the year 2012, about 50 percent higher than it has been at any time in the last 500,000 years and going up, continuing to go up. But we're not going to settle climate change issues tonight.

I understand that this amendment will be adopted, but the effort is going to have to eventually go on to deal with our climate change.

I yield back the balance of my time.

Mr. PETRI. Mr. Chair, I am pleased to support this amendment which would simply prohibit the use of any of the funds provided in the bill from being used to further the implementation of the illegal European Union's Emissions Trading Scheme (EU ETS).

The EU ETS has been a source of great concern of the Aviation Subcommittee, this House, the Administration, and the aviation community. The U.S. is joined in its opposition to the EU ETS by countries around the world.

Under the ETS, EU Member States will require international air carriers to pay emissions allowances, and perhaps penalties, for carbon emissions. A major objection is that the Emissions Scheme will apply to the entire length of the flight—including flight outside the European airspace.

The EU has no jurisdiction over airspace outside its boundaries and no legal basis to impose this Scheme on our air carriers. The unilateral application of ETS to our carriers in this way without our consent is a violation of international law—including the Chicago Convention and the U.S.–EU Air Transport Agreement.

There are other more productive ways to address the issue of carbon emissions, and the U.S. stands ready to work with our world partners through the International Civil Aviation Organization to do so—that is how you resolve global aviation issues.

Last year, this House passed H.R. 2954 which would direct the Secretary of Transportation to prohibit U.S. carriers from participating in this illegal Scheme. The Senate Commerce Committee held a hearing recently on a companion bill that has been introduced in the Senate.

This amendment is in line with the actions that the House has taken previously and reiterates the message that we will not stand for this unilateral, illegal scheme to be perpetrated against our carriers.

I urge Members to take a stand against this power grab and support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the amounts made available by this Act may be used by the Pipeline and Hazardous Materials Safety Administration to require the placement of line markers under section 195.410(a)(1) of title 49, Code of Federal Regulations, other than at public road crossings and railroad crossings.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, we've all heard about many regulations that come from this town that seem to be ridiculous; sometimes they're innocuous, sometimes they're even humorous. These are regulations oftentimes

that don't help anybody at all. Sometimes, however, they harm real people's lives and their homes and their businesses.

Last year, Mr. Chairman, along a half-mile stretch of Remington Road in Chamblee, Georgia, Plantation and Colonial Pipelines, under a requirement from the Pipeline and Hazardous Materials Administration, was forced to place 17 new hazard markers on the front lawns of homes—in a subdivision. That brought the total number of hazard markers to 47–47 within a half-mile stretch, a half-mile stretch of road in a residential subdivision where there's no new construction and the pipeline has been there for decades. You talk about ridiculous.

The regulation states:

Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

Now, though this particular regulation hasn't changed for many years, its interpretation clearly has. So, last month, my office sent a letter to the Pipeline and Hazardous Materials Administration for clarification, and in response they said:

While the regulations specify the minimum requirements for line markers, they do not specify a maximum number of line markers. A pipeline operator is allowed to exceed the minimum regulatory requirements.

Well, Mr. Chairman, they certainly have exceeded the minimum number of markers. Look at this front lawn here, five or six markers in the front lawn of a residential area. Now, clearly this is absurd. I'm certain there are other communities across this great country that are similarly affected by an overzealous regulator. This doesn't help a soul, but what it does is likely depress property values at a very challenging time for homeowners. So let's put some common sense back in government.

This amendment that I have offered today is designed to stop the Pipeline and Hazardous Materials Administration from broadly interpreting these regulations in the future by ensuring that no funds from the bill shall be used to require the placement of line markers other than at public road crossings and railroad crossings.

Now, we have struggled to find the right avenue to address this issue, and hopefully we will be able to get the attention of these wonderful folks and bring some sense to all of this. And though not possible to have this amendment brought to conclusion on this legislation, I do know that the chairman is as interested as I am in ending the overbearing regulatory scheme that seems to have overtaken every single department in this town.

□ 2110

If the chairman would be desirous, I would be happy to yield to him for a comment.

Mr. LATHAM. I thank the gentleman for yielding.

Obviously, we all want pipeline safety. That is the number one issue, but what you're talking about here is truly beyond the pale as far as any kind of common sense. We've got to find a balance, like you've talked about. The overreach that we're seeing in so many areas of the Federal Government causes things like this that are just simply nonsensical.

I appreciate the gentleman for bringing the issue forward and would want to work with him in the future to find a resolution to your concerns.

Mr. PRICE of Georgia. I thank the chairman, and I appreciate that.

Again, this is simply ridiculous. If that's your front lawn, Mr. Chairman, that's the last place that you want to see those signs in your neighborhood and in your residential area.

So I appreciate the opportunity to bring this amendment. I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. POSEY

Mr. POSEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used for the international highway technology scanning program, a program within the international highway transportation outreach program under section 506 of title 23, United States Code.

The Acting CHAIR. The gentleman from Florida recognized for 5 minutes.

Mr. POSEY. Mr. Chairman, my amendment is very simple. It prohibits taxpayer dollars from being used for the Department of Transportation's International Highway Technology Scanning Program. According to the Department of Transportation, this program enables the Department's officials to access innovative technologies and practices in other countries that could significantly improve our Nation's highways.

I, and most taxpayers, really don't have any problem with that. If someone else has a good idea, we can and we should learn from that. But most taxpayers were outraged when ABC News and Citizens Against Government Waste highlighted that this program was bankrolling globe-trotting junkets across the world.

One such trip featured a 17-day ordeal to Australia, Sweden, the Netherlands, and Great Britain to look at billboards, all the while, racking up taxpayer bills at five-star hotels and restaurants. Among the important research conducted by the team was a

trip to Scotland to evaluate “road furniture along rural roads.” And in the Netherlands they took a serious look at “examples of outdoor advertising.”

When the Federal Government is up to its neck in debt, such expenditures truly are an abuse of the taxpayers. As a result, Citizens Against Government Waste was able to apply enough pressure to the agency to suspend the \$1.2 million annual program. We’re not really sure what “suspend” means, if it’s for a day, a week, or a month.

ABC News reported that upwards of \$12 million has been spent on the program since the year 2000. I see the suspension of the program by Transportation Secretary LaHood as a really good start, but there is still no guarantee that such waste will not resume, as nothing in law would prevent the program from being resurrected in the future. This amendment, very simply, will ensure that the program will not come back to life during the fiscal year 2013.

Mr. Chairman, Washington is approaching another trillion-plus deficit. We simply cannot afford five-star junkets.

I urge support of the amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in support of this amendment.

I appreciate very much the gentleman from Florida bringing this issue to the attention of the House and, again, very strongly support his proposal to do away with this wasteful spending.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The amendment was agreed to.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, I rise today in opposition to a possible attempt for a Member to bring forward an amendment which would prohibit any funds in H.R. 5972 from being used towards the California High-Speed Rail Project.

As a member of the House Committee on Transportation and Infrastructure and a cochair of the California High-Speed Rail Congressional Caucus, this project is a priority of my State and the voters who agreed to move our State into the 21st century and to be able to be competitive globally.

Our Nation’s ability to move goods and people is essential to develop and maintain a strong economy, and this project is critical to meeting the State’s growing transportation needs. In fact, traffic congestion in California

is increasing by 10 percent each year, and it’s estimated that the State’s airports will reach capacity by 2030. As California’s population continues to boom, we must invest in alternative systems that will remedy this constant congestion and will help to protect the health and environment of local communities.

Now, as a member of the Transportation Committee, I happened to have the opportunity to participate with Chairman MICA when we went to the Central Valley to talk about the possibility of moving forward on high-speed rail. And admittedly, there were some concerns that were brought forward, but there were far more supporters who wanted to see high-speed rail move forward than those who were opposed.

And again, I want to stress that the voters in California took it upon themselves to tax themselves as an independent State body, to tax themselves to move forward on high-speed rail. So who are we, or the Federal Government, to prohibit providing funds that might match to enable that project to move forward?

Also, given the inherent speed limitations in the Northeast corridor, it seems to me that it would be ill-advised to deny California—and this country, more importantly—the efficient transportation options that many of us so richly need, especially knowing that California is one of the most traveled areas in this country.

As a result, even the earliest investments would be helpful before this project is completed. Now is the time to make smart and long-sighted investments for alternatives to congested highways and, simultaneously, to create jobs.

Mr. Chairman, we have before us an opportunity to support American workers for today by putting America on the road to recovery while, more importantly, developing a world-class rail system that we could compete with our competitors like China. Proper funding for the California High-Speed Rail project is a necessity for the success of California and the success of the United States.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GRIFFITH OF VIRGINIA

Mr. GRIFFITH of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used for any new grant under the livable communities program of the Department of Transportation or the sustainable communities program of the Department of Housing and Urban Development or to implement any transfer of funds for any such new grant.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Transportation and the Department of Housing and Urban Development from issuing any new livable or sustainable community grants. While the Appropriations Committee did not include any new funds for these grants, my amendment goes a step further to ensure that neither the Department of Transportation nor the Housing Secretary can attempt to transfer any of their Department’s discretionary funding.

In 2009, under the direction of President Obama, EPA, Department of Transportation, and HUD began the Partnership for Sustainable Communities, a joint venture to provide millions of dollars to local communities to entice them to buy into the President’s sustainable development agenda.

Over 2010 and 2011, DOT and HUD awarded approximately \$96 million in grant funding for sustainable and livable community initiatives; however, these programs were never authorized by Congress. In fact, the Financial Services Committee, who has authority over HUD programs, said that the:

Sustainable Communities Initiative, which has yet to be authorized by the Committee, should not be funded at the expense of other critical affordable housing programs.

This opinion of the sustainable communities program by the Financial Services Committee, was bipartisan and unanimous.

Last year, thankfully, no new funding was provided for sustainable community grants, but the conference committee reminded the Secretary that these efforts were eligible activities under other programs, meaning funding for the sustainable community grants could have been obtained by shifting funding. This amendment would prevent that shifting.

I do not believe the Federal Government should be enticing our local and State governments with this money to get them to buy into the President’s sustainable development agenda that cedes some local or State authority to Federal or international bureaucracies and governing boards.

□ 2120

I commend the Appropriations Committee for not giving any new funds to these unauthorized grants. This amendment makes it clear that these activities should not be continued at DOT or at HUD under any circumstances.

As Robert Frost wrote, “Good fences make good neighbors.”

This amendment will put up a fence to prevent shifting funding to a program this Congress has not approved, and it sends a message that our various States and local communities should be in control of their housing, transportation and zoning policies.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in strong support of this amendment.

Let me just say that this has been a subject of great discussion with the ranking member and me over time. I hope the people of the House understand and the American people understand what an outright waste of money these projects have oftentimes become.

Everybody here is talking about our needing more money for infrastructure, transportation; let's get the trust fund built up; we're trying to find new ways of funding. I hope everyone understands that, 2 years ago, before we got control of this committee, they took \$150 million out of the highway trust fund to pay for sustainability projects and grants.

That's rather interesting.

When it's an unauthorized program, no one even has a definition of what a "sustainable community" is. There is no definition of where this money could go. This is \$150 million, and people talk about all their projects at home—of their highways in disrepair, of the bridges falling down—and we're spending \$150 million out of that trust fund for things that aren't even defined and that are not authorized.

Mr. Chairman, it is outrageous.

I just spoke with the Secretary of HUD a few weeks ago on this issue because I have zeroed it out in this bill. There is no money for sustainable communities, whatever that is. Do you know the example the Secretary gave me of a good project? It would be to take millions of dollars from the Federal Government and give it to the area in North Dakota where they're having the expansion of the oil boom.

The State of North Dakota has billions of dollars in surplus. It has more money than it knows what to do with. Yet the Secretary says we should take sustainable community dollars from the Federal Government, of which we're borrowing 40 cents on the dollar from China, and give it to North Dakota to find out where it should put up its buildings in the oil boom area. I'm sorry, but I think they can afford to do that themselves.

So I would very strongly support the gentleman's amendment. Again, this is money that is coming out of the trust fund. Everybody here talks about roads in disrepair, bridges falling down, all that we need to do in the way of help for infrastructure, for jobs—and we're giving it to places like North Dakota. I'm sorry, but this is a waste of money, ill-defined, unauthorized. I very strongly support the gentleman's amendment.

I yield back the balance of my time.

Mr. OLVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Again, I understand my very limited position here on this one, but I do rise in opposition to the amendment.

I am a strong supporter of the Sustainable Communities Program, and I am disappointed that there is no funding in this bill for sustainable communities. I have heard complaints that the Sustainable Communities Program isn't authorized. Well, neither is the CDBG program authorized, yet we include funding for that program in the bill and have for many years. It has not been individually authorized in quite some period of time.

The program actually has some good purposes. It integrates Federal, State and local investment activity in housing, land use, economic and workforce development, and transportation. At a time when we're under budget constraints, it's fairly important, if not critical, that the support for regional and local planning is available to help localities invest limited resources strategically in order to achieve the greatest short- and long-term benefits for citizens.

In the first 2 years, which is the 2 years that the program has been used—and it is a pilot program, basically, a demonstration program—it has been used in both urban and rural areas and in areas that are a little more than a city or a metropolitan area or that are a small group of counties up to a broader group that might cross State lines, where there are interests across those State lines and where the people have wanted to do it.

It was always one purely of applications from groups of people at the local level as well as from organizations at the local and regional levels that would put forward proposals to do that kind of integration and joint planning with the Federal Government, the State governments, and the local governments as to how they wanted to see their areas grow.

So I think it is an activity that we ought to have some opportunity for, but I know that that's not going to happen tonight. I simply regret that that is the way things are. I do oppose the amendment, but know that it will be adopted.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GRIFFITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to enforce section

526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of fuels unless their life cycles of greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Transportation, Housing and Urban Development appropriations bill.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based and/or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum-derived fuels.

Unfortunately, the ban on the fuel choices of section 526 has been expanded to include all Federal agencies, not just the Defense Department. This is why I am offering this amendment to the Transportation, Housing and Urban Development appropriations bill.

Federal agencies should not be burdened with wasting their time in studying fuel restrictions when there is a simple fix. That fix is to not restrict our fuel choices based on extreme environmental views, bad policies and misguided regulations like those in section 526. Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's energy independence and our national security.

Mr. Chairman, section 526 restrictions make our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, to improve the American economy, and to create American jobs. In addition, we must ensure that our military has adequate fuel resources so that it can rely on domestic and more stable sources of fuel.

With the increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to develop and produce all of our domestic energy resources.

□ 2130

Mr. Chairman, in some circles there is a misconception that my amendment somehow prevents the Federal Government and our military from being able

to procure and use alternative fuels such as biofuels. Mr. Chairman, this viewpoint is categorically false. All my amendment does is allow the Federal purchasers of fuels, particularly our military, to be able to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill, and it passed with bipartisan support. My identical amendments to the three other FY13 appropriations bills also passed by voice vote. My friend, Mr. CONAWAY, also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's summarize the problems with section 526. Number one, it increases our reliance on Middle Eastern oil. Number two, it hurts our military readiness, our national security, and our energy security. Number three, it also prevents the potential increased uses of some sources of safe, clean, and efficient American oil and gas. Number four, it hurts American jobs and the American economy. And five, last but not least, it costs our taxpayers more of their hard-earned dollars.

My amendment fixes these problems, and I urge my colleagues to support the passage of this commonsense amendment.

With that, I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I thank the gentleman, and I rise in support of this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of Transportation to authorize a person—

(1) to operate an unmanned aircraft system in the national airspace system for the purpose, in whole or in part, of using the unmanned aircraft system as a weapon or to deliver a weapon against a person or property; or

(2) to manufacture, sell, or distribute an unmanned aircraft system, or a component thereof, for use in the national airspace system as a weapon or to deliver a weapon against a person or property.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Iowa reserves a point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, there has been a lot of discussion about the use of unmanned aircraft, commonly referred to as drones, in United States airspace, and rightfully so.

Beginning with the FAA reauthorization bill which passed this House earlier in the year, the expansion of the use of unmanned aerial vehicles in the continental United States was expanded. Arguably, this was a useful expansion because we have vast areas of our border which are difficult to monitor. Sometimes there are search and rescue occurrences that happen in rough terrain where an unmanned aerial vehicle may be indispensable. But since that time, there has been a growing body of people who have been concerned about the effect of allowing these unmanned aerial vehicles the ability to surveil citizens. There has also been talk about the EPA using it to monitor herd size and the grazing habits of farmers. These are questions that are going to need to be answered. But in recent weeks, I have become aware of some discussion that in certain police jurisdictions they were talking about an army of unmanned aerial vehicles to assist in law enforcement.

Maybe that's something that's worthwhile to consider, but I can't help but feel that a step taken that far is something that this body should consider. While I appreciate the subcommittee chairman's concern about legislating on an appropriations bill, we're in new territory. We're in uncharted territory, and this amendment is a first-aid maneuver. It is to place a bandage, if you will, on a growing problem to see if we can't stop and have the discussion before the Secretary spends money authorizing the use of armed unmanned aerial vehicles.

No one disputes in war zones and in battle space the use of an unmanned aerial vehicle. An armed unmanned aerial vehicle is incredibly useful. No one argues the utility of these unmanned aircraft in that situation. All I would say is that before we allow that to be occurring in our backyards, on our highways and byways, we need to consider the effects of that. Are we, in fact, ensuring the constitutional rights of the people who not just are being surveilled, but who may be being controlled by the armaments that would be present in these weaponized vehicles?

My amendment would prevent the Secretary of Transportation, the head of the FAA, from approving any application to use an unmanned aircraft in the United States airspace for the purpose of arming or weaponizing that aircraft. It does not affect the surveillance question. So surveillance drone applications certainly, if they are authorized, may go forward. Nor does it

affect weaponized drones that are operating outside the United States airspace.

The amendment that I offer today is preemptive. As to my knowledge, no actual applications have been filed with the FAA to use armed drones in U.S. airspace. But I believe it is necessary, as there has been some discussion in the public media about the ability to arm unmanned aerial vehicles. I personally believe this is a road down which we should not travel. It is the old argument of sacrificing safety for security, and ultimately achieving neither objective.

I think this is an amendment that would be well advised by this body to consider this evening. I urge my colleagues to vote in favor of it if it is allowed to stand, and I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I continue on my reservation, and I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I want to thank the gentleman. Unfortunately, for consistency, we're going to have to pursue the point of order.

This issue has been brought to my attention. I've expressed concerns myself as to how information is used. Certainly, we want to make sure that we're very careful as far as privacy issues in this country, the way that these things may be used for purposes that no one quite understands or intended to have happen.

While I share your concerns, for consistency reasons here, I must insist on my point of order.

I yield to the gentleman from Massachusetts, the ranking member.

Mr. OLIVER. I will be very brief.

I serve on the Homeland Security Subcommittee for Appropriations, and I don't think that the Homeland Security authorizers have done anything along these lines, and that's where it really ought to be dealt with, I would think.

So I will agree with what you're doing.

Mr. BURGESS. Will the gentleman yield?

Mr. LATHAM. I would be more than happy to yield to the gentleman from Texas.

Mr. BURGESS. Here is the problem.

It was a simple line in the FAA reauthorization bill. We were all happy when we reauthorized the FAA. It hadn't been done in some 26 attempts—"the dog ate my homework," we got IOUs and extensions on the FAA. But then here was this very simple language allowing for the expansion of unmanned aerial vehicles in the national airspace. None of us really thought that was much of a problem, but our constituents are bringing it back to us. They are concerned about privacy, and they're concerned about Federal agencies surveilling normal activities of

commerce in which people may be engaged. But then we have gone one step further.

If these drones are weaponized, you can—if you've been surveilled unfairly, you can go to court and perhaps seek a remedy. But if a bullet is fired from one of these platforms, you don't have any remedy if you're the recipient of that bullet.

All I'm asking is that we take all due care and caution, and exercise all due care and caution. We are entering a Brave New World here, and it is incumbent upon every one of us to be certain we do so with all care and caution before we proceed.

I appreciate the gentleman allowing me to express my thoughts on this amendment. I wish it could stand. I wish we could vote on it this evening. I understand for consistency why he is insisting on his point of order. But we're going to have to revisit this.

H.R. 5950 is standalone legislation that would prohibit this activity. I encourage Members of Congress to look into cosponsoring that.

□ 2140

Mr. LATHAM. Reclaiming my time, let me just say, in the authorization of the FAA, their specific role was air traffic concerns that they may have safety concerns, collisions with other aircraft. I agree with the gentleman, it should probably be a Homeland Security issue. I also serve on the Homeland Security Subcommittee on Appropriations. It has not been brought up in that.

I do share your concerns. But unfortunately, I must insist on my point of order.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties and requires a new determination.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination regarding the end use of certain aircraft systems and their components. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 7 OFFERED BY MR. TURNER OF OHIO

Mr. TURNER of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER of Ohio. Mr. Chairman, we must ensure that the men and women who bravely served our country have access to affordable housing. My amendment seeks to make sure that conflicting government regulations do not pose an impediment to achieving this important goal.

Currently, the VA requires a veteran's preference for housing built on VA property. However, HUD requires that HUD-assisted projects contain no preferences. These conflicting rules and regulations make it nearly impossible to help low-income senior veterans access affordable housing on VA property with HUD assistance.

My amendment prohibits HUD from using funds to enforce the restriction against a veteran's preference for housing projects built on a VA campus or that use a VA-enhanced use lease. The language is identical to an amendment that I authored which the House unanimously approved twice and was included in H.R. 3288, the Fiscal Year 2010 Consolidated Appropriations Act.

As a result, in my southwest Ohio community, St. Mary Development Corporation is currently building housing for senior veterans on the campus of the Dayton VA, which will help provide veterans close access to the services they need.

Mr. Chairman, this project can be a model in that it can be used across the country to help homeless veterans, provide low-income housing for veterans, and respond to the needs of seniors in the community. I urge all my colleagues to support this important amendment.

I yield back the balance of my time. Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would just like to lend my support for this amendment. It's something where clarification needs to be done, and the rules need to work for veterans for these processes. This has been one of the hang-ups for veterans being able to get into assisted living or houses. And any backlog that there has been has been basically a bureaucratic backlog, rather than a fund-

ing issue in the past. So it's a good amendment, and I would urge its passage.

Mr. OLIVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. Very briefly, I would just like to congratulate the gentleman from Ohio for being watchful of this sort of thing. This is the sort of thing that, it seems to me, ought to be really very logical. And I have supported it in the past, as he has already referenced. So I'm happy to see that it's working in your community.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act shall be used to promulgate, issue, establish, implement, administer, finalize, or enforce the proposed rule issued by the Secretary of Housing and Urban Development and published in the Federal Register on September 16, 2011 (76 F.R. 70921; relating to Implementation of the Fair Housing Act's Discriminatory Effects Standard).

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Chair, I rise today to offer an amendment that attempts to restore some sanity, fairness, and certainty to mortgage and insurance companies. My amendment would undo harmful economic actions taken by the administration that will, if carried out, continue to weaken credit availability and job creation.

You see, earlier this year, the Department of Housing and Urban Development proposed a rule to establish regulatory standards regarding the use of the legal theory known as "disparate impact." Disparate impact liability allows for plaintiffs and government agencies to bring suit charging discriminatory practices based solely on statistics. If statistics indicate, for instance, that disparity exists between the number of loans made in a specific area to a certain preferred minority class versus the number of preferred minorities that live in that area, a lender could be charged with discriminatory practices, even if there was no intent whatsoever.

Now, we all agree that discrimination is terrible and that when there is intent, we must prosecute to the fullest extent of the law. But under the example I laid out, the lender could even have specific anti-discriminatory practices in his company in place, but still

be found liable under this legal theory. You see, accurate risk identification and classification is essential to the lending and insurance business, but the HUD rule ignores that.

Risk-based lending and insurance underwriting and pricing that unintentionally results in a statistically disparate outcome, that is not discrimination.

The proposed HUD rule would create a presumption of discriminatory disparate impact that could basically undermine the basic purposes of risk-based pricing, which ensures persons with different risk characteristics have to make payments commensurate with the risk they pose. So protected-class characteristics, including race, are actually prohibited from consideration in this assessment. State law already prohibits insurers from recording race, for example. But this HUD rule requiring race consideration would be impossible, then, under State law.

Looking specifically at homeowners insurance, commonly considered factors—including applicant's claim history, construction materials, the presence or absence of a security system, and the distance from a firehouse—could be barred if they were found to result in creating a statistical disparity for a class defined by race, ethnicity, or gender.

You see, all 50 States have anti-discrimination provisions in their housing insurance regulations already, and there is no claim that these regulations have been insufficient. So the process that HUD proposes for the disparate impact rule is, therefore, unworkable and economically impractical.

The process HUD proposes for defending against a charge of unlawful discrimination based upon disparate impact would then require a defendant to prove a ridiculously high standard, that the challenged practice is necessary to its very survival, and that its business would basically collapse if it didn't do it.

You see, the process HUD proposes would find the defendant company liable if a court could find another practice that is simply less discriminatory, not, instead, a reasonable, economical, practical, workable, state-authorized, or known practice. Simply, all they have to come up with is another practice.

□ 2150

Extending disparate impact analysis to facially-neutral practices exceeds HUD's authority under the FHA and it is contrary to law. Extending disparate impact analysis to facially-neutral practices therefore is arbitrary and it is capricious. Therefore, the application of this HUD rule on the insurance industry should be precluded, and it should preclude it also because of McCarran-Ferguson. Recognizing dis-

parate impact analysis under the FHA exceeds HUD's authority under the FHA and therefore is contrary to law.

The Supreme Court recently agreed to hear a challenge on this. I think it was just last year. Unfortunately, you may know that that case was withdrawn. Why? Because of pressure from this administration. The administration rightly, I believe, was concerned that the Court would strike down the whole theory as being unconstitutional.

Now recently a new case had been submitted to the Supreme Court for consideration on the very same issue. I hope the Court takes that case up soon. The Justice Department knows it has a weak case, and I do not believe that this administration should try to front-run the Supreme Court and attempt to push through this failed legal theory.

My amendment would prohibit HUD from finalizing this rule that harms credit availability and job creation. It is supported by the Mortgage Bankers Association, the National Association of Mutual Insurance Companies, along with a couple other institutions as well—the American Insurance Association and the Property Casualty Insurance Association of America.

I yield back the balance of my time.

Mr. OLIVER. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLIVER. The issue here seems to be—and I don't know this very well. The issue seems to be that there have been cases where discrimination has occurred, and it has been adjudicated as having occurred when there was no intent to do so in the first place.

In a recent HUD action, this impact was used to protect the rights of women who were evicted because they were victims of domestic violence. Well, there was no intent to discriminate against the victims of the domestic violence, but that's what it was that has been adjudicated in this particular case.

Cases of this sort have been brought before 11, I think, of the 13 appeals courts at this point, and the rule which HUD has put forward, the so-called disparate impact rule, comes out of their understanding of the cases before the appeals courts where discrimination was determined legally in the appeals courts to have occurred.

So the idea that the gentleman is putting forward of prohibiting the finalization of the disparate impact rule which rises out of these cases before the appeals court seems to me to be exactly the opposite thing that should be done. Unless you get to a point where the appeals court gets to a higher court, which I guess the higher court is the Supreme Court of the United States, and they overturn the positions

that have been taken by these several appeals courts in rather similar cases, then HUD is doing exactly what they need to do.

So I must rise in opposition to this. All of the people in the authorizing side of this are saying—at least on my side of the authorization process, which means the ranking member of the authorizing committee here—is opposed to this amendment. Mr. FRANK, the ranking member of the Housing Subcommittee, also opposes. I think, for roughly the reason that I have articulated here. So the gentleman is trying to stop the process.

Mr. GARRETT. Will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from New Jersey.

Mr. GARRETT. And that's just my point. I'm not trying to stop any process. What I'm trying to do is prevent this administration from doing an end-run on the process.

You set up the record almost completely straight. There were court cases on this. It was going to the Supreme Court. It was about to go to the Supreme Court and be heard, and then this administration put pressure on the city that was involved in it to stop it, and they withdrew the case. We would have had the decision by the Supreme Court in that matter, but the administration basically said no, because they wanted to go ahead with their actions here without interference of the Supreme Court.

Fortunately, though, there is now another case that's been filed, and it's from my home State of New Jersey. This will give us all exactly what we need, just what you were saying: lower court, and now it's being appealed up to the Supreme Court.

Mr. OLIVER. Reclaiming my time, we have no idea whether the Supreme Court will take this case. In the meantime, until such time it is taken and they do it, and we can't assume that, then the actions of HUD are proper in reaching a disparate impact rule that adheres to the findings in the several appeals courts. My staff tells me it is 11 of the appeals courts have reached similar decisions which are adhered to by the HUD impact rule proposed.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Let me just stand up in support of the amendment. I think it's a good amendment. Insurance companies are not able to determine risk, and that oftentimes means much greater cost.

I think it's a good amendment going forward, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CASSIDY

Mr. CASSIDY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of Transportation to make any transfer under the last proviso under the heading "Department of Transportation—Office of the Secretary—Payments to Air Carriers".

Mr. CASSIDY. As that reading suggests, this amendment addresses accountability for the Essential Air Service.

Earlier this year, the House and Senate agreed upon an FAA authorization after a fairly contentious debate. Chief among the issues which were resolved was a dispute over the Essential Air Service program, which provides Federal subsidies for airlines which provide flights to rural or otherwise remote airports.

While the work done by Chairman MICA and his colleagues adds several important reforms to the EAS program, a number of issues have since surfaced. Tonight, I'm offering an amendment to hopefully resolve one of those.

As currently written, the T-HUD bill funds the Essential Air Service program through a \$114 million appropriation from the Airway Trust Fund and via what are called overflight fees, which are charged by the FAA to foreign aircraft using American airspace and navigation assets. In 2011, as a result of an annual increase of 17 percent to the overflight fee, the Department of Transportation estimated that the fee would bring in around \$69 million in revenue for fiscal year 2013, which, when paired with the annual appropriation from the Airway Trust Fund, would provide all the money needed to operate the EAS program.

□ 2200

DOT, however, was wrong about their original \$69 million projection. According to the President's budget and report language in this bill, the projected revenues from the overflight fees are actually \$100 million. That means that when you combine \$114 million appropriated in this bill plus the \$100 million in revenues from the overflight fees, the EAS program has \$214 million.

Now, you could ask, Is this adequate to fund the program? It certainly should be. In fiscal year 2011, before the plan began to start scaling back the program, expenditures were around \$195 million. Put differently, as we've scaled back the program, we have actually increased funding by about \$19 million. Only in Washington would that be a scale. I shouldn't laugh.

But that's not the only source of funding that the bill provides. It also

allows the Secretary of Transportation, at his discretion, to provide more funds in case the \$214 million in revenue does not cover all obligations. How is this possible? Through the authorizing language tacked onto the end of the EAS section at the bottom of page 7:

Provided further: That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

Let me repeat: "such sums as may be necessary to carry out the essential air service program."

In other words, this is a blank check for the Secretary to redirect to EAS if they overrun their \$214 million allowance.

I have introduced this amendment to correct this issue and enforce the fiscal discipline that I think even the strongest proponents of the program hope to see. The amendment preserves the EAS program, but forces it to live within its mean and prioritize spending to where it is most necessary and cost effective.

My amendment nullifies the Secretary's authorization language from the bill and allows the FAA to spend only the money appropriated to it through both the Airways Trust Fund and the overflight fees.

Some may oppose this and point out that the section in question does not deal with any new spending or funding, only with allowing the Secretary to direct unobligated balances. However, this perpetuates the "use it or lose it" mentality in the Federal Government. It should be a principle that agencies ask for and receive only the funds they absolutely need for their programs and that any unnecessary overpaid funds be returned unspent to the taxpayers. Empowering the Secretary to use unspent money on more EAS flights is a step in the wrong direction.

Under the bill as written, there will be no impetus for FAA to prioritize funds or substantially cut back on unnecessary flights if too much is spent. Any gaps in funding can simply be filled in by the Secretary at his discretion without congressional approval.

I voted last night for the McClintock amendment to phase out the EAS program, but I respect the decision of the House and the Members who voted to keep it in place. The program is going to stay; my amendment doesn't change that. However, just because someone voted not to eliminate the program does not mean they cannot vote to impose reasonable rules and limits. Simply put, spending \$214 million for EAS is enough. Please keep it from going any higher and preserve the congressional power of the purse.

Mr. LATHAM. Will the gentleman yield?

Mr. CASSIDY. I yield to the gentleman from Iowa.

Mr. LATHAM. We are pleased to accept the amendment.

Mr. CASSIDY. I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I'm happy to congratulate the gentleman from Louisiana for his solution, but I have to admit that I cannot identify what the problem is that this solution solves.

This language that you are excluding has been in the legislation for years, before I think I was—the earliest time I was in the ranking membership of the Transportation Subcommittee, and that of course was several years before I chaired the Transportation Subcommittee. I think it has been in the language all that time and never come up. So there has been no problem that we solved where it has never been used. That flexibility has never been used to transfer money from some place in order to put money into the EAS program.

So, yes, you have a solution, but I don't know what the problem is.

Mr. CASSIDY. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Louisiana.

Mr. CASSIDY. It may be that in practice it has not resulted in a problem. It certainly is a loophole that evades the congressional power of the purse.

Now, if in some way we could look into the future and know it was never going to be an issue, you're right, it would not be an issue. On the other hand, without that kind of prescience, it seems to be the better part of valor to reclaim our power.

Mr. OLVER. In any case, I don't object to the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to design, construct, or operate a fixed guideway project located in Cincinnati, Ohio.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, this Nation cannot continue spending money it doesn't have. It is imperative that Congress end the borrow-and-spend

mentality that created our staggering national debt and that we put our Nation on a sustainable path to a balanced budget. Now, more than ever, we need to be pragmatic in our approach to transportation, ensuring that every dollar spent represents a long-term investment that will improve the flow of commerce and create American jobs.

My amendment this evening is about priorities. The city of Cincinnati has been in the planning process of constructing a streetcar for years now. The primary funding for this project came in the form of an urban circulator grant from the U.S. Department of Transportation in the amount of \$25 million. Earlier this year, city of Cincinnati officials came to my office looking for even more funds for the Cincinnati streetcar project. The total cost is expected to be well over \$120 million for a 4-mile loop connecting only two Cincinnati neighborhoods with little-to-no positive impact on traffic congestion, freight, or our aging infrastructure. Far from a necessity, the Cincinnati streetcar is a luxury project that our Nation and our region simply cannot afford.

Imprudent and irresponsible spending of taxpayer dollars on discretionary projects like this must stop. For too long, taxpayers have been footing the bill for frivolous projects that reap little to no benefit. Much like the “bridge to nowhere,” this “streetcar to nowhere” is yet another instance of wasteful government spending.

My amendment simply says, no more—no more funding for this streetcar in my own district. Unlike the Cincinnati streetcar, however, there are a number of other infrastructure projects that are of high priority and far more worthy of Federal infrastructure investment. In particular, there are two ready-to-begin projects that would have a direct impact on Cincinnati's economy and create permanent jobs, and those are replacing the Brent Spence Bridge and completing the I-71 Martin Luther King interchange.

The Brent Spence Bridge carries two major interstate highways that connect Ohio and Kentucky and serves as a major thoroughfare not just for Cincinnatians, but for the entire Midwest region, and in fact the Nation at large. Furthermore, this bridge rests on one of the busiest freight routes in North America and is estimated to carry 4 percent of the Nation's gross domestic product annually.

The Federal Highway Administration has declared the Brent Spence Bridge functionally obsolete, indicating that the current state of the bridge does not meet today's standards. Currently, this bridge carries 170,000 vehicles on average per day, which is more than double the 80,000 it was designed to carry. Replacing the bridge would save an estimated \$748 million in congestion costs annually, savings that would grow in

real dollars to \$1.3 billion annually by 2030.

The other worthy project I mentioned, the Martin Luther King interchange plan, has long been on the minds of businesses and citizens in our region, so much so that stakeholders have their own money in this plan. Unlike the streetcar to nowhere, the completion of this much-needed project would have a direct impact on one of Cincinnati's most important economic hubs. The Martin Luther King interchange would free up traffic congestion around the University of Cincinnati, Children's Hospital, and the uptown region of Cincinnati.

□ 2210

This proposed interchange would directly impact 60,000 people who work in the area and allow far greater highway access, generating an additional 2,000-plus permanent jobs.

We need to focus our limited resources on projects that are practical, impactful, and that will deliver results. Those of us in Congress must make responsible choices and invest in projects on their merits and nothing else. We owe it to the American people to invest only in those projects that will produce real results, keep us competitive, and, most importantly, create American jobs.

I yield back the balance of my time.

The Acting CHAIR. Does any Member rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The amendment was agreed to.

Mr. CONAWAY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Chairman, I rise today to share my concerns over the Federal Motor Carrier Safety Administration's recent regulatory guidance on the “oilfield exception” to the agency's “Hours of Service” requirements for drivers.

Under the Administration's regulations, specially trained drivers of specially constructed vehicles used to service oil wells do not have to count waiting time at the well site toward their hours of service limit. The new regulatory guidance, however, provides that drivers of support vehicles, such as those used to transport materials and supplies, used directly in the delivery of oil and gas services do not qualify for that same exception. The administration issued this guidance without prior comment, making it effective immediately and requesting comments after the fact.

Support drivers generally work under the exact same conditions as drivers of specially constructed vehicles, including the same periods of idleness while their vehicles are in use at the well site. Many drivers operate specially

constructed vehicles one day and other support vehicles the next.

The new guidance creates a different standard for these exact same drivers. When operating a support vehicle, the driver's waiting time counts toward his or her hours of service limit, but when operating a specially constructed vehicle, that idle time does not count.

This double standard will create needless confusion among drivers and dispatchers who will now need to juggle competing rules for drivers depending on the vehicles they're driving on a particular day. In addition, while not applying the waiting time exception to drivers of support vehicles means that it will require more trucks and drivers to be dispatched while others are out of service, increasing truck traffic, especially on rural roads.

Many of our rural roads, particularly in the most active producing areas such as the Marcellus and the Bakken shale, are already struggling under the burden of heavy truck traffic. Adding more heavy vehicles to the roads will not enhance safety no matter how rested the drivers might otherwise be.

When I dealt with this issue with the Federal Motor Carrier Safety Administration in 2006, I thought we had reached an understanding of the industry's oilfield equipment vehicle operations and safety protocols. Unfortunately, the agency's new interpretation undoes this careful compromise.

It is important for the administration to document why it is pursuing this new interpretation and provide that data—if it actually has any—that it is using to support this change. I believe that, at a minimum, the agency should not put this revised guidance into effect until after the public has had a chance to comment and for the agency to consider those comments. The Federal Motor Carrier Safety Administration should not implement the new administrative interpretation until it provides adequate and complete justification for the changes that it's seeking to make.

Mr. Chairman, I call this regulatory overreach to the attention of the requisite committee so that, while they're doing their oversight of this agency, they can review this interpretation and perhaps add their influence to undoing this overreach.

With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. LANKFORD

Mr. LANKFORD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used for the salary of any officer or employee of the Federal Highway Administration to implement, administer, or enforce the Migratory Bird

Treaty Act (16 U.S.C. 703 et seq.) or Executive Order No. 13186 of January 10, 2001, with respect to, or to determine any action of the Administration to have a significant impact under section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) based on the effect of such action on, the cliff swallow or barn swallow (as listed in section 10.13(c)(1) of title 50, Code of Federal Regulations).

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. LANKFORD. Mr. Chairman, this may seem like a very simple, straightforward amendment, but we do have an issue in construction.

In the summer all across America, the cliff swallow and the barn swallow, which is a very common migratory bird—this is not an endangered species; it's not even a threatened species; it is a common migratory bird in almost every State in America—they travel back and forth, move around, and they love to nest around man-made objects.

The law states now, currently, that you can't touch a bridge or any kind of construction if that barn swallow or cliff swallow is present there. So during the prime construction time, from early June through September, you can't do construction on many bridges, or construction companies have to hire people to go out and stand around the construction site to wave off the birds to keep them from nesting there to be able to fight this off during the earliest part of the season. There are numerous cases of this.

In my own State of Oklahoma, let me just give you one example of that.

In Ellis County, State Highway 46, they were painting a bridge. Just painting it; no construction, no anything else. The total project was estimated to cost \$185,000. Because in the process of going out to check and verify they found a barn swallow there, they had to halt that until after September to come back and paint it. It increased the price of the project \$27,000 to set up, realize it's there, tear down, come back, and do it all over again—a 15 percent increase for a painting job.

Now, I say this to say this is not an issue that is going to shape the future of America, but this is one of those issues that does increase the cost of construction over a bird that is not endangered, that is not threatened, that is incredibly common.

Should we honor wildlife? Absolutely. But this dramatically drives up the cost and decreases the amount of construction that we can do in America during prime construction season. I would just suggest that we take just these two species and set them out just for transportation purposes here.

Mr. LATHAM. Will the gentleman yield?

Mr. LANKFORD. I yield to the gentleman from Iowa.

Mr. LATHAM. I understand the gentleman's concern, and I'm prepared to accept the amendment.

Mr. LANKFORD. With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This is a peculiar amendment, it seems to me.

The Migratory Bird Treaty Act is administered by the U.S. Fish and Wildlife Service in the Department of the Interior, so there's no enforcement power in the Department of Transportation. Are there agreements by which the DOT and the Department of the Interior are bound?

Mr. LANKFORD. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Oklahoma.

Mr. LANKFORD. Yes. Actually, in 2001, the President did Executive Order 13586. That executive order extended that out to all agencies dealing with the Migratory Bird Treaty Act. So it does extend this out to the Department of Transportation as well, as well as all their agencies.

Now, if they're going to prosecute, obviously it's going to be the Department of Justice, and the rules are going to be promulgated out of Fish and Wildlife, but all agencies are affected by it based on the executive order from 2001. So we're just trying to take this for transportation only because it is such an issue for much of the transportation across the entire country.

Mr. OLVER. And this was an executive order promulgated by President Clinton or by President Bush?

Mr. LANKFORD. By President Clinton at the very end, in early January of 2001—January 10, actually.

Mr. OLVER. Well, I don't know how this amendment is going to solve the problem that you have exactly, but the chairman has agreed to adopt it. So I will state an objection because I really don't understand how this is going to solve your problem, but I will not go beyond that.

Mr. LANKFORD. Mr. Chairman, I yield back the balance of my time.

□ 2220

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. LANKFORD).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

The Acting CHAIR. The amendment is agreed to.

Mr. OLVER. Mr. Chairman, you have hit the gavel.

I would like to ask unanimous consent to call for a recorded vote on that.

The Acting CHAIR. The gentleman from Massachusetts was on his feet. The request is timely and does not require unanimous consent.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DENHAM

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used for high-speed rail in the State of California or for the California High-Speed Rail Authority.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DENHAM. Mr. Chairman, this is a very simple amendment. It just basically says, at the end of this bill none of the funds may be used for high-speed rail in California.

California has a project that was supposed to cost \$33 billion. The voters in California voted for bonds of \$9.9 billion. The Federal Government was supposed to come up with \$10 billion, and a private company was supposed to come up with \$10 billion. The problem is there is no private investor for the \$10 billion; the Federal Government is broke with \$16 trillion worth of debt and can't come up with \$10 billion; and the State of California can no longer float the bond because their credit rating is so bad.

To compound the matter, it's no longer a \$33 million project. It ballooned to \$68 billion, then on up to \$98 billion. And when talking to Secretary LaHood, he said there's no end in sight, that this is a project that could continue to change as we move forward. In fact, that's what we're actually seeing in California, an initiative that bounces back and forth, \$10 billion here or \$10 billion there.

So again, this amendment is very simple. It just says none of these funds can be used for high-speed rail.

In California we've got highways that are falling apart, bridges that are falling apart. We need to make sure that our gas tax dollars get used for their intended purpose of actually improving our roads and highways.

I yield back the balance of my time.

Mr. OLVER. Mr. Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, there are no funds made available in this Act for high-speed rail. None. And so, since this is a 1-year bill, I don't think this amendment does very much.

The gentleman from California has a problem with a process that has been going on now for at least a decade in the development of a high-speed rail process program, and the people of

California have spoken on this by referendum. They have passed the bond bill by referendum. I think bond bills usually take an extraordinary vote, two-thirds vote or something like that. Am I correct?

Would the gentleman from California confirm that it was a two-thirds vote by which the referendum was passed?

I yield to the gentleman.

Mr. DENHAM. Sir, you are correct. And now the voters are two-thirds against the bill by several different polls.

Mr. OLVER. Well, that can be established if they actually have a referendum that repeals what they have done. But there has been—as we know, California has received about \$4 billion of moneys from the Federal Government from earlier funds in earlier bills which have already been obligated or are about to be obligated. And actions on this bill would not have anything to do with the obligation of those funds, would not be in effect at any time that could affect the obligation of those funds because they have to be obligated before the end of this fiscal year, where this bill is certainly not going to be in place in before the end of the fiscal year. But there are processes also going on. Unfortunately, we have, at the moment, no one here who is really knowledgeable precisely about what it is that's going on in California.

But let me just comment here that the proposal for the starting use of these funds has been controversial. There are people who say, well, why are we building this in the Central Valley of California? Because the first intended construction of the project has been in the Bakersfield to Fresno corridor, and then if it is extended it is then likely to be extended to the Modesto metropolitan area, or the Stockton—and/or, I think it is at Modesto that there is a bifurcation. The one link of it going then to Stockton and to Sacramento, and the other going to San Jose and San Francisco. And in either case, you have to start somewhere.

When we started to build the interstate highway system, we didn't start in the center of the cities, which would have been very complicated. We started in building those legs of the interstate highway system where it was easy to build them. And that is possible. The right of way, I think, has already been acquired by the California DOT to build the high-speed rail system in that first corridor, in the Bakersfield-Fresno and maybe on to Modesto, as I have understood the developments in the last few weeks as they go on.

So the gentleman's problem is, it seems to me, with what's already been agreed to by California and what is already going forward, moneys that have, some of them been obligated and in place to go, and some of them yet to be obligated, but about to be obligated.

Mr. DENHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from California.

Mr. DENHAM. No dispute here on whether or not this bill has any mention of high-speed rail. I would agree. There is no mention of it. And I won't even dispute here tonight whether the President wants to spend more on high-speed rail or whether the Governor wants to spend more money on high-speed rail. That is a different debate.

The Acting CHAIR (Ms. FOXX). The time of the gentleman has expired.

Mr. OLVER. Madam Chair, I will then move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I think I'm doing the correct thing there. And I'll yield, again, for the continuation of what the gentleman from California is saying.

Mr. DENHAM. Thank you sir. Thank you for yielding.

I would agree that the President can come up with more money if he feels that he wants to transfer more stimulus dollars, or we may have another vote, depending on another allocation or appropriation that may want to spend money on high-speed rail.

This amendment says that our gas tax dollars will go back to California to be used for our highways and roads. That's all this amendment does. That's all I intend to do is to make sure that the Governor of California does not take money out of the block grant from the Federal Government that goes into the STF fund to use it for other things such as high-speed rail. The Governor has to use the money where this Federal Government intends it to be used, very simple.

Mr. OLVER. Reclaiming my time, the language of the amendment, as I have it before me, says none of the funds made available by this Act may be used for high-speed rail in the State of California, or for the California High-Speed Rail Authority.

Mr. DENHAM. Correct.

□ 2230

Mr. OLVER. How does that guarantee that California's gas tax moneys will not be used for high-speed rail?

Mr. DENHAM. As Congress, if in this bill we stipulate that none of the funds can be used for high-speed rail, then none of the funds can be used for high-speed rail. I mean, it's a very simple mandate for the Governor: Use the money where it was intended to be used but not for high-speed rail. The language is very simple. That's why we wrote it as one sentence: that none of the funds may be used for high-speed rail.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Iowa.

Mr. LATHAM. Is it your impression that what the gentleman is saying is that they can't take highway trust fund money and put it into high-speed rail and that they can't take transit dollars and put it into high-speed rail?

It would be my understanding, since there is no money in the bill for high-speed rail, that he is talking about other pots of money that would go to California and about just trying to wall that off from being used. That's my understanding. Maybe the gentleman has a different interpretation.

Mr. OLVER. At this point, I really don't know whether your understanding is anywhere close to mine. I think this is an amendment deserving of opposition, so I am opposing the amendment. I think this amendment should not be adopted, and you can do as you wish.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DENHAM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DENHAM. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used to promulgate or implement any regulations that would mandate global positioning system (GPS) tracking, electronic on-board recording devices, or event data recorders in passenger or commercial motor vehicles.

Mr. LATHAM. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. LANDRY. I am honored to join my distinguished colleagues, Ranking Member RAHALL, Mr. HUIZENGA, Mr. TOM GRAVES, and Ms. HERRERA BEUTLER, on this amendment.

Our bipartisan amendment prohibits any funds under this act to be used to implement any administration mandate for global positioning systems, electronic onboard recorders, or event data recording devices on both passenger and commercial vehicles.

Madam Chairman, the Department of Transportation has become obsessed with electronically monitoring vehicle movements. Right now, the DOT is working on a mandate which would require that every car have a device

which is very similar to an airplane's black box. Additionally, they are working on another mandate which would require that trucks carry an electronic onboard recorder. Even the name sounds scary. These devices would record and transmit data when the truck is in use.

This regulation is so costly that even President Obama has singled it out as a regulation which needs more study. He did so because it is estimated that the mandate will cost the trucking industry at least \$1 billion to implement.

Madam Chairman, the truckers in my district cannot afford this cost. I know some companies like these devices. That's great. They can put them in their trucks voluntarily. However, just because a few companies like the devices, we should not mandate that everyone use them. For this reason, I hope the House will adopt this commonsense amendment.

I yield back the balance of my time.

Mr. LATHAM. I withdraw my reservation of the point of order, and I move to strike the last word.

The Acting CHAIR. The reservation is withdrawn.

The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I appreciate very much the gentleman's concern on this amendment. I think his timing is, maybe, unfortunate. This is a major issue in the reauthorization bill that, hopefully, is going to be filed tonight. This issue will be dealt with. It truly is an authorizing issue that should not be on this bill.

So, while I may share some concerns with the gentleman, I certainly don't think it's appropriate on this bill, especially at this moment when the highway bill is being filed and when, hopefully, this issue will be resolved in that bill.

With that and with some reservation, I urge a "no" vote on this amendment, unfortunately.

I yield back the balance of my time.

Mr. OLVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I think that what the chairman has said is probably about as good as it gets.

What we have now is a slightly amended version of the proposal. My understanding is that the major long-distance trucking companies are against this language and that most of the safety advocates are against this language but that there are other trucking interests that favor this language or that are happy with this language. So you have a real controversy among people.

Of the long-distance truckers and safety advocates, I would generally think that that is something we should worry about; but as the chairman has

said, this is an issue that really ought to be in the hands of the authorizers and worked out by the authorizers. That may or may not be dealt with in the authorization legislation, but in any case, the limitation on funds is effective only for this 1-year appropriations bill.

Mr. LANDRY. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Louisiana.

Mr. LANDRY. I have heard from some of my colleagues and outside groups, and they would argue that this is not the time to have this debate.

But if not now, when? When will we publicly debate the issue? We are waiting on a conference report of which we know not what's in it. So this is the time. I would argue that this is the time for us to have that debate.

To be clear, just because a few big companies in this country want these types of devices, what about the small business owners out there that everyone on both sides of the aisle continually come to this mic and propose that they support when our actions of opposing this amendment would say to the big corporations, "I'm with you," and to the little guys, "I'm not"?

Mr. OLVER. In reclaiming my time, maybe the gentleman understands and I simply do not.

Who is about to promulgate regulations in this area of mandating global positioning systems, electronic onboard recording devices and so forth? Where is the action to do that? Where is the problem here?

Mr. LANDRY. In the Department of Transportation, is my understanding.

□ 2240

Mr. OLVER. My very competent staff tells me that we have been requiring this in the Mexican trucking controversy over the past few years.

We've been fighting over that one back and forth for years and years now, and I can't remember whether there was or wasn't that sort of thing there. I don't remember it having come up before at any point.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OLVER. Madam Chairwoman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available under this Act may be used to implement any rule or regulation that expressly prohibits an owner or landlord of housing from using a criminal conviction to deny housing to an applicant for such housing.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Madam Chair, this amendment is very limited and straightforward to deal with a problem that we've started getting a lot of calls from realtors in our district, as I'm sure many of my colleagues across the country are receiving, as well as property owners who own apartment units and other types of housing that are rented out.

The Department of Housing and Urban Development has recently come out with a rule called the "disparity impact rule," and it's not a final rule that has been issued yet. We're just trying to make a narrow clarification that would allow property owners to be able to check and make sure that if somebody has a criminal conviction that that person could be prevented from moving into an apartment complex, for example, where you've got single mothers with young children.

Every single day in this country, property owners use background checks to check on criminal records of people that are applying for housing. This has nothing to do with violations of the Fair Housing Act. It's just a basic common practice that property owners use every day to make sure that somebody that's looking to move into housing doesn't have a criminal record. Some property owners can look at that, and some property owners can choose not to be concerned about that. But many millions of property owners across the country do look at whether or not somebody has got a criminal conviction in determining whether or not they will rent them housing. It's not only to protect the property owner who has in many cases hundreds of thousands of dollars, if not millions of dollars, invested in that property, but also to protect the other residents who are renting property at that apartment.

So this new rule that's come out jeopardizes the ability of those property owners to look and make sure that somebody doesn't have a criminal conviction on their record. What this amendment would do would just ensure that if the Department of Housing and Urban Development goes forward with this rule, that the rule won't prevent somebody from using a tool that has been in the hands of property owners for generations just to make sure that somebody doesn't have a criminal conviction when they're moving into this housing unit that they own.

Again, I will use the example of a sex offender. There are sex offenders in

most States, including my State of Louisiana. There are strict requirements of what somebody has to comply with if they're a convicted sex offender. They have to register, and they have to do a lot of other things. But if somebody doesn't comply with that law—and there are always cases we find of people who don't comply with that law—you don't know if when you're renting property to somebody whether or not they are a sex offender. But if you choose to do that background check and see if they've got that criminal conviction on their record, then you can say: Wait a minute, you're not coming into my apartment complex and jeopardizing the safety of those young children that already rent from me because we're going to make sure that if you've got that background check that shows that you're a sex offender, you're going to be denied.

Yet this new rule jeopardizes their ability to carry out what is a basic enforcement mechanism that property owners all across the country use every day to protect their properties. We just want to make sure that as it relates to criminal convictions, that property owners can continue to look at that and make sure that that is something that they're not going to be found in violation of a law if they use that mechanism.

This is a simple amendment. I would urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. HERRERA
BEUTLER

Ms. HERRERA BEUTLER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used to build flood protection walls for Interstate 5 between mile posts 72-82 in Lewis County, Washington.

The Acting CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Ms. HERRERA BEUTLER. Madam Chairman, the reason I bring this amendment to the desk is because there are families, there are businesses, moms and dads in Lewis County on I-5 that have experienced devastating flooding. In fact, at one of my meetings back there, I met a wonderful older woman who has lived in that county for decades, and she said to me, Honey, when it starts to rain outside, I get terrified. I don't know if I should put all my valuables in the attic and I should leave the house. That's because in 2007, Madam Chairman, this county experi-

enced devastating flooding. And every time it rains, the residents wonder if this is going to be the next catastrophic flood that they lose their businesses, lose their homes, and that devastates families.

Our State legislature and locals in the community in Lewis County have been seeking a basin-wide solution to flood protection. The Army Corps of Engineers has spent decades studying this issue, and the time of the study is over. We also need a solution that isn't going to wall off the twin cities in Lewis County by erecting an 11-mile levee that basically turns those cities into a bathtub.

With this amendment, I was seeking to prohibit that bathtub effect, so to speak, so as to protect the businesses and the families and the commerce that take place. We can come up with a better solution. However, Madam Chairman, because this is such an important issue, and I want to make sure that we do this right, I'm going to withdraw my amendment at this time.

Actually before I do so, Madam Chairman, would it be possible to ask a question of the subcommittee chairman?

Mr. LATHAM. Will the gentle lady yield?

Ms. HERRERA BEUTLER. I would be happy to yield.

Mr. LATHAM. I understand the concerns you have, and I would look forward to working with you as we get towards conference to try and address your concerns on this very important issue, obviously, for your constituents and would be pleased to be of any kind of assistance we possibly could.

Ms. HERRERA BEUTLER. Thank you, Mr. Chair.

With that, I withdraw my amendment, Madam Chairman, and yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 2250

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairman, I believe we are coming to the end here, and I just want to make a couple of comments.

As far as the gentleman from Massachusetts, once again, this will be his last appropriation bill on the floor as the ranking member and a former chairman of this subcommittee. Mr. OLIVER has done an outstanding job over the years. We don't always agree on everything. Do we, JOHN? But we work very, very well together. And I just want to wish you and your wife the best.

You are a great partner and someone who I admire very, very much—your intelligence, your ability to look in de-

tail at programs. And we kid each other—or I kid Mr. OLIVER a lot about maybe having debates inside his mind sometimes in committee. But he's always extraordinarily thoughtful and someone, again, that I admire very, very much.

Madam Chairman, we've been through a 2-day process here. We have gone through a lot of amendments. I believe that we are to the point where we can bring this effort to a conclusion.

And I would, again, thank Mr. OLIVER, thank the staff, the professional staff on both sides, on the majority and on the minority side, for doing such an outstanding job. Working together is very difficult sometimes on these bills. Also, in my office, Doug Bobbitt does such a fabulous job working on this bill for me. But I just want to say thank you to everyone.

Madam Chairwoman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DENHAM) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. LANDRY. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. HAHN. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Ms. FOXX). The Clerk will report the motion.

The Clerk read as follows:

Ms. Hahn moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to agree to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Ms. HAHN) and the gentleman from California (Mr. DENHAM) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HAHN. Madam Speaker, I yield myself as much time as I may consume.

My motion to instruct the conferees would be in favor of the Senate language as it relates to freight and goods movement. It would authorize a national freight plan, national surface transportation and freight policy, and a port infrastructure development initiative.

We have all heard that the conference report is close to being filed. I have also heard that the Senate freight provisions are not in the final agreement. I want to come to the floor tonight and make one last attempt to ensure that our country has a national freight policy.

Madam Speaker, the Port of Los Angeles is in my backyard; and when I was on the city council in Los Angeles, I focused on transporting the goods that arrive in the port to the rest of the Nation. When I came to Congress almost a year ago, I was surprised that there was not enough attention on our ports, and I was surprised that we didn't even have a ports caucus. So I cofounded the bipartisan Ports Caucus with my good friend, TED POE from Texas, to educate the rest of our Members on the importance of our ports and goods movement to our Nation's economy. So first, for those who don't know what "goods movement" is, I would like to talk about why it's crucial for our Nation.

We are a consumer economy. Whether it is a mom-and-pop store on the corner or a large retailer like Target, we don't think twice when we go to these store to purchase groceries, toys for our children or clothing. When we go to the store, we expect that the milk and the Barbie dolls are on the shelf.

Simply, goods movement is transporting products, whether they are made in America or imported through our Nation's ports to retail stores. The goods that are transported throughout the country are transported by freight rail, trucks and, in some cases, waterways. The efficient transportation of these goods is crucial for our economy. We need to invest in all modes of transportation for freight, including roads, rail, and grade crossings to reduce bottlenecks.

But, Madam Speaker, this Nation does not focus enough resources on freight policy and goods movement. We don't have a national freight plan to guide us. According to Robert Puentes at the Brookings Institute:

The Nation has no comprehensive strategy or plan for the maintenance and development of transportation assets related to international freight movement. The country's freight transportation industry is highly decentralized, with private operators owning almost all of the trucks and rails, and the public sector owning the roads, airports,

and waterway rights. And unlike our international peers, such as Germany, Canada, and Australia, the United States doesn't have a unified strategy that aligns disparate owners and interests around national economic objectives.

Madam Speaker, without a national plan, we have bottlenecks transporting our goods. For example, goods that leave the Port of Los Angeles take 48 hours to arrive in Chicago and take another 30 hours to travel across the city. What does this bottleneck and others like it mean? It means higher costs for consumers, more congestion, more pollution, and fewer jobs.

□ 2300

We need to stop this piecemeal system and develop a national plan. It's so crucial that we develop this plan now because the amount of freight will increase drastically in the next 20 years. In southern California, it is expected to triple.

In addition, this administration wants to double the exports by 2014. And I think we need to have an efficient system to export our products overseas. This will provide opportunities for our small businesses. And we need to prepare for that increase. According to the Federal Highway Administration, the U.S. surface transportation network, which includes rail and highway, is reaching or has reached capacity in many areas. The congestion largely stems from the lack of capacity to meet traffic demand and lack of infrastructure.

A U.S. Department of Transportation report, "Freight Transportation Improvements and the Economy," estimates the cost of carrying freight on the highway system at between \$25 and \$200 an hour. Unexpected delays can increase the cost of transporting goods by 50 to 250 percent. Because the supply chain is a "network of retailers, distributors, transporters, storage facilities, and suppliers that participate in the sale, delivery, and production of a particular product," congestion resulting in unreliable trip times and missed deliveries can have major business implications, which adds cost at every link of the supply chain.

If the transportation function is efficient, manufacturing and retail firms can carry less inventory because they can rely on goods being delivered when and where they are needed. If the transportation system is congested and unreliable, a firm must carry more inventory to ensure production processes are uninterrupted and the availability of goods is maintained.

Carrying inventory is not free. Not only is a firm's capital tied up in the inventory, but it must be stored and insured. This model of business carrying more inventories to buffer transportation unreliability costs money to the companies and ultimately to the consumer.

One of the reasons that I like working on ports and freight policy is be-

cause it's a bipartisan issue. It's something we can find common middle ground on. For example, Bob Poole of the libertarian Reason Foundation stated:

Goods-movement infrastructure has not gotten enough attention in recent decades, either at the Federal level or in the transportation plans of urban area Metropolitan Planning Organizations. The larger question before us is what the Federal Government's direct role should be.

Mr. Poole continues:

Despite my general decentralist leanings, I agree that facilitating free flow of commerce—with the world and among States—is one of the tasks the Constitution gives to the Federal Government. I'm favorable to the idea of the Federal Government making strategic investments in critical corridors and key nodes in the goods-movement system. And obviously, this needs to involve all the modes that make economic sense for shippers to move cargo.

What organizations support a national freight plan? In addition to many transportation and port organizations, a national freight plan is supported by the United States Chamber of Commerce and the National Retail Federation. The Chamber of Commerce recently sent a letter this month to the conference committee stating:

The reliable and timely movement of goods is critical to U.S. economic health. Unfortunately, the condition and capacity of the transportation system has failed to keep up with the growth in trade volume and freight movement. Congestion caused by bottlenecks threaten to choke future economic growth. The Chamber believes the Senate-passed bill includes strong provisions to establish a freight program that would improve regional and national freight movement by targeting investments and improvements that would demonstrably facilitate the movement of freight, such as truck-only lanes, railway-highway grade separations, and improvements to freight intermodal connectors.

As part of the Freight Stakeholders Coalition, the retailers stated:

Substantial investment in the Nation's freight transportation system must be given a high priority. Without the ability to quickly and cost-effectively move goods into, out of, and through the United States, America will not be able to maintain our high standard of living and high employment levels.

I also have letters of support from the American Trucking Association and the American Association of Port Authorities in support of this motion, as well as many other supporters.

We all know that congestion—especially truck congestion on our highways—causes air pollution. In my part of the country, South Coast Air Quality Management District said that diesel emissions are responsible for 71 percent of the major pollutants in the region. This means more asthma in our children and more cancer. Eliminating congestion will help improve air quality and our Nation's health.

Also, America's farmers would benefit from a national freight policy. Not only do America's farmers provide food

in our grocery stores and on our table, but they feed the world as well. America is the world's bread basket. The U.S. is the world's top wheat exporter. And all that grain needs to be transported from America's heartland to our ports. It is crucial that we have the infrastructure to transport our goods from California or the Midwest to export them.

In conclusion, last week, the PORTS Caucus met with Transportation Secretary LaHood. He said the Department was beginning to plan a national freight policy but that Congress needed to prioritize goods movement. This is our chance. The last transportation bill was passed 7 years ago. We cannot wait another 7 years before we make a national commitment and a priority for a freight policy in this country.

I urge my colleagues to vote for my motion, and I reserve the balance of my time.

AMERICAN TRUCKING ASSOCIATIONS,
Arlington, VA, June 27, 2012.

Hon. JANICE HAHN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN HAHN: The American Trucking Associations would like to express our strong support for your motion to instruct conferees to support MAP-21's freight provisions. In particular, ATA believes that full funding for the National Freight Program in Sec. 1115 is an essential step toward addressing the nation's most critical freight transportation bottlenecks. Approximately 60% of the U.S. economy moves on the back of trucks, and inefficiencies in major truck routes will negatively affect economic output and job creation. We are pleased that MAP-21 recognizes the critical importance of efficient freight networks by focusing a portion of available funding on highway freight projects, and we join you in urging the conference committee to retain the Sec. 1115 program and other important freight-related elements of MAP-21.

Thank you for your support of these provisions. We hope to be of continuing assistance throughout the reauthorization process.

Sincerely,

Bill Graves.

AMERICAN ASSOCIATION
OF PORT AUTHORITIES,
Alexandria, VA, June 27, 2012.

Hon. JANICE HAHN,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR REPRESENTATIVE HAHN: We write this letter today to voice the American Association of Port Authorities' (AAPA) strong support for your motion to instruct the conferees to agree to the freight policy provisions in MAP 21. AAPA promotes the common interests of the port community and provides leadership on trade, transportation, environmental and other issues related to port development and operations. The creation of a national freight policy is one of AAPA's top policy goals for surface transportation authorization. These provisions are important to seaports' ability to efficiently connect America to the global economy and help our nation plan for future freight growth. A recent Corps of Engineers study noted that over the next 30 years, the U.S. population is expected to increase 32 percent, while imports should increase four-

fold and exports (so critical to our economic growth) are projected to see a sevenfold increase. These freight provisions are important to our ability to plan for this increased trade and avoid gridlock.

AAPA urges Congress to support the provisions in MAP 21 which provide for a national freight program and policy in the surface transportation authorization bill. Freight and goods movement often cross state lines and are best planned for in more comprehensive ways. This transportation bill aims to reform our transportation programs and including freight is critical to developing a system focused on the needs of the future.

Now more than ever, the needs of our goods movement network must be addressed as system use continues to grow in lockstep with America's recovering economy. The inclusion of a national freight plan with supporting policies, strategy and funding will help ensure America's international competitiveness, create jobs and bolster the U.S. economic recovery.

Thank you for your consideration of these important issues.

Sincerely,

KURT J. NAGLE.

Mr. DENHAM. Madam Speaker, I yield myself such time as I may consume.

This motion instructs conferees to the surface transportation reauthorization conference to agree to several provisions in the Senate bill relating to freight policy. As I'm sure you're aware, the conferees and their staffs have been working around the clock, and it is our hope to file a bipartisan, bicameral agreement as soon as possible. This agreement is aimed to tackle serious issues facing the infrastructure of the United States, which is the utmost importance to the stability and future growth of the American economy.

As soon as it's filed, I encourage the gentlewoman from California to review the conference report and take special note of the freight policy language that a majority of the House and majority of the Senate conferees chose to include.

I reserve the balance of my time.

Ms. HAHN. I appreciate my colleague from California saying that. But, again, I have letters of support from major organizations who felt like the freight policy language was not as good as the Senate bill. Just to make clear, the freight policy in the Senate bill does not increase the total cost of the bill. And by leaving the provisions that I talked about out of the final bill, we're not reducing the cost of the bill, and we're not reducing the deficit.

I just think the Senate language really sets forth something that I think we've never done in this country, and that's really to prioritize and to understand the importance of moving forward and being competitive in this global economy and establishing once and for all a comprehensive freight policy that will put goods-movement at a level that I think it should be.

I reserve the balance of my time.

Mr. DENHAM. I am prepared to close if the gentlelady is prepared to yield back.

Ms. HAHN. I am ready to close, too. The hour is late. For those of you watching C-SPAN, it's nearing the final hour of the day. It's past 11 p.m. But I really did feel like one of the reasons I did come to Congress was to raise the level of importance of our ports, of goods movement, of cargo, what it means to this economy, what it means to jobs, and I just wanted to give it one last shot that we might instruct the conferees to include what I think is the better language in the final transportation bill.

I yield back the balance of my time.

□ 2310

Mr. DENHAM. Madam Speaker, I will just close by saying that I can appreciate the gentlewoman from California's passion on this issue. I, too, see the great ports of California and throughout the Nation and the need to have an overall freight policy, and I look forward to working with her in the future on this very important issue.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. HAHN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today and the balance of the week.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 33. An act to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act.

H.R. 2297. An act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

ADJOURNMENT

Mr. DENHAM. Madam Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 11 o'clock and 12 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 28, 2012, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the first and second quarters of 2012 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO QATAR, AFGHANISTAN, AND HUNGARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 10 AND MAY 15, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi	5/11	5/12	Qatar		233.74		(3)				233.74
Hon. Jean Schmidt	5/11	5/12	Qatar		339.74		(3)				339.74
Hon. Anna Eshoo	5/11	5/12	Qatar		339.74		(3)				339.74
Hon. Carolyn Maloney	5/11	5/12	Qatar		339.74		(3)				339.74
Hon. Terri Sewell	5/11	5/12	Qatar		339.74		(3)				339.74
Dr. Brian Monahan	5/11	5/12	Qatar		220.74		(3)				220.74
Wyndee Parker	5/11	5/12	Qatar		309.74		(3)				309.74
Drew Hammill	5/11	5/12	Qatar		339.74		(3)				339.74
Bridget Fallon	5/11	5/13	Qatar		679.48		1,341.55				2,021.03
Bina Surgeon	5/11	5/13	Qatar		679.48		1,341.55				2,021.03
Hon. Nancy Pelosi	5/12	5/13	Afghanistan				(3)				
Hon. Jean Schmidt	5/12	5/13	Afghanistan		28.00		(3)				28.00
Hon. Anna Eshoo	5/12	5/13	Afghanistan		28.00		(3)				28.00
Hon. Carolyn Maloney	5/12	5/13	Afghanistan		28.00		(3)				28.00
Hon. Terri Sewell	5/12	5/13	Afghanistan		28.00		(3)				28.00
Dr. Brian Monahan	5/12	5/13	Afghanistan		28.00		(3)				28.00
Wyndee Parker	5/12	5/13	Afghanistan		28.00		(3)				28.00
Drew Hammill	5/12	5/13	Afghanistan		28.00		(3)				28.00
Hon. Nancy Pelosi	5/13	5/15	Hungary		389.10		(3)				389.10
Hon. Jean Schmidt	5/13	5/15	Hungary		506.00		(3)				506.00
Hon. Anna Eshoo	5/13	5/15	Hungary		506.00		(3)				506.00
Hon. Carolyn Maloney	5/13	5/15	Hungary		506.00		(3)				506.00
Hon. Terri Sewell	5/13	5/15	Hungary		506.00		(3)				506.00
Dr. Brian Monahan	5/13	5/15	Hungary		506.00		(3)				506.00
Wyndee Parker	5/13	5/15	Hungary		506.00		(3)				506.00
Drew Hammill	5/13	5/15	Hungary		506.00		(3)				506.00
Bridget Fallon	5/13	5/15	Hungary		506.00		(3)				506.00
Bina Surgeon	5/13	5/15	Hungary		506.00		(3)				506.00
Committee total											11,644.08

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. NANCY PELOSI, June 9, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. <input type="checkbox"/>											

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SAM GRAVES, Chairman, June 7, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Killed, nonviable *Streptomyces acidiscabies* strain RL-110T; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0078; FRL-9348-7] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6659. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice

Admiral Richard K. Gallagher, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6660. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirements of Rear Admiral (lower half) Craig S. Fallor and Captain Dwight D. Shepherd, United States Navy, to wear the insignia of the grade of rear admiral and rear admiral (lower half), respectively; to the Committee on Armed Services.

6661. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "2010 Impact and Effectiveness of Administration for Native Americans (ANA) Projects

Report"; to the Committee on Education and the Workforce.

6662. A letter from the Secretary, Department of Health and Human Services, transmitting annual financial report as required by the Animal Generic Drug User Fee Act of 2008 for FY 2011; to the Committee on Energy and Commerce.

6663. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2011 Performance Report to Congress for the Animal Drug User Fee Act, as amended; to the Committee on Energy and Commerce.

6664. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone [EPA-HQ-OAR-2009-0491; FRL-9672-4] (RIN: 2060-AR35) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6665. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Regional Haze [EPA-R05-OAR-2011-0080; FRL-9638-3] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6666. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permit to Construct Exemptions [EPA-R03-2010-0394; FRL-9684-9] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6667. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze [EPA-R05-OAR-2010-0037; FRL-9683-5] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6668. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Regional Haze State Implementation Plan [EPA-R03-OAR-2011-0091, EPA-R03-OAR-2011-0584; FRL-9685-2] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6669. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Illinois; Redesignation of the Illinois Portion of the St. Louis, MO-IL Area to Attainment for the 1997 8-hour Ozone Standard [EPA-R05-OAR-2010-0523; FRL-9683-7] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6670. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arizona; Update to Stage II Gasoline Vapor Recovery Program; Change in the Definition of "Gasoline" to Exclude "E85" [EPA-R09-OAR-2010-0717; FRL-9661-3] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6671. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Minor New Source Review (NSR) Preconstruction Permitting Rule for Cotton Gins [EPA-R06-OAR-2005-NM-0008; FRL-9684-5] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6672. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plan; Arizona; Attainment

Plan for 1997 8-hour Ozone Standard [EPA-R09-OAR-2012-0253; FRL-9682-5] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6673. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From Aircraft and Aircraft Engines; Emission Standards and Test Procedures [EPA-HQ-OAR-2010-0687; FRL-9678-1] (RIN: 2060-AO70) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6674. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Failure to Attain by 2005 and Determination of Current Attainment of the 1-Hour Ozone National Ambient Air Quality Standards in the Baltimore Nonattainment Area in Maryland [EPA-R03-OAR-2011-0680; FRL-9685-5] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6675. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; State of Arizona; Pinal County; PM10 [EPA-R09-OAR-2010-0491; FRL-9679-7] received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Direct Final Negative Declaration and Withdrawal of Large Municipal Waste Combustors State Plan for Designated Facilities and Pollutants; Illinois [EPA-R05-OAR-2012-0312; FRL-9679-6] received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Elemental Mercury Used in Barometers, Manometers, Hygrometers, and Psychrometers; Significant New Use Rule [EPA-HQ-OPPT-2010-0630; FRL-9345-9] (RIN: 2070-AJ71) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6678. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Heavy-Duty Highway Program: Revisions for Emergency Vehicles [EPA-HQ-OAR-2011-1032; FRL-9673-1] (RIN: A2060-AR54) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6679. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Alternative for the Motor Vehicle Air Conditioning Sector under the Significant New Alternatives Policy (SNAP) Program [EPA-HQ-OAR-2004-0488; FRL-9668-8] (RIN: 2060-AM54) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6680. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rule on a Certain Chemical Substance; Withdrawal of Significant New Use Rule [EPA-HQ-OPPT-2011-0942; FRL-9350-3] (RIN: 2070-AB27) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6681. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Safety Evaluation for Topical Report WCAP-17236-NP, Revision 0, "Risk-Informed Extension of the Reactor Vessel Nozzle Inservice Inspection Interval" received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6682. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-25, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6683. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-23, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6684. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of 5 officers to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

6685. A communication from the President of the United States, transmitting a declaration of a national emergency with respect to blocking the property of the Government of the Russian Federation, pursuant to 50 U.S.C. 1703(b); (H. Doc. No. 112—119); to the Committee on Foreign Affairs and ordered to be printed.

6686. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-380, "District Department of Transportation Grant Authority Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

6687. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-384, "Youth Bullying Prevention Act of 2012"; to the Committee on Oversight and Government Reform.

6688. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period October 1, 2011 to March 1, 2012; to the Committee on Oversight and Government Reform.

6689. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6690. A letter from the Secretary, Department of Labor, transmitting pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), the Department's annual report for FY 2011; to the Committee on Oversight and Government Reform.

6691. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2011, through March 31, 2012; to the Committee on Oversight and Government Reform.

6692. A letter from the General Counsel and Acting Executive Director, Election Assistance Commission, transmitting Semiannual Report of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6693. A letter from the Chairman, Federal Labor Relations Authority, transmitting the semiannual report of the Inspector General

of the Federal Labor Relations Board for the period beginning October 1, 2011 and ending March 31, 2012; to the Committee on Oversight and Government Reform.

6694. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6695. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Seventy-First Financial Statement for the period of October 1, 2010 to September 30, 2011 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

6696. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6697. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Award Fee for Service and End-Item Contracts (RIN: 2700-AD70) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. Legislative Review and Oversight Activities of the Committee on Foreign Affairs During the 112th Congress (Rept. 112-552). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 708. Resolution relating to the consideration of House Report 112-546 and an accompanying resolution, and providing for consideration of the resolution (H. Res. 706) authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas. (Rept. 112-553). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. GOODLATTE, Mr. WATT, Mr. COBLE, Mr. BERMAN, Mr. WOLF, Mr. SCHIFF, Mr. CHAFFETZ, Mr. DEUTCH, Mr. POE of Texas, and Mr. CHABOT):

H.R. 6029. A bill to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. THOMPSON of Cali-

fornia, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 6030. A bill to provide a temporary tax credit for increased payroll, to eliminate certain tax benefits for major integrated oil companies, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. DOGGETT, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 6031. A bill to amend the Internal Revenue Code of 1986 to extend the production and investment tax credits for wind facilities and to modify the foreign tax credit rules applicable to major integrated oil companies which are dual capacity taxpayers; to the Committee on Ways and Means.

By Mrs. BLACKBURN:

H.R. 6032. A bill to modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, to establish Parker's Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. BURTON of Indiana, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE of New York, Mr. CLAY, Mr. JACKSON of Illinois, and Mr. RANGEL):

H.R. 6033. A bill to provide for research and education to improve screening, detection and diagnosis of prostate cancer; to the Committee on Energy and Commerce.

By Mr. GARAMENDI (for himself, Mr. DANIEL E. LUNGREN of California, Ms. RICHARDSON, Mr. LOEBACK, Mr. STARK, and Mr. THOMPSON of California):

H.R. 6034. A bill to provide for the establishment of a task force to conduct a study to analyze the challenges faced by agricultural areas and rural communities designated as an area having special flood hazards for purposes of the National Flood Insurance Program; to the Committee on Financial Services.

By Ms. RICHARDSON (for herself and Mr. RANGEL):

H.R. 6035. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Ms. ROS-LEHTINEN, and Mr. McKEON):

H.R. 6036. A bill to require a report by the Secretary of State on whether the Haqqani Network meets the criteria for designation as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary.

By Mr. COFFMAN of Colorado (for himself and Mr. PERLMUTTER):

H.R. 6037. A bill to include focusing on credit availability in the mission of each Federal banking regulator, to provide insured depository institutions with certain amortization authority and authority to include allowances for loan and lease losses

when calculating the institution's capital, and for other purposes; to the Committee on Financial Services.

By Mr. FORTENBERRY (for himself, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. CHANDLER, Mrs. BONO MACK, Ms. CHU, Mr. CRENSHAW, Mr. COHEN, Mr. GRIMM, Mr. DICKS, Mr. JOHNSON of Ohio, Mr. ELLISON, Mr. KINGSTON, Mr. ENGEL, Mr. MILLER of Florida, Mr. FARR, Mr. REICHERT, Ms. HIRONO, Mr. ROYCE, Mr. HOLT, Mr. WITTMAN, Mr. JOHNSON of Georgia, Mr. YOUNG of Alaska, Mr. KISSELL, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MOORE, Mr. MORAN, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. VAN HOLLEN, and Ms. WOOLSEY):

H.R. 6038. A bill to strengthen the role of the United States in the international community of nations in conserving natural resources to further global prosperity and security; to the Committee on Foreign Affairs.

By Mr. LARSEN of Washington:

H.R. 6039. A bill to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest; to the Committee on Natural Resources.

By Mr. MANZULLO (for himself, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, Mr. ROHRBACHER, Ms. BORDALLO, Mr. CHABOT, Mr. KELLY, Mr. SABLON, Mr. JOHNSON of Ohio, Mr. WILSON of South Carolina, Mr. SERRANO, Mr. DIAZ-BALART, Mr. YOUNG of Alaska, Mrs. CHRISTENSEN, Mr. RIVERA, and Mr. PIERLUISI):

H.R. 6040. A bill to approve the Agreement providing terms for a continuation of the free association between the United States and Palau, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. HOLT, and Mr. TONKO):

H.R. 6041. A bill to provide that the Secretary of the Interior shall require the disclosure of political contributions as a condition of accepting bids for oil and gas leases of Federal onshore and offshore lands; to the Committee on Natural Resources.

By Mr. MORAN (for himself, Mr. CONNOLLY of Virginia, and Mr. VAN HOLLEN):

H.R. 6042. A bill to amend title 5, United States Code, to reform the Senior Executive Service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MURPHY of Pennsylvania (for himself, Mr. RYAN of Ohio, Mr. MARINO, Mr. SULLIVAN, Mrs. BLACKBURN, and Mr. TIBERI):

H.R. 6043. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 6044. A bill to amend titles 10 and 38, United States Code, to authorize the Secretary of Defense and the Secretary of Veterans Affairs to accept voluntary services

from veterans and veterans service organizations at national cemeteries; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 6045. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2015; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself, Mr. FILNER, Mrs. DAVIS of California, Mr. BRADY of Pennsylvania, Mr. ANDREWS, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. RYAN of Ohio, Mr. JOHNSON of Georgia, Ms. HANABUSA, and Ms. SPEIER):

H.R. 6046. A bill to amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. SHERMAN, Mr. CONNOLLY of Virginia, Mr. HINCHEY, Ms. ESHOO, Ms. SPEIER, Ms. RICHARDSON, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. HONDA, Mr. WOLF, Mr. PETERS, Mr. DENT, Ms. CHU, Mr. BERMAN, Mr. FRANKS of Arizona, Ms. JACKSON LEE of Texas, Ms. SCHWARTZ, Mr. BRALEY of Iowa, and Mr. MCGOVERN):

H. Res. 709. A resolution welcoming His Holiness, Hadhrat Mirza Masroor Ahmad, the worldwide spiritual and administrative head of the Ahmadiyya Muslim Community, to Washington, DC, and recognizing his commitment to world peace, justice, non-violence, human rights, religious freedom, and democracy; to the Committee on Foreign Affairs.

By Mr. McDERMOTT:

H. Res. 710. A resolution congratulating Ichiro Suzuki, outfielder for the Seattle Mariners, for becoming the third fastest player in the history of Major League Baseball to amass 2,500 hits; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 6029.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. LEVIN:

H.R. 6030.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. BLUMENAUER:

H.R. 6031.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mrs. BLACKBURN:

H.R. 6032.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress and the Executive Branch), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States) of the Constitution of the United States.

By Mr. CUMMINGS:

H.R. 6033.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"

By Mr. GARAMENDI:

H.R. 6034.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. RICHARDSON:

H.R. 6035.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. ROGERS of Michigan:

H.R. 6036.

Congress has the power to enact this legislation pursuant to the following:

The bill relates to matters concerning the foreign policy and national security of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; . . . to raise and support armies. . . ."; "To provide and maintain a Navy"; "To make Rules for the Government and Regulation of the land and naval Forces"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. COFFMAN of Colorado:

H.R. 6037.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorities on which this bill rests is:

Article I, Sec. 8, Clause 3, the Commerce Clause, of the United States Constitution

This states that "Congress shall have power to . . . regulate commerce with for-

eign nations, and among the several states, and with the Indian tribes." The power to regulate commerce among the several states is the power to define conditions and rules for commercial transactions, and the regulation of the prices and terms of sale. Establishing regulations which govern the monetary policies federal banking regulators dictate financial institutions must follow, and the interactions between those regulators and institutions, affects the ability of these institutions to conduct business transactions with clients among the several states, and thus falls under the commerce clause.

By Mr. FORTENBERRY:

H.R. 6038.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. LARSEN of Washington:

H.R. 6039.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Mr. MANZULLO:

H.R. 6040.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MARKEY:

H.R. 6041.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. MORAN:

H.R. 6042.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 18, Clause 8;

By Mr. MURPHY of Pennsylvania:

H.R. 6043.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, commonly referred to for this purpose as the Commerce Clause, which states the following: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. PLATTS:

H.R. 6044.

Congress has the power to enact this legislation pursuant to the following:

Article 1; Section 8; Clauses 12, 13, 14, 18.

By Mr. SCOTT of Virginia:

H.R. 6045.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the Constitution; and

Article I, section 8, clause 18 of the Constitution.

By Mr. SMITH of Washington:

H.R. 6046.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress "to make Rules for the Government and Regulation of the land and naval Forces" as enumerated in Article I, section 8 of the United States Constitution and in pursuit of the Equal Protection Clause found in section 1 of the Fourteenth Amendment.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. PEARCE.
H.R. 94: Mr. PITTS, Mr. WALBERG, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. FLEMING, Mr. GOHMEYER, and Mr. GARRETT.
H.R. 192: Mr. MICHAUD.
H.R. 265: Ms. CHU.
H.R. 273: Mr. MICHAUD.
H.R. 303: Mr. LANGEVIN.
H.R. 345: Mr. CLAY.
H.R. 350: Mr. CLAY.
H.R. 459: Mr. DOGGETT, Ms. BUERKLE, Mr. BRALEY of Iowa, Mr. PITTS, Mr. OLSON, and Mr. SHERMAN.
H.R. 547: Mr. SCALISE.
H.R. 733: Ms. ROS-LEHTINEN, Ms. BUERKLE, and Mr. ANDREWS.
H.R. 860: Mr. CASSIDY, Mrs. ELLMERS, and Mr. GENE GREEN of Texas.
H.R. 890: Mr. BONNER, Mr. DANIEL E. LUNGREN of California, and Mr. MEEHAN.
H.R. 894: Mr. PRICE of North Carolina.
H.R. 904: Mr. ROKITA.
H.R. 905: Mr. BILBRAY and Mr. BURGESS.
H.R. 997: Mr. BOUSTANY and Mr. BISHOP of Utah.
H.R. 1048: Mr. CARNAHAN.
H.R. 1054: Ms. WASSERMAN SCHULTZ.
H.R. 1111: Mr. HUIZENGA of Michigan.
H.R. 1244: Mr. PETERSON.
H.R. 1325: Mr. RIBBLE.
H.R. 1394: Mr. GERLACH.
H.R. 1404: Mr. GENE GREEN of Texas, Mr. SERRANO, and Mr. RUPPERSBERGER.
H.R. 1416: Mr. CLAY.
H.R. 1464: Mr. SCHWEIKERT, Ms. LEE of California, Mr. SMITH of Washington, and Mr. ROHRBACHER.
H.R. 1475: Mr. RANGEL.
H.R. 1519: Mr. COSTA, Mr. SCHRADER, and Mr. CARNEY.
H.R. 1546: Mr. RIBBLE.
H.R. 1621: Mr. RUSH.
H.R. 1639: Mr. ROYCE.
H.R. 1733: Mr. FARR.
H.R. 1755: Mr. RICHMOND.
H.R. 1792: Mr. TOWNS, Mr. HOLT, Mr. ELLISON, Mr. BUTTERFIELD, Mr. CICILLINE, and Ms. ROYBAL-ALLARD.
H.R. 1860: Mr. SHIMKUS.
H.R. 1903: Ms. SLAUGHTER.
H.R. 2032: Mr. BARTLETT.
H.R. 2082: Mr. GERLACH.
H.R. 2139: Mr. SABLAN, Mrs. MILLER of Michigan, and Mr. HEINRICH.
H.R. 2194: Mr. MARKEY.
H.R. 2198: Mr. PAUL and Mr. WOMACK.
H.R. 2200: Mr. MORAN.
H.R. 2299: Mr. HURT.
H.R. 2304: Mr. KISSELL.
H.R. 2418: Mr. SMITH of Nebraska.
H.R. 2479: Mr. LOEBSACK.
H.R. 2492: Mr. GUTIERREZ and Mr. RYAN of Ohio.
H.R. 2505: Mr. YARMUTH.
H.R. 2655: Mr. GUTHRIE and Ms. ROYBAL-ALLARD.
H.R. 2672: Ms. LEE of California.
H.R. 2758: Mr. CLAY.
H.R. 2812: Mr. CLAY.
H.R. 2861: Mrs. LOWEY and Ms. LEE of California.
H.R. 2962: Mr. COSTELLO and Mr. CLAY.
H.R. 2963: Mr. CLAY.
H.R. 2980: Mr. RANGEL.
H.R. 2997: Mr. GRIFFITH of Virginia.
H.R. 3000: Mr. JOHNSON of Ohio.
H.R. 3086: Mr. BISHOP of Georgia.
H.R. 3187: Mr. CAPUANO, Mr. PRICE of Georgia, Mr. SCHILLING, Mr. GRAVES of Missouri, Mr. REED, Mr. DUNCAN of Tennessee, Mr. REHBERG, Mr. DAVIS of Illinois, Mr. WALSH of Illinois, and Mr. HULTGREN.
H.R. 3192: Mr. HERGER.

H.R. 3364: Mr. KILDEE.
H.R. 3395: Mr. GERLACH and Mr. LIPINSKI.
H.R. 3423: Mr. DENT.
H.R. 3458: Ms. LORETTA SANCHEZ of California and Mr. BLUMENAUER.
H.R. 3522: Mr. BASS of New Hampshire.
H.R. 3586: Mr. GRIFFITH of Virginia.
H.R. 3605: Mr. ROHRBACHER.
H.R. 3612: Ms. NORTON.
H.R. 3618: Mr. LUJÁN.
H.R. 3619: Mr. CLAY.
H.R. 3658: Mr. PAULSEN and Mr. WALSH of Illinois.
H.R. 3682: Mrs. BIGGERT.
H.R. 3762: Mr. CLAY.
H.R. 3767: Mr. BOUSTANY and Mr. BENISHEK.
H.R. 3798: Mrs. MCCARTHY of New York, Ms. BORDALLO, and Mr. LEWIS of Georgia.
H.R. 3803: Ms. ROS-LEHTINEN and Mr. PLATTS.
H.R. 3816: Mr. KINZINGER of Illinois.
H.R. 3832: Mr. MATHESON.
H.R. 3984: Ms. SCHAKOWSKY.
H.R. 4004: Mr. LARSEN of Washington, Ms. SLAUGHTER, and Mr. HINCHEY.
H.R. 4062: Ms. LORETTA SANCHEZ of California.
H.R. 4066: Mr. SCALISE.
H.R. 4155: Mr. LIPINSKI, Mr. WALSH of Illinois, and Mr. GRIFFIN of Arkansas.
H.R. 4192: Mr. COHEN and Mr. STARK.
H.R. 4236: Mr. LOEBSACK.
H.R. 4238: Mr. ELLISON.
H.R. 4296: Ms. PINGREE of Maine.
H.R. 4306: Mr. FARR.
H.R. 4318: Mr. DEFazio.
H.R. 4321: Mr. PETERS.
H.R. 4323: Mr. CARNEY.
H.R. 4326: Mr. MICHAUD.
H.R. 4342: Mr. JOHNSON of Ohio and Mr. ROE of Tennessee.
H.R. 4345: Mr. GRIFFIN of Arkansas.
H.R. 4367: Mr. KLINE, Mr. LIPINSKI, Mrs. BIGGERT, and Mr. AL GREEN of Texas.
H.R. 4373: Mr. RANGEL and Mr. McDERMOTT.
H.R. 4405: Ms. RICHARDSON.
H.R. 4470: Mr. DEUTCH.
H.R. 4643: Mr. MILLER of Florida.
H.R. 4740: Mr. JOHNSON of Ohio.
H.R. 4972: Mr. DEFazio and Mr. BLUMENAUER.
H.R. 5129: Ms. NORTON.
H.R. 5542: Mr. RUPPERSBERGER and Mr. RAHALL.
H.R. 5646: Mr. KLINE.
H.R. 5684: Mr. LIPINSKI.
H.R. 5707: Mr. RUPPERSBERGER.
H.R. 5717: Mrs. HARTZLER.
H.R. 5741: Mr. HANNA.
H.R. 5796: Mr. CONNOLLY of Virginia and Mrs. MALONEY.
H.R. 5799: Ms. LINDA T. SÁNCHEZ of California, Mr. HIMES, Mr. MCGOVERN, Mr. SARBANES, Mr. LOEBSACK, Mr. GARAMENDI, Mr. MORAN, Ms. BERKLEY, and Mr. DOGGETT.
H.R. 5822: Mr. GOWDY.
H.R. 5864: Mr. FILNER.
H.R. 5873: Mr. GRIFFIN of Arkansas, Mr. GIBSON, and Mr. CRAWFORD.
H.R. 5879: Mr. CRAWFORD.
H.R. 5881: Mr. BENISHEK.
H.R. 5893: Mr. LANCE, Mr. BILIRAKIS, Mr. DUFFY, and Mr. HASTINGS of Florida.
H.R. 5910: Mr. OWENS and Mr. BROOKS.
H.R. 5916: Ms. EDWARDS, Ms. HIRONO, and Mr. MICHAUD.
H.R. 5924: Mr. DUNCAN of South Carolina.
H.R. 5939: Mrs. LOWEY and Mr. GOSAR.
H.R. 5942: Mr. PAULSEN.
H.R. 5943: Mr. RIBBLE and Mr. GRIFFITH of Virginia.
H.R. 5951: Mr. RIGELL, Mr. RIBBLE, and Mr. WALSH of Illinois.

H.R. 5953: Mr. MILLER of Florida and Mr. BENISHEK.
H.R. 5957: Mr. AUSTIN SCOTT of Georgia.
H.R. 5959: Ms. DELAULO and Mr. HOLT.
H.R. 5960: Mr. POLIS.
H.R. 5976: Mr. QUIGLEY, Mr. WAXMAN, Ms. KAPTUR, Mr. MEEKS, Mr. DEUTCH, and Mr. STARK.
H.R. 5978: Mr. TIERNEY.
H.R. 5998: Mr. ROE of Tennessee, Mr. WALBERG, and Mr. WILSON of South Carolina.
H.R. 6009: Mr. PEARCE.
H.R. 6016: Mr. SCHILLING.
H.R. 6019: Mr. REYES and Ms. CHU.
H.R. 6028: Mr. ROGERS of Alabama.
H.J. Res. 13: Mr. HUELSKAMP.
H.J. Res. 69: Mr. CARNEY.
H.J. Res. 90: Ms. WILSON of Florida and Mr. REYES.
H.J. Res. 110: Mr. CASSIDY, Mr. CRAVAACK, Mr. BUCHANAN, Mrs. BLACKBURN, Mr. ROYCE, Mr. SCHWEIKERT, Mr. ALEXANDER, Mr. WILSON of South Carolina, Mr. BENISHEK, Mr. JOHNSON of Illinois, Mr. FORBES, Mr. GOODLATTE and Mr. AKIN.
H. Con. Res. 110: Mr. TURNER of New York.
H. Con. Res. 116: Mr. MCGOVERN.
H. Con. Res. 129: Mr. MCCOTTER, Mr. CARNEY, Ms. ESHOO, Mr. KINZINGER of Illinois, Mr. COOPER, and Mr. OLSON.
H. Res. 134: Mr. VAN HOLLEN and Mr. MILLER of Florida.
H. Res. 298: Mr. REYES, Mr. FRANK of Massachusetts, Mr. GRAVES of Missouri, Ms. WILSON of Florida, Mr. AKIN, Mr. GUINTA, and Mrs. DAVIS of California.
H. Res. 351: Mr. COHEN.
H. Res. 397: Ms. BROWN of Florida.
H. Res. 475: Mr. SCALISE.
H. Res. 662: Mr. MCCOTTER.
H. Res. 672: Mr. WELCH.
H. Res. 689: Mr. CONNOLLY of Virginia, Mr. BECERRA, Ms. EDWARDS, Ms. TSONGAS, Mr. RUPPERSBERGER, Mr. COOPER, Mr. BACA, Mr. HIMES, Ms. WOOLSEY, Ms. DEGETTE, Ms. LEE of California, Ms. PELOSI, Mr. CONYERS, Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, Mr. TIERNEY, Mr. VISCLOSKEY, Mr. MCNERNEY, Mr. LYNCH, Mr. DOGGETT, Mr. HOLDEN, Mr. McDERMOTT, Mr. MATHESON, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Ms. BROWN of Florida, Mr. MEEKS, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. BLUMENAUER, Mr. GONZALEZ, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. HOYER, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOREN, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Mr. MURPHY of Connecticut, Mr. AL GREEN of Texas, Mr. WATT, Mrs. MCCARTHY of New York, Mr. CARNEY, Mr. SCHRADER, Mr. BISHOP of Georgia, Mr. WAXMAN, Mrs. NAPOLITANO, Mr. RICHMOND, Ms. WILSON of Florida, Mr. JOHNSON of Georgia, Ms. CLARKE of New York, and Ms. JACKSON LEE of Texas.
H. Res. 694: Ms. CLARKE of New York, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. DELAULO, Ms. HAHN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CAPPS.
H. Res. 701: Mr. GRAVES of Missouri.
H. Res. 702: Mr. GRAVES of Missouri.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. LANDRY.

EXTENSIONS OF REMARKS

HONORING MAME REILEY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. MORAN. Mr. Speaker, I rise today to honor a longtime Virginia resident and dear friend, Ms. Mame Reiley, whose decades-long service to the Democratic Party and local non-profit institutions has had such a positive impact on people's lives both locally and nationally.

In 1989, Mame was the one who convinced me to run for Congress. Because of her legendary ability to make people see the art of the possible, and my confidence in her timing and instincts, we took on a tough race, beating the odds. She served as my Chief of Staff for the next six years, ably guiding me to some major policy successes and a coveted seat on the Appropriations Committee in only my second term.

Mame fell in love with politics as a youngster, cheering Jack Kennedy on to his historic Presidential election and playing a significant role in college for his brother Ted's run. In the years following, she has become a force within the Party, chairing the Women's Caucus for the DNC, and having played a major role in the career of virtually every major Virginia Democrat from Doug Wilder to Tim Kaine. Among her many positions she's held over the years: running inaugural activities for Governor Mark Warner, serving as political director of his PAC, One Virginia, serving as senior advisor to Governor Tim Kaine, and directing my brother Brian's gubernatorial run.

Mame's skill, knowhow, and hard work led Governor Warner to appoint her to the Board of the Metropolitan Washington Airports Authority (MWAA) in 2002. While on the MWAA Board, she quickly gained the respect of her peers, rising to the position of Chairman of the Board, and the Board's prestigious Dulles Corridor Committee. Her efforts helped pave the way for Rail to Dulles, the largest expansion of the Metro rail system since it was created.

Commitment to public service and the Democratic Party has been the theme of her life's work. Mame's involvement with the DNC and other influential local organizations continues to this day. In 1992, she was elected to the DNC from Virginia. Since that time, she has risen to Chair the Women's Caucus and serves on the DNC's Executive Committee and its highly influential Rules and Bylaws Committee. She is also a member of the Economic Club of Washington and the Federal City Council Executive Committee. In her spare time, Mame has continued to operate the Reiley Group, a well-known public relations and event planning firm.

Mame has garnered the respect of countless individuals and admirers. She is a force to be reckoned with, her honesty and advice

frequently sought-out, and if you're in a fox-hole, she's the person you want next to you, protecting your back and bringing levity to even the toughest situation.

Mr. Speaker, I am honored to ask my colleagues to join me in recognizing the contributions and accomplishments of my long time friend and mentor, Mame Reiley.

RECOGNIZING THE MONTFORD
POINT MARINES FOR RECEIVING
THE CONGRESSIONAL GOLD
MEDAL

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. CANTOR. Mr. Speaker, I rise today to recognize the Montford Point Marines for their selfless service to our country and for their fortitude in the face of social turmoil. This group of warriors forever remains a testament to the American ideals of bravery, patriotism, and liberty.

Through the courageous efforts of civil rights activists and President Franklin D. Roosevelt's signing of Executive Order 8802, race restrictions on the defense industry were eliminated during the buildup of World War II. And in 1941, African Americans wanting to serve their country were given the right to do so.

Though still facing adversity in segregated camps, these brave soldiers answered the call to arms without hesitation and trained to become United States Marines at Camp Lejeune, North Carolina. Between 1942 and 1949, more than 20,000 men were recruited and enlisted at Montford Point. These Marines would steadfastly serve our country during a time of great social unrest. The example they set and the legacy they left at Montford Point inspired countless future Marines and inspires us all today.

President Truman's signing of an executive order in 1949 desegregating the military is surely a direct reflection of these Marines' role as trailblazers of racial equality. The sacrifice of the Montford Point Marines represented a pivotal step forward for our country and they deserve our utmost respect and admiration.

Mr. Speaker, I ask that you join me today in saluting the Montford Point Marines as they receive the Congressional Gold Medal commemorating their timeless example of valor and American heroism.

HONORING BONNIE LEMOINE

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. ALEXANDER. Mr. Speaker, it is with great pleasure that I have the opportunity to

recognize the remarkable 34-year career of Bonnie Lemoine, Procter & Gamble (P&G) External Relations Leader.

Bonnie was born and raised in Central Louisiana and has dedicated her career and life to the Pineville/Alexandria area. Throughout her career, Bonnie has worked tirelessly to make Louisiana an attractive place to do business and a great place to live.

In addition to her job at P&G, Bonnie served as chair and board member of the Central Louisiana Chamber of Commerce, Chair and executive board member of the Louisiana Association of Business and Industry, board member of Central Louisiana Economic Development Alliance and Tioga Historical Museum, member of North Rapides Business Alliance and Local Water Board Commissioner, and many others.

Throughout the years, Bonnie has received numerous awards, including: Lantern Award, Intercity Economic Development Award, Cypress Award, Better Business Award and P&G Recognition Shares.

I offer the following testament to Bonnie's kind-hearted and altruistic nature. After Hurricane Katrina, P&G's Folgers Coffee Manufacturing Plant, in New Orleans, was completely flooded as well as many of the employees' homes. Bonnie immediately went into action. She asked employees in the P&G Pineville, LA plant if they would open their homes to the P&G Folgers families displaced by the floods. Everyone needing a roof over their heads was accommodated. Once this was achieved, Bonnie started working to get the plant up and running again. Within weeks, there were 125 FEMA trailers on-site for employees to reside, and power had been restored to the site. The Folgers plant was one of the first manufacturing plants in the area to resume production. It even received a visit from President Bush as he personally recognized the incredible efforts to help employees and their families and get the plant up and running in record time.

Bonnie has earned the respect and admiration of everyone she has met along her journey. It is with great pride that I ask my colleagues to join me in honoring Bonnie Lemoine on an exemplary career as she celebrates her retirement. I thank her for her service to our community and wish her the best in her future endeavors.

HONORING PETER S. PAINE, JR.

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. OWENS. Mr. Speaker, I rise today to honor my dear friend Peter S. Paine, Jr. upon his receipt of the Ordre des Palmes Academiques (Order of Academic Palms). This prestigious honor was awarded by the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Messieurs Jean-Claude Duthion, Education Attaché of the French Embassy in recognition of his work to preserve Fort Ticonderoga and its international educational mission.

The Ordre des Palmes Academiques is an order of chivalry of France for academic, cultural, and educational figures. Originally founded by Emperor Napoleon to honor eminent members of the University of Paris, it was established as an order on October 4, 1955 by President René Jules Gustave Coty.

Peter's career as a lawyer and strong advocate for the environment first came to the fore when he was named a member of the Temporary Study Commission on the Future of the Adirondacks from 1968 to 1970, and then as a Commissioner of the Adirondack Park Agency from 1971 to 1995. Peter served as the principle draftsman of the Adirondack State Land Master Plan and the NY State Wild Scenic and Recreational Rivers legislation, masterfully displaying his skill and passion for the environment. He also served as a trustee and former chairman of the Adirondack Nature Conservancy, served on the NY State Nature Conservancy Board of Trustees, was founding member and long time general counsel of the Lake Champlain Committee, and also served as one of the founding trustees of what is now Environmental Advocates. He also has served on the Board of Trustees of the Fort Ticonderoga Association and a trustee of the Adirondack Community Trust pay projects and played an important role in numerous land conservation contracts in the Champlain Valley including the preservation as a bird sanctuary of the Four Brother Islands in Lake Champlain and the addition of the Split Rock Mountain Range to the NY State Forest Preserve. As a major supporter and co-organizer of the Noblewood Park and Nature Preserve Project in the town of Willsboro, along with Assemblywoman Teresa Sayward, he helped create the Coon Mountain Nature Preserve in Westport. Peter led the Paine family in donating conservation easements to the Adirondack Nature Conservancy starting in 1978 which protected five miles of shoreline on Lake Champlain and the Boquet River as well as some 1,000 acres of farm and forestland.

Peter had a long career in the law with the law firm of Cleary Gottlieb Steen and Hamilton LLP and has served as Chairman of the Champlain National Bank in Willsboro, NY.

Peter is an avid hunter, fisherman, horseman, and wilderness expedition leader. I can tell you from my personal interaction with him over many years that he is a man of uncommon intelligence, clear thinking, and one not afraid to express his opinion on any subject. He performs his duties with alacrity, clarity, and with concern for his environment and fellow man.

Let me offer in conclusion my sincere congratulations on his receipt of the Ordre des Palmes Academiques. I wish him the best of luck in all future endeavors.

"Peter, mes sincères félicitations pour votre prix à l'ordre des Palmes Académiques. Je tiens à vous souhaiter mes meilleures vœux de succès, et je vous prie d'agréer l'expression de mes salutations les plus distinguées."

SUPPORTING THE SELECTION OF IDAHO'S JERRY KRAMER INTO THE PRO FOOTBALL HALL OF FAME

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. SIMPSON. Mr. Speaker, I would like to highlight the career and advocate for one of Idaho's most distinguished professional football players, Jerry Kramer.

Jerry graduated from Idaho's Sandpoint High School and attended college at the University of Idaho on a football scholarship. He was a standout player there, garnering selections to both the East-West Shrine Game and the College All-Star Game.

Over a dozen professional football teams courted Kramer and after being drafted 39th overall, he signed on to play guard for the Green Bay Packers in 1958. The Packers of that era, with help from Kramer, are the only team to win three championships in a row. Jerry Kramer made the "Packer Sweep" famous.

Jerry Kramer is perhaps most famously known for "The Block" where he led quarterback Bart Starr into the end zone as time ran out in the 1967 NFL Championship game, defeating the Dallas Cowboys in what is known as the "Ice Bowl."

Jerry Kramer was a five-time All-Pro, a member of five championship teams, including the first two Super Bowls, and a member of the NFL's 50th Anniversary All-Time team. He was named to the NFL's All-Decade Team of the 1960s at offensive guard and led the NFL in field goal percentage in 1962.

Surprisingly, Jerry Kramer is the only player selected to the NFL's 50th All-Time Anniversary team who has not been inducted into the Pro Football Hall of Fame in Canton, Ohio.

It is time, Mr. Speaker, for this oversight to be corrected. Jerry Kramer is so highly regarded that seventeen current members of the NFL Hall of Fame, many who played against Kramer, have endorsed his nomination and election to the Hall. That list of players includes such greats as Roger Staubach, Frank Gifford, Alan Page, Bob Lilly, Jan Stenerud, Gino Marchetti and Coach Joe Gibbs, to name just a few.

Besides his contributions on the football field, Jerry is a highly regarded citizen of Idaho who gives his time to worthy causes including serving on the selection committee for the World Sports Humanitarian Hall of Fame. Idahoans are proud of his accomplishments and football fans throughout the State support his induction.

There is no doubt in my mind that Jerry Kramer's NFL career clearly qualifies him for induction into the Pro Football Hall of Fame.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. BILIRAKIS. Mr. Speaker, on Tuesday, June 26th, 2012, I missed rollcall vote 416 for

unavoidable reasons. Had I been present, I would have voted as follows: Rollcall No. 416: "no" (Connolly of Virginia Amendment).

ON POINT, SHADES OF BLACK AND GREEN IN HONOR OF THE MONTFORD POINT MARINES AND THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. BROWN of Florida. Mr. Speaker, the Montford Point Marines, were the first enlisted Blacks ever to serve in the United States Marine Corps. Today we honor these magnificent heroes with the presentation of Congress's highest civilian award, the Congressional Gold Medal. These heroes fought on two fronts: at home against discrimination and across the seas to defend our Nation. Beginning in 1942 they served in the Pacific Theater, and fought as valiantly as any Americans ever have. Their courageous lives have helped bring this Nation one step closer to equality. I ask in honor of all of these heroes living and deceased, this poem be placed in the CONGRESSIONAL RECORD.

ON POINT, SHADES OF BLACK AND GREEN
(by Albert Carey Caswell)

On . . .
On Point!
All in those Shades of Black and Green!
As a war can so be fought on two fronts
sometimes so sadly seen!
As had all of those Montford Point Marines
. . .
All in their most magnificent shades, shades
of Black and Green . . .
For only The Few, Shall Ever Be United
States Marines!
As a Nation's dark deep past so convened!
All in what discrimination so really means!
As throughout all of those generations,
and all of those tears and pain upon a Nation!
But, To Be A United States Marine!
But, some dreams never die as so it seems!
To walk so proudly and wear those brilliant
shades of Green!
And to go so boldly forth,
all in your most heroic course!
As A United States Marine!
And even though what we so did to them was
a disgrace as seen,
these fine heroes would not so lost pace,
these Marines!
As they so heroically marched off into that
shadow of death with high esteem!
While, all of their most brilliant hearts so
gleamed!
OohRah!
Because, discrimination is no match for A
United States Marine!
With the world at its edge,
as Mankind bled . . .
To Save The World, all in those magnificent
shades of black and green!
So that into a future, A King Among could
so speak of his Dream!
Because, no more fiercer warrior has so been
seen!
Than, all of those Magnificent Montford
Point Marines!
As I pity those poor Japanese,
who had to so face all of their most heroic
screams!

As Jesse Owens,
had already laid the ground work in Ger-
many it seems!
When, the second wave came crashing in as
seen!
Bringing a setting sun in the land of the Jap-
anese!
As what their fine hearts for our country tis
of thee would mean!
All in that Pride,
that which so dwells deep inside of being a
United States Marine!
As their courage and their faith,
put our Nation one step closer to that place!
Where all of our forefathers' hearts had so
truly dreamed!
For all men are created equal all in this
golden theme!
So on this day,
look around you and pray and so say thank
all of these Marines!
All in their most magnificent shades of
Black and Green!
Whose courage and undying faith,
so made this our world a much better place
all of these Marines!
Listen closely, can you but not hear the lib-
erty bell!
Ringing out for the freedoms that they so
fought for across the shores so well!
For all these magnificent men where On
Point,
as our Lord God knows so very well!
All in their most magnificent shades of
Black and Green!
All of these Magnificent Montford Point Ma-
rines . . .
As time and history would tell!

IN RECOGNITION OF THE EL PASO
YOUTH SYMPHONY ORCHESTRA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. REYES. Mr. Speaker, today I recognize the El Paso Youth Symphony Orchestra (EPYSO) and their Diplomatic International Cultural Exchange Tour.

From June 25th through July 2nd, the EPYSO will partner with the Mexican national youth symphony, Sinfonica Esperanza Azteca, in a regional tour that will take them to prestigious venues in southern California. The journey will culminate with a performance aboard the USS *Midway*, honoring veterans and soldiers.

The recognition of the tour would not be complete without mentioning the talented orchestra behind it. This year, Maestro Phillip Gabriel Garcia and his students will celebrate the 20th anniversary of the respected and accomplished EPYSO. With over 3,500 students taught and 200 shows performed, it is amazing to consider that just two decades ago, Phillip was a senior at Hanks High School when he first started this orchestra. EPYSO is now playing nationally in front of thousands. Its philanthropic motive of discovering hidden talent and potential in students throughout the city is also noteworthy.

With the tour underway, the band is focused on providing a phenomenal show. Mayor John Cook and Maestro Garcia have worked with the El Paso musicians to promote the message that they are a band against bullies.

Their musical compositions come with a moral that bullying in schools must stop. Their song "I Am Not a Bully" will not only demonstrate and promote equal and fair school policies, but also display to our Mexican counterparts that Americans are more sympathetic than many in the international community label us.

Bullying is an unacceptable and growing problem in our schools. Bullying in all forms is unacceptable and social networks like Facebook and Twitter have only added fuel to the fire. All students suffer when bullying is tolerated, and we need to change if we want to see our youth progress as a generation. Our goal should be to provide students with a safe academic environment where students are comfortable and focused on their social and educational goals. Additionally, as a father and a grandfather, I would not want to witness any child being harassed or picked-on. Being bullied, especially at a young age, has a serious implication on a child's early social development that will negatively impact them for the rest of their lives. Thankfully many activists—like the students in the EPYSO and others—are combating this growing problem.

I am proud of the Diplomatic International Cultural Exchange Tour. As the EPYSO travels across the Southwest with their Mexican counterparts, I hope that their message of tolerance will be one which the cities they visit will embrace and share in their communities.

CONGRATULATING MS. STEPHANIE
ODOM ON THE OCCASION OF
RECOGNITION AS A UNITED
HEALTH FOUNDATION DIVERSE
SCHOLAR

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise with great pleasure to congratulate Ms. Stephanie Odom for being honored as a United Health Foundation Diverse Scholar. Ms. Odom's unwavering commitment to academic excellence in the field of science, deem her worthy of this recognition.

The United Health Foundation began highlighting Diverse Scholars in 2007 as an initiative to increase the quantity of deserving, yet underrepresented individuals entering the health workforce. In 2009, the Foundation sought to further engage scholars with access to resources by hosting a forum in our Nation's capital with representatives from government, academia, and various industries.

Ms. Odom is a native of Macon, North Carolina. She has excelled at Edward Waters College as an undergraduate biology major. Currently in her second year of education at Edward Waters, Ms. Odom has consistently achieved Dean's List honors by maintaining a minimum 3.5 GPA since her freshman year. As a result, she is a member of the prestigious national honor society, Phi Eta Sigma.

She credits the United Health Foundation scholarship with assisting her goal of completing post-secondary education. She is a humble, yet gracious leader; when asked about challenges faced while achieving her

goal of higher education, Ms. Odom replied that she is challenged daily, but will not allow anything to discourage her dream of becoming a physician.

As a resident of North Carolina's First Congressional District, I am proud to call her one of our own. The United Health Foundation has shown great judgment in selecting Ms. Stephanie Odom as a Diverse Scholar.

Again, congratulations. Best wishes for her continued academic success and commitment to the uplift of science and humanity.

HONORING THE PASADENA JEWISH
TEMPLE AND CENTER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Pasadena Jewish Temple and Center in Pasadena, California, upon its 90th anniversary.

Incorporated in 1921, Jewish members of Pasadena built their first synagogue, Temple B'nai Israel, on Hudson Avenue in Pasadena. In 1929 the congregation moved to a larger meeting room due to a rapid growth in membership. By 1932 membership had grown to 207 family members. In the 1940's, the congregation purchased land and built a new temple on Altadena Drive in Pasadena, its current location.

David Cohen became Rabbi in 1942, followed by Rabbi Max Vorspan, who served from 1947 until 1952. During this time, the Pasadena Jewish Community was re-named as the Pasadena Jewish Temple and Center (PJTC). In 1952, Maurice T. Galpert became Rabbi, serving until his death in 1988. Rabbi Galpert led the PJTC through growth and modernization, which included building a new sanctuary and school and the ratification of a new constitution. In 1989, Rabbi Gilbert Kollin, long established as a rabbinic leader in the greater Los Angeles Jewish community, led PJTC until his retirement in 2003. Joshua Levine Grater became Rabbi in 2003 and under his leadership, the PJTC has become not only a place to worship but also a positive role model with many service and outreach programs.

Since its inception, the PJTC has provided spiritual guidance to its members and support for the community. In addition to hosting affiliated Jewish organizations such as the Weizmann Day School and B'nai B'rith, there are many service committees including the Sisterhood, United Synagogue Youth, Men's Club, and Israel Committees. The Tikkun Olam & Social Justice Committee coordinates ongoing humanitarian and social action work within PJTC and the greater community, and its efforts include coordinating charitable responses to occurrences such as Hurricane Katrina and ending the genocide in Darfur. Members also volunteer with Union Station Homeless Services and Project Isaiah, a food and clothing distribution program, and provide tutoring to Longfellow Elementary School students in Pasadena.

I consider it a great privilege to represent the Pasadena Jewish Temple and Center and

I ask all Members to join me in congratulating the congregation upon their 90th anniversary.

TRIBUTE TO MICHAEL R. HOLLIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a natural born leader, an entrepreneur, a trailblazer and a very dear friend. Michael R. Hollis departed this life on June 18, 2012, at the tender age of 58, but not before he achieved his goal to "do something in life that would make a difference."

A native of Atlanta, Georgia, Michael was born in Grady Memorial Hospital, a beloved institution that later in life he would help save. From a young age he demonstrated he was extremely gifted. When he was only 15, he led the Atlanta Youth Congress and worked on Sam Massell's mayoral campaign, which earned him a spot on the Mayor's race relations commission. The following year, Michael's talents landed him a coveted job in the Atlanta Braves' public relations department. At 16, he also served as a Georgia delegate to the White House Conference on Youth and led the Young Atlantans for Maynard Jackson during Jackson's 1969 bid for the U.S. Senate. It was only after he accomplished these remarkable achievements that he graduated from Booker T. Washington High School.

Michael went on to graduate with honors from Dartmouth College and earned a Juris Doctorate from the University of Virginia School of Law. While in law school, he continued to demonstrate extraordinary leadership by becoming the first African American to be elected national president of the American Bar Association's student organization.

Following law school, Michael returned home to Atlanta, but his political connections called him into service. President Jimmy Carter appointed him to serve as associate chief counsel to investigate the legal implications of the Three Mile Island nuclear power plant accident in 1979. In that position, he helped lead the investigative committee to recommend nuclear safety protocols that are still in effect today.

In addition to his political acumen, Michael was an entrepreneur at heart. While serving as Vice President for Public Finance at Oppenheimer & Co. in New York, he incorporated Air Atlanta at the age of 27. He left the investment firm three years later in 1983 to lead his fledgling airline. It folded in 1987, but Michael was not deterred.

In the years that followed, he formed Hollis Communications and helped build a 50,000 watt radio station in Atlanta. He also launched Hanover Credit Company, Blue Sky Petroleum Company and Nevis Securities, LLC.

Michael served on the Fulton-DeKalb Hospital Authority and the Grady Memorial Hospital board. He was founding trustee of Clark Atlanta University and served as a member of the Emory University Board of Visitors.

Michael is survived by his beloved wife, Deena Freeman Hollis; sisters Virginia Hollis and Joan Hollis Mitchell; and brothers, Flem Hollis and Julius Hollis.

Mr. Speaker, I ask you and our colleagues to join me in honoring Michael R. Hollis, a bright light that was dimmed too soon. He was a remarkable example of what one can accomplish if you hold fast to your dreams. In his own words he couldn't "pass through this life and pass up on great opportunities." His many achievements stand as testaments to a life well lived, and will serve as his lasting legacy.

HONORING THE LIFE AND LEGACY
OF DR. CALVIN HYLTON SHIRLEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life and legacy of an outstanding human being. Dr. Calvin Hylton (Kappa) Shirley passed away on June 23, 2012 at the age of 91. He was my doctor and great friend.

Dr. Shirley was born on January 28, 1921, grew up in Pensacola, Florida and graduated from Florida A&M University. He served as a Navy corpsman in the Pacific during World War II, and went on to earn his degree from Boston College of Physicians and Surgeons.

Dr. Shirley was an accomplished physician who specialized in the fields of obstetrics and family practice. He was among the first black doctors to work in Broward County, starting the historic Provident Hospital in Fort Lauderdale, which was the first medical facility in the city for blacks. Dr. Shirley served there for 54 years and delivered over 6,000 babies. In 1949, he established his own practice, and allowed those who could not pay for his services to offer him crops as payment. Dr. Shirley was a man who lived by his principles, stating that, "A good doctor is one who is concerned with giving service, as opposed to one who's only concerned with the almighty dollar."

In addition to his outstanding service to the community, Dr. Shirley paved the way for African Americans in the medical community. He was one of the first four black physicians in Broward County to have his own medical practice. He was also the first medical advisor to the Sickle Cell Foundation. Furthermore, Dr. Shirley was the first and only black physician to receive the coveted Heideman Memorial Doctor of the Year award, and serve on the Executive Board of the Florida State Health Planning Council as well as serve on the staff of Broward General Hospital. He was also the first black obstetrician-gynecologist in Broward County and the first black staff physician at Broward Health Medical Center.

On top of his professional career, Dr. Shirley was affiliated with many organizations rooted in the South Florida community. He was one of the founding members and first Polemarch of the Fort Lauderdale Alumni Chapter of Kappa Alpha Psi Fraternity, Inc., an organization of which I am a proud member. Additionally, Dr. Shirley was a 32nd Degree Mason, a Shriner of Kazah Temple 149, and a member of Sigma Pi Phi Fraternity of Alpha Rho Boule.

My chief of staff Art Kennedy, also a Kappa with Dr. Shirley and myself, remembers him

fondly. "Brother Shirley was always a gentleman, very cool and calm, and he loved Kappa."

Mr. Speaker, I would like to take this opportunity to offer my sincere condolences to all those who have been impacted by the loss of such a great man. My thoughts and prayers are with Dr. Shirley's family and friends during this most difficult time. He was a tremendous individual who selflessly dedicated his life to helping all those around him, and he will be dearly missed.

UNITED HEALTH FOUNDATION'S
DIVERSE SCHOLARS PROGRAM

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. PAULSEN. Mr. Speaker, as we work to modernize our Nation's health care system, it is critical to invest in the next generation of the health care workforce so that they will be properly equipped with the tools and capabilities to improve the quality and delivery of health care. United Health Foundation's Diverse Scholars Initiative has helped multicultural students reach their higher education dreams while inspiring them to pursue careers in health. I would like to congratulate this year's Scholars who are participating in United Health Foundation's Annual Diverse Scholars Forum on their academic achievements and their commitment to enter the health care workforce to create a more culturally relevant and effective health care system, particularly in underserved communities.

Rosilem Barclay, 7th Congressional District of Alabama, Birmingham, Alabama

Gwendolyn Wagner, 1st Congressional District of Arizona, Chinle, Arizona

Karen King, 1st Congressional District of Arizona, Fort Defiance, Arizona

Angela Allen, 2nd Congressional District of Arizona, Surprise, Arizona

Marcus Marable, 3rd Congressional District of Arizona, Phoenix, Arizona

Paulette Lizarraga, 4th Congressional District of Arizona, Phoenix, Arizona

Lorraine Sophia Cuesta, 6th Congressional District of Arizona, Apache Junction, Arizona

Luz Marina Bradberry, 6th Congressional District of Arizona, Chandler, Arizona

Osvaldo Amezcua, 12th Congressional District of California, San Francisco, California

Jared Wigg, 17th Congressional District of California, Del Rey Oaks, California

Marizabel Orellana, 34th Congressional District of California, Downey, California

Isidro Landa, 35th Congressional District of California, Los Angeles, California

Jessica Gomez, 38th Congressional District of California, Montebello, California

Trang Vu, 40th Congressional District of California, Westminster, California

Melanie Castillo, 42nd Congressional District of California, Brea, California

Sydney Bailey, 4th Congressional District of California, Roseville, California

Izzybeth Rodriguez, 51st Congressional District of California, National City, California

Briana Truong, 5th Congressional District of California, Sacramento, California

Jillian Canete, 5th Congressional District of California, Sacramento, California
 Chinsin Sim, 11th Congressional District of California, Stockton, California
 Min Ju Lee, 15th Congressional District of California, Cupertino, California
 Adrian Hernandez, 20th Congressional District of California, Bakersfield, California
 Linda Sapien, 21st Congressional District of California, Fresno, California
 Alice Yotat, At-Large, District of Columbia, Washington, D.C.
 Lelia Uchuya, 19th Congressional District of Florida, West Palm Beach, Florida
 Laura Martin, 25th Congressional District of Florida, Hialeah Gardens, Florida
 Monica Fernandez Junco, 25th Congressional District of Florida, Miami, Florida
 Gretchen Betancourt, 2nd Congressional District of Florida, Tallahassee, Florida
 Arielle Watson, 13th Congressional District of Georgia, Marietta, Georgia
 Sharmori Lewis, 3rd Congressional District of Georgia, Hampton, Georgia
 Kristen-Kaye Goulbourne, 4th Congressional District of Georgia, Conyers, Georgia
 Ashley Turner, 5th Congressional District of Georgia, Atlanta, Georgia
 Jesse DeMonte Andrews, 5th Congressional District of Georgia, Atlanta, Georgia
 Saba Tesfariam, 5th Congressional District of Georgia, Atlanta, Georgia
 Brandi Turner, 7th Congressional District of Georgia, Dacula, Georgia
 Carolina Gonzalez, 2nd Congressional District of Idaho, Pocatello, Idaho
 Dave Cervantes, 15th Congressional District of Illinois, Champaign, Illinois
 Charniece Martin, 2nd Congressional District of Illinois, Calumet City, Illinois
 Sally Mei, 3rd Congressional District of Illinois, Chicago, Illinois
 Shahrose Rahman, 5th Congressional District of Illinois, Chicago, Illinois
 Stacey Pereira, 7th Congressional District of Illinois, Chicago, Illinois
 Sophia Phuong Le, 1st Congressional District of Iowa, Davenport, Iowa
 Aaron Alvarado, 2nd Congressional District of Kansas, Leavenworth, Kansas
 Tracey Lynn Thomas, 6th Congressional District of Louisiana, Baker, Louisiana
 Awawu Ojikutu, 4th Congressional District of Maryland, Hyattsville, Maryland
 Andrea Leiva, 8th Congressional District of Maryland, Silver Spring, Maryland
 Nelson Hernandez, 1st Congressional District of Massachusetts, Amherst, Massachusetts
 Victoria Okuneye, 3rd Congressional District of Minnesota, Brooklyn Park, Minnesota
 David Koffa, 5th Congressional District of Minnesota, Robbinsdale, Minnesota
 Kimber Cain, 9th Congressional District of Missouri, Kirksville, Missouri
 Aura-Maria Garcia, 13th Congressional District of New Jersey, Jersey City, New Jersey
 Gene Wright, 3rd Congressional District of New Jersey, Willingboro, New Jersey
 Sheridan Cowboy, 1st Congressional District of New Mexico, Albuquerque, New Mexico
 Justine Correa, 2nd Congressional District of New Mexico, Laguna, New Mexico
 D'Ayn DeGroat, 3rd Congressional District of New Mexico, Crownpoint, New Mexico

David Martin, 15th Congressional District of New York, New York, New York
 Elizabeth Fuentes, 16th Congressional District of New York, Bronx, New York
 Jing Lin, 5th Congressional District of New York, Flushing, New York
 Maria Zaida Beltran, 7th Congressional District of New York, East Elmhurst, New York
 Francisco Narvaez, 4th Congressional District of New York, Floral Park, New York
 Stephanie Odom, 1st Congressional District of North Carolina, Macon, North Carolina
 Diego Motta, 11th Congressional District of Pennsylvania, Scranton, Pennsylvania
 Alicia Henriquez, 1st Congressional District of Pennsylvania, Philadelphia, Pennsylvania
 Milan Davis, 2nd Congressional District of Pennsylvania, Elkins Park, Pennsylvania
 Rochanne Johnson, 6th Congressional District of Pennsylvania, Bala Cynwyd, Pennsylvania
 Hector Colon-Rivera, At-Large, Puerto Rico, San Juan, Puerto Rico
 Adrienne Harris, 5th Congressional District of Tennessee, Nashville, Tennessee
 Abigayle Banda, 10th Congressional District of Texas, Elgin, Texas
 Marisela Alejandra Soto, 12th Congressional District of Texas, Fort Worth, Texas
 Julia West, 16th Congressional District of Texas, El Paso, Texas
 Ana Diaz, 20th Congressional District of Texas, San Antonio, Texas
 Laura Bordallo, 20th Congressional District of Texas, San Antonio, Texas
 Vincent Job, 25th Congressional District of Texas, Austin, Texas
 Megan Gingoyon, 2nd Congressional District of Texas, Humble, Texas
 Jenniffer Duran, 6th Congressional District of Texas, Mansfield, Texas
 Elzary Asberry, 9th Congressional District of Texas, Houston, Texas
 Joanne Lane, 9th Congressional District of Washington, Federal Way, Washington

INTRODUCING THE SES REFORM ACT OF 2012

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. MORAN. Mr. Speaker, I rise today to introduce the Senior Executive Service Reform Act of 2012. To put it simply, this bill will make the Senior Executive Service more attractive to senior General Schedule employees by reforming SES compensation, improving SES career management, reforming the SES hiring process, and increasing diversity within the SES.

Today approximately 64 percent of the nearly 7,100 Senior Executives will be eligible to retire by 2016. According to officials at the Office of Personnel Management (OPM), there are insufficient numbers of candidates to replace outgoing Senior Executives. The Senior Executive Service is not broken, but needs reform to continue to attract, retain, develop and reward our nation's most talented civil servants.

Although Senior Executives can earn more at the upper ranges, lower-level Senior Execu-

tives have significant pay overlap with upper-level GS-14 and 15 employees, who receive locality and overtime pay. Pay compression, as the phenomenon is known, reduces the attractiveness of joining the SES, where employees work longer hours and are more susceptible to being geographically relocated.

To address pay compression, this bill would provide an automatic pay raise equal to the annual average GS pay raise for any SES that receives a "fully successful" rating. Additionally, this bill would allow Senior Executives to count performance awards and bonuses towards their High-3 annuity calculation. Each reform is intended to alleviate pay compression, making the SES more financially attractive for high-performing GS employees.

Mr. Speaker, more attention needs to be given to ensuring that Senior Executives receive continuing professional development throughout their careers. This bill will require each agency to establish onboarding programs for newly appointed Senior Executives. Agency programs must include an overview of the mission, priorities, strategic plan of the agency and the roles and responsibilities of the new appointee.

To improve the hiring process, agency heads will also be required to advertise vacancies for a sufficient period of time to allow a larger pool of applicants to apply. The bill will reduce the exhaustive amounts of paperwork that needs to be submitted into a more manageable process that will allow agencies to provide timely notification to applicants regarding the status of their application.

Finally, I am proud that this bill will require each agency to create plans to increase diversity within their agencies. The plan, which will need to be updated biennially, will maximize the opportunities for the appointment of minorities, women and individuals with disabilities to the SES.

Mr. Speaker, I am proud to introduce the SES Reform Bill of 2012 with my colleagues Representatives GERRY CONNOLLY and CHRIS VAN HOLLEN, who have been such great leaders on federal employee issues.

RECOGNIZING THE OUTSTANDING PUBLIC SERVICE CONTRIBUTIONS OF RETIRING ARMY CORPS OF ENGINEERS OFFICIAL MARIE MCCULLOUGH

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. CRITZ. Mr. Speaker, I rise to celebrate the distinguished career of a devoted public servant, steadfast patriot and personal friend of mine. On June 30, 2012, Marie McCullough will transition into retirement after 29 years with the Army Corps of Engineers and over 33 years as a federal government employee. Marie has spent the last three-plus decades strengthening our communities and inspiring public trust in government.

Marie began her career in the federal government with the IRS. From there, she went to work for the Army in Nuremberg, Germany as a Payroll Liaison Clerk and Lead Military Personnel Clerk. In 1983, Marie joined the Army

Corps of Engineers. She worked in the Corps' Pittsburgh District office for several years in a number of different capacities before joining the Programs and Project Management Branch in 2007. While working in Project Management, she adeptly managed several critical Environmental Infrastructure Programs, including the Section 313 South Central Pennsylvania Environmental Infrastructure Program. Under Marie's stewardship, this program—which was created by my mentor and predecessor, the late Congressman John P. Murtha—provides grant funding for numerous water-related environmental infrastructure and resource protection projects.

Marie managed more than 30 projects involving over \$28 million during her 5 years in Project Management. Furthermore, when the American Recovery and Reinvestment Act (ARRA) became law in 2009, she managed \$8.5 million of additional funds to further assist our communities throughout southwestern Pennsylvania.

Through her energetic and agreeable personality, Marie has served as a skilled community liaison for the Army Corps of Engineers and has done a great deal to improve southwestern Pennsylvania's environmental infrastructure and resource conservation capacity. The impact of her outstanding work will undoubtedly continue to be felt throughout our region for years and years to come.

Mr. Speaker, we should all strive to emulate the passion and skill Marie has exhibited throughout her long and successful career in public service. I wish her the best of luck as she begins a new chapter in her life.

**HONORING SHAUNTIERA DOUGLAS
ON THE OCCASION OF HER NATIONAL TITLE**

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. ROTHMAN of New Jersey. Mr. Speaker, today I rise to recognize Ms. Shauntiera Douglas, a resident of Garfield, New Jersey, and a fine young scholar-athlete on the occasion of her earning a national title at the New Balance Nationals Track and Field Championship. Ms. Douglas, a senior at Garfield High School, placed first in javelin at Nationals on June 15th and 16th.

Inspired by the memory of her niece, Destynne, Ms. Douglas has achieved great recognition in athletics in both Track and Field and basketball. Shauntiera was named "Female Athlete of the Week" by the Bergen Record this past February for her leadership and performance on Garfield High School's girls basketball team, in addition to numerous accolades in her main sport, javelin.

Ms. Douglas won her first javelin state championship this past year at the New Jersey State Meet of Champions, throwing 150 feet and 3 inches. Her championship is Garfield High School's first javelin state championship and only the second track and field championship in the history of the school.

Shauntiera's most important honor, however, came just one month ago at the New

Balance National Track and Field Championship in North Carolina, where she threw 148 feet 7 inches, a full 9 inches further than her next competitor, to capture the national championship, beating out the previous record-holder. This high honor is a fitting finish to an impressive, undefeated season.

Mr. Speaker, today I rise to congratulate Shauntiera on her state and national championship titles. Her accomplishments on the field demonstrate her commitment to her team, her love of her sport, and her determination to succeed. I join with all of my constituents in New Jersey in honoring her achievements and wishing her continued success in her athletic and academic endeavors.

OBAMACARE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. GINGREY of Georgia. Mr. Speaker, since its creation in 2009, a majority of patients in this country have been united behind a single truth—they do not want ObamaCare. Young people don't want it because it increases their costs—making them pay high prices for care they don't need or cannot afford. Patients with chronic illnesses don't want it because it allows a board of bureaucrats to restrict access to life saving treatments if they cost too much. Seniors don't want it because it takes \$575 billion out of the Medicare program and will make it harder for them to find a physician or hospital for treatment when they are sick.

Tomorrow, the Supreme Court will rule on the constitutionality of ObamaCare. Mr. Speaker, we have a lot of work ahead of us but one thing is certain: my former patients do not want ObamaCare in any way, shape, or form.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. JORDAN. Mr. Speaker, because my scheduled flight into Washington was cancelled yesterday afternoon, I was absent from the House Floor during four rollcall votes taken on Tuesday.

Had I been present, I would have voted "aye" on rollcalls 412, 413, and 415, and "no" on rollcall 414.

**HONORING THE BICENTENNIAL OF
FORT ROSS**

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the bicentennial of the establishment of

the Russian colony at Fort Ross. Founded in September 1812 by Russian explorers, Fort Ross was the southernmost Russian settlement in North America and the first European settlement in Sonoma County. After the fort's assets were sold to John Sutter in 1841, Fort Ross became a shipping hub and tourist destination and in 1909 it was established as one of California's first State Historic Parks.

This year we commemorate the natural, cultural, and human history of Fort Ross, which has been influenced by diverse groups of people, including Russians, Kashaya, Pomo, and Miwok Natives, Spaniards, Mexicans, and Americans. These diverse groups, who settled at Fort Ross or lived in the surrounding area, made important contributions to early California history: they built California's first ships and windmills, introduced glass-paneled windows, created the first brickyard, and catalogued the local plant and animal life. At Fort Ross, Native people of various tribes lived, hunted, and labored alongside the Russian colonists; many learned Russian and intermarried with both Russians and Natives of other tribes. The story of the people of Fort Ross is unique, and it serves as an excellent example of the best that California and Sonoma County have to offer the world: a rich history, diverse cultural legacy, beautiful nature, and dedicated people.

Today, Fort Ross is a National Historic Landmark visited by 150,000 people each year. It also still serves as an important connection between Sonoma County and Russia. In 2010, California State Parks signed an agreement with Russia's Renova Group, creating a public-private partnership to provide financial support for Fort Ross. The Fort Ross Renova Foundation continues to provide support for maintenance, educational programs, cultural events, and other initiatives for the enhancement of Fort Ross.

Mr. Speaker, Fort Ross is an important cultural and historical landmark celebrating the two hundredth anniversary of its founding. Please join me in honoring the bicentennial of the establishment of Fort Ross.

**HONORING THE LIFE OF GARY C.
SAIN**

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. MICA. Mr. Speaker, I rise to pay tribute today to a good friend and national leader for tourism, Mr. Gary C. Sain. Gary passed away unexpectedly on Friday, May 4th after addressing a dinner event in support of the Central Florida Boys and Girls Club, which was one of his community efforts, where he provided vital leadership in support of our youth. I was at that event and spoke to Gary as he shared his excitement about Central Florida being the leading national tourist destination. Everyone in our region will testify that we have never had a better champion for tourism in Central Florida.

Gary began his career in the hotel industry and held positions at several of the hotel industry's top brands for more than 40 years.

He diversified his career to the cruise industry, serving as marketing director for one of the industry's top brands. As a well-respected marketing expert, Gary then went to work for a top international hospitality marketing agency. In February 2007 Gary was selected to chief executive of Visit Orlando.

As the leader of the organization that markets and sells the Orlando area as the number one family leisure destination in the world, and one of the top meetings and convention destinations in America, Gary is credited with Orlando reaching a record 51.5 million visitors in 2010, the first U.S. destination to surpass the 50 million visitor milestone. In 2011 Orlando set another record with more than 55 million visitors.

Gary sat on national and international boards of directors including the U.S. Travel Association, Visit Florida, Destination Marketing Association International and Meeting Planners International. He was a resource for members of the U.S. House of Representatives and U.S. Senate, providing information on travel issues affecting America domestically and internationally. Gary was a great husband to Pam and the proud father to two lovely daughters, Olivia and Vanessa. He remains with us in spirit, fond memory and appreciation for sharing his friendship.

I ask my colleagues to join me in recognizing the life and memory of Gary C. Sain.

CHAMPIONSHIP EXEMPTION PROTECTION ACT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. TERRY. Mr. Speaker, I am pleased to support Chairman TIM WALBERG as an original co-sponsor of H.R. 5969 and H.R. 5970. These two pieces of legislation reaffirm the importance of maintaining access to quality, affordable, in-home companionship care.

Last year when the Department of Labor first proposed a rule to change the in-home companionship care exemption under the Fair Labor Standards Act, I introduced a preemptive piece of legislation, H.R. 3066, that sought to clarify some issues the Secretary of Labor is seeking to change through regulation.

The Secretary, not surprisingly, did not listen. Her department continues to run roughshod over the will of Members of Congress and what is best for patients that rely on this important service.

When testifying before a Senate panel earlier this Congress, the Secretary admitted that her agency had not consulted with State Medicaid officials on how the proposed regulation would impact them. Independent economic analysis has proven that this regulation will end up driving more people into having to use Medicaid to utilize nursing home care and further exacerbate that budgetary crisis many states are in.

H.R. 5969 preserves the companionship services exemption by clarifying what these services entail and who specifically the third party employers in this space are. H.R. 5970 reaffirms that the Secretary of Labor shall not

finalize her proposed rule, titled "Application of the Fair Labor Standards Act to Domestic Service." I hope she chooses to listen and re-evaluate.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. CROWLEY. Mr. Speaker, on Tuesday June 26, 2012, I was away from Washington. If I were here, the following is how I would have voted on the votes listed below.

Rollcall 412 (PQ on H.R. 5972 and H.R. 5973)—I would have voted "no."

Rollcall 413 (H. Res. 697—Rule for H.R. 5972 and H.R. 5973)—I would have voted "no."

Rollcall 414 (Democratic Motion to Instruct Conferees on H.R. 4348—Mr. HOYER)—I would have voted "yes."

Rollcall 415 (Republican Motion to Instruct Conferees on H.R. 4348—Ms. BLACK)—I would have voted "no."

H.R. 5972—Transportation, Housing and Urban Development Appropriations Act, 2013: Rollcall 416 (Connolly Amendment)—I would have voted "yes."

Rollcall 417 (McClintock Amendment)—I would have voted "no."

Rollcall 418 (Garrett Amendment)—I would have voted "no."

Rollcall 419 (Capps Amendment)—I would have voted "yes."

Rollcall 420 (Gosar Amendment)—I would have voted "no."

Rollcall 421 (Broun Amendment #1)—I would have voted "no."

Rollcall 422 (Broun Amendment #2)—I would have voted "no."

Rollcall 423 (Broun Amendment #3)—I would have voted "no."

HONORING COLONEL DENNIS L. BEATTY

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. CASTOR of Florida. Mr. Speaker, I rise today to honor the achievement and career of Colonel Dennis L. Beatty. Beatty is the current Deputy Command Surgeon, Headquarters Air Mobility Command, Scott Air Force Base, Ill. In this capacity he serves as AMC Command Surgeon in the Surgeon's absence to advise and represent the AMC commander on all aspects of the command's medical service mission. This includes supervising and monitoring the peacetime healthcare at AMC's 12 community-based medical treatment facilities comprised of approximately 6,600 medical personnel who provide health care for more than 429,000 beneficiaries using an operating budget of \$672 million and assets exceeding \$1.3 billion. He also serves as 18th Air Force (AFTRANS) Surgeon.

After serving assignments in Texas, Colonel Beatty was competitively selected for an Air

Force Institute of Technology scholarship in 1992 and was admitted to the Washington University Health Administration Program in 1993. In 1994, he was accepted into the Washington University School of Engineering under a dual degree program in Information Management. He successfully completed masters' degrees in Health Administration and Information Management in June 1995, both with honors.

Upon graduation, Colonel Beatty was selected for assignment to the 375th Medical Group at Scott AFB, Ill., as the Resource Management Flight Commander. He was assigned to the Medical Manpower Division, Directorate of Programs and Resources, Office of the Surgeon General, Bolling AFB, D.C. from June 1997 to July 2001. Colonel Beatty served as commander of the 45th Medical Support Squadron from July 2001 to July 2003. In July 2003, he assumed command of the 42nd Medical Support Squadron at Maxwell AFB, Ala. In July 2005, Colonel Beatty became Chief of the Medical Programming Division, Directorate of Plans and Programs, Office of the Air Force Surgeon General. Colonel Beatty became the commander of the 6th Medical Group on 3 July 2008. From Dec. 2009 to June 2010 he was deployed as the Deputy Group Commander of the 332nd Expeditionary Medical Group at Joint Base Balad, Iraq.

Colonel Beatty was the previous commander (CEO) of the new clinic at MacDill Air Force Base (6th Medical Group) from 2008–2011. In his current position at Air Mobility Command headquarters in Tampa, FL, he continues to oversee medical operations at MacDill as well as all other Air Mobility Command hospitals and clinics at Travis AFB, CA; Scott AFB, IL; McGuire AFB, NJ as well as others.

The Tampa community and MacDill Air Force Base are proud to recognize Colonel Beatty for his outstanding career and his many significant contributions to the Air Force and our country. His determination and hard work have made him an inspirational leader within our nation's Armed Services. I ask that you and all Americans recognize such a remarkable patriot for his service to his country.

RECOGNIZING THE MONTFORD POINT MARINES

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the accomplishments and valor of the Montford Point Marines as they are awarded the Congressional Gold Medal, the highest civilian honor bestowed by the United States Congress. During an era when African-American men faced racism and Jim Crow segregation, these Marines left home to defend the United States during World War II.

In 1941, President Franklin D. Roosevelt issued an executive order barring government agencies from denying employment in defense efforts based on race, creed, color or national origin. The military was required to recruit and

enlist African Americans and a year later, recruitment began for African American Marines who would train at Montford Point.

Thousands of African American men enlisted, despite widespread segregation and discrimination both in and outside of the military. From 1942 until 1949, approximately 20,000 African American men enlisted in the Marine Corps and trained at a segregated facility, Camp Montford Point, near Jacksonville, North Carolina.

Successfully completing training was a substantial feat for these Marines. While their white counterparts may have been required to run ten miles, Montford Point recruits often had to run twenty. These challenges gave them the endurance, both physical and emotional, to serve. As Marines, they bravely fought in theaters from the Pacific to Europe.

In 1948, President Harry S. Truman ordered the desegregation of the United States Armed Forces. In 1949, recruit training at Montford Point was discontinued as all recruits, regardless of race, were sent to other integrated training facilities.

Many Montford Point Marines continued their service as Marines after the conclusion of World War II, including in both the Korean and Vietnam wars.

Mr. Speaker, it is with great pleasure that I honor the Montford Point Marines. Their legacy has paved the way for African Americans to serve proudly in all branches of the United States Armed Services.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. CLARKE of New York. Mr. Speaker, on the Legislative Day of June 26, 2012, upon request of a leave of absence, I missed a series of votes. Had I been present for these rollcall votes, I would have voted "No" on rollcall 412—the Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 5972 and H.R. 5973; "No" on rollcall 413—H. Res. 697—Rule providing for consideration of both H.R. 5972—Transportation, Housing and Urban Development Appropriations Act, 2013 and H.R. 5973—Agriculture, Rural Development, Food and Drug Administration Appropriations Act, 2013; "Yes" on rollcall 414—Hoyer Motion to Instruct Conferees on H.R. 4348; "No" on rollcall 415—Black Motion to Instruct Conferees on H.R. 4348; "Yes" on rollcall 416—the Connolly Amendment; "No" on rollcall 417—the McClinck Amendment; "No" on rollcall 418—the Garrett Amendment; "Yes" on rollcall 419—the Capps Amendment; "No" on rollcall 420—the Gosar Amendment; "No" on rollcall 421—the Broun Amendment #1; "No" on rollcall 422—the Broun Amendment #2; and "No" on rollcall 423—the Broun Amendment #4.

HONORING MARION MEREDITH BEAL FOR HIS SERVICE TO THIS NATION

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. BASS of California. Mr. Speaker, today I honor an extraordinary individual from my home district—Marion Meredith Beal—for his receipt of the Congressional Gold Medal for his dedication and contribution to the United States Marine Corps. A seasoned leader in his community, he serves as an outstanding example to the Los Angeles area and the nation, demonstrating profound service and devotion to the betterment of his family, his community members, and his country.

Mr. Beal was born in East Texas, moved to Los Angeles in the early 1950's, and acquired his bachelor's degree at Bishop College and Master's at Pepperdine University. He served his country honorably in the U.S. Marine Corps from 1943 to 1945 being named "Honor Man" of his platoon, as he served as an original Montford Point Marine during World War II. He later established himself as Chief Clerk at the Montford Point Marine Corps headquarters serving as the only African American on his staff. Among many other notable achievements, he was also the first enlisted African American to perform duty in the U.S. Marine Corps headquarters in Washington D.C. Mr. Beal helped set the foundation for integration into the U.S.M.C. during a very crucial time for the U.S. Military.

After his service, Mr. Beal continued to demonstrate commitment to his community and country through his work with the Veteran's Administration Hospital in West Los Angeles, and his time with the Los Angeles Unified School District as Assistant Supervisor of Student Body Finance, among other positions. He also helped found the 78th Street Block Club, and the Cub Scout and Boy Scout troops in his neighborhood. Mr. Beal is devoutly dedicated to the Greater New Light Baptist Church and is passionately devoted to his family. He is a very powerful and influential role model with over 50 years of active involvement in his community and he continues to be a positive example with a caring and genuine character that has dedicated himself to the well-being and improvement of Los Angeles.

Mr. Speaker, I am very proud to have such an inspirational community leader like Marion Meredith Beal as a part of California's 33rd Congressional District and I congratulate him on the receipt of this award.

H.R. 2578—CONSERVATION AND ECONOMIC GROWTH ACT

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong opposition to H.R. 2578. This bill threatens the environmental integrity of mil-

lions of acres of federal lands, including the Boundary Waters Canoe Area Wilderness and Voyageurs National Park in Minnesota. These lands are among our state's greatest treasures and must be protected and maintained for future generations. This misguided legislation is a politically-motivated assault on the environment, not a national security imperative as my Republican colleagues claim.

Instead of protecting our border and our environment, this bill, and especially the Title XIV National Security and Federal Lands Protection Act in it, causes irreparable harm to our most cherished places. It exempts the Department of Homeland Security's Customs and Border Protection, CBP, from federal environmental regulations while performing border-security operations. It blocks the Department of Interior, DOI, and Department of Agriculture, USDA, from enforcing over 30 environmental protection laws that protect our fish and wildlife, national parks, forests, and other historic places. In addition, this legislation would give CBP the authority to construct offices, roads, fences and other infrastructure within 100 miles of the U.S. border with Canada and Mexico—an area that includes at least 54 National Park System properties, 228 national wildlife refuges and 122 wilderness preserves. It undermines these essential protections based on the false premise that it is somehow impossible to secure our national borders while also protecting our national heritage.

According to Homeland Security Secretary Napolitano, this legislation is "unnecessary" and "bad policy." On July 8, 2011, the U.S. Customs and Border Patrol, CBP, testified before Congress that, "CBP enjoys a close working relationship with the Department of Interior and Department of Agriculture that allows us to fulfill our border enforcement responsibilities while respecting and enhancing the environment." Importantly, the Border Patrol made clear in its testimony that, "Border Patrol agents have the authority at any time to conduct motorized off-road pursuit in the event of exigency/emergency involving human life, health, safety of persons within the area, or posing a threat to national security." It is clear that the federal agencies that would receive this unfettered authority don't want it, don't need it, and shouldn't have it.

In my state of Minnesota, the National Park Service; U.S. Forest Service; and the Red Lake, Grand Portage and Boise Forte Tribal Governments work cooperatively and openly with Homeland Security to minimize border issues. The National Park Service at Voyageurs National Park and Grand Portage National Monument already enjoy a good relationship with the local Border Patrol and work with them on a range of issues in a cooperative fashion. However, if Border Patrol is exempt from following existing protections, resources will be lost and tourism important to the local economy will decline.

Title XIV would also affect the Boundary Waters Canoe Area Wilderness, a world-renowned area within the Superior National Forest. This legislation would allow the Border Patrol to erect roads and bridges in a sacred place where people from around the world come to enjoy Minnesota's Great Outdoors.

We must also recognize the many tribal nations on lands near Minnesota's Canadian border, including the Grand Portage Band of

Chippewa, Red Lake Band of Chippewa, Boise Forte Band of Chippewa. This bill unacceptably threatens existing treaties and tribal sovereignty.

This is an unnecessary and bad bill. I oppose H.R. 2578 and urge my colleagues to do the same.

**CONGRATULATING THE NATIONAL
ACTIVE AND RETIRED FEDERAL
EMPLOYEES DULLES CHAPTER
1241 ON ITS 40TH ANNIVERSARY**

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to congratulate the National Active and Retired Federal Employees Dulles Chapter 1241 on the occasion of its 40th anniversary. The Northern Virginia region is home to more than 160,000 federal employees and a large number of retirees who have chosen to stay in the region. Throughout their careers, these dedicated civil servants give their time and effort to serving their fellow Americans, and NARFE consistently has provided them with coordinated support.

NARFE is increasingly important in these challenging budgetary times when many proposals would seek to single out federal workers and retirees and make draconian cuts to federal retirements and health care. The federal government, regardless of the size one feels is appropriate, cannot function efficiently or effectively without the hard work and expertise of dedicated employees. Federal workers devote years of their lives in service to the nation; the government could not function without their expertise, and it is imperative that they are treated fairly. For the past 40 years, NARFE Chapter 1241 has ably advocated on behalf of the dedicated civil servants in the Northern Virginia region.

Mr. Speaker, I ask that my colleagues join me in congratulating NARFE Chapter 1241 for 40 years of service to our federal workers and to wish them continued success protecting the rights of current and future federal workers and retirees.

**IN SUPPORT OF RESTORING FUNDING FOR NATIVE HAWAIIAN
HOUSING PROGRAMS FISCAL
YEAR 2013 TRANSPORTATION,
HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES
APPROPRIATIONS BILL**

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. HIRONO. Mr. Speaker, I rise today in support of restoring funding for Native Hawaiian housing programs.

The bill before us zeroes out funding for Native Hawaiian housing programs.

This is disappointing for the Native Hawaiian community and the families that need assistance from these programs.

It is also disappointing because Congress has a long history of bipartisan support for Native Hawaiian housing—and a responsibility to continue this legacy.

It has been nearly a century since the passage of the Hawaiian Homes Commission Act. Congress passed this Act in 1921 at the urging of Hawaii's Delegate to Congress, Prince Jonah Kūhiō Kalaniana'ole. That legislation set aside some 200,000 acres of land to provide homesteads specifically for Native Hawaiians.

With the enactment of the Statehood Act of 1959, the control and administration of the Hawaiian Homes Commission Act was transferred from the federal government to the new State of Hawaii. A year later in 1960, the Department of Hawaiian Home Lands, DHHL, was created to administer the Hawaiian Homes Commission Act.

Then in 2000, Congress passed the American Homeownership and Economic Opportunity Act.

This legislation established two programs to help provide housing to Native Hawaiians: The Native Hawaiian Housing Block Grant, NHHBG, Program and the Section 184A loan guarantee program.

Hawaii has some of the most expensive real estate prices in the country. At the same time, more than 33,200 Native Hawaiian households are considered low-income. So without support from the NHHBG and 184A programs, many Native Hawaiians would not have access to quality, affordable housing. The grant funds are used primarily to develop infrastructure on Hawaiian Home Lands, which tend to be in the most isolated parts of our islands, typically in rural areas, and some with terrain that is difficult and costly to develop.

Not only are these programs necessary but they are effective.

For example, in FY2011 Native Hawaiian Housing Block Grant funds were used to build 55 new homes, acquire 12 homes, and rehabilitate 12 homes. In addition, the Section 184A program has supported 255 home loans totaling \$64.4 million. This program also has a strong track record, with a foreclosure rate below 1 percent.

That's 79 new units of housing and 255 opportunities for Native Hawaiians to access financing for their own homes that would not have existed absent the NHHBG and 184A programs. These are real people in real homes—they are not statistics.

The bottom line is that these programs don't just provide housing—they expand opportunities for homeownership.

Owning a home has long been a pillar of the American dream. This is a dream that people do not forget, and do not give up on.

In fact, over 26,000 eligible families are currently on waiting lists for an opportunity to live on their home lands.

There are many stories of Native Hawaiians who have been on waiting lists for decades. In fact, some have died waiting to see this dream fulfilled.

Eliminating these funds—which total \$14 million for the two programs—won't solve our budget woes. All it will accomplish is closing off opportunities for a community that utilizes federal funds effectively.

This is the type of program that makes a difference in the lives of people by supporting

strong communities and expanding opportunity.

There is a continued need for Native Hawaiian housing programs and I urge my colleagues to carry on Congress's bipartisan support for making the American dream of homeownership possible.

I hope that this matter will be resolved as the House and Senate negotiate a final Transportation-HUD Appropriations bill for Fiscal Year 2013.

Mahalo nui loa (thank you very much).

HONORING NELSON BENTON

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. TIERNEY. Mr. Speaker, I rise today to recognize and congratulate Nelson Benton, who will soon retire after 40 years of service at The Salem News in Salem, Massachusetts.

Since he was hired in 1972, Nelson has worked as a reporter, city editor, managing editor, and editorial page editor. Nelson's weekly political column, which has been a fixture in the paper for more than 25 years, is widely read and discussed throughout the region. Nelson was recognized by the New England Society of Newspaper Editors in 2008, when they awarded him the prestigious Yankee Quill award. He was also inducted into the New England Press Association Hall of Fame in 2009.

For four decades, Nelson has covered issues impacting our community, from the Blizzard of '78 to issues of education and transportation to the careers of Mayors, State Lawmakers, and Members of Congress. Nelson has been quick to adapt his content to new technologies and formats. Even in his upcoming retirement, I am confident that Nelson will be blogging and tweeting with the best of them.

Mr. Speaker, I want to congratulate Nelson Benton, a seasoned journalist, on his retirement. I wish Nelson and his wife Laurie, who has served as a longtime public school teacher in our community, the best of luck as they move west to Arizona.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. LEWIS of Georgia. Mr. Speaker, on June 26, 2012, I was detained and missed votes. In my 26 years in Congress, I have taken pride in having missed very few votes. Had I been here, I would have cast the following votes:

On rollcall 412, on ordering the Previous Question for consideration of the FY13 Transportation, and Housing and Urban Development Appropriations bill, I would have voted "no."

On rollcall 413, on H. Res. 69, the rule for consideration of the FY13 Agriculture and

Transportation Appropriations bills, I would have voted "no."

On rollcall 414, the Hoyer Motion to Instruct Conferees on the surface transportation reauthorization bill, I would have voted "yes."

On rollcall 415, the Black Motion to Instruct Conferees on the surface transportation reauthorization bill, I would have voted "no."

On rollcall 416, an amendment offered by Mr. Connolly of Virginia to H.R. 5972, I would have voted "yes."

On rollcall 417, an amendment offered by Mr. McClintock of California to H.R. 5972, I would have voted "no."

On rollcall 418, an amendment offered by Mr. Garrett of New Jersey to H.R. 5972, I would have voted "no."

On rollcall 419, an amendment offered by Ms. Capps of California to H.R. 5972, I would have voted "yes."

On rollcall 420, an amendment offered by Mr. Gosar of Arizona to H.R. 5972, I would have voted "no."

On rollcall 421, the first amendment offered by Mr. Broun of Georgia to H.R. 5972, I would have voted "no."

On rollcall 422, the second amendment offered by Mr. Broun of Georgia to H.R. 5972, I would have voted "no."

On rollcall 423, the fourth amendment offered by Mr. Broun of Georgia to H.R. 5972, I would have voted "no."

JUDGEMENT DAY FOR THE ATTORNEY GENERAL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. POE of Texas. Mr. Speaker, the Justice Department, with the aid of the ATF, facilitated the smuggling of over 2,000 weapons to the drug cartels south of the border—the national enemy in Mexico.

Hundreds of Mexican nationals died as a result of this operation.

Mexican Attorney General Morales says she was left in the dark about Operation Fast and Furious.

And she wants those officials who were involved to be extradited and sent to the U.S. for prosecution.

She is more interested in Fast and Furious than our own Attorney General.

Our own Attorney General says he still doesn't know who authorized this reckless and deadly operation and doesn't want any help from Congress to find the answers.

Tomorrow is the day of reckoning for AG as he still refuses to turn over the evidence.

What is he hiding? And why is he hiding it. The time of hiding is over. It's time for Congress to hold someone accountable. We call it contempt.

Tomorrow is Judgment day for the Attorney General.

And that's just the way it is.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,782,570,144,097.96. We've added \$5,155,693,095,184.88 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1950, President Harry Truman ordered air force and naval forces into the Korean War. A robust economy supported our powerful military. We must balance the budget in order to support our troops more fully.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. MILLER of Florida. Mr. Speaker, due to a death in my family, I missed the following Rollcall Votes: No. 379 through No. 411 during the week of June 18–June 21, 2012.

If present, I would have voted:

Rollcall Vote No. 379—S. 684, To provide for the conveyance of certain parcels of land to the town of Alta, Utah, "aye."

Rollcall Vote No. 380—S. 404, To modify a land grant patent issued by the Secretary of the Interior, "aye."

Rollcall Vote No. 381—On Ordering the Previous Question, "aye."

Rollcall Vote No. 382—On Agreeing to the Resolution, "aye."

Rollcall Vote No. 383—DeFazio (OR) Amendment, "nay."

Rollcall Vote No. 384—Markey (MA) Amendment, "nay."

Rollcall Vote No. 385—Grijalva (AZ) Amendment, "nay."

Rollcall Vote No. 386—H.R. 2578, On Motion to Recommit with Instructions, "nay."

Rollcall Vote No. 387—H.R. 2578, To amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, "aye."

Rollcall Vote No. 388—H.R. 2938, Gila Bend Indian Reservation Lands Replacement Clarification Act, "aye."

Rollcall Vote No. 389—H. Res. 691, On Ordering the Previous Question, "aye."

Rollcall Vote No. 390—H. Res. 691, On Agreeing to the Resolution, "aye."

Rollcall Vote No. 391—On Walz of Minnesota Motion to Instruct Conferees, "nay."

Rollcall Vote No. 392—Hastings (WA) Amendment, "aye."

Rollcall Vote No. 393—Waxman (CA) Amendment, "nay."

Rollcall Vote No. 394—Connolly (VA) Amendment, "nay."

Rollcall Vote No. 395—Green (TX) Amendment, "nay."

Rollcall Vote No. 396—Rush (IL) Amendment, "nay."

Rollcall Vote No. 397—Holt (NJ) Amendment, "nay."

Rollcall Vote No. 398—Connolly (VA) Amendment, "nay."

Rollcall Vote No. 399—Amodei (NV) Amendment, "aye."

Rollcall Vote No. 400—Markey (MA) Amendment, "nay."

Rollcall Vote No. 401—Landry (LA) Amendment, "aye."

Rollcall Vote No. 402—Rigell (VA) Amendment, "aye."

Rollcall Vote No. 403—Holt (NJ) Amendment, "nay."

Rollcall Vote No. 404—Wittman (VA) Amendment, "aye."

Rollcall Vote No. 405—Bass (CA) Amendment, "nay."

Rollcall Vote No. 406—Capps (CA) Amendment, "nay."

Rollcall Vote No. 407—Speier (CA) Amendment, "nay."

Rollcall Vote No. 408—DeLauro (CT) Amendment, "nay."

Rollcall Vote No. 409—On Motion to Recommit with Instructions of H.R. 4480, "nay."

Rollcall Vote No. 410—H.R. 4480, Strategic Energy Production Act of 2012, "aye."

Rollcall Vote No. 411—On McKinley of WV Motion to Instruct Conferees, "aye."

IN HONOR OF THE MONTFORD POINT MARINES

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. MICA. Mr. Speaker, today I rise in honor of the Montford Point Marines and the sacrifices they made in service to our Nation.

The Montford Point Marines were the first African-Americans to serve in the United States Marine Corps. The United States of America owes these heroes a debt of honor that can never be repaid.

In June of 1941, President Franklin Roosevelt issued an Executive Order that opened the doors for African-Americans to enlist in the United States Marine Corps. Between 1942 and 1949, approximately 20,000 African Americans earned the right to call themselves Marines at Camp Montford Point in Jacksonville, North Carolina. Today, we honor them.

I would especially like to recognize a few of the surviving members of the Florida Chapter of the Montford Point Marines. I would like to commend Marines Wilfred Carr of Palm Coast; Eli Graham, Jr. of Daytona Beach; James Huger of Daytona Beach; James Sharpe of Palm Coast; Robert Blanks of Orange City; and John Steele of Daytona Beach who have all helped keep the memory and service of the Montford Point Marine's alive in the State of Florida.

The Congressional Gold Medal is a fitting tribute to the Montford Point Marines. It not only serves as an appropriate tribute to these trailblazing heroes, but also marks our Nation's endeavor toward a more perfect union, and I am pleased to offer my support.

A TRIBUTE TO MS. SUZANNE GOSS
OF JACKSONVILLE, FLORIDA—
PRESIDENT OF THE NATIONAL
ASSOCIATION OF CLEAN WATER
AGENCIES

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. BROWN of Florida. Mr. Speaker, I wish to congratulate Ms. Suzanne Goss, Government Relations Specialist for JEA (Jacksonville Electric, Water & Sewer) on her election as the new President of the National Association of Clean Water Agencies, NACWA.

Ms. Goss is an accomplished leader and committed environmental steward who played a prominent role in seeking a sound direction for the implementation of the Clean Water Act. Throughout her career in the water industry, Ms. Goss has exemplified what it means to be a public servant. She is ideally suited to serve as President of one of the nation's leading associations responsible for environmental policies that advance clean water. Ms. Goss will continue to ensure that Florida's, and the nation's, clean water agencies are sustainable, that the environment continues to improve, and that public health is protected.

At JEA, Ms. Goss works for an advanced publicly owned water, electric, and sewer utility, providing invaluable services to approximately 420,000 people in Northeast Florida. Ms. Goss effectively engages in complex state and federal legislative and regulatory issues involving wastewater and drinking water with an in-depth knowledge of the affordability concerns of her community and the need for a partnership between all levels of government. She also manages JEA's Grant Program.

A member of NACWA's Board of Directors since 2007, Ms. Goss has served as the organization's Secretary, Treasurer, and Vice President, and has been a member of many NACWA committees and workgroups. She has played a leading role in NACWA's pretreatment program and is also one of the drivers behind the organization's funding efforts. In 2005 she received the President's Award for her work as Vice Chair of the Clean Water Funding Task Force.

Ms. Goss has experience in both the energy and water fields, as JEA provides both services to its customers. As the clean water industry and NACWA increasingly define the "Water Quality Utility of the Future," JEA and public servants like Ms. Goss exemplify the need to break down traditional silos and move toward a watershed approach, as well as a focus on the energy-water nexus. JEA stands as a model for other utilities seeking to adopt these ideas.

In addition to her work with NACWA, Ms. Goss is an active member of local, regional, state and national professional organizations. These include the American Water Works Association, the New Water Supply Coalition, the Florida Municipal Energy Association, the Florida Water Environment Association, the Florida Energy Coordinating Group, the Pinellas County Sewer System and the Advisory Council on Environmental Policy and Technology Sustainable Infrastructure.

Ms. Goss has selflessly shared her time, passion, energy and ideas to carry out the objectives of the Clean Water Act.

It is my sincere pleasure to congratulate Suzanne Goss on becoming President of NACWA, and I am certain her actions will ensure continued water quality progress for the Jacksonville area, the state of Florida and the nation.

**THE RETIREMENT OF SPIROS
DROGGITIS**

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize Spiros Droggitis, a Bethesda, Maryland resident who retired from the U.S. Nuclear Regulatory Commission on December 31, 2011 after 35 years of service in the Federal Government, including three years working in the U.S. Senate. During his three decades with the U.S. Nuclear Regulatory Commission, Mr. Droggitis provided support, advice, scheduling and planning for a variety of programs and two NRC Commissioners.

Since July 2007, Mr. Droggitis served as associate director for Federal and External Affairs in the Office of Congressional Affairs at NRC. In that position, he was the primary point of contact for communications and outreach with other Federal agencies and external organizations, including public interest groups, non-governmental organizations, and the nuclear industry.

During his distinguished career at the agency, he served in several senior positions and received numerous performance awards and accolades for his contributions. Among his many accomplishments, he was recognized in 1988 for his participation in the agency's 10-year effort to consolidate NRC offices scattered across the Washington metropolitan area to a single location in Rockville, Maryland. More recently, he was a member of the Headquarters Fukushima Support Team that assisted in communicating information about the nuclear accident in Japan following the March 11, 2011 9.0-magnitude earthquake and subsequent tsunami.

After graduating in 1974 from Bowdoin College in Brunswick, Maine, Mr. Droggitis began his career as an assistant press liaison for the U.S. Senate under the Sergeant-at-Arms and also worked as a researcher in the office of Senator Edmund S. Muskie of Maine. He later joined Senator Muskie's staff full time as a personal assistant during the 1976 reelection campaign, doing advance work for campaign events, traveling with the Senator, and interacting with the media and the public. Following the election, he became an assistant to the Senator and was given a special assignment analyzing data on a state-wide energy questionnaire. He also developed a method of providing more timely responses to constituent mail that was approved and instituted by his supervisor.

Mr. Droggitis joined the NRC in 1979 as a congressional liaison officer in the Office of Congressional Affairs. He then served as a

special assistant to Commissioner James K. Asselstine from 1982 until 1987. At the end of Commissioner Asselstine's term in 1987, Mr. Droggitis went to work in the State, Local and Indian Tribe Programs in the Office of Governmental and Public Affairs, where he served as a senior intergovernmental programs analyst responsible for developing and maintaining relationships with state, local and tribal governments. Mr. Droggitis was selected as special assistant to Commissioner Jeffrey S. Merrifield in September 2002 and became his executive assistant in October 2004.

Throughout his career, Mr. Droggitis has demonstrated a dedication to the NRC's organizational values of integrity, service, openness, commitment, cooperation, excellence and respect. He and his wife, Otilie, plan to return to his native state of Maine to spend time with friends and family. I offer both of them my best wishes and thank Mr. Droggitis for his service to our nation.

**AMERICA'S SHAMEFUL HUMAN
RIGHTS RECORD**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I submit a timely op-ed from Former President Jimmy Carter on the ramifications of drone strikes on America's human rights record.

[From the New York Times, June 24, 2012]

A CRUEL AND UNUSUAL RECORD

(By Jimmy Carter)

ATLANTA.—The United States is abandoning its role as the global champion of human rights.

Revelations that top officials are targeting people to be assassinated abroad, including American citizens, are only the most recent, disturbing proof of how far our nation's violation of human rights has extended. This development began after the terrorist attacks of Sept. 11, 2001, and has been sanctioned and escalated by bipartisan executive and legislative actions, without dissent from the general public. As a result, our country can no longer speak with moral authority on these critical issues.

While the country has made mistakes in the past, the widespread abuse of human rights over the last decade has been a dramatic change from the past. With leadership from the United States, the Universal Declaration of Human Rights was adopted in 1948 as "the foundation of freedom, justice and peace in the world." This was a bold and clear commitment that power would no longer serve as a cover to oppress or injure people, and it established equal rights of all people to life, liberty, security of person, equal protection of the law and freedom from torture, arbitrary detention or forced exile. The declaration has been invoked by human rights activists and the international community to replace most of the world's dictatorships with democracies and to promote the rule of law in domestic and global affairs. It is disturbing that, instead of strengthening these principles, our government's counterterrorism policies are now clearly violating at least 10 of the declaration's 30 articles, including the prohibition against "cruel, inhuman or degrading treatment or punishment."

Recent legislation has made legal the president's right to detain a person indefinitely on suspicion of affiliation with terrorist organizations or "associated forces," a broad, vague power that can be abused without meaningful oversight from the courts or Congress (the law is currently being blocked by a federal judge). This law violates the right to freedom of expression and to be presumed innocent until proved guilty, two other rights enshrined in the declaration.

In addition to American citizens' being targeted for assassination or indefinite detention, recent laws have canceled the restraints in the Foreign Intelligence Surveillance Act of 1978 to allow unprecedented violations of our rights to privacy through warrantless wiretapping and government mining of our electronic communications. Popular state laws permit detaining individuals because of their appearance, where they worship or with whom they associate.

Despite an arbitrary rule that any man killed by drones is declared an enemy terrorist, the death of nearby innocent women and children is accepted as inevitable. After more than 30 airstrikes on civilian homes this year in Afghanistan, President Hamid Karzai has demanded that such attacks end, but the practice continues in areas of Pakistan, Somalia and Yemen that are not in any war zone. We don't know how many hundreds of innocent civilians have been killed in these attacks, each one approved by the highest authorities in Washington. This would have been unthinkable in previous times.

These policies clearly affect American foreign policy. Top intelligence and military officials, as well as rights defenders in targeted areas, affirm that the great escalation in drone attacks has turned aggrieved families toward terrorist organizations, aroused civilian populations against us and permitted repressive governments to cite such actions to justify their own despotic behavior.

Meanwhile, the detention facility at Guantánamo Bay, Cuba, now houses 169 prisoners. About half have been cleared for release, yet have little prospect of ever obtaining their freedom. American authorities have revealed that, in order to obtain confessions, some of the few being tried (only in military courts) have been tortured by waterboarding more than 100 times or intimidated with semiautomatic weapons, power drills or threats to sexually assault their mothers. Astoundingly, these facts cannot be used as a defense by the accused, because the government claims they occurred under the cover of "national security." Most of the other prisoners have no prospect of ever being charged or tried either.

At a time when popular revolutions are sweeping the globe, the United States should be strengthening, not weakening, basic rules of law and principles of justice enumerated in the Universal Declaration of Human Rights. But instead of making the world safer, America's violation of international human rights abets our enemies and alienates our friends.

As concerned citizens, we must persuade Washington to reverse course and regain moral leadership according to international human rights norms that we had officially adopted as our own and cherished throughout the years.

Jimmy Carter, the 39th president, is the founder of the Carter Center and the recipient of the 2002 Nobel Peace Prize.

HONORING MCKENZIE JOANN POLLOCK

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a phenomenal young woman, Ms. McKenzie JoAnn Pollock, daughter of Philip and Cheryl Pollock. Throughout her time in high school, McKenzie has been extremely devoted to both her academics and extracurricular activities.

McKenzie's motivation to excel prompted her to do anything she could to ensure that she would be successful academically. In accordance with this, she took Advanced Placement classes throughout high school and she maintained all "A's" throughout her high school career. As a result of McKenzie's work ethic, she was rewarded numerous scholarships to college. She received the Lucky Day Citizenship Scholarship and the Choral Service Award from the University of Southern Mississippi, as well as the Best Buy Scholarship Award, the Mississippi Eminent Scholars Grant, and the Mississippi Tuition Assistance Grant.

Not only has McKenzie excelled academically, but she has also been heavily involved in numerous extra-curricular activities. She served as the Warren Central Hall of Fame Club President, Student Government Senior Class Secretary; was a member of the Mock Trial Attorney and Witness team, Mu Alpha Theta Society, Varsity Choir, the Band, Drama Club, School Musical, National Honors Society, Youth Advisory Council, and she worked with the Children of the American Revolution and Fundraising for the Children's Miracle Network. She also works for the U.S. Army Engineering Research and Development Center as a Civil Engineering Technician.

McKenzie has competed in several competitions in addition to her other responsibilities. She was the Poetry Out Loud School winner in 2009, and she has received the Gold Medal at the Mississippi Music Teachers' Association Evaluations (MMTA) and Federated Music Clubs of America for her singing. In 2011, McKenzie was crowned Miss Vicksburg's Outstanding Teen, and she went on to finish in the top ten in the Miss Mississippi's Outstanding Teen Scholarship Pageant.

Per her interest in the performing arts McKenzie is an active theatre participant. She has performed in many productions at the Vicksburg Theatre Guild and the Westside Theatre Foundation. McKenzie strongly believes that the performing arts should be an integral part of a child's education, and she enjoys every opportunity that allows her to introduce children to the arts. During summer of 2011, she was an assistant instructor in the Southern Cultural Center's Spectrum summer arts camp, which allows children the opportunity to explore the arts.

To culminate her high school career, McKenzie is honored to be named Valedictorian of the Warren Central High School's senior class of 2012. In the fall, McKenzie plans to attend the University of Southern Mississippi, where she will major in Music-Vocal Performance with a minor in dance.

Mr. Speaker, I ask our colleagues to join me in honoring the Valedictorian of Warren Central High School's senior class of 2012, Ms. McKenzie JoAnn Pollock an outstanding young woman.

IN HONOR OF THE 10 YEAR ANNIVERSARY OF PLANTATION HOME

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor David Stein on the occasion of the tenth anniversary of his interior design business, Plantation Home. Located in downtown Lakewood, Plantation Home offers a unique selection of home furnishings, gifts and accessories. At a time when scores of companies have closed their doors due to turbulent economic upheaval, Plantation Home has weathered those hardships and continues to be one of Lakewood's most successful and community driven companies.

Mr. Stein has graciously committed himself to the betterment of the Lakewood community in which he has lived since 1989. Stein has been a sponsor of the Lakewood Relay for Life, contributes to the Beck Center for Performing Arts, opened his home for the Lakewood Historical Society Home and Garden Tour and served on the City of Lakewood Community Relations Board where he designed a program to establish modern and artistic bus stops. He is the current board President of the Downtown Lakewood Business Alliance where he directs efforts to revitalize and enrich the merchant environment with efforts including a City Wide Street Sale, Spring Stroll and Fashion Show, Streetwalk, Chocolate Walk, Gingerbread House Tour and Scavenger Hunt and "Light Up Lakewood" during the holiday season—an effort to create beautifully decorated storefront windows reminiscent of Cleveland's downtown department store windows of years past. Annually, he awards a \$500 scholarship to one boy and one girl, the king and queen of the Light Up Lakewood festival, to put toward college, asking only that they dedicate 20 hours of community service to Lakewood in return.

Mr. Speaker and colleagues, please join me in honoring Mr. Stein for his leadership, loyalty, civic pride and above all, caring for his community and what he and his business has meant to the City of Lakewood and Northeast Ohio for the past ten years.

HONORING EVANGELIST PIA HAYNES WILLIAMS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the contributions of Evangelist Pia Haynes Williams, to the Texas Northeast First Ecclesiastical Jurisdiction of the Church of God in Christ, Inc.

Evangelist Williams is being installed as the Jurisdictional Supervisor of Women, where she will oversee the work and ministry of over 35,000 women and youth in 300 congregations throughout North Texas.

Evangelist Williams has a proven record of service to the church. In keeping with her lifelong dedication to advance her faith, Evangelist Williams is founding President and CEO of her own international evangelistic ministry. Evangelist Williams also oversees the Women's and Youth ministries at the Love Sanctuary Church in Fort Worth, alongside her husband of almost thirty years. There, she continues to focus her efforts on empowering women to succeed in their personal and spiritual endeavors.

Considered a true "Daughter of the Church," Evangelist Williams also comes from a rich familial heritage, filled with loyalty and service to the Church. Evangelist Williams is the granddaughter of the founding Jurisdictional Bishop and First Lady of the Texas Northeast First Jurisdiction of the Church of God in Christ, while her father currently sits on the General Board of Bishops. Despite this highly decorated past, Evangelist Williams has remained a humble and compassionate servant of the church and its followers.

Mr. Speaker, I am pleased to honor the work of Evangelist Pia Haynes Williams as she continues to provide spiritual guidance for thousands of North Texans. Her dedication to her community and faith will serve her well in this new capacity, and I wish Evangelist Williams continued success at the Texas Northeast First Ecclesiastical Jurisdiction of the Church of God in Christ.

IN REMEMBRANCE OF MR. JOSEPH
M. GAUL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. Joseph M. Gaul, the former Mayor of Fairview Park, Ohio.

Born in Cleveland, Ohio to Leroy and Gertrude Gaul, Joseph was a lifelong resident of Northeast Ohio. He attended Cathedral Latin High School and graduated from John Carroll University in 1957. Between graduating from high school and attending college, Mr. Gaul bravely served his country during the Korean War with the United States Air Force from 1951 to 1953, during which time he was stationed in Panama.

In 1958, Mr. Gaul moved to Fairview Park and became active in politics. He was elected Ward 2 Councilman in 1965 and served until he was elected Councilman-at-Large in 1969. In 1971, Mr. Gaul was elected Council President and served in that role for four years. Mr. Gaul was elected the Mayor of Fairview Park in 1975 and would be reelected twice. He ended his career after more than thirty years in 1992. During his tenure as mayor, Mr. Gaul was instrumental in developing Willowood Manor, Fairview Park's Senior Citizens residential complex and in annexing RiverEdge Township.

In addition to his political accomplishments, Mr. Gaul also served as the Vice Chair of the RTA Board of Directors and worked as sales manager for Wolverine Express, Central Transport, Inc. He was a parishioner at St. Angela Merici Church for more than fifty years and was member of the Parish Council. In 1996 the Ohio State Senate named Mr. Gaul the "Irishman of the Year."

I offer my condolences to his former wife of 46 years, Joan Adler; brothers, William and Leroy; children, Joseph Jr. (Meg), Patty, Eileen (Bart), Brian (Kathy), Kathleen (Mike), John (Marybeth), Michael (Julie), and Megan; and twenty-two grandchildren.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Joseph M. Gaul, who bravely fought for his country and valiantly served the residents of Fairview Park.

HONORING ELAINE WALKER
MAYOR OF LOVETTSVILLE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Loudoun County's longest-serving mayor, Elaine Walker of Lovettsville. At the end of the month, Mayor Walker will step down after serving as mayor of Lovettsville for nearly 22 years.

Mayor Walker's accomplishments during her tenure as mayor include acquiring land for a 92-acre county park, helping develop the Lovettsville bike and pedestrian path and most recently making the town's veterans memorial a reality. I have had the privilege of knowing and working with Elaine for many years. She has been an outstanding mayor and her leadership and steady hand will be missed.

Public service is one of our nation's highest callings and I extend my deepest gratitude for her service to our community. I wish her all the best in her future endeavors.

I also submit the following article from Leesburg Today on Mayor Walker's final council meeting.

LOUDOUN MAYORS PAY TRIBUTE TO WALKER
[From Leesburg Today, June 22, 2012]

It was all hugs and tributes in Lovettsville Thursday night as Mayor Elaine Walker received flowers and praise from a bevy of well wishers, including four of her fellow mayors, in what was her final council meeting.

Walker, who did not seek reelection in May, steps down June 30 after 10 years on the Lovettsville Town Council and almost 22 as the town's mayor—a governance record that is unlikely to be matched any time soon.

The mayors of four other Loudoun towns attended the meeting as well. "It was a complete surprise, I had no idea," Walker said of the appearance of Purcellville Mayor Bob Lazaro, Leesburg Mayor Kristen Umstattd, Middleburg Mayor Betsy Davis and Hamilton Mayor Greg Wilmoth. Hillsboro Mayor Roger Vance and Round Hill Mayor Scott Ramsey were unable to be present.

Davis said Walker's first reaction was to say to the group "What are you doing here?"

Lazaro led the delegation, presenting Walker with a plaque honoring her service. "We knew this was your last meeting and we

wanted to say thank you for those 30 years," and for being a good friend and colleague to local government.

Davis told Walker "how much I will miss you as a friend, seeing you at all our [Coalition of Loudoun Towns] meetings. Thank you for all you've done for the county."

"But, we'll still have lunch," Umstattd said to her longtime colleague, also expressing her appreciation of Walker's service. Umstattd, who has been Leesburg's mayor for 10 years following service on the Town Council, will take over as the most tenured Loudoun mayor.

Wilmoth, the newest mayor in the group, said he appreciated all the help Walker has given him. "You have set the bar high for the rest of us," he said.

Walker's husband Cliff Walker, who served on the council in the 1970s, was present as was Lazaro's wife Carolyn—who both would get together during Virginia Municipal League conferences. "They're VML soulmates," Lazaro teased.

Walker said she did not plan to go away into the sunset. "I hope to still do some conferences, including the VML meetings. I love the camaraderie," she said.

Vice Mayor Bob Zoldos, who will become Lovettsville's mayor July 1, invited everyone to share some sweet-toothed goodies in recognition of the occasion.

The tributes went on with more flowers being presented—by the Lovettsville Fire-Rescue Squad in appreciation for Walker's long support, while Bob Zoldos' fifth grade son Bobby also presented a bouquet of flowers and read aloud a poem he had written in Walker's honor.

The last tribute came from Lovettsville's Community Police Officer, Sheriff's Office Deputy Bryan Wacker, who is being transferred to a new assignment. He thanked Walker for her assistance and said she had been "a great ally." He said his time with the mayor had been "one of the best working relationships" he'd ever had.

IN HONOR OF H.E. AMBASSADOR
SAMEH SHOUKRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of H.E. Ambassador Sameh Shoukry, who is ending his tenure as the Arab Republic of Egypt's Ambassador to the United States of America.

Born on October 20, 1952 in Cairo, Egypt, Ambassador Shoukry is a second generation diplomat. He graduated from Ein Shams University in 1975 with a law degree and specializes in disarmament and non-proliferation issues. Just a year later, in 1976, Ambassador Shoukry joined the Egyptian Diplomatic Corps. Throughout his more than 30-year career, he has served in the Egyptian Embassies in London, Buenos Aires and the Permanent Mission of Egypt in New York.

Prior to being appointed Egypt's Ambassador to the United States in September, 2008, Ambassador Shoukry served as Egypt's Permanent Representative to the United Nations in Geneva, Egypt's Ambassador to Austria and as Permanent Representative to the International Organizations in Vienna. He has

also served as the Director of the Minister of Foreign Affairs cabinet and led the department of the United States and Canada in the Egyptian Ministry of Foreign Affairs.

Mr. Speaker and colleagues, please join me in honoring H.E. Ambassador Sameh Shoukry, the Arab Republic of Egypt's Ambassador to the United States, as we bid him farewell.

RECOGNITION OF GENERAL (RET.)
BRUCE CARLSON, DIRECTOR OF
THE NATIONAL RECONNAIS-
SANCE OFFICE

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. TURNER of Ohio. Mr. Speaker, today we recognize General (ret.) Bruce Carlson, who will step down as the Director of the National Reconnaissance Office in July 2012 after three years of exemplary leadership.

General Carlson leaves a legacy of remarkable accomplishments with the National Reconnaissance Office including, the most aggressive launch campaign in a quarter of a century, all major systems acquisition programs operating at or below budget, a corporate process for making critical budget and space architecture decisions, and a significantly more healthy space reconnaissance constellation. General Carlson's dedicated leadership; integrity and hard work have positioned the National Reconnaissance Office for continued success that will have an enduring impact on our national security.

Prior to his time at the National Reconnaissance Office, General Carlson had a distinguished career spanning over 37 years with the U.S. Air Force. He began his military career as a commissioned officer in 1971 after graduating with distinction from the Air Force Reserve Officer Training program at the University of Minnesota, Duluth. He is a command pilot with more than 3,700 flying hours in ten different aircraft, and saw combat as a forward air controller in the OV-10 Bronco. His various flying assignments included commanding the 49th Fighter Wing at Holloman Air Force Base in New Mexico, the Air Force's first stealth fighter wing. His staff assignments included positions at Tactical Air Command, Headquarters U.S. Air Force, and the offices of the Secretary of the Air Force and Secretary of Defense. He also served as the Director of Force Structure, Resources and Assessment on the Joint Staff; Commander, 8th Air Force, Barksdale Air Force Base, Louisiana; and Joint Functional Component Commander for Space and Global Strike, U.S. Strategic Command, Offutt AFB, Nebraska. Prior to his retirement from the U.S. Air Force, General Carlson served as Commander Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio, which is responsible for development, testing, acquisition and sustainment of Air Force weapons systems. In that role, he had responsibility for 74,000 people and \$59 billion annually. He was promoted from Lieutenant General to General, pinning on his fourth star, on September 1, 2005.

He and his wife, Vicki, are very proud of their three children and ten grandchildren.

Mr. Speaker, Bruce Carlson has been a dedicated public servant, both in his service to his country in the U.S. military and as a senior executive at the National Reconnaissance Office. It is appropriate that we honor him today for his many contributions.

IN RECOGNITION OF WIRE-NET

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recognize WIRE-Net, Cleveland's West Side Industrial Retention and Expansion Network, on the event of its annual meeting on Wednesday June 27, 2012.

WIRE-Net is a premier business-led organization, one of the few that focuses on the shared interests of manufacturing companies and urban communities. Its mission focuses on providing programs and services that strengthen manufacturing to create healthy communities and fuel economic growth.

WIRE-Net is a membership organization with 260 members. WIRE-Net was organized in 1988 to help manufacturing businesses—and jobs—stay in the community at a time when plant closings and downsizing were commonplace. Its staff went straight to the source, visiting almost 200 companies to better understand their challenges. WIRE-Net found that even though manufacturing companies, most with fewer than 100 employees, provided about 60 percent of the community's jobs, they had been overlooked and underappreciated as community assets. WIRE-Net helped businesses get organized to win attention from federal, state and local government, and built relationships between business leaders and public officials. This effort helped get streets repaved, improved neighborhood safety, and led to new programs like Cleveland's Industrial Retention Initiative (CIRI) to support manufacturing. WIRE-Net also effectively blocked efforts to weaken industrial zoning on Cleveland's west side.

At this year's annual meeting, WIRE-Net recognizes its Executive Director, John Colm, for his 25 years of service to the community through the organization. WIRE-Net will also present its 2012 Mission Builder Award for plant expansion, new business growth, and/or creating jobs to: Electric Cord Sets; Miceli Dairy Products; Nestle Professional—L J Minor Division; Norlake Manufacturing; National Safety Apparel (NSA); and Philips Healthcare. This year's keynote speaker is Rob Atkinson, founder and president of the Information Technology and Innovation Foundation, who will discuss his work promoting U.S. based manufacturing and organizing the American Manufacturing Charter, which is supported by a broad coalition of labor, business, and economic policy leaders.

Mr. Speaker and respected colleagues, please join me in recognizing WIRE-Net, its long-time Executive Director John Colm, the winners of its 2012 Mission Builder Awards, and its influential speaker Rob Atkinson at WIRE-Net's Annual Meeting on June 27, 2012.

HONORING LEMUEL MCWILLIAMS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor, Lemuel McWilliams. Mr. McWilliams is the third of five children born to Mrs. Eva McWilliams and the late Mr. Milton McWilliams of Ruleville, Mississippi. He was born in Clarksdale, Mississippi. Mr. McWilliams is a member of Merry Grove Missionary Baptist Church where he is a Sunday School Teacher, usher, and he is also active in other church auxiliaries.

From the time Lemuel entered school he always worked to excel. While at Ruleville Middle School he received numerous academic awards and graduated Salutatorian of his class. When Lemuel entered high school he continued to make education his priority, and has received numerous awards. He received the highest average in English III, Algebra II, Advance Placement History, and Creative Writing; and Lemuel was also awarded the Sunflower County Chamber of Commerce scholarship, and both the Principal's and the Superintendent's Scholar Awards.

As a member of the Leaders Envisioning a Future, he has also been involved in community service projects. Mr. McWilliams has been a mentor to fellow classmates by encouraging and helping them reach their educational goals. He wants to encourage younger students that they can accomplish any of their goals as long as they are committed to working hard to achieve it.

Mr. McWilliams received full scholarships to Jackson State University and Alcorn State University. In the fall he plans to attend Jackson State University where he will major in PreMed and Biology. After obtaining his degree, Lemuel wants to become a Pediatrician.

Mr. Lemuel McWilliams credits his parents for encouraging and supporting him to pursue his dreams of becoming a physician. His siblings Toni, Rahman, Ivan, and Ezra also encourage him to achieve his educational and career dreams, because they understand Lemuel's passion for achieving his goals and helping others.

Mr. Speaker, I ask our colleagues to join me in recognizing Mr. Lemuel McWilliams as the 2012 Valedictorian at Ruleville Central High School Class.

IN RECOGNITION OF CLEVELAND
PRIDE FESTIVAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Cleveland Pride Festival, just one of countless celebrations taking place throughout the country during LGBT Pride Month. June marks the 43rd anniversary of the Stonewall Riots, an event which is largely regarded as the catalyst for the modern day LGBT movement for equality.

There is a long history of systematic discrimination against the lesbian, gay, bisexual, transgendered and questioning community in every state in the union. Discrimination against someone based on any part of their identity means that anyone who is expressing themselves can be discriminated against. It means we are creating a system in which everyone has to be the same, and everyone has to express themselves the same way. Boring and wrong!

Fortunately, over the last several years, we are beginning to see responses to the growing demand for protection against discrimination in all forms, including workplace protections to prevent discrimination based on actual or perceived gender identity and sexual orientation.

As a strong proponent of LGBT rights, I have supported legislative initiatives that work toward codifying equality for members of the LGBT community. I strongly support legislation such as the Employment Non-Discrimination Act (ENDA), the Student Non-Discrimination Act, the Respect for Marriage Act and the Social Security Equality Act, initiatives that simply provide members of the LGBT community with the same privileges, protections and benefits as everyone else. As one of over 100 members to sign onto an amicus brief challenging the constitutionality of the Defense of Marriage Act (DOMA) in court, I applaud the recent decision by a federal appeals court to rule DOMA unconstitutional.

Mr. Speaker and colleagues, please join me as people throughout the City of Cleveland and the country celebrate LGBT Pride Month. Let us work to ensure that all people are treated equally regardless of their sexual orientation or gender identity.

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. ESHOO. Mr. Speaker, I rise today to speak in support of H.R. 5651, the Food and Drug Administration Safety and Innovation Act, to reauthorize the Prescription Drug User Fee Act and the Medical Device User Fee Act. These critically important laws have improved patient access to important therapies and expedited the FDA's approval times while upholding the most rigorous standards for patient safety.

The Prescription Drug User Fee Act, PDUFA, was enacted in 1992 when drug review times were lagging and FDA simply couldn't keep up with the flood of new drug applications. Through user fees paid by applicants, the FDA gained resources it needed to hire and support more staff. The program has been successful at reducing review-time backlogs, and expediting safe and effective therapies to patients.

Along with faster drug approvals, Congress also recognized the need to study drugs in children. As the original author of the Best Pharmaceuticals for Children Act, BPCA, and the Pediatric Research Equity Act, PREA, I'm proud of how successful these programs have

been in treating children, resulting in new dosing information, new indications of use, new safety information, and new data on effectiveness. Before BPCA and PREA, the vast majority of drugs, more than 80 percent, used in children were used off-label, without data for their safety and efficacy. Today, that number has been reduced to 50 percent.

We know that children are not just small adults. They have unique medical needs and drugs react differently in their bodies. That's why in this year's reauthorization, it was important for us to look at areas in need of improvement. The bipartisan legislation gives FDA the tools it needs to ensure companies are thinking about pediatric populations as early as possible in the drug development process, and that they're able to enforce timelines that are routinely missed. The language encourages further study into untested age groups, like neonates, and clarifies any confusion over what some see as "loopholes" to allow companies to access the market exclusivity incentive without completing additional studies.

The legislation also ensures that companies routinely submit their pediatric plans earlier in the process by establishing a clear timeline and expectations.

I thank my House colleagues, Representatives MIKE ROGERS and EDWARD MARKEY who have worked very hard with me to improve these programs. I applaud the bipartisan and bicameral efforts of the House and Senate staffers who were able to combine the bills from both chambers to produce strong consensus language that has broad support from Members and stakeholders.

I have confidence that the bill we vote on today will improve BPCA and PREA to benefit children for generations to come, and I urge my colleagues to support it.

IN HONOR OF GREATER CLEVELAND COMMUNITY SHARES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor the members of the Greater Cleveland Community Shares for their years of service and dedication to social justice.

Community Shares of Cleveland is a workplace giving federation with a focus on social justice. It generates the operating funds for nonprofit organizations that work for positive community change such as providing education, promoting health care, and protecting women and children.

Founded in 1984, Community Shares is Cleveland's only such fund, and is the second largest in the country. Its philosophy is based on the power of participation and the individual's ability to shape change. Community Shares keeps its administrative costs low so that each contribution is responsive directly to the community's needs. It is governed by a Board of Directors which consists of representatives from member organizations and Community Directors. Greater Cleveland Community Shares is a member of Community Shares USA.

Greater Cleveland Community Shares has 41 area member organizations and more than 160 area employers include Community Shares in their annual workplace charitable campaigns.

Mr. Speaker and colleagues, please join me in honoring Greater Cleveland Community Shares.

RECOGNIZING THE SERVICE OF JUDGE PAUL A. RASMUSSEN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the dedicated public service and esteemed legal career of Judge Paul A. Rasmussen upon his retirement from Florida's First Judicial Circuit Court in Escambia County. Judge Rasmussen spent his career serving the people of Northwest Florida, and I am proud to recognize his dedication and service.

Judge Rasmussen first came to Florida in 1968 with the United States Navy to attend Aviation Officer Candidate School at Naval Air Station Pensacola. After graduating and completing his training at Naval Air Station Glynnco, in Georgia, he went on to serve four years on active duty with the Navy, completing successful tours of duty in Guam and Vietnam. After Judge Rasmussen was honorably discharged from the Navy, he returned to Florida where he attended the University of Florida College of Law.

Following his graduation from law school, Judge Rasmussen began his public service as a State's Attorney in Pensacola. He later entered private practice with then future Judge John T. Parnham, now retired from the bench in the First Judicial Circuit. Judge Rasmussen also served as legal counsel to the city of Gulf Breeze and the Department of Health and Rehabilitative Services. In 1990, Judge Rasmussen was elected to Florida's First Judicial Circuit Court where he has served the people of Northwest Florida for the past 22 years. In 1998, he was recognized by the Children's Home Society of Florida as Child Advocate of the Year.

Judge Rasmussen's service to Northwest Florida does not stop at the bench. He is also actively involved throughout the community, most notably as a Sunday School Teacher at First Baptist Church of Pensacola and as a committeeman for Boy Scout Troop 10 in Pensacola.

Mr. Speaker, on behalf of the United States Congress, I am honored to recognize Judge Paul A. Rasmussen for his many years of service to the people of Northwest Florida and his dedication to his family and community. Throughout his career, Judge Rasmussen has served with honor and distinction, and his unwavering commitment to the fair administration of the law and to public service is a shining example of our legal system working at its finest. My wife Vicki and I wish him, his wife, Jean, their children and grandchildren all the best.

IN HONOR OF JOANNA TRZECIAK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor Joanna Trzeciak of Cleveland, Ohio, who placed among the final four contestants in the International category of Canada's Annual Griffin Poetry Prize Contest.

The Griffin Poetry Prize Contest accepts poetry that is either written or translated from other languages. The contestants are in either the Canadian or International category of the competition. Ms. Trzeciak competed with her translation of a book of poems by the Polish poet Tadeusz Rozewicz. Rozewicz was born in Ramomsko, Poland in 1921 and published his first collection of poems when he was 26. Rozewicz was Trzeciak's father's favorite poet.

Ms. Trzeciak is a native of Poland and currently lives in Cleveland Heights. She is a professor in the Implied Linguistics, Institute for Department of Modern and Classical Language Studies at Kent State University.

Trzeciak's scholarly research has been awarded Fulbright and Woodrow Wilson Fellowships. Her translations have appeared in *The New Yorker*, *The Times Literary Supplement*, *Harper's Magazine*, and *The Atlantic Monthly*, among others. Placing among the top four final contestants, Ms. Trzeciak won \$10,000 and gained exposure for Rozewicz.

Mr. Speaker and colleagues, please join me in honoring Joanna Trzeciak and congratulating her on her accomplishments in the field of poetry and in Canada's Annual Griffin Poetry Prize Contest.

AZERBAIJAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to draw my colleagues' attention to the tiny nation of Azerbaijan, which is a giant in world affairs.

Situated between Iran and Russia, Azerbaijan stands as a friend of the United States and that friendship frequently concerns nearby nations.

Part of what makes Azerbaijan a remarkable ally for the United States is that some 20 million Iranians are of Azeri descent; a large part of northern Iran is frequently referred to as "southern Azerbaijan" as a reminder that the territory was—for centuries—part of Azerbaijan.

The development of Azeri oil and gas in the Caspian Sea, along with the major Azeri export pipelines that pump energy to Western markets, makes the region all the more strategic as a U.S. ally.

But it is their geographical location to Afghanistan that makes them absolutely an essential ally for the U.S. Azerbaijan provides a crucial transit route to supply our troops in Afghanistan. With the expected closing of Manas air base in 2014, this route will be even more

essential to our troops. They are a Muslim nation that is our friend, and our ally in the world.

This Muslim nation is the example for a secular society of religious diversity. A majority Muslim nation with a significant population of Jews, Azerbaijan is an ally of Israel. Just this month, on the anniversary of Pope John Paul II's visit to Azerbaijan, the Vatican's Cardinal Fernando Filoni spoke at the Catholic Church of Baku, reminding us that "An atmosphere of exemplary tolerance exists in Azerbaijan."

Mr. Speaker, I ask my colleagues to join me today in recognizing the importance of Azerbaijan—both to the United States and to the world.

IN HONOR OF THE 21ST ANNIVERSARY OF SLOVENIAN STATEHOOD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 21st anniversary of Slovenian Statehood. I am also pleased to be joined by the Consul General of the Republic of Slovenia, Mr. Jure Zmauc and his wife, Mrs. Janja Zmauc, to celebrate Slovenian Statehood Day.

The twenty-fifth of June is Slovenian Statehood Day, an annual celebration of Slovenia's independence and the sovereignty it gained in 1991. It is a commemoration of the struggles and triumphs of the people of Slovenia. It also serves as an opportunity for residents of Northeast Ohio to celebrate the customs, traditions and contributions of Slovenian Americans to our community.

This year's celebration of Slovenian Statehood Day will be held at the Rotunda at Cleveland City hall and is sponsored by the City of Cleveland Mayor Frank Jackson and Councilmen Michael Polensek and Joe Cimperman. This year's celebration will feature a musical performance by composer and saxophonist, Professor Oto Vrhovnik.

Mr. Speaker and colleagues, please join me in honor and recognition of the 21st anniversary of Slovenian Statehood. Slovenia has grown in many facets over the years and should be recognized for its prosperity.

IN HONOR OF THE 100TH ANNIVERSARY OF THE GUST GALLUCCI COMPANY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 100th anniversary of the Gust Gallucci Company and its strong commitment to the Cleveland community.

The Gust Gallucci Company opened in 1912 when Gust Gallucci emigrated to Cleveland from Faeto, Italy. Mr. Gallucci longed for the authentic Italian food that he had been raised on and soon discovered that he was not the

only one. Mr. Gallucci began selling his products from a large wooden cart which became so popular that he moved into his first store on the west side of Cleveland.

While the location of the store changed four times, Mr. Gallucci's friendly personality and great food kept Clevelanders coming back for more. The business has remained in the family, passed down from Mr. Gallucci to sons Frank and Ray after he passed away in 1952. Now the fourth generation has become involved and has worked to move the store into the 21st century.

Over the last 100 years, the Gust Gallucci Company has become ingrained in the lives of Clevelanders. Families have been enjoying the authentic Italian cuisine for generations. The Gust Gallucci Company has always maintained that it is neither an "East" or "West" business but a Cleveland business.

Mr. Speaker and colleagues, please join me in honoring the Gust Gallucci Company on its 100th anniversary and in honoring its never-ending support of the Cleveland community.

RECOGNIZING THE HUDSON LADY HORNETS FOR WINNING THE TEXAS 3A SOFTBALL CHAMPIONSHIP

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2012

Mr. GOHMERT. Mr. Speaker, it is with enormous pride that I recognize and congratulate the Hudson Lady Hornets on an amazing 2012 softball season in which they captured the Texas State Class 3A Softball Championship. These tenacious Lady Hornets have reached the pinnacle of success in Texas softball with their first state championship.

The Lady Hornets demonstrated just how powerful they were as a team, playing as one well-tuned machine. The final game saw the Hudson Lady Hornets defeat an outstanding Henderson Lady Lions team with an 8-4 win. The championship game showed the strength of each team as they both played scoreless for the first half of the game. They then unloaded the sticks and went at it in the final innings. Henderson represented themselves very well, but Hudson came out triumphant as an outstanding example of a great east Texas Champion.

There is no doubt that each player, coach, and supporting person involved with the success of the Lady Hornets was inspired to experience the amazing outcome when they gave absolutely all the effort they had to their team to achieve a mutual goal.

Clearly a team does not get to such a level of excellence without a coaching staff that knows its players, what they can accomplish and just how far they can be pushed. This tribute goes out to all of the athletic staff including Coach Jimmy Eby, and Assistant Coaches Wes Capps and Amanda Malone.

The team members achieving this memorable accomplishment included Freshmen Madison Jeffrey, Adrianna Mosley, Bryli Lee and Marie Mireles; Sophomores Kaylee Parker, Ashley Davis and Madison Selman;

Juniors Cassidy Brasuell, Alyssa Dotson, Kayla Caldwell and Kelsee Selman; and Seniors Lauren Gilcrease, Kelsey Moulder, Elizabeth Pierce, Marlee Guidry, and Jade Havar.

No athletic team ever becomes a champion without unwavering support, and that is exactly what the Lady Hornets experienced from the Hudson Independent School District staff and the entire community. That is why congratulations go to all who contributed in any way to the success of the Lady Hornets during the 2012 season. Throughout the season, they were empowered by the scripture as revealed in Philippians 4:13 which reads, "I can do all things through Christ who strengthens me."

May God continue to bless all of their efforts both in school and as they one day finish high school and use that same drive and determination to make this country even stronger. Congratulations to the State Champion Hudson Lady Hornets, as their legacy is now recorded in the CONGRESSIONAL RECORD that will endure as long as there is a United States of America.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 28, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 29

Time to be announced

Finance

Business meeting to consider the nominations of Mark J. Mazur, of New Jersey, and Matthew S. Rutherford, of Illinois, both to be an Assistant Secretary of the Treasury, and Meredith M.

Broadbent, of Virginia, to be a Member of the United States International Trade Commission.

Room to be announced

JULY 10

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 11

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the impact on competition of exclusion orders to enforce standard-essential patents.

SD-226

JULY 12

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

2:30 p.m.

Intelligence

To hold a closed meeting to consider certain intelligence matters.

SH-219